

ORDINANCE

Ordinance No. 83-2(1)

AN ORDINANCE AMENDING SECTION 3, ORDINANCE 83-2
PROVIDING FOR THE ELECTION OF A MAYOR PRO TEMPORE
FROM THE CITY COUNCIL

WHEREAS the City Council has found that rotating the position of Mayor Pro Tempore would be a more effective and efficient manner to provide a Mayor Pro Tempore; and,

WHEREAS, the City Council desires to chose council members to rotate a Mayor Pro Tempore for a period to exceed one year; and

WHEREAS, the term of Mayor Pro Tempore shall be determined by the City Council;

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

Section 1. Section 3 of Ordinance 83-2 should be and is hereby amended to read as follows:

Section 3. 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 less than one year 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.

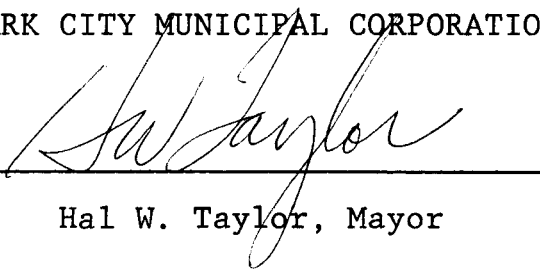
Section 2. The other sections of Ordinance 83-2 shall remain unchanged.

Section 3. This amendment shall take effect upon publication.

Dated this 30th day of January, 1986.

PARK CITY MUNICIPAL CORPORATION

By



Hal W. Taylor, Mayor

Attest:



City Recorder

ORDINANCE

Ordinance No. 83-1

AN ORDINANCE ESTABLISHING A REGULAR MEETING DATE, TIME AND LOCATION FOR MEETINGS OF THE CITY COUNCIL OF PARK CITY, UTAH, FOR 1983

BE IT ORDAINED BY THE CITY COUNCIL OF PARK CITY:

Section 1. REGULAR MEETING DATE. The regular meetings of the Park City City Council shall be held every Thursday at 5 p.m. at the City Hall or Memorial Building or Marsac Building, except when the regular meeting date is a holiday, then the meeting shall not be held.

Section 2. NOTICE OF PUBLIC MEETING, indicating the specific location of the meeting and the agenda, will be posted outside City Hall at least twenty-four hours prior to each regular meeting and same delivered to the local news media.

Section 3. WORK SESSIONS. Prior to the regular Council meeting, work sessions shall be held by the Council from 1 p.m. until 5 p.m. at City Hall unless otherwise specified on the agenda. No Council action shall be taken during these work sessions, but the public will be invited to attend to discuss, informally, areas of concern, with the City Council.

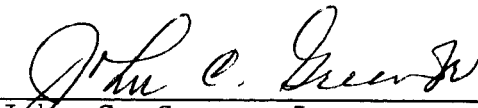
Section 4. EFFECTIVE DATE. This Ordinance shall take effect on publication.

DATED THIS 6th day of January, 1983.

Specific meeting dates for 1983 are as follows:

January 6, 13, 20, 27	July 7, 14, 21, 28
February, 3, 10, 17, 24	August 4, 11, 18, 25
March, 3, 10, 17, 24, 31	September 1, 8, 15, 22, 29
April, 7, 14, 21, 28	October 6, 13, 20, 27
May, 5, 12, 19, 26	November 3, 10, 17, 24
June, 2, 9, 16, 23, 30	December 1, 8, 15, 22, 29

PARK CITY MUNICIPAL CORPORATION



John C. Green, Jr.
Mayor



AN ORDINANCE PROVIDING FOR THE ELECTION OF
A MAYOR PRO TEMPORE FROM THE CITY COUNCIL

WHEREAS it is necessary to make some provision for the exercise of the powers of the elected Mayor in the absence or disability of the Mayor, and

WHEREAS the Utah Code provides for the election from the Council of a Mayor Pro Tempore to act in the absence, disability, or disqualification of the elected Mayor;

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

1. Office Created. There is hereby created the office of the Mayor Pro Tempore of Park City. The office shall be filled by a member of the City Council elected by the Council by majority vote.

2. 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.

3. Election, Term of Office. An election shall be held by the City Council at their first regularly scheduled meeting in each calendar year for the purpose of electing a Mayor Pro Tempore for the ensuing year. The person elected by and from the Council shall serve for one year, or until the Council electes a new Mayor Pro Tempore. 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.

4. 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 Moyor Pro Tempore for that meeting or that purpose, and note the election in

the minutes of the meeting in which the election occurred.

5. 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.

6. Vacancy in Office of Mayor. In the event the office of Mayor is vacated due to the death or resignation of the elected 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. §10-3-303.)

7. Compensation. The Council Member serving as Mayor Pro Tempore shall not be entitled to additional compensation for filling that office, and shall receive only the normal compensation paid to Council Members.

8. Effective date. This ordinance shall take effect on publication.

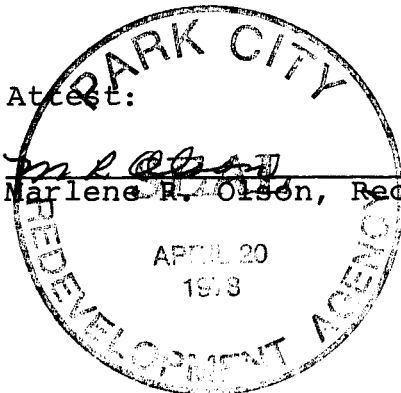
Passed and Adopted this 6th of January, 1983.

PARK CITY MUNICIPAL CORPORATION

By: John C. Green, Jr.
John C. Green, Jr., Mayor

Attest:

Marlene R. Olson
Marlene R. Olson, Recorder



ORDINANCE

Ordinance No. 83-3

AN ORDINANCE CONCERNING ADMINISTRATION
OF BUILDING AND PLANNING RELATED ORDINANCES

WHEREAS, reasonable and internally consistent ordinance interpretation is critical to the effective administration of building and planning related ordinances;

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

SECTION 1. ORDINANCE ADMINISTRATION. The Community Development Director, under the supervision of the City Manager, shall have responsibility for the enforcement, administration, application, and interpretation of the following codes and ordinances of Park City:

- (a) Uniform Building Code;
- (b) All other building and mechanical codes, including fire, electrical, plumbing, and dangerous building codes, as adopted, or as subsequently amended or enacted;
- (c) The Land Management Code, as adopted or as subsequently amended or enacted;
- (d) Standard Engineering Specifications for Park City, as adopted or as subsequently amended or enacted;
- (e) Park City Sign Code, as adopted or as subsequently amended or enacted, and
- (f) Park City Subdivision Ordinance, as adopted or as subsequently amended or enacted.

SECTION 2. SUBSTANTIAL COMPLIANCE PERMITTED. To avoid unnecessary review by city agencies and disputes over the application of ordinances, whenever there are practical difficulties involved in strict application of the provisions of the codes and ordinances listed above, the Community Development Director is granted the authority to make specific modifications to strict compliance with the codes and ordinances, provided that any such modification is

granted on the basis of an identified site-specific reason that makes strict compliance impossible or impractical, that the standards of this ordinance are met, and that the modification results in substantial compliance with the intent of the code or ordinance to which the modification is granted. Any time a modification of strict compliance is made, the Community Development Director shall note the modification and the specific reasons why it was granted. The Director shall maintain a file of all modifications granted. The Director may also document requests for modifications that were denied.

SECTION 3. CONDITIONS FOR GRANTING MODIFICATION.

The Community Development Director may grant a modification to strict compliance with the codes or ordinances listed above when:

- (a) the impact of the modification on adjoining properties is negligible or insignificant;
- (b) the net effect of requiring only substantial compliance provides a functionally or structurally equal structure, site, plan, or improvement, both for the owner of the subject property and for the city as a whole;
- (c) there is no material increase in the burdens on city services created by granting the modification;
- (d) there is no material increase in any risks to health or safety created by granting the modification so that conditions relative to health and safety are not materially worsened from the condition that would have existed had strict compliance been required;
- (e) the modification serves to eliminate potentially dangerous or undesirable health, safety, traffic, structural, drainage, erosion control, architectural or similar conditions that would

result from requiring strict compliance with the codes;

- (f) there are incompatible ordinance provisions, affecting the same issue, that make strict compliance with all applicable provisions impossible due to unusual circumstances not within the contemplation of the ordinances, or mutually exclusive provisions; or
- (g) when situations arise that are not specifically addressed by the codes, but could be under the purview of one or more ordinance provisions and a ruling on which provisions apply is necessary to go forward.

SECTION 4. SCOPE OF MODIFICATIONS. Any modification granted under this ordinance may affect the requirements, provisions, or terms of any of the codes or ordinances listed above, whether those provisions are specific in nature or require interpretation, and whether the provisions in question address substantive or procedural requirements. This ordinance, and modification granted under it shall not be used to circumvent the clear intent of any ordinance, or to grant rights or privileges to one property owner that are not generally available to owners of like property or like projects under the same general conditions or circumstances. Modifications shall not be so broad as to exceed a standard of substantial compliance with the code or ordinance in question. Wherever modifications greater than substantial compliance are requested, the matter shall be referred to the appropriate Board of Adjustment, Board of Appeals, Commission, or Council.


SECTION 7. AMENDMENT OF OTHER CODES AND ORDINANCES. To the extent the codes and ordinances listed above, or their successor provisions specifically vest administrative decision-making authority in persons other than the Community Development Director, those provisions

are hereby amended to vest that discretion in the Community Development Director, or those officers or officials that he might delegate the authority to, provided that all decisions are subject to supervision by the City Manager.

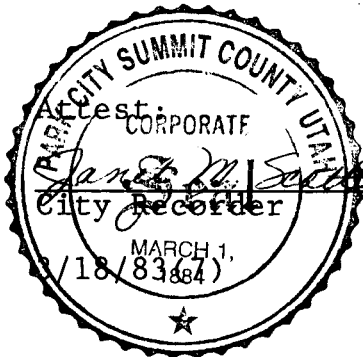
SECTION 7. EFFECTIVE DATE. This ordinance shall be effective upon publication.

DATED this 17th day of March, 1983.

PARK CITY MUNICIPAL CORPORATION



Mayor John C. Green, Jr.



ORDINANCE 83-4(1)

AN ORDINANCE AMENDING ORDINANCE 83-4
UNIFORM LOCAL SALES AND USE TAX

WHEREAS the Legislature of the State of Utah has amended the formula for distribution of sales tax; and,

WHEREAS the amendment by the Legislature has become law; and,

WHEREAS the City Council of Park City, Utah desires that its ordinance be uniform to the State law;

NOW THEREFORE BE IT ORDAINED that the following sections of Ordinance 83-4, the Uniform Local Sales and Use Tax Ordinance be amended as follows:

SECTION 1. Sections 2, 3, 4 and 5 shall be amended to read as follows:

Section 2. Purpose. The 45th session of the Utah Legislature authorized municipalities of the State of Utah to enact Sales and Use Tax Ordinances imposing a 58/64 of one percent tax effective July 1, 1986.

It is the purpose of this ordinance to levy and impose a 58/64 percent local option sales and use tax, to authorize and designate the Utah State Tax Commission as agent for the municipality to collect the tax and to conform with the requirements of the Uniform Local Sales and Use Tax law of Utah, Chapter 9, Title 11, Utah Code Annotated, 2953.

Section 3. Effective Date. This ordinance shall become effective as of 12:01 o'clock a.m., July 1, 1986. The provisions of the previously enacted Uniform Local Sales and Use Tax ordinance of the municipality which is repealed hereby and which are in conflict herewith shall continue effective until 12:00 o'clock midnight, June 30, 1986. The provisions of the amended ordinance which are not in conflict with said former unamended ordinance shall be deemed to be a continuation thereof and any rights, duties and obligations arising thereunder shall not in any way be deemed abrogated or terminated.

Section 4. Sales Tax.

A. (1) From and after the effective date of this ordinance, there is levied and there shall be collected and paid a tax on every retail sale of tangible personal property, services and meals made within the municipality at the rate of 58/64 percent.

Section 5. Use Tax.

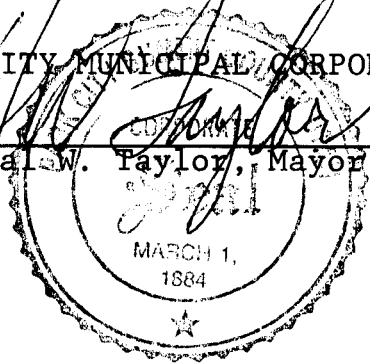
A. An excise tax is hereby imposed on the storage, use or other consumption in this municipality of tangible personal property from any retailer on or after the operative date of this ordinance for storage, use or other consumption in the municipality at the rate of 58/64 percent of the sales price of the property.

SECTION 2. All sections of Ordinance 83-4 not affected by this amendment shall remain in full force and effect.

Amended this 31st day of July, 1986.

PARK CITY MUNICIPAL CORPORATION

By  _____
Hal W. Taylor, Mayor



Attest:



City Recorder

AN ORDINANCE IMPOSING A SEVEN-EIGHTHS PERCENT LOCAL SALES AND USE TAX, PROVIDING FOR THE PERFORMANCE BY THE STATE TAX COMMISSION OF ALL FUNCTIONS INCIDENT TO THE ADMINISTRATION, OPERATION AND COLLECTION OF A SALES AND USE TAX HEREBY IMPOSED, AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF.

Be it ordained by the Park City council:

Section 1. TITLE. This ordinance shall be known as the "Uniform Local Sales and Use Tax Ordinance" of Park City, Utah.

Section 2. PURPOSE. The 45th session of the Utah Legislature authorized municipalities of the State of Utah to enact Sales and Use Tax Ordinances imposing a seven-eighths of one percent tax.

It is the purpose of this ordinance to levy and impose a seven-eighths percent local option sales and use tax, to authorize and designate the Utah State Tax Commission as agent for the municipality to collect the tax and to conform with the requirements of the Uniform Local Sales and Use Tax law of Utah, Chapter 9, Title 11, Utah Code Annotated, 1953.

Section 3. EFFECTIVE DATE. This ordinance shall become effective as of 12:01 o'clock a.m., July 1, 1983. The provisions of the previously enacted Uniform Local Sales and Use Tax ordinance of the municipality which is repealed hereby and which are in conflict herewith shall continue effective until 12:00 o'clock midnight, June 30, 1983. The provisions of this ordinance which are not in conflict with said former ordinance shall be deemed to be a continuation thereof and any rights, duties and obligations arising thereunder shall not in any way be deemed abrogated or terminated.

Section 4. SALES TAX.

A. (1) From and after the effective date of this ordinance, there is levied and there shall be collected and paid a tax on every retail sale of tangible personal property, services and meals made within the municipality at the rate of seven-eighths percent.

(2) For the purpose of this ordinance, all retail sales shall be presumed to have been consummated at the place of business of the retailer unless the tangible personal property sold is delivered by the retailer or his agent to an out-of-state destination or to a common carrier for delivery to an out-of-state destination. If a retailer has no permanent place of business in the state, or has more than one place of business, the place or places at which the retail sales are consummated shall be as determined under the rules and regulations prescribed and adopted by the State Tax Commission. Public utilities as defined by Title 54, Utah Code Annotated, 1953, shall not be obligated to determine the place or places within any county or municipality where public utilities services are rendered, but the place of sale or the sales tax revenues arising from such

service allocable to the municipality shall be as determined by the State Tax Commission pursuant to an appropriate formula and other rules and regulations to be prescribed and adopted by it.

B. (1) Except as hereinafter provided, and except insofar as they are inconsistent with the provisions of the Uniform Local Sales and Use Tax law of Utah, all of the provisions of Chapter 15, Title 59, Utah Code Annotated, 1953, as amended, and in force and effect on the effective date of this ordinance, insofar as they relate to sales taxes, excepting sections 59-15-1 and 59-15-21 thereof, and excepting for the amount of the sales tax levied therein, are hereby adopted and made a part of this ordinance as though fully set forth herein.

(2) Wherever, and to the extent that in Chapter 15 of Title 59, Utah Code Annotated, 1953, the State of Utah is named or referred to as the taxing agency, the name of this municipality shall be substituted therefor. Nothing in this subparagraph (b) shall be deemed to require substitution of the name of the municipality for the word "State" when that word is used as part of the title of the State Tax Commission, or of the Constitution of Utah, nor shall the name of the municipality be substituted for that of the State in any section when the result of that substitution would require action to be taken by or against the municipality or any agency thereof, rather than by or against the State Tax Commission in performing the functions incident to the administration or operation of this ordinance.

(3) If an annual license has been issued to a retailer under section 59-15-3, Utah Code Annotated, 1953, an additional license shall not be required by reason of this section.

(4) There shall be excluded from the purchase price paid or charged by which the tax is measured:

(a) The amount of any sales or use tax imposed by the State of Utah on a retailer or consumer;

(b) Receipts from the sale of tangible personal property on which a sales or use tax has become due by reason of the same transaction to any other municipality and any county in the State of Utah, under a Sales or Use Tax Ordinance enacted by that county or municipality in accordance with the Uniform Local Sales and Use Tax law of Utah.

Section 5. USE TAX.

A. An excise tax is hereby imposed on the storage, use, or other consumption in this municipality of tangible personal property from any retailer on or after the operative date of this ordinance for storage, use or other consumption in the municipality at the rate of seven-eighths percent of the sales price of the property.

B. (1) Except as hereinafter provided, and except insofar as they are inconsistent with the provisions of the Uniform Local Sales and Use Tax law of Utah, all of the provisions of Chapter 16, Title 59, Utah Code Annotated, 1953, as amended and in force and effect on the effective date of this ordinance, applicable to use taxes, excepting the provisions of sections 59-16-1 and 59-16-25 thereof, and excepting for the amount of the tax levied therein, are hereby adopted and made a part of this section as though fully set forth herein.

(2) Wherever and to the extent that in Chapter 16 of Title 59, Utah Code Annotated, 1953, the State of Utah is named or referred to as the taxing agency, the name of Park City shall be substituted therefor. Nothing in this subparagraph B shall be deemed to require the substitution of the name of this municipality for the word "State" when that word is used as part of the title of the State Tax Commission, or of the Constitution of Utah, nor shall the name of the municipality be substituted for that of the State in any section when the results of that substitution would require action to be taken by or against the municipality or any agency thereof, rather than by or against the State Tax Commission in performing the functions incident to the administration or operation of this ordinance.

(3) There shall be exempt from the tax due under this section:

(a) The amount of any sales or use tax imposed by the State of Utah upon a retailer or consumer;

(b) The storage, use or other consumption of tangible personal property, the gross receipts from the sales of or the cost of which has been subject to sales or use tax under a sales or use tax ordinance enacted in accordance with the Uniform Local Sales and Use Tax law of Utah by any other municipality and any county of the State.

Section 6. The mayor is authorized to execute whatever documents are necessary to distribute sales and use tax revenues on the combination of point of sale and population factors set forth in section 11-9-5, Utah Code Annotated 1953.


Section 7. CONTRACT WITH STATE TAX COMMISSION. Heretofore, this municipality has entered into an agreement with the State Tax Commission to perform all functions incident to the administration or operation of the Sales and Use Tax Ordinance of the municipality. That contract is hereby confirmed and the mayor is hereby authorized to enter into such supplementary agreement with the State Tax Commission as may be necessary to the continued administration and operation of the Local Sales and Use Tax Ordinance of the municipality as reenacted by this ordinance.

Section 8. PENALTIES. Any person violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punishable by a fine in an amount less than \$299.00 or imprisonment for a period of not more than six months, or by both such fine and imprisonment.

Section 9. SEVERABILITY. If any section, subsection, sentence, clause, phrase, or portion of this ordinance, including but not limited to any exemption is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

It is the intention of the Park City council that each separate provision of this ordinance shall be deemed independent of all other provisions herein.

Passed and ordered unanimously by the Park City council this 28th day of April, 1983.


MAYOR
John C. Green, Jr.

ATTEST:


CITY RECORDER

DATE OF FIRST PUBLICATION OR POSTING: May 5, 1983.

ORDINANCE

5-9
3-9
A 512

Ordinance No. 83-5

AN ORDINANCE CHANGING THE NAMES OF CERTAIN STREETS
WITHIN THE AERIE SUBDIVISION OF PARK CITY, UTAH

WHEREAS, the City has approved and caused to be recorded the plat for the Aerie Subdivision in Park City, and

WHEREAS, the owners of the subdivision have petitioned the City to change the names of certain streets within that subdivision, and

WHEREAS, the City Planning Department has reviewed the request and finds that the change in street names will not result in duplication of other names, and will result in clarification of various through streets;

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

1. The street shown on the plat of the Aerie Subdivision as "Masonic Way" should be and is hereby renamed and shall be known as "Mellow Mountain Road". The extension of that road to the south and east shall also be known as Mellow Mountain Road to connect with the existing street by the same name.

2. The street shown on the plat of the Aerie Subdivision, Phase II, as "Masonic Circle" should be and is hereby renamed and shall be known as "Golden May".

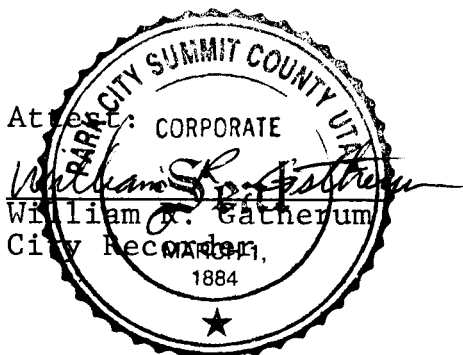
3. This Ordinance shall take effect on its first publication. The City Recorder shall cause a duplicate original to be recorded with the Summit County Recorder.

PASSED AND ADOPTED this 28th day of April.

