



Ogden City

Ogden City Council Work Session Notice

July 31, 2012 – Immediately following the
Special City Council Meeting, which begins at 6:00 p.m.
City Council Work Room – Third Floor
Municipal Building, 2549 Washington Boulevard

Notice is hereby given that the Ogden City Council will meet in a work session on Tuesday, July 31, 2012, immediately following the Special City Council and Redevelopment Agency Board Meetings, which begins at 6:00 p.m., in the Council Work Room, on the third floor of the Municipal Building, 2549 Washington Boulevard, in Ogden City, Weber County, Utah.

The purpose of the Work Session is to discuss Smoking in Public Spaces; a Disorderly Conduct Ordinance for Recreational Facilities and Events; and Council business.

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In compliance with the Americans Disabilities Act, persons needing auxiliary communicative aids and services for this meeting should contact the Management Services Department at 629-8701 (TDD # 629-8949) or by email: [ADACompliance@ci.ogden.ut.us](mailto:ADACompliance@ci.ogden.ut.us) at least 48 hours in advance of the meeting.

### CERTIFICATE OF POSTING

The undersigned, duly appointed City Recorder, does hereby certify that the above notice and agenda was posted in three public places within the Ogden City limits on this 27th day of July, 2012. These public places being: 1) City Recorder's Office on the 2<sup>nd</sup> floor of the Municipal Building; 2) 2nd floor foyer of the Municipal Building; and 3) the Weber County Library. Copy provided to the Standard-Examiner on July 27, 2012 and posted to the City web page - [www.ogdencity.com](http://www.ogdencity.com).

CINDI MANSELL, MMC/CRM  
OGDEN CITY RECORDER



# City Council Work Session

## COUNCIL STAFF REVIEW

### REVIEW OF THE PROPOSED ORDINANCE REGULATING SMOKING IN OUTDOOR PUBLIC PLACES

#### PURPOSE OF WORK SESSION:

To review feedback on the proposal and to review the significant issues related to the proposal with the Council.

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#### **Background**

Since the work session in January 2012, Council Staff has been working to meet with various stakeholders in the area regarding the proposed regulation of smoking in outdoor public places. Specifically, Council Staff and certain Council members have met with representatives from Historic 25<sup>th</sup> Street Association, Ogden School District, Weber State University, Ogden-Weber Tech College and representatives from Utah Transit Authority. Council Staff has been working through the concerns and issues raised by these various groups and has been working with the City's legal staff to modify the proposal. Further, Council Staff has been in contact with Police Chief Ashment and with Public Services Director Jay Lowder to gather additional feedback regarding enforcement and potential effects on the operation of City parks and facilities.

The purpose of the work session on July 31<sup>st</sup> is to review all of the feedback received and to review the most significant issues related to the proposed regulation.

#### **November 1, 2011**

The Council held a work session on the topic of regulating smoking in outdoor public places. The discussion in the work session was lead by the City's legal counsel and focused on the possibilities available for the regulation of smoking in outdoor public places.

#### **November 22, 2011**

On November 22, 2011, the Council hosted members of the Weber State University Student Senate who gave a presentation and background information on the efforts the Student Senate is undertaking to implement a tobacco-free campus policy.

#### **January 31, 2012**

At the work session on January 31, 2012, City Attorney Gary Williams reviewed the draft ordinance and discussed the different elements of the



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## COUNCIL STAFF REVIEW

draft ordinance. At the meeting, Council members directed Council Staff to continue research and to meet with various stakeholder groups.

### ***Issues for the Council***

Listed below are some of the general issues that the Council will need to consider when reviewing the proposed ordinance and when considering feedback from various stakeholders. This is not an exhaustive list of issues and does not include specific issues related to the actual writing and text of the ordinance. Those issues will be discussed more fully at the work session on July 31, 2012.

- How does the City create an ordinance that meets the Council's intent that can also reasonably be enforced and incorporated into the operation of City facilities?
- What is the most effective way for the City to work with business owners to address concerns related to smoking in outdoor public places?
- What, if any, accommodations should be made to allow smoking on outdoor public access property such as City or RDA owned parking lots, or City sponsored events?
- What is the best definition of "smoking" and which types of devices and methods should be included, i.e. smokeless tobacco products, lighted and heated tobacco products, pipes, hookah, e-cigarettes, etc...?
- Which sidewalks should be included in the proposed ordinance? Should sidewalks adjacent to hospitals, doctor's offices, dentist's offices, daycare facilities, and churches be included? Should sidewalks adjacent to city parks and other City facilities be included in the proposed ordinance?
- Should religious and cultural ceremonial exemptions be specifically called out in the ordinance?
- Should the design and type of signage be addressed in the proposed ordinance for specific locations such as 25<sup>th</sup> Street or the Junction?



