

reasonably necessary to ensure that the Special Event will be conducted without creating unreasonable negative impacts to the area and with due regard for safety and the environment;

(4) Adequate off-site parking and traffic circulation in the vicinity of the event;

(5) Required insurance, cash deposit, or other security; or

(6) Any other services or facilities necessary to ensure compliance with City ~~noise, sign, or other applicable~~ ordinance(s).

~~(GF)~~ The event created the imminent possibility of violent disorderly conduct likely to endanger public safety or cause significant property damage.

~~(HG)~~ The Applicant demonstrates inability or unwillingness to conduct the event pursuant to the terms and conditions of this Chapter or has failed to conduct a previously authorized event in accordance with the law or the terms of a permit license, or both.

~~(IH)~~ The Applicant has not obtained the approval of any other public agencies, including the Park City Fire District, within whose jurisdiction the event or a portion thereof will occur.

(J) EXCEPTIONS. Applications for First Amendment Event permits will be reviewed for compliance with the standards outlined in subsections B, C, D, E, G and H above. In reviewing any Application for a permit for a First Amendment Event, the

Economic Development Manager or his/her designee may place reasonable time, place and manner of restrictions on the First Amendment Event. No such restriction shall be based on the content of the beliefs expressed or anticipated to be expressed during the First Amendment Event, or on factors such as the identity or appearance of persons expected to participate in the assembly.

(Amended by Ord. No. 01-31)

4- 8- 6. CONFLICTING PERMIT LICENSE APPLICATIONS.

(A) No more than one (1) Special Event Master Festival or Special Event shall be approved for the same date(s) unless the Economic Development Manager or his/her designee Special Events Manager or City Council finds that the events will not adversely impact one another and that concurrent scheduling of the events will not adversely impact the public health, safety, and welfare. In making this determination, the Economic Development Manager or his/her designee Special Events Manager or City Council will apply the following criteria:

- (1) Geographic separation of the events;
- (2) Proposed time and duration of the events;
- (3) Anticipated attendance volumes;
- (4) Necessity for public personnel, equipment, and/or

transportation services at the events;
and

(5) Anticipated traffic and parking impacts.

(B) In cases where an event double booking conflict arises, the Economic Development Manager or his/her designee will encourage any secondary, or subsequent, Applicant to review the feasibility of collocating with the original Applicant. If collocating proves impractical, the Economic Development Manager or his/her designee will encourage any secondary, or subsequent, Applicant to offer a viable alternative strategy that meets the needs of all Applicants, while also ensuring adequate public safety measures remain intact.

(C) If no voluntary agreement is reached, than the Economic Development Manager or his/her designee shall resolve the issue based on the following order of priorities:

(1) The Special Event that provides the greatest overall value to the City based on economic, cultural and community impacts, which for recurring events may be based on annual event debrief with recommendations from the Special Event Advisory Committee.

~~When more than one (1) Special Event or Master Festival application is received for the same date(s), the Special Events Manager finds that:~~

~~(1) the events will adversely impact one another; or~~

~~(2) concurrent scheduling of the events will adversely impact the public health, safety, and welfare, the Special Events Manager shall resolve the conflict as provided herein.~~

~~(C) The Special Events Manager shall first attempt to reach an agreement among the conflicting Applicants to modify the applications in order to resolve the conflicts and accommodate the public interest. If no voluntary agreement is reached, then the Special Events Manager shall resolve the issue based on the following order of priorities:~~

~~(1) Historic usage special events or master festivals where the same Applicant has been granted a license under this Chapter for use of a particular City forum at a particular date, time, and place for more than three (3) consecutive years;~~

(2) Special Events planned, organized, or presented by state, federal, or City governmental entities or their agents shall have priority over conflicting applications if:

(a) ~~T~~he application is timely filed and processed by the City;

(b) Ssaid governmental application is made in good faith and not with the effect or purpose of improperly chilling constitutional rights of conflicting Applicants;
and.

~~(D)(3) If no voluntary agreement is reached, neither subsection (1) or (2) do not resolve the conflict, then the first-in-time application~~

shall be given priority. The conflicting Applicant shall be advised of other open dates on the City's events calendar.

(Amended by Ord. No. 01-31)

4-8-7. LICENSES NECESSARY FOR A SPECIAL EVENT PERMIT, LICENSE AND MASTER FESTIVAL LICENSE.

