

Ordinance No. 16-07

AN ORDINANCE AMENDING TITLE 4-LICENSING: CHAPTER 1, DEFINITIONS; AND CHAPTER 8, MASTER FESTIVAL LICENSE, OF THE MUNICIPAL CODE OF PARK CITY, UTAH

WHEREAS, special events within the city limits of Park City continue to grow; and

WHEREAS, Park City desires to facilitate events that provide positive impacts to the local resort economy, contribute to the unique historic character and cultural vitality of the City, and help to build a higher quality of life for city residents, visitors and the local business community; and

Whereas, special events range from very small neighborhood-level events to city-wide, multi-million dollar productions; and

Whereas, special events held in the City impact public safety and impede the flow of pedestrian and vehicular traffic; and

Whereas, a special event permit application process will allow the City to manage neighborhood impacts of private events and balance the competing uses of its public spaces to ensure that members of the public are able to access public spaces; and

WHEREAS, Park City Municipal Corporation wants to ensure public health, safety, and welfare during all permitted events; and

Whereas, when more than one event occurs in the same general area, the occupancy level of venues, public property, adjacent city streets and sidewalks increases, which may create an unsafe condition and strain the City's resources and infrastructure; and

WHEREAS, limiting the number of special events that may occur simultaneously will allow the City to prevent people from being injured due to overcrowding, overcapacity streets and sidewalks, and will allow the City to better manage its resources and infrastructure; and

WHEREAS, citizens need to quickly access public space to respond to current events through spontaneous speech.

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

SECTION 1. AMENDMENTS TO TITLE 4 – Licensing of the Municipal Code Chapter One (In General). The recitals above are incorporated herein as findings of fact. Chapter 1 of the Municipal Code of Park City is hereby amended as redlined (see Exhibit A).

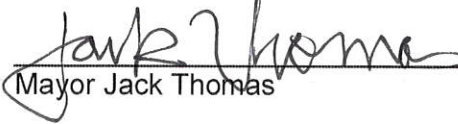
SECTION 2. AMENDMENTS TO TITLE 4 – Licensing of the Municipal Code Chapter Eight (Master Festival License). The recitals above are incorporated herein as findings of fact. Chapter 8 of the Municipal Code of Park City is hereby amended as redlined (see Exhibit B).

SECTION 3. This ordinance shall become effective upon publication.

PASSED AND ADOPTED BY THE PARK CITY COUNCIL this 28 day of January, 2015.



PARK CITY MUNICIPAL CORPORATION




Mayor Jack Thomas

Attest:



City Recorder

Approved as to form:



Mark Harrington, City Attorney



TITLE 4 - LICENSING

CHAPTER 1 - IN GENERAL

4-1-1. DEFINITIONS.

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

4-1-1.1 **ALCOHOLIC BEVERAGES.** Includes "beer" and "liquor" as they are defined herein.

4-1-1.2 **ARCADE.** A business dedicating at least eighty-five percent (85%) of its square footage to amusement games only, and not more than fifteen percent (15%) dedicated to concession and/or cashiering. No food preparation is allowed and alcoholic beverages may not be sold.

4-1-1.3 **BEDROOM.** 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.

4-1-1.4 **BEER.** Any beverage containing not less than one-half of one percent (.5%) of alcohol by volume 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 three point two percent (3.2%) of alcohol by weight. "Light beer" means beer containing not more than 3.2% of alcohol by weight. "Beer" may or may not contain hops or other vegetable products. "Beer" includes ale, stout and porter. Beer does not include a flavored malt beverage.

4-1-1.5 **BEER LICENSE - SPECIAL EVENT TEMPORARY.** A license issued by the City to an individual or organization for a maximum period of time of thirty (30) days to sell beer at an event. Person's holding a special event temporary beer license issued by the City are also required to obtain a State Temporary Special Event Beer permit, but are not required to obtain an on-premise beer license.

4-1-1.6 **BEER RETAILER.** Any business establishment engaged, primarily or incidentally, in the retail sale or distribution of beer to public patrons, whether for consumption on or off the establishment's premises, and that is licensed to sell beer by the Commission and Park City.

4-1-1.7 **BEER RETAILER - ON PREMISE.** Any beer retailer engaged, primarily or incidentally, in the sale or distribution of beer to public patrons for consumption on the retailer's premises. It

includes taverns.

