



PUBLIC NOTICE is hereby given that the County Council of Cache County, Utah will hold a **WORKSHOP** at 3:00 p.m. and a **REGULAR COUNCIL MEETING** at **5:00 p.m.** in the **Cache County Historic Courthouse Council Chambers**, 199 North Main Street, Logan, Utah 84321, **TUESDAY, FEBRUARY 9, 2021.** Council meetings are live streamed on the Cache County YouTube channel at: <https://www.youtube.com/channel/UCa4xvEI8bnIEz3B9zw2teaA>
COVID-19 safety and distancing protocols will be followed.

AGENDA

WORKSHOP

- 3:00 p.m.**
1. **CALL TO ORDER**
 2. **BECOMING A TRAUMA-INFORMED COMMUNITY**
 3. **ADJOURN**

COUNCIL MEETING

- 5:00 p.m.**
1. **CALL TO ORDER**
 2. **OPENING** – Councilman Nolan Gunnell
 3. **REVIEW AND APPROVAL OF AGENDA**
 4. **REVIEW AND APPROVAL OF MINUTES** (January 26, 2021)
 5. **MINUTES FOLLOW-UP**
 6. **REPORT OF COUNTY EXECUTIVE**
 - a. **Appointments:** Bear River Board of Health
 - b. **Financial Reports:** January 2021 Expense Report (Warrant Register)
 - c. **Other Items:** 2021 County Executive Goals
 7. **ITEMS OF SPECIAL INTEREST**
 8. **DEPARTMENT OR COMMITTEE REPORTS**
 - a. Cache County General Plan Update – Development Services Office
 9. **BOARD OF EQUALIZATION MATTERS**
 10. **PUBLIC HEARINGS**
- 5:30 p.m.**
- a. **Public Hearing – Ordinance 2021-05**
An Ordinance Amending Chapters 5.08 and 5.12 of the County Code relating to Alcoholic Beverages
11. **PENDING ACTION**
 - a. **Ordinance 2021-04** – An Ordinance of the County Council of Cache County, Utah, Repealing and Amending County Code Sections 2.64.010, 2.64.020, 2.64.030, 2.64.040, 2.64.050, 2.64.060, 2.64.070, 2.64.080, 2.64.090, 2.64.100, 2.64.110, 2.64.120, 2.64.130, 2.64.140, 2.64.150, 2.64.160, 2.64.170, 2.64.180, 2.64.190, 2.64.200, 2.64.210, and 2.64.220 Relating to County Records

12. **INITIAL PROPOSALS FOR CONSIDERATION OF ACTION**

- a. **Ordinance 2021-05** – An Ordinance Amending Chapters 5.08 and 5.12 of the County Code relating to Alcoholic Beverages
- b. Discussion: Clerk / Auditor's Office Personnel Request
- c. Discussion: Fire District Funding Request
- d. Consideration for Approval: 2020 Tax Relief Report

13. **OTHER BUSINESS**

- a. Council Members 2021 Board and Department Assignments

14. **COUNCIL MEMBER REPORTS**

- a. Council Members 2021 Goals

15. **ADJOURN**



Gina H. Worthen, Chair

**CACHE COUNTY
ORDINANCE 2021 - 04**

AN ORDINANCE OF THE COUNTY COUNCIL OF CACHE COUNTY, UTAH, REPEALING AND AMENDING COUNTY CODE SECTIONS 2.64.010, 2.64.020, 2.64.030, 2.64.040, 2.64.050, 2.64.060, 2.64.070, 2.64.080, 2.64.090, 2.64.100, 2.64.110, 2.64.120, 2.64.130, 2.64.140, 2.64.150, 2.64.160, 2.64.170, 2.64.180, 2.64.190, 2.64.200, 2.64.210, AND 2.64.220 RELATING TO COUNTY RECORDS.

