

ORDINANCE

Ordinance No. 82-1

AN ORDINANCE ESTABLISHING A REGULAR MEETING DATE, TIME
AND LOCATION FOR MEETINGS OF THE CITY COUNCIL OF PARK
CITY, UTAH, AND REPEALING ORDINANCE 81-1

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

Section 1. Ordinance No. 81-1 adopted by the City Council on January 8, 1981, establishing a regular meeting date for 1981, is hereby repealed.

Section 2. REGULAR MEETING DATE. The regular meetings of the Park City City Council shall be held every Thursday at 5 p.m. at the City Hall or Memorial Building in Park City, Utah, except when the regular meeting date is a holiday, then the meeting shall not be held.

Section 3. NOTICE OF PUBLIC MEETING, indicating the specific location of the meeting and the agenda, will be posted outside City Hall at least twenty-four hours prior to each regular meeting.

Section 4. WORK SESSIONS. Prior to the regular Council meeting, work sessions shall be held by the Council from 1 p.m. until 5 p.m. at City Hall unless otherwise specified. No Council action shall be taken during these work sessions, but the public will be invited to attend to discuss, informally, areas of concern, with the City Council.

Section 5. EFFECTIVE DATE. This Ordinance shall take effect on publication.

DATED THIS 7th day of January 1982.

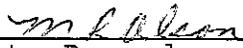
Specific meeting dates for 1982 are as follows:

January 7, 14, 21, 28	July 1, 8, 15, 22, 29
February 4, 11, 18, 25	August 5, 12, 19, 26
March 4, 11, 18, 25	September 2, 9, 16, 23, 30
April 1, 8, 15, 22, 29	October 7, 14, 21, 28
May 6, 13, 20, 27	November 4, 11, 18, 25
June 3, 10, 17, 24	December 2, 9, 16, 23, 30



John C. Green, Jr.
Mayor

Attest:



City Recorder

ORDINANCE

Ordinance No. 82-2

AN ORDINANCE AMENDING CERTAIN SECTIONS OF ORDINANCE NO. 12-79, REMOVING THE COUNCIL MEMBER FROM THE PLANNING COMMISSION MEETING ATTENDANCE AS A MANDATORY REQUIREMENT

WHEREAS, the City Council is able to keep fully advised of the disposition of matters before the Planning Commission by working with the Planning Staff and other city officials and employees, so that attendance of Planning Commission meetings by City Council member is unnecessary.

NOW THEREFORE, BE IT ORDAINED that:

Section 1: Sections 1.1, 1.2, and 1.3 of Ordinance No. 12-79 shall be repealed and reenacted as follows:

Section 1.1. Planning Commission Created: There is hereby created a city Planning Commission to consist of eight (8) members. Members shall be appointed by the Mayor, with advise and consent of the Council.

Section 1.2. Terms of Members: Members of the Planning Commission shall serve terms of four (4) years. The terms shall be staggered so that two (2) members shall be appointed each year. Terms shall expire on the second Monday in February, but members on the Planning Commission shall continue to serve until their successors are appointed and qualify. The Mayor shall appoint a new Planning Commission member to fill vacancies that might arise and such appointments shall be to the end of the vacating member's term.

Section 1.3. Absence Deemed Resignation: Any Planning Commission member who is absent from two (2) consecutive regularly scheduled Planning Commission meetings shall be deemed to have resigned from the Commission, unless those absences are excused by the Chairman of the Planning Commission.

Section 2: The appointments of existing Planning Commission members shall not be affected hereby.

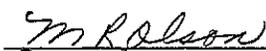
Section 3. Effective Date: This ordinance shall take effect upon publication.

PASSED AND ADOPTED this 14th day of January, 1982.

PARK CITY MUNICIPAL CORPORATION


John C. Green, Jr., Mayor

Attest:


Recorder

PARK CITY ORDINANCE
Ordinance No. 82-3
(Park City Neighborhood Development Plan)

AN ORDINANCE OF PARK CITY, UTAH RELATING TO THE ESTABLISHMENT OF THE REDEVELOPMENT AGENCY OF PARK CITY, A UTAH MUNICIPAL CORPORATION, IN ACCORDANCE WITH SECTION 11-19-1 et seq., UTAH CODE ANNOTATED 1953, AS AMENDED, AND ADOPTING THE NEIGHBORHOOD DEVELOPMENT PROGRAM ENTITLED, "PARK CITY NEIGHBORHOOD DEVELOPMENT PLAN", DATED DECEMBER 3, 1981, AS THE OFFICIAL DEVELOPMENT PLAN FOR THE PROJECT AREA.

Be it ordained by the City Council of Park City, Utah:

SECTION 1. That Ordinance No. 82-3 of Park City, Utah is enacted to read as follows:

PARK CITY NEIGHBORHOOD DEVELOPMENT PLAN

Sections:

1. Designation of Redevelopment Agency.
2. Neighborhood development plan.
3. Project boundaries.
4. Purposes of redevelopment plan.
5. Plan incorporated by reference.
6. Plan officially designated.
7. City Council findings.
8. Housing facilities.
9. Tax increment financing.

INDEXED: _____
GRANTOR: _____
GRANTEE: _____
RELEASED: _____
ABSTRACTED: A *Subd. Condem. 10/26/81*
STAMPED: _____

Sec. 1. Designation of Redevelopment Agency. That the City Council of Park City, Summit County, Utah, is hereby designated as, shall be known as, and shall act as the "Redevelopment Agency of Park City", and shall be authorized to enter into contracts generally, and shall have the power to transact the business and exercise all the powers provided for by the "Utah Neighborhood Development Act", Section 11-19-1 et seq., Utah Code Annotated 1953, as amended.

Sec. 2. Neighborhood development plan. That the Neighborhood Development Program entitled "Park City Neighborhood Development Plan" dated December 3, 1981, be adopted as the official redevelopment plan for the following named project area in accordance with Section 11-19-20, Utah Code Annotated 1953, as amended.

Entry No. 188603 Sub M212
RECORDED 2-16-82 at 11:19 in Page 148-154
REQUEST of Park City Municipal Corp.
FEE _____
\$ D.H. By Wanda Y. Spragg
INDEXED _____ ABSTRACT _____

BOOKM 212 PAGE 148

Sec. 3. Project boundaries. The legal description of the boundaries of the project area covered by the redevelopment plan entitled, "Park City Neighborhood Development Plan", dated December 3, 1981, is as follows, to-wit:

Commencing at a point at the intersection of Highway 224 and the South edge of Highway 248 and proceeding South along the East side of Park Avenue to the 12th Street intersection, thence Westerly along 12th Street center line and Southwesterly to the Western boundary of Snyder's Addition to Park City, then South and East along that boundary to the Park City Townsite Western boundary, then South, East and South along the Western boundary of the Park City Townsite and Millsite Addition to the South boundary line of Park City, then East along that boundary line to a point 427.65 feet West and 306.10 feet North of the West quarter corner of Section 22, said point being the Northwesterly most corner of the Lake Flat Annexation boundary; thence South 3153.17 feet; thence East 191.48 feet, more or less, to a point on the Westerly line of the Deer Valley Development Area boundary; thence along said Development Area boundary for the next three courses, thus: 1) South 27° East 67.97 feet, 2) South 5° East 418.80 feet, and 3) South 17° East 163.98 feet, more or less, to the Westerly line of the Lake Flat Annexation boundary; thence South 241.72 feet to a point on the boundary of the Deer Valley Development Area; thence following the Deer Valley Development Area boundary the next eight courses, thus: 1) North 58° 30' West 89.61 feet, 2) South 31° 30' West 200.0 feet, 3) North 79° 38' 18" West 346.49 feet, 4) South 10° 09' 09" East 98.81 feet, 5) South 955.96 feet, 6) North 69° East 360.0 feet, 7) South 29° 20' West 117.60 feet, 8) North 78° 10' East 482.76 feet to a point on the Westerly line of the Lake Flat Annexation boundary; thence South 226.44 feet; thence East 1355.30 feet, more or less, to the Summit-Wasatch County line; thence following said county line for the next nine courses, thus: 1) North 4° 15' 06" West 1297.92 feet, 2) North 41° 54' East 386.65 feet, 3) North 53° 37' East 132.69 feet, 4) North 46° 17' East 411.39 feet, 5) North 69° 01' East 625.57 feet, 6) North 65° 54' East 204.46 feet, 7) North 52° 44' East 439.17 feet, 8) North 24° 50' East 299.61 feet, 9) North 24° 48' 55" East 306.87 feet, more or less, to the intersection of the Summit-Wasatch County line with the Easterly line of the Lake Flat Annexation boundary; thence North 124.05 feet; thence North 39° 55' East 199.84 feet to the Summit-Wasatch County line; thence North 24° 48' 55" East 424.36 feet; thence North 51° 50" West 389.63 feet, more or less, to the Easterly line of the Lake Flat Annexation boundary; thence North 1112.10 feet, more or less, to the South line of the Northeast quarter of Section 22, said Township and Range; thence Easterly along said South line 1176.57 feet, more or less, to the Summit-Wasatch County line; thence following said County line Northeasterly to a point which is South 0° 12' 27" East 222.16 feet from the East quarter corner of Section 15, aforesaid Township and Range; thence North 0° 12' 27" East 222.16 feet to said East quarter corner of Section 15; thence North 0° 11' 22" East 2480.93 feet, more or less, to a point on the Easterly boundary of Solamere Subdivision at a point 296.58 feet East and 118.77 feet South from the Southwest corner of Section 11, Township and Range aforesaid; thence following the boundary of Solamere Subdivision for the next 10 courses, thus: 1) North 32° West 1238.86 feet, 2) North 45° East 1128.0 feet, 3) North 1327.62 feet, 4) North 89° 54' 56" West 384.78 feet to the West quarter corner of said Section 11, 5) North 288.06 feet, 6) South 77° West 1622.0 feet, 7) South 35° 30' West 1410.0 feet, 8) South 12° 25' West 1500.0 feet, 9) North 77° 35' West 190.90 feet, 10) South 51° East 32.96 feet, more or less, to a point due East of the Southeast corner of Section 9, Township and Range aforesaid; thence West 2456.49 feet, more or less, to said Southeast corner of Section 9; thence Westerly along the South line of said Section 9, 2626.39 feet to the South quarter corner of Section 9; thence continuing along the South line of Section 9 North 89° 29' 27" West 252.2 feet, more or less, to a point of intersection with the East right-of-way line of the Union Pacific Railroad; thence Northerly and Northeasterly along said right-of-way line to its intersection with the West line of the Northeast quarter of Section 9; thence North 0° 37' 14" East along said West line 276 feet, more or less, to a point on the Northerly right-of-way line of the Union Pacific Railroad at a point which is South 0° 37' 14" West 281.42

feet from the center of said Section 9; thence Westerly and Northwesterly along said railroad right-of-way to its point of intersection with the South line of Highway 248; thence South $75^{\circ} 32'$ West along said South edge 103.27 feet, more or less, to the intersection of Highway 248 and Homestake Road, then South and West along Homestake Road to the Southwest corner of the Claimjumper Condominiums, then North along the West boundary of the Claimjumper and Homestake Condominiums boundaries for the next three courses, thus: 1) North $4^{\circ} 20'$ West 92.45 feet, 2) North $23^{\circ} 39'$ East 281.18 feet, 3) North 20° West 360.0 feet, more or less, to the South edge of Highway 248, then West along the South edge of Highway 248 South $75^{\circ} 32'$ West 957.7 feet, more or less, to the point of beginning.

Sec. 4. Purposes of redevelopment plan. The purpose and intent of the Park City Council with respect to the project area is to accomplish the following purposes by adoption of the redevelopment plan:

- A. Removal of structurally substandard buildings to permit the return of the project area land to economic use and new construction.
- B. Removal of impediments to land disposition and development through assembly of land into reasonably sized and shaped parcels served by improved public utilities and new community facilities.
- C. Rehabilitation of buildings to assure sound long term economic activity in the core area of Park City.
- D. The elimination of environmental deficiencies, including among others small and irregular lot subdivision, overcrowding of the land, and inadequate off-street parking.
- E. Achievement of an environment reflecting a high level of concern for architectural and urban design principles, developed through encouragement, guidance, appropriate controls and professional assistance to owner participants and redevelopers.
- F. Implement the tax increment financing provisions of the Utah Neighborhood Development Act, which is incorporated herein by reference and made a part of this ordinance.
- G. The strengthening of the tax base and economic health of the entire community.
- H. Provisions of improvements to public streets, curbs, and sidewalks, other public rights-of-way, street lights, and landscaped areas.

Sec. 5 Plan incorporated by reference. The redevelopment plan entitled "Park City Neighborhood Development Plan", dated December 3, 1981, is incorporated herein by reference and made a part of this ordinance. Three copies of said plan shall be filed and maintained in the office of the city recorder for public inspection.

Sec. 6. Plan officially designated. The "Park City Neighborhood Development Plan", dated December 3, 1981, is hereby designated as the official redevelopment plan of the project area.

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Sec. 7. City Council findings. The City Council of the City of Park City, hereby determines and finds as follows:

- A. The project area comprising the major portion of the central business district of Park City as above described is a "blighted area" as defined in Section 11-19-2, Utah Code Annotated 1953, as amended, and that the redevelopment of said area is necessary to effectuate the public purposes set forth in the Utah Neighborhood Development Act and public purposes intended by the establishment of the Redevelopment Agency of Park City.
- B. The redevelopment plan would redevelop the above described area in conformity with the Utah Neighborhood Development Act and is in the best interest of the public peace, health, safety, and welfare of the area and the community.
- C. The adoption and carrying out of the plan is feasible and economically sound.
- D. The redevelopment plan conforms to and is compatible with the master plan of Park City, Utah.
- E. The carrying out of the redevelopment plan will promote the public peace, health, safety, and welfare of the community and will effectuate the purposes and policy of the Utah Neighborhood Development Act.
- F. The condemnation of the real property as provided for in the redevelopment plan is necessary to the execution of the redevelopment plan and adequate provisions have been made for the payment of said property to be acquired as required by law.
- G. The Redevelopment Agency of Park City has a feasible plan for the relocation of persons, if any, to be temporarily or permanently displaced from housing facilities in the project area.
- H. Persons displaced from the project area, if any, are able to find or will be able to find either in the project area or in areas not generally less desirable in regard to public utilities and public and commercial facilities, and at rents or prices within their financial means and available to them,

decent, safe and sanitary dwellings equal in number to the number of dwellings displaced and reasonably accessible to their places of employment.

Sec. 8. Housing facilities. The Park City Council is satisfied that permanent housing facilities will be available within three years from the time occupants of the project area, if any, are displaced, and that pending the development of such facilities, temporary housing at comparable rents to those existing at the time of the displacement will be available in the general area.

Sec. 9. Tax increment financing. This ordinance adopting the redevelopment plan entitled, "Park City Neighborhood Development Plan", dated December 3, 1981, incorporates the provisions of the tax increment financing permitted by the Utah Neighborhood Development Act, and specifically Section 11-19-29, Utah Code Annotated 1953, as amended, which provides as follows:

1. Any redevelopment plan may contain a provision that taxes, if any, levied upon taxable property in a redevelopment project each year by or for the benefit of the State of Utah, any city, county, city and county, district or other public corporation (hereinafter sometimes called "taxing agencies") after the effective date of the ordinance approving the redevelopment plan, shall be divided as follows:

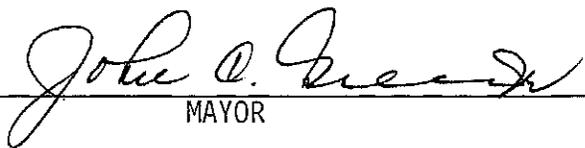
A. That portion of the taxes which would be produced by the rate upon which the tax is levied each year by or for each of the taxing agencies upon the total sum of the assessed value of the taxable property in the redevelopment project as shown upon the assessment roll used in connection with the taxation of such property by such taxing agency, last equalized prior to the effective date of such ordinance, shall be allocated to and when collected shall be paid into the funds of the respective taxing agencies as taxes by or for said taxing agencies on all other property are paid (for the purpose of allocating taxes levied by or for any taxing agency or agencies which did not include the territory in a redevelopment project on the effective date of such ordinance but to which such territory has been annexed or otherwise included after such effective

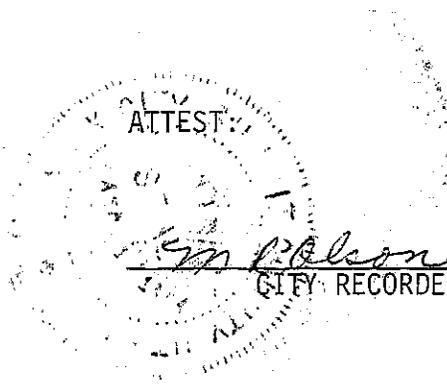
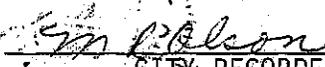
date, the assessment roll of the county last equalized on the effective date of the ordinance shall be used in determining the assessed valuation of the taxable property in the project on the effective date); and

- B. That portion of the levied taxes each year in excess of such amount shall be allocated to and when collected shall be paid into a special fund of the redevelopment agency to pay the principal of and interest on loans, moneys advanced to or indebtedness (whether funded, refunded, assumed or otherwise) incurred by such redevelopment agency to finance or refinance, in whole or in part, such redevelopment project. Unless and until the total assessed valuation of the taxable property in a redevelopment project exceeds the total assessed value of the taxable property in such project as shown by the last equalized assessment roll referred to in subsection A of this section, all of the taxes levied and collected upon the taxable property in such redevelopment project shall be paid into the funds of the respective taxing agencies. When such loans, advances and indebtedness, if any, and interest thereon, have been paid, all moneys thereafter received from taxes upon the taxable property in such redevelopment project shall be paid into the funds of the respective taxing agencies as taxes on all other property are paid.

SECTION 2. This ordinance shall take effect upon its first publication.

Passed by the City Council of Park City, Utah, this 28th day of January, 1982.


MAYOR


ATTEST:

CITY RECORDER

Ordinance No. 82-4

AN ORDINANCE REGULATING
THE CREATION OF TIME-
SHARE PROJECTS IN THE
CITY OF PARK CITY

Be it ordained by the Park City Council:

SECTION 1. Ordinance No. 8-80A of the Park City Municipal Code entitled "Park City Land Management Code" is hereby amended by creating new sections 1.5.83 through 1.5.96 to read as follows:

Section 1.5.83 "Off-Premises Timeshare Contacting Activity" means activity occurring outside of a timeshare project that is engaged in by off-premises timeshare contacting personnel in an effort to induce persons willing to attend a timeshare sales presentation.

Section 1.5.84 "Off-Premises Timeshare Sales Activity" means original timeshare sales and resales activity occurring outside of a timeshare project.

Section 1.5.85 "Off-Premises Timeshare Contacting Location" means a location within the City, but outside of a timeshare project, at which off-premises timeshare contacting personnel attempt to induce persons to attend a timeshare sales presentation.

Section 1.5.86 "Off-Premises Timeshare Sales Office" means an office located within the City, but outside of a timeshare project, wherein timeshare sales presentations are made and

other marketing related activities are conducted in an effort to generate original timeshare interval sales or resales.

Section 1.5.87 "On-Site Timeshare Sales Activity" means original timeshare sales activity occurring within a timeshare project.

Section 1.5.88 "On-Site Timeshare Sales Office" means an office located within a timeshare project within the City wherein timeshare sales presentations are made and other marketing related activities are conducted in an effort to generate original timeshare interval sales.

Section 1.5.89 "Timeshare Conversion" means the conversion into a timeshare project of any real property and the existing structure(s) attached thereto, which were not subject to a timeshare instrument prior to the date of such conversion, including, without limitation, the conversion into a timeshare project of (a) any existing motel, hotel, or apartment building, (b) any existing unit or units within an existing condominium project, or (c) any dwelling unit or dwelling units within an existing planned unit development.

In the event the developer of a condominium project reserves in the declaration of condominium establishing such condominium project the right to create timeshare intervals within (a) all or any portion of any additional land that may thereafter be added to the project, (b) any convertible land within the project, or (c) any convertible space within the project, then the subsequent creation of timeshare intervals within any portion of such additional land, convertible land, or

convertible space shall not be deemed to be a timeshare conversion as defined in this Section 1.5.89, so long as (a) such right to create timeshare intervals is specifically reserved by the developer in accordance with the requirements of the Utah Condominium Ownership Act, Utah Code Annotated, Section 57-8-1, et seq., (b) the reservation of such right to create timeshare intervals is fully disclosed in writing to the City at the time the City's approval to develop the condominium project is sought by the developer, and (c) such right to create timeshare intervals expires no later than seven (7) years from the date the declaration of condominium establishing such condominium project is recorded in the office of the County Recorder of Summit County, Utah.

Section 1.5.90 "Timeshare estate" means an ownership or leasehold estate in property devoted to a timeshare fee (including, without limitation, tenants in common, time span ownership, interval ownership, and cooperative time share ownership) created by a timeshare instrument and the documents by which it is granted.

Section 1.5.91 "Timeshare instrument" means any instrument whereby the use, occupancy or possession of real property has been made subject to either a timeshare estate or timeshare use, and whereby such use, occupancy or possession circulates among (a) nine (9) or more purchasers of the timeshare intervals in the event the timeshare project is located in any of the following districts: Commercial

Business District (HCB), General Commercial District (GC), Recreation Commercial District (RC), Residential-Medium Density District (RM) or Residential Development-Medium Density District (RDM); or (b) three (3) or more purchasers of the timeshare intervals in the event the timeshare project is located in any of the following districts: Historic Residential District (HR-1), Estate District (E), Residential Development District (RD) or Residential-Low Density District (R-1), according to a fixed or floating time schedule on a periodic basis occurring annually over any period of time in excess of three (3) years in duration.

Section 1.5.92 "Timeshare interval" means a timeshare estate or a timeshare use.

Section 1.5.93 "Timeshare project" means any real property that is subject to a timeshare instrument, including a timeshare conversion.

Section 1.5.94 "Timeshare sales presentation" means: (1) an offer to sell or reserve a timeshare interval; (2) an offer to sell an option to purchase a timeshare interval; (3) the sale of a timeshare interval, or an option to purchase a timeshare interval; or (4) the reservation of a timeshare interval, whether the timeshare interval is located within or without the State of Utah, where such offer, sale or reservation is made within the City.

Section 1.5.95 "Timeshare unit" means that unit of real property and time where possession and use are allowed under a contract from seller to purchaser.

Section 1.5.96 "Timeshare use" means any contractual right of exclusive occupancy created by a timeshare instrument which does not fall within the definition of a "timeshare estate" (including, without limitation, a vacation license, club membership, general partnership interest, limited partnership interest, vacation bond or beneficial interest in a trust) and the documents by which it is transferred.

SECTION 2. Ordinance No. 12-79 of the Park City Municipal Code entitled "Park City Land Management Code" is hereby amended by creating new sections 2.12 through 2.13 to read as follows:

Section 2.12 TIMESHARE CONVERSIONS PERMITTED SUBJECT TO A CONDITIONAL USE PERMIT.

Section 2.12.1 Information to be Filed with Conversion Application. Developers of timeshare conversions shall file with the Planning Commission the following information as part of a conditional use permit application:

Section 2.12.1.1 The proposed duration of timeshare intervals.

Section 2.12.1.2 Identification of the timeshare interval as a timeshare estate or timeshare use.

Section 2.12.1.3 Any restrictions on the use, occupancy, alteration or alienation of timeshare intervals.

Section 2.12.1.4 A copy of the proposed timeshare instruments whereby the timeshare project is established, which may include, without limitation, the following: Timeshare Declaration; Condominium Declaration; Covenants, Conditions and Restrictions; Declaration of Trust; Cooperative Articles of Incorporation, Bylaws and Proprietary Lease; Vacation Club Master Agreement and Membership Agreement; Vacation License Contract; Articles of Incorporation of Owners' Association; Bylaws of Owners' Association; Rules and Regulations; and Management or Agency Agreement for the maintenance and operation of the timeshare project and/or timeshare units.

Section 2.12.1.5 The name, address and phone number of the managing agent of the project having authority to act on behalf of the Developer and/or the Owners' Association in emergency situations. Any change in name, address or phone number of the managing agent shall be filed with the Park City Planning Commission and the Park City Business Licensing Division.

Section 2.12.1.6 The name, address and phone number of the central contact person for the Developer and/or the timeshare project for business license, tax and utility service payments who will be responsible for making such payments on behalf of the Developer as provided by the timeshare instrument. Any change in name, address or phone number of the central contact person shall be filed with the Park City Planning Commission and the Park City Business Licensing Division.

Section 2.12.1.7 A list of all owners of the property being converted, or if the property has previously been divided into separately owned units, dwelling units or lots, a list of all owners of such units, dwelling units or lots.

Section 2.12.1.8 A plan showing in reasonable detail the means by which the timeshare conversion will comply with the Park City parking requirements for timeshare projects, including the purchase of any necessary additional property.

Section 2.12.1.9 Evidence of a review and approval by the appropriate sewer district and the Park City Water Department regarding anticipated increases in sewer flows and water use resulting from the change in use.

Section 2.12.1.10 For the conversion of any units in any condominium project or dwelling units in any planned unit development project, the written statements from not less than sixty-five percent of the owners of all existing units or dwelling units in the project indicating their unconditional approval of the timeshare conversion signed by such owners not more than ninety days prior to the date of the application for a conditional use permit.

Section 2.12.1.11 Any other information that the Developer or Planning Commission deems reasonably necessary to the consideration of the project.

Section 2.12.2 Conditions. In determining whether, and under what conditions to issue a conditional use permit for timeshare conversions, the Planning Commission may consider the following conditions:

Section 2.12.2.1 The impact the timeshare conversion will have on present and future city services.

Section 2.12.2.2 The impact the timeshare conversion will have on traffic circulation and parking.

Section 2.12.2.3 The applicant's description of the methods to guarantee the future adequacy, stability and continuity of a satisfactory level of management and maintenance of the timeshare conversion.

Section 2.12.2.4 Whether an office of the managing agent or agency is located locally or within the timeshare conversion.

Section 2.12.2.5 The impact the timeshare conversion may have on meeting space, convention business and nightly rentals within the City.

Section 2.12.2.6 Compliance with the Park City Land Management Code, Park City Planning Commission policies, the City's Comprehensive Plan and other applicable city ordinances and guidelines in force at the time of application.

Section 2.12.2.7 Compliance with the Park City Uniform Building Code and other Park City Building Department regulations in force at the time of application.

Section 2.12.2.8 Any other factors that the Applicant or Planning Commission deems reasonably necessary to the consideration of the timeshare conversion.

Section 2.12.2.9 For the conversion of any units in any condominium project or dwelling units in any planned unit development project, the written statements from not less than sixty-five percent of the owners of all existing units or dwelling units in the project indicating their unconditional approval of the timeshare conversion signed by such owners not more than ninety days prior to the date of the application for a conditional use permit.

Section 2.12.2.10 The existence, with respect to a property which is to be converted, of minor variations from the requirements of the current Park City Land Management Code, Park City Planning Commission Policies, Park City Uniform Building Code, and other Park City Building Department regulations in

effect at the time the application for a conditional use permit is made which are not otherwise dangerous conditions or in violation of applicable building codes in effect on the date the construction of the property was originally completed, which would render full compliance with the other requirements of this Section 2.12.2 impractical because of unique conditions of the property or which would result in extreme hardship. In the event the Planning Commission discovers such minor variations to exist in a timeshare conversion, the Planning Commission may, upon the written recommendation of the Building Official or upon the decision of the Board of Appeals, waive with respect to such minor variations literal compliance with the Park City Land Management Code, Park City Planning Commission policies, Park City Uniform Building Code requirements and other Park City Building Department regulations and may approve the timeshare conversion upon a finding by the Building Official or Board of Appeals that the conversion generally conforms with the spirit and purpose of the provisions of this Section 2.12.2 and other applicable City ordinances and guidelines in force at the time of application for a conditional use permit.

Section 2.13 OFF-PREMISES TIMESHARE CONTACTING LOCATIONS PERMITTED SUBJECT TO A CONDITIONAL USE PERMIT.

Section 2.13.1 Conditions. In determining whether, and under what conditions to issue a conditional use permit for an off-premises timeshare contacting location the Planning Commission may consider:

Section 2.13.1.1 The impact the off-premises contacting location may have on pedestrian and vehicular traffic circulation in the area.

Section 2.13.1.2 The proximity of the off-premises contacting location to other off-premises contacting locations servicing the same timeshare project.

Section 2.13.1.3 Whether the off-premises contacting location will be located in a completely enclosed building.

Section 2.13.1.4 Compliance with the Park City Land Management Code and Park City Planning Commission policies, the City's Comprehensive Plan and other applicable City ordinances and guidelines in force at the time of application.

Section 2.13.1.5 Any other factors that the Applicant or Planning Commission deems reasonably necessary to the consideration of the off-premises contacting location.

SECTION 3. Ordinance No. 12-79 of the Park City Municipal Code entitled "Park City Land Management Code" is hereby amended by creating new Sections 3.1.6 and 3.1.7 to read as follows:

Section 3.1.6 TIMESHARE CONVERSIONS. Existing projects, properties or units, including, without limitation, those presently owned and operated as condominiums, planned unit developments, hotels and motels, shall not be converted to timeshare projects as defined by Section 1.5.89 without first obtaining from the Planning Commission a conditional use permit as required by Section 2 hereof. A conditional use permit must be obtained for the conversion of each separate project or property being converted.

Section 3.1.7 TIMESHARE PROJECTS.

Section 3.1.7.1 Information to be Filed with Timeshare Project Application. The Developer of any Timeshare Project other than a timeshare conversion shall file with the Planning Commission the following information as part of a building permit application:

Section 3.1.7.1.1 The proposed duration of timeshare intervals.

Section 3.1.7.1.2 Identification of the timeshare interval as a timeshare estate or timeshare use.

Section 3.1.7.1.3 Any restrictions on the use, occupancy, alteration or alienation of timeshare intervals.

Section 3.1.7.1.4 A copy of the proposed timeshare

instruments whereby the timeshare project is established, which may include, without limitation, the following: Timeshare Declaration; Condominium Declaration; Covenants, Conditions and Restrictions; Declaration of Trust; Cooperative Articles of Incorporation, Bylaws and Proprietary Lease; Vacation Club Master Agreement and Membership Agreement; Vacation License Contract; Articles of Incorporation of Owners' Association; Bylaws of Owners' Association; Rules and Regulations; and Management or Agency Agreement for the maintenance of the timeshare project and/or units.

Section 3.1.7.1.5 The name, address and phone number of the managing agent of the project having authority to act on behalf of the Developer and/or the Owners' Association in emergency situations. Any change in name, address or phone number of the managing agent shall be filed with the Park City Planning Commission and the Park City Business Licensing Division.

Section 3.1.7.1.6 The name, address and phone number of the central contact person for the Developer and/or the timeshare project for business license, tax and utility service payments who will be responsible for making such payments on behalf of the Developer as provided by the timeshare instrument. Any change in name, address or phone number of the central contact person shall be filed with the Park City Planning Commission and the Park City Business Licensing Division.

Section 3.1.7.1.7 Whether the Developer plans to offer

resale assistance and/or exchange program affiliation to timeshare interval purchasers.

Section 3.1.7.1.8 A description of the methods to guarantee the future adequacy, stability and continuity of a satisfactory level of management and maintenance of the timeshare project.

Section 3.1.7.1.9 Any other information that the Developer or Planning Commission deems reasonably necessary to the consideration of the project.

SECTION 4. Ordinance No. 8-80A of the Park City Municipal Code entitled "Park City Land Management Code" is hereby amended by amending Sections 4.3.2.4, 4.3.2.7, 4.9.2.4, 4.9.2.7, 4.10.2.1, 4.10.2.2.4 and 4.10.3.1, and creating new Sections 4.3.3.3., 4.9.3.6 and 4.10.3.2.7 to read as follows:

HISTORICAL COMMERCIAL BUSINESS (HCB) DISTRICT

Section 4.3.2 PERMITTED USES

Section 4.3.2.4. Service commercial establishments limited to the following and similar uses: Business office, catering service, financial institution, on-site timeshare sales office, off-premises timeshare sales office, personal service including barber and beauty shop, custom sewing, dry cleaning pickup station, laundromat, tailoring and shoe repair shop, parking lot or parking garage, studio for instruction in the arts, radio or television broadcasting facility.

Section 4.3.2.7 Dwelling units shall be limited to single family, duplex, multi-unit dwelling, hotels, accessory building uses, home occupations, nightly rentals, lockout rooms and timeshare projects other than timeshare conversions.

Section 4.3.3 CONDITIONAL USES

Section 4.3.3.3 Off-premises timeshare contacting locations and timeshare conversions.

GENERAL COMMERCIAL (GC) DISTRICT

Section 4.9.2 PERMITTED USES

Section 4.9.2.4. Service commercial establishments limited to the following and similar uses: Business office, catering service, financial institution, on-site timeshare sales office, off-premises timeshare sales office, personal service including barber and beauty shop, custom sewing, dry cleaning pickup station, handicraft production, laundromat, mortuary, tailoring and shoe repair shop, parking lot or parking garage, studio for instruction in the arts, radio or television broadcasting facility.

Section 4.9.2.7. Dwelling units limited to the following and similar uses: Single family, duplex, multi-unit dwellings, hotels, accessory buildings uses, homw occupations, nightly rentals, lockout rooms and timeshare projects other than timeshare conversions.

Section 4.9.3 CONDITIONAL USES

Section 4.9.3.6. Off-premises timeshare contacting locations and timeshare conversions.

RECREATION COMMERCIAL (RC) DISTRICT

Section 4.10.2 PERMITTED USES

Section 4.10.2.1 Residential Uses. Dwelling units limited to the following and similar uses: Single family, duplexes, and multi-unit dwellings not exceeding eight development credits, accessory buildings and uses, home occupations,

lockout rooms and timeshare projects other than timeshare conversions.

Section 4.10.2.2.4. Service commercial establishments limited to the following and similar uses: Business office, child nursery, financial institution, on-site timeshare sales office, off-premises timeshare sales office, personal service including barber and beauty shop, dry cleaning pickup station, laundromat, travel agency, parking lot or parking garage, studio for instruction in the arts, radio or television broadcasting facility.

Section 4.10.3 CONDITIONAL USES

Section 4.10.3.1 Residential Uses. Multi-unit dwellings requiring greater than eight development credits as defined in Section 4.10.22 and timeshare conversions.

Section 4.10.3.2.7 Off-premises timeshare contacting locations.

SECTION 5. Ordinance No. 8-80A of the Park City Municipal Code entitled "Park City Land Management Code" is hereby amended by creating new Section 5.18 to read as follows:

Section 5.18 Presale of Timeshare Intervals. Prior to the time that: (1) a building permit has been obtained for a timeshare project other than a timeshare conversion or (2) a conditional use permit has been obtained for a timeshare conversion, a timeshare developer may offer reservations to purchase timeshare intervals subject to the following requirements:

Section 5.18.1 A reservation to purchase a timeshare interval shall be binding upon the timeshare developer but shall provide that the reservation may be cancelled by the prospective purchaser at any time prior to the date that (1) a building permit has been obtained for the timeshare project if the project of which the timeshare interval is a part is a timeshare project other than a timeshare conversion, or (2) a conditional use permit has been obtained for the timeshare project if the project of which the timeshare interval is a part is a timeshare conversion.

Section 5.18.2 The form of reservation agreement used by the timeshare developer must call for execution of a final contract of purchase before the prospective purchaser is legally bound to purchase the timeshare interval, and execution of such final contract of purchase may not take place prior to the date that (a) a building permit has been obtained for the timeshare project if the project is a timeshare project other than a

timeshare conversion, or (b) a conditional use permit has been obtained for the timeshare project if the project is a timeshare conversion.

Section 5.18.3 Any presale activity by a timeshare developer, its agents, employees or subcontractors must meet all requirements governing the offering or sale of timeshare intervals other than the requirement for project approval pursuant to a permitted use or conditional use application.

Section 5.18.4 Any timeshare developer who violates the requirements of this Section 5.18 in the reservation of timeshare intervals shall be guilty of a Class B misdemeanor and upon conviction thereof may be punished by imprisonment in the county jail for a term of six (6) months, or by fine or not more than \$299 or by both such fine and imprisonment.

SECTION 6. Ordinance No. 8-80A of the Park City Municipal Code entitled "Park City Land Management Code" is hereby amended by amending Section 6.4 to read as follows:

Section 6.4 PLANNED UNIT DEVELOPMENT LAND USE
REGULATIONS

a. If nightly rentals are desired in a Development, this desire must be declared at the time of consideration by the Planning Commission.

b. If timesharing, as defined in the Code, is desired in the Development, such desire must be declared at the time of consideration by the Planning Commission.

SECTION 7. Ordinance No. 8-80A of the Park City Municipal Code entitled "Park City Land Management Code" is hereby amended by creating new Sections 8.3.17 and 8.3.18 to read as follows:

OFF-STREET PARKING REQUIREMENTS

Section 8.3.17 On-site timeshare sales office, off-premises timeshare sales office - Two spaces for every 100 square feet in the sales office.

Section 8.3.18 Timeshare Projects -- The off-street parking requirements for hotels, motels and lodges set forth in Section 8.3 shall be used in determining the off-street parking requirements for timeshare projects.

SECTION 8. Ordinance No. 12-79 of the Park City Municipal Code entitled "Park City Land Management Code" is hereby amended to read as follows:

Section 8. Existing Projects -- Effect of Timeshare Amendments to Ordinances. Any timeshare project established by a timeshare instrument wherein timeshare intervals were sold or offered for sale on or before July 16, 1981, and the rights and obligations of all parties interested in any such existing timeshare project shall, to the extent that the timeshare instrument concerning such existing timeshare project is inconsistent with the provisions of the amendments to Ordinance No. 12-79 of the Park City Municipal Code relating to timeshare projects, be governed and controlled by the ordinances of the City as they existed prior to these amendments and by the terms of such existing timeshare project's timeshare instrument to the extent that the terms of such timeshare instrument are consistent with applicable City ordinances other than these amendments; provided, that any expansion of an existing timeshare project or the creation of any additional timeshare intervals therein must fully comply with these amendments.

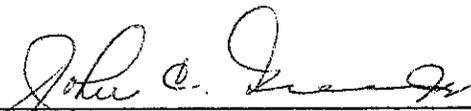
Ordinance No. 8-80 A of the Park City Municipal Code entitled "Park City Land Management Code" is hereby amended to read as follows:

Section 13. Existing Projects -- Effect of Timeshare Amendments to Ordinances. Any timeshare project established by a timeshare instrument wherein timeshare intervals were sold or

offered for sale on or before July 16, 1981, and the rights and obligations of all parties interested in any such existing timeshare project shall, to the extent that the timeshare instrument concerning such existing timeshare project is inconsistent with the provisions of the amendments to Ordinance No. 8-80A of the Park City Municipal Code relating to timeshare projects, be governed and controlled by the ordinances of the City as they existed prior to these amendments and by the terms of such existing timeshare project's timeshare instrument to the extent that the terms of such timeshare instrument are consistent with applicable City ordinances other than these amendments; provided, that any expansion of an existing timeshare project or the creation of any additional timeshare intervals therein must fully comply with these amendments.

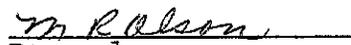
Section 9. Effective Date. This ordinance shall become effective upon publication hereof.

DATED this 21st day of January, 1982.



Mayor

ATTEST:



Recorder

O R D I N A N C E

Ordinance No. 82-5

SKI LIFT - HCB AND HRI ZONES

AN ORDINANCE AMENDING CERTAIN SECTIONS OF ORDINANCE 8-80A TO PERMIT THE INCLUSION OF TRAMWAY BASE FACILITIES AND RIGHTS-OF-WAY AND MID-LOADING POINTS IN THE HRI ZONE AS CONDITIONAL USES

WHEREAS, the owners of property within the HCB and HRI zone districts have petitioned the City Council for a change in zoning to permit the construction and operation of tramways as conditional uses within those zones; and

WHEREAS, the Planning Commission has approved of the concept of construction and operating tramways in those zones, subject to a detailed conditional use review process; and

WHEREAS, the City Council believes that the change in use of these zones will serve the general community needs by reducing automobile traffic in the Main Street Historic District, encourage pedestrian traffic in the traffic in the neighborhood redevelopment area, and provide economic stability for that area;

NOW, THEREFORE, BE IT ORDAINED by the City Council of Park City, Utah, that Section 7 of Ordinance 8-80A of the Land Management Code, effective August 28, 1980 and amended June 15, 1981, is amended by the addition of a new Subsection 7.5, TRAMWAYS.

Section 1. ADDITION OF SECTIONS:

7.5 TRAMWAYS.

7.5.1 Definitions. For purposes of this section, the following definitions will apply

Passenger Tramway - shall mean a mechanical device for the primary purpose of transporting passengers by means of chairs or enclosed compartments which are suspended from cables or travel along cables on or above the ground, including each of the devices described in Section 63-11-38 of the Utah Code Annotated, 1953, as amended, and also passenger carrying devices operating on rails.

Liftway - shall refer to the necessary right-of way, both surface and air space for the operation of any tram covered by this section.

Liftway Setback - shall mean the minimum allowable distance between the side line of the liftway and any structure.

7.5.2 Conditional Use. The location and use of the liftway shall be a conditional use in the HRI zone and the HCB zone. The location of base and terminal facilities for the passenger tramway shall be a conditional use in the HCB zone.