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- How much of the proposed regulation can be done through administrative policy and how much should be included in a legislative ordinance with regard to City-owned property?

### ***Attachment***

- Draft ordinance regulating smoking in outdoor public places. *(Please note that this is the draft version presented to the Council in January 2012 for reference. It does not reflect any changes considered to the ordinance as a result of the feedback from stakeholders and discussions with Legal, Administrative and Council Staff.)*

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**Memos Prepared By:**

**Legal Contact – Gary Williams, 629-8160**  
**Council Staff - Glenn Symes, 629-8164**

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF OGDEN CITY, UTAH, AMENDING THE OGDEN MUNICIPAL CODE BY ADOPTING A NEW CHAPTER 5, TITLE 12 TO REGULATE SMOKING IN OUTDOOR PUBLIC PLACES; AND BY PROVIDING THAT THIS ORDINANCE SHALL BECOME EFFECTIVE IMMEDIATELY UPON POSTING AFTER FINAL PASSAGE.**

**WHEREAS**, Section 26-38-6 of the Utah code allows the city to restrict smoking in outdoor places of public access which are owned or operated by certain public entities; and

**WHEREAS**, tobacco smoke is a form of air pollution and is a danger to the health, safety and welfare of the public; and

**WHEREAS**, tobacco smoke in public places inhibits or discourages members of the public who suffer discomfort and adverse health consequences from second hand smoke to freely use, enjoy and access public or community facilities, places and services; and

**WHEREAS**, the Ogden city council has determined that it is in the best interests of the city to protect the health, safety and welfare of the public in their use of outdoor public property.

**The Council of Ogden City hereby ordains:**

**SECTION 1.** Chapter adopted. Title 12 of the Ogden Municipal Code is hereby amended by adopting a new Chapter 5 to read and provide as follows:

**Chapter 5**  
**SMOKING PROHIBITED**

**12-5-1: [PURPOSE:]**

The purpose of this chapter is to protect the health, safety and welfare of the public by prohibiting smoking upon certain outdoor public property.

**12-5-2: [DEFINITIONS:]**

**A. [MASS GATHERING:]** An outdoor assembly of fifty (50) or more people on publically owned or operated property that reasonably can be expected to continue for at least one hour.

**B. [Outdoor Public Access Property:]** Outdoor places of public access which are owned or operated by: (a) a political subdivision as defined in Utah Code Ann. §17B-1-102 (2011, as amended); (b) a state institution of higher education; or (c) a state institution of public education, including but limited to:

- 1. Parks, soccer and football fields, baseball diamonds and all other athletic fields and courts, playgrounds, racetracks, skate parks, swimming pools, picnic pavilions and

shelters, pocket parks, campgrounds, lakes, ponds, rivers, and streams, rodeo grounds, fairgrounds, bike paths, linear parks/trails, trailheads, golf courses and other recreational areas, including any adjacent public areas surrounding such facilities and any streets, sidewalks, and parking lots therein;

2. Stadiums, amphitheaters, bleachers and other spectator viewing areas;
3. Campuses, squares, plazas, and exhibits of public art, including streets, sidewalks or parking lots therein;
4. Sidewalks adjacent to hospitals, medical and dental offices, child and senior care facilities, theaters, auditoriums, convention centers, sporting event centers, concert halls, libraries, schools, colleges, universities, public buildings and houses of worship.
5. Within twenty five feet (25') of bus stops.
6. Parking lots;
7. The Ogden City Municipal Gardens, Union Station, The Junction, The Ogden-Hinckley Airport, Ogden's Eccles Dinosaur Park, Golden Hours Senior Center, and Marshall White Center, including streets and sidewalks therein or adjacent thereto;
8. Streets and sidewalks on Historic 25<sup>th</sup> Street from Wall Ave to Washington Blvd, and all streets and sidewalks that intersect the above-described portion of Historic 25<sup>th</sup> Street, up to and including 100 feet north and south of such intersections.
9. That portion of a public street or alley lying within 25 feet of any sidewalk where smoking is prohibited herein, unless the smoking occurs within a moving motor vehicle.
10. Other public streets and sidewalks not described in the above subsections shall not be included within the definition of Outdoor Public Access Property for purposes of this chapter. Nevertheless, smoking in such places may be otherwise prohibited because of proximity to buildings and other facilities pursuant to the Utah Indoor Clean Air Act.

