

32B-10-204 Duties of commission and department before issuing special use permit.

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 - (a) Before the commission issues a special use permit, the department shall conduct an investigation and may hold public hearings to gather information and make recommendations to the commission as to whether a special use permit should be issued.
 - (b) The department shall forward the information it gathers and its recommendations to the commission to aid in the commission's determination.
- (2) Before issuing a special use permit, the commission shall:
 - (a) determine that the person filed a complete application and is in compliance with:
 - (i) Section 32B-10-202; and
 - (ii) the relevant part under this chapter that applies to the special use permit for which the person is applying;
 - (b) determine that the person is not disqualified under Section 32B-1-304;
 - (c) consider the physical characteristics of the premises where an alcoholic product is proposed to be used, mixed, stored, sold, offered for sale, or furnished such as:
 - (i) the condition of the premises;
 - (ii) public visibility; and
 - (iii) safety considerations;
 - (d) consider the person's ability to properly use the special use permit within the requirements of this title and the commission rules including:
 - (i) the proposed use of the special use permit; and
 - (ii) the nature and type of person making use of the special use permit;
 - (e) consider specific factors regarding the specific type of special use permit sought by the person;
 - (f) approve of the location and equipment used by the person to distill alcohol for experimental testing purposes or use as a fuel; and
 - (g) consider any other factor the commission considers necessary.

Enacted by Chapter 276, 2010 General Session