PARK CITY MUNICIPAL CORPORATION

John C. Green, Jr.
Mayor John C. Green, Jr.

BOOK **259** PAGE **347**



Entry No. **205344**
REQUEST OF *Park City Municipal Corp.*
FEE ALAN SPRIGGS, SUMMIT CO. RECORDER
\$ *D.H.* By *Susan Robinson*
RECORDED **MAY 5 1983** at **10:00** M

ORDINANCE

Ordinance No. 83-6

AN ORDINANCE VACATING A UTILITY EASEMENT
ACROSS LOT 1 - THAYNES CANYON SUBDIVISION NO. 3

WHEREAS, the plat for the Thaynes Canyon
Subdivision No. 3, as recorded at Entry No. 141404 on
October 7, 1977 in the ownership records of Summit County,
Utah, shows a non-exclusive utility easement diagonally
across Lot No. 1, and

WHEREAS, the location of that easement makes the
lot impossible to build without encroaching on the easement,
and

WHEREAS, the easement is not necessary for the
provision of utility services to any adjoining properties
and the major utilities in the area have all consented to
the vacation of this easement,

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

The non-exclusive utility easement across Lot No.
1, Thaynes Canyon Subdivision No. 3, is hereby declared
surplus and is vacated for the use and benefit of the owner
of the underlying fee interest.


PASSED AND ADOPTED this 28th day of April, 1983.

PARK CITY MUNICIPAL CORPORATION



Mayor John C. Green, Jr.

Attest:



William R. Gatherum
City Recorder

PETITION

VACATION OF UTILITY EASEMENT

Brian Schank petitions the Council for a resolution vacating a utility easement shown on the plat for Thaynes Canyon Subdivision No. 3. In support of this petition, petitioner states as follows:

1. Brian Schank is the owner of Lot No. 1 of Thaynes Canyon Subdivision No. 3, which was recorded on a plat recorded as Entry No. 141404 in the official records of the Summit County Recorder on October 7, 1977.

2. The plat as recorded shows a utility easement diagonally crossing Lot No. 1 in a manner that makes the lot unbuildable. There are no utility facilities within the easement now, and utility services for phone, gas, water, sewer, and electricity have been made available for all other lots in the area through other easements.

3. The easement is unnecessary. The principal utilities have executed releases for the easement, but it still remains on the plat.

4. The petitioner agrees to pay the reasonable costs of publication of notice on the vacation of this easement.

WHEREFORE, the petitioner requests the Council to adopt a resolution vacating the easement as soon as proper notice and hearings can be given in accordance with Utah law.

DATED this 8th day of March, 1983.

Brian Schank
Brian Schank

STATE OF UTAH)
) ss.
COUNTY OF SUMMIT)

On the 8 day of March, 1983, personally appeared before me Brian Schank who being first duly sworn and upon oath did acknowledge to me that he is the signer of the foregoing instrument.

Thomas E. Clyde
Notary Public

Residing at: Rock City

My commission expires: Oct 17, 1986

ORDINANCE

Ordinance No. 83-7(1)

AN ORDINANCE AMENDING ORDINANCE NO. 83-7
RAISING THE GENERAL SALES TAX FROM 3/4 OF 1% TO 1%
UNDER THE LOCAL OPTION RESORT CITIES SALES TAX LEGISLATION
AND AMENDING PENALTIES TO CONFORM WITH THE
PARK CITY CRIMINAL CODE

WHEREAS, the State Legislature adopted amendments to Section 11-9-4 of the Utah Code in the General Session of 1983 permitting cities and towns which serve a transient population that is larger than the permanent population to impose a general local option sales tax of up to 1% of gross sales, and

WHEREAS, Park City, upon finding of eligibility, imposed the local option resort cities sales tax at the rate of 3/4 of 1% of gross sales effective July 1, 1983; and

WHEREAS, the City Council has elected not to increase property taxes for fiscal year 1986-87, now deems it necessary to increase the allowable rate of such tax to 1% to support the inherent service costs to accommodate tourist related demands by utilizing this taxing mechanism to least burden local residents, property owners and businesses;

NOW, THEREFORE BE IT ORDAINED by the City Council of Park City, Utah that the following sections of Ordinance 83-7 be amended:

SECTION 1. Sections 2 and 9 shall be amended to read as follows:

SECTION 2. TAX IMPOSED. From and after the effective date of this Ordinance, there is levied and there shall be collected and paid a tax upon every retail sale within Park City of tangible personal property, services, meals, lodging, admission to places of recreation, entertainment or amusements, utility service and all other personal property taxed under Title 59, Chapter 15 of the Utah Code Annotated, within Park City at the rate of 1% of the retail selling price.

SECTION 9 PENALTIES. Any person violating any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished in accordance with the current penalties enforceable under the Park City Criminal Code.

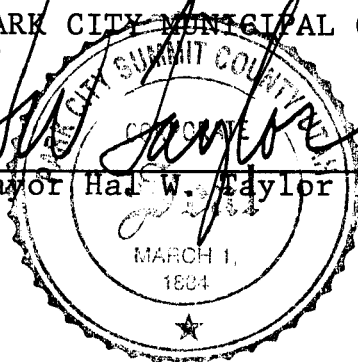
SECTION 2. All sections of Ordinance 83-7 not affected by this amendment shall remain in full force and effect.

SECTION 3. This Ordinance shall be effective at 12:01 a.m. on October 1, 1986, provided that it has first been published.

PASSED AND ADOPTED this 14th day of August, 1986.

PARK CITY MUNICIPAL CORPORATION


Mayor Hal W. Taylor



Attest:


City Recorder

ORDINANCE

Ordinance No. 83-7

AN ORDINANCE IMPOSING A GENERAL SALES TAX OF 3/4 of 1%
UNDER THE LOCAL OPTION RESORT CITIES SALES TAX LEGISLATION

WHEREAS, the service demands of a community with a small permanent population that serves a larger tourist population are different from the service demands of other communities, and

WHEREAS, providing these tourist oriented services with property tax revenue tends to place an inequitable burden on local residents, property owners and businesses, and

WHEREAS, the State Legislature has adopted amendments to Section 11-9-4 of the Utah Code in the General Session of 1983 permitting cities and towns which serve a transient population that is larger than the permanent population to impose a general local option sales tax of up to 1% of gross sales, and

WHEREAS, the sales tax collections tend to rise and fall with the business cycle and the corresponding service demands within Park City, while the property tax tends to be more burdensome in periods of slow business activity, and does not respond to increases in service demand that follows tourism related business activity,

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

SECTION 1. FINDING OF ELIGIBILITY. The enabling legislation supporting this local option general sales tax provides that the tax may be imposed only in those cities where the transient room capacity equals or exceeds the permanent census population. Based on information provided by the city Planning Department and the Chamber and Convention Bureau, and the 1980 United States Census, the Council finds that the official permanent census population

of Park City is 2,823. The Council further finds that there are in excess of 3,000 housing units within the City that are used for transient lodging purposes and that these units contain, in many cases, accommodations for large groups. The total estimated transient room capacity of Park City is in excess of 6,000 people. The Council finds that Park City is eligible to impose the local option tax.

SECTION 2. TAX IMPOSED. From and after the effective date of this Ordinance, there is levied and there shall be collected and paid a tax upon every retail sale within Park City of tangible personal property, services, meals, lodging, admission to places of recreation, entertainment or amusements, utility service and all other personal property taxed under Title 59, Chapter 15 of the Utah Code Annotated, within Park City at the rate of $3/4$ 1% of the retail selling price.

SECTION 3. PLACE OF SALE. For the purpose of this Ordinance all retail sales shall be presumed to have been consummated at the place of business of the retailer unless the tangible personal property is sold and delivered by the retailer or his agent to an out-of-state destination or sold or delivered to a common carrier, including the United States Postal Service, for delivery to an out-of-state destination. In the event the retailer has no permanent place of business in the city, or has more than one place of business, the place or places at which the retail sales are consummated shall be as determined under the rules and regulations prescribed and adopted by the State Tax Commission of Utah for the administration of the local sales tax under Title 11, Chapter 9 of the Utah Code. Public utilities, as defined by Title 54, Utah Code Annotated, 1953, shall not be obligated to determine the place or places within any municipality where public utility services are rendered, but the place of sale or the sales tax revenues arising from such service allocable to the city

shall be as determined by the State Tax Commission pursuant to an appropriate formula and other rules and regulations prescribed and adopted by the Commission for the application of the general sales tax.

SECTION 4. COLLECTION AND PAYMENT OF TAX. The tax imposed by this Ordinance is in addition to and not in lieu of the general sales tax imposed under the provisions of the Uniform Local Sales and Use Tax Ordinance adopted by Park City under Title 11, Chapter 9, and the state sales tax under Title 59, Chapters 15 and 16 Utah Code Annotated. The procedure for collection and payment of this tax shall be identical to the procedure prescribed by Title 59, Chapters 15 and 16, and Title 11, Chapter 9 of the Utah Code and the State Tax Commission Regulations adopted under these sections. Prior to the effective date, the city shall contract with the State Tax Commission for collection and all other functions incident to the administration and operation of this tax for so long as the tax is imposed.

SECTION 5. STATE STATUTES APPLICABLE.

- (a) Except as hereinafter provided, and except as they are inconsistent with the provisions of the Uniform Local Sales Tax Law of Utah, Title 11, Chapter 9, of the Utah Code, all of the provisions of Title 59, Chapter 15 pertaining to sales tax as in force at the effective date of this Ordinance are hereby adopted in full and made a part of this Ordinance as though fully set forth herein, except for the provisions stating the rate of the tax applied, and Sections 59-15-1 and 59-15-21.
- (b) Wherever, and to the extent that in Chapter 15, Title 59, Utah Code Annotated, 1953, the State of Utah is named or referred to as the taxing agency, the name of Park City shall be substituted therefor. Nothing in this paragraph shall be deemed to require substitution of the name of the

municipality for the word "state" when that word is used as part of the title of the State Tax Commission, or of the Constitution of Utah, nor shall the name of the municipality be substituted for that of the State in any section when the result of that substitution would require action to be taken by or against the city or any agency thereof, rather than by or against the State Tax Commission in performing the functions incident to the administration or operation of this ordinance.

- (c) If an annual license has been issued to a retailer under Section 59-15-3, Utah Code Annotated, 1953, an additional license shall not be required by reason of this section.

SECTION 6. DEFINITIONS. For purposes of this Ordinance, all terms used shall have the same meaning and definition as applied to those terms by the provisions of Title 11, Chapter 9, and Title 59, Chapter 15, of the Utah Code and the State Tax Commission regulations adopted under those sections, unless superceded by the definitions provided below:

- (a) Purchase Price. The purchase price for a retail sale of tangible personal property subject to the tax shall be the gross selling price, before any trade-in adjustments or allowances, exclusive of the State general sales tax imposed by the State of Utah by Title 59, Chapter 15, and exclusive of the local option sales tax imposed by the city under the Uniform Local Sales and Use Tax Law, Title 11, Chapter 9, of the Utah Code and the local ordinance adopting that tax, so that each of these sales taxes is imposed independently on the retail sales price, and does not result in the application of this tax on the amount of other sales taxes on the same sale.

(b) Wholesale Sales.

1. The term wholesale sale shall mean a sale of tangible personal property by any person to a retailer, merchant, jobber, dealer, or commission agent or another wholesaler for purposes of resale within a retail business, and,
2. For purposes of this Ordinance, and not for the general sales taxes imposed by Title 59, Chapter 15, or Title 11, Chapter 9, of the Utah Code, wholesale sales shall also include the sale of building materials to a licensed contractor as defined in Title 58A, Chapter 1 of the Utah Code. For purposes of this section, the term building materials includes any item which is intended to become an integral part of a structure, including personal property affixed to the structure.

SECTION 7. EXCLUSIONS. This local option sales tax shall not apply to the following sales or kinds of sales:

- (a) Sales of a single item for a total consideration, before adjustment for trade-in allowances, of \$2,500 or more, are exempt from this tax.
- (b) Wholesale sales as defined in this Ordinance are exempt from the tax.
- (c) Those items which have been exempted from the general sales tax under the provisions of Title 59, Chapter 15 are exempt from the tax.
- (d) Tax collected on contracts for sales which were executed prior to the effective date of this Ordinance but which have not been fully performed

shall be refunded upon application to the State Tax Commission under its regulations.

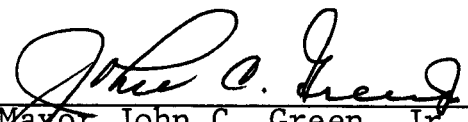
SECTION 8. SEVERABILITY. In the event that any provision, section, or clause of this Ordinance is found to be unlawful, in excess of the enabling legislation, or unconstitutional, only the particular section, provision, or clause shall be stricken, and the remainder of the Ordinance shall stand and not be affected thereby. Should any exclusion or exemption granted in this Ordinance be found unlawful or unconstitutional, that exemption shall be stricken, and the tax shall apply to the item formerly exempted. The tax hereby imposed is separate and distinct from the tax imposed by Ordinance No. 1-75, or its successor provisions.

SECTION 9. PENALTIES. Any person violating any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine in an amount of not more than \$299 in fines or imprisonment for a period of not more than six months, or both. This penalty shall be in addition to any penalties that may apply for violation of state statutes pertaining to the collection, payment, and accounting for sales and use taxes.

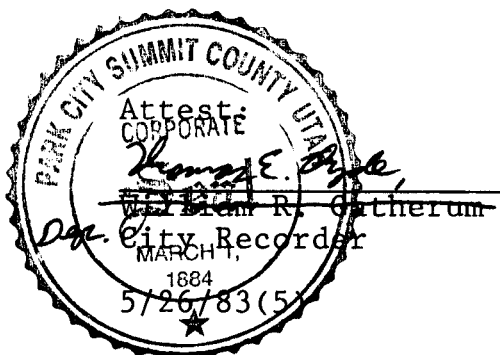
SECTION 10. EFFECTIVE DATE. This Ordinance shall be effective at 12:01 a.m. on July 1, 1983, provided that it has first been published.

PASSED AND ADOPTED this 26th day of May, 1983.

PARK CITY MUNICIPAL CORPORATION



Mayor John C. Green, Jr.



ORDINANCE

Ordinance No. 83-8

AN ORDINANCE AMENDING ORDINANCE NO. 82-10 (AS AMENDED)
TO REDUCE THE FEE CHARGED TO TIMESHARE MANAGEMENT COMPANIES
AND CLARIFYING THE PENALTIES FOR FILING FALSE RETURNS
AND OTHER VIOLATIONS

WHEREAS, the City Council finds it desirable to amend the provisions of the business license revenue ordinance to treat timeshare operators and companies in the same manner as other innkeepers and persons providing transient lodging in Park City, and

WHEREAS, the penalty provisions of the ordinance need to be strengthened,

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

SECTION 1. Section 17.11 of Ordinance 82-10 (as amended) shall be amended to read:

- (a) Nightly Rental Lodging Operator, Innkeepers, and Timeshare Operators: \$15 per bedroom managed as of January 1 of each year.

SECTION 2. Section 26 of Ordinance 82-10 (as amended) shall be amended to read:

SECTION 25. PENALTIES. It shall be unlawful for any person to engage in business without a license as provided under this ordinance. It shall also be unlawful to file or submit false information to the Licensing Division in any return or license application. Persons engaging in business without a license are subject to arrest and prosecution. Persons knowingly filing a false return, upon conviction, shall pay the correct amount due under the revenue license ordinance for their business, or the license shall be revoked. All amounts due shall bear interest at the rate of 18% per annum until paid. The criminal penalty for violation of this ordinance, including the filing

of a false return, shall be imprisonment for not more than six months in the County jail, a fine of not more than \$299, or both. Whenever any person is convicted of filing a false return under this ordinance, the Recorder shall notify the State Tax Commission of the conviction and the nature of the false information supplied so that the Commission can compare that information with State Sales Tax collections and returns filed with the State. The corporate office or agent signing a return for a corporation is personally liable if he or she knowingly signed a false return.

SECTION 3. REFUNDS. Refunds of payments made by timeshare operators for 1983 license fees shall be made, provided the operator applies for a refund and provides a new application form at the lower rate.

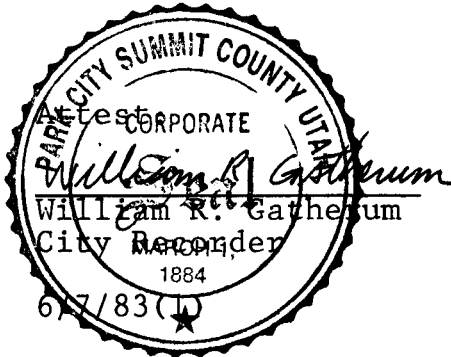
SECTION 4. EFFECTIVE DATE. This ordinance shall take effect upon publication.

PASSED and ADOPTED this 16th day of June, 1983.

PARK CITY MUNICIPAL CORPORATION



Mayor John C. Green, Jr.



ORDINANCE

Ordinance No. 83-9

AN ORDINANCE ESTABLISHING A MUNICIPAL DEPARTMENT
OF THE FIFTH CIRCUIT COURT IN AND FOR
PARK CITY, UTAH

WHEREAS, Section 78-4-6 of Utah Code Annotated provides that municipalities within the State of Utah may establish municipal departments of the Circuit Court system to provide judicial services to the municipality, and

WHEREAS, the City Court Justice has resigned his office prior to the expiration of his term.

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

SECTION 1. CIRCUIT COURT CREATED. There is hereby created a municipal department of the Fifth Circuit Court to be known as the Municipal Department of the Fifth Circuit Court for Park City, Utah. The Circuit Court shall have and exercise all jurisdiction within Park City provided for under the provisions of the Circuit Court Act, Section 78-4-1 et seq. of the Utah Code Annotated.

SECTION 2. OFFICE ABOLISHED. Pursuant to the authority of Section 78-4-6 of the Utah Code, the office of the City Judge is hereby abolished, provided however, that the transfer of jurisdiction from the City Judge to the Circuit Court shall not act to dismiss any action now pending.

SECTION 3. JURISDICTION. The Park City Department of the Circuit Court shall have all jurisdiction afforded that court by State Law, as now in effect or as subsequently modified by action of the legislature affecting the establishment and operation of the judicial divisions. Specific aspects of jurisdiction are as follows:

- (a) The Circuit Court shall have jurisdiction over all classes of misdemeanors and infractions involving persons 18 years of age and older and shall have

the power to impose the punishments prescribed for these offenses. The Judge of the Circuit Court shall have and exercise the powers and jurisdiction of a magistrate, including proceedings for preliminary examination to determine probable cause, commitment prior to trial, or the release on bail of persons charged with criminal offenses. Whenever a complaint may be commenced before a magistrate under Section 77-57-2 of an arrested person is to be taken before a magistrate under Section 77-13-17, the complaint may be commended or the arrested person may be taken before any Circuit Court Judge in the county or the Justice of the Peace in the county in whose precinct the offense occurred, unless both are unavailable, and then before any Justice of the Peace or Circuit Court Judge having jurisdiction.

- (b) The Circuit Court shall have exclusive original jurisdiction of all cases arising under or by reason of the violation of any municipal ordinance of Park City involving a person 18 years of age and over.
- (c) The Circuit Court shall have concurrent jurisdiction with the Juvenile Court over all traffic offenses committed by persons less than 18 years of age.
- (d) The Circuit Court shall have jurisdiction over civil matters arising on contract, for the recovery of money only, if the sum claim is less than five thousand dollars (\$5,000) exclusive of costs; in actions to recover damages for personal injury or damage to personal property if the amount of damages claimed is less than five thousand dollars (\$5,000) exclusive of costs;

actions to recover any fine, penalty, or forfeiture of less than five thousand dollars (\$5,000) imposed by any municipal ordinance or state statute; actions on surety bonds or undertakings if the sum sought is less than five thousand dollars (\$5,000), exclusive of costs, although if the total amount is larger and comes due in installments of less than five thousand dollars (\$5,000), an action may be maintained for each installment as it becomes due; in actions for the recovery of possession of personal property, or its value, if the value of the property is less than five thousand dollars (\$5,000); in actions to foreclose liens and mortgages on real and personal property in an amount less than five thousand dollars (\$5,000); actions in forcible entry and unlawful detainer if the whole amount of rent and damages claimed is less than five thousand dollars (\$5,000); action for accounting provided that if the amount found due the plaintiff is in excess of five thousand dollars (\$5,000), the plaintiff shall remit the excess about five thousand dollars (\$5,000) or the action be dismissed; in actions in equity to reform or rescind written instruments for the payment of money; to enter such decrees and orders as are necessary for the civil rehabilitation of alcoholics and narcotic addicts and other persons whose use of drugs and intoxicants is such that they substantially lack the capacity to control their own use of these substances and are in need of treatment or rehabilitation; and all other cases over which the Circuit Court is now or may hereafter be given jurisdiction by the legislature.

(e) The Circuit Court shall have concurrent jurisdiction with the precinct Justice of the Peace in small claims or matters.

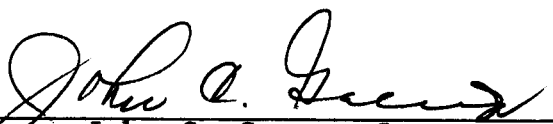
SECTION 4. TRANSFER OF CASES. All matters now pending before the City Justice shall be transferred to the Circuit Court in a manner that does not result in the loss of jurisdiction. The Mayor, if necessary, shall appoint a Justice Pro Tempore to supervise the transfer of cases from the Municipal Court to the Circuit Court.