4-1-1.8 **BUSINESS.** A distinct and separate person or entity engaging in business, as those terms are defined herein. A business is distinguished from another business by separate state sales tax numbers or separate ownership.

4-1-1.9 **CHARITABLE ORGANIZATION.** "Charitable organization" means any recognized religious organization, or any social or welfare organization recognized and dedicated to the relief of the poor, care of the sick or elderly, or aid to victims of disaster, catastrophe, or personal tragedy.

4-1-1.10 **CLUB LICENSEE.** A Club Licensee is a person licensed under Chapter 5, Club Licenses, of the Alcoholic Beverage Control Act.

4-1-1.11 **COMMERCIAL VEHICLES AND TRAILERS.** Businesses that utilize motor vehicles as their normal course of business, but do not transport people to, from and within Park City for a fee. Such businesses include but are not limited to delivery trucking, commercial hauling, snow removal services, u-haul or other cargo rental vehicles, concrete trucks and dump trucks.

4-1-1.12 **COMMISSION.** The State of Utah Alcoholic Beverage Control Commission.

4-1-1.13 **CONDUCTING BUSINESS.** For purposes of this Title the term "conducting business" shall include the sale or offering for sale of any goods or merchandise, or the offering or performing

of any service for valuable consideration of any kind.

4-1-1.14 **CORPORATE SPONSOR.** Any business enterprise or combination of business enterprises which provide funding for any special event in the amount of fifty percent (50%) or more of the funds necessary to promote the event or account for fifty percent (50%) or more of the events operating expenditure budget.

4-1-1.15 **DABC.** The Utah Department of Alcoholic Beverage Control.

4-1-1.16 **DESIGNEE.** A Park City staff member qualified to process liquor-related Applications and renewals.

4-1-1.17 **DIRECTOR.** The Administrative Services Director of Park City.

4-1-1.18 **DIVISION.** The Park City Business Licensing Division.

4-1-1.19 **EMPLOYEE BASED.** Businesses which lease or otherwise provided employees to other businesses or any person in return for consideration. Such businesses include but are not limited to employment agencies and security firms.

4-1-1.20 **ENGAGING IN BUSINESS.** 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. "Engaging in business" includes but is not limited to, the sale, rental, gifting, or

promotion 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; each manufacturing or originating company whether individually occupying a premise or co-locating shall be required to obtain an individual business license for that business activity.

4-1-1.21 **FIREWORKS PERMIT.**
A permit issued by the City Fire Marshal for aerial or concession fireworks, pursuant to the Uniform Fire Code.

4-1-1.22 **GIFTING.** Includes various hospitality, gifting, filming, display, exhibiting or promotional use of goods, not for sale and other related activity that are marketing or promoting tools in which goods are given or traded to the public in general or desirable people so that the product will be associated with those people and appear in publications, media, internet, etc., and give the product exposure. Gifting is not just the display of goods with the hopes of future orders; it involves actually giving the product away, where the consideration for the gift is the exposure of the product; and includes direct or indirect interaction with customers, potential customers in order to increase awareness of a product, service of company. Corporate groups that receive gifts purchased by the corporation are not provided by another entity and are exclusively for the group will not be considered gifting.

4-1-1.23 **HOURLY UPHILL LIFT CAPACITY.** 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.

4-1-1.24 **HOURLY USER CAPACITY.** The maximum number of persons that can be safely and reasonably accommodated per hour by an amusement park, golf course, athletic club, theater bowling alley, tennis club, racquetball club, swimming pool, and any other recreational, sports, or entertainment facility.

4-1-1.25 **LICENSEE.** 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 beer or liquor handling employee of the licensee. The licensee is responsible for the acts and omissions of its employees.

4-1-1.26 **LICENSED PREMISE.** 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 Chapter 4; provided that in any multi-roomed establishment, an applicant for an on-premise or off-premise beer license shall designate a room or portion of a building of such business for the consumption or the sale of beer, which portions 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 not be deemed separate licensed premises, and shall not be required to obtain a separate license for each area.

4-1-1.27 **LICENSE FEE(S)**.

Includes the administrative fee and service enhancement fee as defined by the Business License Fee Schedule.

4-1-1.28 **LIQUOR**. 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 one percent (.5%) of alcohol by volume; and which are suitable for beverage purposes; and includes a flavored malt beverage. Liquor does not include a beverage defined as beer.

