

32B-5-203 Commission and department duties before issuing a retail license.

- (1)
 - (a) Before the commission may issue a retail license, the department shall conduct an investigation and may hold public hearings to gather information and make recommendations to the commission as to whether a retail license should be issued.
 - (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 issuing a retail license, the commission shall:
 - (a) determine that the person filed a complete application and is in compliance with:
 - (i) Section 32B-5-201; and
 - (ii) the specific licensing requirements specified in the relevant part under Chapter 6, Specific Retail License Act, for the type of retail license for which the person is applying;
 - (b) determine that the person is not disqualified under Section 32B-1-304;
 - (c) consider the locality within which the proposed licensed premises is located, including:
 - (i) physical characteristics such as:
 - (A) condition of the licensed premises;
 - (B) square footage; and
 - (C) parking availability; and
 - (ii) operational factors such as:
 - (A) tourist traffic;
 - (B) demographics;
 - (C) population to be served;
 - (D) proximity to and density of other state stores, package agencies, and retail licensees; and
 - (E) the extent of and proximity to any community location;
 - (d) consider the person's ability to manage and operate a retail license of the type for which the person is applying, including:
 - (i) management experience;
 - (ii) past retail alcoholic product experience; and
 - (iii) the type of management scheme to be used by the retail licensee;
 - (e) consider the nature or type of retail licensee operation of the proposed retail licensee, including:
 - (i) the type of menu items that will be offered and emphasized;
 - (ii) whether the retail licensee will emphasize service to an adult clientele or to minors;
 - (iii) the proposed hours of operation;
 - (iv) the seating capacity of the premises; and
 - (v) the estimated gross sales of food items; and
 - (f) consider any other factor the commission considers necessary.

Enacted by Chapter 276, 2010 General Session