7.5.3 Conditional Use Review. Conditional Use Permits under this section shall be issued only after public hearing before the Planning Commission, and upon the Planning Commission finding that all of the following conditions can be met:

- (a) Ownership of Liftway. The applicant owns or controls the liftway necessary to construct and operate the passenger tramway. For the purpose of this section, ownership or control is established if the applicant can demonstrate that he has title to the property being crossed by the liftway, or an easement over that property, or options to acquire the property or an easement, or a leasehold interest in the property (or an option to acquire a leasehold) of at least fifteen (15) years duration. Ownership or control of portions of the liftway which cross over public streets may be demonstrated by a written permit or license to cross the street, signed by the governmental entity which has jurisdiction over the street crossed. Any combination of ownership and leasehold interests that gives the applicant possession and control over the entire course of the liftway, and over the land necessary for base and terminal facilities shall be sufficient to give the applicant standing to apply for the conditional use.
- (b) Width. The liftway shall extend a distance of at least ten (10) feet outwards from the vertical plane established by the outermost surface of the passenger tramway (which generally is the outside edge of the chair or passenger compartment) on each side of the tramway's course excluding base and terminal structures. Width is computed in this manner, rather than measuring from the center line of the passenger tramway or the cable in order to provide a minimum clearance of ten (10) feet on each side of the liftway regardless of the configuration of the passenger-carrying elements.
- (c) Base or Terminal Facilities. The passenger tramway can be constructed without the installation of base or terminal facilities within the HRL zone. Mid-loading and unloading points are allowed in the HRL zone.
- (d) Crossing of Public Roads. The applicant must show that all components of the passenger tramway and any components of the liftway, such as safety netting provide a minimum clearance of eighteen (18) feet over major roads and fourteen (14) feet over residential streets. In addition, the applicant must show compliance or the ability to comply with any safety or height restrictions which might be imposed by any governmental agency having jurisdiction over public roads crossed by the liftway.
- (e) Utility Clearance. The applicant must show that all portions of the passenger tramway including any associated safety netting constructed with it, provides a minimum clearance of ten (10) feet over any wires or utility lines which it crosses, and that the applicant has complied with or has the ability to comply with safety restrictions or regulations imposed by utilities having possession or control over wires that tramway crosses over.
- (f) Historic District Commission Review. The applicant must show that the Historic District Commission has reviewed the proposal, and a neighborhood impact

analysis of the proposal showing how the liftway and passenger tramway effects the area. The neighborhood impact analysis shall address the visual impacts of towers, netting, power lines, fencing and screening; the means used to control noise from mechanical elements of the tramway; the means used to control noise, litter, smoking and fire hazards, and other impacts on buildings and property in close proximity to the liftway (including seasons and hours of operation); revegetation of the liftway and any access roads necessary for construction; and an analysis of the economic impacts of the proposal on the neighborhood and how it will alter or stabilize the residential and commercial character of the affected zones. The Historic District Commission shall compile its findings with respect to the project and forward those findings, together with the Commission's recommendation to the Planning Commission for final action.

- (g) Parking and Traffic Plans. The applicant must present a parking, traffic, and transportation plan pertaining to the passenger tramway for the review and approval of the Planning Commission. The plan must address at least the following considerations: auto, bus, and pedestrian traffic which could be generated by the tramway, the impacts of this traffic on the adjoining landowners and the neighborhood in general, parking demand created by the tramway and how that parking would be provided. The traffic and parking plan may be included in the neighborhood impact analysis.

The parking requirements and impacts of a tramway will vary within the zones depending upon the location and the ability of the applicant to make use of existing public and private parking facilities; therefore, no specific requirement has been set. The applicant is expected to show workable means of dealing with the traffic generated by the tramway construction and operation, including such regulations as resident parking permits, off site traffic controls and facilities, or similar means for controlling traffic and minimizing off site impacts on adjoining properties.

- (h) Liftway Setback. The minimum setback between the liftway and any existing dwelling shall be eight (8) feet, in addition to the width of the liftway itself. This setback may be waived with the written consent of the owner of the affected dwelling, which consent shall be in a form suitable for recording with the County Recorder.
- (i) State Registration. Any tramway constructed under a conditional use permit will be subject to safety regulation by the Passenger Tramway Safety Committee of the State Department of Transportation. The applicant is expected to involve the State in the planning process to the extent necessary to inform the Commission of state requirements in order to avoid the imposition of inconsistent requirements by the state and the Planning Commission.

(j) Public Purpose Served. The Planning Commission must find that the construction and operation of the tramway serves the overall community interest by accomplishing or furthering community goals such as reducing traffic congestion and volume between the downtown area and the base facilities of the ski resorts, encouraging pedestrian traffic in the downtown neighborhood redevelopment area, stabilizing the economic base of the Historic District, and mitigating the demand for parking in the Historic District.

7.5.4 Status of Land Within Liftway. Lots or other land which is burdened by the easement for the liftway are entitled to count the land within the liftway for calculation of open space for improvement of that property. Normal setback and sideyard requirements apply from the lot line or property boundary. Structures may be constructed within the liftway, subject to the terms of the easement agreement between the lot owner and the owner of the liftway.

7.5.4.1 Structures Within Liftway. The owner of a lot or other property which is subject to the liftway easement may build within the confines of the easement, provided however that all construction within the easement is a conditional use which requires approval of the Planning Commission and Historic District Commission, and approval will not be granted for construction which is inconsistent with the terms of the easement agreement.

7.5.5 Preservation of Historic Structures. It is the policy of the city to protect and preserve historic structures within the city whenever it is economically reasonable to do so. The proponent of the tramway project must provide a study which catalogues any structures within the liftway easement and identifying their historic value. The proponent must also show what alternatives have been considered for the protection and preservation of those structures, such as making improvements of structural or fire safety systems or relocation of the structure.

Section 2. AMENDMENT OF CERTAIN SECTIONS:

Section 4.3.3.2 of Ordinance 8-80A is hereby amended to provide as follows:

Public, private or commercial recreation, recreation club, theater, assembly hall, school, church, hospital, or building for public administration.

Section 3. EFFECTIVE DATE:

This Ordinance shall become effective upon publication.

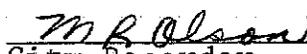
PASSED AND ADOPTED this 18th day of February, 1982.

PARK CITY MUNICIPAL CORPORATION



John C. Green, Jr.
Mayor

Attest:



City Recorder

O R D I N A N C E

Ordinance No. 82-6

AN ORDINANCE FIXING THE RATE OF COMPENSATION
FOR ELECTED OFFICIALS OF PARK CITY MUNICIPAL
CORPORATION

BE IT ORDAINED by the City Council of Park City,
Summit County, Utah as follows:

Section 1: Effective upon the publication of this
Ordinance, the compensation for elected officials of Park City
shall be as follows:

The Mayor shall be paid \$1,000 per month, not
to exceed \$12,000 in any one year.

The members of the City Council shall be paid
\$75.00 per regularly scheduled Council meeting
attended, including work sessions, not to exceed
\$3,600 in any one year.

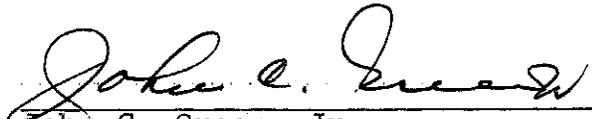
Section 2: The Mayor and Council members shall be
entitled to receive \$100 per month to cover their reasonable
and necessary expenses incurred in the performance of their
duties asd elected officials.

Section 3: Section 2-2-6 and Section 27-1-1 of the
Revised Ordinances of Park City, 1976, and Ordinance No. 21-73,
and all prior ordinances which are inconsistant with this Ordin-
ance are hereby repealed.

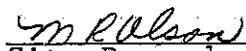
Section 4: This Ordinance shall take effect upon
publication.

ADOPTED this 25th day of February, 1982

PARK CITY MUNICIPAL CORPORATION


John C. Green, Jr.
Mayor

Attest:


City Recorder

ORDINANCE

Ordinance No. 82-7

AN ORDINANCE FIXING THE RATE OF PAY FOR
EMPLOYEES OF PARK CITY MUNICIPAL CORPORATION

BE IT ORDAINED BY THE City Council of Park City,
Utah, that;

Section 1. Classification. All employees shall fall within one of two categories of service, which are classified service and non-classified service. Classified service employees shall include all appointees and employees in all positions existing now or hereafter created, except the following positions:

- (a) Elected officials and persons appointed to fill the vacant terms of any elected official;
- (b) Members of boards, commissions, or committees;
- (c) The City Manager, City Attorney and Justice of the Peace;
- (d) Persons employed or retained as independent contractors to provide technical or professional services as specified in their contracts; and;
- (e) Volunteer personnel.

Section 2. Appointment of Non-Classified Personnel. The City Manager, City Attorney, and Justice of the Peace and Golf Professional, are non-classified employees or appointees, of the Mayor and Council and shall serve at the pleasure of the Mayor and Council. The Golf Professional shall be appointed by and serve at the pleasure of the City Manager. Such appointments shall be without specified terms, and shall be at a salary to be fixed by the Mayor and Council at the time of appointment. The salary of non-classified appointees shall be set and adjusted in the annual compensation resolution adopted as a part of the budget process.

Section 3. Appointment of Classified Personnel. All other employees are appointees of the City Manager subject to the terms and provisions of the personnel rules of Park City Municipal Corporation, with the exception of the Library Director who shall be appointed by, and serve at the pleasure of the Library Board.

Section 4. Job Classes. All positions in the classified service shall be grouped into classes, and each class shall include positions similar in character, skill levels, and responsibility so that the same range of compensation shall apply under substantially the same employment conditions.

Section 5. Pay Plan: In accordance with the classification system there shall be a pay plan that specifies the minimum and maximum rate of pay for positions within each classification. The City Manager shall set the individual compensation for each employee within the allowable range established for that employee's position.

Section 6. Annual Compensation Ordinance: The pay plan and compensation ranges for each classification of employment within the pay plan shall be reviewed annually by the Council as a part of preparation of the budget for the next succeeding fiscal year. The pay plan, as revised, will be adopted by the Council in the annual compensation resolution, presented to the Council for consideration as a part of the budget adoption process. In the event that no new pay plan is adopted, the pay plan in effect under the most recently adopted compensation resolution shall remain in effect. At the time this ordinance is adopted, the Council shall also adopt a compensation resolution governing the balance of the present fiscal year. Future revisions in the compensation resolution or pay plan shall take effect at the beginning of the new fiscal year, except that obvious errors or omissions may be corrected and compensation for newly created positions may be set at any time by resolution, which may be immediately effective.

Section 7. Administration: The pay plan shall be administered in accordance with the terms of the personnel rules of Park City Municipal Corporation, except that the Council may, at the time of adoption of the compensation resolution, make any changes in the pay plan or other aspects of compensation, it sees fit which are consistent with the personnel rules, including modifications in employee benefits.

Section 8. Effective Date: This Ordinance shall become effective upon publication.

PASSED AND ADOPTED this 25TH day of February,
1982.

PARK CITY MUNICIPAL CORPORATION

John C. Green, Jr.
John C. Green, Jr., Mayor

Attest:

M. B. Olson

2/17/82

ORDINANCE

Ordinance No. 82-8

AN ORDINANCE REQUIRING THE COMPLETION OF SITE IMPROVEMENT WORK
PRIOR TO THE APPROVAL OF PLATS OR
ISSUANCE OF CERTIFICATES OF OCCUPANCY

WHEREAS, the City Council finds that it is in the interest of health, safety and welfare of the citizens of the city to require completion of site improvements on all construction projects within the city; and,

WHEREAS, it is often impossible for the builder to complete all site improvements simultaneously with the completion of the structures due to weather conditions; and,

WHEREAS, withholding plat approval and certificates of occupancy creates an undue economic hardship when the work could not be completed, due to weather conditions. The city would like to mitigate these hardships in a manner that still provides the protection to the public.

NOW, THEREFORE, BE IT ORDAINED by the City Council of Park City, Summit County, Utah, as follows:

SECTION 1: POLICY. In order to protect buyers of condominiums, planned unit development projects, and other property in the city against purchasing property on which the site improvement work is incomplete and may not be completed, and to protect the public at large from dangerous and undersirable conditions that result from unfinished site improvements, such as erosion, flooding, and blowing dust; it is the policy of the city that no plat will be approved (when a plat is required) and that no certificate of occupancy will be issued (when plats are not required) on any building project within the city limits unless and until the site improvement work is complete, or the developer of the property has provided adequate security to assure timely completion of the improvements, and weather permits.

SECTION 2: CONSTRUCTION ACCORDING TO APPROVED PLANS. No plat will be approved, on projects where plats are required, and no certificate of occupancy will be issued on projects not requiring the recording of a plat, unless that project and all required site improvements have been

constructed in accordance with the plans approved by the Planning Commission (or Historic District Commission if applicable) and on which the building permit was issued. For purposes of this Ordinance, the term "site improvement" shall mean all roads, trails, sidewalks, bicycle paths, retaining walls, drainage works, grades, landscaping, planting, paving, and similar features shown on the set of plans which received final approval by the city and on which the permits were issued.

SECTION 3: SECURITY FOR COMPLETION. In the event that buildings on the property are completed before other required site improvements are completed, and the site improvements cannot be completed contemporaneously with the completion of the building, due to weather or other conditions beyond the control of the developer (excluding financial inability to perform), the city may grant final plat approval or issue the certificate for all or part of the project, prior to the completion of site improvements, provided that all of the following conditions are met:

- (a) The building or buildings, or portions thereof, on the property to be platted or occupied have been constructed in accordance with the approved plans for those buildings, and are in full compliance with applicable building and fire codes, and are completed to the extent that only exterior site improvement work remains unfinished; and,
- (b) The Building Official determines that occupancy of the buildings, or portions thereof, prior to completion of required site improvements is safe, and that access for emergency vehicles is adequate with the site improvements unfinished; and,
- (c) The developer posts adequate security for the benefit of the city and the public, to insure completion of the site improvements in full compliance with the approved plans, within one year from the date of plat approval (if required) or issuance of the certificate of occupancy, whichever occurs first.

SECTION 4: AMOUNT OF SECURITY: The amount of the security to be posted by the developer shall be determined by the Planning Department, and shall be equal to the one hundred and twenty-five percent (125%) of

the amount reasonably estimated by the Department, as being necessary to complete remaining site improvements as shown on the approved plans. In the event that the developer disputes the cost estimate of the Department, the developer may prove a lower construction cost by providing binding contracts between the developer and contractor or subcontractor appropriate to perform the required work at a stated, fixed price. These contracts must be supported by a full performance bond, insuring performance by the subcontractor or contractor. Bid proposals are not satisfactory for this purpose. If the contracts submitted are acceptable in form, the amount of security required shall be one hundred and twenty-five percent (125%) of the total contract price of all such contracts submitted, plus the estimated reasonable cost of performing any work not covered by the contracts. Specifications in such contracts shall be sufficiently clear to identify the work called for under the contract.

SECTION 5: TERMS OF SECURITY: The terms of any security arrangement offered to the city shall state a date certain by which the developer agrees to have site improvement work completed in accordance with the plans, and further provide that in the event that the developer has not completed required site improvement work by that date, the city may at its option and on its schedule, draw on the funds escrowed, or credit established, or such other security device by its own act, and shall not be required to obtain consent of developer to withdraw funds for completion of the work shown on approved plans. The city's actual costs in administering the completion of work in the event of a default by the developer shall be reimbursed from the escrow or other security arrangements.

SECTION 6: FORM OF SECURITY: Security arrangements offered in lieu of simultaneous completion of buildings and site improvements shall be in an amount fixed under the terms of Section 3, and shall be in one or more of the following forms:

- (a) An irrevocable letter of credit from a bank authorizing to do business in the State of Utah, naming Park City Municipal Corporation as the payee of funds drawn against that letter of credit and guaranteeing the availability of funds for one year, or,

- (b) A deposit of cash with a third party escrow, or,
- (c) A deed of trust naming Park City Municipal Corporation as the beneficiary and conveying title in trust to a suitable trustee to insure completion of the remaining site improvement work. Any such deed of trust shall be supported by reasonable evidence of title to the property at a competent appraisal showing the property to be worth at least the sum established under Section 3, and giving the city first lien prior, or,
- (d) Creation of an escrow account with a suitable third party escrow to be funded with a stated percentage of the proceeds from the sale or sales of condominium units or other interests in the condominium or planned unit development, with the percentage escrowed from the sales set at a level sufficient to create a fund equal to the sum established under Section 3 from the sale of seventy-five percent (75%) of the units platted or certified for occupancy, or,
- (e) An agreement with the construction lender providing that the lender will withhold funds in the construction loan in an amount equal to the amount calculated in Section 3, above, and will disburse those funds only with the written consent of the city, and only for the completion of site improvements. As site improvement work is completed, the city will consent to the disbursement of the funds set aside by the lender.
- (f) Some combination of the above approved by the City Attorney and/or Community Development Director.

SECTION 7: RELEASE OF FUNDS. The city in the terms of any security agreement, shall agree to relinquish funds held or security posted for the purpose of paying for site improvement work performed according to the plans, as that work is completed. The city shall release funds equal to the actual cost of performing the work as the work progresses, and any funds remaining upon final completion of all required site improvement work shall be immediately released to the developer. The twenty-five percent (25%) added to the cost estimate shall be released only upon completion and shall be used to cover any deficits in the cost estimate.

SECTION 8: MODIFICATION OF PLANS. A developer may, at its option, request modifications to plans covering site improvement work by submitting revised plans to the Planning Commission for review and action. Until revised, plans having received approval by the Planning staff, the developer shall be required to offer security for the performance of the site improvement work as shown on the last set of plans to have received Planning staff approval. Upon acceptance of revised plans by the Planning staff, the city shall release any cash, credit, or other security held, which is in excess of one hundred twenty-five percent (125%) of the completion cost (estimated) of work shown on the most recently revised plan. If the modification of the plans increases the cost of required site improvements, additional security must be provided by the developer to cover the increased cost.

SECTION 9: PAYMENT OF INTEREST: Any interest accruing on escrowed funds shall, unless expended for completion of site improvements required, insure to the benefit of the developer and not to the city, and the city shall not be required to pay interest to the developer on any funds escrowed for this purpose.

SECTION 10: A new provision shall be added to Section 3.1.4 of Ordinance 12-79 (Land Management Code) which shall provide:

Detailed Site Plans: A detailed site plan showing the location and nature of drainage works, grade changes, retaining walls, and landscaping, together with any trails, paths, or walkways that may be included or required under other provisions of the Land Management Code.

SECTION 11: SINGLE FAMILY HOMES. This Ordinance shall apply to all construction in Park City, including single family homes, provided, however, that the amount of security required for single family homes shall be the reasonably estimated cost of construction of any retainage and drainage works on a labor and materials basis, and the estimated cost of landscaping (to the extent necessary to hold the soil in place) on the basis of materials only.

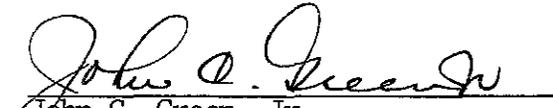
SECTION 12: PHASED PROJECTS. Site improvements applicable to each phase of a phased project or development shall be completed or security for completion provided as each phase is constructed and either platted

or occupied. Site improvements or other phases of the project shall be completed or security offered as those phases are completed.

SECTION 13: EFFECTIVE DATE. This Ordinance shall be come effective upon publication.

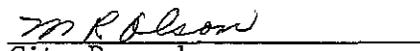
PASSED AND ADOPTED this 4th day of March, 1982.

PARK CITY MUNICIPAL CORPORATION



John C. Green, Jr.
Mayor

Attest:



City Recorder

AN ORDINANCE AMENDING ORDINANCE 82-9(1)
TO INCREASE LANDFILL FEES

Ordinance No. 82-9(2)

WHEREAS, the budget adopted by the City Council assumed that a greater portion of the operation of the landfill would be paid by user fees than can be realized under the current rates;

NOW, THEREFORE BE IT ORDAINED by the City Council of Park City, Utah that:

SECTION 1: Section 11, Payment of Landfill Fees, in Ordinance 82-9(1) should be and is hereby amended to read as follows:

Landfill fees shall be paid at the time of entrance to the landfill with each load, or, through the purchase of prepaid tickets from the Finance Department. Those purchasing advance payment tickets shall be entitled to a discount of ten percent (10%) on the landfill rates stated below:

LANDFILL RATES

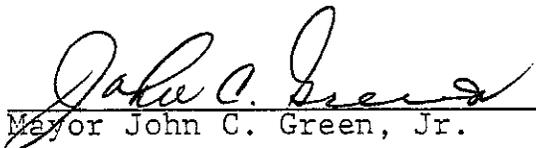
Automobile (city resident)	No charge
Small Trailer (two wheels)	\$ 6.00
Pickup Truck and Vans	\$ 6.00
2 Axle Flatbed Truck	\$12.00
Large Trailer	\$12.00
2 Axle Dump Truck	\$19.00
2 Axle Packer	\$20.00
3 Axle Packer	\$30.00
3 Axle Dump Truck	\$36.00
Large Roll-off Box	\$36.00

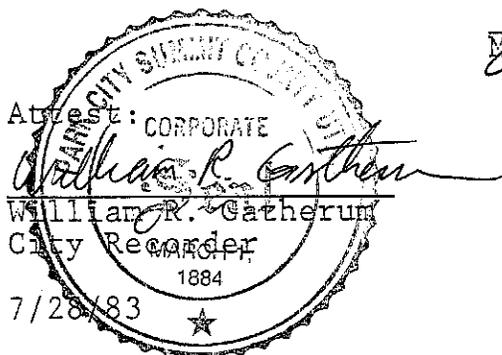
SECTION 2. No other portion of Ordinance 82-9 shall be affected by this amendment.

SECTION 3. EFFECTIVE DATE. This Ordinance shall take effect on the date of publication.

PASSED AND ADOPTED this 30th day of July, 1983.

PARK CITY MUNICIPAL CORPORATION


Mayor John C. Green, Jr.



AN ORDINANCE AMENDING ORDINANCE 82-9
TO INCREASE LANDFILL FEES

Ordinance No. 82-9(1)

WHEREAS, the budget adopted by the City Council assumed that a greater portion of the operation of the landfill would be paid by user fees than can be realized under the current rates;

NOW, THEREFORE BE IT ORDAINED by the City Council of Park City, Utah that:

SECTION 1: Section 11, Payment of Landfill Fees, in Ordinance 82-9 should be and is hereby amended to read as follows:

Landfill fees shall be paid at the time of entrance to the landfill with each load, or, through the purchase of prepaid tickets from the Finance Department. Those purchasing advance payment tickets shall be entitled to a discount of ten percent (10%) on the landfill rates stated below:

LANDFILL RATES

Automobile (city resident)	No charge
Small Trailer (two wheels)	\$ 6.00
Pickup Truck and Vans	\$ 6.00
2 Axle Flatbed Truck	\$10.00
Large Trailer	\$10.00
2 Axle Dump Truck	\$16.00
2 Axle Packer	\$20.00
3 Axle Dump Truck	\$30.00
3 Axle Packer	\$30.00
Large Roll-off Box	\$30.00

SECTION 2. No other portion of Ordinance 82-9 shall be affected by this amendment.

SECTION 3. EFFECTIVE DATE. This Ordinance shall take effect on the date of publication.

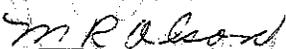
PASSED AND ADOPTED this 29th day of July, 1982.

PARK CITY MUNICIPAL CORPORATION



Mayor John C. Green, Jr.

Attest:



M. R. Olson
City Recorder

7/27/82(3)

Approved as to form by
City Attorney 2 

ORDINANCE

Ordinance No. 82-9(1)

AN ORDINANCE AMENDING ORDINANCE NO. 82-9
TO ELIMINATE CITY COUNCIL REGULATION OF
COMMERCIAL REFUSE COLLECTION RATES

WHEREAS, Ordinance No. 82-9 sets maximum rates for commercial garbage collection, and

WHEREAS, the nature of refuse from commercial properties varies considerably in bulk, weight, and material so that a standard rate is not always appropriate, and may not reflect seasonal variations, and

WHEREAS, the City Council finds that the commercial refuse collection rates are better set by contract between the collection company and its customers and by competitive pricing,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL of Park City that:

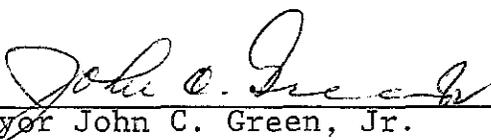
1. AMENDMENT: Section 3, "Commercial Service" of Ordinance No. 82-9 is hereby repealed in its entirety.

Section 13, "Franchise Operator" of Ordinance No. 82-9 is hereby amended to replace the last sentence of that Section with the following:

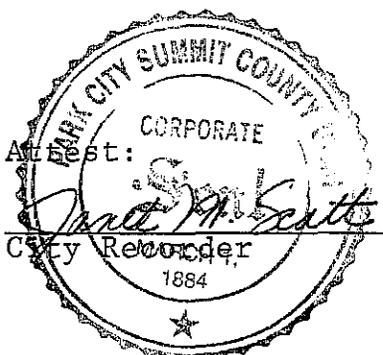
"If refuse collection is provided by an operator other than the city, that operator shall assume responsibility for setting rates for commercial service and billing commercial accounts. If commercial service is provided by a city franchised operator having exclusive collection rights within the city, the rates charged shall be set by the City Council."

2. EFFECTIVE DATE. This Ordinance shall take effect upon publication.

PARK CITY MUNICIPAL CORPORATION



Mayor John C. Green, Jr.



10/5/82(1)

AN ORDINANCE SETTING FEES
FOR REFUSE AND LANDFILL USE

Ordinance No. 82-9

WHEREAS, the city requires all property owners and occupants to keep those properties free of refuse, and

WHEREAS, the city has provided residents with a landfill for the disposition of refuse, and

WHEREAS, the costs of collection and disposition of refuse should be equitably borne by those using the service,

NOW, THEREFORE BE IT ORDAINED by the City Council that:

1. DISPOSAL REQUIRED: Every owner or occupant of any structure, lot, or property within Park City shall have the obligation to keep those premises free from refuse (which shall include garbage, trash, and debris) at all times. To facilitate prompt removal of refuse, the city has established a refuse collection system, and the city residents shall, through the city collection system or by themselves, remove accumulations of refuse from their property.

2. RESIDENTIAL SERVICE: The city's collection system will make a weekly pick-up of refuse from residences in the city. The schedule of pick-up will divide the city into zones, so that each zone has a regular pick-up day. Changes in the pick-up schedule may be made from time to time as necessary, provided that reasonable notice must be given to affected residents. Notice of any change may be included in monthly billings or be published in local papers. The rate to be charged for residential refuse service shall be \$4.00 per month per dwelling unit, and shall be billed by the city as a part of the monthly billing for water and other municipal services. If the bill is not paid, the city may terminate any municipal services charged on that bill, including water service. The City Manager is authorized to waive the residential refuse collection fee for senior citizens or indigent persons in cases where the fee causes a hardship. Citizens requesting a waiver of this fee shall make application to the City Manager.

3. COMMERCIAL SERVICE: Owners or operators of businesses or other commercial buildings, and occupants of multi-family dwellings

containing four or more units, must either contract for refuse collection service with the city refuse collection system, or provide refuse collection service by themselves. Rates for commercial refuse collection are as follows:

COMMERCIAL COLLECTION RATES

Container Size	Frequency of Collection (Days per Week)						
	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>	<u>6</u>	<u>7</u>
1 Yd.	\$27	\$43	\$59	\$ 75	\$ 91	\$107	\$118
3 Yd.	27	43	59	75	91	107	118
6 Yd.	39	58	77	96	115	134	153
8 Yd.	45	65	85	105	125	145	165

Commercial service will be provided only from approved containers. For purposes of refuse collection, any structure which is not a dwelling, or which uses a dumpster is deemed commercial and shall be charged the commercial rate. Several businesses may share a dumpster so long as billing responsibility is clear. Businesses which produce small quantities of refuse may use cans or other acceptable containers and receive weekly pick-up. The rate for commercial can service is \$8.00 per month. All packing crates, boxes and containers must be crused and contained to prevent refuse from blowing.

4. CONTAINERS: All refuse must be kept in closed, fly tight containers. Metal cans with side handles and tight-fitting lids, not exceeding 32 gallon capacity or heavy duty plastic bags are preferred containers. Plastic cans are acceptable, but the city and the franchise shall have no liability for damage to plastic containers which become brittle due to extreme cold. Cardboard boxes and paper bags are not acceptable containers. Containers must be placed on or near the curb for collection, and the property owner is responsible for keeping the containers reasonably free of snow and ice, and removing the emptied container from the street.

5. SEPARATE CONTAINER FOR ASHES: A separate metal container must be provided for ash disposal, and ashes shall not be mixed with other types of refuse which may be flammable.

6. MATERIALS COLLECTED: The city shall collect only ordinary household and business refuse. No building materials, tree limbs, concrete, fill material, furniture, appliances, or other objects too

large to fit within approved containers will be collected, nor will animal wastes or by-products be collected.

7. REMOVAL OF UNLAWFUL ACCUMULATIONS BY CITY/LIEN FOR COST OF REMOVAL: In the event that the owner or occupant of premises in the city shall permit refuse to accumulate on the property and fail or refuse to deposit such refuse in suitable containers in accordance with the provisions of this ordinance, or fail to place the containers at or near the street or alley adjacent to the premises in a position convenient for loading, the city may cause the refuse to be removed. In such case the entire expense of the collection and removal thereof shall be charged against such premises and against the owner or occupant thereof in addition to the regular charge for collection and disposal of refuse, and shall constitute a lien against the real property from which the refuse was removed.

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

9. HAULING OF REFUSE TO BE IN CLOSED CONTAINER OR COVERED VEHICLE: All refuse hauled or conveyed within the city limits or through the city, shall be hauled in a closed container, or if being hauled or conveyed in a vehicle, shall be so covered or closed in so that the contents cannot fall or be blown from such vehicle. It is unlawful for any person hauling or conveying refuse within the city limits or through the city to allow any refuse to fall or be blown from the container or vehicle used for such hauling or conveying. The landfill manager shall deny entry to any vehicle hauling uncovered refuse.

10. LANDFILL: The city shall operate a landfill and make it available to the general public for the disposition of trash and garbage, construction and demolition of waste, and other refuse. The following materials may not lawfully be disposed of at the landfill:

- (a) Junk automobiles, trucks, or farm machinery;
- (b) explosives;
- (c) chemical wastes, oils, solvents, and;

(d) other materials which may cause pollution of water or create serious health hazards.

11. PAYMENT OF LANDFILL FEES: Landfill fees shall be paid at the time of entrance to the landfill with each load, or through the purchase of pre-paid tickets from the Finance Department. Those purchasing advance payment tickets shall be entitled to a discount of 10% on the landfill rates stated below. Landfill rates are as follows:

LANDFILL RATES

Automobile (Park City resident)	No Charge
Small trailer	\$ 3.00
Pick-up truck	3.00
2 Axle flat-bed truck	5.00
Large trailer	5.00
2 Axle dump truck	8.00
2 Axle packer	10.00
3 Axle dump truck	12.00
3 Axle packer	15.00
Large roll-off boxes	15.00

12. LANDFILL FOR USE OF CITY RESIDENTS AND PROPERTY OWNERS ONLY:

The landfill is operated for the use and benefit of residents and owners of property within the city limits. The landfill attendant shall deny admission to any vehicle carrying refuse which he has reason to believe originated from outside the city. The landfill attendant may require the operator of such vehicles carrying refuse which he or she has reason to believe originated outside of the city to provide some evidence that the refuse originated within the city.

13. FRANCHISED OPERATION: The city may provide refuse collection service either as a part of the Department of Public Works by contract with one or more independent contractor(s), or by creation of a franchise operation with a single operator. If refuse collection is provided by an operator other than the city, that operator shall assume billing responsibility for commercial collection service, provided that the rates for commercial service shall be set by the City Council.

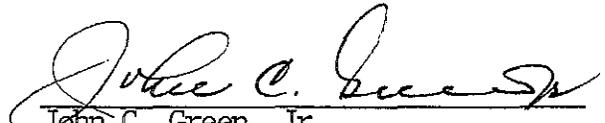
14. PENALTY FOR VIOLATION: The commission of any act which is prohibited or the omission of any act required by this ordinance is a Class B misdemeanor, punishable by a fine up to \$299.00. Unauthorized dumping of refuse, or dumping without payment is deemed theft of services, punishable under state law.

15. REPEALER: This ordinance supercedes and repeals the provisions of Chapter 10, Garbage and Trash, of the Revised Ordinances of Park City, Utah, 1976.

16. EFFECTIVE DATE: This ordinance shall take effect upon publication.

ADOPTED this 18th day of March, 1982.

PARK CITY MUNICIPAL CORPORATION



John C. Green, Jr.
Mayor

Attest:

M R Olson
City Recorder

3/18/82(4)

ORDINANCE

Ordinance No. 82-10(3)

AN ORDINANCE AMENDING SECTIONS 1.01,
1.05, 1.10, 1.16 and 17.03
OF THE BUSINESS LICENSE ORDINANCE TO
CLARIFY STANDARDS FOR THE ISSUANCE OF
BUSINESS LICENSES FOR RESIDENTIAL RENTALS
IN ALL ZONES

WHEREAS, the Council finds that the community interest is best served by preserving a large number and large variety of transient lodging accommodations, and

WHEREAS, the City Council desires to designate a mechanism for minimizing conflicts between permanent residents and transient lodging uses; and

WHEREAS, the City Council desires to promote and protect the health, safety and welfare of the residents of Park City,

NOW THEREFORE, be it ordained by the City Council of Park City, Utah that Sections 1.01, 1.05, 1.10, 1.16, and 17.03 of the Business License Ordinance, Ordinance 82-10 be amended as follows:

SECTION I. DEFINITIONS:

Section 1.01 - Bedroom. "Bedroom" means each room in a hotel, motel, lodge, timeshare project, condominium project single family residence or other nightly lodging facility that is intended primarily for the temporary use of transient guests for sleeping purposes.

Section 1.05 - Engaging in Business. "Engaging in business" includes but is not limited to, the sale or rental of tangible personal or real property at retail or wholesale, the manufacturing of goods or property and the rendering of personal services for others for a consideration by persons engaged in any profession, trade, craft, business, occupation, or other calling, except the rendering of personal services by an employee to his employer under any contract of personal employment.

Section 1.10 - Nightly Lodging Facility - "Nightly lodging facility - means any place where or any portion is rented or otherwise made available to persons for transient lodging purposes for a period less than thirty (30) days including, without limitation, a hotel, motel, lodge, condominium project, single family residence, or timeshare project.

Section 1.16 - Unit. "Unit" means any separately rented portion of a hotel, motel, condominium, apartment

building, single family residence, duplex, triplex, or other residential dwelling without limitation.

SECTION II. BUSINESS LICENSE ACCOUNTS

Section 17.03 Transient Lodging/Property Management/Property Maintenance.

Account Code
For Return

- (a) Nightly lodging facilities:
Fifteen dollars (\$15.00) per bedroom
on January 1 of each year. X1
- (b) Timeshare operators/property management association:
Fifteen dollars (\$15.00) per bedroom
on January 1 of each year. X2
- (c) Hotel, motel, inn, bed and breakfast:
Fifteen dollars (\$15.00) per bedroom
on January 1 of each year. X3
- (d) Monthly or long-term rental agency, under management:
Fifteen dollars (\$15.00) per dwelling unit or office
suite managed as of January 1 of each year, provided
that no license is required for the rental on terms of
thirty (30) days or longer by the owner without the use
of a rental agency or management service.
- (e) The location, including street address of each unit,
dwelling managed by a property management company,
timeshare operator, owner, realtor, lawyer or other
responsible party, on January 1 shall be included on
the license application or renewal application. It is
the duty of the licensee to obtain the license whenever
the particular unit offered for rental changes. The
license must be obtained prior to offering any unit for
rental which is not licensed.

SECTION III. LICENSE ISSUANCE.

(a) License issuance. The business license for rental of units under 17.03(a)(b)(c) will be issued by the City upon payment of necessary fees and upon a finding by the staff that the standards established by Ordinance 82-10 as amended have been satisfied.

(b) Licensee. The licensee for rentals under Section 17.03 (a)(b) or (c) shall be both the local representative and the owner. The local representative shall be deemed the responsible party.

SECTION IV. REVIEW CRITERIA.

(I) Review Criteria. In determining whether or not a business license for rentals authorized under Section 17.03(a)(b)(c) shall be issued, the application shall be reviewed to see if in addition to standards and conditions applicable to issuance of all business licenses the following conditions and standards are met:

1. The unit is located within a zone and subzone designated as allowing rentals for the period which the license is applied for.
2. The Park City Building Department has reviewed the business license application for compliance with the Code for Abatement of Dangerous Buildings. Inspection of the unit may be required under Section 7. The applicant shall bear the cost of any such inspection and any reinspection which may be required. The cost shall be determined by the prevailing hourly rate of the Park City Building Department.
3. The access to the rental unit and the layout of the unit is such that noise and physical trespass from the proposed rental unit is not likely to be a substantial intrusion to the adjoining properties. If the proposed rental is a single family home or duplex and shares an access, hallway, common wall, or driveway with another dwelling, written consent of the owner of the other dwelling is required.
4. The applicant must designate a responsible party. The responsible party must be a property management company, realtor, lawyer, owner, or other individual who resides within Summit County, or in the case of a company has offices in Summit County. The responsible party is personally liable for the failure to properly manage the rental. The responsible party is also designated as the agent for receiving all official communications under this ordinance from Park City. If the licensee is a property management company or individual other than the owner, such a company or individual must comply with applicable state law, including UCA 61-2-2, 1953 as amended which requires those who receive valuable consideration to lease property, have a state license.
5. The application must bear a sales tax collection and accounting number for the rental operation. This number may be the sales tax account number used by a property management company responsible for that unit, or may be specific to this unit, but no license shall be effective until a sales tax number is provided.

SECTION V. (J) MANAGEMENT STANDARDS. The lodging authorized under Sections 17.03(a)(b)(c) must be properly managed. As a condition to holding a valid license, the licensee agrees to provide adequate property management services. The minimum services required include:

1. Snow removal during winter months to a level that allows safe access to the building over the normal pedestrian access to the unit,

2. Snow removal service to off-street parking facilities associated with the rental property so that off-street parking is at all times available for use of the occupants,
3. Summer yard maintenance, including landscaping, weed control, and irrigation to a level that is consistent with the level of landscaping and maintenance on adjoining and nearby properties,
4. Structural maintenance to preserve substantial code compliance as described above is required.
5. Routine up-keep, including painting and repair to a level that is consistent with the level of maintenance on adjoining or nearby properties,
6. Trash collection which insures that trash cans are not left at the curb for any period in excess of twenty-four hours and the property must be kept free from accumulated garbage and refuse.
7. Posting a copy of the business license issued by the City. For those rentals authorized under Section 17.03(a)(b)(c) , which do not have on site 24 hour management, this license or a photostatic copy thereof, shall be posted on each licensed unit within five (5) feet of the front door. The license shall contain the name, 24 hour telephone number, and address of the responsible party and shall be adequately protected from the weather.

SECTION VI. (K) NOISE AND OCCUPANCY CONTROL. The licensee and the owner of rentals under Section 17.03(a)(b)(c) are responsible for regulating the occupancy of the unit and noise created by the occupants of the unit. Unreasonable noise levels, or unreasonable occupancy loads, failure to use designated off-street parking, toleration of illegal conduct or other abuses which rise to the level of public or private nuisance is a violation of the license and considered grounds for revocation under Section 14. Failure to collect and deposit sales tax is also a violation of the license and grounds for revocation under Section 14.

SECTION VII. Yard maintenance vehicles:
 Ten dollars (\$10.00) per vehicle. X4

SECTION VIII. Snow removal companies:
 Ten dollars (\$10.00) per vehicle. X5

SECTION IX. Combined snow removal and yard maintenance company:
 Twenty dollars (\$20.00) per vehicle. X6

SECTION X. Cleaning companies/maid services not a part of full service hotel or property management company:
 Twenty-five dollars (\$25.00), plus five dollars (\$5.00) per employee as of January 1 of each licensing year. X7

SECTION XI. Housekeeping service as a part of hotel or property management company: included in property management license.

SECTION XII. EFFECTIVE DATE. This amendment shall take effect immediately upon its publication.

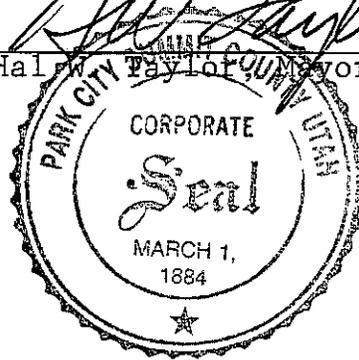
PASSED AND ADOPTED this 20 day of November, 1986.

PARK CITY MUNICIPAL CORPORATION

By *Hal Taylor*
Hal Taylor Mayor

Attest:

Sandra C. King
City Recorder



ORDINANCE

Ordinance No. 82-10(2)

AN ORDINANCE ESTABLISHING A BUSINESS
REVENUE LICENSE

- SECTION 1. DEFINITIONS
- SECTION 2. UNLAWFUL TO OPERATE WITHOUT LICENSE
- SECTION 3. LICENSE APPLICATION
- SECTION 4. APPLICATION FEE
- SECTION 5. REFUND OF FEE AND TAX
- SECTION 6. INVESTIGATION
- SECTION 7. INFRACTIONS FOR CODE COMPLIANCE/NOTICE OF
INFRACTION/LICENSE REVOCATION/COMPLAINTS
- SECTION 8. LICENSE DENIAL
- SECTION 9. LICENSE ISSUANCE OR DENIAL
- SECTION 10. APPEALS OF LICENSE DENIAL
- SECTION 11. ISSUANCE OF LICENSE CERTIFICATE
- SECTION 12. LICENSE PERIOD
- SECTION 13. DUTY TO DISPLAY LICENSE
- SECTION 14. REVOCATION
- SECTION 15. BRANCH ESTABLISHMENTS
- SECTION 16. JOINT LICENSE
- SECTION 17. REVENUE TAX IMPOSED
 - Section 17.01 Vending Machines/Mechanical Devices
 - Section 17.02 Contractors and Builders
 - Section 17.03 Transient Lodging/Property Management
 - Section 17.04 Retail Stores and Related Services
 - Section 17.05 Restaurants, Food Service, Taverns, Etc.
 - Section 17.06 Clothing Store
 - Section 17.07 Furniture, Home, and Office Furnishings
 - Section 17.08 Building Material, Hardware, Lumber
 - Section 17.09 Automotive Service
 - Section 17.10 Personal Services
 - Section 17.11 Professional Services
 - Section 17.12 Financial Service Offices
 - Section 17.13 Transportation Service, Passenger
and Freight, Service and Delivery Trucks
 - Section 17.14 Entertainment and Recreation Facilities
 - Section 17.15 Miscellaneous
 - Section 17.16 Special Assessment by Director
 - Section 17.17 Minimum Fee
- SECTION 18. REVENUE MEASURE
- SECTION 19. EXCEPTIONS TO BUSINESS REVENUE LICENSE TAX
- SECTION 20. LICENSE FEES DECLARED TO BE A DEBT
- SECTION 21. FEE AND TAX PAYMENTS, PRORATIONS AND PENALTY
- SECTION 22. RENEWAL BILLING PROCEDURE
- SECTION 23. RENEWAL OF LICENSE CERTIFICATE
- SECTION 24. RECORDS TO BE MAINTAINED
- SECTION 25. REVENUE TAX ADJUSTMENT TO AVOID BURDENING
INTERSTATE COMMERCE
- SECTION 26. CRIMINAL PENALTY
- SECTION 27. REPEALER CLAUSE

SECTION 28. SEPARABILITY CLAUSE

SECTION 29. EFFECTIVE DATE

BE IT ORDAINED by the City Council of Park City, Summit County, State of Utah, that:

SECTION 1. DEFINITIONS. For the purpose of this ordinance, the following terms shall have the meanings herein prescribed:

Section 1.01 Bedroom. "Bedroom" means each room in a hotel, motel, lodge, timeshare project, condominium project, or other nightly lodging facility that is intended primarily for the temporary use of transient guests for sleeping purposes.

