

**Ordinance No. 14 -50**

**AN ORDINANCE AMENDING 4- 2- 1 UNLAWFUL TO OPERATE WITHOUT A LICENSE, 4- 2- 2 DOUBLE FEE FOR FAILURE TO OBTAIN REQUIRED LICENSE, 4- 2- 4 LICENSE APPLICATION, 4- 2- 8 INSPECTION FOR CODE COMPLIANCE/NOTICE OF INFRACTION/LICENSE REVOCATION/COMPLAINT FILED BY CITY ATTORNEY, 4- 3-9 CONVENTION SALES AND HOSPITALITY AND 4- 3-11 LICENSE TO BE DISPLAYED OF THE MUNICIPAL CODE OF PARK CITY TO AMEND THE PROCESS FOR OBTAINING TYPE 2 CONVENTION SALES LICENSES AND OTHER CLARIFICATIONS TO THE LICENSING CODE**

WHEREAS, there is a need to clarify Park City's processing of Type 2 convention sales and hospitality licensing applications; and

WHEREAS, Staff recognizes the need to maintain minimum life and safety standards during Sundance with the number of occupancy changes from "B" to "A" use; and

WHEREAS, pre-inspections prior to application are beneficial in that existing structures must be deemed suitable to accommodate special uses, especially in terms of fire safety and egress; and

WHEREAS, final inspections are necessary to verify occupancy, lay out, and that the building has been made safe for the special use; and

WHEREAS, the City council finds that it is in the public interest to regulate Type 2 convention licensing uses because they create disproportionate impacts to providing City services including staff time, physical impact on structures, load-in and load-out, parking, maximization of temporary occupancy, traffic and other health, safety and welfare issues; and

WHEREAS, public hearings were duly held before City Council on October 2, 2014; and

WHEREAS, the City Council finds and determines that allowing temporary uses of permanent spaces allows private business owners to realize positive economic impacts from temporary rentals while encouraging commercial activity to remain in commercial districts and managing adverse impacts ; and

WHEREAS, in order to allow the City to monitor issuance of the licenses collectively, with the benefit of more time to allow staff review of individual applications for Type 2 convention sales licenses, Council will not delegate its authority to give approval, and to make it clear that no business is to be conducted without the requisite license, and to make it possible to apply for a business license prior to final inspection under special circumstances, and to require Type 2 CSL licenses as well as associated occupant load signs and fire permits to be displayed on the front door of the place of business.

WHEREAS, the City Council finds the proposed amendments in the best interest of the residents of Park City.

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

**Section I.** Amendment. Title 4, Chapter 2 , Business Licensing in General and Title 4, Chapter 3, Section 9, Convention Sales and Commercial Hospitality; and Section 11, License to be Displayed are amended to read as outlined in Exhibit A.

**Section II.** Effective Date. This Ordinance shall become effective upon publication.

**PASSED AND ADOPTED this 2<sup>nd</sup> day of October, 2014.**

PARK CITY MUNICIPAL CORPORATION

  
\_\_\_\_\_  
Mayor Jack Thomas

Attest:

\_\_\_\_\_  
Marci Heil, City Recorder

Approved as to form:  
  
\_\_\_\_\_  
Mark D. Harrington, City Attorney

## Exhibit B - Proposed Code Amendments

### CHAPTER 2 – BUSINESS LICENSING IN GENERAL

#### 4- 2- 1. UNLAWFUL TO OPERATE WITHOUT A LICENSE.

Unless exempted by state or federal law or by this Title, it shall be unlawful for any person to engage in business within Park City, whether on a temporary or permanent basis, without first ~~procuring~~ being issued the license required by this chapter. All licenses issued under the provisions of this Title are non-transferable and expire on December 31st of each year.

#### 4- 2- 2. DOUBLE FEE FAILURE TO OBTAIN REQUIRED LICENSE.

Unless exempted by state or federal law or by this Chapter, any person who engages in business ~~prior to submitting a completed application and payment of all fees~~ without being issued a license or paying all necessary fees under this Chapter shall pay double the specified fee for said license. The payment of such double fee shall not relieve any person from fully complying with all the requirements of this Code, nor from any other prescribed penalties.

