

Ordinance 2015-41

SHORT TITLE:

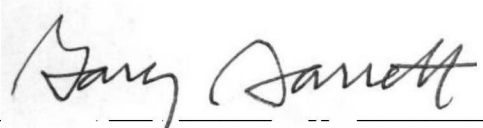
An ordinance amending Provo City Code Sections 6.32.030 (Mobile Food Business General Requirements) and 9.15.150 (Regulation of Street Sales) to create a public atmosphere conducive to the cautious, efficient, and easy flow of both pedestrian and vehicular traffic on sidewalks, in parking areas, on streets, and in the public right of way.

PASSAGE BY MUNICIPAL COUNCIL

ROLL CALL

DISTRICT	NAME	MOTION	SECOND	FOR	AGAINST	OTHER	
CW 1	DAVID SEWELL	✓		✓			
CW 2	GARY GARRETT			✓			
CD 1	GARY WINTERTON			✓			
CD 2	KIM SANTIAGO			✓			
CD 3	HAL MILLER			✓			
CD 4	KAY VAN BUREN			✓			
CD 5	CALLI HALES		✓	✓			
				TOTALS	7	0	0

This ordinance was passed by the Municipal Council of Provo City, on the 1st day of December, 2015 on a roll call vote as described above. Signed this _____ December 17, 2015

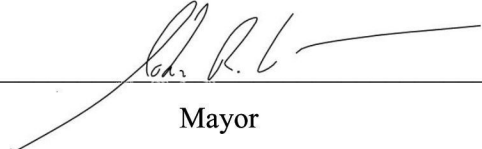


Chair

II

APPROVAL BY MAYOR

This ordinance is approved by me this _____ December 28, 2015



Mayor

ORDINANCE 2015-41

III

CITY RECORDER'S CERTIFICATE AND ATTEST

This ordinance was recorded in the office of the Provo City Recorder on the 28th day of December, 2015, with a short summary being published on the 19th day of December, 2015, 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 2015-41.



Signed this 28th day of December, 2015.

Janene Steen
City Recorder

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ORDINANCE 2015-41.

AN ORDINANCE AMENDING PROVO CITY CODE SECTIONS 6.32.030 (MOBILE FOOD BUSINESS GENERAL REQUIREMENTS) AND 9.15.150 (REGULATION OF STREET SALES) TO CREATE A PUBLIC ATMOSPHERE CONDUCIVE TO THE CAUTIOUS, EFFICIENT, AND EASY FLOW OF BOTH PEDESTRIAN AND VEHICULAR TRAFFIC ON SIDEWALKS, IN PARKING AREAS, ON STREETS AND IN THE PUBLIC RIGHT OF WAY. (15-154)

WHEREAS, it is proposed that an amendment be made to Provo City Code Sections 6.32.030 and 9.15.150 to create a public atmosphere conducive to the cautious, efficient, and easy flow of both pedestrian and vehicular traffic on sidewalks, in parking areas, on streets and in the public right of way; and

WHEREAS, mobile vendors of food, goods or services use portions of the sidewalk, parking areas, street, or the public right of way; and

WHEREAS, mobile vendors on sidewalks, in parking areas, on the street, or the public right of way unavoidably disrupt the free flow of foot or vehicular traffic when high volume use creates congestion; and

WHEREAS, disruption of the orderly flow of traffic; delay; vehicle idling and air pollution; and motorist frustration, annoyance, and hostility result from impaired traffic flow; and

WHEREAS, congestion in or on sidewalks, parking areas, streets, and the public right of way contributes to accidents, property damage, and injury; and

WHEREAS, on December 1, 2015, the Municipal Council held a duly noticed public meeting to ascertain the facts regarding this matter, which facts are found in the meeting record; and

WHEREAS, after considering the facts and comments presented to the Municipal Council, the Council finds (i) Provo City Code Sections 6.32.030 and 9.15.150 should be amended and (ii) this action, as set forth below, reasonably furthers the health, safety and general welfare of the citizens of Provo City.

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

32 PART I:

33 Provo City Code Section 6.32.030 is hereby amended as follows:

34 **6.32.030. Mobile Food Business General Requirements.**
35

35 ...

36 (6) Notwithstanding Subsection (1)-(5) of this Section 6.32.030, mobile food businesses may not
37 operate in the public right of way during large public gatherings along designated high traffic
38 volume corridors which have been previously outlined in a Special Events Permit issued by
39 Provo City, provided that public safety personnel on the City Special Events Review Committee
40 have made a specific finding that the anticipated weather and/or traffic conditions require such
41 limitations in order to preserve public safety and reduce gridlock.

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43 PART II:

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45 Provo City Code Section 9.15.150 is hereby amended as follows:

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47 **9.15.150. Regulation of Street Sales.**

48 (1) It shall be unlawful for any person, firm or corporation or employee thereof to use the City
49 streets, ~~or~~ sidewalks, or public right of way for the purpose of displaying for sale or for selling of
50 any goods ~~or~~ service or to obstruct traffic, either pedestrian or vehicular or to preempt or occupy
51 parking places or any portion of the public thoroughfare in selling or attempting to sell goods or
52 services, without first obtaining a written permit from the ~~Chief of Police~~ City. A mobile food
53 business license issued under Chapter 6.20 shall constitute a written permit under this Section for
54 a mobile food business operating in compliance with that Chapter.

55 (2) This Section shall not be interpreted to prevent the owner of an automobile ~~desiring the same~~
56 to display a for sale sign in the owner's personal automobile, ~~nor shall it prohibit the sale of~~
57 ~~goods and services on holiday or special occasions declared by Provo City or generally~~
58 ~~recognized as a holiday in the community when such activities are carried on in such a way as to~~
59 ~~not interfere with vehicular traffic.~~

60 PART III:

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62 A. If a provision of this ordinance conflicts with a provision of a previously adopted
63 ordinance, this ordinance shall prevail.

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

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

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72 D. This ordinance shall take effect immediately after it has been posted or published in
73 accordance with Utah Code 10-3-711, presented to the Mayor in accordance with Utah
74 Code 10-3b-204, and recorded in accordance with Utah Code 10-3-713.

75
76 END OF ORDINANCE.