Section 1.02 Business. "Business" means and includes all activities engaged in within the corporate limits of Park City carried on for the purpose of gain or economic profit, except that the acts of employees rendering service to employers shall not be included in the term business unless otherwise specifically prescribed.

Section 1.03 Director. "Director" means the Finance Director of Park City.

Section 1.04 Division. "Division" means the Park City Business Licensing Division.

Section 1.05 Engaging in Business. "Engaging in business" includes but is not limited to, the sale or rental of tangible personal property at retail or wholesale, the manufacturing of goods or property and the rendering of personal services for others for a consideration by persons engaged in any profession, trade, craft, business, occupation, or other calling, except the rendering of personal services by an employee to his employer under any contract of personal employment.

Section 1.06 Hourly Uphill Lift Capacity. "Hourly uphill lift capacity" means the aggregate number of persons that can be accommodated per hour by all of the ski lifts in a given ski resort operating at the maximum safe rate of operation.

Section 1.07 Hourly User Capacity. "Hourly user capacity" means the maximum number of persons that can be safely and reasonably accommodated per hour by an amusement park, golf course, athletic club, theatre, bowling alley, tennis club, racquetball club, swimming pool, and any other recreational, sports, or entertainment facility.

Section 1.08 Mobile Food Vendor. "Mobile food vendor" means any motor vehicle from which consumable

on-site food service is offered. Mobile food vendors are restricted to serving construction sites.

Section 1.09 Monthly Rental Facility - Under Management. "Monthly rental facility - under management" means any place where rooms or units are rented or otherwise made available by a manager or management company for residential purposes on a monthly or longer time basis, but not including monthly or longer rental by the owner of the property without management.

Section 1.10 Nightly Lodging Facility - Under Management. "Nightly lodging facility - under management" means any place where rooms are rented or otherwise made available by a manager or management company to persons for transient lodging purposes on a daily, weekly, or bi-weekly basis; including, without limitation, a hotel, motel, lodge, condominium project or timeshare project.

Section 1.11 Non-Profit Corporation. "Non-profit corporation" means a corporation, no part of the income of which is distributable to its members, trustees or officers, or a non-profit cooperative association.

Section 1.12 Person. "Person" means any individual receiver, assignee, trustee in bankruptcy, trust, estate, firm, partnership, joint venture, club, company, business trust, corporation, association, society or other group of individuals acting as a unit, whether mutual, cooperative, fraternal, non-profit, or otherwise.

Section 1.13 Place of Business. "Place of business" means each separate location maintained or operated by the licensee within Park City from which business activity is conducted or transacted.

Section 1.14 Ski Resort. "Ski resort" means a ski area, such as the Park City or Deer Valley Ski Areas, which is operated as a distinct and separate enterprise, and which shall be deemed to include, without limitation, the ski runs, ski lifts, and related facilities that are part of the ski area and primarily service the patrons of the ski area. The ski resort includes ski instruction, tours, first aid stations, parking garages, management and maintenance facilities, and workshops, but does not include food service, ski rentals, or retail sales of goods or merchandise, which are all deemed separate businesses even if owned by a resort operator.

Section 1.15 Square Footage. "Square footage" means the aggregate number of square feet of area within a place of business that is used by a licensee in engaging in its business.

Section 1.16 Unit. "Unit" means a separate physical part of the monthly rental facility intended for residential use, including one or more rooms or spaces located in one or more floors (or part or parts of floors) in a building.

SECTION 2. UNLAWFUL TO OPERATE WITHOUT LICENSE. Unless exempted by state or federal law or by this ordinance, it shall be unlawful for any person to engage in business within Park City, whether on a temporary or permanent basis, without first procuring the license required by this ordinance. All licenses issued under the provisions of this ordinance are non-transferrable. Any person engaging in business on a temporary basis within Park City shall be required to obtain the license required by this ordinance in the same manner and shall be subject to the same fees as a person engaging in business on a permanent basis within Park City.

SECTION 3. LICENSE APPLICATION. Applications for business licenses shall be made in writing to the Director. Each application shall state the name of the applicant, the location of the business, if any, the fee and tax to be paid, the name and address of the business agent residing in Park City who is authorized to receive service of process and any communication regarding applicant's license, state sales tax reporting number, state contractor's license number, if applicable, and shall contain such additional information as may be needed for the purpose of guidance of the Director in issuing the license. Any change in the above information furnished by applicant shall be forwarded in writing, within ten (10) days of the change, to the Director. License application forms shall be prepared and kept on file by the Director.

SECTION 4. APPLICATION FEE. Each license application shall be accompanied by the revenue license tax required to be paid for the issuance of the license desired.

SECTION 5. REFUND OF FEE AND TAX. Unless otherwise provided herein, no revenue license tax is refundable for any reason whatsoever, once the license has been issued by the City, except when the license was issued in error. If a license is denied, applicant shall be entitled to a refund of the amount paid in excess of twenty-five dollars (\$25.00). The sum of twenty-five dollars (\$25.00) shall be retained to offset application processing costs.

SECTION 6. INVESTIGATION. Within five (5) days after receipt by the Director of a license application, the Director has the discretion to refer the application for investigation to the Police Department.

SECTION 7. INSPECTIONS FOR CODE COMPLIANCE/NOTICE OF INFRACTION/LICENSE REVOCATION/COMPLAINTS.

- (a) Prior to the issuance of a license to engage in a new business not previously licensed at that location, the applicant may be required to permit inspections to be made of the prospective place of business of the applicant by the appropriate departments of the City or other governmental agency to ensure compliance with building, fire, and health codes. No license shall be granted unless any required inspections reveal that the prospective place of business is in substantial compliance with the building, fire, and health codes.
- (b) Existing places of business licensed within the City may be inspected periodically by departments of the City for compliance with building, fire, and health codes. Written notice shall be given by the Director to a licensee upon the finding of any code infractions, which notice shall provide for a reasonable period not to exceed sixty (60) days in which to correct such infractions, the failure of which shall result in the revocation of the license by the Director.
- (c) The Director may request the City Attorney to file a complaint against any applicant or any licensee who continues to conduct business beyond the time limits provided in this section for non-compliance with the required standards.

SECTION 8. LICENSE DENIAL. The Director may deny a license if the applicant:

- (a) Has been convicted of a fraud or felony by any state or federal court within the past five (5) years or now has criminal proceedings pending against him in any state or federal court for fraud or a felony;
- (b) Has obtained a license by fraud or deceit;
- (c) Has failed to pay personal property taxes or other required taxes or fees imposed by the City; or
- (d) Has violated the laws of the State of Utah, the United States Government, or the ordinances of Park City governing operation of the business for which the applicant is applying for the license.

SECTION 9. LICENSE ISSUANCE OR DENIAL. Within ten (10) days of receipt by the Director of a license application, applicant shall be either (1) notified by the Director of the denial of a license and the reasons for such denial; or (2) issued a license.

SECTION 10. APPEALS OF LICENSE DENIAL. A license denial by the Director may be appealed within ten (10) days to the Park City Council by written notice of appeal. The request is to be filed with the Recorder. The Park City Council shall hear the appeal within thirty (30) days of notice of appeal.

SECTION 11. ISSUANCE OF LICENSE CERTIFICATE. All license certificates shall be signed by the Mayor, attested by the City Recorder under the seal of the City (signature may be placed mechanically), and contain the following information:

- (a) The name of the person to whom such certificate has been issued;
- (b) The name of the business, if applicable;
- (c) The type of license; and
- (d) The term of the license with commencement and expiration dates.

SECTION 12. LICENSE PERIOD. The license certificate shall be valid through December 31 of the year of issuance unless revoked under Section 14 of this ordinance.

SECTION 13. DUTY TO DISPLAY LICENSE. Every licensee licensed pursuant to the provisions of this chapter shall keep his license displayed and exhibited while the same is in force in some conspicuous part of the place of business. Every licensee not having a fixed place of business shall carry such license with him at all times while carrying on the business for which the license is issued and shall produce the license for inspection when requested to do so by any person.

SECTION 14. REVOCATION. Any license issued under this ordinance may be revoked by the City Council when the Council finds that the licensee has (1) failed to pay license fees, (2) filed false or fraudulent license tax returns, (3) been convicted or plead guilty to, or paid fines or settlements in criminal or civil actions by the State Tax Commission for the collection of, or arising from the non-payment of taxes imposed by or collected by the State of Utah, (4) the business is a front for, or the site of illegal activity, (5) the business has been the subject of sufficient number of consumer complaints that it has the effect of tarnishing the reputation of other businesses within Park City. Notification of the license revocation hearing shall be sent by the City Recorder to the licensee at the address shown on the license return and license certificate. Notice of a hearing shall be sent by certified

mail. The hearing shall be held at least ten (10) days from the date of notice, but not more than thirty (30) days. At the hearing, the Council may revoke or suspend the license, place it on probation for a period of less than one year, or take no action at all, as the circumstances merit.

SECTION 15. BRANCH ESTABLISHMENTS. A separate license must be obtained for each branch establishment or location in which business is engaged in, within the City, as if such branch establishment or location were a separate business, and each license shall authorize the licensee to engage only in the business licensed thereby at the location or in the manner designated in such license, provided, that warehouses and distributing places used in connection with or incident to a business licensed under this ordinance shall not be deemed to be separate places of business or branch establishments.

SECTION 16. JOINT LICENSE. Whenever any person is engaged in two or more businesses at the same location within the City, such person shall be required to obtain separate licenses for conducting each of such businesses. The license tax to be paid shall be computed as if all of said businesses were separate businesses being conducted at such location. Where two or more persons conduct separate businesses at the same location, each such person shall obtain a license for such business and pay the required license tax for such business.

SECTION 17. REVENUE TAX IMPOSED. There is hereby imposed and levied, an annual business license revenue tax on the types of businesses and in the amounts described below. The rate of tax, if not otherwise stated, shall be the product achieved by multiplying the square footage of the place of business by the rate stated.

Section 17.01 Vending Machines/Mechanical Devices

	<u>Per Machine</u>	<u>Account Code For Return</u>
(a) Candy, food, or snack vending machine	\$15.00	Z1
(b) Beverage vending machine	15.00	Z2
(c) Cigarette or other tobacco products vending machine	25.00	Z3
(d) Electronic video games, pinball, billard tables, or other amusement devices	50.00	Z4

- (e) Coin or token operated laundry in a laundromat licensed under Section 17.10 (this exemption does not include beverage, candy, or other non-laundry service machines on the premises, but does include machines selling detergent or laundry products Exempt
- (f) Coin or token operated laundry equipment not in a laundromat, licensed under Section 17.10 10.00 Z5
- (g) Newspaper vending machine Exempt
- (h) Coin operated toilet stalls Exempt
- (i) License Required, Machines Defined. It shall be unlawful to install or permit to be installed, any kind of mechanical device operated by coin, token, or currency, which sells goods, merchandise, food, beverages, candy, or entertainment services without first having paid the applicable tax on that mechanical device. Further, it shall be unlawful for any person to permit an untaxed machine to be placed on his premises or within his place of business any such mechanical device on which the tax has not been paid. The license for such a mechanical device, and the receipt showing payment of the license fee, shall take the form of a sticker to be placed in a visible location on the machine or device. The placement of a current sticker shall be prima facie evidence of payment of the license fees as far as the owner of the premises in which the machine is installed is concerned, and the owner of such premises or place of business shall be entitled to rely on the display of a current sticker as proof that the machine has been properly licensed. It is the duty of the owner of the machine to pay the tax, place the license sticker on the machine, and see that it is continuously displayed.
- (j) License Displayed on Machine. License certificate stickers on vending machines and electronic game machines shall be marked with the description of the machine, and designed so that the license sticker is not removable without destroying the sticker. There shall be a sticker on each machine. In the event a machine is replaced by another machine of a similar nature, the sticker on the machine to be replaced may be surrendered to the Division, and a new sticker

issued for the replacement machine without additional charge.

- (k) Removal of Machines in Violation. Machines installed without the owner thereof first having paid the applicable tax thereon and applied the license sticker thereto are subject to seizure for conducting business unlawfully. Machines that have been seized for failure to pay the tax shall be returned to the owner thereof after proper identification and posting of a deposit of not less than two hundred dollars (\$200.00), which, upon conviction of operating of an unlicensed machine, shall be credited against the fine imposed, if any, and the balance, if any, refunded to the owner of the machine.

Section 17.02 Contractors and Builders.

- (a) Contractors shall be charged license fees on the basis of their state authorized bid limits, as published by the Division of Contractors, Utah Department of Business Regulations. The license fees, for general and subcontractors, or specialty contractors are as follows:

	<u>Bid Limits</u>	<u>License Fee</u>	<u>Account Code For Return</u>
	Under \$ 50,000	\$ 25	Y1
\$ 50,001 to	250,000	50	Y2
250,001 to	750,000	100	Y3
750,001 to	2,000,000	200	Y4
Over	2,000,000	500	Y5

Contractors licenses are issued on an annual basis, and the contractor is presumed to be in business in Park City for the entire year, or balance of the year, in which the licensed contractor withdraws from business in Park City before the expiration of the license. A proration will be made when the contractor commences business in Park City after the first of the calendar year. No contractor shall be issued a business license unless he first provides the City with the number of his license issued by the State Department of Business Regulation, and the stated bid limits. The City business license is based on the bid limits on the State license, and not on the size of the contract being performed in Park City.

- (b) Contractors engaged in excavating, hauling, or concrete delivery are also assessed on the size and number of trucks under Section 17.13.

Section 17.03 Transient Lodging/Property Management/Property Maintenance.

Account Code
For Return

- (a) Nightly lodging facilities under management:
Fifteen dollars (\$15.00) per bedroom under
management on January 1 of each year. X1
- (b) Timeshare operators/property management association:
Fifteen dollars (\$15.00) per bedroom
under management on January 1 of each year. X2
- (c) Hotel, motel, inn, bed and breakfast:
Fifteen dollars (\$15.00) per bedroom
under management on January 1 of each year. X3
- (d) Monthly or long-term rental agency, under management:
Fifteen dollars (\$15.00) per dwelling unit or office
suite managed as of January 1 of each year, provided
that no license is required for the rental on terms of
thirty (30) days or longer by the owner without the use
of a rental agency or management service.
- (e) The location, including street address of each unit
managed by a property management company or timeshare
operator on January 1 shall be included on the license
application or renewal application so the City has a
means of accounting for the total number of units under
management and available for nightly rental or
transient lodging purposes. A supplemental list for
nightly rental management companies shall be provided
by May 1 of each year, showing additional units added
between January 1 and April 1 of that year. It is the
duty of the licensee holder to update the license
information whenever the number of units managed has
increased by more than ten percent (10%) over the
January 1 report.
- (f) Yard maintenance vehicles:
Ten dollars (\$10.00) per vehicle. X4
- (g) Snow removal companies:
Ten dollars (\$10.00) per vehicle. X5
- (h) Combined snow removal and yard maintenance company:
Twenty dollars (\$20.00) per vehicle. X6
- (i) Cleaning companies/maid services not a part of full
service hotel or property management company:
Twenty-five dollars (\$25.00), plus five
dollars (\$5.00) per employee as of
January 1 of each licensing year. X7

- (j) Housekeeping service as a part of hotel or property management company: included in property management license.

Section 17.04 Retail Stores and Related Services.

	<u>Per Square Foot</u>	<u>Account Code For Return</u>
(a) Junior department store	\$.08	A2
(b) Variety store	.08	A3
(c) Discount department store	.08	A4
(d) Showroom/catalog store	.10	A5
(e) Warehouse	.06	A6
(f) Supermarket	.11	B1
(g) Convenience market	.17	B2
(h) Meat, poultry, and fish	.20	B3
(i) Specialty food	.21	B4
(j) Delicatessan	.20	B5
(k) Bakery	.19	B6
(l) Candy and nut	.26	B7
(m) Dairy product	.23	B8
(n) Health food	.17	B9
(o) Super drug	.11	B10
(p) Drug store	.13	B11
(q) Record and tape	.23	E7
(r) Musical instrument	.15	E8
(s) Garden	.18	E9
(t) Sporting goods, sales, and rentals	.22	G1
(u) Hobby	.19	G2
(v) Art gallery	.21	G3

(w) Camera	.19	G4
(x) Toy	.16	G5
(y) Bike shop	.17	G6
(z) Arts and crafts	.17	G7
(aa) Imports	.40	H1
(bb) Luggage and leather	.38	H2
(cc) Card and gift	.18	H3
(dd) Book and stationery	.19	H4
(ee) Costume jewelry	.25	H5
(ff) Jewelry	.20	H6
(gg) Cosmetics	.17	H7
(hh) Yard goods	.16	I1
(ii) Pet shop	.19	I2
(jj) Flower	.19	I3
(kk) Plant store	.20	I4
(ll) Other retail businesses (not listed above)	.18	I5

Section 17.05 Restaurants, Food Service, Taverns,
Etc.

	<u>Per Square Foot</u>	<u>Account Code For Return</u>
(a) Restaurant without liquor, beer, or wine licenses or service	\$.20	C1
(b) Restaurant with beer or liquor set-up license	.20	C2
(c) Wine and cheese store	.18	C3
(d) Cafeteria with liquor or beer	.15	C4
(e) Cafeteria with liquor or beer licenses	.15	C5

(f)	Fast food, carry-out restaurant, drive-up restaurant	.25	C6
(g)	Cocktail lounge, private club with liquor and/or beer licenses	.17	C7
(h)	Doughnut shop	.22	C8
(i)	Ice cream parlor	.21	C9
(j)	Outdoor dining areas connected with any of the above food service establishments (assess only outdoor dining area)	.05	C10
(k)	Catering service: fifty dollars (\$50.00) per year unless part of full service restaurant or part of a restaurant operation, catering is included in that license.		C11
(l)	Mobile vending truck, serving construction sites only are assessed at \$50 per vehicle. The license certificate shall be issued in the manner described in Section 17.13.		C12

Section 17.06 Clothing Stores.

	<u>Per Square Foot</u>	<u>Account Code For Return</u>	
(a)	Lady's specialty	\$.22	D1
(b)	Lady's wear	.18	D2
(c)	Children's wear	.18	D3
(d)	Men's wear	.19	D4
(e)	Family wear	.19	D5
(f)	Unisex/jean shop	.27	D6
(g)	Family shoes	.13	D7
(h)	Lady's shoes	.18	D8

(i) T-shirts, novelty shirts and hats .27 D9

Section 17.07 Furniture, Home, and Office Furnishings.

	<u>Per Square Foot</u>	<u>Account Code For Return</u>
(a) Furniture	\$.13	E1
(b) Floor covering	.16	E2
(c) Curtain and drape	.15	E3
(d) Appliance and hot tub	.15	E4
(e) Radio, T. V., hifi, home or business computer	.17	E5
(f) Sewing machine	.15	E6

Section 17.08 Building Material, Hardware, Lumber.

	<u>Per Square Foot</u>	<u>Account Code For Return</u>
(a) Paint and wallpaper	\$.17	E10
(b) Hardware	.11	E11
(c) Lumber stores are assessed by square foot of space under roof, including retail areas, lumber storage, and shop space, but not uncovered yard space	.10	E12

Section 17.09 Automotive Services.

	<u>Per Square Foot</u>	<u>Account Code For Return</u>
(a) Automotive parts sales	\$.14	F1
(b) Service station, auto repair garage, car wash	.23	F2
(c) Motor vehicle dealer, new and used car sales, (not assessing yard space)	.10	F3

(d)	Car rental: five dollars per car based in Park City for rental purposes as of January 1 of each license year, but not less than fifty dollars (\$50.00) per rental agency		X8
(e)	Tire sales and service	.17	F4
(f)	Other automotive services not listed	.17	F5

Section 17.10 Personal Services.

	<u>Per Square Foot</u>	<u>Account Code For Return</u>	
(a)	Beauty salon	\$.18	J1
(b)	Barber	.17	J2
(c)	Shoe repair	.16	J3
(d)	Cleaner and dyer	.16	J4
(e)	Laundry	.15	J5
(f)	Figure salon	.21	J6
(g)	Photographer	.22	J7
(h)	Formal wear/rental	.20	J8

Section 17.11 Professional Services.

	<u>Per Square Foot</u>	<u>Account Code For Return</u>	
(a)	Real estate sales office, time share sales office located in Park City	\$.23	K1
(b)	Real estate sales, no office located in Park City: five dollars (\$5.00) per listing as of January 1 of each license year, but not less than twenty-five dollars (\$25.00) per year		X9
(c)	Interior decorator/designer	.13	K3

(d)	Travel agency	.22	K4
(e)	Optometrist	.23	K5
(f)	Medical or dental office, including chiropractic office, veterinary clinic	.20	K6
(g)	Legal	.21	K7
(h)	Accounting office	.22	K8
(i)	Architect	.17	K9
(j)	Engineer	.17	K10
(k)	Title abstractor or title company	.17	K11
(l)	Office located in place of residence, including mail drop, deliveries, telephone answering center are assessed at \$50 per year, regardless of size		X10
(m)	All other business offices for professional services not listed above	.17	K12

Section 17.12 Financial Service Offices.

	<u>Per Square Foot</u>	<u>Account Code For Return</u>	
(a)	Bank	\$.18	L1
(b)	Savings and loan	.23	L2
(c)	Finance company, not federally insured	.17	L3
(d)	Stock or commodities brokerage	.17	L4

Section 17.13 Transportation Service, Passenger
and Freight, Service and Delivery Trucks.

	<u>Per Vehicle</u>	<u>Account Code For Return</u>
(a)	Privately owned taxi, transportation, or airport	

- limousine service primarily transporting passengers \$ 15 X11
- (b) Delivery and service vehicles, not owned by business with location in Park City 50 X12
- (c) Delivery and service vehicles with a business location in Park City, on which a license fee is issued on a square footage basis Exempt
- (d) Ready mix concrete trucks, ore hauling trucks, dump trucks, drilling apparatus trucks, cranes, concrete pumping trucks, and other truck-based construction or excavation equipment shall be assessed on the gross vehicle weight of the truck in question, up to a total charge of one thousand dollars (\$1,000) per business engaged in such business. The rate of assessment on gross vehicle weight is as follows:

<u>GVW</u>	<u>Fee</u>	<u>Account Code For Return</u>
Less than 12,000	Exempt, but may be subject to Section 17.13(b)	
12,000 to 30,000	\$ 50	X13
30,001 to 45,000	75	X14
45,001 to 78,000	100	X15
78,001 and Over	150	X16

- (e) Trailers attached to any truck, or attached as a second trailer to a tractor/trailer combination shall be charged twenty-five dollars (\$25.00) per trailer. X17
- (f) Notwithstanding the provisions of the foregoing section 17.13(d) and (e), businesses which operate a fleet of trucks and trailers may purchase a fleet license for all vehicles operated by that business for one thousand dollars (\$1,000) per year, in lieu of individually licensing all vehicles. A license sticker shall be issued for

- each vehicle in the fleet, regardless of number. X18
- (g) Car rental: five dollars (\$5.00) per car based in Park City for rental purposes as of January 1 of each year, but in no event less than fifty dollars (\$50.00) per rental agency. X8
- (h) Garbage and refuse collection services: one hundred dollars (\$100.00) per vehicle over 12,000 g.v.w. X19
- (i) License certificates shall take the form of a sticker to be placed on each licensed vehicle. The Division shall design stickers that are suitable for this use, and non-removable without the sticker being destroyed. Various kinds of stickers may be used to show the term of a license if issued for less than one year. The sticker shall be displayed on all service, freight delivery, passenger service, and taxis at all times. If no sticker is displayed, it is prima facie evidence that no license was issued.
- (j) Trucks used in construction activity are subject to both the fee provisions of this section and also Section 17.02 on bid limits for contractors, except that an unlimited number of trucks, not exceeding 9,000 pounds gross vehicle weight, may be used in the construction activity without any charge applied to the vehicle.

Section 17.14 Entertainment and Recreation Facilities.

	<u>Account Code For Return</u>
(a) Ski resorts are four dollars (\$4.00) multiplied by the hourly uphill user capacity (see Section 1.06)	R1
	<u>Rate Per</u> <u>Account Code</u>
	<u>User Capacity</u> <u>For Return</u>
(b) Movie theaters (see Section 1.07)	.50 R2
(c) Performing arts theaters (see Section 1.07)	.50 R3
(d) Golf courses (see Section 1.07)	.50 R4

- (e) Amusement rides (alpine slide) (see Section 1.07) .50 R5
- (f) Tennis clubs, racquet clubs, pools, and gymnasiums (see Section 1.07) .50 R6

Section 17.15 Miscellaneous.

- | | <u>Account Code
For Return</u> |
|---|------------------------------------|
| (a) Day care facilities: Five cents (\$0.05) per square foot. | S1 |
| (b) Nursing homes, hospitals, birthing centers, and surgical centers: Ten dollars (\$10.00) per bed. | S2 |
| (c) Baby sitting services without fixed location, and having five (5) or more sitters who are employees or are managed by central service: Five dollars (\$5.00) per employee or management contract as of January 1. | S3 |
| (d) Baby sitting services with fewer than five (5) sitters or employees are exempt. | |

Section 17.16 Special Assessment by Director.

Any other business not listed in the foregoing sections shall be assessed at the rate, and on the same basis as the business determined by the Director to be most similar to the business to be licensed. If the applicant and Director are not able to agree on a rate and method of assessment, the application shall be referred to the City Council for license issuance. The rate and method of assessment determined by the Council may be applied on a case by case basis, or, if it appears to be of general application or importance, may take the form of an amendment to the ordinance to cover that license and similar applications in the future.

Section 17.17 Minimum Fee. In no event shall the minimum fee assessed for any business be less than fifteen dollars (\$15.00), regardless of prorations and adjustments.

SECTION 18. REVENUE MEASURE. The revenue license tax provided for in this ordinance is imposed both to raise revenue and for regulatory purposes, but is in addition to, and not a substitute for other regulatory ordinances of Park City. The revenues raised through the revenue tax shall be used primarily to defray the costs incurred by the City in

operating, maintaining, and replacing the City transit system.

SECTION 19. EXCEPTIONS TO BUSINESS REVENUE LICENSE TAX. No business revenue license tax shall be imposed under this ordinance upon the following persons or businesses:

- (a) Any person engaged in business for solely religious, charitable, eleemosynary, or other types of strictly non-profit purposes who is tax exempt in such activities under the laws of the United States and the State of Utah, nor shall any revenue license tax be imposed on any person engaged in a business specifically exempted from municipal taxation and fees by the laws of the United States or the State of Utah; nor shall any revenue license tax be imposed on any non-profit corporation duly incorporated according to the provisions of the Utah Non-Profit Corporation and Cooperative Association Act; nor shall any revenue license tax be imposed upon any person not maintaining a place of business within Park City who has paid a like or similar revenue license tax or fee to some other taxing unit within the State of Utah, and which taxing unit exempts from its license tax or fee, by reciprocal agreement or otherwise, business domiciled in Park City and doing business in such taxing unit;
- (b) Any insurance company or agent, so long as they are exempted by state law;
- (c) Any sales or merchandise damaged by smoke or fire or of bankrupt concerns, where such stocks have been acquired from merchants of Park City theretofor, regularly licensed and engaged in business; provided, however, no such stocks or merchandise shall be augmented by other goods;
- (d) A person, firm, or corporation exhibiting goods for sale concurrent with and as an adjunct to a group display, meeting or convention duly authorized to be held; provided that the convention is duly licensed under other applicable ordinances.
- (e) A person who sells his own property which was not acquired for resale, barter, or exchange and who does conduct such sales or act as a participant by furnishing goods in such a sale more than twice during any calendar year. Each person seeking this exemption shall furnish to the department of licensing, an accurate list with the names, addresses, telephone numbers of all persons contributing items to said sale. Said list shall be filed with the licensing department at least ten (10) days prior to the sale;

- (f) Any person who obtains an exemption from the City Council by petitioning the Council for a waiver of the fees.

SECTION 20. LICENSE FEES DECLARED TO BE A DEBT.

Any license or tax due and unpaid under this ordinance and all penalties thereon shall constitute a debt to Park City and shall be collected by court proceedings in the same manner as any other debt which remedy shall be in addition to all other existing remedies.

SECTION 21. FEE AND TAX PAYMENTS, PRORATIONS, AND PENALTY.

- (a) The annual business revenue license tax provided in this ordinance shall be due and payable to the City on the first day of January of each year. New annual licenses shall be issued for the unexpired portion of the calendar year in which issued unless otherwise specifically provided; and the revenue license tax to be paid therefor shall be paid at the time of application and shall be prorated on the basis of one-twelfth (1/12th) of the total annual tax for each month remaining in such unexpired portion of the calendar year, including the month in which such new license is issued.
- (b) If the business revenue license fee is paid on or before January 15 of the year in which renewal or initial licensing is due, the fees shall be discounted by ten percent (10%). This discount does not apply to fees imposed under the beer and liquor licensing provisions or any other fees which might be imposed by other ordinances.
- (c) If the license fee is not paid on or before January 31 of the year in which the renewal license is due, there shall be a penalty for late payment imposed of twenty-five percent (25%) of the license fee imposed by this ordinance.
- (d) If the license fee has not been paid by February 28 of the year for which the renewal is granted, the business is deemed to be operating unlawfully and is subject to closure and criminal penalties. In addition to the criminal penalties, the amount of the license fee, plus the twenty-five percent (25%) penalty shall bear interest at the annual rate of eighteen percent (18%) per annum until paid.
- (e) If a licensed business enlarges its place of business or increases its capacity for conducting business (i.e., adding square footage, increasing number of vending machines, number of employees, bid limits, or increasing hourly user capacity), an additional revenue

license tax shall be due and payable to the City and shall be prorated on the basis of one-twelfth (1/12th) of the total annual tax on the enlargement or increase for each month remaining in the unexpired portion of the calendar year, including the month in which such increase is accomplished. The additional revenue license tax for adding square footage shall be due and payable on the date the City issues the occupancy permit.

SECTION 22. RENEWAL BILLING PROCEDURE. On or before December 1 of each year, the division shall send a statement to each current licensee within the City, which statement shall be upon forms calling for the computation by the licensee of a revenue license tax for the ensuing year based upon the nature of the business, square footage, bid limits, employees, and other pertinent factors.

SECTION 23. RENEWAL OF LICENSE CERTIFICATE. Upon receipt of the revenue license tax, the division shall issue a license certificate valid through December 31 of that year.

SECTION 24. RECORDS TO BE MAINTAINED. It shall be the duty of every person liable for the payment of any revenue license tax imposed by this ordinance to keep and preserve for a period of three (3) years such books and records as will accurately reflect the factors used in determining the amount of the revenue license tax for which he may be liable under this ordinance.

SECTION 25. REVENUE TAX ADJUSTMENT TO AVOID BURDENING INTERSTATE COMMERCE. The business revenue license tax imposed by this ordinance shall not be applied so as to place an undue burden on interstate commerce. In any case, where the revenue license tax is believed by a licensee or an applicant for a license to place an undue burden upon interstate commerce, such licensee or applicant may apply to the Director for an adjustment of the fee so as to relieve such burden. The licensee or applicant shall, by supporting affidavits, indicate his method of doing business and such other information as the Director may deem necessary in order to determine the extent, if any, of such undue burden. The Director shall then conduct an investigation, comparing the subject business with other businesses of like nature and shall make findings of fact from which he shall determine whether the revenue license tax is discriminatory, unreasonable or unfair as to the licensee or applicant from the standpoint of its impact on interstate commerce and shall recommend to the City Council an appropriate revenue license tax under the circumstances and the City Council shall fix the revenue license tax in such amount. If the regular revenue license tax has already been paid, the City Council shall order a refund of any amount over and above

the amount of the revenue license tax fixed, if any. In fixing the tax to be charged, the Director may use any method which will assure that the tax assessed shall be uniform with that assessed on business of like nature; provided, however, that the amount assessed shall in no event exceed the regular tax prescribed in this ordinance.

SECTION 26. CRIMINAL PENALTY. Any person that willfully violates any provision of this ordinance shall be guilty of a Class "B" misdemeanor. Persons conducting business without a license are subject to arrest.

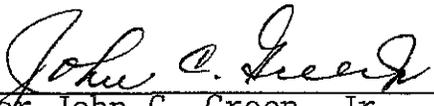
SECTION 27. REPEALER CLAUSE. Park City Ordinance No. 82-10, as amended by Ordinance No. 82-10(1) is hereby amended in its entirety to read as herein provided. This Ordinance is a continuation of the prior ordinance to the extent the provisions are substantially the same, and it shall not invalidate any license issued or any proceeding under the prior ordinance.

SECTION 28. SEPARABILITY CLAUSE. If any subsection, sentence, clause, phrase, or portion of this chapter, including but not limited to any exemption, 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.

SECTION 28. EFFECTIVE DATE. This ordinance shall take effect upon the date of publication of a summary of the ordinance.

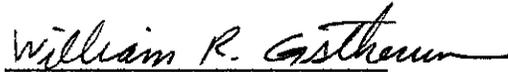
PASSED AND ADOPTED this 17th day of November,
1983.

PARK CITY MUNICIPAL CORPORATION



Mayor John C. Green, Jr.

Attest:



William R. Gatherum

ORDINANCE

Ordinance No. 82-10(1)

AN ORDINANCE AMENDING ORDINANCE 82-10
BUSINESS LICENSE ORDINANCE
TO PROVIDE A FEE FOR THE LICENSING OF BUILDING CONTRACTORS

WHEREAS, the City Council has previously adopted a comprehensive business Business License Ordinance and fee schedule for other businesses in Park City, and

WHEREAS, that Ordinance did not contain a fee for the licensing of building contractors,

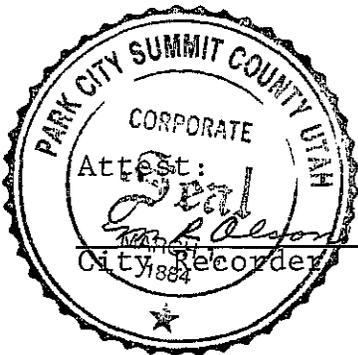
NOW, THEREFORE, BE IT ORDAINED that Section 17.3 of the Business License Ordinance be amended to provide as follows:

General Contractor: \$100
Subcontractor or single trade license: \$50

This amendment shall become effective upon publication.

ADOPTED this 8th day of April, 1982.

PARK CITY MUNICIPAL CORPORATION



John C. Green, Jr.
John C. Green, Jr., Mayor

Ordinance No. 82-10

(As Amended by 82-10(1))

AN ORDINANCE ESTABLISHING A BUSINESS
REVENUE LICENSE

Be it ordained by the City Council of Park City, Summit County, State of Utah,
that:

SECTION 1. Definitions. For the purpose of this ordinance the following terms shall have the meanings herein prescribed:

Section 1.01 Bedroom. "Bedroom" means each room in a hotel, motel, lodge, timeshare project, condominium project or other Nightly Lodging Facility that is intended primarily for the temporary use of transient guests for sleeping purposes.

Section 1.02 Business. "Business" means and includes all activities engaged in within the corporate limits of Park City carried on for the business of gain or economic profit, except that the acts of employees rendering service to employers shall not be included in the term business unless otherwise specifically prescribed.

Section 1.03 Director. "Director" means the Finance Director of Park City.

Section 1.04 Division. "Division" means the Park City Business Licensing Division.

Section 1.05 Engaging in Business. "Engaging in Business" includes but is not limited to, the sale or rental of tangible personal property at retail or wholesale, the manufacturing of goods or property and the rendering of personal services for others for a consideration by persons engaged in any profession, trade, craft, business, occupation or other calling, except the rendering of personal services by an employee to his employer under any contract of personal employment.

Section 1.06 Hourly Uphill Lift Capacity. "Hourly Uphill Lift Capacity" means the aggregate number of persons that can be accommodatd per hour by all of the ski lifts in a given ski resort operating at the maximum safe rate of operation.

Section 1.07 Hourly User Capacity. "Hourly User Capacity" means the maximum number of persons that can be safely and reasonably accommodated per hour by an amusement park, golf course, athletic club, theatre, bowling alley, tennis club, raquetball club, swimming pool and any other recreational, sports or entertainment facility.

Section 1.08 Mobile Food Vendor. "Mobile Food Vendor" means any mobile vehicle from which consumable on site food service is offered.

Section 1.09 Monthly Rental Facility - Under Management. "Monthly Rental Facility - Under Management" means any place where Rooms or Units are rented or otherwise made available by a manager on management company for residential purposes on a monthly basis.

Section 1.10 Nightly Lodging Facility - Under Management. "Nightly Lodging Facility - Under Management" means any place where Rooms are rented or otherwise made available by a manager or management company to persons for transient lodging purposes on a daily, weekly, or bi-weekly basis; including, without limitation, a hotel, motel, lodge, condominium project or timeshare project.

Section 1.11 Nonprofit Corporation. "Nonprofit Corporation" means a corporation, no part of the income of which is distributable to its members, trustees or officers, or a nonprofit co-operative association.

Section 1.12 Person. "Person" means any individual, receiver, assignee, trustee in bankruptcy, trust, estate, firm, partnership, joint venture, club, company, business trust, corporation, association, society or other group of individuals acting as a unit, whether mutual, cooperative, fraternal, nonprofit or otherwise.

Section 1.13 Place of Business. "Place of Business" means each separate location maintained or operated by the licensee within Park City from which business activity is conducted or transacted.

Section 1.14 Ski Resort. "Ski Resort" means a ski area such as the Park City or Deer Valley Ski areas which is operated as a distinct and separate enterprise, and which shall be deemed to include, without limitation, the ski runs, ski lifts and related facilities that are part of the ski area and primarily serve the patrons of the ski area.

Section 1.15 Square Footage. "Square Footage" means the aggregate number of square feet of area within a Place of Business that is used by a Licensee in engaging in its Business.

Section 1.16 Unit. "Unit" means a separate physical part of a Monthly Rental Facility intended for residential use, including one or more rooms or spaces located in one or more floors (or part or parts of floors) in a building.

SECTION 2. Unlawful to Operate Without License. Unless exempted by state or federal law, it shall be unlawful for any person to engage in business within Park City, whether on a temporary or permanent basis, without first procuring the license required by this Ordinance. All licenses issued under the provisions of this Ordinance are nontransferrable. Any person engaging in business

on a temporary basis within Park City shall be required to obtain the license required by this Ordinance in the same manner and shall be subject to the same fees as a person engaging in business on a permanent basis within Park City.

SECTION 3. License Application. Applications for business licenses shall be made in writing to the Director. Each application shall state the name of the applicant, the location of the business, if any, the fee and tax to be paid, the name and address of the business agent residing in Park City who is authorized to receive service of process and any communication regarding applicant's license, and shall contain such additional information as may be needed for the purpose of guidance of the Director in issuing the license. Any change in the above information furnished by applicant shall be forwarded, in writing, within 10 days of the change, to the Director. License application forms shall be prepared and kept on file by the Director.

SECTION 4. Application Fee. Each license application shall be accompanied by the revenue license tax required to be paid for the issuance of the license desired.

SECTION 5. Refund of Fee and Tax. No revenue license tax is refundable for any reason whatsoever, once the license has been issued by the City. If a license is denied, applicant shall be entitled to a refund of the amount paid in excess of \$25.00. The sum of \$25.00 shall be retained to offset application processing costs.

SECTION 6. Investigation. Within five days after receipt by the director of a license application, the director has the discretion to refer the application for investigation to the Police Department.

SECTION 7. Inspections for Code Compliance; Notice of Infraction; License Revocation; Complaints.

(a) Prior to the issuance of a license to engage in a new business not heretofore licensed, the applicant may be required to permit inspections to be made of the prospective place of business of the applicant by the appropriate departments of the city or other governmental agency to ensure compliance with building, fire and health codes. No license shall be granted unless any required inspections reveal that the prospective place of business is in compliance with building, fire and health codes.

(b) Existing places of business licensed within the City may be inspected periodically by departments of the City for compliance with building, fire and health codes. Written notice shall be given by the Director to a licensee upon the finding of any code infractions, which notice shall provide for a reasonable period not to exceed sixty (60) days in which to correct such infractions, the failure of which shall result in the revocation of the license by the Director.

(c) The Director may request the City Attorney to file a complaint against any applicant or any licensee who continues to conduct business beyond the time limits provided in this section for noncompliance with the required standards.

SECTION 8. License Denial. The Director may deny a license if the applicant:

(a) Has been convicted of a fraud or felony by any state or federal court within the past five (5) years or now has criminal proceedings pending against him in any state or federal court for fraud or a felony;

(b) Has obtained a license by fraud or deceit;

(c) Has failed to pay personal property taxes or other required taxes or fees imposed by the City; or

(d) Has violated the laws of the State of Utah, the United States Government or the ordinances of Park City governing operation of the business for which the applicant is applying for the license.

SECTION 9. License Issuance or Denial. Within ten (10) days of receipt by the Director of a license application, applicant shall be either: (1) notified by the Director of the denial of a license and the reasons for such denial; or (2) issued a license.

SECTION 10. Appeals of License Denial. A license denied by the Director may be appealed within ten (10) days to the Park City Council by written notification to the Director. The Park City Council shall hear the appeal within thirty (30) days of notice of appeal.

SECTION 11. Issuance of License Certificate. All license certificates shall be signed by the mayor, attested by the city recorder under the seal of the city, and contain the following information:

(a) The name of the person to whom such certificate has been issued;

(b) The name of the business, if applicable;

(c) The type of license; and

(d) The term of the license with commencement and expiration dates.

SECTION 12. License Period. The license certificate shall be valid through December 31 of the year of issuance unless revoked under Section 14 of this ordinance.

SECTION 13. Duty to Display License. Every licensee licensed pursuant to the provisions of this chapter shall keep his license displayed and exhibited while the same is in force in some conspicuous part of the place of business.

Every licensee not having a fixed place of business shall carry such license with him at all times while carrying on the business for which the license is issued and shall produce the license for inspection when requested to do so by any person.

