

ORDINANCE NO. 06-10

ROLL CALL

VOTING	YES	NO
G. WAYNE ANDERSEN <i>Mayor (votes only in case of tie)</i>	Absent	
ROD DART <i>Councilmember</i>	X	
RICHARD M. DAVIS <i>Councilmember</i>	X	
STEVE LEIFSON <i>Councilmember</i>	X	
JENS P. NIELSON <i>Councilmember</i>	Absent	
KIER A. SCUBES <i>Councilmember</i>	X	

I MOVE this ordinance be adopted: Councilmember Richard Davis
I SECOND the foregoing motion: Councilmember Keir Scoubes

ORDINANCE 06-10

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, When a violation of the law occurs with respect to the sale of alcoholic beverages to underage individuals, the City is required to follow the sanctions set forth in Utah Code Annotated §32A-10-103; and

WHEREAS, since the adoption of the current ordinance, the State of Utah has changed the

state law, necessitating the need for the City to change its ordinance; and

WHEREAS, in reviewing the municipal code, it was observed that an earlier amendment was placed in the wrong section;

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

I.

Spanish Fork Municipal Code §5.12.060(A) and (C) of the are hereby amended 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 Community Development Director is hereby appointed to act as Hearing Examiner.
- C. The Hearing Examiner, or City Council, shall follow this criteria when holding a revocation hearing:
 - 1. The City licence shall be revoked if the State licence has been revoked.
 - 2. The hearing officer shall impose those sanctions set forth in Utah Code Annotated §32A-10-103(5), as it may be amended from time to time.

II.

Spanish Fork Municipal Code §5.12.070 is hereby amended by repealing §5.12.070(1)(b) and re-enacting that paragraph to become §5.12.070(4)(b), as follows:

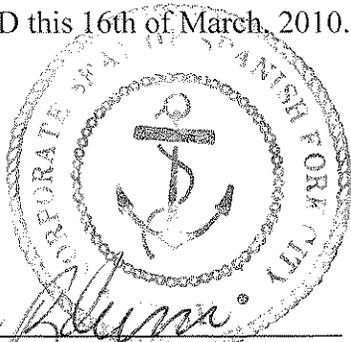
- 4. A Class D permit holder:
 - a. [no change]
 - b. Who holds either a state issued restaurant liquor license or a state issued limited restaurant license may operate within either of the six hundred or the

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.

III.

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

DATED this 16th of March, 2010.



Attest:



Kimberly Robinson, City Recorder



G. WAYNE ANDERSEN, Mayor