4-1-1.29 **MANUFACTOR**. Means to distill, brew, rectify, mix, compound, process, ferment, or otherwise make an alcoholic product for personal use or for sale or distribution to others.

~~4-1-1.30 **MASTER FESTIVAL**. Any event held on public or private property in which the general public is invited with or without charge and which creates significant public impacts through any of the following:~~

~~(A) — the attraction of large crowds;~~

~~(B) — necessity for street closures on Main Street or any arterial street necessary for the safe and efficient flow of traffic in Park City;~~

~~(C) — use of public property;~~

~~(D) — use of City transportation services;~~

~~(E) — use of off-site parking facility, or~~

~~(F) — use of amplified music in or adjacent to a residential neighborhood.~~

~~4-1-1.314-1-1.30 **MOBILE FOOD**~~

~~**VENDOR**. Any motor vehicle from which consumable on-site food service is offered. Mobile food vendors are restricted to serving construction sites.~~

~~4-1-1.324-1-1.31 **MONTHLY RENTAL FACILITY - UNDER**~~

~~**MANAGEMENT**. 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.~~

~~4-1-1.334-1-1.32 **NIGHTLY**~~

~~**LODGING FACILITY**. 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.~~

~~4-1-1.344-1-1.33 **NON-PROFIT**~~

~~**CORPORATION**. A corporation, no part of the income of which, is distributable to its members, trustees or officers, or a non-profit cooperative association.~~

~~4-1-1.354-1-1.34 **NUISANCE**~~

~~Any licensed premises where: alcoholic beverages are manufactured, sold, kept, bartered, stored, consumed, given away or used contrary to the Alcohol Beverage Control Act, the Utah Liquor Commission~~

Rules and Regulations, or this Code; or 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 persons under the age of twenty-one (21) are permitted to purchase or drink beer or liquor; or city, county, state or federal 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 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 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.

4-1-1.364-1-1.35 **PEDDLER.** A person who carries goods or merchandise with him or her and sells or offers for sale those goods or merchandise on a door-to-door or transient basis rather than from a fixed location.

4-1-1.374-1-1.36 **PERSON.** 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.

4-1-1.384-1-1.37 **PLACE OF BUSINESS.** Each separate location maintained or operated by the licensee within Park City from which business activity is conducted or transacted. A

location shall be identified by street address or by building name if a street address has not been assigned. "Place of business" as used in connection with the issuance of beer and liquor licenses means cafes, restaurants, public dining rooms, cafeterias, taverns, cabarets, clubs, 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.

4-1-1.394-1-1.38 **RESTAURANT.** A place of business where a variety of hot food is prepared and cooked and complete meals are served to the general public in indoor dining accommodations, or in outdoor accommodation and is engaged primarily in serving meals to the general public.

4-1-1.404-1-1.39 **RESORT LICENSE.** A type of liquor and/or beer license available to a resort. A resort, for purposes of the Resort License definition, is a single building which physically touches the boundary of a ski area and has at least 150 dwelling or lodging units, the building itself is at least 400,000 square feet (excluding areas such as above ground surface parking) and where at least half of the units are owned by a person other than the resort licensee.

4-1-1.414-1-1.40 **RETAILER.** Any person engaged in the sale or distribution of alcoholic beverages to the consumer.

4-1-1.424-1-1.41 **ROUTE**

DELIVERY. Any delivery made to customers of a business, which makes repeated door-to-door deliveries to the same households along designated routes with an established time interval in between delivery visits. The majority of such deliveries must be to fulfill orders previously made by the customer. However, nothing in Chapter 3 shall prevent orders from being taken from established customers and filled during such delivery visits. Such businesses will include, but not be limited to, dairies and sellers of bulk meats or produce.

4-1-1.434-1-1.42 **SELL OR TO**

SELL. Any transaction, exchange, or barter whereby, for any consideration, an alcoholic beverage is either directly or indirectly transferred, solicited, ordered, delivered for value, or by any means or any pretexts promised or obtained, whether done by a person as a principal, proprietor, or as an agent, servant or employee unless otherwise defined in this title.

4-1-1.444-1-1.43 **SET-UP.** Glassware, ice, and/or mixer provided by a licensee to patrons who supply their own liquor.

4-1-1.454-1-1.44 **SKI RESORT.** 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.