SECTION 14. License Revocation. Any license issued pursuant to the provisions of this ordinance by the Director may be suspended or revoked for the violation by the licensee of any provisions in this chapter or any other applicable ordinance of Park City, failure to pay Park City license fees or falsification of the application. Notification of business license revocation shall be mailed by the Director to the licensee by certified mail.

SECTION 15. Branch Establishments. A separate license must be obtained for each branch establishment or location in which business is engaged in, within the City, as if such branch establishment or location were a separate business, and each license shall authorize the licensee to engage only in the business licensed thereby at the location or in the manner designated in such license, provided, that warehouses and distributing places used in connection with or incident to a business licensed under this ordinance shall not be deemed to be separate places of business or branch establishments.

SECTION 16. Joint License. Whenever any person is engaged in two or more businesses at the same location within the City, such person shall be required to obtain separate licenses for conducting each of such businesses, but shall be issued one license which shall specify on its face all such businesses. The license tax to be paid shall be computed as if all of said businesses were separate businesses being conducted at such location. Where two or more persons conduct separate businesses at the same location, each such person shall obtain a license for such business and pay the required license tax for such business.

SECTION 17. Revenue Tax. There is hereby levied upon every person engaged in business within Park City an annual revenue license tax based on the type of business or occupation as follows:

Section 17.01 Electronic Game, Pinball Game

(a) Rate - \$25. per game or machine

Section 17.02 Vending Machine

(a) Rate - \$10. per machine

Section 17.03 Contractor, Construction

(a) Rate - \$100. per contractor

Section 17.04 Subcontractor, Supplier

(a) Rate - \$50. per subcontractor or supplier

Section 17.05 Offices or Businesses Located in a Place of Residence

- (a) Rate - \$50. per office or business, including, without limitation, maildrop or telephone answering service

Section 17.06 Privately Owned Transportation or Taxi Company

- (a) Rate - \$100. per privately owned company

Section 17.07 Delivery and Service Vehicles

- (a) Rate - \$50. per delivery or service vehicle for businesses not maintaining an office in Park City

Section 17.08 Mobile Food Vendor

- (a) Rate - \$50. per vehicle

Section 17.09 Ski Resort

- (a) Rate - \$4. multiplied by hourly uphill lift capacity.

Section 17.10 Amusement Park, Golf Course, Athletic Club, Theatre, Bowling Alley, Tennis Club, Racquetball Club, Swimming Pool and any Other Recreational, Alpine Slide, Sports or Entertainment Facility

- (a) Rate - \$.50 multiplied by maximum hourly user capacity

Section 17.11 Nightly Lodging Facility - Under Management

A. Timeshare Operator

- (a) Rate - \$150. per bedroom managed as a timeshare use on January 1 of each year

B. Nightly Lodging Operator

- (a) Rate - \$15. per bedroom managed and made available for nightly lodging as of January 1 of each year

Section 17.12 Monthly Rental Facility - Under Management

- (a) Rate - \$15. per unit managed as a monthly rental on January 1 of each year

Section 17.13 Jr. Department Store

- (a) Rate - \$.08 per square foot

Section 17.14 Variety Store

- (a) Rate - \$.08 per square foot

Section 17.15 Discount Department Store

(a) Rate - \$.08 per square foot

Section 17.16 Showroom/Catalog Store

(a) Rate - \$.10 per square foot

Section 17.17 Warehouse

(a) Rate - \$.06 per square foot

Section 17.18 Supermarket

(a) Rate - \$.11 per square foot

Section 17.19 Convenience Market

(a) Rate - \$.17 per square foot

Section 17.20 Meat, Poultry and Fish

(a) Rate - \$.20 per square foot

Section 17.21 Specialty Food

(a) Rate - \$.21 per square foot

Section 17.22 Delicatessen

(a) Rate - \$.20 per square foot

Section 17.23 Bakery

(a) Rate - \$.19 per square foot

Section 17.24 Candy and Nut

(a) Rate - \$.26 per square foot

Section 17.25 Dairy Product

(a) Rate - \$.23 per square foot

Section 17.26 Health Food

(a) Rate - \$.17 per square foot

Section 17.27 Super Drug

(a) Rate - \$.11 per square foot

Section 17.28 Drug

(a) Rate - \$.13 per square foot

Section 17.29 Restaurant Without Liquor

(a) Rate - \$.20 per square foot

Section 17.30 Restaurant With Liquor

(a) Rate - \$.20 per square foot

Section 17.31 Wine and Cheese

(a) Rate - \$.18 per square foot

Section 17.32 Cafeteria

(a) Rate - \$.13 per square foot

Section 17.33 Fast Food/Carry Out

(a) Rate - \$.25 per square foot

Section 17.34 Cocktail Lounge/Private Club

(a) Rate - \$.17 per square foot

Section 17.35 Doughnut Shop

(a) Rate - \$.22 per square foot

Section 17.36 Ice Cream Parlor

(a) Rate - \$.21 per square foot

Section 17.37 Lady's Specialty

(a) Rate - \$.22 per square foot

Section 17.38 Lady's Wear

(a) Rate - \$.18 per square foot

Section 17.39 Children's Wear

(a) Rate - \$.18 per square foot

Section 17.40 Men's Wear

(a) Rate - \$.19 per square foot

Section 17.41 Family Wear

(a) Rate - \$.20 per square foot

Section 17.42 Unisex/Jean Shop

(a) Rate - \$.27 per square foot

Section 17.43 Family Shoes

(a) Rate - \$.13 per square foot

Section 17.44 Lady's Shoes

(a) Rate - \$.18 per square foot

Section 17.45 Furniture

(a) Rate - \$.13 per square foot

Section 17.46 Floor Covering

(a) Rate - \$.16 per square foot

Section 17.47 Curtain and Drape

(a) Rate - \$.15 per square foot

Section 17.48 Appliance and Hot Tub

(a) Rate - \$.15 per square foot

Section 17.49 Radio, TV, HiFi

(a) Rate - \$.17 per square foot

Section 17.50 Sewing Machine

(a) Rate - \$.15 per square foot

Section 17.51 Record and Tape

(a) Rate - \$.23 per square foot

Section 17.52 Musical Instrument

(a) Rate - \$.15 per square foot

Section 17.53 Garden

(a) Rate - \$.18 per square foot

Section 17.54 Paint and Wallpaper

(a) Rate - \$.17 per square foot

Section 17.55 Hardware

(a) Rate - \$.11 per square foot

Section 17.56 Lumber

(a) Rate - \$.10 per square foot

Section 17.57 Automotive Parts Sale

(a) Rate - \$.14 per square foot

Section 17.58 Service Station, Auto Repair, Car Wash

(a) Rate - \$.23 per square foot

Section 17.59 Motor Vehicle Dealer, Sales and Rental

(a) Rate - \$.10 per square foot

Section 17.60 Sporting Goods, Sales and Rentals

(a) Rate - \$.22 per square foot

Section 17.61 Hobby

(a) Rate - \$.19 per square foot

Section 17.62 Art Gallery

(a) Rate - \$.21 per square foot

Section 17.63 Camera

(a) Rate - \$.19 per square foot

Section 17.64 Toy

(a) Rate - \$.16 per square foot

Section 17.65 Bike Shop

(a) Rate - \$.17 per square foot

Section 17.66 Arts and Crafts

(a) Rate - \$.17 per square foot

Section 17.67 Imports

(a) Rate - \$.40 per square foot

Section 17.68 Luggage and Leather

(a) Rate - \$.38 per square foot

Section 17.69 Card and Gift

(a) Rate - \$.18 per square foot

Section 17.70 Book and Stationery

(a) Rate - \$.19 per square foot

Section 17.71 Costume Jewelry

(a) Rate - \$.25 per square foot

Section 17.72 Jewelry

(a) Rate - \$.20 per square foot

Section 17.73 Cosmetics

(a) Rate - \$.17 per square foot

Section 17.74 Yard Goods

(a) Rate - \$.16 per square foot

Section 17.75 Pet Shop

(a) Rate - \$.19 per square foot

Section 17.76 Flower

(a) Rate - \$.19 per square foot

Section 17.77 Plant Store

(a) Rate - \$.20 per square foot

Section 17.78 Other Retail Businesses

(a) Rate - \$.18 per square foot

Section 17.79 Beauty

(a) Rate - \$.18 per square foot

Section 17.80 Barber

(a) Rate - \$.17 per square foot

Section 17.81 Shoe Repair

(a) Rate - \$.16 per square foot

Section 17.82 Cleaner and Dyer

(a) Rate - \$.16 per square foot

Section 17.83 Laundry

(a) Rate - \$.15 per square foot

Section 17.84 Figure Salon

(a) Rate - \$.21 per square foot

Section 17.85 Photographer

(a) Rate - \$.22 per square foot

Section 17.86 Formal Wear/Rental

(a) Rate - \$.20 per square foot

Section 17.87 Interior Decorator

(a) Rate - \$.13 per square foot

Section 17.88 Travel Agent

(a) Rate - \$.22 per square foot

Section 17.89 Newspaper and Print Shop

(a) Rate - \$.17 per square foot

Section 17.90 Music Studio and Dance

(a) Rate - \$.13 per square foot

Section 17.91 Real Estate and Time Share Sales and Development

(a) Rate - \$.23 per square foot

Section 17.92 Optometrist

(a) Rate - \$.23 per square foot

Section 17.93 Medical and Dental

(a) Rate - \$.20 per square foot

Section 17.94 Legal

(a) Rate - \$.21 per square foot

Section 17.95 Accounting

(a) Rate - \$.22 per square foot

Section 17.96 Architect

(a) Rate - \$17 per square foot

Section 17.97 Other Business Offices

(a) Rate - \$.17 per square foot

Section 17.98 Bank

(a) Rate - \$.18 per square footage

Section 17.99 Savings and Loan

(a) Rate - \$.23 per square footage

Section 17.100 Finance Company

(a) rate - \$.17 per square footage

SECTION 18. Revenue Measure. The revenue license tax provided for in this Ordinance is imposed solely to raise revenue for municipal purposes, and is not a substitute for other regulatory ordinances of Park City. The revenues raised through the revenue tax shall be used primarily to defray the costs incurred by the City in operating, maintaining and replacing the city transit system.

SECTION 19. Exceptions to Business Revenue License Tax. No business revenue license tax shall be imposed under this Ordinance upon the following persons or businesses:

Section 19.01 Any person engaged in business for solely religious, charitable, eleemosynary or other types of strictly non-profit purposes who is tax exempt in such activities under the laws of the United States and the State of Utah, nor shall any revenue license tax be imposed on any person engaged in a business specifically exempted from municipal taxation and fees by the laws of the United States or the State of Utah; nor shall any revenue license tax be imposed on any nonprofit corporation duly incorporated accord-

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

Section 19.02 Any insurance company or agent.

Section 19.03 Any sales or merchandise damaged by smoke or fire or of bankrupt concerns, where such stocks have been acquired from merchants of Park City theretofore regularly licensed and engaged in business; provided, however, no such stocks or merchandise shall be augmented by other goods;

Section 19.04 A person, firm or corporation exhibiting goods for sale concurrent with and as an adjunct to a group display, meeting or convention duly authorized to be held in a publicly owned building;

Section 19.05 A person who sells his own property which was not acquired for resale, barter or exchange and who does not conduct such sales or act as a participant by furnishing goods in such a sale more than twice during any calendar year. Each person seeking this exemption shall furnish to the department of licensing an accurate list with the names, addresses, telephone numbers of all persons contributing items to said sale. Said list shall be filed with the Licensing Department at least ten days prior to the sale;

Section 19.06 Art exhibits, where participating artists sell their original works and which do not contain any sales of art works purchased elsewhere and held for resale, providing said art exhibits are sponsored by a local, responsible organization. Each organization who seeks an exemption under paragraph (5) shall submit a petition to the Business Licensing Division of Park City specifying (1) the sponsoring organization, (2) the location where said show is to be held, the purposes of the show, names of participating artists. The Business Licensing Division shall, upon receipt of the petition, review the petition and grant or deny the exemption. A person aggrieved by the decision may petition the City Council for their final determination; or

Section 19.07 Any person who obtains an exemption from the City Council.

SECTION 20. License Fees Declared to be a Debt. Any license or tax due and unpaid under this Ordinance and all penalties thereon shall constitute a debt to Park City and shall be collected by court proceedings in the same manner as any other debt which remedy shall be in addition to all other existing remedies.

SECTION 21. Fee and Tax Payments, Prorations and Penalty.

Section 21.1 The annual business revenue license tax provided in this Ordinance shall be due and payable to the City on the first day of January of each year. New annual licenses shall be issued for the unexpired portion of the calendar year in which issued unless otherwise specifically provided; and the revenue License tax to be paid therefor shall be paid at the time of application and shall be prorated on the basis of one-twelfth of the total annual tax for each month remaining in such unexpired portion of the calendar year, including the month in which such new license is issued.

Section 21.2 If a business which was licensed in the immediately preceding calendar year pays the business revenue license tax within fifteen (15) days of the date of the billing for the renewal of the license, the revenue license tax will be reduced by 10%.

Section 21.3 Businesses may elect to pay the revenue license tax in three (3) equal monthly installments due the first day of January, February and March.

Section 21.4 In the event any revenue license tax is not paid on or before the fifteenth day of January of each year, or if elected to be paid in three (3) equal monthly installments, if such installment is not paid on or before the first day of January, February and March, a penalty of 25% of the unpaid amount plus interest on the unpaid amount at the rate of 18% per annum shall be assessed, which penalty shall become part of the tax imposed by this Ordinance.

Section 21.5 If the revenue license tax and any penalty are not paid by March 31 of each year such business shall be subject to immediate closure and shall remain closed until the delinquent revenue license tax and any penalty are paid in full.

Section 21.6 If a licensed business enlarges its place of business or increases its capacity for conducting business (i.e., adding square footage, increasing number of vending machines, or increasing hourly user capacity), an additional revenue license tax shall be due and payable to the City and shall be prorated on the basis of one-twelfth of the total annual tax on the enlargement or increase for each month remaining in the unexpired portion of the calendar year, including the month in which such increase is accomplished. The additional revenue license tax for adding square footage shall be due and payable on the date the City issues the occupancy permit.

SECTION 22. Renewal Billing Procedure. On December first of each year, the division shall send a statement to each current licensee within the City, which statement shall be upon forms calling for the computation by the licensee of a revenue license tax for the ensuing year based upon the nature of the business, square footage, gross receipts, gross sales, and other pertinent factors.

SECTION 23. Renewal of License Certificate. Upon receipt of the revenue license tax, the division shall issue a license certificate valid through December 31 of that year.

SECTION 24. Records to be Maintained. It shall be the duty of every person liable for the payment of any revenue license tax imposed by this Ordinance to keep and preserve for a period of three (3) years such books and records as will accurately reflect the factors used in determining the amount of the revenue license tax for which he may be liable under this Ordinance.

SECTION 25. Revenue Tax Adjustment to Avoid Burdening Interstate Commerce. The business revenue license tax imposed by this Ordinance shall not be applied so as to place an undue burden on interstate commerce. In any case, where the revenue license tax is believed by a licensee or an applicant for a license to place an undue burden upon interstate commerce, such licensee or applicant may apply to the Director for an adjustment of the fee so as to relieve such burden. The licensee or applicant shall, by supporting affidavits, indicate his method of doing business and such other information as the Director may deem necessary in order to determine the extent, if any, of such undue burden. The Director shall then conduct an investigation, comparing the subject business with other businesses of like nature and shall make findings of fact from which he shall determine whether the revenue license tax is discriminatory, unreasonable or unfair as to the licensee or applicant from the standpoint of its impact on interstate commerce and shall recommend to the City Council an appropriate revenue license tax under the circumstances and the City Council shall fix the revenue license tax in such amount. If the regular revenue license tax has already been paid, the City Council shall order a refund of any amount over and above the amount of the revenue license tax fixed, if any. In fixing the tax to be charged, the Director may use any method which will assure that the tax assessed shall be uniform with that assessed on businesses of like nature; provided, however, that the amount assessed shall in no event exceed the regular tax prescribed in this Ordinance.

SECTION 26. Criminal Penalty. Any person that willfully violates any provision of this Ordinance shall be guilty of a class B misdemeanor.

SECTION 27. Repealer Clause. Park City Ordinance Numbers 10-74, 10A-75, and 10B-75 are hereby repealed by this ordinance.

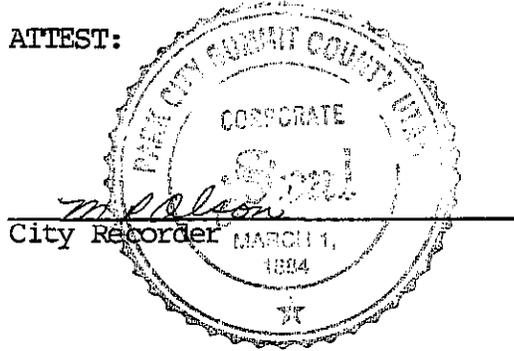
SECTION 28. Separability Clause. If any subsection, sentence, clause, phrase or portion of this chapter, including but not limited to any exemption, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this chapter.

SECTION 28. Effective Date. This ordinance shall take effect upon the date of its publication.

DATED this 8th day of April, 1982.

ATTEST:

PARK CITY



By: John C. Green, Jr.
John C. Green, Jr.
Mayor

ORDINANCE

AN ORDINANCE REPEALING ORDINANCE 81-82
AND MAKING SNOW A CONDITIONAL USE

Ordinance No. 82-11

WHEREAS, the City Council of Park City adopted an Ordinance last December requiring it to snow, and

WHEREAS, it has in fact snowed almost without stopping since the enactment of that Ordinance, and

WHEREAS, it is nearly Easter and enough is enough;

NOW, THEREFORE BE IT ORDAINED, by the City Council of Park City, Utah:

1. Section 1. Repealer: Ordinance 81-82 is hereby repealed.

2. Section 2. Conditional Use: From this day forward, snow is a conditional use in all zones within the city, and prior to any snow storm, the storm must apply for and receive the approval of the Planning Commission, the Historic and District Commissions, and a favorable recommendation from the Golf Course Committee.

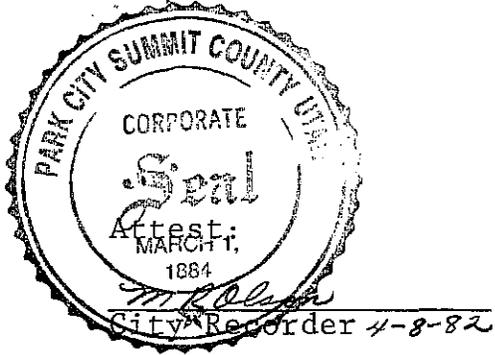
3. Section 3. Application Form: Each application for a conditional use permit to snow in Park City shall be accompanied by the following:

- (a) A complete traffic impact analysis,
- (b) An analysis of the impact of the storm on native vegetation and wildlife,
- (c) Consent from the Recreation Department, baseball, soccer, and rugby teams, and
- (d) A substantial cash bonus for the snowplow drivers who have put in a lot of long hours and hard work this winter.

4. Section 4. Time for Review: The various commissions, boards, and agencies reviewing each storm shall study the impact analysis and make a formal recommendation

to the Council by the date of the Snowflakers Ball next November.

5. Section 5. Effective Date: This Ordinance shall become effective upon publication.



PARK CITY MUNICIPAL CORPORATION


John C. Green, Jr., Mayor

ORDINANCE

Ordinance No. 82-12(1)

AN ORDINANCE AMENDING ORDINANCE 82-12
PERTAINING TO THE TERMS OF OFFICE AND DATES
OF ELECTIONS OF THE
PERSONNEL ADVISORY BOARD

WHEREAS, the Personnel Advisory Board as created under Section 10-3-1106, Utah Code Annotated 1953, as amended, has determined that the Board would work more effectively and efficiently if all the members of the Board were not replaced each year in an election, and;

WHEREAS, the members of the Personnel Advisory Board shall be elected in January and July of each year, electing half of the Board at each election to ensure the continuity of the Board,

NOW THEREFORE, be it ordained by the Park City Council that Section 5 of Ordinance 82-12 be amended to read as follows:

Section 5: Election of Board Members. The employees and supervisors within each of the five (5) divisions of city government, shall elect two (2) members, one supervisory member and one employee member from their division, to serve on the Employee Transfer and Discharge Appeals Board. Supervising members are those exempt employees who perform supervisory responsibilities, plus the Golf Professional and Library Director. All others are

non-supervisory employees. Employees shall be eligible for membership on the Appeals Board if they are classified as permanent employees of the city. The Personnel Manager or City Recorder shall prepare a ballot for each of the divisions of city government holding an election, and any permanent employee within that division shall be entitled to have his or her name placed on the ballot by nomination (by himself or others) at least twenty-four (24) hours before the election. The ballot shall also provide for write-in candidates. Elections for the representative in the Community Development, Leisure Services and Administrative divisions shall be held the first Tuesday of July. The election for the representative of the Public Safety and Public Works divisions shall be held the first Tuesday in January.

Elections shall be held in each of the following governmental divisions:

- (a) Leisure Services,
- (b) Public Safety,
- (c) Public Works,
- (d) Community Development
- (e) Administration

All permanent employees, both supervisory and non-supervisory, in each division shall be entitled to nominate candidates and vote in the election in the division in which they are employed. There shall be only one

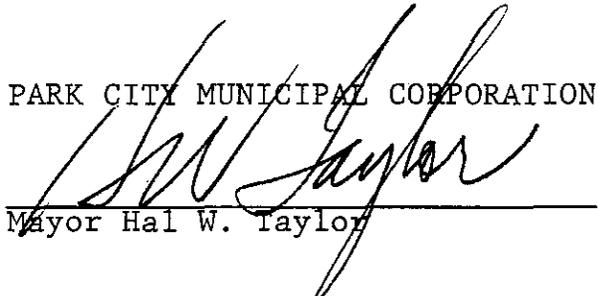
election in each division, and supervisory and non-supervisory employees shall be entitled to nominate and/or vote for supervisory and non-supervisory members of the Board within that division.

Section 2. The remaining sections of this Ordinance shall remain unchanged and in full effect.

Section 3: Effective Date. This Ordinance shall take effect upon publication.

PASSED AND ADOPTED this 19 day of June, 1986.

PARK CITY MUNICIPAL CORPORATION



Mayor Hal W. Taylor

Attest:



City Recorder

4/22/82(2)
Revised 2/4/86

ORDINANCE

Ordinance No. 82-12

AN ORDINANCE REPEALING ORDINANCE NO. 81-8
AND CREATING AN EMPLOYEE TRANSFER AND DISCHARGE
APPEALS BOARD IN PARK CITY, UTAH

BE IT ORDAINED by the City Council of Park City,
Utah:

Section 1: Board Created. There is hereby
created an Employee Transfer and Discharge Appeals Board as
required by Section 10-3-1106, Utah Code Annotated 1953, as
amended.

Section 2: Powers and Duties. The Employee
Transfer and Discharge Appeals Board shall have and exercise
all of the powers and duties provided in Section 10-3-1106,
Utah Code Annotated 1953, and shall also make an annual
review of the personnel rules of Park City Municipal
Corporation and perform such other advisory functions as the
Council or City Manager from time to time request.

Section 3: Composition of the Board. The
Employee Transfer and Discharge Appeals Board shall consist
of fourteen (14) members as follows:

- (a) Two (2) members of the City Council,
- (b) Eight (8) employee members elected from city
employees, and
- (c) Four (4) supervisory members elected from city
employees.

All elections are to be made in the manner
described below.

Section 4: Council Members. The City Council
shall designate two (2) of its members to serve on the
Employee Transfer and Discharge Appeals Board. They shall
serve at the pleasure of Council, but in no event, beyond
the end of their terms in office.

Section 5: Election of Board Members. The
employees and supervisors within each of the four (4)
divisions of city government shall elect two (2) employee
members and one supervisory member from their division, to
serve on the Employee Transfer and Discharge Appeals Board.

Supervising members are those classified at levels VII, VIII, IX, and X of the Administrative Pay Plan of Park City, plus the Golf Professional and Library Director. All others are non-supervisory employees. Employees shall be eligible for membership on the Appeals Board if they are classified as permanent employees of the city. The City Recorder shall prepare a ballot for each of the divisions of city government holding an election, and any permanent employee within that division shall be entitled to have his or her name placed on the ballot by nomination (by himself or others) at least twenty-four (24) hours before the election. The ballot shall also provide for write-in candidates. The election shall be held on the first Tuesday in January. Elections shall be held in each of the following governmental divisions:

- (a) General Government/Leisure Services,
- (b) Public Safety,
- (c) Public Works, and
- (d) Community Development

All permanent employees, both supervisory and non-supervisory, in each division shall be entitled to nominate candidates and vote in the election in the division in which they are employed. There shall be only one election in each division, and supervisory and non-supervisory employees shall be entitled to nominate and/or vote for supervisory and non-supervisory members of the Board within that division.

Section 6: Term of Office. Board members shall serve for a term of one year, or until their successor has been elected. Board members may succeed themselves on the Board for up to three (3) consecutive terms.

Section 7: Certain Employees Ineligible. The City Manager, City Attorney, City Recorder, and Mayor are not eligible to serve on the Board or to vote for section of Board members.

Section 8: Hearing Panel. When any employee desires to have an appeal heard by the Appeals Board, the Board shall select from its membership a Hearing Panel which

shall consist of two (2) City Council members, and three employee Board members, one of which must be a supervisory employee as defined above. The selection of employee members shall be made by drawing names at random from the total Board membership. No employee or supervisory employee member shall be made by drawing names at random from the total Board membership. No employee or supervisory employee member shall be a member of the Hearing Panel on an appeal arising from the division of city government in which he or she serves. Relation by blood or marriage to the employee taking the appeal shall also disqualify any Board member from membership on the Hearing Panel. Additional names shall be drawn until the Hearing Panel is fully staffed with eligible members.

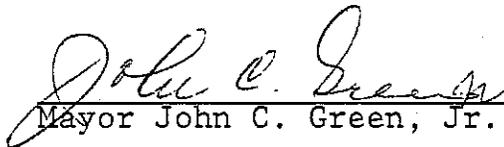
Section 9: Review of Personnel Rules: The supervisory and employee members of the Board as a whole shall, by June 30th of each year, review the personnel rules of Park City Municipal Corporation and make written recommendations to the City Manager as to needed revisions, clarifications, or additions to the personnel rules.

Section 10: Repealer. This Ordinance shall repeal and supercede Ordinance No. 81-8, adopted July 30, 1981.

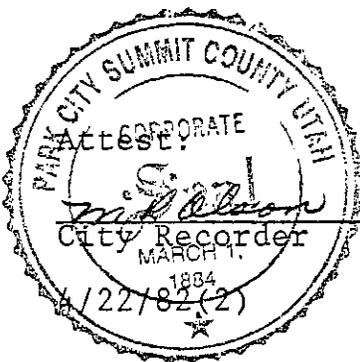
Section 11: Effective Date. This Ordinance shall take effect upon publication.

PASSED AND ADOPTED this 22nd day of April
_____. 1982.

PARK CITY MUNICIPAL CORPORATION



Mayor John C. Green, Jr.



Rev 4/21/82

Public #29,

(PO #8254)

ORDINANCE

AN ORDINANCE NAMING UTAH HIGHWAY 248
AS A CITY STREET TO BE KNOWN AS KEARNS
BOULEVARD WITHIN THE CITY LIMITS

Whereas Utah Highway U-248 has become a major route in and through Park City, and the growth of the city has spread along that highway making it a major artery for local traffic, and

Whereas it is desirable to give this street a name within the City for purposes of identification, and the City has the legal authority to name its streets;

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

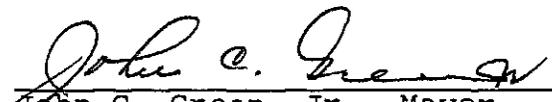
1. The portion of Utah Highway U-248 which extends from the junction with Highway U-224, also known as Park Avenue, to the east City limits shall be known as Kearns Boulevard.

2. Appropriate signage shall be placed on the road to identify it by name as a part of the City's overall street signage program, provided that no signage by the City shall eliminate the highway designation used by the State of Utah.

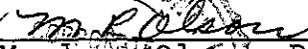
3. In the event of an extension of the City boundaries to the east, the designation of this road as Kearns Boulevard shall continue to the City limits, so that the entire portion of this road located within the City shall be known by the same name.

4. This ordinance shall take effect upon publication.

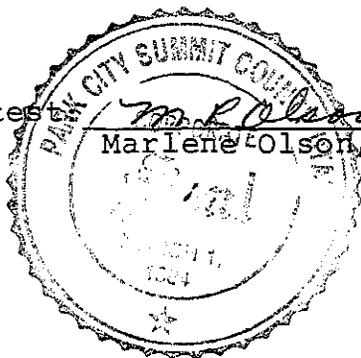
Passed this 29th of April, 1982.



John C. Green, Jr., Mayor

Attest 

Marlene Olson, Recorder



ORDINANCE

Ordinance No. 82-14

AN ORDINANCE REPEALING ORDINANCE NO. 80-17
AND ESTABLISHING NEW REGULATIONS CONCERNING STREET CUTS,
STREET CUT PERMITS, AND BONDING REQUIREMENTS

WHEREAS, the city is concerned about the condition of its streets and has a duty to the public to maintain its streets in a safe condition; and

WHEREAS, construction activity frequently necessitates cutting through the pavement section of the public streets to make connections and/or repairs of utility lines within the streets; and

WHEREAS, the street cuts affect public health and safety;

NOW, THEREFORE BE IT ORDAINED by the City Council of Park City, Utah:

SECTION 1. PERMIT REQUIRED: It shall be unlawful for any person, corporation, or other entity to make or cause to be made any cut in or excavation through or under any public street without first having obtained a permit from the Public Works Department in accordance with the provisions of this Ordinance. As used in this Ordinance, the term "street" shall include the paved roadway, curb, gutter, sidewalk, and any unpaved portions of the road right-of-way.

SECTION 2. PERMIT FEE: A permit fee for each cut shall be paid in advance to the Public Works Department. The permit fee is initially set by this Ordinance at one hundred dollars (\$100.00) for each cut or excavation, but this fee may be increased or decreased by the City Council by resolution.

SECTION 3. PERFORMANCE BONDS REQUIRED PRIOR TO THE ISSUANCE OF A STREET CUT PERMIT: The person requesting the permit shall post an irrevocable letter of credit or

cash bond to the city to secure a completion of the repairs to the street in a timely manner. The amount of the letter of credit or bond shall be determined by the Public Works Director, and shall be an amount equal to the reasonably estimated costs of back-filling, compacting, and repaving of any area disturbed by the permittee. The letter of credit or bond shall in no event be less than one thousand dollars (\$1,000.00). This bond shall remain in effect for a period of one year from the date the work is actually completed to guarantee the adequacy of repairs made to the streets.

SECTION 4. INDEMNITY BOND: Persons applying for a street cut permit shall also provide the city with an indemnity bond or certificate of insurance which is adequate to protect the city from any and all damage claimed which may reasonably arise from the applicant's work in the public street, including personal injury and property damage claims from third parties which might result from this excavation. The amount of the indemnity bonds or insurance policy shall in no event be less than ten thousand dollars (\$10,000.00), but a single contractor may use the same indemnity bond or insurance policy to fulfill this requirement as to ten (10) permits, provided that the insurance coverage or indemnity bonds shall remain in place for a period of one year after the completion of work on each permit.

SECTION 5. FORM OF PERMIT: The Public Works Director shall design an appropriate permit application form and permit form to enforce this Ordinance. The permit form shall clearly identify the person or entity for whom the street cut is being made, the contractor performing the work, the location of the street by street address, the purpose of the cut, and the anticipated start and completion dates of the street cut. Contractors shall provide both their state contractor's number and their Park City business license number on the permit. The permit shall also state the approximate size and dimensions of the cut in sufficient

detail for the Public Works Director to determine the amount of the bond or letter of credit necessary to guarantee completion of the project.

SECTION 6. CONSTRUCTION STANDARDS: All back-filling, compaction, and resurfacing of areas disturbed under a street cut permit shall be performed according to specifications established by the City Engineer as general construction standards for Park City. If, in the opinion of the Engineer or Public Works Director, there are circumstances concerning a specific street cut that make more stringent standards necessary, the Engineer or Public Works Director may require back-filling and compaction to comply with site specific standards.

SECTION 7. UTILITY EXEMPTIONS: Those public utilities which are regulated by the State of Utah, the Park City Waterworks Department and the Snyderville Basin Sewer Improvement District are exempt from the bonding requirements of this Ordinance, but shall still be required to obtain a street cut permit prior to making excavations. Excavations to make emergency repairs may be made without a permit, provided that notice of the repair and the street cut shall be given to the Public Works Director as soon as reasonably possible under the circumstances.

SECTION 8. PENALTY: Any person, partnership, corporation, or other entity violating the provisions of this Ordinance or causing them to be violated shall be guilty of a Class B misdemeanor and punished by a fine of not more than two hundred ninety-nine dollars (\$299) or not more than six (6) months in prison, or both.

SECTION 9. REPEALER: Ordinance No. 80-17 is hereby repealed, provided that permits issued under that Ordinance and bonds posted as required by that Ordinance shall continue in effect under the terms of that Ordinance until the work under such permit has been complete and a security for performance of that work has expired.

ADOPTED this 20th day of May, 1982.

PARK CITY MUNICIPAL CORPORATION

John C. Green, Jr.
Mayor John C. Green, Jr.

Attest:
M. K. Olson
City Recorder
5/20/82(3)

Approved as to form by
City Attorney Z. Clyde

ORDINANCE

Ordinance No. 82-15(4)

AN ORDINANCE AMENDING SECTION 19 OF
ORDINANCE 82-15 RELATING TO WATER EMERGENCIES

NOW, THEREFORE, it is hereby ordained that Section 19 of Ordinance 82-15 be repealed and replaced in its entirety as follows:

A. The Mayor may declare by executive order, or the City Council may declare by resolution a state of water emergency when it appears to the mayor or city council that the City's water sources are incapable of producing sufficient water to meet all the needs of the City's water users.

B. During a declared water emergency water service may be interrupted in any or all parts of the City in order to effect repairs, provide water for fire fighting or other good cause. Upon the expiration of the emergency, water service shall be restored without charge.

C. Upon such a declaration, and for the duration of the state of water emergency, it shall be unlawful to use Park City Municipal water supply water for outside irrigation, watering or sprinkling uses, except as provided in paragraph "D".

D. The declaration of state of water emergency shall specify out side watering and irrigation schedules and may

specify other water conservation measures appropriate to the circumstances of the emergency.

E. Violations of this ordinance are infractions punishable by a fine but not imprisonment. The maximum fine shall not exceed five hundred dollars (\$500.00) for any violation.

F. The owner or tenant of property cited for illegal watering or irrigation under this ordinance shall be required to post bail in the amount set forth below for each violation and if the charges in the citation are not contested, may forfeit bail as a fine in lieu of trying the charges. Bail for all violations of this code is as follows:

- 1) Fifty dollars (\$50.00) for the first citation,
- 2) One hundred dollars (\$100.00) for the second citation,
- 3) Two hundred dollars (\$200.00) for the third citation,
- 4) Four hundred dollars (\$400.00) for the fourth citation,
- 5) Five hundred dollars (\$500.00) for the fifth and each subsequent citation.

G. Bail and/or fines shall be paid to Park City Municipal Corporation by cash or check to the City's post office box (which shall be stated on all citations) or at the City offices. Unpaid bail and fines may be debited

against the municipal water account of the cited party and will be subject to collection pursuant to City water bill collection policies.

H. The provisions of this ordinance shall not apply insofar as the watering restrictions established herein are in conflict with any provision of the Park City Land Management Code

PASSED AND ADOPTED this 6th day of July, 1987.

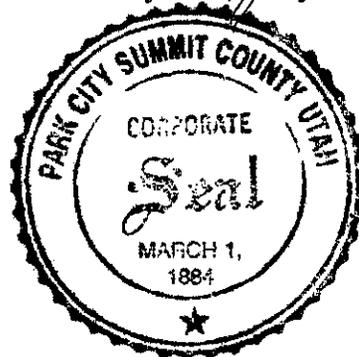
PARK CITY MUNICIPAL CORPORATION

By


Hal W. Taylor, Mayor

Attest:


City Recorder



ORDINANCE

Ordinance No. 82-15 (3)

AN ORDINANCE AMENDING ORDINANCE NO. 82-15
BY PROVIDING FOR WATER METER INSTALLATION FEES AND
DELINEATING THE DUTIES OF INDIVIDUALS AND THE CITY
WITH RESPECT TO WATER SERVICE

SECTION 1.	Metered Service
SECTION 2.	Meter Reading
SECTION 3.	Meter Error
SECTION 4.	Meter Test
SECTION 5.	Meter Tampering
SECTION 6.	Discount of Rates
SECTION 7.	Billing
SECTION 8.	Shut Off
SECTION 9.	Reinstatement of Water Service
SECTION 10.	Connection Fees
SECTION 11.	Connection to System
SECTION 12.	Water Meter Fees
SECTION 13.	Accessibility of Water Meters
SECTION 14.	Water Connection Plan
SECTION 15.	Responsibility for Repair and Maintenance
SECTION 16.	Leaking Pipes or Fixtures
SECTION 17.	Service Calls
SECTION 18.	Service Agreement
SECTION 19.	Water Emergencies
SECTION 20.	Fire Hydrants
SECTION 21.	Public Health
SECTION 22.	Sale of Water Outside of City
SECTION 23.	Penalty
SECTION 24.	Separability
SECTION 25.	Repealer
SECTION 26.	Effective Date

WHEREAS, clean culinary water is necessary for the health and welfare of all Park City residents, and

WHEREAS, Park City provides culinary water service to residents and businesses, and

WHEREAS Park City desires to clearly delineate the rights and duties of water users and the City,

NOW, THEREFORE be it enacted by the City Council of Park City, Utah that Ordinance No. 82-15 be amended to read:

1. METERED SERVICE: All water used from the City water system for household, domestic, irrigation, commercial, industrial, or any other use shall be metered, and water paid for according to the quantity used. All water

connections shall pay a base/demand charge according to the size of the meter in use. The base/demand charges for all meter sizes are as follows:

<u>Meter Size</u>	<u>Monthly Base/Demand Charge</u>
<u>Single Family Dwellings</u>	
5/8" x 3/4"	\$10.00
1"	\$10.00
<u>Other Than Single Family Dwellings</u>	
1"	\$25.00
1½"	\$45.00
2"	\$85.00
3"	\$210.00
4"	\$375.00
6"	\$700.00
8"	\$1,200.00

The base/demand charge shall entitles the water customer to use up to 5,000 gallons per month per meter, excluding fire flow, (and not per units served through that meter) without additional charge. All water consumed in excess of the 5,000 gallons per month shall be charged at the rate of \$1.15 per thousand gallons. There shall be no right of carry-over from month to month if fewer than 5,000 gallons are used, so that each month is billed independently as far as the base/demand charge is applied. Unoccupied structures will be billed the base/demand charge applicable to that meter unless a service disconnect request has been received by the Water Department. When an oversized meter is required for fire sprinklers, the base charge will be adjusted downward to reflect the meter size that would have been used but for the fire sprinkler demand.

2. METER READING: Meters may be read monthly, but shall be read a minimum of five times per year. In the event that one reading covers consumption for more than one month, consumption shall be prorated equally to each month included in the meter reading. By connecting to the water system, property owners and occupants of property are deemed to have consented to permit meter readers on the property to read the meters. In the event that meters were installed within any building on the premises, and there is no remote read-out device, the property owner or occupant shall be required to permit access for the reading of the meter during normal business hours as a condition to continued water service.

3. METER ERROR: In the event that a meter malfunctions so that a reliable reading is not possible, charges shall be estimated by comparing the past known use

through the malfunctioning meter to that of the adjoining or similar properties on which the past and current month's use is known. The consumption for the period during which no reliable meter reading is available is presumed to bear the same proportion to the consumption through a meter on a similar or adjoining property that the last known meter reading for the malfunctioning meter bears to the consumption through the same adjoining property's meter for the same period.

4. METER TEST: If a water user contests the accuracy of a meter, which when removed and checked, proves to be accurate or under reading, the actual costs of removing, replacing, and testing the meter shall be charged to the water user on the next water bill. If the meter is over reading, no charge will be made for the repair, and an adjustment for the error will be made under the formula described in Section 3 above, for not more than three months. Meter errors of 3% or less shall be deemed accurate readings. If upon the second rereading requested by the customer within six (6) months, the meter is found to be accurate, a ten dollar (\$10.00) reread charge will be included in the next billing.

5. METER TAMPERING: It shall be a violation of this Ordinance to tamper with or bypass any water meter for the purpose of causing it to produce inaccurate meter readings or for any other purpose, or two willfully cause damage to any water meter. Willful consumption of water through a meter known to be damaged, bypassed, or tampered with, constitutes theft of services and may be punishable as a felony. All meters installed throughout the system shall become the property of the city upon installation. Only meters meeting the City's specifications may be used.

6. DISCOUNT OF RATES: The City Manager shall be authorized to discount water charges for senior citizens or indigent persons who suffer serious hardship as a result of increased rates. The discounted rate shall never be less than \$2.00 per month.

7. BILLING: The city Finance Department shall send a monthly or bi-monthly billing for water used in the previous month as shown by the meter readings or as estimated. Payment is due within fifteen days from receipt of the bill.

Interest shall be assessed against all accounts which are more than thirty (30) days past due at the rate of one and a half percent ($1\frac{1}{2}\%$) per month, which is an annual rate of eighteen percent (18%). An account is due and payable upon mailing of the monthly statement, and interest will be assessed if the bill, or anyportion of the bill, remains unpaid thirty (30) days from mailing. Interest will be charged only against the unpaid balance, and not against any

partial payment, or against the current billing cycle charges.

8. SHUT OFF: In the event of non-payment, the city may maintain an action to recover the amount owed, and after giving written notice to the owner of the property and the occupant thereof, may terminate service. Notice of termination of service shall be served upon the occupant of the property in person, or post on the property, and notice will be given to the owner of the property by mail to the last known address if the owner has signed a service agreement with the Water Department. When more than one dwelling or unit is served through a single water, or there are multiple or time share owners, notice may be given to the owners association, management company or representative owner as shown on the City billing records. The structure will be posted, but it shall not be necessary to post each unit served. Service shall not be terminated for non-payment without at least ten days notice. [Water service may be terminated for non-payment of any billing of other City services].