SECTION 5. APPROPRIATIONS, EXPENSES. The City shall, until July 1, 1983, provide at City expense a courtroom facility, clerical help, office equipment, and supplies for the use of the Circuit Court under the provisions of the Circuit Court Act. On July 1, 1983, the new Circuit Court legislation takes effect under the terms of which the state will assume the fiscal affairs of the Circuit Court. At that time, the City shall enter into such contracts and leases with the state to transfer financial responsibility to the State Court Administrator under the provisions of the new legislation.

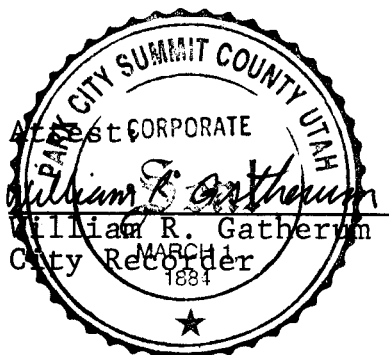
SECTION 6. EFFECTIVE DATE. In order to insure the smooth administration of justice in light of the reorganization of the Municipal Court Justice, this Ordinance shall become effective immediately upon passage and shall confer jurisdiction on the Circuit Court immediately upon passage. The Recorder shall cause the Ordinance to be published as soon as possible, but the effective date is the date of passage.

PASSED AND ADOPTED on this 16th day of June, 1983.

PARK CITY MUNICIPAL CORPORATION



Mayor John C. Green, Jr.



ORDINANCE

Ordinance No. 83-10

AN ORDINANCE ESTABLISHING A SCHEDULE OF FEES
TO BE PAID TO THE CITY FOR FIRE CODE RELATED PERMITS

WHEREAS, the City has adopted the Uniform Fire Code which permits prior to the use, storage, or burning of certain flammable materials under specified conditions, and

WHEREAS, the issuance of these fire code permits requires inspection time from the Building Department,

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

SECTION 1. FEE SCHEDULE. The following schedule shall apply to fire permits issued by the City under the Uniform Fire Code:

<u>Unit</u>	<u>Fee</u>
Aircraft refueling vehicles	\$30.00
Bonfires or rubbish fires	15.00
Burning in public place	15.00
Candles and open flames in assembly areas	15.00
Excavations near flammable or combustible liquid pipelines	15.00
Explosives or blasting agents	45.00
Fireworks	30.00
Flammable liquids	15.00
Flammable or combustible liquid tanks	15.00
Garages	15.00
Liquefied petroleum gases	15.00
Places of Assembly	15.00
Tents and air-supported structures	30.00
Others not listed	15.00

SECTION 2. PERMIT FEE WAIVERS. The permit fee, but not the requirement for a permit, shall be waived for all churches, and may be waived by the Building Official for other non-profit organizations.

SECTION 5. EFFECTIVE DATE. This Ordinance shall take effect upon publication.

DATED this 16th day of June, 1983.

PARK CITY MUNICIPAL CORPORATION


Mayor John C. Green, Jr.



AN ORDINANCE AMENDING THE LAND MANAGEMENT CODE
TO CHANGE THE ZONING REQUIREMENTS APPLICABLE TO THE
HR-1 AND HCB ZONES, AND CREATING THE
HISTORIC TRANSITIONAL OVERLAY ZONE

WHEREAS, the preservation of the historic character of Old Town is an important objective of the City, and

WHEREAS, the current zoning regulations have promoted construction that is sometimes incompatible with the historic character of the City, and

WHEREAS, some buffer between the high density commercial uses and the lower density residential uses will serve to minimize the conflicts between these land uses which now join at the common lot lines,

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

SECTION 1. Section 4.1, Historic Residential District, of the Land Management Code is hereby repealed, amended and re-enacted to provide as follows:

4.1. HISTORIC RESIDENTIAL (HR-1) DISTRICT

4.1.1. PURPOSE. The purpose of the HR-1 District is to allow the preservation of the present land uses and the character of the historic residential areas of Park City, and to encourage the preservation of historic structures and the construction of new structures that preserve and contribute to the character of the district, and to encourage densities of development that will preserve the desirable residential environment, and also densities which are consistent with the inherent constraints on development within the narrow canyon areas and on areas that may have steep or substandard street systems.

4.1.2. PERMITTED USES. In the Historic Residential District, no building or structure shall be erected which is arranged, intended, or designed to be used for other than one or more of the following uses.

- (a) Single unit detached dwelling;
- (b) Two unit dwelling;
- (c) Three unit dwelling; provided that all required parking must be fully enclosed in a parking structure situated so that the mass of the parking area is at least 50% below the natural grade;

(d) Home occupation;

(e) Lock-out room.

4.1.3. CONDITIONAL USES. The following uses may be considered by the Planning Commission for conditional use approval as provided in the Land Management Code:

(a) Public and quasi-public institutional uses;

(b) Nightly rentals;

(c) Child nursery and day care facility.

4.1.4. PROHIBITED USES. Those uses not included as permitted or conditional uses are prohibited. Timshare projects and timeshare sales activity are prohibited uses in this zone.

4.1.5. LOT SIZE AND COVERAGE REGULATIONS.

(a) Lot Size. The minimum lot area shall be 1,875 square feet for a single family residence; 3,750 square feet for a duplex, and 5,625 square feet for a triplex. The minimum width of a lot shall be 25 feet, measured 15 feet back from the front lot line.

(b) Side Yard. The minimum side yard for any structure of two units or more shall be 5 feet, except that a side yard shall not be required where structures are designed with a common wall on a lot line. The longest dimension of buildings thus joined shall not exceed 50 feet. The minimum side yard for a single family structure shall be 3 feet. For side yards of less than 5 feet, the special side yard exceptions as provided in Section 5.14. shall not apply, except for projections of less than 4 inches as specified in Section 5.14.1. and for allowance for a driveway as specified in Section 5.14.8. On corner lots, any yard which faces on a street for both main and accessory buildings shall not be less than 10 feet. For structures on lots exceeding 25 feet in total width, the sum of the side yard set backs must total 10 feet.

(c) Rear Yard. The minimum depth of the rear yard for all main buildings shall be 10 feet and for accessory buildings shall be one foot from the rear property line. On corner lots which rear upon the side yard of an adjacent lot, accessory buildings shall be located no closer than 5 feet to the rear property line.

(d) Front Yard. The minimum depth of the front yard for all main buildings and accessory buildings, including garages, shall be 10 feet. Open parking spaces may be permitted in

the front yard area, but not within the minimum side yard area. "Open parking spaces" does not include carports.

4.1.6. FACADE VARIATIONS. In order to assure variety of facade alignments and preserve architectural variety within the HR-1 Zone, the following requirements for facade variation shall apply:

- (a) Facade Width. The front facade of any building shall not exceed 24 feet horizontally measured distance without breaking the vertical plane of the facade. Such breaks in the facade plane shall be a step back (or forward, but not into minimum lot set back areas) of at least 5 feet in depth, and at least 12 feet in horizontal width before the facade returns to the original plane. Such breaks in the facade plane shall occur as such intervals that no portion of the facade exceeds 24 feet of continuous horizontal measure without a break in the facade plane. The volume of these step back areas shall be credited to the open space volumes required by subsection (b) of this section.
- (b) Facade Variation. In addition to minimum front and rear yard set backs, buildings in the HR-1 Zone are required to provide a volume of open space within the maximum allowable building envelope. The volume of this additional open space shall be measured and computed according to the appropriate following formula:

Single family structures: Maximum allowable building width, multiplied by 25, multiplied by 5 equals open space volume requirement.

Duplexes: Maximum allowable building width multiplied by 25 multiplied by 7.

Triplexes: Maximum allowable building width multiplied by 25 multiplied by 9.

The open space volume requirement can be satisfied with deck areas, porches, balconies, or similar unenclosed areas which are open on at least two sides, one of which must be the front or back facade of the structure. Step back areas under the provisions of subsection (a) are included as open space volume. Porches, decks, balconies, etc., counted as open space volume may be under roof, but not under enclosed living areas, provided the area is open on at least two sides.

1. On interior lots, the required volume of open space shall be provided within the 12 feet immediately behind the front set back line, and in the 12 feet immediately in front of the rear set back line, so that the open

volume areas appear on the front and rear facades of the building, rather than on the side yards.

2. On corner lots, the front facade variation open space volume may be provided on either of the street facing facades, or a combination of both, in addition to the rear facades. No additional open space volume is required by virtue of being a corner lot.
3. On lots with unusual configurations, or through lots having frontage on two streets, or where the location of the open space volume is not determinable from the foregoing provisions, the Community Development Department shall make the determination based on the relationship to other adjoining structures and orientation of the structure to the streets and adjoining structures.
4. Roofs, balconies, decks, cornices, architectural details, porches, and stairways may project into the open space volume. This volume of open space may be provided on one or more levels of the structure, or may be provided by using a greater set back than the minimum set back. No space above the maximum allowable building height may be counted as facade variation open space.
5. Open space volume for facade variation must be provided on both the front and rear facades of the structures, but is not required on side facades.
6. Dormers, bay windows, fireplace pop-outs and similar architectural details that do not exceed five feet in any horizontal or vertical dimension may extend into space counted as facade variation open space volume without being deducted from that volume.

4.1.7. SPECIAL PARKING REGULATIONS.

- (a) Tandem parking is permitted for single family and duplex dwellings in the Historic District.
- (b) To encourage the location of parking in the rear, common driveways may be permitted along shared side yard property lines where those drives provide access to parking in the rear of the main building. Restrictions on the deeds to both properties must provide for the preservation of such a shared drive.
- (c) Common parking facilities may be permitted, upon approval of the Planning Department, where such a grouping may facilitate the development of individual buildings that more

closely conform to the scale of historic structures in the district as defined in the design guidelines. Parking structures may be permitted, provided that the structure maintains all yard set backs above grade, but may occupy below grade side yard areas between participating developments.

- (d) In order to minimize the amount of hardsurfaced paving in front yards and to encourage the development of more grass and textured paving visible to the street, the following limits on the widths of paved areas for driveways and exposed parking that are visible from the street shall apply:
1. For a single family dwelling on a 25 foot wide lot, the total area of hard surface for drive and parking shall not exceed 12 feet in width. The balance of any parking area or drive area shall be made of porous paving material. Drives shared with adjoining properties shall not exceed 20 feet in total width, regardless of placement on the lots involved.
 2. For all other buildings, the total drive area shall not exceed 20 feet in width for hard surfaced drive and parking area, with additional parking and drive area provided with porous paving material. This hard surfaced width may be divided into separate drives, or in a single drive.
 3. Garage door openings on single family structures on 25 foot lots shall not exceed 10 feet in width. On single lots that are more than 25 feet, but less than 37.5 feet in frontage width, the garage door openings shall not exceed 16 feet in width. Duplex structures on 50 foot or wider lots may have one garage door opening (or combination of openings) totaling 18 feet in width for each unit of the duplex, or a total of 36 feet in width for the structure. Triplex structures, which are required to have a common underground parking area, shall have only one garage door opening, which shall not exceed 18 feet. Where garage door openings appear on a facade that does not face a street, so the garage is accessed from a common drive between adjoining properties, the Community Development Department may waive the maximum door width if necessary to make the common drive arrangement function.
- 4.1.8. BUILDING HEIGHT. Structures shall be erected to a height no greater than 28 feet, as defined in Section 5.17. No volume or area above this 28 foot height may be used for facade variation open space.

4.1.9. SPECIAL REQUIREMENTS FOR CONDITIONAL USES. The following impacts shall be considered in reviewing conditional uses:

- (a) Scale of the building in relation to historic structures in the district.
- (b) The need for increased yard areas and the resulting impact on the established set backs in the block.
- (c) The impact of noise or nearby residences.
- (d) The impact of traffic and on-street parking in the block.

4.1.10. ARCHITECTURAL REVIEW. The Planning Department staff shall review all structures within this zone for compliance with the design guidelines adopted for the Historic District. Design approval is required before building permits will be issued. Appeals of staff decision or architectural design or the review item shall be heard by the Historic District Commission.

* * * * *

SECTION 2. Section 4.3., Historic Commercial Business District (HCB) of the Land Management Code is hereby repealed, amended, and re-enacted to provide as follows:

4.2. HISTORIC COMMERCIAL BUSINESS (HCB) DISTRICT

4.2.1. PURPOSE. To allow the use of land for retail, service, commercial, recreational, and institutional purposes with customary accessory uses to enhance and foster the continuation of the visual character, scale, and vitality of the original Park City central business district, and to encourage the preservation of historic structures within the district.

4.2.2. PERMITTED USES. In the Historic Commercial Business District, no building or structure shall be erected which is arranged, intended, or designed to be used for other than one or more of the following uses:

- (a) Medical and dental clinics, professional offices;
- (b) Restaurants;
- (c) Retail commercial establishments limited to the following and similar uses: Antique store, art supply store, art gallery, bakery, bookstore, camera shop, candy, clothing store, tobacco or cigarette store, florist shop, food market, furniture store, gift and hobby shops, jewelry stores, job printing, key shop, liquor store, pet shop, paint and wallpaper store, photography store, sporting goods

store, stationery store, and variety store, video tape rental shop;

- (d) Service commercial establishments limited to the following and similar uses: Business office, catering service, financial institution, personal service including barber and beauty shops, tailors, dry cleaning pick-up station, laundromat, shoe repair, parking lot or garage, studio for instruction in the arts, television or radio broadcast facilities;
- (e) Rental and repair facilities associated with the foregoing uses when the rental and repair use is incidental to the normal retail use of the building;
- (f) Storage of materials and inventory for use with any of the above uses, although warehouses as such are not permitted uses;
- (g) Dwelling units limited to single family, duplexes, multi-family dwelling units, hotels, nightly rentals, and lock-out rooms;
- (h) Accessory buildings and accessory building uses;
- (i) Signs as permitted under the Park City Sign Code.
- (j) Timeshare projects.

4.2.3. CONDITIONAL USES. The following uses may be approved as conditional uses within the HCB Zone, and shall be reviewed on the basis of the traffic, parking, impact of noise on adjoining uses, impact on nearby historic structures:

- (a) Bars and private clubs, fraternal associations and clubs;
- (b) Theater, club, assembly hall, school, church, hospital, or other public or quasi-public buildings;
- (c) Outdoor dining areas.
- (d) Off premise timeshare sales offices.

4.2.4. PROHIBITED USES. The following and similar uses are prohibited in the HCB Zone:

- (a) Lumber yards, auto dealerships, auto repair, and other businesses which require outdoor yards or storage areas;
- (b) Gasoline service stations, unless within a fully enclosed building, in which case they are conditional uses;

- (c) Any use which is not listed as a permitted use, or which creates a nuisance by reason of smoke, odor, noise, vibration, or similar mechanical intrusions generally associated with industrial or manufacturing uses.

4.2.5. LOT SITE REGULATIONS. Subject to the Uniform Building Code and the following:

- (a) Sidewalk Provision. Buildings shall be located so as to provide an unobstructed sidewalk at least 9 feet wide, such width being measured from the front face of curb to the front of the building. However, the alignment of new building fronts with adjacent historic fronts is encouraged and therefore where a narrower sidewalk may result from the alignment of building fronts, an exception to the minimum sidewalk width may be granted by the Planning Department. In no case may facade alignment or column placement be such as to create an unobstructed sidewalk of less than 7 feet in width.
- (b) Canopies and Balconies. Canopies and balconies attached to a building may extend into public right-of-way over the sidewalks and pedestrian ways only. Supports for canopies may not exceed 18 inches square and are permitted only within 36 inches of the front face of the curb. Canopies area allowed only on the second floor level. Canopies and balconies shall provide clearance of not less than 10 feet from the sidewalk. A canopy or balcony may not be enclosed. With reasonable notice, the City may require that canopies be removed from City property without compensating the building owner.
1. Insurance Required. No canopy projecting over City property shall be erected, re-erected, located or relocated, or enlarged or modified structurally or changed ownership, without first receiving approval of the City Council, and submitting a certificate of insurance or a continuous bond protecting owner and City against all claims for personal injuries and/or property damage in the standard amount determined by City Council. Park City Municipal Corporation must be named in the Certificate of Insurance as an Additional Insured. A 30 day written notice to Park City Municipal Corporation of cancellation or expiration must be included in the Insurance Certificate. The name of the owner of the canopy or balcony must be clearly identified on the application for a permit as an official corporation, partnership, or sole proprietorship with appropriate names of individuals involved.

4.2.6. USES TO BE WITHIN ENCLOSED BUILDING. All uses, except outdoor dining, shall be conducted wholly within a completely enclosed building, except that the Planning Commission may permit limited outdoor uses which it determines are in the best interest of the Historic Commercial Business District. All storage shall be within a completely enclosed building.

4.2.7. FLOOR AREA RATIO. To encourage variety in building height, a floor area to ground area ratio shall be used to calculate maximum buildable area. The maximum floor area ratio (FAR) shall be 4.0 measured as: Floor area divided by total lot area equals 4.0. Note that this is the potential maximum, and is not to be considered the minimum buildable area. Buildings of lesser square footage are encouraged.

4.2.8. HEIGHT AND BULK PLANE. A maximum building envelope shall be defined by a plane that rises vertically at the front lot line to a height of 30 feet measured above the natural grade and then proceeds at a 45 degree angle toward the rear of the property until it intersects with a point 45 feet above the natural grade. No part of a building shall be erected to a height greater than 45 feet, measured from natural grade at the building site. Similarly, the rear portion of the bulk plane shall be defined by a plane that rises vertically at the rear lot line to a height of 30 feet measured above the average natural grade and then proceeds at a 45 degree angle toward the front of the property until it intersects with a point 45 feet above the natural grade of the building site. This provision shall not be construed to encourage solid roofing to follow the 45 degree set back plane.

4.2.9. LOADING AREAS. Each new structure shall include an off-street loading and trash storage area, with the exception of structures on the west side of Main Street.

4.2.10. MAIN STREET ACCESS. Vehicular access across Main Street sidewalks is prohibited in this zone.

4.2.11. OFF-STREET PARKING. Each new structure shall provide off-street parking spaces, as provided in Section 8, with these exceptions:

- (a) Historic structures and renovations of historic structures are exempt from off-street parking requirements.
- (b) In new construction with a floor level at least 8 feet below grade (measured as the Main Street sidewalk at the center of each 50 foot interval of the facade), and with the first two floors above grade, no off-street parking is required. Any floor area above the second above grade floor shall provide off street parking as provided in Section 8 according to the intended uses of the space. The space will be presumed to

be commercial, unless from the building plans and specifications it is clear that residential or transient lodging purposes are intended. Parking is only required for that space above the second above grade floor, and not for the entire structure. Parking may be provided on site, provided however, that entrances and exits for vehicles shall not cross the Main Street sidewalks (except at existing public streets). Parking may be provided off site by paying a sum equal to the estimated construction cost of parking spaces in a public parking facility to the City. This fee shall be established by the Developer Fee Schedule Ordinance, and adjusted annually to reflect the approximate actual construction costs of the structure. During the period between the payment of the fee by the developer and the completion of the parking structure, the City may designate a number of parking stalls within the Swede Alley parking area for the exclusive use, between certain hours when the occupants of the building are open for business.

- (c) The Planning Department may recommend to the City Council that new additions to historic structures be exempt from a portion of all parking requirements where the preservation of the historic structure has been guaranteed through covenant or easement donation to a responsible public or private non-profit agency engaged in promoting historic preservation.
- (d) Fully enclosed parking spaces and associated maneuvering space required to satisfy ordinance requirements for the structure in which the spaces are located shall not count as floor area in this zone.

4.2.12. MECHANICAL SERVICE. No mechanical equipment shall be installed on the roofs of buildings without being screened in a manner that the equipment is hidden from view from nearby properties looking down on the structures. Screening and equipment shall not exceed the maximum height limitation for the zone, except as allowed by this code for architectural details such as chimneys, steeples, and cornices. All structures in the HCB zone must provide a means of storing refuse generated by the structure's occupants and such refuse service area shall be on-site and accessible from either Main Street, for structures on the west side of Main, or from either Main Street or Swede Alley for structures on the east side of Main Street. Other areas of the HCB zone shall provide service access from the rear of the structure where alleys and service yards exist. Refuse service areas shall be fully enclosed and properly ventilated so that accumulated trash does not become a nuisance due to odor or unsanitary conditions.

4.2.13. ARCHITECTURAL REVIEW. All buildings in the HCB Zone are subject to review by the Planning Department staff for

compliance with the design guidelines adopted for the zone, and for compatibility with adjoining buildings. Design approval is required before building permits will be issued. Appeals of staff decision on architectural or other review matters shall be heard by the Historic District Commission.

* * * * *

SECTION 3. A new section is adopted and added to the Land Management Code which provides as follows:

4.3. HISTORIC TRANSITIONAL OVERLAY ZONE (HTO) DISTRICT.

4.3.1. PURPOSE. It is the intent of this overlay zone to encourage lower building heights and a variety of building heights along Main Street by permitting land with the HR-1 Zone to be developed as part of HCB projects in such a way that the commercial development is below the grade of adjacent residential streets. The overlay contemplates commercial facilities with primary entrances, commercial and support activities oriented toward Main Street or Swede Alley, and residential uses or landscaped open space oriented toward adjacent residential streets.

4.3.2. LOT AND SITE REGULATIONS.

- (a) Relationship to Underlying Zone Districts. Those portions of the project located within the HCB District must comply with the provisions of all ordinances for that district. Those portions of the project located in the HR-1 District must comply with the provisions of all ordinances for that district, except as modified by this section. Under this ordinance, commercial development within HR-1 Zone is permitted, subject to the provisions of this Section, so long as it is below the HR-1 residential street grade. In addition, the Historic District Commission may permit above street grade, commercial uses to extend into the residential district provided that the land area calculated toward density in the residential district is reduced by the 150% of square footage of the above street grade commercial land coverage in the HR-1 District. Such development must maintain a set back of at least 50 feet from residential streets. The height of such commercial uses shall be coordinated with the site planning and building design of the HR-1 parcels in such manner that the impact of the commercial structures is minimized, however, in no case may the height exceed 28 feet above natural grade.
- (b) Height. Structures containing uses permitted in the HCB Zone but not in the HR-1 Zone shall not extend above the elevation of the adjacent residential street, except as provided in Section 7.0.2.1. The height of structures

containing residential uses shall be measured from natural grade.

