1 **ORDINANCE 2012-11.** 2 3 AN ORDINANCE ENACTING SECTION 6.14.105 (LOCAL CONSENT FOR 4 APPLICATIONS TO THE UTAH DEPARTMENT OF ALCOHOLIC 5 BEVERAGE CONTROL) OF THE PROVO CITY CODE. (12-065) 6 7 WHEREAS, in addition to any local permit requirements, persons or entities desiring to 8 sell alcoholic beverages in the state of Utah must apply for a license or permit from the 9 Alcoholic Beverage Control Commission of the Utah Department of Alcoholic Beverage Control 10 (Utah DABC); and 11 12 WHEREAS, as part of the application, such applicants must provide to the Utah DABC 13 written consent from the local authority, which is defined under Utah Code 32B-1-102(61) as the 14 "governing body of the city"; and 15 WHEREAS, Provo City employees, under the direction of the Mayor, already have 16 processes and procedures in place for reviewing applications for City beer licenses under 17 18 Chapter 6.14 of the Provo City Code; and 19 20 WHEREAS, these processes and procedures are appropriate to apply to requests for 21 written consent of the local authority by applicants to the Utah DABC; and 22 23 WHEREAS, requiring such requests to be processed by Municipal Council staff and then 24 considered by the Municipal Council would result in delays for applicants and would duplicate 25 work already done by other City employees; and 26 27 WHEREAS, the Municipal Council has received a recommendation to grant authority to 28 the Mayor and/or the Mayor's designee to grant or deny local consent for applicants to the Utah 29 DABC; and 30 WHEREAS, on May 1, 2012 and May 15, 2012, the Municipal Council held duly noticed 31 32 public meetings to ascertain the facts regarding this matter, which facts are found in the meeting 33 records; and 34 35 WHEREAS, after considering the facts presented to the Municipal Council, the Council finds (i) Section 6.14.105 of the Provo City Code should be enacted as set forth below, and (ii) 36 37 such action reasonably furthers the health, safety, and general welfare of the citizens of Provo 38 City. 39 40 NOW THEREFORE, be it ordained by the Municipal Council of Provo City, Utah as 41 follows: 42 43 PART I: 44 45 Section 6.14.105 of the Provo City Code is hereby enacted as follows: 46 47

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6.14.105 Local Consent for Applications to the Utah Department of Alcoholic Beverage Control.

When an applicant for a license or permit from the Alcoholic Beverage Control Commission of the Utah Department of Alcoholic Beverage Control requests written consent of the local authority, the Mayor and/or the Mayor's designee shall have authority to grant or deny such consent. Nothing in this section gives the Mayor or the Mayor's designee authority to grant a permit or license from Provo City to sell any alcoholic beverage except as otherwise provided in this Chapter 6.14.

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## PART II:

A. If a provision of this Ordinance 2012-11 conflicts with a provision of a previously adopted ordinance concerning the same title, chapter, and/or section number amended herein, the provision in this ordinance shall prevail.

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

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

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

## END OF ORDINANCE.