

**CITY OF MOAB, UTAH  
ORDINANCE NO. 2021-10**

**A TEXT AMENDMENT TO MOAB MUNICIPAL CODE TITLE 4 “SPECIAL  
EVENT AND STREET PERFORMER PERMITS” CREATING §4.21.010 AND A  
TEXT AMENDMENT TO MOAB MUNICIPAL CODE SECTION 12.20.040**

**WHEREAS**, on September 9, 2019, the Moab City Council passed Ordinance No. 2019-25 “An Ordinance Amending the Municipal Code to Permit Serving of Alcohol at Public Events Held on Certain City Properties;”

**WHEREAS**, the intent and purpose of this Ordinance was stated as follows:

- a. The Moab Municipal Code regulates the serving, sale, and consumption of alcohol in public places pursuant to §5.20.010 et seq. and §12.20.040;
- b. The Moab Municipal Code permits the licensing of special events pursuant to §5.09.010 et seq.;
- c. The City has determined that it is appropriate to clarify its ordinances to permit the serving, sale, and consumption of alcohol at events held at certain City venues, subject to a number of requirements; and
- d. The City periodically updates its ordinances for consistency and clarity.

**WHEREAS**, Ordinance No. 2019-25 amended Moab Municipal Code §5.20.660 “Consumption of Alcohol in Public Places,” and Moab Municipal Code §12.20.040 (“It is unlawful for any person to consume or possess beer or alcoholic beverages within any public park of the City of Moab, except as authorized by the park use policies.”) This Ordinance did not modify or amend any other provision of the Moab Municipal Code;

**WHEREAS**, upon codification of Ordinance No. 2019-25, the modifications to Moab Municipal Code §5.20.660 and §12.20.040 were not captured and are not currently included in the Moab Municipal Code;

**WHEREAS**, the need for the regulations stated in Ordinance No. 2019-25 still exist and the City of Moab would benefit from their codification in the Moab Municipal Code;

**WHEREAS**, since the passage of Ordinance No. 2019-25, several changes have occurred to the Moab Municipal Code regarding special event licensing and alcohol licensing that now require clarification and modification from the language adopted in Ordinance No. 2019-25;

**WHEREAS**, the regulation of the serving, sale, and consumption of alcohol in public places is no longer governed by Moab Municipal Code §5.20.010 et seq. as stated in paragraph (a) of the purpose of Ordinance No. 2019-25;

**WHEREAS**, on April 14, 2020, the Moab City Council passed Ordinance No. 2020-05 "An Ordinance Repealing City of Moab Municipal Code, Chapter 5.20, Alcoholic Beverages and Amending Chapter 3.50 Removing All Fees for Alcohol Licenses." The purpose of this Ordinance was to eliminate the need for a local license for the sale of alcoholic beverages as such local licensing was redundant because the state Department of Alcoholic Beverage Control regulates this licensing;

**WHEREAS**, given the repeal of Moab Municipal Code, Chapter 5.20, all references to this Chapter are outdated and should be removed as should be any reference for the need to obtain an alcohol license from the City of Moab;

**WHEREAS**, the licensing of special events is no longer governed by Moab Municipal Code §5.09.010 as stated in paragraph (b) of the purpose of Ordinance No. 2019-25;

**WHEREAS**, the licensing of special events is now governed by Title 4, "Special Event and Street Performer Permits." Therefore, all references to Chapter 5.09 are outdated and should be removed;

**WHEREAS**, Title 4 of the Moab Municipal Code at §4.07.020, "Alcohol at Public Spaces," contains regulations similar to, but not as comprehensive as, those contained in Ordinance No. 2019-25;

**WHEREAS**, Ordinance No. 2019-25 was adopted in 2019, subsequent to Moab Municipal Code at §4.07.020, "Alcohol at Public Spaces" which was adopted in 2018 and therefore Ordinance No. 2019-25 reflects the more current intent of the Council.