- (c) Lot Size. Only lot area within the HCB District may be used to calculate the maximum size of commercial structures. The permitted floor area ratio shall be 4.0, measured as: Gross floor area divided by the total HCB lot area. The Historic District Commission may permit the floor area ratio to be increased to 4.5 if the project demonstrates exceptional compatibility with existing buildings through sensitive massing of building elements.

The number of residential units permitted on the HR-1 portion of the site is subject to the provisions of the HR-1 District. Residential units in the HR-1 District are permitted in addition to the subterranean commercial development.

- (d) Set Backs. All structures must conform to the setbacks of the districts in which they are located, except that setbacks shall be required for subterranean commercial development only around the periphery of the property in the HR-1 District.

4.3.4. SPECIAL REQUIREMENTS.

- (a) Access. All entrances for the commercial facility shall be located in the HCB District. Commercial exits to the HR-1 District shall be designed in such a manner as to prohibit non-emergency use. The orientation of the project shall be such as not to encourage traffic generation on residential streets, except for residential structures located in the HR-1 District. The primary access to parking structures for commercial use shall not be from the residential district.
- (b) Architectural Design. Architectural design shall conform to the architectural design guidelines for the district in which the structure is located. Commercial portions of the project within the HR-1 Zone must be designed in such a manner that their presence is minimized to the satisfaction of the Historic District Commission such as through elimination of windows, addition of sound proofing, and addition of special landscaping. Grading and landscaping or small scale residential uses are encouraged atop commercial structures in the HR-1 District. No loading docks, service yards, detached mechanical equipment, or trash compounds, will be permitted within the HR-1 District. No commercial signage, displays, or visible indications of commercial activity will be permitted within or oriented specifically toward the HR-1 District.

(c) Preservation of Existing Structures. On sites which include structures classified as contributing to the character of the Historic District, the Historic District Commission may require preservation and/or restoration of the existing structures as a condition precedent to permitting commercial activity in HR-1 District.

4.3.5. MECHANICAL SERVICE. No free standing mechanical equipment is permitted in the HR-1 zone. Mechanical equipment attached to or on the roofs of buildings must be screened with a visual barrier so that it is not open to view from nearby properties looking down on the roofs of buildings in the zone. Screening may not exceed the allowable height for the zone, unless incorporated into an architectural element that is permitted to exceed the maximum allowable height by this code. Mechanical equipment in the HR-1 zone shall also be acoustically screened to minimize noise infiltration to adjoining properties. All developments within the HTO zone shall provide refuse storage and collection facilities on-site, and accessible through the HCB zone and not from the HR-1 property. Refuse collection and storage areas shall be fully enclosed and properly ventilated so that a nuisance is not created by odors or sanitation problems.

4.3.6. ARCHITECTURAL REVIEW. All structures are subject to architectural review by the Planning Department staff for compatibility with the design guidelines adopted for the zones. Design approval is required before building permits will be issued. Appeals of staff decision on architectural or other matters shall be heard by the Historic District Commission.

* * * * *

SECTION 4. Section 1.5 of the Land Management Code, Definitions, is hereby amended by the addition of the following new definitions:

Floor Area. The area included within the surrounding exterior walls of a building, or portion thereof, exclusive of vent shafts and courts. The floor area of a building, for portion thereof, not provided with surrounding exterior walls shall be the usable area under the horizontal projection of the roof or floor above. For the purposes of bulk calculation, spaces with a floor level at least eight feet, as measured in 4.2.11(b) below natural grade shall not be included in the floor area calculation. Covered porches which are open on at least two sides may exceed the allowable floor area by 5% without inclusion in the floor area calculation.

Tandem Parking. Parking designs which necessitate parking one vehicle behind another. Such parking may not include more than two cars in depth, and may not require occupants of separate dwellings to park behind one another. Tandem parking is

only permitted for single family and duplex dwellings within the Historic District.

Porous Paving. A substantial surfacing material designed and intended to support light vehicular movement. Porous paving includes paving systems such as modular pavers, which provide at least 50% surface exposure suitable for the establishment of plant material and which substantially abates surface water runoff. Gravel and/or compacted soil are not acceptable as porous paving materials.

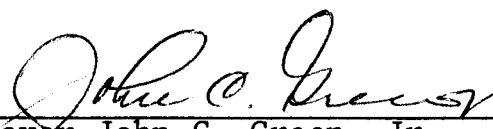
SECTION 5. The zoning map of Park City is hereby amended to show the location of the HTO Zone District as shown on the map appended to this Ordinance.

SECTION 6. These amendments are to be construed as continuations of the existing zoning ordinances, and no permit or application now on file, nor any use which had non-conforming use status under the prior ordinance provisions shall be adversely affected by these amendments.

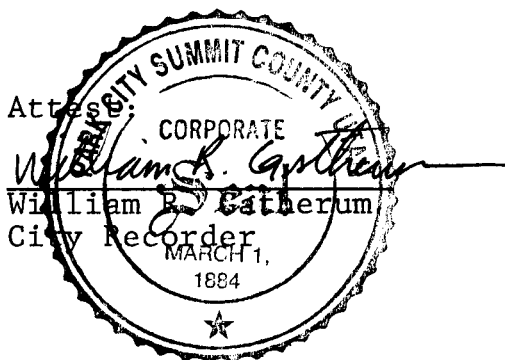
SECTION 7. This Ordinance shall take effect upon publication.

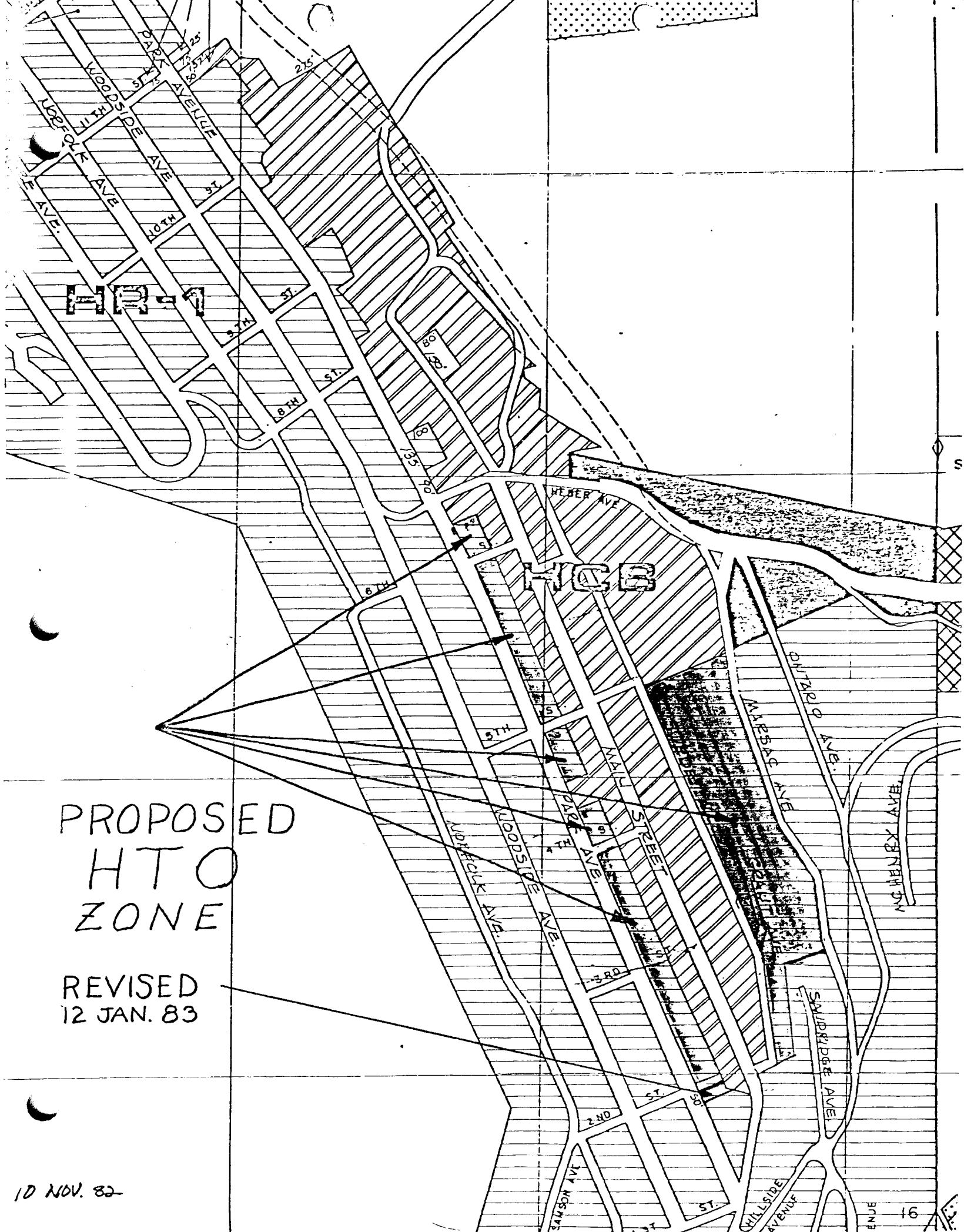
PASSED AND ADOPTED this 16th day of June, 1983.

PARK CITY MUNICIPAL CORPORATION



Mayor John C. Green, Jr.





PROPOSED
HTO
ZONE

REVISED
12 JAN. 83

10 NOV. 82

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

ORDINANCE

Ordinance No. 83-12

INDEXED: _____
GRANTOR: 8-14
GRANTEE: 8-5
RELEASED: _____
ABSTRACTED: As 18
STAMPED: _____

AN ORDINANCE VACATING A FIFTY FOOT ROAD EASEMENT
OVER LOTS 42, 43, AND 44 OF THE
SOLAMERE SUBDIVISION NO. 1

WHEREAS, the City Council received the petitions
of the owners of Lot 42 requesting that the easement be
vacated across their lot, and

WHEREAS, vacation of the easement over one lot
logically requires vacation as to the other two lots;

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

1. Upon duly noticed public hearing on the petition
for the vacation of the easement across Lots 42, 43, and 44
of the Solamere Subdivision, No. 1, Park City, the City
Council finds that the easement is surplus, does not serve
any public purpose that is not served equally well from
other locations that create a lesser burden for area
residents and property owners, and that the easement should
be vacated.

2. The easement shown on the plat for the Solamere
Subdivision No. 1 as crossing over Lots 42, 43, and 44 is
hereby vacated, being 25 feet wide on said easement being
more particularly described as each side of the following
described centerline:

Beginning at a point on the Westerly line of Lot 42 of
Solamere Subdivision No. 1, said point being more
specifically described as being North 2491.14 feet and
East 4955.33 feet from the East Quarter Corner of
Section 16, Township 2 South, Range 4 East, Salt Lake
Base & Meridian; and running thence North 48°00' East
42.00 feet; thence South 65°30' East 203.00 feet;
thence South 55°00' East 145.00 feet; thence South
74°00' East 228.43 feet to the Easterly line of said
Solamere Subdivision.

3. The City Recorder shall cause this Ordinance to be
recorded with the Summit County Recorder.

4. This Ordinance shall take effect on the date of
its first publication.

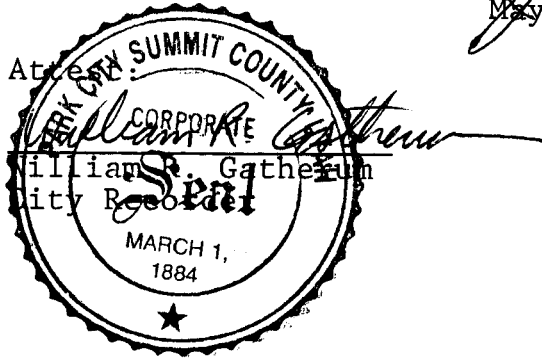
BOOK 268 PAGE 472-473

Entry No. **209097**
REQUEST OF Park City
FEE \$ D. H. ALAN SPRIGGS, SUMMIT CO. RECORDER
By Susan Johnson
RECORDED **AUG 9 1983** at 10:00 M

PASSED AND ADOPTED this 28th day of July, 1983.

PARK CITY MUNICIPAL CORPORATION

John C. Green, Jr.
Mayor John C. Green, Jr.



ORDINANCE

Ordinance No. 83-12

AN ORDINANCE VACATING A FIFTY FOOT ROAD EASEMENT
OVER LOTS 42, 43, AND 44 OF THE
SOLAMERE SUBDIVISION NO. 1

WHEREAS, the City Council received the petitions of the owners of Lot 42 requesting that the easement be vacated across their lot, and

WHEREAS, vacation of the easement over one lot logically requires vacation as to the other two lots;

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

1. Upon duly noticed public hearing on the petition for the vacation of the easement across Lots 42, 43, and 44 of the Solamere Subdivision, No. 1, Park City, the City Council finds that the easement is surplus, does not serve any public purpose that is not served equally well from other locations that create a lesser burden for area residents and property owners, and that the easement should be vacated.

2. The easement shown on the plat for the Solamere Subdivision No. 1 as crossing over Lots 42, 43, and 44 is hereby vacated, being 25 feet wide on said easement being more particularly described as each side of the following described centerline:

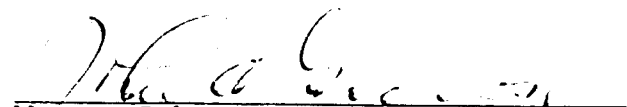
Beginning at a point on the Westerly line of Lot 42 of Solamere Subdivision No. 1, said point being more specifically described as being North 2491.14 feet and East 4955.33 feet from the East Quarter Corner of Section 16, Township 2 South, Range 4 East, Salt Lake Base & Meridian; and running thence North 48°00' East 42.00 feet; thence South 65°30' East 203.00 feet; thence South 55°00' East 145.00 feet; thence South 74°00' East 228.43 feet to the Easterly line of said Solamere Subdivision.

3. The City Recorder shall cause this Ordinance to be recorded with the Summit County Recorder.

4. This Ordinance shall take effect on the date of its first publication.

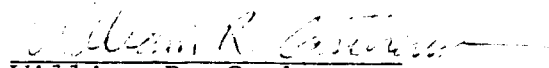
PASSED AND ADOPTED this 28th day of July, 1983.

PARK CITY MUNICIPAL CORPORATION



Mayor John C. Green, Jr.

Attest:



William R. Gatherum
City Recorder

ORDINANCE

Ordinance No. 83-13

ORDINANCE AMENDING THE PARK CITY LAND MANAGEMENT CODE OF 1981 BY CREATING A NEW ZONE DESIGNATION AFFECTING PROPERTY ON ROSSIE HILL, PARK CITY, UTAH

WHEREAS, the residents and property owners with property fronting on McHenry Avenue have petitioned the City and the Planning Commission to change the zoning on their property; and

WHEREAS, the rezoning is supported by a majority of the numbers of owners, the majority of the assessed valuation, and the majority of the land area within the proposed zone, and received the favorable recommendation of the Planning Commission; and

WHEREAS, the unique features of this area in terms of access, parking, and emergency services made a lower density of development desirable for the effective delivery of City services;

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

SECTION 1. ADDITIONAL PROVISION. The Land Management Code of 1981 is hereby amended by the addition of a new section at the end of the existing Section 4, to read as follows:

4.12. RESIDENTIAL DEVELOPMENT LOW-DENSITY
(HRL)

4.12.1 PURPOSE. The purpose of the Historic Residential Low-Density Zone District (HRL) is to provide an area of newer residential housing that is limited in density and land use to single-family structures, and which reduces the density of development in an area that is accessible only by substandard streets in terms of grade, width, or single access, so that these streets are not further impacted by high density development beyond the reasonable carrying capacity. The district also serves to provide an area of lower density residential use within the old portion of Park City.

4.12.2. PERMITTED USES. The following land uses shall be permitted uses in the HRL Zone:

- (a) Single-unit detached dwellings;
- (b) accessory buildings;
- (c) activities for conservation of soil and wildlife;

- (d) agriculture, crop production, orchards, but not keeping of livestock or retail sales of produce;
- (e) parks and playfields operated by public or private entities.

4.12.3. CONDITIONAL USES. The following uses are allowed in the HRL Zone only as conditional uses:

- (a) Nightly rentals and lockout rooms;
- (b) recreational buildings owned by public or private entities;
- (c) essential municipal or public utility uses, facilities and services, but not including business offices, repair facilities, or equipment storage;
- (d) temporary buildings;
- (e) temporary uses;
- (f) liftways.

4.12.4. PROHIBITED USES. Land uses not listed above as either permitted or conditional uses are prohibited in the HRL Zone. Condominium ownership is permitted, but shall not affect the minimum lot sizes or densities, or the single unit structure requirement.

4.12.5. LOT REGULATIONS. The minimum lot regulations within the HRL Zone shall be as follows:

- (a) The minimum lot size shall be 3,750 square feet in land area, not including land encumbered by prescriptive rights-of-way or platted rights-of-way.
- (b) The minimum frontage of lots shall be 37.5 feet in width, measured at a point 15 feet back from the front lot line.
- (c) The minimum side yard shall be 5 feet.
- (d) The minimum rear yard shall be 10 feet for main buildings, and one foot for accessory buildings, provided however, that accessory building less than 3 feet from the rear lot line must comply with applicable building and fire code provisions for buildings so located.
- (e) The minimum front yard set back shall be 15 feet from the platted property line, or from the right-of-way line of any prescriptive street for main building, whichever is deeper into the lot. Open parking is permitted within the set back area, but not within 5 feet of the side lot lines. The minimum set back for garages and other accessory buildings shall be 10 feet from the property line or the right-of-way line for any prescriptive street, whichever is deeper into the lot.
- (f) Buildings shall not exceed a maximum height of 28 feet, except as provided in the supplemental regulations.

4.12.6. ARCHITECTURAL REVIEW. Because the HRL Zone abuts the HR-1 and is highly visible from the Historic District, all structures are subject to architectural review by the Planning Department staff for design compatibility with the design guidelines adopted for the Historic Residential Zone. Design approval is required before

building permits will be issued. Appeal of staff actions is to the Historic District Commission appeal of staff decisions on architectural or other matters shall be heard by the Historic District Commission.

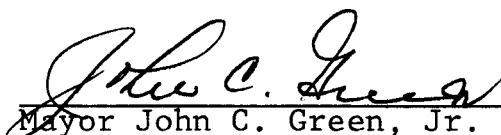
4.12.7. BOUNDARIES. The boundaries of the HRL Zone district shall be as follows, and the official zoning map of Park City amended to show the boundaries of this Zone:

Beginning at the point where the east section line of Section 16 intersects with Rossie Hill Drive and the prescriptive street known as the railroad cut, then following through the railroad cut to the intersection with Ontario Avenue, thence along the easterly side of Ontario Avenue as platted southerly until the intersection of that line with the east line of Section 16, thence north along the section line to the point of beginning.

SECTION 2. EFFECTIVE DATE. This amendment shall take effect upon publication.


PASSED AND ADOPTED this 26th day of August, 1983.

PARK CITY MUNICIPAL CORPORATION



Mayor John C. Green, Jr.

Attest:



William R. Gatherum
City Recorder

ORDINANCE

Ordinance No. 83 -14

AN ORDINANCE ADOPTING THE UTAH STATE MOTOR VEHICLE ACT
AS AMENDED FOR USE IN PARK CITY, UTAH

WHEREAS, the State of Utah has adopted a comprehensive traffic code for use within the State, and

WHEREAS, the City desires to have its traffic regulations consistent with the general provisions of the State, so that motorists are not confronted with unusual or dissimilar traffic regulations when driving through the State,

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

1. Title 41, Chapter 6, Sections 1 through 173, inclusive, of the Utah Code Annotated 1953, as amended to this date, is hereby adopted by Park City in full as a Uniform Traffic Code.

2. Title 41, Chapter 7, of the Utah Code Annotated 1953, as amended to this date, is hereby adopted by Park City in full as a uniform regulation of the operation of motor vehicles owned by public agencies.

3. Title 41, Chapter 8, of the Utah Code Annotated 1953, as amended to this date, is hereby adopted by Park City in full as a uniform regulation of the operation of motor vehicles by minors.

4. Title 41, Chapter 1, Sections 18-166, inclusive of the Utah Code Annotated 1953, as amended to this date, is hereby adopted as the Park City ordinance concerning the registration and safety inspection of motor vehicles, except to the extent those provisions address matters that are administrative functions performed by state or county officials in the process of issuing registrations and keeping records of registrations.

5. Title 41, Chapter 2, Sections 1 through 40, inclusive, of the Utah Code Annotated 1953, as amended to this date, is hereby adopted as the Park City ordinance concerning drivers licensing, except as those provisions apply to administrative acts on the part of officials of the drivers licensing division or the state agencies.

6. Title 41, Chapter 1, Section 1 of Utah Code Annotated 1953, as amended to this date is hereby adopted by Park City to provide uniform definitions of terms used throughout the Motor Vehicle Act.

7. In the event present or future ordinances of Park City specifically address local conditions concerning parking, signage, intersection controls, or similar site specific conditions, the site specific regulation shall supercede the State Code as to that condition or site.