Except as otherwise provided in this Title, any person who temporarily or permanently engages in business within the City without first obtaining a license as herein provided, or after such license has been revoked, shall be punished by a fine not to exceed the maximum Class B misdemeanor fine under state law or by a term of imprisonment up to six months, or by both fine and term of imprisonment as provided in section 1-1-8 of this code.

#### 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. The Chief Building Official or designee may grant an exception to the requirement for a completed inspection with the application in limited circumstances such as when a certificate of occupancy has not been yet granted or when the space is converted for another occupancy. A pre-inspection prior to application will be required when such exception is granted. No business license will be issued until the final inspection post application is approved. Any change in the above information furnished by the applicant shall be forwarded in writing, within ten (10) days of the



change, to the Director. 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/RE-INSPECTIONS/ PERIODIC INSPECTIONS AND LICENSE REVOCATION/STAMPED FLOOR PLANS REQUIRED FOR CHANGE OF OCCUPANCY/COMPLAINT FILED BY CITY ATTORNEY.

(A) INSPECTIONS FOR CODE COMPLIANCE. Prior to applying for a license under this Title for a new business not previously licensed at that location, or an existing business with a change of location, the applicant shall be required to have 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 unless a different inspection process is otherwise required in this Title. The Chief Building Official or designee may grant an exception to the requirement for a completed inspection with the application in limited circumstances such as when a certificate of occupancy has not been yet granted or when the space is converted for another occupancy. A pre-inspection prior to application will be required when such exception is granted. No business license will be issued until the final inspection post application is approved. ~~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.~~

(B) NOTICE OF INFRACTION. No license can be applied for until the required inspection reveals that the prospective place of business is in substantial compliance with the building, fire, and health codes. If during the inspection process any code infractions are found, corrections shall be made and a re-inspection scheduled within a reasonable period as identified by the inspector or Chief Building Official not to exceed thirty (30) calendar days.

(C) RE-INSPECTIONS. If a re-inspection is not scheduled within the specified time frame, a new inspection will be required. Once a property is deemed in substantial compliance with all applicable codes, the inspection will be valid for sixty (60) calendar days unless otherwise identified by the inspector or Chief Building Official. In addition to the business license fees, all new businesses or business locations shall pay an inspection fee as set forth in the rate tables in effect at the time of application. A re-inspection fee may be assessed if more than two (2) inspections are required by the City to meet code compliance. The City may take up to ten (10) business days to complete the licensure process. Prior to the approval/issuance of any business license, additional or repeat inspections may be required for locations as identified during the inspection process.

(D) PERIODIC INSPECTIONS AND LICENSE REVOCATION. Existing places of business licensed within the City may be inspected periodically by departments of the City for

compliance with building, fire, municipal and health codes. ~~Floor plans stamped by a design professional will be required if there is a change of occupancy in an existing business.~~ Written notice shall be given by the Director or his or her designee to a licensee upon the finding of any code infractions which notice shall provide for a reasonable period not to exceed sixty (60) days in which to correct such infractions, the failure of which shall result in the revocation of the license by the Director or his or her designee and may require the premise be evacuated due to immediate life safety hazards.

(E) STAMPED FLOOR PLANS REQUIRED FOR CHANGE OF OCCUPANCY. Floor plans stamped by a design professional will be required if there is a change of occupancy in an existing business.

(F) COMPLAINT FILED BY CITY ATTORNEY. The ~~Director~~ Finance Manager or his or her designee may request the City Attorney to file a complaint for non-compliance with the required standards against any applicant or any licensee who conducts business without a license, or continues to conduct business beyond the time limits provided in this section ~~for non-compliance with the required standards.~~

## CHAPTER 3 – PEDDLERS AND SOLICITORS LICENSING

### 4- 3- 9. CONVENTION SALES AND COMMERCIAL HOSPITALITY.

The Finance Department may issue licenses for a period not to exceed two (2) weeks for temporary use of convention, meeting, event and other assembly rooms within any licensed convention, meeting or assembly facility for the purpose of temporary exhibiting, marketing, displaying, Gifting or promoting of goods or services. If multiple vendors are sharing a space, an umbrella organizer may obtain a convention sales license for the entire space as long as each individual vendor provides an individual tax identification number. The umbrella organizer will be charged a license fee for the umbrella license as well as a fee for each vendor listed on the application. All vendors included in the umbrella license must be located under one physical address. The umbrella organizer is also responsible for having an appropriate business license. Any person or business that is conducting point of sales transactions will be required to have a separate business license whether in conjunction with a convention or not.

