

**PARK CITY MUNICIPAL CODE - TITLE 11 BUILDINGS AND BUILDING REGULATIONS**

---

**TITLE 11 - BUILDING AND BUILDING REGULATIONS**

**CHAPTER 1 - DEFINITIONS** ..... 11- 1  
11- 1- 1. DEFINITIONS. .... 11- 1

**CHAPTER 2 - IN GENERAL** ..... 11- 4  
11- 2- 1. BUILDING INSPECTOR - APPOINTMENT AND  
REMOVAL. .... 11- 4  
11- 2- 2. BUILDING INSPECTOR - DUTIES. .... 11- 4  
11- 2- 3. BUILDING INSPECTOR ADDITIONAL DUTIES. .... 11- 4  
11- 2- 4. BUILDING INSPECTOR - STOP ORDERS. .... 11- 4

**CHAPTER 3 - BUILDING CODE AND RESIDENTIAL CODE** ..... 11- 5  
11- 3- 1. INTERNATIONAL BUILDING CODE AND  
INTERNATIONAL RESIDENTIAL CODE  
ADOPTED ..... 11- 5  
11- 3- 2. AUTOMATIC FIRE EXTINGUISHING SYSTEMS. .... 11- 5

**CHAPTER 4 - MECHANICAL CODE AND FUEL GAS CODE**..... 11- 6  
11- 4- 1. MECHANICAL CODE AND FUEL GAS CODE. .... 11- 6

**CHAPTER 5 - UNIFORM HOUSING CODE**..... 11- 6  
11- 5- 1. HOUSING CODE. .... 11- 6

**CHAPTER 6 - UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS** ..... 11-7  
11- 6- 1. ADOPTION OF A CODE FOR THE ABATEMENT OF  
DANGEROUS BUILDINGS..... 11-7

**CHAPTER 7 - PLUMBING CODE** ..... 11-7  
11- 7- 1. ADOPTION OF INTERNATIONAL PLUMBING CODE ..... 11-7

**CHAPTER 8 - NATIONAL ELECTRICAL CODE**..... 11-8  
11- 8- 1. ADOPTION OF NATIONAL ELECTRIC CODE..... 11-8

**CHAPTER 9 - FIRE CODE**..... 11-8  
11- 9- 1. INTERNATIONAL FIRE CODE..... 11-8  
11- 9- 2. AUTHORITY AND DUTY OF POLICE PERSONNEL TO  
ASSIST IN ENFORCEMENT. .... 11-9

**PARK CITY MUNICIPAL CODE - TITLE 11 BUILDINGS AND BUILDING REGULATIONS**

---

**CHAPTER 10 - UNIFORM SIGN CODE..... 11-9**  
11-10- 1. UNIFORM SIGN CODE ADOPTED ..... 11-9

**CHAPTER 11 - RIGHT OF ENTRY ..... 11-9**  
11-11- 1. RIGHT OF REASONABLE ENTRY. .... 11-9  
11-11- 2. FAILURE OR NEGLIGENCE TO PROMPTLY PERMIT  
ENTRY PROHIBITED. .... 11-9

**CHAPTER 12 - FEES..... 11-10**  
11-12- 1. PAYMENT OF FEES. .... 11-10  
11-12- 2. BUILDING PERMIT FEES. .... 11-10  
11-12- 3. PLAN CHECK FEES. .... 11-10  
11-12- 4. PROJECT APPLICATION OR RE-SUBMISSION FEES. .. 11-10  
11-12- 5. CONDOMINIUM CONVERSION, TIMESHARE. .... 11-10  
11-12- 6. MODIFICATION OF PLANS. .... 11-11  
11-12- 7. BOARD OF ADJUSTMENT. .... 11-11  
11-12- 8. REVIEW TEAM FEES. .... 11-12  
11-12- 9. ENGINEERING AND ATTORNEY'S FEES. .... 11-12  
11-12-10. OTHER PROFESSIONAL SERVICES. .... 11-12  
11-12-11. CONSTRUCTION INSPECTION. .... 11-12  
11-12-12. ADDITIONAL FEES. .... 11-12  
11-12-13. EXCEPTIONS. .... 11-13  
11-12-14. APPROVALS WITHHELD. .... 11-13  
11-12-15. FEE ADJUSTMENTS. .... 11-13  
11-12-16. PUBLIC PARKING FACILITY. .... 11-13  
11-12-17. PENALTY. .... 11-13

**CHAPTER 13 - IMPACT FEES..... 11-13**  
11-13- 1. DEFINITIONS. .... 11-13  
11-13- 2. ASSESSMENT AND CALCULATION OF IMPACT FEES. 11-15  
11-13- 3. OFFSETS. .... 11-18  
11-13- 4. WAIVER ..... 11-18  
11-13- 5. APPEALS. .... 11-18  
11-13- 6. ESTABLISHMENT OF IMPACT FEES ACCOUNTS..... 11-19  
11-13- 7. REFUNDS. .... 11-19  
11-13- 8. USE OF FUNDS..... 11-20  
11-13- 9. INDEPENDENT FEE CALCULATIONS. .... 11-21

**CHAPTER 14 - REGULATING HOURS OF WORK AND STORAGE OF MATERIALS AND EQUIPMENT ON CONSTRUCTION SITES ..... 11-21**  
11-14- 1. POLICY. .... 11-21  
11-14- 2. FENCING OF PUBLIC RIGHT-OF-WAY. .... 11-22

**PARK CITY MUNICIPAL CODE - TITLE 11 BUILDINGS AND BUILDING REGULATIONS**

---

11-14- 3. CONSTRUCTION CONFINED TO APPROVED AREA. ... 11-22  
11-14- 4. CONSTRUCTION MITIGATION PLANS . ..... 11-22  
11-14- 5. TOILET FACILITIES AND CONTAINERIZED TRASH  
SERVICE REQUIRED..... 11-24  
11-14- 6. HOURS AND DAYS OF WORK ..... 11-25  
11-14- 7. RELATIONSHIP TO INTERNATIONAL BUILDING  
CODE..... 11-26  
11-14- 8. ENFORCEMENT AND PENALTIES. .... 11-26

**CHAPTER 15 - PARK CITY LANDSCAPING AND MAINTENANCE OF SOIL**

**COVER** ..... 11-26  
11-15- 1. AREA. .... 11-26  
11-15- 2. MINIMUM COVERAGE WITH TOPSOIL OR OTHER  
ACCEPTABLE MEDIA. .... 11-30  
11-15- 3. ACCEPTABLE COVER ..... 11-30  
11-15- 4. ADDITIONAL LANDSCAPING REQUIREMENTS. .... 11-31  
11-15- 5. DISPOSAL OR REMOVAL OF AREA SOIL. .... 11-31  
11-15- 6. DUST CONTROL. .... 11-32  
11-15- 7. CERTIFICATE OF COMPLIANCE. .... 11-32  
11-15- 8. TRANSIT CENTER DISTURBANCE. .... 11-32  
11-15- 9. PROPERTY WITH KNOWN NON-COMPLIANT LEVELS  
OF LEAD. .... 11-32  
11-15-10. WELLS. .... 11-33  
11-15-11. NON-SAMPLED AND UNCHARACTERIZED LOTS ..... 11-33  
11-15-12. FAILURE TO COMPLY WITH CHAPTER ..... 11-33

**CHAPTER 16 - FLOOD DAMAGE** ..... 11-33

11-16- 1. STATUTORY AUTHORIZATION. .... 11-33  
11-16- 2. FINDINGS OF FACT. .... 11-33  
11-16- 3. STATEMENT OF PURPOSE. .... 11-33  
11-16- 4. METHODS OF REDUCING FLOOD LOSSES. .... 11-34  
11-16- 5. LANDS TO WHICH THIS CHAPTER APPLIES. .... 11-34  
11-16- 6. BASIS FOR ESTABLISHING THE AREAS OF SPECIAL  
FLOOD HAZARD. .... 11-34  
11-16- 7. COMPLIANCE. .... 11-35  
11-16- 8. ABROGATION AND GREATER RESTRICTIONS. .... 11-35  
11-16- 9. INTERPRETATION. .... 11-35  
11-16-10. WARNING AND DISCLAIMER OF LIABILITY. .... 11-35  
11-16-11. ESTABLISHMENT OF DEVELOPMENT PERMIT. .... 11-35  
11-16-12. DESIGNATION OF THE BUILDING OFFICIAL AS  
LOCAL ADMINISTRATOR. .... 11-36  
11-16-13. DUTIES AND RESPONSIBILITIES OF THE

**PARK CITY MUNICIPAL CODE - TITLE 11 BUILDINGS AND BUILDING REGULATIONS**

---

|  |   |              |
|--|---|--------------|
|  | BUILDING OFFICIAL. ....                           | 11-36        |
| 11-16-14.  | GENERAL STANDARDS. ....                           | 11-37        |
| 11-16-15.  | SPECIFIC STANDARDS. ....                          | 11-39        |
| 11-16-16.  | FLOODWAY. ....                                    | 11-40        |
| <b>CHAPTER 17 - PENALTIES AND VIOLATIONS.....</b>                        |   | <b>11-40</b> |
| 11-17- 1.  | VIOLATIONS. ....                                  | 11-40        |
| 11-17- 2.  | PENALTY. ....                                     | 11-40        |
| 11-17- 3.  | CONTINUING OFFENSES DEEMED DAILY VIOLATION.....   | 11-40        |
| <b>CHAPTER 18 - GENERAL PROVISIONS.....</b>                              |   | <b>11-41</b> |
| 11-18- 1.  | REPEAL OF CONFLICTING ORDINANCES. ....            | 11-41        |
| 11-18- 2.  | COPIES AVAILABLE FOR PUBLIC USE. ....             | 11-41        |
| 11-18- 3.  | SEPARABILITY. ....                                | 11-41        |
| <b>CHAPTER 19 – ADMINISTRATIVE CODE ENFORCEMENT HEARING PROGRAM.....</b> |   | <b>11-41</b> |
| 11-19- 1.  | GENERAL PROVISIONS AND DEFINITIONS. ....          | 11-41        |
| 11-19- 2.  | ADMINISTRATIVE CODE ENFORCEMENT PROCEDURES. ....  | 11-46        |
| 11-19- 3.  | ADMINISTRATIVE AND JUDICIAL REMEDIES. ....        | 11-59        |
| 11-19- 4.  | RECOVERY OF CODE ENFORCEMENT FEES AND COSTS. .... | 11-65        |
| <b>CHAPTER 20 – PHYSICAL MINE HAZARD MITIGATION</b>                      |   |              |
| 11-20- 1.  | AREA .....  | 11-66        |
| 11-20- 2.  | DEFINITIONS .....                                 | 11-66        |
| 11-20- 3.  | PHYSICAL MINE HAZARD PROHIBITED .....             | 11-67        |
| 11-20- 4.  | OWNER EVALUATION AND INSPECTION .....             | 11-68        |
| 11-20- 5.  | SUBMISSION .....                                  | 11-69        |
| 11-20- 6.  | REQUIREMENT TO MITIGATE.....                      | 11-70        |
| 11-20- 7.  | OBLIGATION TO UPDATE.....                         | 11-70        |
| 11-20- 8.  | INSPECTION .....                                  | 11-70        |
| 11-20- 9.  | FAILURE TO COMPLY WITH CHAPTER .....              | 11-70        |
| 11-20-10.  | OTHER CLAIMS NOT PRECLUDED.....                   | 11-70        |



**TITLE 11 - BUILDING AND BUILDING REGULATIONS**

**CHAPTER 1 - DEFINITIONS.**

**11- 1- 1. DEFINITIONS.**

- (A) **APPEAL**. A request for a review of the Building Official's interpretation of any provision of this Title or a request for a variance.
- (B) **APPROVED TOPSOIL**. New topsoil is required to be tested and cannot exceed the following: lead 200 ppm; as determined by testing a representative sample at a state certified laboratory using the method described in Section (Q), Mine Tailings, below. Results reported as received [not dry weight].
- (C) **AREA OF SHALLOW FLOODING**. A designated AO or AH zone on the Flood Insurance Rate Map (FIRM). The base flood depths range from one to three feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and velocity flow may be evident.
- (D) **AREA OF SPECIAL FLOOD HAZARD**. The land in the flood plain within a community subject to a one percent or greater chance of flooding in any given

year.

- (E) **BASE FLOOD**. The flood having a one percent chance of being equaled or exceeded in any given year.
- (F) **CONSTRUCTION SITE**. The property, whether fenced or unfenced, involved in the construction of any building or structure as shown on the approved site plan, and such additional contiguous area owned or controlled by the owner of contractor of the project that is used for construction related work or activities such as staging, material storage, equipment storage, soil stock piling and similar activities.
- (G) **CONSTRUCTION WORK**. The performance of any labor, delivery of any materials, operation of any power tool or motorized equipment on any construction site.
- (H) **CONSTRUCTION MITIGATION PLAN**. A plan that is submitted to the Chief Building Official that includes mitigation details on site specific projects.
- (I) **DEVELOPMENT**. Any man-made change to improved or unimproved real

estate, including, but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations located within the area of special flood hazard.

(J) **FLOOD OR FLOODING**. A general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) The overflow of inland or tidal waters and/or
- (2) The unusual and rapid accumulation of runoff of surface waters from any source.

(K) **FLOOD INSURANCE RATE MAP**. The official report provided by the Federal Emergency Management Agency that includes flood profiles, the Flood Boundary-Floodway Map, and the water surface elevation of the base flood.

(L) **FLOODWAY**. The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot (1').

(M) **HAZARDOUS WASTE**. Any tailings, soil, or other material which exceeds the action level of lead at 1000 ppm for the purpose of this Title shall be considered hazardous waste. The testing to be done according to the method described in Section Q, Mine Tailings, below.

(N) **LOWEST FLOOR**. The lowest floor of the lowest enclosed area, including

basement. An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this Title.

(O) **MANUFACTURED HOME**. A structure, transportable in one or more sections, which is built onto a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. This term also includes park trailers, travel trailers and other similar vehicles placed on a site for greater than 180 consecutive days. The use of manufactured homes is controlled by the Land Management Code of Park City.

(P) **MANUFACTURED HOME PARK OR SUBDIVISION**. A parcel, or contiguous parcels, of land divided into two (2) or more manufactured home lots for rent or sale.

(Q) **MINE TAILINGS**. Any soil which has the following lead concentration: Lead 1000 parts per million (ppm) or greater, as determined by using the Standard Method 15th Edition 302 [Nitric Acid Digestion] analysis by Atomic Absorption Spectrometer Standard. Method 303. Results reported as dry weight.

(R) **MOBILE HOME**. A structure that is transportable in one or more sections, built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required

utilities. It does not include recreational vehicles or travel trailers. The use of mobile homes is controlled by the Land Management Code of Park City.

(S) **NEW CONSTRUCTION.**

Structures for which the "start of construction" commenced on or after the effective date of this Title.

(T) **OWNER.** The individual, corporation, partnership or other entity who requested or caused construction work to be performed on a construction site.

(U) **PERSON.** Every natural person, firm, co-partnership, association, or corporation.

(V) **PROSPECTOR.** That area of Park City described in Section 11-15-1.

(W) **START OF CONSTRUCTION.**

Includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a structure on a site, such as the pouring of a slab or footings, the installation of piles, the construction of columns or any work beyond the stage of excavation or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the

erection of temporary forms; nor does it include the installation on the property of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main structure.

(X) **SUBSTANTIAL**

**IMPROVEMENT.** Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure either:

(1) before the improvement or repair is started; or

(2) if the structure has been damaged and is being restored, before the damage occurred. For the purpose of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure; the term does not, however, include either:

(a) any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions; or

(b) any alteration of a structure listed on the National Register of Historic Places or State Inventory of

Historic Places, or any alteration of a structure listed in the Mining Boom Era Thematic Nomination to the National Register of Historic Places.

(Y) **TYPES OF CONTRACTORS.** As an illustrative list of contractors subject to the provision of this Title, but not in limitation thereof, the following types of contractors and all others engaged in related work, are subject to the provisions of this Title: 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: acoustical tile and roof decking; awnings, storm doors and windows; air conditioning, dry-heating; sheet metal; boilers, steam fitting; carpentry; cement and concrete; ceramic tile, mosaic tile, terrazzo; masonry; cabinet and millwork; composition floor; countertops; 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, lawn sprinklers; lathing; overhead doors; painting and paper hanging; pest control (structural); plastering; plumbing and wet-heating; roofing and siding; swimming pool; signs; sewer installation; steel reinforcing and erection; tanks (structural; waterproofing weather stripping; welding; wrecking and demolition; wood floor laying and finishing.

(Z) **VARIANCE.** A grant of relief from the requirements of this Title, which permits construction in a manner that would

otherwise be prohibited by this Title.

**CHAPTER 2 - IN GENERAL**

**11- 2- 1. BUILDING INSPECTOR - APPOINTMENT AND REMOVAL.**

There shall be a Chief Building Inspector who shall be appointed by the City Manager and shall serve under the direction of the City Manager.

*(Amended by Ord. No. 06-87)*

**11- 2- 2. BUILDING INSPECTOR - DUTIES.**

The Chief Building Inspector shall be responsible for the enforcement of the building code, residential code, mechanical code, fuel gas code, electrical code, plumbing code, energy conservation code, housing code, abatement of dangerous building code, all special hazards codes which may now or hereafter be adopted, and the zoning code of the City.

*(Amended by Ord. No. 06-87)*

**11- 2- 3. BUILDING INSPECTOR ADDITIONAL DUTIES.**

The Building Official shall also be known as the Building Inspector and shall in addition to the provisions of the International Building Code have the duty of administering and enforcing the provisions of the Housing Code, Abatement of Dangerous Building Code, and Electrical Code, Plumbing Code, Uniform Sign Code, Mechanical Code and Fire Code. Additionally, he or she shall be charged with



the inspection and enforcement of the provisions set forth with regard to all buildings and structures, in accordance with the manner provided for in each of the above adopted codes. Where necessary, properly appointed health officers acting in behalf of the City are hereby authorized to make such inspections as may be required to enforce the provisions of any of the applicable codes.

*(Amended by Ord. No. 02-32)*

**11- 2- 4. BUILDING INSPECTOR - STOP ORDERS.**

Whenever any work is being done contrary to the provisions of this Code or of any code adopted by any provisions of this Code, the chief building inspector shall order the work stopped by notice in writing served on any person engaged in the doing or causing of such work to be done. It shall be unlawful for any person to fail or refuse to obey such order.

**CHAPTER 3 - BUILDING CODE AND RESIDENTIAL CODE**

**11- 3- 1. INTERNATIONAL BUILDING CODE AND INTERNATIONAL RESIDENTIAL CODE ADOPTED.**

The International Building Code and International Residential Code, as adopted by the State of Utah and published by the International Code Council (ICC), establishing rules and regulations for the design, construction quality of materials, use and occupancy, location and maintenance of building and structures are hereby adopted

as the Building Code of Park City, together with Rule R156-56 of the Utah Administrative Code, and the following Amendments.

(A) Appendix of the 2012 International Building Code is and incorporated herein with the following amendment: Except as specified in Section J103 of this section, no person shall do any grading, removing or grubbing of existing vegetation without first obtaining a grading permit from the Building Official. Appendix P of the 2006 International Residential Code is adopted and incorporated herein. .

(B) **BUILDING PERMIT FEES.** A fee for each building permit shall be paid to the Building Official as set forth by fee resolution as adopted by the Park City Council.

