

**2014 UPDATED
YOLO COUNTY CODE**

Title 8 LAND DEVELOPMENT

**CHAPTER 6: ALCOHOLIC BEVERAGE
CONTROL ORDINANCE**

Sec. 8-6.101 Purpose

The purpose of this Section is to establish permit requirement and development standards for the sale of alcoholic beverages in the unincorporated area of Yolo County.

Sec. 8-6.102 Definitions

Bar

A business in which alcoholic beverages are sold for on-site consumption and that is not part of a larger restaurant. A bar includes taverns, pubs, cocktail lounges, microbreweries, and similar establishments where any food service is subordinate to the sale of alcoholic beverages. Bars may include entertainment on a stage, such as a live bands, comedians, etc.

Off-Sale

An off-sale license allows for the sale of beer, wine, and spirits (hard alcohol) for consumption off the premises where sold.

On-Sale

An on-sale license allows for the sale of beer, wine, and spirits (hard alcohol) for consumption on the premises where sold.

Sec. 8-6.103 Application requirements

The establishment of a use that includes the sale of alcoholic beverages shall submit an application for a Use Permit as follows, unless the use is specifically exempt from this application requirement as described in Sec. 8-6.104, below:

- (a) Any person whose application for an on-sale or off-sale alcohol license is required by the State of California Department of Alcoholic Beverage Control (“ABC”) to be subject to a determination of public convenience or necessity (“PCN”) by the County of Yolo, may apply to the County for a determination that the public convenience and/or necessity would be served by the granting of such license. Such application shall be made on forms approved by the Planning, Public Works and Environmental Services Director or designee (“the Director”), shall contain such information as required by the Director, and shall be filed with the appropriate adopted fee to the Planning, Public Works and Environmental Services Department (“the Department”) for review.
- (b) In addition to (a), above, regardless of whether a PCN determination is necessary, any premise or commercial business that desires to sell alcohol or alcoholic beverages on a

- (c) permanent basis within Yolo County shall have an approved Business License and Use Permit, as may be appropriate, together with all other required local, State, and federal approvals and permits required for the operation of such business, unless exempted under Sec. 8-6.104, below.
- (d) An application for a transfer of an existing on-sale or off-sale alcohol license within Yolo County is not subject to a PCN determination pursuant to this ordinance.

Sec. 8-6.104 Exemptions

To facilitate, encourage, and incentivize economic development, agri-tourism, local agricultural beer and wine production, and support family farming, the following types of premises that obtain and comply with the ABC license types described below are exempt from County regulation of alcoholic beverage sales under this Chapter:

- (a) All existing uses, buildings or structures currently in operation selling alcohol or alcoholic beverages prior to the adoption of this original ordinance.
- (b) Wine, beer, and distilled spirits activities allowed and permitted, excluding retail sales that are not incidental to tasting or processing, within the Agricultural Intensive (A-N), Agricultural Extensive (A-X), Agricultural Industrial (A-I), and Agricultural Commercial (A-C) zone districts, within the Agricultural District (AD-O) overlay zone districts, and within all of the commercial and industrial zones, pursuant to Articles 3, 4, 5, and 6 of Chapter 2 of this Title.
- (c) Local grape growers and manufacturers of wine, beer, or brandy: Premises of a local grape grower and/or manufacturer where beer, wine, or brandy are sold to any person in compliance with an existing ABC license for the sale of beer, wine or brandy to the general public for consumption on or off the licensed premises. By way of example only, and without limitation, the local grower and/or manufacturer may sell beer, wine, and brandy produced on the licensed premises or contiguous properties, regardless of the origin of the source materials, to the general public for consumption. As a further example, the local grower and/or manufacturer may conduct beer, wine, or brandy tastings in compliance with applicable provisions of California law, including Business and Professional Code Sections 23356.1 and 23357.3. Minors are allowed on the premises (License Types 01, 02, and 23). Other types of alcoholic beverage sales and service not specifically described herein are subject to the requirements of this Chapter.
- (d) Eating and Seasonal Places: Premises such as restaurants or other eating places where beer, wine, and distilled spirits are sold for consumption on the licensed premises, as well as similar premises where beer and wine are sold for consumption off the licensed premises. To qualify for this exemption, food service is required in a lawful eating place during normal mealtimes, and minors are allowed on the premises. Normal mealtimes are 6:00 a.m. - 9:00 a.m., 11:00 a.m. - 2:00 p.m., and 6:00 p.m. - 9:00 p.m. Premises that are not open five days a week must serve meals on the days they are open (License Types 47, and 49). Other types of alcoholic beverage sales and service not specifically described herein are subject to the requirements of this Chapter.
- (e) Social Clubs: Premises where beer, wine and distilled spirits are sold solely to members and guests, and solely for consumption on the premises. Food service is not required, and minors are allowed on the premises (License Type 51). Off-sale privileges and

