Ordinance 2018-13

SHORT TITLE:

An ordinance amending Provo City Code Section 6.14.080 to bring code into compliance with Utah State Code. (18-041)

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PASSAGE BY MUNICIPAL COUNCIL

ROLL CALL

DISTRICT	NAME		FOR	AGAINST	OTHER
CW 1	DAVID SEWELL		√		
CW 2	GEORGE STEWART		√		
CD 1	GARY WINTERTON	Ī	√		
CD 2	GEORGE HANDLEY		√		
CD 3	DAVID KNECHT		√		
CD 4	KAY VAN BUREN		√		
CD 5	DAVID HARDING		√		
		TOTALS	7	0	

This ordinance was passed by the Munic	ipal Counc	cil of Provo City, on the	24th day of April 2018,
on a roll call vote as described above. Si	igned this	2nd day of May 2018	6
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		U	Chair

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APPROVAL BY MAYOR

This ordinance is approved by me this 3rd day of May 2018

Mayor Mayor

Ordinance 2018-13

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CITY RECORDER'S CERTIFICATE AND ATTEST

This ordinance was signed and recorded in the office of the Provo City Recorder on the

4th day of May 2018 , with a short summary being published on the 28th day of April

2018, 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 2018-13.



City Recorder

1	ORDINANCE 2018-13.
2 3 4	AN ORDINANCE AMENDING PROVO CITY CODE SECTION 6.14.080 TO BRING IT INTO COMPLIANCE WITH UTAH STATE CODE. (18-041)
5	
6	WHEREAS, it is proposed that Provo City Code Section 6.14.080 (Proximity
7	Restrictions for the Premises of Licensed Beer Retailers) be amended to bring the code into
8	compliance with Utah State Code; and
9	
10	WHEREAS, city staff recently found that this change is required to reflect changes made
11	in 2017 to Utah State Code regarding proximity restrictions for beer licenses; and
12 13	WHEREAS, on April 10, 2018 and April 24, 2010, the Municipal Council met to
14	ascertain the facts regarding this matter and receive public comment, which facts and comments
15	are found in the public record of the Council's consideration; and
16	with the promotion of the country of
17	WHEREAS, after considering the facts presented to the Municipal Council, the Council
18	finds (i) Provo City Code Section 6.14.080 should be amended as set forth below; and (ii) such
19	action reasonably furthers the health, safety and general welfare of the citizens of Provo City.
20	
21	NOW, THEREFORE, be it ordained by the Municipal Council of Provo City, Utah, as
22	follows:
23	DADEL I
24	PART I:
25 26	Provo City Code Section 6.14.080 Proximity Restrictions for the Premises of Licensed
20 27	Beer Retailers is hereby amended as follows:
28	Beef Retailers is hereby amended as follows.
29	6.14.080. Proximity Restrictions for the Premises of Licensed Beer Retailers.
30	0.14.000. I Toximity Restrictions for the Fremiscs of Electised Deer Retailers.
	(1) The considered for heavy statistical for an approximation of the statistical states.
31	(1) The premises of a beer retailer license for on premise consumption may not be established:
32	
33	(a) within six hundred (600) feet of a community location (public or private school, church,
34	public library, public playground, or public park) as measured from the nearest entrance of
35	a licensed establishment by following the shortest route of ordinary pedestrian travel to the
36	property boundary of the community location, or
37	
38	(b) within two hundred (200) feet of a community location, measured in a straight line

39	from the nearest entrance of the proposed establishment to the nearest property boundary of
40	the community location.
41	
42	(2) The premises of a beer retailer license for consumption off the premises may not be
43	established within two hundred (200) feet of a community location as measured in a straight line
44	from the nearest entrance of the proposed establishment to the nearest entrance of the community
45 46	location.
47 48 49	No beer license shall be issued to any licensee who fails to comply with the proximity requirements of Utah Code Section 32B-1-202, as amended.
50 51	PART II:
52 53 54	A. If a provision of this ordinance conflicts with a provision of a previously adopted ordinance, this ordinance shall prevail.
55 56 57 58	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.
59 60 61	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.
62 63 64 65	D. This ordinance shall take effect immediately after it has been posted or published in accordance with Utah Code 10-3-711, presented to the Mayor in accordance with Utah Code 10-3b-204, and recorded in accordance with Utah Code 10-3-713.
66	
67	END OF ORDINANCE.