

GRADING ORDINANCE

Ordinance No. 1-76

AN ORDINANCE ESTABLISHING MINIMUM STANDARDS AND PROVIDING REGULATIONS FOR THE CONSTRUCTION AND MAINTENANCE OF LANDFILLS, EXCAVATION, CUTS AND CLEARING OF VEGETATION, EXCEPT THAT AGRICULTURAL USES SHALL BE EXEMPT; AND , PROVIDING FOR OTHER MATTERS PROPERTY RELATING THERETO.

The City Council of Park City, Utah, does ordain as follows:

Section 1.00 Findings

The City Council of Park City, Utah, concur that in order to effectuate the objectives of a uniform grading within the incorporate limits of Park City, Utah, it is necessary to adopt this ordinance establishing minimum standards and providing regulations for the construction and maintenance of landfills, excavations, cuts and clearing of vegetation, providing for revegetation of cleared areas where appropriate, and providing for other matters properly relating thereto.

Section 2.00 General Provisions

2.1 Compliance

Construction and maintenance of any land fills, excavations and cut and clearing of vegetation and the revegetation of cleared areas shall be in compliance with the terms of this Ordinance. Permits shall be required as provided in this Ordinance, and such permits shall be granted or denied in conformity with the provisions of this Ordinance.

2.11 The provisions of this Ordinance establish the minimum standards applicable within the City to the subject matters of the Ordinance.

2.20 Interpretation and Severability

The provisions of this Ordinance shall be liberally construed to effectuate their purposes. If any section, clause, provision or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

2.30 Short Title

This Ordinance may be cited and referred to as the "Grading Ordinance."

Section 3.00 Definitions

For the purpose of this Ordinance, certain terms or words used herein shall be interpreted as follows: Words in the present tense include the future; Words in the singular number include the plural number; and, Words in the plural number include the singular number. The word "shall" is mandatory, not permissive, unless the context indicates that a director meaning is intended.

Area of Instability - An area where there is a foreseeable risk of soil or rock movement.

Clearing of Vegetation - Total or partial removal of naturally occurring vegetation on an area of land.

Drainage Way - Natural depression in the earth's surface such as swales, ravines, draws and hollows in which surface waters collect as a result of rain or melting snow but at other times are destitute of water.

Flood Plain - Areas adjoining a water course, lake or other body of water that have been or may be covered by flood waters.

Fill - Any rock, soil, gravel, sand, or other material deposited by man.

Geological Terms - As defined in the "Glossary of Geology and Related Sciences" published by the American Geological Institute.

Grading - Cutting through or otherwise disturbing the layers of the soil mantle so as to permanently change the existing landform.

Person - An individual, partnership, corporation, business association, or group of individuals and any government entity.

Stream Environment Zone - A required land strip on each side of the stream bed necessary to maintain existing water quality. The width of the Stream Environmental Zone shall be determined by on-the-ground investigation. Investigation shall consider, (1) Soil type and how surface water filters into the ground; and (2) The types and amount of the slope of the land within the zone and how significant it is for retaining sediment from reaching the streams. The intent of maintaining the Stream Environment Zone shall be to preserve the natural environment qualities and function of the land to purify water before it reaches the stream.

Surface Waters - Waters falling upon, arising from the naturally spreading over lands and produced by rainfall, melting snow or springs.

Water Course - A running stream of water; a natural stream, including rivers, creeks, runs and riverlets. It may sometimes be dry but must flow in a definite channel.

Section 4.00 Permit Procedure

No person shall commence or perform any grading or filling or clearing of vegetation without having first obtained a permit from Park City, a municipal corporation.

4.11 Exceptions: All other applicable provisions of this section shall apply, but a permit shall not be required if the work complies with any of the following conditions:

(1) The excavation does not exceed four (4) feet in vertical depth at its deepest point measured from the original surface and does not exceed 200 square feet in area.

(2) The fill does not exceed three feet in vertical depth at its deepest point measured from the natural ground surface and the fill material does not cover more than 200 square feet.

(3) Exploratory excavation not to exceed an aggregate area of 200 square feet.

(4) An excavation below finished grade for basements and footings of a building authorized by a valid building permit. This exception does not affect the requirement of a grading permit for any fill made with the material from such excavation.

(5) Clearing of vegetation which does not exceed 1000 square feet in area.

(6) Work by a public agency in accordance with plans approved by the City Council of Park City, Utah.

(7) The work is performed on land used for bona fide agricultural purposes.

4.20 Application Form

4.21 Application forms are available in and shall be submitted to the Planning Commission of Park City, Utah, and a review will be made by the zoning inspector in accordance with the Planning Commission.

4.22 Information Report

Applicants for a grading permit pursuant to the provisions of this ordinance shall furnish an Information Report prepared by a person or firm qualified by training and experience to have expert knowledge of the subject. The Park City Planning Commission Staff shall determine the adequacy of the report and may require the submission of further information where necessary. The report shall provide information as follows, except to the extent that the Planning Commission determines that such information is not applicable to the project.

(1) Statement of the land capabilities of the property on which the grading is to be performed, including soil name, soil group, hydrologic group, slope, runoff potential, soil depth, erosion potential, and natural drainage.

(2) A statement of the credentials of the person or persons who drew up the plans.

(3) Accurate contours at two (2) foot intervals for slopes up to 16% and five (5) foot intervals for slopes over 16% showing the topography of the fifteen (15) feet adjacent to such area.

(4) A subsurface soil and geological report including subsurface investigations, as may be required in Section 5.00 of this ordinance.

(5) An accurate plot plan showing the exterior boundaries of the property on which the grading is to be performed, and including grading plans in accordance with engineering and planning practices applicable codes and restrictions imposed by recommendations of existing or future soils and geological reports.

(6) Elevations, dimensions, including quantity, location, and extent of proposed grading.

(7) Erosion control measures to prevent soil loss while the grading is in process.

(8) A report showing proposed extent and manner of tree cutting and vegetation clearing, including a plan for disposing of cut trees and vegetation.

(9) A description of equipment and methods to be employed in processing and disposing of soil and other material that is removed from the grading site, including the location of disposal sites.

(10) Detailed plans of all drainage devices, walls, cribbing, dams, or other protective devices to be constructed in connection with, or as a part of, the proposed work, together with a map showing the drainage area and estimated runoff of the area served by any drains and proposed method of runoff disposal.

(11) A schedule showing when each stage of the project will be completed, including estimated starting and completion dates, hours of operation, and days or week of operation.

(12) A soil stabilization report including final ground cover, landscaping, and erosion control, and requirements for stable cut and fill slopes based upon detailed stability analysis.

Section 5.00 Required Additional Investigations and Reports

5.10 General Requirements of Subsurface Investigations

For the purposes of preparing the soil and geological report, subsurface investigations shall be performed throughout the area to sufficiently describe the existing conditions.

5.20 Specific Requirements of Subsurface Investigations

In particular, subsurface investigations shall be conducted where stability will be lessened by proposed grading or filling or where any of the following conditions are discovered or proposed:

(1) At fault zones where past land movement is evident.

(2) At contact zones between two or more geologic formations.

(3) At zones of trapped water or high water table.

(4) At bodies of intrusive materials.

(5) At historic landslides or where the topography is indicative of prehistoric landslides.

(6) At adversely sloped bedding planes, short-range folding, over-truned folds, and other geologic formations of similar importance.

(7) At locations where a fill slope is to be placed above a cut slope.

(8) At proposed cuts exceeding twenty (20) feet in height, unless in extremely competent rock.

(9) Locations of proposed fills exceeding twenty (20) feet in height.

(10) Where side hill fills are to be placed on existing slopes steeper than 16%.

(11) Wherever groundwater from either the grading project or adjoining properties is likely to substantially reduce the subsurface stability.

Where any of the particular problem areas listed above or other weaknesses are found, the subsurface investigation shall be of sufficient intensity to describe the problem thoroughly. The person or firm making the report shall submit a written report of their findings and recommendations.

5.30 Revegetation and Slope Stabilization

5.31 Plan Required

The applicant shall submit a slope stabilization and revegetation plan which shall include a complete description of the existing vegetation, the vegetation to be removed and its disposal, the vegetation to be planted, and slope stabilization measures to be installed. The plan shall include an analysis of the environmental affects of such operations, including the affects on slope stability, soil erosion, water quality and fish and wildlife.

5.32 Submittal of Plan

The revegetation and slope stabilization plan shall be submitted with the grading plan unless the revegetation plan is a part of an application for clearing of vegetation which does not include or contemplate grading or filling.

5.40 Additional Investigations and Reports

When requested by Park City Planning Commission

the applicant shall procure and furnish at his own expense additional engineering, geologic and ownership reports, plans or surveys and other material necessary to determine and evaluate site conditions and the effect of the proposed work on abutting properties, public ways and public welfare and safety within the purposes of this ordinance.

Section 6.00 Inspections

6.10 Inspection at Reasonable Times

All construction or work for which a permit is required shall be subject to inspection at reasonable times by the Park City Building Inspector or his authorized employees.

6.20 General Inspections

The building inspector may make any inspections of any construction work deemed necessary to ascertain compliance with the provisions of this ordinance and other ordinances which the Building Inspection Department enforces.

6.30 Notification

The permittee or his agent shall notify the Building Inspection Department when construction stages reach completion, prior to being covered or concealed by additional work.

6.40 Inspection of Concealed Work

Whenever any work on which inspections are required by this ordinance is covered or concealed by additional work without first having been inspected, the building inspector may require, by written notice, that such work be exposed for examination. The work of exposing and recovering shall not entail expense to the Building Inspection Department or Park City, a municipal corporation.

Section 7.00 Standards of Grading, Filling and Clearing

7.10 Permit Duration

All grading, filling, clearing of vegetation, or other disturbance of the soil should be completed by October 15th.

The City Council of Park City, Utah, may require winterization any time after October 15th.

7.12 Extension

An extension of the permit may be granted upon a showing by the permittee that the work was delayed by reasons beyond his control or that an extension will not increase the risk of environmental damage caused by the grading, filling or clearing of vegetation.

7.20 General Criteria for Grading, Filling and Clearing Operations

All grading, filling, and clearing operations, required under this ordinance, shall be designed:

- (1) To preserve, match or blend with the natural contours and undulations of the land.
- (2) To retain trees and other native vegetation, to stabilize hill-sides, retain moisture, reduce erosion, siltation and nutrient runoff and preserve the natural scenic beauty.
- (3) To minimize scars from cuts and fills.
- (4) To reduce the amount of cuts and fills and to round off sharp angles at the top and toe and sides of all necessary cut and fill slopes.
- (5) To limit development on steep or hazardous terrain.
- (6) To take into consideration geologic hazards and adverse soil conditions and their affect on the future stability of the development.
- (7) So that all cleared slopes, including ski slopes, cuts and fills and other areas vulnerable to erosion shall be stabilized.
- (8) So that construction, clearing of vegetation, or disturbances of the soil be limited to those areas of proven stability.

(9) So that the natural geologic erosion of hillsides, slopes, graded areas, cleared area, filled areas or streambanks will not be exceeded.

(10) So that sediment or other material deposited in Bear Lake, its flood plains or its tributaries, or any other public or private lands will not exceed that which would have been deposited if the land had been left in its natural state.

7.30 Discharge Prohibitions (Manmade)

7.31 Direct Discharge

No solid or liquid waster materials including soil, silt, clay, sand, and other organic or earthen materials shall be discharged into any stream or within the 100 year flood plain located within the incorporate limits of Park City, Utah.

7.32 Indirect Discharge

No material shall be placed within the 100 year flood plain or any other location from which it would be susceptible to erosion and/or disposition into said plain.

7.33 Discharge Control Devices

In order to prevent such discharges from occurring, approved erosion and siltation control devices shall be required for all grading and filling. Control devices and measures which may be required include, but are not limited to, the following:

(1) Energy absorbing devices to reduce the velocity of runoff water.

(2) Sedimentation controls such as desilting basins and catchbasins. Any trapped sediment shall be removed to a disposal site approved by Park City, a municipal corporation.

(3) Dissipation or water runoff from developed areas into drainage fields to dissipate the runoff into the subsoil.

(4) Discharge of water runoff from developed areas into drainage fields to dissipate the runoff into the subsoil.

(5) Multiple discharge points to reduce the volume of runoff over localized discharge areas.

(6) Physical erosion control devices.

7.34 Temporary Control

Approved temporary erosion and sedimentation control devices, facilities and measures shall be required during construction.

7.40 Dust Control

Whenever the native ground cover is removed or disturbed, or whenever fill material is placed on the site, the exposed surface shall be treated to the extent necessary to eliminate dust arising from the exposed material. Dust control methods must be approved by the City Council of Park City, Utah.

7.50 Weather Conditions

7.51 Seasonal Prohibition on Grading

Grading and filling shall be prohibited during the period from October 15 through May 1, except as otherwise provided, by this ordinance.

7.60 Scheduling of Operations

All grading and filling operations shall proceed according to a work schedule included in the grading plan. The schedule shall be drawn up to limit to the shortest possible period the time that soil is exposed and unprotected.

7.70 Prohibition of Work in Stream Environment Zones

No clearing of vegetation, grading or filling shall take place within a stream environment zone of 100 year flood plain provided, however, drainage, facilities required by this ordinance, utility facilities and roads may be constructed within said zone if (1) it can be demonstrated that there will be no detrimental effect on water quality of the water course, there will be no discharge of sediment or other material into the water courses,

and (2) fish habitats will not be detrimentally affected by the construction.

7.71 A permit for any construction resulting in alterations of the shape of a stream channel shall be subject to review by the Park City Planning Commission. After review of the permit application, the planning commission shall take action concerning the permit within 60 days after the application is made. Failure to take action will result in automatic approval of the application.

7.72 No clearing of vegetation, grading or filling shall be done within a drainageway without the prior written approval of the City Council of Park City, Utah. Approval shall not be given unless it can be shown that:

(1) The proposed work will not substantially increase or alter in any manner the natural flow of water, and

(2) The proposed work will not be detrimental to the environment within or adjacent to the drainageway.

7.80 Disposal of Cleared Vegetation

Vegetation removed during clearing operations shall be disposed of by chipping all or some of the cleared vegetation and stockpiling on the site for use as mulch or compost, or disposal in a manner approved by Park City, a municipal corporation.

7.90 Disposal of Removed Earthen Materials

Earthen materials removed during site preparations shall be disposed of as follows:

(1) Stockpiling all or some of the topsoil on the site for use on areas to be revegetated.

(2) Disposal of the earthen material at the location approved by Park City, a municipal corporation.

7.100 Cuts

7.101 Maximum Slope

The maximum cut slope shall be determined on the basis of the risk of slope instability or soil erosion as shown by the soil report and other available information.

7.102 Slope Material

If the material of the slope is of such composition and character as to be unstable under the maximum moisture content anticipated, Park City, a municipal corporation, shall require such measures as are necessary to insure the stability of the slope. Such measures may include, but are not limited to, reduction of the slope angle and mechanical slope stabilization.

7.103 Setbacks

Tops of cut slopes shall not be made nearer to a property line than three (3) feet, plus one-fifth of the height of the cut, but need not exceed a horizontal distance of ten (10) feet. Top of any cut shall be a minimum distance of six feet measured horizontally from any fill slope.

(1) Building foundations shall be set back from the top of a slope a minimum distance of six feet for all cut slopes steeper than the ratio of two horizontal to one vertical.

(2) The setbacks given in this subsection are minimum and may be increased if considered necessary for safety or stability or to prevent possible damage from water, soil, or debris.

7.104 Mechanical Stabilization

Where mechanical stabilization or containment of the slope by other than the use of native material is employed, the stabilization devices shall be at least partially screened by vegetation.

7.110 Fills

7.111 Maximum Slope

The maximum fill slope shall be determined on the basis of the risk of instability or soil erosion as shown by the soil report and other available information.

7.112 Fill Material

No organic material, such as vegetation or rubbish, or any other material not subject to proper compaction, or otherwise not conducive to slope stability shall be permitted in fills.

No rock of similar irreducible material with a maximum dimension greater than eight (8) inches shall be buried or placed in the top six feet of fills.

7.113 Borrowing

Borrowing for fill is prohibited unless a grading permit has been issued therefor.

7.114 Compaction

Each layer of material for fill shall be compacted to relative compaction of not less than 90% as certified by applicant to Park City, a municipal corporation.

7.115 Moisture Content

At the time of compaction, the moisture content of the fill material shall be such that the specified relative compaction may be obtained with the equipment being used.

7.116 Setbacks

The top and bottom of fill slopes shall be so located that no portion of the fill slope will be closer than ten feet to any adjacent property line. In addition the toes of fill slopes shall not be nearer to any adjacent property line than one-half the height of the fill, but need not exceed a horizontal distance of twenty feet.

The setbacks given in this section are minimum and may be increased if necessary for safety or stability to prevent damage from water, soil, or debris.

7.120 Interceptors

Paved or riprapped interceptors shall be installed at the top of all cut and filled slopes where there is a surface runoff potential.

7.130 Revegetation Performance Bond

A revegetation performance bond shall be posted. The amount of bond shall be the estimated cost of the revegetation as determined by the City Council of Park City, Utah. The bond shall not be released until the required revegetation has survived

satisfactorily for three years. Park City, a municipal corporation shall either call or release the bond not later than at the end of six years.

7.140 Plat Material Protection Methods

7.141 Restriction of Vehicles to Graded Areas

There shall be no excavation on the site before Park City, a municipal corporation, has approved the location of the stakeout of the drives, parking sites, building sites, and other areas to be graded or filled. Construction equipment shall be limited to the actual area to be graded according to the approved plans. No vehicles of any kind shall pass over areas to be left in their natural state according to the approved plans.

7.142 Tree Buffer Zone

No grading or operation of heavy equipment shall take place within the area bounded by the drip line of any tree on or off the property. This does not apply to those trees which are within the actual construction area and are to be removed according to the Tree Removal Plan and the Tree Removal Permit.

7.143 Protective Barriers

During construction the permittee shall provide appropriate barriers around all native vegetation proposed for retention.

7.144 Responsibility of Contractor

The permittee shall be fully responsible for any damage caused to existing trees or other vegetation . He shall carry the responsibility both for his own employees and for all subcontractors from the first day of construction until the notice of completion, if filed.