4-1-1.464-1-1.45 **SKIER DAY.**

A three (3) year average of the total number of lift tickets sold annually, including daily lift tickets, resident coupons, complimentary tickets, and an estimated average of season pass holders daily use. The three (3) year average shall be calculated by the Ski Resort and shall include the three most recent years of operation from November 1 through June 30. The City may audit the analysis and any business records relied upon for the analysis. The calculation shall be submitted to the Finance Department by October 15th of each year.

4-1-1.474-1-1.46 **SOLICITED**

DELIVERY. A delivery of previously ordered goods or services or the United States mail. Solicited delivery includes, but is not limited to, the delivery of newspapers or publications pursuant to a subscription, the United States mail, parcel delivery services, businesses engaging in route delivery or persons delivering previously ordered goods or services on behalf of an established retailer of those goods or services.

4-1-1.484-1-1.47 **SOLICITOR.**

A person who contacts individuals or the general public for the purpose of taking orders for goods or services, or encouraging attendance at sales presentations, lectures, seminars, or the like at which goods or services are promoted or offered for sale, whether the presentation is held within Park City or not, provided that the solicitor makes contact with the public at a location other than at the regular place

of business at which the goods or services are actually sold or performed. For purposes of Chapter 3, the term "goods or services" shall include merchandise, produce, personal services, property services, investment opportunities, franchises, time intervals in the use of ownership or real property, and any other kind of tangible or intangible thing that is given in exchange for a valuable consideration.

4-1-1.494-1-1.48 **SPECIAL EVENT.**

~~Any event, public or private, with either public or private venues, requiring City licensing beyond the scope of normal business and/or liquor regulations, as defined by this Code~~ A sporting, cultural, entertainment or other type of unique activity, whether held for profit, nonprofit or charitable purposes, occurring for a limited or fixed duration that impacts the City by involving the use of, or having impact on, City property, or requiring City licensing or services beyond the scope of normal business and/or liquor regulations, as defined by this Code; or creates public impacts through any of the following:

- (A) Full or partial street or sidewalk closures necessary for the safe and efficient flow of traffic in Park City, and/or~~The use of City personnel;~~
- (B) Use of public property, facilities, trails or parks, and/or~~Impacts via disturbance to adjacent residents;~~
- (C) Use of City parking facilities, and/or~~Traffic/parking;~~
- (D) Use of amplified sound above that defined in Chapter 3 of this Code,

~~and/or~~Disruption of the normal routine of the community or affected neighborhood; or

- (E) Outdoor or temporary events that do not normally occur with the permitted use.~~Necessitates special event temporary beer or liquor licensing in conjunction with the public impacts. Neighborhood block parties or other events requiring street closure of any residential street that is not necessary for the safe and efficient flow of traffic in Park City for a duration of less than one (1) day shall be considered a Special Event.~~

Any organized activity involving the use of, or having an impact on, the above shall require a permit as outlined in Section 4-8-2 of this Code. Event levels are determined based on degree of City impacts including but not limited to: anticipated attendance, use of amplified sound, transportation and parking, use of public or private property and admission. Any event may be defined as the following if they meet one or more of the listed criteria in a given category:

LEVEL ONE EVENT.

- (1) The attraction of crowds up to 199 people; or
- (2) Necessity for rolling street closure.

LEVEL TWO EVENT.

- (1) The attraction of crowds between 200 and 499 people; or
- (2) Necessity for partial street closure.

LEVEL THREE EVENT.

- (1) The attraction of crowds greater than 500 people; or
- (2) Necessity for full street closure.

FIRST AMENDMENT EVENT. An activity conducted for the purpose of persons expressing their political, social, religious, or other views protected by the First Amendment to the United States Constitution and Article 1, Section 15 of the Utah Constitution, including but not limited to speechmaking, picketing, protesting, marching, demonstrating, or debating public issues on any City street or other property during the event. 'First Amendment Events' shall not include:

- (1) Solicitations or events which primarily propose a commercial transaction;
- (2) Rallies, races, parades or events conducted with motor vehicles or bicycles;
- (3) Footraces.

4-1-1.504-1-1.49 **SPECIAL EVENTS COORDINATOR/MANAGER.** The Special Events Manager or his/her designee within the Department of Special Events and Facilities. The city employee designated by the Economic Development Manager within the Special Events Department, which administers the provisions in Chapter 8 of this Code.