C. **[SMOKING:]** The possession of any lighted tobacco product in any form, including possession of lighted tobacco products in a vehicle.

**12-5-3: [OUTDOOR SMOKING PROHIBITED:]**

A. **[Smoking Prohibited:]** Except as provided below, smoking is hereby prohibited in the city in the following places:

1. Within or upon Outdoor Public Access Property;
2. Within twenty five feet (25') of a bus stop or train station;
3. Within fifty feet (50') of a Mass Gathering;
4. On city owned or operated property at and during a city sponsored event.

**B. [Exceptions:]** Notwithstanding the provisions of this chapter, smoking is permissible:

- 1. Within areas specifically designated by the owner or operator of Outdoor Public Access Property as a permissible smoking area.
- 2. Within a moving motor vehicle on all city streets, regardless of whether a street lies within Outdoor Public Access Property.

**C. [Exemptions:]** The restrictions of this chapter are subject to any applicable state or federal exemptions.

**12-5-4: [DESIGNATION OF PERMISSIBLE SMOKING AREAS:]**

**A. [Signage:]** An owner or operator of Outdoor Public Access Property may designate with signage certain outdoor areas where smoking is permissible. Smoking within such designated permissible smoking areas shall not constitute a violation of this chapter.

**B. [Boundaries:]** The boundaries of a permissible smoking area identified pursuant to subsection B above shall be limited to a space within 15 feet from any sign designating the permissible smoking area, unless an alternative dimension or boundary of the permissible smoking area is specifically described with signage.

**12-5-5: [PENALTIES:]**

A violation of this chapter is an infraction for the first offense and a class C misdemeanor for any subsequent offense.

**SECTION 2. Effective date.** This ordinance shall be effective immediately upon posting after final passage.

**PASSED, ADOPTED AND ORDERED POSTED** by the Council of Ogden City, Utah this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_  
CHAIR

**ATTEST:**  
\_\_\_\_\_







# City Council Work Session

## COUNCIL STAFF REVIEW

### DISORDERLY CONDUCT ORDINANCE

- *Prohibiting Use of Obscene or Profane Language at Recreational Events and Facilities*

### PURPOSE OF

**WORK SESSION:** To Discuss a Proposed Disorderly Conduct Ordinance Governing Behavior at Recreational Events

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### *Background*

Utah Code Annotated Section 76-9-102, Disorderly Conduct, states the following:

- (1) *A person is guilty of disorderly conduct if:*
  - a) *he refuses to comply with the lawful order of the police to move from a public place, or knowingly creates a hazardous or physically offensive condition, by any act which serves no legitimate purpose; or*
  - b) *intending to cause public inconvenience, annoyance, or alarm, or recklessly creating a risk thereof, he:*
  - c) *engages in fighting or in violent, tumultuous, or threatening behavior;*
    - i. *makes unreasonable noises in a public place;*
    - ii. *makes unreasonable noises in a private place which can be heard in a public place; or*
    - iii. *obstructs vehicular or pedestrian traffic.*
- (2) *"Public place," for the purpose of this section, means any place to which the public or a substantial group of the public has access and includes but is not limited to streets, highways, and the common areas of schools, hospitals, apartment houses, office buildings, transport facilities, and shops.*
- (3) *Disorderly conduct is a class C misdemeanor if the offense continues after a request by a person to desist. Otherwise it is an infraction.*

Because the City has adopted this section of the Utah State Criminal Code, the City has the authority to enforce this Disorderly Conduct statute. However, the statute does not include language governing the use of profanity.