(C) Section 901.2 AUTOMATIC FIRE EXTINGUISHING SYSTEMS is hereby amended by adding the following wording: **PURPOSE.** The purpose of this section is to establish minimum standards to safeguard life, health, property, public welfare and to protect the owners and occupants of structures within Park City by regulating and controlling the design and construction of buildings and structures.

*(Amended by Ord. Nos. 02-32; 06-87; 11-27; 14-49)*

**11- 3- 2. AUTOMATIC FIRE EXTINGUISHING SYSTEMS.**

The following newly constructed structures of buildings used for or to be used for human occupancy shall have an automatic

fire extinguishing system installed in conformity with the requirements of the International Fire Code Section 903.1 and the following amendments:

- (A) All new construction having more than 6,000 square feet on any floor, except R-3 occupancy.
- (B) All new construction having more than two (2) stories, except R-3 occupancy.
- (C) All new construction having three (3) or more dwelling units, including units rented or leased, and including condominiums or other separate ownership.
- (D) All new construction in the Historic Commercial Business zone district, regardless of occupancy.
- (E) All new construction and buildings in the General Commercial zone district where there are side-yard setbacks or where one or more side yard setbacks is less than two and one-half ( 2 ½) feet per story of height.

*(Amended by Ord. Nos. 02-32; 06-87; 14-49)*

**CHAPTER 4 - MECHANICAL CODE AND FUEL GAS CODE**

**11- 4- 1. MECHANICAL CODE AND FUEL GAS CODE.**

The International Mechanical Code and International Fuel Gas Code, as adopted by the State of Utah and published by the International Code Council, establishing rules and regulations for the design,

installation, maintenance, alterations, and inspection of mechanical systems that are permanently installed and utilized to provide control of environmental conditions and related processes within buildings. Similarly, the International Fuel Gas Code applies to the installation of fuel-gas piping systems, fuel gas appliances, gaseous hydrogen systems and related accessories are hereby adopted as the Mechanical Code of Park City.

*(Amended by Ord. Nos. 02-32; 06-87; 11-27; 14-49)*

**CHAPTER 5 - UNIFORM HOUSING CODE**

**11- 5- 1. HOUSING CODE.**

The Uniform Housing Code, 1997 edition, printed as code in book form, and adopted by the International Conference of Building Officials, providing minimum requirements for the protection of life, limb, health, safety and welfare of the general public and the owners and occupants of residential buildings is hereby adopted as the Housing Code of Park City.

(A) **APPLICATION.** The provisions of the Housing Code shall apply to all buildings or portions thereof used, designed for or intended to be used for human habitation. Occupancies in existing buildings may be continued as provided in Chapter 34 of the International Building Code, except as to those structures found to be substandard as defined in the Housing Code.

(B) **VIOLATIONS.** It shall be unlawful

for any person, firm or corporation whether as owner, lessee, sublessee, or occupant to erect, construct, enlarge, alter, repair, move, improve, remove, demolish, equip, use, occupy, or maintain any building or premises or cause or permit the same to be done, contrary to or in violation of any of the provisions of the Housing Code or any order issued by the Building Official pursuant thereto.

**(C) PERMITS AND INSPECTIONS.**

It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert, or demolish any building or structure, or cause or permit the same to be done, without first obtaining a separate building permit for each such building or structure from the Building Official in the manner and according to the applicable conditions prescribed in the Housing Code.

*(Amended by Ord. No. 02-32; 14-49)*

**CHAPTER 6 - UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS**

**11- 6- 1. ADOPTION OF A CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS.**

The "Uniform Code for the Abatement of Dangerous Buildings, 1997 edition," printed as a code in book form and published by the International Conference of Building Officials, providing for a just, equitable and practicable method whereby buildings or structure which from any cause endanger the life, limb, health, morals property, safety or

welfare of the general public or their occupants, may be required to be repaired, vacated, or demolished, is hereby adopted as the Abatement of Dangerous Buildings Code for Park City.

*(Amended by Ord. No. 02-32; 14-49)*

**CHAPTER 7 - PLUMBING CODE**

**11- 7- 1. ADOPTION OF INTERNATIONAL PLUMBING CODE.**

The International Plumbing Code, as adopted by the State of Utah and published by the International Code Council, is hereby approved and adopted Code of Park City. Sections 106.1 and 107.1 of the 2012 International Plumbing Code are amended as follows:

**(A) PLUMBING PERMITS.** No new construction, alterations, or additions to existing plumbing shall be installed without first obtaining a permit and a fee paid according to Park City's fee resolution.

**(B) PLUMBING INSPECTIONS.** The Building Official shall perform all functions of plumbing inspection and shall, among other things, inspect the construction, installation and repair of all plumbing fixtures and appliances and apparatus connected with a plumbing system which are installed within the limits of Park City and shall require that they conform to the provisions of the Plumbing Code.

*(Amended by Ord. Nos. 02-32; 06-87; 11-27; 14-49)*

**CHAPTER 8 - NATIONAL ELECTRICAL CODE**

**11- 8- 1. ADOPTION OF NATIONAL ELECTRICAL CODE.**

The National Electrical Code, as adopted by the National Fire Protection Association and the State of Utah, printed as a code in book form is hereby approved and adopted as the Electrical Code of this City, including all Park City and state amendments which are incorporated herein by this reference.

(A) **ELECTRICAL INSPECTION.** The Building Official shall perform all functions of electrical inspection and shall, among other things, inspect the construction, installation, and repair of all electrical light or power wiring, fixtures, appliances or apparatus installed within the limits of this municipality and shall require that they conform to the provisions of the Electrical Code. The Building Official shall follow the same enforcement standards as are established and currently adopted by the State of Utah.

(B) **PERMITS, INSPECTIONS AND FEES.** No alterations or additions shall be made in existing wiring, nor shall any new wiring or any apparatus which generates, transmits, transforms or utilizes any electricity be installed without first obtaining a permit therefor. Applications for such permit describing such work, shall be made in writing. The fee for electrical permits is set forth in Park City's fee resolution.

*(Amended by Ord. Nos. 02-32; 06-87; 11-27; 14-49)*

**CHAPTER 9 - FIRE CODE**

**11- 9- 1. INTERNATIONAL FIRE CODE.**

The International Fire Code, as adopted by the State of Utah and published by the International Code Council is hereby adopted as the Fire Code of Park City:

(A) **REMOVAL OF DEBRIS** All debris created from a fire shall be removed and the property restored to normal condition within ninety (90) days after the fire or as soon as the property is released by the State Fire Marshal, the Park City Building Official, or insurance adjuster, whichever is later. In the event the debris is not cleared, such debris shall be declared a nuisance and removed by the City at the expense of the property owner.

(B) **REQUIRED PERMITS.** All applications for permits required by the Fire Code shall be made to the Building Official in such form and detail as he shall prescribe. All applications for permits shall be accompanied by such plans as required by the Building Official and fees paid as per the city's fee resolution.

*(Amended by Ord. Nos. 02-32; 06-87; 11-27; 14-49)*

**11- 9- 2. AUTHORITY AND DUTY OF POLICE PERSONNEL TO ASSIST IN ENFORCEMENT**

Whenever requested to do so by the Building Official, the Chief of Police shall assign such available police officers as in his discretion may be necessary to assist the Building Official in enforcing the provisions of this Code.

*(Amended by Ord. No. 02-32)*

**CHAPTER 10 - UNIFORM SIGN CODE**

**11-10- 1. UNIFORM SIGN CODE ADOPTED.**

The Uniform Sign Code, 1997 edition, as adopted by the International Conference of Building Officials and printed as a code in book form is hereby approved and adopted with the following amendment to table 4-B as the Uniform Sign Code of this City:

**TABLE 4-B - PROJECTION OF SIGNS**

| <b>CLEARANCE (feet)</b> | <b>MAXIMUM PROJECTION (feet)</b>                     |
|-------------------------|--|
| x 304.8 for mm          | x 304.8 for mm                                       |
| Less than 8             | Not permitted  |
| 8                       | 3  |
| 8 to 16                 | 1 plus 0.5 for each foot of clearance in excess of 8 |
| Over 16                 | 5  |

**CHAPTER 11 - RIGHT OF ENTRY**

**11-11- 1. RIGHT OF REASONABLE ENTRY.**

Whenever necessary to make an inspection to enforce any of the provisions of any code adopted pursuant to this Title, or whenever the Building Official or his authorized representative has reasonable cause to believe that there exists in any building or upon any premises unsafe, substandard, or dangerous, as defined in the applicable sections of the codes, any condition that makes such building or premises dangerous, the Building Official or his authorized representative may enter such building or premises at all reasonable times to inspect the same or perform any duty imposed upon the Building Official, provided that:

- (A) If such building or premises be occupied, he shall first present proper credentials and demand entry; and
- (B) If such building or premises are unoccupied, he shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and demand entry. If such entry is refused, the Building Official or his authorized representative shall have recourse to every remedy provided by law to secure entry.

**11-11- 2. FAILURE OR NEGLECT TO PROMPTLY PERMIT ENTRY PROHIBITED.**

No owner or occupant or any other person having charge, care or control of any building or premises shall fail or neglect, after proper demand is made as herein

provided, to promptly permit entry therein by the Building Official or his authorized representative for the purpose of inspection and examination pursuant to any provisions of any of the codes adopted pursuant to this Title.

*(Amended by Ord. No. 02-32)*

**CHAPTER 12 - FEES**

**11-12- 1. PAYMENT OF FEES.**

Whenever a fee is required by this Title or any schedule or resolution adopted by the City pursuant to this Title, such fees shall be paid to the Finance Department.

**11-12- 2. BUILDING PERMIT FEES.**

A fee for each building permit, electrical permit, plumbing permit, mechanical permit, and fire permit shall be paid to the City in such amount as shall be established from time to time by resolution duly enacted by the governing body.

The determination of value or valuation under any of the provisions of the International Building Code as adopted by the City Council, shall be made by the Building Official on the basis of the ICC, subject to the approval of the City Manager.

*(Amended by Ord. No. 11-27)*

**11-12- 3. PLAN CHECK FEES.**

A fee, as established by resolution, for the review and approval of building construction plans by the Building Department shall be

paid to the Building Official.

On buildings requiring plan checks at the time of building permit application, the applicant shall pay a deposit, which is established by resolution. This deposit shall be credited against the plan check fee when the permit is issued. This deposit is non-refundable in the event permits are not issued.

**11-12- 4. PROJECT APPLICATION OR RE-SUBMISSION FEES.**

The Planning Department shall charge a fee for the review and consideration of all projects that require planning review under the Land Management Code. The fee shall be based on the number of unit equivalents applied for as defined in the Land Management Code, subdivision lots or commercial area applied for, provided, however, that payment of the fee based on a specific number of units or commercial area shall not guarantee approval of that number of units or that number of square feet upon completion of the review process. There shall be no refund of the difference in the fees paid if fewer units or less commercial space is approved than was applied for. Re-submission of projects on which a conditional use approval has lapsed shall be accepted only upon payment of a new application fee. The application and re-submission fees shall be as set forth by resolution.

**11-12- 5. CONDOMINIUM CONVERSION, TIMESHARE.**

The fees prescribed in this Title for Plan Check, Project Application Fees, and Water

Development and Connection Fees shall not be assessed against projects which are before the Planning Department and Planning Commission for the sole purpose of obtaining plat approval to submit a previously approved structure to condominium ownership, or to convert an existing structure to a timeshare condominium, provided the following conditions are met:

- (A) No substantial changes are being proposed to the structure itself as a part of or incidental to the change in the form of ownership;
- (B) No change in use is proposed, other than the change from single ownership to timeshare use where applicable;
- (C) The structure was either a permitted or approved conditional use at the time of construction; and
- (D) The structure is in a zone, which allows timeshare ownership as a conditional use, if timeshare ownership is proposed.

The fee, as established by resolution, for plat review for this condominium or timeshare conversion shall be assessed per habitable dwelling unit within the proposed condominium, exclusive of units not included within the conversion, for residential and transient lodging units, and per thousand square feet of non-residential or commercial space. All other fees prescribed by this Title shall apply as the service is required. Additional water connection fees shall be assessed if the meter capacity or water service to the building is increased as a result of the

change in ownership. This Title shall not be construed as waiving the conditional use review process for timeshare conversions established by the Land Management Code.

**11-12- 6.        MODIFICATION OF PLANS.**

After a development project has been placed on the agenda of the Planning Commission, or Historic District Commission, where applicable, for final approval, or in the case of a phased project which has received project site plan approval, no substantial modifications shall be made by the developer except upon payment of a fee as established by resolution per habitable dwelling unit or per 1,000 square feet of commercial space for each unit or commercial area affected by the modification. On developments requiring approval by the planning staff only, and not by the commissions, the modification fee shall apply after the staff has given final approval of the project. This fee for plan modification shall apply to modifications made at the request of the developer, and not to modifications, which are requested or required by the planning staff, Planning Commission or Historic District Commission.

**11-12- 7.        BOARD OF ADJUSTMENT.**

All applications for consideration of any project by the Board of Adjustment shall be accompanied by a fee as established by resolution, to defray the costs of technical review, posting of notice and other administrative costs incurred in the application and review.

**11-12- 8. STAFF REVIEW TEAM FEES.**

For the technical review provided by the city staff of all development projects, a fee as established by resolution, for staff review team meetings shall be charged by the Planning Department and billed monthly to developers who have projects under review.

**11-12-9. ENGINEERING AND ATTORNEY'S FEES.**

Each developer of any building project, subdivision or other construction, which the City deems to require the services of the City Engineer or the City Attorney, shall reimburse the City for the City's actual costs for such services.

**11-12-10. OTHER PROFESSIONAL SERVICES.**

Each developer of any building project, subdivision or other construction which the City deems to required professional services not available by the City staff, shall reimburse the city for the City's actual costs for such services as mutually agreed upon by the developer and the City.

**11-12-11. CONSTRUCTION INSPECTION.**

Prior to receiving a building permit, a notice to proceed or plat approval, developers shall pay a fee equal to six percent (6%) of the estimated construction cost as determined by the City Engineer. The City Engineer's estimate shall be based on standard costs derived from nationally recognized and

accepted sources for construction costs and approved by the City Manager. The fee shall be used for plan review and inspection services on all improvements, appertaining to the primary structures including but not limited to streets, curb and gutter, sidewalks, water and storm drainage, and all other improvements, in Section 200 of the Park City Design Standards. All such improvements shall be built to City standards found in the Park City Design Standards, Construction Specifications and Standard Drawings, adopted by ordinance.

The fees listed above are for typical construction projects requiring typical inspections during normal City business hours. For projects which require extraordinary plan review and inspection services, the City, upon notice to the developer, may charge the developer a fee as set by resolution to recoup costs to the City above the fee charged. The City may also charge an hourly rate re-inspections of work previously rejected.

*(Amended by Ord. No. 02-32)*

**11-12-12. ADDITIONAL FEES.**

The fees described in this Title are in addition to building permit fees for plumbing, electrical, mechanical, grading and excavation, demolition, signs, street cuts, and other fees set by resolution.

**11-12-13. EXCEPTIONS.**

Any part of any of the fees included in this Title may be waived by the City Council upon the recommendation of the City Manager for those projects, which are deemed to serve a beneficial public purpose



that would be harmed by the City requiring payment of such fees, such as low income housing projects. Applications for exceptions are to be filed with the Building Official at the time a permit is requested.

**11-12-14. APPROVALS  
WITHHELD.**

The City Manager is authorized to refuse to allow any building permit to be issued, or subdivision or condominium to be approved until the developer has complied with the provisions of this Title.

**11-12-15. FEE ADJUSTMENTS.**

The fees established in this Title may be amended, changed, adjusted, or waived from time to time by motion of the City Council. The City Manager is authorized to reduce or waive fees on a public or non-profit project, which are deemed to serve a beneficial public purpose, provided that no waiver or reduction of fees totaling more than five thousand dollars (\$5,000) on any one project may be waived without City Council approval.

*(Amended by Ord. Nos. 02-32; 09-24)*

**11-12-16. PUBLIC PARKING FACILITY.**

The payment for spaces in a publicly constructed parking facility, in lieu of providing on-site parking within the HCB and HRC zones shall be as set by resolution and charged per stall. The payments, together with interest earned thereon, shall be used by the City for the construction or acquisition of parking structures within the

Swede Alley area between Hillside and Heber Avenues.

**11-12-17. PENALTY.**

Any person that fails to pay the fees required by this Title is guilty of a Class B misdemeanor. The Building Official may issue stop work orders on projects with past due fees, and the Council may withhold plat approval.

*(Amended by Ord. 95-35)*

**CHAPTER 13 - IMPACT FEES**

**11-13- 1. DEFINITIONS.**

The following words and terms shall have the following meanings for the purposes of this chapter, unless the context clearly requires otherwise:

(A) **BUILDING PERMIT.** The permit required for any Development Activity, as defined herein, and pursuant to Chapter 11-3 et seq. of the Municipal Code of Park City, Utah.

(B) **CONSTRUCTION VALUE.** The value of construction per square foot used by the Park City Building Department to determine plan check and Building Permit fees, multiplied by the area of Development Activity.

(C) **DEPARTMENT.** The Park City Building Department.

(D) **DEVELOPMENT ACTIVITY.** Any construction or expansion of a building, structure, or use, any change in use of a

building or structure, or any change in the use of land, which is accompanied by a request for a Building Permit.

(E) **OFFICIAL**. The Chief Building Official of Park City or his/her designee.

(F) **ENCUMBER**. To reserve, set aside or otherwise earmark, the Impact Fees in order to pay for commitments, contractual obligations or other liabilities incurred for Public Facilities.

(G) **IMPACT FEE**. Any fee levied pursuant to this chapter as a condition of issuance of a Building Permit. "Impact Fee" does not include fees imposed under Section 11-12 of the Municipal Code.

(H) **INDEPENDENT FEE CALCULATION**. An Impact Fee calculation prepared by a fee payer to support assessment of an Impact Fee different from any fee set forth herein.

(I) **OWNER**. The owner of record of real property, or a person with an unrestricted written option to purchase property; provided that, if the real property is being purchased under a recorded real estate contract, the purchaser shall be considered the owner of the real property.

(J) **PARKS, TRAILS AND OPEN SPACE IMPACT FEE**. The Impact Fee imposed as a condition precedent to a Building Permit that is used to offset the proportionate impact of the Development Activity on the need for the planning, design, engineering, acquisition, financing and construction of City-owned parks, trails and open space

(K) **PROJECT IMPROVEMENT**. Site improvements and facilities that are planned and designed to provide service for the Development Activity and are necessary for the use and convenience of the users of the development resulting from the Development Activity.

(L) **PUBLIC FACILITY**. Any structure built by or for, or maintained by, a governmental entity.

(M) **PUBLIC SAFETY FACILITIES IMPACT FEE**. The Impact Fee imposed as a condition precedent to a Building Permit that is used to offset the proportionate impact of the Development Activity on the need for the planning, design, acquisition, engineering, financing and construction of public safety facilities.

(N) **STREETS AND STORM WATER IMPACT FEE**. The Impact Fee imposed as a condition precedent to a Building Permit that is used to offset the proportionate impact of the Development Activity on the need for the planning, design, engineering, acquisition, financing and construction of additional street and storm water management facilities.

(O) **SYSTEM IMPROVEMENT**. Public facilities identified in the 2006 Capital Facilities Plan and Impact Fee Analysis, the 2014 Water Impact Facilities Plan and the 2014 Water Impact Fee Analysis that are not Project Improvements.

