

ORDINANCE 2002-10

**AN ORDINANCE AMENDING TOOELE COUNTY CODE 9-3-10,
ESTABLISHING A PROCEDURE FOR VARIANCES IN THE
DISTANCE REQUIREMENTS FOR ON-PREMISES BEER
RETAILERS**

THE COUNTY LEGISLATIVE BODY OF THE COUNTY OF TOOELE ORDAINS

AS FOLLOWS:

SECTION I - PURPOSE. This ordinance is for the purpose of establishing a procedure for variances to be authorized in the distance that on-premise beer retailers are to be from public or private schools, churches, public libraries, public playgrounds, or parks, in compliance with State law.

SECTION II - AMENDMENT. Title 9, Chapter 3, Section 10 of the Tooele County Code is amended to read:

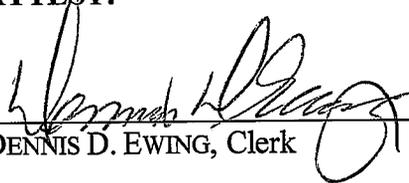
Beer retail license premises may not be established within 600 feet of any public or private school, church, public library, public playground, school playground or park except where a variance is obtained from the State Alcoholic Beverage Commission pursuant to Utah Code Annotated 32A-10-201. The 600-foot limitation is measured from the nearest entrance of the outlet by following the shortest route of either ordinary pedestrian traffic, or where applicable, vehicular travel along public thoroughfares, whichever is closer to the property boundary of the public or private school, church, public library, public playground, school playground or park. For the purposes of this section, education facility includes nursery schools, infant day care, and trade and technical schools. Any beer retail premises operating prior to the effective date of this title or any premises for which a beer license has been applied for prior to the effective date of this title, is exempt from the distance restrictions of this section so long as said premises complies with the distance restrictions of state law, if any, and remains in continuous operation at the same location.

SECTION III - EFFECTIVE DATE. This ordinance shall become effective 15 days after its passage provided it has been published, or at such publication date if more than 15 days after passage.

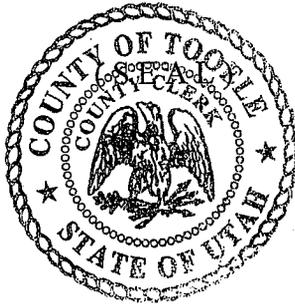
IN WITNESS WHEREOF, the Tooele County Legislative Body passed, approved and enacted this ordinance this 7th day of May 2002.

ATTEST:

TOOELE COUNTY LEGISLATIVE BODY

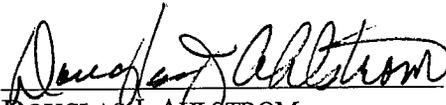

DENNIS D. EWING, Clerk


DENNIS ROCKWELL, Chairman



Commissioner Rockwell voted aye
Commissioner Hunsaker voted aye
Commissioner White voted absent

APPROVED AS TO FORM:


DOUGLAS J. AHLSTROM
Tooele County Attorney