9. REINSTATEMENT OF WATER SERVICE. Any water user who has had his water shut off for non-payment of a bill, failure to repair leaks, or failure to comply with a requested curtailment during a water emergency, in addition to any other fees, monies owed or fines, shall pay a fifty (\$50.00) dollar reconnection fee before service is reinstated.

10. CONNECTION FEES. In order to amortize the cost of the City's water system, a fee is to be paid to the Building Official at the time the building permits are issued, according to the following schedule:

FEEs

\$600.00	Single Family Residence
\$400.00	Multi-Family unit with two or more bedrooms
\$200.00	Hotel Room, Studio or One bedroom unit
\$200.00	Per one thousand square feet of commercial (i.e. non residential space - minimum connection fee of \$400.00).
\$.05	Per square foot for all non-habitable non-water using space such as parking garages and storage rooms.

Uses not covered above to be determined by the Building Official upon approval of the City Manager.

11. CONNECTION TO SYSTEM: Prior to connection the owner must sign a customer agreement. Applicants for water service shall include in their system a suitable meter box

or vault, all appurtenances to specifications required by the Public Works Department and approved at the time the building permit is issued. It shall be a violation of this Ordinance for unauthorized individuals to tap or connect to the Park City Municipal water distribution system. Without authorization all connections shall be approved and inspected by the City engineer. Upon connection regular water service fees must be paid.

12. WATER METER FEES. All water meters are to be supplied by and installed by Park City Municipal corporation or its authorized representative. For all water lines one inch or larger serving commercial uses and residential water lines larger than one inch meter and installation costs shall be paid to the Building Official at the time the building permit is issued. Meter and installation costs for lines one inch or smaller shall not be assessed. The following meter installation fee shall be paid for each meter installation:

METER AND INSTALLATION FEES

1"	\$110.00 - (commercial hook up)
1½"	\$191.00
2"	\$331.50
3"	\$487.50
4"	\$1,155.00
6"	\$2,400.00
8"	\$3,670.00

13. ACCESSIBILITY OF WATER METERS. All water meters shall be located in City right of ways or utility easements with direct and reasonable access for City water crews on accessible property lines unless otherwise authorized by the director of Public Works or the City Engineer.

14. WATER CONNECTION PLAN. Prior to the issuance of a building permit any development with a 2" or larger meter shall submit to the Water Department a water connection plan prior to water service lines, for approval by the Water Department. The water connection plan shall include the location of meters, service lines and water mains in relation to the property lines, streets, driveways, City mains and the buildings to be served.

15. RESPONSIBILITY FOR REPAIR AND MAINTENANCE. The City shall be responsible to maintain and repair water lines lying within City right of ways and utility easements. Water meters shall be maintained and repaired by the City so long as the meter lies within five feet of City property, right of ways, or utility easements and not within any

building. The property owner shall be responsible to repair and maintain all water lines on his property not within the City right of ways, or utility easements. The individual shall maintain and repair water meters not within five feet of city right of ways, or utility easements or within a building.

16. LEAKING PIPES OR FIXTURES. If at any time the City Manager or designate shall ascertain that the plumbing fixtures, appliances, sprinkler systems or service lines on any premises are leaking or otherwise wasting water he shall immediately give notice to repair the same, and if the same is not repaired within forty-eight (48) hours after notice has been given then the superintendent or his agent shall shut off the water from the premises and immediately notify the City Fire Marshall.

Giving of Notice for the purposes of this section shall consist of any of the following:

- A. Posting notice on premises.
- B. Leaving notice with any occupant or employee on premises over the age of fourteen (14) years.
- C. Mailing notice by regular mail to the owner or responsible party according to the records of the Water Department.

17. SERVICE CALLS. When a water user requests a service call by Park City Municipal Corporation, and no problem exists on the City side of the meter, Park City Municipal Corporation at the discretion of the Public Works Director, may charge a fee of \$25.00 for the second such call, for the same complaint within one year, to the same water user. After the second call, every subsequent call shall also be chargeable at the same rate.

18. SERVICE AGREEMENT. Park City Municipal Corporation shall require all persons desiring water service and the owner of the real property to be serviced to sign a service agreement. Said agreement shall be binding upon both the city and the individual, in setting forth terms and conditions of water service and methods of collection of past due amounts owed for water service. When more than one dwelling or unit is served by a single water meter or there are multiple owners or time share interval owners of the property, the service agreement will designate a single responsible party to whom all notices and billings shall be sent. Notice to the responsible party shall have the same force and effect as notice to the owners.

19. WATER EMERGENCIES. The Mayor or the City Manager is empowered to declare a water emergency, during high use periods, or when lack of adequate storage capacity, or equipment failure, threatens the supply of water for culinary or fire prevention purposes.

When such an emergency is declared, water users shall curtail or terminate use of water as requested by the City Manager or designee. Any water user who fails to curtail use of water as requested is in violation of this Ordinance and shall be subject to citation and termination Notice shall be given as required in Section 14. During a declared water emergency water service may be interrupted in any or all parts of the City in order to effect repairs, provide water for fire fighting or other good cause. Upon the expiration of the emergency, water service shall be restored without charge.

20. FIRE HYDRANTS. No individual may draw water from a fire hydrant without the written permission from the Director of Public Works and in compliance with Section 10.203 of the Uniform Fire Code. The Park City Fire Service District, or other fire departments, is authorized to draw water from fire hydrants in case of fire at all times without advance notice. The Park City Fire Service District or other fire departments, after notification to the Director of Public Works may utilize the fire hydrants in the course of training or practice exercises. Any unauthorized connection to a fire hydrant is a violation of this Ordinance.

21. PUBLIC HEALTH. For reasons of public health, the City Manager may extend or reinstate water service to indigent individuals regardless of past due amounts owed or ability to pay.

22. SALE OF WATER OUTSIDE OF PARK CITY. It is the policy of the City to provide culinary water only within the corporate limits of Park City. Those individuals or entities desiring connection to the water system shall be required to petition the Park City Council for Annexation as a consolidation of water service. Those individuals and entities outside the corporate limits of Park City currently connected to the water system and receiving water shall agree to abide by the terms and conditions of this Ordinance and pay double the applicable rate charged inside the corporate limits of Park City. Upon annexation they will receive water service at the normal rate.

23. PENALTY. All violations of this Ordinance shall be a Class B misdemeanor, punishable by a fine not exceeding \$299.00 and incarceration not exceeding six months. Unauthorized taking of water is theft of services and may be a felony if the taking exceeds a value of \$1,000.

24. SEPARABILITY. Should any section, clause or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, such declaration of validity shall not affect the validity of any other section, clause or provision of this ordinance and each such section,

clause or provision of this ordinance is hereby declared to be separate and distinct.

25. REPEALER. This Ordinance as amended, repeals and supersedes all prior ordinances of the city which fix the rate to be charged for water service, specifically Ordinance 6-74 and Ordinance 9-74. This Ordinance also repeals Section 12 of Ordinance 81-6 and replaces that provision.

26. EFFECTIVE DATE. This Ordinance shall take effect upon publication.

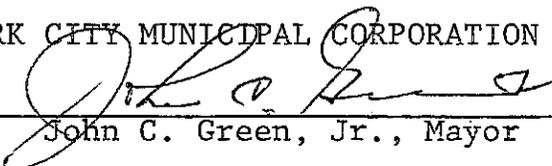
ADOPTED this 20th day of May, 1982.

AMENDED this 11th day of November, 1982.

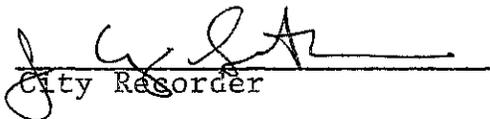
AMENDED this 18th day of July, 1985.

PARK CITY MUNICIPAL CORPORATION

BY


John C. Green, Jr., Mayor

Attest:


City Recorder

ORDINANCE

Ordinance No. 82-15(2)

AN ORDINANCE AMENDING ORDINANCE NO. 82-15 BY INCREASING MONTHLY BASE/DEMAND CHARGES AND THE BASIC MONTHLY ALLOCATION OF WATER, AND DECREASING THE CHARGE FOR WATER USED IN EXCESS OF THE BASIC MONTHLY ALLOCATION

WHEREAS, the Mayor's Committee on Water Rates has studied the present rate structure for a period of a year, and based on that study and the experience with the metered rates over the past year; and

WHEREAS, the recommendations of the Committee will produce sufficient revenue to operate the water system assuming water sales remain average; and

WHEREAS, the Committee's recommendations will more equitably spread the costs of operation and maintenance of the water system over all types of water users;

NOW, THEREFORE, BE IT ORDAINED by the City Council or Park City, Utah as follows:

SECTION 1. Section 1 of Ordinance 82-15 which established metered water rates is hereby amended in its entirety to read as follows:

SECTION 1. METERED SERVICE. All water used from the City water system for household, domestic, irrigation, commercial, industrial, or any other use shall be metered, and water paid for according to the quantity used. All water connections shall pay a base/demand charge according to the size of the meter in use. The base/demand charges for all meter sizes are as follows:

<u>Meter Size</u>	<u>Monthly Base/Demand Charge</u>
<u>Single-Family Dwellings</u>	
5/8" x 3/4"	\$ 10.00
1"	10.00
<u>Other Than Single-Family Dwellings</u>	
1"	25.00
1 1/2"	45.00
2"	85.00
3"	210.00
4"	375.00
6"	700.00

The base/demand charge shall entitle the water customer to use up to 5,000 gallons per month per meter (and not per units served through that meter (without additional charge. All water consumed in excess of the 5,000 gallons per month shall be charged at the rate of \$1.15 per thousand gallons. There shall be no right of carry-over from month to month if fewer than 5,000 gallons are used, so that each month is billed independently as far as the base/demand charge is applied. Unoccupied structures will be billed the base/demand charge applicable to that meter unless a service disconnect request has been received by the Water Department.

SECTION 2. EFFECTIVE DATE OF AMENDMENT. The amended rates shall be applicable to the water billing of September, 1983, and for subsequent billings. In the case of past due accounts, the amendment shall take effect and apply to only to the portion of the account first billed on the September 1983 billing, and all prior balances shall be billed at the firmer rate.

SECTION 3. This Ordinance shall take effect on the date of its first publication.

PASSED AND ADOPTED this 26th day of August, 1983.

PARK CITY MUNICIPAL CORPORATION


Mayer John C. Green, Jr.

Attest:


William R. Gatherum
City Recorder

ORDINANCE

Ordinance No. 82-15(1)

AN ORDINANCE AMENDING ORDINANCE 82-15
WHICH SETS WATER RATES TO PROVIDE FOR THE CHARGING
OF INTEREST ON PAST DUE ACCOUNTS

WHEREAS, there are a number of accounts which are more than three (3) months in arrears, and

WHEREAS, it is in the best interest of the city to accelerate the collection of past due accounts;

NOW, THEREFORE BE IT ORDAINED by the City Council of Park City, Utah that:

SECTION 1. AMENDMENT. Section 7, "Billing" of Ordinance No. 82-15 should be and is hereby amended by the addition of the following provision at the end of that section:

Interest shall be assessed against all accounts which are more than thirty (30) days past due at the rate of one and a half percent (1 1/2%) per month, which is an annual rate of eighteen percent (18%). An account is due and payable upon mailing of the monthly statement, and interest will be assessed if the bill, or any portion of the bill, remains unpaid thirty (30) days from mailing. Interest will be charged only against the unpaid balance, and not against any partial payment, or against the current billing cycle charges.

SECTION 2. EFFECTIVE DATE. This Ordinance shall take effect on December 1, 1982, and shall apply to all charged which are more than thirty (30) days in arrears as of that date.

Passed and adopted
November 11, 1982

PARK CITY MUNICIPAL CORPORATION



Mayor John C. Green, Jr.

Attest:



City Recorder

11/8/82(1)

AN ORDINANCE SETTING WATER RATES AND CONNECTION FEES
FOR CULINARY WATER SERVICE WITHIN PARK CITY
(AND AMENDING ORDINANCE 81-6)

Ordinance No. 82- 15

WHEREAS, the city has constructed and maintained a waterworks system to provide culinary water service to properties within the city limits, and

WHEREAS, the operation and maintenance costs of that system have increased, and the system is in need of general repairs, and

WHEREAS, the city has instituted a water service base, the costs of the system on water consumption, and

WHEREAS, the city desires to encourage conservation of its water resources;

NOW, THEREFORE BE IT ORDAINED by the City Council that:

1. METERED SERVICE: All water used from the city water system for household, irrigation, or any other use, shall be metered, and water paid for according to the quantity used. Charges for all meters are as follows:

<u>Meter Size</u>	<u>Base/Demand Charge</u>
5/8" x 3/4"	\$ 7.50 per month
1"	18.75 per month
1 1/2"	33.75 per month
2"	48.75 per month
3"	100.00 per month
4"	165.00 per month
6"	300.00 per month

The base/demand charge shall entitle the water customer to use up to 3,000 gallons in any one month without additional charge, regardless of meter size. All water consumed in excess of 3,000 gallons per month shall be charged at the rate of \$1.52 per thousand gallons or part thereof. There shall be no right of carry-over from one month to the next, so that each month is billed independently of all other months. Vacant properties which have not had service disconnected by the city shall be charged the minimum applicable for that meter.

2. METER READING: Meters may be read monthly, but shall be read a minimum of five times per year. In the event that one reading covers consumption for more than one month, consumption shall be prorated equally to each month included in the meter reading. By connecting to

the water system, property owners and occupants of property are deemed to have consented to permit meter readers on the property to read the meters. In the event that meters were installed within any building on the premises, and there is no remote read-out device, the property owner or occupant shall be required to permit access for the reading of the meter during normal business hours as a condition to continued water service.

3. METER ERROR: In the event that a meter malfunctions so that a reliable reading is not possible, charges shall be estimated by comparing the past known use through the malfunctioning meter to that of the adjoining or similar properties on which the past and current months' use is known. The consumption for the period during which no reliable meter reading is available is presumed to bear the same proportion to the consumption through a meter on a similar or adjoining property that the last known meter reading for the malfunctioning meter bears to the consumption through the same adjoining property's meter for the same period.

4. METER TEST: If a water user contests the accuracy of a meter, which when removed and checked, proves to be accurate or under reading, the actual costs of removing, replacing, and testing the meter shall be charged to the water user on the next water bill. If the meter is over reading, no charge will be made for the repair, and an adjustment for the error will be made under the formula described in Section 3 above, for not more than three months. Meter errors of 3% or less shall be deemed accurate readings. If upon a rereading requested by the customer, the meter is found to be accurate, a two dollar (\$2.00) reread charge will be included in the next billing.

5. METER TAMPERING: It shall be unlawful to tamper with or bypass any water meter for the purpose of causing it to produce inaccurate meter readings or for any other purpose, or to willfully cause damage to any water meter. Violation of this Section is a Class B misdemeanor, punishable by a fine of not more than \$299.00 and not more than six months in jail. Willful consumption of water through a meter known to be damaged, bypassed, or tampered with, constitutes theft of services and may be punishable as a felony. All meters installed

throughout the system shall become the property of the city upon installation. Only meters meeting the City's specifications may be used.

6. DISCOUNT OF RATES: The City Manager shall be authorized to discount water charges for senior citizens or indigent persons who suffer serious hardship as a result of increased rates. The discounted rate shall never be less than \$2.00 per month.

7. BILLING: The city Finance Department shall send a monthly or bi-monthly billing for water used in the previous month as shown by the meter readings or as estimated. Payment is due within fifteen days from receipt of the bill. In the event of non-payment, the city may maintain an action to recover the amount owed, and after giving written notice to the owner of the property and the occupant thereof, may terminate service. Notice of termination of service shall be served upon the occupant of the property in person, or posted on the property, and to the owner of the property by mail. Notice shall be given in both manners even if the property is known to be owner occupied. Service shall not be terminated for non-payment without at least ten days after notice. Water service may be terminated for non-payment of any billing of other City services.

8. CONNECTION FEES: In order to cover the cost of connections to the city's water system, a fee is to be paid to the Building Official at the time the building permits are issued, according to the following schedule:

	<u>Fee</u>
\$600.00	Single family residence
400.00	Multi-family unit with two or more bedrooms
200.00	Hotel room, studio or one bedroom unit
200.00	Per 1,000 sq. ft. of commercial (i.e., non-residential space) - minimum connection fee of \$400.00
.05	Per sq. ft. for all non-habitable, non-water using space such as parking, garages and storage room

Uses not covered above to be determined by the Building Official upon approval by the City Manager.

All applicants for water service shall include in their system a suitable frost free water meter to specifications required by the

Public Works Director and approved at the time the building permit is issued. Cost of making the connection and cost of purchasing and installing the water meter and water meter vault shall be paid by the applicant and shall be in addition to the connection fees herein described. In addition to the fees described in this Ordinance, permit fees for plumbing, electrical, mechanical, grading, and excavation, demolition and street cut permits, are required according to the fee schedule included in the Uniform Building Code. The connection fee may be waived by the City Council upon the recommendations 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.

9. REPEALER: This Ordinance repeals and supercedes all prior ordinances of the city which fix the rate to be charged for water service, specifically Ordinance 6-74 and Ordinance 9-74. This Ordinance also repeals Section 12 of Ordinance 81-6 and replaces that provision.

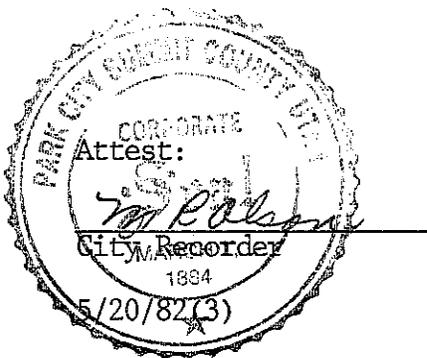
10. EFFECTIVE DATE: This Ordinance shall take effect upon publication.

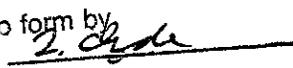
ADOPTED this 20th day of May, 1982.

PARK CITY MUNICIPAL CORPORATION



Mayor John C. Green, Jr.



Approved as to form by
City Attorney 

AN ORDINANCE SETTING WATER RATES AND CONNECTION FEES
FOR CULINARY WATER SERVICE WITHIN PARK CITY
(AND AMENDING ORDINANCE 81-6)

Ordinance No. 82-15 (Including Amendment 82-15(1))

WHEREAS, the city has constructed and maintained a waterworks system to provide culinary water service to properties within the city limits, and

WHEREAS, the operation and maintenance costs of that system have increased, and the system is in need of general repairs, and

WHEREAS, the city has instituted a water service base, the costs of the system on water consumption, and

WHEREAS, the city desires to encourage conservation of its water resources;

NOW, THEREFORE BE IT ORDAINED by the City Council that:

1. METERED SERVICE: All water used from the city water system for household, irrigation, or any other use, shall be metered, and water paid for according to the quantity used. Charges for all meters are as follows:

<u>Meter Size</u>	<u>Base/Demand Charge</u>
5/8" x 3/4"	\$ 7.50 per month
1"	18.75 per month
1 1/2"	33.75 per month
2"	48.75 per month
3"	100.00 per month
4"	165.00 per month
6"	300.00 per month

The base/demand charge shall entitle the water customer to use up to 3,000 gallons in any one month without additional charge, regardless of meter size. All water consumed in excess of 3,000 gallons per month shall be charged at the rate of \$1.52 per thousand gallons or part thereof. There shall be no right of carry-over from one month to the next, so that each month is billed independently of all other months. Vacant properties which have not had service disconnected by the city shall be charged the minimum applicable for that meter.

2. METER READING: Meters may be read monthly, but shall be read a minimum of five times per year. In the event that one reading covers consumption for more than one month, consumption shall be prorated equally to each month included in the meter reading. By connecting to the water system, property owners and occupants of property are deemed

to have consented to permit meter readers on the property to read the meters. In the event that meters were installed within any building on the premises, and there is no remote read-out device, the property owner or occupant shall be required to permit access for the reading of the meter during normal business hours as a condition to continued water service.

3. METER ERROR: In the event that a meter malfunctions so that a reliable reading is not possible, charges shall be estimated by comparing the past known use through the malfunctioning meter to that of the adjoining or similar properties on which the past and current months' use is known. The consumption for the period during which no reliable meter reading is available is presumed to bear the same proportion to the consumption through a meter on a similar or adjoining property that the last known meter reading for the malfunctioning meter bears to the consumption through the same adjoining property's meter for the same period.

4. METER TEST: If a water user contests the accuracy of a meter, which when removed and checked, proves to be accurate or under reading, the actual costs of removing, replacing, and testing the meter shall be charged to the water user on the next water bill. If the meter is over reading, no charge will be made for the repair, and an adjustment for the error will be made under the formula described in Section 3 above, for not more than three months. Meter errors of 3% or less shall be deemed accurate readings. If upon a rereading requested by the customer, the meter is found to be accurate, a two dollar (\$2.00) reread charge will be included in the next billing.

5. METER TAMPERING: It shall be unlawful to tamper with or bypass any water meter for the purpose of causing it to produce inaccurate meter readings or for any other purpose, or to willfully cause damage to any water meter. Violation of this Section is a Class B misdemeanor, punishable by a fine of not more than \$299.00 and not more than six months in jail. Willful consumption of water through a meter known to be damaged, bypassed, or tampered with, constitutes theft of services and may be punishable as a felony. All meters installed throughout the system shall become the property of the city upon

installation. Only meters meeting the City's specifications may be used.

6. DISCOUNT OF RATES: The City Manager shall be authorized to discount water charges for senior citizens or indigent persons who suffer serious hardship as a result of increased rates. The discounted rate shall never be less than \$2.00 per month.

7. BILLING: The city Finance Department shall send a monthly or bi-monthly billing for water used in the previous month as shown by the meter readings or as estimated. Payment is due within fifteen days from receipt of the bill. In the event of non-payment, the city may maintain an action to recover the amount owed, and after giving written notice to the owner of the property and the occupant thereof, may terminate service. Notice of termination of service shall be served upon the occupant of the property in person, or posted on the property, and to the owner of the property by mail. Notice shall be given in both manners even if the property is known to be owner occupied. Service shall not be terminated for non-payment without at least ten days after notice. Water service may be terminated for non-payment of any billing of other City services.

Interest shall be assessed against all accounts which are more than thirty (30) days past due at the rate of one and a half percent (1 1/2%) per month, which is an annual rate of eighteen percent (18%). An account is due and payable upon mailing of the monthly statement, and interest will be assessed if the bill, or any portion of the bill, remains unpaid thirty (30) days from mailing. Interest will be charged only against the unpaired balance, and not against any partial payment, or against the current billing cycle charges.

This above paragraph is an amendment to this ordinance and shall take effect on December 1, 1982, and shall apply to all charged which are more than thirty (30) days in arrears as of that date, according to Section 2 of the amendment.

8. CONNECTION FEES: In order to cover the cost of connections to the city's water system, a fee is to be paid to the Building Official at the time the building permits are issued, according to the following schedule:

Fee

\$600.00	Single family residence
400.00	Multi-family unit with two or more bedrooms
200.00	Hotel room, studio or one bedroom unit
200.00	Per 1,000 sq. ft. of commercial (i.e., non-residential space) - minimum connection fee of \$400.00
.05	Per sq. ft. for all non-habitable, non-water using space such as parking, garages and storage room

Uses not covered above to be determined by the Building Official upon approval by the City Manager.

All applicants for water service shall include in their system a suitable frost free water meter to specifications required by the Public Works Director and approved at the time the building permit is issued. Cost of making the connection and cost of purchasing and installing the water meter and water meter vault shall be paid by the applicant and shall be in addition to the connection fees herein described. In addition to the fees described in this Ordinance, permit fees for plumbing, electrical, mechanical, grading, and excavation, demolition and street cut permits, are required according to the fee schedule included in the Uniform Building Code. The connection fee may be waived by the City Council upon the recommendations 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.

9. REPEALER: This Ordinance repeals and supercedes all prior ordinances of the city which fix the rate to be charged for water service, specifically Ordinance 6-74 and Ordinance 9-74. This Ordinance also repeals Section 12 of Ordinance 81-6 and replaces that provision.

10. EFFECTIVE DATE: This Ordinance shall take effect upon publication.

ADOPTED this 20th day of May, 1982.

AMENDED this 11th day of November, 1982

PARK CITY MUNICIPAL CORPORATION

PLEASE NOTE THAT THIS DOCUMENT IS A CODIFIED VERSION OF ORDINANCE NO. 82-15 AND AN AMENDMENT TO THAT ORDINANCE, ORDINANCE NO. 82-15(1). BOTH ORIGINAL DOCUMENTS HAVE BEEN SIGNED AND PUBLISHED.

ORDINANCE

Ordinance No. 82-16(1)

AN ORDINANCE AMENDING ORDINANCE NO. 82-16
ADOPTING UNIFORM CONSTRUCTION SPECIFICATIONS AND ENGINEERING
STANDARDS FOR THE CONSTRUCTION OF PUBLIC WORKS IMPROVEMENTS
WITHIN PARK CITY, UTAH

WHEREAS, it is desirable to establish a set of
uniform construction standards and specifications for
additions, alterations, and repairs to the public works
systems of Park City; and

WHEREAS, the City deems it appropriate to adopt
the most recently revised uniform construction standards and
specifications as the official reference of Park City, Utah,
as prepared by the City Engineer;

NOW, THEREFORE BE IT ORDAINED by the City of Park
City, Utah that:

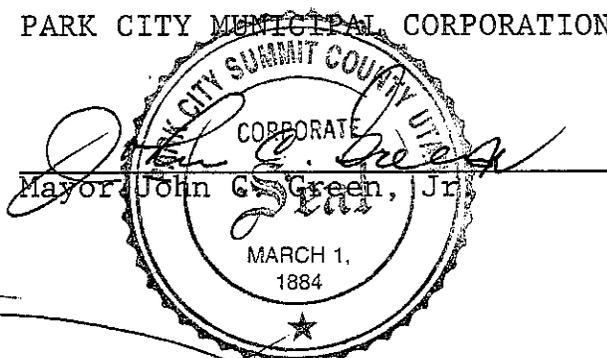
SECTION 1. AMENDMENT. Section 1 of Ordinance No.
82-16 shall be revised and amended to read:

The "Park City Construction Specifications and Standard
Construction Drawings" prepared by the City Engineer,
and dated April 1983 are hereby adopted by the City as
the minimum construction standards to be applied to all
additions, alterations and repairs to public streets
and all other public works facilities of Park City.
These standards are incorporated into this Ordinance by
reference, and are a part of this Ordinance as if they
had been set forth here in their entirety.

SECTION 2. EFFECTIVE DATE. This Ordinance shall
take effect on the date of publication.

PASSED AND ADOPTED this 7th day of July, 1983.

PARK CITY MUNICIPAL CORPORATION



Attest:

William R. Gatherum
William R. Gatherum
City Recorder

ORDINANCE

Ordinance No. 82-16

AN ORDINANCE ADOPTING UNIFORM CONSTRUCTION
SPECIFICATIONS AND ENGINEERING STANDARDS
FOR THE CONSTRUCTION OF PUBLIC WORKS IMPROVEMENTS
WITHIN PARK CITY, UTAH

WHEREAS, it is desirable to establish a set of uniform construction standards and specifications for additions, alterations, and repairs to the public works systems of Park City;

NOW THEREFORE BE IT ORDAINED by the City Council of Park City, Utah:

Section 1: The "Park City Construction Specifications and Standard Construction Drawings" prepared by the City Engineer, and dated April 1982 are hereby adopted by the city as the minimum construction standards to be applied to all additions, alterations and repairs to public streets and all other public works facilities of Park City. These standards are incorporated into this Ordinance by reference, and are a part of this Ordinance as if they had been set forth here in their entirety.

Section 2: Privately constructed roads and other improvements of the type described in the "Park City Construction Specifications and Standard Drawings" must comply with those standards to be accepted by the city as a part of the city's public works systems. No future dedication of any improvements will be accepted unless the improvements comply with these standards.

Section 3: These standard specification set the minimum acceptable standards to be applied, and the City Engineer may require different standards or specifications under appropriate circumstances to meet site specific conditions not adequately addressed by the standard specifications.

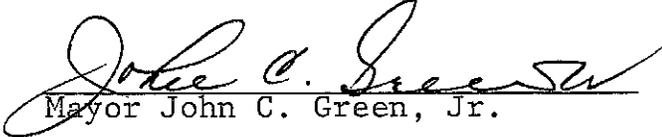
Section 4: The City Recorder shall maintain three bound volumes of the standard specifications with the official records of the city, which shall be available for public inspection and review during business hours.

Section 5: These standards are intended to repeal and replace any previously adopted standards covering the same facilities.

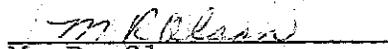
Section 6: This Ordinance shall take effect on the date of publication.

PASSED AND ADOPTED this 3rd day of June, 1982

PARK CITY MUNICIPAL CORPORATION


Mayor John C. Green, Jr.

Attest:


M. R. Olson
City Recorder

ORDINANCE 82-17 (5)

**AN ORDINANCE AMENDING SECTION 13, WATER DEVELOPMENT FEES,
OF ORDINANCE 82-17, TO CLARIFY THE CIRCUMSTANCES
UNDER WHICH WATER RIGHTS MAY BE SUBSTITUTED
FOR WATER DEVELOPMENT FEES**

WHEREAS, Section 13 of Ordinance 82-17 provides different schedules for the payment of water development fees based upon whether water rights are dedicated to the City; and,

WHEREAS, the relative costs to the City of the acquisition of water rights and the development of water sources have changed over time; and,

WHEREAS, there exist a number of factors bearing upon the value of water rights offered to the City, and the credit against water development fees to be granted by the City for the dedication of water rights varies on a case by case basis;

NOW THEREFORE, BE IT ORDAINED by the City Council of Park City, Utah as follows:

Section 1. Section 13 of Ordinance 82-17 shall be amended to read as follows:

SECTION 13. WATER DEVELOPMENT FEES. In order to cover the costs involved in the development of a water supply system adequate to serve new development, and to provide for the acquisition of additional water rights sufficient to serve future development, a water development fee is to be paid to the Building Official at the time of application for a building permit according to the following schedule:

~~For development within the City that does not include the donation to the City of water rights, as approved by the~~

~~City Attorney, adequate to serve the proposed development:~~

\$2500 per single family dwelling unit;
\$2000 per multi-family unit with two or more bedrooms;
\$1000 per hotel room, studio or one bedroom apartment;
\$1000 per thousand square feet of commercial (i.e., non-residential).

~~For development within the City that includes the donation of water rights, as approved by the City Attorney, adequate to serve the development:~~

~~\$ 600 Per single family unit
\$ 500 per multi-family unit with two or more bedrooms
\$ 250 per hotel room, studio or one bedroom apartment
\$ 250 per 1,000 square feet of commercial (i. e., non-residential) space~~

For uses not covered above, the fee will be determined by the Building Official upon approval by the City Manager.

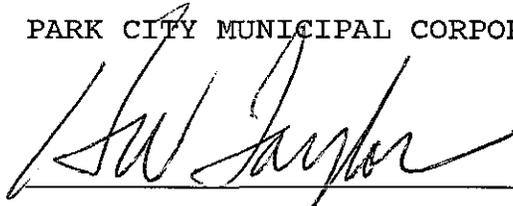
Non-habitable, non-water using space such as parking garages and storage rooms, etc., is not included in the calculation of the fee. ~~To be acceptable for dedication, water rights must be in a form approved by the City Attorney as being suitable for use in terms of points of diversion, priority of right; place of use; nature of use; quality; quantity; and title. The instruments of conveyance shall developer to warrant and defend his right to make the conveyance and also to defend the right to make use of the water as described in the conveyance or other written evidence of the right. On projects of fewer than fifty (50) units, the developer shall have the option to pay the fee or provide water rights. On projects of fifty (50) units or more, the decision to accept the fee in lieu of dedication or dedication of rights, or some combination of the two shall be made by the City Engineer.~~

A credit against the applicable water development fee may be granted by the Park City Council, in its sole discretion, in the event water rights acceptable to the Council are donated to Park City. Upon receiving an offer of donation of water rights, the council will request a written opinion from the City Attorney as to the point of diversion, priority of right, place of use, nature of use, quality, quantity and title to the offered rights. The credit granted, if any, will be negotiated between the City and the developer on a case by case basis.

SECTION 2. Effective Date. This Ordinance shall take effect immediately upon its publication.

PASSED AND ADOPTED by the Park City Council this ^{20th} ~~13th~~ day of October, 1988.

PARK CITY MUNICIPAL CORPORATION



Hal W. Taylor, Mayor

Attest:

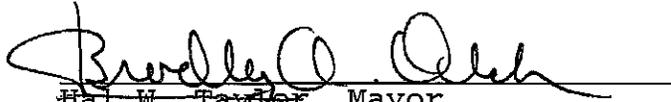

Anita L. Coletti, City Recorder



ord/ord82-17.5

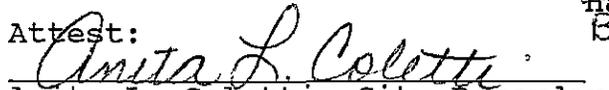
Section 3. Effective Date. This Ordinance shall take effect upon publication.

PARK CITY MUNICIPAL CORPORATION



~~Hal W. Taylor, Mayor~~
BRADLEY A. OLCH

Attest:


Anita L. Coletti, City Recorder

ORDINANCE

Ordinance No. 82-17(4)

AN ORDINANCE AMENDING ORDINANCE 82-17
CLARIFYING THE FEES FOR
CONSTRUCTION INSPECTION

WHEREAS, the development of property imposes substantial burden on the city to provide additional services, and;

WHEREAS, it is the policy of the city to require developers to pay for all costs related to the development of their property, and;

WHEREAS, Ordinance 82-17 needs to be revised;

NOW, THEREFORE BE IT ORDAINED by the City Council of Park City, Utah that Section 12, Construction Inspection, of Ordinance 82-17 as amended, be amended to read as follows:

SECTION 12. 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, as defined in Chapter 4 of the Uniform Building Code or Section 200 of the Park City Design

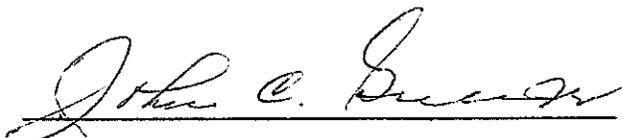
Standards. All such improvements shall be built to City standards found in the Park City Design Standards, Construction Specifications and Standard Drawings, adopted by ordinance. In projects with private street systems, that limit city inspection requirements to water, drainage, and other improvements, but not to streets, the inspection fee shall be four percent (4%) of the estimated construction cost of the improvements to be inspected as determined by the City Engineer.

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 of \$25.00 per manhour to recoup costs to the City above the fee charged. The City may also charge \$25.00 per man hour for re-inspections of work previously rejected.

This Amendment to Ordinance 82-17 will become effective immediately upon its publication.

Passed this 27th day of June, 1985.

PARK CITY MUNICIPAL CORPORATION



John C. Green, Jr., Mayor

Attest:

City Recorder

ORDINANCE

Ordinance No. 82-17(3)

AN AMENDMENT TO THE DEVELOPER'S FEE SCHEDULE ORDINANCE
TO ADJUST CONSTRUCTION INSPECTION FEES AND TO ESTABLISH
A FEE FOR PAYMENTS INTO A PUBLIC PARKING STRUCTURE
FOR PARKING IN THE HCB AND HTO ZONES

WHEREAS, the recently adopted ordinances amending the zoning in the HCB and HTO Zones requires parking to be provided in some situations in those zones; and

WHEREAS, the Ordinance provided the option of constructing on-site parking or paying the costs to the City for construction of a public parking facility;

NOW, THEREFORE, BE IT ORDAINED by the City Council of Park City, Utah as follows:

SECTION 1. Section 12 of Ordinance 82-17 (as amended), is hereby amended to read as follows:

SECTION 12. CONSTRUCTION INSPECTION. Developers shall pay a fee equal to three percent (3%) of the construction bid price (as approved by the City Engineer) for the City's inspection services on all non-structural public improvements, including streets, curb and gutter, sidewalks, water and sewer lines, storm drainage, and all other non-structural improvements, as defined in Chapter 4 of the Uniform Building Code. All such improvements shall be built to City standards as adopted by ordinance. In projects with private street systems, so that City inspection is limited to water, sewer, storm drainage and other improvements, but not the streets, the inspection fee shall be one and one half percent (1 1/2%) of the approved construction bid price. Private road systems must be constructed to City standards.

At the option of the City, the construction inspection fee may be based on an actual time and materials and overhead basis, and billed monthly to the developer. This option shall be used where the nature of the improvements is such that the percentage rate is not reasonably reflective of the actual costs, or when actual cost billing better serves the City's needs.

SECTION 2. Ordinance 82-17, as amended, is hereby amended by adding a new section at Section 20, to read as follows:

SECTION 20. PUBLIC PARKING FACILITY. The payment for spaces in a publicly constructed parking facility, in lieu of providing on-site parking within the HCB and HTO Zones shall be Ten Thousand Dollars (\$10,000) per stall. The payments together with interest earned thereon, shall be used by the City for the construction

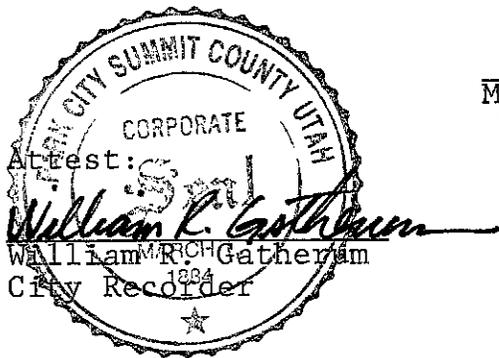
or acquisition of parking structures within the Swede Alley area between Hillside and Heber Avenues.

SECTION 3. All other sections of Ordinance 82-17 shall remain unchanged, except those provisions following the new Section 20 shall be renumbered to retain their sequence.

SECTION 4. EFFECTIVE DATE. This amendment shall take effect on the date of publication.

PASSED AND ADOPTED this 4th day of August, 1983.

PARK CITY MUNICIPAL CORPORATION




Mayer John C. Green, Jr.

ORDINANCE

Ordinance No. 82-17(2)

AN ORDINANCE AMENDING ORDINANCE NO. 82-17
WHICH SETS DEVELOPMENT RELATED FEES TO SET FEES FOR
CONDOMINIUMS AND TIMESHARE CONVERSIONS
AND TO PERMIT THE WAIVER OF CERTAIN FEES BY
THE CITY MANAGER

WHEREAS, it is necessary to provide a fee for the conversion to timeshare ownership; and

WHEREAS, there are numerous instances where a building permit fee is technically required, but the fee would be assessed against community sponsored organizations or non-profit groups, or in some cases for work done on city owned property,

NOW, THEREFORE, BE IT ORDAINED by the City Council of Park City, Utah that:

SECTION 1. Section 18 of the Developer Fee Schedule Ordinance, Ordinance No. 82-17, as amended, shall be and is hereby amended to read as follows:

SECTION 18. CONDOMINIUM CONVERSION, TIMESHARE.

The fees prescribed in this Ordinance for Plan Check (Section 3), Project Application Fees (Section 13), and Water Development and Connection Fees shall not be assessed against projects which are before Planning Department and Planning Commission (or Historic District 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);

- (c) The structure was completed not more than five (5) years prior to the application for condominium and/or timeshare conversion, and 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 for plat review for this condominium conversion shall be twenty-five dollars (\$25.00) per unit within the proposed condominium (exclusive of units not included within the conversion) for residential and transient lodging units, and twenty-five dollars (\$25.00) per thousand square feet of non-residential or transient lodging units, including commercial space. All other fees prescribed by this Ordinance shall apply s the service is required. Additional water connection fees shall be assessed if the meter capacity or water service to the building is ncreased as a result of the change in ownership. This Ordinance shall not be construed as waiving the conditional use review process for timeshare conversions established by the Park City lTimeshare Ordinance, Ordinance 82-4.

SECTION 2. Section 19 of Ordinance No. 82-17, as amended, should be and is hereby amended to read as follows:

SECTION 19. FEE ADJUSTMENTS. The fees established in this Ordinance 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 public or non-profit projects, provided that no waiver of reduction of fees totaling more than one hundred dollars (\$100.00) on any one project may be waived without City Council approval. Building related fees shall not be assessed against building projects owned by the city.

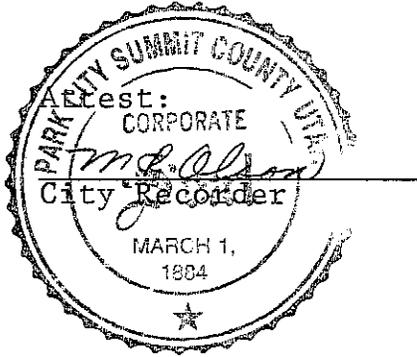
SECTION 3. EFFECTIVE DATE: This amendment shall take effect upon the date of publication.

Passed and adopted
November 11, 1982

PARK CITY MUNICIPAL CORPORATION



Mayor John C. Green, Jr.



ORDINANCE

Ordinance No. 82-17(1)

AN ORDINANCE AMENDING ORDINANCE 82-17 SETTING FEES
FOR DEVELOPMENT RELATED CITY SERVICES

WHEREAS, the City Council adopted Ordinance No. 82-17 setting fees to be charged for development related city services, and

WHEREAS, it appears necessary to make an adjustment in those fees to provide a more equitable schedule of assessment,

NOW, THEREFORE BE IT ORDAINED by the City Council that Ordinance No. 82-17 is amended as follows:

SECTION 1. A new section shall be added as Section 18 of Ordinance 82-17 providing as follows:

SECTION 18. CONDOMINIUM CONVERSION OF EXISTING STRUCTURES. The fees prescribed in this Ordinance for Plan Check (Section 3), Project Application Fees (Section 4), and the Water Development Fees (Section 13), 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, provided the following conditions are met:

- (a) No substantial changes are being made to the structure itself as a part of the conversion in the form of ownership,
- (b) No change in use is proposed, and
- (c) The structure was completed not more than five (5) years prior to the application for condominium plat approval, and was either a permitted use or an approved conditional use at the time of construction.

