ORDINANCE NO. 02-01

ROLL CALL

VOTING	YES	NO
MAYOR DALE R. BARNEY *(votes only in case of tie)*		
SHERMAN E. HUFF *Councilmember*	*(absent)*	
LILLIAN J. SHEPHERD *Councilmember*	X	
GLENN A. JAMES *Councilmember*	X	
ROY L. JOHNS *Councilmember*	X	
EVERETT KELEPOLO *Councilmember*	X	

I MOVE this ordinance be adopted: Councilmember Johns
I SECOND the foregoing motion: Councilmember James

ORDINANCE 02-01

AN ORDINANCE AMENDING SPANISH FORK MUNICIPAL CODE AS IT RELATES TO ALCOHOLIC BEVERAGE PERMITS

WHEREAS, Spanish Fork City has adopted an Ordinance regulating the sale and distribution of alcoholic beverages, to the extent allowed by the Alcoholic Beverage Control Act; and

WHEREAS, such licenses may be revoked upon violation of the provision of Spanish Fork City ordinances or Utah State law concerning alcoholic beverages; and

WHEREAS, it is fair and reasonable to provide notice to permit holders and guidelines to the City for the criteria for revoking a license in the event of an violation of either City or State law;

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

I.

Section 5.12.060 of the Spanish Fork City Municipal Code is hereby repealed and re-enacted as follows.

5.12.060 Revocation-Hearing Examiner.

A. Any permit issued hereunder may be revoked following notice and a hearing before a hearing examiner. The City Finance Director is hereby appointed to act as hearing examiner. Appeals from the decision of the hearing examiner shall be filed, in writing, within ten days of the decision of the hearing examiner. A filing fee of $150.00 shall accompany the notice of appeal. Appeals shall be heard before the City Council. Decisions by the City Council are final and non-appealable.

B. Permits may be revoked for any violation of this Chapter, any violation of the Alcoholic Beverage Control Act, or upon losing a State issued license.

C. The hearing examiner, or City Council, shall follow this criteria when holding revocation hearings:

1. The City license shall be revoked if the State license has been revoked.
2. The permit holder shall receive a warning for a first violation of this Chapter or of the Alcoholic Beverage Control Act.
3. The permit holder shall have the permit revoked for a period of six months if the violation is a second violation within three years of the first violation.
4. The permit holder shall have the permit revoked indefinitely if the violation is the third violation within three years of two prior violations. The permit holder will not be allowed to reapply for a permit for a period of one year. The City is not required to grant a permit upon re-application.

D. For purposes of revoking a permit, the permit holder is responsible for the acts of its employees, agents, or others acting under the permit issued.

II.

This Ordinance shall be come effective 20 days after passage and publication.

PASSED AND ORDERED PUBLISHED BY THE CITY COUNCIL OF SPANISH FORK, UTAH, this 6th day of March, 2001.

DALE R. BARNEY, Mayor

ATTEST:

KENT R. CLARK, City Recorder

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