

# 1991 ORDINANCE LOG

91-22	12/19	Municipal Code	An ordinance adopting Chapters 1, 2, and 3 of the Municipal Code of Park City, Utah, and renumbering the balance of the 1976 Code
91-21	12/19	Building Codes	An ordinance adopting the 1991 Uniform Building, Housing, Abatement of Dangerous Buildings, Plumbing and Mechanical Codes, and the 1990 National Electrical Code and repealing Ordinance 82-23 in its entirety
91-20	12/19	BUSINESS LICENSE	An ordinance amending the Business License Ordinance 87-12 to include penalties for violations of said ordinance.
91-19	12/12	SNOW PARK REZONE	An ordinance amending the Park City Zoning Map designating Lots 1 through 5 of the Snow Park Subdivision as Residential Medium Density-Master Planned Development
91-18	10/3	Preservation	An Ordinance amending Sections 4.14, 4.15 of the Land Management Code, adding new Sections 4.16, 4.17 and 4.18 and renumbering the remainder of Section 4 to regulate processing of applications for removal of historic structures

91-17	8/22	Perserverance Ct	An ordinance changing Last Chance Court in the Evergreen Subdivision to Perserverance Court
91-16	8/15	Osguthorpe	An Ordinance amending the official zoning map of Park City, Utah to include the Osguthorpe and other properties.
91-15	7/11	Rezone PKM 6B/6C	An ordinance rezoning Park Meadows 6B/6C from Residential Development-Master Planned Development (RD-MPD) to Single Family (SF) and Recreation Open Space (ROS) and amending the official zoning map of Park City, Utah.
91-14	7/27	Amending 85-6	An ordinance amending Section 6 of Ordinance No. 85-6 to provide for the regulation of hours of work in various zones throughout Park City.
91-13	7/27	Address System	An ordinance adopting a uniform address system in Park City, Utah.
91-12	7/27	Amending 82-27	An ordinance amending Ordinance No. 82-27 known as the Peddlers and Solicitors Ordinance to make consistent with the Business License Ordinance No. 87-12
91-11	5/30	Parks, Recreation	An ordinance amending Ordinance 90-08 setting forth the procedures for the Parks, Recreation and Beautification Advisory Board Meetings

91-10	5/30	Vacation of 5th	An ordinance vacating a portion of platted 5th Street right-of-way between Woodside and Norfolk Avenues in Park City, Utah
91-9	5/2	Vacation Empire	An ordinance to vacate and convey a portion of platted Empire Avenue in Park City, Utah.
91-8	4/25	Demolition permits	An ordinance amending Section 4.14 of the Park City Land Management Code to clarify processing of demolition permits.
91-7	4/25	Amend Child care	An ordinance amending Chapters 2 and 7 of the Land Management Code deleting references to the language "child nurseries" and "day care center"
91-6	4/25	Satellite placement	An ordinance amending Section 8.23 of the Land Management Code to revise provisions regulating the placement of satellite receiving stations.
91-5	2/28	Planning Comm.	An Ordinance amending Sections 3.1 and 3.13 of the LMC
91-4	2/21	Child Care	An ordinance amending Chapters 2, 7 and 13 of the Land Management Code and creating a new Chapter 14 which regulates child care, and renumbering subsequent sections.
91-3	2/7	Easement vacation	An Ordinance vacating a portion of a ten-foot wide non-exclusive utilities easement located in Lots 38 and 39 of the Risner Ridge Subdivision

91-2	2/7	Sports Facility	An ordinance rezoning the north half of the Sports Facility parcel in Deer Valley from Residential Development-Master Planned Development to Recreation Open Space and amending the official zoning map of Park City, Utah.
91-1	1/10	AMENDING 82-17	An Ordinance amending Sections 14 and 15 of Ordinance 82-17 to clarify development and connection fees

ORDINANCE 91-22

AN ORDINANCE ADOPTING CHAPTERS 1, 2 AND 3  
OF THE MUNICIPAL CODE OF PARK CITY  
AND RENUMBERING THE BALANCE OF THE SECTIONS OF THE  
1976 MUNICIPAL CODE

WHEREAS, the City Council did enact the Municipal Code of the City of Park City, Utah, in 1976; and

WHEREAS, the City Council views the updating, codification and indexing of all of the City's existing ordinances as a priority in assisting the public and staff in upholding the laws of the City of Park City; and

WHEREAS, the codification of all ordinances adopted by the City since 1976 is a considerable task and it has been determined that codification section-by-section would be the most efficient way to accomplish this goal,

NOW, THEREFORE, BE IT ORDAINED by the City Council of Park City, Utah, as follows:

SECTION 1. CHAPTER 1 OF THE MUNICIPAL CODE OF PARK CITY, UTAH, SHALL BE NAMED "GENERAL PROVISIONS" AND SHALL REPLACE IN ITS ENTIRETY CHAPTER 1 OF THE MUNICIPAL CODE OF THE CITY OF PARK CITY, REVISED 1976. CHAPTER 1 IS HEREBY ADOPTED AND READS AS FOLLOWS:

**CHAPTER 1. GENERAL PROVISIONS**

**ARTICLE 1 - IN GENERAL**

SECTION 1. 1. 1. HOW CODE DESIGNATED AND CITED. The ordinances embraced in this and the following chapters and sections shall constitute and be designated the Municipal Code of Park City, Utah and may be so cited.

SECTION 1. 1. 2. DEFINITIONS AND RULES OF CONSTRUCTION GENERALLY. In the construction of this code the following definitions and rules shall be observed unless such construction would be inconsistent with the manifest intent of the City Council:

CITY. The words "the city" or "this city" or "municipality" shall mean the city of Park City, in the county of Summit, state of Utah. Such words shall extend to and include its several officers, agents and employees.

CITY OFFICER The terms "City Officer" shall include the Mayor, the Council, all Mayor-appointed City officials and the members of all City boards and commissions.

**CODE.** The words "this Code" shall mean the Municipal Code of the City of Park City, Utah as designated in Section 1.1.1.

**COMPUTATION OF TIME.** In computing any period of time prescribed or allowed by this Code, the day of the act, event, or default from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included, unless it is a Saturday, a Sunday, or a legal holiday, in which event the period runs until the end of the next day which is not a Saturday, a Sunday, or a legal holiday. As used in this section, "legal holiday" includes New Year's Day, President's Day, Martin Luther King's birthday, Memorial Day, Independence Day, July 24th, Labor Day, Columbus Day, General Election Day, Veteran's Day, Thanksgiving Day, Christmas Day, and any other day appointed as a holiday by the President or the Congress of the United States, or pursuant to Utah statute. Time periods of five days or less shall exclude intervening Saturdays, Sundays and holidays

**COUNCIL.** Whenever the words "council", "this council", "the council" or "city council" are used, they shall mean the City Council of Park City, Utah.

**COUNTY.** The words "county", "the county", or "this county" shall mean Summit County, Utah.

**U. C. A.** The initials "U. C. A." whenever used throughout this Code shall mean Utah Code Annotated, 1953.

**DAY.** The word "day" shall mean any twenty-four (24) hour period from midnight to midnight.

**GENDER.** A word importing the masculine gender shall extend and be applied to females and to firms, partnerships and corporations as well as to males.

**HIGHWAY.** The term "highway" shall include any street, alley, highway, avenue or public place or square, bridge, viaduct, tunnel, underpass, overpass and causeway in the city, dedicated or devoted to public use.

**JOINT AUTHORITY.** Words purporting to give authority to three (3) or more officers or other persons shall be construed as giving such authority to a majority of such officers or other persons unless it is otherwise declared.

**LAND, REAL ESTATE AND REAL PROPERTY.** The terms "land", "real estate" and "real property" include lands, tenements, hereditaments, water rights, possessory rights and claims.

**MONTH.** The word "month" shall mean a calendar month.

**NUMBER.** Any word importing the singular number shall include the plural and any word importing the plural number shall include the singular.

**OATH.** The word "oath" shall be construed to include an affirmation in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the words "swear" and "sworn" shall be equivalent to the words "affirm" and "affirmed". Every mode of oral statement under oath or affirmation is embraced in the term "testify" and every written one in the term "depose".

**OFFICIAL TIME.** Whenever the term "official" or "time" is used it shall mean standard time or daylight savings time as may be in current use within the City.

**OFFICERS, BOARDS, ETC.** Whenever any reference is made to any officer, board or commission, the same shall be construed as if followed by the words "of the City of Park City". Reference to such officer, board or commission shall be deemed to include his or their authorized deputies, agents or representatives.

**OR, AND.** "or" may be read "and", and "and" may be read "or", if the sense requires it.

**OWNER.** The word "owner" applied to a building or land shall include any part-owner, joint owner, tenant in common, joint tenant or lessee of the whole or of a part of such building or land.

**PERSON.** The word "person" shall extend and be applied to associations, corporations, firms, partnerships and bodies politic and corporate as well as to individuals.

**PERSONAL PROPERTY.** The term "personal property" includes every description of money, goods, chattels, effects, evidence of rights in action, and all written instruments by which any pecuniary obligation, right or title to property is created, acknowledged, transferred, increased, defeated, discharged or diminished, and every right or interest therein.

**PRECEDING, PRIOR, FOLLOWING, SUBSEQUENT.** The words "preceding" or "prior" mean next before and the words "following" or "subsequent" mean next after.

**PROHIBITIONS.** Words prohibiting anything being done, except in accordance with a license or permit or authority from an officer of the City authorized by ordinance shall be construed as expressly giving such officer power to license or permit or authorize such thing to be done.

**PROPERTY.** The word "property" includes both real and personal property.

**PUBLIC WAY OR PUBLIC THOROUGHFARE.** The words "public way" or "public thoroughfare" shall include streets, alleys, lanes, courts, boulevards, public square, mall, public places and sidewalks.

**QUARTER.** The word "quarter" shall mean any three (3) month period ending with the last day of March, June, September or December.

**ROADWAY.** The word "roadway" shall mean that portion of the street between the curb, or the lateral line of the roadway and the adjacent property line, intended for the use of vehicles.

**SIDEWALK.** The word "sidewalk" shall include any portion of the street between the curb, or the lateral line of the roadway and the adjacent property line, intended for the use of pedestrians.

**SIGNATURE OR SUBSCRIPTION.** The word "signature" or "subscription" shall include a mark when a person cannot write.

**STATE.** The words "the state" or "this state" shall be construed to mean the state of Utah.

**STREET.** The term "street" shall include any highway, alley, avenue or public place or square, bridge, viaduct, underpass, overpass, tunnel or causeway in the city, dedicated or devoted to public use.

**TENANT OR OCCUPANT.** The word "tenant" or "occupant" applied to a building or land shall include any person who occupies the whole or any part of such building or land, whether alone or with others.

**TENSE.** Words used in the past or present tense include the future as well as the past and present.



WRITTEN or IN WRITING. The words "written" or "in writing" shall be construed to include any representation of words, letters or figures, whether by printing or otherwise.

YEAR. The word "year" shall mean a calendar year.

SECTION 1. 1. 3. CERTAIN ORDINANCES NOT AFFECTED BY CODE. Nothing in this Code or the ordinance adopting this Code shall be construed to repeal or otherwise affect the validity of the following:

(a) Any ordinance promising or guaranteeing the payment of money for the City, or authorizing the issuance of any bonds of the City, or any evidence of the City's indebtedness; and

(b) Any appropriation ordinance or ordinance providing for the levy of taxes or for an annual budget, or prescribing salaries for City officers and employees; and

(c) Any ordinance annexing territory to the City or discontinuing territory as a part of the City; and

(d) Any ordinance granting any franchise; and all such ordinances are hereby recognized as continuing in full force and effect to the same extent as if set out at length herein.

(e) The Park City Municipal Corporation Land Management Code.

SECTION 1. 1. 4. CODE DOES NOT AFFECT PRIOR OFFENSES, CONTRACTS, ETC. Nothing in this Code or the ordinance adopting this Code shall affect any offense or act committed or done or any penalty or forfeiture incurred or any contract or right established or accruing before the effective date of this Code.

SECTION 1. 1. 5. CATCHLINES OF SECTIONS. The catchlines of the several sections of this Code, printed in boldface type, are intended as mere catchwords to indicate the contents of the section and shall not be deemed or taken to be titles of such sections, nor as any part of the section, nor, unless expressly so provided, shall they be so deemed when any of such sections, including the catchlines, are amended or reenacted.

SECTION 1. 1. 6. AMENDMENTS OR ADDITIONS TO CODES. (a) All ordinances passed subsequent to this Code which amend, repeal or in any way affect this Code may be numbered in accordance with the numbering system of this Code and printed for inclusion herein. When subsequent ordinances repeal any chapter, section or subsection or any portion thereof, such repealed portion may be

excluded from the Code by omission from reprinted pages. The subsequent ordinances as numbered and printed, or omitted in the case of repeal, shall be prima facie evidence of such subsequent ordinances until such time as this Code and subsequent ordinances numbered or omitted are re-adopted as new Code by the city council.

(b) Amendments to any of the provisions of this Code shall be made by amending such provisions by specific reference to the section number of this Code in the following language: "Chapter \_\_\_\_, Article \_\_\_\_, Section \_\_\_\_\_ (or Section \_\_\_\_, Subsection \_\_\_\_\_) of the Municipal Code of the City of Park City, Utah, is hereby amended to read as follows: ..." The new provisions shall then be set out in full as desired.

(c) In the event a new section not heretofore existing in the Code is to be added, the following language shall be used: "That the Municipal Code of the City of Park City, Utah, is hereby amended by adding a section (or chapter), which said section (or chapter) shall read as follows: ..." The new section shall then be set out in full as desired.

**SECTION 1. 1. 7. SEVERABILITY OF PART OF CODE.** It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this Code are severable and, if any phrase, clause, sentence, paragraph or section of this Code shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Code, since the same would have been enacted by the City Council without incorporation in this Code of any such unconstitutional phrase, clause, sentence, paragraph, or section.

**SECTION 1. 1. 8. GENERAL PENALTY FOR VIOLATIONS OF CODE - CONTINUING VIOLATIONS - DEFAULT.** Whenever in this Code or in any ordinance of the City an act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or wherever in such Code or ordinance the doing of any act is required or the failure to do any act is declared to be unlawful and no specific penalty is provided therefor, the violation of any such provision of this Code or any such ordinance shall be punished by a fine not to exceed the maximum Class B misdemeanor fine under the state law or by a term of imprisonment up to six months, or by both the fine and term of imprisonment. Each day any violation of this Code or of any ordinance shall continue shall constitute a separate offense, unless otherwise provided.

**SECTION 1. 1. 9. DOUBLE FEE FOR FAILURE TO OBTAIN REQUIRED LICENSES.** When work or activity for which a permit or license is required by this Code or any code adopted herein is commenced without first having acquired such permit or license, the specified fee shall be doubled, but the payment of such double fee

shall not relieve any person from fully complying with all the requirements of this Code or any code adopted herein, nor from any other prescribed penalties. Payment of such double fee or any unpaid portion thereof may be compelled by civil action in any court of competent jurisdiction. The acceptance of any portion less than the entire amount of such double fee by any officer or employee of the City shall not constitute a waiver or release of the balance thereof.

**SECTION 1. 1.10. PENALTIES NOT TO EXCUSE ABATEMENT OF PROHIBITED CONDITIONS.** The application of any penalty under this chapter shall not constitute the condoning or legalizing of any prohibited condition or prevent the abatement or enforced removal of such condition by any lawful means available to the City.

**SECTION 1. 1.11. PRESUMPTION OF RESPONSIBILITY FOR CERTAIN VIOLATIONS.** The occupant and owner of any premises upon which a violation of any provision of this Code or of any code adopted hereby and the owner of any object or material placed or remaining anywhere in violation of any provision of this Code or of any code adopted hereby shall be presumed to be responsible for the violation so evidenced and subject to the penalty provided therefor.

**SECTION 1. 1.12. APPLICATION OF CODE BY CITY OFFICERS OR EMPLOYEES.** Whenever in this Code or in any code adopted herein it is provided that anything must be done to the approval or permission of or subject to the direction of any administrative officer or employee of the City, this shall be construed to give such officer or employee only the discretion of determining whether the rules and standards established by this Code or by any code adopted herein have been complied with; and no such provision shall be construed as giving any administrative officer or employee discretionary powers as to what such regulations or standards shall be, or power to require conditions not prescribed by this Code or by any code adopted herein, or to enforce the provisions therein in an arbitrary or discriminatory manner.

**SECTION 2. CHAPTER 2 OF THE MUNICIPAL CODE OF PARK CITY, UTAH, SHALL BE NAMED "ADMINISTRATION" AND SHALL REPLACE IN THEIR ENTIRETY CHAPTERS 2 AND 7 OF THE MUNICIPAL CODE OF THE CITY OF PARK CITY, REVISED 1976. CHAPTER 2 IS HEREBY ADOPTED AND READS AS FOLLOWS:**

**CHAPTER 2 - ADMINISTRATION**

**ARTICLE 1 - IN GENERAL**

**SECTION 2. 1. 1. NAME** The municipal corporation heretofore existing as a city in the county of Summit, state of Utah and known as the city of Park City shall remain and continue as a body politic and corporate with perpetual succession; shall own, possess and hold all property, real and personal heretofore

owned, possessed and held by said city of Park City; shall assume, manage and dispose of all trusts in any way connected therewith; shall succeed to all the rights and liabilities and acquire all benefits, and shall assume and pay all bonds, obligations, and indebtedness of said city of Park City; by the name of "Park City, a municipal corporation" may sue and defend, plead and be impleaded, in all courts and places, and in all matters and proceedings; may have and use a common seal and alter the same at pleasure.

**SECTION 2. 1. 2. FISCAL YEAR.** The commencement of the fiscal year of this City shall be the 1st day of July. The fiscal year is hereby fixed as the 1st day of July through and including the 30th day of June of the following year.

## **ARTICLE 2 - MUNICIPAL GOVERNMENT**

**SECTION 2. 2. 1. FORM OF GOVERNMENT.** The municipal government shall be vested in a Mayor and City Council to be composed of five council members and, as such, shall have, exercise and discharge all the rights, privileges, powers and authority granted to municipal corporations and to cities by the constitution and general laws of this state, together with all the implied powers necessary to carry into execution all the powers granted. All council members and the Mayor shall be nominated and elected at large from the entire City.

**SECTION 2. 2. 2. TERMS OF OFFICE.** The terms of office for council members and Mayor shall be four (4) year staggered terms. The offices of Mayor and two council members shall be filled in municipal elections held in 1993 and every four years thereafter. The offices of the other three council members shall be filled beginning in elections held in 1995 and every four years thereafter.

**SECTION 2. 2. 3. THE MAYOR.** The Mayor shall be the chief executive of the City and shall preside at all meetings of the City Council and shall exercise such powers and perform such other duties as are or may be conferred and imposed upon him by this ordinance and by the general laws of this state. He shall not vote at council meetings except in the case of a tie, when he shall give the casting or deciding vote. He shall from time to time give the council information concerning the affairs of the City and shall recommend for their consideration such measures as he may deem expedient. He shall be recognized as the head of the City government for all ceremonial and legal purposes, and he shall execute and authenticate legal instruments requiring his signature as such official.

**SECTION 2. 2. 4. THE COUNCIL.** The council and the Mayor shall be the legislative and governing body of the City and shall exercise all powers conferred upon or possessed by the City

and shall adopt such laws, ordinances and resolutions as it shall deem proper.

**SECTION 2. 2. 5. QUALIFICATIONS.** Each declarant for the office of mayor or city council, at the time of filing a declaration of candidacy, shall be a registered voter of the City and shall have resided in the City for 12 consecutive months immediately preceding such election, and must continue to reside within the City during the term of their office.

