

## **Resort License Summary**

*Note: This is general information only and should not be considered conclusive. For further detail, please consult Title 32B of the Utah Code (<http://le.utah.gov/UtahCode/chapter.jsp?code=32B>) or the Rules of the Commission (<http://www.rules.utah.gov/publicat/code/r081/r081.htm>)*

Resort Licenses are issued for the storage, sale, service, and consumption of alcoholic beverages on the premises of a resort building that has at least 150 dwelling or lodging accommodations (50% of which must be owned by a person other than the resort licensee) and the building must be at least 400,000 square feet. The resort building must be affiliated with a ski area that abuts the resort building premises. Licenses run from November 1 to October 31, and only four (4) of these resort licenses are available statewide.

In addition to applying for a general resort license, the resort licensee also must apply for a series of at least four sublicenses which are included in the resort license fee. These include full-service restaurant, limited service restaurant, beer only restaurant, on-premise banquet facility, club, on-premise beer retailer, and resort spa sublicenses - each of which must be located within the boundaries of the resort building.

A resort spa is a spa within the resort building and as defined by commission rule. Patrons of a resort spa must be a resident of the resort, a public customer who holds a valid customer card, or an invitee who is previously authorized by a resident or holder of a customer card who agrees to host the invitee. Customer cards are good for up to three weeks. The card holder may host up to seven invitees at a time.

A resort spa sublicensee must maintain detailed records which must be audited annually by the DABC. Food must be available at all times when alcoholic beverages are served. Alcoholic beverages may only be consumed at a table or counter. Alcoholic beverages may not be served to or consumed by a person at a bar. Sales hours are 10 a.m. to 1 a.m. with one additional hour for consumption. A minor may not be on the premises of the resort spa unless accompanied by an adult, or be in a lounge or bar area of the premises.

A minor may not be employed to sell, dispense, or handle alcoholic beverages or work in a lounge or bar area, but a minor who is at least 16 years of age may enter the sale at a cash register.

The overall resort licensee must ensure that each sublicense, package agency, or permit holder operates in accordance with the operational restrictions for that type of outlet. The sale and service of alcohol is done under the supervision and direction of the resort licensee.

In the event of a violation at a sublicensed location, action may be taken against the person operating the sublicense and the person's employees or agents. Action may also be taken against the resort licensee or individual member of the licensee's management personnel if, during a three year period there are three or more disciplinary proceedings against any person operating under a sublicense, and the resort licensee has not taken reasonable steps to prevent violations.

With respect to the overall resort licensee, 70% of the annual aggregate of the gross receipts must be from the sale of food. However, the resort licensee is not required to include in the calculation monies from the sale of a bottle of wine in excess of \$250.

Room service of alcoholic beverages to adult occupants of lodging accommodations is allowed through a Type 4 package agency or an on-premise banquet sublicense, however a Type 4 package agency at a resort licensee may operate 24 hours per day, seven days a week (including Sundays and holidays). The beverages may be delivered in sealed containers or by the drink in person to the adult occupant, and may not be left outside the room for retrieval by an occupant.

The initial resort license fee is \$10,000 if four sublicenses are applied for and \$2,000 for each additional sublicense. A compliance bond of \$25,000 is also required. A renewal fee of \$1,000 for each sublicense is required. If a resort licensee seeks to add a sublicense after its resort license is issued, it must apply for the issuance of the sublicense. The application includes an application fee of \$300 and a license fee of \$2,250 (refundable is not issued) for each additional sublicense.