(P) **WATER IMPACT FEE**. The Impact Fee, calculated as an expression of gallons per minute (gpm), to assess the

impact of indoor Development Activity, and increased area of irrigated landscape, to assess the impact of outdoor Development Activity, imposed as a condition precedent to a Building Permit that is used to offset the proportionate impact of the Development Activity on the need for the planning, design, engineering, acquisition, financing and construction of water delivery systems. The Water Impact Fee is assessed within the Service Area which is the area within the Park City Water Service District Boundary.

*(Amended by Ord. No. 95-35; 96-12; 01-37; 03-05; 04-27; 14-49)*

**11-13- 2. ASSESSMENT AND CALCULATION OF IMPACT FEES.**

(A) **ASSESSMENT OF IMPACT FEES.** The City shall collect the following Impact Fees from any applicant seeking a Building Permit:

- (1) **Parks, Trails, Open Space, Public Safety Facilities, Streets and Storm Water Facilities Impact Fees:**

**PARK CITY MUNICIPAL CODE - TITLE 11 BUILDINGS AND BUILDING REGULATIONS**

| <b>2005 PCMC IMPACT FEE ANALYSIS UPDATE</b>              |                              |          |                       |            |
|--|------------------------------|----------|-----------------------|------------|
| <i>Proposed Impact Fee Schedule (Calendar Year 2005)</i> |                              |          |                       |            |
|  | Parks, Trails,<br>Open Space | Police   | Roadway<br>Facilities | Total      |
| <b>New Construction</b>                                  |                              |          |                       |            |
| Single Family  |                              |          |                       |            |
| Average Unit   | \$3,855.00                   | \$605.00 | \$315.00              | \$4,775.00 |
| Unit Less Than 3,000 sq. ft.                             | \$1,925.00                   | \$300.00 | \$155.00              | \$2,380.00 |
| Unit More Than 5,000 sq. ft.                             | \$5,780.00                   | \$910.00 | \$470.00              | \$7,160.00 |
| Duplex & Multi-Family                                    |                              |          |                       |            |
| Average Unit   | \$3,150.00                   | \$495.00 | \$290.00              | \$3,935.00 |
| Unit Less Than 2,000 sq. ft.                             | \$1,575.00                   | \$245.00 | \$145.00              | \$1,965.00 |
| Unit More Than 4,000 sq. ft.                             | \$4,725.00                   | \$740.00 | \$435.00              | \$5,900.00 |
| Hotel Room   |                              |          |                       |            |
| Average Unit   | \$2,005.00                   | \$315.00 | \$170.00              | \$2,490.00 |
| Unit Less Than 750 sq. ft.                               | \$1,000.00                   | \$155.00 | \$85.00               | \$1,240.00 |
| Unit More Than 2,000 sq. ft.                             | \$3,005.00                   | \$470.00 | \$255.00              | \$3,730.00 |
| Commercial   | NA                           | \$555.00 | \$410.00              | \$965.00   |
| Light Industrial   | NA                           | \$445.00 | \$320.00              | \$765.00   |
| <b>Additions</b>   |                              |          |                       |            |
| Single Family  |                              |          |                       |            |
| 0-500 Square Feet  | NA                           | NA       | NA                    | \$0.00     |
| 501-1500 Square Feet                                     | \$480.00                     | \$75.00  | \$35.00               | 590.00     |
| 1501-3000 Square Feet                                    | \$960.00                     | \$150.00 | \$75.00               | 1,185.00   |
| 3001-5000 Square Feet                                    | \$1,925.00                   | \$300.00 | \$155.00              | 2,380.00   |
| More than 5000 Square Feet                               | \$3,855.00                   | \$605.00 | \$315.00              | 4,775.00   |
| Duplex & Multi Family                                    |                              |          |                       |            |
| 0-500 Square Feet  | NA                           | NA       | NA                    | 0.00       |
| 501-1000 Square Feet                                     | \$390.00                     | \$60.00  | \$35.00               | 485.00     |
| 1001-2000 Square Feet                                    | \$785.00                     | \$120.00 | \$70.00               | 975.00     |
| 2001-4000 Square Feet                                    | \$1,575.00                   | \$245.00 | \$145.00              | 1,965.00   |
| More than 4000 Square Feet                               | \$3,150.00                   | \$495.00 | \$290.00              | 3,935.00   |
| Hotel Room   |                              |          |                       |            |
| 0-200 Square Feet  | NA                           | NA       | NA                    | 0.00       |
| 201-750 Square Feet                                      | \$500.00                     | \$75.00  | \$40.00               | 615.00     |
| 751-2000 Square Feet                                     | \$1,000.00                   | \$155.00 | \$85.00               | 1,240.00   |
| More than 2000 Square Feet                               | \$2,005.00                   | \$315.00 | \$170.00              | 2,490.00   |
| Commercial (per sq. ft.)                                 | NA                           | \$0.55   | \$0.41                | \$0.96     |
| Light Industrial (per sq. ft.)                           | NA                           | \$0.44   | \$0.32                | \$0.76     |

(2) **Water Impact Fee Schedule:**

Outdoor Impact Fee

| Yard Area (Irrigated Sq Ft) | Peak Day<br>Gallons | 1 Gpm (Gal) | Gpm<br>Demand | Proposed<br>Fee |
|-----------------------------|---------------------|-------------|---------------|-----------------|
| Calculated Per 1,000 Sq Ft  | 138.8               | 1,440       | 0.096         | \$ 1,598        |

**INDOOR - Winter Month Average Day (Observed Dec 16 to Jan 15)**

| Unit Size (Sq. Ft.) | Peak Day | 1 Gpm (Gal) | Gpm Demand | Proposed Fee    |
|---------------------|----------|-------------|------------|-----------------|
| -                   | 1,000    | 298         | 1,440      | 0.2067 \$ 3,428 |
| 1,001               | 2,000    | 400         | 1,440      | 0.2776 4,602    |
| 2,001               | 3,000    | 539         | 1,440      | 0.3740 6,200    |
| 3,001               | 4,000    | 687         | 1,440      | 0.4771 7,910    |
| 4,001               | 5,000    | 817         | 1,440      | 0.5671 9,403    |
| 5,001+              |          | 983         | 1,440      | 0.6829 11,322   |

**Indoor Non-residential (Peak Day)**

| Property Type                   | Gallons per Unit | GPM per Unit | Floor Area per Unit | Fee per Unit |
|---------------------------------|------------------|--------------|---------------------|--------------|
| Assembly                        |                  |              |                     |              |
| Restaurant, Bar including decks | 35               | 0.0243       | 15                  | 402.97       |
| Theater, Auditorium, Church     | 5                | 0.0035       | 7                   | 57.57        |
| Office                          | 15               | 0.0104       | 100                 | 172.70       |
| Educational                     |                  |              |                     |              |
| Classroom                       | 25               | 0.0174       | 20                  | \$ 287.84    |
| Shop/Vocational                 | 25               | 0.0174       | 50                  | 287.84       |
| Exercise Area                   | 25               | 0.0174       | 50                  | 287.84       |
| Hotel/Motel                     | 150              | 0.1042       | 580                 | 1,727.02     |
| Industrial                      | Calculated       | Calculated   |                     | Calculated   |
| Institutional                   |                  |              |                     |              |
| Inpatient Treatment             | 250              | 0.1736       | 240                 | \$ 2,878.36  |
| Outpatient Treatment            | 5                | 0.0035       |                     | Calculated   |
| Sleeping Area                   | 5                | 0.0035       |                     | Calculated   |
| Other                           | Calculated       | Calculated   |                     | Calculated   |
| Retail                          | 10               | 0.0069       | 60                  | 115.13       |
| Swimming Pool or Skating Rink   |                  |              |                     |              |
| Rink or Pool Area               | 10               | 0.0069       | 50                  | \$ 115.13    |
| Decks                           | Calculated       | Calculated   |                     | Calculated   |
| Warehouse                       | Calculated       | Calculated   |                     | Calculated   |
| Parking Garage                  | Calculated       | Calculated   |                     | Calculated   |
| Government                      | Calculated       | Calculated   |                     | Calculated   |
| Library                         |                  |              |                     |              |
| Reading Area                    | Calculated       | Calculated   |                     | Calculated   |
| Stack Area                      | Calculated       | Calculated   |                     | Calculated   |

Non Standard Impact Fee Calculation

| <b>Non-Standard Users Impact Fee Formula</b>                                   |
|--|
| Step 1: Identify Estimated Peak Day GPM Demand of Proposed Development         |
| Step 2: Multiply Equivalent Peak Day GPMs by Impact Fee per GPM of \$16,579.38 |
|  |

*(Amended by Ord. Nos. 96-12; 01-37; 03-05; 05-37; 07-35; 11-27; 14-49)*

**11-13- 3.      OFFSETS.**

(A)    A fee payer can request that an offset or offsets be awarded to him/her for the value of a required System Improvement identified in the Capital Facilities Plan and Impact Fee Analysis, the Water Impact Fee Facilities Plan and the Water Impact Fee Analysis.

(B)    For each request for an offset or offsets, unless otherwise agreed, the fee payer shall retain an appraiser approved by the Department to determine the value of the System Improvement provided by the fee payer.

(C)    The fee payer shall pay the cost of the appraisal.

(D)    After receiving the appraisal, the Official shall provide the applicant with a letter or certificate setting forth the dollar amount of the offset, the reason for the offset, where applicable, the legal description of the site donated, and the legal description or other adequate description of the project or development to which the offset may be applied. The applicant must sign and date a duplicate copy of such letter or certificate indicating his/her agreement to the terms of the letter or certificate, and

return such signed document to the Official before the Impact Fee offset will be awarded.

The failure of the applicant to sign, date, and return such document within sixty (60) days shall nullify the offset.

(E)    Any claim for offset must be made not later than the time of application for Building Permit. Any claim not so made shall be deemed waived.

(F)    Determinations made by the Official pursuant to this section shall be subject to the appeals procedure set forth in Section 11-13-6 below.

**11-13- 4.      WAIVER.**

The City Council may waive Impact Fees for:

(A)    Construction of affordable housing, up to \$5,000 per unit;

(B)    Construction of a public facility.

**11-13- 5.      APPEALS.**

(A)    A fee payer may appeal the Impact Fees imposed or other determinations, which

the Official is authorized to make pursuant to this Chapter. However, no appeal shall be permitted unless and until the Impact Fees at issue have been paid.

(B) Appeals shall be taken within ten (10) days of the Official's issuance of a written determination, by filing with the Department a notice of appeal specifying the grounds for the appeal, and depositing the necessary fee, which is set forth in the existing fee resolution for appeals of land use decisions.

(C) The Department shall fix a time for the hearing of the appeal and give notice to the parties in interest. At the hearing, any party may appear in person or by agent or attorney.

(D) The Hearing Officer is authorized to make findings of fact regarding the applicability of the Impact Fees to a given Development Activity, the availability or amount of the offset, or the accuracy or applicability of an Independent Fee Calculation. The decision of the Hearing Officer shall be final, and may be appealed to the Third Judicial District Court for Summit County.

(E) The Hearing Officer may, so long as such action is in conformance with the provisions of this Chapter, reverse or affirm, in whole or in part, or may modify the determinations of the Official with respect to the amount of the Impact Fees imposed or the offset awarded upon a determination that it is proper to do so based on principles of fairness, and may make such order, requirements, decision or determination as ought to be made, and to that end shall have

the powers which have been granted to the Official by this Chapter.

(F) Where the Hearing Officer determines that there is a flaw in the Impact Fee program or that a specific exemption or offset should be awarded on a consistent basis or that the principles of fairness require amendments to this Chapter, the Hearing Officer shall advise the City Attorney as to any question or questions that the Hearing Officer believes should be reviewed and/or amended.

**11-13- 6. ESTABLISHMENT OF IMPACT FEES ACCOUNTS.**

(A) Impact Fees shall be earmarked specifically and deposited in special interest-bearing accounts. The fees received shall be prudently invested in a manner consistent with the investment policies of the City.

(B) Funds withdrawn from these accounts must be used in accordance with the provisions of Section 11-13-8 below. Interest earned on the Impact Fees shall be retained in each of the accounts and expended for the purposes for which the Impact Fees were collected. Money in these accounts shall not be commingled with other funds.

(C) Impact Fees shall be disbursed, expended, or Encumbered within six (6) years of receipt, unless the Council identifies in written findings an extraordinary and compelling reason or reasons for the City to hold the fees beyond the 6 year period. Under such circumstances, the Council shall establish the period of time within which Impact Fees shall be expended or

Encumbered.

**11-13- 7. REFUNDS.**

(A) If the City fails to disburse, expend, or Encumber the Impact Fees within six (6) years of when the fees were paid, or where extraordinary or compelling reasons exist, such other time periods as established pursuant to Section 11-13-7(C) below, the current Owner of the property on which the Impact Fees have been paid may request a refund of such fees. In determining whether Impact Fees have been disbursed, expended, or Encumbered, such fees shall be considered disbursed, expended, or Encumbered on a first in, first out basis.

(B) Owners seeking a refund of impact fees must submit a written request for a refund of the fees to the Official within 180 days of the date that the right to claim the refund arises.

(C) Any Impact Fees for which no application for a refund has been made within this 180 day period shall be retained by the City and expended on the type of public facilities for which they were collected.

(D) Refunds of Impact Fees under this section shall include any interest earned on the Impact Fees.

(E) When the City seeks to terminate any or all components of the Impact Fee program, any funds not disbursed, expended, or Encumbered from any terminated component or components, including interest earned shall be refunded pursuant to this section. Upon the finding that any or all

fee requirements are to be terminated, the City shall place notice of such termination, and the availability of refunds, in a newspaper of general circulation at least two (2) times. All funds available for refund shall be retained for a period of 180 days. At the end of the 180 day period, any remaining funds shall be retained by the City, but must be expended on the type of public facilities for which they were collected.

(F) The City shall refund to the current Owner of property for which Impact Fees have been paid all Impact Fees paid, including interest earned on the Impact Fees attributable to the particular Development Activity, within one (1) year of the date that right to claim the refund arises, if the Development Activity for which the Impact Fees were imposed did not occur, no impact resulted, and the Owner makes written request for a refund within 180 days of the expiration or abandonment of the permit for the Development Activity.

(G) A property Owner may be eligible to receive a rebate of up to fifty percent (50%) of the paid exterior water Impact Fee for installation of a drip irrigation system and drought tolerant landscaping in the area of disturbance. For a rebate to be considered an application must be submitted to the Planning Department within two (2) years of the payment of the exterior water Impact Fee and within six (6) months of the installation of drought tolerant landscaping. The completed application form and an irrigation plan must be submitted to the Planning Department for review and approval. Conversions of previously disturbed or existing landscaping do not apply; only



newly disturbed area from Development Activity will be eligible for a rebate.

*(Amended by Ord. Nos. 04-27; 14-49)*

**11-13- 8. USE OF FUNDS.**

(A) Pursuant to this Chapter, Impact Fees:

- (1) Shall be used for public facilities that reasonably benefit the new development; and
- (2) Shall not be imposed to make up for deficiencies in public facilities serving existing developments; and
- (3) Shall not be used for maintenance or operation of public facilities.

(B) Impact fees may be used to recoup costs of designing, constructing and/or acquiring public facilities previously incurred in anticipation of new growth and development to the extent that the Development Activity will be served by the previously constructed improvements or the incurred costs.

(C) In the event that bonds or similar debt instruments are or have been issued for the advanced provision of public facilities for which Impact Fees may be expended, Impact Fees may be used to pay debt service on such bonds, or similar debt instruments, to the extent that the facilities or improvements provided are consistent with the requirements of this section and are used to serve the Development Activity.

*(Amended by Ord. Nos. 96-12; 14-49)*

**11-13-9. INDEPENDENT FEE CALCULATIONS.**

(A) If a fee payer believes that a fee should be charged, other than the Impact Fees determined according to this Chapter, then the fee payer shall prepare and submit to the Official an Independent Fee Calculation for the Impact Fee(s) associated with the Development Activity for which a Building Permit is sought. The documentation submitted shall show the basis upon which the Independent Fee Calculation was made. The Director is not required to accept any documentation, which the Official reasonably deems to be inaccurate, unsubstantiated, or unreliable and may require the fee payer to submit additional or different documentation prior to the Official's consideration of an Independent Fee Calculation.

(B) Any fee payer submitting an Independent Fee Calculation shall pay an administrative processing fee, per calculation, of one hundred dollars (\$100).

(C) Based on the information within the Official's possession, the Official may recommend, and the City Manager is authorized to adjust, the Impact Fee to the specific characteristics of the Development Activity, and/or according to principles of fairness. Such adjustment shall be preceded by written findings justifying the fee.

(D) Determinations made by the Official pursuant to this section may be appealed subject to the procedures set forth herein.

**CHAPTER 14 - REGULATING HOURS OF WORK AND STORAGE OF MATERIALS AND EQUIPMENT ON CONSTRUCTION SITES**

**11-14- 1. POLICY.**

It is the policy of Park City to require construction activity on buildings to occur entirely within an approved space, including the storage of materials and equipment, and also accumulation and disposition of construction related refuse.

**11-14- 2. FENCING OF PUBLIC RIGHT-OF-WAY.** In those zones, which permit construction of buildings up to property lines or within five feet (5') of property lines, leaving a very limited or no setback area, the building official may permit construction fences to be built across sidewalk area where there are sidewalks, or into the parking lane of the street where there is no sidewalk. Where street width will permit, in the judgment of the building official, the construction fence shall also provide a temporary sidewalk area, which may be built in the parking lane of the street.

Any sidewalk built as a part of a construction site fence must be covered with a structural roof, which complies with Section 3306 of the International Building Code. The International Building Code requirements for construction of a temporary sidewalk may be reduced or waived by the Building Official where conditions will not permit the full four foot (4') width. The location of fencing within the public way and the determination of whether to require sidewalk shall be made by the Building Official, subject to review by the City Manager. In the event that changes in

parking regulations are required by the construction of such a fence, the Police Chief is authorized to post signs prohibiting or otherwise regulating parking in the area adjoining the construction site.

*(Amended by Ord. No. 02-32)*

**11-14- 3. CONSTRUCTION CONFINED TO APPROVED AREA.**

All construction work, including the storage of construction materials, supplies, temporary offices, tools, machinery, trash containers and construction vehicles shall be confined to the approved area at all times, except as follows:

(A) Delivery trucks may park outside the approved areas for a period not in excess of one hour for the purpose of loading or unloading materials and equipment. On Main Street, Heber Avenue and Swede alley delivery trucks are subject to the additional requirements of Title 9, Parking Code, which regulates delivery vehicles in these locations.

(B) Cranes, concrete pumps and similar equipment that cannot be placed within the approved area because of space or access limitations on the site, shall not block traffic lanes on the streets without first having given the Police Department twenty-four (24) hours written notice of the intent to block the street and receiving written permission to block the street from the Police Chief or his designee. The notice of intent shall designate the duration of the blockage and its location. The Chief of Police has the authority to make temporary changes in parking regulations to keep

traffic blockage to a minimum.