**SECTION 2. 2. 6. UTAH MUNICIPAL ELECTION LAWS ADOPTED.** City elections shall be governed by the Utah Municipal Election laws as now existing or hereafter amended or modified except as otherwise provided by this code, or by ordinance hereafter enacted.

**SECTION 2. 2. 7. ELECTED OFFICIALS COMPENSATION.** The compensation for elected officials of Park City shall be established by the Council by resolution and said compensation is hereby adopted and incorporated herein by reference. The Mayor and Council members shall have no other compensated employment with the City.

**SECTION 2. 2. 8. MAYOR PRO TEMPORE.** The position of Mayor Pro Tempore shall be filled by a member of the City Council elected by the council by majority vote.

(a) **Duties** The Mayor Pro Tempore shall have and exercise all powers and duties of the elected Mayor as prescribed by Utah statutes and the ordinances of Park City in all cases where the elected Mayor is absent, disabled, disqualified, or refuses to act.

(b) **Election, Term of Office.** An election shall be held among the City Council for the purpose of electing council member(s) to the office of Mayor Pro Tempore at their first regularly scheduled meeting each calendar year. The council may elect more than one member to serve terms of one year or less according to a stated sequence and period. The person(s) elected by and from the council shall serve for a term as determined by the City Council which shall not exceed one year, provided that the last elected shall continue to serve until a successor is elected. In no event may the Mayor Pro Tempore serve beyond the end of his or her term in office as a member of the City Council.

(c) **Absence of Mayor Pro Tempore.** In the event of the absence, disqualification, or disability of the person elected to serve as Mayor Pro Tempore, the council may elect a member of the council to serve as Mayor Pro Tempore for that meeting or that purpose, and note the election in the minutes of the meeting in which the election occurred.

(d) Voting. The council member elected to serve as Mayor Pro Tempore shall, at all times, be entitled to cast his or her vote as a member of the council, including those occasions on which he or she is acting as Mayor. The Mayor Pro Tempore shall not be entitled to cast more than one vote on any matter before the council by reason of serving as Mayor. The Mayor Pro Tempore shall not cast a second vote as Mayor to break a tie vote among council members.

SECTION 2. 2. 9. VACANCIES. An elected official shall continue to hold his office until his successor is duly qualified. An elective office shall become vacant whenever any officer is removed from office pursuant to U.C.A. 10-3-1310, becomes incapacitated, resigns, ceases to be a resident of the City or is convicted of a felony. Within thirty (30) days after a vacancy occurs, the remaining council members shall choose by majority vote a duly qualified person to fill such vacancy. He shall serve the unexpired term so vacant and until his successor is duly qualified. If three or more vacancies exist simultaneously, the remaining council members shall, at the next regular meeting of the council, call a special election to fill such vacancies, provided there will not be a general municipal election within ninety (90) days and provided that their successors have not previously been elected. If a vacancy occurs in the office of Mayor, the Mayor Pro Tempore shall act as Mayor until a successor is appointed in the manner set forth by the laws of the state of Utah. (See U.C.A. § 10-3-302)

SECTION 2. 2.10. OATH OF OFFICE. Before entering upon the duties of his office, every council member, the Mayor and other City officers shall take, subscribe before, and file with the City Recorder an oath or affirmation that he will support the Constitution of the United States, the Constitution of the state of Utah and the ordinances of the City and will faithfully perform the duties of the office.

### ARTICLE 3 - COUNCIL PROCEDURE

SECTION 2. 3. 1. REGULAR MEETINGS. The council shall meet regularly at a day and hour to be fixed by the rules of council. The council shall determine the rules of procedure governing meetings. The first regular meeting in the month of January of each year shall be known as the organizational meeting of the council.

SECTION 2. 3. 2. SPECIAL MEETINGS. Special meetings shall be called by the City Recorder upon the written request of the Mayor or of any two members of the council, on at least twenty-four (24) hours written notice to each member of the council, served personally or left at his usual place of residence; a special meeting, however, may be held on shorter notice if all members of the council are present or have waived notice thereof in writing. The personal appearance by a member at any specially

called meeting constitutes a waiver of the notice required in this section.

**SECTION 2. 3. 3. BUSINESS AT SPECIAL MEETINGS.** No business shall be transacted at any special meeting of the council unless it has been stated in the notice of such meeting. Any business which may lawfully come before a regular meeting may be transacted at a special meeting.

**SECTION 2. 3. 4. QUORUM: ADJOURNMENT OF MEETING.** A majority of the members of the council in office at the time shall be a quorum for the transaction of business at all council meetings, but in the absence of a quorum a lesser number may adjourn any meeting to a later time or date, and in the absence of all members, the City Recorder may adjourn any meeting for not longer than one (1) week.

**SECTION 2. 3. 5. MEETINGS TO BE PUBLIC.** All regular and special meetings of the council shall be open to the public, and citizens shall have a reasonable opportunity to be heard under such rules and regulations as the council may prescribe.

**SECTION 2. 3. 6. COUNCIL ACTS.** The council shall act only by ordinance, resolution or motion. All legislative enactments shall be in the form of ordinances; all other actions, except as herein provided, may be in the form of resolutions or motions. A true copy of every resolution and ordinance as hereafter adopted shall be numbered and recorded in the official records of the City.

**SECTION 2. 3. 7. VOTING.** The vote by "Yes" and "No" shall be taken upon the passage of all ordinances and resolutions and entered upon the minutes of the council proceedings. Every ordinance, resolution and motion shall require the affirmative vote of a majority of the council members present for final passage. No member of the council shall vote on any question in which he has a substantial personal or financial interest, other than the common public interest, or on any question concerning his own conduct. On all other questions, each member who is present shall vote when called upon. Any member refusing to vote except when not so required by this paragraph shall be guilty of misconduct in office. Any council member acting as Mayor Pro Tempore shall not lose his vote by virtue of conducting the meeting as Mayor Pro Tempore.

**SECTION 2. 3. 8. ACTION BY ORDINANCE REQUIRED.** In addition to such acts of the council as are required by the general laws of this state to be by ordinance, every act making an appropriation, creating an indebtedness, authorizing borrowing of money, levying a tax, establishing any rule or regulation for the violation of which a penalty is imposed, or placing any burden upon or limiting the use of private property shall be by ordinance.

Ordinances making appropriations shall be confined to the subject of appropriation.

**SECTION 2. 3. 9. FORM OF ORDINANCE.** Every ordinance shall be introduced in written or printed form. The enacting clause of all ordinances shall be "BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PARK CITY, UTAH".

**SECTION 2. 3.10. PROCEDURE.** Except for emergency ordinances, ordinances making general modification of existing ordinances, and ordinances adopting standard codes, the following procedure for enactment of ordinances shall be followed:

(a) The ordinance shall be introduced at any regular meeting of the council by the Mayor, City Manager or any Council member.

(b) The ordinance shall be read in full or, in cases where copies of the ordinance are available to the council and to those persons in attendance at said council meeting, said ordinance may be read by title only.

(c) After the reading of the proposed ordinance or its title and any discussion thereon, the ordinance shall be adopted or rejected by a majority vote of the Council members present. If a public hearing is required before consideration of an ordinance, action may be taken at the same meeting as the public hearing.

(d) Public notice of the time and place of Council consideration of all ordinances shall be given in the same manner as notice for all regular and special Council meetings or as otherwise directed by statute or ordinance.

(e) Upon adoption, ordinances shall take effect on their stated effective date, or upon publication if required by U.C.A. 10-3-711.

(f) Whenever an ordinance shall be published by reference or by title, the publication shall contain a summary of the subject matter of said ordinance and shall contain a notice to the public that copies of the ordinance are available at the office of the City Recorder. The publication of any ordinance by reference or by title as provided herein must set forth in full any penalty clause contained in said ordinance.

**SECTION 2. 3.11. EMERGENCY ORDINANCES.** Emergency ordinances for the preservation of public property, health, peace, or safety may be approved without public notice, but shall be approved only by the unanimous vote of council members present or a vote of four (4) council members, whichever is less. The facts showing such urgency and need shall be specifically stated in the measure itself. An emergency ordinance shall take effect upon



final passage. Publication, if required, shall be within ten (10) days after final passage, or as soon thereafter as possible.

**SECTION 2. 3.12. CODIFICATION.** The council shall cause the ordinances to be codified and thereafter maintained in current form. Revision to the codes may be accomplished as provided in Sections 2.3.10, 2.3.11, and 2.3.13.

**SECTION 2. 3.13. CODES.** Standard codes, promulgated by the federal government, the state of Utah, or by any agency of either of them, or by any municipality within the state of Utah, or by recognized trade or professional organizations, or amendments or revisions thereof, may be adopted by reference, provided the publication of the ordinance adopting any said code shall advise that copies are available for inspection at the office of the City Recorder.

**SECTION 2. 3.14. DISPOSITION OF ORDINANCES.** A true copy of every ordinance, as adopted by council shall be numbered and recorded in the official records of the City. Its adoption and publication shall be authenticated by the signature of the Mayor, or Mayor Pro Tempore and the City Recorder and by the certificate of publication, if publication is required. A true copy of every ordinance, as adopted by the vote of the electors of the City shall be separately numbered and recorded.

#### **ARTICLE 4 - CITY ADMINISTRATION**

**SECTION 2. 4. 1. CITY MANAGER.** The City Manager shall be the chief administrative officer of the City. The Mayor, with the advice and consent of the council, shall appoint a City Manager within a reasonable time whenever a vacancy exists in such position. Such appointment shall be without definite term and shall be at a salary to be fixed by council. The City Manager shall be appointed without regard to any consideration other than his fitness, competency, training and experience as a City Manager. At the time of his appointment, he need not be a resident of the city or state, but during tenure of office he shall reside within the City except at the discretion of the council. No member of the council nor the Mayor shall be appointed manager during the term for which he shall have been elected, nor within one (1) year after the expiration of his term.

**SECTION 2. 4. 2. ACTING MANAGER.** The City Manager, with the advice and consent of the Mayor, may appoint an acting City Manager during the period of vacancy in the office or during the absence or disability of the City Manager. Such acting manager shall, while he is in such office, have all the responsibilities, duties, functions and authority of the City Manager.

**SECTION 2. 4. 3. POWERS AND DUTIES.** The City Manager shall be responsible and under the control and supervision of the Mayor and the council for the proper administration of all affairs of the City placed in his charge, and to that end, he shall have the power and duty and be required to:

(a) Be responsible for the enforcement of the laws and ordinances of the City;

(b) Appoint, hire, suspend, transfer and remove all non-elective City employees excepting the City Attorney;

(c) Make appointments on the basis of executive and administrative ability and the training and experience of such appointees in the work which they are to perform;

(d) Serve as budget officer upon appointment by the Mayor, with the advice and consent of the council;

(e) Cause a proposed budget to be prepared annually and submitted to the Mayor and council and be responsible for the administration of the budget after its adoption (said budget to be construed as financial estimate only);

(f) Prepare and submit to the council as of the end of the fiscal year a complete report on finances and administrative activities of the City for the preceding year, and upon request of the Mayor or council make written or verbal reports at any time concerning the affairs of the City under his supervision;

(g) Keep the Mayor and the council advised of the financial condition and future needs of the City and make such recommendations to the Mayor or council for adoption as he may deem necessary or expedient;

(h) Exercise supervision and control over all executive and administrative departments, excepting legal, and recommend to the Mayor and council any proposal he thinks advisable to establish, consolidate or abolish administrative departments;

(i) Be responsible for the enforcement of all terms and conditions imposed in favor of the City in any contract or public utility franchise, and upon knowledge of any violation thereof, report the same to the Mayor and council for such action and proceedings as may be necessary to enforce the same;

(j) Attend council meetings and participate in discussions with the Mayor and council in an advisory capacity;

(k) Establish a system of accounting and auditing for the City which shall reflect, in accordance with generally accepted

accounting principles, the financial condition and financial operation of the City;

(l) Provide for engineering, architectural, maintenance and construction services required by the City; and

(m) Perform such other duties as may be prescribed by ordinance or required of him by the Mayor and council which are not inconsistent with the laws of the state.

**SECTION 2. 4. 4. REMOVAL OF MANAGER.** The Mayor, with the advice and consent of the council, may remove the City Manager from office. Upon such termination, the Mayor and council may, in their discretion, provide termination pay.

**SECTION 2. 4. 5. RELATIONSHIP OF COUNCIL TO ADMINISTRATIVE SERVICE.** Neither the council, its members, the Mayor, nor any council committee shall dictate the appointment by the City Manager of any person to office except as otherwise provided in this Code or in any way interfere with the City Manager or other city officer to prevent him from exercising his judgment in the appointment or employment of officers and employees in the administrative service. Except for the purpose of inquiry, the council, its members, the Mayor and any council committee shall deal with the administrative service solely through the City Manager, and neither the council, its members, the Mayor, nor any council committee thereof shall give orders to any of the subordinates of the City Manager.

**SECTION 2. 4. 6. CITY RECORDER.** The City Manager, with the approval of the Mayor and council, shall appoint a City Recorder who shall be custodian of the City seal and who shall keep a journal of council proceedings and record in full all ordinances, motions and resolutions. He shall have power to administer oaths and take acknowledgements under seal of the City and shall perform such other duties as required by this Code, the Mayor and the council, or the City Manager. The City Manager may also appoint a deputy or deputies who shall serve under the supervision of the City Recorder and shall have authority to act in the absence of the City Recorder.

**SECTION 2. 4. 7. CITY TREASURER.** There shall be a City Treasurer who shall be appointed by the City Manager, with approval of the Mayor and council, to serve at the pleasure of the City Manager. The City Manager may also appoint a deputy or deputies to serve under the supervision of the City Treasurer who shall have authority to act in the absence of the city treasurer.

**SECTION 2. 4. 8. DUTIES AND POWERS OF THE CITY TREASURER.** The City Treasurer shall keep and supervise all accounts, receive and have custody of all monies of the City, collect special City fees and taxes, water utility fees and

charges, issue licenses and collect fees therefor, make and keep public records of the City not specifically entrusted to any other department by this Code or by ordinance; and perform such other duties pertaining to the department of finance as required by this Code, the Mayor and council or City Manager.

**SECTION 2. 4. 9. DEPARTMENTS CREATED.** The administrative functions of the City shall be performed by the departments existing at the time this Code is adopted and such other departments as may be hereafter established by ordinance. The Mayor and the council may, by ordinance, consolidate or merge any of the said departments, whether set forth in this Code or created by ordinance.

**SECTION 2. 4.10. BONDING OF CITY OFFICIALS.** The City Treasurer and all other officers and employees required to do so, before entering upon the duties of their respective offices, shall give a good and sufficient surety company bond to the City, duly approved by the City Attorney, and conditioned upon the faithful performance and discharge of their respective duties, and for proper application and payment of all money or property coming into their hands by virtue of their offices in an amount established by the Council by resolution and not less than that established by the state money management council.

**SECTION 2. 4.11. CITY ATTORNEY.** The Mayor, with the advice and consent of the council, shall appoint a City Attorney to serve at the pleasure of the Mayor and council. The City Attorney shall be an attorney at law, and must, during his tenure, be duly admitted to the practice of law in Utah. The City Attorney shall be the legal representative of the City and he shall advise the Mayor and council and City officials in matters relating to their official powers and duties and perform such other duties as the Mayor and council may prescribe by ordinance, resolution or otherwise. The Mayor, with the advice and consent of the council, may provide the City Attorney such assistance as the Mayor and council may deem necessary, and may, on its own motion or upon request of the City Attorney in special cases, employ special counsel to serve under the direction of the City Attorney. The Mayor, with the advice and consent of the council, shall establish compensation for the City Attorney, his assistants and special counsel.

**SECTION 2. 4.12. CITY ENGINEER.** There is hereby created and established the office of City Engineer for the purpose of providing the necessary engineering services required by the City. The City Engineer shall be appointed by the City Manager and shall be an employee of the City. The City Engineer shall be appointed on the basis of his administrative and technical qualifications with special reference to his actual experience in and his knowledge of the functions and duties of his office as set forth in this article.

**SECTION 2. 4.13. POLICE DEPARTMENT** The Police Department of the City shall consist of the City Marshal, hereafter designated as "Chief of Police" and other police officers as may be duly authorized by the City Council. The chief of police shall be appointed pursuant to the laws of the state of Utah and shall be an employee of the City. It shall be the duty of the members of the police department to enforce all the laws of the City and all statutes of the state applicable thereto, to preserve order and prevent infractions of the law and arrest violators thereof, to serve and execute any process directed to the chief of police, and to perform any police service which the chief might lawfully do.

**SECTION 2. 4.14. RULES AND REGULATIONS.** The chief of police may prescribe such rules and regulations as he shall deem advisable. Such rules shall be approved by the City Manager and shall be binding on all members. Such rules and regulations may cover the conduct of the members, uniforms and equipment to be worn or carried, assignments, hours of service, and all other similar matters necessary or desirable for the better efficiency of the department.

**SECTION 2. 4.15. AUTHORITY OF MAYOR TO MAKE APPOINTMENTS OF SPECIAL POLICE FOR CERTAIN PURPOSES.** The Mayor may upon any emergency, riot, pestilence, invasion, or at any time he shall deem necessary for the peace, good order or health of the City, order the chief of police to appoint special policemen for a specified time.

## **ARTICLE 5 - COMPLAINTS AGAINST CITY OFFICERS**

**SECTION 2. 5. 1. CHARGES AND SPECIFICATIONS.** Except as otherwise provided by this Code or by the laws of the state, whenever a complaint shall be made to the City Council of this City against any City officer, it shall be the duty of the City Council to vote on the question as to whether there shall be charges preferred against the party or parties complained against, and if the City Council shall decide by vote that charges shall be preferred, it shall fix the time and place of trial, and it shall be the duty of the City Attorney to draft and prepare such charges and specifications in writing and after the same are signed by the person or persons making the complaint, it shall be the duty of the City Attorney to deliver a copy of such charges and specifications to the chief of police, or any other police officer, who shall serve such copy on the person complained against. A notice of the time and place of trial shall also be served with such charges and specifications, which notice, as well as the copy of the charges and specifications shall be served at least fifteen (15) days before the time set for trial.

**SECTION 2. 5. 2. EVIDENCE.** Whenever a complaint is made against a City officer as provided in Section 2.7.1, the Mayor and the members of the City Council shall vote on the question as to whether they shall hear the evidence submitted for and against the accused, which evidence shall be given under oath, and the Mayor or presiding officer of the City Council shall have the right to decide all questions relating to the admissibility or inadmissibility of such evidence.

**SECTION 2. 5. 3. REMOVAL; SUSPENSION; REPRIMAND.** When a complaint is made against a City officer as provided in Section 2.7.1, the council, after hearing all the testimony produced, shall proceed to vote upon the question as to whether the person complained against is guilty or not guilty of the charges and specifications so alleged, and if the City Council shall vote that such person is guilty, an open vote shall then be taken as to the character of punishment to be inflicted upon the accused. The question shall be put: "Shall the accused be removed from office?" If a majority of all the members elected to the City Council shall vote for such removal, the accused shall be removed from office and the removal shall relate back to the suspension of the officer from duty. If such majority shall fail to vote for removal, then the City Council shall vote successively upon the question of suspension or reprimand of the accused. If suspension be agreed upon, the time of such suspension shall be fixed, and no officer while under a suspension voted by the City Council, shall draw any pay whatever from the City for the period he shall be so under suspension.

