

ORDINANCE NO. 11-05

ROLL CALL

VOTING	YES	NO
MAYOR DALE R. BARNEY <i>(votes only in case of tie)</i>		
MATTHEW D. BARBER <i>Councilmember</i>	X	
PAUL M. CHRISTENSEN <i>Councilmember</i>	X	
EVERETT KELEPOLO <i>Councilmember</i>	X	
SETH V. SORENSEN <i>Councilmember</i>	X	
CHRIS C. WADSWORTH <i>Councilmember</i>	X	

I MOVE this ordinance be adopted: Councilmember Sorensen

I SECOND the foregoing motion: Councilmember Kelepolo

ORDINANCE 11-05

AN ORDINANCE AMENDING BUSINESS LICENSE REGULATIONS WITH RESPECT TO ALCOHOL SALES

WHEREAS, Spanish Fork City has enacted a section of its municipal code dealing with alcohol sales; and

WHEREAS, part of the goal of the code with respect to alcohol sales is to require strict compliance with the provisions of law and to prohibit sales to minors; and

WHEREAS, in a revocation of license hearing for non-compliance, the licensee should be given the opportunity to provide mitigating circumstances and to show efforts they are taking to comply with the law and prohibit sales to minors, which mitigating factors should have a bearing on the penalty imposed; and

WHEREAS, the current Ordinance has a strict application without taking into account any mitigating or aggravating factors.

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

I.

Section 5.12.060 (C) of the Spanish Fork Municipal Code is hereby amended as follows:

5.12.060. Revocation-Hearing Examiner.

C. The Hearing Examiner, or City Council, shall follow this criteria when holding a revocation hearing, taking into account any mitigating or aggravating factors which have been presented at the hearing:

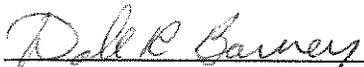
1. The City licence shall be revoked if the State licence has been revoked.
2. The permit holder shall receive a warning for a first violation of this chapter or of the Alcohol Beverage Control Act .
3. The permit holder shall have the permit revoked for a period of up to six months if the violation is a second violation within two years of the first violation and shall be subject to a civil penalty up to \$250.00
4. The permit holder shall have the permit revoked indefinitely if the violation is a third violation within two years of two prior violations and shall be subject to a civil penalty up to \$500.00. The permit holder will not be allowed to reapply for a permit for a period of time up to one year as designated by the Hearing Officer or City Council. The City is not required to grant a permit upon reapplication.

II.

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

DATED this 6th of September, 2005.

PASSED AND ORDERED PUBLISHED BY THE CITY COUNCIL OF SPANISH FORK,
UTAH, this 6th day of September, 2005.



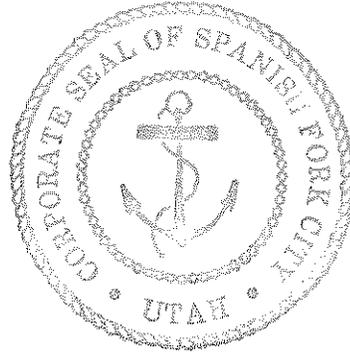
DALE R. BARNEY, Mayor

ATTEST:



KENT R. CLARK, City Recorder

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Proof of Publication

THE SPANISH FORK PRESS, a weekly newspaper printed and published at Spanish Fork, Utah County, Utah and of general circulation therein; that the Notice, a copy of which is hereto attached, was printed and published in said paper

(C) of the Spanish Fork Municipal Code is hereby amended as follows:

5 . 1 2 . 0 6 0 .
Revocation-Hearing Examiner:

I. The Hearing Examiner, or City Council, shall follow this criteria when holding a revocation hearing, taking into account any mitigating or aggravating factors which have been presented at the hearing:

A. The City licence shall be revoked if the State licence has been revoked.

B. The permit holder shall receive a warning for a first violation of this chapter or of the Alcohol Beverage Control Act

C. The permit holder shall have the permit revoked for a period of up to six months if the violation is a second violation within two years of the first violation and shall be subject to a civil penalty up to \$250.00

D. The permit holder shall have the permit revoked indefinitely if the violation is a third violation within two years of two prior violations and shall be subject to a civil penalty up to \$500.00. The permit holder will not be allowed to reapply for a permit for a period of time up to one year as designated by the Hearing Officer or City Council. The City is not required to grant a permit upon reapplication.

ORDINANCE 11-05, AN ORDINANCE AMENDING BUSINESS LICENSE REGULATIONS WITH RESPECT TO ALCOHOL SALES NOW THERE

shall become effective 20 days after passage and publication. PASSED AND ORDERED PUBLISHED BY THE CITY COUNCIL OF SPANISH FORK, UTAH, this 6th day of September, 2005.

for consecutive 1 weeks,

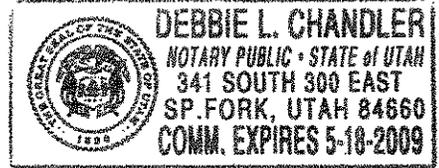
the first publication on the 15 day

of September 2005

And the last on the 15 day

of September 2005

Lana Cuss Anis



Subscribed and sworn to before

Debbie L. Chandler

Notary Public

th day of September 2005