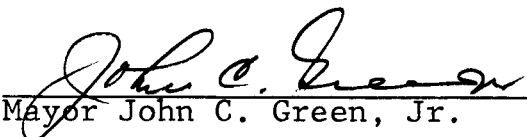
8. Chapter 15 of the 1976 Park City Code is hereby repealed in its entirety and replaced with the uniform regulations adopted by this ordinance.

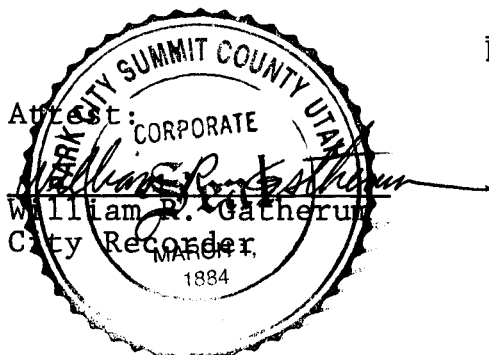
9. If any provision of the State traffic regulations and consequently of the Park City Traffic Regulations is found to be illegal, unconstitutional, or violative of any superior law or provision, only that provision shall be affected, and the remainder of the Code, as adopted, shall be in full force and effect.

10. This ordinance shall take effect upon publication.

PASSED AND ADOPTED this 1st day of September, 1983.

PARK CITY MUNICIPAL CORPORATION


Mayor John C. Green, Jr.



ORDINANCE

Ordinance No. 83-15

AN ORDINANCE ESTABLISHING A CRIMINAL CODE
FOR PARK CITY, UTAH

SECTION 1. GENERAL PROVISIONS:

- Section 1.1. Designation
- Section 1.2. Application of Code
- Section 1.3. Purposes and Principles of Construction
- Section 1.4. Crimes Abolished
- Section 1.5. Strict Construction Rule Not Applicable
- Section 1.6. Procedure - Governed by State and Constitutional Provisions
- Section 1.7. Jurisdiction of Offenses
- Section 1.8. Limitation of Actions
- Section 1.9. Fraud or Breach of Fiduciary Obligation - Misconduct by Public Officer or Employee
- Section 1.10. Defendant Out of State
- Section 1.11. Lesser Included Offense for Which Period of Limitation Has Run
- Section 1.12. "Single Criminal Episode" Defined
- Section 1.13. Joinder of Offenses and Defendants
- Section 1.14. Presumption of Innocence
- Section 1.15. General Definitions
- Section 1.16. Culpability Generally
- Section 1.17. Criminal Responsibility for Conduct of Another
- Section 1.18. Defenses to Criminal Responsibility
- Section 1.19. Justification Excluding Criminal Responsibility
- Section 1.20. Sentencing in Accordance with Code
- Section 1.21. Designation of Offenses
- Section 1.22. Misdemeanors Classified
- Section 1.23. Continuing Violation
- Section 1.24. Sentences or Combination of Sentences Allowed
- Section 1.25. Misdemeanor Conviction - Term of Imprisonment
- Section 1.26. Infraction Conviction - Fine, Forfeiture
- Section 1.27. Fines of Persons
- Section 1.28. Fines of Corporations, Associations, Partnerships, or Governmental Instrumentalities
- Section 1.29. Limitations and Special Provisions on Sentences
- Section 1.30. Attempt
- Section 1.31. Attempt - Classification of Offenses
- Section 1.32. Conspiracy
- Section 1.33. Conspiracy - Classification of Offenses
- Section 1.34. Severability

SECTION 2. OFFENSES INVOLVING PERSONS AND PUBLIC PEACE

- Section 2.1. Assault
- Section 2.2. Battery
- Section 2.3. Harassment
- Section 2.4. Terroristic Threat
- Section 2.5. Custodial Interference
- Section 2.6. Unlawful Detention

SECTION 3. OFFENSES INVOLVING PROPERTY

- Section 3.1. Theft
- Section 3.2. Theft of Services
- Section 3.3. Criminal Mischief
- Section 3.4. Criminal Trespass

SECTION 4. OFFENSES INVOLVING PUBLIC PEACE AND WELFARE

- Section 4.1. Obscene or Profane Language
- Section 4.2. Drinking and Drunkenness in Public Places
- Section 4.3. Interference with a Public Servant
- Section 4.4. Obstruction of Justice
- Section 4.5. Disturbing Governing Body or Official Meeting
- Section 4.6. Escape
- Section 4.7. Riot
- Section 4.8. Failure to Aid Peace Officer
- Section 4.9. Disturbing the Peace
- Section 4.10. Failure to Appear
- Section 4.11. False Information to Law Enforcement Officer
- Section 4.12. False Name or Address to Law Enforcement Officer
- Section 4.13. Impersonation of Officer
- Section 4.14. Disorderly Conduct
- Section 4.15. Disrupting a Meeting or Processions
- Section 4.16. Failure to Disperse
- Section 4.17. Giving a False Alarm
- Section 4.18. Telephone Harassment
- Section 4.19. Lewdness

SECTION 5. OFFENSES RELATING TO MINORS

- Section 5.1. Sale of Tobacco to Minors
- Section 5.2. Possession of Tobacco by Minor
- Section 5.3. Procuring Prohibited Article for a Minor
- Section 5.4. Unlawful to Misrepresent Age

SECTION 6. OFFENSES RELATING TO FIREARMS

- Section 6.1. Use and Possession of Firearms
- Section 6.2. Discharge of Firearms Prohibited
- Section 6.3. Unlawful Weapons
- Section 6.4. Threatening with Firearms Prohibited

SECTION 7. OFFENSES RELATING TO DRUGS

- Section 7.1. Possession of Controlled Substances Prohibited

Section 7.2. Possession of Drug Paraphernalia

SECTION 8. EFFECT ON EXISTING ORDINANCE

SECTION 1. GENERAL PROVISIONS.

Section 1.1. Designation. This ordinance shall be designated as the Park City Municipal Criminal Code. It is referred to within as "this Code".

Section 1.2. Application of Code. (a) The provisions of this Code shall govern the construction of, the punishment for, and the defense against any offense defined in this Code, or except where otherwise specifically provided or the context otherwise requires any offenses defined outside this Code; provided such offense was committed after the effective date of this Code.

(b) Any offense committed prior to the effective date of this Code shall be governed by the ordinances of Park City existing at the time of commission thereof, except that a defense or limitation on punishment available under this Code shall be available to any defendant tried or retried after the effective date. An offense under this Code shall be deemed to have been committed prior to the effective date of this Code if any of the elements of the offense occurred prior to the effective date.

Section 1.3. Purposes and Principles of Construction. The provisions of this Code shall be construed in accordance with these general purposes to:

- (a) Forbid and prevent the commission of offenses.
- (b) Define adequately the conduct and mental state which constitute each offense and safeguard conduct that is without fault from condemnation as criminal.
- (c) Prescribe penalties which are proportionate to the seriousness of offenses and which permit recognition of differences in rehabilitation possibilities among individual offenders.
- (d) Prevent arbitrary or oppressive treatment of persons accused or convicted of offenses.

Section 1.4. Crimes Abolished. No conduct is a crime or an offense unless made so by this Code, or other City ordinances or other State or Federal applicable statutes.

Section 1.5. Strict Construction Rule Not Applicable. The rule that a penal ordinance is to be strictly construed shall not apply to this Code, or any of its provisions, or other ordinances of Park City. All provisions of this Code and offenses defined by it shall be construed according to the fair import of their terms to promote justice and to affect the objects of the law and general purposes.

Section 1.6. Procedure, Governed by State and Constitutional Provisions.

- (a) Except as otherwise provided, the procedure governing the accusation, prosecution, conviction, and punishment of offenders and offenses is not regulated by this Code, but shall be in conformity with the laws of Utah and the Constitution of the United States.
- (b) This Code does not bar, suspend, or otherwise affect any rights to or liability for damages, penalty, forfeiture, impeachment, or other remedy authorized by law to be covered or enforced in a civil action, administrative proceeding, or otherwise, regardless of whether the conduct involved in the proceeding constitutes an offense defined in this Code.

Section 1.7. Jurisdiction of Offenses.

- (a) A person is subject to prosecution in Park City for an offense which he commits, while either within or outside Park City, by his own conduct or that of another for which he is legally accountable, if:
 - 1. The offense is committed either wholly or partly within Park City; or
 - 2. The conduct outside Park City constitutes an attempt within this municipality; or

3. The conduct outside Park City constitutes conspiracy to commit an offense within Park City and an act in furtherance of the conspiracy occurs in Park City; or
 4. The conduct within Park City constitutes an attempt, solicitation or conspiracy to commit in another jurisdiction an offense under this Code and such other jurisdiction.
- (b) An offense is committed partly within Park City if either the conduct which is an element of the offense, or the result which is such an element, occurs within Park City.
- (c) An offense which is based on an omission to perform a duty imposed by this Code is committed within Park City regardless of the location of the offender at the time of the omission, provided that the duty to be performed was to be performed within the City.

Section 1.8. Limitation of Actions.

- (a) Except as otherwise provided in this part, prosecutions for offenses are subject to the following periods of limitation.
1. A prosecution for a misdemeanor must be commenced within two (2) years after it is committed;

2. A prosecution for any infraction must be commenced within one year after it is committed;

- (b) The prosecution is commenced on the filing of a complaint or information.

Section 1.9. Fraud or Breach of Fiduciary Obligation - Misconduct by Public Officer or Employee. If the period prescribed in Section 1.8. has expired, a prosecution may nevertheless be commenced for:

- (a) Any offense, a material element of which is either fraud or a breach of fiduciary obligation, within one year after discovery of the offense by an aggrieved party or by a person who has a legal duty to represent an aggrieved party and who is himself not a party to the offense, but in no case shall this provision extend beyond the period of limitation otherwise applicable by more than three (3) years; and
- (b) Any offense based on misconduct in office by a public officer or employee at any time during the term of the defendant's public office or the period of his public employment or within two (2) years thereafter, but in no case shall this provision extend beyond the period of limitation otherwise applicable by more than three (3) years.

Section 1.10. Defendant Out of State. The period of limitation does not run against any defendant during any

period of time he is out of the state following the commission of an offense.

Section 1.11. Lesser Included Offense for Which Period of Limitation Has Run. Whenever a defendant is charged with an offense for which the period of limitations has not run and the defendant should be found guilty of a lesser offense for which the period of limitations has run, the finding of the lesser and included offense against which the statute of limitations has run shall not be a bar to punishment for the lesser offense.

Section 1.12. "Single Criminal Episode" Defined. In this Code unless the context requires a different definition, "single criminal episode" means all conduct which is closely related in time and is in incident to an attempt or an accomplishment of a single criminal objective.

Nothing in this part shall be construed to limit or modify the joinder of offenses and defendants in criminal proceedings.

Section 1.13. Joinder of Offenses and Defendants.

- (a) Two or more offenses under this Code or the ordinances of Park City may be charged in the same citation, complaint or information in a separate count for each offense if the offense charged are of the same or similar character or are based on the same act or transgression or on two or more acts or transactions connected together or constituting parts of a common scheme or plan.

- (b) Two or more defendants may be charged in the same citation or complaint if they are alleged to have participated in the same act or transaction. Such defendants may be charged in one or more counts together or separately and all of the defendants need not be charged in each court.

Section 1.14. Presumption of Innocence. A defendant in a criminal proceeding is presumed to be innocent until each element of the offense charged against him is proved beyond a reasonable doubt.

Section 1.15. General Definitions. The provisions of 76-1-601, Utah Code Annotated, 1953, as amended, are hereby adopted and incorporated. Unless otherwise provided or a different meaning plainly required, the following terms shall be applicable to this Code, in its entirety, and shall have the meanings designated in this section:

- (a) "Act" means a voluntary bodily movement and includes speech.
- (b) "Omission" means a failure to act where there is a legal duty to act and the actor is capable of acting.
- (c) "Actor" means a person whose criminal responsibility is in issue in a criminal action.
- (d) "Conduct" means an act or omission.

- (e) "Person" means an individual, public or private corporation, government, partnership, or unincorporated association.
- (f) "Violation" means a violation of the provisions of this Code.
- (g) "Possess" means to have physical possession of or to exercise dominion or control over tangible property.
- (h) "Bodily injury" means physical pain, illness, or any impairment of physical condition.
- (i) "Serious bodily injury" means bodily injury that creates or causes serious permanent disfigurement, protracted loss or impairment of the function of any bodily member or organ or creates a substantial risk of death.
- (j) "Deadly or dangerous weapon" means anything that in the manner of its use or intended use is likely to cause death or serious bodily injury.

Section 1.16. Culpability Generally. The provisions of 76-2-101 through 76-2-104 Utah Code Annotated 1953, as amended, dealing with culpability are hereby adopted and incorporated herein by reference.

Section 1.17. Criminal Responsibility for Conduct of Another. The provisions of 76-2-201 through 76-2-205 Utah Code Annotated 1953, as amended, dealing with criminal responsibility for conduct of another are hereby adopted and incorporated herein by reference.

Section 1.18. Defenses to Criminal Responsibility. The provisions of 76-2-301 through 76-2-308 Utah Code Annotated 1953, as amended, dealing with defenses to criminal responsibility are hereby adopted and incorporated herein by reference.

Section 1.19. Justification Excluding Criminal Responsibility. The provisions of 76-2-401 through 76-2-406 Utah Code Annotated 1953, as amended, dealing with justification excluding criminal responsibility are hereby adopted and incorporated herein by reference.

Section 1.20. Sentencing in Accordance with Code.

- (a) A person adjudged guilty of an offense under this Code or the ordinances of Park City shall be sentenced in accordance with the provisions of this Code.
- (b) Ordinances enacted after the effective date of this Code which involve an offense should be classified for sentencing purposes in accordance with this Code, unless otherwise expressly provided.

Section 1.21. Designation of Offenses. Offenses are designated as misdemeanors or infractions.

Section 1.22. Misdemeanors Classified.

- (a) Misdemeanors are classified into two categories:
 - 1. Class B misdemeanors.
 - 2. Class C misdemeanors.

- (b) An offense designated as a misdemeanor in this Code or in the ordinances of Park City when no other specification as to punishment or category is made, is a Class B misdemeanor. Where an offense is not designated otherwise, it is a Class B misdemeanor.

Section 1.23. Continuing Violation. In all instances where the violation of this Code or any ordinance hereinafter enacted is a continuing violation, a separate offense shall be deemed committed on each day during or on which the violation occurs or continues to occur.

Section 1.24. Sentences or Combination of Sentences Allowed - Civil Penalties. Within the limits prescribed by this Code, a court may sentence a person adjudged guilty of an offense to any one of the following sentences or a combination of such sentences:

- (a) To pay a fine; or
- (b) to complete a public work project; or
- (c) to probation; or
- (d) to imprisonment.

Section 1.25. Misdemeanor Conviction - Term of Imprisonment. A person who has been convicted of a misdemeanor may be sentenced to imprisonment in the County jail as follows:

- (a) In the case of a Class B misdemeanor, for a term not exceeding six (6) months;

- (b) In the case of a Class C misdemeanor , for a term not exceeding ninety (90) days.

Section 1.26. Infraction Conviction - Fine, Forfeiture.

- (a) A person convicted of an infraction may not be imprisoned but may be subject to a fine, forfeiture, or both.

- (b) Whenever a person is convicted of an infraction and no punishment is specified, the person may be fined as for a Class C misdemeanor.

Section 1.27. Fines of Persons. A person who has been convicted of an offense may, in addition to any term of imprisonment imposed, be sentenced to pay a fine not to exceed two hundred and ninety nine dollars (\$299) when the conviction is of a Class B or C misdemeanor or infraction.

Section 1.28. Fines of Corporations, Associations, Partnerships, or Governmental Instrumentalities. The sentence to pay a fine, when imposed upon a corporation, association, partnership, or governmental instrumentality for an offense defined in this Code or the ordinances of Park City or for any offense defined outside of this Code over which Park City has jurisdiction, for which no special corporate fine is specified, shall be sentenced to pay an amount, fixed by the court, not exceeding two hundred ninety nine dollars (\$299) when the conviction is for a Class B or C misdemeanor or infraction.

Section 1.29. Limitations and Special Provisions of Sentences. The provisions of 76-3-401 through 76-3-405 Utah Code Annotated 1953, as amended, dealing with limitations and special provisions on sentences are hereby adopted and incorporated herein by reference.

Section 1.30. Attempt.

- (a) For the purpose of this Code a person is guilty of an attempt to commit any act made an offense by any ordinance of this municipality if, acting with the kind of culpability otherwise required for the commission of the offense, he engages in conduct constituting a substantial step toward commission of the offense.
- (b) For purposes of this Code, conduct does not constitute a substantial step unless it is strongly corroborative of the actor's intent to commit the offense.
- (c) No defense to the offense of attempt shall arise:
 - 1. Because of the offense attempted was actually committed; or
 - 2. Due to factual or legal impossibility if the offense could have been committed had the attendant circumstances been as the actor believed them to be.

Section 1.31. Attempt - Classification of Offenses. Criminal attempt to commit:

- (a) A Class B misdemeanor is a Class C misdemeanor;

- (b) A Class C misdemeanor is an infraction;
- (c) An infraction is punishable by a penalty not exceeding one-half the penalty for an infraction.

Section 1.32. Conspiracy. For purposes of this Code a person is guilty of conspiracy when he, intending that conduct constituting an offense under this Code whether he specifically intends to violate this Code or not, agrees with one or more persons to engage in or cause the performance of such conduct and any one of them commits an overt act in pursuance of the conspiracy.

Section 1.33. Conspiracy - Classification of Offenses. Conspiracy to commit:

- (a) A Class B misdemeanor is a Class C misdemeanor;
- (b) A Class C misdemeanor is an infraction;
- (c) An infraction is punishable by a penalty not exceeding one-half the penalty for an infraction.

Section 1.34. Severability. If any provision of this Code or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or application of this Code which can be given effect without the invalid provisions or application, and to this end the provisions of this Code are severable.

SECTION 2. OFFENSES INVOLVING PERSONS AND PUBLIC PEACE.

Section 2.1. Assault. An assault is an unlawful attempt, coupled with a present ability to commit or cause an injury upon the person of another. It shall be unlawful

for any person to commit an assault within the limits of Park City.

Section 2.2. Battery. A battery is any willful and unlawful use force or violence upon the person of another. It shall be unlawful for any person to commit a battery within the limits of Park City.

Section 2.3. Harassment. A person is guilty of harassment if, with intent to frighten, annoy, or compel the conduct of another, he communicates in writing or verbally, including telephone communication, a threat to commit any violent felony. Harassment is a Class B misdemeanor.

Section 2.4. Terroristic Threat. A person commits terroristic threat if he threatens to commit any offense involving violence with intent:

- (a) To cause action of any sort by a governmental official or volunteer agency, or employee or agent thereof, organized to deal with emergencies; or
- (b) To place a person in fear of serious bodily injury.
- (c) To prevent or interrupt the occupation of a place of assembly; or aircraft, automobile, or other form of conveyance, but shall not include a facility of public transportation operated by a common carrier.
- (d) Terroristic threat is a Class B misdemeanor.

Section 2.5. Custodial Interference.

- (a) A person whether a parent or other, is guilty of custodial interference if, without good cause, he takes, entices, conceals, or detains a child under the age of sixteen from his parent, guardian, or other lawful custodian:
1. Knowing he has no legal right to do so; and
 2. With intent to hold the child for a period substantially longer than the visitation or custody period previously awarded by a court of competent jurisdiction.
- (b) A person, whether a parent or other, is guilty of custodial interference if, having actual physical custody of a child under the age of sixteen pursuant to a judicial award of any court of competent jurisdiction which grants to another person visitation or custody rights, and without good cause he conceals or detains the child with intent to deprive the other person of his lawful visitation or custody rights.
- (c) A person is guilty of custodial interference if without good cause he takes, entices, conceals, or detains an incompetent or other person under the age of sixteen who has been committed by authority of law to the custody of another person or institution from the other person or institution, knowing he has no legal right to do so.
- (d) Custodial interference is a Class B misdemeanor.

Section 2.6. Unlawful Detention. A person commits unlawful detention if he knowingly restrains another unlawfully so as to interfere substantially with his liberty.

SECTION 3. OFFENSES INVOLVING PROPERTY.

Section 3.1. Theft. A person commits theft if he obtains or exercises unauthorized control over the property of another with a purpose to deprive him thereof. The possession of property recently stolen, when the party in possession fails to make a satisfactory explanation shall be deemed prima facie evidence of guilt. Theft as provided in this Code shall be punishable as a Class B misdemeanor.

Section 3.2. Theft of Services.

- (a) A person commits theft if he obtains services which he knows are available only for compensation by deception, threat, force, or any other means designed to avoid the due payment therefor.
- (b) A person commits theft if, having control over the disposition of services of another, to which he knows he is not entitled, he diverts such services to his own benefit or to the benefit of another who he knows is not entitled thereto.
- (c) As used in this section "services" includes, but is not necessarily limited to, labor, professional service, public utility, including governmental utility service, and transportation services, restaurant, hotel, motel, tourist cabin rooming

house and like accommodations, the supplying of equipment tools, vehicles, or trailers for temporary use, telephone or telegraph service, cable television, computer service, gas, electricity, water or steam, and the like, admission to entertainment, exhibitions, sporting events, or other events for which a charge is made.

Section 3.3. Criminal Mischief.

- (a) A person commits criminal mischief if:
1. He intentionally damages, defaces, or destroys the property of another.
 2. He recklessly or willfully shoots or propels a missile or other object at or against a motor vehicle, bus airplane, boat, locomotive, train, railway car or caboose, whether moving or standing.
- (b) Criminal mischief is defined herein as a Class B misdemeanor if the actor's conduct causes or is intended to cause pecuniary loss in excess of two hundred and fifty dollars (\$250) and a Class C misdemeanor if the actor's conduct causes or is intended to cause the loss of less than two hundred and fifty dollars (\$250).

