

ORDINANCE NO. 16-12

ROLL CALL

VOTING	YES	NO
G. WAYNE ANDERSEN <i>Mayor (votes only in case of tie)</i>		
ROD DART <i>Council member</i>	X	
RICHARD M. DAVIS <i>Council member</i>	X	
BRANDON B. GORDON <i>Council member</i>	X	
STEVE LEIFSON <i>Council member</i>	X	
KEIR A. SCUBES <i>Council member</i>	X	

I MOVE this ordinance be adopted: Council member Dart

I SECOND the foregoing motion: Council member Scoubes

ORDINANCE No. 16-12

AN ORDINANCE UPDATING THE MUNICIPAL CODE TO COMPLY WITH CHANGES IN THE STATE CODE CONCERNING ALCOHOL SALES TO MINORS

WHEREAS, Spanish Fork City has adopted an ordinance regulating beer sales within the City in compliance with the Utah Alcohol Beverage Control Act; and

WHEREAS, the state code has recently changed, setting forth the penalties for sales of alcohol to minors by off premise beer retailers; and

WHEREAS, prior to the change in the state code, local jurisdictions had the discretion to establish their own penalties; and

WHEREAS, the penalties imposed by Spanish Fork City vary somewhat from the penalties now imposed by the state;

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

I.

Spanish Fork City Municipal Code Section 5.12.060 is hereby amended as follows:

5.12.060 Revocation-Hearing Examiner.

A. [no change]

B. [no change]

C. Except for cases involving sales of alcohol to underage persons by offsite beer retailers, the Hearing Examiner, or City Council, shall follow the following 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 The City license shall be revoked if the State license has been revoked.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 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 of 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 of 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 Examiner or City Council.

The City is not required to grant a permit upon reapplication.

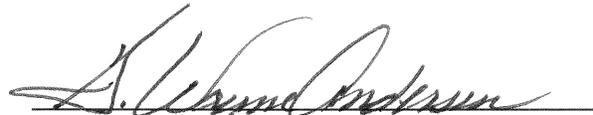
D. In cases of sales of alcohol to underage persons by offsite beer retailers, the Hearing Examiner, or City Council, shall follow the requirements set forth in Utah Code Ann. §32B-7-302(3).

E. 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 effective twenty (20) days after passage and publication.

DATED this 6th day of November, 2012.


G. WAYNE ANDERSEN, Mayor

Attest:


Kent R. Clark, City Recorder

