

ORDINANCE 2011-26

SHORT TITLE:

AN ORDINANCE AMENDING CHAPTER 6.14 OF THE PROVO CITY CODE PERTAINING TO BEER LICENSE REGULATIONS, TO PERMIT THE SALE OF BEER FOR OFF-PREMISES CONSUMPTION ON SUNDAYS .

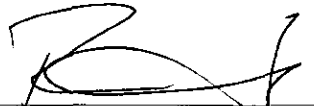
I

PASSAGE BY MUNICIPAL COUNCIL

ROLL CALL

DISTRICT	NAME	MOTION	SECOND	FOR	AGAINST	OTHER	
CW 1	LAURA H. CABANILLA			✓			
CW 2	VACANT						
CD 1	CYNTHIA R. DAYTON				✓		
CD 2	RICHARD D. HEALEY	✓		✓			
CD 3	MIDGE JOHNSON			✓			
CD 4	SHERRIE HALL EVERETT			✓			
CD 5	STERLING BECK		✓	✓			
				TOTALS	5	1	0

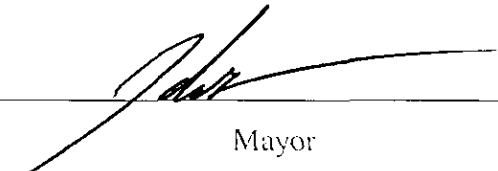
This ordinance was passed by the Municipal Council of Provo City, on the 4th day of October, 2011 on a roll call vote as described above. Signed this 4th day of October, 2011.



 Chair

II
APPROVAL BY MAYOR

This ordinance is approved by me this 4th day of October 2011.



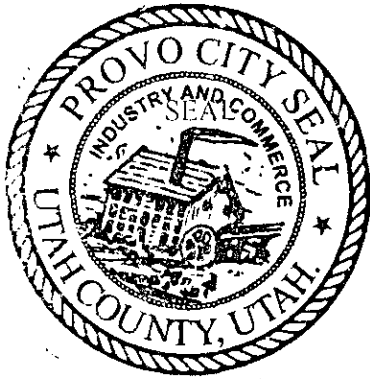
 Mayor

ORDINANCE 2011-26

III

CITY RECORDER'S CERTIFICATE AND ATTEST

This ordinance was recorded in the office of the Provo City Recorder on the 5th day of October 2011, with a short summary being published on the 8th day of October 2011, in The Daily Herald, a newspaper circulated in Provo, Utah. I hereby certify and attest that the foregoing constitutes a true and accurate record of proceedings with respect to Ordinance Number 2011-26.



Signed this 5th day of October 2011.

Janeen Weiss
City Recorder

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ORDINANCE 2011-26.

AN ORDINANCE AMENDING CHAPTER 6.14 OF THE PROVO CITY CODE PERTAINING TO BEER LICENSE REGULATIONS, TO PERMIT THE SALE OF BEER FOR OFF-PREMISES CONSUMPTION ON SUNDAYS.

WHEREAS, the hours of the sale of beer for off-premises consumption is not restricted under Utah State Code; and

WHEREAS, Provo City Code prohibits the sale of beer for off-premises consumption on Sunday; and

WHEREAS, various neighboring cities do not prohibit the sale of beer on Sunday and individuals in the community have expressed interest that the Municipal Council repeal the ban on Sunday beer sales; and

WHEREAS, on September 6, 2011, September 20, 2011, and October 4, 2011, the Municipal Council held duly noticed public meetings to ascertain the facts regarding this matter, which facts are found in the meeting records; and

WHEREAS, after considering the facts presented to the Municipal Council, the Council finds (i) Chapter 6.14 of the Provo City Code should be amended as set forth below; and (ii) such action reasonably furthers the health, safety and general welfare of the citizens of Provo City.

NOW, THEREFORE, be it ordained by the Municipal Council of Provo City, Utah as follows:

PART I:

Chapter 6.14 of the Provo City Code is hereby amended as follows:

Section 6.14.140 Regulations.

...

(8) No manager or employee shall, in the licensed premises, violate any provision of this Chapter, commit any criminal act, or knowingly (objective standard) cause a person to, or permit another to, commit a criminal act.