The Applicant/licensee shall procure any applicable city, county or other governmental agency approvals, permits or licenses, provide to the Special Events Manager proof of a valid Special Event temporary liquor or beer license, fireworks license, and building permit, as applicable, as well as a receipt acknowledging that all application fees have been paid. The licensee must obtain all permits for any temporary structure constructed under the provisions of a Master Festival License and must pass all inspections as a condition precedent to a valid Special Event License. Temporary concessions on public or private property may be approved in conjunction with a Master Festival or Special Event in the sole discretion of the City. Such concessions must be directly related to the event and meet a demonstrated need of participants. Unless otherwise approved by City Council, all concessions require a regular business license.

(Amended by Ord. No. 01-31)

4-8-8. FEES TO BE ASSESSED; EXCEPTIONS.

(A) **APPLICATION FEE.** Special Event application Fees shall be assessed according to the fee resolution. First-time

Master Festival applications shall be assessed a fee of one hundred dollars (\$100). Special Event and renewal Master Festival applications shall be assessed a fee of fifty dollars (\$50). All application Fees are due and payable upon submission of a completed application. Applications shall be considered incomplete unless and until the application fee is paid in full. An Applicant for a recurring event that qualifies a new event level is responsible for fee amounts of the given level.

(B) **CITY SERVICE FEES.** Upon receipt of a completed Special Event Permit Master Festival or Special Event application, the Special Events Manager Coordinator will provide the Applicant with an estimate of fees based on estimated costs for City services arising from the event, including but not limited to the use of City personnel and/or equipment, City transportation services, inspections, and user fees. A final assessment of City costs will occur upon completion of the Special Event. All City service fees will be adjudged to reflect actual cost. Unless reduced/waived pursuant to Section 4-8-9, all City service fees must be paid in full within thirty (30) days of the final assessment of City costs for the master festival or Special Event.

(C) **FINANCIAL SECURITY.** The Special Events Coordinator Manager is authorized to require an Applicant to post a cash deposit or other security accepted by the City Attorney's Office for all estimated contingent costs prior to the issuance of a Special Event Permit master festival license, as a guarantee against fees, damages, clean up, or loss of public property.

(D) **EXCEPTIONS.** Specified Fees do

not apply to an application for a First Amendment Event permit if the Applicant demonstrates, by sufficient evidence, that the imposition of Fees would create a financial hardship on the Applicant or would have a detrimental effect on services provided to the public.

(Amended by Ord. No. 01-31)

4- 8- 8.5 EVENTS IN PARKING STRUCTURES. Applications for Special Master Festivals and Special Events taking place within a parking structure shall be reviewed for compliance with all Municipal codes relating to Special Events Master Festivals along with the standards provided below.

- (1) Location – Special Events or hospitality functions taking place within a parking structure shall only take place in Historic Recreation Commercial (HRC) District and Historic Commercial Business (HCB) District zones.
- (2) Duration – Permitted Special Licensed Events or hospitality events taking place within a parking structure may not exceed 10 calendar days in duration.
- (3) Frequency – Individual parking structures will be eligible to be converted into an event or hospitality use no more than two times during one calendar year.
- (4) Application Requirements – In addition to the Special Event application requirements,

Applicants wishing to utilize a parking structure for a temporary assembly use as part of a special event or hospitality function must also provide the following:

- a. An original set of design plans stamped by a Utah licensed mechanical engineer that meet the intent of required ventilation standards as per the International Mechanical Code Section 403.3.1.1 for both occupancies. This plan must be approved by the Building Official.
- b. Design plans that demonstrate a plumbing systems and fixtures provided within the event space that meet the intent of the plumbing fixture requirements of IBC Chapter 29. This plan must be approved by the Building Official.
- c. All plans must be approved by the Deputy Fire Marshal and shall demonstrate compliance with the International Fire Code.

(Amended by Ord. No. 14-52)

4- 8- 9. FEE REDUCTIONS.WAIVERS.

(A) Annually, the city will allocate up to two hundred thousand dollars (\$200,000) to be used to reduce Fees required for Special

Events. Allocation of reduced Fees will be determined at the sole discretion of the Economic Development Manager and Budget Manager(s), City Manager or City Council. Unmet thresholds at the end of a year will not be carried forward to future years.

