

32B-6-302 Definitions.

As used in this part:

- (1)
 - (a) "Grandfathered bar structure" means a bar structure in a licensed premises of a limited-service restaurant licensee that:
 - (i) as of May 11, 2009, has:
 - (A) patron seating at the bar structure;
 - (B) a partition at one or more locations on the bar structure that is along:
 - (I) the width of the bar structure; or
 - (II) the length of the bar structure; and
 - (C) facilities for the dispensing or storage of an alcoholic product:
 - (I) on the portion of the bar structure that is separated by the partition described in Subsection (1)(a)(i)(B); or
 - (II) if the partition as described in Subsection (1)(a)(i)(B)(II) is adjacent to the bar structure in a manner visible to a patron sitting at the bar structure;
 - (ii) is not operational as of May 12, 2009, if:
 - (A) a person applying for a limited-service restaurant license:
 - (I) has as of May 12, 2009, a building permit to construct the restaurant;
 - (II) is as of May 12, 2009, actively engaged in the construction of the restaurant, as defined by rule made by the commission; and
 - (III) is issued the limited-service restaurant license by no later than December 31, 2009; and
 - (B) once constructed, the licensed premises has a bar structure described in Subsection (1)(a)(i);
 - (iii) as of May 12, 2009, has no patron seating at the bar structure; or
 - (iv) is not operational as of May 12, 2009, if:
 - (A) a person applying for a limited-service restaurant license:
 - (I) has as of May 12, 2009, a building permit to construct the restaurant;
 - (II) is as of May 12, 2009, actively engaged in the construction of the restaurant, as defined by rule made by the commission; and
 - (III) is issued a limited-service restaurant license by no later than December 31, 2009; and
 - (B) once constructed, the licensed premises has a bar structure with no patron seating.
 - (b) "Grandfathered bar structure" does not include a grandfathered bar structure described in Subsection (1)(a) on or after the day on which a restaurant remodels the grandfathered bar structure, as defined by rule made by the commission.
 - (c) Subject to Subsection (1)(b), a grandfathered bar structure remains a grandfathered bar structure notwithstanding whether a restaurant undergoes a change of ownership.
- (2) "Seating grandfathered bar structure" means:
 - (a) a grandfathered bar structure described in Subsection (1)(a)(i) or (ii); or
 - (b) a bar structure grandfathered under Section 32B-6-409.
- (3) "Wine" includes an alcoholic beverage defined as wine under 27 U.S.C. Sec. 211 and 27 C.F.R. Sec. 4.10, including the following alcoholic beverages made in the manner of wine containing not less than 7% and not more than 24% of alcohol by volume:
 - (a) sparkling and carbonated wine;
 - (b) wine made from condensed grape must;
 - (c) wine made from other agricultural products than the juice of sound, ripe grapes;
 - (d) imitation wine;
 - (e) compounds sold as wine;
 - (f) vermouth;

- (g) cider;
- (h) perry; and
- (i) sake.

Amended by Chapter 334, 2011 General Session