WHEREAS, Utah Government Records Access Management Act Utah Code Section 63G-2-102 requires that the public has reasonable access to unrestricted public records and,

WHEREAS, the Cache County Council finds that this ordinance is in the best interest of Cache County and its citizens,

NOW, THEREFORE, The County Legislative Body of Cache County ordains as follows:

SECTION 1:

Cache County Code Chapter 2.64. is therefore repealed and amended as follows:

Chapter 2.64

PUBLIC RECORDS ACCESS AND MANAGEMENT

2.64.010: AUTHORITY AND PURPOSE:

Under authority of Utah Code Annotated § 63G-2-701, this chapter specifies how records in the custody of Cache County may be accessed, and where and to whom requests for access to records shall be directed. All other regulations related to access to public records, including but not limited to, standards for the classification and designation of records; the standards for the management and retention of records; response time for access requests; and time limits for appeals shall be as set forth in Utah Code Annotate Title 63G, Chapter 2.

2.64.020: DEFINITIONS:

Terms used in this chapter are defined in Utah Code Annotated Section 63G-2-103, as amended.

2.64.030: REQUEST FOR ACCESS:

A. A request for access to records must be made in writing and include the information required by Utah Code Annotated Section 63G-2-204 as follows:

1. The requestor's:
 - a. Name;
 - b. Mailing address;
 - c. Email address, if the person has an email address and is willing to accept communications by email relating to the person's records request;
 - d. Daytime telephone number; and
 - e. A description of the record requested that identifies the record with reasonable specificity.

B. Requests must be submitted by first class mail; hand delivery; or electronically to the Records Officer as follows:

1. For records maintained by Cache County (excluding Cache County Sheriff Records): Office of the County Clerk, 179 North Main, Logan UT, 84321. Electronically submitted request shall be sent to grama@cachecounty.org.

2. For Cache County Sheriff records: Cache County Sheriff's Office, Attn: Records Officer, 1225 West Valley View, Suite 200, Logan UT, 84321. Electronically submitted request must be sent to grama@cashesheriff.org.

C. Requests submitted in a manner other than set forth herein will not be accepted.

2.64.040: APPEAL:

A. An appeal of a decision of a Records Officer, shall be in writing, comply with the information required by Utah Code Annotated 63G-2-401(2), and be submitted by first class mail; hand delivery; or electronically to the Office of the Cache County Executive, 199 North Main Street, Logan UT, 84321 or grama@cachecounty.org.

B. Appeals submitted in a manner other than set forth herein will not be accepted.

2.64.050: FEES:

A. A schedule of fees that may be charged in response to a records request may be obtained by contacting the Records Officer. The fee schedule is also available on the Cache County website at www.cachecounty.org.

B. Fees for providing a record may be waived under certain circumstances described in Utah Code Annotated Section 63G-2-203(4). A request for a fee waiver shall be made in writing to the Records Officer as part of the records request.

2.64.060: FORMS:

A. Request forms are available at www.cachecounty.org or from the Records Officer.

B. These forms are provided as a convenience, and a requester is not required to use these forms as long as information required by the statute is provided.

SECTION 2:

PRIOR ORDINANCES, RESOLUTIONS, POLICIES AND ACTIONS SUPERSEDED

This ordinance amends and supersedes Chapter 64 of Title 2 of the Cache County Code, and all prior ordinances, resolutions, policies, and actions of the Cache County Council relating to this Chapter to the extent that the provisions of such prior ordinances, resolutions, policies, or actions are in conflict with this ordinance. In all other respects, such prior ordinances, resolutions, policies, and actions shall remain in full force and effect.

SECTION 3

EFFECTIVE DATE

This ordinance takes effect 15 days after its passage. Following its passage, but prior to the effective date, a copy of the Ordinance shall be deposited with the County Clerk and a short summary of the ordinance, together with a statement that a complete copy of the ordinance is available at the county clerk's office and with the name of the members voting for and against the ordinance shall be published in a newspaper of general circulation within the County as required by law.

PASSED AND APPROVED BY THE COUNTY COUNCIL OF CACHE COUNTY,
UTAH THIS _____, 2021.