(9) Any violation by any person, within a licensed premises, of Chapter 9.11, Provo City Code ("Lewdness, Profanity, Nudity, Obscenity and Pornography") and Chapter 9.12, Provo City Code ("Unlawful Sex Acts") is prohibited.

(10) Days and Hours of Sale:

(a) No Class "A" license holder or any employee or agent of a Class "A" license holder shall sell or offer for sale beer between the hours of 1 a.m. and 7 a.m. of the same day, ~~Monday through Saturday, and between the hours of 1 a.m. Sunday through 7 a.m. of the following Monday.~~

47 (b) No Class "B", Class "C", or Class "D" license holder or any
48 employee or agent of a Class "B", Class "C", or Class "D" license holder shall
49 sell or offer for sale beer between the hours of 1 a.m. and 10 a.m. of the same day.

50 Notwithstanding the foregoing, a tavern licensed under this Chapter shall remain
51 open for one (1) hour after the tavern ceases the sale and service of alcoholic
52 beverages during which time a patron of the tavern may finish consuming a single
53 serving of beer not exceeding
54 twenty-fivesix (256) ounces.

55 ~~(b) On those occasions where New Year's Day falls on a Monday, it shall~~
56 ~~be lawful to sell beer and to consume beer on the premises between the hours of 9~~
57 ~~p.m. Sunday and 2 a.m. of the following Monday.~~

58 ~~(c) A person possessing a Provo City Class "B" or Class "C" beer license~~
59 ~~(and no other Provo City beer license), who also possesses a Utah State liquor~~
60 ~~license permitting the licensee to sell liquor to patrons of the licensee for~~
61 ~~consumption on the premises of the licensee on Sunday may, at the same place~~
62 ~~and time, sell beer on Sunday to patrons of the licensee for consumption on the~~
63 ~~premises of the licensee.~~

64 ...

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66 PART II:

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68 A. If a provision of this Ordinance 2011- 26 conflicts with a provision of a previously
69 adopted ordinance concerning the same title, chapter, and/or section number amended herein, the
70 provision in this Ordinance shall prevail.

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72 B. This ordinance and its various sections, clauses and paragraphs are hereby declared to
73 be severable. If any part, sentence, clause or phrase is adjudged to be unconstitutional or invalid,
74 the remainder of the ordinance shall not be affected thereby.

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76 C. The Municipal Council hereby directs that the official copy of the Provo City Code be
77 updated to reflect the provisions enacted by this ordinance.

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79 D. This ordinance shall take effect immediately after being posted or published as
80 required by law.

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82 END OF ORDINANCE.

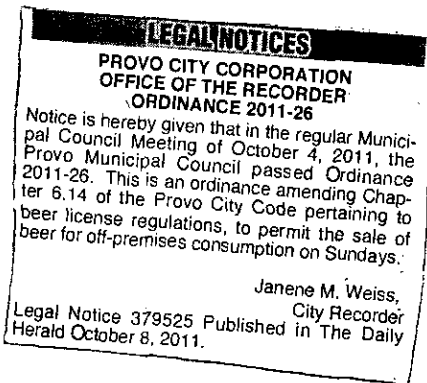
PROOF OF PUBLICATION

from

The Daily Herald

STATE OF UTAH } SS.
Utah County }

I, Lisa Llewelyn, being first duly sworn depose and say that I am the Legal Billing Clerk of the Daily Herald, a newspaper of general circulation, published seven times each week at Provo, Utah, County of Utah; that the notice attached hereto, 379525 - ORDINANCE 2011-26, and which is a copy, was published in said newspaper, the first publication having been made on the 8th day of October, 2011, and the last on the 8th day of October, 2011; that said notice was published in the regular and entire issue of every number of the paper during the period and times of publication, and the same was published in the newspaper proper and not in the supplement.



Same was also published online at utahlegals.com, according to Section 45-1-101, Utah Code Annotated beginning on the first date of publication and for 30 days thereafter.

Lisa Llewelyn

Subscribed and sworn before me this 10th day of October, 2011.

Debbie L Chandler

Notary Public

Residence: Spanish Fork, UT

My commission expires 06/05/2013