## **ARTICLE 6 - EMPLOYEE BENEFITS AND REGULATIONS**

**SECTION 2. 6. 1. POLICIES AND PROCEDURES** The City Council may establish, by resolution, compensation schedules, employee benefits, rules, disciplinary policies and all other employee policies and procedures it deems appropriate.

**SECTION 3. CHAPTER 3 OF THE MUNICIPAL CODE OF PARK CITY, UTAH, SHALL BE NAMED "ETHICS" AND SHALL REPLACE IN ITS ENTIRETY CHAPTER 8 OF THE MUNICIPAL CODE OF THE CITY OF PARK CITY, REVISED 1976. CHAPTER 3, "ADVERTISING AND SIGN REGULATIONS" OF THE MUNICIPAL CODE OF THE CITY OF PARK CITY, REVISED 1976, SHALL BE RENUMBERED AS CHAPTER 8. CHAPTER 3 "ETHICS" IS HEREBY ADOPTED AND READS AS FOLLOWS:**

### **CHAPTER 3 - ETHICS**

**SECTION 3. 1. 1. DECLARATION OF POLICY.** The proper operation of democratic government requires that public officials and employees be independent, impartial and responsible to the people; that government decisions and policy be made in proper channels of the governmental structure; that public office not be

used for personal gain; and that the public have confidence in the integrity of its government. In recognition of these goals, a code of ethics for all city officers and employees is adopted. The purpose of this code is to establish guidelines for ethical standards of conduct for all such officers and employees by setting forth those acts or actions that are compatible with the best interests of the City and by directing disclosure by such officers and employees of private, financial or other interest in matters affecting the City.

**SECTION 3. 1. 2. DEFINITIONS.**

**INTEREST** - means direct or indirect pecuniary or material benefit accruing to a public officer or employee as a result of an official act or action by or with the City, except for such contracts or transactions which by their terms and by the substance of their provisions confer the opportunity and right to realize the accrual of similar benefits to all other persons and/or property similarly situated. For the purposes of this Chapter, a public officer or employee shall be deemed to have an interest in the affairs of:

(a) Any person related to him by blood or marriage in a degree closer than the fourth degree of consanguinity or affinity (determined by the civil law method), and a divorce or separation between spouses shall not be deemed to terminate any such relationship;

(b) Any person or business entity with whom a contractual relationship exists with the public officer or employee;

(c) Any business entity in which the public officer or employee is an officer, director, or member having a financial interest in, or employed by;

(d) Any business entity in which the stock of, or legal or beneficial ownership of, in excess of five percent (5%) of the total stock or total legal and beneficial ownership, is controlled or owned directly or indirectly by the public officer or employee.

**OFFICIAL ACT OR ACTION** - any legislative, administrative, appointive or discretionary act of any officer or employee of the City or any agency, board, committee or commission thereof.

**BUSINESS ENTITY** - any business, proprietorship, firm, partnership, person in representative or fiduciary capacity, association, venture, trust or corporation.

**SECTION 3. 1. 3. CODE OF ETHICS.** The requirements herein set forth shall constitute a code of ethics establishing reasonable standards and guidelines for the ethical conduct of public officers and employees of the City.

**SECTION 3. 1. 4. INTEREST IN CONTRACT OR TRANSACTION.** No public officer or employee having the power or duty to perform an official act or action, related to a contract or transaction which is or may be the subject of an official act or action of the City, shall:

(a) have or thereafter acquire an interest in such contract or transaction; or

(b) have an interest in any business entity representing, advising or appearing on behalf of, whether paid or unpaid, any person involved in such contract or transaction; or

(c) have solicited or accepted present or future employment with a person or business entity involved in such contract or transaction; or

(d) have solicited, accepted or granted a present or future gift, favor, service or thing of value from or to a person involved in such contract or transaction; or

(e) have encouraged, made or accepted any ex parte or unilateral applications or communication where a determination is to be made after a public hearing and such public employee fails to make the contents of the communication a part of the record.

**SECTION 3. 1. 5. GIFTS OR FAVORS.** The prohibition against gifts or favors shall not apply to:

(a) a meal or gratuity with a value less than \$50; or

(b) an award publicly presented in recognition of public service; or

(c) any gift which would have been offered or given to him if he were not an officer or employee.

**SECTION 3. 1. 4. PREACQUISITION OF INTEREST.** No public officer or employee with respect to any contract or transaction which is or may be the subject of an official act or action of the City shall acquire an interest in or affected by such contract or



transaction at a time when the public employee believes or has reason to believe that it will directly or indirectly be affected by an official act of the City.

**SECTION 3. 1. 5.<sup>7</sup> DISCLOSURE OF INFORMATION.** No public officer or employee with respect to any contract or transaction which is or may be the subject of an official act or action of the City shall, without proper legal authorization, disclose confidential information concerning the property, government or affairs of the City, or use such information to advance the financial or other interests of himself or others.

**SECTION 3. 1. 6.<sup>8</sup> INCOMPATIBLE SERVICE.** No public officer or employee shall engage in or accept private employment or render service, for private interest when such employment or service is incompatible with the proper discharge of his official duties or would tend to impair his independence of judgment or action in the performance of his official duties unless otherwise permitted by law and unless disclosure is made as provided in this Code.

**SECTION 3. 1. 7.<sup>9</sup> APPEARANCES.** No public officer or employee shall appear on behalf of any private person, other than himself, his spouse or minor children before any city agency. However, a member of the council may appear before City agencies on behalf of his constituent in the course of his duties as a representative of the electorate or in the performance of public or civic obligations.

**SECTION 3. 1. 8.<sup>10</sup> PUBLIC CONTRACTS.** No public officer or employee who, in his capacity as such officer or employee participates in the making of a contract in which he has a private pecuniary interest, direct or indirect, or performs in regard to that contract some function requiring the exercise of discretion on his part, shall enter any contract with the City unless:

(a) The contract is awarded through a process of public notice and competitive bidding; or

(b) The City Attorney waives the requirement of this section after determining that it is in the best interest of the City to do so.

**SECTION 3. 1. 9.<sup>11</sup> PUBLIC PROPERTY.** No public officer or employee shall request or permit the unauthorized use of City-owned vehicles, equipment, materials or property for personal convenience or profit.

**SECTION 3. 1. 10.<sup>12</sup> SPECIAL TREATMENT.** No public officer or employee shall grant any special consideration, treatment or advantage to any citizen beyond that which is available to every other citizen.

**SECTION 3. 1.11.<sup>13</sup> LATER CASE INTEREST.** No public officer or employee shall, after the termination of service or employment with the City, appear before any board, commission, committee or agency of the City in relation to any case, proceeding or application in which he personally participated during the period of his service or employment, or which was under his active consideration.

**SECTION 3. 1.12.<sup>14</sup> EXCEPTIONS TO CHAPTER.**

(a) It shall not be deemed a violation of the standards of the Chapter if the interest of a public officer or employee, as a person or business entity, is a contractual obligation of less than \$500.00, which has not been preceded by any other obligation, discharged or existing, between the parties, and which is not the first in a series of two or more loans or debts which either of the parties is under an obligation to make or incur; or

(b) A commercially reasonable loan made in the ordinary course of business by an institution authorized by the laws of this state to engage in the making of such loans shall not be deemed to create an interest in violation of this Chapter; or

(c) A contract for a commercial retail sale, even though over the value of \$500.00, shall not be deemed to create an interest in violation of this Code.

**SECTION 3. 1.13.<sup>15</sup> DISCLOSURE OF INTEREST IN LEGISLATIVE ACTION.**

(a) Any City officer who has a financial interest or personal interest in any proposed action before the council or any board or commission shall disclose on the record of the council, board or commission the nature and extent of such interest.

(b) Any official or employee who has a financial or personal interest in any proposed action of the council or any board or commission and who participates in discussion with or gives an official opinion or recommendation to the council, board or commission shall disclose on the record of the council, board or commission the nature and extent of such interest.

**SECTION 3. 1.14.<sup>16</sup> CAMPAIGN EXPENSES TO BE REPORTED.** Every candidate running for the office of Mayor or City Council shall file two sworn election campaign expense statements, one to be filed with the city recorder within 15 calendar days preceding the date of the primary election, and one to be filed with the city

recorder within 15 calendar days after the date of the primary election.

Every candidate eligible for the office of Mayor or City Council in the general election shall file two sworn general election campaign expense statements, one to be filed with the city recorder within 15 calendar days preceding the date of the general municipal election, and one to be filed with the city recorder within 15 calendar days after the date of the general municipal election.

The disclosure statements shall be submitted to the city recorder and shall be available to the public for review in the office of the city recorder. The sworn statements shall state election and campaign expenses, the names of persons making campaign contributions, and the carry-over total of the statement from the previous reporting period, as outlined below:

(a) A list of each contribution in excess of Fifty Dollars (\$50) received by the candidate or his/her designated campaign committee, the name and address of each contributor, and the date on which each such contribution was received.

(b) An aggregate total of all contributions of Fifty Dollars (\$50) or less received by a candidate or his/her designated campaign committee.

(c) A list of expenditures made and obligations incurred as a part of the campaign effort, the name and address of every recipient to whom disbursement was made, and the purpose of the expenditure made or obligation incurred. The disposition of any surplus monies shall also be reported.

<sup>17</sup>  
**SECTION 3. 1.15. ENFORCEMENT.** The City Attorney shall have the primary responsibility for the enforcement of this Chapter. He shall have the power to investigate any complaint, to initiate any suit, and to prosecute any criminal or civil action on behalf of the City where such action is appropriate. The City Council may direct the City Attorney to investigate or prosecute any apparent violation of the Chapter or it may employ or appoint any qualified attorney to investigate or prosecute any violation or series of violations by one or more persons of this Chapter. Any person who believes that a violation of any portion of the Chapter has occurred may file a complaint with the City Attorney or with the City Council.

<sup>18</sup>  
**SECTION 3. 1.16. WRITTEN ADVISORY OPINIONS.** Where any public officer or employee has a doubt as to the applicability of any provision of this Chapter to a particular situation, or as to the definition of terms used herein, he may apply to the City

Attorney for a written advisory opinion. The officer or employee shall have the opportunity to present his interpretation of the facts at issue and of the applicability of provisions of the Chapter before such advisory opinion is made. Such opinion, until amended or revoked, shall be binding on the City, the City Council, and the City Attorney in any subsequent actions concerning the public officer or employee who sought the opinion and acted on it in good faith, unless material facts were omitted or misstated in the request for the advisory opinion.

Any written advisory opinion prepared by the City Attorney shall be made public. However, the name of the person requesting the opinion and the names of all persons or business entities mentioned in the opinion shall be deemed confidential information and shall not be disclosed by the City Attorney unless the public officer or employee waives such confidentiality or where the City Attorney deems the public official to have failed to act in good faith in requesting the opinion or in conforming with the opinion or to have failed to act in conformance with the opinion.

SECTION 3. 1.<sup>19</sup> PENALTIES. Any public officer or employee who willfully and knowingly violates any of the provisions of this Chapter shall be guilty of a misdemeanor.

SECTION 3. 1.<sup>20</sup> FORFEITED POSITION. Upon conviction for any violation of this Chapter of any public officer or employee, such officer or employee shall immediately forfeit his office or position. Nothing in this Chapter shall be construed to prohibit such public officer or employee from being re-elected, reappointed or otherwise rehired to any position forfeited under the provisions of this Chapter.

SECTION 3. 1.<sup>21</sup> EXEMPTIONS. The City Attorney, with the consent of the City Council, may exempt from the provisions of this Chapter any conduct found to constitute a violation by a public officer or employee, if he finds that the enforcement of this Chapter with respect to such conduct is not necessarily in the public interest. Any contract or transaction which was the subject of an official act or action of the City in which there is an interest prohibited by this Chapter, or which involved the violation of a provision of this Chapter shall be voidable at the option of the City.

SECTION 3. 1.<sup>22</sup> INJUNCTION. The City Attorney shall have the power, where a violation of the provisions of this Chapter is threatened or has occurred, to bring an action or proceeding at law or in equity for a judgment enjoining a violation of the provisions of this Chapter or requiring a relinquishment of any prohibited interest or the voiding of any contract or transaction, taking into account the interests of the attorney and any third persons who may be injured thereby.

SECTION 4. REPEALER. All existing provisions of the Park City codes and ordinances which are inconsistent with Chapters 1, 2 and 3 of the Municipal Code of Park City, as adopted herein, are hereby repealed.

SECTION 5. EFFECTIVE DATE. THIS ORDINANCE SHALL TAKE EFFECT UPON ITS PUBLICATION.

DATED this 19th day of December, 1991.

PARK CITY MUNICIPAL CORPORATION

  
BRADLEY A. COLCH, MAYOR

ATTEST:

  
ANITA L. SHELDON, CITY RECORDER



ORDINANCE NO. 91-21

AN ORDINANCE ADOPTING THE 1991 UNIFORM  
BUILDING, HOUSING, ABATEMENT OF  
DANGEROUS BUILDINGS, PLUMBING, FIRE, MECHANICAL  
AND SIGN CODES,  
AND THE 1990 NATIONAL ELECTRICAL CODE  
AND REPEALING ORDINANCE 82-23 IN ITS ENTIRETY

NOW THEREFORE BE IT ORDAINED by the City Council of Park City, Utah, as follows:

SECTION 1. PURPOSE. The purpose of this Ordinance is to adopt eight uniform codes relating to the construction, wiring, and plumbing of buildings, and the storage, use, handling and maintenance of dangerous and/or hazardous materials, substances, processes within the city limits of Park City and to provide a method of administering those codes.

SECTION 2. UNIFORM BUILDING CODE ADOPTED. The Uniform Building Code, 1991 edition, establishing rules and regulations for the design, construction quality of materials, use and occupancy, location and maintenance of building and structures, as adopted by the International Conference of Building Officials, is hereby adopted as the Building Code of Park City, together with the following amendments.

- (a) Chapters 23, Divisions 1 and 4, and Chapters 31, 32, 35, 51, 53, and 70 located in the appendix of the Uniform Building Code are adopted and incorporated herein.
- (b) Section 304(a) of the Uniform Building Code is amended as follows:

SECTION 304(a)(1) BUILDING PERMIT FEES. A fee for each building permit shall be paid to the Building Official as set forth by fee resolution as adopted by the Park City Council.

- (c) Section 3802(a) AUTOMATIC FIRE EXTINGUISHING SYSTEMS is hereby amended as follows:

PURPOSE. The purpose of this section is to establish minimum standards to safeguard life, health, property, public welfare and to protect the owners and occupants of structures within Park City by regulating and controlling the design and construction of buildings and structures.

AUTOMATIC FIRE EXTINGUISHING SYSTEMS.

1. The following newly constructed structures of buildings used for or to be used for human occupancy shall have an automatic fire extinguishing system

installed in conformity with the requirements of the Uniform Building Code Standard 38-1-91:

- (a) All new construction having more than 6,000 square feet on any floor, except R-3 occupancy.
- (b) All new construction having more than two stories except R-3 occupancy.
- (c) All new construction having four or more dwelling units, including units rented or leased, and including condominiums or other separate ownership.
- (d) All new construction in the Historic Commercial Business zone district, regardless of occupancy.
- (e) All new construction and buildings in the General Commercial zone where there are no side-yard setbacks or where one or more of the side yard setbacks are less than two and one-half feet per story of height.

2. All newly constructed structures used as dwelling units in a multi-unit structure shall have at least a one hour fire resistive separation between units.

SECTION 3. MECHANICAL CODE. The Uniform Building Code, 1991 edition, establishing rules and regulations for the design, construction quality of materials, use and occupancy, location and maintenance of building and structures, as adopted by the International Conference of Building Officials is hereby adopted as the Mechanical Code of Park City.

SECTION 4. HOUSING CODE. The Uniform Housing Code, 1991 edition, printed as code in book form, and adopted by the International Conference of Building Officials (providing minimum requirements for the protection of life, limb, health, safety and welfare of the general public and the owners and occupants of residential buildings is hereby adopted as the Housing Code of Park City.

- (a) Application. The provisions of the Housing Code shall apply to all buildings or portions thereof used, or designed for or intended to be used for human habitation. Occupancies in existing buildings may be continued as provided in Section 104(c) of the Uniform Building Code, except as to those structures found to be substandard as defined in the Housing Code.
- (b) Violations. It shall be unlawful for any person, firm or corporation whether as owner, lessee, sublessee, or occupant to erect, construct, enlarge, alter, repair, move, improve, remove, demolish, equip, use, occupy, or maintain any building or premises or cause or permit the

same to be done, contrary to or in violation of any of the provisions of Housing Code or any order issued by the Building Official pursuant thereto.

- (c) Permits and Inspections. It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert, or demolish any building or structure, or cause or permit the same to be done, without first obtaining a separate building permit for each such building or structure from the Building Official in the manner and according to the applicable conditions prescribed in the Housing Code.

SECTION 5. ADOPTION OF A CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS. The "Uniform Code for the Abatement of Dangerous Buildings, 1991 edition," printed as a code in book form and adopted by the International Conference of Building Officials (providing for a just, equitable and practicable method whereby buildings or structure which from any cause endanger the life, limb, health, morals property, safety or welfare of the general public or their occupants, may be required to be repaired, vacated, or demolished) is hereby adopted as the Abatement of Dangerous Buildings Code for Park City.

SECTION 6. ADOPTION OF A PLUMBING CODE. The Uniform Plumbing Code, 1991 edition, as amended, is hereby approved and adopted as the plumbing code of Park City. The amendments are as follows:

- (a) Plumbing Permits. No new construction, alterations, or additions to existing plumbing shall be installed without first obtaining a permit and a fee paid according to Park City's Fee Resolution.
- (b) Plumbing Inspections. The Building Official shall perform all functions of plumbing inspection and shall, among other things, inspect the construction, installation and repair of all plumbing fixtures and appliances and apparatus connected with a plumbing system which are installed within the limits of Park City and shall require that they conform to the provisions of the Plumbing Code including Park City and Utah State amendments which are incorporated herein by this reference.

SECTION 7. ADOPTION OF ELECTRICAL CODE. The National Electrical Code, 1990 edition, as adopted by the National Fire Protection Association and the American Standards Association and printed as a code in book form is hereby approved and adopted as the electrical code of this City, including all Park City and state amendments which are incorporated herein by this reference.

- (a) Electrical Inspection. The Building Official shall perform all functions of electrical inspection and shall,



among other things, inspect the construction, installation, and repair of all electrical light or power wiring, fixtures, appliances or apparatus installed within the limits of this municipality and shall require that they conform to the provisions of the Electrical Code. The Building Official shall follow as to electrical work the procedures relating to enforcement and safety as are established by the Uniform Building Code.

- (b) Permits, Inspections and Fees. No alterations or additions shall be made in existing wiring, nor shall any new wiring be installed or any apparatus which generates, transmits, transforms or utilizes any electricity be installed without first obtaining a permit therefor. Applications for such permit, describing such work, shall be made in writing and shall conform to the requirements set forth in the Uniform Building Code as to extent of information disclosed. No permit shall be required for the use of approved lamps, lights, appliances, tools, or equipment connected to permanently installed wiring by means of a receptacle or fixture. The fee for electrical permits shall be as set forth in Park City Fee Resolutions.