	In Favor	Against	Abstained	Absent
David L. Erickson				
Barbara Tidwell				
Paul Borup				
Gina Worthen				
Nolan Gunnell				
Karl Ward				
Gordon A. Zilles				
Total				

CACHE COUNTY

By: _____
Gina H. Worthen, Chair

ATTEST:

Jess W. Bradfield, County Clerk / Auditor



**CACHE COUNTY
ORDINANCE 2021 - 05**

**AN ORDINANCE AMENDING CHAPTERS 5.08 AND 5.12 OF THE
COUNTY CODE RELATING TO ALCOHOLIC BEVERAGES**

- (A) WHEREAS, Cache County has an interest in protecting public health, safety, and morals within the unincorporated areas of the County through the regulation and restriction of alcoholic beverages;¹ and
- (B) WHEREAS, state law leaves many issues regarding the regulation of alcoholic beverages to local decision and control; and
- (C) WHEREAS, Cache County ordinances regulating alcoholic beverages have not been amended or modified in over 30 years and, therefore, use terminology and establish a regulatory framework that does not fully harmonize with current state law; and
- (D) WHEREAS, the County has an interest in promoting economic activity and development in the County, which may be enhanced by allowing the production and tasting of wine in connection with agriculture and agritourism; and
- (E) WHEREAS, the Cache County Council finds that this ordinance is in the best interest of Cache County and its citizens,

NOW, THEREFORE, the County Legislative Body of Cache County ordains as follows:

SECTION 1:

Chapter 8 of Title 5 of the Cache County Code is amended to read as follows:

Chapter 5.08 ALCOHOLIC BEVERAGES

5.08.010 POLICY AND PURPOSE

The purpose of this chapter is to regulate and restrict alcoholic beverages in Cache County by adopting existing state regulations and further regulating in areas that state law specifically leaves to local control and in areas of local concern not directly covered by state law, including by restricting to one the categories of state alcoholic beverage licenses

¹ See Jonathan W. Dukes, et al., *Access to alcohol and heart disease among patients in hospital: observational cohort study using differences in alcohol sales laws*, BRITISH MEDICAL JOURNAL, June 14, 2016; D. Mark Anderson, Benjamin Crost & Daniel Rees, *Wet Law, Drinking Establishments, and Violent Crime*, THE ECONOMIC JOURNAL, December 2014; Donald W. Zeigler, et al., *The neurocognitive effects of alcohol on adolescents and college students*, PREVENTIVE MEDICINE, January 2005.



that are available in Cache County and by adopting conditions, requirements, and procedures for obtaining the county’s consent to the issuance of the single state alcoholic beverage license that is available in Cache County.

5.08.020 ADOPTION OF STATE LAW

The sale and distribution of alcoholic beverages are regulated under state law as found in Utah Code title 32B, the Alcoholic Beverage Control Act, as amended. The County adopts the Alcoholic Beverage Control Act, Utah Code title 32B, in its entirety, as amended.

5.08.030 DEFINITIONS

- (A) The definition of each term which is defined in Utah Code title 32B, the Alcoholic Beverage Control Act, as amended, is hereby adopted into this chapter, except to the extent modified by this chapter.
- (B) “Local consent” means consent given by the County for the issuance of a state alcoholic beverage license or permit.

5.08.040 LOCAL CONSENT PERMITTED ONLY FOR WINERY MANUFACTURING LICENSE

- (A) The County may give local consent only for the issuance of a Winery Manufacturing License under Utah Code sections 32B-11-101 to -303, as amended.
- (B) If the County gives local consent to the issuance of a state Winery Manufacturing License, the County Clerk must issue to the applicant a certificate of local consent.
- (C) It is the responsibility of any applicant under this chapter to be in compliance with applicable conditions and requirements of state law and this chapter when making application with the County for local consent to the issuance of a state Winery Manufacturing License. It is the obligation of each applicant to stay in compliance with state law and this chapter regardless of changes to those laws. To the extent permitted by state law, the officers and administrators of the County have the authority to enforce both the provisions of state law regulating alcoholic beverages and the provisions of this chapter.