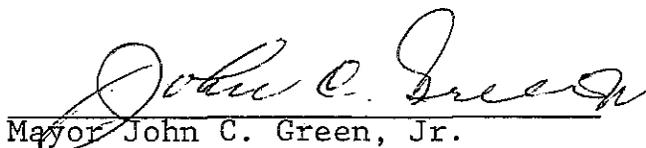
The fee for plat review for condominium conversion shall be twenty-five dollars (\$25.00) per unit within the

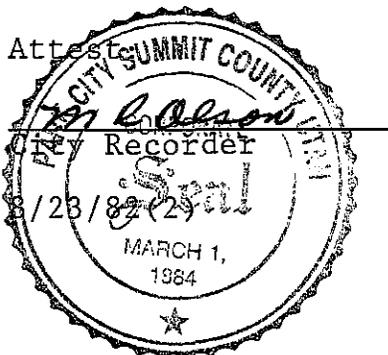
proposed condominium, or twenty-five dollars (\$25.00) per one thousand (1,000) square feet of commercial space in the case of a non-residential condominium. All other fees prescribed by this Ordinance shall apply as the service is required. Because of the special conditional use review requirements established by the Park City Timeshare Ordinance, Ordinance No. 82-4 for review of timeshare conversions, this fee reduction shall not apply to conversions to condominium ownership where the use and/or ownership of the units is subdivided into recurring time intervals.

SECTION 2. All other provisions of Ordinance 82-17 shall be renumbered accordingly to accommodate this amendment.

SECTION 3. This Ordinance shall take effect upon publication.

PARK CITY MUNICIPAL CORPORATION


Mayor John C. Green, Jr.



ORDINANCE

Ordinance No. 82-17

AN ORDINANCE ESTABLISHING A SCHEDULE OF FEES
TO BE PAID TO THE CITY
RELATED TO THE CONSTRUCTION OF RESIDENTIAL AND
COMMERCIAL PROPERTIES IN PARK CITY, UTAH
AND REPLACING ORDINANCE 81-6

WHEREAS, the development of property imposes substantial burden on the city to provide additional services, and;

WHEREAS, it is the policy of the city to require developers to pay for all costs related to the development of their property, and;

WHEREAS, the fees set by Ordinance 81-6 need to be revised;

NOW, THEREFORE BE IT ORDAINED by the City Council of Park City:

- Section 1. Impact Fees
- Section 2. Building Permit Fees
- Section 3. Plan Check Fees
- Section 4. Project Application or Re-Submission Fees
- Section 5. Extension of Conditional Use Approval
- Section 6. Modification of Approved Plans
- Section 7. Board of Adjustment
- Section 8. Recording Fee for Approved Plats
- Section 9. Staff Review Team Fees
- Section 10. Engineering and Attorney's Fees
- Section 11. Other Professional Services
- Section 12. Construction Inspection
- Section 13. Water Development Fees
- Section 14. Water Connection Fees
- Section 15. Additional Fees
- Section 16. Exceptions
- Section 17. Approvals Withheld
- Section 18. Fee Adjustment
- Section 19. Penalty
- Section 20. Repeal of Conflicting Ordinances
- Section 21. Separability of Ordinances
- Section 22. Effective Date

SECTION 1. IMPACT FEES. There is hereby levied an impact fee on all new development, as determined by this Ordinance. Impact fees shall be dedicated to the purchase or construction of equipment or capital improvements that will reasonably relate to the project on which the impact fee was levied and to prevent the dilution of city services in other areas of the city.

The determination of value or valuation under any of the provisions of this Ordinance shall be made by the Building Official on the basis of the ICBO Building Standards, subject to the approval of the City Manager.

The impact fee set forth below shall be in addition to the building permit fees, and shall be paid prior to the issuance of a building permit:

IMPACT FEE SCHEDULE

<u>Total Valuation</u>	<u>Fee</u>
\$1 and up	2% of the total valuation of new construction as herein above described.

The impact fee shall be assessed against all new development wherever it occurs within the City, except that no impact fee will be assessed against projects involving repair work only, or to the demolition and replacement of an existing, inhabited dwelling with another dwelling unit at the same site.

SECTION 2. BUILDING PERMIT FEES. A fee for building permits and inspection shall be paid to the Building Official at the time the permit is issued:

<u>Total Valuation</u>	<u>Fee</u>
\$1 and up	3/4 of 1% of the total valuation of construction as hereinabove described with a minimum fee of \$15. Any additional fees will be as otherwise outlined in Section 304 and Table 3A of the Uniform Building Code.

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

On buildings requiring plan checks at the time of building permit application, the applicant shall pay a deposit of two hundred dollars (\$200.00) for up to three (3) units or 3,000 square feet of commercial area; five hundred dollars (\$500.00) on buildings up to six (6) units or 6,000

square feet of commercial area; and buildings over this, one thousand dollars (\$1,000.00). This deposit will credit against the plan check fee when the permit is issued. This deposit is non-refundable in the event permits are not issued.

SECTION 3. PLAN CHECK FEES. A fee for the review and approval of building construction plans by the Building Department shall be paid to the Building Official.

Fee

65% of the building permit fee.

SECTION 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 units 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. Re-submission of projects on which a conditional use approval has lapsed shall be accepted only upon payment of new application fee. 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. The application and re-submission fee shall be as follows:

Fee

\$200 per dwelling unit, residential subdivision lot, or 1,000 square feet of commercial (non-residential) space.

This fee shall not apply to single family residences constructed in subdivisions which were given final approval and platted after April 4, 1968. Non-habitable space, such as parking structures and storage areas, which are required by zoning regulations as a part of the project under consideration are exempt from the fee.

On projects taking advantage of the large scale planned unit development process, as set forth in the Land Management Code, the application fees shall be paid as follows. The sum of fifty dollars (\$50.00) per unit applied for shall be paid at the time of application. The balance of the fee, which is one hundred and fifty dollars (\$150.00), shall be paid at the time the units are submitted for final approval, and will be assessed only against the units applied for within each phase of the phased approval process.

SECTION 5. EXTENSION OF CONDITIONAL USE APPROVAL.

Applications for the extension of conditional use approval shall be accompanied by a fee of fifty dollars (\$50.00). Applicants shall also pay all staff review costs and fees (as set forth in Section 9) incurred in the review of the application.

SECTION 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, no substantial modifications shall be made by the developer except upon payment of a fee of fifty dollars (\$50.00) per dwelling unit per or 1,000 square feet of commercial space for each unit or commercial area affected by the modification. Staff review team fees shall apply to the review of the modified plans as set forth in Section 9 below. 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.

SECTION 7. BOARD OF ADJUSTMENT. All applications

for consideration of any project by the Board of Adjustment

shall be accompanied by a fee of one hundred and twenty-five dollars (\$125.00) to defray the costs of technical review, posting of notice and other administrative costs incurred in the application and review.

SECTION 8. RECORDING FEE FOR APPROVED PLATS.

Plats that have received final City Council approval will be recorded in the office of the County Recorder by the City Recorder personally or through a licensed title company. A recording fee is to be paid to the City Recorder prior to filing of the plat according to the following schedule:

<u>Fee</u>	
\$10.00	Plat, per page
.50	Per unit
1.00	Covenants, per page
20.00	Administrative costs

The person requesting the recording of a plat shall deposit with the City Recorder the estimated county recording fees in advance of recording. Any difference between the estimated and actual fees shall be refunded or billed to the project owner within thirty (30) days. No plats will be recorded if the project owner has unpaid fees for other permits or approvals relating to the project submitted for record.

SECTION 9. STAFF REVIEW TEAM FEES. For the technical review provided by the city staff of all development projects, a fee for staff review team meetings shall be charged by the Planning Department and billed monthly to developers who have projects under review as follows:

<u>Fee</u>
\$50 per hour

SECTION 10. 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.

SECTION 11. OTHER PROFESSIONAL SERVICES. Each developer of any building project, subdivision or other construction which the city deems to require 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.

SECTION 12. CONSTRUCTION INSPECTION. Developers shall pay a fee equal to three percent (3%) of the construction bid price (as approved by the City Engineer) for the city's inspection services on all non-structural public improvements, including streets, curb and gutter, sidewalks, water and sewer line extensions, and all other non-structural improvements as defined in Chapter 4 of the Uniform Building Code. All such improvements shall be built to city standards. In projects which maintain private street systems, so that city inspection is limited to water, sewer, drainage, and similar systems, the inspection fee shall be one percent (1%) of the construction bid price (as approved by the City Engineer).

SECTION 13. WATER DEVELOPMENT FEES. In order to cover the costs involved in the development of a water supply and water system adequate to serve new development, and to provide for the acquisition of additional water rights sufficient to serve future development, a water development fee is to be paid to the Building Official at the time building permits are issued according to the following schedule:

Fee

For development within the city that does not include the donation to the city of water rights, as approved by the City Attorney, adequate to serve the proposed development:

- \$2,500 Per single family unit
- \$2,000 Per multi-family unit with two or more bedrooms
- \$1,000 Per hotel room, studio or

one bedroom apartment

\$1,000 Per 1,000 sq. ft. of
commercial (i.e. non-
residential space)

Fee

For development within the city
that does include the donation of
water rights, as approved by the
City Attorney, adequate to serve
the development:

\$ 600 Per single family unit

\$ 500 Per multi-family unit with
two or more bedrooms

\$ 250 Per hotel room, studio or
one bedroom apartment

\$ 250 Per 1,000 sq. ft. of
commercial (i.e., non-
residential space)

Fee

For uses not covered above, fee to
be determined by the Building
Official upon approval by the City
Manager.

Non-habitable, non-water using space such as
parking garages and storage rooms, etc. are not included in
the calculation of the fee. To be acceptable for
dedication, water rights must be in a form approved by the
City Attorney as being suitable for use in terms of point of
diversion; priority of right; place of use; nature of use;
quality; quantity; and title. The instruments of conveyance
shall require the developer to warrant and defend his right
to make the conveyance and also to defend the right to make
use of the water as described in the conveyance or other
written evidence of the right. On projects of fewer than
fifty (50) units, the developer shall have the option to pay
the fee or provide water rights. On projects of fifty (50)
units or more, the decision to accept the fee in lieu of
dedication or dedication of rights, or some combination of
the two shall be made by the City Engineer.

SECTION 14. WATER CONNECTION FEES. In order to
cover the cost of connections to the city's water system, a
fee is to be paid to the Building Official at the time the

building permits are issued, according to the schedule in Ordinance 82-15 or its successor provisions or resolutions. All applicants for water service shall include their system a suitable frost-free water meter to specifications required by the Public Works Director and approved at the time the building permit is issued. Cost of making the connection and cost of purchasing and installing the water meter and water meter vault shall be paid by the applicant and shall be in addition to the connection fees.

SECTION 15. ADDITIONAL FEES. The fees described in this Ordinance are in addition to building permit fees for plumbing, electrical, mechanical, grading and excavation, demolition, signage, street cuts, and other fees set by ordinance.

SECTION 17. EXCEPTIONS. Any part of all of the fees included in this Ordinance may be waived by the City Council upon the recommendations 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 building permit is requested.

SECTION 17. APPROVALS WITHHELD. The City Manager is authorized to refuse to allow any building permit to be issued, or subdivision or condominiumization to be approved until the developer has complied with the provisions of this Ordinance.

SECTION 18. FEE ADJUSTMENTS. The fees established in this Ordinance may be amended, changed, or adjusted from time to time by resolution of the City Council.

SECTION 19. PENALTY. Any person that fails to pay the fees required by this Ordinance 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.

SECTION 20. REPEAL OF CONFLICTING ORDINANCES.

Any provision of any ordinance of this municipality which conflicts or is inconsistent with any provision of this Ordinance or any provision of the codes adopted in this Ordinance is hereby repealed. Ordinance 81-6 is repealed and superceded by this Ordinance.

SECTION 21. SEPARABILITY OF ORDINANCES. Should

any section, clause or provision of the codes adopted pursuant to this Ordinance 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 Ordinance of the codes adopted herein and each such section, clause or provision is hereby declared to be separate and distinct.

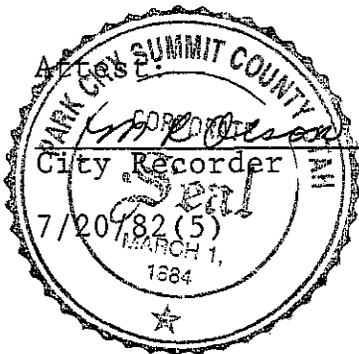
SECTION 22. EFFECTIVE DATE. This Ordinance shall

take effect immediately upon publication of a short summary.

PASSED AND ADOPTED by the City Council this 8th day of July, 1982.

PARK CITY MUNICIPAL CORPORATION

John C. Green, Jr.
Mayor John C. Green, Jr.



ORDINANCE

Ordinance No. 82-18(2)

AN ORDINANCE AMENDING ORDINANCE NO. 82-18,
AS AMENDED, TO CLARIFY THE REGULATION OF MINORS
IN LICENSED PREMISES

WHEREAS, it is unlawful for minors to consume or possess beer or other alcoholic beverages, or for others to provide alcohol to minors, and

WHEREAS, it is difficult to prevent minors from drinking if they are permitted in licensed premises,

NOW, THEREFORE, BE IT ORDAINED by the City Council of Park City, Utah as follows:

SECTION 1. Section 7.06 of Ordinance 82-18, as amended, should be and is hereby amended to read as follows:

Section 7.06. Minors in Licensed Premises.

- (a) It shall be unlawful for minors to be in, or enter any licensed premises which hold any of the following classifications of licenses:

Class C Beer License
Liquor Set-Up License
Temporary License Of Either Type

The licensee holding these licenses shall be responsible for preventing minors from remaining within his licensed premises. It shall be grounds for revocation of the licenses to permit minors to remain within the licensed premises holding licenses of any of these classifications.

- (b) There shall be no restriction on minors entering or remaining within licensed premises with any of the following classifications of licenses:

Class A Beer License
Class B Beer License
Class D Beer License
Restaurant Liquor License
Temporary Licenses Of Any Of These
Classifications

- (c) Minors are permitted in establishments holding private club liquor licenses only when in the

company of their parent, or guardian, and then, minors shall remain in areas designated by the licensee as being primarily food service areas. Licensees, at their option, may exclude minors from all areas within the licensed private club by posting a sign at the entry stating that minors are not permitted inside.

- (d) Minors may be employed by an licensee to work in any licensed premises, regardless of license classification, provided that no minor shall work in a beer or liquor serving, selling, or handling capacity or in the selling, servicing, or handling liquor set-ups.

SECTION 2. Section 3.02 of Ordinance No. 82-18 (as amended) should be and is hereby amended to read as follows.

Section 3.02. Regulatory Beer License Fee. The regulatory beer license fee shall be twenty five dollars (\$25.00) for all classes of beer licenses. The regulatory license fees shall be used by the city to defray, in part, the costs of enforcing alcohol related enforcement and responding to alcohol related offenses within Park City. This fee may be waived by the City Council for temporary licenses issued to persons participating in community sponsored events, or in events sponsored by or for the benefit of non-profit, civic, religious, or charitable organizations.

SECTION 4. The first paragraph of Section 3.04(b) should be and is hereby amended to provide as follows:

- (b) Class "B" Beer License. A Class "B" retail license shall entitle the licensee to sell beer at retail in bottles, cans or at draft for consumption on the premises in conjunction with restaurant service, and to all of the privileges of the Class "A" license. Only bonafide

restaurants shall be entitled to Class "B" licenses. No person under the age of twenty-one (21) years shall serve or sell beer under this license.

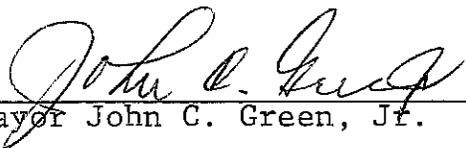
The balance of Section 3.04(b) shall be unaffected by this amendment.

SECTION 5. The remainder of Ordinance No. 812-18 is unchanged.

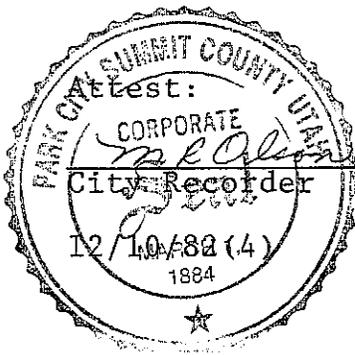
SECTION 6. This amendment shall take effect upon publication.

PASSED AND ADOPTED this 16th day of December, 1982.

PARK CITY MUNICIPAL CORPORATION



Mayor John C. Green, Jr.



AN ORDINANCE AMENDING ORDINANCE 82-18
TO PROVIDE FOR THE CONTROL OF NOISE
EMANATING FROM LICENSED BEER AND LIQUOR ESTABLISHMENTS

Ordinance No. 82-18(1)

WHEREAS, the location of most of the Park City bars, private clubs, and licensed lounges is such that the noise from those establishments is concentrated in the narrow canyon along Main Street, and

WHEREAS, the residents living in the areas above Main Street have complained about the noise from the licensed establishments continuing until early in the morning hours, and that the noise is annoying and tends to interfere with the use and enjoyment of their homes, and

WHEREAS, the licensed establishments are subject to regulation by the city.

NOW, THEREFORE BE IT ORDAINED by the City Council that:

SECTION 1. REGULATION OF LICENSED PREMISES.

Section 7 of Ordinance 82-18 should be and is hereby amended by the addition of a new subsection to read as follows:

SECTION 7.18. NOISE CONTROL. Licensees holding Class "C" or Class "B" beer licenses, or private club liquor licenses, with licensed premises in the HCB zone who permit or provide either live or recorded music or other performances in their establishments are required to control the volume thereof, and to limit the noise emanating from their establishments. It shall be unlawful and grounds for suspension or revocation of the license, for any of the licensees enumerated in this subsection to permit any performance of live or recorded music or other theatrical performance in their establishments between the hour of 10:00 p.m. and closing without first having closed all exterior doors and windows of the licensed premises to control noise, except that doors opening on the Main Street are excluded. Doors and windows shall be kept closed for

the duration of the performance. Doors may be opened to provide ingress and egress, but shall not be blocked in the open position to provide ventilation. Doors shall be equipped with automatic closing devices to keep them in the closed position except to permit ingress or egress. Loud speakers located on outdoor decks or dining areas are prohibited at all hours. Outdoor decks and dining areas shall be closed at 10:00 p.m.

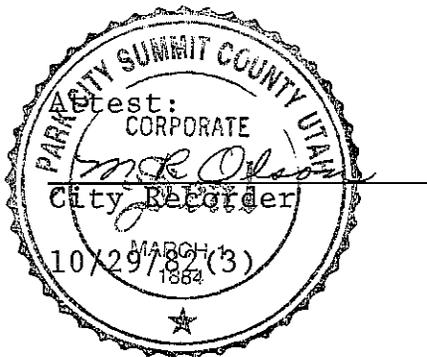
SECTION 2. EFFECTIVE DATE. This amendment shall take effect upon publication.

PASSED AND ADOPTED this 28th day of
October, 1982.

PARK CITY MUNICIPAL CORPORATION



Mayor John C. Green, Jr



ORDINANCE

Ordinance No. 82-18

AN ORDINANCE ESTABLISHING BEER AND LIQUOR
REGULATORY LICENSES

BE IT ORDAINED by the City Council of Park City,
Summit County, State of Utah, that:

- Section 1. Policy
- Section 2. Definitions
- Section 3. Beer Licenses
- Section 4. Liquor Licenses
- Section 5. License Application Procedures
- Section 6. Suspension and Revocation of License
- Section 7. Regulation of Licensed Premises
- Section 8. Applicability
- Section 9. Repealer Clause
- Section 10. Separability Clause
- Section 11. Effective Date

SECTION 1. POLICY. It is the policy of Park City Municipal Corporation to permit the operation of establishments serving beer and liquor in a manner consistent with the provisions of the Utah Liquor Control Act and related provisions of State Law. It is also the policy of Park City Municipal Corporation to place the primary responsibility for maintaining order and preventing breaches of the peace within establishments selling and serving beer and liquor on the owners and managers of those establishments.

SECTION 2. DEFINITIONS. All words and phrases used in this article shall have the following meanings unless a different meaning clearly appears from the context:

Section 2.01. Alcoholic Beverages. "Alcoholic beverages" means and includes "beer" and "liquor" as they are defined herein.

Section 2.02 Beer. "Beer" means any beverage containing not less than one-half of one percentum of alcohol by weight and obtained by the alcoholic fermentation of an infusion or decoction of any malted grain, or similar products. "Heavy beer" means beer containing more than 3.2 percentum of alcohol by weight. "Light beer" means beer containing not more than 3.2 percentum of alcohol by weight.

"Beer" may or may not contain hops or other vegetable products. "Beer" includes ale, stout, and porter.

Section 2.03 Director. "Director" means the Finance Director of Park City.

Section 2.04 Division. "Division" means the Park City Business Licensing Division.

Section 2.05 Licensee. "Licensee" means any person holding any beer or liquor license in connection with the operation of a place of business or private club. This term shall also include and beer or liquor handling employee of the licensee.

Section 2.06 Licensed Premises. "Licensed premises" means any room, building, structure, or place occupied by any person licensed to sell beer or to allow the consumption or storage of liquor on such premises under this article; provided that in any multi-roomed establishment, an applicant for a liquor license for a Class "B", Class "C", "Seasonal" (Class "B" or "C") or "Private Club" beer license shall designate a room or portion of a building of such business for consumption of liquor or the sale of beer, which portion shall be specifically designated in the application and in the license issued pursuant thereto shall be the licensed premises. Multiple dining facilities located in one building, owned or leased by one license applicant and subject to the same type of beer or liquor license shall be deemed to be only one licensed premises. Areas within a single building with different types of licenses shall be deemed separate licensed premises, and shall be required to obtain a separate license for each area.

Section 2.07 Liquor. "Liquor" means and includes alcohol, or any alcoholic, spirituous, vinous, fermented, malt or other liquid combination of liquids, a part of which is spirituous, vinous, or fermented, and all other drinks or drinkable liquids, containing more than one-half of one percentum of alcohol by weight; and all mixtures, compounds

or preparation, whether liquid or not, which contain more than one-half of one percentum of alcohol by weight, and which are capable of human consumption; except that the term "liquor" shall not include beer having less than 3.2% alcoholic content.

Section 2.08 Nuisance. "Nuisance" means any licensed premises where:

- (a) Alcoholic beverages are manufactured, sold, kept, bartered, stored, consumed, given away or used contrary to the Utah Liquor Control Act, the Utah Liquor Commission Rules and Regulations, or this ordinance or;
- (b) Intoxicated persons are permitted to loiter about, or profanity, indecent, immoral, loud or boisterous language or immoral, unruly, disorderly, lewd, obscene conduct is permitted, or carried on; or
- (c) Persons under the age of twenty-one are permitted to purchase or drink beer or liquor; or
- (d) Laws or ordinances are violated by the licensee or his agents or patrons with the consent or knowledge of licensee which tend to affect the public health, safety, peace, or morals; or
- (e) Patrons are throwing litter or other objects within the licensed premises or from the licensed premises in a manner which tends to affect the public safety or health; or
- (f) Patrons are permitted to remove opened containers of alcoholic beverages or glasses containing alcoholic beverages from the licensed premises to the public street or way; or
- (g) Persons who are not members, or guest members of a private club or accompanied by members as their "visitors" (as defined by State law) in any private club are permitted to remain in that club

without obtaining a permanent or temporary membership.

Section 2.09 Place of Business. "Place of business" as used in connection with the issuance of beer and liquor licenses means cafes, restaurants, public dining rooms, cafeterias, taverns, cabarets, and any other place where the general public is invited or admitted for business purposes, including any patios, balconies, decks, or similar areas, and also means private clubs, corporations and associations operating under charter or otherwise wherein only the members, guest members and their visitors are invited. Occupied hotel and motel rooms that are not open to the public shall not be "places of business" as herein defined.

Section 2.10 Private Club. "Private Club" means a non-profit corporation or organization operating and maintaining a club or association pursuant to a license granted by the Utah Liquor Commission in accordance with Section 16-6-13.5, Utah Code Annotated.

Section 2.11 Restaurant. "Restaurant" means a place of business where a variety of hot food is prepared and cooked and complete means are served to the general public in indoor dining accommodations, or in outdoor dining areas associated with indoor accommodation.

Section 2.12 Retailer. "Retailer" means any person engaged in the sale of beer or liquor to the consumer.

Section 2.13 Sell or To Sell. "Sell" or "to sell" when used in this article in any provisions shall be construed to mean to solicit, or to receive any order for, to keep or expose for sale, to deliver for value or gratuitously, to peddle, to possess with intent to sell, to traffic in for any consideration promises or obtained directly or indirectly or under any pretext or by any means whatsoever to procure or allow to be procured for any other

person, and "sale" when so used shall include every act of selling as above defined.

Section 2.14 Set-up. "Set-up" means glassware, ice, and/or mixer provided by a licensee to patrons who supply their own liquor.

Section 2.15 Wholesaler. "Wholesaler" means any person other than a brewer or retailer engaged in importation for sale or in the sale of beer in wholesaler jobbing quantities.

SECTION 3. BEER LICENSES.

Section 3.01 Beer License Required. It shall be unlawful for any person to engage in the business of the sale of beer at retail or wholesale within the City without first procuring a beer license as required by this ordinance. A separate license shall be required for each place of retail sale. No beer license may be transferred, assigned or subleased in any manner. All licensees shall comply with the provisions of the Utah Liquor Control Act, and this ordinance.

Section 3.02 Regulatory Beer License Fee. The regulatory beer license fee shall be \$25.00 per annum or any part thereof for all classes of beer licenses. The regulatory beer license fees shall be used by the City to defray the costs of enforcing alcohol related ordinances in Park City. This fee may be waived by the City Council for licensees participating in community events or for events sponsored by or for the benefit of non-profit, charitable organizations.

Section 3.03 Regulatory License Fee in Addition to Revenue License Tax. The regulatory beer license fee required by this ordinance is in addition to the business revenue license tax required by Park City Ordinance No. 82-10.

Section 3.04 Retail Beer License Classes. Retail beer licenses issued under the provisions of this ordinance

shall be classified into the following classes which shall carry the privileges and responsibilities hereinafter set forth in this ordinance:

- (a) Class "A" Beer License. A Class "A" retail license shall entitle the licensee to sell bottled or canned beer on the licensed premises in original containers for consumption off the premises in accordance with the Utah Liquor Control Act and the ordinances of Park City.
- (b) Class "B" Beer License. A Class "B" retail license shall entitle the licensee to sell bottled or canned beer on the licensed premises in original containers for consumption on the licensed premises and to all of the privileges granted to a holder of a Class "A" retail license. Only bona fide restaurants shall be entitled to Class "B" licenses. No person under the age of twenty-one years shall sell or serve beer under this license.

All holders of a Class "B" license shall maintain records which shall disclose the gross sales of beer and the gross sales of food served and any other items sold for consumption on or off the premises during the semi-annual period between January 1 and June 30 of each year. Such sales shall be shown separately. Each licensee shall retain all invoices, vouchers, sales slips, receipts, and other records of beer and other commodity purchases from all suppliers. Those records shall be available for inspection and audit by the Director at any time following the close of the semi-annual period and for twelve months thereafter, or as required by State regulation. Failure to properly maintain such records for such inspection and audit shall be cause for revocation of the Class "B" license.

If any audit or inspection discloses that the sales of beer on the licensed premises are in excess of forty percent of the gross dollar volume of business for any semi-annual period, the Class "B" license shall immediately be suspended and shall not be reinstated until the licensee is able to prove to the satisfaction of the City Council that in the future the sales of beer on the licensed premises will not exceed forty percent of the gross dollar volume of business.

- (c) Class "C" Beer License. A Class "C" retail license shall be required for all premises where the primary or main business is that of selling beer for consumption on the licensed premises. A Class "C" license shall entitle the licensee to sell bottled, canned, or draft beer for consumption on or off the licensed premises. Holders of Class "C" licenses are not subject to the audit requirements of Class "B" licenses. No person under the age of twenty-one years shall sell or serve beer under this license.
- (d) Class "D" Beer License. A Class "D" retail license shall entitle the licensee to sell beer for consumption on or at publicly owned recreation facilities. The licensee shall be the holder of a concession contract from the public body owning the recreation area involved. Under this license, no beer shall be sold in the original containers but must be first emptied into suitable temporary containers. No person under the age of twenty-one years may sell or serve beer under this license. All sales and deliveries under this license shall be made directly to the ultimate consumer.
- (e) "Temporary" Beer License. A "temporary" beer license shall carry the privileges of a Class "B", "C", or "D" beer license for a period of less than

one year to be determined by the City Council. A "temporary" beer license shall indicate whether it is a temporary class "B", "C", or "D" beer license. No person under the age of twenty-one years shall sell or serve beer under this license.

- (f) "Private Club" Beer License. A "private club" beer license shall carry the privileges of a Class "C" beer license provided that the sale of beer shall be to club members, guest members and their visitors only and each license shall be issued to bona fide clubs which are organized, incorporated, bonded, regulated, and operated in compliance with the provisions of Chapter 6, Title 16, Utah Code Annotated, 1953, as amended, the Utah Liquor Control Act, and the Liquor Control Commission Rules and Regulations.

SECTION 4. LIQUOR LICENSES.

Section 4.01 Liquor License Required. No person shall operate a place of business which allows customers, members, guests, visitors, or other persons to possess, consume, or store liquor on the premises of the place of business without a liquor license issued by the City. A separate license shall be required for each place of business. No liquor license may be transferred, assigned, or subleased in any manner. All licensees shall comply with the provisions of the Utah Liquor Control Act, Utah Liquor Control Commission Rules and Regulations and this ordinance.

Section 4.02 Regulatory Liquor License Fee. The regulatory liquor license fee shall be \$25.00 for "set-up" and "restaurant" liquor licenses, and \$50.00 for a "private club" liquor license per annum or any part thereof. The regulatory liquor license fees shall be used by the City to defray the costs of enforcement of alcohol related ordinances in Park City. This fee may be waived by the City Council for licensees participating in community events or

for events sponsored by or for the benefit of non-profit, charitable organizations.

Section 4.03 Regulatory License Fee in Addition to Revenue License Tax. The regulatory liquor license fee required by this ordinance is in addition to the business revenue license tax required by Park City Ordinance No. 82-10.

Section 4.04 Liquor License Classes. Retail liquor licenses issued under the provisions of this ordinance shall be classified into the following classes which shall carry the privileges and responsibilities hereinafter set forth in this article:

- (a) "Set-up Liquor License. A "set-up" liquor license shall entitle the licensee to provide set-ups to patrons who supply their own liquor for the consumption of liquor on the premises in accordance with the Utah Liquor Control Act and Utah Liquor Commission Rules and Regulations and the ordinances of Park City. A "set-up" liquor license does not permit the operation of a State liquor store or the storage of liquor on the licensed premises. No person under the age of twenty-one years shall serve or sell liquor or set-ups under this license.
- (b) "Restaurant" Liquor License. A "restaurant" liquor license shall entitle the licensee to provide set-ups to patrons who supply their own liquor for the consumption of liquor on the premises and who intend to order food to be prepared, sold, and served on the premises, in accordance with the Utah Liquor Control Act and Utah Liquor Commission Rules and Regulations and the ordinances of Park City.

Only bona fide restaurants shall be entitled to restaurant liquor licenses. No person under the age of twenty-one years shall serve or sell

liquor or set-ups under this license. A restaurant liquor license shall only be issued to persons licensed by the State Liquor Commission to operate a State Liquor Store on the restaurant premises. A restaurant liquor license shall not entitle the storage of liquor on the licensed premises, except as a part of the State Liquor Store.

All holders of restaurant liquor licenses shall maintain records which shall disclose the gross sales of liquor and the gross sales of food served and any other items sold for consumption on or off the premises during the semi-annual period between January 1 and June 30 of each year. Such sales shall be shown separately. Each licensee shall retain all invoices, vouchers, sales slips, receipts, and other records of beer and other commodity purchases from all suppliers. Such records shall be available for inspection and audit by the Director at any time following the close of the semi-annual period and for one year thereafter, or as required by State regulations. Failure to properly maintain such records for such inspection and audit shall be cause for revocation of the restaurant liquor license.

If any audit or inspection discloses that the sales of food on the licensed premises are below seventy percent of the gross dollar volume of business for any semi-annual period, the restaurant liquor license shall immediately be suspended and shall be reinstated until the licensee is able to prove to the satisfaction of the City Council that in the future, the sales of food on the licensed premises will not fall below seventy percent of the gross dollar volume of business.

- (c) "Private Club" Liquor License. A "private club" liquor license shall entitle the licensee to serve, sell, and store liquor, Utah Liquor Commission Rules and Regulations and to ordinances of Park City. No person under the age of twenty-one years shall serve or sell liquor under this license. All sales under a private club license shall be bona fide members of the licensed club, guest members or their visitors accompanied by members or guest members, and not to the general public.
- (d) "Seasonal" Liquor License. A "seasonal" liquor license shall carry the privileges of a "set-up" or "restaurant" liquor license for a period of less than one year to be determined by the City Council. A "seasonal" liquor license shall indicate whether it is a "seasonal", "set-up", or "restaurant" liquor license. No person under the age of twenty-one years shall sell or serve liquor under this license.

SECTION 5. LICENSING APPLICATION PROCEDURES.

Section 5.01 License Application. Applications for new beer or liquor licenses of beer or liquor licenses shall be made in writing to the City Council upon a form furnished by the Director to be filed with the Director. Each application shall state the name, address (street address and post office box number, if applicable), age and citizenship of the applicant, the location of the business that he has complied with requirements specified in the Utah Liquor Control Act, whether the applicant meets the licensee qualifications set out in Section 4.02, the location of any other beer or liquor licenses held by the applicant, and any other reasonably pertinent information required by the Director or City Council. If the applicant is a partnership, association, or corporation, the same information shall be included for each officer or director

thereof. The application must be subscribed by the applicant who shall state under oath that the facts therein contained are true.

Section 5.02 Licensee Qualifications. No beer or liquor license shall be granted to any retailer if the person does not meet the following qualifications:

- (a) Each person shall be over the age of twenty-one years;
- (b) Each person shall be of good moral character;
- (c) No beer or liquor license shall be granted to anyone who has been convicted of or plead guilty to a felony.
- (d) No beer or liquor license shall be granted to any person who has been convicted of any violation of any law or ordinance relating to the importation or sale of intoxicating liquors, or of keeping a gambling or disorderly establishment, or who has plead guilty to or forfeited his bail on a charge of having violated any such law or ordinance within the preceding three years; or
- (e) Any person whose beer or liquor license was revoked is ineligible to reapply for a beer or liquor license until the expiration of three years from the date such license was revoked.

No license shall be granted to any partnership, corporation, or association, if any member, director, or officer of which could not qualify for a license if the application were filed by the individuals.

Section 5.03 Application Fee. Each beer and liquor license application shall be accompanied by the regulatory license fee required by Section 2.02 or Section 3.02. If the license is denied, 50% of the license fee will be retained to pay the costs of processing the application.

Section 5.04 Referral of License Application to Chief of Police. All applications filed in accordance with the provisions of this ordinance shall be referred to the

Chief of Police for inspection and report. The Chief of Police shall within ten days after receiving such application make report to the City Council of any criminal violations or charges against the applicant; the nature and kind of business conducted at such place by the applicant or by any other person or by the applicant at any other place; whether said place is or has been conducted in a lawful, quiet, and orderly manner; the nature and kind of entertainment, if any, at such place; whether gambling is or has been permitted on the premises or by the applicant at any other place; and the proximity of such premises to any school or church. The Chief of Police shall also add to such report his recommendation as to whether or not the application should be granted.

Section 5.05 Referral of License Application to Health Department. All applications filed in accordance with this ordinance may be referred to the County Health Department which may inspect all premises to be licensed to assure sanitary compliance with the laws and regulations of the State of Utah and the ordinances, rules, and regulations of Park City in the preparation, storage, distribution, or sale of beer and food fulfills all such sanitary requirements.

Section 5.06 Referral of Application to Building Department. The Chief of Police may refer the application to the Building Department for review by the Building Official to ensure compliance with the applicable building codes, and a determination of the maximum number of occupants the premises may safely accommodate at one time given the location and number of emergency exits.

Section 5.07 Periodic Inspection of Premises by Chief of Police. The Chief of Police shall be permitted to have access to all premises licensed or applying for license under this ordinance, and shall make periodic inspections of said premises and may report his findings to the City Council.

Section 5.08 Grounds for License Denial. The City Council may deny a beer or liquor license if:

- (a) The license application does not contain all of the information required by Section 4.01;
- (b) The application fee is not paid;
- (c) The premises to be licensed do not comply with the applicable zoning regulations and building codes in force at the time of application;
- (d) The applicant does not meet the licensee qualifications set out in Section 4.02;
- (e) The applicant intentionally misrepresented or concealed information required by Section 4.01 in an application for the license.

Section 5.09 Issuance of License Certificate.

All beer and liquor license certificates shall be signed by the Mayor, attested by the City Recorder under the seal of the City, and contain the following information:

- (a) The address of the licensed premises;
- (b) A description of the portion of the building
- (c) The maximum occupancy of the licensed premises; designated as the licensed premises;
- (d) The beer or liquor license classification;
- (e) The name of the person to whom such certificate has been issued;
- (f) The name of the business;
- (g) The term of the license with commencement and expiration dates; and
- (h) That the license is subject to revocation by the City for violation of this ordinance or the Utah Liquor Control Act.

Section 5.10 License Period. The license certificate shall be valid through December 31 of the year of issuance, unless revoked under this ordinance.

Section 5.11 Renewal Procedure. On December 1 of each year, the City shall send a notice to each current beer and liquor licensee within the City that the regulatory

license fee required by Section 2.02 or Section 3.02 and the revenue license tax required by Park City Ordinance No. 82-10 is due by December 31. Upon receipt of the regulatory license fee and the revenue license tax, the City Council shall issue a license certificate valid through December 31 of the next licensing year. All licenses expire December 31 of each year. Upon notification by the Police Department, the licensee must close the licensed premises on the expiration date of the license and keep the premises closed for the consumption or storage of beer or liquor until the date his renewal license is issued by the City Council, or pending a hearing before the City Council. The Director and Chief of Police shall prepare a list or lists of all licenses to be renewed, and the City Council may approve all renewals on that list or lists by a single motion.

Section 6. SUSPENSION AND REVOCATION OF LICENSES.

Section 6.01. City Council. Licenses may be suspended or revoked by the City Council for the violation on the licensed premises of any provision of this ordinance or other applicable ordinance or state or federal law relating to alcoholic beverages, or if the person to whom the license was issued no longer possesses the qualifications required by this article and the statutes of the State of Utah.

Section 6.02. Suspensions by Chief of Police.

All licenses issued pursuant to this article may be suspended and the premises closed by the Chief of Police without a prior hearing upon the occurrence of any of the following conditions which may or tends to endanger public health and safety:

- (a) When a nuisance in violation of the Utah State Liquor Act, Utah Liquor Commission Rules and Regulations or city ordinances is not corrected within fifteen minutes of notification by the City police that there is an illegal nuisance;

- (b) Failure by the licensee to insure compliance with the Utah State Liquor Act, Utah Liquor Rules and Regulations and city ordinances by employees and patrons;
- (c) Failure by licensee to comply with the Utah State Liquor Act, Utah Liquor Rules and Regulations and city ordinances; or
- (d) Failure to respond to lawful orders of the City police.

The length of suspension shall be determined as follows:

- (a) The first suspension of the licensee within a period of one year shall be for 24 hours.
- (b) The second suspension of the licensee within a period of one year shall be for 24 hours.
- (c) The third suspension of the licensee within a period of one year shall continue at least until a hearing before the City Council is held to determine whether the license should be suspended for an additional period of time or revoked, unless the City Manager reinstates said license sooner. If the hearing before the City Council is not held within ten days, the suspension shall expire at midnight of the tenth day.

If cause for the suspension is established at the hearing, the license shall be suspended for an additional period or revoked by the City Council. However, no license shall be revoked or suspended beyond the initial hearing without first establishing causes therefor, nor shall any license be revoked without first giving the licensee an opportunity for a hearing on the causes specified for revocation.

SECTION 7. REGULATION OF LICENSED PREMISES.

Section 7.01 Sale of Beer or Liquor Under

Suspended or Revoked License. It shall be unlawful for any

licensee to permit any person to possess or consume liquor on the licensed premises during the period of suspension or after the revocation of its license.

Section 7.02 Display of License. Each beer and liquor license issued pursuant to this ordinance shall be displayed at all times on the licensed premises in a conspicuous place easily visible to the public.

Section 7.03 Hours of Operation. Except as provided below, it shall be unlawful for any licensee under this ordinance to remain open for business or to serve liquor or serve or sell beer between the hours of 2:00 a.m. and 7:00 a.m., except that on New Year's Day, licensees may extend their hours of operation to sell and serve liquor or beer until 3:00 a.m. Holders of Class "A" beer licenses may operate and sell beer at any time. Class "B" licensees may operate their food service twenty-four (24) hours a day, but shall not serve or sell beer between the hours stated in this section.

Section 7.04 Unlawful to Permit Intoxicated Person on Licensed Premises. It shall be unlawful for any person licensed under this ordinance or for any of his agents or employees to allow intoxicated persons to enter or remain in or about his licensed premises.

Section 7.05 Serving or Selling to Intoxicated Persons Prohibited. It shall be unlawful for any person to sell, supply, or serve any alcoholic beverage or to permit alcoholic beverages to be sold, supplied, or served to any person who is apparently intoxicated.

Section 7.06 Minors in Licensed Premises. Licensee shall be permitted to employ persons under the age of twenty-one years within their licensed premises to work in kitchen and dining room areas, provided that no employee under the age of twenty-one years shall be employed or engaged in selling or serving alcoholic beverages or set-ups. Persons under the age of twenty-one years of age are permitted to enter licensed premises as patrons when

accompanied by a person twenty-one years of age or older. Licensees may, at their option, prohibit minors from patronizing their establishments.

Section 7.07 Furnishing Beer or Liquor to Minors.

It shall be unlawful for any licensee to furnish directly, or indirectly, through its employees or agents, liquor or beer to persons under the age of twenty-one years; nor permit patrons or other persons on the licensed premises to furnish liquor or beer to minors, except by a parent or guardian for medicinal purposes under the direction of a physician.

Section 7.08 Nuisance Prohibited. It shall be unlawful for any person to keep or maintain a nuisance as defined by Section 1.08 of this ordinance.

Section 7.09 Aiding or Abetting. It shall be unlawful for any person to aid, abet, counsel or procure any unlawful sale, unlawful purchase, unlawful gift, or other unlawful disposition of alcoholic beverages, or to act as agent or representative of the seller in procuring or effecting the unlawful sale or purchase of any alcoholic beverages, and if said acts are performed said person is guilty of a misdemeanor. Nothing in this title shall be construed as prohibiting any person from purchasing alcoholic beverages contrary to the provisions of this act when acting as the agent of the authorities charged with the enforcement of this act in the detection and conviction of violators thereof.