other types of alcoholic beverage sales and service not specifically described herein are subject to the requirements of this Article.

- (f) Hotel/Motel Establishments: Premises where beer, wine and distilled spirits are sold or otherwise furnished for consumption on the premises to the establishment's overnight transient occupancy guests or their invitees. Such premises will typically hold a license issued to "suite-type" hotels and motels, which exercise the license privileges for guests' "complimentary" happy hour. Minors are allowed on the premises (License Type 70). Off-sale privileges and other types of alcoholic beverage sales and service not specifically described herein are subject to the requirements of this Chapter.
- (g) Bed and Breakfast Inn (Winery and Vineyards): Premises such as bed and breakfast inns where wine is sold to registered guests of the establishment for consumption on the premises. To qualify for this exemption, no beer or distilled spirits may be sold or otherwise furnished on the premises. Wine shall not be given away to guests, but the price of the wine may be included in the price of the accommodation. Removal of wine from the grounds is not permitted, and minors are allowed on the premises (License Type 67). Off-sale privileges and other types of alcoholic beverage sales and service not specifically described herein are subject to the requirements of this Chapter.
- (h) Bed and Breakfast Inn (General): Premises such as bed and breakfast inns that are not associated with a winery or vineyard where beer, wine and distilled spirits may be purchased by registered guests of the establishment for consumption on the premises. Alcoholic beverages shall not be given away to guests, but the price of the alcoholic beverage may be included in the price of the accommodation. Removal of alcoholic beverages from the grounds is not permitted. Minors are allowed on the premises (License Type 80). Off-sale privileges and other types of alcoholic beverage sales and service not specifically described herein are subject to the requirements of this Chapter.
- (i) Temporary festivals/events, defined as lasting no more than three consecutive days, where alcoholic beverages will be served are exempt from County regulation of alcoholic beverage sales under this Chapter. However, under California law, any temporary festival/event that sells alcoholic beverages is required to apply for a temporary permit (221 Form) through the ABC office prior to the event. In addition, if there are more than 1,000 persons in attendance, the County requires an application and fee pursuant to Title 5, Chapter 12 for permitting of an "Outdoor Festival."

Sec. 8-6.105 Review of Application

Upon receipt of an application for the sale of alcohol, regardless of whether the application is for a Use Permit, PCN determination, or both, the Director shall refer such application to the Economic Development Division, the Sheriff's Department, Environmental Health Division, Building Division, Fire District, School District, and citizens advisory committee for review and comment. If no response is received by the Planning, Public Works and Environmental Services Department from any reviewing agency or interested party within ten (10) working days from the date the application is forwarded, it shall be presumed that the agency or party has no objection.

If any of the following determinations are made during the review of the application for a PCN determination, the Department shall recommend denial of the application to the deciding body unless the applicant can demonstrate that clearly overriding considerations and/or substantial

community benefits resulting from the proposed application outweigh the negative determination(s):

- (a) The subject premises for the ABC license does not have a Use Permit, or the applicant has not concurrently applied for a Use Permit, to allow for the sale of alcohol or alcoholic beverages, unless otherwise exempt under Section 8-6.104, above.
- (b) There is a pending code enforcement action regarding the subject premises for the ABC license that has not been properly abated to the satisfaction of the appropriate agency.
- (c) The subject premises for the ABC license does not have a valid business license or the business license is not currently in good standing.
- (d) Substantial protests have been lodged with the State ABC in relation to the applicant's request for the license.
- (e) There is a history of law enforcement actions or known criminal activity at the subject premises or in the area surrounding the subject premises, as documented by the Sheriff's Department.
- (f) The subject premises do not have the appropriate General Plan land use designation or zoning and/or have not received all required entitlements to permit the sale of alcoholic beverages described in the application.
- (g) The proposed application would result in negative economic impacts, as determined by the Economic Development Division.