5.08.050 REQUIREMENTS FOR OBTAINING LOCAL CONSENT TO THE ISSUANCE OF A WINERY MANUFACTURING LICENSE

The granting of local consent to the issuance of a Winery Manufacturing License is conditioned upon the applicant satisfying the following criteria:



- (A) Qualifications. At the time of application, the applicant must:
- (1) be 21 years of age or older;
 - (2) not have had any alcoholic beverage license or permit revoked in the last 3 years;
 - (3) comply with federal and state laws pertaining to the payment of taxes and contributions to unemployment and insurance funds;
 - (4) meet all state requirements for a Winery Manufacturing license;
 - (5) not be in default under the provisions of any County ordinance;
 - (6) not be indebted or obligated to the County, except for current taxes; and
 - (7) not have been convicted of:
 - (a) a felony under federal or state law;
 - (b) any crime concerning the sale, offering for sale, warehousing, manufacturing, distribution, transportation, or adulteration of an alcoholic product;
 - (c) a crime involving moral turpitude; or
 - (d) on 2 or more occasions within the 5 years preceding the day on which the application is submitted, driving under the influence of alcohol, drugs, or any combination of alcohol and drugs.
- (B) Ownership. The applicant must disclose to the County the identity and mailing address of each of the following individuals, each of whom must meet the qualifications set forth in subsection (A) of this section:
- (1) the applicant if the applicant is a natural person;
 - (2) each partner controlling 20% or more of the applicant if the applicant is a partnership;
 - (3) each shareholder owning 20% or more of the shares of the applicant if the applicant is a corporation;
 - (4) each owner of 20% or more of the applicant if the applicant is a limited liability company; and
 - (5) each officer, director, manager, managing agent, or person holding a similar position of any applicant that is not a natural person.

- (C) Application. The applicant must file a written and verified application with the County Clerk. The application must be subscribed by the applicant or person authorized to act on behalf of the applicant, who must state under oath that the facts therein contained are true. Failure to provide all required information or providing false or misleading information in the application constitutes grounds for denial of the application or revocation of the County's consent and constitutes a misdemeanor if done willfully with the intent to mislead the County. The application must include:
- (1) the applicant's full name;
 - (2) the applicant's mailing address;
 - (3) the applicant's proposed location for its premises;
 - (4) a description of the control measures to be imposed by the state Department of Alcoholic Beverage Control and where alcohol will be stored, served, and sold;
 - (5) a signed consent form stating that law enforcement and authorized County representatives will have the unrestricted right to enter and inspect the premises to ensure compliance with state law and County ordinances;
 - (6) a statement by the applicant affirming that the applicant, including each person identified in subsection (B) of this section, possesses the qualifications specified in subsection (A) of this section and the Alcoholic Beverage Control Act;
 - (7) an acknowledgement that the applicant is subject to all operational restrictions imposed on its state permit by the state Department of Alcoholic Beverage Control;
 - (8) a statement by the applicant affirming that the proposed use of any premises by the applicant will not be in violation of County land use regulations and that the applicant will otherwise be in full compliance with all applicable County, state, and federal laws and ordinances;
 - (9) an acknowledgement that no alcohol may be stored, served, or sold unless the applicant obtains the appropriate state license or permit; and
 - (10) such other information as may from time to time be required by the County Clerk or County Executive.