Section 7.10 Advertising Sale. It shall be unlawful to advertise the sale of beer or liquor except under such regulation as is promulgated by the Utah Liquor Control Commission.

Section 7.11 Canvassing and Soliciting Prohibited. It shall be unlawful for any person to canvass or solicit orders for alcoholic beverages by mail, telephone or any other manner, and said person is hereby prohibited from engaging in said activities except to the extent that

such prohibition may be in conflict with the laws of the United States or the State of Utah.

Section 7.12 Possession of Untaxed Liquor. It shall be unlawful, except as provided by state statute, for any licensee to have or to keep for sale or possession any liquor which has not been purchased from the state liquor store or state package agency as provided by state law.

Section 7.13 Adulterated Alcoholic Beverage. It shall be unlawful for any person for any purpose whatsoever to mix or permit or cause to be mixed with any alcoholic beverage offered for sale, sold or supplied by him as a beverage, any drug, any crude, unrectified, or impure form of alcohol or any other deleterious substance or liquid.

Section 7.14 Illegal Sale, Manufacturing, Storage, Etc., of Intoxicating Liquor. It shall be unlawful for any person, except as provided by state statute, to knowingly have in his possession any intoxicating liquor or to manufacture, sell, keep or store for sale, offer or expose for sale, import, carry, transport, advertise, distribute, give away, dispense or serve intoxicating liquor.

Section 7.15 Wholesaler and Retailer Not to Have Common Interests. It shall be unlawful for any dealer, brewer or wholesaler to either directly or indirectly supply, give or pay for any furniture, furnishings or fixtures of a retailer, and it shall be unlawful for any dealer or brewer to advance funds, money or pay for any license of a retailer or to be financially interested either directly or indirectly in the conduct, operation, or ownership of any premises with a Class "C" beer license, "private club" liquor license or "seasonal" license for any of these license classes.

Section 7.16 Minimum Light and Open View Requirements. It shall be unlawful for any person who obtains a liquor or beer license after the adoption of this ordinance to own, operate or manage any premises licensed

for the retain sale or consumption of beer or liquor without complying with the following lighting and view requirements:

(a) During business hours adequate lighting shall be maintained in all areas of the licensed premises to allow safe movement within the licensed premises, visibility for business activity, and visibility of all areas of the licensed premises from a point within the licensed premises at or near the main public entrance.

(b) A clear, unobstructed view of all areas of the licensed premises shall be available at all times from a point within the licensed premises at or near the main public entrance.

Persons who have obtained beer or liquor licenses from the City before the adoption of this ordinance and who annually renew their licenses with the City shall not be required to comply with the requirements of this section.

Section 7.17 Closed Stalls and Booths Prohibited.

It shall be unlawful for any closed booths or stalls to exist on premises licensed for the retail sale or consumption of beer or liquor. This provision shall not prevent the use and operation of private dining or conference rooms as a part of the licensed premises.

SECTION 8. APPLICABILITY. The provisions of this ordinance shall apply to all licensed premises and all licensees who are issued either a new license or a renewal of an existing license after the date of this Ordinance. Amendments to this ordinance may be made from time to time, and all licenses or renewals issued hereunder are subject to amendments as they become effective, except that amendments which address structural requirements of any licensed premises existing at the time of the amendment shall not apply to existing structures. As existing structures are sold, remodeled, or relicensed (but not on renewal of existing licenses), however, full compliance will be

required prior to the issuance of a new license, new class of license, or license to a new licensee at that location.

SECTION 9. REPEALER CLAUSE. The following Park City ordinances or sections of ordinances are hereby repealed by this ordinance: Section 20-1-15 and Chapter 20, Article 2, of the Licensing Ordinance.

SECTION 10. SEPARABILITY CLAUSE. If any subsection, sentence, clause, phrase, or portion of this chapter, including but not limited to any exemption, 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.

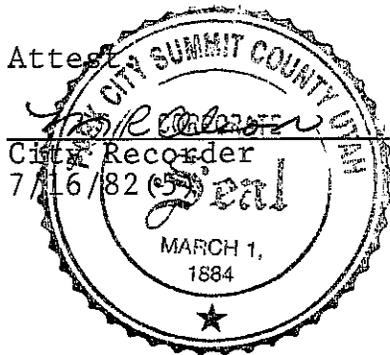
SECTION 11. EFFECTIVE DATE. This ordinance shall take effect upon the date of publication.

DATED this 15th day of July,
1982.

PARK CITY MUNICIPAL CORPORATION



Mayor John C. Green, Jr.



Approved as to form by
City Attorney 

ORDINANCE

Ordinance No. 82-19(3)

AN ORDINANCE AMENDING SECTION 7 OF THE
ORDINANCE REGULATING THE USE OF ELECTRONIC BURGLARY
AND ROBBERY ALARMS

SECTION 1. Section 7 of Ordinance 82-19, shall be amended as follows:

Section 7 (f). Fee Schedule. To help recover costs of operation and to prevent unfair government competition with private enterprise, fees shall be charged for certain services provided to private industry by the Communications Center. These services shall generally be alarm monitoring, private dispatch, and rental of space, though additional services provided to private industry may also be charged rates according to the nature and extent of services provided. The following fees shall be in effect as a result of this amendment:

Alarm Monitoring - (monthly charges)
1 through 49 alarms @ \$3.00 each
50 through 99 alarms @ \$2.75 each
100 through 149 alarms @ \$2.50 each
150 through 199 alarms @ \$2.25 each
200 alarms or over @ \$2.00 each

(g) Dispatching. A flat rate fee of \$100.00 per month shall be charged any private agency being dispatched from the city Communications Center.

SECTION 2. EFFECTIVE DATE. This amendment shall take effect on its publication.

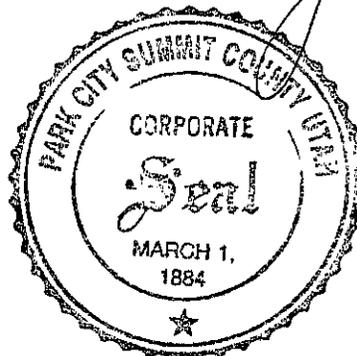
Passed and adopted this 19 day of February, 1987.

PARK CITY MUNICIPAL CORPORATION

By *Hal W. Taylor*
Hal W. Taylor, Mayor

Attest:

Sandra C. King
City Recorder



ORDINANCE

Ordinance No. 82-19(1)

AN ORDINANCE REGULATING THE USE
OF ELECTRONIC BURGLARY AND ROBBERY ALARMS
AND REPEALING ORDINANCE NO. 82-19 IN ITS ENTIRETY

BE IT ORDAINED by the City Council of Park City,
Summit County, State of Utah, that:

SECTION 1. DEFINITIONS. All words and phrases
used in this article shall have the following meanings
unless a different meaning clearly appears from the context:

Alarm. Alarm means any telephonic or electronic
device used to notify the police. act of trespass,
burglary, or robbery.

Alarm Business. Alarm business means the business by
any individual, partnership, corporation, or other
entity selling, leasing, maintaining, servicing,
repairing, altering, replacing, moving, or installing
any alarm system or causing to be sold, leased,
maintained, serviced, repaired, altered, replaced,
moved, or installed any alarm system in or on any
building structure, or facility.

Alarm System. Alarm system means any assembly of
equipment, mechanical or electrical, arranged to signal
the occurrence of an illegal entry or other activity
requiring urgent attention and to which police officers
are expected to respond.

Alarm User. Alarm user means the person, firm,
partnership, association, corporation, company, or
organization of any kind in possession and control of
any building, structure or part thereof, or facility
wherein an alarm system is maintained.

Automatic Dialing Device. Automatic dialing device
means a device which is interconnected to a telephone
line and is programmed to select a predetermined
telephone number and transmit by voice message or code
signal an emergency message indicating a need for
emergency response.

Burglary. Burglary means the crime of burglary as set
forth in Section 76-6-202 of the Utah Criminal Code,
and any amendments thereto, or an attempt to commit
such a crime.

Chief of Police. Chief of Police means the Director of
the Park City Police Department or his authorized and
designated representative.

False Alarm. False alarm means an alarm signal,
eliciting a response by police officials when a
situation requiring a response by police does not in
fact exist, but does not include an alarm signal caused
by violent conditions of nature or other extraordinary
circumstances not reasonably subject to control by the
alarm business operator or alarm user.

Robbery. Robbery means the crimes of robbery or aggravated robbery as set forth in Section 76-6-301 and 76-6-302 of the Utah Criminal Code, and any amendments thereto or an attempt to commit such crimes.

Trespass. Trespass means the activation of any alarm for purposes other than reporting a burglary, robbery, breaking into a locked or sealed building, or other crime, without authorization of the alarm user, but shall not include activation by authorized technicians for purposes of testing, after having notified the Police Department of the test.

SECTION 2. NOTIFICATION REQUIRED. It shall be unlawful for a person to maintain an alarm on any premises without first providing the Park City Police Department a list of persons with telephone numbers, who are authorized and responsible to enter the alarm user's premises and deactivate the alarm. It is unlawful for any person named on such list, who has been personally contacted by police to fail to appear within the time designated by police and inactivate the alarm for which he is responsible.

SECTION 3. FALSE ALARMS.

- (a) False Alarms Prohibited. It shall be unlawful for a person to cause a false alarm deliberately or through inadvertence or neglect.
- (b) Misuse or Tampering with Alarm System. It shall be unlawful for any person or alarm user to misuse, tamper with, alter, or obstruct any alarm system, whether or not such misuse, tampering, alteration, or obstruction causes the alarm to signal entry into the premises, unless such person is an authorized technician duly authorized by the alarm user to perform maintenance or testing on such alarm, and provided that such technician has notified the Park City Police Department, Summit County Sheriff's Department, and the alarm user of such maintenance.

SECTION 4. CASH DEPOSIT TO BE POSTED. It shall be unlawful for any person or corporation to maintain an alarm system on any premises unless there shall have been

posted with the Park City Municipal Corporation, a cash deposit in the amount of one hundred dollars (\$100.00), portions of which are to be forfeited upon the giving of false alarms as hereinafter provided.

SECTION 5. PRIVATE SECURITY RESPONSE.

- (a) If an electronic burglary alarm, dialing device, or other such mechanism, as defined herein, is answered or monitored by a private security firm or other such individual not associated with publicly funded law enforcement, and the alarm holder or monitoring agency does not wish response by the Park City Police Department until such alarm has been verified by the alarm holder or monitoring agency, then the deposit section (Section 4) of this Ordinance shall not apply, provided, however, that the Park City Police Department and the Summit County dispatch have been notified in writing that no police response is desired unless specifically requested by an alarm holder, responsible party for the alarm, or private security firm.
- (b) All alarms, whether monitored and responded to by the Park City Police Department, private security firm, or other such person or agency responsible for the alarm, must be registered with the Park City Police Department pursuant to Section 2 of this Ordinance.

SECTION 6. PENALTY. For a police response to a false alarm, the Police Chief shall charge and collect the following fees from the alarm user having or maintaining the activated alarm, and such fees shall be deducted from the deposit posted with the Park City Municipal Corporation. In the event such deposit becomes exhausted, the alarm shall be disconnected and/or responses to such alarm shall be discontinued by emergency services personnel until such time

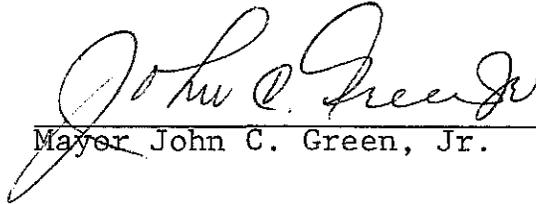
a new deposit in the amount of one hundred dollars (\$100.00) is posted and the alarm has been inspected by a qualified technician.

- (a) Penalty Fees First Response. For response to premises at which no other false alarm has occurred within the preceding six (6) month period, hereinafter referred to as "first response", no fee shall be charged and no deduction from the deposit shall occur. The police responding to the first response alarm shall provide written notification to the alarm user on forms designed and provided by the Park City Police Department that subsequent responses to false alarms will cause deductions from the posted deposit.
- (b) Penalty Fees Subsequent Responses. For a second response to the same premises within six (6) months after such first response, and for all subsequent responses, twenty-five dollars (\$25.00) shall be charged and the same be deducted from the posted deposit.
- (c) Sentencing. Any person convicted of a violation of or failure to comply with any of the provisions of this chapter shall be punishable in accordance with Section 13-1-21 through 13-1-31 of the Park City Criminal Code.
- (d) Willful False Alarm. Any person, including alarm user, who knowingly and deliberately activates an alarm system when no emergency situation exists at the premises, shall be guilty of a Class B misdemeanor and be subject to a fine of not more than two hundred and ninety-nine dollars (\$299.00), imprisonment for six (6) months, or both.

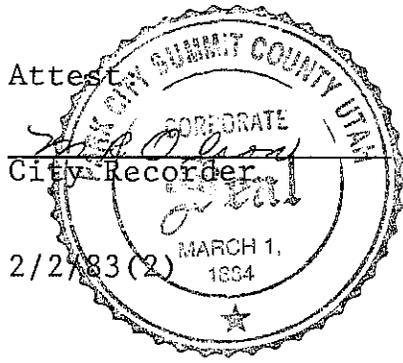
SECTION 7. EFFECTIVE DATE. This Ordinance shall become effective upon publication.

PASSED AND ADOPTED this 7th day of February, 1983.

PARK CITY MUNICIPAL CORPORATION


Mayer John C. Green, Jr.

Attest



ORDINANCE

Ordinance No. 82-19

AN ORDINANCE REGULATING THE USE
OF ELECTRONIC BURGLARY AND ROBBERY ALARMS

BE IT ORDAINED by the City Council of Park City,
Summit County, State of Utah, that:

SECTION 1. DEFINITIONS. All words and phrases
used in this article shall have the following meanings
unless a different meaning clearly appears from the context:

Section 1.01 Alarm. "Alarm" means any telephonic
or electronic device used to notify the police department of
an act of trespass, burglary, robbery, or other police
emergency. It shall not include automatic smoke detectors,
unless they are integrated with a burglar alarm.

Section 1.02 Burglary. "Burglary" means the crime
of burglary as set forth in 76-6-202 of the Utah Criminal
Code, and any amendments thereto, or an attempt to commit
such crime.

Section 1.03 Robbery. "Robbery" means the crimes
of robbery or aggravated robbery as set forth in 76-6-301
and 76-6-302 of the Utah Criminal Code, and any amendments
thereto or an attempt to commit such crimes.

Section 1.04 Trespass. "Trespass" means the
activation of any alarm for purposes other than reporting a
fire, burglary, robbery, breaking into a locked or sealed
building, or other crime, without authorization of the alarm
user, but shall not include activation by authorized
technicians for purposes of testing the alarm, after having
notified the police department of the test.

Section 1.05 Alarm Business. "Alarm business"
means the business by any individual, partnership,
corporation, or other entity selling, leasing, maintaining,
servicing, repairing, altering, replacing, moving, or
installing any alarm system or causing to be sold, leased,
maintained, serviced, repaired, altered, replaced, moved, or

installed any alarm system in or on any building structure, or facility.

Section 1.06 Alarm System. "Alarm system" means any assembly of equipment, mechanical or electrical, arranged to signal the occurrence of an illegal entry or other activity requiring urgent attention and to which police officers are expected to respond.

Section 1.07 Alarm User. "Alarm user" means the person, firm, partnership, association, corporation, company, or organization of any kind in possession and control of any building, structure or part thereof, or facility wherein an alarm system is maintained.

Section 1.08 Automatic Dialing Device. "Automatic dialing device" means a device which is interconnected to a telephone line and is programmed to select a predetermined telephone number and transmit by voice message or code signal an emergency message indicating a need for emergency response.

Section 1.09 False Alarm. "False alarm" means an alarm signal, eliciting a response by police when a situation requiring a response by police does not in fact exist, but does not include an alarm signal caused by violent or unusual conditions of nature, weather, or other extraordinary circumstances not reasonably subject to control by the alarm business operator or alarm user.

Section 1.10 Chief of Police. "Chief of Police" means the Director of the Park City Police Department or his authorized and designated representative.

SECTION 2. NOTIFICATION.

Section 2.01 Notification Required. It shall be unlawful for any person, corporation, partnership, or other entity to install or maintain any alarm system within the corporate limits of Park City without having first given notice to the police department of the installation of the alarm system or its continued use. This notice shall include a list of persons who are authorized by alarm user

to respond to alarms on behalf of alarm user to deactivate the alarm system and inspect the premises to determine if an illegal entry has been made or attempted. The Police Department shall have no obligation to respond to an unregistered alarm.

Section 2.02 Alarm User to Respond. Upon notification by the police department that an alarm has been sounded at alarm user's premises, it shall be the obligation of alarm user to appear at the premises to deactivate the alarm system and to inspect the premises with the police department to determine whether illegal or unauthorized entry had been made or attempted. If alarm user is not able to respond, or cannot be contacted, the police shall contact one or more persons on the list of responsible individuals to deactivate the alarm and inspect the premises. If none of the designated persons can be reached or responds, the police shall deactivate the alarm and make such reasonable inspection as possible without entering the premises, unless there is probable cause to believe that the premises have been illegally entered. The police shall take reasonable steps to secure the premises following inspection.

Section 2.03 Penalty for Failure to Respond. If the alarm user or one or more of the people named on the list filed with the police department, fail to appear at the premises of the alarm after being personally contacted by the police, the entire amount of the bond then on deposit with the city shall be forfeited.

SECTION 3. FALSE ALARMS.

Section 3.01 False Alarms Prohibited. It shall be unlawful for a person to give a false alarm deliberately or through inadvertence or neglect.

Section 3.02 Misuse or Tampering with Alarm System. It shall be unlawful for any person or alarm user to misuse, tamper with, alter, or obstruct any alarm system, whether or not such misuse, tampering, alteration, or obstruction causes the alarm to signal entry into the

premises, unless such person is an authorized technician duly authorized by the alarm user to perform maintenance or testing on such alarm, and provided that such technician has notified the Park City Police Department, Summit County Sheriff's Department and the alarm user of such maintenance.

SECTION 4. CASH BOND.

Section 4.01 Bonds to be Posted. After notice from the Chief of Police, it shall be unlawful for any person or corporation to maintain an alarm system on any premises unless there shall have been posted with the Park City Municipal Corporation a cash bond in the amount of one hundred dollars (\$100.00), portions of which are to be forfeited upon the giving of false alarms as hereinafter provided.

SECTION 5. PENALTY.

Section 5.01 Penalties. For a police department response to a false alarm, the Police Chief shall charge and collect the following fees from the alarm user having or maintaining the activated alarm, and such fees shall be deducted from the bond posted with the Park City Municipal Corporation. In the event such bond becomes exhausted, the alarm shall be disconnected and/or responses to such alarm shall be discontinued by emergency services personnel until such time a new bond in the amount of one hundred dollars (\$100.00) is posted and the alarm has been inspected by a qualified technician.

Section 5.02 Penalty Fees First Response. For response to premises at which no other false alarm has occurred within the preceding six (6) month period, hereinafter referred to as "first response", no fee shall be charged and no bond shall be required. The police officials responding to the first response alarm shall provide written notification to the alarm user on forms designed and provided by the Park City Police Department requiring the posting of a bond, and notifying the alarm user that subsequent responses to false alarms will cause deductions

from the posted bond. If alarm user fails to post a bond on request, the police shall have no obligation to respond to that alarm.

Section 5.03 Penalty Fees Subsequent Responses.

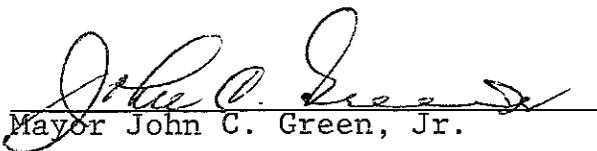
For a second response to the same premises within six (6) months after such first response, and for all subsequent responses, twenty five dollars (\$25.00) shall be charged and the same be deducted from the posted bond.

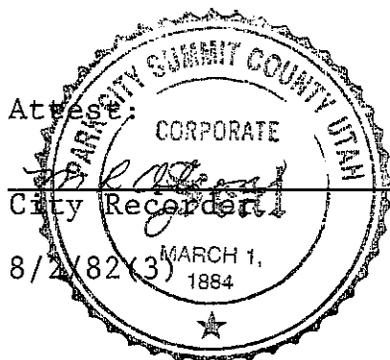
Section 5.04 Penalty. Any person convicted of a violation of this ordinance shall be guilty of a Class B misdemeanor and be subject to a fine of not more than two hundred ninety-nine dollars (\$299.00), imprisonment for six (6) months, or both.

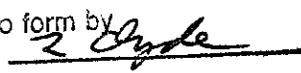
SECTION 6. EFFECTIVE DATE. This Ordinance shall become effective upon publication.

PASSED AND ADOPTED this 22nd day of
July, 1982.

PARK CITY MUNICIPAL CORPORATION


Mayor John C. Green, Jr.



Approved as to form by
City Attorney 

ORDINANCE

Ordinance No. 82-20

AN ORDINANCE AMENDING THE PARK CITY ZONING DISTRICT MAP
ADOPTED MARCH 5, 1981
(Lowell Ave-Nastar)

WHEREAS, the owners of the property described below have petitioned the City Council for a zoning change on their property, and

WHEREAS, the Planning Commission has reviewed the proposed change and has recommended that the change be made, and

WHEREAS, proper notice has been published and the required hearings on the change have been held,

NOW, THEREFORE BE IT ORDAINED by the City Council of Park City, Utah:

SECTION 1. MAP AMENDED. The Zoning District Map of Park City, Utah, adopted March 5, 1981, is hereby amended to make the following changes:

- (a) The following property shall be included within the Resort Commercial (RC) Zone:

Beginning at a point $50^{\circ}06'55''$ E along the West line of the East half of the Northwest Quarter of Section 16, T2S, R4E, SLB & M, 1712.94 feet from the Northwest Corner of the Northeast Quarter of the Northwest Quarter of said Section 16; and running thence N $0^{\circ}06'55''$ W 529.70 feet, thence N $54^{\circ}01'$ E 222.26 feet, thence S $35^{\circ}59'$ E along the West right of way line of Lowell Avenue 595.00 feet, thence S $54^{\circ}01'$ W 286.00 feet, thence S $06^{\circ}00'$ E 142.00 feet, thence S $50^{\circ}00'$ W 155.00 feet, thence N $40^{\circ}00'$ W 300.34 feet to the point of beginning. This parcel contains 274.184 sq. ft., more or less.

- (b) The following described property shall be included within the Recreation Open Space (ROS) Zone:

Beginning at a point S $0^{\circ}06'55''$ E along the West line of the East half of the Northwest Quarter of Section 16, T2S, R4E, SLB & M, 1712.94 feet from the Northwest Corner of the Northeast Quarter of the Northwest of said Section 16; and running thence $540^{\circ}00'$ E 300.34 feet, thence N $50^{\circ}00'$ E 155.00 feet, thence N $06^{\circ}00'$ W 142.00 feet, thence N $54^{\circ}01'$ E 146.00 feet, thence S $35^{\circ}59'$ E 400.00 feet, thence S $54^{\circ}01'$ W 235.00 feet, thence S $35^{\circ}59'$ E 675.15 feet, thence S $89^{\circ}53'08''$ W 854.80 feet, thence N $0^{\circ}06'55''$ W 913.22 feet to the point of beginning. This parcel contains 532.095 sq. ft., more or less.

(c) The attached diagram of the parcels involved is incorporated as a part of this Ordinance, and shall be a part of the Zoning District Map until a revised map is drawn.

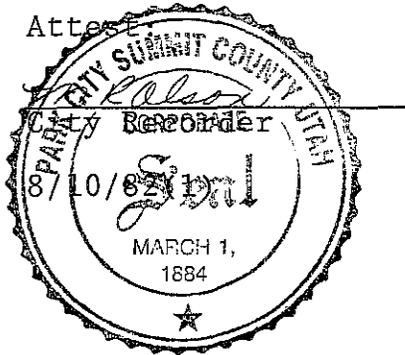
SECTION 2. BALANCE OF MAP NOT AFFECTED. The portions of the Zoning District Map that are not specifically amended by this Ordinance shall remain in full force and effect, and shall not be affected by this amendment.

SECTION 3. EFFECTIVE DATE. This amendment shall take effect upon the publication of this Ordinance.

PASSED AND ADOPTED this 12th day of August, 1982.

PARK CITY MUNICIPAL CORPORATION

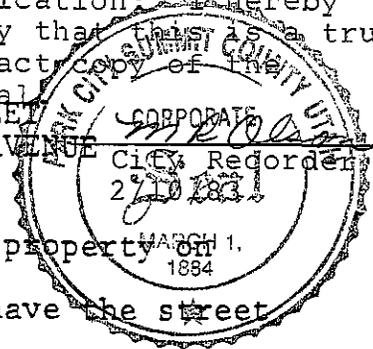

Mayor John C. Green, Jr.



Ordinance No. 82-21

Certification: I hereby certify that this is a true and exact copy of the original

AN ORDINANCE CLOSING ALLISON STREET BETWEEN HEBER AVENUE AND COALVILLE AVENUE



WHEREAS, the owner of the adjoining property on one side of Allison Street has petitioned to have the street closed, and

WHEREAS, the owner of the property on the opposite side of the street has not objected to the closure, and

WHEREAS, four (4) public hearings have been held on the closure, and no one appeared to object to the closure of Allison Street, and

WHEREAS, the right-of-way for Allison Street is too steep to permit construction of a road, and no road in fact has been constructed on that right-of-way, and the preliminary drafts of the Streets Master Plan have recommended that no street be constructed at that location,

NOW, THEREFORE BE IT ORDAINED by the City Council of Park City, Utah that:

1. The street shown on the ownership plats of Park City as "Allison Street" between Heber Avenue and Coalville Avenue (which is platted but not constructed) shall be and is hereby closed, and no street shall be constructed on that right-of-way. This right-of-way is adjoining the easterly side of Block 66 of the Park City Townsite survey, NE 1/4, SE 1/4, Section 16, T2S, R4E, SLB & M.

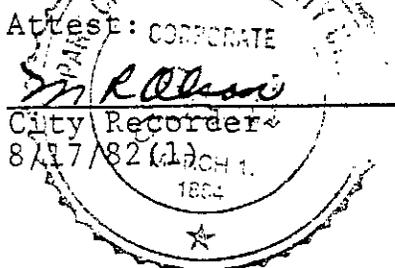
2. The right-of-way shall be preserved as open space, provided however, that it might be sold to the adjoining property owners, reserving an easement for the placement of utility lines.

3. This Ordinance shall take effect upon publication.

PASSED AND ADOPTED this 19th day of August, 1982.

PARK CITY MUNICIPAL CORPORATION

John C. Green, Jr.
Mayor John C. Green, Jr.



Entry No. **202816**
Book 2252 Page 556-7
REQUEST OF Park City Municipal Corp
FEE ALAN SPRIGGS, SUMMIT CO. RECORDER
\$ D.H. By Susan Johnson
RECORDED 3-1-83 at 3:38 M

BOOKM 2 52 PAGE 556

Recorded at the request of and return to: Park City Municipal Corp. P. O. Box 1480, Park City, UT 84060 Fee Exempt per Utah Code Annotated 1953 21-7-2

3-3
3-7
A3.2 Book 65-A
Book 66-A

Beginning at the Southwesterly corner of Lot 17 in Block 65 of Park City Survey, Park City, Utah, and running thence North $19^{\circ}22'$ East along the Westerly line of said Block 65, 150 feet; thence North $70^{\circ}38'$ West 30 feet to the Northeasterly corner of Block 66 of Park City Survey, Park City, Utah; thence South $19^{\circ}22'$ West along the Easterly line of said Block 66, 150 feet; thence South $70^{\circ}38'$ East 30 feet to the point of beginning.

MC:pb

B&G #2-35776

P.O. BOX 1144
ROCK SPRINGS, WYOMING 82901
(307) 382-2876

205 EAST TABERNACLE
ST. GEORGE, UTAH 84770
(801) 673-2337

BOOKM 2 52 PAGE 557

ORDINANCE

Ordinance No. 82-22

AN ORDINANCE AMENDING ORDINANCES 15-73, 14-73, AND 5-73 WHICH CREATED FRANCHISES FOR THE BENEFIT OF PUBLIC UTILITIES DOING BUSINESS WITHIN PARK CITY TO INCREASE THE UTILITY FRANCHISE TAX FROM 2.5% TO 5% OF GROSS UTILITY REVENUE, AND AMENDING ORDINANCE 80-15 TO INCREASE THE TAX ON BUSINESSES WHICH COMPETE DIRECTLY WITH FRANCHISED UTILITIES FROM 2.5% TO 5% OF GROSS SALES WITHIN PARK CITY

WHEREAS, the City Council has created franchises in favor of Mountain States Telephone and Telegraph Company, Utah Power and Light Company, and Mountain Fuel Supply Company, and

WHEREAS, the City Council has also adopted an ordinance imposing a tax on businesses which are in direct competition with the franchised utilities so that both franchised utilities and their non-franchised competitors are treated equally, and

WHEREAS, it is now necessary to obtain additional revenue by increasing the rate of the tax imposed,

NOW, THEREFORE BE IT ORDAINED by the City Council of Park City, Utah as follows:

SECTION 1. UTILITY FRANCHISE TAX. Pursuant to the authority granted to the city by the legislature in Utah Code Annotated (1953), Sections 10-8-14, 10-8-20, 11-26-1, and 11-26-2, there is hereby imposed on all city franchised utilities doing business within Park City a tax equal to 5% of the gross revenue derived from providing utility service within the city. The term "gross revenue" as used in this Ordinance shall mean any revenue derived from the sale of products or the provision of utility services within Park City, after adjustment for the net write-off of uncollectable accounts and corrections of bills.

SECTION 2. EXCLUSIONS. This Ordinance shall not apply to the following business activities, whether

conducted by a franchised utility or a competitor without a franchise.

- (a) The sale, lease, service, or repair of appliances such as gas or electric ranges, dryers, lighting fixtures, street lights, furnaces, or air conditioners,
- (b) The sale, lease, or service of telephone instruments, accessories such as cords, jacks, answering devices, etc. and telephone switching equipment for private use by a single residence business, hotel, or similar installation.

SECTION 3. REPEALER. To the extent that they are inconsistent with the provisions of this Ordinance, the following ordinances are amended:

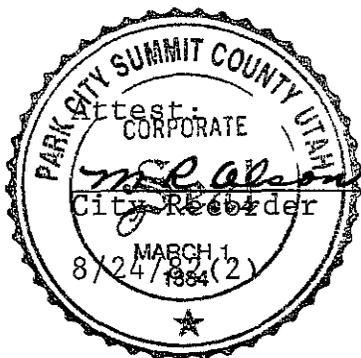
- (a) Section 5 of Ordinance 15-73
- (b) Section 10 of Ordinance 14-73
- (c) Section 5 of Ordinance 5-73
- (d) Section 3 of Ordinance 80-15

SECTION 4. EFFECTIVE DATE. This Ordinance shall take effect on publication, provided however, that the increased rate of the franchise tax imposed by this Ordinance shall not be imposed until October 1, 1982. The rate of the tax shall remain at the present rate until that date to allow time to make the necessary changes in the collection process coincide with the quarterly payment scheduled imposed by the franchise ordinances.

PASSED AND ADOPTED this 26th day of August, 1982.

PARK CITY MUNICIPAL CORPORATION


Mayor John C. Green, Jr.



ORDINANCE

Ordinance No. 82-23

AN ORDINANCE ADOPTING THE 1982 BUILDING
AND BUILDING RELATED CODES
PARK CITY, UTAH

BE IT ORDAINED by the City Council of Park City,
Utah that:

Ordinance No. ⁸⁰⁻⁸80-14 is hereby repealed and
re-enacted to read:

SECTION 1. PURPOSE. The purpose of this
Ordinance is to adopt six (6) codes relating to the
construction, wiring, plumbing of buildings and the storage,
use and handling of dangerous hazardous materials,
substances, processes and maintenance of the same within the
limits of the City of Park City and to provide a method of
administering the same.

SECTION 2. UNIFORM BUILDING CODE ADOPTED. The
Uniform Building Code, 1982 edition and the Mechanical Code,
1982 edition, as adopted by the International Conference of
Building Officials, (establishing rules and regulations for
the design, construction, quality of materials, use and
occupancy, location and maintenance of building and
structures) three (3) copies of which have been filed for
use and examination by the public in the office of City
Recorder hereby is adopted as the Building Code of Park City
together with the following amendments:

A. Chapters 11, 32, 35, 55 and 70 located in the
appendix of the Uniform Building Code are adopted and
incorporated in the ordinances of this City.

B. Section 304(a) of the Uniform Building Code
is amended as follows:

SECTION 304(a)(1) BUILDING PERMIT FEES. A fee
for each building permit shall be paid to the Building
Official as prescribed by Ordinance 82-17.

SECTION 3. AUTOMATIC FIRE EXTINGUISHING SYSTEMS.

A. 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.

B. AUTOMATIC FIRE EXTINGUISHING SYSTEMS.

1. The following newly constructed structures or 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 Uniform Building Code Standard 38-1-82:

(a) All new construction having more than 6,000 square feet on any one floor, except R-3 occupancy.

(b) All new construction having more than two (2) stories except R-3 occupancy.

(c) All new construction having four (4) 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 no side yard set-backs or where one or more side yard set-back is less than two and one half (2.5) feet per story of height.

2. All newly constructed structures used as dwelling units in a multi-unit structure shall have at least a one hour fire resistive separation between units.

SECTION 4. HOUSING CODE. The "Uniform Housing Code", 1982 edition, printed as a 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), three (3) copies of which have been filed for use and examination by the public in the office of the Recorder is hereby approved and adopted and the Housing Code of this City.

A. APPLICATION. The provisions of the Housing Code shall apply to all buildings or portions thereof used, or designed for or intended to be used for human habitation. Occupancies in existing buildings may be continued as provided in Section 104(c) of the Uniform Building Code, except as to those structures found to be substandard as defined in the Housing Code.

B. ALTERATION. Existing buildings which are moved or relocated shall be considered as new buildings and shall comply with all requirements of the building code for new construction.

C. 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.

D. 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.

SECTION 5. ADOPTION OF A CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS. The "Uniform Code for the Abatement of Dangerous Buildings", 1982 edition, printed as a code in book form and adopted by the International Conference of Building Officials (providing for a just, equitable and practicable method whereby buildings or structures which form 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), three (3) copies of which have been filed for use and examination by the public in the office of the Recorder of this municipality is hereby approved and adopted as the Abatement of Dangerous Buildings Code of this municipality.

A. APPLICATION. The provisions of the Abatement of Dangerous Buildings Code shall apply to all dangerous buildings as therein defined, which now exist or which may hereafter be constructed or become dangerous buildings in this municipality. All buildings having other dangerous conditions as defined by this code shall correct those conditions to fully comply with this code.

B. ALTERATIONS, ADDITIONS, AND REPAIRS. All buildings or structures which are required to be repaired under the provisions of the Abatement of Dangerous Buildings Code shall be subject to the provisions of Subsections (l), (b), (c), (d), (e), and (i) of Section 104 of the Uniform Building Code.

C. ABATEMENT OF DANGEROUS BUILDINGS. All buildings or portions thereof which are determined after inspection by the Building Official to be dangerous as defined in the Abatement of Dangerous Buildings Code are hereby declared to be public nuisances and shall be abated by repair,

rehabilitation, demolition, or removal in accordance with procedure specified in Section 401 of the Abatement of Dangerous Buildings Code.

SECTION 6. ADOPTION OF A PLUMBING CODE. The "Uniform Plumbing Code", 1979 edition, as amended by the Utah State Board of Health, published as the "Utah Plumbing Code, 1979", three (3) copies of which have been filed for use and examination by the public in the office of the City Recorder is hereby approved and adopted by the Plumbing Code of this City.

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 Section 20.7 of the Uniform Plumbing Code.

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 connection with a plumbing system which are installed within the limits of the City and shall require that they conform to the provisions of the Plumbing Code.

C. AMENDMENTS TO UTAH UNIFORM PLUMBING CODE. The Uniform Plumbing Code, 1979 Edition, shall be and is hereby amended as to new construction or substantial remodeling as follows:

Section 905(a) is amended by the addition of this provision: Any water closet requiring more than four (4) U. S. gallons of water per discharge is prohibited.

Section 1007(b) is amended in its entirety to read: Excessive Water Pressure. An approved type pressure regulator preceded by an adequate strainer shall be installed and the pressure reduced to forty (40) pounds per square inch or

less for interior water use. Hose bibs and exterior sprinkling systems can be connected ahead of the pressure regulator. Fire sprinkler lines are not required to be pressure regulated.

SECTION 7. ADOPTION OF ELECTRICAL CODE. The "National Electrical Code", 1981 edition, as adopted by the National Fire Protection Association and the American Standards Association and printed as a code in book form, three (3) copies of which have been filed for use and examination by the public in the office of the Recorder is hereby approved and adopted as the electrical code of this City, except that aluminum conductors shall not be permitted in electrical installations, except as service entry conductors.

A. ELECTRICAL INSPECTION. The Building Official shall perform all functions of electrical inspection and shall, among other things, inspect the construction, installation, and repairs 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 as to electrical work the procedures relating to enforcement and safety as are established by the Uniform Building Code.

B. PERMITS, INSPECTIONS AND FEES. No alterations or additions shall be made in existing wiring, nor shall any new wiring be installed 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 and shall conform to the requirements set forth in the Uniform Building Code as to extent of information disclosed. No permit shall be required for the use of approved lamps, lights, appliances, tools, or equipment

connected to permanently installed wiring by means of a receptacle or fixture. Until changed by resolution, the fee for electrical permits shall be as set forth in Exhibit "B" attached hereto.

SECTION 8. UNIFORM FIRE CODE. The "Uniform Fire Code", 1982 edition as adopted by the International Conference of Building Officials and the Western Fire Chiefs Association and printed as codes in book form, three (3) copies of which have been filed for use and examination by the public in the office of the Recorder is hereby adopted as the Fire Code of Park City with the following amendments:

A. All fire hydrants installed or replaced after the effective date of this Ordinance shall have a four and one half (4.5) inch fitting and two (2), two and one half (2.5) inch fittings, dry barrel type.

B. 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.

SECTION 9. ADMINISTRATION AND ENFORCEMENT. The Building Official shall be responsible for the administration and enforcement of the Fire Code and shall, among other things, enforce all state statutes and local ordinances and/or regulations pertaining to: (1) the prevention of fires; (2) the suppression or extinguishing of dangerous or hazardous fires; the storage, use and handling of explosives, flammable, toxic, corrosive, and other hazardous gaseous, solid and liquid materials; (3) the installation and maintenance of automatic, manual and other private fire alarm systems and fire extinguishing equipment; (4) the maintenance and regulations of fire escapes; (5) the

maintenance of fire protection and the elimination of fire hazards on land and in buildings, structures, and other property including those under construction; (6) the means and adequacy of each exit in the event of fire, from factories, school, hotels, lodging houses, asylums, hospitals, churches, halls, theaters, amphitheaters, and all other places in which people work, live or congregate from time to time for any purpose; and (7) the investigation of the cause, origin, and circumstances of fire.

SECTION 10. INSPECTIONS AND UNSAFE BUILDINGS.

The Building Official shall inspect, as often as may be necessary, all buildings and premises (including such other hazards or appliances as he may designate) for the purpose of ascertaining and causing to be corrected any conditions which would reasonably tend to cause fire or contribute to its spread, or any violation of the purpose or provisions of the Fire Code and of any other law or standard affecting fire safety.

All buildings or structures which are structurally unsafe or not provided with adequate exits, or which constitute a fire hazard, or are otherwise dangerous to human life, or which in relation to existing use constitute a hazard to safety or health, or public welfare, by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, disaster damage, or abandonment, as specified in this code or any other effective ordinance, are, for the purpose of this section, unsafe buildings. Such unsafe buildings may be declared to be public nuisances by the Building Official and shall be abated by repair, rehabilitation, demolition, or removal in accordance with the procedure specified in Chapters 4 through 9 of the Abatement of Dangerous Buildings Code or by any other procedures provided by law.

SECTION 11. 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 the code.

SECTION 12. REQUIRED PERMITS. All applications for a permit required by the Fire Code shall be made to the Building Official in such form and detail as he shall prescribe. Applications for permits shall be accompanied by such plans as required by the Building Official.

SECTION 13. BUILDING OFFICIAL ADDITIONAL DUTIES. The Building Official shall also be known as the Building Inspector and shall in addition to the provisions of the Uniform Building Code have the duty of administering and enforcing the provisions of the Housing Code, Abatement of Dangerous Buildings Code, Electrical Code, Utah State Plumbing Code and the Utah State Energy Code. Additionally, he 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.

SECTION 14. PAYMENT OF FEES. Whenever a fee is required by this Ordinance or any schedule or resolution adopted by the City pursuant to this Ordinance, such fees shall be paid to the Building Official.

SECTION 15. RIGHT OF ENTRY.

A. Whenever necessary to make an inspection to enforce any of the provisions of any code adopted pursuant to this ordinance, 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 which 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:

1. If such building or premises be occupied, he shall first present proper credentials and demand entry; and

2. If such building or premises be 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.

B. 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 ordinance.

SECTION 16. 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 Ordinance or of any order issued by the Building Official hereunder.

SECTION 17. BUILDING PERMIT FEES. A fee for each building permit, electrical permit, plumbing permit, mechanical permit, and fire permit shall be paid to the

Building Official or Recorder in such amount as shall be established from time to time by resolution duly enacted by the governing body. In the event that specific permit items are not covered by a fee resolution, the building permit fees set forth in Section 303 of the Uniform Building Code as herein amended, shall be applicable. The administrative and enforcement provisions of the Uniform Building Code relating to building permit fees shall be deemed to apply to the electrical and plumbing permit fees, unless otherwise provided by resolution of the governing body.

SECTION 18. PENALTY. Any person failing to comply with the provisions of this Ordinance, shall be guilty of a misdemeanor, and on conviction therefor, shall be punished by a fine in the sum not more than two hundred ninety-nine dollars (\$299.00) or by imprisonment for not more than six (6) months, or by both fine and imprisonment.

SECTION 19. CONTINUING OFFENSES DEEMED DAILY VIOLATION. In all instances where the violation of these ordinances is a continuing violation a separate offense shall be deemed committed on each day during or on which the violation occurs or continues.