Section 3.4. Criminal Trespass.

- (a) A person is guilty of criminal trespass if:

1. He enters or remains unlawfully on property; and (a) intends to cause annoyance or injury to any person thereon or damage to any property thereon; or (b) intends to commit any crime, other than theft or a felony; (c) is reckless as to whether his presence will cause fear for the safety of another.
 2. Knowing his entry or presence is unlawful, he enters or remains on property as to which notice against entering is given by: (a) personal communication to the actor by the owner or someone with apparent authority to act for the owner; or (b) fencing or other enclosure obviously designed to exclude intruders; or (c) posting of signs reasonably likely to come to the attention of intruders.
- (b) A violation of Subsection 1 is a Class C misdemeanor unless it was committed in a dwelling in which event it is a Class B misdemeanor. A violation of Subsection 2 is an infraction.
- (c) It is a defense to prosecution under this section:
1. That the property was open to the public when the actor entered or remained; and
 2. The actor's conduct did not substantially interfere with the owner's use of the property.

SECTION 4. OFFENSES INVOLVING PUBLIC PEACE AND WELFARE.

Section 4.1. Obscene or Profane Language. It shall be unlawful for any person to use insulting, obscene, or profane language in a place or under circumstances which could cause a breach of the peace or good order of Park City.

Section 4.2. Drinking and Drunkenness in Public Places. No person shall be in an intoxicated condition in a public place, or drink beer or liquor on a public street.

Section 4.3. Interference with a Public Servant. Every person shall be guilty of a misdemeanor who:

- (a) Attempts by means of any threat, force, intimidation, distraction, or violence to deter, interfere with, or prevent a police officer, fireman, building official, meter reader, or any other city employee charged with the enforcement of any law, from performing any official duty imposed upon said officer, fireman, or other employee by law; or
- (b) Willfully resists, delays, or obstructs a police officer fireman or building official, or fails to comply with a lawful command of a police officer, fireman, or building official in the discharging or attempted discharge of his or her official duty.

Section 4.4. Obstruction of Justice. A person shall be guilty of a misdemeanor if, with intent to hinder, prevent, or delay the discovery, apprehension, prosecution, conviction, or punishment of another for the commission of a crime, he/she:

- (a) Conceals an offense from a magistrate, knowing it has been committed;
- (b) Harbors or conceals the offender;
- (c) Provides the offender a weapon, transportation, disguise, or other means for avoid discovery or apprehension;
- (d) Warns such offender of impending discovery or apprehension; or
- (e) Conceals, destroys, or alters any physical evidence that might aid in the discovery, apprehension, or conviction of such person; or
- (f) Obstructs by force, intimidation, distraction, or deception anyone from performing an act which might aid in the discovery, apprehension, prosecution or conviction of such person.

Section 4.5. Disturbing Governing Body or Official Meeting. A person is guilty of a Class B misdemeanor if:

- (a) He intentionally interferes with the condition of any meeting of the City Council, Planning Commission, Board of Adjustment, or any other public body created by ordinance while that

meeting is in session with the intention of preventing or delaying the official action of that public body; or

(b) He intentionally commits any disorderly conduct in the immediate view and presence of the governing body of Park City or its boards and commissions which tends to interrupt its proceedings or impair the respect of its authority; or

(c) Intentionally disturbs an official meeting or commits any disorderly conduct in immediate view and presence of participants in an official meeting which tends to interrupt its proceedings.

"Official meeting" as used in this section, means any lawful meeting of municipal officials for the purpose of carrying on governmental functions.

Section 4.6. Escape. It shall be unlawful for any person convicted of any offense against the ordinances of Park City, or under arrest for the commission of any offense against the ordinances of Park City, or the laws of the State of Utah, or in lawful custody to escape from such custody.

Section 4.7. Riot. Any use of force or violence disturbing the public peace, or any threat to use such force or violence by two or more persons acting together and without authority of law, if accompanied by immediate power of execution is a riot. It shall be unlawful for any person to participate in any riot.

Section 4.8. Failure to Aid Peace Officer. A person is guilty of a Class B misdemeanor if, upon command by a peace officer identifiable or identified by him as such, he unreasonably fails or refuses to aid the peace officer in effecting an arrest or in preventing the commission of any offense by another person.

Section 4.9. Disturbing the Peace. It shall be unlawful for any person maliciously or willfully to disturb the peace or quiet of another or of any neighborhood or family, by loud or unusual noise or by discharging firearms of any description, or by tumultuous, lascivious or offensive conduct, or by threatening, inducing, quarreling, challenging to fight or fighting or by use of profane or blasphemous language.

Section 4.10. Failure to Appear. A person is guilty of an offense when having been released on bail or on his own recognizance by court order or by other lawful authority upon condition that he subsequently appear personally upon a charge of an offense, he fails without just cause to appear at the time and place which have been lawfully designated for his appearance.

Section 4.11. False Information to Law Enforcement Officer. A person is guilty of a Class B misdemeanor if he:

- (a) Knowingly gives or causes to be given false information to any law enforcement officer with a

purpose of inducing the officer to believe that another has committed an offense; or

- (b) Knowingly gives or causes to be given information to any law enforcement officer concerning the commission of an offense, knowing that the offense did not occur or knowing that he has no information relating to the offense or danger.

Section 4.12. False Name or Address to Law Enforcement Officer. A person commits a Class C misdemeanor if, with intent of misleading a law enforcement officer as to his identity, he knowingly gives a false name or address to a law enforcement officer in the lawful discharge of his official duties.

Section 4.13. Impersonation of Officer. A person is guilty of a Class B misdemeanor if he impersonates a public servant or a peace officer of this municipality with intent to deceive another or with intent to induce another to submit to his pretended official authority or to rely upon his pretended official act.

Section 4.14. Disorderly Conduct. A person is guilty of disorderly conduct if:

- (a) He refuses to comply with the lawful order of the police to move from a public place or knowingly creates a hazardous or physically offensive condition, by any act which serves no legitimate purpose; or

(b) Intending to cause public inconvenience, annoyance, or alarm, or recklessly creating a risk thereof;

1. He engages in fighting or in violent, tumultuous, or threatening behavior; or
2. He makes unreasonable noises in a public place; or
3. He makes unreasonable noises in a private place which can be heard in a public place; or
4. He engages in abusive or obscene language or makes obscene gestures in a public place; or
5. He obstructs vehicular or pedestrian traffic.

(c) "Public place" for the purpose of this section, means any place to which the public or a substantial group of the public has access and includes but is not limited to streets, highways, and the common areas of schools, hospitals, apartment houses, office buildings, transport facilities, shops, plazas, parking lots, public parks, cemeteries, and similar areas open to the public or a substantial group of the public.

(d) Disorderly conduct is a Class C misdemeanor if the offense continues after a request by a person to desist. Otherwise it is an infraction.

Section 4.15. Disrupting a Meeting or Processions.

- (a) A person is guilty of disrupting a meeting or procession if, intending to prevent or disrupt a lawful meeting, procession or gathering, he obstructs or interferes with the meeting, procession, or gathering by physical action, verbal utterance, or any other means.

Section 4.16. Failure to Disperse.

- (a) A person is guilty of failure to disperse when he remains at the scene of a riot, disorderly conduct, or an unlawful assembly after having been ordered to disperse by a peace officer.
- (b) This section shall not apply to a person who attempted to but was unable to leave the scene of the riot or unlawful assembly.

Section 4.17. Giving a False Alarm. A person is guilty of giving a false alarm if he initiates or circulates a report or warning of any fire, impending bombing, or other crime or catastrophe, knowing that the report or warning is false or baseless and is likely to cause evacuation of any building, place of assembly, or facility of public transport, to cause public inconvenience or alarm or action by any sort by any official or volunteer agency organized to deal with emergencies. The offense shall be committed if the false alarm is given verbally or by activating an electronic or mechanical alarm device or system.

Section 4.18. Telephone Harassment. A person is guilty of telephone harassment and subject to prosecution if, with intent to annoy or alarm another, he:

- (a) Makes a telephone call, whether or not a conversation ensues, without purpose of lawful communication; or
- (b) Makes repeated telephone calls at extremely inconvenient hours or in offensively coarse language; or
- (c) Insults, taunts, or challenges another in a manner likely to provoke a violent or disorderly response.

Section 4.19. Lewdness. A person is guilty of lewdness if in a place open to public view, he or she fornicates, makes an intentional exposure of his or her genitals, pubic area, buttocks, or of the female breast, urinates or stools, or performs any other act of gross lewdness under circumstances which he or she should know will likely cause affront or alarm.

SECTION 5. OFFENSES RELATING TO MINORS.

Section 5.1. Sale of Tobacco to Minors. It shall be unlawful to any person to sell, give, or furnish any cigar, cigarette, or tobacco in any form, to any person under eighteen (18) years of age.

Section 5.2. Possession of Tobacco by Minor. It shall be unlawful for any person under the age of eighteen (18) years to purchase, accept, or have in his or her

possession any cigar, cigarette, or tobacco in any form.
Possession of tobacco by a minor is an infraction.

Section 5.3. Procuring a Prohibited Article for a Minor. It shall be unlawful for any person to procure for any person under disability by reason of age any article which such person under such disability is forbidden by law to purchase or have in his possession.

Section 5.4. Unlawful to Misrepresent Age. It shall be unlawful for any person under a disability by reason of age to make any false statement or to furnish, present, or exhibit any fictitious or false registration card, identification card or note or other document, or to furnish, present or exhibit such document or documents issued to a person other than the one presenting the same for the purpose of gaining admission to prohibited premises, or for the purpose of procuring the sale, gift, or delivery of prohibited articles including beer, liquor, or tobacco.

SECTION 6. OFFENSES RELATING TO FIREARMS.

Section 6.1. Use and Possession of Firearms. It shall be unlawful for any person, other than a law enforcement officer engaged in the performance of his official duties, to use, or possess with intent to use in any area within the confines of the city limits, whether public or private, any gun, revolver, or firearm of any kind or nature, or airgun, or sling shot, or rubber flipper, or bow and arrow of any other such type instrument designed to propel or throw missiles, unless upon a place specifically

designed exclusively for the use of any such type instrument.

Section 6.2. Discharge of Firearms Prohibited.

It shall be unlawful for any person, other than a law enforcement officer engaged in the performance of his official duties, to discharge firearms of any description within the corporate limits of Park City, excepting at a regularly licensed shooting gallery, at the Park City police target range, or at a regularly organized gun club shooting range, where the range and facilities have been approved by the Chief of Police or his designated agent.

Section 6.3. Unlawful Weapons.

- (a) It shall be unlawful for any person except a peace officer, to carry any brass knuckles, firearms, daggers, stiletto, nunchaku stick, or any other instrument or object capable of causing death or serious bodily injury concealed upon his person.
- (b) It shall be unlawful for any person, except a peace officer, to carry concealed on his person, any dangerous weapon with the intent or the purpose to use the same to harm, mame, or injure another person, animal, or thing. For the purpose of this subsection:
 - 1. Dangerous weapon shall mean any item that, in the manner of its use or intended use, is capable of causing death or serious bodily injury; and

2. In construing whether or not an object or thing not commonly known as a dangerous weapon is a dangerous weapon, the character of the wound produced, if any; and the manner in which the instrument, object, or thing was used or intended to be used, are factors which the court shall take into account in deciding the question.

Section 6.4. Threatening with Firearms

Prohibited. It shall be unlawful for any person to draw or exhibit any firearm, whether it is loaded or unloaded, or any other deadly weapon in an angry or threatening manner or to use the same in any fight or quarrel.

SECTION 7. OFFENSES RELATING TO DRUGS.

Section 7.1. Possession of Controlled Substances

Prohibited. No person shall knowingly or consciously possess or use a controlled substance as defined in the Controlled Substances Act of the Utah Code Annotated 1953, unless it is obtained pursuant to a valid prescription or order or directly from a practitioner authorized to prescribe such substances, while acting in the course of his professional practice, or except as otherwise authorized by the Controlled Substance Act. Violation of this section shall be punished with a punishment provided for a Class B misdemeanor.

Section 7.2. Possession of Drug Parapernalia.

- (a) It is unlawful for any person to deliver, possess with intent to deliver, or manufacture with intent to deliver, any drug paraphernalia knowing that the drug, paraphernalia will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce a controlled substance as defined in Section 7.1. into the human body in violation of the Utah Controlled Substance Act.
- (b) It is unlawful for any person eighteen (18) years of age or over to deliver drug paraphernalia to a minor.
- (c) It is unlawful for any person to place in this city in any newspaper, magazine, handbill, or other publication any advertisement, knowing that the purpose of the advertisement is to promote the sale of drug paraphernalia.
- (d) Drug paraphernalia used in violation of this section shall be subject to seizure and forfeiture to the city.
- (e) "Drug paraphernalia" as used herein is defined in 58-37a-3 Utah Code Annotated 1953 as amended, which section is adopted and incorporated herein by reference.

SECTION 8. EFFECT ON EXISTING ORDINANCE. This Code is intended to continue in effect and preserve the provisions of Chapter 13 of Park City Municipal Code of 1976 and the provisions of the Criminal Code adopted by Ordinance No. _____. To the extent those prior ordinances are not substantially incorporated in this Code, they are repealed.

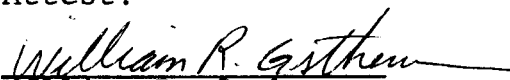
PASSED AND ADOPTED this 22nd day of September, 1983.

PARK CITY MUNICIPAL CORPORATION



Mayor John C. Green, Jr.

Attest:



William R. Gatherum
City Recorder

ORDINANCE

Ordinance No. 83-15(1)

AN ORDINANCE AMENDING ORDINANCE 83-15
ESTABLISHING A CRIMINAL CODE FOR PARK CITY, UTAH

WHEREAS the Legislature of the State of Utah has determined that the health, safety and welfare of the residents of the State of Utah can best be safeguarded by increasing the maximum fines for misdemeanors and infractions, and;

WHEREAS the City Council of Park City desires to also protect the health, safety and welfare of the residents of Park City, and;

WHEREAS the City Council of Park City also desires to promote uniformity between Park City and the State of Utah in fines;

NOW THEREFORE be it ordained by the City Council of Park City, Utah as follows:

Section 1. That Section 1.27 of Ordinance 83-15, An Ordinance Establishing a Criminal Code for Park City, Utah, be amended to read as follows:

Section 1.27 Fines of Persons. A person who has been convicted of an offense may, in addition to any term of imprisonment imposed, be sentenced to pay a fine not to exceed One Thousand (\$1,000) if the conviction is for a Class "B" misdemeanor and Five Hundred Dollars (\$500.00)

when the conviction is for a Class "C" misdemeanor or infraction.

Section 2. That Section 1.28 be amended to read as follows:

Section 1.28. Fines of Corporations, Associations, Partnerships, or Governmental Instrumentalities. The sentence to pay a fine, when imposed upon a corporation, association, partnership, or governmental instrumentality for an offense defined in this Code or the ordinances of Park City or for any offense defined outside of this Code over which Park City has jurisdiction, for which no special corporate fine is specified, shall be sentenced to pay an amount, fixed by the court, not to exceed Five Thousand (\$5,000) Dollars if the conviction is for a Class "B" misdemeanor and One Thousand (\$1,000) Dollars if the conviction is for a Class "C" misdemeanor or infraction.

Section 3. Fines. That for all other ordinances of Park City, Utah which provide violations of such ordinances is a Class "B" or "C" misdemeanor or infraction the maximum fine upon conviction for a Class "B" misdemeanor shall be Five Thousand Dollars (\$5,000) if the defendant convicted is a corporation, association, partnership or government entity. One Thousand Dollars (\$1,000) if the defendant convicted is a person. For violations of a Class "C" Ordinance or infraction the maximum fine upon conviction is One Thousand (\$1,000) Dollars if the defendant convicted is a corporation, association, partnership, or government

entity, and Five Hundred (\$500) Dollars if the defendant convicted is a person..

Section 4. Severability. If any provision of this Code or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or application of this Code which can be given effect without the invalid provisions or application, and to this end the provisions of this Code are severable.

Section 5. Effective Date. This ordinance shall become effective upon its publication.

Dated this 17th day of July, 1986.

PARK CITY MUNICIPAL CORPORATION

By


Hal W. Taylor, Mayor

Attest:


Gordon C. King
City Recorder

ORDINANCE

Ordinance No. 83-15(2)

AN ORDINANCE AMENDING ORDINANCE 83-15,
ESTABLISHING A CRIMINAL CODE FOR PARK CITY, UTAH

WHEREAS the Legislature of the State of Utah has determined that the health, safety and welfare of the residents of the State of Utah can best be safeguarded by increasing the maximum fines for misdemeanors and infractions, and;

WHEREAS the City Council of Park City desires to also protect the health, safety and welfare of the residents of Park City, and;

WHEREAS the City Council of Park City also desires to promote uniformity between Park City and the State of Utah in fines;

NOW THEREFORE be it ordained by the City Council of Park City, Utah as follows:

Section 1. That Section 1.27 of Ordinance 83-15, An Ordinance Establishing a Criminal Code for Park City, Utah, be amended to read as follows:

Section 1.27 Fines of Persons. A person who has been convicted of an offense may, in addition to any term of imprisonment imposed, be sentenced to pay a fine not to exceed Two Thousand Five Hundred Dollars (\$2,500) when the conviction is of a Class A misdemeanor, pay a fine not to exceed One Thousand (\$1,000) if the conviction is for a

Class "B" misdemeanor and Five Hundred Dollars (\$500.00) when the conviction is for a Class "C" misdemeanor or infraction.

Section 2. That Section 1.28 be amended to read as follows:

Section 1.28. Fines of Corporations, Associations, Partnerships, or Governmental Instrumentalities. The sentence to pay a fine, when imposed upon a corporation, association, partnership, or governmental instrumentality for an offense defined in this Code or the ordinances of Park City or for any offense defined outside of this Code over which Park City has jurisdiction, for which no special corporate fine is specified, shall be sentenced to pay an amount, fixed by the court, not exceeding Ten Thousand Dollars (\$10,000) when the conviction is for a Class A misdemeanor, not to exceed Five Thousand (\$5,000) Dollars if the conviction is for a Class "B" misdemeanor and One Thousand (\$1,000) Dollars if the conviction is for a Class "C" misdemeanor or infraction.

Section 3. Fines. That for all other ordinances of Park City, Utah which provide violations of such ordinances is a Class "A", "B" or "C" misdemeanor or infraction the maximum fine upon conviction for a Class "B" misdemeanor shall be Five Thousand Dollars (\$5,000) if the defendant convicted is a corporation, association, partnership or

government entity. One Thousand Dollars (\$1,000) if the defendant convicted is a person. For violations of a Class "C" Ordinance or infraction the maximum fine upon conviction is One Thousand (\$1,000) Dollars if the defendant convicted is a corporation, association, partnership, or government entity, and Five Hundred (\$500) Dollars if the defendant convicted is a person.

Section 4. That Section 4.2 be amended to read as follows:

Section 4.2 Intoxication. A person is guilty of intoxication, a Class C misdemeanor, if he or she is under the influence of intoxicating liquor, a controlled substance, or any substance having the property of releasing toxic vapors, to a degree that the person may endanger himself or another in a public place or in a private place where he unreasonably disturbs other persons.

Section 5. That Section 7.1 be amended to read as follows:

Section 7.1. Possession of Controlled Substances Prohibited. Repealed.

Section 6. Severability. If any provision of this Code or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or application of this Code which can be given

effect without the invalid provisions or application, and to this end the provisions of this Code are severable.

Section 7. Effective Date. This ordinance shall become effective upon its publication.

Dated this 4th day of December, 1986.

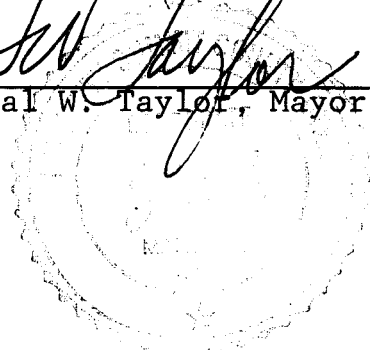
PARK CITY MUNICIPAL CORPORATION

By


Hal W. Taylor, Mayor

Attest:


City Recorder



ORDINANCE

Ordinance No. 83-15(3)

AN ORDINANCE AMENDING ORDINANCE 83-15,
ESTABLISHING A CRIMINAL CODE FOR PARK CITY, UTAH

WHEREAS, the City Council of Park City, Utah, has previously adopted Ordinance 83-15 establishing a criminal code for Park City, Utah, and

WHEREAS, the City Council of Park City desires to amend said criminal code to protect the health, safety and welfare of the residents of Park City,

NOW, THEREFORE, be it ordained by the City Council of Park City, Utah, as follows:

Section 1. Section 1.35 will be added to Ordinance 83-15, An Ordinance Establishing a Criminal Code for Park City, Utah, which will read as follows:

Section 1.35 Appearance Required by Citation - Failure to Appear as Misdemeanor. Person(s) receiving misdemeanor citations shall appear before the magistrate designated in the citation on or before the time and date specified in the citation. Any person who willfully fails to appear before a court pursuant to a citation issued under this provision is guilty of a Class B Misdemeanor, regardless of the disposition of the charge upon which said person was originally cited.

Section 2. Section 4.20 will be added to the Ordinance 83-15, An Ordinance Establishing a Criminal Code for Park City, Utah, which will read as follows:

Section 4.20 Drinking Beer or Liquor and Open Container on a Public Street Prohibited. No person shall drink beer or liquor

on a public street and no person on a public street shall keep, carry, or possess any container containing beer or liquor if the container has been opened, the seal thereon broken, or the contents of the container partially consumed.