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## COUNCIL STAFF REVIEW

Utah Code Annotated Section 10-8-50 authorizes the City Council to create ordinances establishing penalties for

*. . . . e) using obscene or profane language in a place or under circumstances which could cause a breach of the peace or good order of the city;*

The City has adopted a “Mutual Combat” ordinance that governs physical violence:

- A. A person is guilty of mutual combat if he or she knowingly or recklessly engages in violent, tumultuous, assaultive or threatening behavior with one or more persons thereby causing public inconvenience, annoyance, or alarm, or recklessly creating a risk thereof.*
- B. It is no defense to a prosecution under this section that he or she did not initiate the violent, tumultuous, assaultive or threatening conduct.*
- C. Mutual combat is a class C misdemeanor . . . .*

Again, this ordinance covers physical behavior, but not verbal insults, or foul or profane language.

### ***Proposal***

The Recreation Division is requesting that a Disorderly Conduct provision be added to the Ogden City Municipal Code to encourage good sportsmanship and proper behavior at recreational events and City recreational facilities. The proposed Ordinance reads as follows:

***6-1-10: [Disorderly Conduct Prohibited]:*** Pursuant to Utah Code Annotated section 108-50, as amended, and successor sections, no person shall engage in disorderly conduct, as defined in Utah Code Annotated section 76-9-102, as amended, and successor sections, or disturb the peace by using obscene or profane language, in any park, playground or recreational facility owned or used by the City, or at any recreational event that is organized, operated, managed or sponsored by the City. Consistent with state law, a violation of this section is a class C misdemeanor if the offense continues after a request by a person to desist. Otherwise it is an infraction.



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If the Ordinance is passed, the Public Works Department would work with the Fleet and Facilities Division to post signs in recreational facilities and park to ensure that the public has adequate notice of the Ordinance.

### *Questions*

1. Please review the purpose and justification for this ordinance.
2. Has the Police Department reviewed the language? If so, are they comfortable with enforcing the Ordinance?
3. Has the Prosecutor's Office review the language? Are they comfortable prosecuting offenses under this Ordinance?
4. Would this ordinance be applicable to Lindquist Field?
5. What type of signage would be posted and where would it be posted?

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**Council Staff Contact: Janene Eller-Smith, (801)629-8165**

## Ogden City Council Transmittal

Date: June 21, 2012  
To: City Council  
From: Jay Lowder, Public Service Director, ext. 8215  
Re: Sportsmanship Ordinance  
Requests: Passage of ordinance  
Documents: Ordinance

Contact: Edd Bridge, Recreation Division Manager, ext. 8259  
Requested Timeline: As soon as possible

### **Executive Summary**

The proposed ordinance is aimed at promoting good sportsmanship through enforcement of disorderly conduct by participants, spectators, City employees, volunteers and parents/guardians at recreational events, and City parks and facilities. The inappropriate conduct includes: engaging in persistent threatening behavior; engaging in, threatening or encouraging fighting; and using abusive, profane or indecent language that rises to the level of a breach of peace during an Ogden City recreational event, or in any City park, playground or recreational facility.

### **Background**

Due to the competitive nature of participants, spectators and parents/guardians at both youth and adult recreational events, the potential for disruption through violence or inappropriate behavior is always a possibility, and has in fact been experienced at Ogden City recreational events. Emotions can run high at such events as participants become upset with opponents or officials, and parents become protective and competitive on behalf of their children. Ogden City already has the means to address physical violence through prosecution of "mutual combat." However, the proposed ordinance establishes, pursuant to authority under state law, that the use of profane language in such a way that disturbs the peace is a violation of Ogden City Code, and provides an additional enforcement tool to curtail and prevent disorderly conduct at sports events and at City recreational facilities. For purposes of the proposed ordinance, a recreational "event" means: a game, practice, sports camp, physical education class, competition, or tryout that is organized, operated, managed or sponsored by the City.

### **Proposal**

The Administration encourages adoption of the proposed ordinance to support the promotion of good sportsmanship at City recreational events and recreational facilities through enforcement of disorderly conduct and use of profanity that rises to the level of a breach of peace. The goals of this ordinance are to ensure safety at recreational events, City parks, and recreational facilities; maintain crowd control; and promote and maintain a positive atmosphere in which citizens, athletes, volunteers and employees want to participate and work. The recreation division will work with fleet and facilities and the legal department to post appropriate signage at City recreational facilities as a pro-active

measure. City police officers and City prosecutors will be educated on the new ordinance to assist in enforcement and subsequent prosecution of any violations.

**Administration Recommendation**

Recommendation is to approve the proposed ordinance.

**Fiscal Impact**

There is no fiscal impact to the city.