7.150 Objects of Antiquity

7.151 Prohibition on Grading

No grading, filling, clearing or vegetation, operation of equipment, or disturbance of the soil shall take place in areas where any historic or prehistoric ruins or monuments or

objects of antiquity are present. The grading plan shall indicate all such areas on the site and shall indicate the measures that will be taken to protect such areas.

7.152 Discovery of Antiquities

Whenever during excavation there are uncovered or become apparent any historic or prehistoric ruins or monuments or objects of antiquity not previously accounted for in the grading plan, all work in the immediate area shall cease until Park City, a municipal corporation, shall determine what precautions should be taken to preserve the historic artifacts.

Section 8.00 Variances

Park City, a municipal corporation, may grant modifications from the provisions of this ordinance in specific instances or circumstances where, owing to special conditions, a literal enforcement will result in unnecessary hardship. Such action shall not be contrary to the public interest nor the purpose of this ordinance. No variance shall be granted if the effect will be to nullify the objectives of this ordinance.

If the planning commission does not take final action within 60 days, applications for permits shall be deemed approved. All variances shall be reported by the regional commission staff with staff recommendations to the Park City Planning Commission for its review and action. The staff report and recommendations shall be available to the public at least 5 days prior to the planning commission meeting and the applicant and other interested persons shall be afforded opportunity at such meeting to comment on the variance.

Section 9.00 Violations and Penalties

Any person, firm or corporation, violating any provision of this ordinance, shall be deemed guilty of a misdemeanor

and upon conviction thereof shall be punishable by a fine of not more than \$299.00, or by imprisonment for a period not to exceed ninety (90) days or both such fine and imprisonment.

Section 10.00 In the opinion of the City Council of Park City, Utah, it is necessary to the peace, health and welfare of the inhabitants of Park City that this ordinance become effective immediately.

Section 11.00 This ordinance shall take effect upon its first publication.

PASSED by the City Council of Park City, Utah, this 19th day of February, 1976.

PARK CITY, a municipal corporation

ATTEST:

Leon Uriarte
MAYOR

Bruce C. Decker
CITY RECORDER

Date of first posting:

ORDINANCE NO. 2-76

AN ORDINANCE PROVIDING FOR THE REGISTERING OF PERSONS ENGAGED IN DOING BUSINESS AS CONSTRUCTION CONTRACTORS WITHIN THE MUNICIPALITY OF PARK CITY, UTAH, AND REPEALING ORDINANCE 8-73 OF THE CITY OF PARK CITY.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PARK CITY, SUMMIT COUNTY, UTAH, THAT:

Section 1. Purpose. The purpose of this ordinance is to establish a system of registering persons engaging in business within the limits of the municipality as contractors.

Section 2. Definitions.

(A) Contractor means any person, firm, co-partnership, corporation, association, or other organization, or any combination of any thereof, who for a fixed sum, price, fee, percentage, or other compensation other than wages, undertakes with another for the construction, alteration, repair, addition to or improvement of any building, highway, road, railroad, excavation or other structure, project, development, or improvement, other than to personalty, or any part thereof, provided, that the term contractor, as used in this ordinance, shall include anyone who builds more than one structure on his own property during any one year for the purpose of sale and shall include subcontractors, but shall not include anyone who merely furnishes materials or supplies without fabricating the same into, or consuming the same in the performance of the work of the contractors as herein defined.

(B) Person means every natural person, firm, co-partnership, association, or corporation:

(C) Types of Contractors. As an illustrative list of contractors subject to the provisions of this ordinance, but not in limitation thereof, the following types of contractors, and all others engaged in related work are subject to the provisions of this ordinance: General contractors, specialty contractors

of all kinds, such as, but not limited to those engaged in the business of installing, repairing, or otherwise performing services in connection with: Accoustical tile and roof decking; awnings, storm doors, and windows; air conditioning, dry-heating, sheet metal; boilers, steamfitting; carpentry; cement and concrete; ceramic tile; cabinet and millwork; composition floor, countertops, tile; carpet; drywall; elevator installation; electrical; excavating and grading; fencing; floor coverings; fire prevention (structural); furnaces and burners; glazing; industrial piping; iron and bronze (ornamental); insulation; landscaping; lathing; lawn sprinklers; masonry; mosaic tile and terazzo; overhead doors; painting and paper hanging; pest control (structural); plastering; plumbing and wet heating; roofing and siding; swimming pool; signs; stone masonry; sewer installation; steel reinforcing; and erection; tanks (structural); waterproofing; weatherstripping; welding; wrecking and demolition; wood floor laying and finishing.

Section 3. Ordinances in Conflict Superseded. To the extent that any other ordinance of this municipality heretofore enacted, is in conflict with this ordinance in that it imposes a fee upon a contractor for the privilege of engaging in business as a contractor within the limits of this municipality, it is hereby superseded to the extent of said conflict. In such case, this ordinance shall be deemed solely applicable.

Section 4. Doing Business without Registration Unlawful. Any person desiring to engage in business as a contractor within the corporate limits of this municipality must comply with the two following requirements:

(A) Be a licensed contractor in the State of Utah and present evidence that the license is current and applicable to the kind of work being performed.

(B) Register for the calendar year. Prior to

engaging in any said business activity during any calendar year, he must register for the calendar year as a contractor by completing and filing a registration form in the office of the City Clerk, and paying the \$10.00 registration fee.

It shall be unlawful for any person to engage in business as a contractor within the corporate limits of this municipality without first registering for the calendar year and paying the required fees for said registration.

Section 5. Registration. All persons desiring to do business as contractors within this municipality during any calendar year, shall complete and file in the office of the City Clerk a registration form, provided to him by the municipality. Said registration shall disclose (a) the name of the contractor, (b) address and telephone number of the contractor, (c) type of organization, e.g., corporation, partnership, or sole proprietor. If a partnership or a corporation, or other artificial person, the name, address and telephone number of the person responsible for the functions of the organization, (d) the State of Utah license number of the contractor, (e) type of business in which registrant seeks to engage, e.g., general contractor or one of the specialty contractors, (f) Workmen's Compensation (State Insurance Fund) policy number, (g) public liability and property damage insurance company, extent of coverage, policy, effective and expiration dates.

Section 6. Annual Registration Fee. Any person seeking to register for the privilege of doing business as a contractor within the limits of this municipality for any calendar year, or any part thereof, shall pay an annual registration fee of ten dollars (\$10.00).

Section 7. Records - Inspection. All persons registered pursuant to this ordinance for the privilege of doing business as contractors, and all persons who engage in doing business as contractors, shall maintain records of all services performed by

them as contractors within the corporate limits of this municipality. Said records shall disclose the person for whom said services are performed and the contract price or charge made for said services. Said persons shall maintain said records at their office or principal place of business and shall permit officials or agents of the municipality to inspect said records for the purpose of determining whether or not said persons have complied with the requirements of this Registration Ordinance.

Section 8. Regulations. The City Council may adopt such regulations as in its opinion are necessary to implement this ordinance and the objectives thereof.

Section 9. (A) Ordinance 8-73 is hereby repealed in its entirety.

(B) That all ordinances, resolutions and parts thereof in conflict herewith are hereby repealed to the extent of such conflict.

Section 10. Penalty. Any person violating any of the provisions of this ordinance shall, on conviction thereof, be punished by a fine in any sum less than \$299.00 or by imprisonment not exceeding three (3) months in the city or county jail, or by both said fine and imprisonment.

Section 11. Emergency. In the opinion of the City Council it is necessary for the preservation of the peace, health, and safety of said City that this ordinance shall be effective immediately. This ordinance shall, therefore, take effect immediately upon its passage and publication.

PASSED by the City Council of the City of Park City, Summit County, Utah, this 18th day of March, 1976.

CITY OF PARK CITY

ATTEST:

James C. Parker
CITY RECORDER

BY:

Leon Triante
MAYOR

Date of first publication or posting:

30th day of March, 1976.

ORDINANCE NO. 3-76

AN ORDINANCE REGULATING STREET OPENINGS, EXCAVATIONS AND PAVEMENT CUTS ON STREETS IN PARK CITY, UTAH; REPEALING SECTION 4 ONLY OF ORDINANCE 6-74, AND REPEALING ORDINANCE 7-72 and ORDINANCE 13-73; AND ADOPTING REGULATIONS THEREOF.

WHEREAS, the City Council of Park City deems it in the interest of the public safety and welfare to adopt changes and modifications of regulations relating to excavations and pavement cuts.

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

SECTION 1. DEFINITIONS: The following words, when used in this Ordinance, shall have the meanings ascribed to them in this section, except in those instances where the context clearly indicates otherwise:

A. "Emergency" shall mean any unforeseen circumstance or occurrence, the existence of which constitutes a clear and immediate danger to persons or properties.

B. "Street" shall mean and include a public or private, street, easement, right-of-way, highway, alley, way, place, or road.

SECTION 2. PERMITS REQUIREMENTS:

A. It shall be unlawful for any person to make any tunnel, opening, or excavation of any kind in or under the surface of a street without first securing a permit from the City for each separate undertaking, provided that any utility company maintaining pipes, lines or other underground facilities in or under the surface of any street may proceed without a permit when emergency circumstances demand the work be done immediately and the permit cannot reasonably and practically have been obtained beforehand. Such person shall thereafter apply for a permit on the

first regular business day on which the City Office is open for business.

B. Each application for a permit shall be made thirty-six hours before the work authorized by the permit is to begin. Each permittee shall notify ALL utilities operating in Park City and the Park City Police Department of the nature and location of the work authorized by the permit and the time that said work shall begin, at least twenty-four hours before the work authorized by the permit is to begin. Such application and notice shall be made during the normal office hours of said utilities and the City.

C. An application shall be filed on such forms as shall be furnished by the Building Official. Applicant shall in addition present information that all materials, labor and equipment which may be required to complete the proposed work are available.

D. Each application for a permit shall be accompanied by a deposit to be computed by the Building Official as provided hereinafter in Section 6.

E. The Building Official may accept an initial deposit from any applicant to cover more than one permit, provided that the permittee pays for the actual cost of each excavation, if applicable, within a specified time as designated by the City Recorder. Nothing contained herein shall be construed as exempting anyone from obtaining a permit for each separate undertaking.

F. Any utility company providing electric, telephone, gas, water, sewer or cable television service on a regular basis to the residents of Park City are hereby exempted from posting a deposit on said work, provided said utility company file a letter with the City Recorder, signed by the appropriate officers of the company, agreeing to reimburse the City of Park City for all costs incurred in repairing street openings made by said utility and agreeing to abide by all the terms of this Ordinance. Each utility

company shall submit a list of persons authorized to sign permit applications and keep such list current.

G. Every applicant shall agree to hold the City, its officers, employees and agents harmless from any and all costs, damages and liabilities which may accrue or be claimed to have accrued by reason of any work performed under a permit issued hereunder. The acceptance of a permit shall constitute such an agreement by the applicant.

H. Every permit holder shall retain the permit at the location of the work while same is in progress and shall present such permit upon demand by appropriate City officials.

I. No person to whom a permit has been granted shall perform any of the work authorized by such permit in any amount or quantity greater than that specified in the permit, except that, upon the approval of the Building Official, additional work may be done under the provisions of the permit in an amount not greater than 10% of that specified in the permit.

J. Permits hereunder are not transferable and the work shall not be made in any place other than the location specifically designated in the permit.

K. Every permit shall expire at the end of the period of time set out in the permit. Normally five (5) days will be allowed for a street excavation to final restoration. If the permittee shall be unable to commence or to complete the work within the specified time, he shall, prior to the expiration date, present in writing to the Building Official a request for an extension of time, setting forth the reasons for the requested extension. If in the opinion of the Building Official, such an extension is necessary and not contrary to the public interest, the permittee may be granted additional time for the completion of the work being done.

SECTION 3. REVOCATION OF PERMITS. Any permit may be revoked by the Building Official, after notice to the permittee, for the following grounds.

A. Violation of any condition of the permit or of any provision of this Ordinance.

B. Violation of any provision of any other applicable Ordinance or law relating to the work.

C. Existence of any condition or the doing of any act constituting a nuisance or endangering lives or properties of others.

Written notice of any of the above designated violations or conditions shall be served upon the holder of the permit or his agent engaged in the work. The notice shall contain a brief statement of the reason for the revocation and shall also indicate the time at which the revocation will take effect and the time period in which the violation may be corrected and work resumed. Such notice shall be given either by personal delivery thereof to the person to be notified or by certified or registered mail addressed to such person. When any permit has been revoked and the work authorized by the permit has not been completed, the Building Official is hereby authorized to take such steps as may be necessary to immediately restore the street to as good a condition as existed before the opening was made.

SECTION 4. REGULATION OF OPENINGS AND EXCAVATIONS.

A. The opening which may be made in a street at any one time shall be no greater than will permit the reasonable use of such street by the public and will not cause substantial hazards in said use.

B. All utility facilities shall be exposed sufficiently ahead of trench excavation work to avoid damage to those facilities and to permit their relocation, if necessary. Proper

bracing shall be maintained to prevent the collapse of adjoining ground.

C. Pipe drains, pipe culverts, or other facilities encountered shall be protected by the permittee.

D. Monuments of concrete, iron, or other lasting material set for the purpose of locating or preserving the lines of any street or property subdivision, or a precise survey reference point or a permanent survey bench mark within the City shall not be removed or disturbed or caused to be removed or disturbed unless permission to do so is first obtained in writing from the Building Official. Permission shall be granted only upon condition that the permittee shall pay all expenses incident to the proper replacement of the monument.

E. When work performed by the permittee interferes with the established drainage system of any street, provision shall be made by the permittee to provide proper drainage to the satisfaction of the Building Official.

F. All excess excavated material shall be removed from the site by the permittee after the work has been completed. In the event the earth, gravel or other excavated material so deposited is not removed, the Building Official shall cause such removal and the cost incurred shall be paid by the permittee.

G. Every permittee shall provide adequate warning lights for each opening during the night. Every permittee shall provide suitable barricades for each opening. Proper traffic regulatory signs, such as "SLOW", "UTILITY WORK", "ONE WAY TRAFFIC" and adequate personnel to direct traffic must be employed if considered necessary. In most instances even the cutting of the entire width of a street can be done one-half at a time to allow traffic to proceed. If complete interruption of traffic is required,

properly placed detour signs must be installed and constantly maintained to insure proper traffic flow. Additional safety regulations may be prescribed by the Building Official. Whenever any person shall fail to provide or maintain adequate safety devices, such devices may be installed and maintained by the City and the amount of the cost thereof shall be paid by the holder of the permit. No person shall willfully move, remove, injure, destroy or extinguish any barrier, warning light, sign, or notice erected, placed or posted in accordance herewith.

H. Access to private driveways shall be provided except during working hours when construction operations prohibit provisions of such access. Free access must be provided at all times to fire hydrants.

I. Excavated materials shall be laid compactly along the side of the trench in a manner so as to cause as little inconvenience as possible to public travel. In order to expedite the flow of traffic or to abate a dirt or dust nuisance, the Building Official may require the permittee to provide toe boards or bins; and if the excavated area is muddy and causes inconvenience to pedestrians, temporary wooden plank walks shall be installed by the permittee as directed by the Building Official.

J. Work authorized by a permit shall be performed between the hours of 7:00 a.m. and 7:00 p.m., Monday through Friday, unless the permittee obtains written consent from the Building Official to do the work earlier or later than the stated hours or on a weekend. Except in the case of an emergency, no permit authorized herein shall be issued so as to allow a street opening or pavement cut between [^]1st and April 15th.

^{NOVEMBER} K. In granting any permit, the Building Official may attach such other conditions as may be reasonably necessary to prevent damage to public or private property or to prevent the operation from being conducted in a manner hazardous to life or property or in a manner likely to create a nuisance. Such conditions may

include, but shall not be limited to:

1. Restrictions as to the size and type of equipment.
2. Designation of routes upon which materials may be transported.
3. The place and manner of disposal of excavated materials.
4. Requirements as to the cleaning of streets, the prevention of noise, and other results offensive or injurious to the neighborhood, the general public, or any portion thereof.
5. Regulations as to the use of streets in the course of the work.
6. Minimum depth of any service line shall be 18" below grade.

SECTION 6. REGULATION OF BACKFILLING AND RESTORATION.

A. All pavements cuts, openings and excavations shall be backfilled, surfaced and restored as follows:

(Building Inspector shall be notified four (4) hours prior to starting backfill).

1. Backfilling under paved streets shall be made in accordance with the following specifications:

(a) Material - Shall be granular, consisting essentially of sand, gravel, rock, slag, disintegrated granite or a combination of such materials. It shall be a well-graded mixture containing sufficient soil mortar, crusher dust or other binding material which, when placed and compacted, will result in a firm, stable foundation. Material composed of uniform size particles or which contains pockets of excessively fine or excessively coarse material will not be acceptable. The material shall meet the following gradation:

<u>Sieve Designation</u>	<u>% By Weight Passing</u>
2½ inch	100
2 inch	95 - 100
No. 40	30 - 60
No. 200	5 - 15

All material passing the No. 40 sieve shall have a liquid limit of not over thirty-five (35) and a plasticity index of not over six (6). Test for liquid limit and plasticity index shall be in accordance with A.A.S.H.O. designations T-89 and T-91 respectively.

(b) Construction Methods - The material shall be deposited in layers not exceeding eight (8) inches in thickness prior to compacting. Each layer shall be compacted with suitable mechanical tamping equipment. It shall be compacted sufficiently to obtain a field density which is at least ninety (90) percent original. Jetting or attempted settling by water are not acceptable methods of compaction.

2. Backfilling of unpaved streets shall be made in accordance with the following specifications:

(a) Material - The bottom six (6) inches and the top twelve (12) inches of backfill shall be the same type of material specified in Section 5.A.1.(a) of this Ordinance. The excavated material may be used for the remainder of the backfill, provided that no materials greater than 18 inches in diameter shall be used for backfill.

(b) Construction Methods - The material shall be deposited in layers not exceeding eighteen (18) inches in thickness prior to compacting. Each layer shall be compacted with suitable mechanical tamping equipment. It shall be compacted sufficiently to obtain a field density which is at least ninety (90) percent of original.

