

Ordinance No. 2017-40

AN ORDINANCE AMENDING MUNICIPAL CODE TITLE 4, LICENSING, CHAPTER 3, PEDDLERS AND SOLICITORS LICENSING, SECTION 9, CONVENTION SALES AND COMMERCIAL HOSPITALITY

WHEREAS, Park City has an interest in promoting public health, safety, and welfare, and

WHEREAS, the City Council finds that it is in the public interest to regulate Type 2 Convention Sales Licensees because of the disproportionate impacts on City services including staff time, City Council time, and create the need for increased parking, transit, & police support, and

WHEREAS, large-scale loading operations pose a threat to public safety and detract from the vibrancy of Main Street, especially during the Sundance Film Festival, and

WHEREAS, the Main Street Business Improvement District is responsible for business promotion and solid waste management for all businesses within its boundaries, and

WHEREAS, public hearings were duly held before City Council on August 3, 2017; and

WHEREAS, the City Council finds the proposed amendments in the best interest of the residents of Park City,

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PARK CITY, UTAH THAT:

Section I. Amendment. Title 4, Licensing, Chapter 3, Section 9, Convention Sales And Commercial Hospitality to be amended and read as outlined in Exhibit A.

Section II. Effective Date. This Ordinance shall become effective upon publication.

PASSED AND ADOPTED this 3rd DAY OF AUGUST, 2017.



Attest:


Michelle Kellogg, City Recorder

PARK CITY MUNICIPAL CORPORATION


Mayor Jack Thomas

Approved as to form:



Mark D. Harrington, City Attorney

EXHIBIT A-Proposed Code Amendments

4-3-9 Convention Sales And Commercial Hospitality

- A. The Finance Department may issue licenses for a period not to exceed two (2) weeks for temporary use of convention, meeting, event and other assembly rooms within any licensed convention, meeting or assembly facility for the purpose of temporary exhibiting, marketing, displaying, Gifting or promoting of goods or services.
- B. For Type 1 and 2 Convention Sales Licenses, if multiple vendors are sharing a space, an umbrella organizer may obtain a convention sales license for the entire space as long as each individual vendor provides an individual tax identification number. The umbrella organizer will be charged a license fee for the umbrella license as well as a fee for each vendor listed on the application. All vendors included in the umbrella license must be located under one physical address. The umbrella organizer is also responsible for having an appropriate business license. If the event is physical address is taking place at a location within the boundaries of the Main Street Business Improvement District, the umbrella organizer, as well as each individual vendor, will be charged the Main St. Business Improvement District tax set forth in the fee schedule.
- C. For Type 3 Convention Sales Licenses, any person or business that is conducting point of sales transactions will be required to have a separate business license whether in conjunction with a convention or not.

There are three types of Convention Sales and Hospitality Licenses.

TYPE 1 – Convention Sales License. This type of license will be available year round except for during the dates of Sundance Film Festival and in a space other than convention space. Each point of sale requires a separate license.

TYPE 2 – Sundance Film Festival Convention Sales and Hospitality License. This type of license will only be available during the dates of the Sundance Film Festival.

TYPE 3 – Convention Sales License is available all year round except for the dates of the Sundance Film Festival and in a licensed convention space. A single license is required for the organizer along with a list of all participants and their temporary Utah State Sales Tax Numbers.

The licenses may be issued on the following terms:

- A. **LICENSE FEE.** The license fee shall be as set forth in the Park City License Fee Schedule. An additional administrative fee as set forth in the Park City License Fee Schedule is hereby authorized for all such temporary licenses effective during any portion of the Sundance Film Festival.
- B. **STATE TAX NUMBER.** The applicant must provide individual a Utah tax identification number if sales transactions are taking place, federal tax identification numbers if only promotion or gifting is taking place, as part of the license application to assist in verifying the collection and reporting of sales tax.
- C. **REVIEW OF APPLICATIONS.**

