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ORDINANCE 2013-22.

AN ORDINANCE AMENDING SECTION 14.35.020(3) USES ALLOWED, TEMPORARY USES, PROVO CITY CODE, TO EXTEND THE OPERATING PERIOD RELATIVE TO SHAVED ICE STANDS FROM MAY 1 TO OCTOBER 31 ANNUALLY TO APRIL 1 TO OCTOBER 31. (13-0002OA)

WHEREAS, Municipal Council members have received requests to extend the annual operating timeframe relative to shaved ice-stands from May 1 through October 31 to April 1 through October 31; and

WHEREAS, an increase in the operating timeframe for shaved-ice stands may allow business owners to increase sales prior to the end of local universities' winter semester; and

WHEREAS, on May 8, 2013 the Planning Commission held a duly noticed meeting to ascertain the facts of the matter and provided a recommendation to the Municipal Council to amend the ordinance as proposed; and

WHEREAS, on June 18, 2013 the Municipal Council held duly noticed public meetings to ascertain the facts regarding this matter, which facts are found in the meeting record; and

WHEREAS, after considering the facts presented to the Municipal Council, the Council finds that (i) Section 14.35.020(3) of the Provo City Code should be temporarily 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, Utah, as follows:

PART I:

An ordinance is hereby enacted amending Section 14.35.020(3) Uses Allowed, Temporary Uses to the Provo City Code as follows:

14.35.020. Uses Allowed

...

3) A temporary use shall be allowed for maximum thirty (30) day duration per calendar year, except for shaved ice stands which may be permitted from April 1 to October 31 and farmers' markets which shall be permitted from May 1 to October 31.

....

PART II:

A. If a provision of this Ordinance 2013-22 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.

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

END OF ORDINANCE.