3. Excavations in unpaved public places not used as vehicular ways may be backfilled with earth and shall be compacted in lifts not to exceed 18 inches in depth by loose

measurement in a manner set forth by the Building Official. All grassed areas shall be returned to their original condition.

4. The cut and restoration of asphalt surface shall be made in the following manner:

The initial pavement cut shall be made a minimum of one (1) foot wider than the trench on all sides of the trench, a minimum of three (3) feet wide, and the cut in the paving shall be made with a power circular saw. Ripping the surface with a backhoe or other power bucket will not be allowed.

The asphalt surface shall match the quality and appearance of the existing surface surrounding the excavation, and sealed with a chemical as approved by the Building Official.

5. If the Building Official finds that paving surfaces adjacent to the street opening may be damaged where trenches are made parallel to the street, or where a number of cross trenches are laid in close proximity to one another, or where the equipment used may cause such damage, the permittee shall be required to pay the cost of resurfacing. The cost of resurfacing shall be charged on a time and materials basis and payment shall be made prior to the issuance of any other permit.

6. If any settlement in a restored area, or any curb, gutter, sidewalk, storm sewer, or appurtenance is broken or cracked as a result of such excavation occurs within a period of one year from the date of completion of the permanent restoration, any expense incurred by the City in correcting such settlement shall be paid by the permittee, unless proof is submitted by the permittee, satisfactory to the Building Official, that the settlement was not due to defective backfilling. Failure to backfill properly may be grounds for revocation of permittee's city registration.

7. Upon approval by the Building Official, Park City may exercise the option of repairing street cuts and making backfills for the permittee, and requiring said permittee to pay the City for said cost of restoration in an amount computed by the Building Official in accordance with the rates set forth in Section 6 of this Ordinance.

SECTION 6. DEPOSITS.

A. Upon receipt of a properly completed application, the Building Official shall determine the amount of the deposit which shall be placed by the holder of any permit hereunder, which said deposit shall cover the cost of restoring the street involved in such work. The deposits to be placed for permits shall be as follows:

For replacement of paving with asphalt surface - \$2.00 per square foot.

For replacement of paving with concrete surface - \$3.00 per square foot.

Backfill \$20.00 per cubic yard.

Saw cuts done by the City shall be - \$1.50 per lineal foot with a minimum fee of \$25.00.

Any rework done by the City shall be time and material.

B. The deposit shall be either in the form of a certified treasurer's or cashier's check, cash, or other if approved by the City Recorder. Performance Bonds are not acceptable.

C. If any deposit is less than sufficient to pay all costs, the holder of any permit shall, upon demand, pay to the City an amount equal to the deficiency. If the permittee fails or refuses to pay such deficiency, the City may institute an action to recover the same in any court of competent jurisdiction. Until such deficiency is paid in full, no additional permits shall be issued to such permittee.

D. Whenever any person or company shall anticipate more than five (5) street openings or excavations per year, such utility or authority may post a single deposit for the entire year or part thereof to cover the cost of any and all such work. The amount of such deposit shall be determined by the Building Official.

E. Upon satisfactory completion of backfill and street surface the permit deposit will be returned less costs incurred by the City.

SECTION 7. CITY REGISTRATION, EVIDENCE OF INSURANCE, AND STATE LICENSE REQUIREMENTS

No person, firm or corporation shall be issued a permit hereunder without first registering with the City, at which time they shall submit proof that there is being maintained and carried liability insurance covering personal injury and property damage which may arise from or out of the performance of the proposed work. Such insurance shall cover collapse, explosive hazards and underground coverage and shall include protection against liability arising from completed operations. Such insurance for personal injury shall be in an amount not less than One Hundred Thousand Dollars (\$100,000.00) for each person and not less than Three Hundred Thousand Dollars (\$300,000.00) for each accident and, for property damage, shall be in an amount not less than Fifty Thousand Dollars (\$50,000.00), and not less than One Hundred Thousand Dollars (\$100,000.00) for all accidents. A certified copy or certificate of such insurance policies, together with the certificate of the insurer that each policy is in full force and effect and that said insurance will not be altered, amended, terminated or ended without a 10-day written notice having first been given to the City shall be filed prior to the issuance of an excavation permit. All concerns must also have current a Workmen's Compensation policy approved by the State of Utah, or be found to be sufficiently self-insured and be a properly licensed contractor in the State of Utah for the type of work being performed.

SECTION 8. MAPS OF UNDERGROUND FACILITIES.

A. Every person owning, using, controlling or having an interest in pipes, conduits, ducts or other structures under the surface of any street used for the purpose of supplying or conveying gas, electricity, communication impulses, water or steam to or from the City, or to or from its inhabitants, or for any other purpose shall file with the Building Official within one hundred twenty (120) days after the adoption of this Ordinance, a map or set of maps, each drawn to a scale of not less than 1" to 400', showing the location, size and description of all such installations. The owner agrees upon reasonable notice from the City or any permittee to accurately locate its installations upon the ground as shown on said maps.

B. By March 1 of each year, such person shall file with the Building Official a corrected map or set of maps, drawn to the above designated scale, showing such installations, including all such installations made during the previous year; provided, however, if no further installations have been made during the previous year, there may be filed with the Building Official a written statement to that effect.

SECTION 9. ABANDONED FACILITIES.

A. Whenever any pipe, manhole, conduit, duct, tunnel or other structure located under the surface of any street is abandoned, the person owning, using, controlling or having an interest therein shall, within thirty (30) days after such abandonment, file with the Building Official a statement in writing showing the location of the abandoned structure.

SECTION 10. A. Section 4 of Ordinance 6-74 and Ordinances number 7-72 and 13-73 are hereby repealed.

B. That all ordinances, resolutions and parts thereof in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 11. An applicant for an excavation or cut permit shall be required to file with the appropriate city authority an application furnished by the city containing the information shown in the attached Exhibit "A", which by reference is incorporated herein and made a part hereof.

SECTION 12. PENALTY CLAUSE.

Any person violating any of the provisions of this Ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be punished for such offense by imprisonment, in the city or county jail, for not more than ninety (90) days or by a fine of not less than \$5.00 nor more than \$299.00, or by both both fine and imprisonment. Each day such violation is committed or permitted to continue, shall constitute a separate offense and shall be punishable as such hereunder. Both the licensed contractor and the person, firm or corporation the work is for are responsible for compliance with this Ordinance.

SECTION 13. SAFETY CLAUSE.

The City Council hereby finds, determined, and declares that this Ordinance is necessary and proper to provide for the safety, preserve the health, promote the prosperity, improve the morals, order, comfort and convenience of the City of Park City and the inhabitants hereof.

SECTION 14. SEVERABILITY.

It is the intention of the City Council that this Ordinance or any part or provisions thereof, shall be considered severable and if any provision of or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared severable.

SECTION 15. EMERGENCY.

The City Council finds and determines that the passage of this Ordinance is necessary for the immediate preservation of the public health and safety of the inhabitants of the City of Park City and that this Ordinance shall become effective five (5) days after publication.

INTRODUCED , READ AND ORDERED PUBLISHED this 18th day of March, 1976.

CITY OF PARK CITY

BY Leon Duarte
MAYOR

ATTEST:

Bruce C. Pecker
CITY RECORDER

Date of first publication or posting: March 30, 1976

EXCAVATION APPLICATION & PERMIT

DATE: _____

1. CONTRACTOR _____ 2. STATE LICENSE NO. _____
ADDRESS _____

CONTRACTOR TYPE: _____

3. WORK PERFORMED FOR _____
_____ owner
ADDRESS _____

PARK CITY REG. NO. _____

4. EXCAVATION TO BE STARTED (36 hrs. from NOW minimum) _____
FINISHED _____

5. NOTIFY (24 hrs notice required) encircle utilities involved —
CITY SEWER, CITY WATER, UTAH POWER, MTN. FUEL (GAS), MTN. BELL,
OTHER, POLICE.

6. LOCATION OF EXCAVATION _____
LENGTH CUT _____ WIDTH _____
AREA _____ BACKFILL VOLUME _____

7. PERMIT DEPOSIT _____

8. BARRICADES ON HAND _____ WARNING LIGHTS _____ WARNING SIGNS _____

9. BACKFILL WILL BE BY _____ SURFACE BY _____

10. INSURANCE CO. _____ CERTIFICATE ON
HAND _____

11. WORKMEN'S COMPENSATION POLICY _____

12. PERMIT ISSUED BY _____ BUILDING INSPECTOR

13. I HAVE READ THE EXCAVATION ORDINANCE AND UNDERSTAND ALL ITS PRO-
VISIONS AND ALL EQUIPMENT, MATERIALS AND PERSONNEL ARE AVAILABLE
TO PROPERLY PERFORM

SIGNED _____

14. PERMIT EXPIRES _____ 10% ADDITIONAL WORK AUTHORIZED, EXTENDED
TO _____

15. PERMIT REVOCATION, PERSON NOTIFIED _____

DATE _____ TIME _____ REASON _____

16. VIOLATION MUST BE CORRECTED BY DATE _____ TIME _____
OR CITY WILL RESTORE STREET AT YOUR EXPENSE.
17. COST OF RESTORING STREET TO CITY _____ AMOUNT
RETURNED _____

KEEP PERMITS ON JOB SITE

PERMITS AND JOB SITES ARE NOT TRANSFERABLE

AN ORDINANCE

Be it ordained by the City Council of Park City that the revised ordinance of Park City, Utah, relating to loitering be, and the same hereby is, amended to read as follows:

Section 1. Loitering. It shall be unlawful for any person to loiter in Park City. A person is guilty of loitering when he:

- (1) Loiters, remains or wanders about in a public place for the purpose of begging; or
- (2) Loiters or remains in a public place for the purpose of gambling with cards, dice or other gambling paraphernalia; or
- (3) Loiters or remains in a public place for the purpose of engaging in or soliciting another person to engage in sexual intercourse or sexual behavior of an obscene, lewd or deviate nature; or
- (4) Loiters or remains in or about a school, not having any reason or relationship involving custody of or responsibility for a pupil or student, or any other specific, legitimate reason for being there, and not having written permission from anyone authorized to grant the same; or
- (5) Loiters, remains or wanders in or about a place without apparent reason and under circumstances which justify suspicion that he may be engaged or about to engage in a crime, and upon inquiry by a peace officer, refuses to identify himself by name and address or fails to give a reasonably credible account of his conduct and purpose; or
- (6) Loiters, stands or remains in or about a railroad depot, bus station or any other public transportation facility, or banking institution, brokerage office, hotel, store, tavern, auction room, car, pool hall, card rooms or any public place, and is unable to give a satisfactory account of himself; or
- (7) Loiters or remains in a train depot, bus station or other public transportation facility, unless specifically authorized to do so, for the purpose of soliciting or engaging in any business, trade or commercial transaction involving the sale or merchandise or services, or for the purpose of entertaining persons by singing, dancing, or playing any musical instrument; or
- (8) Loiters or remains in a train depot, bus station or other public transportation facility, or is found sleeping therein, and is unable to give a satisfactory explanation of his presence; or
- (9) Loiters or remains in any place with one or more persons for the purpose of unlawfully using or possessing a narcotic or dangerous drug; or
- (10) Loiters or prowls in a place, at a time, or in a manner not usual for lawabiding individuals under circumstances that warrant alarm for the safety of persons or property in the vicinity. Among the circumstances which may be considered in determining whether such alarm is warranted is the fact that the actor takes flight upon appearance of a peace officer, refuses to identify himself, or manifestly endeavors to conceal himself or any object. Unless flight by the actor or other circumstances make it impracticable, a peace officer shall prior to any arrest for an offense under this subsection (10) afford the actor an opportunity to dispel any alarm which would otherwise be warranted by requesting him to identify himself and explain his presence and conduct. No person shall be convicted of an offense under this subsection (10) if the peace officer did not comply with the preceding sentence, or if it appears at trial that the explanation given by the actor was true and, if believed by the peace officer at the time, would have dispelled the alarm.

Section 2. In the opinion of the City Council of Park City, Utah, it is necessary to the peace, health and welfare of the inhabitants of Park City that this ordinance become effective immediately.

Section 3. This ordinance shall take effect upon its first publication.

Passed by the City Council of Park City, Utah, this 10th day of July, 1976

WILLIAM P. SULLIVAN
MAYOR

Violet Terry
VIOLET TERRY
City Recorder

(SEAL)

ORDINANCE 6-76

AN ORDINANCE REPEALING the Zoning Ordinance of Park City, 1968 edition, and all subsequent amendments, by substituting therefor and adopting the Land Management Code of Park City, 1976, edition, as printed and published in book form by authority of the City Council of Park City, Utah in 1976

The City Council of Park City, Summit County, State of Utah, ordains as follows:

Section 1. That the Park City, Utah Zoning, and Mobile Homes code, Ordinance LXVII, Title 67, 1968 edition, and all amendments thereto subsequently enacted, be and the same are hereby repealed.

Section 2. That an ordinance printed and published in book form in October, 1976, three copies of which are on file in the Office of the City Recorder of Park City, 1976 edition, including each and every section therein, be and the same is hereby passed and adopted.

Section 3. That all prior ordinances and amendments in conflict herewith be and the same are hereby repealed.

Section 4. In the opinion of the City Council of Park City, Utah, it is necessary for the immediate preservation of the peace, health, safety and welfare of Park City, Utah and the inhabitants thereof that this ordinance shall take effect immediately upon publication in one issue of a newspaper published in having general circulation in Park City, Summit County, State of Utah.

IN WITNESS WHEREOF, the City Council of Park City, Utah, have approved, passed and adopted this ordinance this 13th day of October, 1976.

By: Leslie Thraite
MAYOR

ATTEST:

Bruce C. Decker
CITY RECORDER

November 1, 1976
DATE OF FIRST POSTING

ORDINANCE

AN ORDINANCE ENACTING CHAPTER 1, GENERAL PROVISIONS; CHAPTER 10, GARBAGE AND TRASH; CHAPTER 11, HEALTH; CHAPTER 12, LICENSES AND PERMITS; CHAPTER 13, CRIMINAL CODE; CHAPTER 14, PARKING CODE; CHAPTER 15, TRAFFIC CODE; AND CHAPTER 16, NOISE.

The City Council of Park City, Summit County, State of Utah ordains as follows:

Section 1. That Chapter 1, Sections 1-1-1 through and including 1-1-14; Chapter 10, Sections 10-1-1 through and including 10-2-5; Chapter 11, Sections 11-1-1 through and including 11-1-13; Chapter 12, Sections 12-1-1 through and including 12-2-52; Chapter 13, Sections 13-1-1 through and including 13-2-41; Chapter 14, Sections 14-1-1 through and including 14-1-34; Chapter 15, Sections 15-1-1 through and including 15-1-5; and Chapter 16, Sections 16-1-1 through and including 16-1-4, Revised Ordinances of Park City, Utah, 1976 Edition, three (3) copies of which are on file in the Office of the City Recorder of Park City, Utah, be and the same are hereby passed and adopted.

Section 2. That all prior ordinances and amendments in conflict therewith be and the same are hereby repealed.

Section 3. That the effective date of this Ordinance shall be the 1st day of November, 1976.

IN WITNESS WHEREOF, the City Council of Park City, Utah, have approved, passed and adopted this Ordinance this 7 day of October, 1976.

CITY COUNCIL OF PARK CITY, UTAH

BY *Leon Thwaites*
MAYOR

ATTEST:

Bruce C. Vecker
CITY RECORDER

DATE OF FIRST POSTING

Oct 8, 1976

CODE OF ORDINANCES
Chapter 1
GENERAL PROVISIONS

Sec. 1-1-1. HOW CODE DESIGNATED AND CITED. The ordinances embraced in this and the following chapters and sections shall constitute and be designated the "Municipal Code of the City of Park City, Utah" and may be so cited.

Sec. 1-1-2. DEFINITIONS AND RULES OF CONSTRUCTION GENERALLY. In the construction of this code and of all ordinances and resolutions passed by the city council, the following definitions and rules shall be observed unless such construction would be inconsistent with the manifest intent of the city council:

City. The words "the city" or "this city" or "municipality" shall mean the City of Park City, in the County of Summit and State of Utah. Such words shall extend to and include its several officers, agents and employees.

Code. The words "this Code" shall mean the "Municipal Code of the City of Park City, Utah" as designated in Section 1-1-1.

Computation of time. In computing any period of time prescribed or allowed by this Code, the day of the act, event, or default from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included, unless it is a Saturday, a Sunday, or a legal holiday, in which event the period runs until the end of the next day

which is not a Saturday, a Sunday, or a legal holiday. When the period of time prescribed or allowed is less than seven (7) days, intermediate Saturdays, Sundays, and legal holidays shall be excluded in the computation. A half holiday shall be considered as other days and not as a holiday. As used in this section, "legal holiday" includes New Year's Day, Lincoln's birthday, Washington's birthday, Memorial Day, Independence Day, July 24th, Labor Day, Columbus Day, General Election Day, Veterans Day, Thanksgiving Day, Christmas Day, and any other day appointed as a holiday by the President or the Congress of the United States, or pursuant to Utah statute.

Council. Whenever the words "council," "this council," "the council" or "city council" are used, they shall mean the City Council of the City of Park City, Utah.

County. The words "county," "the county" or "this county" shall mean Summit County, Utah.

U.C.A. The initials "U.C.A." whenever used throughout this Code shall mean Utah Code Annotated, 1953.

Day. The word "day" shall be mean any twenty-four (24) hour period from midnight to midnight.

Gender. A word importing the masculine gender only shall extend and be applied to females and to firms, partnerships and corporations as well as to males.

Highway. The term "highway" shall include any street, alley, highway, avenue or public place or square, bridge, viaduct, tunnel,

underpass, overpass and causeway in the city, dedicated or devoted to public use.

Joint authority. Words purporting to give authority to three (3) or more officers or other persons shall be construed as giving such authority to a majority of such officers or other persons unless it is otherwise declared.

Land, real estate and real property. The terms "land," "real estate" and "real property" include lands, tenements, hereditaments, water rights, possessory rights and claims.

Month. The word "month" shall mean a calendar month.