Sec. 8-6.106 Hearing required

- (a) Proceedings regarding all Use Permit applications for the sale of alcohol or alcoholic beverages, including public hearings, shall be scheduled before the Zoning Administrator or the Planning Commission. The Zoning Administrator or the Planning Commission may approve, conditionally approve, or disapprove a Use Permit application for the sale of alcohol or alcoholic beverages. The Planning Commission shall act on Major Use Permit applications. The Zoning Administrator shall have the discretion to act on Minor Use Permit applications or, at his or her sole discretion, may refer the application to the Planning Commission. Notices of a public hearing shall be given as required by the Yolo County Code.
- (b) A noticed public hearing shall also be held in connection with PCN determinations by the Zoning Administrator or the Planning Commission, whichever is authorized to hear Use Permit applications for the sale of alcohol in the zone where the applicant's premises are located. Any such hearing shall be noticed in accordance with the requirements of California Government Code Section 6061. During a PCN determination hearing, the applicant shall be required to demonstrate, by substantial evidence, that the public convenience will be served by the issuance of a license. The applicant shall also be required to demonstrate, by substantial evidence, that the proposed sale of alcohol or alcoholic beverages shall be accomplished in a manner to eliminate or avoid any adverse issues identified through the review process required by Section 8-6.105, above.

- (c) The public hearing may be continued from time to time. At the conclusion of the hearing, the deciding body shall determine whether the public convenience or necessity will be served by the issuance of a license for the applicant premises. Written notification signed by the Director of Planning, Public Works and Environmental Services, mailed to the ABC and the applicant, shall serve as the determination of public convenience or necessity by the local agency.
- (d) The Zoning Administrator or the Planning Commission may determine that the public convenience or necessity will be met only if certain conditions are imposed upon the applicant through a conditional use permit as part of the application process in conjunction with the license to sell alcoholic beverages issued by ABC. Such conditions shall be included in the Zoning Administrator's or the Planning Commission's decision and communicated to the ABC within 90 days from the date of initial notification by the applicant to the County regarding the application for a license to sell alcohol within the county.

The conditions may address any issue relating to the privileges to be exercised under the Use Permit. Specific conditions of operation may include, but are not limited to, the following: restrictions on the applicant's qualifications; the age of patron(s) allowed on the premises; hours of operation; maximum occupancy; limitations on live music and dancing; evacuation planning; security measures; persons loitering on the premises; parking lot patrols; externally visible advertising signs; and employee training for responsible beverage sales.

If conditions are imposed, any finding of public convenience or necessity shall clearly state that it is contingent upon the imposition of such conditions through the Use Permit in conjunction with the license issued by the ABC. In addition to the Use Permit, the County may request that conditions be imposed on the ABC license through a Letter of Protest and must be filed as follows:

- (1) A Letter of Protest must be filed within 30 days from the "Copies Mailed Date" that appears on the Application for Alcoholic Beverages License(s) that is filed with ABC; or within 30 days of the placement of the required posted notification on the subject premises that indicates that an ABC license is pending; or within 30 days from the date the applicant provide written notification to the surrounding properties within a 500-foot radius of the subject premises, whichever is later.
 - (2) The local agency may request a 20 day extension to the Letter of Protest notification period.
- (e) The decisions of the Zoning Administrator are appealable to the Planning Commission, and then to the Board of Supervisors, and decisions of the Planning Commission are appealable to the Board of Supervisors, in compliance with Section 8-2.225 of Chapter 2 of this title.

Sec. 8-6.107 Enforcement

The enforcement of complaints regarding infractions or violations of the Business License or Use Permit may result in fines, permit suspension, or revocation of the Business License or Use Permit, pursuant to Title 1 of the County Code and other provisions of State and local law.