(B) The Economic Development Manager and Budget Manager(s) City Manager may reduce/waive the following Special Event permitting Master Festival or Special Event licensing and associated Fees up to a total of twenty five thousand dollars (\$25,000) upon a finding of eligibility pursuant to the criteria provided herein:

- (1) Application fee;
- (2) Building permit;
- (3) Facility and/or equipment rentals;
- (4) Field and/or park rentals; and
- (5) Special use of public parking permit;
- (6) Use of public parking spaces and bleachers; and
- (7) Trail.

If the total fee waiver request exceeds twenty five thousand dollars (\$25,000) or includes other City service Fees outside the Fees mentioned above, then the request must be approved by City Council in a Public Meeting.

(C) All fee waiver requests/reduction requests will be reviewed twice a year. All

event fee reduction requests must be submitted to the Special Events Department Manager prior to the application deadlines:

- (1) October 1st – Events occurring between January 1st and June 30th.
- (2) April 1st – Events occurring between July 1st and December 31st.

at the time of application, but in no case later than the first day of the proposed event. Applications received outside of the normal application process may be considered for reductions but must demonstrate an immediate need for reduction and provide justification to why the application was not filled within the specified deadline.

(D) Fee reduction applications will be evaluated by the Special Event Advisory Committee (SEAC) and a recommendation will be submitted to the Special Events Department. Special Events staff will make a recommendation to the Economic Development Manager and Budget Manager(s). Final waiver determinations will be made by these parties as outlined above. City Manager All decisions may be appealed with the final decision given by to the City Council. Eligibility for a full or partial fee reduction/waiver shall be determined by the City Manager pursuant to the following criteria, none of which shall be individually controlling:

- (1) Charges event admission or fees for participation and policy for attendees or participants unable to pay such fees; For-profit or non-profit

~~status of the Applicant;~~

(2) ~~Event provides free programs, or raises funds for organizations that provide free programs, benefiting local youth, seniors or underserved constituents; Whether the event will charge admission fees;~~

(3) ~~Provides positive tax benefits, raises funds or provides revenue opportunities to the City to offset City services and costs required by the event; Whether the event is youth-oriented;~~

(4) ~~Provides event opportunities during resort off seasons, defined as September 21 – November 21, and April 1 – May 15, excluding holidays; The duration of the event;~~

(5) ~~Demonstrates that the imposition of fees would create a financial hardship on the Applicant or would have a detrimental effect on services provided to the public.~~

~~Whether and to what extent the City is likely to receive positive tax benefits by virtue of the event;~~

(6) ~~The degree of City services involved and whether City costs are likely to be recovered by other revenue opportunities arising from the event;~~

(7) ~~The season of occurrence; and~~

(8) ~~Demonstration of hardship by~~

~~the Applicant.~~

Fee ~~reduction/waiver~~ requests must be filed ~~bi-~~annually, unless otherwise approved in a City services agreement by the City Council. Approval of a fee ~~reduction/waiver~~ for any application shall not create a precedent for future requests.

(Amended by Ord. Nos. 01-31; 06-57)

4- 8-10. INSURANCE REQUIREMENTS.

~~Upon receipt and review of a Special Event Permit application, the Special Event Coordinator will submit the application with a recommendation for final authority by the City Attorney’s Office for amount of liability insurance pursuant to the hazard matrix or more to be determined within ten business days (10) following submittal. The Special Event Coordinator will deliver written notice of such determination to the Applicant. Applicants shall provide proof of liability insurance in the determined amount no later than fourteen days (14) prior to the first set-up day of a Special Event. Applicants shall provide upon application for a Master Festival License proof of liability insurance in the amount of two million dollars (\$2,000,000) or more as may be required by the Special Events Manager or the City Attorney’s Office, and The City Attorney’s Office shall require the Applicant to further name Park City Municipal Corporation as an additional insured. ~~All~~ Applicants shall further indemnify the City from liability occurring at the event, except for any claim arising out of the sole negligence or intentional torts of the City or~~

its employees. Any reduction of these requirements must be approved by the City Attorney's Office prior to permit approval.

