

ORDINANCE No. 18-13

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 Gordon

ORDINANCE No. 18-13

AN ORDINANCE AMENDING THE SPANISH FORK MUNICIPAL CODE TO PROHIBIT THE POSSESSION OR CONSUMPTION OF BEER IN PARKS

WHEREAS, Spanish Fork City has adopted the state law which, heretofore, prohibited the possession or consumption of alcoholic beverages in parks; and

WHEREAS, the State has recently amended the state code to prohibit the possession or consumption of liquor in parks; and

WHEREAS, the State definition of liquor specifically excludes beer as a liquor; and

WHEREAS, the parks in Spanish Fork are designed for families, children, and young adults; and

WHEREAS, beer consumption is inconsistent with the City purpose of providing

recreation opportunities in parks for families, children, and young adults; and

WHEREAS, the Spanish Fork City Council finds that keeping beer out of city parks is a benefit to the residents of the community and provides a wholesome location for families, children, and young adults to recreate;

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

I.

Spanish Fork Municipal Code §9.04.030 is hereby amended as follows:

9.04.030 Alcohol Regulations

- A. The criminal provisions of Title 32B of Utah Code Annotated, as it may be amended from time to time, are hereby adopted by reference and are made a part of the ordinances of Spanish Fork City as fully as if set out in the body of the Municipal Code and shall take effect and be controlling within the limits of the City.
- B. For purposes of unlawful consumption of liquor as set forth in U.C.A. §32B-4-421, the following definitions shall apply:
 1. A public building shall have that meaning set forth in U.C.A. §32B-1-102(82);
 2. Park shall mean publicly owned property dedicated to relaxation and/or recreational activities, including any parking lots or parking areas associated with such park. Park shall include areas designated as a park by the City, public fairgrounds, ball fields or other recreational fields, publicly owned gun clubs or related facilities, publicly owned "green spaces," and public trails, including jogging paths, bicycle, and horse trails. Parks shall also include any buildings, pavilions, or other structures located in such areas. Parks shall not include golf courses or designated over-night camping areas;
 3. Stadium means a structure with tiers of seats for spectators.

II.

Spanish Fork Municipal Code Title 9, Chapter 48 entitled "Beer Regulations" is hereby enacted as follows:

Chapter 9.48 Beer Regulations

9.48.010 Restrictions on the Sale, Possession, and Consumption of Beer

- A. It is unlawful for any person to sell beer, light beer, malt liquor, malted beverage, or other alcoholic beverages through a drive up window.
- B. It is unlawful for any person to possess or consume beer in any public

building, public park or public stadium. Public building, park and stadium shall have the meanings defined in §9.04.030.

C. It is a Class B Misdemeanor to violate any provision of this Chapter.

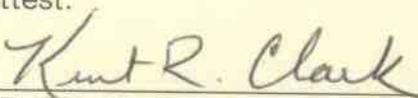
III.

This ordinance shall be effective twenty days after passage and publication.

Dated this 1st day of October, 2013


G. WAYNE ANDERSEN, Mayor

Attest:


KENT R. CLARK, City Recorder