**NOW, THEREFORE BE IT ORDAINED** by the Moab City Council that the following text amendments be made to the Moab Municipal Code:

1. Repeal Moab Municipal Code §4.07.020, "Alcohol at Public Spaces."
2. Create §4.21.010 to Title 4 of the Moab Municipal Code as follows:

**4.21.010 Consumption, Serving and Distribution of Alcohol**

A. No person shall consume, serve, or distribute alcoholic beverages in a public street, sidewalk, alley, building, park, or facility, except in conformity with the provisions of this section. Violation of this section is a strict liability offense punishable as a Class C misdemeanor.

B. No event sponsor or other person shall charge an admission fee or otherwise charge a price for alcoholic beverages served and consumed in any public place, except in conformity with the provisions of this section. Violation of this section is a strict liability offense and shall be punishable as a Class C misdemeanor.

C. Requirements For Public Events Where Alcohol Is Served. Persons who propose to hold public events where alcohol will be served at venues owned by the City of Moab must satisfy the following general requirements, in addition to those requirements specific to particular venues. The event sponsor shall comply with applicable laws governing the consumption and distribution of alcohol, and the sponsor must:

1. Obtain the applicable state of Utah single event alcohol permit or temporary special event beer permit and comply with all permit terms;
2. Obtain and comply with the applicable special event license, which will be combined with the requirements under this section;
3. Show proof of liability insurance for event host liquor liability and naming the City of Moab as an additional insured; and
4. Pay the applicable rental fee, as established from time to time by Council resolution, and execute a public facility use agreement

indemnifying and holding the City harmless from all liability associated with the serving and consumption of alcohol at the event.

D. City Events. The City may hold public events where alcohol is served, as otherwise provided under this section. Where the City holds a public event it may contract with a separate alcohol vendor, who shall procure the alcohol event licenses under subsections C(1) and (2), and the liability insurance as required by subsection C(3), above. The alcohol vendor may be the event sponsor for purposes of all alcohol-related compliance under this section. If the City holds the event, it has discretion to waive or modify the other requirements of subsection C.

E. Public Events at Certain Parks. The serving, consumption, and sale of alcoholic beverages at public events held at Swanny City Park, the Center Street Ballfields, Lions Park, or Old City Park may be permitted by administrative approval, unless approval is required under Title 4 or other City Code. Serving of alcohol shall be limited to the hours of twelve p.m. until nine p.m. during the event. Areas designated for the serving of alcoholic beverages must be located at least one hundred feet away from designated playgrounds, the skate-park, the Moab Recreation and Aquatic Center, and similar facilities.

F. Private Events at Certain Parks. The serving, consumption, and sale of alcoholic beverages at private events held at Swanny City Park, the Center Street Ballfields, Lions Park, or Old City Park may be permitted by administrative approval, unless approval is required under Title 4 or other City Code. Serving of alcohol shall be limited to the hours of twelve p.m. until nine p.m. during the event. Areas designated for the serving of alcoholic beverages must be located at least one hundred feet away from designated playgrounds, the skate-park, the Moab Recreation and Aquatic Center, and similar facilities.

G. Events on Public Streets. The serving, consumption, and sale of alcoholic beverages at public events held on a public street may be permitted by the City Council, provided that the event sponsor obtains a special event license (Level II) pursuant to Title 4. Serving of alcohol shall be limited to the hours of twelve p.m. until nine p.m. during the event.

H. Events at City Facilities. The serving, consumption, and sale of alcoholic beverages at public events held at City facilities may be approved as follows:

1. City staff is authorized to approve privately hosted social gatherings at the Moab Arts and Recreation Center (MARC) where alcohol may be served. Sponsors of private events at the MARC must:
  - a. Pay the applicable rental fee, as established from time to time by Council resolution, and execute a public facility use agreement indemnifying and holding the City harmless from all liability associated with the serving and consumption of alcohol at the event; and
  - b. Comply with applicable laws governing the consumption and distribution of alcohol;
  - c. All events at the MARC shall be concluded by eleven p.m. Serving of alcohol at private events shall be concluded no later than 10:30 p.m.
2. City staff is authorized to approve privately hosted social gatherings at the Moab Recreation and Aquatic Center (MRAC) where alcohol may be served. Sponsors of private events at the MRAC must:
  - a. Pay the applicable rental fee, as established from time to time by Council resolution, and execute a public facility use agreement indemnifying and holding the City harmless from all liability associated with the serving and consumption of alcohol at the event; and
  - b. Comply with applicable laws governing the consumption and distribution of alcohol;
  - c. All events at the MRAC shall be concluded by the normal business hours of the MRAC.