SECTION 8. UNIFORM FIRE CODE. The "Uniform Fire Code", 1991 edition as adopted by the International Conference of Building Officials and the Western Fire Chiefs Association and printed as codes in book form is hereby adopted as the Fire Code of Park City with the following amendments:

- (a) All debris created from a fire shall be removed and the property restored to normal condition within ninety (90) days after the fire or as soon as the property is released by the State Fire Marshal, the Park City Building Official, or insurance adjuster, whichever is later. In the event the debris is not cleared, such debris shall be declared a nuisance and removed by the City at the expense of the property owner.
- (b) Administration and Enforcement. The Building Official shall be responsible for the administration and enforcement of the Fire Code and shall, among other things, enforce all state statutes and local ordinances and/or regulations pertaining to:
- (1) the prevention of fires;
  - (2) the suppression or extinguishing of dangerous or hazardous fires;
  - (3) the storage, use and handling of explosives, flammable, toxic, corrosive, and other hazardous gaseous, solid and liquid materials;

(4) the installation and maintenance of automatic, manual and other private fire alarm systems and fire extinguishing equipment;

(5) the maintenance and regulations of fire escapes;

(6) the maintenance of fire protection and the elimination of fire hazards on land and in buildings, structures, and other property including those under construction;

(7) the means and adequacy of each exit in the event of fire, from factories, school, hotels, lodging houses, asylums, hospitals, churches, halls, theaters, amphitheatres, and all other places in which people work, live or congregate from time to time for any purposes; and

(8) the investigation of the cause, origin and circumstances of fire.

- (c) Required Permits. All applications for permits required by the Fire Code shall be made to the Building Official in such form and detail as he shall prescribe. All applications for permits shall be accompanied by such plans as required by the Building Official and fees paid as per the Fee Resolution.

SECTION 9. UNIFORM SIGN CODE ADOPTED The Uniform Sign Code, 1991 edition, as adopted by the International Conference of Building Officials and printed as a code in book form is hereby approved and adopted as the Uniform Sign Code of this City.

SECTION 10. BUILDING OFFICIAL ADDITIONAL DUTIES. The Building Official shall also be known as the Building Inspector and shall in addition to the provisions of the Uniform Building Code have the duty of administering and enforcing the provisions of the Housing Code, Abatement of Dangerous Building Code, and Electrical Code, Uniform Plumbing Code, Uniform Sign Code, Uniform Mechanical Code and Uniform Fire Code. Additionally, he shall be charged with the inspection and enforcement of the provisions set forth with regard to all buildings and structures, in accordance with the manner provided for in each of the above adopted codes. Where necessary, properly appointed health officers acting in behalf of the City are hereby authorized to make such inspections as may be required to enforce the provisions of any of the applicable codes.

SECTION 11. VIOLATIONS. No person, firm, or corporation, whether as owner, lessee, sublessee, or occupant, shall erect, construct, enlarge, alter, repair, move, improve, remove, demolish, equip, use, occupy, or maintain any building or premises, or cause or permit the same to be done, contrary to or in violation of any of the provisions of the applicable sections of

the codes adopted pursuant to this Ordinance or of any order issued by the Building Official hereunder.

SECTION 12. PENALTY. Any person failing to comply with the provisions of this Ordinance, shall be guilty of a Class B misdemeanor and on conviction therefor shall be punished by fine or by imprisonment for not more than six months or by both fine and imprisonment.

SECTION 13. CONTINUING OFFENSES DEEMED DAILY VIOLATION. In all instances where the violation of these ordinances is a continuing violation, a separate offense shall be deemed committed on each day during or on which the violation occurs or continues.

SECTION 14. REPEAL OF CONFLICTING ORDINANCES. All previous adoptions of the Uniform Building, Housing, Fire, Abatement of Dangerous Building, Mechanical, Plumbing, Sign and Electrical Codes are hereby repealed and supplanted with the codes adopted herein.

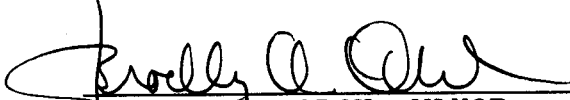
SECTION 15. COPIES AVAILABLE FOR PUBLIC USE. Copies of the Uniform Building, Housing, Fire, Abatement of Dangerous Buildings, Mechanical, Plumbing, Sign and Electrical Codes are on file in the office of the City Recorder for use and examination by the public.

SECTION 16. SEPARABILITY OF ORDINANCES. Should any section, clause or provision of the codes adopted pursuant to this ordinance be declared by a court of competent jurisdiction to be invalid, such declaration of invalidity shall not affect the validity of any other section or provision of this Ordinance or the codes adopted herein and each such section, clause, or provision is hereby declared to be separate and distinct.

SECTION 16. EFFECTIVE DATE. This ordinance shall take effect upon its publication.

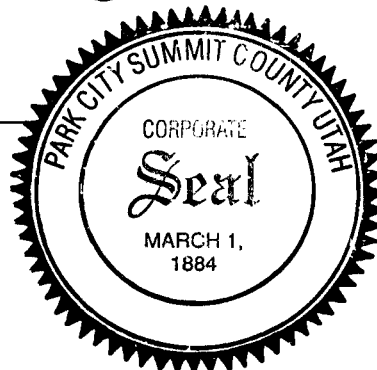
PASSED AND ADOPTED this 19th day of December, 1991.

PARK CITY MUNICIPAL CORPORATION

  
BRADLEY A. OLCH, MAYOR

ATTEST:

  
ANITA L. SHELDON, CITY RECORDER



ORDINANCE 91-20

AN ORDINANCE AMENDING THE BUSINESS LICENSE ORDINANCE  
87-12 TO INCLUDE PENALTIES FOR VIOLATIONS  
OF SAID ORDINANCE

WHEREAS, the City Council did enact Ordinance 87-12 which regulates and taxes businesses within Park City; and

WHEREAS, the provisions of this Ordinance provide that revenue raised through the revenue tax shall be primarily used to defray the costs incurred by the City in operating, maintaining, and replacing the City's transit system; and

WHEREAS, the City has experienced an increase in late payments and failure to pay the annual business revenue license tax; and

WHEREAS, this collection process has become burdensome and time-consuming for the City and the City desires to increase said penalties for late payment or failure to pay to encourage the prompt payment of these taxes; and

WHEREAS, these fees are also declared to be a debt under Ordinance 87-12 and the City would like to refer the collection of these matters to a collection agency,

NOW, THEREFORE, BE IT ORDAINED by the City Council of Park City, Utah, as follows:

SECTION 1. SECTION 2.5 SHALL BE ADDED TO ORDINANCE 87-12 AS FOLLOWS:

**SECTION 2.5 DOUBLE FEE FOR FAILURE TO OBTAIN REQUIRED LICENSE.** Unless exempted by state or federal law or by this ordinance, any person who engages in business prior to submitting a completed application and payment of all fees shall pay double the specified fee for said license. The payment of such double fee shall not relieve any person from fully complying with all the requirements of this Code, nor from any other prescribed penalties.

SECTION 2. SECTION 21 OF ORDINANCE 87-12 SHALL BE AMENDED AS FOLLOWS:

**SECTION 21. LICENSE FEES DECLARED TO BE A DEBT AND MAY BE FORWARDED TO A COLLECTION AGENCY.** Any fee or tax due and unpaid under this ordinance and all penalties thereon shall constitute a debt to Park City and may be collected by court proceedings in the same manner as any other debt or may be turned over to a collection agency, which remedy shall be in addition to all other existing remedies.

SECTION 3. SECTION 22 OF ORDINANCE 87-12 IS HEREBY AMENDED AS FOLLOWS:

**SECTION 22. FEE AND TAX PAYMENTS, RENEWALS AND ENFORCEMENT FEES.**

(a) The annual business revenue license tax provided in this ordinance shall be due and payable to the City on or before the first day of January of each year for renewals of licenses for businesses which were licensed the previous year. Business licenses for previously unlicensed businesses shall be issued for the unexpired portion of the calendar year in which issued unless issued between October 1 and December 31, in which case the license shall be valid until December 31 of the year following the issuance of the license, upon payment of 125% of the annual license fee, as set forth in Section 13 above.

(b) If the renewal license fee is not paid on or before January 15 of the year in which the renewal fee is due, there shall be a business license enforcement fee penalty for late payment imposed of twenty-five (25%) of the license fee imposed by this ordinance or Twenty-Five Dollars (\$25) whichever is greater. Upon a showing of hardship acceptable to the Director, the licensed business may be allowed to pay the business license fees due over a period of time not to exceed three (3) months from the due date, with interest on the unpaid balance at the rate of 18% per annum. All agreements under this provision must be in writing.

(c) If the renewal license fee is not paid in full on or before February 15th of the year in which the renewal fee is due, the business license enforcement fee shall be increased to fifty percent (50%) of the license fee imposed by this ordinance or Twenty-Five Dollars (\$25) whichever is greater.

(d) If the renewal license fee is not paid on or before March 1st of the year in which the renewal fee is due, the business license enforcement fee shall be increased to one-hundred percent (100%) of the license fee imposed by this ordinance.

(e) Upon a proper showing that the business is of such a seasonal nature that business has not been conducted to date, the Director may waive the business license enforcement fee of said renewals.

(f) Upon a showing of hardship acceptable to the Director, the licensed business may be allowed to pay the business license fees due over a period of time not to exceed three (3) months from the due date, with interest on the unpaid balance at the rate of 18% per annum. All agreements under this provision must be in writing.

(ge) Any previously licensed business cited for engaging in business in violation of this Ordinance shall have five days from the date of citation to come into compliance with this Ordinance. Failure of the licensee to reach compliance within

five days of the date of citation will subject the business to closure and the licensee to all applicable civil and criminal penalties.

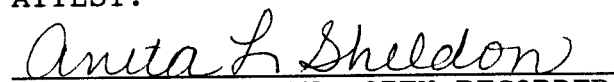
SECTION 4. THIS ORDINANCE SHALL TAKE EFFECT UPON ITS PUBLICATION.

DATED this 19th day of December, 1991.

PARK CITY MUNICIPAL CORPORATION

  
BRADLEY A. OLCH, MAYOR

ATTEST:

  
ANITA L. SHELDON, CITY RECORDER



Ordinance No. 91-19

**AN ORDINANCE AMENDING THE PARK CITY ZONING MAP  
DESIGNATING LOTS 1 THROUGH 5 OF THE SNOW PARK SUBDIVISION  
AS RESIDENTIAL MEDIUM DENSITY-MASTER PLANNED DEVELOPMENT**

WHEREAS, the Snow Park Subdivision was approved by the Planning Commission in 1978 and that approval designated lots 2 through 5 as fourplex lots and lot 1 as a duplex lot; and

WHEREAS, the current Park City Zoning Map shows the zoning as Residential Development which would not allow for the density as originally approved; and

WHEREAS, there is nothing of record which indicates that the zoning map change was intended to reduce the development potential of the Snow Park Subdivision; and

WHEREAS, the Park City Planning Commission directed the planning staff to propose an amendment to the zoning map which would allow for the original densities approved on the site; and

WHEREAS, approving a Master Plan and rezoning the parcel to Residential Medium Density - Master Planned Development (RM-MPD) would allow restrictions and conditions to be placed on the rezone which would result in development which is compatible with the neighborhood and addresses neighborhood concerns;

WHEREAS, a public hearing was legally noticed and heard before the Planning Commission on November 11, 1991, and a positive recommendation was rendered on the rezoning of the parcel described in the above title and more particularly described as Lots 1 through 5 of the Snow Park Subdivision; and

WHEREAS, a public hearing was legally noticed and heard before the city Council on December 5, 1991,

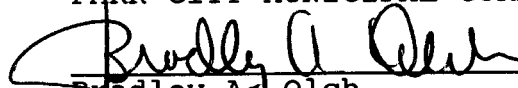
NOW, THEREFORE, BE IT ORDAINED by the City Council that:

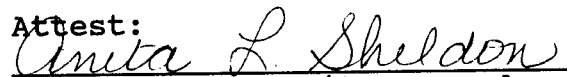
SECTION 1. OFFICIAL PARK CITY ZONING MAP AMENDED. The Official Park City Zoning Map shall be amended to change the zoning on lots 1 through 5 of the Snow Park Subdivision, Park City, Utah from Residential Development (RD) to Residential Medium Density - Master Planned Development (RM-MPD).

SECTION 2. EFFECTIVE DATE. This ordinance shall become effective upon adoption.

PASSED AND ADOPTED this 12th day of December, 1991.

PARK CITY MUNICIPAL CORPORATION

  
Bradley A. Olch

Attest:  
  
Anita Sheldon, City Recorder



MEMORANDUM

TO: THE PARK RECORD  
FROM: ANITA SHELDON, CITY RECORDER  
DATE: December 13, 1991  
RE: Publication of Ordinance 91-19 - PO # 11292151

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Please publish the following notice(s) in your December 19th edition of the Park Record and provide me with a proof of publication:

At their regularly scheduled meeting on December 12th, the City Council of Park City passed and adopted Ordinance 91-19, an ordinance amending the Park City zoning map designating Lots 1 through 5 of the Snow Park Subdivision as Residential Medium Density-Master Planned Development. This ordinance became effective upon its adoption and can be seen in its entirety in the office of the City Recorder at 445 Marsac Avenue during regular business hours.



AN ORDINANCE AMENDING SECTIONS 4.14, 4.15  
OF THE LAND MANAGEMENT CODE, ADDING NEW SECTIONS  
4.16, 4.17 AND 4.18 AND RENUMBERING  
THE REMAINDER OF SECTION 4 TO REGULATE  
PROCESSING OF APPLICATIONS  
FOR REMOVAL OF HISTORIC STRUCTURES

WHEREAS, the historical heritage of Park City is one of our most valued and important assets; and

WHEREAS, the historical heritage of Park City is embodied in its Historic District; and

WHEREAS, the protection, preservation and enhancement of Park City's historic buildings and sites is critical to the preservation of Park City's historical heritage, for the benefit of its citizens and visitors,

NOW, THEREFORE, BE IT ORDAINED by the City Council of Park City, Utah, as follows:

**SECTION 1. Sections 4.14 and 4.15 of the Land Management Code shall be deleted and replaced in their entirety as follows:**

4.14. **DEMOLITION AND REMOVAL OF HISTORIC BUILDINGS AND SITES.** It is the intent of this and succeeding sections to preserve the historic and architectural resources of Park City, through limitations on demolition and removal of historic buildings and sites to the extent it is economically feasible, practical and necessary. The demolition or removal of historic buildings and sites in Park City diminishes the character of the City's Historic District and it is strongly discouraged. Instead, the City recommends and supports preservation, renovation, adaptive reuse and relocation within the Historic District. It is recognized, however, that structural deterioration, economic hardship and other factors not entirely within the control of a property owner may result in the necessary demolition or removal of a historic building or site.

4.15. **CERTIFICATE OF APPROPRIATENESS FOR DEMOLITION.** With the exception of any building or structure falling under the purview of Section 203 of the Uniform Building Code or undergoing complete renovation\reconstruction in compliance with this Chapter, no building or other structure located within the Historic District may be demolished or removed without the prior issuance of a Certificate of Appropriateness (CAD) by the Planning Department or the Historic District Commission (HDC). Application for a CAD shall be made on forms prescribed by the HDC and shall be made first to the Planning Department. If, upon review of the

application, the Planning Department concludes that the building or structure sought to be demolished or removed has been determined to not be a significant or contributory historic building according to the Historic Sites Survey on file in the Planning Department, the Department may issue a CAD. If, upon review, the Planning Department, in conjunction with the Chief Building Official, determines the subject building or structure to be structurally unsound, and a hazardous or dangerous building, the Department may issue a CAD. In the absence of a finding either of insignificance or of public hazard, the application for demolition or removal shall be stayed for 180 days.

**SECTION 2. The following Sections 4.16, 4.17 and 4.18 shall be added and the former Section 4.16 "New Construction" shall be renumbered as Section 4.19:**

4.16. **PRE-HEARING APPLICATION REQUIREMENTS.** Upon refusal of the Planning Department to issue a CAD, a pre-hearing period of (45) days shall commence, during which time the owner shall allow the City to post and sustain a visible sign stating that the property is "threatened." Said sign shall be at least 3'x 2', readable from a point of public access and state that more information may be obtained from the Planning Department for the duration of the stay. In addition, the owner shall conduct negotiations with the City for the sale or lease of the property or some interest in the property such as a facade easement, or take action to facilitate proceedings for the City to acquire the property under its power of eminent domain, if appropriate and financially possible.

At the end of the (45) days, the owner may request a hearing before the HDC upon showing that the above requirements have been met. The applicant must also submit fees in accordance with the Park City Municipal fee schedule. The Department staff shall, within (14) days, notify the owner if any additional information is needed to complete the application. If the Department staff does not notify the owner, the application will be deemed complete. Within (45) days of receiving the completed application, the Department staff shall schedule a hearing regarding the application on the agenda of the HDC.

4.17. **CAD HEARING FOR A COMMERCIAL BUILDING OR SITE.** For the purposes of this Chapter, "Commercial Building or Site" shall mean and include all real property held primarily for the production of income rather than as an occupied primary or secondary residence for the owner. "Commercial Building or Site" shall include, but not be limited to, any property for which the owner claimed a depreciation deduction under Section 167 of the Internal Revenue Code of 1986 and all non-profit institutional or public properties. At the hearing, the HDC will only approve demolition or removal of a commercial building or site if the owner has presented substantial evidence that demonstrates that unreasonable economic

hardship will result from denial of the demolition or removal application.

- (a) **ECONOMIC HARDSHIP CRITERIA.** In order to sustain a claim of unreasonable economic hardship, the HDC may require the owner to provide information pertaining to whether the property is capable of producing a reasonable return for the owner. The HDC shall adopt separate standards for income producing and non-income producing properties. The information requested by the HDC may include, but not be limited to the following: Purchase date, price and financing arrangements; current market value; form of ownership; cost estimates of demolition and post-demolition plans; maintenance and operating costs; costs and engineering feasibility of rehabilitation; property tax information; rental rates and gross income from the property.
- (b) **CONDUCT OF OWNER EXCLUDED.** Demonstration of economic hardship by the owner shall not be based on conditions resulting from:
- (1) Willful or negligent acts by the owner; or
  - (2) Purchasing the property for substantially more than market value at the time of purchase; or
  - (3) Failure to perform normal maintenance and repairs; or
  - (4) Failure to diligently solicit and retain tenants; or
  - (5) Failure to provide normal tenant improvements.
- (c) **WRITTEN FINDINGS.** The HDC shall make written findings supporting their decision in the matter. The HDC may determine that unreasonable economic hardship exists and issue a CAD if the Commission finds that:
- (1) The building or site cannot be feasibly use or rented at a reasonable rate of return in its present condition; and
  - (2) The building or site cannot be remodelled or rehabilitated in a manner which would allow a reasonable use of or return from the property to the property owner; and
  - (3) Rehabilitation or remodelling that would be compatible with preservation of the building or site is infeasible; and
  - (4) The building or site cannot be feasibly moved or relocated within the Historic District.

(d) **FINAL DECISION.**

- (1) **APPROVAL-** If the HDC approves the application and issues the CAD, the owner may apply for a demolition permit with the Building Department and proceed to demolish the building or site in compliance with other regulations as they may apply. The HDC may, as a condition of approval, require the property owner to provide the HDC with documentation of the building or site according to the standards of the Historic American Building Survey (HABS). Such documentation may include photographs, floor plans, measured drawings, an archeological survey or other information specified by the HDC. The HDC may also require the owner to incorporate an appropriate memorialization of the building or site, such as a photo display or plaque, into the proposed replacement project of the property. Approval of a CAD shall be valid for one year.
- (2) **DENIAL-** If the HDC denies the application for demolition, the owner shall not demolish the building or site and the City may provide the owner with information regarding financial assistance for the necessary rehab or repair work, as it becomes available. The owner may not re-apply for demolition for a period of three years from the date of the HDC's final decision, unless the building or site is structurally unsound or other substantial changes in circumstance have occurred, in which case the owner may apply as conditions warrant.
- (3) **APPEAL-** All final decisions of the HDC are appealable to the City Council and are also subject to call-up by the City Council.