Number. Any word importing the singular number shall include the plural and any word importing the plural number shall include the singular.

Oath. The word "oath" shall be construed to include an affirmation in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the words "swear" and "sworn" shall be equivalent to the words "affirm" and "affirmed." Every mode of oral statement under oath or affirmation is embraced in the term "testify" and every written one in the term "depose."

Official time. Whenever the term "official" or "time" is used it shall mean standard time or daylight saving time as may be in current use within the city.

Officers, boards, etc. Whenever reference is made to any

officer, board or commission, the same shall be construed as if followed by the words "of the City of Park City." Reference to such officer, board or commission shall be deemed to include his or their authorized deputies, agents, or representatives.

Or, and. "Or" may be read "and," and "and" may be read "or," if the sense requires it.

Owner. The word "owner" applied to a building or land shall include any part owner, joint owner, tenant in common, joint tenant or lessee of the whole or of a part of such building or land.

Person. The word "person" shall extend and be applied to associations, corporations, firms, partnerships and bodies politic and corporate as well as to individuals.

Personal property. The term "personal property" includes every description of money, goods, chattels, effects, evidences of rights in action, and all written instruments by which any pecuniary obligation, right or title to property is created, acknowledged, transferred, increased, defeated, discharged or diminished, and every right or interest therein.

Preceding, prior, following, subsequent. The word "preceding" or "prior" mean next before and the word "following" or "subsequent" mean next after.

Prohibitions. Words prohibiting anything being done, except in accordance with a license or permit or authority from an officer of the city authorized by ordinance shall be construed as

expressly giving such officer power to license or permit or authorize such thing to be done.

Property. The word "property" includes both real and personal property.

Public way or public thoroughfare. The words "public way or public thoroughfare" shall include streets, alleys, lanes, courts, boulevards, public square, mall, public places and sidewalks.

Quarter. The word "quarter" shall mean any three (3) month period ending with the last day of March, June, September and December.

Roadway. The word "roadway" shall mean that portion of the street between the curb, or the lateral line of the roadway and the adjacent property line, intended for the use of pedestrians.

Sidewalk. The word "sidewalk" shall include any portion of the street between the curb, or the lateral line of the roadway and the adjacent property line, intended for the use of pedestrians.

Signature or subscription. The word "signature" or "subscription" shall include a mark when a person cannot write.

State. The words "the state" or "this state" shall be construed to mean the State of Utah.

Street. The term "street" shall include any highway, alley, avenue or public place or square, bridge, viaduct, underpass, overpass, tunnel or causeway in the city, dedicated or devoted to public use.

Tenant or occupant. The word "tenant" or "occupant" applied to a building or land shall include any person who occupies the whole or any part of such building or land, whether alone or with others.

Tense. Words used in the past or present tense include the future as well as the past and present.

Written or in writing. The words "written" or "in writing" shall be construed to include any representation of words, letters or figures, whether by printing or otherwise.

Year. The word "year" shall mean a calendar year.

Sec. 1-1-3. CERTAIN ORDINANCES NOT AFFECTED BY CODE. Nothing in this Code or the ordinance adopting this Code shall be construed to repeal or otherwise affect the validity of the following:

- (1) Any ordinance promising or guaranteeing the payment of money for the city, or authorizing the issuance of any bonds of the city, or any evidence of the city's indebtedness; and
- (2) Any appropriation ordinance or ordinance providing for the levy of taxes or for an annual budget, or prescribing salaries for city officers and employees; and
- (3) Any ordinance annexing territory to the city or discontinuing territory as a part of the city; and
- (4) Any ordinance granting any franchise;

and all such ordinances are hereby recognized as continuing in full

force and effect to the same extent as if set out at length herein.

Sec. 1-1-4. CODE DOES NOT AFFECT PRIOR OFFENSES, CONTRACTS, ETC. Nothing in this Code or the ordinance adopting this Code shall affect any offense or act committed or done or any penalty or forfeiture incurred or any contract or right established or accruing before the effective date of this Code.

Sec. 1-1-5. CATCHLINES OF SECTIONS. The catchlines of the several sections of this Code, printed in boldface type, are intended as mere catchwords to indicate the contents of the section and shall not be deemed or taken to be titles of such sections, nor as any part of the section, nor, unless expressly so provided, shall they be so deemed when any of such sections, including the catchlines, are amended or reenacted.

Sec. 1-1-6. AMENDMENTS OR ADDITIONS TO CODES.

(1) All ordinances passed subsequent to this Code which amend, repeal or in any way affect this Code may be numbered in accordance with the numbering system of this Code and printed for inclusion herein. When subsequent ordinances repeal any chapter, section or subsection or any portion thereof, such repealed portion may be excluded from the Code by omission from reprinted pages. The subsequent ordinances as numbered and printed, or omitted in the case of repeal, shall be prima facie evidence of such subsequent ordinances until such time as this Code and subsequent ordinances numbered or omitted are readopted as new Code by the city council.

(2) Amendments to any of the provisions of this Code shall be made by amending such provisions by specific reference to the section number of this Code in the following language: "That section _____(or section _____, subsection _____) of the Municipal Code of the City of Park City, Utah, is hereby amended to read as follows:" The new provisions shall then be set out in full as desired.

(3) In the event a new section not heretofore existing in the Code is to be added, the following language shall be used: "That the Municipal Code of the City of Park City, Utah, is hereby amended by adding a section (or chapter), which said section (or chapter) reads as follows:" The new section shall then be set out in full as desired.

Sec. 1-1-7. SEVERABILITY OF PARTS OF CODE. It is hereby declared to be the intention of the city council that the sections, paragraphs, sentences, clauses and phrases of this Code are severable and, if any phrase, clause, sentence, paragraph or section of this Code shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Code, since the same would have been enacted by the city council without the incorporation in this Code of any such unconstitutional phrase, clause, sentence, paragraph, or section.

Sec. 1-1-8. GENERAL PENALTY FOR VIOLATIONS OF CODE — CONTINUING VIOLATIONS — DEFAULT.

(1) Whenever in this Code or in any ordinance of the city an act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or wherever in such Code or ordinance the doing of any act is required or the failure to do any act is declared to be unlawful, and no specific penalty is provided therefor, the violation of any such provision of this Code or any such ordinance shall be punished by a fine of not exceeding two hundred ninety-nine dollars (\$299.00) or imprisonment for a period of not more than six (6) months or both such fine and imprisonment at the discretion of the court. Each day any violation of this Code or of any ordinance shall continue shall constitute a separate offense, unless otherwise provided.

(2) Any person in default of payment of any fine imposed shall be imprisoned in the county jail for a period of one (1) day for each ten dollars (\$10.00) of such fine.

Sec. 1-1-9. COMMITMENT FOR FAILURE TO PAY FINE. Every person against whom any fine or penalty shall be assessed under the laws of the city who shall refuse or neglect to pay the same when demanded upon execution may be committed in default thereof to the city or county jail, or such other suitable place or enclosure as shall be provided by the city, under the direction of the proper officer, until such fine or penalty is fully paid and satisfied, the satisfaction to

be allowed at the rate of ten dollars (\$10.00) per day of twenty-four (24) hours. Any such person may be required to do any reasonable work. Provided, however, that in the discretion of the city justice a stay of execution may be granted by the city justice to enable the defendant to pay the fine or penalty at a later date or in installments. In case the defendant shall not have met the terms of the stay of execution, then the execution shall issue and the defendant shall be placed in jail until the judgment is satisfied.

Sec. 1-1-10. WORKING OF PRISONERS. Any person imprisoned under the provisions of this chapter may be put to work for the benefit of the city for the term of his imprisonment. No prisoner shall be required to work on Sunday.

Sec. 1-1-11. DOUBLE FEE FOR FAILURE TO OBTAIN REQUIRED LICENSES. When work or activity for which a permit or license is required by this Code or any code adopted herein is commenced without first having acquired such permit or license, the specified fee shall be doubled, but the payment of such double fee shall not relieve any person from fully complying with all the requirements of this Code or any code adopted herein, nor from any other prescribed penalties. Payment of such double fee or any unpaid portion thereof may be compelled by civil action in any court of competent jurisdiction. The acceptance of any portion less than the entire amount of such double fee by any officer or employee of the city shall not constitute a waiver or release of the balance thereof.

Sec. 1-1-12. PENALTIES NOT TO EXCUSE ABATEMENT OF PROHIBITED CONDITIONS. The application of any penalty under this chapter shall not constitute the condoning or legalizing of any prohibited condition or prevent the abatement or enforced removal of such condition by any lawful means available to the city.

Sec. 1-1-13. PRESUMPTION OF RESPONSIBILITY FOR CERTAIN VIOLATIONS. The occupant and owner of any premises upon which a violation of any provision of this Code or of any code adopted hereby is apparent and the owner of any object or material placed or remaining anywhere in violation of any provision of this Code or of any code adopted hereby shall be deemed prima facie responsibility for the violation so evidenced and subject to the penalty provided therefor.

Sec. 1-1-14. APPLICATION OF CODE BY CITY OFFICERS OR EMPLOYEES. Whenever in this Code or in any code adopted herein it is provided that anything must be done to the approval or permission of or subject to the direction of any administrative officer or employee of the city, this shall be construed to give such officer or employee only the discretion of determining whether the rules and standards established by this Code or by any code adopted herein have been complied with; and no such provision shall be construed as giving any administrative officer or employee discretionary powers as to what such regulations or standards shall be, or power to require conditions not prescribed by this Code or by any code adopted herein, or to enforce the provisions therein in an arbitrary or discriminatory manner.

(4) L. p. gas shall not be stored in aboveground containers, exceeding one thousand (1,000) gallons (liquid) individual capacity and one thousand (1,000) gallons (liquid) aggregate capacity located in fire zone except as allowed at bulk storage sites.

Sec. 9-3-10. STORAGE OF EXPLOSIVES, FLAMMABLE LIQUIDS, AND COMPRESSED GAS. It shall be unlawful for any person to store or harbor any of the following items, except small arms ammunition, without the written permission of the chief of the fire department:

(1) Any flammable liquid in containers exceeding five (5) gallons capacity;

(2) Compressed gas and containers exceeding three hundred (300) pounds weight;

(3) Explosives exceeding fifty (50) pounds, within the confines of any structure located within the corporate limits of the city.

Chapter 10 GARBAGE AND TRASH

Sec. 10-1-1. DEFINITIONS.

For purposes of this chapter the following terms shall have the meanings ascribed to them:

Garbage. The term "garbage" shall mean all substances fit for food for swine, discarded from dwellings, rooming houses, hotels, clubs, restaurants, boardinghouses, eating places, shops, stores and other places of business.

Trash. The term "trash" shall mean all substances, which are neither ashes nor garbage, discarded from dwellings, rooming houses, hotels, clubs, restaurants, boardinghouses, eating places, shops, stores and other places of business.

Sec. 10-1-2. LITTERING PROHIBITED. It shall be unlawful for any person to throw, permit to be deposited or scattered upon any sidewalk, street, alley or public passageway or upon any private property, any waste or other material of any kind.

Sec. 10-1-3. DISPOSAL REQUIRED. Every owner or occupant of premises within the city shall use the ashes, garbage and trash collection and disposal system franchised by the city upon payment of the sum fixed by the franchised operator or shall provide his own method and means of collection and disposal of ashes, trash and garbage subject to the regulations of this chapter. But in any event every owner or occupant of premises within the city shall deposit and cause to be deposited all garbage, trash and ashes which may accumulate on any premises owned or occupied by him, in fly-tight, covered, metal or hard plastic containers.

Sec. 10-1-4. SEPARATE CONTAINERS REQUIRED FOR ASHES. All ashes accumulated on any premises shall be placed in a suitable container separate and apart from the garbage and trash containers.

Sec. 10-1-5. SPECIFICATIONS FOR CONTAINERS. The metal or hard plastic containers in which garbage shall be deposited, as provided in

section 10-1-3 shall be of a capacity not to exceed thirty-two (32) gallons each, and shall have a fly-tight cover, be leakproof and be provided with a bail or side handles.

Sec. 10-1-6. FREQUENCY OF COLLECTION BY CITY. The collection and disposal of trash and garbage within the city shall be as often as necessary and ashes shall be removed from the ash pits when sufficient ashes have accumulated to justify their removal.

Sec. 10-1-7. UNSANITARY GARBAGE CANS. Garbage cans or trash containers found to be in an unsanitary condition shall be tagged with a red tag by either the trash collector or the sanitarian. Within twenty-four (24) hours after a garbage can or trash container has been tagged, the occupant of the premises and users of the cans and containers shall cause them to be cleaned and put in a sanitary condition.

Sec. 10-1-8. REMOVAL OF UNLAWFUL ACCUMULATIONS BY CITY; LIEN FOR COST OF REMOVAL. In the event that the owner or occupant of premises in the city shall permit ashes, trash or garbage to accumulate thereon and fail or refuse to deposit such ashes, trash or garbage in suitable containers in accordance with the provisions of this chapter or fail to place the same at or near the street or alley adjacent to the premises in a position convenient for loading, the city at the discretion of the sanitarian may cause the ashes, trash or garbage to be removed. In such case the entire expense of the collection and removal thereof shall be charged against such premises and against the owner or occupant thereof in addition to the regular charge for collection and disposal of such ashes, trash

and garbage, and shall constitute a lien upon the real property of said owner or occupant.

Sec. 10-1-9. HAULING OF ASHES, TRASH, OR GARBAGE TO BE IN CLOSED CONTAINER OR COVERED VEHICLE. All ashes, trash and garbage hauled or conveyed within the city limits or through the city, shall be hauled in a closed container or, if being hauled or conveyed in a vehicle, shall be so covered or closed in so that the contents cannot fall or be blown from such vehicle. No person hauling or conveying ashes, trash or garbage within the city limits or through the city shall allow any ashes, trash or garbage to fall or be blown from the container or vehicle used for such hauling or conveying.

ARTICLE 2

COLLECTION OF GARBAGE, TRASH, ETC.

Sec. 10-2-1. It shall be unlawful to place, dispose, deposit or otherwise set out any garbage, refuse, trash, scrapes, or other materials for scavenger collection except on the days as provided in Section 10-2-3.

Sec. 10-2-2. It shall be unlawful to place, dispose, deposit or otherwise set out any garbage, refuse, trash, scraps, or other materials for scavenger collection unless said garbage, refuse, trash, scraps or other materials is placed in a covered metal container or covered hard plastic container.

Sec. 10-2-3. COLLECTION AREAS. Park City will be divided into three areas and scavenger collection shall be as follows:

(1) Residential districts will get scavenger collection

once a week.

(2) All businesses will have scavenger collection three times a week.

(3) AREA I. MONDAY — South from 8th Street: All businesses; all residents on Main Street, Grant Avenue (Swede Alley), Heber Avenue, McHenry Avenue, Marsac Avenue, Daly Avenue, King Road, and Ontario Avenue.

(4) AREA II. WEDNESDAY — North of 8th Street: All businesses and residents on Park Avenue, Woodside Avenue, Norfolk Avenue, Empire Avenue, Pacific Avenue and Thaynes Canyon.

(5) AREA III. FRIDAY -- South of 8th Street: All businesses and residents on Park Avenue, Woodside Avenue, Norfolk Avenue and Sampson Avenue.

Sec. 10-2-4. The owner of the property where any garbage, refuse, trash, scraps, or other materials is found in violation of this ordinance shall be deemed solely liable.

Sec. 10-2-5. The violation of any provision of this chapter shall be deemed a misdemeanor.

Chapter 11 HEALTH

Sec. 11-1-1. PRIVIES PROHIBITED. It shall be unlawful for the owner or occupant of any building used for residency or business purposes within the city to provide for the building of, or to maintain, an outside or open closet, vault or privy to be used for

the collection or disposal of sewage from the residence or premises.

Sec. 11-1-2. SEPTIC TANKS, CESSPOOLS, ETC., PROHIBITED WITHIN CERTAIN DISTANCE OF CITY SANITARY SEWER. It shall be unlawful to construct, reconstruct, repair or place any septic tank, cesspool, closet, toilet, pool, drain, ditch, or other sewage disposal device in or near any residence or other building in the city, to be used for the purpose of collecting, storing or disposing of sewage from any such residence or other building.

Sec. 11-1-3. DISPOSAL OF ANIMAL CARCASSES REQUIRED. Any animal or brute which shall be killed or die from any cause in the city shall be at once removed beyond the city limits by the owner or person having had such animal in his possession, control or charge, and the carcass of such animal shall be buried or disposed of in a sanitary manner satisfactory to the sanitarian, or city manager in the absence of a city sanitarian. It shall be unlawful for any person to fail or refuse to dispose of such animal carcass as herein provided.

Sec. 11-1-4. POLLUTION OR CONTAMINATION OF CERTAIN CREEKS PROHIBITED. It shall be unlawful for any person to place, dump, throw, discharge or deposit any substance or material which will, in any manner, pollute or contaminate the waters of any creeks located within or running through the city limits of Park City, or their tributaries, for a distance of five (5) miles around or above the intake points of the water utility of the city, or to have, keep, or maintain, at , along or near the banks of said

creeks, for a distance of five (5) miles around or above the intake points of the water utility, any building, privy, pen, yard, corral for stock, or to have, keep or conduct any business near such creek as aforesaid which will contaminate or pollute the waters of the creeks or render the same unfit for domestic use.

Sec. 11-1-5. POLLUTION OF WATER IN WATERWORKS PROHIBITED. It shall be unlawful for any person to throw or discharge into any waterworks of the city, including all reservoirs, streams, ditches, inlets, pipes, drains, filters, sedimentation basins or other equipment or appliance used in the construction, maintenance and operation of the same, any obnoxious substance which is subject to decay or pollute the water.

Sec. 11-1-6. ALLOWING LIVESTOCK TO GRAZE NEAR OPEN WATERWORKS PROHIBITED. It shall be unlawful for any person to allow any livestock, or any animals of any kind, to graze within one hundred (100) yards of any open waterworks of the city, including all reservoirs, or collection points of water for distribution, streams, trenches, inlets, pipes or drains.