- (D) Review and Inspection. The applicant must receive a positive recommendation from all of the following Cache County departments:
- (1) Cache County Sheriff. All applications filed in accordance with the provisions of this chapter must be referred by the County Clerk to the Sheriff for investigation and report. Prior to issuance of any local consent to the issuance of a Winery Manufacturing License, all applicants, including each individual identified in subsection 5.08.050(B) of this chapter, and the applicant’s supervisory personnel must submit to a Utah bureau of criminal identification (“BCI”) check conducted through the County Sheriff and/or the state of Utah. In the event new supervisory personnel are hired during the term of the license or permit, those new personnel must submit to a BCI check within 30 days of the hire date. The Sheriff must, within 14 calendar days of his or her receipt of the application, make a recommendation to the County Clerk. If recommending denial of local consent to the issuance of a Winery Manufacturing License, the Sheriff must submit a detailed report of the investigation, record the recommendation on the application, and sign the application. If recommending approval, the Sheriff must record the recommendation on the application, sign the application, and may at his or her sole discretion submit a detailed report of the investigation. In conducting an investigation and making a recommendation, the Sheriff may investigate and base a decision upon such factors as:
 - (a) the general reputation and character of the persons who frequent the proposed premises;
 - (b) whether the activities at the proposed premises have been conducted in a lawful, quiet, and orderly manner;
 - (c) whether the proposed premises meet the proximity requirements and considerations set forth in the Alcoholic Beverage Control Act;
 - (d) results of any BCI check;
 - (e) whether the applicant satisfies the requirements of, and is in compliance with, this chapter and the Alcoholic Beverage Control Act;
 - (f) whether any criminal violations by or charges against the applicant, including the individuals identified in subsection 5.08.050(B) of this chapter, exist where the violation at issue would make the applicant ineligible for a license or permit under this chapter or state code;
 - (g) policies and safety protections the applicant has in place to restrict minors from accessing the portion or portions of the proposed premises where alcoholic beverages will be sold or to prevent minors from gaining access to or consuming alcoholic beverages.

- (2) Bear River Health Department. All applications filed in accordance with the provisions of this chapter must be referred by the County Clerk to the Bear River Health Department. The Health Department must inspect all proposed premises to assure compliance with state law, County ordinances, and Health Department rules and regulations regarding the preparation, storage, distribution, or sale of food and/or alcoholic beverages. The Health Department must, within 14 calendar days of its receipt of the application, make a recommendation to the County Clerk. If recommending denial of local consent to the issuance of a Winery Manufacturing License, the Health Department must submit a detailed report of the investigation, record the recommendation on the application, and sign the application. If recommending approval, the Health Department must record the recommendation on the application, sign the application, and may at its sole discretion submit a detailed report of the investigation.
 - (3) Fire Authority. All applications filed in accordance with the provisions of this chapter must be referred by the County Clerk to the appropriate fire authority. The fire authority must inspect the proposed premises to assure compliance with all state fire standards, County ordinances, and fire authority rules and regulations. The fire authority must, within 14 calendar days of its receipt of the application, make a recommendation to the County Clerk. If recommending denial of local consent to the issuance of a Winery Manufacturing License, the fire authority must submit a detailed report of the investigation, record the recommendation on the application, and sign the application. If recommending approval, the fire authority must record the recommendation on the application, sign the application, and may at its sole discretion submit a detailed report of the investigation.
 - (4) Development Services Department. All applications filed in accordance with the provisions of this chapter must be referred by the County Clerk to the Cache County Development Services Department. The Development Services Department must inspect the proposed premises and/or the plans for the proposed premises to assure compliance with all land use regulations and applicable building codes of the state and County. The Development Services Department must, within 14 calendar days of its receipt of the application, make a recommendation to the County Clerk. If recommending denial of local consent to the issuance of a Winery Manufacturing License, the Development Services Department must submit a detailed report of the investigation, record the recommendation on the application, and sign the application. If recommending approval, the Development Services Department must record the recommendation on the application, sign the application, and may at its sole discretion submit a detailed report of the investigation.
- (E) Training Requirement. The applicant must show by a certificate or certificates granted by the state Department of Alcoholic Beverage Control, or by adequate proof of the existence of such a certificate or certificates, that each person who serves a wine taste on behalf of the licensee has completed the alcohol training and education seminar as



required by the Alcoholic Beverage Control Act. Each new person who serves a wine taste on behalf of the licensee must complete the seminar within 30 days of commencing employment.

- (F) Fees. The applicant must with its application pay the local consent fee established by the County Council, which is in addition to the general business license fees and any other basic fees or regulatory fees which may apply. Regardless of whether the application is approved or denied, the local consent fee is nonrefundable and will be retained to pay the costs of processing the application.