**11-14- 4. CONSTRUCTION MITIGATION PLANS.**

A construction mitigation plan shall be required to be submitted and approved by the Community Development Department, for all building permits. The Community Development Department may waive this requirement for minor remodels, additions and interior construction where the impact on adjacent property is minimal. This plan shall be written and shall address, to the satisfaction of the Community Development Department:

(A) **HOURS AND DAYS OF OPERATION.** The construction mitigation plan shall specify the daily construction start and finish times. The hours of construction activity is regulated in Section 11-14-6 for normal construction activity. Construction activity occurring outside of the times specified in Section 11-14-6 may only be allowed by special permit issued by the Building Official or the City Engineer.

(B) **PARKING.** The construction mitigation plan shall include a parking plan. Construction vehicle parking may be restricted to one side of the street at construction sites so as to not block reasonable public and safety vehicle access along streets and sidewalks. Construction parking in paid or permit only parking areas require the Public Works Department review and approve a parking plan. The plan shall also include anticipated temporary parking, e.g. delivery vehicles, large equipment parking. Any street closures require an approved permit from the Building

Department and the Police Department.

(C) **DELIVERIES.** The construction mitigation plan shall identify proposed delivery locations and routes. Deliveries of construction materials and supplies including concrete may be regulated as to time and routing if such deliveries will cause unreasonable noise, parking, or access issues. In order to reduce the number of delivery trips to construction sites, the stockpiling of materials on or near the site may be required. In the case of multiple construction sites in close proximity, a common materials storage and staging site may be required.

(D) **CONSTRUCTION PHASING.** Due to the narrow streets, small lot configuration, topography, traffic circulation, weather, construction parking and material staging problems, projects in the Historic District and other areas of the City may be required to be phased if more than one project is under construction in close enough proximity to create public safety or nuisance problems. In cases where phasing is deemed necessary by the Community Development Department, the first project to receive a building permit shall have priority, however, the Building Official shall have the authority to phase projects as necessary to assure efficient, timely and safe construction.

(E) **TRASH MANAGEMENT AND RECYCLING.** Construction sites shall provide adequate storage and a program for trash removal.

(F) **CONTROL OF DUST AND MUD ON STREETS.** A program for the control

of dust or other airborne debris shall be required. Provision must be made to eliminate the tracking of mud on streets and a program shall be required to remove any such mud daily.

(G) **NOISE**. Construction activity shall not exceed the noise standards as specified in Section 6-3-9 of this Code.

(H) **GRADING AND EXCAVATION**. Because of the truck hauling involved in grading and excavation, restrictions on trucking routes as well as the hours of operation may be necessary to mitigate the adverse impacts from such operations. Destination and total cubic yards of excavated material shall be noted.

(I) **EROSION CONTROL PRACTICES**. Because of Park City's implemented Storm Management Plan, construction projects will need to identify drainage areas and planned Best Management Practices ("BMPs") to control erosion and off-site migration of soils. Some common BMPs for controlling soil erosion include but are not limited to the following:

- (1) Installation of slit fences or straw bales within drainage channels.
- (2) Minimal soil disturbance within drainage areas.
- (3) Blown straw media within the drainage.
- (4) Detention basins.
- (5) Retention ponds.

The intent of employing Erosion Control BMPs on a construction project is to protect water quality within Park City.

(J) **CONSTRUCTION SIGN REQUIREMENTS**. A sign, indicating the name of the party responsible for the construction project shall be posted in a location where such sign is readable from the street or driveway to the construction site. The sign shall not exceed twelve square feet (12 sq. ft.) in size, six feet (6') in height and shall not exceed a letter type of four inches (4").

Information on the sign shall include, at a minimum:

- (1) Name, address and phone number of contractor.
- (2) Name, address, and phone number of person responsible for the project.
- (3) Phone number of party to call in case of emergency.

No additional fee is required for this sign.

(K) **LIMITS OF DISTURBANCE FINANCIAL GUARANTEE**. A financial guarantee established per policy to assure adequate vegetation and landscaping of areas within Limits of Disturbance ("LOD") shall be required prior to construction. The financial security shall be \$0.75 per square foot of the site within the LOD, excluding the permitted structure, driveways, decks, and other hard surfaced areas of the approved site plan. The City Manager has the authority to exempt pre-existing

disturbed areas per interest of the public to mitigate existing disturbance. The LOD financial guarantee shall be reimbursed with the approval of the final landscape inspection.

*(Amended by Ord. No. 02-32)*

**11-14- 5. TOILET FACILITIES AND CONTAINERIZED TRASH SERVICE REQUIRED.**

(A) All construction sites, including duplexes, single family homes and remodeling projects, shall be required to obtain and maintain on the site a container of suitable size and design to hold and confine trash, scraps, and other construction related refuse created or accumulated on the site. All such construction refuse shall be maintained in a closed container at all times, until transferred to the landfill. Containers may be placed in setback areas, provided that the placement of the container does not obstruct the view of motorists on adjoining streets and thereby create traffic hazards. It shall be unlawful to permit accumulated debris, litter, or trash on any construction site to blow or scatter onto adjoining properties, including the public street or to accumulate on the site outside of the container, or on transit to the landfill or dump. The owner or contractor shall service the container as frequently as needed to prevent trash from over-flowing.

(B) All construction sites shall have permanent toilets, or an approved temporary toilet facility positioned in a location approved by the Building Department, at the rate of one toilet per fifteen on-site employees (1-15 employees = one toilet, 16-

30 employees = two toilets and so on).

**11-14- 6. HOURS AND DAYS OF WORK.**

(A) Unless otherwise specified in a Conditional Use Permit or construction mitigation plan, in all zoning Districts throughout the City construction work shall be allowed between the hours 7 AM and 9 PM Monday through Saturday. Construction shall be allowed in all zoning districts throughout the City between the hours of 9 AM and 6 PM on Sundays. In individual Construction Mitigation Plans, the Building Official may further reduce the hours or days of work for special events or as other circumstances may reasonably warrant. When work is prohibited, no exterior construction, excavation or delivery of supplies and concrete are allowed. Interior work, however, may be allowed Monday through Sunday, with no limitation on hours for the following types of construction:

- (1) Interior work on individual single-family home construction or addition projects not involving materials or supply delivers.
- (2) Construction of decks, patios, landscape walls less than four feet (4') in height, and fences on individual single-family lots.
- (3) Non-mechanized exterior painting on individual single-family residences.
- (4) Non-mechanized landscaping on individual single-family

residences.

(5) Survey work not involving grading or use of power equipment to cut vegetation.

(B) **EXTENDED HOURS SPECIAL PERMIT**. The Building Official may authorize extended hours for construction operations or procedures which, by their nature, require continuous operation or modify or waive the hours of work on projects in generally isolated areas where the extended hours do not impact upon adjoining property occupants. In such cases, the Building Official shall issue a special permit identifying the extended hours. The contractor shall display the special permit on site.

(C) **SPECIAL EVENT REGULATIONS**. The Building Official and/or Police Chief may, at their discretion, restrict construction activity, including governmental or special improvement agencies, in order to assure the public safety during special events within the City. Special events shall include, but not be limited to the Art Festival, Film Festival, ski events, and holiday events.

*(Amended by Ord. No. 02-32)*

**11-14-7. RELATIONSHIP TO INTERNATIONAL BUILDING CODE.**

This Chapter shall be construed as being supplemental to the International Building Code as adopted. The technical requirements of the Building Code are not altered by this Chapter and to the extent there is any conflicting provision between

this Chapter and the International Building Code, the more restrictive provision shall apply. The Building Official shall have the authority to alter specific technical requirements of the International Building Code, 2000 Edition or the International Fire Code to suit unique circumstances, which might arise within Park City due to site specific conditions or narrow or steep streets.

**11-14- 8. ENFORCEMENT AND PENALTIES.**

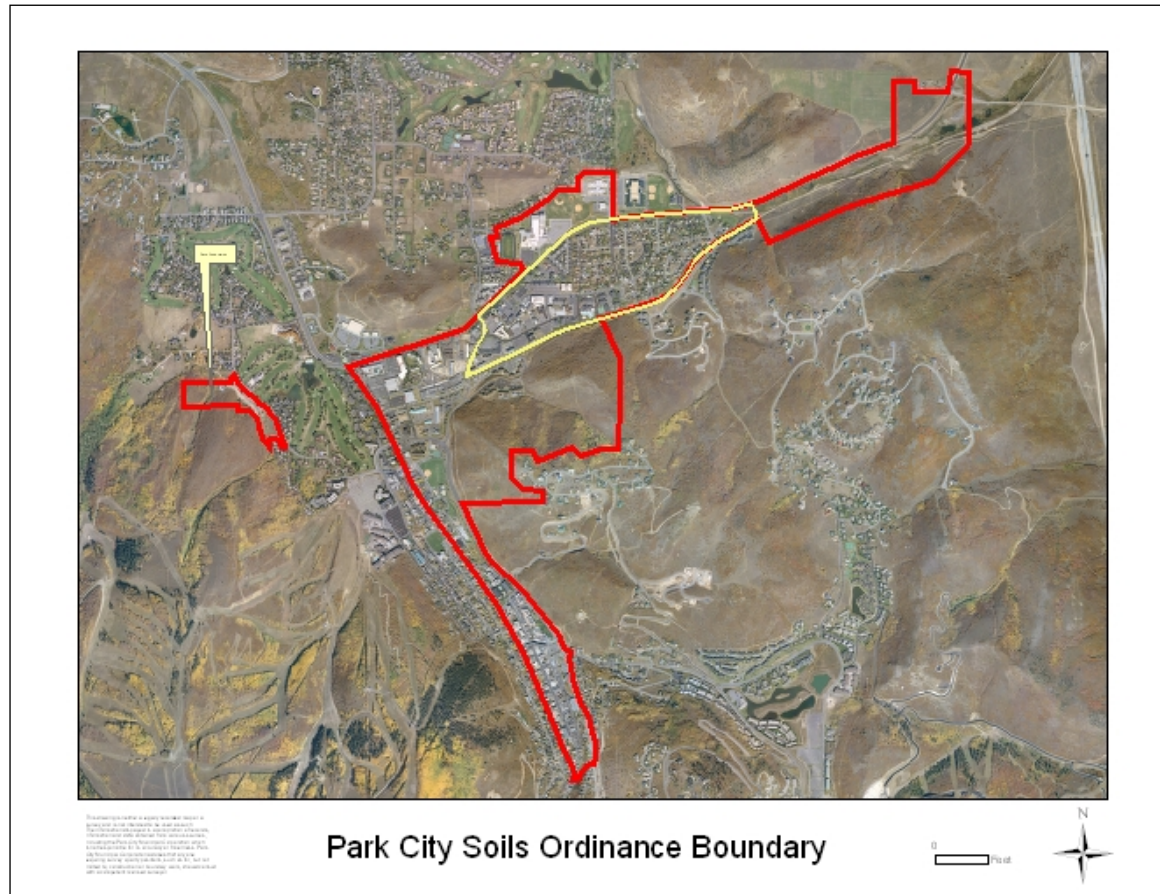
This Chapter shall be primarily enforced by the Building Official, with the assistance of the Police Department. When probable cause exists to believe a violation has been committed, the Building Official may issue a stop work order on any construction project until the violation is eliminated or the court finds that no violation exists. Persons violating this Chapter individually or through their employees are guilty of a Class "B" misdemeanor.

*(Amended by Ord. No. 02-32)*

**CHAPTER 15 - PARK CITY LANDSCAPING AND MAINTENANCE OF SOIL COVER**

**11-15- 1. AREA.**

This Chapter shall be in full force and effect only in that area of Park City, Utah, which is depicted in the map below and accompanied legal description, hereinafter referred to as the Soils Ordinance Boundary.



**MAP OF AREA SUBJECT TO LANDSCAPING AND TOPSOIL REQUIREMENTS (ORIGINAL MAP AMENDED BY THIS ORDINANCE NO. 06-13 ON FILE IN THE CITY RECORDER'S OFFICE) and as described as follows:**

Beginning at the West 1/4 Corner of Section 10, Township 2 South, Range 4 East, Salt Lake Base & Meridian; running thence east along the center section line to the center of Section 10, T2S, R4E; thence north along the center section line to a point on the easterly Park City limit line, said point being South 00°04'16" West 564.84 feet from the north 1/4 corner of Section 10, T2S, R4E; thence along the easterly Park City limit line for the following thirteen (13) courses: North 60°11'00" East 508.36'; thence North 62°56' East 1500.00'; thence North 41°00' West 30.60 feet; thence North 75°55' East 1431.27'; thence North 78°12'40" East 44.69 feet; thence North 53°45'47" East 917.79 feet; thence South 89°18'31" East 47.22 feet; thence North 00°01'06" East 1324.11 feet; thence North 89°49'09" West 195.80 feet; thence South 22°00'47" West 432.52'; thence South 89°40'28" West 829.07 feet; thence North 00°09'00" West 199.12 feet; thence West 154.34 feet to a point on the west line of Section 2, T2S, R4E; thence south on the section line to the southerly right-of-way line of State Route 248; thence westerly along said southerly right-of-way line to the easterly right-of-way line of State Route 224, also known as Park Avenue; thence southerly along the easterly line of Park

Avenue to the west line of Main Street; thence southerly along the westerly line of Main Street to the northerly line of Hillside Avenue; thence easterly along the northerly line of Hillside Avenue to the westerly line of Marsac Avenue, also known as State Route 224; thence northerly along the westerly line of Marsac Avenue to the westerly line of Deer Valley Drive; thence northerly along the westerly line of Deer Valley Drive, also known as State Route 224, to the southerly line of Section 9, T2S, R4E; thence easterly to the west line of Section 10, T2S, R4E; thence northerly to the point of beginning.

**Together with the following additional parcels:**

**Spiro Annexation Area Legal Description:**

A parcel of land located in Summit County, Utah, situated in the southeast quarter of Section 8, Township 2 South, Range 4 East, Salt Lake Base and Meridian, being more particularly described as follows:

Beginning at a point that is South 396.80 feet and West 1705.14 feet from the East quarter corner of Section 8, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said point being a 5/8" rebar on the westerly right-of-way line of Three Kings Drive, as described on the Arsenic Hall Annexation Plat, recorded no. 345954 in the office of the Summit County Recorder, said point also being on a curve to the left having a radius of 625.00 feet of which the radius point bears North 71°08'49" East; and running thence southeasterly along said right-of-way line the following three (3) courses: (1) southeasterly along the arc of said curve 352.91 feet through a central angle of 32°21'09"; thence (2) South 51°12'20" east 141.13 feet to a point on a curve to the right having a radius of 290.00 feet, of which the radius point bears South 38°47'40" West; thence (3) along the arc of said curve 70.86 feet through a central angle of 14°00'00"; thence along the southwesterly right-of-way line of Three Kings Drive and along the arc of a 680.00 foot radius curve to the left, of which the chord bears South 47°16'17" East 235.91 feet; thence along the westerly boundary of the Dedication Plat of Three Kings Drive and Crescent Road, recorded no.116010 in the office of the Summit County Recorder, the following eight (8) courses: (1) South 57°12'20" east 39.07 feet to a point on a curve to the right having a radius of 495.00 feet, of which the radius point bears South 32°47'40" West; thence (2) along the arc of said curve 324.24 feet through a central angle of 37°31'50"; thence(3) South 19°40'30" East 385.45 feet to a point on a curve to the left having a radius of 439.15 feet, of which the radius point bears North 70°19'30" East; thence (4) along the arc of said curve 112.97 feet through a central angle of 14°44'21" to a point of reverse curve to the right having a radius of 15.00 feet, of which the radius point bears South 55°35'09" West; thence (5) southerly along the arc of said curve 22.24 feet through a central angle of 84° 57'02" to a point of compound curve to the right having a radius of 54.94 feet, of which the radius point bears North 39°27'49" West; thence (6) westerly along the arc of said curve 115.99 feet through a central angle of 120°57'49"; thence (7) North 08°30'00" West 31.49 feet to a point on a curve to the left having a radius of 105.00 feet, of which the radius point bears South 81°30'00" West; thence (8) along the arc of said curve 378.43 feet through a central angle of 206°30'00" to a point on the easterly line of Park



Properties, Inc. parcel, Entry no. 129128, Book M73, page 31, in the office of the Summit County Recorder; thence along the easterly boundary of said parcel the following five (5) courses: (1) North 42°30'00" West 220.00 feet; thence (2) North 11°00'00" West 235.00 feet; thence (3) North 21°32'29" West 149.57 feet (deed North 21°30'00" West 150.00 feet) to a 5/8" rebar; thence (4) North 42°30'49" West 195.18 feet (deed North 42°30'00" West 195.29 feet) to a 5/8" rebar; thence (5) North 89°57'46" West 225.95 feet (deed West 224.19 feet) to a 5/8" rebar; thence along a boundary of Park Properties, Inc. parcel, Entry no. 324886, Book 565, Page 717, in the office of the Summit County Recorder the following three (3) courses: (1) North 02°45'19" East 99.92 feet (deed North 100.20 feet) to a 5/8" rebar; thence (2) North 89°51'20" West 496.04 feet to a 5/8" rebar; thence (3) North 89°35'52" West 481.94 feet (deed North 89°45'00" West 992.17 feet for courses (2) and (3) to a point on the west line of the southeast quarter of Section 8, Township 2 South, Range 4 East, Salt Lake Basin and Meridian; thence along said quarter section line North 00°15'24" West 407.62 feet to a point on the Bernolfo Family Limited Partnership parcel, Entry no. 470116, Book 1017, Page 262, in the office of the Summit County Recorder, thence North 89°59'54" East 482.91 feet (deed East 493.92 feet) to a point on the Vince D. Donile parcel, Entry no. 423999, Book 865, Page 287, in the office of the Summit County Recorder, said point being a 5/8" rebar and cap; thence along said parcel the following five (5) courses: (1) South 89°59'49" East 358.30 feet (deed East 358.35 feet) to a point on a non tangent curve to the right having a radius of 110.00 feet, of which the radius point bears South 88°41'47" East (deed South 88°44'18" East); thence (2) northerly along the arc of said curve 24.32 feet (deed 24.14 feet) through a central angle of 12°39'58" to a 5/8" rebar cap; thence (3) North 13°46'17" East 49.98 feet (deed North 13°50'00" East 50.00 feet) to a 5/8" rebar and cap on a curve to the right having a radius of 60.00 feet (chord bears North 27°16'47" East 28.00 feet); thence (4) northeasterly along the arc of said curve 28.26 feet (deed 28.27 feet) through a central angle of 26°59'09" to a 5/8" rebar and cap; thence (5) North 40°46'38" East 83.23 feet (deed North 40°50'00" East 83.24 feet) to the point of beginning.

The basis for bearing for the above description is South 00°16'20" West 2627.35 feet between the Northeast corner of Section 8, and the East quarter corner of Section 8, Township 2 South, Range 4 East, Salt Lake Base & Meridian. Tax Serial Nos. PP-25-A and PCA-1002-C-1.

To be combined with a parcel of land located in Summit County, Utah, situated in the southeast quarter of Section 8, Township 2 South, Range 4 East, Salt Lake Base and Meridian, being more particularly described as follows:

Beginning at a point that is West 1727.82 feet and South 310.72 feet from the East quarter corner of Section 8, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said point being on the westerly right-of-way of Three Kings Drive and running thence West 417.99 feet; thence South 246.59 feet; thence East 358.35 feet to a point on a curve to the right, the radius point of which bears South 88°44'18" east 110.00 feet; thence northeasterly along the arc of said curve 24.14 feet to the point of tangency; thence North 13°50'00" East 50.00 feet to the point of a 60.00 foot radius curve to the right; thence northeasterly along the arc of said curve 28.27 feet to the point of tangency; thence North 40°50'00" East 83.24 feet to a point on the westerly right-of-way of Three Kings Drive, said

point being on a curve to the right, the radius point of which bears North 71°07'38" East 625 feet; thence northwesterly along the arc of said curve and along the right-of-way 89.33 feet to the point of beginning. Tax Serial No. PCA-1002-F.