Sec. 11-1-7. SWIMMING OR BATHING IN WATERWORKS RESERVOIRS PROHIBITED. It shall be unlawful for any person to bathe or swim in or bathe any animal or cause any animal to enter into or swim in any of the reservoirs or other parts of the city waterworks.

Sec. 11-1-8. OPEN OR OVERFLOWING SEPTIC TANKS, CESSPOOLS, ETC., REGULATED. It shall be unlawful for any person to maintain any open or overflowing septic tank, cesspool, toilet, sink or open

drainage from any plumbing or sanitary fixtures within the city, and such is hereby declared to be a public nuisance. The owner or occupant of any residence, building, ground or premises within the city who shall maintain or permit the maintenance of any open or overflowing septic tank, cesspool, toilet, sink or open drainage from any plumbing or sanitary fixtures within the city shall be deemed guilty of creating and maintaining a public nuisance.

Sec. 11-1-9. ACCUMULATION OF STANDING WATER ON LAND REGULATED. It shall be unlawful for any person owning or occupying any premises, lot or parcel of land within this city to allow an accumulation of standing water that is or is likely to become offensive or injurious to the public health. Any person owning or occupying any premises, lot, or parcel of land whereupon water shall be standing as aforesaid, shall be deemed guilty of creating and maintaining a public nuisance.

Sec. 11-1-10. REMOVAL OF WEEDS, BRUSH, ETC. — REQUIRED. All weeds, brush and rubbish of all kinds shall be removed from all lots and tracts of land within the city and from the alleys behind and from the sidewalk areas in front thereof.

Sec. 11-1-11. SAME — NOTICE; REMOVAL BY CITY AND ASSESSMENT OF COST FOR FAILURE TO REMOVE.

(1) In the event any land owner shall fail to remove the weeds, brush and rubbish as provided herein the city manager or his authorized agent may give the record owner of such lot or parcel

of land written notice of such condition and require the removal of such weeds, brush and rubbish within fifteen (15) days of the date of such notice. It shall be unlawful for any land owner to fail or refuse to comply with such notice.

(2) If the owner of such property shall fail to remove the weeds, brush and rubbish within the period above provided, then the city may remove or have removed such weeds, brush and rubbish and shall thereupon charge the whole cost thereof, including inspection and other incidental costs in connection therewith, to the owner of such lots or parcels of land.

(3) In the event that the owner or owners of the lot or lots or tracts of land against which any assessment hereunder shall be made, shall fail, refuse or neglect to pay the same within twenty (20) days from the date of notice of such assessment, then and in this event the assessment shall be certified by the city recorder to the county treasurer of the county to be placed upon the tax list for the current year and to be collected in the same manner as other taxes are collected, together with a penalty added thereon to defray the costs of collection. All the laws of the state for the assessment and collection of taxes and the redemption thereof, shall apply to and have full effect for the collection of all such assessments.

Sec. 11-1-12. SAME — NOTICE IN DISCRETION OF CITY MANAGER. The notices required by section 11-1-11 to be given to remove the weeds, brush and rubbish shall be given at the sole discretion of the

city manager and a determination by him that such a notice should be given because of the condition of such lot or tracts of land shall be conclusive on the question of whether the condition of such lots or tracts of land are such as to warrant such action.

Sec. 11-1-13. VIOLATION A MISDEMEANOR. The violation of any provision of this chapter shall be deemed a misdemeanor.

Chapter 12

ARTICLE 1

BUSINESS REVENUE LICENSE

Sec. 12-1-1. DEFINITIONS. For the purpose of this ordinance the following terms shall have the meanings herein prescribed:

(1) Business. "Business" means and includes all activities engaged in within the corporate limits of Park City carried on for the business of gain or economic profit, except that the acts of employees rendering services to employers shall not be included in the term business unless otherwise specifically prescribed.

(2) Engaging in Business. "Engaging in business" includes but is not limited to, the sale of tangible personal property at retail or wholesale, the manufacturing of goods or property and the rendering of personal services for others for a consideration by persons engaged in any profession, trade, craft, business, occupation or other calling, except the rendering of personal services by an employee to his employer under any contract of personal employment.

(3) Place of Business. "Place of business" means each

separate location maintained or operated by the licensee within Park City from which business activity is conducted or transacted.

(4) Employee. "Employee" means the operator, owner, or manager of said place of business and any persons employed by such person in the operation of said place of business in any capacity and also any salesman, agent or independent contractor engaged in the operation of said place of business in any capacity.

(5) Number of Employees. "Number of employees" shall mean the average number of employees engaged in business at the place of business each regular working day during the preceding calendar year. In computing said number, each regular full-time employee shall be counted as one employee, and each part-time employee shall be counted as that fraction which is formed by using the total number of hours worked by such employee as the numerator and the total number of hours regularly worked by a full-time employee as the denominator.

(6) Person. "Person" shall mean any individual, receiver, assignee, trustee in bankruptcy, trust, estate, firm, co-partnership, joint venture, club, company, business trust, corporation, association, society or other group of individuals acting as a unit, whether mutual, cooperative, fraternal, non-profit or otherwise.

Sec. 12-1-2. LICENSE FEE LEVIED.

(1) There is hereby levied upon the business of every person engaged in business in Park City at a place of business within the city, an annual license fee of \$50.00 per business, plus an

additional fee of \$15.00 for each and every employee engaged in the operation of said business, based upon the number of employees defined in Section 12-1-1 (4) and (5) of this ordinance. The definition of an employee for purposes of the additional \$15.00 license fee assessed herein shall not include one (1) owner, operator, or manager of a business.

(2) There is hereby levied upon every person engaged in business in Park City, Utah, in addition to the fee set forth in Section 12-1-2 (1) allowing beer to be sold on the premises, a fee of \$100.00.

(3) There is hereby levied upon every person engaged in business in Park City, Utah, in addition to the fee set forth in Section 12-1-2 (1) and (2) who allow patrons to consume intoxicating liquor and be served setups, a fee of \$50.00.

(4) There is hereby levied upon every person engaged in business in Park City, Utah, in addition to those fees set forth in Section 12-1-2 (1) (2) and (3) who are designated as a "private club" a fee of \$250.00.

(5) There is hereby levied upon the business designated as a "nightly lodging facility" of every person engaged in such business in Park City, Utah, an annual fee of \$50.00 plus the sum of \$10.00 per multiple of four (4) persons who can be accommodated at such facility.

(6) There is hereby levied upon every person engaged in business in Park City, Utah, not having a place of business in

said city, and not exempt as provided by Section 12-1-10 of this code, a license fee as set forth in Section 12-1-2 (1) of this code.

Sec. 12-1-3. UNLAWFUL TO OPERATE WITHOUT LICENSE. It shall be unlawful for any person to engage in business within Park City without first procuring the license required by this chapter. All licenses issued under the provisions of this chapter are non-transferrable.

Sec. 12-1-4. LICENSE ADDITIONAL TO ALL REGULATORY LICENSES. The license fee imposed by this ordinance shall be in addition to any and all other taxes or licenses imposed by any other provisions of the ordinances of Park City.

Sec. 12-1-5. DELINQUENT DATE AND PENALTY. All license fees imposed by this ordinance shall be due and payable on or before January 1 of each year and in the event any fee is not paid within fifteen (15) days thereafter, or false return is filed, a penalty of ten percent (10%) of the license fee shall be assessed. Additionally, any business not duly licensed by April 10, 1975, or by January 31 of each year from and after January 1, 1976, shall be subject to immediate closure and shall remain closed until such time as all unpaid license fees and ten percent (10%) penalty thereon are paid in full.

Sec. 12-1-6. RECORDS TO BE MAINTAINED. It shall be the duty of every person liable for the payment of any license fee imposed by this code to keep and preserve for a period of three (3) years

such books and records as will accurately reflect the number of employees from which can be determined the amount of any license fee for which he may be liable under the provisions of this code.

Sec. 12-1-7. UNLAWFUL TO FILE FALSE RETURN. It shall be unlawful for any person to make a return that is false knowing the same to be so.

Sec. 12-1-8. REVOCATION OF LICENSE. Any person to whom a license is issued may have the same revoked by order of the city council upon his violating any provision, or his failing to comply fully with all the provisions of this code.

Sec. 12-1-9. LICENSE FEES DECLARED TO BE A DEBT. Any license fee due and unpaid under this code and all penalties thereon shall constitute a debt to Park City and shall be collected by court proceedings in the same manner as any other debt in like manner, which remedy shall be in addition to all other existing remedies.

Sec. 12-1-10. EXEMPTIONS TO LICENSE.

(1) No license fee shall be imposed under this chapter upon any person engaged in business for solely religious, charitable, eleemosynary or other types of strictly non-profit purpose who is tax exempt in such activities under the laws of the United States and the State of Utah, nor shall any license fee be imposed on any person engaged in a business specifically exempted from municipal taxation and fees by the laws of the United States or the State of

Utah; nor shall any license fee be imposed upon any person not maintaining a place of business within Park City who has paid a like or similar license tax or fee to some other taxing unit within the State of Utah, and which taxing unit exempts from its license tax or fee, by reciprocal agreement or otherwise, businesses, domiciled in Park City and doing business in such taxing unit.

(2) Reciprocal agreement. The city manager may, with approval of the city council, enter in to reciprocal agreements with the proper officials of other taxing units, as may be deemed equitable and proper in effecting the exemption provided for in paragraph (1) of this section.

Sec. 12-1-11. FEE NOT TO CONSTITUTE UNDUE BURDEN ON INTERSTATE COMMERCE. None of the license fees provided for by this chapter shall be applied as to occasion an undue burden on interstate commerce. In any case where a license fee is believed by a licensee or applicant for license to place an undue burden upon such commerce, he may apply to the city manager for an adjustment of the fee so that it shall not be discriminatory, unreasonable or unfair as to such commerce. Such application may be made before, at or within six (6) months after payment of the prescribed license fee. The applicant shall, by affidavit and supporting testimony show his method of business and the gross volume or estimated gross volume of business and such other information as the city manager may deem

necessary in order to determine the extent, if any, of such undue burden on such commerce. The city manager shall then conduct an investigation, comparing applicant's business with other businesses of like nature and shall make findings of facts from which he shall determine whether the fee fixed by this ordinance is discriminatory, unreasonable or unfair as to applicant's business and shall recommend to the city council a license fee for the applicant in an amount that is non-discriminatory, reasonable and fair, and if the city council is satisfied that such license fee is the amount that the applicant should pay, it shall fix the license fee in such amount. If the regular license fee has already been paid, the city council shall order a refund of the amount over and above the fee fixed by the council. In fixing the fee to be charged, the city manager shall have the power to base the fee upon a percentage of gross sales, or employees, or may use any other method which will assure that the fee assessed shall be uniform with that assessed on businesses of like nature; provided, however, that the amount assessed shall not exceed the fee prescribed in section 12-1-2.

Sec. 12-1-12. BRANCH ESTABLISHMENTS. A separate license must be obtained for each branch establishment or location of business engaged in, with the city, as if such branch establishment or location were a separate business and each license shall authorize the licensee to engage only in the business licensed thereby at the location or in the manner designated in such license, provided, that

warehouses and distributing places used in connection with or incident to a business licensed under this ordinance shall not be deemed to be separate places of business or branch establishments.

Sec. 12-1-13. JOINT LICENSE. Whenever any person is engaged in two or more businesses at the same location within the city, such person shall be required to obtain separate licenses for conducting each of such businesses, but shall be issued one license which shall specify on its face all such businesses. The license tax to be paid shall be computed as if all of said businesses were separate businesses being conducted at such location. Where two or more persons conduct separate businesses at the same location, each such person shall obtain a license for such business and pay the required license tax for such business.

Sec. 12-1-14. REVENUE MEASURE. This ordinance is enacted solely to raise revenue for municipal purposes and is not intended for regulation and is not a substitute for other regulatory ordinances.

ARTICLE 2 GRADING AND PERMITS

Sec. 12-2-1. INTENT. The City Council of Park City, Utah, concur that in order to effectuate the objectives of a uniform grading within the incorporate limits of Park City, Utah, it is necessary to adopt this article establishing minimum standards and providing regulations for the construction and maintenance of landfills, excavations, cuts and clearing of vegetation, providing for revegetation of cleared areas where appropriate , and providing for other matters properly relating thereto.

Sec. 12-2-2. GENERAL PROVISIONS

(1) Construction and maintenance of any land fills, excavations and cut and clearing of vegetation and the revegetation of cleared areas shall be in compliance with the terms of this article. Permits shall be required as provided in this article, and such permits shall be granted or denied in conformity with the provisions of this article.

(2) The provisions of this article establish the minimum standards applicable within the city to the subject matters of the article.

Sec. 12-2-3. INTERPRETATION AND SEVERABILITY. The provisions of this article shall be liberally construed to effectuate their purposes. If any section, clause, provision or portion of this article is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this article shall not be affected thereby.

Sec. 12-2-4. SHORT TITLE. This article may be cited and referred to as the "Grading Article".

Sec. 12-2-5. DEFINITIONS. For the purposes of this article, certain terms or words used herein shall be interpreted as follows: Words in the present tense include the future; words in the singular number include the plural number; and, words in the plural number include the singular number. The word "shall" is mandatory, not permissive, unless the context indicates that a director meaning is intended.

Area of instability. An area where there is a foreseeable risk of soil or rock movement.

Clearing of vegetation. Total or partial removal of naturally occurring vegetation on an area of land.

Drainage way. Natural depression in the earth's surface such as swales, ravines, draws and hollows in which surface waters collect as a result of rain or melting snow but at other times are destitute of water.

Flood plain. Areas adjoining a water course, lake or other body of water that have been or may be covered by flood waters.

Fill. Any rock, soil, gravel, sand, or other material deposited by man.

Geological terms. As defined in the "Glossary of Geology and Related Sciences" published by the American Geological Institute.

Grading. Cutting through or otherwise disturbing the layers of the soil mantle so as to permanently change the existing landform.

Person. An individual, partnership, corporation, business association, or group of individuals and any government entity.

Stream environment zone. A required land strip on each side of the stream bed necessary to maintain existing water quality. The width of the stream environmental zone shall be determined by on-the-ground investigation. Investigation shall consider, (1) soil type and how surface water filters into the ground; and (2) the types and amount of the slope of the land within the zone and how significant

it is for retaining sediment from reaching the streams. The intent of maintaining the stream environment zone shall be to preserve the natural environment qualities and function of the land to purify water before it reaches the stream.

Surface waters. Waters falling upon, arising from the naturally spreading over lands and produced by rainfall, melting snow or springs.

Water course. A running stream of water; a natural stream, including rivers, creeks, runs and riverlets. It may sometimes be dry but must flow in a definite channel.

Sec. 12-2-6. PERMIT PROCEDURE. No person shall commence or perform any grading or filling or clearing of vegetation without having first obtained a permit from Park City, a municipal corporation.

(1) Exceptions: All other applicable provisions of this section shall apply, but a permit shall not be required if the work complies with any of the following conditions:

(A) The excavation does not exceed four (4) feet in vertical depth at its deepest point measured from the original surface and does not exceed 200 square feet in area.

(B) The fill does not exceed three feet in vertical depth at its deepest point measured from the natural ground surface and the fill material does not cover more than 200 square feet.

(C) Exploratory excavation not to exceed an aggregate area of 200 square feet.

(D) An excavation below finished grade for basements and footings of a building authorized by a valid building permit. This exception does not affect the requirement of a grading permit for any fill made with the material from such excavation.

(E) Clearing of vegetation which does not exceed 1000 square feet in area.

(F) Work by a public agency in accordance with plans approved by the city council of Park City, Utah.

(G) The work is performed on land used for bona fide agricultural purposes.

Sec. 12-2-8. APPLICATION FORM. Application forms are available in and shall be submitted to the Planning Commission of Park City, Utah, and a review will be made by the zoning inspector in accordance with the planning commission.

Sec. 12-2-8. INFORMATION REPORT. Applicants for a grading permit pursuant to the provisions of this article shall furnish an information report prepared by a person or firm qualified by trainings and experience to have expert knowledge of the subject. The Park City Planning Commission Staff shall determine the adequacy of the report and may require the submission of further information where necessary. The report shall provide information as follows, except to the extent that the planning commission determines that such information is not applicable to the project.

(1) Statement of the land capabilities of the property on

which the grading is to be performed, including soil name, soil group, hydrologic group, slope, runoff potential, soil depth, erosion potential, and natural drainage.

(2) A statement of the credentials of the person or persons who drew up the plans.

(3) Accurate contours at two (2) foot intervals for slopes up to 16% and five (5) foot intervals for slopes over 16% showing the topography of the fifteen (15) feet adjacent to such area.

(4) A subsurface soil and geological report including subsurface investigations, as may be required in Section 12-2-9 of this code.

(5) An accurate plot plan showing the exterior boundaries of the property on which the grading is to be performed, and including grading plans in accordance with engineering and planning practices applicable codes and restrictions imposed by recommendations of existing or future soils and geological reports.

(6) Elevations, dimensions, including quantity, location, and extent of proposed grading.

(7) Erosion control measures to prevent soil loss while the grading is in process.

(8) A report showing proposed extent and manner of tree cutting and vegetation clearing, including a plan for disposing of cut trees and vegetation.

(9) A description of equipment and methods to be employed in processing and disposing of soil and other material that is removed from the grading site, including the location of disposal sites.

(10) Detailed plans of all drainage devices, walls, cribbing, dams, or other protective devices to be constructed in connection with, or as a part of, the proposed work, together with a map showing the drainage area and estimated runoff of the area served by any drains and proposed runoff disposal.

(11) A schedule showing when each state of the project will be completed, including estimated starting and completion dates, hours of operation, and days or week of operation.

(12) A soil stabilization report including final ground cover, landscaping, and erosion control, and requirements for stable cut and fill slopes based upon detailed stability analysis.

Sec. 12-2-9. GENERAL REQUIREMENTS OF SUBSURFACE INVESTIGATIONS. For the purposes of preparing the soil and geological report, subsurface investigations shall be performed throughout the area to sufficiently describe the existing conditions.

