

32B-3-305 Commission to prohibit nuisance activity by licensee -- License not renewed.

- (1) In accordance with Section 32B-1-104, the commission shall require a retail licensee as a condition of being licensed under this title to operate in a manner so as not to endanger the public health, peace, safety, welfare, or morals of the community.
- (2)
 - (a) In accordance with Title 63G, Chapter 4, Administrative Procedures Act, and Sections 32B-3-306 and 32B-3-307, the commission may deny the renewal of a retail license if:
 - (i) a formal objection to the renewal is filed; and
 - (ii) the commission determines that the retail licensee has engaged in a nuisance activity to such an extent that the nuisance activity has adversely impacted the public health, peace, safety, welfare, or morals of the neighboring community of the licensed premises.
 - (b) In making a determination under this Subsection (2), the commission may consider:
 - (i) the type of nuisance activity in which a retail licensee engages;
 - (ii) the frequency or pattern of the nuisance activity; and
 - (iii) the retail licensee's notice of and failure to abate or correct the nuisance activity.

Enacted by Chapter 276, 2010 General Session