(Amended by Ord. No. 01-31)

4-8-11. PERMIT APPLICATION SUPPLEMENTAL DOCUMENTS

(A) Transportation and traffic control requirements and considerations.

(1) All traffic and transportation control is the responsibility of the Applicant. A traffic and transportation control plan shall be provided to, and approved by, the Economic Development Manager or his/her designee upon recommendation by the Transportation Department by the event date. Plans are determined through collaboration with the Special Events Coordinator, and shall include determinations on transit impacts and traffic control, including pedestrian, bicycle, motorized and other methods of transport required for the event.

(2) Road closures will require appropriate traffic control. Appropriate traffic control may include by uniformed state, county or local police officers, or a private company, identified event staff, or physical devices, as determined by the Economic Development Manager or his/her designee;

(3) The Economic Development Manager or his/her designee may require an alternate route, or

alternative time, if the proposed Event occurs when traffic volumes are high, active road construction is present, an alternative event is already occupying the road, a safer route to accommodate the event, or the event poses a significant inconvenience to the traveling public.

(4) The Applicant shall restore the road or trail segment, or impacted area to its original condition, free from litter and other material charges;

(5) The Economic Development Manager or his/her designee may monitor and ensure compliance with the terms and conditions of any Special Event Permit.

(B) Contingency Plan Requirements.

(1) Considering the nature of the planned Special Event, the Applicant shall develop:

(a) Contingency or emergency plans, including Emergency Medical Service, fire and police;

(b) Operations plan and timeline;

(c) Weather date and/or weather conditions plan;

(d) Residential notification and mitigation plan;

(e) Planned rest areas,

water and toilet facilities, and trash and recycling cleanup, and

(f) Plans to ensure that participants obey the conditions of the Special Event Permit and all other generally applicable traffic laws, lights and signs;

(g) The Economic Development Manager or his/her designee may require that the Applicant provide notice to participants, bystanders, or the public of all plans enumerated in subsection (1) of this Rule. The amount of and method of notice shall be dependent on the circumstances of the Special Event Permit.

(C) Special Event Site Identification and Private Property Use Requirements.

The Applicant shall provide a detailed map showing the proposed course and direction of the event. Locations of parking areas, signs and banners, water stations, power sources, toilet facilities and other appropriate information shall also be included on this map. The Applicant is responsible for obtaining appropriate permission to locate these facilities on private property.

4- 8-121. ~~RUNS, WALKS, FILM-MAKING, AND PROMOTIONS.~~

Runs, walks, film-making, parades, public demonstrations, and promotions shall be considered Special Events unless such event

does not create substantial public impact or requires substantial City service. Any ~~run, walk, filming, or promotion~~ undertaken by any ~~for-profit~~ business or corporation, must first be licensed as a business under Chapter 2, Business Licenses. ~~C~~For-profit ~~e~~orporations falling under the provisions of this Chapter or who are specifically in film-making or promotions on public or private property must, as a provision of their ~~permit~~license, provide proof of insurance, shooting schedule or schedule of events, produce written permission of property owners, and provide access to any set or site for purposes of Code enforcement.

(Amended by Ord. No. 01-31)

4- 8-132. CRIMINAL PENALTY.

Any person who willfully violates any provision of this Chapter shall be guilty of a Class B misdemeanor. Persons conducting ~~Special Events~~ Special Events or ~~Master Festivals~~ without having first obtained a ~~Special Event Permit~~ Master Festival License are subject to arrest and the ~~Special E~~event is subject to closure.

(Amended by Ord. No. 01-31)

4- 8-143. REVOCATION FOR CAUSE; NOTICE TO CURE.

(A) **NOTICE TO CURE.** If the Special Events ~~Manager~~ Coordinator or any sworn law enforcement officer determines that the conditions of any ~~license~~ permit issued pursuant to this Chapter have been or are being violated, then notice shall be given to the ~~Permittee~~ licensee, sponsor, or designated organizer' s representative of the ~~Special Event~~ Special Event or Master Festival to

cure the violation.

(B) **FAILURE TO CURE.** It is unlawful for the Permittee~~licensee~~, sponsor, or on-site organizer's representative of an authorized ~~Special Event or Master Festival~~Special Event to fail to take reasonable steps to promptly cure any notice of violation of this Chapter. It is also unlawful for any participant or spectator to fail to comply with lawful directions issued by any sworn law enforcement officer or by the Permittee~~licensee~~, sponsor, or on-site organizer's representative to cure their violation of this Chapter.

