

CITY OF LOGAN, UTAH
ORDINANCE NO. 20-01

AN ORDINANCE AMENDING SECTIONS 9.12.290 AND 9.12.300 OF THE LOGAN MUNICIPAL CODE REGULATING PUBLIC INTOXICATION AND DRINKING ALCOHOL IN PUBLIC PLACES:

WHEREAS, the state legislature has granted general welfare power to the City Council, independent, apart from, and in addition to, its specific grants of legislative authority, which enables the City of Logan to pass ordinances as are necessary and proper to provide for the safety and preserve the health, promote the prosperity, improve the peace and good order, comfort, and convenience of the City and its inhabitants, and for the protection of property and the City; and

WHEREAS, the City Council has determined that certain amendments to the following ordinance is in the City's best interest;

NOW THEREFORE, BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE CITY OF LOGAN, UTAH, AS FOLLOWS:

Section 1. Sections 9.12.290 and 9.12.300 of the Logan Municipal Code are hereby amended as follows:

9.12.290: INTOXICATION PROHIBITED; VIOLATION:

A. A person is guilty of intoxication if such person is under the influence of any alcoholic beverage intoxicating liquor, a controlled substance, or any substance having the property of releasing toxic vapors, to a degree that the person may endanger herself or himself or another, in a public place or private place where such person unreasonably disturbs other persons.

B. Any person convicted of a violation of this section shall be guilty of a class C misdemeanor.

9.12.300: DRINKING ~~LIQUOR~~ ALCOHOLIC BEVERAGES IN PUBLIC PLACES; VIOLATION:

A. ~~A person who shall drink any intoxicating liquor in any street or alley, public place, store, restaurant, hotel lobby or parlor, in or upon any passenger coach, streetcar or other vehicle commonly used for transportation of passengers, or in any public gathering of any kind, unless otherwise allowed by law, shall be deemed guilty of a misdemeanor.~~

Definitions. As used in this section:

1. ALCOHOLIC BEVERAGES: "Beer" and "liquor" as defined in the Utah Alcoholic Beverage Act, Utah Code Ann. § 32B-1-102, or its successor.

2. OPEN BOTTLE, CAN OR OTHER RECEPTACLE: A container having within it an alcoholic beverage, which container has been opened, its seal broken or the contents of which have been partially consumed.

3. UNPERMITTED PUBLIC PLACE:

a. Any street, right of way, sidewalk, alley, publicly owned property or state or county road located within the Logan City limits;

b. Boarded or abandoned commercial buildings;

c. Vacant lots;

d. Any publicly owned building or publicly owned real property.

e. "Unpermitted Public Place" shall not mean or include a premises or area identified in a license or permit issued by the City or the Utah Department of Alcoholic Beverage Control as authorizing the possession or consumption of alcoholic beverages, when there is conformance with the applicable license and/or permit restrictions.

B. No person shall open, possess, or consume from an open bottle, can or other receptacle containing an alcoholic beverage in an unpermitted public place.

C. Penalty. An offense under this section is designated as a class C misdemeanor. provisions pertaining to violations of this code are found in title 1, chapter 1.16 of this code.

SECTION 2. Effective Date. This ordinance shall become effective upon publication.

ADOPTED BY THE LOGAN MUNICIPAL COUNCIL THIS _____ DAY OF
December _____ 2019, BY THE FOLLOWING VOTE:

AYES:

NAYS:

ABSENT:

/s/ Amy Z. Anderson~~Jeannie Simmonds~~, Chair

ATTEST:

/s/ Teresa Harris, City Recorder

PRESENTATION TO MAYOR

The foregoing ordinance was presented by the Logan Municipal Council to the Mayor for approval or disapproval this _____ day of _____, 2019.

| _____
/s/ Amy Z. Anderson ~~Jeannie Simmonds~~, Chair

MAYOR'S APPROVAL OR DISAPPROVAL

The foregoing ordinance is hereby approved this _____ day of _____, 2019.

/s/ Holly H. Daines, Mayor