

Ordinance No. 16-13

**AN ORDINANCE AMENDING TITLE 4-LICENSING:
CHAPTER 8, SPECIAL EVENT PERMIT, 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, multimillion 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:

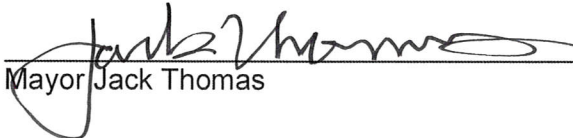
SECTION 1. AMENDMENTS TO TITLE 4 – Licensing of the Municipal Code Chapter Eight (Special Event Permit). The recitals above are incorporated herein as findings of fact. Chapter 8 of the Municipal Code of Park City is hereby amended as redlined (see Attachment 1).

SECTION 2. This ordinance shall become effective upon publication.

PASSED AND ADOPTED BY THE Park CITY COUNCIL this 24th day of March, 2016.

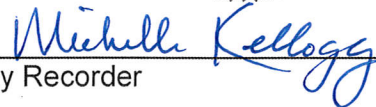


PARK CITY MUNICIPAL CORPORATION



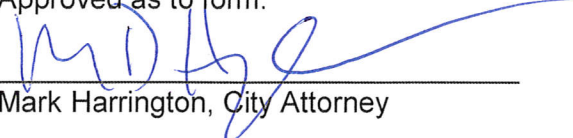
Mayor Jack Thomas

Attest:



City Recorder

Approved as to form:



Mark Harrington, City Attorney

which is not a natural person, the co-applicant or responsible party must be a natural person or persons. See sponsor.

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

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

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

(E) **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.

(Amended by Ord. No. 01-31; 16-07)

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

(A) It is unlawful for any person to conduct a Special Event with or without

charge for admission, on public or private property, without first applying for and being granted a Special Event Permit for the specific event and its venue(s). All 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; 16-07)

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

Permittees under the provisions of this Chapter who successfully operate a Special Event under the provisions of this Chapter and who wish to have the event on an annual or periodic basis, must renew each Special Event Permit as outlined in Section 4-8-4 herein. Event levels will be determined through the renewal process, regardless of

recurrence or previously determined event levels. Activities that occur in series, falling under the criteria established in this Chapter, must have a Special Event Permit, which specifically authorizes each concert-activity in the series, even if the same performer activity is performing-held on separate occasions.

(Amended by Ord. No. 01-31; 16-07)

4-8-4. 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. Application materials are available at City Special Events Department and online at the city’s website, and must be completed and submitted to the Special Event Coordinator not less than ninety (90) days prior to the scheduled opening of any Level Three Event, not less than sixty (60) days prior to the scheduled opening of 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 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 maps described in 4-8-11;
- (3) Proof that the applicant has obtained any applicable city, county, state or other environmental governmental agency approvals, permits or licenses as described in 4-8-7.

(C) 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;
- (2) Applications for 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 (D) Administrative Review, herein.
- (4) As used herein, a ‘new Level Three Event’ shall mean any Level Three Event 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 which was not renewed for a period exceeding one (1) year.

The City Council shall review applications for compliance with the standards for permit approval described at Section 4-8-5 herein as follows:

(a) **Staff Review and Recommendation.** Upon receipt of a complete 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 application and notice to the Applicant, the Special Events Coordinator shall schedule the application for a public hearing before the City Council.

(b) **City Council Hearing.** Level Three Event applications requiring City Council review and appeals of administrative 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.

(D) **ADMINISTRATIVE REVIEW.**

The Economic Development Manager or his/her designee 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 applications;

(2) First Amendment Event applications;

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

Upon receipt of a complete Special Event Permit application and accompanying fee, the Special Events Coordinator shall review the application for compliance with Section 4-8-5 herein. Following review of the application, the Special Events Coordinator 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 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 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 Special Event Permit application and accompanying fee, the Special Events Coordinator shall review the application for compliance with Section 4-8-5 herein. Following review of the application, the Special Events Coordinator 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 Ords. 01-31; 16-07)

4-8-5. STANDARDS FOR LICENSE APPROVAL.

Applications for Special Event Permit(s) shall be reviewed for compliance with the standards provided herein. The Economic Development Manager or his/her designee or City Council may deny or restrict any Special Event whenever any of the conditions enumerated in this Section cannot be eliminated or sufficiently mitigated by Conditions of Approval to ensure public

safety and consistency with the Park City General Plan.

(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.

(C) The conduct of the Special Event will require the diversion of so great a

(Amended by Ord. Nos. 01-31; 16-07)

4-8-7. LICENSES NECESSARY FOR A SPECIAL EVENT PERMIT.

The Applicant/licensee shall procure any applicable city, county, state or other government~~atall~~ agency approvals, permits or licenses.

(Amended by Ord. Nos. 01-31; 16-07)

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

(A) **APPLICATION FEE.** Special Event application Fees shall be assessed according to the fee resolution. 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 application, the Special Events 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 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 Special Event.

(C) **FINANCIAL SECURITY.** The Special Events Coordinator is authorized to require an Applicant to post a cash deposit or other security accepted by the Legal Department for all estimated contingent costs prior to the issuance of a Special Event Permit, 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. Nos. 01-31; 16-07)

4-8-8.5 EVENTS IN PARKING STRUCTURES.

Applications for Special Events taking place within a parking structure shall be reviewed for compliance with all Municipal codes relating to Special Events 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 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; 16-07)

4- 8- 9. FEE REDUCTIONS.

(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) may reduce the following Special Event permitting 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;
- (2) Building permit;
- (3) Facility and/or equipment rentals;
- (4) Field and/or park rentals;
- (5) Special use of public parking permit;
- (6) Bleachers; and
- (7) Trail.
- (8) Public Safety Personnel

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

(C) All fee reduction requests will be reviewed twice a year. All event fee reduction requests must be submitted to the Special Events Coordinator 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.

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 filed 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 determinations will be made by these parties as outlined above. All decisions may be appealed with the final decision given by the City Council. Eligibility for a full or partial fee reduction shall be determined by the City 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;
- (2) Event provides free programs, or raises funds for organizations that provide free programs, benefiting local youth, seniors or underserved constituents;
- (3) Provides positive tax benefits, raises funds or provides revenue opportunities to the City to offset City services and costs required by the event;
- (4) Provides event opportunities during resort off seasons, defined as September 21 – November 21, and April 1 – May 15, excluding holidays;
- (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.

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

(Amended by Ord. Nos. 01-31; 06-57; 16-07)

4- 8-10. INSURANCE REQUIREMENTS.