Also including the Park City High School and Elementary School properties identified as Tax Serial Numbers PCA-2-2300-X, PCA-2-2300-A-1-X, PCA-2-2101-6-A-X, PCA-2-2101-6-X.

EXCEPTING THEREFROM all lots and parcels platted as Chatham Crossing Subdivision, Hearthstone Subdivision, Aerie Subdivision and Aerie Subdivision Phase 2, according to the official plats thereof recorded in the office of the Summit County Recorder.

*(Amended by Ord. No. 03-50; 05-02; 06-13)*

**11-15- 2. MINIMUM COVERAGE WITH TOPSOIL OR OTHER ACCEPTABLE MEDIA.**

(A) All real property within the Soils Ordinance Boundary must be covered and maintained with a minimum cover of six inches (6") of approved topsoil and acceptable cover described in Section 11-15-3 over soils exceeding the lead levels specified in Section 11-15-7, except where such real property is covered by asphalt, concrete, permanent structures or paving materials.

(B) As used in this Chapter, "approved topsoil" is soil that does not exceed 200 mg/Kg (total) lead. representatively sampled and analyzed under method SW-846 6010.

(C) Parking of vehicles or recreational equipment shall be contained on impervious surfaces and not areas that have been capped with acceptable media.

*(Amended by Ord. No. 03-50; 05-02)*

**11-15- 3. ACCEPTABLE COVER.**

(A) All areas within the Soils Ordinance Boundary where real property is covered with six inches (6") or more of "approved topsoil" defined in Section 11-15-2 (B) must be vegetated with grass or other suitable vegetation to prevent erosion of the 6" topsoil layer as determined by the Building Department.

(B) Owners that practice xeriscape are allowed to employ a weed barrier fabric if the property is covered with six inches (6") of rock or bark and maintained to prevent soil break through.

(C) As used in this Chapter, "soil break through" is defined as soil migrating through the fabric and cover in a manner that exposes the public and shall be deemed in violation of this Chapter.

(D) As used in this Chapter, "xeriscape" is defined as a landscaping practice that uses plants that grow successfully in arid climates and a landscaping design intended to conserve City water resources.

*(Amended by Ord. No. 03-50)*

**11-15- 4. ADDITIONAL LANDSCAPING REQUIREMENTS.**

In addition to the minimum coverage of topsoil requirements set forth in Section 11-15-2 and the vegetation requirements set forth in Section 11-15-3, the following additional requirements shall apply:

(A) **FLOWER OR VEGETABLE PLANTING BED AT GRADE.** All flower or vegetable planting beds at grade shall be clearly defined with edging material to prevent edge drift and shall have a minimum depth of twenty-four inches (24") of approved topsoil so that tailings are not mixed with the soil through normal tilling procedures. Such topsoil shall extend twelve inches (12") beyond the edge of the flower or vegetable planting bed.

(B) **FLOWER OR VEGETABLE PLANTING BED ABOVE GRADE.** All flower or vegetable planting beds above grade shall extend a minimum of sixteen inches (16") above the grade of the six inches (6") of approved topsoil cover and shall contain only approved topsoil.

(C) **SHRUBS AND TREES.** All shrubs planted after the passage of this Chapter shall be surrounded by approved topsoil for an area, which is three times bigger than the rootball and extends six inches (6") below the lowest root of the shrub at planting. All trees planted after the passage of this Chapter shall have a minimum of eighteen inches (18") of approved topsoil around the rootball with a minimum of twelve inches (12") of approved topsoil below the lowest root of the tree.

*(Amended by Ord. No. 03-50)*

**11-15- 5. DISPOSAL OR REMOVAL OF AREA SOIL.**

(A) Following any work causing the disturbance of soils within the Soils Ordinance Boundary, such as digging, landscaping, and tilling soils, all disturbed soils must be collected and reintroduced onsite by either onsite soil capping specified in Section 11-15-2 or off-site disposal as required by this Chapter and/or State and/or Federal law.

(B) All soil generated from the Soils Ordinance Boundary that cannot be reintroduced within the Soils Ordinance Boundary and are destined for off-site disposal must be sampled and characterized with representative sampling and tested at a State Certified Laboratory.

(C) Soils exhibiting a hazardous characteristic exceeding the following Toxic Characteristic Leaching Procedure (TCLP) standards, must be managed as a hazardous waste and disposed of within a Utah Department of Environmental Quality permitted facility:

Arsenic – 5.0 mg/L (TCLP) Method 6010 B

Lead – 5.0 mg/L (TCLP) Method 6010 B

(D) Soils not failing the TCLP standards may be disposed within a non-hazardous landfill facility providing a “Disposal Acceptance Letter” to the Building Department is issued by the disposal facility.

(E) No soils generated within the Soils Ordinance Boundary are allowed to be exported for use as fill outside the Soils Ordinance Boundary.

(F) Reuse of generated soils within the Soils Ordinance Boundary is acceptable provided the receiving property is covered with six inches (6”) of clean topsoil or covered with an acceptable media, i.e. vegetation, bark, rock, as required by this Chapter.

(G) Soils that are relocated within the Soils Ordinance Boundary must be pre-approved by the Building Department before being relocated and reused.

*(Amended by Ord. No. 03-50)*

**11-15- 6. DUST CONTROL.**

Contractor or owner is responsible for controlling dust during the time between beginning of construction activity and the establishment of plant growth sufficient to control the emissions of dust from any site. Due care shall be taken by the contractor or owner, to protect workmen while working within the site from any exposure to dust emissions during construction activity by providing suitable breathing apparatus or other appropriate control.

**11-15- 7. CERTIFICATE OF COMPLIANCE.**

(A) Upon application by the owner of record or agent to the Park City Building Department and payment of the fee established by the department, the Park City Building Department shall inspect the

applicant's property for compliance with this Chapter. When the property inspected complies with this Chapter, a Certificate of Compliance shall be issued to the owner by the Park City Building Department.

(B) Verifying soil cap depth and representative samples results that are equal to or below the following standards will result in full compliance and eligibility for the certificate:

Occupied Property – Lead 200 mg/Kg  
(Total) Method SW-846 6010

Vacant Property – Lead 1000 mg/Kg (Total)  
Method SW-846 6010

*(Amended by Ord. No. 03-50)*

**11-15- 8. TRANSIT CENTER DISTURBANCE.**

All construction activity, utility modification, and landscaping that results in the breach of the installed protective cap or the generation of soils must be conducted in accordance to the implemented Site Management Plan, which is retained within the Building Department.

*(Amended by Ord. No. 02-32; 03-50)*

**11-15- 9. PROPERTY WITH KNOWN NON-COMPLIANT LEVELS OF LEAD.**

(A) Property exceeding the lead levels defined in Section 11-15-7 that have been representatively sampled and have not been capped per Section 11-15-2 are required to comply with this Chapter by December 31,

2004.

(B) Non-compliant lots exceeding the criteria within Section 11-15-7 will be sent two (2) warning notices in an effort to correct the non-compliance issue.

*(Amended by Ord. No. 03-50)*

**11-15- 10. WELLS.**

All wells for culinary irrigation or stock watering use are prohibited in the Soils Ordinance Boundary.

**11-15- 11. NON-SAMPLED AND UNCHARACTERIZED LOTS.**

(A) Lots that have not been characterized through representative sampling and are within the original Soils Ordinance Boundary are required to be sampled by the year 2006.

(B) After the property has been sampled, lots exceeding the lead levels within Section 11-15-7 are required to comply with this Chapter within a 12-month period.

**11-15- 12. FAILURE TO COMPLY WITH CHAPTER.**

Any person failing to landscape, maintain landscaping, control dust or dispose of tailings as required by this Chapter and/or comply with the provisions of this Chapter, shall be guilty of a Class B misdemeanor. Any person failing to comply with the provisions of this Chapter may be found to have caused a public nuisance as determined by the City Council of Park City, and appropriate legal action may be taken

against that person.

*(Amended by Ord. No. 03-50)*

**CHAPTER 16 - FLOOD DAMAGE PREVENTION**

**11-16- 1. STATUTORY AUTHORIZATION.**

The legislature of the state of Utah has delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety and general welfare of its citizenry.

**11-16- 2. FINDINGS OF FACT.**

The flood hazard areas of Park City are subject to periodic inundation, which could result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazards, which increase flood heights and velocities, and when inadequately anchored, damage uses in other areas. Uses that are inadequately flood-proofed, elevated, or otherwise protected from flood damage also contribute to the flood loss.

**11-16- 3. STATEMENT OF PURPOSE.**

It is the purpose of this Chapter to promote

the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed:

- (A) To protect human life and health;
- (B) To minimize expenditure of public money for costly flood control projects;
- (C) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (D) To minimize prolonged business interruptions;
- (E) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets, and bridges located in areas of special flood hazard;
- (F) To help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;
- (G) To insure that potential buyers are notified that property is in an area of special flood hazard; and
- (H) To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

**11-16- 4. METHODS OF REDUCING FLOOD LOSSES.**

In order to accomplish its purpose, this Chapter includes methods and provisions for:

- (A) Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
- (B) Requiring that uses vulnerable to floods, including facilities, which serve such uses, be protected against flood damage at the time of initial construction;
- (C) Controlling the alteration of natural flood plains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
- (D) Controlling filling, grading, dredging, and other development which may increase flood damage; and
- (E) Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas.

**11-16- 5. LANDS TO WHICH THIS CHAPTER APPLIES.**

This Chapter shall apply to all areas of special flood hazard within the jurisdiction of Park City.

**11-16- 6. BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD.**

The areas of special flood hazard identified by the Federal Emergency Management Agency in its Flood Insurance Study, dated March 16, 2006, with accompanying Flood Insurance Rate Map (FIRM) dated March

16, 2006, is adopted by reference and declared to be a part of this Chapter. The study and FIRM are on file at the Park City Planning Office, 445 Marsac Avenue, Park City, Utah. The City may, from time to time, adopt additional or updated maps prepared by FEMA, which maps would then further define the areas of special flood hazard.

*(Amended by Ord. No. 06-03)*

**11-16- 7. COMPLIANCE.**

No structure or land shall hereafter be constructed, located, extended, or altered without full compliance with the terms of this Chapter and other applicable regulations.

**11-16- 8. ABROGATION AND GREATER RESTRICTIONS.**

This Chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Chapter and other Titles or Chapters of this Code, easements, covenants, or deed restrictions conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

**11-16- 9. INTERPRETATION.**

In the interpretation and application of this Chapter, all provisions shall be:

- (A) considered as minimum requirement;
- (B) liberally construed in favor of the governing body; and

- (C) deemed neither to limit nor repeal any other powers granted under state statute.

**11-16-10. WARNING AND DISCLAIMER OF LIABILITY.**

The degree of flood protection required by this Chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This Chapter does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This Chapter shall not create liability on the part of Park City, or any officer or employee thereof, or the Federal Emergency Management Agency for any flood damages that result from reliance on this Chapter or any administrative decision lawfully made thereunder.

**11-16-11. ESTABLISHMENT OF DEVELOPMENT PERMIT.**

A Development Permit shall be obtained before construction or development begins within any area of special flood hazard established in Section 11-16-6. Application for a Development Permit shall be made on forms furnished by the Building Official and may include, but not be limited to, plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing. Specifically, the following information is

required:

- (A) Elevation, in relation to mean seal level, of the lowest floor, including basement, of all structures;
- (B) Elevation, in relation to mean sea level, to which any structure has been flood proofed;
- (C) Certification by a registered professional engineer or architect that the flood-proofing methods for any non-residential structure meet the flood-proofing criteria in Section 11-16-14; and
- (D) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

**11-16-12. DESIGNATION OF THE BUILDING OFFICIAL AS LOCAL ADMINISTRATOR.**

The Building Official is hereby appointed to administer and implement this Chapter by granting or denying development permit applications in accordance with its provisions.

**11-16-13. DUTIES AND RESPONSIBILITIES OF THE BUILDING OFFICIAL.**

Duties of the Building Official shall include, but not be limited to:

- (A) **PERMIT REVIEW.**
  - (1) Review all development permits to determine that the permit requirements of this Chapter have

been satisfied.

- (2) Review all development permits to determine that all necessary permits have been obtained from those federal, state or local governmental agencies from which prior approval is required.
- (3) Review all development permits to determine if the proposed development is located in the floodway. If located in the floodway, assure that the encroachment provisions of Section 11-16-11 are met.

If it is determined that there is no adverse effect and the development is not a building, then the permit shall be granted without further consideration.

If it is determined that there is an adverse effect, then technical justification, i.e., registered professional engineer, for the proposed development shall be required.

If the proposed development is a building, then the provisions of this Chapter shall apply.

- (B) **USE OF OTHER BASE FLOOD DATA.** When base flood elevation data has not been provided in accordance with Section 11-16-6, the Building Official shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source in order to administer Section 11-16-15 Specific Standards.

- (C) **INFORMATION TO BE**



**OBTAINED AND MAINTAINED.**

(1) Obtain and record the actual elevation, in relation to mean seal level of the lowest floor, including basement, of all new or substantially improved structures and whether or not the structure contains a basement.

(2) For all new or substantially improved flood-proofed structures, verify and record the actual elevation, in relation to mean sea level, to which the structure has been flood-proofed, maintain the flood-proofing certifications required in Section 11-16-11(C) and maintain for public inspection all records pertaining to the provisions of this Chapter.

(D) **ALTERATION OF WATERCOURSES.** Notify adjacent communities and the State Division of Comprehensive Emergency Management prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Management Agency. The Building Official shall also require that maintenance is provided within the altered or relocated portion of said watercourse so that flood carrying capacity is not diminished.

(E) **INTERPRETATION OF FIRM BOUNDARIES.** Make interpretations where needed as to the exact location of the boundaries of the areas of special flood hazards, for example, where there appears to be a conflict between a mapped boundary and actual field conditions.

(F) **VARIANCES.** Appeals and requests for variances from the requirements of this Chapter shall be heard in accordance with the established procedures of Park City. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

**11-16-14. GENERAL STANDARDS.**

In all areas of special flood hazards, the following standards are required:

(A) **ANCHORING.** All new construction and substantial improvements including manufactured homes, which are controlled by the Land Management Code, shall be anchored to prevent floatation, collapse, or lateral movement of the structure. All manufactured homes must be elevated and anchored to resist floatation, collapse or lateral movement and capable of resisting the hydrostatic and hydrodynamic loads. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces. Specific requirements may be:

(1) Over-the-top ties at each of the four corners of the manufactured home, with two (2) additional ties per side at intermediate locations, with manufactured homes less than fifty feet (50') long requiring one (1) additional tie per side;

(2) Frame ties be provided at

each corner of the home with five (5) additional ties per side at intermediate points, with manufactured homes less than fifty feet (50') long requiring four additional ties per side;

(3) All components of the anchoring system be capable of carrying a force of 4,800 pounds; and

(4) Any additions to the manufactured home must be similarly anchored.

**(B) CONSTRUCTION MATERIALS AND METHODS.**

(1) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

(2) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

(3) All new construction and substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

**(C) UTILITIES.**

(1) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

(2) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters; and

(3) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

**(D) SUBDIVISION PROPOSALS.**

(1) All subdivision proposals shall be consistent with the need to minimize flood damage;

(2) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;

(3) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and

(4) Base flood elevation data shall be provided for subdivision proposals and other proposed development which contain at least fifty (50) lots or five (5) acres, whichever is less.

**11-16-15. SPECIFIC STANDARDS.**

In all areas of special flood hazards where base flood elevation data has been provided as set forth in Section 11-16-13 (B) the following standards are required:

(A) **RESIDENTIAL CONSTRUCTION.** New construction and substantial improvement of any residential structure shall have the lowest floor, including the basement, elevated to or above base flood elevation. Within any AO or AH zone on the FIRM, all new construction and substantial improvement of residential construction shall have the lowest floor, including basement, elevated above the highest adjacent grade at least as high as the depth number specified in feet on the FIRM, at least two feet if no depth number is specified. Within any AO or AH zone, adequate drainage paths around structures shall be required to guide floodwater around and away from proposed structures.

(B) **NON-RESIDENTIAL CONSTRUCTION.** New construction and substantial improvement of any commercial, industrial or other non-residential structure shall either have the lowest floor, including basement, elevated to the level of the base flood elevation; or together with attendant utility and sanitary facilities, shall:

(1) Be flood-proofed so that below the base flood level, the structure is watertight with walls substantially impermeable to the passage of water;

(2) Have structural components

capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and

(3) Be certified by a registered professional engineer or architect that the standards of this subsection are satisfied. Such certifications shall be provided to the Official as set forth in Section 11-16-13(C)(2).

(4) Within any AO or AH Zone on the FIRM, all new construction and substantial improvement of non-residential structures: (a) shall have the lowest floor, including basement, elevated above the highest adjacent grade at least as high as the depth number specified in feet on the FIRM, at least two feet (2') if no depth number is specified; or (b) together with attendant utility and sanitary facilities be completely flood-proofed to that level to meet the flood-proofing standard specified in Section 11-16-15(B), above. Within any AO or AH Zone, adequate drainage paths around structures shall be required to guide floodwater around and away from proposed structures.

(C) **OPENINGS IN ENCLOSURES BELOW THE LOWEST FLOOR.** For all new construction and substantial improvements, fully enclosed areas below the lowest floor that are subject to flooding shall be designated to automatically equalize the hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwater. Designs for meeting this requirement must either be certified by a

registered professional engineer or architect or must meet or exceed the following minimum criteria:

- (1) A minimum of two (2) openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided;
- (2) The bottom of all openings shall be no higher than one foot (1') above grade; and
- (3) Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwater.

(D) **MANUFACTURED HOMES.** Manufactured homes shall be anchored in accordance with Section 11-16-14 (A). All manufactured homes or those to be substantially improved shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above the base flood elevation and is securely anchored to an adequately anchored foundation system.

**11-16-16. FLOODWAY.**

Located within areas of special flood hazard established in Section 11-16-6 are areas designated as floodway. Since the floodway is an extremely hazardous area due to the velocity of flood waters, which carry debris, potential projectiles, and erosion potential, the following provisions apply:

(A) Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless certification by a registered professional engineer or architect is provided demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

(B) If Section 11-16-16(A) is satisfied, all new construction and substantial improvement shall comply with all applicable flood hazard reduction provisions of Section 11-16-14 and Section 11-16-15.

**CHAPTER 17 - PENALTIES AND VIOLATIONS**

**11-17-1. VIOLATIONS.**

No person, firm, or corporation, whether as owner, lessee, sublessee, or occupant, shall erect, construct, enlarge, alter, repair, move, improve, remove, demolish, equip, use, occupy, or maintain any building or premises, or cause or permit the same to be done, contrary to or in violation of any of the provisions of the applicable sections of the codes adopted pursuant to this Title or of any order issued by the Building Official hereunder.

**11-17-2. PENALTY.**

Any person failing to comply with the provisions of this Title shall be guilty of a Class B misdemeanor and on conviction therefore shall be punished by fine or by imprisonment for not more than six months or by both fine and imprisonment.

**11-17-3. CONTINUING OFFENSES DEEMED DAILY VIOLATION.**

In all instances where the violation of this Title is a continuing violation, a separate offense shall be deemed committed on each day during or on which the violation occurs or continues.