I. Public Events at County Facilities. The serving, consumption, and sale of alcoholic beverages to the public at facilities owned by Grand County

within the City may be permitted by the City provided each of the following conditions are met:

1. The event sponsor obtains approval from Grand County;
2. The event sponsor obtains the applicable state of Utah single event permit or temporary special event beer permit and abides by all terms and conditions of the state of Utah permit;
3. The event sponsor obtains the applicable special event license pursuant to Title 4.

J. A “privately hosted social gathering” shall be defined as any social, recreational, or business event for which all or a portion of the City facility has been leased or licensed, in advance, and the event or function is limited in attendance to people who have been specifically designated, by invitation or otherwise, and their guests. Privately hosted social gatherings shall not in any case be defined to include any event to which the public is invited, whether by advertisement or otherwise, or events where an admission fee is charged.

K. A “public” event shall be defined to mean any gathering which is open to all persons, which is advertised as open to the general public, or which is open to all persons who purchase admission.

L. No City employee, agent, or volunteer shall consume alcoholic beverages at any gathering authorized pursuant to this section while on duty or acting in an official capacity on behalf of City. Any City employee participating in the serving or distribution of alcoholic beverages must have the required certifications of the state of Utah, with a current copy filled with the City. Nothing in this subsection shall prohibit a City employee, agent, or volunteer from consuming or distributing alcoholic beverages at an event where such person is a guest or event participant. City employees, agents, or volunteers are not deemed to be participating in the serving or distribution of alcoholic beverages where they perform other functions at an event held pursuant to subsection D, City Events.

**M. To be eligible for any license or permit pursuant to this section, an “event sponsor” shall be a natural person twenty-one years of age or older, except in the case of events held under subsection D.**

**N. No person shall allow or permit the serving of alcoholic beverages to any person under twenty-one years of age. All persons involved in the serving or distribution of alcoholic beverages do so under the supervision and direction of the event sponsor, who shall be personally responsible for compliance with all applicable public facility use agreement, City code, and State law provisions. Violation of this subsection is a strict liability offense and shall be punishable as a Class C misdemeanor.**

**O. The applicable decision maker for any event authorized under this section shall be authorized to attach such other and additional terms and conditions upon the use and occupancy of public facilities as may be deemed necessary and appropriate, depending upon the nature of the event planned. These additional terms may include, but shall not be limited to:**

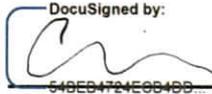
- 1. Special limitations as to hours of operation;**
- 2. Limits on the occupancy or total numbers of guests;**
- 3. Security requirements;**
- 4. Parking limitations;**
- 5. Limits on the areas to be occupied by the event; and**
- 6. Any conditions reasonably related to the safety of event participants, and the safety and peace of the general public.**

**P. Any City enforcement officer may enter the premises of any event permitted under this section at any time to determine compliance with all applicable laws and conditions. Any law enforcement officer who reasonably believes that an event is out of compliance with applicable laws and conditions shall have the authority to curtail or terminate the event.**

3. In Moab Municipal Code §12.20.040 which states: “It is unlawful for any person to consume or possess beer or alcoholic beverages within any public park of the city of Moab, except as authorized by the park use policies.” Replace the words “the park use policies” with the words “Moab Municipal Code §4.21 et seq.”

This Ordinance shall take effect upon passage.

**PASSED** by the City Council in a public meeting on April 27, 2021.

DocuSigned by:  
  
549EB47E4E0B40B...  
Emily Niehaus, Mayor

**ATTEST:**

  
  
Sommar Johnson, Recorder