There are two types of Convention Sales and Hospitality Licenses.

TYPE 1 – Convention Sales License. This type of license will be available year round except for during the dates of Sundance Film Festival.

TYPE 2 – Sundance Film Festival Convention Sales and Hospitality License. This type of license will only be available during the dates of the Sundance Film Festival.



The licenses may be issued on the following terms:

(A) LICENSE FEE. The license fee shall be as set forth in the Park City License Fee Schedule. An additional administrative fee as set forth in the Park City License Fee Schedule is hereby authorized for all such temporary licenses effective during any portion of the Sundance Film Festival.

(B) STATE TAX NUMBER. The applicant must provide individual a Utah tax identification number if sales transactions are taking place, federal tax identification numbers if only promotion or gifting is taking place, as part of the license application to assist in verifying the collection and reporting of sales tax.

(C) REVIEW OF APPLICATIONS.

(1) Upon a reasonable belief that the applicant or Licensee has a fraud or felony conviction or prior criminal background or pending criminal proceeding, the Director may refer the application or Licensee for investigation to the Police Department.

(2) The Finance Manager or designee shall refer the application to the Building and Planning Departments for review. The Chief Building Official or designee to ensure compliance with the applicable building codes and fire codes including but not limited to determination of the maximum number of occupants the premises may safely accommodate at one time given the location and number of emergency exits; and the Planning Director or designee to ensure compliance with the Park City Land Management Code, Title 15.

(D) TYPES OF APPLICATIONS.

(1) For Type 1 licenses, the City may take up to ten (10) business days to complete the licensure process ~~Application must be filed at least ten (10) business days prior to the proposed date of commencement of business. to permit adequate time for the Police, Building, Finance and Planning Departments for review and investigation. The Departments may request reasonable evidence of title to goods proposed to be offered for sale as part of the review. Those engaging in business with a physical place of business within City limits will require building inspection to ensure code compliance prior to application.~~

(2) Retained Council Authority for Type 2 licenses:

(i) All Type 2 licenses shall require City Council approval at a publically noticed meeting. All Type 2 license applications must be complete and received at least seven (7) calendar days prior to a regular scheduled meeting and three (3) business days prior to a special meeting.

(ii) All Type 2 license applications require the applicant to have a pre-inspection prior to application at the place of business conducted by the Building Department for compliance with the building and fire codes. A copy of said pre-inspection report must accompany the license application submittal. The pre-inspection prior to application shall remain valid for 120 days.

- (iii) All Type 2 license applications shall require an accurate floor plan and a design occupancy load stamped by a design professional to be submitted at the time of application.
- (iv) All Type 2 License applications require a final inspection by the Building Department post application after the space has been set up for the event. Business shall not be conducted until the final inspection has been passed and the applicant has been issued a Type 2 Convention Sales License.

(D) (E) RESPONSIBILITY OF HOST BUSINESS TO ENSURE LICENSING AND COMPLIANCE WITH THE UNIFORM BUILDING AND FIRE CODES. Businesses which make all of or a portion or portions of their licensed business locations available to other persons for the purpose of engaging in business shall be responsible to ensure that such persons obtain business licenses and or convention sales licenses and possess federal tax numbers and Utah state sales tax numbers listed in Park City if sales transactions are taking place. In the event a licensed hotel, motel, inn or bed-and-breakfast business fails to require such a showing, that business shall be liable for payment of all license fees and penalties payable by the person engaging in business at their licensed location. If such business is not currently licensed for assembly use, the business shall obtain the necessary inspection and permit from the Building Department. Nothing herein shall relieve the sub-letting/guest business from their individual responsibility to obtain the necessary licenses.

*(Amended by Ord. Nos. 00-60; 01-38; 13-32)*

#### 4- 3-11. LICENSE TO BE DISPLAYED

All licenses issued under this Chapter Title shall be displayed by the licensee in a prominent place at the licensee's place of business. Solicitors shall carry the license on their person in a visible position. ~~The licensee shall keep all licenses issued under this Title displayed in a prominent place at the licensee's place of business.~~ Type 2 convention sales licenses, and associated temporary occupant load signs and fire permits shall be displayed on the front door of the place of business.