

ORDINANCE NO. 05-97

ROLL CALL

VOTING	YES	NO
MAYOR MARIE W. HUFF <i>(votes only in case of tie)</i>		
SHERMAN E. HUFF <i>Councilmember</i>	X	
MATTHEW D. BARBER <i>Councilmember</i>	X	
THORA L. SHAW <i>Councilmember</i>	X	
CLYDE A. SWENSON <i>Councilmember</i>	X	
REX WOODHOUSE <i>Councilmember</i>	X	

I MOVE this ordinance be adopted: Councilmember Barber

I SECOND the foregoing motion: Councilmember Shaw

ORDINANCE 05-97

ORDINANCE REGULATING THE RETAIL SALE OF ALCOHOLIC BEVERAGES AND ESTABLISHING DEFINITIONS

WHEREAS, the State of Utah has enacted an Alcoholic Beverage Control Act, U. C. A. §32A-10-101 et seq.; and

WHEREAS, pursuant to the authority of the U.C.A. §32A-10-101 a local political subdivision may tax or prohibit any retail sale of beer; and

WHEREAS, the Spanish Fork City Police Department arrests or cites numerous individuals each year for underage consumption of beer or alcohol beverages; and

WHEREAS, a number of these individuals report that they have obtained the beer through drive-up windows; and

WHEREAS, it is difficult to obtain proper identification or make visual observation through a drive-up window; and

WHEREAS, state law prohibits the possession or consumption of alcohol in public buildings, parks, or stadiums, but fails to define park or stadium; and

WHEREAS, the definition of park and stadium will assist in uniform enforcement of the Alcoholic Beverage Control Act; and

WHEREAS, in order to protect the health, safety, and welfare of the residents of the City, certain changes are necessary to the Spanish Fork City Municipal Code;

NOW THEREFORE, be it ordained and enacted by the Spanish Fork City Council as follows:

SECTION I.

Section 5.12.070 of the Spanish Fork City Municipal Code is hereby amended as follows:

5.12.070 Duties

No permit holder shall permit beer, light beer, malt liquor, or malted beverages, or other type of alcoholic beverage to be sold from drive up windows. In addition thereto, each person or entity granted a permit under this chapter shall abide by the following:

[1 through 6] unchanged.

SECTION II.

Section 9.04.030 of the Spanish Fork City Municipal Code is hereby created to read as follows:

9.04.030 Alcohol Regulations.

A. The criminal provisions of title 32A of Utah Code Annotated, as it may be amended from time to time, are hereby adopted by reference and are made a part of the ordinances of Spanish Fork City as fully as if set out in the body of the Municipal Code and shall take effect and be controlling within the limits of the City.

B. It shall be a Class B Misdemeanor for any person to sell beer, light beer, malt liquor, malted beverage, or other alcoholic beverages through a drive-up window.

C. For purposes of unlawful consumption of alcoholic beverages as set forth in U.C.A. §32A-12-220, the following definitions shall apply:

1. A public building shall have that meaning set forth in U.C.A. §32A-1-105(39)
2. Park shall mean publicly owned property dedicated to relaxation and /or recreational activities, including any parking lots or parking areas associated with such park. Park shall include areas designated as a park by the City, public fairgrounds, ball fields or other recreational fields, publicly owned gun clubs or related facilities, publicly owned “green spaces,” and public trails, including jogging paths, bicycle, and horse trails. Parks shall also include any buildings, pavilions, or other structures located in such areas. Parks shall not include golf courses or designated overnight camping areas;
3. Stadium means a structure with tiers of seats for spectators.

SECTION III.

This Ordinance shall become effective 20 days after passage and publication.

PASSED AND ORDERED PUBLISHED BY THE SPANISH FORK CITY COUNCIL OF
SPANISH FORK, UTAH, this 18th day of March, 1997.

DATED this 18th day of March, 1997.

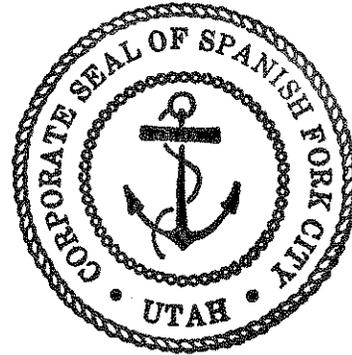


MARIE W. HUFF, Mayor

ATTEST:



KENT R. CLARK, City Recorder



Proof of Publication

J. Lane Henderson being first duly sworn according to law, disposes and says that he is the *Publisher* of *THE SPANISH FORK PRESS*, a weekly newspaper, printed and published at Spanish Fork, Utah County, Utah, and of general circulation therein: that the Notice of Ordinance 05-97 which is hereto attached, was printed and published in said paper.

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§32A-1-105(39)

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PASSED AND

ORDERED PUBLISHED BY THE SPANISH FORK CITY COUNCIL OF SPANISH FORK, UTAH, this 18th day of March, 1997.

Published in the Spanish Fork Press on March 27, 1997.

for One consecutive weeks,
the first publication on the 27 day
of March 19 97
and the last on the 27 day of
March 19 97

Jane Henderson

subscribed and sworn to before me this

27 day of March 19 97
Sara Worthington
Notary Public

Residing at Spanish Fork, Utah

My Commission expires

3-14-99