5.08.070 APPROVAL AND CONTENT OF CERTIFICATE OF LOCAL CONSENT TO THE ISSUANCE OF A WINERY MANUFACTURING LICENSE

- (A) Determination. The County Clerk must make a determination of whether local consent to the issuance of a Winery Manufacturing License is appropriate under the provisions of this chapter. In making that determination, the County Clerk is not authorized to deviate from this chapter's requirements.
- (B) Proof of State Licensure. Prior to operating under the authority of this chapter, each approved applicant must obtain and provide to the County Clerk proof of state licensure. No local consent to the issuance of a Winery Manufacturing License is effective until the state has issued a Winery Manufacturing License to the applicant pursuant to state statute.
- (C) Authorization. The giving of local consent to the issuance of a Winery Manufacturing License for purposes of state law does not authorize any action or business practice which is prohibited by or inconsistent with this chapter.
- (D) Content of Certificate of Local Consent to the Issuance of a Winery Manufacturing License. Certificates of local consent to the issuance of a Winery Manufacturing License must be signed by the County Clerk and must contain the following information:
 - (1) the name of the licensee to whom the Winery Manufacturing License has been issued and the name of a local contact person;
 - (2) the street address of the premises and, if different, the mailing address of the licensee;
 - (3) the term of the local consent to the issuance of a Winery Manufacturing License, including commencement and expiration dates; and
 - (4) a statement that the local consent to the issuance of a Winery Manufacturing License is subject to revocation by the County for violation of this chapter and/or violation of the Alcoholic Beverage Control Act.

- (E) Term of Local Consent to the Issuance of a Winery Manufacturing License. Unless otherwise provided in this chapter, local consent to the issuance of a Winery Manufacturing License is a one-time requirement and must be obtained by all new applicants. Once local consent to the issuance of a Winery Manufacturing License is obtained, the licensee must renew his or her local consent certificate by December 31 of each year, unless local consent has been revoked or suspended under this chapter or unless the Winery Manufacturing License is suspended, revoked, or denied.
- (F) Display. The certificate of local consent to the issuance of a Winery Manufacturing License must at all times be conspicuously displayed to the public in the place to which it refers and for which it is issued.

5.08.080 RENEWAL OF LOCAL CONSENT TO THE ISSUANCE OF A WINERY MANUFACTURING LICENSE

- (A) Renewal of Existing Local Consent to the Issuance of a Winery Manufacturing License. In October of each year, the County Clerk must send via first class mail notice to each business with a certificate of local consent to the issuance of a Winery Manufacturing License that the local consent is scheduled to expire. Businesses desiring to renew must file with the County Clerk a renewal fee, a completed renewal application in a form prescribed by the County Clerk, and a copy of their current state Winery Manufacturing License at least 30 days prior to expiration of the local consent. The County Clerk must issue a new certificate of local consent to the issuance of a Winery Manufacture License valid through December 31 of the next year if the above requirements are met and the County Clerk is unaware of grounds for denial, revocation, or suspension of local consent.
- (B) Penalty for Untimely Renewal Application. A holder of a certificate of local consent to the issuance of a Winery Manufacturing License who fails to timely file an application for renewal must be assessed a penalty equal to 25% of the renewal fee.
- (C) Status when Action is Pending on a Renewal Application. If an application for renewal has been filed with the County Clerk, upon written notification by the County Clerk, a holder of a certificate of local consent to the issuance of a Winery Manufacturing License must on the date the existing certificate expires close his or her licensed premises for all business related to the Winery Manufacturing License and keep the premises closed for all business related to the Winery Manufacturing License until the date a new certificate of local consent is issued. In the absence of such notice, the certificate is deemed extended if a renewal application was filed on or before the local consent was set to expire.
- (D) Transfer of Local Consent to the Issuance of a Winery Manufacturing License. Local consent to the issuance of a Winery Manufacturing License is not transferrable from person to person or from location to location without reapplying for local consent and following the provisions set forth in section 5.08.050 of this chapter. Applicants must



also present proof that the transfer was approved by the state Department of Alcoholic Beverage Control as outlined in the Alcoholic Beverage Control Act.