1. Upon a reasonable belief that the applicant or Licensee has a fraud or felony conviction or prior criminal background or pending criminal proceeding, the Director may refer the application or Licensee for investigation to the Police Department.
2. The Finance Manager or designee shall refer the application to the Building, ~~and~~ Planning, ~~Parking & Public Safety~~ ~~d~~Departments for review; the Chief Building Official or designee to ensure compliance with the applicable building codes and fire codes including, but not limited to, determination of the maximum number of occupants the premises may safely accommodate at one time given the location and number of emergency exits; and the Planning Director or designee to ensure compliance with the Park City Land Management Code, Title 15.

D. TYPES OF APPLICATIONS.

1. For Type 1 & Type 3 Convention Sales Licenses, the City may take up to ten (10) business days to complete the licensure process to permit adequate time for the Police, Building, Finance and Planning Departments for review and investigation. The Departments may request reasonable evidence of title to goods proposed to be offered for sale as part of the review.
2. Retained Council Authority for Type 2 licenses:
 - a. The Finance Manager or designee shall refer the Type 2 Convention Sales License application to the Building, Planning, Parking, & Public Safety Departments for approval.
 - a.b. After obtaining department approval, Aall Type 2 licenses shall require City Council approval at a publically noticed meeting. All Type 2 license applications must be completed and received at least seven (7) calendar days prior to a regular scheduled meeting and three (3) business days prior to a special meeting.
 - b.c. All Type 2 license applications require the applicant to have a pre-inspection prior to application at the place of business conducted by the Building Department for compliance with the building and fire codes. A copy of said pre-inspection report must accompany the license application submittal. The pre-inspection prior to application shall remain valid for 120 days.
 - e.d. All Type 2 license applications shall require an accurate floor plan and a design occupancy load stamped by a design professional to be submitted at the time of application.
 - e. All Type 2 license applicants require a final inspection by the Building Department post application after the space has been set up for the event. Business shall not be conducted until the final inspection has been passed and the applicant has been issued a Type 2 Consideration to Approve the 2018 Sundance Film Festival Supplemental Plan Amendments, Including Venue Changes and Estimated Costs Sales License.
 - f. All Type 2 Convention Sales License applications for locations located within the Main Street Business Improvement District boundaries shall require a deposit receipt with Republic Services in the amount of \$100, to be submitted at time of application, and be required to pay the Main St. BID tax set forth in the fee schedule.

d.g. All Type 2 Convention Sales Licenses will be assessed the Enhanced Enforcement Fees of \$45.58 to be paid at time of application.

h. The loading operations of each Type 2 Convention Sales License shall be permitted by the Parking Division with 3 different permits: Red, Green, & Blue), depending on the type of loading ((Red) large-scale operations, (Green) food & beverage, & (blue) musical equipment.) Any violation of the regulations specified on each permit may result in the revocation of the Type 2 Convention Sales License or the inability to obtain a Type 2 Convention Sales License in the future.

A. Large scale load-out operations for Type 2 Convention Sales Licensees will not be permitted until Day 6 (Tuesday) of the Festival.

E. RESPONSIBILITY OF HOST BUSINESS TO ENSURE LICENSING AND COMPLIANCE WITH THE UNIFORM BUILDING AND FIRE CODES.

Businesses which make all of or a portion or portions of their licensed business locations available to other persons for the purpose of engaging in business shall be responsible to ensure that such persons obtain business licenses and or convention sales licenses and possess federal tax numbers and Utah state sales tax numbers listed in Park City if sales transactions are taking place. In the event a licensed hotel, motel, inn or bed-and-breakfast business fails to require such a showing, that business shall be liable for payment of all license fees and penalties payable by the person engaging in business at their licensed location. If such business is not currently licensed for assembly use, the business shall obtain the necessary inspection and permit from the Building Department. Nothing herein shall relieve the sub-letting/guest business from their individual responsibility to obtain the necessary licenses.