Ordinance 2022-14

SHORT TITLE:

AN ORDINANCE AMENDING PROVO CITY CODE CHAPTERS 6.15.110 (CONDITIONS ON COMMERCIAL ENTERTAINMENT BUSINESSES) AND 9.14.120 (TREATMENT FOR ADDICTS - PROHIBITIONS) TO BRING THEM INTO ALIGNMENT WITH STATE LAW. (22-041)

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PASSAGE BY MUNICIPAL COUNCIL

ROLL CALL

DISTRICT	NAME		FOR	AGAINST	OTHER
CW 1	KATRICE MACKAY		✓		
CW 2	DAVID SHIPLEY		✓		
CD 1	BILL FILLMORE		✓		
CD 2	GEORGE HANDLEY	ζ	✓		
CD 3	SHANNON ELLSWORTH				✓
CD 4	TRAVIS HOBAN		✓		
CD 5	RACHEL WHIPPLE		✓		
,		TOTALS	6	0	1

This ordinance was passed by the Municipal Council of Provo City, on the 19th day of April 2022, on a roll call vote as described above. Signed this 27th day of April 2022

Chair

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APPROVAL BY MAYOR

This ordinance is approved by me this 28th day of April 2022

Mayor

Ordinance 2022-14

III

CITY RECORDER'S CERTIFICATE AND ATTEST

This ordinance was signed and recorded in the office of the Provo City Recorder on the <u>28th day of April, 2022</u> and was published on the Utah Public Notice Website on the 20th day of April 2022. I hereby certify and attest that the foregoing constitutes a true and accurate record of proceedings with respect to Ordinance Number 2022-14.



City Recorder

1	ORDINANCE 2022-14
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3	AN ORDINANCE AMENDING PROVO CITY CODE CHAPTERS 6.15.110
4	(CONDITIONS ON COMMERCIAL ENTERTAINMENT BUSINESSES) AND
5	9.14.120 (TREATMENT FOR ADDICTS - PROHIBITIONS) TO BRING
6	THEM INTO ALIGNMENT WITH STATE LAW. (22-041)
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8	WHEREAS, possession of firearms in the State of Utah is regulated by the Utah State
9	Code; and
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11	WHEREAS, during the 2022 legislative session, the Utah Legislature passed, and the
12	Governor signed into law, amendments to Titles 53, 76, and 78B of the Utah State Code, which
13	further restrict or prohibit the ability of local governments to regulate the possession, carrying, or
14	concealment of firearms; and
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16	WHEREAS, portions of the current Provo City Code apply restrictions to the possession,
17	carrying, or concealment of firearms that conflict with State law; and
18 19	WHEREAS, on April 19, 2022, the Municipal Council met to ascertain the facts
20	regarding this matter and receive public comment, which facts and comments are found in the
21	public record of the Council's consideration; and
22	public record of the council s consideration, and
23	WHEREAS, after considering the facts presented to the Municipal Council, the Council
24	finds that the Provo City Code should be amended as set forth below in order to comply with the
25	requirements of State law.
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27	NOW, THEREFORE, be it ordained by the Municipal Council of Provo City, Utah, as
28	follows:
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30	PART I:
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32	Provo City Code Section 6.15.110 is hereby amended as follows:
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34	6.15.110. Conditions on Commercial Entertainment Businesses.
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36	(1) The Chief of Police or the Chief's designee may impose on a commercial entertainment
37	business any of the conditions set forth in Subsection (2) of this Section when in the opinion of
38	the Chief of Police or the Chief's designee any of the following circumstances has occurred or
39	there is probable cause to believe it may occur:

- (a) an alert given to the police department that weapons may be brought to the commercial entertainment business, provided, however, this Subsection shall not be construed to deny any lawful rights to a person carrying a <u>firearm in accordance with Utah State Law</u>. valid Utah concealed weapons permit;
 - (b) the commercial entertainment business has a history of one (1) or more reported incidences involving weapons or violence;
 - (c) a credible threat of terrorist activity;
 - (d) violation of any law intended to prevent the illegal distribution of an illegal narcotic, illegal distribution of alcohol to a minor, or distribution of alcohol in a manner contrary to an applicable ABC license so long as such action does not conflict with any local, state, or federal law; or
 - (e) the commercial entertainment business has a history of one (1) or more violations of law regarding drugs, alcohol, or prostitution;

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5455 PART II:

Provo City Code Section 9.14.120 is hereby amended as follows:

9.14.120. Treatment for Addicts - Prohibitions.

- (1) In order to facilitate the treatment of alcoholics and persons who are addicted to unauthorized drugs and intoxicants, it is hereby declared to be unlawful for any person to do any of the following acts to adversely affect the treatment of any person who is undergoing treatment for alcoholism or for drug addiction to do any of the following acts:
 - (a) to take into any treatment facility or hospital or any portion thereof where persons are being treated for alcoholism or addiction to drugs, any dangerous weapon (with the exception of firearms possessed in accordance with Utah State Law), any unauthorized alcohol, intoxicant, and/or unauthorized drug of any kind or description;

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PART III:

- A. If a provision of this ordinance conflicts with a provision of a previously adopted ordinance, 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.

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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.

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END OF ORDINANCE.