5.08.090 DENIAL, SUSPENSION, AND REVOCATION OF LOCAL CONSENT TO THE ISSUANCE OF A WINERY MANUFACTURING LICENSE

- (A) Investigation. The County Clerk may, on his or her own initiative or in response to complaints from the general public or any County department, investigate and gather evidence of violations of this chapter or other circumstances which may give rise to grounds for a denial, suspension, or revocation of local consent to the issuance of a Winery Manufacturing License. The County Clerk may request County staff to investigate further or obtain additional evidence before making a determination. The County Clerk will determine whether sufficient grounds and evidence exist to deny, revoke, or suspend local consent.

- (B) Grounds for Denial of Local Consent to the Issuance of a Winery Manufacturing License. The County Clerk has the authority, without a hearing, to deny an application for local consent to the issuance of a Winery Manufacturing License or an application for renewal of local consent to the issuance of a Winery Manufacturing License if:
 - (1) the application does not contain all of the required information;
 - (2) the application fee is not paid;
 - (3) the applicant, owners, or premises did not meet all of the applicable requirements of section 5.08.050 of this chapter;
 - (4) the applicant intentionally misrepresented or concealed information required by this chapter in an application for local consent or in an application for renewal of local consent;
 - (5) the applicant holds local consent to the issuance of a Winery Manufacturing License for other premises under this chapter that are not in good standing or upon which premises the provisions of this chapter and state laws are frequently violated; or
 - (6) the applicant does not hold a current Cache County business license.

- (C) Grounds for Suspension or Revocation of Local Consent to the Issuance of a Winery Manufacturing License. The County Clerk has the authority to suspend or revoke local consent to the issuance of a Winery Manufacturing License without a hearing. The suspension or revocation of local consent does not take effect until the time for appealing the decision as set forth in this chapter has passed and, if an appeal is filed, until the appeal is decided by the County Council. The County Clerk has the authority to suspend or revoke local consent to the issuance of a Winery Manufacturing License under this chapter for the following reasons:

- (1) the applicant and/or individuals identified in subsection 5.08.050(B) of this chapter do not meet the qualifications set forth in subsection 5.08.050(A) of this chapter or in state code;
 - (2) local consent could be denied for any of the reasons listed in subsection (B) of this section;
 - (3) the local consent holder has violated state or local alcoholic beverage laws or regulations;
 - (4) the local consent holder does not pay an application fee, renewal fee, or fine;
 - (5) the local consent holder does not hold a current Cache County business license;
 - (6) the local consent holder fails to follow the transfer process outlined in subsection 5.08.080(D) of this chapter;
 - (7) the local consent holder has failed to comply with the terms of a related land use permit (e.g., conditional use permit, building permit, etc.);
 - (8) the local consent holder has received 3 or more serious or grave disciplinary sanctions, as defined by the state Department of Alcoholic Beverage Control, within a 3-year period;
 - (9) the local consent holder has failed to maintain current and appropriate licensure under the Alcoholic Beverage Control Act; or
 - (10) the local consent holder has failed to complete the training requirements outlined in subsection 5.08.050(E) of this chapter, unless the licensee provides to the County Clerk proof of compliance within 30 days of the time that the local consent holder is first notified that such violation occurred.
- (D) Procedure for Denial, Suspension, or Revocation. The County Clerk must give notice to any applicant or local consent holder of the decision to deny, suspend, or revoke local consent to the issuance of a Winery Manufacturing License by mailing notice by certified mail to the individual identified in the application at the address listed on the application. The notice must include the following:
- (1) the name of the applicant or local consent holder;
 - (2) the reason for denial, suspension, or revocation, including an identification of any County, state, or federal law violated;
 - (3) an explanation of the applicant's or local consent holder's right to appeal the decision of the County Clerk;