4.18. **CAD HEARING FOR A RESIDENTIAL BUILDING OR SITE.**  
For the purposes of this Chapter, "Residential Building or Site" shall mean any owner occupied property used as a primary or secondary home. It does not include any property used in rental pools or any property falling within LMC § 4.17. If the HDC finds that the owner failed to comply with the pre-hearing application requirements of LMC § 4.16, the Commission may issue up to an additional 180-day stay of demolition to allow the City sufficient time to undertake a pre-hearing evaluation to examine possible alternatives to the demolition or removal of the property. Upon completion of the pre-hearing evaluation, the applicant may request a hearing before the HDC and the Department shall schedule a hearing regarding the application on the agenda of the HDC.

- (a) **ECONOMIC HARDSHIP CRITERIA.** At the hearing, the owner must be prepared to provide information including, but not limited to, the following: type of occupancy, market value, feasibility of rehabilitation, property tax

assessment and post-demolition plans.

- (b) **IRRELEVANT CRITERIA.** In determining whether economic hardship exists, the HDC may not consider the most profitable use of the property or any factors resulting from the willful neglect of the property by the owner.
- (c) **WRITTEN FINDINGS.** The HDC shall make written findings supporting its decision in the matter. The HDC may authorize issuance of a CAD if it determines that:
  - (1) Denial of the application would deprive the owner of all reasonable use of the property; and
  - (2) The building or site cannot be feasibly renovated or rehabilitated to make it reasonably usable; and
  - (3) Relocation of the building or site to another location within the Historic District is infeasible.
- (d) **FINAL DECISION.**
  - (1) **APPROVAL-** If the HDC approves the application, the CAD will be issued and the owner may proceed to demolish the building or site after obtaining a demolition permit from the Building Department and in compliance with other regulations as they may apply. The HDC may, as a condition of approval, require the owner to provide the HDC with documentation of the building or site as specified in LMC § 4.17.5(A). Approval of a CAD shall be valid for one year.
  - (2) **DENIAL-** In the event the HDC recommends denial of the application, and consultations with the owner, as specified in LMC § 4.16, do not result in an agreement to retain the building or site, the HDC shall recommend whether or not the building or site should be purchased, leased or otherwise acquired by the City. Said recommendation shall be forwarded to the City Council at its next regular meeting for determination. If the City chooses not to provide the owner with economic assistance, acquire the property or take any other action to preserve the building or site, the CAD will be issued at the end of the applicable stay of demolition. The owner may then proceed to demolish the building or site, after obtaining a demolition permit from the Building Department and in compliance with other regulations as they may apply. The HDC, may as a condition of issuing the CAD, require the owner to provide the HDC with documentation of the building or site as specified in LMC § 4.17.5(A).

- (3) APPEAL- All final decisions of the HDC are appealable to the City Council and are also subject to call-up by the City Council.

**SECTION 3. Effective Date.** This ordinance shall take effect upon its publication.

DATED this 3rd day of October, 1991.

PARK CITY MUNICIPAL CORPORATION

  
Bradley A. Olch, Mayor

Attest:

  
Anita L. Sheldon, City Recorder



Recorded at the request of and return  
to: Park City Municipal Corp.  
P. O. Box 1480, Park City, UT 84060

Attn: City Recorder

REC'D BY Dg DC

ALAN SPRIGGS  
SUMMIT COUNTY RECORDER

91 OCT 28 AM 10:02

*Park City Municipal Corp*  
348921

RED NOTE AB 11-6-68

ORDINANCE 91-17

AN ORDINANCE CHANGING LAST CHANCE COURT  
IN THE EVERGREEN SUBDIVISION TO  
PERSERVERANCE COURT

WHEREAS, the owners of the abutting property have petitioned the Park City Council for a name change of Last Chance Court, a street located in the Evergreen Subdivision; and

WHEREAS, "Last Chance Court" is the street name that has been recorded on the Evergreen Subdivision final plat recorded at Entry 2191085 in the records of the Summit County Recorder; and  
*\* amended 290308*

WHEREAS, the owners of the abutting property are desirous of changing the name to "Perserverance Court"; and

WHEREAS, the City Council determines there is good cause for such a change of name and it will not be detrimental to the general interests and is not deceptively similar to any other street name in Summit County,

NOW, THEREFORE, BE IT ORDAINED by the City Council of Park City, Utah, as follows:

SECTION 1. Last Chance Court in the Evergreen Subdivision shall be changed to Perserverance Court.

SECTION 2. This ordinance shall become effective upon its publication.

PASSED AND ADOPTED this 22nd day of August, 1991.

PARK CITY MUNICIPAL CORPORATION

*Bradley A. Olch*  
BRADLEY A. OLCH, MAYOR

ATTEST:

*Anita L. Sheldon*  
ANITA L. SHELDON, CITY RECORDER



Ordinance No. 91-16

**AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP  
OF PARK CITY, UTAH TO INCLUDE THE  
OSGUTHORPE AND OTHER PROPERTIES**

WHEREAS, Park City Municipal Corporation and its affiliated entities have acquired properties adjacent to and contiguous with the City boundaries to provide for several public needs; and

WHEREAS, the Park City Council, on its own motion, has proposed the annexation of these properties on the terms and conditions set forth in a Supplemental Annexation Declaration dated August 15, 1991; and

WHEREAS, notice of the proposed annexation was duly published for four consecutive weeks beginning on the 27th day of June, 1991, and being completed on the 18th day of July, 1991; and

WHEREAS, a public hearing was held on the annexation on the 1st day of August, 1991, before the City Council, and another public hearing on July 31, 1991, before the Planning Commission, and the City Council finds that the annexation and zoning designation proposed at the time of the hearing is in the best interest of the community;

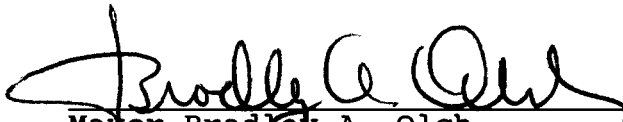
NOW, THEREFORE BE IT ORDAINED by the City Council of Park City, Utah, that the Official Zoning Map of Park City, Utah be amended as follows:

SECTION 1. AMENDMENT TO OFFICIAL ZONING MAP. The parcels of property depicted in the attached Annexation Plats A, B and C shall be annexed to the City boundaries of Park City, Utah and shall be zoned Recreation Open Space (ROS).

SECTION 2. EFFECTIVE DATE. This Ordinance shall become effective upon publication.

PASSED AND ADOPTED this 15th day of August, 1991.

PARK CITY MUNICIPAL CORPORATION

  
Mayor Bradley A. Olch

Attest:

  
Anita L. Sheldon, City Recorder





Ordinance No. 91-15

**AN ORDINANCE REZONING PARK MEADOWS 6B/6C FROM  
RESIDENTIAL DEVELOPMENT-MASTER PLANNED DEVELOPMENT (RD-MPD)  
TO SINGLE FAMILY (SF) AND RECREATION OPEN SPACE (ROS)  
AND AMENDING THE OFFICIAL ZONING MAP OF  
PARK CITY, UTAH**

WHEREAS, the Park City Land Management Code provides the City Council the authority to create and amend zoning designations of the Official Zoning Map; and

WHEREAS, a public hearing was legally noticed and heard before the Planning Commission on June 26, 1991 and a positive recommendation was rendered on the rezoning of the parcel described in the above title and more particularly described as Fairway Hills Estates Phase I Subdivision Plat; and

WHEREAS, a public hearing was legally noticed and heard before the City Council on July 11, 1991; and

NOW, THEREFORE BE IT ORDAINED by the City Council that:


SECTION 1. REZONE OF PROPERTY. The City Council deems it appropriate and hereby rezones the subject parcel from Residential Development-Master Planned Development (RD-MPD) to Single Family (SF) and Recreation Open Space (ROS) consistent with a condition of approval of the Fairway Hills Estates Phase I Subdivision;

SECTION 2. OFFICIAL PARK CITY ZONING MAP AMENDED. The Official Park City Zoning Map shall be amended to apply the Single Family (SF) and Recreation Open Space (ROS) zoning to the parcel described above.

SECTION 3. EFFECTIVE DATE. This Ordinance shall become effective upon publication.

PASSED AND ADOPTED this 11th day of July, 1991.

PARK CITY MUNICIPAL CORPORATION

  
Mayor Bradley A. Olch

Attest:

  
Anita L. Sheldon, City Recorder

AN ORDINANCE AMENDING SECTION 6 OF ORDINANCE NO. 85-6 TO PROVIDE FOR THE REGULATION OF HOURS OF WORK IN VARIOUS ZONES THROUGHOUT PARK CITY, UTAH

WHEREAS, it is the duty of the City Council to protect the health, safety, and welfare of Park City's residents; and

WHEREAS, it is the intention of the City Council to regulate and minimize the impacts of hours of work for construction in zones that are residential in nature or residential areas that may be affected by activity in adjacent commercial or open space parcels;

NOW, THEREFORE, BE IT ORDAINED by the City Council of Park City, Utah that:

SECTION 1. AMENDMENT. The zones described in Section 6 of Ordinance No. 85-6 shall be replaced by the following verbiage as legislatively illustrated:

SECTION 6. HOURS OF WORK. In the Historic Residential (HR-1), Historic Transitional Overlay (HTO), Residential Development (RD), Residential Development-Medium Density (RDM), Residential (R-1), Residential-Medium Density (RM), Recreation Open Space (ROS), Estate (E), Historic Residential Development Low-Density (HR-L), Single Family (SF), Single Family-Nightly Rental (SF-N), Historic Residential-Low Intensity Commercial Overlay Zone (HR-2), and Regional Commercial Overlay (RCO) Districts; it shall be unlawful for any person to perform or cause to be performed, any construction work on any construction site under his control or at which he is employed between the hours of 10 p.m. and 7 a.m. of the following day, or before 9 a.m. on Sundays. In all other zones, it shall be unlawful to perform or cause to be performed, construction work between the hours of 10 p.m. and 6 a.m. of the following day. The Building Official may authorize extended hours for construction operations or procedures which, by their nature, require continuous operation, or modify or waive the hours of work for or on projects in generally isolated areas where the extended hours do not impact upon adjoining property occupants.

SECTION 2. EFFECTIVE DATE. This Ordinance shall take effect immediately.

PASSED AND ADOPTED this 27th day of June, 1991.

PARK CITY MUNICIPAL CORPORATION

*Bradley A. Olch*  
Mayor Bradley A. Olch

Attest:

*Anita L. Sheldon*  
Anita L. Sheldon, City Recorder



**AN ORDINANCE ADOPTING A UNIFORM ADDRESS  
SYSTEM IN PARK CITY, UTAH**

WHEREAS, it is the duty of Park City to protect the health, safety and welfare of its residents; and

WHEREAS, elected officials of Park City feel it appropriate to respond to citizen requests to have improper address numbering of buildings in the community corrected; and

WHEREAS, the health and safety of residents of Park City are ensured by the implementation of a uniform address system which allows for the prompt delivery of police, fire, and ambulance services;

NOW, THEREFORE BE IT ORDAINED, by the City Council of Park City, Utah as follows:

SECTION 1. Designation of Street Address Numbers. The principal building on each premises fronting on a street shall bear a distinctive street number in accordance with the Park City Address Book on file in the office of the Community Development Department. The City Engineer shall designate the appropriate street number for each new building constructed, which shall require a number, upon final plat approval prior to the issuance of an occupancy permit.

As additional streets are established by platting or subdividing and existing streets are altered, it shall be the duty of the City Engineer to revise the Park City Address Book and to assign appropriate numbers in accordance with the existing street numbering plan.

SECTION 2. Posting of Designated Street Address. Owners shall place and maintain the correct number, assigned by the City Engineer, upon the front of each building requiring a number. The assigned number shall face the street and be adjacent to the principal entrance and in such position as to be plainly visible from the street. Numbers shall be not less than three inches (3") in height and shall contrast in color with the color of the building or background to which they are attached.

SECTION 3. Duty to Affix Assigned Numbers. Within sixty (60) days after the mailing or delivery of written notification of the assigned number and/or assigned corrected number from the City Engineer, the owner, occupant or person in charge of a house or building shall affix the assigned number in such a manner as to be plainly visible and legible from the street or road fronting the property.

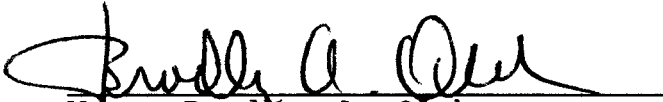
SECTION 4. Duty to Remove Other Numbers. It shall be the duty of such owner, occupant, or person in charge thereof upon affixing the new number, to remove any different number which might be mistaken for, or confused with, the number assigned to the building by the City Engineer.

SECTION 5. Penalty. Any owner or occupant or person in charge of any house or building who refuses to comply with the terms of this Ordinance by failing to affix the number assigned within sixty (60) days and/or by failing within sixty (60) days to remove any incorrect numbers affixed to the building, as described above, shall be guilty of a Class "C" misdemeanor.


SECTION 6. Effective Date. This Ordinance shall take effect upon its publication.

PASSED AND ADOPTED this 27th day of June, 1991.

PARK CITY MUNICIPAL CORPORATION

  
\_\_\_\_\_  
Mayor Bradley A. Olch

Attest:

  
\_\_\_\_\_  
Anita L. Sheldon, City Recorder



ORDINANCE NO. 91-12

AN ORDINANCE AMENDING ORDINANCE NO. 82-27  
KNOWN AS THE PEDDLERS AND SOLICITORS ORDINANCE  
TO MAKE CONSISTENT WITH THE BUSINESS LICENSE  
ORDINANCE NO. 87-12

WHEREAS, the City of Park city did enact the Business Revenue Ordinance No. 87-12 to tax and regulate the operation of businesses within our City; and

WHEREAS, Ordinance 82-27, as amended, regulates and prohibits special types of businesses such as peddlers, solicitors, outside sales, convention sales, street musicians, and conducting business in or on public properties; and

WHEREAS, the Council deems it to be in the best interest of the citizens to make these two licensing ordinance consistent with one another in their terms and applications,

NOW, THEREFORE, BE IT ORDAINED by the City Council of Park City as follows:

SECTION 1. The title of Ordinance 82-27 shall be changed to read as follows:

AN ORDINANCE ~~PROHIBITING~~REGULATING PEDDLERS, ~~REGULATING~~ SOLICITORS, STREET MUSICIANS, ~~TRANSIENT MERCHANTS~~, CONVENTION SALES, AND THE SALE OF GOODS, SERVICES, OR MERCHANDISE IN OR FROM THE PUBLIC STREETS OR OTHER PUBLIC PROPERTY, AND REGULATING THE USE OF PUBLIC PROPERTY FOR PRIVATE PURPOSES.

SECTION 2. Section 4 "Peddlers of Goods or Merchandise" shall be changed to read as follows:

SECTION 4. PEDDLERS OF GOODS OR MERCHANDISE.  
~~Peddling of goods or merchandise is prohibited within Park City. The City Finance Department may issue a license to peddlers of goods or merchandise on the following conditions:~~

Peddler Defined. A peddler is a person or business entity that carries goods or merchandise with him and sells or offers for sale goods or merchandise on a door-to-door basis rather than from a fixed location.

The remainder of Section 4 is hereby repealed.

~~(b) Peddler's License. A peddler's license shall permit the holder thereof to offer for sale in Park City any lawfully produced, possessed, and obtained merchandise. The peddler's business shall be confined entirely to enclosed buildings o private property and shall not be conducted within public streets or on other public~~

~~property. No goods or merchandise shall be sold or offered for sale while the peddler moves from door to door.~~

- ~~(c) Application. The application for a peddler's license shall state the name and address of the applicant, the nature of the goods, if they were purchased, or the place of manufacture if the license applicant manufactures or produces the goods, and the dates on which the applicant proposes to sell his merchandise.~~
- ~~(d) License Fee. A regulatory fee, which shall defray the costs of the police investigation of the license application and enforcing business related ordinances shall be paid at the time the application is submitted to the Finance Department. The fees shall be as set forth in the Park City License Fee Schedule. The fee may be prorated on a monthly basis for applications received after March 1 of the year of issue. In the event the license is denied, 25% of the fee shall be retained to cover processing costs, and the balance refunded.~~
- ~~(e) Sales Tax Number Required. As a part of the application, the applicant must provide his sales tax identification number from the State Tax Commission so that sales tax collection can be verified.~~
- ~~(f) Review by Police - Application for peddler's licenses shall be submitted to the Police Department for review. No peddler's license shall be issued to applicants who have been convicted or entered a guilty plea within the prior three (3) years of any felony involving receiving stolen goods, burglary, theft, fraud, sale of controlled substances, or prostitution, or any lesser included offense of these crimes. The applicant shall provide his date of birth and social security number for purposes of investigation.~~
- ~~(g) Photo Identification. All peddlers licensed shall wear a photo identification badge prepared by the City (which shall be the City license) in full view while doing business. The badge shall state the name of the peddler and the goods being sold, or the name of the company the peddler represents.~~

SECTION 3. Section 7 "Street Vendors" shall be amended to read as follows:

SECTION 7. STREET VENDORS. It shall be unlawful to sell food, flowers, agricultural products, ice cream, candy, popcorn or other goods or merchandise from push carts, mobile wagons, or motor vehicles on public or private property except as authorized and licensed under this ordinance.

- (a) Sales at Construction Sites. At bona fide construction sites ~~of multi-family or commercial structures,~~ a license, as described in Section 18.05(c) of the Business Licensing Ordinance, may be obtained to sell food or other merchandise from motor vehicles located on private property. Licensees must list the construction sites they intend to serve on the license application, and update the list as needed throughout the year.
- (b) Sales on Public Streets and Sidewalks. In order to abate street vending in Park City, except at construction sites, only those street vendors who have continuously renewed their Street Vendors license since 1987, as grandfathered by the City Council pursuant to the minutes of the March 5, 1987 meeting holding valid 1987 Street Vending licenses to sell food or other merchandise on public streets and sidewalks may renew licenses to continue such business.
- ~~(c) Sales on Private Property not Conducted with Enclosed Buildings. Except as allowed in Section 2 and 7(b) of this ordinance and the Land Management Code which authorizes issuance of conditional use permits for certain permanent outdoor business activities, all commercial activity in Park City shall be conducted within fully enclosed buildings. Retail sales not being conducted within enclosed buildings and not authorized under Section 2 and Section 7(b), of this Ordinance and the Land Management Code as permitted conditional uses shall not be permitted or licensed.~~
- ~~(d)~~ (c) Terms and Conditions. Licensed vendors shall be subject to the following terms and conditions:
- (1) License Fee. The license fee for a street vendor's license shall be as set forth by resolution. Licenses shall expire on December 31 of the year of issuance. License fees may be prorated on a monthly basis on licenses granted after March 1 of the year of issue. If the license is not granted, the City shall retain twenty five percent (25%) of the fee to help defray the costs of processing and refund the balance.
  - (2) Health Department Approval. All vendors serving food or garden produce for human consumption from any cart, wagon, or motor vehicle must have the means of preparing, keeping, and serving the foods approved by the Summit County Health Department. This approval, in writing, must be submitted as part of the license application. Withdrawal of

Health Department approval for sanitary or health violations is grounds for revocation of the City license.

