

32B-6-202 Definitions.

As used in this part:

- (1)
 - (a) "Grandfathered bar structure" means a bar structure in a licensed premises of a full-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 full-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 full-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 full-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 full-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.

Amended by Chapter 334, 2011 General Session