(C) **CLEAR AND PRESENT DANGER.** If a sworn law enforcement officer determines, after consultation with the Chief of Police or the Chief of Police's designee, that any failure to cure a violation of this Chapter creates a clear and present danger of immediate significant harm to life, public safety, or property which cannot be reasonably mitigated by increased public safety enforcement and which, on balance, outweighs the constitutionally protected rights of the organizers or participants in the ~~Special Event or Master Festival~~Special Event, the Permittee~~licensee~~, sponsor, or on-site organizer's representative of the ~~Special Event or Master Festival~~Special Event shall be promptly notified that the ~~license~~permit is revoked and that the ~~Special Event or Master Festival~~Special Event must immediately cease and desist.

(D) **VIOLATION OF CEASE AND DESIST ORDER.** If a Special Event~~Permit~~license is revoked as specified in Subsection (C) above, then it shall be unlawful for any person to fail to obey the order to cease and desist from illegal

activities.

(Amended by Ord. No. 01-31)

CHAPTER 8A - PUBLIC OUTDOOR MUSIC PLAZAS

(Created by Ord. 00-36)

4-8A-1. TITLE FOR CITATION.

This section shall be known and may be referred to as the Public Outdoor Music Plaza Ordinance.

4-8A-2. PURPOSE: REASONABLE LICENSING PROCEDURES.

It is the purpose and object of this Chapter that the City establish reasonable and uniform regulations governing the licensing and manner of operations of public outdoor music plazas in Park City. This Chapter shall be construed to protect the legitimate and important governmental interests recognized by this Chapter in a manner consistent with constitutional protections provided by the United States and Utah Constitutions. The purpose of these regulations is to provide for the regulation and licensing of public outdoor music plazas within the City in a manner which will protect the property values of surrounding businesses and neighborhoods, and residents from the potential adverse secondary effects, while providing to those who desire to perform in and patronize public outdoor music plazas the opportunity to do so. The purpose of this Chapter is to prevent and control the adverse effects of public outdoor music plazas and thereby to protect the health, safety, and welfare of the citizens

and guests of park City, protect the citizens from increased noise, preserve the quality of life, preserve the property values and character of the surrounding neighborhoods.

4-8A-3. APPLICATION OF PROVISIONS.

This Chapter imposes regulatory standards and license requirements on certain activities, which are characterized as "A public outdoor music plazas." It is not the intent of this Chapter to suppress any speech activities protected by the First and Fourteenth Amendments to the United States Constitution and the Constitution of the State of Utah, but to impose content-neutral regulations which address the adverse secondary effects of public outdoor music plazas. This Chapter is intended to supersede any other related ordinances including, but not limited to, Title 6 Chapter 3, Noise and Title 15, Land Management Code, of the Municipal Code.

4-8A-4. DEFINITIONS.

For the purpose of this Chapter, the following words shall have the following meanings:

(A) **AMPLIFIED EVENT OR MUSIC.** An event or music utilizing an amplifier or other input of power so as to obtain an output of greater magnitude or volume through speakers or other electronic devices.

(B) **STAGES.** The raised and semi-enclosed platforms that are designed to attenuate sound, or as otherwise approved by special events staff.

4-8A-5. MASTER FESTIVAL LICENSESPECIAL EVENT PERMIT; REVIEW PROCEDURE.

The public outdoor music plazas identified at Section 4-8A-6 herein may be programmed for public performances and outdoor music, subject to the regulations and conditions of this Chapter and subject to master festival licensingSpecial Event permitting review pursuant to Title 4, Chapter 8, Master Festival LicenseSpecial Event Permit. No licensee permittee nor performer shall accrue any vested rights under this revocable license.

(Amended by Ord. No. 03-18; 03-31; 04-13)

4-8A-6. PUBLIC OUTDOOR MUSIC PLAZAS.

The following locations, dates and times may be programmed for public performances and outdoor music:

(A) **LOWER SUMMIT WATCH PLAZA.**

(1) **LOCATION.** On the north end of Summit Watch Plaza. Approved plans are on file with the Special Events Department.