4-1-1.514-1-1.50 **STREET CLOSURE.** The deliberate blockage of any

public street or City owned parking facility to prohibit the flow of traffic or access of vehicles. Any non-construction street closure shall require a master festival or special event license.

4-1-1.524-1-1.51 **SPONSOR.** A person, group, or business which has contracted to provide financial or logistical support to any special event or master festival. Such agreement may provide for advertising rights, product promotion, logo promotion, exclusivity of rights, products, or logos.

4-1-1.534-1-1.52 **SQUARE FOOTAGE.** The aggregate number of square feet of area within a place of business that is used by a licensee in engaging in its business.

4-1-1.544-1-1.53 **UNIT.** Any separately rented portion of a hotel, motel, condominium, apartment building, single family residence, duplex, triplex, or other residential dwelling without limitation.

4-1-1.554-1-1.54 **UNSOLICITED DELIVERY.** The delivery of any unsolicited newspaper or publication, sample product or advertising material. Unsolicited newspapers or publications, sample products or advertising material shall include, but not be limited to, handbills describing or offering goods or services for sale, any goods or products that were not previously ordered by the home owner or occupant, any newspaper or publication delivered without a subscription by the owner or occupant, and any coupons or rebate offers for goods and services.

4-1-1.564-1-1.55 **VENUE.** The

location or locations upon which a ~~Special Event or master festival~~ is held, ~~as well as which may include~~ the ingress and egress route ~~as approved in the conditions of the when included in the Special Event Permit festival license~~.

~~4-1-1.574-1-1.56~~ **WHOLESALER.**

Any person other than a licensed manufacturer engaged in importation for sale or in the sale of beer, malt liquor, or malted beverages in wholesale or jobbing quantities to retailers.

(Amended by Ord. Nos. 01-31; 10-21; 13-32)

CHAPTER 8 – ~~MASTER FESTIVAL LICENSE SPECIAL EVENT PERMIT~~

4- 8- 1. DEFINITIONS.

For the purpose of this Chapter the following terms shall have the meanings herein prescribed.

(A) **APPLICANT.** The person, or group of people, who is or are the organizer(s) and with whom the responsibility for conduct of the event lies. The Applicant signs the ~~festival license Special Event Permit~~ application and all other documents relevant to the event. ~~If t~~The Applicant is a corporation, corporate sponsor, or business, or any other entity, which is not a natural person, the co-applicant or responsible party must be a natural person or persons, and not a corporation, corporate sponsor, or business, or any other entity, which is not a natural person. See sponsor.

(B) **CONCESSION.** A privilege to sell food, beverages, souvenirs, or copyrighted or logoed event memorabilia at a ~~licensed event~~permitted event.

(C) **SPECIAL EVENT PERMIT.** A permit sought by an Applicant for an event as defined in 4-1-1-48 of this Code, granted through the Special Events Department.

(C) **FEES.** Charges assessed by Park City for ~~permitting~~licensing, staffing, equipment use/rental, property use/rental, set-up, clean up, inspections, public employees, or public equipment assessed to ~~an Special Eevent or festival~~ and established within the ~~festival licensing event permitting~~ process.

(D) **PERMITTEELICENSEE.** The Applicant, as defined above, becomes the "~~Permittee~~licensee" when the ~~Master Festival License or Special Event License Special Event Permit~~ is signed by the Economic Development Manager or his/her designee~~Special Events Manager~~, upon meeting all the criteria in this Chapter. As the ~~permit license~~ holder, the Permittee licensee becomes the sole proprietor of the event and inherits the responsibilities connected with all licenses and permits, fee assessments, ~~copyrights~~, and insurance liabilities connected with the ~~permitted~~licensed event.

(Amended by Ord. No. 01-31)

4- 8- 2. UNLAWFUL TO OPERATE WITHOUT A LICENSE; EXCEPTIONS.

(A) It is unlawful for any person to conduct a ~~Special Event Special Event or Master Festival~~ with or without charge for admission, on public or private property, without first applying for and being granted a ~~Master Festival License or Sspecial Eevent Permit license~~ for the specific event and its venue(s). All ~~licenses-permits~~ issued pursuant to this Title are non-transferrable and expire at the completion of the given event, or upon revocation, whichever is earlier.

(B) EXCEPTIONS.