~~(3) Police Department Approval. All applications for a street vendor's license, except for those licensed through or as part of an existing Park City restaurant, shall be reviewed by the Police Department. No license shall be granted to applicants who have been convicted or entered a guilty plea to any felony involving the sale of controlled substances, receiving stolen goods, theft or prostitution.~~

(4) (3) Limitation on Locations. Street vendors operating from carts or wagons that are powered by the operator (whether pushed, pulled, or peddled), or with a motor assist may be used on the sidewalks, but not in the streets in any commercial zone within the City. No cart or wagon with an assist motor larger than ten (10) horsepower shall be permitted to operate on the sidewalks. Vending from motor vehicles (which shall include any motorized means of conveyance that is required to be licensed by the State Department of Motor Vehicles) shall be restricted to the sale of food at construction sites only, and all sales from motor vehicles shall occur on private property.

(5) (4) Vendors required to move location. It shall be unlawful for any street vendor to obstruct pedestrian or vehicular traffic on streets or sidewalks. It shall also be unlawful for any street vendor to remain in a fixed location on public sidewalks for more than one hour at a time. Vendors shall move a distance of at least fifty (50) feet from their prior location every hour during which they are conducting business. It shall be unlawful for any street vendor to conduct business in a location that impairs reasonable pedestrian or vehicular access to any adjoining building, alley, yard or other property.

SECTION 4. Section 9 "Outdoor Sales" shall be amended to read as follows:

SECTION 9. OUTDOOR SALES. The City Council Finance Department may grant a license to regularly licensed Park City



businesses, excluding restaurants and food and beverage services, to hold outdoor sales five (5) times a year for a duration of no longer than five (5) days for each outdoor sale, either within the business' own property or on public sidewalks or streets adjoining the business on the following terms.

- (a) License Fee. The license fee for an outdoor sale license shall be as set forth in the Park City License Fee Schedule in addition to regularly issued business license for that business. No outdoor sale license shall be issued if the regular business license is not paid in full.
- (b) Promotion by Merchant's Association. An association representing tenants in a shopping center or other merchant's association representing the businesses in a specific area may apply for an outdoor sale license for the members of that association by providing a list of the merchants participating, and paying a fee which shall be in lieu of and not in addition to the fee assessed against individual businesses. ~~Each merchant is entitled to five outdoor sales per year and each sale may have a duration of not more than five days.~~
- (c) Seasonal Plants. The ~~Finance Department~~ City Council may issue licenses of longer duration to permit the outdoor sale, on a temporary basis, of Christmas trees, landscaping materials, or plants that are of a type and nature that reasonably require the sale to be conducted out of doors. The license fee for this kind of outdoor sale shall be as set forth in the Park City License Fee Schedule and no license shall have a duration of more than eight (8) weeks. These licenses may be issued to any person or business. Sales shall be confined to commercial zones and to property under the possession and control of the applicant.

SECTION 5. Section 13 "Use of Public Property" is hereby amended to read as follows:

SECTION 13. USE OF PUBLIC PROPERTY. With the exception of those licenses listed above which specifically grant the right to make use of the streets or sidewalks, all commercial activity shall be confined to private property and to fully enclosed buildings on that property except as provided by ordinance. The City Council may, however, grant specific temporary licenses to applicants to sell food, beer, or merchandise in city parks or at other locations on public property. In granting these temporary licenses, preference shall be given to non-profit organizations and civic groups

before profit-making businesses are licensed to conduct a temporary business within the parks or on other city property. Such licenses shall be issued only after consideration in a regularly noticed meeting of the Council and execution of a concession contract with the City.

Section 6. Section 15 "Certain Acts Prohibited" shall be amended to read as follows:

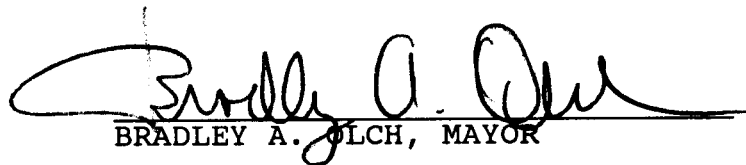
**SECTION 15. CERTAIN ACTS PROHIBITED.** It shall be unlawful for any person, business, corporation, partnership or other entity to attract or attempt to attract people to that person or that licensee's place of business by calling, shouting, hawking, ringing any bells, horn, sounding any siren or other noise making device, or by displaying any light or lantern, or by waving, hailing or otherwise signaling to passersby or by touching or physically detaining them. It shall be unlawful to pass handbills, flyers, or other advertising material by handing such material to passersby, or placing them on porches or vehicles, or attaching them to light or sign posts, or poles. ~~It shall be unlawful for any peddler, solicitor, vendor, or sales person to call upon any household or business which is posted at or near the door thereof with a sign stating "No Soliciting". Owners of property may post entire buildings or private streets by placing such signs at or near the entrance so that the management of any hotel, motel, condominium, office, resort, or other building or property may prevent soliciting on the premises. Any person calling upon a building so posted for the purpose of making any solicitation or offering goods for sale shall be guilty of trespassing, and may be removed by the police upon the request of the owner or occupant of the property. Trespassing is grounds for license revocation.~~

Section 6. This ordinance shall become effective upon its publication.



this 27th day of June, 1991.

PARK CITY MUNICIPAL CORPORATION

  
BRADLEY A. OLCH, MAYOR

ATTEST:  
  
ANITA L. SHELDON, CITY RECORDER

ORDINANCE 91-11

AN ORDINANCE AMENDING ORDINANCE 90-08  
SETTING FORTH THE PROCEDURES FOR  
THE PARKS, RECREATION AND BEAUTIFICATION ADVISORY BOARD MEETINGS

WHEREAS, several vacancies have occurred on the Park City Parks, Recreation and Beautification Board, and in order to transact business a majority of the members of the Board must be in attendance to constitute a quorum; and

WHEREAS, until such time as the Board completes the selection of new members, Parks, Recreation and Beautification Board business must still be conducted,

NOW, THEREFORE BE IT ORDAINED by the City Council of Park City, Utah, as follows:

SECTION 1. Section 5 of Ordinance 90-08 shall be amended to read as follows:

SECTION 5. MEETINGS AND PROCEDURES. The Board shall adopt rules and regulations not inconsistent with the law for governing of its meeting. The Board shall meet a minimum of four times per year with the Board establishing a meeting time and place. Special meetings may be called at the request of the Parks and Recreation Director or Chairman of the Board. A quorum for the transaction of business shall be a simple majority of the Board members. When vacancies occur, a simple majority of the remaining Board members shall constitute a quorum. Minutes shall be kept at all meetings.

SECTION 2. This ordinance shall take effect upon its publication.

DATED this 30th day of May, 1991.

PARK CITY MUNICIPAL CORPORATION

\_\_\_\_\_  
BRADLEY A. OLCH, MAYOR

ATTEST:

\_\_\_\_\_  
ANITA L. SHELDON, CITY RECORDER

Recorded at the request of and return  
to: Park City Municipal Corp.  
P. O. Box 1480, Park City, UT 84060

Ordinance No. 91-10

AN ORDINANCE VACATING A PORTION OF  
PLATTED 5TH STREET RIGHT-OF-WAY  
BETWEEN WOODSIDE AND NORFOLK AVENUE  
PARK CITY, UTAH

Fee Exempt per Utah Code  
Annotated 1953 21-7-2

WHEREAS, the City Council of Park City, Utah is of the opinion that there is good cause for vacating a portion of platted but not constructed 5th Street and that such vacation will not be detrimental to the general interests; and

WHEREAS, the owners of the property abutting the part of the platted 5th Street proposed to be vacated, have consented to this vacation;

NOW, THEREFORE, BE IT ORDAINED by the City Council of Park City, Utah, as follows:

1. Vacation. The following described portion of platted 5th Street as shown on the official Park City Survey should be, and is hereby vacated pursuant to the provisions of Utah Code Annotated Section 10-8-8.2, et. seq.;

Beginning at the southeast corner of Lot 1 Block 28, Park City Survey, said point being on the northerly line of platted Fifth Street; running thence South 66°52'00" West along the southerly line of said Lot 1 and the northerly line of platted Fifth Street a distance of 75.00 feet; thence South 23°38'00" East 3.00 feet; thence North 66°52'00" East 75.00 feet; thence North 23°38'00" West 3.00 feet to the point of beginning. Contains 225.0 square feet.

2. Effective Date. This Ordinance shall take effect upon its publication.

PASSED AND ADOPTED this 30th day of May, 1991.

PARK CITY MUNICIPAL CORPORATION

*Bradley A. Oech*  
Bradley A. Oech, Mayor

Attest:

*Anita L. Sheldon*  
Anita L. Sheldon, City Recorder



BOOK 642 PAGE 718 -719

RECORDED  
D. G. P. C.  
ALAN SPRINGS  
SUMMIT COUNTY RECORDER  
92 JAN 23 AM 10:25  
353107  
Park City Municipal Corp

RECORDED  
2-5-92  
Summit County Recorder

WHEN RECORDED, MAIL TO:

CITY RECORDER  
PARK CITY MUNICIPAL CORPORATION  
P. O. BOX 1480  
PARK CITY, UTAH 84060

CONSENT TO VACATE AND  
WAIVER OF NOTICE

Fee Exempt per Utah Code  
Annotated 1953 21-7-2

The below signed owner being the owner of real proeprty abutting the portion of platted Fifth Street proposed to be vacated by the City Council of Park City, does hereby consent to the vacation proposed by the City Council of Park City of the portion of platted Fifth Street which is located under an existing home at 501 Woodside, to eliminate the encroachment and clear the legal title to this home. The property proposed to be vacated is more particularly described as follows:

Beginning at the southeast corner of Lot 1, Block 28, Park City Survey, said point being on the northerly line of platted Fifth Street; running thence South 66°52'00" West along the southerly line of said Lot 1 and the northerly line of platted Fifth Street a distance of 75.00 feet; thence South 23°38'00" East 3.00 feet; thence North 66°52'00" East 75.00 feet; thence North 23°38'00" West 3.00 feet to the point of beginning. Contains 225.0 square feet.

The below-signed owners waive any and all right to notice of such vacation pursuant to Utah Code Ann. 10-8-8.3, 1953, as amended.

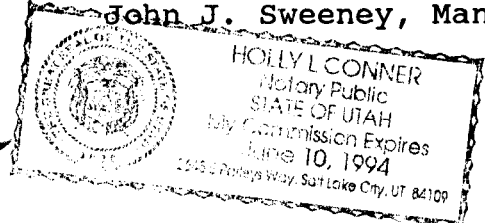
DATED this 18 day of <sup>June</sup>~~May~~, 1991.

SWEENEY LAND COMPANY

BY: John J. Sweeney  
JOHN J. SWEENEY, MANAGING PARTNER

STATE OF UTAH )  
 ) SS  
COUNTY OF SK )

The foregoing Consent to Vacate and Waiver of Notice was acknowledged before me this 18 day of June, 1991, by John J. Sweeney, Managing Partner, who executed the same.



Holly L. Conner  
Notary Public

REC'D  
ALAN SPRIGGS  
SUMMIT COUNTY RECORDER  
DC  
92 JAN 23 AM 10:25  
Park City Municipal Corp

353106

RED NOTE AB 2-5-91  
Jan 16 7:55 AM '91

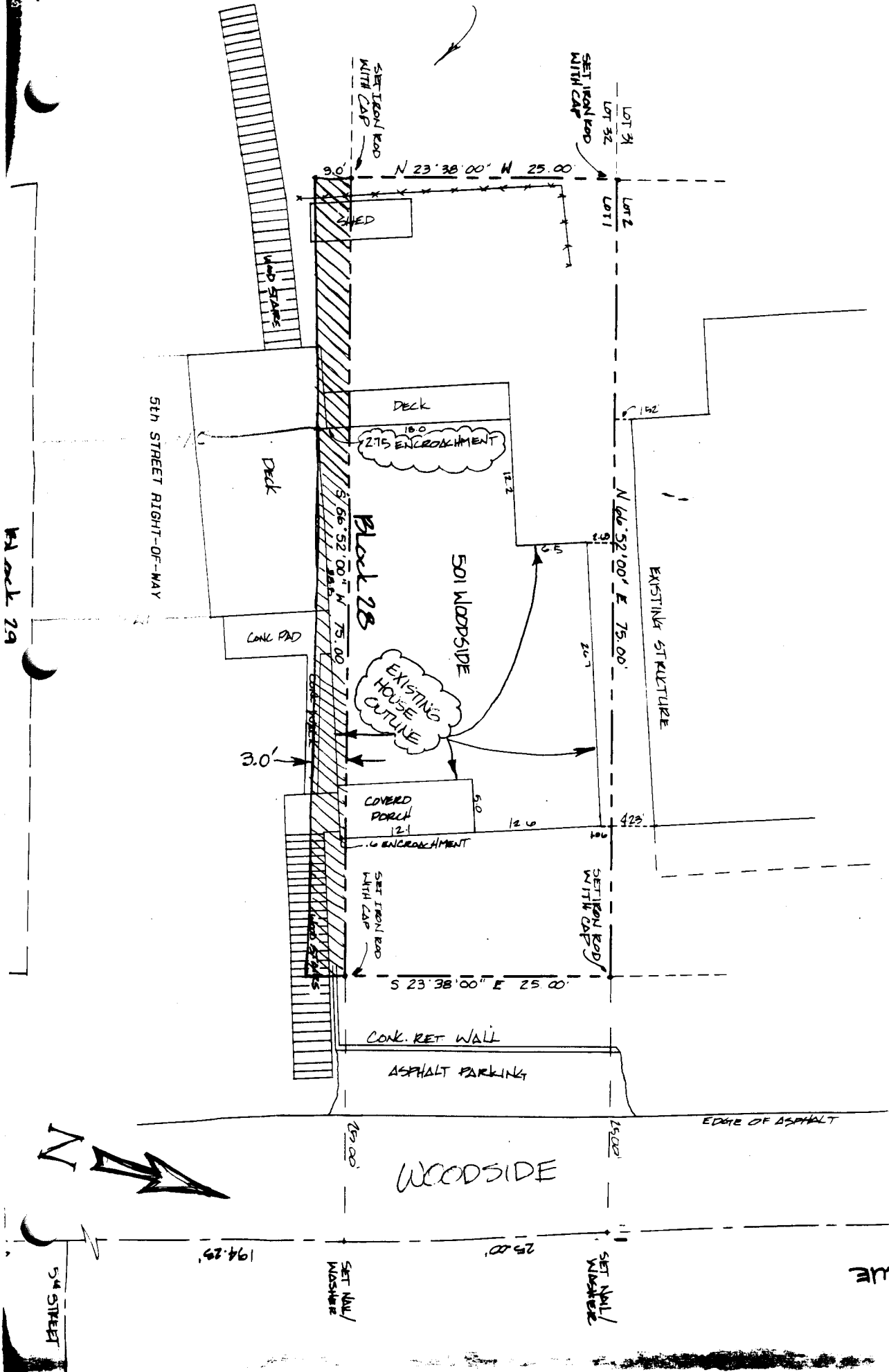
STATE OF UTAH            )  
                                  SS  
COUNTY OF SUMMIT        )

The foregoing ordinance vacating a portion of platted Fifth Street Right-of-Way between Woodside and Norfolk Avenue in Park City, Utah, was acknowledged before me this \_\_\_ day of May, 1991, by Bradley A. Olch, Mayor, who executed the same.

---

NOTARY PUBLIC

SWEENEY



May 23, 1991


City Council of Park City  
445 Marsac Avenue  
P. O. Box 1480  
Park City, Utah 84060

Re: Petition for Vacation of Public Utilities Easement and a  
Portion of Platted Fifth Street Right-of-Way

Honorable City Council:


In accordance with §10-8-8.1, et seq, of the Utah Code Ann. (1953, as amended), the undersigned property owners as owners of the real property which a recent survey has indicated encroaches approximately three feet into the platted but not constructed Fifth Street right-of-way between Woodside and Norfolk Avenues, hereby petitions the City Council to vacate and abandon a portion of said right-of-way to clear title to the home located at 501 Woodside Avenue. In support of the said petition, the undersigned submits that neither the public nor any person will be materially injured by said vacation.

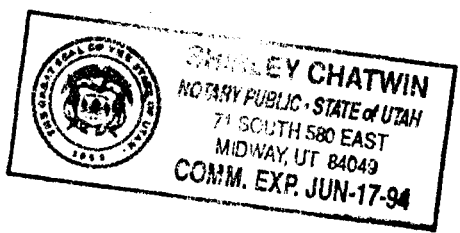
  
PATRICK J. PIRRAGLIO

  
FRANCIS LARAE PIRRAGLIO

STATE OF UTAH            )  
                                  SS  
COUNTY OF SUMMIT    )

The foregoing Petition for Vacation of Public Utilities and a Portion of Platted Fifth Street Right-of-Way was acknowledged before me this 29 day of May, 1991, by Patrick J. Pirraglio and Francis Larae Pirraglio who executed the same.

  
NOTARY PUBLIC





DESCRIPTION OF THREE-FOOT PORTION  
OF PLATTED FIFTH STREET  
ADJACENT TO PIRRAGLIO PROPERTY

MAY 1991

Beginning at the southeast corner of Lot 1, Block 28, Park City Survey, said point being on the northerly line of platted Fifth Street; running thence South  $66^{\circ} 52'00''$  West along the southerly line of said Lot 1 and the northerly line of platted Fifth Street a distance of 75.00 feet; thence South  $23^{\circ} 38'00''$  East 3.00 feet; thence North  $66^{\circ} 52'00''$  East 75.00 feet; thence North  $23^{\circ} 38'00''$  West 3.00 feet to the point of beginning.

Contains 225.0 square feet.

AN ORDINANCE VACATING AND CONVEYING A PORTION  
OF PLATTED EMPIRE AVENUE IN PARK CITY, UTAH

WHEREAS, the City Council of Park City recognizes the unique historic nature of the Historic District of Park City; and

WHEREAS, in some areas of the Historic District, streets were historically built without the benefit of platted rights-of-way; and

WHEREAS, Park City desires to encourage well-maintained owner-occupied homes within the Historic District; and

WHEREAS, the City Council of Park City deems it desirable to vacate and convey a portion of Empire Avenue (where no improvements exist) in exchange for a portion of platted lots (where the public street known as Crescent Tram exists),

NOW, THEREFORE, BE IT ORDAINED by the City Council of Park City, Utah, as follows:

Section 1. That portion of Empire Avenue described as follows is hereby vacated:

A strip of land ten feet in width lying in Empire Avenue and being more particularly described as follows: Beginning at a point South 35°59'00" East 20.00 feet and South 54°01'00" West 15.00 feet from the northwest corner of Lot 19, Block 14, Snyder's Addition to the Park City Survey and running thence South 35°59'00" East 46.19 feet; thence South 89°52'50" West 12.33 feet; thence North 35°59'00" West 38.96 feet; thence North 54°01'00" East 10.00 feet to the point of beginning. Contains 426 square feet.

Section 2. That the City will execute a deed to Dorothy Fay Schreyer (Mrs. Sig Schreyer) for the portion of Empire Avenue described in Section 1 in exchange for the portion of Crescent Tram Road described in Exhibit 1, attached hereto.

PASSED AND ADOPTED this 2nd day of May,  
1991.

