

CITY OF MOAB ORDINANCE NO. 2019-25

AN ORDINANCE AMENDING THE MUNICIPAL CODE TO PERMIT SERVING OF ALCOHOL AT PUBLIC EVENTS HELD ON CERTAIN CITY PROPERTIES

The following describes the intent and purpose of this ordinance:

- 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.

Therefore, MMC § 5.20.660 is hereby amended as follows:

5.20.660 Consumption of Alcohol in Public Places.

- 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 subsection is a strict liability offense and shall be punishable as a Class C misdemeanor.
- C. **Common 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 a City of Moab alcohol license, if applicable;

3. Obtain and comply with the applicable special event license pursuant to Chapter 5.09, which will be combined with the requirements under this section;
 4. Show proof of liability insurance for event host liquor liability and naming the City of Moab as an additional insured; and
 5. 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 subsection C(1) and (2), and the liability insurance as required by subsection C(4), 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 the Special Events Code 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 the Special Events Code 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.

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 Chapter 5.09. Serving of alcohol shall be limited to the hours of twelve p.m. until nine p.m. during the event.

G. **Events at City Facilities.** The serving, consumption, and sale of alcoholic beverages at public events held at city facilities may be approved by the City Council.

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;
 - 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.

H. **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 City of Moab alcohol licenses; and
 4. The event sponsor obtains the applicable special event license pursuant to Chapter 5.09.
- I. A “privately hosted social gathering” shall be defined as any social, recreational, or business event for which all or a portion of the MARC 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.
- J. 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.
- K. 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.
1. 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.
- L. To be eligible for any license or permit pursuant to this Chapter, 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.

- M. 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.
- N. 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.
- O. 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. (Ord. 12-12 (part), 2012: Ord. 99-03 (part), 1999: Ord. 85-09 (part), 1985: prior code § 3-4-11)In addition, MMC § 12.20.040 is amended as follows:
- 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 pursuant to MMC § 5.20.660.

Approved and adopted by the Moab City Council this _____ day of September 2017.

By: _____

Emily Niehaus, Mayor

Attest:

By: _____

Sommar Johnson, Recorder