(1) Funeral processions by a licensed mortuary;

(2) Activities lawfully conducted by a governmental agency within the scope of authority;

(3) Filming activities, if a permit for such activities has been issued by the city;

(4) First Amendment activities: If it is not reasonably possible to obtain a permit in advance of a First Amendment Event, no permit shall be required providing that the prohibitions of subsections B, C, D and E of section 4-8-5 are not violated.

(Amended by Ord. No. 01-31)

4- 8- 3. RENEWAL OF PERMIT(S). LICENSES.

Licensees-Permittees under the provisions of this Chapter who successfully operate a ~~master festival or S~~special ~~E~~event under the provisions of this Chapter and who wish to have the event on an annual or periodic basis, must renew each ~~Master Festival or Special Event License~~ Special Event Permit as ~~provided outlined~~ provided in Section 4-8-4 ~~herein. Events, which herein.~~ Event levels will be determined through the renewal process, regardless of recurrence or previously determined event levels. Activities that occur in series, ~~such as concerts,~~ falling under the criteria established in this Chapter, must have a Special Event Permit ~~Master Festival or Special Event License,~~ which specifically authorizes each concert in the series, even if the same performer is performing on separate occasions.

(Amended by Ord. No. 01-31)

4- 8- 4. MASTER FESTIVAL LICENSE-SPECIAL EVENT PERMIT

APPLICATION PROCEDURE.

(A) APPLICATION SUBMITTAL. All requests for Special Event Permit(s) shall be made on a Special Event application or First Amendment Event application prescribed by the city and submitted to the Special Events Coordinator. ~~Applications for Special Events and Master Festivals shall be made in writing to the Special Events Manager.~~ Application materials are available at City Special Events Department and online at the city’s website ~~and the Chamber Bureau offices,~~ and must be completed and submitted to the Special Event ~~Manager not~~Coordinator ~~not~~ less than ninety (90) days prior to the scheduled opening of ~~any Master Festival~~any Level Three Event, and not less than sixty (60) days prior to the scheduled opening of ~~any Special Event~~ any Level Two Event, and not less than thirty (30) days prior to the scheduled opening of any Level One or First Amendment Event unless otherwise approved by the City Council, ~~or by the Special Events Manager for Special Events,~~or by the Economic Development Manager or his/her designee for Special Events, upon a showing of good cause.

(B) In addition to an application for a Special Event Permit, the Economic Development Manager or his/her designee shall require the Applicant to provide as necessary:

(1) Insurance coverage, waiver and release of damages and indemnification as described in 4-8-10;

(2) Supplemental documents, including a transport and traffic

control plan, contingency plan, and site map as described in 4-8-11;

(3) Proof that the applicant has obtained any applicable city, county, or other environmental agency approvals, permits or licenses as described in 4-8-7.

(CB) CITY COUNCIL REVIEW. The City Council of Park City shall review and either approve, approve with conditions, or deny the following applications:

- (1) Applications for new Level Three Events~~master festivals~~;
- (2) Applications for ~~master festival license~~ Level Three Event permit renewals where material elements of the event have substantially changed from the previous application; and
- (3) Appeals of administrative decisions made pursuant to Subsection ~~(DE)~~ Administrative Review, herein.
- (4) As used herein, a ‘new ~~Master Festival~~² Level Three Event’ shall mean any Level Three Event ~~master festival~~ being proposed for the first time, an event renewal of a Level One, Level Two or First Amendment Event that now qualifies as a Level Three Event, or a Level Three Event ~~prior master festival~~ which was not renewed for a period exceeding one (1) year. The City Council shall review applications for compliance with the standards for

permit license approval described at Section 4-8-5 herein as follows:

(a) **Staff Review and Recommendation.** Upon receipt of a complete ~~Master Festival License~~ Level Three Event application and accompanying fee, City staff shall review the application for compliance with Section 4-8-5 herein. Staff shall subsequently return a copy of the application to the Applicant with comments and a recommendation, i.e., approve as is, approve with changes and/or conditions, or cause for denial. Incomplete applications will be returned to the Applicant and noted accordingly. Following review of the Level Three Event ~~Master Festival License~~ application and notice to the Applicant, the ~~Special Events Coordinator~~ Manager shall schedule the application for a public hearing before the City Council.

