

ORDINANCE NO. 01-06

ROLL CALL

VOTING	YES	NO
MAYOR JOE L. THOMAS <i>(votes only in case of tie)</i>		
G. WAYNE ANDERSEN <i>Councilmember</i>	X	
MATTHEW D. BARBER <i>Councilmember</i>	ABSENT	
STEVE LEIFSON <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 Leifson

ORDINANCE 01-06

AN ORDINANCE AMENDING THE MUNICIPAL CODE CONCERNING BEER TO ALLOW RESTAURANTS TO OPERATE WITHIN TWO HUNDRED FEET OF SCHOOLS, CHURCHES, AND PUBLIC LIBRARIES, PLAYGROUNDS, OR PARKS

WHEREAS, both the state of Utah and Spanish Fork City regulate alcohol sales within the City; and

WHEREAS, state law restricts the sale of alcohol for on premise consumption within six hundred feet and two hundred feet of public and private schools, churches, and public libraries, playgrounds, and parks unless a variance is granted, which variance requires local consent; and

WHEREAS, the City Council has determined that restaurants with liquor licenses located within six hundred or two hundred feet of schools, churches, or public libraries, playgrounds, and parks do not pose a threat to the residents of the community; and

WHEREAS, restaurants can be an important element of economic development and add to the quality of life of the community; and

WHEREAS, there are very few areas within the City's main business district which are

not located within six hundred feet of a school, church, or public library, playground, or park;

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

I.

Section 5.12.070(4) of the Spanish Fork Municipal Code is hereby amended as follows:

5.12.070 Duties

4. A Class D permit holder:

A. [Unchanged]

B. Who holds either a state issued restaurant liquor license or a state issued limited restaurant license may operate within either of the six hundred or the two hundred foot restrictions from public or private schools, churches, public libraries, public playgrounds, or parks if the permit holder is located in a commercial or industrial zone of the City. This shall constitute the local written consent contemplated by Utah Code Annotated Sections 32A-4-101 (4)(c)(i)(A) and 32A-4-302 (4)(c)(i)(A)(1953, as amended). The City Economic Development Director is authorized to issue to the State Liquor Control Commission a letter authorizing any such uses when an applicant is located within the applicable zones.

II.

This Ordinance is effective 20 days after passage and publication.

DATED this 21st day of February, 2006.



JOE L THOMAS, Mayor

ATTEST:



KENT R. CLARK, City Recorder