PARK CITY MUNICIPAL CORPORATION

  
BRADLEY A. [unclear]

ATTEST:

  
ANITA L. SHELDON, CITY RECORDER

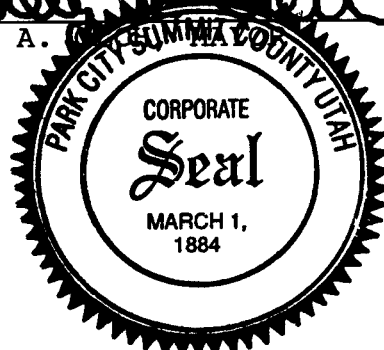


EXHIBIT 1

PORTION OF EXISTING ROAD TO BE DEEDED  
TO THE PARK CITY MUNICIPAL CORPORATION

Beginning at a point South 35°59'00" East 20.00 feet from the northeast corner of Lot 19, Block 14, Snyder's Addition to Park City survey and running thence South 35°59'00" East, 109.10 feet; thence South 54°01'00" West 2.97 feet; thence South 89°52'50" West 1.31 feet; thence North 72°00'00" West 12.10 feet; thence North 61°06'50" West 14.86 feet; thence North 46°00'00" West 21.50 feet; thence North 36°00'00" West 43.50 feet; thence North 41°00'00" West 20.50 feet; thence North 54°01'00" East 23.00 feet to the point of beginning. Contains 2052 square feet.

ORDINANCE 91-8

AN ORDINANCE AMENDING SECTION 4.14 OF THE  
PARK CITY LAND MANAGEMENT CODE TO CLARIFY  
PROCESSING OF DEMOLITION PERMITS

WHEREAS, the Land Management Code stipulates in Section 4.14 that owners of structures with official markers shall not demolish the building, nor alter its exterior appearance, nor build upon nor alter the appearance of the site without first making application to the Historic District Commission; and

WHEREAS, Park City does not have a historic marker program denoting those buildings which are historically significant but does have those buildings noted by historical survey; and

WHEREAS, Park City is in the process of revising Section 4.14 of the Land Management Code to require a more comprehensive review of all historically significant structures requesting demolition permits by the Historic District Commission; and

WHEREAS, this Council deems it to be in the best interest of the citizens of Park City to clarify this section pending the full revision of the demolition process,

NOW, THEREFORE, BE IT ORDAINED by the City Council of Park City as follows:

SECTION 1. Section 4.14 of the Land Management Code is hereby amended as follows:

4.14. DEMOLITION OR ALTERATION OF HISTORIC BUILDINGS OR SITES. ~~The owner of a historic building or site that agrees to the display of an official marker designating the building or site as being of historic significance, shall not move or remove the marker from the building or site, nor demolish the building, nor alter its exterior appearance, nor build upon or alter the appearance of the site, without first making application to the Historic District Commission for such action. Such application shall be made in writing by the owner of the building to the Commission on forms prescribed by the Historic District Commission.~~ The owners of any historically significant structure shall not demolish the building nor alter its exterior appearance without first making application to the Historic District Commission for such action. Such application shall be made in writing by the owner of the building on forms prescribed by the Historic District Commission.

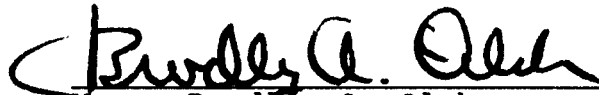
- (a) In the event the Commission recommends denial of the application, and consultations with the owner, as specified in this Section, do not result in an agreement to retain the structure, it shall also recommend whether or not the building or site should be purchased, leased or otherwise be acquired, by the City. Said recommendation shall be forwarded to the Council at its next regular meeting for determination.

(b) Upon denial of the application to alter or demolish, the Historic District Commission shall notify the owner not to remove the official marker nor demolish or alter the exterior appearance of the building or site for a period of three months from the date the denial was issued.

Section 2. Effective date. To maintain the health, safety and general welfare of this community, this ordinance is to become effective immediately upon its passage.

DATED this 25th day of April, 1991.

PARK CITY MUNICIPAL CORPORATION

  
\_\_\_\_\_  
Mayor Bradley A. Olch

Attest:

  
\_\_\_\_\_  
Anita L. Sheldon, City Recorder



Ordinance No. ~~90~~-91-7

**AN ORDINANCE AMENDING CHAPTERS 2 AND 7 OF THE  
LAND MANAGEMENT CODE DELETING REFERENCES TO  
THE LANGUAGE "CHILD NURSERIES" AND "DAY CARE CENTER"**

WHEREAS, on February 21, 1991, at its regularly scheduled meeting, the City Council of Park City adopted Ordinance 91-4 which amended the Land Management Code by creating a new Chapter 14 which regulates child care in the community; and

WHEREAS, with the adoption of these regulations and the establishment of specific definitions regarding child care, the definition and references to "child nurseries" and/or "day care center" are superfluous language and accordingly should be omitted; and

WHEREAS, the City Council has held a public hearing on this procedural amendment on April 25, 1991;


NOW, THEREFORE, BE IT ORDAINED by the Mayor and the City Council that:

SECTION 1. AMENDMENT. Chapter 2, Definitions, is hereby amended to delete the definition of "child nurseries" on Page 3 and the definition of "nurseries, child" on Page 12. The references to "child nursery" and "day care center" on Page 49 in the Land Use Table of Chapter 7 are hereby deleted.

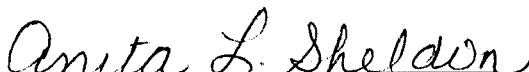
SECTION 2. EFFECTIVE DATE. This amendment shall become effective immediately.

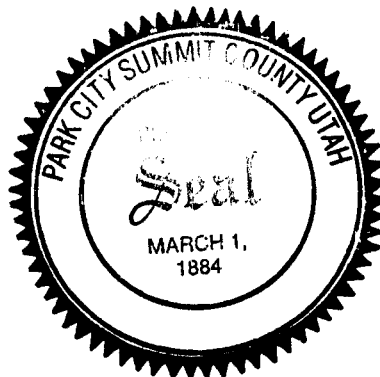
PASSED AND ADOPTED this 25th day of April, 1991.

PARK CITY MUNICIPAL CORPORATION

  
\_\_\_\_\_  
Mayor Bradley A. Olch

Attest:

  
Anita L. Sheldon  
City Recorder



ORDINANCE NO. 91-6

AN ORDINANCE AMENDING SECTION 8.2~~3~~<sup>4</sup>  
OF THE LAND MANAGEMENT CODE TO REVISE PROVISIONS  
REGULATING THE PLACEMENT OF SATELLITE RECEIVING STATIONS.

WHEREAS, the Park City Land Management Code currently regulates the placement of Satellite Receiving Stations; and

WHEREAS, the Planning Commission held a public hearing on this amendment on April 10, 1991 and the City Council on April 11, 1991 at their respective regularly scheduled meetings; and

WHEREAS, the City has now had eight years of experience with those regulations and recognizes some inadequacies in them; and

WHEREAS, the state of the art of Satellite Receiving Stations has changed dramatically; and

WHEREAS, the current provisions need updated based upon experience and the changing technology;

NOW, THEREFORE, BE IT ORDAINED by the City Council of Park City as follows:

Section 1. Chapter 2. Definitions of the Land Management Code shall be amended to add a definition of "antenna":

"Antenna". A device for sending and/or receiving radio, television, or similar communication signals.

The existing definition for "Satellite Receiving Station" shall be repealed and replaced as follows:

" Satellite Receiving Station" shall mean and include any apparatus or device which is designed for the purpose of transmitting and/or receiving radio, television, satellite microwave, or other electromagnetic energy signals between terrestrially and/or orbitally based uses. This definition is meant to include but not be limited to what are commonly referred to as satellite earth stations, satellite microwave antennas, TVRO's or dish antennas. This definition does not include conventional television antennae.

Section 2. Section 1.13 (b) Conditional Use Review Process - The Application shall be amended to add:

"Proposed location of a common satellite receiving station."

Section 3. Section 8.23 Regulation of the Placement of Satellite Receiving Antennas shall be repealed in its entirety and new provisions enacted as follows:

8.23<sup>4</sup> REGULATION OF THE PLACEMENT OF SATELLITE RECEIVING STATIONS

(a) Purpose. To ensure that satellite receiving stations do not have an adverse impact on aesthetic values and public safety in residential, commercial and industrial areas, and the Historic District, installation of these devices is governed by the following regulations. The intent of these requirements is to locate such antennae and equipment where they are least visible from public streets and protect adjacent property owners from adverse visual impacts.

(b) Permit Required. The installation of satellite receiving stations, unless otherwise provided in this ordinance, shall be deemed a permitted use. It shall be unlawful to install any satellite receiving station without first having obtained a building permit from the City. Plans of such satellite receiving station shall be submitted with each application for a building permit, which shall include a site plan indicating the height, color, location, setbacks, foundation detail, landscaping, and screening and such plan shall be subject to approval by the Community Development Department.

(c) Installation Standards. The following standards apply to the installation of a satellite receiving station:

1. **Height.** Ground-mounted receiving stations shall be limited to a maximum height of ten (10) feet above grade. Height of the receiving station shall be measured from the highest point of the apparatus to the finished grade beneath the apparatus, with the apparatus set in its operating position. Finished grade may not be raised to form mounds or berms to accommodate increased heights for receiving stations.

2. **Setbacks.** Satellite receiving stations installed on the ground must maintain all normal building setbacks applicable to the zone in which the station is located.

3. **Location.** All ground based receiving stations



shall be located behind the front facade of the main building on the site. Stations may be allowed in the front yard area if it can be shown that no other reasonable locations are available and that site specific conditions including steep grades, dense vegetation, or other natural features which serve to screen the receiving station exist on the site. A satellite receiving station may be located in the front yard area only upon written approval by the Community Development Department Director.

4. **Screening.** Each satellite receiving station mounted on the ground shall be screened from ground view from public streets, rights-of-way, parks and golf courses through the addition of non-vegetative features and/or landscaping as shall be approved by the Planning Department. Screening shall consist of a combination of design elements involving a variety of sizes, shapes and textures that harmonize with the elements and characteristics of the property. When initially installed, screening shall include at least three (3) tall shrubs or trees the height of which is at least equal to the height of the satellite receiving station, and low level screening to protect the reception window such that the structural base is not visible from beyond the boundaries of the site. A security shall be required to be posted to ensure installation of required screening. The security shall be 125% of the estimated cost of the screening.

5. **Materials and color.** All installations shall employ materials and colors that blend with the surroundings. All receiving stations shall be a dark neutral color and satellite dish antennas shall be of a wire mesh material. Variations may be reviewed by the Community Development Department. Highly reflective materials shall not be permitted.

6. **Roof or wall-mounted.** Roof or wall-mounted satellite receiving stations will be approved only if they do not extend above the ridge line of the roof or wall to which they are attached, are not located on the portion of the roof or wall fronting on any public street, and maintain normal setbacks. Satellite receiving stations on flat roofs may be approved if they are screened by the addition of architectural features which integrate with the characteristics of the structure and are not located on the portion of the roof fronting on any

public street. The receiving station and screening shall not exceed the maximum height limit for the zone, except as allowed by this Code for architectural details such as chimneys, vents, or similar structures. Roof or wall-mounted receiving stations in the Historic District may be approved by the Historic District Commission providing no other feasible location exists and they meet the criteria of this section. The HDC shall review all applications for receiving stations and shall consider screening materials, integration into the structure, visibility, size of the receiving station and such other factors as deemed necessary by the HDC to achieve compatibility of the receiving station with the architecture and aesthetics of the Historic District.

**7. Cables to be underground.** All wires and/or cables necessary for the operation of the receiving station shall be placed underground rather than installed overhead. Wires or cables attached flush with the surface of a building or the structure of the receiving station are the only exceptions.

**8. Multi-family development.** One satellite receiving station shall be allowed per project. A second receiving station may be allowed upon written approval by the Community Development Department Director. A letter from the Owner's Association or Management Committee indicating consent to the location of the satellite receiving station shall be required as part of the permit application filed with the City.

(d) Subdivision and Condominium Covenants. Many subdivision and condominium covenants may address the location of satellite receiving stations within condominium units and the lots of a subdivision. The City is not a party to those covenants, and no permit from the City shall have the effect of overriding or amending those covenants which might be more restrictive than this ordinance. Applicants for permits for the installation of satellite receiving stations are advised to determine what private land use restrictions apply to their site before applying for the permit from the City. If the proposed installation is within the common area of a condominium or planned unit development, and the application submitted is not in the name of the Owner's Association or Management Committee, the applicant shall provide a letter from the Owner's Association or Management Committee indicating consent to the location of the satellite receiving station within the common area

has been granted as a part of the permit application filed with the City.

(e) Penalty. Violations of this ordinance are a Class "C" misdemeanor, and upon conviction, violators may be sentenced to a fine described in the current Park City Criminal Code. If the violator is a licensed contractor or vendor of satellite receiving stations, the business license of the contractor or vendor shall forfeit upon the second conviction within any one calendar year, provided however, that a new license may be issued upon payment of the applicable license fee.

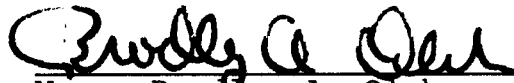
Section 4. Section 10.6(b) Master Planned Developments - The Application - The Site Plan shall be amended to add:

"Proposed placement of a common satellite receiving station."

Section 5. Effective Date. This Ordinance shall take effect immediately.

PASSED AND ADOPTED this 25th day of April, 1991.

PARK CITY MUNICIPAL CORPORATION

  
\_\_\_\_\_  
Mayor Bradley A. Olch

Attest:

  
\_\_\_\_\_  
Anita L. Sheldon, City Recorder



AN ORDINANCE AMENDING SECTIONS 3.1 AND 3.13  
OF THE LAND MANAGEMENT CODE

WHEREAS, the City Council of Park City has enacted Chapter 3 of the Land Management Code to create and establish procedures for the Park City Planning Commission; and

WHEREAS, the Council deems it to be in the best interest of the citizenry of Park City to increase the Commission membership to eight members; and

WHEREAS, the Council deems it to be in the best interest of the Commission and the citizens of Park City to clarify that the Chairman Pro Tem is entitled to vote as a Commission member;

NOW, THEREFORE, BE IT ORDAINED as follows:

SECTION 1. AMENDMENTS. Sections 3.1 and 3.13 are hereby amended as legislatively illustrated:

3.1. PLANNING COMMISSION CREATED. There is hereby created a City Planning Commission to consist of ~~seven~~ eight members. Members shall be appointed by the Mayor with advice and consent of the Council.

3.13. VOTING. Actions of the Commission pass by majority vote. A majority is a simple majority of those members present at the meeting entitled to vote on the matter under consideration. The vote of the Chairman shall be counted only when he votes in order to break a tie vote of the other Commission members. The Commissioner elected Chairman Pro Tem shall, at all times, be entitled to cast his or her vote as a member of the Commission, including those occasions on which he or she is acting as Chairman Pro Tem. Voting to remove an item of business from the consent agenda for ratification of departmental actions shall require an affirmative vote of two-thirds of the members present to pass. Other votes shall be a simple majority.

SECTION 2. EFFECTIVE DATE. This Ordinance shall take effect immediately.

PASSED AND ADOPTED this 28th day of February, 1991.

PARK CITY MUNICIPAL CORPORATION



*Bradley A. Olch*  
\_\_\_\_\_  
Mayor Bradley A. Olch

Attest:

*Janet M. Scott*  
\_\_\_\_\_  
Deputy City Recorder

ORDINANCE NO. 91-4

AN ORDINANCE AMENDING CHAPTERS 2, 7 AND 13 OF THE  
LAND MANAGEMENT CODE, CREATING A NEW CHAPTER 14 WHICH REGULATES  
CHILD CARE AND RENUMBERING SUBSEQUENT SECTIONS

WHEREAS, the Land Management Code does not adequately address the land use regulation of various types of child-care facilities; and

WHEREAS, the demand for child-care for residents as well as visitors is increasing as Park City grows; and

WHEREAS the health, safety, convenience, compatibility, affordability and adaptability are of primary importance in the regulation of child-care facilities; and

WHEREAS, the state of Utah regulates only specific aspects of child-care,

NOW THEREFORE BE IT ORDAINED by the City Council of Park City that the following amendments be made to the Land Management Code to better address child-care issues:

SECTION 1. The following definitions shall be added to Chapter 2 Definitions of the Land Management Code:

Administrative Permit. A permit issued by the planning staff for specified uses after compliance with applicable zoning regulations is determined.

Child Day Care. The provision (day or night) of supplemental parental care, instruction and supervision:

- A. for a non-related child or children;
- B. on a regular basis;
- C. for less than 24 hours a day.

As used in this ordinance, the term is not intended to include babysitting services of a casual, non-recurring nature or in the child's own home. Likewise, the term is not intended to include cooperative, reciprocative child-care by a group of parents in their respective domiciles.

In-Home Babysitting. The provision of child day care for fewer than four children.

Family Day Care. The provision of child day care for four to six children, inclusive, including the provider's own children under the age of 18 if they are cared for in the same area of the structure designated for Family Day Care.

Family Group Care. The provision of child day care for seven to 12 children, inclusive, including the provider's own children who are under the age of 18 if they are cared for in the same area of the structure designated for Family Group Care.

Child Care Center. A center-based facility in which the provision of child day care for 13 or more children occurs on a regular basis.

**SECTION 2.** The Land Use Table in Chapter 7 of the Land Management Code shall be amended to include new categories for in-home babysitting, Family Day Care, Family Group Care and Child Care Center, as shown on Attachment A and footnotes 11 and 12 shall be added as follows:

11. This is not permitted in this zone unless it is for employees of a permitted business with the same business operating as the child care facility.

12. This use shall receive an administrative permit which requires a yearly renewal. (See Section 14.4(g))

**SECTION 3.** Chapter 13 Off-Street Parking, shall be amended to add the following language to Section 13.3(c):

Child Day Care	Specific parking requirements for various types of child day care are specified in Chapter 14 - Child Care Regulations
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**SECTION 4.** A chapter entitled Child Care Regulations, as shown below, shall be inserted into the Park City Land Management Code as Chapter 14 and subsequent chapters shall be renumbered accordingly:

14.1 POLICY AND PURPOSE. It is the intent of Park City to encourage, through the private sector, the provision of child care which meets the fluctuating needs and demands of the City's residents, employees, and employers. The City has determined that health and safety, convenience, compatibility, affordability, and adaptability are of primary importance in the regulation of child care facilities. Accordingly, the City has adopted the following definitions and regulations which are believed to reflect state and national demographic and social trends while also reflecting the unique characteristics of Park City's population and economy.

14.2 IN-HOME BABYSITTING. In home babysitting includes the provision of child care for fewer than four children within a private home, and within commercial buildings outside of residential zones. In-home babysitting shall be permitted in all zoning districts except for the Light Industrial (LI) and Recreation Open Space (ROS) zones, wherein In-home babysitting shall only be allowed if it is for employees of an approved business with the same business providing the child care service. In-home babysitting shall not be regulated by any other child care

provisions contained herein. Standard zoning regulations shall be complied with.

14.3 FAMILY DAY CARE. Family day care is a small scale facility which includes the provision of child day care for four to six children. Family day care in residential zones must be within the provider's primary residence and shall include the provider's own children under the age of eighteen if they are cared for in the same area of the structure designated for family day care. Conformance to the criteria contained herein and all State Building Code requirements meet Park City requirements; however, State licensing requirements for child care may be more restrictive.