(2) **OPERATION DAYS/ HOURS/MONTHS.** This stage may be programmed a maximum of three (3) days per week from June 1st through Labor Day. Programming is limited to a maximum of three (3) hours per day and shall begin no earlier than 12:00 Noon and conclude no later than 8:30 p.m. A timer device will be installed that

shuts the power of the stage and sound system off at 8:30 p.m.

(3) **TYPE OF MUSIC.** Amplified and acoustic with prerecorded music allowed during breaks. For amplified events or music on Summit Watch Plaza, the program manager shall be responsible to ensure that the sound system maintains the sound at an A-weighted sound level adjustment and maximum decibel level of ninety (90), as measured twenty-five feet (25') in front of the stage.

(B) **MINER' S PLAZA.**

(1) **LOCATION.** 415 Main Street.

(2) **OPERATION DAYS/HOURS/MONTHS.** This stage may be programmed a maximum of two (2) days per week from June 1st through Labor Day. Programming is limited to a maximum of three (3) hours per day and shall begin no earlier than 12:00 Noon and conclude no later than 8:30 p.m. Programming of this stage shall not conflict with any City-sponsored or duly licensed ~~master festival~~**Special Event** as approved by the Special Events Department, including but not limited to dates reserved for the Park City Arts Festival. A timer device will be installed that shuts the power of the stage and sound system off at 8:30 p.m.

(3) **TYPE OF MUSIC.** Solo and duo acts with microphones for vocal, with prerecorded music during

breaks. For amplified events, the program manager shall be responsible to ensure that the sound system maintains the sound at an A-weighted sound level adjustment and maximum decibel level of 90, as measured twenty-five feet (25') in front of the stage.

(C) **TOWN LIFT PLAZA.**

(1) **LOCATION.** 825 Main Street.

(2) **OPERATION DAYS/HOURS/MONTHS.** This stage may be programmed a maximum of three (3) days per week from June 1st through Labor Day. The maximum duration of programming per day shall not exceed four (4) hours and shall begin no earlier than 12:00 Noon and must conclude no later than 8:30 p.m. Programming of this stage shall not conflict with any City-sponsored or duly licensed ~~master festival~~**Special Event** as approved by the Special Events Department, including but not limited to dates reserved for the Park City Arts Festival. A timer device will be installed that shuts the power of the stage and sound system off at 8:30 p.m.

(3) **TYPE OF MUSIC.** Amplified and acoustic acts with microphones for vocal, with prerecorded music during breaks. For amplified events, the program manager shall be responsible to ensure that the sound system maintains the sound at an A-

weighted sound level adjustment and maximum decibel level of ninety (90), as measured twenty-five feet (25') in front of the stage.

(D) UPPER SUMMIT WATCH PLAZA.

(1) **LOCATION.** On the south end of Summit Watch Plaza. Approved plans are on file with the Special Events Department.

(2) **OPERATION DAYS/HOURS/MONTHS.** This stage may be programmed a maximum of three (3) days per week from June 1st through Labor Day. Programming is limited to a maximum of three (3) hours per day and shall begin no earlier than 12:00 Noon and must conclude no later than 8:30 p.m. A timer device will be installed that shuts the power of the stage and sound system off at 8:30 p.m.

(3) **TYPE OF MUSIC.** Amplified and acoustic with prerecorded music allowed during breaks. For amplified events or music at on Upper Summit Watch Plaza, the program manager shall be responsible to ensure that the sound system maintains the sound at an A-weighted sound level adjustment and maximum decibel level of 90, as measured twenty-five feet (25') in front of the stage.

(Amended by Ord. 01-20; 02-12; 03-18; 03-31; 03-35; 04-13)

4-8A-7. GENERAL REGULATIONS.

(A) The program manager, or his/her designee, shall provide on-site management for each event.

(B) A sound technician shall provide on-site noise monitoring for each event with music, amplified or otherwise, and any amplified event.

(C) Except as otherwise provided at Subsection 6(A) herein, for amplified events or music, the program manager shall be responsible to ensure that the sound system maintains the sound at an A-weighted sound level adjustment and maximum decibel level of 90, as measured twenty-five feet (25') in front of the stage. The data currently available to the City indicates that a maximum decibel level of 90 satisfies the purpose of this ordinance. The City may amend this ordinance consistent with newly acquired data.

