

Ordinance No. 2017-47

AN ORDINANCE AMENDING MUNICIPAL CODE TITLE 4, LICENSING, CHAPTER 2, SECTION 4, LICENSE APPLICATION & SECTION 8, INSPECTIONS FOR CODE COMPLIANCE

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 inspect businesses with a physical location within City limits to ensure compliance with building, fire, municipal and health codes, and

WHEREAS, the City Council finds that it is in the public interest to correctly assess licensing fees at time of application, and

WHEREAS, proposed changes to the Land Management Code compels prompt clarification on the Business License application process, and

WHEREAS, the Finance Department wishes to make the Business License Application Process clear and understandable to all applicants, and

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

NOW THEREFORE, be it ordained by the City Council of the City of Park City, Utah, that:

Section I. Amendment. Title 4, Licensing, Chapter 2, Section 4, License Application and Chapter 2 Section 8 Inspections for Code Compliance 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 17th DAY OF AUGUST, 2017.



Attest:


Michelle Kellogg, City Recorder

PARK CITY MUNICIPAL CORPORATION


Mayor Pro Tem Henney


Mayor Jack Thomas

Approved as to form:


Mark D. Harrington, City Attorney

Exhibit 1

4-2-4 License Application

All Business License Applications with a physical location within City limits require a passed Business License Inspection from the Building Department to ensure life safety standards, proper measurements for fee calculation and Code compliance. A Business License Inspection will only be scheduled if:

- a. A Certificate of Occupancy has been issued by the Building Department; or,
- b. A Letter of Completion has been issued by the Building Department; or,

- c. There is already an existing licensed business occupying the space and a building permit is not required to accommodate the new business.

Applications for business licenses shall be made in writing to the Director-Finance Manager or his or her designee. Each application shall include the:

- a. ~~state the~~ name of the applicant,
- b. the location of the business, ~~if any,~~
- c. ~~payment of the applicable the~~ fee and tax to be paid, based on the information recorded on the Business License Inspection,
- d. the name and address of the local business agent ~~residing in Park City~~ who is authorized to receive service of process and any communication regarding applicant's license,
- e. state sales tax reporting number,
- f. copy of the Business License Inspection report showing Passed,
- g. state contractor's license number, if applicable,
- h. ~~and~~ state real estate broker's license number, if applicable,
- i. ~~other and shall contain such additional~~ information, as ~~may be~~ needed, for the purpose of guidance of the Director-Finance Manager in issuing the license. ~~All applications, with the exception of those engaging in business within City limits without a physical address or as exempt by state law, must be accompanied by a completed inspection form provided by the City that proves substantial code compliance for the property. The Chief Building Official or designee may grant an exception to the requirement for a completed inspection with the application in limited circumstances such as when a certificate of occupancy has not been yet granted or when the space is converted for another occupancy. A pre-inspection prior to application will be required when such exception is granted. No business license will be issued until the final inspection post application is approved.~~

Any change in the above information furnished by the applicant shall be forwarded in writing, within ten (10) days of the change, to the Director-Finance Manager or his or her designee. License application forms shall be prepared and kept on file by the Director Finance or his or her designee Department.

4-2-8 Inspections For Code Compliance/Notice Of Infraction/License Revocation/Complaint Filed By City Attorney

- A. **INSPECTIONS FOR CODE COMPLIANCE.** Prior to applying for a license under this Title for a new business not previously licensed at that location, or an existing business with a change of square footage, use or location, the applicant shall be required to have the prospective place of business inspected prior to application by the appropriate departments of the City Building Department, and if necessary other government agencies ~~or other governmental agency~~ to ensure compliance with building, fire, municipal and health codes, ~~unless a different inspection process is otherwise required in this Title. The Chief Building Official or designee may grant an exception to the requirement for a completed inspection with the application in limited~~

~~circumstances such as when a certificate of occupancy has not been yet granted or when the space is converted for another occupancy. A pre-inspection prior to application will be required when such exception is granted. No business license will be issued until the final inspection post application is approved.~~

- B. **NOTICE OF INFRACTION**. No license can be applied for until the required inspection reveals that the prospective place of business is in substantial compliance with the building, fire, and health codes. If during the inspection process any code infractions are found, corrections shall be made and a re-inspection scheduled within a reasonable period as identified by the inspector or Chief Building Official not to exceed thirty (30) calendar days.
- C. **RE-INSPECTIONS**. If a re-inspection is not scheduled within the specified time frame, a new inspection will be required. Once a property is deemed in substantial compliance with all applicable codes, the inspection will be valid for sixty (60) calendar days unless otherwise identified by the inspector or Chief Building Official. In addition to the business license fees, all new businesses or business locations shall pay an inspection fee as set forth in the rate tables in effect at the time of application. A re-inspection fee may be assessed if more than two (2) inspections are required by the City to meet code compliance. The City may take up to ten (10) business days to complete the licensure process. Prior to the approval/issuance of any business license, additional or repeat inspections may be required for locations as identified during the inspection process.
- D. **PERIODIC INSPECTIONS AND LICENSE REVOCATION**. Existing places of business licensed within the City may be inspected periodically by departments of the City for compliance with building, fire, municipal and health codes. Floor plans stamped by a design professional will be required if there is a change of occupancy in an existing business. Written notice shall be given by the ~~Director~~ **Finance Manager** or his or her designee to a licensee upon the finding of any code infractions which notice shall provide for a reasonable period not to exceed sixty (60) days in which to correct such infractions, the failure of which shall result in the revocation of the license by the Director or his or her designee and may require the premise be evacuated due to immediate life safety hazards.
- E. **STAMPED FLOOR PLANS REQUIRED FOR CHANGE OF OCCUPANCY**. Floor plans stamped by a design professional will be required if there is a change of occupancy in an existing business.
- F. **COMPLAINT FILED BY CITY ATTORNEY**. The ~~Director~~ **Finance Manager** or his or her designee may request the City Attorney to file a complaint for non-compliance with the required standards against any applicant or any licensee who conducts business without a license or continues to conduct business beyond the time limits provided in this section.

Amended by Ord. 13-29 on 9/5/2013

Amended by Ord. 14-50 on 10/2/2014