- (4) a statement of the time frames and process for appeal; and
 - (5) a statement that if the applicant or local consent holder chooses not to appeal within the specified time frame, the decision of the County Clerk will be final and the applicant or local consent holder will be expected to comply immediately with the denial, suspension, or revocation.
- (E) Appeals. Denials, suspensions, and revocations by the county clerk under this section may be appealed to the Cache County Council by filing a written notice of appeal with the County Clerk within 10 calendar days of the date of mailing of the certified letter notifying the applicant or local consent holder of the denial, suspension, or revocation.
- (F) Licensing after Revocation. In the event that an application has been denied or local consent has been revoked or suspended, the applicant may not reapply for local consent to the issuance of a Winery Manufacturing License for the same location until one year has expired from the date of the denial, suspension, or revocation.
- (G) Validity of Business License or Local Consent During Appeal. An individual with a suspended or revoked business license or a suspended or revoked local consent may continue to operate his or her business in accordance with federal, state, and local laws pending resolution of the appeal if an appeal is filed or until the time for appeal has passed if an appeal is not filed.
- (H) Emergency Suspensions by County Sheriff. Local consent to the issuance of a Winery Manufacturing License may be suspended by the County Sheriff or his or her designee without a prior hearing provided there is probable cause to believe a violation or violations of this chapter or state law are occurring and the conditions are such that public health or safety are endangered. Such a temporary suspension may occur only if the local consent holder or its management personnel fail to remedy the violation or violations within 15 minutes of notification by the Sheriff or his or her designee that a suspension will occur if the violation or violations are not remedied in a manner that eliminates the immediate danger to public health or safety. No emergency suspension by the County Sheriff or his or her designee may extend beyond the ordinary close of business on the day on which the suspension was given.

5.08.100 MISCELLANEOUS:

- (A) County Fairgrounds, Rodeo Arena, and Event Center. It is unlawful for any person to possess or consume an alcoholic beverage in or upon the Cache County Fairgrounds, Rodeo Arena, or Event Center, except at a private event occurring with the County's written consent in or upon the Cache County Fairgrounds, Rodeo Arena, or Event Center.
- (B) Advertising on County-Owned Property Prohibited. Any advertising or advertisement of alcoholic beverages in or upon any county-owned property is prohibited.



- (C) Inspection of Premises. The County Sheriff, the County Clerk, a County code enforcement officer, and Bear River Health Department officials or their designees are permitted to have access to all premises associated with wine manufacturing under a Winery Manufacturing License and all premises of establishments applying for local consent to the issuance of a Winery Manufacturing License, and they may make periodic inspections of such premises and report their findings to the County Clerk.
- (D) Penalties. Unless otherwise provided, any person who violates any provision of this chapter is guilty of a class B misdemeanor and, upon conviction thereof, is punishable as provided by state law.
- (E) Severability. If a provision of this chapter or the application of a provision of this chapter to a person or circumstance is held invalid, the remainder of this chapter must be given effect without the invalid provision or application. The provisions of this chapter are severable.

Section 2:

Chapter 12 of Title 5 of the Cache County Code is repealed in its entirety.

Section 3:

This ordinance amends and supersedes Chapter 8 of Title 5 of the Cache County Code, repeals Chapter 12 of Title 5 of the Cache County Code, and supersedes all other prior ordinances, resolutions, policies, and actions of the Cache County Council relating to alcoholic beverages to the extent that the provisions of such prior ordinances, resolutions, policies, or actions are in conflict with this ordinance. In all other respects, such other prior ordinances, resolutions, policies, and actions remain in full force and effect.

Section 4:

This ordinance takes effect 15 days following its passage and approval by the County Council.



PASSED AND APPROVED BY THE COUNTY COUNCIL OF CACHE COUNTY, UTAH
THIS ___ DAY OF _____ 2021.

	In Favor	Against	Abstained	Absent
Paul R. Borup				
David Erickson				
Nolan P. Gunnell				
Barbara Tidwell				
Karl Ward				
Gina Worthen				
Gordon Zilles				
Total				

CACHE COUNTY:

ATTEST:

By: _____
Gina H. Worthen, Chair

By: _____
Jess W. Bradfield, County Clerk/Auditor