(D) All events shall be open to the public and free of charge.

(E) No event shall exceed 250 people at one time unless a separate ~~master festival license~~ Special Event Permit is granted for that event.

(F) The Police Department or other proper City official shall have access at all times to all public outdoor music plazas under this Chapter, and may make periodic inspection of said premises whether the officer or official is in uniform or plain clothes.

(G) All events shall take place only on

authorized stages and shall have clean-up services directly following each event so as to leave the plazas in a clean and litter free manner.

4-8A- 8. ALCOHOL.

It is unlawful for the licensee-Permittee or any person or business to allow the sale, storage, supply, or consumption of alcoholic beverages at the public outdoor music plazas, unless licensed pursuant to Chapters 4-6 of Title 4, as applicable.

4-8A- 9. PERMITLICENSE HOLDER, PROGRAM BOARD.

(A) The licenseePermittee(s) will hire a program manager, approved by the City, said approval not to be unreasonably withheld. The program manager will be responsible for general management of each public outdoor music plaza and on-site oversight for each event. Agreements with the individual property owners will be provided to the City Special Events Department by the program manager.

(B) The Permitteelicensee(s) shall schedule events in accordance with the regulations set forth in this Chapter. Nothing herein shall allow the City to regulate the content or otherwise censor plaza productions or speech. The Permitteelicensee(s) shall at all times hold the City harmless and indemnify the City from all claims, actions and liability arising from the licensee(s)' use of the public outdoor music plazas. The Permitteelicensee(s) shall maintain their own liability insurance, with the City listed as an additional insured in a form approved by the City Attorney.

(C) Nothing in this Chapter shall be interpreted to create a contract or implied-contract between the City and any performer, or public outdoor music plaza owner.

(Amended by Ord. 03-31; 04-13)

4-8A-10. ON-GOING COMPLIANCE EVALUATION.

(A) PermitteeLicensee(s) shall post a phone number at each venue so that individuals may phone in comments. Based upon such comments, the special events staff may issue additional conditions consistent with the intent of this Chapter to the program manager, including decreasing DB levels in three (3) DB increments with at least three (3) days between each reduction. A summary of, and recommended response to comments will be forwarded to the City Council within seven (7) days of the end of each month of operation, or sooner if requested by the program manager to resolve any issue.

(B) The Police Chief, or his/her designee, may suspend the permitslicensees granted herein and schedule a revocation hearing before the City Council at the next regularly scheduled City Council meeting for any of the following causes:

- (1) Any violation of this Chapter as evidenced by a citation issued by the Police Department.
- (2) Any violation of law or City ordinance.
- (3) Upon any other evidence that

the program manager or entertainer constitutes a hazard or nuisance to the health, safety, or welfare of the community.

(Amended by Ord. 03-31; 04-13)

4-8A-11. TRANSFER LIMITATIONS.

The ~~master festival licenses~~Special Event Permit(s) granted under this Chapter are not transferable without the written consent of the Mayor. It is unlawful for an individual to transfer a public outdoor music plaza ~~master festival license~~Special Event Permit without City approval as provided herein. If any transfer of the controlling interest in a public outdoor music plaza ~~permit~~license occurs without City approval, the ~~license permit~~ is immediately null and void and the public outdoor music plaza shall not operate until a separate new ~~license permit~~ has been properly issued by the City as herein provided. The City will not unreasonably withhold consent of transfer provided the proposed licensee is a non-profit organization within Park City, meets all the criteria of this Chapter, and demonstrates experience managing ~~S~~special ~~E~~events.

4-8A-12. PLAZA PERMITS/LICENSES IN LIEU OF ADMINISTRATIVE PERMITS FOR OUTDOOR MUSIC AND OUTDOOR SPEAKERS.

The ~~master festival licenses~~Special Event Permit(s) granted under this Chapter are in lieu of any administrative conditional permit (CUP) for outdoor music, including outdoor speakers, pursuant to Title 15 of the Municipal Code, Land Management Code.

The Planning Department shall not issue any outdoor music permits in the Historic Commercial Business (HCB) zoning district north of Heber Avenue. The City may still issue outdoor music permits in conjunction with an approved ~~master festival license~~Special Event Permit.

(Amended by Ord. 04-13)