A family day care home shall not be permitted in the Light Industrial (LI) or Recreation Open Space (ROS) zones unless it is for the use of the employees of a business, with the same business operating the child care facility. Family day care homes shall be permitted in all other commercial and residential zoning districts subject to issuance of an administrative permit issued by the City Planning Director which shall be subject to the following conditions:

- (a) Parking. One off-street parking space is provided for each nonresident or nonfamily member employee in addition to the underlying parking requirements for residential dwellings. The residential driveway may be used for this purpose if parking is not within the setbacks established for that zone or if the driveway is not required for a drop-off/pick-up area.
- (b) Drop-off/Pick-up Area. Two drop-off/pick-up (parking) spaces must be provided. These spaces can be street parking spaces provided that they are located within 50 feet of the property and can be reached without crossing the street. The driveway may be used for drop-off/pick-up if it is not required for employee or resident parking.
- (c) Play Area Size and Location. A play area of at least 240 sq. ft. shall be provided on-site. No structured area for active play or play structures may be located in a front yard in residential zones.
- (d) Arterial Street. If located on an arterial street, an off-street drop-off/pick-up area is required.
- (e) Signage. All signage must conform to the requirements of the zoning district. (In single family zones, no signage will be permitted for a Family Day Care.)
- (f) Primary Residence. If child care is provided in a residential structure, the structure must be the primary residence of the care provider and the residential character of the house and its lot shall be maintained.

- (g) Multi-family Housing. Family day care in a multi-family housing project (projects which are condominiumized) is a conditional use and must receive Planning Commission approval. Family day care will not be approved for multi-family housing projects unless it can be shown that playground areas are on private property and not within common areas, or unless the applicant gets approval from 100% of the owners for use of the common area, or unless the project was designed to accommodate a child care facility.

14.4 FAMILY GROUP CARE. Family group care is a medium scale facility which includes the provision of child day care for seven to 12 children, inclusive. Family group care in residential zones must be provided within the provider's primary residence and shall include the provider's own children under the age of 18 if they are cared for in the same area of the structure designated for family group care.

A family group home shall not be permitted in the Light Industrial (LI) or Recreation Open Space (ROS) zone unless it is for the use of the employees of a business, with the same business operating the child care facility. Family group homes shall be permitted in all other commercial and residential zoning districts subject to issuance of an administrative permit by the City Planning Director and subject to the same conditions listed in Section 14.3 of this ordinance and subject to the following exceptions and additions:

- (a) Drop-off/Pick-up Area. Four drop-off/pick-up spaces shall be provided (rather than two) with two of the spaces being provided on the site. The driveway may be used for this purpose if the driveway is not necessary for employee or resident parking.
- (b) Density. No more than one family group home may be permitted on any one street or within any 300-foot radius (whichever area is less), and no more than two family group homes may be located in any one 500-foot radius area. Family day care homes and other family child care operations which are not regulated shall not be included in density calculations. Also, family group homes in commercial zones shall not be subject to density restrictions.
- (c) Play Area Size and Location. A play area of at least 480 sq. ft. shall be provided on-site. No structured area for active play or play structures may be located in a front yard in residential zones.
- (d) Screening. Screening of all play areas in residential zones is required. Screening may consist of an opaque fence, berm, dense shrubbery, or similar, subject to Community Development Department approval.
- (e) Structure Inspection Required. The structure shall conform to UBC requirements and shall be inspected and approved by the



Park City Building Department. Prior to inspection, the applicant must notify the Building Department of the number of children that will be cared for in the facility. Additional structural requirements must be met before a family group care permit can be issued for more than ten children.

- (f) Neighborhood Meeting. Prior to permit issuance for a facility in a residential zone, a neighborhood meeting, under the direction of the Community Development Department, shall be held to discuss the proposed facility with property owners within 300 feet of the subject parcel, subject standard notification requirements. Very often neighbors' concerns can be eased by explaining beforehand how the group care home shall be operated. Moreover, the hearing gives the child care provider an opportunity to understand the neighbor's concerns and perhaps modify operational policies or make reasonable modifications to the site plan in an effort to maintain a positive neighborhood relationship.
- (g) One Year Review. The administrative permit shall receive a one time review by the Planning Commission one year following permit issuance. The Review request shall be placed on the consent agenda of the Planning Commission. However, the Staff may determine to place the item under New Business if it is determined that there have been excessive problems related to this use which justify further discussion by the Planning Commission. Such decision shall be based on Staff observation and/or public input received during the past year of operation alleging the following:
- (a) The facility has consistently generated more parking demand than can be handled within 50 feet of the parcel boundary on the same side of the street.
  - (b) The facility has generated noise levels exceeding that allowed by the City's noise and nuisance ordinance.
  - (c) Patrons of the facility have consistently violated traffic laws.
  - (d) The facility and uses or objects related to the facility do not conform to code defined standards.

If the Planning Commission finds that the facility meets all code defined standards and that there have been no excessive problems related to its use, the use shall receive final approval with no further review required. Otherwise, the Planning Commission may either deny continued operation or advise the applicant of specific concerns and require a second review in one year.

- (h) Multi-family Housing. Family group care in a multi-family housing project is a conditional use and must receive Planning Commission approval. Family group care will not be approved

for multi-family housing projects unless it can be shown that playground areas are on private property and not within common areas, or unless the applicant receives approval from 100% of the owners for use of the common area, or unless the project was designed to accommodate a child care facility.

14.5 CHILD CARE CENTER. A child care center is a large scale center based facility in which the provision of child day care for 13 or more children occurs on a regular basis.

A child care center is a permitted use in all nonresidential zones except for the Recreation Open Space (ROS) and Estate (E) zones wherein a conditional use permit is required, and in the Light Industrial (LI) zone where a child care center is not permitted unless it serves the employees of a business, with the business operating the facility, in which case a conditional use permit is required. A child care center may be located within a residential zone with conditional use approval. A site designated and planned for a child care center may be required for all new single and multi-family housing projects if the Planning Commission determines that the project will create additional demands for child care.

The Planning Commission shall consider, as part of the conditional use review, the proposed building for architectural compatibility and shall also consider the following locational guidelines and site requirements during the review process.

(a) Locational Guidelines. For projects within a residential neighborhood, the Planning Commission shall consider the following locational guidelines:

- (1) Traffic will not be encouraged onto local roads within a subdivision and the facility can be conveniently accessed by existing collector roads.
- (2) The facility is on the periphery of the subdivision.
- (3) The facility is adjacent to a school, library, house of worship, or other traditional neighborhood facility with large landscaped areas or playing fields.
- (4) The facility is conveniently accessed by public transportation.
- (5) The subdivision or multi-family project was designed to accommodate a child care center.

(b) Site Requirements. The following site requirements shall be observed. The Planning Commission may grant an exception to these site requirements if it can be shown that the impact of the facility on traffic circulation or on adjacent properties will not be increased if the exception is granted.

- (1) Parking. At least one parking space shall be provided for each on-duty staff person per shift and one space for every six children cared for.
- (2) Circulation. An on-site vehicle turnaround, or separate entrance and exit points, and passenger loading area must be provided.
- (3) Fencing. An opaque fence six feet in height must be installed around all designated play areas. Dense shrubbery may compensate for fencing requirements provided that the lot is secured according to state regulations. If the lot is adjacent to open fields or playgrounds, a less opaque fencing material may be used with Planning Commission approval, but chain link fencing shall not be used in any area of Park City.
- (4) Play Areas. No structured area for active play or play structures may be located in a front yard.
- (5) Density. No more than one child care center shall be permitted in any one residential subdivision or multi-family project. If the center is in a residential zone, it shall be no closer than 300 feet to a family group care home within the same neighborhood. Family day care homes and other family child care operations which are not regulated shall not be included in density calculations.
- (6) Lot Size and Configuration. The minimum lot size for a child care center shall be 12,000 square feet. The lot shall be reasonably standard in its configuration so that all portions are easily developed for child care use. The Planning Commission may, at its discretion, deny a child care center on a lot which is unusually narrow or which does not allow for usable play areas which are contiguous to the structure.
- (7) Setbacks. Standard setbacks shall be observed except that facilities located in residential zones shall provide at least 18-foot side yards and 25-foot rear yards.
- (8) Play Area within Setbacks. No more than 50 percent of the required play area may be within the standard setback area of the lot as defined in the underlying zone unless the setback area is adjacent to perpetual open space or playing fields.
- (9) Signage. One small sign, either free-standing or wall mounted, may be permitted for a day care center. The sign must be no larger than six square feet, setback at least ten feet from the property line and must conform to all other criteria of the Park City Sign Code.

14.6 REVIEW OF ORDINANCE. This ordinance shall be reviewed by the Planning Commission and the City Council one year following its enactment.

SECTION 5. This ordinance shall take effect upon its publication.

PASSED AND ADOPTED this ~~20th~~ <sup>21st</sup> day of February, 1991.

PARK CITY MUNICIPAL CORPORATION

  
BRADLEY A. OLCH, MAYOR

ATTEST:

  
ANITA L. SHELDON, CITY RECORDER



Recorded at the request of and return  
to: Park City Municipal Corp.  
P. O. Box 1480, Park City, UT 84060  
ATTN: CITY RECORDER

ORDINANCE 91-3

Fee Exempt per Utah Code  
Annotated 1953 21-7-2

AN ORDINANCE VACATING A PORTION  
OF A TEN-FOOT WIDE NONEXCLUSIVE  
UTILITIES EASEMENT LOCATED IN LOTS 38 & 39  
OF THE RISNER RIDGE SUBDIVISION

WHEREAS, the owners of the adjoining property have petitioned the Park City Council for a vacation of a portion of a ten-foot wide non-exclusive utilities easement located on Lots 38 and 39 of Risner Ridge Subdivision; and

WHEREAS, these two lots have been developed as one lot and a house is now located across this utility easement making the easement no longer necessary; and

WHEREAS the vacation of this easement will return full use of this property to the owners of the property,

NOW, THEREFORE, BE IT ORDAINED by the City Council of Park City, Utah, as follows:

SECTION 1. The City Council of Park City hereby vacates the public utilities easement described as follows:

The easterly five feet of Lot 38 and the westerly five feet of Lot 39, Risner Ridge Subdivision, Park City, Summit County, Utah, as platted and recorded as Entry No. 290977 in the Summit County Recorder's office, excepting therefrom the northerly ten feet and the southerly five feet of the above-described parcels.

SECTION 2. This ordinance shall take effect upon its publication.

PASSED AND ADOPTED this 7th day of February, 1991.

PARK CITY MUNICIPAL CORPORATION

*Bradley A. Olch*  
BRADLEY A. OLCH, MAYOR

ATTEST:

*Anita L. Sheldon*  
ANITA L. SHELDON, CITY RECORDER



RECD BY *Dg* *DC*

ALAN SPRIGGS  
SUMMIT COUNTY RECORDER

91 FEB 13 AM 10:21

*Park City Municipal*

RED NOTE  
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336488

BOOK 596 PAGE 118

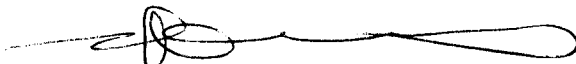
January 22, 1991

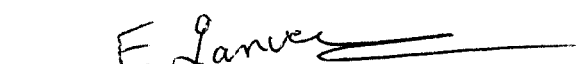
City Council of Park City  
445 Marsac Avenue  
P. O. Box 1480  
Park City, Utah 84060

Re: Petition for Vacation of Public Utilities Easement

Honorable City Council:

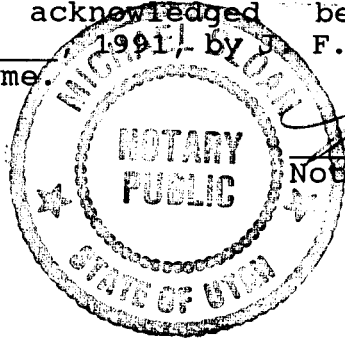
In accordance with § 10-8-8.1 of the Utah Code Ann. (1953, as amended), the undersigned property owners as owners of all the real property burdened by a ten-foot wide public utilities easement located in Lots 38 and 39 of Risner Ridge Subdivision, more particularly described as the easterly five feet of Lot 38 and the westerly five feet of Lot 39, Risner Ridge Subdivision, Park City, Summit County, Utah, as platted and recorded as Entry No. 290977 in the Summit County Recorder's office, excepting therefrom the northerly ten feet and the southerly five feet of the above-described parcels, hereby petitions that the City Council vacate and abandon said easement. In support of said petition, the undersigned submits that neither the public nor any person will be materially injured by said vacation.


  
\_\_\_\_\_  
J. F. Lanvers

  
\_\_\_\_\_  
Evelyne Lanvers

STATE OF UTAH            )  
                                  SS  
COUNTY OF                )

The foregoing Petition for Vacation of Public Utilities Easement was acknowledged before me this 1 day of Feb. 1991 by J. F. Lanvers and Evelyne Lanvers, who executed the same.



  
\_\_\_\_\_  
Notary Public

Recorded at the request of and returned to: Park City Municipal Corp.  
P. O. Box 1480, Park City, UT 84060  
ATTN: CITY RECORDER

ORDINANCE NO. 91-2

**AN ORDINANCE REZONING THE NORTH HALF OF THE SPORTS FACILITY PARCEL IN DEER VALLEY FROM RESIDENTIAL DEVELOPMENT-MASTER PLANNED DEVELOPMENT TO RECREATION OPEN SPACE AND AMENDING THE OFFICIAL ZONING MAP OF PARK CITY, UTAH**

Fee Exempt per Utah Code Annotated 1953 21-7-2

WHEREAS, the Park City Land Management provides the City Council authority to create zoning designations and amend zoning provisions and the Official Zoning Map; and

WHEREAS, a public hearing was legally noticed and heard before the Planning Commission at its regularly scheduled meeting of January 23, 1991 to receive public input on the rezoning of the parcel described in the above title and more particularly described below; and

WHEREAS, on January 23, 1991, the Planning Commission forwarded a recommendation to the City Council to approve the rezoning of such parcel; and

WHEREAS, a public hearing was legally noticed and heard before the City Council at its regularly scheduled meeting of January 31, 1991 to receive public input on the rezoning of the parcel described below; and

WHEREAS, the City Council deems it appropriate that the subject parcel be duly zoned to Recreation Open Space (ROS) in consideration of adjacent zoning and the findings and conditions of the Planning Commission with regard to the amendment to the Deer Valley Special Exception Permit of October 10, 1990.

NOW, THEREFORE, BE IT ORDAINED by the City Council that:

SECTION 1. OFFICIAL ZONING MAP AMENDED. The Official Park City Zoning Map shall be amended to apply the ROS zoning to the following described parcel:

Beginning at a point which is South 1248.13 feet and East 488.645 feet from the East quarter corner of Section 16, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said point also being on the westerly right-of-way of Deer Valley East Road as recorded, and running thence South 40°40'00" East along said right-of-way line 170.30 feet; thence West 332.69 feet to a point on the easterly edge of a 10 foot non-exclusive utility easement, thence South 59°04'00" East along said easement 49.70 feet; thence North 200.22 feet thence South 89°20'03" East 377.33 feet to the point of beginning. Contains 65,453 square feet or 1.503 acres.

*FILED NOTE AB 2/26/91*  
*336489*  
*Park City Municipal*

91 FEB 13 AM 10:21

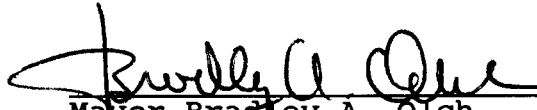
CLERK OF DISTRICT COURT  
SALT LAKE COUNTY  
RECORDED

Dg

SECTION 2. EFFECTIVE DATE. This Ordinance shall become effective upon publication.

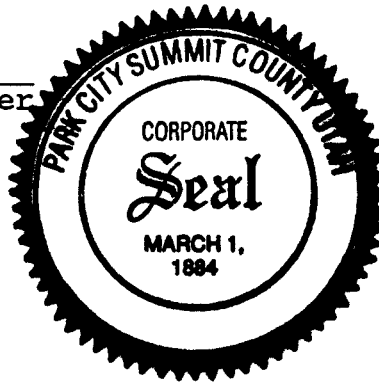
PASSED AND ADOPTED this 7th day of February, 1991.

PARK CITY MUNICIPAL CORPORATION

  
\_\_\_\_\_  
Mayor Bradley A. Olch

Attest:

  
\_\_\_\_\_  
Anita L. Sheldon, City Recorder





ORDINANCE NO. 90- 1

AN ORDINANCE AMENDING SECTIONS 14 AND 15  
OF ORDINANCE 82-17 TO CLARIFY DEVELOPMENT AND CONNECTION FEES

WHEREAS, it is desirable to provide reasonable flexibility in the determination of water development and connection fees for unique circumstances,

NOW, THEREFORE, BE IT ORDAINED by the City Council of Park City, Utah, as follows:

**SECTION 1.** Section 14 of Ordinance 82-17 is hereby amended as follows:

**SECTION 14. WATER DEVELOPMENT FEES.** In order to cover the costs involved in the development of a water supply and water system adequate to serve new development, and to provide for the acquisition of additional water rights sufficient to serve future development, a water development fee as established by resolution is to be paid to the Building Official at the time building permits are issued according to the following schedule:

**Outside irrigation** Shall be assessed per square foot of disturbed area or unprotected area. A rebate of up to 50% may be allowed where approved water conservative landscaping is utilized.

**Single Family and Multi-Family**

**Residential Development** Shall be assessed based on square footage and number of bedrooms.

**Non-Residential Development** Shall be assessed based on fixture units.

For uses and conditions not covered above, the water development fee will be determined by the Building Official upon approval by the City Manager. Non-habitable, non-water using space such as parking garages and storage rooms, etc., is not included in the calculation of the fee. The water development fee is based on the costs to the City of acquiring water rights and developing water sources, which costs may change. In order to account for changes in water rights acquisition and development costs, and in order to more equitably allocate the burden of development between commercial and residential use, the Water Development Fee may be adjusted administratively by the City Manager, based on the recommendation of the Public Works Director. Administrative adjustments shall be reviewed by the City Council at three-year intervals, beginning in May, 1993, and shall be ratified, modified or rescinded.

A credit against the applicable Water Development Fee may be granted by the Park City council, in its sole discretion, in the event water rights acceptable to the Council are donated to Park City. Upon receiving an offer of donation of water rights, the Council will request a written opinion from the City Attorney as to

the point of diversion, priority of right, place of use, nature of use, quality, quantity and title to the offered rights. The credit granted, if any, will be negotiated between the City and the developer on a case-by-case basis.

**SECTION 2.** Section 15 of Ordinance 82-17 is hereby amended as follows:

**SECTION 15. WATER CONNECTION FEES/FIRE STANDBY FEES.** In order to amortize the cost of the city's water system, a fee as established by resolution is to be paid to the building official at the time the building permits are issued.

**Outside irrigation** Shall be assessed per square foot of disturbed area or unprotected area. A rebate of up to 50% may be allowed where approved water conservative landscaping is utilized.

**Single Family and Multi-Family Residential Development.** Shall assessed on the square footage and the number of bedrooms.

**Non-Residential Commercial Development**

The Connection Fee will be the larger of; 1), the Fire Standby Fee calculated per square foot of sprinkled or unsprinkled areas or 2), the Water Use Fee calculated per fixture unit

For uses and conditions not covered above, the water connection fee will be determined by the Building Official upon approval of the City Manager. The Connection Fee is based on the per-unit cost of the City's water system, and may be adjusted administratively by the City Manager upon recommendation by the Public Works Director when audit of the system and the number of users connected to the system shows an adjustment is warranted. Administrative adjustments shall be reviewed by the City Council at three-year intervals, beginning in May, 1993, and may be ratified, modified or rescinded.

**SECTION 3.** This Ordinance shall take effect upon its publication.

DATED this 10th day of January, 1991.

PARK CITY MUNICIPAL CORPORATION

  
MAYOR BRADLEY A. OLCH

ATTEST:

  
ANITA L. SHELDON, CITY RECORDER