Section 3. Section 7.1 of Ordinance 83-15, An Ordinance Establishing a Criminal Code for Park City, Utah, shall be amended to read as follows:

Section 7.1 Possession of Marijuana. Any person who knowingly and intentionally possesses or uses marijuana is guilty of a Class B Misdemeanor.

Section 4 Effective Date. This Ordinance shall become effective upon its publication.

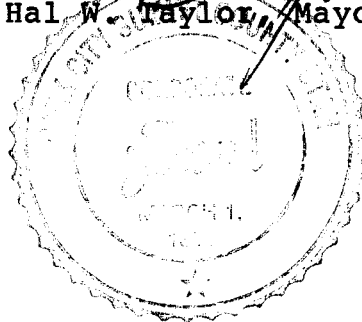
DATED this 23rd day of July, 1987.

PARK CITY MUNICIPAL CORPORATION

By Hal W. Taylor
Hal W. Taylor, Mayor

Attest:

Sandra C. King
City Recorder



ORDINANCE

Ordinance No. 83-16

AN ORDINANCE ESTABLISHING BEER AND LIQUOR
REGULATORY LICENSES

BE IT ORDAINED by the City Council of Park City,
Summit County, State of Utah, that:

SECTION 1. POLICY

SECTION 2. DEFINITIONS

- Section 2.01 Alcoholic Beverages
- Section 2.02 Beer
- Section 2.03 Director
- Section 2.04 Division
- Section 2.05 License
- Section 2.06 Licensed Premises
- Section 2.07 Liquor
- Section 2.08 Nuisance
- Section 2.09 Place of Business
- Section 2.10 Private Club
- Section 2.11 Restaurant
- Section 2.12 Retailer
- Section 2.13 Sell or to Sell
- Section 2.14 Set-up
- Section 2.15 Wholesaler

SECTION 3. BEER LICENSES

- Section 3.01 Beer License Required
- Section 3.02 Regulatory Beer License Fee
- Section 3.03 Regulatory License Fee in Addition
to Revenue License Tax
- Section 3.04 Retail Beer License Classes

SECTION 4. LIQUOR LICENSES

- Section 4.01 Liquor License Required
- Section 4.02 Regulatory Liquor License Fee
- Section 4.03 Regulatory License Fee in Addition
to Revenue License Tax
- Section 4.04 Liquor License Classes

SECTION 5. LICENSE APPLICATION PROCEDURES,
RENEWAL

- Section 5.01 License Application
- Section 5.02 Licensee Qualifications
- Section 5.03 Application Fee
- Section 5.04 Referral of License Application
to Chief of Police
- Section 5.05 Referral of License Application
to Health Department
- Section 5.06 Referral of Application to
Building Department
- Section 5.07 Periodic Inspection of Premises
by Chief of Police
- Section 5.08 Grounds for License Denial
- Section 5.09 Issuance of License Certificates
- Section 5.10 License Period
- Section 5.11 Renewal Procedure
- Section 5.12 Licenses Non-Transferrable

SECTION 6. SUSPENSION AND REVOCATION OF LICENSE

- Section 6.01 City Council
- Section 6.02 Emergency Suspensions by Police

SECTION 7. REGULATION OF LICENSED PREMISES

- Section 7.01 Offenses of Licensee

- Section 7.02 Offenses of Patrons
- Section 7.03 Citations/Violations
- Section 7.04 Wholesaler and Retailer Not to Have Common Interests
- SECTION 8. BUILDING REQUIREMENTS
 - Section 8.01 Closed Stalls and Booths Prohibited
 - Section 8.02 Occupancy Load
- SECTION 9. APPLICABILITY
- SECTION 10. REPEALER CLAUSE
- SECTION 11. SEPARABILITY CLAUSE
- SECTION 12. PENALTY
- SECTION 13. EFFECTIVE DATE

SECTION 1. POLICY. It is the policy of Park City Municipal Corporation to permit the operation of establishments serving beer and liquor in a manner consistent with the provisions of the Utah Liquor Control Act and related provisions of State Law. It is also the policy of Park City Municipal Corporation to place the primary responsibility for maintaining order and preventing breaches of the peace within establishments selling and serving beer and liquor on the owners and managers of those establishments.

SECTION 2. DEFINITIONS. All words and phrases used in this article shall have the following meanings unless a different meaning clearly appears from the context:

Section 2.01. Alcoholic Beverages. "Alcoholic beverages" means and includes "beer" and "liquor" as they are defined herein.

Section 2.02 Beer. "Beer" means any beverage containing not less than one-half of one percentum of alcohol by weight and obtained by the alcoholic fermentation of an infusion or decoction of any malted grain, or similar products. "Heavy beer" means beer containing more than 3.2 percentum of alcohol by weight. "Light beer" means beer containing not more than 3.2 percentum of alcohol by weight. "Beer" may or may not contain hops or other vegetable products. "Beer" includes ale, stout, and porter.

Section 2.03 Director. "Director" means the Finance Director of Park City.

Section 2.04 Division. "Division" means the Park City Business Licensing Division.

Section 2.05 Licensee. "Licensee" means any person holding any beer or liquor license in connection with the operation of a place of business or private club. This term shall also include and beer or liquor handling employee of the licensee. The licensee is responsible for the acts and omissions of its employees.

Section 2.06 Licensed Premises. "Licensed premises" means any room, building, structure, or place occupied by any person licensed to sell beer or to allow the consumption or storage of liquor on such premises under this article; provided that in any multi-roomed establishment, an applicant for a liquor license for a Class "B", Class "C", "Seasonal" (Class "B" or "C") or "Private Club" beer license shall designate a room or portion of a building of such business for consumption of liquor or the sale of beer, which portion shall be specifically designated in the application and in the license issued pursuant thereto shall be the licensed premises. Multiple dining facilities located in one building, owned or leased by one license applicant and subject to the same type of beer or liquor license shall be deemed to be only one licensed premises. Areas within a single building with different types of licenses shall be deemed separate licensed premises, and shall be required to obtain a separate license for each area.

Section 2.07 Liquor. "Liquor" means and includes alcohol, or any alcoholic, spirituous, vinous, fermented, malt or other liquid combination of liquids, a part of which is spirituous, vinous, or fermented, and all other drinks or drinkable liquids, containing more than one-half of one percentum of alcohol by weight; and all mixtures, compounds or preparation, whether liquid or not, which contain more than one-half of one percentum of alcohol by weight, and which are capable of human consumption; except that the term

"liquor" shall not include beer having less than 3.2% alcoholic content.

Section 2.08 Nuisance. "Nuisance" means any licensed premises where:

- (a) Alcoholic beverages are manufactured, sold, kept, bartered, stored, consumed, given away or used contrary to the Utah Liquor Control Act, the Utah Liquor Commission Rules and Regulations, or this ordinance or;
- (b) Intoxicated persons are permitted to loiter about, or profanity, indecent, immoral, loud or boisterous language or immoral, unruly, disorderly, lewd, obscene conduct is permitted, or carried on; or
- (c) Persons under the age of twenty-one are permitted to purchase or drink beer or liquor; or
- (d) Laws or ordinances are violated by the licensee or his agents or patrons with the consent or knowledge of licensee which tend to affect the public health, safety, peace, or morals; or
- (e) Patrons are throwing litter or other objects within the licensed premises or from the licensed premises in a manner which tends to affect the public safety or health; or
- (f) Patrons are permitted to remove opened containers of alcoholic beverages or glasses containing alcoholic beverages from the licensed premises to the public street or way; or
- (g) Persons who are not members, or guest members of a private club or accompanied by members as their "visitors" (as defined by State law) in any private club are permitted to remain in that club without obtaining a permanent or temporary membership.

Section 2.09 Place of Business. "Place of business" as used in connection with the issuance of beer

and liquor licenses means cafes, restaurants, public dining rooms, cafeterias, taverns, cabarets, and any other place where the general public is invited or admitted for business purposes, including any patios, balconies, decks, or similar areas, and also means private clubs, corporations and associations operating under charter or otherwise wherein only the members, guest members and their visitors are invited. Occupied hotel and motel rooms that are not open to the public shall not be "places of business" as herein defined.

Section 2.10 Private Club. "Private Club" means a non-profit corporation or organization operating and maintaining a club or association pursuant to a license granted by the Utah Liquor Commission in accordance with Section 16-6-13.5, Utah Code Annotated.

Section 2.11 Restaurant. "Restaurant" means a place of business where a variety of hot food is prepared and cooked and complete meals are served to the general public in indoor dining accommodations, or in outdoor dining areas associated with indoor accommodation.

Section 2.12 Retailer. "Retailer" means any person engaged in the sale of beer or liquor to the consumer.

Section 2.13 Sell or To Sell. "Sell" or "to sell" when used in this article in any provisions shall be construed to mean to solicit, or to receive any order for, to keep or expose for sale, to deliver for value or gratuitously, to peddle, to possess with intent to sell, to traffic in for any consideration promises or obtained directly or indirectly or under any pretext or by any means whatsoever to procure or allow to be procured for any other person, and "sale" when so used shall include every act of selling as above defined.

Section 2.14 Set-up. "Set-up" means glassware, ice, and/or mixer provided by a licensee to patrons who supply their own liquor.

- (a) Class "A" Beer License. A Class "A" retail license shall entitle the licensee to sell bottled or canned beer on the licensed premises in original containers for consumption off the premises in accordance with the Utah Liquor Control Act and the ordinances of Park City.
- (b) Class "B" Beer License. A Class "B" retail license shall entitle the licensee to sell beer at retail in bottles, cans or at draft for consumption on the premises in conjunction with restaurant food service, and to all of the privileges of the Class "A" license. Only bona fide restaurants shall be entitled to Class "B" licenses. No person under the age of twenty-one years shall serve or sell beer under this license

All holders of a Class "B" license shall maintain records which shall disclose the gross sales of beer and the gross sales of food served and any other items sold for consumption on or off the premises during the semi-annual period between January 1 and June 30 of each year. Such sales shall be shown separately. Each licensee shall retain all invoices, vouchers, sales slips, receipts, and other records of beer and other commodity purchases from all suppliers. Those records shall be available for inspection and audit by the Director at any time following the close of the semi-annual period and for twelve months thereafter, or as required by State regulation. Failure to properly maintain such records for such inspection and audit shall be cause for revocation of the Class "B" license.

If any audit or inspection discloses that the sales of beer on the licensed premises are in excess of forty percent of the gross dollar volume of business for any semi-annual period, the Class

Section 2.15 Wholesaler. "Wholesaler" means any person other than a brewer or retailer engaged in importation for sale or in the sale of beer in wholesaler jobbing quantities.

SECTION 3. BEER LICENSES.

Section 3.01 Beer License Required. It shall be unlawful for any person to engage in the business of the sale of beer at retail or wholesale within the City without first procuring a beer license as required by this ordinance. A separate license shall be required for each place of retail sale. No beer license may be transferred, assigned or subleased in any manner. Licenses are invalidated by transfer or attempted transfer. All licensees shall comply with the provisions of the Utah Liquor Control Act, and this ordinance.

Section 3.02 Regulatory Beer License Fee. The regulatory beer license fee shall be \$25.00 for all classes of beer licenses. The regulatory license fees shall be used by the city to defray, in part, the costs of enforcing alcohol related enforcement and responding to alcohol related offenses within Park City. This fee may be waived by the City Council for temporary licenses issued to persons participating in community sponsored events, or in events sponsored by or for the benefit of non-profit, civic, religious, or charitable organizations.

Section 3.03 Regulatory License Fee in Addition to Revenue License Tax. The regulatory beer license fee required by this ordinance is in addition to the business revenue license tax required by Park City Ordinance No. 82-10.

Section 3.04 Retail Beer License Classes. Retail beer licenses issued under the provisions of this ordinance shall be classified into the following classes which shall carry the privileges and responsibilities hereinafter set forth in this ordinance:

"B" license shall immediately be suspended and shall not be reinstated until the licensee is able to prove to the satisfaction of the City Council that in the future the sales of beer on the licensed premises will not exceed forty percent of the gross dollar volume of business.

- (c) Class "C" Beer License. A Class "C" retail license shall be required for all premises where the primary or main business is that of selling beer for consumption on the licensed premises. A Class "C" license shall entitle the licensee to sell bottled, canned, or draft beer for consumption on or off the licensed premises. Holders of Class "C" licenses are not subject to the audit requirements of Class "B" licenses. No person under the age of twenty-one years shall sell or serve beer under this license.
- (d) Class "D" Beer License. A Class "D" retail license shall entitle the licensee to sell beer for consumption on or at publicly owned recreation facilities. The licensee shall be the holder of a concession contract or approval from the public body owning the recreation area involved. Under this license, no beer shall be sold in the original containers but must be first emptied into suitable temporary containers. No person under the age of twenty-one years may sell or serve beer under this license. All sales and deliveries under this license shall be made directly to the ultimate consumer.
- (e) "Temporary" Beer License. A "temporary" beer license shall carry the privileges of a Class "B", "C", or "D" beer license for a period of less than one year to be determined by the City Council. A "temporary" beer license shall indicate whether it is a temporary class "B", "C", or "D" beer

license. No person under the age of twenty-one years shall sell or serve beer under this license.

- (f) "Private Club" Beer License. A "private club" beer license shall carry the privileges of a Class "C" beer license provided that the sale of beer shall be to club members, guest members and their visitors only and each license shall be issued to bona fide clubs which are organized, incorporated, bonded, regulated, and operated in compliance with the provisions of Chapter 6, Title 16, Utah Code Annotated, 1953, as amended, the Utah Liquor Control Act, and the Liquor Control Commission Rules and Regulations.

SECTION 4. LIQUOR LICENSES.

Section 4.01 Liquor License Required. No person shall operate a place of business which allows customers, members, guests, visitors, or other persons to possess, consume, or store liquor on the premises of the place of business without a liquor license issued by the City. A separate license shall be required for each place of business. No liquor license may be transferred, assigned, or subleased in any manner. All licensees shall comply with the provisions of the Utah Liquor Control Act, Utah Liquor Control Commission Rules and Regulations and this ordinance.

Section 4.02 Regulatory Liquor License Fee. The regulatory liquor license fee shall be \$25.00 for "set-up" and "restaurant" liquor licenses, and \$50.00 for a "private club" liquor license per annum or any part thereof. The regulatory liquor license fees shall be used by the City to defray the costs of enforcement of alcohol related ordinances in Park City. This fee may be waived by the City Council for licensees participating in community events or for events sponsored by or for the benefit of non-profit, charitable organizations.

Section 4.03 Regulatory License Fee in Addition to Revenue License Tax. The regulatory liquor license fee

required by this ordinance is in addition to the business revenue license tax required by Park City Ordinance No. 82-10.

Section 4.04 Liquor License Classes. Retail liquor licenses issued under the provisions of this ordinance shall be classified into the following classes which shall carry the privileges and responsibilities hereinafter set forth in this article:

- (a) "Set-up Liquor License. A "set-up" liquor license shall entitle the licensee to provide set-ups to patrons who supply their own liquor for the consumption of liquor on the premises in accordance with the Utah Liquor Control Act and Utah Liquor Commission Rules and Regulations and the ordinances of Park City. A "set-up" liquor license does not permit the operation of a State liquor store or the storage of liquor on the licensed premises. No person under the age of twenty-one years shall serve or sell liquor.
- (b) "Restaurant" Liquor License. A "restaurant" liquor license shall entitle the licensee to provide set-ups to patrons who supply their own liquor for the consumption of liquor on the premises and who intend to order food to be prepared, sold, and served on the premises, in accordance with the Utah Liquor Control Act and Utah Liquor Commission Rules and Regulations and the ordinances of Park City.

Only bona fide restaurants shall be entitled to restaurant liquor licenses. Set-ups are to be provided only in conjunction with a meal, and it shall be unlawful to serve or sell set-ups except with a meal. No person under the age of twenty-one years shall serve or sell liquor under this license. A restaurant liquor license shall only be issued to persons licensed by the State

Liquor Commission to operate a State Liquor Store on the restaurant premises. A restaurant liquor license shall not entitle the storage of liquor on the licensed premises, except as a part of the State Liquor Store.

All holders of restaurant liquor licenses shall maintain records which shall disclose the gross sales of liquor and the gross sales of food served and any other items sold for consumption on or off the premises during the semi-annual period between January 1 and June 30 of each year. Such sales shall be shown separately. Each licensee shall retain all invoices, vouchers, sales slips, receipts, and other records of beer and other commodity purchases from all suppliers. Such records shall be available for inspection and audit by the Director at any time following the close of the semi-annual period and for one year thereafter, or as required by State regulations. Failure to properly maintain such records for such inspection and audit shall be cause for revocation of the restaurant liquor license.

If any audit or inspection discloses that the sales of food on the licensed premises are below seventy percent of the gross dollar volume of business for any semi-annual period, the restaurant liquor license shall immediately be suspended and shall be reinstated until the licensee is able to prove to the satisfaction of the City Council that in the future, the sales of food on the licensed premises will not fall below seventy percent of the gross dollar volume of business.

- (c) "Private Club" Liquor License. A "private club" liquor license shall entitle the licensee to serve, sell, and store liquor, pursuant to Utah

Liquor Commission Rules and Regulations and to ordinances of Park City. No person under the age of twenty-one years shall serve or sell liquor under this license. All sales under a private club license shall be bona fide members of the licensed club, guest members or their visitors accompanied by members or guest members, and not to the general public.

- (d) "Seasonal" Liquor License. A "seasonal" liquor license shall carry the privileges of a "set-up" or "restaurant" liquor license for a period of less than one year to be determined by the City Council. A "seasonal" liquor license shall indicate whether it is a "seasonal", "set-up", or "restaurant" liquor license. No person under the age of twenty-one years shall sell or serve liquor under this license.

SECTION 5. LICENSING APPLICATION PROCEDURES.

Section 5.01 License Application. Applications for new beer or liquor licenses of beer or liquor licenses shall be made in writing to the City Council upon a form furnished by the Director to be filed with the Director. Each application shall state the name, address (street address and post office box number, if applicable), age and citizenship of the applicant, the location of the business that he has complied with requirements specified in the Utah Liquor Control Act, whether the applicant meets the licensee qualifications set out in Section 5.02, the location of any other beer or liquor licenses held by the applicant, and any other reasonably pertinent information required by the Director or City Council. If the applicant is a partnership, association, or corporation, the same information shall be included for each officer or director thereof. The application must be subscribed by the applicant who shall state under oath that the facts therein contained are true.

Section 5.02 Licensee Qualifications. No beer or liquor license shall be granted to any retailer if the person does not meet the following qualifications:

- (a) The licensee shall be over the age of twenty-one years;
- (b) No beer or liquor license shall be granted to anyone who has been convicted of or plead guilty to a felony within two years of the application, or of misdemeanors involving alcohol or controlled substances during a period of one year prior to the application.
- (c) No beer or liquor license shall be granted to any person who has been convicted of any violation of any law or ordinance relating to the importation or sale of intoxicating liquors, or of keeping a gambling or disorderly establishment, or who has plead guilty to or forfeited his bail on a charge of having violated any such law or ordinance within the preceding three years; or
- (d) Any person whose beer or liquor license was revoked is ineligible to reapply for a beer or liquor license until the expiration of three years from the date such license was revoked.

No license shall be granted to any partnership, corporation, or association, if any partner, director, or officer of which could not qualify for a license if the application were filed by the individuals.

Section 5.03 Application Fee. Each beer and liquor license application shall be accompanied by the regulatory license fee required by Section 2.02 or Section 3.02. If the license is denied, 50% of the license fee will be retained to pay the costs of processing the application.

Section 5.04 Referral of License Application to Chief of Police. All applications filed in accordance with the provisions of this ordinance shall be referred to the Chief of Police for inspection and report. The Chief of

Police shall within ten days after receiving such application make report to the City Council of any criminal violations or charges against the applicant, or partners, officers, or director of the application is not an individual; the nature and kind of business to be conducted at such place by the applicant; the nature and kind of entertainment, if any, at such place; and the proximity of such premises to any school or church. The Chief of Police shall also add to such report his recommendation as to whether or not the application should be granted. In making his recommendation, the Chief of Police may refer to the character of other licensed premises owners in full or in part by the applicant.

Section 5.05 Referral of License Application to Health Department. All applications filed in accordance with this ordinance may be referred to the County Health Department which may inspect all premises to be licensed to assure sanitary compliance with the laws and regulations of the State of Utah and the ordinances, rules, and regulations of Park City in the preparation, storage, distribution, or sale of beer and food fulfills all such sanitary requirements.

Section 5.06 Referral of Application to Building Department. The Chief of Police may refer the application to the Building Department for review by the Building Official to ensure compliance with the applicable building codes, and a determination of the maximum number of occupants the premises may safely accommodate at one time given the location and number of emergency exits.

Section 5.07 Periodic Inspection of Premises by Chief of Police. The Chief of Police shall be permitted to have access to all premises licensed or applying for license under this ordinance, and shall make periodic inspections of said premises and may report his findings to the City Council.

Section 5.08 Grounds for License Denial. The City Council may deny a beer or liquor license if:

- (a) The license application does not contain all of the information required by Section 4.01;
- (b) The application fee is not paid;
- (c) The premises to be licensed do not comply with the applicable zoning regulations and building codes in force at the time of application;
- (d) The applicant does not meet the licensee qualifications set out in Section 4.02;
- (e) The applicant intentionally misrepresented or concealed information required by Section 4.01 in an application for the license.
- (f) The proposed premises do not meet health codes, and the applicant does not provide reasonable assurances that the premises will be brought into compliance upon approval of the license.
- (g) The applicant holds other licenses under this ordinance, which are not in good standing, or on which licensed premises the provisions of this ordinance and State laws are frequently violated.