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF OGDEN CITY, UTAH, AMENDING THE OGDEN MUNICIPAL CODE BY AMENDING CHAPTER 1, TITLE 6 BY ADOPTING A NEW SECTION 6-1-9 TO INCLUDE PROVISIONS REGARDING DISORDERLY CONDUCT DURING RECREATION EVENTS; AND BY PROVIDING THAT THIS ORDINANCE SHALL BECOME EFFECTIVE IMMEDIATELY UPON POSTING AFTER FINAL PASSAGE.

**The Council of Ogden City hereby ordains:**

**SECTION 1.** Section adopted. A new section 9 to Chapter 1, Title 6 of the Ogden Municipal Code is hereby adopted to read and provide as follows:

**6-1-1: [RULES AND REGULATIONS:]**

- A. **[Mayoral Authority To Establish:]** The mayor may establish such reasonable rules and regulations as may be necessary for the use, control, management and protection of the public parks, squares, playgrounds, stadiums, amphitheaters, golf courses, trails and other facilities of the city available for, or supporting, recreational or community activities or special events. Such rules and regulations shall be established by administrative order and shall become effective upon filing with the city recorder. Rules and regulations applicable to special events shall be consistent with the provisions of chapter 5 of this title.
- B. **[Standards:]** The rules and regulations provided for in subsection A of this section shall be such as the mayor shall find and determine are necessary or desirable to provide for the maximum public use of and benefit from all grounds and facilities for both individual and group recreational or community activities commensurate with sound administrative practices and procedures and with the protection of the public property and the public safety, health and welfare, and the economical operation and maintenance of such grounds and facilities. By such rules and regulations, the mayor may impose reasonable limitations on the use of any or all such grounds and facilities and may require a facility use agreement or the issuance of a written permit for the use of the same by any public or private group, organization, body politic, corporation or association for the purpose of such organization. Such regulations may provide for the reservation for a reasonable time of a reasonable portion of such grounds or facilities for exclusive use of such group or organization when it appears that the same shall be in the public interest.

**6-1-2: [FEES:]**

The fees established in title 4, chapter 6 of this code shall be imposed and collected for:

- A. The use of park facilities designated as available on a reservation basis;
- B. Recreational and community facilities available on a reservation basis; and
- C. Recreational programs operated by the city.

**6-1-3: [FASTENING ANIMALS TO TREES:]**

It is unlawful for any person to hitch or fasten any horse or other animal to any tree, shrub, fountain, monument, lamppost or any other ornament to the improvement growing or situated in any public street, public park or place within the corporate limits of the city.

**6-1-4: [ANIMALS NEAR TREES:]**

It is unlawful for any person to allow any animal under his control to stand near enough to any such trees or shrubs to bite, rub against or otherwise injure the same.

**6-1-5: [INJURING TREES OR IMPROVEMENTS:]**

It is unlawful for any person to move any building or other object so as to injure or interfere with any tree, shrub, statue, monument or other improvement standing in any street, avenue or public highway; or place an advertisement, announcement or notice upon the same; or scratch, cut, mark or deface any tree, shrub, statue, monument or other improvement in any street, avenue, highway, parking or public ground.

**6-1-6: [NUISANCES IN PARKS:]**

It is unlawful for any person or persons to create any nuisance or commit any offense that is in violation of state law or city ordinance; to scratch, cut, injure or deface any of the buildings, fences, structures or other property or foul any of the fountains or any other improvements; or to cut or injure flowers or flowerbeds within the park; or for the owner of any dog to allow the same to run at large within the parks, except as permitted within a city approved dog park.

**6-1-7: [RESERVED:]**

**6-1-8: PARK CONCESSIONS; LIMITATIONS:**

- A. **[Alcoholic Beverage Sales:]** Concessionaires for city parks or recreational facilities shall not be approved by the mayor for the sale of alcoholic beverages except in the following parks or recreational facilities, and under the applicable times and conditions:
  - 1. Lindquist Field;
  - 2. The stadium at Lorin Farr park;

3. The El Monte and Mount Ogden golf courses;
  4. The recreational facility at Fourth Street park during such times when the city is sponsoring adult softball tournaments and for adult league play. Such tournaments shall not allow play by persons under the age of sixteen (16) years;
  5. The Ogden amphitheater.
- B. **[Food Required:]** No concession for the sale of alcoholic beverages shall be allowed unless food is also made available for consumption.
- C. **[State License Required:]** Any concessionaire authorized to sell alcoholic beverages within a city park or recreational facility shall be properly licensed in accordance with title 5, chapter 3, article C of this code and, if applicable, the alcoholic beverage control act of the state.

