

32B-2-502 Commission and department duties before establishing a state store.

- (1)
 - (a) Before the commission may establish a state store, the department shall conduct an investigation and may hold public hearings to gather information and make recommendations to the commission to assure appropriate service to the general population of the state.
 - (b) The department shall forward the information and recommendations described in Subsection (1)(a) to the commission to aid in the commission's determination.
- (2) Before establishing a state store, the commission shall:
 - (a) determine that the local authority of the locality where the state store will be located is consulted;
 - (b) determine that the state store complies with the zoning ordinances of the locality where the state store will be located;
 - (c) consider the locality within which the proposed state store will be located including:
 - (i) economic factors, such as:
 - (A) bid price;
 - (B) lease terms;
 - (C) operating costs; and
 - (D) local taxes;
 - (ii) physical characteristics, such as:
 - (A) condition of the premises;
 - (B) space availability;
 - (C) parking;
 - (D) common areas;
 - (E) conformance to building and safety codes;
 - (F) delivery access; and
 - (G) expandability; and
 - (iii) operational factors, such as:
 - (A) tourist traffic;
 - (B) access to the public;
 - (C) demographics;
 - (D) population to be served;
 - (E) the nature of surrounding establishments;
 - (F) proximity to and density of other state stores, package agencies, and retail licensees;
 - (G) proximity to residential communities; and
 - (H) proximity to educational, religious, and recreational facilities; and
 - (d) consider any other factor the commission considers necessary.

Enacted by Chapter 276, 2010 General Session