**CHAPTER 18 - GENERAL PROVISIONS**

**11-18- 1. REPEAL OF CONFLICTING ORDINANCES.**

All previous adoptions of the Building, Housing, Fire, Abatement of Dangerous Building, Mechanical, Plumbing, Sign and Electrical Codes are hereby repealed and supplanted with the codes adopted herein.

*(Amended by Ord, No. 02-32)*

**11-18- 2. COPIES AVAILABLE FOR PUBLIC USE.**

Copies of the International Building Code, International Residential Code, International Fuel Gas Code, International Energy Conservation Code, Housing, Fire, Abatement of Dangerous Buildings, Mechanical, Plumbing, Sign and Electrical Codes are on file in the office of the City Recorder for use and examination by the public.

*(Amended by Ord. No. 02-32)*

**11-18- 3. SEPARABILITY.**

Should any section, clause or provision of

the codes adopted pursuant to this Title be declared by a court of competent jurisdiction to be invalid, such declaration of invalidity shall not affect the validity of any other section or provision of this Title or the codes adopted herein and each such section, clause, or provision is hereby declared to be separate and distinct.

**CHAPTER 19 – ADMINISTRATIVE CODE ENFORCEMENT HEARING PROGRAM**

*(Chapter adopted by Ord. No. 06-39)*

**11-19- 1. GENERAL PROVISIONS AND DEFINITIONS.**

(A) **SHORT TITLE.** This Chapter shall be known as the “Administrative Code Enforcement Hearing Program” or “ACE Program.” This Chapter shall also be known as Chapter 11-19 of the Park City Municipal Code. It may be cited and pleaded under either designation.

(B) **PURPOSE.** The City Council of Park City finds that the enforcement of the Park City Municipal Code and applicable state codes throughout the City is an important public service. Code enforcement is vital to the protection of the public’s health, safety, and quality of life. The City Council recognizes that enforcement starts with the drafting of precise regulations that can be effectively applied in administrative code enforcement hearings and judicial proceedings. The City Council further finds that a comprehensive code enforcement system that uses a combination of judicial and administrative remedies is critical to

gain compliance with these regulations. Failure to comply with an administrative code enforcement order may require the City to file a judicial or civil action to gain compliance.

(C) **SCOPE**. The provisions of this Chapter may be applied to all violations of the Park City Municipal Code and applicable state codes. It has been designed as an additional remedy for the City to use in achieving compliance of its ordinances.

(D) **EXISTING LAW CONTINUED**. The provisions of this Chapter do not invalidate any other Chapter or ordinance, but shall be read in conjunction with those Chapters and ordinances as an additional remedy available for enforcement of those ordinances.

(E) **CRIMINAL PROSECUTION RIGHT**. The City has sole discretion in deciding whether to file a civil or criminal judicial case or pursue an administrative enforcement action for the violation of any of its ordinances or applicable state code requirements. The City may choose to file both, or one or the other. The enactment of this administrative remedy shall in no way interfere with the City's right to prosecute City ordinance violations as criminal prosecution. If the City chooses to file both civil and criminal charges for the same day of violation, no civil fees may be assessed, but all other remedies are available.

(F) **EFFECT OF HEADING**. Title, chapter, part and section headings contained herein shall not be deemed to govern, limit, modify, or in any manner affect the scope, meaning, or intent of the provisions of any

title, chapter, part or section hereof.

(G) **VALIDITY OF TITLE – SEVERABILITY**. If any section, subsection, sentence, clause, phrase, portion, or provision of this Chapter is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this chapter. The City Council of this City hereby declares that it would have adopted this Chapter and each section, subsection, clause, phrase, portion, or provision thereof, irrespective of the fact that any one or more sections, subsections, clauses, phrases, portions, or provisions be declared invalid or unconstitutional. This section shall apply to all amendments made to this Chapter.

(H) **NO MANDATORY DUTY – CIVIL LIABILITY**. It is the intent of the City Council that in establishing performance standards or establishing an obligation to act by a City officer or employee, these standards shall not be construed as creating a mandatory duty for purposes of tort liability.

(I) **GENERAL RULES OF INTERPRETATION**. For purposes of this Chapter:

- (1) Any gender includes the other gender.
- (2) “Shall” is mandatory; “may” is permissive.
- (3) The singular number includes the plural, and the plural the singular.

(4) Words used in the present tense include the past and future tense, and vice versa.

(5) Words and phrases used in this Chapter and not specifically defined shall be construed according to the context and approved usage of the language.

**(J) DEFINITIONS APPLICABLE TO CHAPTER GENERALLY.** The following words and phrases, whenever used in this Chapter, shall be applied as defined in this section, unless a different meaning is specifically defined elsewhere in this Chapter and specifically stated to apply:

(1) “Abatement” means any action the City may take on public or private property and any adjacent property as may be necessary to remove or alleviate a violation, including, but not limited to, demolition, removal, repair, boarding, securing or replacement of property.

(2) “Administrative Citation” means a citation issued to a responsible person which gives reasonable notice of a violation.

(3) “Administrative Code Enforcement Order” means an order issued by an Administrative Law Judge or enforcement official. The order may include an order to abate the violation, pay civil fees and administrative costs, or take any other action as authorized or required by this Chapter and applicable state

codes.

(4) “Administrative Code Enforcement Hearing” or “Hearing” means a hearing held pursuant to the procedures established by this Chapter and at the request of a responsible person charged with a violation of the enforcement official.

(5) “Administrative Law Judge” means an individual appointed by the City Manager or his/her designee to preside over administrative code enforcement hearings.

(6) “Building Official” means the Chief Building Official of Park City.

(7) “City” means the area within the territorial city limits of Park City, and such territory outside of this City over which the City has jurisdiction or control by virtue of any constitutional or incorporation provisions of any law.

(8) “City Code” means the Park City Municipal Code.

(9) “City Council” means the City Council of Park City.

(10) “City Manager” means the City Manager of Park City.

(11) “Code Enforcement Tax Lien” means a lien recorded to collect outstanding civil fees, administrative fees and/or any other costs.

(12) “Code Enforcement Performance Bond” means a bond posted by a responsible person to ensure compliance with the City Code, applicable state codes, a judicial action, or an administrative code enforcement order.

(13) “Enforcement Official” means any person authorized to enforce violations of any applicable codes including but not limited to, code enforcement officers, police officers, building inspectors, building officials and fire marshals.

(14) “Financial Institution” means any person that holds a recorded mortgage or deed of trust on a property.

(15) “Good Cause” means incapacitating illness, death, lack of proper notice, unavailability due to unavoidable, unpreventable, or extenuating emergency or circumstance. If a required act causes an imminent and irreparable injury; and acts of nature adverse to performing required acts.

(16) “Imminent Life Safety Hazard” means any condition that creates a present, serious, and immediate danger to life, property, health, or public safety.

(17) “Legal Interest” means any interest that is represented by a document, such as a deed of trust, quitclaim deed, mortgage, judgment lien, tax or assessment lien,

mechanic’s lien, or other similar instrument that is recorded with the Summit County Recorder.

(18) “Notice of Compliance” means a document issued by the City, representing that a property complies with the requirements outlined in the Notice of Violation, and that all outstanding civil fees and costs have been satisfied, either by being paid in full, or a subsequent administrative or judicial decision has resolved the outstanding debt.

(19) “Notice of Violation” means a written notice prepared by an enforcement official that informs a responsible person of code violations and requires them to take certain steps to correct the violation(s).

(20) “Person” means any natural person, firm, joint venture, joint stock company, partnership, association, club, company, corporation, business trust, organization, manager, lessee, agent, sergeant, officer, or employee of any of them, or any other entity that is recognized by law as the subject of rights or duties.

(21) “Property Owner” means the recorded owner of real property as shown on the records of the Summit County Recorder or Assessor.

(22) “Public Nuisance” means any condition caused, maintained, or permitted to exist that constitutes a threat to the public’s health, safety,



and welfare, or that significantly obstructs, injures, or interferes with the reasonable or free use of property in a neighborhood or community by any considerable number of persons.

(23) “Responsible Person” means any person who is responsible for causing or maintaining a violation of the City Code or applicable state codes. The property owner, tenant, person with a legal interest in the real property, a person in possession of the real property, or if a business, the business manager or owner, shall be liable for any violation maintained on the property. In all cases, the property owner shall be considered a responsible party.

(24) “Written” includes handwritten, typewritten, photocopied, computer printed, or facsimile.

(K) **ACTS INCLUDE CAUSING, AIDING, AND ABETTING.** Whenever any act or omission is made unlawful in this Chapter, it shall include causing, permitting, aiding, or abetting such act or omission.

(L) **SERVICE REQUIREMENTS – SERVICE OR PROCESS.**

(1) Whenever notice is required to be given under this Chapter for enforcement purposes, the document shall be served by any of the following methods, unless different provisions are otherwise specifically stated to apply:

(a) Regular mail, postage prepaid, to the last known address of the property owner or other responsible person;

(b) Posting the notice conspicuously on or in front of the property. If not inhabited, the notice must also be mailed as in (a) above;

(c) Personal service; or

(d) Published in a newspaper of general circulation.

(2) Service by regular mail in the manner set forth above shall be deemed served on the seventh (7<sup>th</sup>) calendar day after the date of mailing when mailed in the continental United States. Service by regular mail by all other addresses shall be deemed served on the tenth (10<sup>th</sup>) calendar day after the date of mailing.

(M) **CONSTRUCTIVE NOTICE OF RECORDED DOCUMENTS.** Whenever a document is recorded with the Summit County Recorder as authorized or required by this Chapter or applicable state codes, recordation shall provide constructive notice of the information contained in the recorded documents.

(N) **GENERAL ENFORCEMENT AUTHORITY.** Whenever an enforcement official determines that a violation of the City Code or applicable state code has

occurred or continues to exist, he or she may undertake any of the procedures herein. Any enforcement official has the authority and power necessary to gain compliance with the provisions of the City Code and applicable state codes. These powers include the power to issue Notices of Violation and administrative citations, inspect public and private property, abate public and private property, and to use any judicial and administrative remedies that are available under this Chapter, law, the City Code or applicable state codes.

(O) **ADOPTION OF POLICY AND PROCEDURES**. The Administrative Law Judge shall approve the policy relating to the hearing procedures, scope of hearings, subpoena powers, and other matters relating to the Administrative Code Enforcement Hearing Program. The City Manager shall approve the policy for the appointment of the Administrative Law Judges, and the use of the administrative procedures herein by enforcement officials.

(P) **AUTHORITY TO INSPECT**. Any enforcement official is hereby authorized, in accordance with applicable law, to enter upon any property or premises to ascertain whether the provisions of the City Code or applicable state codes are being obeyed and to make any reasonable and lawful examinations and surveys as may be necessary in the performance of the enforcement duties and determine compliance with the City Code. This may include the taking of photographs, samples, or other physical evidence. All inspections, entries, examinations, and surveys shall be done in a reasonable manner based upon cause. If the property owner or responsible

person refuses to allow the enforcement official to enter the property, the enforcement official shall obtain a search warrant before entering the property.

(Q) **FALSE INFORMATION OR REFUSAL PROHIBITED**. It shall be unlawful for any person to make a false statement or refuse to give his or her name or address with the intent to deceive or interfere with an enforcement official when in the performance of his or her official duties under the provisions of this Chapter. A violation of this section may be prosecuted as a class B misdemeanor.

(R) **FAILURE TO OBEY A SUBPOENA**. It is unlawful for any person to refuse or fail to obey a subpoena issued for an administrative code enforcement hearing. Failure to obey a subpoena constitutes contempt and may be prosecuted as a class B misdemeanor.

**11-19- 2. ADMINISTRATIVE CODE ENFORCEMENT PROCEDURES.**

(A) **AUTHORITY**. Any condition caused, maintained, or permitted to exist in violation of any provisions of the City Code or applicable state code may be abated by the City pursuant to the procedures set forth in this Chapter.

(B) **NOTICE OF VIOLATION**.

(1) Whenever any enforcement official determines that a violation of the City Code or applicable state code has occurred or continues to exist, the enforcement official may

choose to proceed under the ACE Program as set forth in this Chapter. If this procedure is used, a Notice of Violation shall be issued to a responsible person. The Notice of Violation shall include the following information:

- (a) Name of property owner or responsible person;
- (b) Street address of violation;
- (c) Date the violation was observed;
- (d) All code sections violated and a description of the condition of the property or condition that violates the applicable codes;
- (e) A statement explaining the type of remedial action required to permanently correct the outstanding violation, which may include corrections, repairs, demolition, removal, or other appropriate action;
- (f) Specific date to correct the violation(s) listed in the Notice of Violation;
- (g) Explanation of the consequences should the responsible person fail to comply with the terms and deadlines as prescribed in the Notice of Violation, which may include, but is not

limited to, criminal prosecution, civil fees, revocation of permits, recordation of the Notice of Violation, withholding of municipal permits, abatement of the violation, costs, administrative fees, and any other legal remedies;

(h) The amount of any civil fees for each violation and a statement that the civil fees shall accrue daily, immediately upon expiration of the date to correct violations, until the violation is corrected.

(i) That only one (1) Notice of Violation is required for any 12-month period, and that civil fees begin immediately upon any subsequent violations of the notice. The responsible person may request a hearing on the renewed violations by following the same procedure as provided for in the original notice; and

(j) Procedures to request a hearing as provided in Section 11-19-2 (P), and consequences for failure to request one.

(2) The Notice of Violation shall be served by one of the methods of service listed in Section 11-19-1(L) of this Chapter.

(3) More than one Notice of Violation may be issued against the same responsible person, if it encompasses different dates, or different violations.

**(C) FAILURE TO BRING PROPERTY INTO COMPLIANCE.**

(1) If a responsible person fails to bring a violation into compliance before the date given to correct the violation, civil fees shall be owed to the City for every day of each violation.

(2) Failure to comply with the Notice of Violation is a class B misdemeanor.

**(D) INSPECTIONS.** At the time that the Notice of Violation is issued, the enforcement official may require that the responsible person request a re-inspection when a violation is brought into compliance. If this is done, it shall be the duty of the responsible person served with the Notice of Violation to request the inspection when his or her property has been brought into compliance. It is *prima facie* evidence that the violation remains on the property if no inspection is requested. Civil fees accumulate daily until the property has been inspected and a Notice of Compliance is issued. Re-inspection fees may be assessed if more than one (1) inspection is requested or necessary.

**(E) EMERGENCY ABATEMENT – AUTHORITY.**

(1) Whenever an enforcement official determines that an imminent life safety hazard exists that requires immediate correction or elimination, the enforcement official may exercise the following powers without prior notice to the responsible person:

(a) Order the immediate vacation of any occupants, and prohibit occupancy until all repairs are completed;

(b) Post the premises as unsafe, substandard, or dangerous;

(c) Board, fence, or secure the building or site;

(d) Raze and grade that portion of the building or site to prevent further collapse, and remove any hazard to the general public;

(e) Make any minimal emergency repairs as necessary to eliminate any imminent life safety hazard; or

(f) Take any other action appropriate to eliminate the emergency.

(2) The enforcement official has the authority, based on cause, to enter the property without a search warrant or court order to accomplish the above listed acts.

(3) The responsible person shall be liable for all costs associated with the abatement of the imminent lift safety hazard. Costs may be recovered pursuant to this Chapter.

**(F) EMERGENCY ABATEMENT – PROCEDURES AND NOTICE.**

(1) The enforcement official shall pursue only the minimum level of correction or abatement as necessary to eliminate the immediacy of the hazard. Costs incurred by the City during the emergency abatement process may be assessed and recovered against the responsible party.

(2) The enforcement official may also pursue any other administrative or judicial remedy to abate any violations.

(3) After an emergency abatement, the City shall notify the property owner or responsible person of the abatement action taken. This notice shall be served subsequent to the completion of the abatement and include an itemized bill for costs.

(4) The responsible person has the right to an administrative code enforcement hearing concerning the itemized bill for costs. A request for such hearing shall be in writing and shall be filed within ten (10) calendar days from the date of service of the notice of itemized bill for costs. Failure to request an administrative

code enforcement hearing as provided herein shall constitute a waiver to an administrative code enforcement hearing and a waiver to the right of appeal.

**(G) DEMOLITIONS – AUTHORITY.**

Whenever the Building Official determines that a property or building requires demolition, he or she may demolish or remove the offending structure, or exercise any or all of the powers listed in Section 11-19-2(E) once appropriate notice has been given to a responsible person pursuant to the City Code and as required under state law. The responsible person shall be liable for all costs associated with the demolition. Costs may be recovered pursuant to this Chapter.

**(H) DEMOLITIONS –**

**PROCEDURES.** Once the Building Official has complied with all of the notice requirements of the applicable laws, the property will be bated pursuant to the abatement remedy. Other applicable remedies may also be pursued.

**(I) ADMINISTRATIVE CITATIONS – DECLARATION OF PURPOSE.**

The City Council finds that there is a need for an alternative method of enforcement for violations of the City Code and applicable state codes. The City Council further finds that an appropriate method of enforcement is an administrative citation program.

The procedures established in this Chapter shall be an alternative and in addition to criminal, civil, or any other legal remedy established by law or City Code that may be pursued to address violations of the City Code and applicable state codes.

**(J) ADMINISTRATIVE CITATIONS – AUTHORITY.**

(1) Any person violating any provision of the City Code or applicable state codes may be issued an administrative citation by an enforcement official as provided in this Chapter.

(2) A civil fee shall be assessed by means of an administrative citation issued by the enforcement official, and shall be payable directly to the Park City Finance Department.

(3) Fees assessed by means of an administrative citation shall be collected in accordance with the procedures specified in Section 11-19-2(L).

**(K) ADMINISTRATIVE CITATIONS – PROCEDURES.**

(1) Upon discovering any violation of the City Code or applicable state codes, an enforcement official may issue an administrative citation to a responsible person in the manner prescribed in this Chapter or as prescribed in Section 11-19-1(L). The administrative citation shall be issued on a form approved by the Administrative Law Judge.

(2) If the responsible person is a business, the enforcement official shall attempt to locate the business owner and issue an administrative

citation to the business owner. If the enforcement official can only locate the manager of the business, the administrative citation may be given to the manager of the business. A copy of the administrative citation may also be mailed to the business owner or any other responsible person in the manner prescribed in Section 11-19-1(L) of this Chapter.

(3) Once the responsible person has been located, the enforcement official shall attempt to obtain the signature of that person on the administrative citation. If the responsible person refuses or fails to sign the administrative citation, the failure or refusal to sign shall not affect the validity of the administrative citation and subsequent proceedings.

(4) If the enforcement official is unable to locate the responsible person for the violation, then the administrative citation may be mailed to the responsible person in the manner prescribed in Section 11-19-1(L) of this Chapter and may also be posted in a conspicuous place on or near the property.

(5) If no one can be located on the property, then the administrative citation may be posted in a conspicuous place on or near the property and a copy subsequently mailed to the responsible person in a manner prescribed in Section 11-19-1(L) of this Chapter.

(6) The administrative citation

shall also contain the signature of the enforcement official.

(7) The failure of any person with a legal or other interest in the property to receive notice shall not affect the validity of any proceedings taken under this Chapter.

**(L) CONTENTS OF ADMINISTRATIVE CITATION.**

(1) The administrative citation shall refer to the date and location of the violation and the approximate time the violation was observed.

