

Ordinance 13-29

**ORDINANCE AMENDING TITLE 4, LICENSING, CHAPTER 2
SECTIONS 4, 8 AND 10 REGARDING INSPECTIONS AND CREATING A PROCESS
FOR INSPECTIONS PRIOR TO BUSINESS LICENSE APPLICATION.**

WHEREAS, the City Council is charged to protect the health and safety of its residents and visitors;

WHEREAS, the current Business License process allows businesses to conduct business at their own risk once application has been submitted for a Business License prior to receiving an inspection of the premises from the City; and

WHEREAS, requiring an inspection before application for a Business License is made will significantly ensure that businesses are inspected and safe prior to the public being on the businesses premises within Park City; and

WHEREAS, the City Council held a public hearing on __September 5, 2013__ and deems it in the best interest of the public to support the inspection process prior to business license application as recommended by Building, Finance and Sustainability;

NOW, THEREFORE, BE IT ORDAINED that:

SECTION 1. AMENDMENT. Title 4, Chapter 2 and Sections 4, 8 and 10 are hereby amended as follows:

4- 2- 4. LICENSE APPLICATION.

Applications for business licenses shall be made in writing to the Director or his or her designee. 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 state real estate broker'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. **All applications, with the exception of those engaging in business within City limits without a physical address or as exempt by state law, must be accompanied by a completed inspection form provided by the City that proves substantial code compliance for the property.** Any change in the above information furnished by the applicant shall be forwarded in writing, within ten (10) days of the change, to the Director. License application forms shall be prepared and kept on file by the Director or his or her designee.

**4- 2- 8. INSPECTIONS FOR CODE COMPLIANCE/NOTICE OF INFRACTION/
LICENSE PARK CITY MUNICIPAL CODE - TITLE 4 LICENSING**

Prior to the issuance of a license ~~applying for a license to engage in~~ for a new business not previously licensed at that location, or an existing business with a change of location, the applicant shall be required to have ~~inspections to be made~~ the prospective place of business inspected by the appropriate departments of the City or other governmental agency to ensure compliance with building, fire, **municipal** and health codes. ~~This inspection process does not apply to convention sales and gifting, which will require an inspection after the convention space has been set up and will require a site plan.~~ No license ~~shall be granted~~ can be applied for ~~unless until any~~ the required inspection reveals that the prospective place of business is in substantial compliance with the building, fire, **municipal** and health codes. ~~If during the inspection process any code infractions are found, corrections shall be made and a re-inspection scheduled within a reasonable period as identified by the inspector or Chief Building Official not to exceed thirty calendar (30) days. If a re-inspection is not scheduled within the specified time frame, a new inspection will be required. Once a property is deemed in substantial compliance with all applicable codes, the inspection will be valid for sixty (60) calendar days unless otherwise identified by the inspector or Chief Building Official.~~ In addition to the business license fees; all new businesses or business locations shall pay **an** inspection fee as set forth in the rate tables in effect at the time of application. A re-inspection fee may be assessed if more than two (2) inspections are required by the City to meet code compliance. ~~The City may take up to ten (10) business days to complete the licensure process. Prior to the approval/issuance of any business license additional or repeat inspections may be required for locations as identified during the inspection process.~~

Existing places of business licensed within the City may be inspected periodically by departments of the City for compliance with building, fire, **municipal** and health codes. ~~Floor plans stamped by a design professional will be required if there is a change of occupancy in an existing business.~~ Written notice shall be given by the Director or his or her designee to a licensee upon the finding of any code infractions which notice shall provide for a reasonable period in which to correct such infractions as identified by the inspector or Chief Building Official, the failure of such action shall result in the revocation of the license by the Director or his or her designee and may require the premise be evacuated due to immediate life safety hazards. The Director or his or her designee may request the City Attorney to file a complaint against any applicant or licensee who conducts business without prior approval from the appropriate departments of the City for noncompliance with the required standards.

4- 2-10. LICENSE ISSUANCE OR DENIAL.

~~Upon receipt by the Director or his or her designee of a completed license application and full payment of the fees, the City will not prosecute under Section 4- 2- 1 of this chapter for doing business without a license during the review and inspection process. The Director or his or her designee shall notify the applicant of:~~

- (A) The denial of a license and the reason for such denial; or
- (B) The issuance of the license.

Any applicant doing business during the review period proceeds at their own risk and no legal or equitable rights exist prior to the issuance of the actual license certificate.

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

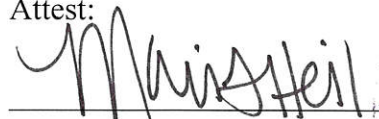
PASSED AND ADOPTED this 5 day of September , 2013.

PARK CITY MUNICIPAL CORPORATION



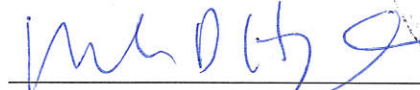
Mayor Dana Williams

Attest:



Marci S. Heil, City Recorder

Approved as to form:



Mark Harrington, City Attorney