(b) **City Council Hearing.** Level Three Event ~~Master festival~~ applications requiring City Council review and appeals of administrative ~~Master Festival~~ or Special Event decisions shall be heard at a duly noticed public hearing of the City Council. The City Council shall review the

application for compliance the standards set forth at Section 4-8-5 herein, and shall record its decision with written findings of fact, conclusions of law, and condition of approval, if applicable. Written notice of the City Council's decision shall be delivered to the Applicant within ten (10) days of the date of decision.

(DE) ADMINISTRATIVE REVIEW.

The Economic Development Manager or his/her designee~~Special Events Manager~~ shall review and shall have the authority to administratively approve, approve with conditions, or deny the following applications:

(1) Level One and Level Two Event~~Special Event~~ applications;

(2) First Amendment Event applications;

(3) Applications for ~~Master Festival License~~Level Three Event renewals where material elements of the event have not substantially changed from the previous application. Upon receipt of a complete ~~Master Festival License~~Level Three application and accompanying fee, the Special Events ~~Manager~~Coordinator shall review the application for compliance with Section 4-8-5 herein.

Following review of the application, the

Special Events ~~Coordinator~~Manager shall record his/her decision with written findings of fact, conclusions of law, and conditions of approval to the Economic Development Manager or his/her designee for final administrative approval. Once approved by the Economic Development Manager or his/her designee, the Special Event Coordinator will, if applicable, and deliver written notice of such decision to the Applicant. Any Applicant whose application has been administratively denied may appeal the decision to the City Council by filing a written request to the Special Events ~~Coordinator~~Manager within ten (10) days of the date of decision. The City Council shall hear the matter de novo and with public hearing.

Upon receipt of a complete ~~master festival license~~Special Event Permit application and accompanying fee, the Special Events ~~Coordinator~~Manager shall review the application for compliance with Section 4-8-5 herein. Following review of the application, the Special Events ~~Coordinator~~Manager shall record his/her decision with written findings of fact, conclusions of law, and conditions of approval, if applicable, and deliver written notice of such decision to the Applicant.

(Amended by Ord. 01-31)

4-8-5. STANDARDS FOR PERMIT~~LICENSE~~ APPROVAL; EXCEPTIONS.

Applications for Special Event Permit(s) ~~Master Festivals and Special Events~~ shall be reviewed for compliance with the standards provided herein. The Economic Development Manager or his/her

~~designee~~ Special Events Manager or City Council may ~~deny~~ prohibit or restrict any Special Event ~~Special Event or Master Festival~~ whenever any of the conditions enumerated in this Section ~~is found likely to occur~~ cannot be eliminated or sufficiently mitigated by Conditions of Approval to ensure public safety and consistency with the Park City General Plan. ~~unless the event is modified to eliminate said conditions.~~

(A) The Special Event does not provide positive economic, cultural or community value, or is not in accordance with the goals outlined in the Park City General Plan. The economic, cultural and community value shall be determined by the City pursuant to the following criteria:

- (1) Unreasonably restricts existing public access or adversely impacts shared space or the public, due to the number of events, nature of the event, proposed location and/or location conditions;
- (2) Diversity of existing event calendar and uniqueness of proposed event;
- (3) Degree of commercial activity of the event: event is not primarily retail and/or solely to avoid more restrictive general zoning and license regulations;
- (4) Degree of economic benefit to the City through tax benefits, resort visitation, or marketing or branding value, compared to community impacts and costs of services.

(B) The conduct of the Special Event will substantially interrupt or prevent the safe and orderly movement of public transportation or other vehicular and pedestrian traffic in the area of its venue.

(CB) The conduct of the Special Event will require the diversion of so great a number of police, fire, or other essential public employees from their normal duties as to prevent reasonable police, fire, or other public services protection to the remainder of the City.

(DE) The concentration of persons, vehicles, or animals will unduly interfere with the movement of police, fire, ambulance, and other emergency vehicles on the streets or with the provision of other public health and safety services.

(ED) The Special Event will substantially interfere with any other Special Event ~~Special Event or Master Festival~~ for which a permit license has already been granted or with the provision of City services in support of other such events or governmental functions.

(FE) Where applicable, the Applicant fails to provide the following:

- (1) The services of a sufficient number of traffic controllers, signs or other City required barriers or traffic devices;
- (2) Monitors for crowd control and safety;
- (3) Safety, health, or sanitation equipment, and services or facilities