SECTION 20. REPEAL OF CONFLICTING ORDINANCES. All previous adoptions of the Uniform Building, Fire, Abatement of Dangerous Building, and Plumbing and Electrical codes are hereby repealed and supplanted with the codes adopted herein. All work for which permits are issued after the effective date of this Ordinance shall be required to comply with the codes as adopted in this Ordinance. Work under permits issued prior to the effective date of this Ordinance shall be permitted to continue under the provision of the code enactment under which the permit was issued. On projects where permits have been or are to be issued in stages, so that only partial permits have been issued, subsequent permits shall be issued under the codes as adopted under this Ordinance, and the subsequent work shall comply with the newly adopted codes, except that if permits

for the additional work needed to complete the structure are taken out within one hundred and twenty (120) days of the effective date of this Ordinance, the prior codes shall apply so that no alterations in the building plans are required.

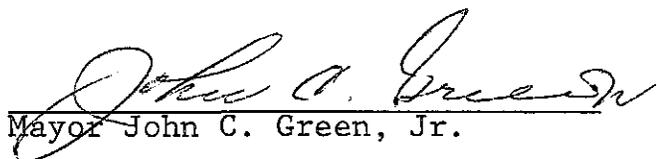
The fee schedules referred to in this Ordinance shall apply only to the extent that they have not been altered by specific enactments of the City Council. Ordinance 82-17 shall govern those fees it establishes, and other fees shall be determined as provided by this Ordinance.

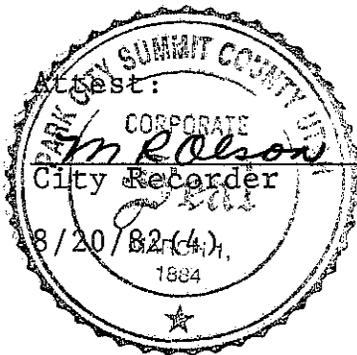
SECTION 21. SEPARABILITY OF ORDINANCES. Should any section, clause or provision of the codes adopted pursuant to this ordinance be declared by a court of competent jurisdiction to be invalid, such declaration of invalidity shall not affect the validity of any other section or provision of this Ordinance or the codes adopted herein and each such section, clause, or provision is hereby declared to be separate and distinct.

SECTION 22. EFFECTIVE DATE. This Ordinance shall take effect upon publication.

PASSED AND ADOPTED by the City Council this 26th day of August, 1982.

PARK CITY MUNICIPAL CORPORATION


Mayor John C. Green, Jr.



ORDINANCE

AN ORDINANCE AMENDING ORDINANCE NO. 82-24
IMPOSING A BUSINESS LICENSE FEE ON
FRANCHISED UTILITIES TO REQUIRE PAYMENT
OF THAT FEE IN MONTHLY INSTALLMENTS

Ordinance No. 82-24(1)

WHEREAS, the franchised utilities are now required
to pay a business license fee of two and one half percent

ORDINANCE

Ordinance No. 82-24(2)

AN ORDINANCE AMENDING ORDINANCE NO. 82-24
IMPOSING A BUSINESS LICENSE FEE ON FRANCHISED UTILITIES

WHEREAS, franchised utilities are now required to pay
a business license fee of two and one half percent (2.5%) of
their gross receipts generated from the sales and service within
Park City; and

WHEREAS, the City Council has determined that it is in
the best interests of the residents of Park City to increase the
fee to three and one-half percent (3.5%) of gross receipts;

NOW, THEREFORE, BE IT ORDAINED, by the City Council of
Park City that Ordinance 82-24 should be and is hereby amended as
follows:

SECTION 1. AMENDMENT. Section 2 of Ordinance 82-24 is
amended to read as follows:

SECTION 2. LICENSE FEE. The license shall be three and
one-half (3.5%) of the gross revenue of the franchised
utility derived from the sale of its service or product
within Park City's corporate limits. For purposes of this
ordinance, gross revenue shall include all revenue generated
from the sale of the franchisee's product or service. The
franchise fee imposed by other ordinances has consideration
for the granting of the franchise and shall be excluded from
the gross revenue.

SECTION 2. The balance of Ordinance No. 82-24 is
unchanged by this amendment.

SECTION 3. EFFECTIVE DATE. This amendment shall take
effect on July 1, 1988.

PASSED AND ADOPTED this 23rd day of June, 1988.



Attest

Anita A. Coletti
City Recorder

PARK CITY MUNICIPAL CORPORATION

Hal W. Taylor

Mayor Hal W. Taylor

AN ORDINANCE IMPOSING A BUSINESS LICENSE REVENUE TAX
ON ALL FRANCHISED UTILITIES WITHIN PARK CITY,
AND REPEALING ORDINANCE NO. 82-22

Ordinance No. 82-24

WHEREAS, the city is authorized to enact a business license revenue tax for the purpose of regulating businesses and producing revenue, and

WHEREAS, the franchised utilities have not been included in the businesses under Ordinance No. 82-10,

NOW, THEREFORE BE IT ORDAINED by the City Council of Park City:

SECTION 1. LICENSE REQUIRED. All franchised utilities must obtain from the city a license to do business within the city. It shall be unlawful for a franchised utility to conduct business in Park City without a license.

SECTION 2. LICENSE FEE. The license fee shall be 2.5% of the gross revenue of the franchised utility derived from the sale of its service or product within Park City's corporate limits. For purposes of this ordinance, gross revenue shall include all revenue generated from the sale of the franchisee's product or service. The franchise fee imposed by other ordinances as consideration for the granting of the franchise shall be excluded from the gross revenue.

SECTION 3. EXCLUSIONS. This gross revenue tax shall not apply to revenue derived from the sale of household appliances by a franchisee, service of appliances, or to the sale or rental of telephone switching equipment not included in "basic local exchange service". "Basic local exchange service" revenue shall mean revenues received from the furnishing of telecommunications within Park City and access to the telecommunications network to business, residential or other customers whether on a flat rate or a measured basis, by means of access to a telephone line.

Basic local exchange service shall not include revenues obtained by the franchised telephone company from the provision of terminal telephone equipment services (such as telephone sets, private branch exchanges or key systems), or from the sale or lease of other telephone equipment that is obtainable at a retail or consumer level from both the franchised telephone company and other suppliers.

SECTION 4. PAYMENT OF FEE. The license fee is payable in quarterly installments due on the first day of each calendar quarter, and past due thirty (30) days thereafter. Each payment shall be based on the revenue derived in the preceding quarter. The first such payment is for the last quarter of 1982.

SECTION 5. PENALTY. The operation of a franchised utility business with Park City without paying the required fee shall be a Class "B" misdemeanor punishable by a fine of not more than two hundred and ninety-nine dollars (\$299.00) for each violation and imprisonment of the corporate officials responsible for the violation for not more than six (6) months in the county jail. These criminal penalties are in addition to, and not in lieu of a civil action to recover the license fee due, or a civil action to terminate the franchise. Each connection to the utility system through which service is provided by the franchisee is hereby deemed a separate transaction or sale, and each such sale while unlicensed shall constitute a separate violation.

SECTION 6. REPEALER. Ordinance No. 82-22 is hereby repealed in its entirety.

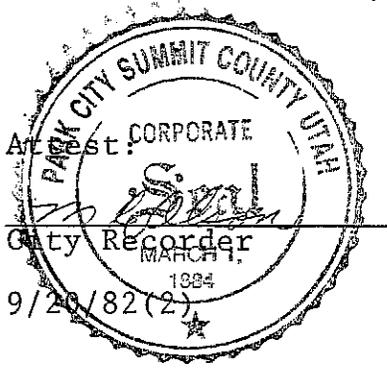
SECTION 7. EFFECTIVE DATE. This ordinance shall take effect upon publication, provided however, that the fee shall not be imposed until October 1, 1982.

PASSED AND ADOPTED this 23rd day of September, 1982.

PARK CITY MUNICIPAL CORPORATION

John C. Green

Mayor John C. Green, Jr.

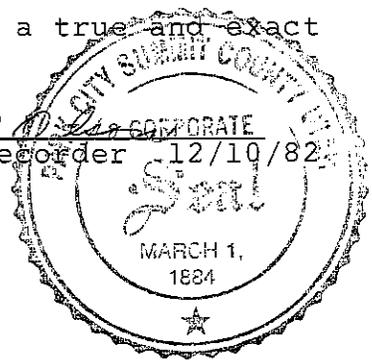


Certification: I hereby certify that this is a true and exact copy of the original.

Recorded at the request of and return to: Park City Municipal Corp. P. O. Box 1480, Park City, UT 84060

Fee Exempt per Utah Code Annotated 1953 21-7-2 ORDINANCE

City Recorder 12/10/82



Ordinance No. 82-25

~~ACTION~~

INDEXED: _____ AN ORDINANCE RENAMING THE PUBLIC STREETS
12-13 WITHIN THE DEER VALLEY PLANNED UNIT DEVELOPMENT
12-13

1-4 WHEREAS, it is desirable to have streets within
the city clearly identified by name,

NOW, THEREFORE BE IT ORDAINED by the City Council of Park City, Utah:

1. Deer Valley Drive East. Those sections of road dedicated to the public on July 17, 1980 and designated on a plat recorded August 27, 1980 as "Deer Valley East Road Section A", and also the road dedicated to the public on February 18, 1982, and designated on a plat recorded on March 1, 1982 as "Deer Valley Drive East Section B" shall together be known as "Deer Valley Drive East".

2. Deer Valley North Road. The name of that section of road dedicated to the public on September 11, 1979, and designated on a plat recorded on April 16, 1980 as "Deer Valley Drive North" shall remain unchanged and shall continue to be known as "Deer Valley Drive North".

3. Deer Valley Drive. Those sections of road dedicated to the public on September 11, 1979 and designated on a plat recorded on April 16, 1979 as "Deer Valley Road Section A", and "Deer Valley Road Section B" shall together be known as "Deer Valley Drive".

4. Deer Valley Drive South. That section of road dedicated to the public on September 11, 1979 and designated on a plat recorded on April 16, 1980 as "Deer Valley Road Section C" shall be known as "Deer Valley Drive South".

5. Royal Street. Those sections of road dedicated to the public on September 11, 1979 and designated on plats recorded on April 16, 1979 as "Lake Flat Road Sections A, B, and C", and also those sections of road dedicated to the public on July 17, 1980 and designated on plats recorded

BOOKM 242 PAGE267

Entry No. 199163 Book 242
RECORDED 12-10-82 at 4:58 PM Page 267 of 68
REQUEST of Park City Municipal Corp
FEE \$ 0.00 By Wanda Y. Spriggs
INDEXED _____ ABSTRACT _____
WANDA Y. SPRIGGS, SUMMIT CO. RECORDER

August 17, 1980 and November 27, 1980 as "Lake Flat Road Sections D and E" shall all be named and known as "Royal Street".

6. Royal Street East. That section of road dedicated to the public December 3, 1981 and designated on a plat recorded on January 6, 1982 as "Silver Lake East Road" shall be named "Royal Street East".

7. American Flag Subdivision. The roads within the American Flag Subdivision, which were dedicated to the public on September 11, 1979 and designated by name on a plat recorded January 16, 1980 shall be renamed and known as follows:

"Constitution Way" shall be renamed "Golden Eagle Loop"

"Liberty Place" shall be renamed "Eagle Court"

"American Flag Loop" shall be renamed "Centennial Circle"

"Justice Court" shall be renamed "Supreme Court"

"Independence Court" shall be renamed "Stanford Court"

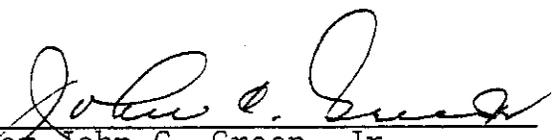
"Freedom Court" shall be renamed "Royal Court"

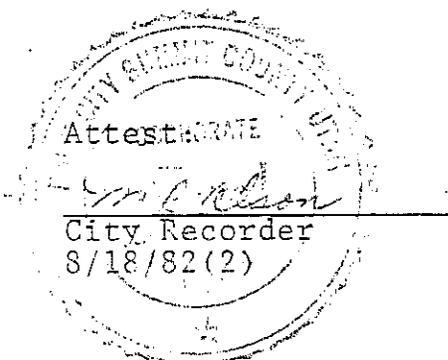
8. Implementation. The street names designated in this ordinance shall be used in the preparation of all official maps of Park City, and shall be integrated into the Park City addressing system. The street names shall be identified by placement of appropriate signage on the streets.

9. Effective Date. This Ordinance shall take effect immediately upon publication.

PASSED AND ADOPTED by the City Council this 23rd day of September, 1982.

PARK CITY MUNICIPAL CORPORATION


Mayor John C. Green, Jr.



ORDINANCE

Ordinance No. 82-26

AN ORDINANCE REPEALING ORDINANCE NO. 6-75
WHICH HAS BEEN SUPERCEDED BY ORDINANCE NO. 82-10
AND ADDING AMENDMENT 82-10(1) TO THAT ORDINANCE

WHEREAS, the City Council has adopted Ordinance No. 82-10 and an amendment to that Ordinance 82-10(1) establishing a business license fee to provide revenue for the operation of the transportation system; and

WHEREAS, Ordinance No. 6-75 covers the same matters and has the same intent; and

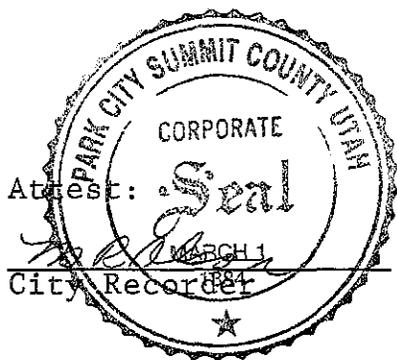
WHEREAS, the provision of the two ordinances are inconsistent, and Ordinance No. 82-10 and its amendments were intended to supercede that Ordinance in every way;

NOW, THEREFORE BE IT ORDAINED by the City Council of Park City that:

1. Ordinance No. 6-75, entitled "An Ordinance Establishing a Business Transportation Revenue License" is hereby repealed.

PASSED AND ADOPTED this 23rd day of
September, 1982.

PARK CITY MUNICIPAL CORPORATION



Mayor John C. Green, Jr.

Ordinance No. 82-27(7)

AN ORDINANCE AMENDING SECTION 5 OF ORDINANCE NO. 82-27
TO CLARIFY THE APPLICATION OF THE ORDINANCE TO
LICENSED REAL ESTATE BROKERS AND SALESMEN,
STOCK BROKERS, AND INSURANCE AGENTS AND SALESMEN AND
CLARIFYING SECTION 5(c)

WHEREAS, Section 5 of Ordinance No. 82-27 excludes from the definition of "solicitor" those licensed by the State of Utah as real estate brokers and salesmen, stock brokers, and insurance agents and salesmen; and

WHEREAS, it is not the intention of the City Council that such licensed professionals be additionally and separately licensed under the terms of Ordinance No. 82-27; and

WHEREAS, it is the intention of the City Council that licensed real estate brokers and salesmen, stock brokers, and insurance agents and salesmen conduct their businesses within the City in a manner that is not inimical to the general health, safety, and welfare of the City's inhabitants and visitors;

WHEREAS, it is the intention of the City Council that all solicitation occur within fully enclosed buildings and it is their desire to clarify the language to reflect this intention;

NOW, THEREFORE, BE IT ORDAINED by the City Council of Park City that:

SECTION 1. Section 5(b) of Ordinance No. 82-27 should be and hereby is amended in its entirety to read as follows:

- (b) Licensing Exceptions. Solicitors who hold valid state issued licenses to act as real estate brokers or salesmen, stock brokers or insurance agents or salesmen need not obtain a separate solicitors license from the City, but shall conduct their solicitation activities in accordance with the provisions of Section 5, Solicitors of Services, Investments, Accommodations or Property.

SECTION 2. Section 5(c) of Ordinance No. 82-27 should be amended to clarify the language contained therein as follows:

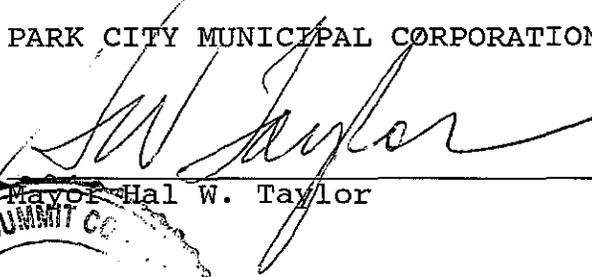
- (c) A solicitor's license shall permit the holder thereof to solicit individuals or the general public on behalf of any business regularly licensed to conduct business within Park City. All solicitation activities shall be conducted within a fully enclosed building with the written consent of the

owner. It shall be unlawful to make solicitation on the streets, sidewalks or other public property.

SECTION 3. This Ordinance shall take effect upon adoption.

PASSED AND ADOPTED this 9th day of March, 1989.

PARK CITY MUNICIPAL CORPORATION

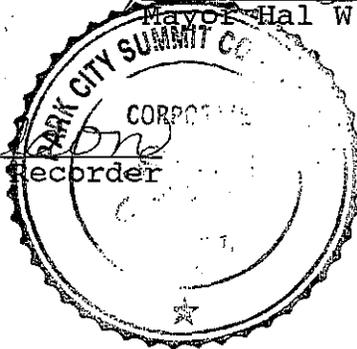


Mayor Hal W. Taylor

Attest:



Anita L. Sheldon, City Recorder



ORDINANCE

Ordinance 82-27(6)

AN ORDINANCE AMENDING SECTION 17 OF ORDINANCE 82-27
ESTABLISHING INVESTIGATION, SUSPENSION AND
REVOICATION PROCEDURES FOR PEDDLER'S
AND SOLICITOR'S LICENSES

WHEREAS, Ordinance 82-27 regulating peddlers, solicitors, street musicians, transient merchants, convention sales and the sale of goods, services or merchandise in or from the public streets or public property was adopted and has since been amended; and

WHEREAS, the City Council amended Ordinance 82-27 to set forth a procedure for reviewing licensing complaints and enforcement of the license suspension and revocation provisions of the existing Ordinance; and

WHEREAS, the City Council finds that it is desirable to further amend Ordinance 82-27 to specify the responsibility of the parties to such license reviews;

NOW THEREFORE, BE IT ORDAINED:

Section 1. Section 17 of Ordinance 82-27 shall be amended and replaced in its entirety to read as follows:

SECTION 17. PENALTIES, REVOCATION OF LICENSE.

Any person convicted of a violation of the provisions of this ordinance, whether that violation be the conducting of business without a license or the violation of the specific terms of the license issued, shall be guilty of a Class B misdemeanor and punished by a fine of not more than two hundred ninety-nine dollars (\$299.00) and imprisonment of not more than six (6) months in the county jail. These penalties may be imposed in addition to revocation or suspension of the license. No person convicted of a violation of this ordinance shall be issued a similar license for a period of two (2) years.

Licenses issued under this ordinance may be revoked by the City Council for the following reasons: violation of any specific provisions or limitations on the license imposed by this ordinance or by the Council in issuing the license, complaints from the public concerning misrepresentation of the goods or merchandise sold, unfair or dishonest business practices, or other circumstances which endanger the health or safety of the residents of Park City.

Upon receiving a written complaint from any person alleging a violation of any provision of this ordinance by a licensee or an agent of the licensee, the City or anyone designated by the City Manager with the assistance of such other departments of the City as the City Manager may direct, shall conduct an investigation of the allegations of the complaint. The City shall not investigate consumer or product liability complaints. Upon completion of the investigation, the City Manager may dismiss the matter as being without merit, settle the matter based upon the negotiations the City Manager or his or her designee may have undertaken with the licensee, or cause an Order to Show Cause to be issued to the licensee requiring the licensee to come forward and answer the allegations of the Order to Show Cause.

The Order to Show Cause may be based upon an affidavit filed by the City Manager, City Attorney, or anyone else the City Manager has designated to file such action, and said Order to Show Cause shall specifically set forth the ordinance sections alleged to have been violated and generally describe the acts in violation.

In the event an Order to Show Cause is issued to the licensee, the City Council shall determine whether to refer the matter to a licensed hearing examiner (LHE), or to hear the matter directly itself. The Order to Show Cause shall be issued at least fourteen calendar days prior to the date set for the administrative hearing, but the hearing shall be commenced in any event, within one year of the service of the Order to Show Cause upon the licensee unless otherwise agreed by the parties. Within ten days from the date of the service of the Order to Show Cause, the licensee shall file with the City a written response to the allegations contained therein.

If the matter is to be heard by the City Council, the City Council may elect one of its members to act as presiding officer for the hearing. The presiding officer shall rule on all matters of controversy which arise during the hearing. The City Council may designate one or more of its members to act as a hearing panel, in which event the hearing panel shall follow the same procedural requirements as the LHE is required by this ordinance to follow.

In all administrative license revocation or suspension proceedings, a hearing shall be conducted as follows:

- a. The presiding officer or LHE shall regulate the course of the hearing to obtain full disclosure of relevant facts and afford all parties the reasonable opportunity to present their positions.
- b. The presiding officer or LHE may determine the

length of the hearing and may prevent the calling of witnesses or admission of documentary evidence where such witnesses or evidence are irrelevant, immaterial, unduly repetitious, or unnecessary due to the receipt of other evidence.

c. Technical rules of evidence required in court proceedings shall not apply, and the presiding officer or LHE shall not exclude evidence solely because it is hearsay.

d. The presiding officer or LHE may afford to all parties the opportunity to present evidence, argue, respond, conduct cross-examination, and submit rebuttal evidence within the time frame of the hearing established by said officer.

e. The hearing shall be recorded by electronic means or by means of a Certified Shorthand Reporter. The record thus created shall be preserved by the City Council until such time as it is clear that no court proceedings or further administrative proceedings will be held concerning the matters which are the subject of the hearing; but a minimum of one year. The recording may be transcribed at the request of any party, at the expense of the requesting party.

f. All testimony presented at the hearing shall be given under oath administered by a person duly authorized to administer oaths.

g. The licensee shall have the right to appear at the hearing in person or by counsel, or both.

h. Subpoenas and other orders to secure the attendance of witnesses or the production of evidence shall be issued by the City Council when requested by any party, or may be issued by the presiding officer or hearing examiner on his or her own motion. The mere issuance of subpoenas shall not operate to require the admissibility of evidence or testimony subpoenaed.

i. Upon request, both the City and the licensee shall be entitled to discovery of the other's list of witnesses to be called at the hearing, including the names and addresses of such witnesses. The parties shall be entitled to have copies of, or have access to any documents to be used by either side during the course of the hearing. No other formal discovery shall be required.

j. The standard of proof required for any action adverse to the licensee shall be that of proof by a preponderance of the evidence.

k. The presiding officer, if the City Council hears the matter itself, or the LHE, shall prepare written Findings of Fact, Conclusions of Law, and an Order. In the case of an LHE, the LHE shall submit said Findings, Conclusions and Order to the City Council. The City Council shall either accept or reject the Findings of Fact, Conclusions of Law, and proposed Order of the LHE, or enter its own Findings, Conclusions and Order, and shall state the basis from the record upon which the divergence from LHE's recommended Findings, Conclusions and Order occurs.

l. The Order formally entered by the City Council may be to (1) dismiss the action against the licensee; (2) suspend the license for a specified period; (3) place the licensee on probation upon such conditions as the City Council may order; (4) permanently revoke the license in question; or (5) any combination of the above.

m. Any licensee aggrieved by an Order of the City Council entered pursuant to this section may maintain an action for relief therefrom in any court of competent jurisdiction, where said court deems itself the appropriate forum for the appeal from the City Council's action. The licensee shall be required to follow orders and procedures of the appropriate court with regard to time for filing.

n. Nothing herein shall be construed to require a showing that the licensee shall have been first convicted in a court of law of any violation of any law, rule or regulation. All notices required by this section may be made by personal service or by certified mail, mailed to the licensee's address as it appears in the business regulation records of the City, postage prepaid, certified, return receipt requested.

o. If any provision of this ordinance is declared by a court of competent jurisdiction to be unconstitutional, such ruling shall not affect the other provisions of this ordinance, and said ordinance shall read as simply eliminating the offending provision.

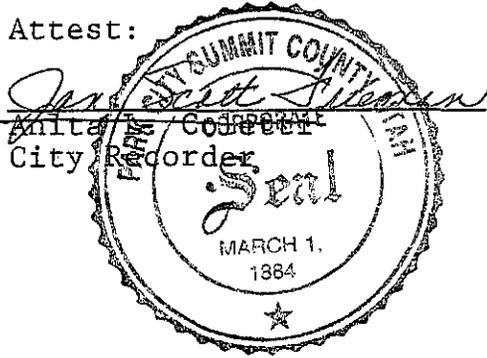
SECTION 2. EFFECTIVE DATE. This Ordinance shall become effective upon publication.

PASSED AND ADOPTED this 16th day of June, 1988.

PARK CITY MUNICIPAL CORPORATION

Kristen Rogers
Hal W. Taylor, Mayor PRO TEM

Attest:



ORDINANCE

Ordinance 82-27(5)

AN ORDINANCE AMENDING SECTION 17 OF
ORDINANCE 82-27 ESTABLISHING INVESTIGATION,
SUSPENSION AND REVOCATION PROCEDURES FOR
PEDDLERS' AND SOLICITORS' LICENSEES

WHEREAS, Ordinance 82-27 regulating peddlers, solicitors, street musicians, transient merchants, convention sales and the sale of goods, services or merchandise in or from the public streets or the public property was adopted and has been since amended; and

WHEREAS, the City Council finds that it is desirable to set forth the procedure for reviewing licensing complaints and enforcement of the license suspension and revocation provisions of the existing Ordinance,

NOW, THEREFORE, BE IT ORDAINED:

SECTION 1. Section 17 shall be amended and replaced in its entirety to read as follows:

SECTION 17. PENALTIES, REVOCATION OF LICENSE.
Any person convicted of a violation of the provisions of this ordinance, whether that violation be the conducting of business without a license or the violation of the specific terms of the license issued, shall be guilty of a Class B misdemeanor and punished by a fine of not more than two hundred ninety-nine dollars (\$299.00) and imprisonment of not more than six (6) months in the county jail. These penalties may be imposed in addition to revocation or suspension of the license. No person convicted of a violation of this ordinance shall be issued a similar license for a period of two (2) years.

Licenses issued under this ordinance may be revoked by the City Council for the following reasons: violation of any specific provisions or limitations on the license imposed by this ordinance or by the Council in issuing the license, complaints from the public concerning misrepresentation of the goods or merchandise sold, unfair or dishonest business practices, or other circumstances which endanger the health or safety of the residents of Park City.

Upon receiving a written complaint from any person alleging a violation of this ordinance or one of the other grounds set forth above, the City Recorder shall notify the licensee of the nature of the complaint and, with the assistance of such other departments of the City as the City

Manager may direct, shall conduct an investigation of the allegations of the complaint. In the case of consumer or product liability complaints, the investigation shall be limited to the maintenance of a record indicating the number and nature of the complaints received, which have been formally submitted in writing to the City Recorder. Upon completion of the investigation, the City Manager may negotiate an agreement or stipulation with the licensee. Subsequent to the investigation and negotiations, if any, the City Manager shall recommend to the City Council that (1) the matter be dismissed, (2) the matter be settled based upon the negotiations, or (3) the matter be referred for administrative hearing. The City Council may order that the matter be dismissed, settled or that the matter be heard by a License Hearing Examiner to be appointed by the City Council.

In the event the City Council directs that the matter be heard by a License Hearing Examiner, the licensee shall be given written notice of the date and time set for hearing. Such notice shall be given at least 14 calendar days prior to the date set for such hearing, but the hearing shall be commenced, in any event, within six months of the order of the City Council. The City, the complaining party and the licensee shall be entitled to appear at the hearing and to present witnesses and evidence relevant to the complaint. The hearing examiner shall have authority to hear such evidence and otherwise conduct the hearing in accordance with customary administrative hearing procedures. Within seven days after the conclusion of the hearing, the hearing examiner shall prepare and submit written Findings of Fact and Recommendations regarding the license in question to the City Council. Upon receipt of the hearing examiner's Findings of Fact and Recommendations, the City Council shall enter an order providing for revocation, suspension for a specified period, probation upon such conditions as the City Council shall order, a combination of the above, or an order that no action be taken.

Any licensee aggrieved by an order of the City Council entered pursuant to this section may maintain an action for relief therefrom in any court of competent jurisdiction, provided that the action for such relief is filed with the court within 30 days after the entry of such order on the approved minute records of the City Council. Nothing herein shall be construed to require a showing that the licensee shall have been first convicted in a court of law of a violation of any law, rule or regulation. All notices required by this section may be made by personal service or by certified mail, mailed to the licensee's address as it appears in the business regulation records of the City, postage prepaid, certified-return receipt requested.

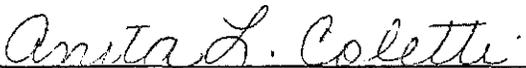
2. SECTION 2. EFFECTIVE DATE. This Ordinance shall take effect upon its publication.

PASSED AND ADOPTED this 7th day of April, 1988.

PARK CITY MUNICIPAL CORPORATION


Hal W. Taylor, Mayor

Attest:


Anita L. Coletti
Anita L. Coletti,
City Recorder

ORDINANCE

Ordinance No. 82-27(4)

AN ORDINANCE AMENDING SECTION 7 of
ORDINANCE 82-27 REGULATING STREET VENDORS

WHEREAS, by Ordinance adopted November 11, 1982 the City Council undertook regulation of street vendors to abate the nuisance and congestion caused by unregulated street vendors and solicitors, and;

WHEREAS, the nuisance so posed has been abated;

NOW, THEREFORE BE IT ORDAINED by the City Council of Park City that:

SECTION 1. Section 7(b) of Ordinance 82-27 should be and is hereby amended to read as follows:

Sales on public Streets and Sidewalks In order to abate street vending in Park City, except at construction sites, only those street vendors holding valid 1987 Street Vending Licenses to sell food or other merchandise on public streets and sidewalks may renew licenses to continue such business.

SECTION 2. Section 7(c) of Ordinance 82-27 should be and is hereby amended to read as follows:

Sales on Private Property Not Conducted Within Enclosed Buildings. Except as allowed in Sections 2 and 7(b) of this Ordinance and the Land Management Code which authorizes issuance of conditional use permits for certain permanent outdoor business activities all commercial activity in Park City shall be conducted within fully enclosed buildings. Retail sales not being conducted within an enclosed building

and not authorized under Section 2 or Section 7(b) of this Ordinance or under the Land Management Code as permitted conditional uses shall not be permitted or licensed.

SECTION 3. Section 7(d)(6) of Ordinance 82-27 should be and hereby is deleted in its entirety.

SECTION 4. Section 7(d)(7) of Ordinance 82-27 is renumbered Section 7(d)(6).

SECTION 5. Section 7(d)(8) of Ordinance 82-27 is renumbered Section 7(d)(7).

SECTION 6. Section 7(d)(9) of Ordinance 82-27 is renumbered Section 7(d)(8).

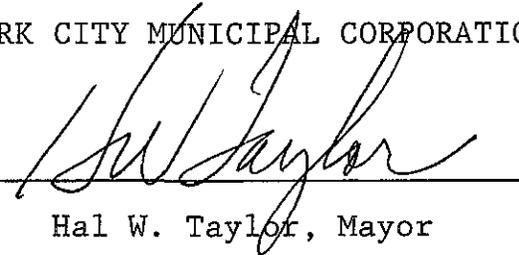
SECTION 7.. Section 7(d)(10) of Ordinance 82-27 is renumbered Section 7(d)(9).

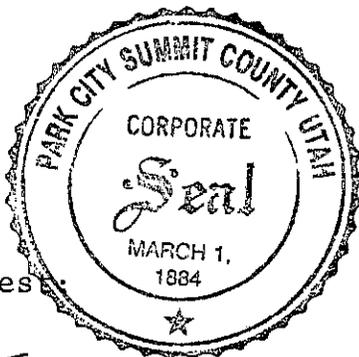
Section 8.. Effective Date. This amendment to Ordinance 82-27 shall take effect immediately upon its publication.

Passed and adopted this 19 day of March, 1987.

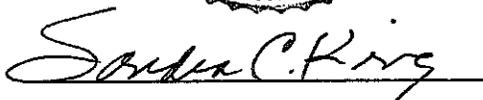
PARK CITY MUNICIPAL CORPORATION

By


Hal W. Taylor, Mayor



Attest:



City Recorder

ORDINANCE NO. 82-27(3)

AN AMENDMENT TO SECTION 7 OF ORDINANCE 82-27,
REGULATING PEDDLERS, SOLICITORS, STREET MUSICIANS,
TRANSIENT MERCHANTS, CONVENTION SALES AND
THE SALE OF GOODS, SERVICES, OR MERCHANDISE IN OR
FROM THE PUBLIC STREETS OR OTHER PUBLIC PROPERTY
AND REGULATING THE USE OF PUBLIC PROPERTY FOR
PRIVATE PURPOSES

WHEREAS, it is the duty of the City Council to promote the health, safety and welfare of the residents of Park City; and

WHEREAS, the regulating of Peddlers and Solicitors promotes health, safety and welfare of Park City; and

WHEREAS, Street Vendors and Vendors in unenclosed buildings may create traffic, safety and sanitary problems;

THEREFORE BE IT ORDAINED by the City Council of Park City, Utah:

That Section 7 of Ordinance 82-27, An Ordinance Regulating Peddlers, Solicitors, Street Musicians, Transient Merchants, Convention Sales and the sale of Goods, Services, or Merchandise in or from the Public Streets or other Public Property, and Regulating the use of Public Property for Private Purposes (including Ordinance 82-27(1) and Ordinance 82-27(2)), be repealed and re-enacted to read as follows:

SECTION 7. STREET VENDORS. It shall be unlawful to sell food, flowers, agricultural products, ice cream, candy, popcorn, or other goods or merchandise from push carts, mobile wagons, or motor vehicles except as authorized and licensed under this Ordinance.

(a) Sales at Construction Sites. At bona fide construction sites of multifamily or commercial structures a license may be obtained to sell food or other merchandise, from motor vehicles located on private property. Licensees must list the construction sites they intend to serve on the license application, and update the list as needed throughout the year.

(b) Sales on Public Streets and Sidewalks. In order to abate street vending in Park City, except at construction sites, only those street vendors holding valid 1984 Street Vending Licenses to sell food or other merchandise on Public Streets and sidewalks may renew licenses to continue such business. Holders of valid 1984 Street Vendor licenses may renew their license for a period of three (3) years. No new licenses

shall be issued. No licenses shall be renewed or issued for the year 1988 or any year thereafter.

(c) Sales on Private Property Not Conducted Within Enclosed Buildings. Except as allowed in Section 2 of this Ordinance and the Land Management Code which authorizes issuance of conditional use permits for certain permanent outdoor business activities all commercial activity in Park City shall be conducted within fully enclosed buildings. Retail sales not being conducted within an enclosed building and not authorized under Section 2, of this Ordinance and the Land Management Code as permitted conditional uses shall not be permitted or licensed. Holders of valid 1984 Street Vendor licenses may renew their licenses for a period of two (2) years. No new licenses shall be issued. No licenses shall be renewed or issued for the year 1987 or any there thereafter.

(d) Terms and Conditions. Licensed vendors shall be subject to the following terms and conditions:

- (1) License Fee. The license fee for a street vendor's license shall be seventy-five dollars (\$75.00) annually, unless the vendor is selling foods, flowers, or products prepared for sale by a regularly licensed retail business with a location in Park City, and is operating as a part of that business, in which case the fee for the street vendor's license is ten dollars (\$10.00) annually. Licenses shall expire on December 31 of the year of issuance. License fees may be prorated on a monthly basis on licenses granted after March 1 of the year of issue. If the license is not granted, the city shall retain twenty-five percent (25%) of the fee to help defray the costs of processing and refund the balance.
- (2) Health Department Approval. All vendors serving food or garden produce for human consumption from any cart, wagon, or motor vehicle must have the approval of the Summit County Health Department of the means of preparing, keeping, and serving the food. This approval, in writing, must be submitted as a part of the license application. Withdrawal of Health Department approval for sanitary or health violations is grounds for revocation of the city license.
- (3) Police Department Approval. All applications for a street vendor's license, except for those licensed through or as a part of an existing Park City restaurant, shall be reviewed by the Police Department. No license shall be granted to

applicants who have been convicted or entered a guilty plea to any felony involving the sale of controlled substances, receiving stolen goods, theft, or prostitution.

- (4) Limitation on Locations. Street vendors operating from carts or wagons that are powered by the operator (whether pushed, pulled, or peddled), or with a motor assist may be used on the sidewalks, but not in the streets in any commercial zone within the city. No cart or wagon with an assist motor larger than ten (10) horse power shall be permitted to operate on the sidewalks. Vending from motor vehicles (which shall include any motorized means of conveyance that is required to be licensed by the State Department of Motor Vehicles) shall be restricted to the sale of food at construction sites only, and all sales from motor vehicles shall occur on private property.
- (5) Vendors Required to Move Location. It shall be unlawful for any street vendor to obstruct pedestrian or vehicular traffic on streets or sidewalks. It shall also be unlawful for any street vendor to remain in a fixed location on public sidewalks for more than one hour at a time. Vendors shall move a distance of at least fifty (50) feet from their prior location every hour during which they are conducting business. It shall be unlawful for any street vendor to conduct business in a location that impairs reasonable pedestrian or vehicular access to any adjoining building, alley, yard or other property.
- (6) Limitation on Number of Licenses. The Finance Department may issue up to five (5) vendor's licenses in any one year. In the event that more than five (5) license applications and/or renewal requests are received, the licenses shall be issued to persons meeting the qualifications in the order in which the applications or renewal requests were filed. The City Council can issue licenses beyond the five (5) license limitation, but only after holding a public hearing on each subsequent application to determine whether the issuance of the additional license would adversely affect traffic and pedestrian circulation, or create undue inconvenience to area residents or to the occupants of buildings within the commercial zones. This limitation on the number of licenses shall not include mobile food service trucks, which are licensed to serve construction sites only. The limitation is on vending outlets, and

not on the number of employees operating each outlet.

- (7) Operation from Private Property. With the written consent of the persons or entities owning and controlling private property (including condominium associations, tenants' associations, or other entities representing persons or businesses having the right to make joint or common use of private property), vendors may operate within private golf courses, amusement parks, shopping plazas and malls, or similar private areas to which the general public is invited for commercial or recreation purposes. Vendors may not operate from vacant lots. Vendors may operate from a fixed location with the approval of the owner.
- (8) Solicitation Prohibited. No person licensed as a street vendor shall solicit or advertise for any other business or any other product while selling his goods or merchandise, or provide his goods or merchandise without charging a reasonable consideration.
- (9) Storage of Carts. No vendor may leave his cart or wagon on public property when not attended, nor shall any vendor be permitted to store his cart on public property over night or when not in use.
- (10) Open Container Law. No vendor shall be licensed to sell beer or any other alcoholic beverage from the vendor's cart or wagon.

Adopted this 16 day of May, 1985

PARK CITY MUNICIPAL CORPORATION

By John C. Green, Jr.
John C. Green, Jr.
Mayor

Attest:

J. C. [Signature]
City Recorder

ORDINANCE

Ordinance No. 82-27(2)

An Amendment to the Peddlers and Solicitors Ordinance,
Section 10, Public Festivals and Community Events.

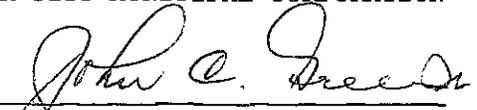
SECTION 10. Public Festivals and Community Events.

The Master Festival License and Street Closure Permit may be issued by the City Council for public celebrations, festivals and events within Park City which have not been held in previous years or if the City has not budgeted funds in anticipation of it's occurrence. If the public celebration, festival or event has been held in previous years and City funds have been budgeted in anticipation of it's occurrence the City Manager may issue the Master Festival License and Street Closure Permit. In granting the License and Permit, the City Council or City Manager may allow the exclusive use of public streets, parks or alleyways or other public property as part of the festival or event. Licenses and permits shall be issued in one of the following manners:

Adopted this 4th day of October, 1984.

PARK CITY MUNICIPAL CORPORATION

By:


John C. Green, Jr., Mayor

Attest:


J. Craig Smith

ORDINANCE

Ordinance No. 82-27(1)

AN ORDINANCE AMENDING SECTION 8 OF ORDINANCE NO. 82-27
REGULATING TEMPORARY CONVENTION SALES

WHEREAS, a clarification of the convention sales provision of the Ordinance regulating peddlers, solicitors and other non-traditional merchants is necessary;

NOW, THEREFORE BE IT ORDAINED by the City Council of Park City that:

SECTION 1. Section 8 of Ordinance No. 82-27 should be and is hereby amended to read as follows:

SECTION 8. CONVENTION SALES. The Finance Department may issue licenses for a period not to exceed two (2) weeks for temporary use of convention and meeting rooms within any licensed convention or meeting facility for the purpose of temporary retail sales or solicitation of goods or services, whether in conjunction with a convention or not. The licenses may be issued on the following terms:

- (a) License Fee. The license fee shall be fifty dollars (\$50.00), plus five percent (5%) of the regular Park City business license fee for a business of that type, with the square footage based on the square footage of the meeting or convention facility (or portion thereof) rented or used by the licensee for his sales location sit at the convention site.
- (b) State Tax Number. The applicant must provide his sales tax identification number as a part of the license application to assist in verifying the collection and reporting of sales tax.
- (c) Review by Police. Applications for convention sales licenses shall be sent to the Police Department for review and consideration prior to their approval. No convention sales license shall

be issued to any person or business which has entered a guilty plea or been convicted of any felony involving receiving stolen goods, burglary, sale or possession of any controlled substance, or prostitution, or securities fraud within the preceding three (3) years. Applicants shall provide their date of birth and social security number to assist in the investigation.

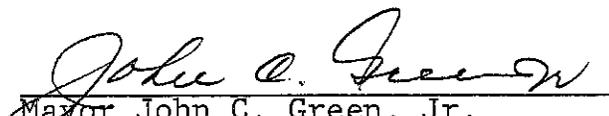
- (d) Applications. Applications must be filed at least ten (10) days prior to the proposed date of commencement of business to permit adequate time for the Police Department review and investigation. The police may request reasonable evidence of title to goods proposed to be offered for sale as a part of the review.

SECTION 2. The balance of the Ordinance shall remain in effect as adopted.

SECTION 3. This Ordinance shall take effect upon publication.

DATED this 2nd day of February, 1983.

PARK CITY MUNICIPAL CORPORATION



Mayor John C. Green, Jr.