Sec. 12-2-10. SPECIFIC REQUIREMENTS OF SUBSURFACE INVESTIGATIONS. In particular, subsurface investigations shall be conducted where stability will be lessened by proposed grading or filling or where any of the following conditions are discovered or proposed:

- (1) At fault zones where past land movement is evident.
- (2) At contact zones between two or more geologic formations.
- (3) At zones of trapped water or high water table.
- (4) At bodies of intrusive materials.
- (5) At historic landslides or where the topography is indicative of prehistoric landslides.

(6) At adversely sloped bedding planes, shortrange folding, over-turned folds, and other geologic formations of similar importance.

(7) At locations where a fill slope is to be placed above a cut slope.

(8) At proposed cuts exceeding twenty (20) feet in height, unless in extremely competent rock.

(9) Locations of proposed fills exceeding twenty (20) feet in height.

(10) Where side hill fills are to be placed on existing slopes steeper than 16%.

(11) Wherever groundwater from either the grading project or adjoining properties is likely to substantially reduce the subsurface stability.

Where any of the particular problem areas listed above or other weaknesses are found , the subsurface investigation shall be of sufficient intensity to describe the problem thoroughly. The person or firm making the report shall submit a written report of their findings and recommendations.

Sec. 12-2-11. PLAN REQUIRED. The applicant shall submit a slope stabilization and revegetation plan which shall include a complete description of the existing vegetation, the vegetation to be removed and its disposal, the vegetation to be planted, and slope stabililza-tion measures to be installed. The plan shall include an analysis of the environmental affects of such operations, including the affects on slope stability, soil erosion, water quality and fish

and wildlife.

Sec. 12-2-12. SUBMITTAL OF PLAN. The revegetation and slope plan shall be submitted with the grading plan unless the revegetation plan is a part of an application for clearing of vegetation which does not include or contemplate grading or filling.

Sec. 12-2-13. ADDITIONAL INVESTIGATIONS AND REPORTS. When requested by Park City Planning Commission the applicant shall procure and furnish at his own expense additional engineering, geologic and ownership reports, plans or surveys and other material necessary to determine and evaluate site conditions and the effect of the proposed work on abutting properties, public ways and public welfare and safety within the purposes of this article.

Sec. 12-2-14. INSPECTION AT REASONABLE TIMES. All construction or work for which a permit is required shall be subject to inspection at reasonable times by the Park City Building Inspector or his authorized employees.

Sec. 12-2-15. GENERAL INSPECTIONS The building inspector may make any inspections of any construction work deemed necessary to ascertain compliance with the provisions of this article and other articles which the building inspection department enforces.

Sec. 12-2-16. NOTIFICATION. The permittee or his agent shall notify the building inspection department when construction stages reach completion, prior to being covered or concealed by additional work.

Sec. 12-2-17. INSPECTION OF CONCEALED WORK. Whenever any work on which inspections are required by this article is covered or concealed by additional work without first having been inspected, the building inspector may require, by written notice, that such work be exposed for examination. The work of exposing and recovering shall not entail expense to the building inspection department or Park City, a municipal corporation.

Sec. 12-2-18. PERMIT DURATION. All grading, filling, clearing of vegetation, or other disturbance of the soil should be completed by October 15th. The City Council of Park City, Utah, may require winterization any time after October 15th.

Sec. 12-2-19. EXTENSION. An extension of the permit may be granted upon a showing by the permittee that the work was delayed by reasons beyond his control or that an extension will not increase the risk of environmental damage caused by the grading, filling or clearing of vegetation.

Sec. 12-2-20. GENERAL CRITERIA FOR GRADING, FILLING AND CLEARING OPERATIONS. All grading, filling, and clearing operations, required under this article, shall be designed:

(1) To preserve, match or blend with the natural contours and undulations of the land.

(2) To retain trees and other native vegetation, to stabilize hill-sides, retain moisture, reduce erosion, siltation and nutrient runoff and preserve the natural scenic beauty.

(3) To minimize scars from cuts and fills.

(4) To reduce the amount of cuts and fills and to round off sharp angles at the top and toe and sides of all necessary

cut and fill slopes.

(5) To limit development on steep or hazardous terrain.

(6) To take into consideration geologic hazards and adverse soil conditions and their affect on the future stability of the development.

(7) So that all cleared slopes, including ski slopes, cuts and fills and other areas vulnerable to erosion shall be stabilized.

(8) So that construction, clearing of vegetation, or disturbances of the soil be limited to those areas of proven stability.

(9) So that the natural geologic erosion of hillsides, slopes, graded areas, cleared area, filled areas or streambanks will not be exceeded.

(10) So that sediment or other material deposited in Bear Lake , its flood plains or its tributaries, or any other public or private lands will not exceed that which would be deposited if the land had been left in its natural state.

Sec. 12-2-21. DIRECT DISCHARGE. No solid or liquid waste materials including soil, silt, clay, sand , and other organic or earthen materials shall be discharged into any stream or within the 100 year flood plain located within the incorporate limits of Park City, Utah.

Sec. 12-2-22. INDIRECT DISCHARGE. No material shall be placed within the 100 year flood plan or any other location from which it would be susceptible to erosion and/or disposition into said plain.

Sec. 12-2-23. DISCHARGE CONTROL DEVICES. In order to prevent such discharges from occurring, approved erosion and siltation control devices shall be required for all grading and filling. Control devices and measures which may be required include, but are not limited to, the following:

(1) Energy absorbing devices to reduce the velocity of runoff water.

(2) Sedimentation controls such as desilting basins and catchbasins. Any trapped sediment shall be removed to a disposal site approved by Park City, a municipal corporation.

(3) Dissipation of water runoff from developed areas into drainage fields to dissipate the runoff into the subsoil.

(4) Discharge of water runoff from developed areas into drainage fields to dissipate the runoff into the subsoil.

(5) Multiple discharge points to reduce the volume of runoff over localized discharge areas.

(6) Physical erosion control devices.

Sec. 12-2-24. TEMPORARY CONTROL. Approved temporary erosion and sedimentation control devices, facilities and measures shall be required during construction.

Sec. 12-2-25. DUST CONTROL. Whenever the native ground cover is removed or disturbed, or whenever fill material is placed on the site, the exposed surface shall be treated to the extent necessary to eliminate dust arising from the exposed material. Dust control methods must be approved by the City Council of Park City, Utah.

Sec. 12-2-26. SEASONAL PROHIBITION ON GRADING. Grading and filling shall be prohibited during the period from October 15th through May 1st, except as otherwise provided by this code.

Sec. 12-2-27. SCHEDULING OF OPERATIONS. All grading and filling operations shall proceed according to a work schedule included in the grading plan. The schedule shall be drawn up to limit to the shortest possible period the time that soil is exposed and unprotected.

Sec. 12-2-28. PROHIBITION OF WORK IN STREAM ENVIRONMENT ZONES. No clearing of vegetation, grading or filling shall take place within a stream environment zone of 100 year flood plain provided, however, drainage, facilities required by this article, utility facilities and roads may be constructed within said zone if (1) it can be demonstrated that there will be no detrimental effect on water quality of the water course, there will be no discharge of sediment or other material into the water courses, and (2) fish habitats will not be detrimentally affected by the construction.

Sec. 12-2-29. A permit for any construction resulting in alterations of the shape of a stream channel shall be subject to review by the Park City Planning Commission. After review of the permit application, the planning commission shall take action concerning the permit within 60 days after the application is made. Failure to take action will result in automatic approval of the application.

Sec. 12-2-30. No clearing of vegetation, grading or filling shall be done within a drainageway without the prior written approval of the City Council of Park City, Utah. Approval shall not be given unless it can be shown that:

(1) The proposed work will not substantially increase or alter in any manner the natural flow water, and

(2) The proposed work will not be detrimental to the environment within or adjacent to the drainageway.

Sec. 12-2-31. DISPOSAL OF CLEARED VEGETATION. Vegetation removed during clearing operations shall be disposed of by chipping all or some of the cleared vegetation and stockpiling on the site for use as mulch or compost, or disposal in a manner approved by Park City, a municipal corporation.

Sec. 12-2-32. DISPOSAL OF REMOVED EARTHEN MATERIALS. Earthen materials removed during site preparations shall be disposed of as follows:

(1) Stockpiling all or some of the topsoil on the site for use on areas to be revegetated.

(2) Disposal of the earthen material at the location approved by Park City, a municipal corporation.

Sec. 12-2-39. MAXIMUM SLOPE. The maximum cut slope shall be determined on the basis of the risk of slope instability or soil erosion as shown by the soil report and other available information.

Sec. 12-2-34. SLOPE MATERIAL. If the material of the slope is of such composition and character as to be unstable under the maximum moisture content anticipated, Park City, a municipal corporation, shall require such measures as are necessary to insure the stability of the slope. Such measures may include, but are not limited to, reduction of the slope angle and mechanical slope stabilization.

Sec. 12-2-35. SETBACKS. Tops of cut slopes shall not be made nearer to a property line than three (3) feet, plus one-fifth of the height of the cut, but need not exceed a horizontal distance of ten (10) feet. Top of any cut shall be a minimum distance of six feet measured horizontally from any fill slope.

(1) Building foundations shall be set back from the top of a slope a minimum distance of six feet for all cut slopes steeper than the ratio of two horizontal to one vertical.

(2) The setbacks given in this subsection are minimum and may be increased if considered necessary for safety or stability or to prevent possible damage from water, soil, or debris.

Sec. 12-2-36. MECHANICAL STABILIZATION. Where mechanical stabilization or containment of the slope by other than the use of native material is employed, the stabilization devices shall be at least partially screened by vegetation.

Sec. 12-2-37. MAXIMUM SLOPE. The maximum fill slope shall be determined on the basis of the risk of instability or soil erosion as shown by the soil report and other available information.

Sec. 12-2-38. FILL MATERIAL. No organic material, such as vegetation or rubbish, or any other material not subject to proper compaction, or otherwise not conducive to slope stability shall be permitted in fills. No rock of similar irreducible material with a maximum dimension greater than eight (8) inches shall be buried or placed in the top six feet of fills.

Sec. 12-2-39. BORROWING. Borrowing for fill is prohibited unless a grading permit has been issued therefro.

Sec. 12-2-40. COMPACTION. Each layer of material for fill shall be compacted to relative compaction of not less than 90% as certified by applicant to Park City, a municipal corporation.

Sec. 12-2-41. MOISTURE CONTENT. At the time of compaction, the moisture content of the fill material shall be such that the specified relative compaction may be obtained with the equipment being used.

Sec. 12-2-42. SETBACKS. The top and bottom of fill slopes shall be so located that no portion of the fill slope will be closer than ten feet to any adjacent property line. In addition the toes of fill slopes shall not be nearer to any adjacent property line than one-half the height of the fill but need not exceed a horizontal distance of twenty feet.

The setbacks given in this section are minimum and may be increased if necessary for safety or stability to prevent damage from water, soil, or debris.

Sec. 12-2-43. INTERCEPTORS. Paved or riprapped interceptors shall be installed at the top of all cut and filled slopes where there is a surfact runoff potential.

Sec. 12-2-44. REVEGETATION PERFORMANCE BOND. A revegetation performance bond shall be posted. The amount of bond shall be the estimated cost of the revegetation as determined by the City Council of Park City, Utah. The bond shall not be released until the required revegetation has survived satisfactorily for three (3) years. Prk City, a municipal corporation shall either call or release the bond not later than at the end of six (6) years.

Sec. 12-2-45. RESTRICTION OF VEHICLES TO GRADED AREAS. There shall be no excavation on the site before Psrk City, a municipal corporation, has approved the location of the stakeout of the drives, parking sites, building sites, and other areas to be graded or filled. Construction equipment shall be limited to the actual area to be graded according to the approved plans. No vehicles of any kind shall pass over areas to be left in their natural state according to the approved plans.

Sec. 12-2-46. TREE BUFFER ZONE. No grading or operation of heavy equipment shall take place within the area bounded by the drip line of any tree on or off the property. This does not apply to those trees which are within the actual construction area and are to be removed according to the Tree Removal Plan and the Tree Removal Permit.

Sec. 12-2-47. PROTECTIVE BARRIERS. During construction the permittee shall provide appropriate barriers around all native

vegetation proposed for retention.

Sec. 12-2-48. RESPONSIBILITY OF CONTRACTOR. The permittee shall be fully responsible for any damage caused to existing trees or other vegetation. He shall carry the responsibility both for his own employees and for all subcontractors from the first day of construction until the notice of completion, if filed.

Sec. 12-2-49. PROHIBITION ON GRADING. No grading, filling, clearing or vegetation, operation of equipment, or disturbance of the soil shall take place in areas where any historic or prehistoric ruins or monuments or objects of antiquity are present. The grading plan shall indicate all such areas on the site and shall indicate the measures that will be taken to protect such areas.

Sec. 12-2-50. DISCOVERY OF ANTIQUITIES. Whenever during excavation there are uncovered or become apparrent any historic or prehistoric ruins or monuments or objects of antiquity not previously accounted for in the grading plan, all work in the immediate area shall cease until Park City, a municipal corporation, shall determine what precautions should be taken to preserve the historic artifacts.

Sec. 12-2-51. VARIANCES. Park City, a municipal corporation, may grant modifications from the provisions of this article in specific instances or circumstances where, owing to special conditions, a literal enforcement will result in unnecessary hardship. Such action shall not be contrary to the public interest nor the purpose of this article. No variance shall be granted if the effect will be to nullify the objectives of this article.

If the planning commission does not take final action within 60 days, applications for permits shall be deemed approved. All variances shall be reported by the regional commission staff with staff recommendations to the Park city Planning Commission for its review and action. The staff report and recommendations shall be available to the public at least five (5) days prior to the planning commission meeting and the applicant and other interested persons shall be afforded opportunity at such meeting to comment on the variance.

Sec. 12-2-52. VIOLATIONS AND PENALTIES. Any person, firm or corporation, violating any provision of Article 1 or Article 2 of this chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine of not more than \$299.00, or by imprisonment for a period not to exceed ninety (90) days or both such fine and imprisonment.

Chapter 13
CRIMINAL CODE
ARTICLE 1
GENERAL PROVISIONS

Sec. 13-1-1. DESIGNATION. This code shall be designated as the Park City Municipal Criminal Ordinance Code.

Sec. 13-1-2. APPLICATION OF CODE — OFFENSE PRIOR TO EFFECTIVE DATE.

(1) The provisions of this code shall govern the construction of, the punishment for, and the defense against any offense defined in this code or, except where otherwise specifically provided or the context otherwise requires, any offense defined outside this code; provided such offense was committed after the effective date of this code.

(2) Any offense committed prior to the effective date of this code shall be governed by the ordinances of this municipality existing at the time of commission thereof, except that a defense or limitation on punishment available under this code shall be available to any defendant tried or retried after the effective date. An offense under this code shall be deemed to have been committed prior to the effective date of this code if any of the elements of the offense occurred prior to the effective date.

Sec. 13-1-3. PURPOSES AND PRINCIPLES OF CONSTRUCTION. The provisions of this code shall be construed in accordance with these general purposes to:

(1) Forbid and prevent the commission of offenses.

(2) Define adequately the conduct and mental state which constitute each offense and safeguard conduct that which without fault from condemnation as criminal.

(3) Prescribe penalties which are proportionate to the seriousness of offenses and which permit recognition of differences in rehabilitation possibilities among individual offenders.

(4) Prevent arbitrary or oppressive treatment of persons accused or convicted of offenses.

Sec. 13-1-4. CRIMES ABOLISHED. No conduct is a crime or an offense unless made so by this code, or other ordinances or other applicable statute.

Sec. 13-1-5. STRICT CONSTRUCTION RULE NOT APPLICABLE. The rule that a penal ordinance is to be strictly construed shall not apply to this code, or any of its provisions, or other ordinances of this municipality. All provisions of this code and offenses defined by it shall be construed according to the fair import of their terms to promote justice and to affect the objects of the law and general purposes.

Sec. 13-1-6. PROCEDURE — GOVERNED BY STATE AND CONSTITUTIONAL PROVISIONS LIABILITY FOR CIVIL DAMAGES NOT AFFECTED.

(1) Except as otherwise provided, the procedure governing the accusation, prosecution, conviction, and punishment of offenders and offenses is not regulated by this code, but shall be in conformity with the laws of Utah and the Constitution of the United States.

(2) This code does not bar, suspend, or otherwise affect any rights to or liability for damages, penalty, forfeiture, impeachment, or other remedy authorized by law to be covered or enforced in a civil action, administrative proceeding, or otherwise, regardless of whether the conduct involved in the proceeding constitutes an offense defined in this code.

Sec. 13-1-7. JURISDICTION OF OFFENSES.

(1) A person is subject to prosecution in this municipality for an offense which he commits, while either within or outside the municipality, by his own conduct or that of another for which he is legally accountable, if:

(A) The offense is committed either wholly or partly within the municipality; or

(B) The conduct outside this municipality constitutes an attempt within this municipality; or

(C) The conduct outside this municipality constitutes an attempt within this municipality; or

(D) The conduct within the municipality constitutes an attempt, solicitation or conspiracy to commit in another jurisdiction an offense under this code and such other jurisdiction.

(2) An offense is committed partly within this municipality if either the conduct which is an element of the offense, or the result which is such an element, occurs within this municipality.

(3) An offense which is based on an omission to perform a duty imposed by this code is committed within this municipality regardless of the location of the offender at the time of the omission.

Sec. 13-1-8. LIMITATION OF ACTIONS — MISDEMEANOR — ANY INFRACTION — COMMENCEMENT OF PROSECUTION.

(1) Except as otherwise provided in this part, prosecutions for other offenses are subject to the following periods of limitation:

(A) A prosecution for a misdemeanor must be commenced within two years after it is committed;

(B) A prosecution for any infraction must be commenced within one year after it is committed;

(2) The prosecution is commenced on the filing of a complaint or information.

Sec. 13-1-9. FRAUD OR BREACH OF FIDUCIARY OBLIGATION — MISCONDUCT BY PUBLIC OFFICER OR EMPLOYEE. If the period prescribed in Section 13-1-8 has expired, a prosecution may nevertheless be commenced for:

(1) Any offense, a material element of which is either fraud or a breach of fiduciary obligation, within one year after discovery of the offense by an aggrieved party or by a person who has a legal duty to represent an aggrieved party and who is himself not a party to the offense, but in no case shall this provision extend beyond the period of limitation otherwise applicable by more than three years; and

(2) Any offense based on misconduct in office by a public officer or employee at any time during the term of the defendant's public office or the period of his public employment or within two years thereafter, but in no case shall this provision extend beyond the period of limitation otherwise applicable by more than three years.