(2) The administrative citation shall refer to the Code sections violated and the Chapters of those sections.

(3) The administrative citation shall state the amount of fee imposed for the violation(s).

(4) The administrative citation shall explain how the fee shall be paid, the time period by which the fee shall be paid, and the consequences of failure to pay the fee.

(5) The administrative citation shall identify the right and the procedures to request a hearing.

(6) The administrative citation shall contain the signature of the enforcement official and the signature of the responsible person, if he or she can be located, as

outlined in Section 11-19-2(J) of this Chapter.

**(M) CIVIL FEES ASSESSED.**

(1) The Building Official shall establish policies to assist in the assessment of civil fees for administrative citations.

(2) Civil fees shall be assessed immediately for each violation listed on the administrative citation. The fees shall be those established in the Civil Fee Schedule, found within policy, as approved by the City.

(3) Payment of the fee shall not excuse the failure to correct the violations, nor shall it bar further enforcement action by the City.

**(N) ADMINISTRATIVE CODE ENFORCEMENT HEARING PROCEDURES – DECLARATION OF PURPOSE.**

The City Council finds that there is a need to establish uniform procedures for administrative code enforcement hearings conducted pursuant to the City Code. It is the purpose and intent of the City Council that any responsible person be afforded due process of law during the enforcement process. Due process of law includes notice, an opportunity to request and participate in the hearing, and an explanation of the reasons justifying the administrative action. These procedures are also intended to establish a forum to efficiently, expeditiously, and fairly resolve issues raised in any administrative code enforcement action while providing due process.

(O) **AUTHORITY AND SCOPE OF HEARINGS.** The Administrative Law Judge shall approve a policy to regulate the hearing process for any violation of the City

Code and applicable state codes that are handled pursuant to this Chapter.

(P) **REQUEST FOR ADMINISTRATIVE CODE ENFORCEMENT HEARING.**

(1) A responsible person served with one of the following documents or notices has the right to request an administrative code enforcement hearing if the hearing request is filed within ten (10) calendar days from the date of service of one of the following notices:

- (a) Notice of Violation;
- (b) Notice of itemized bill for costs;
- (c) Administrative citation;
- (d) Notice of emergency abatement or demolition.

(2) The request for a hearing shall be made in writing and filed with the Administrative Law Judge. The request shall contain the complaint file number, the address of the violation, and the signature of the responsible person.

(3) As soon as practicable after receiving the written request for a

hearing, the Administrative Law Judge shall schedule a date, time, and place for the hearing. The Administrative Law Judge shall notify the responsible person, enforcement official and any other applicable parties of the date, time, and place of the hearing by any of the methods listed in 11-19-1(L) at least seven (7) calendar days prior to the date of the hearing.

(4) Failure to request a hearing within ten (10) calendar days from the date of service of any of the notices in subsection (1) of this section shall constitute a waiver of the right to a hearing.

(5) If a responsible person fails to request a hearing after being issued a Notice of Violation as provided herein, such failure to request a hearing shall be considered a waiver by the responsible person of their right to said hearing and the following actions may be taken:

- (a) the corrective action detailed on the Notice of Violation may be considered the administrative code enforcement order pursuant to Section 11-19-2(U) of this Chapter; or
- (b) the default may enter against the responsible person and the City may seek to have an administrative code enforcement order issued by the Administrative Law



Judge without further notice to the responsible person; or

(c) The enforcement official may request a default hearing.

(6) An emergency hearing may be requested by the enforcement official or responsible person during Special Events and on occasions that time is of particular essence and it is necessary to hold a hearing as soon as possible in order to address the concern or hold the responsible person accountable. Emergency hearings shall be held as soon as practicable upon receipt of an emergency hearing request. A request for such a hearing must specifically state that an emergency hearing is required.

**(Q) DEFAULT HEARINGS AND ADMINISTRATIVE CODE ENFORCEMENT ORDERS.**

(1) A default hearing may be requested by the enforcement official at any time in the enforcement process. If a default hearing is requested by the enforcement official, the Administrative Law Judge shall schedule the default hearing as soon as practicable and shall notify the responsible person, enforcement official and any other applicable parties of the date, time and place of the hearing by any of the methods listed in 11-19-1(L) at least seven (7) days prior to the date of hearing.

(2) A default hearing may be scheduled for any case that has outstanding or unpaid civil fees or costs due to the City, outstanding violations, or the enforcement official has any outstanding concerns.

(3) At the default hearing, the responsible person shall have the opportunity to present evidence to show that good cause exists, as defined in this Chapter, to do one or more of the following:

(a) waive or reduce the civil fees which have accumulated; or

(b) postpone an abatement action by the City; or

(c) excuse the responsible person's failure to request a hearing within the ten (10) calendar day period.

(4) If the responsible person fails to establish good cause to take one or more of the actions set forth in subsection (3) of this section, the Administrative Law Judge shall review the Notice of Violation and any other relevant information included in the case file. The Administrative Law Judge shall not accept any other evidence. If the evidence shows that the violations existed, the Administrative Law Judge shall enter an administrative

code enforcement order requiring abatement of the violations, the payment of all fees and any additional action. Civil fees shall run until the City issues a Notice of Compliance stating when the violations were actually abated.

(R) **APPOINTMENT, QUALIFICATIONS AND DISQUALIFICATION OF ADMINISTRATIVE LAW JUDGE.** The City Manager shall appoint the Administrative Law Judges to preside at administrative code enforcement hearings. An Administrative Law Judge shall have no personal, financial, or other conflict of interest in the matter for which the hearing is being held.

The Administrative Law Judge is subject to disqualification for bias, prejudice, interest, or any other reason for which a judge may be disqualified in a court of law. The policy for disqualification and replacement shall be approved by the Administrative Law Judge.

(S) **POWERS OF THE ADMINISTRATIVE LAW JUDGE.**

(1) The Administrative Law Judge has the authority to hold hearings, determine if violations of City codes exist, order compliance with City Codes, and enforce compliance on any matter as provided in this Chapter.

(2) If a responsible person is found to be in violation through an administrative code enforcement hearing process, the Administrative

Law Judge has the ability to require the responsible person to provide the City with applicable civil fees, restitution, community service, abatement, revocation or suspension of a business license and any other fees incurred by the City during the enforcement process.

(3) The Administrative Law Judge may continue a hearing based on good cause shown by one of the parties to the hearing or if the Administrative Law Judge independently determines that due process has not been adequately afforded to any party to the hearing. The Administrative Law Judge must enter on the record the good cause on which a continuance is granted.

(4) The Administrative Law Judge, at the request of any party to the hearing, may sign subpoenas for witnesses, documents, and other evidence where the attendance of the witness or the admission of evidence is deemed helpful or necessary to decide the issues at the hearing. All costs related to the subpoena, including witness and mileage fees, shall be borne by the party requesting the subpoena. The Administrative Law Judge shall approve the policy relating to the issuance of subpoenas in administrative code enforcement hearings, including the form of the subpoena and related costs.

(5) The Administrative Law Judge has continuing jurisdiction over the subject matter of an

administrative code enforcement hearing for the purposes of granting a continuance; ordering compliance by issuing an administrative code enforcement order; ensuring compliance of that administrative code enforcement order, which includes the right to authorize the City to enter and abate a violation; modifying an administrative code enforcement order; or, where extraordinary circumstances exist, granting a new hearing.

(6) The Administrative Law Judge has the authority to require a responsible person to post a code enforcement performance bond to ensure compliance with an administrative code enforcement order, but only if agreed to by the enforcement official handling the matter for the City.

(7) An Administrative Law Judge shall not make determinations as to the existence of legal nonconforming rights. If a responsible person claims a legal nonconforming right as a defense, the Administrative Law Judge shall continue the administrative code enforcement hearing and shall refer the matter to the Park City Board of Adjustment for a determination as to the existence of the nonconforming right. The decision shall be binding on the Administrative Law Judge. The responsible person shall bear the costs of the appeal.

(T) **PROCEDURES AT**

**ADMINISTRATIVE CODE ENFORCEMENT HEARING.**

(1) Administrative code enforcement hearings are intended to be informal in nature. Formal rules of evidence and discovery do not apply, however, an informal exchange of discovery may be required. The request must be in writing. Failure to request discovery shall not be a basis for a continuance. Complainant information is protected and shall not be required to be disclosed or released unless the complainant is a witness at the hearing. The policy and format of the hearing shall be approved by the Administrative Law Judge.

(2) The City bears the burden of proof at an administrative code enforcement hearing to establish the existence of a violation of the City Code or applicable state code.

(3) The standard of proof to be used by the Administrative Law Judge in deciding the issues at an administrative code enforcement hearing is whether the preponderance of the evidence shows that the violation exists or existed.

(4) Each party shall have the opportunity to cross-examine witnesses and present evidence in support of his or her case. A written declaration signed under penalty of perjury may be accepted in lieu of a personal appearance. Testimony may be given by telephone or other

electronic means.

(5) All hearings shall be open to the public, and shall be recorded as determined by the Building Official. At the discretion of the Administrative Law Judge, hearings may be held at the location of the violation.

(6) The responsible person has a right to be represented by an attorney. If an attorney will be representing the responsible person at the hearing, written notice of the attorney's name, address, and telephone number must be given to the City at least two (2) calendar days prior to the hearing. If such notice is not given, the hearing may be continued at the City's request, and all costs of the continuance shall be assigned to the responsible person.

(7) No new hearing shall be granted, unless the Administrative Law Judge determines that extraordinary circumstances exist which justify a new hearing.

(8) The burden to prove any raised defenses shall be upon the party raising any such defense.

(9) After all applicable evidence, testimony and defense is presented, the enforcement official may present a request on behalf of the City regarding the type of fee or enforcement action that is appropriate, should the responsible

person be found guilty of the violation. This request may include, but is not limited to, civil fees, restitution, community service, abatement, revocation, suspension or conditioning of a business license and any other fees incurred by the City during the enforcement process.

**(U) FAILURE TO ATTEND ADMINISTRATIVE CODE ENFORCEMENT HEARING.**

A responsible person who fails to appear at the administrative code enforcement hearing is deemed to waive the right to such hearing, and will result in a default judgment for the City, provided that proper notice of the hearing has been provided.

**(V) ADMINISTRATIVE CODE ENFORCEMENT ORDER.**

(1) The responsible person and the City may enter into a stipulated agreement, which must be signed by both parties. This agreement shall be entered as the administrative code enforcement order. Entry of this agreement shall constitute a waiver of the right to a hearing and the right to appeal.

(2) Subsequent to all evidence and testimony being presented at the administrative code enforcement hearing, the Administrative Law Judge shall issue a written administrative code enforcement order that affirms, modifies or rejects the Notice of Violation or administrative citation. The Administrative Law Judge may

increase or decrease the total amount of civil fees and costs that are due pursuant to the City Fee Schedule and the procedures set forth in this Chapter.

(3) An Administrative Law Judge may issue an administrative code enforcement order that requires a responsible person to cease and desist from violating the City Code or applicable state codes and take any civil fees, restitution, community service, abatement, revocation, suspension or conditioning of a business license and any other fees incurred by the City during the enforcement process.

(4) The Administrative Law Judge may issue an administrative code enforcement order for the City to enter the property and abate all violations.

(5) As part of the administrative code enforcement order, the Administrative Law Judge may establish specific deadlines for the payment of fees and costs and condition the total or partial assessment of civil fees on the responsible person's ability to complete compliance by specified deadlines.

(6) As part of the administrative code enforcement order, the Administrative Law Judge may revoke, suspend or condition a Park City Business License, including, but not limited to nightly rental licenses, taxi licenses, liquor licenses,

convention sales, sidewalk sales, film permits, special event and solicitor licenses.

(7) An Administrative Law Judge may issue an administrative code enforcement order imposing civil fees in accordance with Section 11-19-3(J). Such fees shall continue to accrue until the responsible person complies with the administrative code enforcement order and corrects the violation.

(8) The Administrative Law Judge may schedule subsequent review hearings as may be necessary or as requested by the City to ensure compliance with the administrative code enforcement order and corrects the violation.

(9) The Administrative Law Judge may require the responsible person to post a code enforcement performance bond to ensure compliance with an administrative code enforcement order, but only if agreed to by the enforcement official handling the matter for the City.

(10) The administrative code enforcement order shall become final on the date of the signing by the Administrative Law Judge.

(11) A copy of the administrative code enforcement order shall be served by the Administrative Law Judge on all parties by any one of the methods listed in Section 11-19-1(L). When required by this Chapter, the

enforcement official shall record the administrative code enforcement order with the Summit County Recorder's office.

**(W) FAILURE TO COMPLY WITH ADMINISTRATIVE CODE ENFORCEMENT ORDER.**

(1) Upon the failure of the responsible person to comply with the terms and deadlines set forth in the administrative code enforcement order or Notice of Violation, the City may use all appropriate legal means to recover the civil fees and administrative costs to obtain compliance. The failure of a responsible person to comply with the administrative code enforcement order shall be a class B misdemeanor.

(2) After the Administrative Law Judge issues an administrative code enforcement order, the Administrative Law Judge or the enforcement official shall monitor the violations and determine compliance.

**(X) APPEAL OF ADMINISTRATIVE CODE ENFORCEMENT HEARING DECISION.**

(1) Any person adversely affected by an administrative code enforcement order made in the exercise of the provisions of this Chapter may file a petition for review by the district court within thirty (30) calendar days after the

decision is final.

(2) No person may challenge in district court an Administrative Law Judge's decision until that person has exhausted his or her administrative remedies.

(3) In the petition, the plaintiff may only allege that the administrative code enforcement order was arbitrary or capricious.

(4) (a) Within one-hundred and twenty (120) calendar days after submitting the petition, the party petitioning for appeal shall request a copy of the record of the proceedings, including findings, orders, and, if available, transcripts of hearings when necessary. If the proceeding was tape recorded, a transcript of such tape recordings shall be deemed a true and correct transcript for purposes of this Chapter. The Administrative Law Judge and the enforcement official shall not submit copies of files or transcripts to the reviewing court until the party petitioning for appeal has paid all required costs. The petitioning party's failure to properly arrange for copies of the record, or to pay the full costs for the record, within one hundred and eighty (180) calendar days after the

petition for review was filed shall be grounds for dismissal of the petition.

(b) If a transcript of a hearing cannot be prepared because the tape recording is incomplete or unintelligible, the district court may, in its discretion, remand the matter to the Administrative Law Judge for a supplemental proceeding to complete the record. The district court may limit the scope of the supplemental proceeding to issues that, in the court's opinion, need to be clarified.

(5) The district court's review is limited to the record of the administrative decision that is being appealed. The court shall not accept nor consider any evidence that is not part of the record of that decision unless that evidence was offered to the Administrative Law Judge and the district court determines that it was improperly excluded.

(6) The courts shall:

(a) Presume that the Administrative Law Judge's decision and administrative code enforcement orders are valid;

(b) Review the record to determine whether or not the decision was arbitrary, capricious, or illegal; and

(c) Affirm the administrative code enforcement order if it is supported by evidence.

(7) The filing of a petition does not stay execution of an administrative code enforcement order. Before filing a petition, a responsible person may request the Administrative Law Judge to stay an administrative code enforcement order. Upon receipt of a request to stay, the Administrative Law Judge may require the administrative code enforcement order to be stayed pending district court review.

**11-19- 3. ADMINISTRATIVE AND JUDICIAL REMEDIES**

(A) **RECORDATION OF NOTICES OF VIOLATION – DECLARATION OF PURPOSE.** The City Council finds that there is a need for alternative methods of enforcement for violations of the City Code and applicable state codes that are found to exist on real property. The City Council further finds that an appropriate method of enforcement for these types of violations is the issuance and recordation of Notices of Violation.

The procedures established in this Chapter shall be in addition to criminal, civil, or any other remedy established by law that may be pursued to address the violation of the City Code or applicable state codes.

(B) **RECORDATION OF NOTICES OF VIOLATION – AUTHORITY.**

Whenever the enforcement official determines that a property or violation has not been brought into compliance as required in this Chapter, the enforcement official may record the Notice of Violation or administrative code enforcement order with the Summit County Recorder's office.

**(C) RECORDATION – PROCEDURES.**

(1) Once the enforcement official has issued a Notice of Violation to a responsible person, and the property remains in violation after the deadline established in the Notice of Violation, and no request for a hearing has been filed, the enforcement official may record a Notice of Violation with the Summit County Recorder's office.

(2) If a hearing is held, and an administrative code enforcement order is issued in the City's favor, the enforcement official may record the administrative code enforcement order with the Summit County Recorder's office.

(3) The recordation shall include the name of the property owner or responsible person, the parcel number, the legal description of the parcel, and a copy of the Notice of Violation or administrative code enforcement order.

(4) The recordation does not encumber the property, but merely places future interested parties on notice of any continuing violation

found upon the property.

**(D) SERVICE OF NOTICE OF RECORDATION.** A notice of recordation shall be served on the responsible person or property owner pursuant to any of the methods of service set forth in Section 11-19-1(L) of this Chapter.

**(E) FAILURE TO REQUEST HEARING.** The failure of any person to file a request for an administrative code enforcement hearing within ten (10) calendar days of being served with a Notice of Violation shall constitute a waiver of the right to a hearing and a waiver of the right to appeal and shall not affect the validity of the recorded Notice of Violation.

**(F) FAILURE TO CORRECT VIOLATION.** It shall be unlawful for any responsible person to fail to comply with the terms and deadlines set forth in a Notice of Violation. A violation of this section shall be a class B misdemeanor.

**(G) NOTICE OF COMPLIANCE – PROCEDURES.**

(1) If a re-inspection is required by the enforcement official, it shall be the duty of the responsible person to request a re-inspection from the enforcement official.

(2) Upon receipt of a request for inspection, the enforcement official shall re-inspect the property as soon as practicable to determine whether the violations have been corrected, whether all necessary permits have been issued and final inspections



have been performed as required by applicable code.

(3) The enforcement official shall serve a Notice of Compliance to the responsible person in the manner provided in Section 11-19-1(L) of this Chapter, if the enforcement official determines that:

(a) All violations listed in the recorded Notice of Violation or administrative code enforcement order has been corrected;

(b) All necessary permits have been issued;

(c) All assessed civil fees have been paid or satisfied; and

(d) All assessed administrative fees and costs have been paid or satisfied.

(4) If the enforcement official denies a request to issue a Notice of Compliance, the enforcement official shall serve the responsible person with a written explanation setting forth the reasons for the denial. The written explanation shall be served by any of the methods of service listed in Section 11-19-1(L).

**(H) PROHIBITION AGAINST ISSUANCE OF MUNICIPAL PERMITS.**

From the time that any Notice of Violation is given, the City may withhold permits for any alteration, repair or construction, which

pertains to any existing or new structures or signs on the property or any permits pertaining to the use and development of the real property or the structure where a violation is located. The City may withhold permits until a Notice of Compliance has been issued by the enforcement official. The City may not withhold permits that are necessary to obtain a Notice of Compliance or that are necessary to correct serious health and safety violations.

**(I) CANCELLATION OF RECORDED NOTICE OF VIOLATION.**

The enforcement official or responsible person shall record the Notice of Compliance with the Summit County Recorder's office if a Notice of Violation was previously recorded. Recordation of the Notice of Compliance shall have the affect of canceling the recorded Notice of Violation.

**(J) ADMINISTRATIVE CIVIL FEES – AUTHORITY.**

(1) If a responsible person fails to correct a violation by the correction date listed in a Notice of Violation or in an administrative code enforcement order, civil fees shall be owed to the City as determined through policy and approved by the City Manager.

