

Ordinance 2018-14

SHORT TITLE:

An ordinance amending Provo City Code Section 9.19.090 (Possession and Consumption of Alcoholic Beverages) to include the prohibition of tobacco use within Parks and Recreation facilities. (18-035)

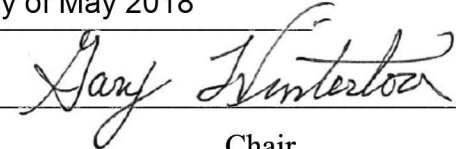
I

PASSAGE BY MUNICIPAL COUNCIL

ROLL CALL

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

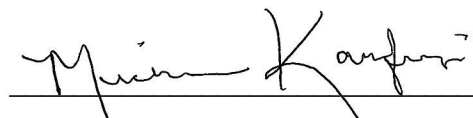
This ordinance was passed by the Municipal Council of Provo City, on the 24th day of April 2018, on a roll call vote as described above. Signed this 2nd day of May 2018


Chair

II

APPROVAL BY MAYOR

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


Mayor

Ordinance 2018-14

III

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 2018-14.



Amanda Grgunbrack
City Recorder

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ORDINANCE 2018-14.

AN ORDINANCE AMENDING PROVO CITY CODE CHAPTER 9.19.090
(POSSESSION AND CONSUMPTION OF ALCOHOLIC BEVERAGES) TO
INCLUDE THE PROHIBITION OF TOBACCO PRODUCT USE WITHIN
PARKS AND RECREATION FACILITIES (18-035)

WHEREAS, it has been proposed that Provo City prohibit the use of tobacco products, including variations such as e-cigarettes, within city parks, trails and other recreation facilities, and that Provo City expand the prohibition on possession or consumption of alcohol to include city trails and recreation facilities as well as parks; and

WHEREAS, Provo City Code Section 9.19.090 currently prohibits the possession or consumption of alcohol use in city parks; and

WHEREAS, on April 10, 2018 and April 24, 2010, the Municipal Council met to ascertain the facts regarding this matter and receive public comment, which facts and comments are found in the public record of the Council's consideration; and

WHEREAS, after considering the facts presented to the Municipal Council, the Council finds that (i) Provo City Code Section 9.19.090 should be amended as set forth below in order to prohibit the use of tobacco products within parks and recreation facilities, and (ii) such action 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:

Provo City Code Section 9.19.090 is hereby amended as follows:

9.19.090. ~~Possession or Consumption of Alcoholic Beverages~~ Alcohol and Tobacco.

(1) It shall be unlawful to possess or consume beer, liquor, or any other alcoholic beverage within a City park, trail, or recreation facility.

(2) It shall be unlawful to use tobacco products of any kind or electronic cigarettes, as defined in Utah Code Section 59-14-802, within a City park, trail or recreation facility.

(3) A violation of Subsection (1) shall be a class B misdemeanor; a violation of Subsection (2) shall be a class C misdemeanor.

PART II:

- 46 A. If a provision of this ordinance conflicts with a provision of a previously adopted
47 ordinance, this ordinance shall prevail.
48
- 49 B. This ordinance and its various sections, clauses and paragraphs are hereby declared to be
50 severable. If any part, sentence, clause or phrase is adjudged to be unconstitutional or
51 invalid, the remainder of the ordinance shall not be affected thereby.
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- 53 C. The Municipal Council hereby directs that the official copy of the Provo City Code be
54 updated to reflect the provisions enacted by this ordinance.
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- 56 D. This ordinance shall take effect immediately after it has been posted or published in
57 accordance with Utah Code 10-3-711, presented to the Mayor in accordance with Utah
58 Code 10-3b-204, and recorded in accordance with Utah Code 10-3-713.
59

60 END OF ORDINANCE.