Sec. 13-1-10. DEFENDANT OUT OF STATE. The period of limitation does not run against any defendant during any period of time he is out of the state following the commission of an offense.

Sec. 13-1-11. LESSER INCLUDED OFFENSE FOR WHICH PERIOD OF LIMITATION HAS RUN. Whenever a defendant is charged with an offense for which the period of limitations has not run and the defendant should be found guilty of a lesser offense for which the period of limitations has run, the finding of the lesser and included offense against which the statute of limitations has run shall not be a bar to punishment for the lesser offense.

Sec. 13-1-12. "SINGLE CRIMINAL EPISODE" DEFINED. In this code unless the context requires a different definition, "single criminal episode" means all conduct which is closely related in time and is in incident to an attempt or an accomplishment of a single criminal objective.

Nothing in this part shall be construed to limit or modify the joinder of offenses and defendants in criminal proceedings.

Sec. 13-1-13. INCORPORATION BY REFERENCE OF PROVISIONS OF STATE CRIMINAL CODE. The provisions of Utah Code Annotated 76-1-402 through 76-1-405 are hereby adopted as part of this code and incorporated herein by reference.

Sec. 13-1-14. JOINDER OF OFFENSES AND DEFENDANTS.

(1) Two or more offenses under this code or the ordinances of this municipality may be charged in the same citation or complaint in a separate court for each offense if the offenses charged are of the same or similar character or are based on the same act or transgression or on two or more acts or transactions connected

together or constituting parts of a common scheme or plan.

(2) Two or more defendants may be charged in the same citation or complaint if they are alleged to have participated in the same act or transaction or in the same acts or transactions. Such defendants may be charged in one or more counts together or separately and all of the defendants need not be charged in each court.

Sec. 13-1-15. INCORPORATION OF STATE CODE. The provisions of Utah Code Annotated 76-1-501 through 76-1-504 are hereby adopted and incorporated herein by reference.

Sec. 13-1-16. INCORPORATION OF STATE CODE. The provisions of Utah Code Annotated 76-1-601 are hereby adopted and incorporated herein by reference.

Sec. 13-1-17. INCORPORATION OF STATE CODE. The provisions of Utah Code Annotated 76-2-101 through 76-2-104 are hereby adopted and incorporated herein by reference.

Sec. 13-1-18. INCORPORATION OF STATE CODE. The provisions of Utah Code Annotated 76-2-201 through 76-2-205 are hereby adopted as part of this code and incorporated herein by reference.

Sec. 13-1-19. INCORPORATION OF STATE CODE. The provisions of Utah Code Annotated 76-2-301 through 76-2-308 hereby are adopted as part of the code and incorporated herein by reference.

Sec. 13-1-20. INCORPORATION OF STATE CODE. The provisions of Utah Code Annotated 76-2-401 through 76-2-406 are hereby adopted and incorporated herein by reference.

Sec. 13-1-21. SENTENCING IN ACCORDANCE WITH CHAPTER.

(1) A person adjudged guilty of an offense under this code or the ordinances of this municipality shall be sentenced in accordance with the provisions of this chapter.

(2) Ordinances enacted after the effective date of this code which involve an offense should be classified for sentencing purposes in accordance with this chapter, unless otherwise expressly provided.

Sec. 13-1-22. DESIGNATION OF OFFENSES. Offenses are designated as misdemeanors or infractions.

Sec. 13-1-23. MISDEMEANORS CLASSIFIED.

(1) Misdemeanors are classified into two categories:

(A) Class B misdemeanors.

(B) Class C misdemeanors.

(2) An offense designated as a misdemeanor in this code or in the ordinance of this municipality when no other specification as to punishment or category is made, is a class B misdemeanor.

Sec. 13-1-24. INFRACTIONS.

(1) Infractions are not classified.

(2) Any offense which is made an infraction in this code or other ordinances of this municipality or which is expressly designated an infraction and any offense designated by this code or other ordinances of this municipality which is not designated as a misdemeanor and for which no penalty is specified is an infraction.

Sec. 13-1-25. CONTINUING VIOLATION. In all instances where the violation of these ordinances or any ordinance hereinafter enacted is a continuing violation, a separate offense shall be deemed committed on each day during or on which the violation occurs or continues to occur.

Sec. 13-1-26. SENTENCES OR COMBINATION OF SENTENCES ALLOWED — CIVIL PENALTIES. Within the limits prescribed by this code, a court may sentence a person adjudged guilty of an offense to any one of the following sentences or a combination of such sentences:

- (1) To pay a fine; or
- (2) Reserved.
- (3) To probation; or
- (4) To imprisonment.

Sec. 13-1-27. MISDEMEANOR CONVICTION — TERM OF IMPRISONMENT. A person who has been convicted of a misdemeanor may be sentenced to imprisonment as follows:

- (1) In the case of a class B misdemeanor, for a term not exceeding six (6) months;
- (2) In the case of a class C misdemeanor, for a term not exceeding ninety (90) days.

Sec. 13-1-28. INFRACTION CONVICTION — FINE, FORFEITURE, AND DISQUALIFICATION.

- (1) A person convicted of an infraction may not be imprisoned but may be subject to a fine, forfeiture or both.
- (2) Whenever a person is convicted of an infraction and no

punishment is specified, the person may be fined as for a class C misdemeanor.

Sec. 13-1-29. FINES OF PERSONS. A person who has been convicted of an offense may, in addition to any term of imprisonment imposed, be sentenced to pay a fine not to exceed \$299.00 when the conviction is of a class B or C misdemeanor or infraction.

Sec. 13-1-30. FINES OF CORPORATIONS, ASSOCIATIONS, PARTNERSHIPS, OR GOVERNMENTAL INSTRUMENTALITIES. The sentence to pay a fine, when imposed upon a corporation, association, partnership, or governmental instrumentality for an offense defined in this code or the ordinances of the municipality or for any offense defined outside of this code over which this municipality has jurisdiction, for which no special corporate fine is specified, shall be sentenced to pay an amount, fixed by the court, not exceeding \$299.00 when the conviction is for a class B or C misdemeanor or infraction.

Sec. 13-1-31. INCORPORATION OF STATE CODE. The provisions of Utah Code Annotated 76-3-401 through 76-3-405 are hereby adopted and incorporated herein by reference , as such limitations and special provisions on sentences apply to misdemeanors.

ARTICLE 2 PUBLIC OFFENSES

Sec. 13-2-1. AIDING ESCAPE FROM CONFINEMENT OR CUSTODY PROHIBITED. It shall be unlawful for any person to aid, abet, or assist any person to escape or attempt to escape from lawful confinement or from the custody of any peace officer.

Sec. 13-2-2. FURNISHING WEAPONS TO PRISONERS. It shall be unlawful for any person to furnish, or attempt to furnish,

to deliver or attempt to deliver to any prisoner confined, or in the custody of any officer, any weapon, tool, intoxicating liquors, drug or other article without the consent of the officer in charge.

Sec. 13-2-3. AIDING, ABETTING, ETC., OFFENSES PROHIBITED. It shall be unlawful for any person, in any way or manner, to aid, abet, counsel, advise or encourage any other person in the commission of any of the acts prohibited by this code or other ordinance of the city or in any manner encourage the commission of such offense.

Sec. 13-2-4. IMPERSONATING AN OFFICER PROHIBITED. It shall be unlawful for any person in the city to impersonate any police officer.

Sec. 13-2-5. DUTY TO AID AND ASSIST POLICE OFFICERS. It shall be the duty of all persons in the city when called upon by any police officer, or any member of the police department to promptly aid and assist him in the discharge of his duties. It shall be unlawful for any person to refuse such assistance when called upon.

Sec. 13-2-6. GIVING FALSE INFORMATION TO POLICE PROHIBITED. It shall be unlawful for any person to knowingly and wilfully give false information to a police officer while he is acting in his official capacity, with intent to hinder, delay, impede, or mislead said officer in the prosecution of his official work, or with the intent to obstruct justice.

Sec. 13-2-7. RESISTING AN OFFICER. It shall be unlawful for any person in the city to resist any police officer, member of the police department, special policeman, private policeman or employee

of the city in the discharge of his duty, or in any way interfere with or hinder or prevent him from discharging his duty. Profane or abusive language directed to a police officer or employee of the city shall be deemed interference with and obstruction to the discharge of the police officer's or city employee's duties.

Sec. 13-2-8. ENCOURAGING, AIDING DELINQUENCY PROHIBITED. It shall be unlawful for any person, by any act or neglect, to encourage, aid or cause a minor to come within the purview of the juvenile authorities.

Sec. 13-2-9. ALLOWING MINOR TO DRIVE AFTER LICENSE SUSPENSION PROHIBITED. It shall be unlawful for any person, after notice that a driver's license of any minor has been suspended or revoked, to permit such child to operate a motor vehicle during the period that such driver's license is suspended.

Sec. 13-2-10. CURFEW FOR MINORS.

(1) For the purpose of this section the following words are herewith defined as follows:

Minor. A "minor" is defined as any person who has not attained the age of eighteen (18) years.

Parent. A "parent" is defined as any person who is the natural parent of a minor or who has been given legal custody of a minor or who has the care and control of a minor, either permanently or temporarily.

(2) It shall be unlawful for any minor to loiter, linger, wander or play on the public streets, highways, alleys, roads or other public grounds, public places and public buildings, vacant lots or other unsupervised places within the city, between the hours of 12:00 a.m. and 5:00 a.m. the following day. The provisions of this section do not apply to those minors who are accompanied by their parents or where the minor is upon legitimate business directed by or at the request of his parents or is under the supervision of an adult person with the knowledge of his parents.

(3) It shall be unlawful for any parent to permit any minor to loiter, linger, wander or play on the public streets, highways, roads, alleys or other public grounds, public places and public buildings, vacant lots or other unsupervised places between the hours of 12:00 a.m. and 5:00 a.m. the following day; provided, however, that the provisions of this section do not apply where the minor is accompanied by his parent, or where the minor is upon legitimate business directed by or at the request of his parent, or is under the supervision of an adult person with the knowledge of his parent.

(4) The fact that the minor is upon the streets, highways, alleys or other public places as defined in this section, between the hours of 12:00 a.m. and 5:00 a.m. the following day, shall be prima facie evidence that the parent is guilty of violating this section.

Sec. 13-2-11. ASSAULT OR BATTERY PROHIBITED.

(1) An assault is an unlawful attempt, coupled with a present ability, to commit an injury on the person of another. A battery is any willful and unlawful use of force or violence upon the person of another.

(2) It shall be unlawful for any person to commit an assault or battery upon the person of another.

Sec. 13-2-12. DISCHARGE OF FIREARMS PROHIBITED. It shall be unlawful for any person to fire or discharge any gun, pistol or firearm of any kind within the city, unless otherwise authorized by the chief of police.

Sec. 13-2-13. CARRYING CONCEALED WEAPONS PROHIBITED. It shall be unlawful for any person other than a police officer or private watchman to carry any concealed deadly weapon on his person in the city.

Sec. 13-2-14. DISTURBING THE PEACE. It shall be unlawful for any person, willfully, maliciously, intentionally or unnecessarily, to disturb the peace and quiet of another or of any neighborhood or family or religious congregation or other assembly by loud or unusual noises or indecent behavior, offensive or unbecoming conduct, or for any person to threaten, quarrel, fight or provoke an assault or battery or curse or swear or utter any obscene or vulgar or indecent language in the presence of another.

Sec. 13-2-15. ASSEMBLY OF TWO OR MORE PERSONS TO DISTURB PEACE OR COMMIT UNLAWFUL ACT. It shall be unlawful for two (2) or more persons to assemble together for the purpose of disturbing the peace or for the purpose of committing an unlawful act.

Sec. 13-2-16. WINDOW-PEEPING PROHIBITED. It shall be unlawful for any person to trespass upon the property owned or occupied by another in the city for the purpose of looking or peeping into any window , door, skylight or other opening in a house, room or building or to loiter in a public street, alley, parking lot or other public place, for the purpose of wrongfully observing the actions of the occupants of such house, room or building.

Sec. 13-2-17. TRESPASSING. It shall be unlawful for any person to enter upon any property owned or occupied by another without lawful purpose, or to loiter or wander thereon without lawful purpose.

Sec. 13-2-18. LOITERING PROHIBITED. It shall be unlawful for any person to be upon any public way or place of public nature in such manner as to interfere with free and unobstructed use of public way or place of public nature by any other person or to be profane, lewd or wanton in speeck or behavior in such public way or place.

Sec. 13-2-19. OCCUPYING OR SLEEPING IN CERTAIN PLACES PROHIBITED. It shall be unlawful for any person to occupy , lodge, or sleep in any vacant or unoccupied barn, garage, shed, shop or other building or structure without owning same or without permission of the owner or person entitled to the possession of the same, or to sleep in any vacant lot or any public place whatsoever during the hours of darkness.

Sec. 13-2-20. PROFANE, LEWD, OR WANTON SPEECH OR BEHAVIOR IN PUBLIC PROHIBITED. It shall be unlawful for any person to be profane, lewd, or wanton in speech or behavior in any public way or place of

a public nature.

Sec. 13-2-21. MALICIOUS INJURY TO PROPERTY. It shall be unlawful for any person willfully and maliciously to injure, deface, mutilate, remove, pull down, break or in any way interfere with or molest or secrete or destroy any trees, real or personal property belonging to or under the control of the city or any person within the city.

Sec. 13-2-22. EXPECTORATING ON SIDEWALKING OR IN PUBLIC BUILDINGS. It shall be unlawful for any person to expectorate or spit upon any sidewalk or upon the floor, walls or ceiling of any public building or room used for public assemblies.

Sec. 13-2-23. DRINKING LIQUOR IN PUBLIC PROHIBITED. It shall be unlawful for any person to drink any alcoholic beverage, fermented malt beverages, malt, vinous or spiritous liquors upon any street, alley, sidewalk or other public property in the city.

Sec. 13-2-24. DRUNKENESS. It shall be unlawful for any person to be drunk, intoxicated or under the influence of intoxicating liquor upon any public thoroughfare or other public place.

Sec. 13-2-25. GAMBLING PROHIBITED; SEIZURE OF DEVICES.

(1) It shall be unlawful for any person to deal, play or conduct, either as owner, employee or lessee, whether or not for hire, any game played with cards, dice or other device for money, checks, credit or other representative of value.

(2) Any peace officer or policeman of the city is hereby authorized to seize anything devised solely for gambling or found

in actual use for gambling within the city limits and to destroy the same after a judicial determination that such device was used for gambling or found in actual use of gambling.

Sec. 13-2-26. INDECENT EXPOSURE. It shall be unlawful for any person to appear in a state of nudity or in any indecent or lewd dress or condition in any public place or in any place open to public view, or in any such place to make any indecent exposure of his person or private parts thereof or the private parts of another.

Sec. 13-2-27. URINATING UPON PUBLIC STREET, ALLEY, ETC. It shall be unlawful for any person to urinate upon any street, alley, or in or about a public place not specifically designated for such purpose.

Sec. 13-2-28. POSTING OF HANDBILLS REGULATED. It shall be unlawful for any person to stick, paint or post any handbill, poster or placard of any description upon any private property without the permission of the owner of or occupant of the same or for any person to stick, paint or post any handbill, poster or placard upon any post, pole or other premises located upon the sidewalks, streets or alleys of this city without permission of the city council.

Sec. 13-2-29. KEEPING OF JUNK PROHIBITED.

(1) It shall be unlawful to keep, store, or provide for the collection of junk within the city and that the keeping, storage, or collection of junk within the city is hereby declared to be a

nuisance and is detrimental to the health, safety, convenience and general welfare of the citizens thereof.

(2) Junk is hereby defined to be any old, used or second-hand materials of any kind, including, without limitation, cloth, rags, clothing, paper, rubbish, bottled, rubber, iron, tires, brass, copper, or other metal furniture, refrigerators, freezers, all other appliances, used motor vehicle or the parts thereof or therefrom, machines, apparatuses and contrivances, and parts thereof, which are no longer in use, any used building material, boards, or other lumber, cement blocks, bricks, or brick bats, or other secondhand building material, or any discarded machinery, tractors, trucks, or automobiles, or any other article or thing commonly known and classified as junk.

(3) The keeping, storage or collection of junk shall not be deemed unlawful or a nuisance when and if same is kept, stored or collected in completely enclosed buildings, and this section shall not apply to any premises where a licensed motor vehicle dealer or a farm implement dealer conducts his or their business.

(4) The keeping or storage of any motor vehicle not having thereon a valid and unexpired certificate of inspection as required by the laws of the State of Utah, on private property, by any person not specifically exempted under this section, shall be prima facie evidence of violation of this section.

(5) It shall be unlawful for any person to violate any provision of this section, and any person found guilty of violating any provision of this section shall be punished for each violation by a fine of not more than two hundred ninety-nine dollars (\$299.00) or by imprisonment for not more than ninety (90) days, or by both fine and imprisonment; further, each act or omission in violation of one (1) or more than one (1) of the provisions hereof shall be deemed a separate violation of such provision, and for each calendar day during which any violation continues, a separate violation shall be deemed to have been committed.

Sec. 13-2-30. ABANDONED ICEBOXES, REFRIGERATORS, ETC., REGULATED. It shall be unlawful for any person to leave or permit to remain outside of any dwelling, building, or other structure, or within any unoccupied or abandoned building, structure or dwelling under his control, in a place accessible to children, any abandoned, unattended or discarded icebox, refrigerator or other container which has a door or lid, snaplock or other locking device which may not be released from the inside, without first removing such door or lid, snaplock or other locking device.

Sec. 13-2-31. DELIVERING OF UNLABELED POISON PROHIBITED. It shall be unlawful for any person to sell or deliver within this city any deadly poison, knowing the same to be such, without marking the same to be such in legible characters, "poison."

