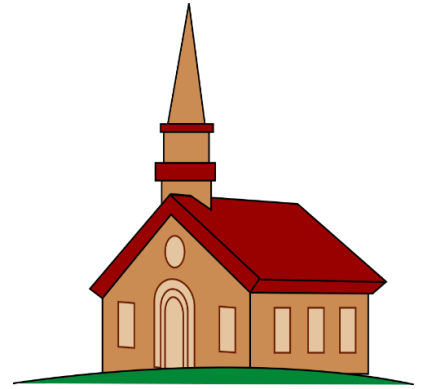


PROXIMITY LAWS

(32B-1-202) Proximity to a community location.

For many years, Utah has had laws that prohibited businesses that serve alcohol from being located too close to a "Community location". A community location is defined as:

- (a) a public or private school
- (b) a church
- (c) a public library
- (d) a public playground
- (e) a public park

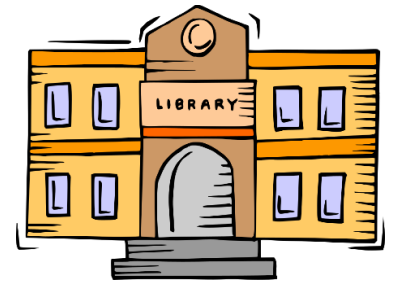


There are also two types of proximity requirements depending on which type of license is in proximity. A bar, for instance, has to be further away than a restaurant.

1. The Commission cannot issue a license to any of the following license types:

Banquet Catering
Bar
Beer Recreational
Hotel

Package Agency
Reception Center
Resort
State Store



IF:

The business location is within **600 feet** (ordinary pedestrian travel) or within **200 feet** of the community location (when measured in a straight line). Measurements must be made from the nearest patron entrance of the business to the nearest property boundary of the community location.

2. The same requirements apply to:

Airport Lounge
Full Restaurant

Limited Restaurant
Beer Only Restaurant



EXCEPT, the business location must be only within **300 feet** of ordinary pedestrian travel.

3. There is a proximity exception for hotel licensees and their package agencies. The commission may issue a license to a hotel despite the usual proximity requirements if:

- The hotel is located in a large city, which must have a population of at least 100,000 or more.
- The straight-line required measurement as the crow flies must still be at least 200 feet.
- The hotel has TWO community locations within proximity of 600 feet . . .

Then the measurement of 300 feet, instead of 600 feet will be used.

Additionally, if the hotel licensee has a bar sublicense and the bar is:

- On the 2nd floor of the hotel or higher
- is not accessible at street level
- Is only accessible to an individual who passes through another area of the hotel to get to the bar, it may also still be licensed with no measurements.

All other criteria for a hotel license must be met for any of these exceptions to be made.