(2) Any person violating any provision of the City Code or applicable state codes may be subject to the assessment of civil fees for each violation and each day that the violations existed.

(3) Civil fees cannot be assessed when a criminal case has been filed for the same date and violation, because fines will be assessed with the criminal case. However, civil fees may be assessed where the criminal violation arises out of a violation of this Chapter.

(4) Interest may be assessed on all outstanding civil fee balances until the case has been paid in full.

(5) Payment of any civil fee shall not excuse any failure to correct a violation or the reoccurrence of the violation, nor shall it bar further enforcement action by the City.

(6) Civil fees and any other assessed fees shall be paid to the Park City Finance Department.

**(K) PROCEDURES FOR ASSESSING CIVIL FEES.**

(1) If a responsible person fails to bring a violation into compliance within the allotted time from service from the Notice of Violation, civil fees shall be owed to the City for each subsequent violation and each day that each violation existed.

(2) Civil fees are assessed and owing immediately for any violation of the City Code or applicable state codes for an administrative citation.

**(L) DETERMINATION OF CIVIL FEES.**

(1) Civil fees shall be assessed per violation per day pursuant to the City Fee Schedule, as determined through policy.

(2) Civil fees shall continue to accrue until the violations have been brought into compliance with the City Code or applicable state codes.

**(M) MODIFICATION OF CIVIL FEES.** The Administrative Law Judge or Building Official may modify the civil fees on a finding of cause.

**(N) FAILURE TO PAY FEES.** If fees are assessed, a specified date may be given by the Administrative Law Judge or the enforcement official, to the responsible person to have the fees paid. The failure of any person to pay civil fees assessed within the specified time may result in the enforcement official pursuing any legal remedy to collect the civil fees.

**(O) ABATEMENT OF VIOLATION – AUTHORITY TO ABATE.** The enforcement official is authorized to enter upon any property or premises to abate the violation of the City Code and applicable state codes. The enforcement official must notify the property owner of the pending abatement action and provide a minimum of ten (10) days for the responsible person to abate the violation. The notice shall be served by any of the methods of service listed in Section 11-19-1(L) of this Chapter.

The enforcement official is authorized to assess all costs for the abatement to the responsible person and use any remedy available under the law to collect the costs.

If additional abatements stemming from prior violations are necessary within two (2) years, reoccurrence costs may be assessed against the responsible person(s) for any abatement and enforcement activity.

**(P) ABATEMENT – PROCEDURES.**

- (1) Violations may be abated by City personnel or by a private contractor acting under the direction of the City.
- (2) City personnel or a private contractor may enter upon private property in a reasonable manner to abate the ordinance violation as specified in the Notice of Violation or administrative code enforcement order.
- (3) If the responsible person abates the violation before the City performs the actual abatement, the enforcement official may still assess all costs incurred by the City against the responsible person.
- (4) When the abatement is completed, a report describing the work performed and an itemized bill for costs, including the total abatement costs shall be prepared by the enforcement official. The report shall contain the name and address of the responsible person.
- (5) The enforcement official shall serve the notice of itemized bill for costs by certified mail to the last known address of the responsible person. The notice may demand full

payment within thirty (30) calendar days to the Park City Finance Department.

(6) The responsible person shall have a right to an administrative code enforcement hearing to contest the notice of itemized bill for costs. A request for such hearing shall be in writing and shall be filed within ten (10) calendar days of the date of service of the notice of itemized bill for costs. Failure to request an administrative code enforcement hearing as provided in this Chapter shall constitute a waiver to such hearing and a waiver of the right to appeal.

**(Q) COSTS – DECLARATION OF PURPOSE.**

- (1) The City Council finds that there is a need to recover costs incurred by enforcement officials and other City personnel who spend considerable time inspecting and re-inspecting properties through the City in an effort to ensure compliance with the City Code or applicable state codes.
- (2) The City Council further finds that the assessment of costs is an appropriate method to recover expenses incurred for actual costs of abating violations, re-inspections, administrative time, Administrative Law Judge fees, title searches, and any additional actual costs incurred by the City for each individual case. The assessment and collection of

costs shall not preclude the imposition of any administrative or judicial fees or fines for violations of the City Code or applicable state codes.

(R) **COSTS – AUTHORITY.**

(1) Whenever actual costs are incurred by the City on a property to obtain compliance with the City Code and applicable state codes, the enforcement official may assess costs against the responsible person.

(2) Once a Notice of Violation has been issued, the property will be inspected one time. Any additional inspections shall be subject to re-inspection fees pursuant to the City Fee Schedule, as determined through policy and approved by the City Manager.

(S) **NOTIFICATION OF ASSESSMENT OF RE-INSPECTION FEES.**

(1) Notification of re-inspection fees shall be provided to the responsible person(s).

(2) Re-inspection fees assessed or collected pursuant to this Chapter shall not be included in any other costs assessed.

(3) The failure of any responsible person to receive notice of the re-inspection fees shall not affect the validity of any other fees imposed under this Chapter.

(T) **FAILURE TO TIMELY PAY COSTS.** The failure of any person to pay assessed costs by the deadline specified in the invoice may result in a late fee pursuant to City policy, as approved by the City Manager.

(U) **ADMINISTRATIVE FEES.** The enforcement official, Building Official or Administrative Law Judge has the authority to assess administrative fees for costs incurred in the administration of this program, such as investigation of violations, preparation for hearings, attendance of hearings, abatements of the collection process. The fees assessed shall be in the amount set forth through policy and approved by the City Manager.

(V) **CIVIL VIOLATIONS – INJUNCTIONS.** In addition to any other remedy provided under the City Code or applicable state codes, including criminal prosecution or administrative remedies, any provision of the City Code may be enforced by injunction issued in the Third District Court upon a suit brought by the City.

(W) **CODE ENFORCEMENT PERFORMANCE BOND.**

(1) As part of any notice, administrative code enforcement order, or action, the Administrative Law Judge has the authority to require the responsible person to post a code enforcement performance bond to ensure compliance with the City Code, applicable state codes, or any judicial action, if agreed to by the enforcement official handling the

matter for the City.

(2) If the responsible person fails to comply with the notice, administrative code enforcement order, or action, the bond will be forfeited to the City. The bond will not be used to offset the other outstanding costs and fees associated with the case.

**11-19-4. RECOVERY OF CODE ENFORCEMENT FEES AND COSTS.**

**(A) CODE ENFORCEMENT TAX LIENS – DECLARATION OF**

**PURPOSE.** The City Council finds that costs incurred by enforcement officials and other City personnel to enforce or abate violations should be recovered from the responsible person.

The City Council finds that recordation of code enforcement tax liens will assist in the collection of civil fees, actual costs of abating violations, re-inspections fees, Administrative Law Judge fee, administrative costs, and any other fees incurred by the City, assessed by the administrative code enforcement hearing program or judicial orders. The City Council further finds that collection of civil fees, costs, and fees assessed for code enforcement violations is important in deterring future violations and maintaining the integrity of the City’s code enforcement system. The procedures established in this Chapter shall be used to complement existing administrative or judicial remedies that may be pursued to address violations of the City Code or applicable state codes.

**(B) ASSESSMENT OF COST.**

(1) Whenever actual costs are incurred by the City to enforce the City Code and applicable state codes, such costs may be assessed against the responsible person.

(2) The enforcement official shall serve the responsible person with a notice of itemized bill for costs if a notice has not already been provided to the responsible person providing such information. The notice may be provided to the responsible person by any of the methods listed in Section 11-19-1(L), and will include procedures set forth in timed deadline for payment.

(3) The responsible person shall have a right to an administrative code enforcement hearing. A request for such hearing shall be in writing and shall be filed within ten (10) calendar days from the date of service of the notice of itemized bill for costs. Failure to request an administrative code enforcement hearing as provided shall constitute a waiver to an administrative code enforcement hearing and a waiver of the right to appeal.

**(C) FAILURE TO TIMELY PAY COSTS.** The failure of any person to pay assessed costs by the deadline specified in an invoice may result in a late fee as determined through policy. Additionally, procedures for a code enforcement tax lien may be initiated as stated below.

**(D) PROCEDURES AND**

**CANCELLATION FOR CODE**

**ENFORCEMENT TAX LIEN.** Once a judgment has been obtained from the appropriate court assessing costs against the responsible person, the enforcement official may record a code enforcement tax lien against any real property owned by the responsible person.

Once payment in full is received for the outstanding civil fees and costs, or the amount is deemed satisfied pursuant to a subsequent administrative or judicial order, the enforcement official shall either record a Notice of Compliance of judgment, or provide the property owner or financial institution with the Notice of Compliance of judgment so that it can record this notice with the Summit County Recorder's Office. The Notice of Compliance of judgment shall include the same information as provided in the original code enforcement tax lien. Such Notice of Compliance of judgment shall cancel the code enforcement tax lien.

**(E) RECOVERY OF COSTS BY WRIT OF EXECUTION OR BY WRIT OF GARNISHMENT.**

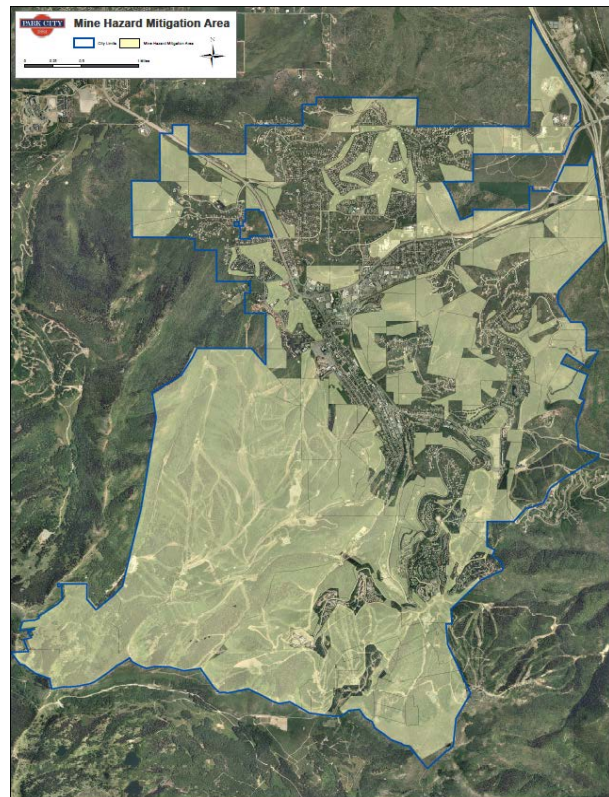
After obtaining a judgment, the enforcement official may collect the obligation by use of all appropriate legal means. This may include the execution on personal property owned by the responsible person by filing a writ of execution with the applicable court or the garnishment of paychecks, financial accounts and other income or financial assets by filing a writ of garnishment with the applicable court.

**CHAPTER 20 - PHYSICAL MINE HAZARD MITIGATION**

*Chapter adopted by Ordinance 11-16.*

**11-20-1. AREA.**

This Chapter shall affect only that property depicted in the map attached hereto, hereinafter referred to as the Mine Hazard Mitigation Area.



**11-20-2. DEFINITIONS.**

All words and phrases used in this chapter shall have the following meanings unless a different meaning clearly appears from the context:

(A) **EVALUATION PLAN.** Defined in Section 11-20-3.

(B) **MINE HAZARD MITIGATION**

**AREA.** Defined in Section 11-20-1.

(C) **MINING OPERATIONS.** Any activities conducted on the surface of the land for the exploration for, development of, or extraction of a mineral deposit, including, but not limited to surface mining and the surface effects of underground and in situ mining, on-site transportation, concentrating, milling, evaporation, and other primary processing.

(D) **MITIGATE.** The completion of Mitigation.

(E) **MITIGATION.** Actions taken that are reasonably designed to prevent accidental or unauthorized intentional access to underground workings, which actions may include but shall not be limited to backfilling, installing block or stone wall enclosures, installing bat gates, or installing corrugated metal pipe or rebar grates.

(F) **MITIGATION PLAN.** A written statement of the Mitigation activities to be conducted by the Owner and a schedule for the completion of those Mitigation activities.

(G) **PHYSICAL MINE HAZARD(S).** Any open mine shaft, mine tunnel, horizontal opening, adit, or other mine related opening that extends more than five (5) feet into the ground. The following are not Physical Mine Hazards:

- (1) above ground structures;
- (2) vertical opening where the Chief Building Official has made a written determination that due to the

physical characteristics of an opening it does not present a potential health or safety concern; or

(3) sites previously the object of Mitigation so long as Mitigation has not failed.

**11-20-2. PHYSICAL MINE HAZARD PROHIBITED.**

Physical Mine Hazards are prohibited within the Mine Hazard Mitigation Area, except for those Physical Mine Hazards that:

(A) are a necessary part of a public water system as determined by the applicable public water system operator;

(B) are a part of Mining Operations as defined in this Chapter or U.C.A. § 40-8-4;

(C) were previously issued a Permit by the Utah Division of Oil, Gas and Mining as defined in U.C.A. § 40-8-4;

(D) prior to December 1, 2012, are within the Mine Hazard Mitigation Area as defined in Section 11-20-1 and where the Chief Building Official has not made a written determination that the Physical Mine Hazard represents a substantial hazard to the public; or

(E) after December 1, 2012, are identified as required in Section 11-20-3, Section 11-20-4, or Section 11-20-6(B) and in compliance with the submitted schedule for Mitigation.

Physical Mine Hazards maintained in violation of this section may be declared a public nuisance under Title 6 Chapter 4 of

this Code. The Chief Building Official may direct their summary abatement through Mitigation at the full expense of the Owner.

**11-20-3. OWNER EVALUATION AND INSPECTION.**

Owners within the Mine Hazard Mitigation Area shall devise an Evaluation Plan and implement the Evaluation Plan on or before November 1, 2012. The Evaluation Plan shall include reasonable due diligence to identify Physical Mine Hazards. The Evaluation Plan shall include a written statement of the activities to be undertaken to identify Physical Mine Hazards. At a minimum, this plan shall require the visual inspection of the property, specifically the:

(A) location(s) on the Owner's property that are identified on the 1955 or more recent United States Geologic Service Topographic Map by symbols representing the following:

- (1) mine tunnel or cave entrance;
- (2) mine shaft;
- (3) prospect;
- (4) tailings; or
- (5) mine dump;

(B) location(s) on the Owner's property that show, scarring, or limited vegetation where the cause of such scarring or limited vegetation is unknown or known to be caused by previous mining activity;

(C) location(s) on the Owner's property identified as possibly containing a Physical Mine Hazard after conducting reasonable due diligence, including inquiry into public records, property records, business records, past leases, employee activities known on the property, real estate disclosures, or other sources known to the Owner to contain information any Physical Mine Hazard on the property; and

(D) any Physical Mine Hazard known to the Owner.

Owners may include additional requirements in the Evaluation Plan that in his or her opinion may lead to location of any additional Physical Mine Hazards.

Owners shall maintain a copy of their Evaluation Plan available for inspection for 10 years from the date of completion of the plan.

Owners of parcels that submit an evaluation and inspection report and, as applicable, a Mitigation Plan under Section 11-20-4 and demonstrate to the Chief Building Official substantial progress in the evaluation and inspection of the Owner's property may obtain an extension until December 1, 2013 to complete the evaluation and inspection of the property. Any Physical Mine Hazard identified after December 1, 2012 in accordance with this Section shall be deemed a newly discovered Physical Mine Hazard and Owner shall submit a Mitigation Plan with a completion date on or before December 1, 2014 for the Mitigation of the Physical Mine Hazards identified pursuant to this Paragraph.



**11-20-4. SUBMISSION.**

On or before December 1, 2012, Owners within the Mine Hazard Mitigation Area shall submit to the Building Department the results of the evaluation and inspection effort conducted pursuant to Section 11-20-3. The submittal shall be on a form provided by the Building Department, and at a minimum contain the following:

(A) If Physical Mine Hazards are not found or Physical Mine Hazards were present on or after January 1, 2011 and have subsequently been the subject of Mitigation

- (1) identification of the property inspected, including a map;
- (2) a statement of the inspection results;
- (3) Mitigation that occurred after January 1, 2011 and pre- and post-Mitigation photos of Physical Mine Hazards; and
- (4) a signed statement certifying the following: "I certify under penalty of law that I have personally examined and am familiar with the information submitted in this Mitigation Plan and that, based on my inquiry of those persons immediately responsible for obtaining and completing the information contained in the Mitigation Plan and report, I believe that the information is true, accurate and complete and that no unreported Physical Mine Hazards are known to me to exist on the property."

(B) If Physical Mine Hazards are found:

- (1) identification of the property inspected, including a map;
- (2) a statement of the inspection results;
- (3) the location, including GPS coordinates, and a pre-Mitigation photograph of all Physical Mine Hazards identified;
- (4) actions taken to Mitigate any Physical Mine Hazards between January 1, 2011 and December 1, 2012 and the location, including GPS coordinates, and a pre- and a post-Mitigation photo of such Physical Mine Hazards;
- (5) a Mitigation Plan with a schedule not to exceed three (3) years for Mitigation of all identified Physical Mine Hazards; and
- (6) a signed statement certifying the following: "I certify under penalty of law that I have personally examined and am familiar with the information submitted in this Mitigation Plan and that, based on my inquiry of those persons immediately responsible for obtaining and completing the information contained in the Mitigation Plan and report, I believe that the information is true, accurate and complete and that no unreported Physical Mine Hazards are known to me to exist on the property."

(C) Acceptance of a submission by the City does not indicate approval by the City.

**11-20-5. REQUIREMENT TO MITIGATE.**

After submission of the information required in Section 11-20-4, Owners within the Mine Hazard Mitigation Area shall complete the Mitigation Plan as submitted or as approved by the Chief Building Official or his designee.

**11-20-6. OBLIGATION TO UPDATE.**

(A) Owners that complete the Mitigation Plan under Section 11-20-5 shall report the completion of the Mitigation Plan to the Chief Building Official or his designee. The report shall include a brief written summary of the completed Mitigation Plan and a post-Mitigation photograph of each Physical Mine Hazard corresponding with the GPS coordinates as described in the Mitigation Plan.

(B) After submission of the information required in Section 11-20-4, Owners within the Mine Hazard Mitigation Area shall notify the Chief Building Official or his designee within seven (7) days if additional Physical Mine Hazards, not included in a Mitigation Plan, are later identified or if prior Mitigation work fails. Owner shall within ninety (90) days of notice to the Chief Building Official submit a Mitigation Plan with a completion date not to exceed one (1)

(C) year for the Mitigation of the Physical Mine Hazard.

**11-20-7. INSPECTION.**

A. The Chief Building Official or his designee may make inspections to ensure identification and Mitigation of any Physical Mine Hazard consistent with Title 11 Chapter 11 of this Code.

B. The Chief Building Official or his designee may request a copy the Evaluation Plan.

**11-20-8. FAILURE TO COMPLY WITH CHAPTER.**

Any person failing to comply with the provisions of this Chapter may be fined up to one thousand (\$1,000) dollars per violation. Each day of non-compliance may be found to be an additional violation. Any person failing to comply with the provisions of this Chapter may be subject to action under Title 6 Chapter 4 of this Code.

**11-20-9. OTHER CLAIMS NOT PRECLUDED.**

Nothing in this Chapter shall prevent an Owner, other individuals or entities from asserting any claim they may have in law or equity regarding Physical Mine Hazards.