Sec. 13-2-32. PEDDLERS AND SOLICITORS GOING IN OR UPON PRIVATE RESIDENCES UNINVITED PROHIBITED; EXCEPTION.

(1) It shall be unlawful for solicitors, peddlers, hawkers,

itinerant merchants , and transient vendors of merchandise to go to, in or upon private residences in the city, not having been requested or invited so to do by the owner or occupant of such private residences, for the purpose of soliciting orders for the sale of goods, wares, merchandise, or for the purpose of disposing of or peddling or hawking the same, subject to the exceptions stated in subsection (2). Such action is deemed an offense and is punishable as a violation of this code.

(2) Subsection (1) above shall not be applicable to persons representing charitable , recreational, or civic enterprises.

Sec. 13-2-33. BEGGING PROHIBITED. It shall be unlawful for any person to go about from door to door of private homes or commercial and business establishments, or placing himself in or upon any public way or public place to beg or receive alms for himself or others.

Sec. 13-2-34. NUISANCES — PROHIBITED IN CONDUCT OF BUSINESS. It shall be unlawful to conduct or operate any business , licensed or not, in such a manner as to constitute a nuisance in fact.

Sec. 13-2-35. NUISANCES — ABATEMENT. The city marshal or his authorized agent is hereby empowered to remove or abate any nuisance within the city limits upon first presenting to the owner or person responsible therefor, notice in writing. But if such nuisance shall create a public health hazard or an extra hazardous condition, such officer may remove or abate the same without giving any such notice, and the costs of such removal shall be charged against the owner or person responsible therefor.

Sec. 13-2-36. SURVEY MONUMENTS, MARKERS OR STAKES -- UNAUTHORIZED REMOVAL PROHIBITED. It shall be unlawful for any person to remove any permanent survey monuments, markers or stakes established, placed or installed by the city without having first obtained the approval of the city engineer, or city manager if there is no city engineer.

Sec. 13-2-37. SURVEY MONUMENTS — APPLICATION AND PERMISSION FOR REMOVAL OR RELOCATION. In the event any person shall find it necessary by reason of practical difficulty in the use of the land or through the construction or erection of improvements thereon, or by reason of a change, alteration, repair, construction, erection or installation of a public improvement, to remove and relocate any of the permanent survey monuments, markers or stakes, such person shall apply to the city engineer, or city manager if there is no city engineer, for authority to remove or relocate the survey monument involved and shall specify in detail the reason therefor. The city engineer, or city manager if there is no city engineer, shall examine such application and shall inspect the location of the monument involved, and if after the examination and inspection the city engineer, or city manager if there is no city engineer, shall find that the survey monument should be removed or relocated, he shall grant such person the authority and permission to remove or relocate such monument and shall specify the manner in which the survey monument shall be removed or relocated.

Sec. 13-2-38. SURVEY MONUMENTS — REMOVAL BY LICENSED LAND SURVEYOR ONLY. No permanent survey monuments, markers or stakes shall be removed except by a person licensed as a land surveyor under the laws of the state.

Sec. 13-2-39. SURVEY MONUMENTS — PLATS FOR RELOCATION. In the event a permanent survey monument, marker or stake in the city is removed as provided in section 13-2-37, the surveyor involved shall file with the city engineer, or city manager if there is no city engineer, a plat showing in detail the new location of the survey monument and shall also file written field notes therewith as may be directed by the city engineer, or city manager if there is no city engineer. The city engineer, or city manager if there is no city engineer, shall keep a permanent record of all such plats and field notes filed with him pursuant to this section and the record thereof shall be available at all times to the general public.

Sec. 13-2-40. SURVEY MONUMENTS -- COLLECTION OF RESTORATION COSTS WHEN DAMAGED OR REMOVED. If any person shall destroy, mutilate, damage or remove any permanent survey monument, marker, or stake in the city, except as provided by this code, he shall be liable to the city for all costs and expenses incurred by the city in restoring the survey monument to its original condition and proper location, and such costs and expenses may be collected by the city on

proof thereof in a civil court of competent jurisdiction. This remedy shall be in addition to all other remedies available to the city for a violation of any provision of this code.

Sec. 13-2-41. RADIO OR TELEVISION INTERFERENCE.

(1) It shall be unlawful for any person to operate within the limits of the city, any electrical device, machine or equipment which needlessly and unnecessarily causes interference with radio or television reception, when such interference can be reasonably prevented by means of repair, adjustments, the installations of corrective appliances or other practicable alteration.

(2) The administration and enforcement of this section shall be entrusted to and imposed upon the building inspector or other designated municipal official whose duty it shall be to investigate complaints of radio or television interference, to locate the source of such interference, to advise and make recommendations as to its elimination, and who is hereby authorized to issue orders for such repairs, adjustments, or alterations to be complied with within a reasonable length of time, as shall be practicable and reasonably necessary to prevent the continuance of such interference.

(3) The building inspector or other designated official shall, upon presentation of his badge or other evidence of his authority, have the right of access to any premises at any reasonable hour for the purpose of inspecting this installation and operation of any device or equipment coming within the provisions of this section.

Chapter 14
PARKING CODE

Sec. 14-1-1. DESIGNATION. This code shall be designated as the Park City Municipal Parking Code.

Sec. 14-1-2. AUTHORITY TO REMOVE; SITUATION ENUMERATED WHEN REMOVAL AUTHORIZED.

(1) Members of the police department are hereby authorized to remove, or have removed at their direction, a vehicle from any street, alley, highway, roadway, sidewalk, ditch or other public way or place, and from any restricted or prohibited parking area, to any garage maintained by the city or the police department for the storage of impounded vehicles, or in any private garage approved by the city manager for such purpose and designated on a list of such approved garages posted in his office, or to any other place of safety, under any of the circumstances to be obstructions to traffic and public nuisances. Such vehicles shall be subject to removal under this section:

(A) When any vehicle is left unattended upon any bridge or where such vehicle constitutes an obstruction to traffic.

(B) When a vehicle upon a public way is so disabled as to constitute an obstruction to traffic and the person in charge of the vehicle is by way of physical injury or illness incapacitated to such an extent as to be unable to provide for its custody or removal.

(C) When any vehicle is left unattended upon a street or is parked illegally so as to constitute a definite hazard or

Sec. 14-1-17. STOPPING OR PARKING ON STREET OUTSIDE
BUSINESS OR RESIDENTIAL DISTRICTS.

(1) Upon any street outside of a business or residence district, no person shall stop, park or leave standing any vehicle, whether attended or unattended, upon a main-traveled part of the street when it is practical to stop, park or so leave such vehicle off such part of such street, but in every event, an unobstructed width of the street opposite a standing vehicle shall be left for the free passage of other vehicles, and a clear view of such stopped vehicle shall be available from a distance of two hundred (200) feet in each direction upon such street.

(2) This section shall not apply to the driver of any vehicle which is disabled while on the main-traveled portion of a street in such manner and to such extent that it is impossible to avoid stopping and temporarily leaving such disabled vehicle in such position.

Sec. 14-1-18. PROHIBITED IN CERTAIN PLACES.

(1) No person shall stop, stand or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with law or the directions of a police officer or traffic-control device in any of the following places:

- (A) On a sidewalk.
- (B) In front or within five feet of a private driveway.
- (C) Within an intersection.
- (D) Within five feet of a fire hydrant.
- (E) On a crosswalk.

(F) Within twenty feet of a crosswalk at an intersection.

(G) Within thirty feet upon the approach to any flashing beacon or traffic-control device located at the side of a roadway.

(H) Between a safety zone and the adjacent curb or within thirty feet of points on the curb immediately opposite the ends of a safety zone unless authorized signs or markings indicate a different length.

(I) Within fifty feet of the nearest rail of a railroad crossing.

(J) Within twenty feet of the driveway entrance to any fire station and on the side of a street opposite the entrance when properly signposted.

(K) Alongside or opposite any street excavation or obstruction when stopping, standing or parking would obstruct or be hazardous to traffic.

(L) Upon any bridge or other elevated structure upon a street or within a street tunnel or underpass.

(M) At any place where official signs or traffic markings prohibit stopping, standing or parking.

(N) With the left-hand side of the vehicle to the curb, except as otherwise permitted on one-way streets and except whenever the snow, ice, etc., and the grade of the roadway makes it impractical to park headed in the direction of lawful traffic.

(2) No person shall move a vehicle not lawfully under his

control into any such prohibited area or away from a curb such distance as is unlawful.

Sec. 14-1-19. DOUBLE PARKING. No person shall park, stand or stop a vehicle upon the roadway side of another vehicle which is parked, standing or stopped, except while actually engaged in loading or unloading passengers or in compliance with directions of a police officer or traffic-control device or when necessary to avoid other traffic.

Sec. 14-1-20. PARKING NOT TO OBSTRUCT TRAFFIC, SIDEWALKS, DRIVEWAY, ETC.

(1) No person shall park any vehicle upon a street in such a manner or under such conditions as to leave available less than twenty (20) feet of the width of the roadway for free movement of vehicular traffic.

(2) No person shall park any vehicle in such manner or under such conditions as to obstruct any sidewalk, crossing or private driveway.

Sec. 14-1-21. PARKING IN ALLEYS. No person shall park a vehicle within an alley except during the necessary and expeditious loading and unloading of merchandise, and no person shall stop, stand or park a vehicle within an alley in such position as to block the driveway entrance to any abutting property or interfere with the free movement of traffic through the alley.

Sec. 14-1-22. PARKING MORE THAN SEVENTY-TWO CONSECUTIVE HOURS PROHIBITED. No person who owns or has possession or control of any

vehicle shall park such vehicle upon any street or alley for more than seventy-two consecutive hours.

Sec. 14-1-23. PARKING FOR CERTAIN PURPOSES PROHIBITED. No person shall park or operate a vehicle upon any roadway for the principal purpose of:

(1) Displaying such vehicle for sale.

(2) Greasing or repairing such vehicle, except repairs necessitated by an emergency.

(3) Displaying advertising.

(4) The sale of foodstuffs or other merchandise.

Sec. 14-1-24. PARKING ON NARROW STREETS. No person shall park a vehicle on any private or public street or alley where the width of the roadway is less than twenty feet.

Sec. 14-1-25. PARKING ON SIDEWALK OR CURBING. It shall be unlawful for any person to leave or cause to be left or parked any vehicle upon, over and across any public parking or sidewalk or that area between the sidewalk and curb.

Sec. 14-1-26. STOPPING, STANDING OR PARKING IN HAZARDOUS OR CONGESTED PLACES. When official signs or markings are erected at hazardous or congested places, no person shall stop, stand or park a vehicle in such designated places.

Sec. 14-1-27. SIGNS OR MARKINGS TO INDICATE STANDING OR PARKING RESTRICTIONS.

(1) The city manager or the police chief is hereby authorized, subject to provisions and limitations of this chapter, to place and when required herein, shall place and maintain appropriate signs or traffic markings to indicate standing or parking

regulations, and such traffic markings shall designate the zones and shall have the meanings herein set forth:

(A) Red. Shall mean no stopping, standing or parking at any time.

(B) Yellow. With the words "restricted zone" stenciled thereon, shall mean no stopping, standing or parking except as stated on the signs or markings giving notice thereof; except, that this provision shall not apply on Sundays and legal holidays.

(2) When appropriate signs or traffic curb markings have been erected or placed according to this section, no person shall stop, stand or park a vehicle in any zone in violation of any of the provisions of this section.

Sec. 14-1-28. No person shall stand or park a vehicle which is longer than fifteen (15) feet in length upon any public street or alleyway within the city limits.

Sec. 14-1-29. SAME — COMPLIANCE REQUIRED. When proper signs or traffic markings are erected or in place giving notice thereof, no person shall park a vehicle or permit such vehicle to remain standing at any time upon any of the streets of this city.

Sec. 14-1-30. ERECTION OF SIGNS OR TRAFFIC MARKINGS PREREQUISITE TO ENFORCEMENT OF PARKING RESTRICTIONS AND PROHIBITIONS. Whether by this chapter or any of the ordinances of this city any parking time limit is imposed or parking is prohibited on designated streets or parts of streets, the city manager or police chief shall erect or place and maintain appropriate signs or traffic markings giving notice thereof, and no such regulations shall be effective unless such signs

or traffic markings are erected and in place at the time of any alleged violation.

Sec. 14-1-31. APPLICABILITY OF ARTICLE. The provisions of this article prohibiting the standing or parking of a vehicle shall apply at all times or at those times herein specified or as indicated on official signs except when it is necessary to stop a vehicle to avoid conflict with other traffic or in compliance with the directions of a police officer or official traffic-control device.

Sec. 14-1-32. REGULATIONS NOT EXCLUSIVE. The provisions of this article imposing a time limit on parking shall not relieve any person from the duty to observe other and more restrictive provisions prohibiting or limiting the stopping, standing or parking of vehicles in specified places or at specified times.

Sec. 14-1-33. PRESUMPTION AS TO INDENTITY OF PERSON VIOLATING PARKING REGULATIONS. The presence of any vehicle in or upon any public street in the city parked in violation of this chapter or any other ordinance regulating the parking of vehicles shall be prima facie evidence that the person in whose name such vehicle is registered as owner committed or authorized the commission of such violation.

Sec. 14-1-34. VIOLATION A MISDEMEANOR. The violation of any provision of this chapter shall be deemed a misdemeanor.

Chapter 15
MOTOR VEHICLE CODE

Sec. 15-1-1. Title 41, Chapter 1, Article 1 through and including Title 41, Chapter 20, Article 1, Utah Code Annotated, 1953, as amended, pertaining and relating to motor vehicles, aslo referred to as The Motor Vehicle Act, and the enforcement thereof is hereby adopted by the City Council of the City of Park City.

Sec. 15-1-2. It is hereby ordered that the city recorder file with his office no less than three (3) copies of said traffic code, the same to remain therein for examination by any interested party.

Sec. 15-1-3. IMPROPER LOOKOUT. It shall be unlawful for any person to operate any motor vehicle upon the streets of Park City, Summit County, State of Utah, without maintaining a proper lookout for other persons, vehicles or other objects. Any violation shall be deemed a misdemeanor.

Sec. 15-1-4. U-TURN UNLAWFUL WHERE POSTED. It shall be unlawful for any person operating a motor vehicle upon any posted street in Park City, Utah, to make a U-turn upon said street. Posting shall consist of a sign stating, "No U-Turns Allowed."

Sec. 15-1-5. The violation of any provision of this chapter or of Title 41, Chapter 1, Article 1 through and including Title 41, Chapter 20, Article 1, Utah Code Annotated, 1953, as amended, shall be deemed a misdemeanor.

Chapter 16
NOISE

Sec. 16-1-1. IDLING OF VEHICLE MOTORS.

(1) The unreasonable and prolonged idling of motors or any diesel fuel burning bus or motor vehicle or the prolonged and unreasonable idling of the motor of any motor vehicle of any kind whatsoever is hereby declared to be a nuisance and a public health hazard.

(2) It shall be unlawful for any person to idle or permit the idling of the motor of any diesel fuel burning bus or motor vehicle or idle or permit the idling of the motor of any motor vehicle of any kind whatsoever for a prolonged and unreasonable period of time, determined herein to be any period of time in excess of fifteen (15) minutes, within the limits of the city at any time of the day or night.

Sec. 16-1-2. MUFFLERS REQUIRED. It shall be unlawful for any person to operate a motor vehicle which shall not at all times be equipped with a muffler upon the exhaust thereof in good working order and in constant operation to prevent excessive or unusual noise and it shall be unlawful for any person operating any motor vehicle to use a cutout, bypass or similar muffler elimination appliance.

Sec. 16-1-3. LOUDSPEAKERS AND SOUND TRUCKS RESTRICTED. It shall be unlawful to play, operate or use any loudspeaker, sound amplifier, radio or phonograph, with loudspeaker or sound amplifier or any instrument of any kind or character which emits loud and raucous noises, including such devices attached to and upon any vehicle or upon any building or structure, unless the owner or user thereof shall have first applied to and received permission from the city manager to operate any such device.

Sec. 16-1-4. NOISE PROHIBITED GENERALLY.

(1) The making and creating of an excessive or unusually loud noise within the city as heard without measurement or heard and measured in the manner prescribed in subsection (3) is hereby declared to be unlawful, except when made under and in compliance with a permit issued pursuant to subsections (5) and (6).

(2) No person shall operate any type of vehicle, machine, device or carry on any other activity in such a manner as would be a violation of subsection (1).

(3) For the purpose of determining and classifying any noise as excessive or unusually loud as declared to be unlawful and prohibited by this section, the following test measurement and requirements may be applied; provided, however, a violation of this section may occur without the following measurements being made:

(A) The noise shall be measured within the city at a distance of at least twenty-five (25) feet from a noise source located within the public right-of-way and if the noise source is located on private property or public property other than the public right-of-way, then from the property line of the property on which the noise source is located.

(B) The noise shall be measured on a decibel or sound level meter of standard design and quality operated on the "A" weighing scale.

(C) A noise measured or registered as provided above from any source more than sixty-five (65) decibels on the "A" weighing scale in intensity shall be and is hereby declared to be excessive and unusually loud and is unlawful.

(D) Applications for a permit for relief from the noise level designated in this section on the basis of undue hardship may be made to the city manager or his duly authorized representative. Any permit granted by the city manager hereunder shall contain all

conditions upon which the permit has been granted and shall specify a reasonable time that the permit shall be effective. The city manager, or his duly authorized representative, may grant the relief as applied for if he finds:

(A) That additional time is necessary for the applicant to alter or modify his activity or operation to comply with this chapter, or

(B) The activity, operation or noise source will be of temporary duration, and cannot be done in a manner that would comply with subsection (1) and

(C) That no other reasonable alternative is available to the applicant.

The city manager may prescribe any conditions or requirements he deems necessary to minimize adverse effects upon the continuity of the surrounding neighborhood.

(5) The requirements, prohibitions and terms of this section shall not apply to any authorized emergency vehicle, when responding to an emergency call or acting in time of emergency.

(6) The terms of this section shall not apply to those activities of temporary duration permitted by law and for which a license or permit therefor has been granted by the city, including but not limited to parades and fireworks displays.

(7) Any person violating the provisions of this Chapter shall upon conviction be guilty of a misdemeanor.