**6-1-9: [ALCOHOL PERMITS:]**

**A. [MTC Learning Park, Ogden Eccles Dinosaur Park And Ogden Amphitheater:]**

1. Conditions: Persons who reserve the MTC Learning park, the Ogden Eccles Dinosaur park, or the Ogden amphitheater may apply for an alcoholic beverage permit which will allow the permittee to provide alcoholic beverages to the permittee's guests for consumption during such function. Such alcohol permit may be issued at the discretion of the community services director, or the director's designee, in accordance with departmental rules and regulations and only under the following conditions:
  - a. No persons under twenty one (21) years of age shall be allowed to possess or consume any alcoholic beverage.
  - b. The permittee shall provide licensed private security to ensure that rules and regulations regarding alcohol possession and consumption are followed.
  - c. The permittee shall provide a reasonable deposit to cover potential damage to property and to guarantee compliance with all rules and regulations.
  - d. An alcohol permit fee shall be paid as provided in title 4, chapter 6 of this code.
  - e. The permit shall designate the specific areas allowed for alcohol possession and consumption, which shall be distinct from the areas of the park or facility not reserved for such use and no possession or consumption shall be allowed outside of that area or in any parking lot area, except as may be reasonably necessary for set up or clean up by the permittee.
  - f. No sales of alcoholic beverages shall be permitted, except as provided in subsection A2 of this section.
  - g. Food must be available as part of the function.



- h. No participants shall be allowed to become inebriated.
  - i. Alcoholic beverage permits shall be allowed for private functions only and shall not be allowed if open to the general public; provided that such permit may be allowed at musical or theatrical performances in the Ogden amphitheater where reserved seating is provided and alcoholic beverages are being sold as provided in subsection A2 of this section.
  - j. No alcoholic beverage permit shall be issued if in conflict with concession agreements applicable to the facility.
  - k. Any other conditions imposed by the community services director, or the director's designee, to reasonably assure that any private function will be conducted in a peaceful and orderly manner and to ensure that no participants will become inebriated.
2. Approval: The community services director may approve an alcoholic beverage permit allowing the sale of alcoholic beverages only if the following minimum criteria are met:
- a. When the sale of beer is involved, a special event beer license<sup>1</sup> has been granted;
  - b. A single event permit or a temporary special event beer permit has been issued by the alcoholic beverage control commission pursuant to section 32A-7-101, Utah Code Annotated; and
  - c. For a function in the MTC Learning park or the Ogden Eccles Dinosaur park, the sale of alcoholic beverages is in conjunction with a fundraiser being held for the benefit of the facility.

**B. [Union Station:]**

1. Persons who rent or reserve the facilities at Union Station for private parties, weddings, business meetings or other similar functions may apply for an alcohol permit which will allow the permittee to provide alcoholic beverages to the permittee's guests for consumption during such function. Such alcohol permit may be issued at the discretion of the community services director, or the director's designee, in accordance with department rules and regulations, but only under the following conditions:
- a. No persons under twenty one (21) years of age shall be allowed to possess or consume any alcoholic beverage.
  - b. The permittee shall provide licensed private security to ensure that rules and regulations regarding alcohol possession and consumption are followed.
  - c. The permittee shall provide a reasonable deposit to cover potential damage to property and to guarantee compliance with all rules and regulations.

- d. An alcohol permit fee shall be paid as provided in title 4, chapter 6 of this code.
  - e. The permit shall designate the specific areas allowed for alcohol possession and consumption, which shall be distinct from areas in Union Station remaining open to the general public, and no consumption of an alcoholic beverage or possession of any open container containing an alcoholic beverage shall be allowed outside of that designated area or in the parking lot or other outdoor public areas surrounding Union Station.
  - f. No participant shall be allowed to become inebriated.
  - g. Food must be available as part of the function.
  - h. No sales of alcoholic beverages shall be permitted as part of the function, except as provided in subsection B2 of this section.
  - i. Alcohol permits shall be allowed for private functions only, and shall not be allowed if open to the general public.
  - j. No charge may be made to any participant for admission to the function.
  - k. No consumption of an alcoholic beverage or possession of an open container containing an alcoholic beverage shall be permitted after ten o'clock (10:00) P.M.
  - l. Any other conditions imposed by the community services director, in order to reasonably assure that any private function will be conducted in a peaceful and orderly manner and to ensure that no participants will become inebriated.
2. The community services director may approve an alcoholic beverage permit allowing the sale of alcoholic beverages only if the following minimum criteria are met:
- a. When the sale of beer is involved, a special event beer license<sup>2</sup> has been granted; and
  - b. A single event permit or a temporary special event beer permit has been issued by the alcoholic beverage control commission pursuant to section 32A-7-101, Utah Code Annotated.
3. The provisions of this subsection B are not intended to apply to those portions of Union Station leased for restaurant operations and whose premises are licensed for the sale of alcoholic beverages in accordance with title 5, chapter 3, article C of this code and the alcoholic beverage control act of the state.
- C. **[Notification To Police Department:]** The community services department shall notify the police department, at least seven (7) days in advance of the function, of the issuance of any alcohol permit, the designated areas for the permit, and the date and times for which the permit is valid. The alcohol permit shall be posted as

provided in departmental rules and regulations during any time in which the possession and consumption of alcohol is permitted.

- D. **[Revocation:]** An alcohol permit is a revocable privilege and if any police officer or employee of the community services department observes violations of the permit requirements, the officer or employee may immediately rescind the permit and order the immediate cessation of alcohol consumption or possession and the removal of all alcoholic beverages from the premises. No permit shall be issued to any person or organization if violations of the provisions of this subsection or applicable rules and regulations have occurred during previous functions.
- E. **[Exception:]** The provisions of this section are not intended to apply to the sale of alcoholic beverages within a city park or recreational facility:
  - 1. By a concessionaire authorized to sell alcoholic beverages as provided in section 6-1-8 of this chapter and properly licensed in accordance with title 5, chapter 3, article C of this code and, if applicable, the alcoholic beverage control act of the state; or
  - 2. As part of a city sponsored special event licensed in accordance with subsection 5-3C-5F of this code.
- F. **[Additional Rules And Regulations:]** The mayor may adopt additional rules and regulations regarding the issuance and use of alcoholic beverage permits not inconsistent with the provisions of this section, pursuant to section 6-1-1 of this chapter.

**6-1-10: [DISORDERLY CONDUCT PROHIBITED:]**

- A. Pursuant to Utah Code Annotated section 10-8-50, as amended, and successor sections, no person shall engage in disorderly conduct, as defined in Utah Code Annotated section 76-9-102, as amended, and successor sections, or disturb the peace by using obscene or profane language, in any park, playground or recreational facility owned or used by the City, or at any recreational event that is organized, operated, managed or sponsored by the City. Consistent with state law, a violation of this section is a class C misdemeanor if the offense continues after a request by a person to desist. Otherwise it is an infraction.
- B. For the purpose of this subsection, "recreational event" means a game, practice, sports camp, physical education class, competition, or tryout.

**6-1-[40]11: PENALTY:**

Any person who violates any of the provisions of this chapter or any regulation, administrative order, notice, directive or order promulgated under the authority of said

chapter, shall be deemed guilty of a class B misdemeanor and, upon conviction thereof, shall be punished as set forth in title 1, chapter 4 of this code.

**SECTION 2. Effective date.** This ordinance shall be effective immediately upon posting after final passage.

**PASSED, ADOPTED AND ORDERED POSTED** by the Council of Ogden City, Utah this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_  
CHAIR

**ATTEST:**

\_\_\_\_\_  
CITY RECORDER

**TRANSMITTED TO THE MAYOR ON:** \_\_\_\_\_

**MAYOR'S ACTION:**  Approved  Vetoed

\_\_\_\_\_  
MAYOR

**ATTEST:**

\_\_\_\_\_  
CITY RECORDER

**POSTING DATE:** \_\_\_\_\_

**EFFECTIVE DATE:** \_\_\_\_\_

**APPROVED AS TO FORM:** \_\_\_\_\_  
Legal Date

\* The headings, catchlines or catchwords suggested for use in the Ogden Municipal Code and which are bracketed at the beginning of sections or subsections, shall not be considered to be a part of the ordinance adopted herein.