Section 5.09 Issuance of License Certificate.

All beer and liquor license certificates shall be signed by the Mayor, attested by the City Recorder under the seal of the City, and contain the following information:

- (a) The address of the licensed premises;
- (b) A description of the portion of the building designated as the licensed premises;
- (c) The maximum occupancy of the licensed premises;
- (d) The beer or liquor license classification;
- (e) The name of the person or business to whom such certificate has been issued;
- (f) The name of the business;
- (g) The term of the license with commencement and expiration dates; and

- (h) That the license is subject to revocation by the City for violation of this ordinance or the Utah Liquor Control Act.

Section 5.10 License Period. The license certificate shall be valid through December 31 of the year of issuance, unless revoked or suspended under this ordinance.

Section 5.11 Renewal Procedure. On or before December 1 of each year, the City shall send a notice to each current beer and liquor licensee within the City that the regulatory license fee required by Section 2.02 or Section 3.02 and the revenue license tax required by Park City Ordinance No. 82-10 is due by December 31. Upon receipt of the regulatory license fee and the revenue license tax and finding that renewal is proper, the City Council shall issue a license certificate valid through December 31 of the next licensing year. All licenses expire December 31 of each year. Upon notification by the Police Department, the licensee must close the licensed premises on the expiration date of the license and keep the premises closed for the consumption or storage of beer or liquor until the date his renewal license is issued by the City Council, or pending a hearing before the City Council. In the absence of such notice, pending action by the Council on license renewals, the prior license is deemed extended, provided a renewal application was filed on or before December 31 of the year in which the prior license was issued. The Director and Chief of Police shall prepare a list or lists of all licenses to be renewed, and the City Council may approve all renewals on that list or lists by a single motion.

Licenses shall be renewed unless the Council shall find that:

- (a) The licensee has attempted to transfer or assign the license to others in violation of this ordinance;

- (b) The licensee no longer holds the qualifications required of licensee under the provisions of Section 5.02 of this ordinance;
- (c) The premises have been remodeled or changed in a manner that eliminates required exits, creates closed booths or stalls; or
- (d) The licensee or his employees or agents have been convicted of or plead guilty to more than five (5) violations of this ordinance or State liquor control statutes relative to the conduct of the licensed premises in a single calendar year preceding the renewal, not including violation by patrons.

In the event the Council finds any of the foregoing conditions (a) through (d) to exist with respect to a license renewal application, the Council may waive the violations and grant a renewal license, grant a probationary renewal for a fixed period of time less than one year, or deny the application for renewal. When deemed appropriate, the Council may hold hearings on specific license renewal applications prior to granting the renewal license.

5.12. Licenses Non-Transferable. No license issued under this ordinance is transferable from the original licensee to any other person, partnership, corporation, or other entity. Each year, as a part of the renewal process, the licensee shall indicate the board of directors, or all partners, and if there are any changes from the previous year, the license shall be reviewed as a new application to the extent of the changes in ownership full to separate legal entity or individual is deemed a surrender of the license, and shall have no effect.

Section 6. SUSPENSION AND REVOCATION OF LICENSES.

Section 6.01. City Council. Licenses may be suspended or revoked by the City Council for the reasons provided below. Whenever action on a license is taken by the Council, the licensee shall be given twenty (20) days

written notice of the hearing on the license, the proposed action to be taken, and the grounds for the action. The Council may hold hearings and take action on any license issued under this ordinance, including temporary suspensions, periods of probation, and revocations when:

- (a) The licensee has failed to comply with the requirements of the Utah Liquor Control Act, or the requirements of this ordinance and the City's Business Revenue License Ordinance;
- (b) The licensee or employees of the licensee has been convicted or plead guilty to violations occurring under Section 7.1 of this ordinance on the licensed premises, not including violations by patrons;
- (c) The licensee has attempted to transfer the license to others in violation of this ordinance;
- (d) The licensee has become ineligible to hold a license by failing to meet the standards for licensee listed in Section 5.02 of this ordinance.
- (e) The Licensee or his agents or employees, with the knowledge of the license holder, have been engaged in the sale, distribution, or delivery of controlled substances, as defined by state statute, on or from the licensed premises.

Section 6.02. Emergency Suspensions by Police.

Licenses under this ordinance may be suspended by the Chief of Police without prior hearing when conditions existing at the licensed premises are such that there is probable cause to believe that violations of this ordinance or State Law are occurring, and the conditions are such that the public health and safety are endangered, provided that the temporary suspension shall occur only if the management or the licensee fails to remedy the situation within fifteen (15) minutes of notification by the Chief of Police that a suspension will occur if the conditions complained of are not remedied in a manner that eliminates the immediate

danger to public health and safety. No suspension by the Chief of Police shall extend beyond the ordinary close of business on the day on which the suspension was given.

SECTION 7. REGULATION OF LICENSED PREMISES.

Section 7.01 Offenses of Licensee. It shall be unlawful for the holder of any license issued under this ordinance or any employee or agent of the holder to cause or permit to be caused on his or her premises any of the following acts:

- (a) Sale During Revocations. To sell or permit to be sold any beer, liquor, or liquor set-ups during any period of a license revocation or suspension;
- (b) Failure to Display License. To fail to have the license issued under this ordinance on display in the licensed premises;
- (c) Excess Hours of Operation. To sell beer or liquor, or liquor set-ups on the licensed premises at any time between the hours of 2 a.m. and 7 a.m., except that on New Year's Day, no beer or liquor shall be sold between the hours of 3 a.m. and 7 a.m. Holders of Class "A" beer licenses may sell beer for consumption off the premises at any time of day.
- (e) Minors on the Premises. To permit a minor to be in or enter into a licensed premises which hold any of the following licenses:

Class "C" Beer License
Liquor Set-Up License
Temporary License of Either Type

There shall be no restriction on the admission of minors being in or remaining in any of the following licensed premises:

Class "A" Beer License
Class "B" Beer License
Class "D" Beer License
Restaurant Liquor License
Temporary Licenses of These
Classifications

It shall not be a violation of this ordinance for minors to be in premises licensed as private clubs, provided, however, that minors must be accompanied by a parent or guardian, and shall be only within an area of the licensed premises designated as food service area. It shall be unlawful for the holder of any private club license to permit minors to be within the license premises when not accompanied by a parent or guardian, or to permit minors to remain in or about the liquor service portion of the premises. Licensees may prohibit minors from entering the premises at all at their discretion by posting a sign at the entrance that states that minors are not permitted inside.

It shall not be a violation of this ordinance to permit minors to work in any licensed premises, regardless of license classification, provided that minors shall not work in any capacity that involves handling, selling, or serving alcoholic beverages. It shall be unlawful to permit minor employees to sell, serve, or handle alcoholic beverages.

- (e) Sale or Service to Minors. To furnish or sell, directly or indirectly, through its agents or employees, an alcoholic beverage to persons under the age of twenty-one years, or to permit patrons within the license premises to provide alcoholic beverages to persons under the age of twenty-one years on the licensed premises.
- (f) Nuisance. To keep or permit a nuisance on the premises as defined by Section 1.08 of this ordinance;
- (g) Untaxed Liquor. To possess or sell on the licensed premises any liquor which does not bear proper stamps and labels indicating it was purchased from the Utah State Liquor Store or a package agency of that store, except as provided by state law.

- (h) Adulterated Alcoholic Beverages. To possess or sell on the licensed premises any adulterated, impure, diluted, or misbranded liquor.
- (i) Failure to Control Noise. To permit or cause to be performed any live musical, comedic, or theatrical performance within the licensed premises at any time while the exterior doors and windows of the premises are open, except that doors may be opened for ingress and egress of patrons, provided that the doors are promptly closed thereafter.
- (j) Outdoor Speakers. To permit or cause to exist any loud speaker or sound amplification equipment on any outdoor balcony deck, patio, or garden associated with the licensed premises.
- (k) Excess Hours Outside. To sell or service alcoholic beverages or to permit patrons to remain on any outdoor balcony, deck, patio, or garden associated with the licensed premises after the hour of 10 p.m.
- (l) Gambling. To permit, cause, participate, or allow any gambling or gaming, as defined by the Laws of the State of Utah within any licensed premises.
- (m) Controlled Substances. To permit or tolerate, or participate in the use, sale, or possession of any unlawful controlled substance within the licensed premises.
- (n) Overloading. To permit or tolerate the licensed premises to be occupied by more persons than the assigned occupancy load for the building assigned by the Building Official under the Uniform Building Code.
- (o) License Violation. To permit the consumption of alcohol on any premises licensed with a Class "A" beer license, or to open any container for consumption on the premises by the holder of any

Class "A" beer license or his agents or employees; or to permit, cause, or tolerate on the licensed premises the sale, use, consumption, or possession of alcoholic beverages in a manner that is in violation of the limits imposed by the license granted.

- (p) Service of Intoxicated Persons. To sell or serve alcoholic beverages to a person who is obviously intoxicated, or to permit an obviously intoxicated person to remain in or about the premises.

Section 7.02 Offenses by Patrons. It shall be unlawful for any person within a licensed premise under this ordinance, whether as a guest, patron, invitee, supplier, or in any other capacity other than as an employee of the license holder or as the licensee, to commit or perform any of the following within the licensed premises:

- (a) To enter or remain in any licensed premises holding any of the following described classifications of licenses while under the age of twenty-one years:

Class "C" Beer License
Liquor Set-Up License

- (b) To enter or remain in any premises licensed as a private club, except when accompanied by a parent or guardian, except as a non-alcoholic handling employee of the licensee.
- (c) To be in or around the portion of any licensed premise holding a private club license which is designated or functioning as a liquor selling portion of the premises, rather than the area primarily designed and intended for the sale of food.
- (d) To furnish, directly or indirectly, alcoholic beverages to any persons under the age of twenty-one years, or to possess or consume

alcoholic beverages while under the age of twenty-one years.

- (e) To enter or remain about a licensed private club without being a member of that club, a guest member of that club, or an invitee of a member of that licensed club.
- (f) To enter to remain in any licensed premises after being ordered to leave the premises by the licensee or the agent or employees of the licensee.
- (g) To enter or remain in any licensed premises while intoxicated.

Section 7.03 Citations/Violations. The commission of any act or offense listed in Section 7.01 or 7.02 above shall be a Class "B" misdemeanor, punishable upon conviction by a jail sentence of not more than six months in the County Jail, and a fine not in excess of \$299 for each offense. Both the license holder or his employee or agent, and the patron of the licensed premises may be charged from the same incident, as the offenses of the licensee and the offenses of the patron are separate offenses. The licensee shall be civilly responsible for all violations permitted or caused by the agent or employee of the licensee and the criminal acts of the employees or agents committed on the premises in the course of employment shall be deemed the acts of the licensee for purposes of revocation, suspension, or non-renewal by the City.

Section 7.04 Wholesaler and Retailer Not to Have Common Interests. It shall be unlawful for any dealer, brewer or wholesaler to either directly or indirectly supply, give or pay for any furniture, furnishings or fixtures of a retailer, and it shall be unlawful for any dealer or brewer to advance funds, money or pay for any license of a retailer or to be financially interested either directly or indirectly in the conduct, operation, or ownership of any premises with a Class "C" beer license,

"private club" liquor license or "seasonal" license for any of these license classes.

SECTION 8. BUILDING REQUIREMENTS. It shall be unlawful for any person who obtains a liquor or beer license after the adoption of this ordinance to own, operate or manage any premises licensed for the retain sale or consumption of beer or liquor without complying with the following lighting and view requirements:

(a) During business hours adequate lighting shall be maintained in all areas of the licensed premises to allow safe movement within the licensed premises, visibility for business activity, and visibility of all areas of the licensed premises from a point within the licensed premises at or near the main public entrance.

(b) A clear, unobstructed view of all areas of the licensed premises shall be available at all times from a point within the licensed premises at or near the main public entrance.

Persons who have obtained beer or liquor licenses from the City before the adoption of this ordinance and who annually renew their licenses with the City shall not be required to comply with the requirements of this section.

Section 8.01 Closed Stalls and Booths Prohibited. It shall be unlawful for any closed booths or stalls to exist on premises licensed for the retail sale or consumption of beer or liquor. This provision shall not prevent the use and operation of private dining or conference rooms as a part of the licensed premises.

Section 8.02 Occupancy Load. On any premises licensed after the date of this ordinance, the Building Official shall determine the maximum safe occupancy load of the building, as provided in the Uniform Building Code, and it shall be unlawful, and a Class "B" misdemeanor for any license with an assigned occupancy load to permit more than that number of persons to be within the license premises.

Once an occupancy limit is assigned, the limit shall be posted with the license in a prominent place within the licensed premises. This provision shall not apply to premises licensed as Class "A" beer licenses.

SECTION 9. APPLICABILITY. The provisions of this ordinance shall apply to all licensed premises and all licensees who are issued either a new license or a renewal of an existing license after the date of this Ordinance. Amendments to this ordinance may be made from time to time, and all licenses or renewals issued hereunder are subject to amendments as they become effective, except that amendments which address structural requirements of any licensed premises existing at the time of the amendment shall not apply to existing structures until such time as the license is transferred, forfeited, or allowed to expire. As existing structures are sold, remodeled, or relicensed (but not on renewal of existing licenses), however, full compliance will be required prior to the issuance of a new license, new class of license, or license to a new licensee at that location.

SECTION 10. REPEALER CLAUSE. This ordinance shall amend Ordinance 82-18, establishing Beer and Liquor Regulatory Licenses in its entirety to read as herein provided.

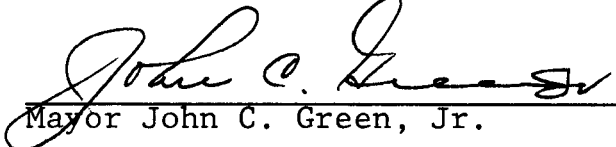
SECTION 11. SEPARABILITY CLAUSE. If any subsection, sentence, clause, phrase, or portion of this chapter, including but not limited to any exemption, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this chapter.

SECTION 12. PENALTY. The penalty for violation of any provision of this ordinance shall, upon conviction, be a jail term of not more than six months in the County Jail, or a fine of not more than \$299, or both.

SECTION 13. EFFECTIVE DATE. This ordinance shall take effect on the date of its publication, provided that licenses issued under the prior ordinance shall not be affected by these amendments. Any license issued from the effective date forward, or any license renewed after the effective date, shall be subject to the terms of this ordinance.


DATED this 13th day of October, 1983.

PARK CITY MUNICIPAL CORPORATION



Mayor John C. Green, Jr.

Attest:



William R. Gatherum
City Recorder

ORDINANCE

Ordinance No. 83-16(4)

AN ORDINANCE AMENDING THE BEER AND LIQUOR REGULATORY
ORDINANCE NO. 83-16, TO PROVIDE FOR THE
CONTROL OF NOISE EMANATING FROM LICENSED
BEER AND LIQUOR ESTABLISHMENTS

WHEREAS, the City Council has received complaints from residents and businesses regarding noise emanating from beer and liquor serving establishments; and

WHEREAS, excessive bar noise is considered an annoying nuisance which interferes or impairs conducting business and/or the use and enjoyment of adjacent housing in the area; and

WHEREAS, licensed establishments are subject to regulation by the City; and

WHEREAS, the Council feels it reasonable and appropriate to amend its ordinance with regard to noise, and more particularly addressing recorded music;

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

Section 1. Amendment. Subsection 7.01 (i), Failure to Control Noise, shall be amended in its entirety to read as follows:

~~Failure to Control Noise. To permit or cause to be performed any live musical, comedic, or theatrical performance within the licensed premises at any time while the exterior doors and windows of the premises are open, except that doors may be opened for ingress and egress of patrons, provided that the doors are promptly closed thereafter.~~

Failure to Control Noise. To permit or provide either live or recorded amplified music without first having closed all exterior doors and windows of the licensed premises to control noise. Doors may be opened to provide ingress and egress, but shall not be blocked in the open position to provide ventilation. Doors shall be equipped with automatic closing devices to keep them in the closed position except to permit ingress and egress of patrons.

Section 2. Effective Date. This amendment shall take effect upon publication.

PASSED AND ADOPTED this 6th day of October, 1988.

PARK CITY MUNICIPAL CORPORATION

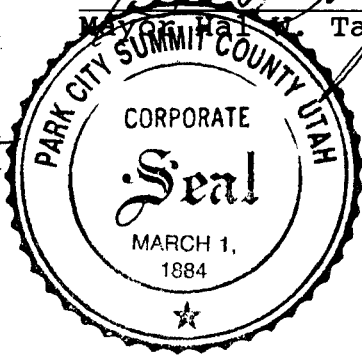


Mayor Hal Taylor

Attest:



Anita L. Coletti
City Recorder



ORDINANCE

Ordinance 83-16(2)

AN ORDINANCE AMENDING SECTION 6.01
OF ORDINANCE 83-16, ESTABLISHING
INVESTIGATION, SUSPENSION AND REVOCATION
PROCEDURES FOR BEER AND LIQUOR LICENSES

WHEREAS, Ordinance 83-16, establishing beer and liquor regulatory licenses was adopted October 20, 1983; and,

WHEREAS, the City Council finds that it is desirable to set forth a procedure for reviewing licensing complaints and enforcement of the license suspension and revocation provisions of the existing Ordinance,

NOW, THEREFORE, BE IT ORDAINED:

SECTION 1. Section 6.01 shall be amended and replaced in its entirety to read as follows:

Section 6.01. City Council. Licenses issued under this ordinance may be suspended or revoked by the City Council for the following reasons:

- (a) The licensee has failed to comply with the requirements of the Utah Liquor Control Act as currently in force or amended in the future, or the requirements of this ordinance or the City's Business Revenue License Ordinance;
- (b) The licensee or employees of the licensee has been convicted or plead guilty to violations occurring under Section 7.01 of this ordinance on the licensed premises, not including violations by patrons;
- (c) The licensee has attempted to transfer the license to others in violation of this ordinance;
- (d) The licensee has become ineligible to hold a license by failing to meet the standards for licensees listed in Section 5.02 of this ordinance;
- (e) The licensee or his agents or employees, with the knowledge of the license holder, have been engaged in the sale, distribution, or delivery of controlled substances, as defined by state statute, on or from the licensed premises.

Upon receiving a written complaint from any person alleging a violation by a licensee or a person employed on a

ORDINANCE

Ordinance 83-16(2)

AN ORDINANCE AMENDING SECTION 6.01 OF
ORDINANCE 83-16, ESTABLISHING INVESTIGATION,
SUSPENSION AND REVOCATION PROCEDURES
FOR BEER AND LIQUOR LICENSES

WHEREAS, Ordinance 83-16, establishing beer and liquor regulatory licenses was adopted October 20, 1983; and,

WHEREAS, the City Council amended Ordinance 83-16 to set forth a procedure for reviewing licensing complaints and enforcement of the license suspension and revocation provisions of the existing Ordinance; and,

WHEREAS, the City Council finds that it is desirable to further amend Ordinance 83-16 to specify the responsibilities of the parties to such license reviews;

NOW, THEREFORE, BE IT ORDAINED:

SECTION 1. Section 6.01 of Ordinance 83-16 shall be amended and replaced in its entirety to read as follows:

Section 6.01. City Council Licenses issued under this ordinance may be suspended or revoked by the City Council for the following reasons:

(a) The licensee has failed to comply with the requirements of the Utah Liquor Control Act as currently in force or amended in the future, or the requirements of this ordinance or the City's Business Revenue License Ordinance;

(b) The licensee or employees of the licensee have been convicted or plead guilty to violations occurring under Section 7.01 of this ordinance on the licensed premise, not including violations by patrons;

(c) The licensee has attempted to transfer the license to others in violation of this ordinance;

(d) The licensee has become ineligible to hold a license by failing to meet the standards for licensees listed in Section 5.02 of this ordinance;

(e) The licensee or his agents or employees, with the knowledge of the license holder, have been engaged in the sale, distribution, or delivery of controlled substances, as defined by state statute, on or from the licensed premises.

Upon receiving a written complaint from any person alleging a violation of any provision of this ordinance by a licensee or an agent of the licensee, the City or anyone designated by the City Manager with the assistance of such other departments of the City as the City Manager may direct, shall conduct an investigation of the allegations of the complaint. The City shall not investigate consumer or product liability complaints. Upon completion of the investigation, the City Manager may dismiss the matter as being without merit, settle the matter based upon the negotiations the City Manager or his or her designee may have undertaken with the licensee, or cause an Order to Show Cause to be issued to the licensee requiring the licensee to come forward and answer the allegations of the Order to Show Cause.

The Order to Show Cause may be based upon an affidavit filed by the City Manager, City Attorney, or anyone else the City Manager has designated to file such action, and said Order to Show Cause shall specifically set forth the ordinance sections alleged to have been violated and generally describe the acts in violation.

In the event an Order to Show Cause is issued to the licensee, the City Council shall determine whether to refer the matter to a licensed hearing examiner (LHE), or to hear the matter directly itself. The Order to Show Cause shall be issued at least fourteen calendar days prior to the date set for the administrative hearing, but the hearing shall be commenced in any event, within one year of the service of the Order to Show Cause upon the licensee unless otherwise agreed by the parties. Within ten days from the date of the service of the Order to Show Cause, the licensee shall file with the City a written response to the allegations contained therein.

If the matter is to be heard by the City Council, the City Council may elect one of its members to act as presiding officer for the hearing. The presiding officer shall rule on all matters of controversy which arise during the hearing. The City Council may designate one or more of its members to act as a hearing panel, in which event the hearing panel shall follow the same procedural requirements as the LHE is required by this ordinance to follow.

In all administrative license revocation or suspension proceedings, a hearing shall be conducted as follows:

- a. The presiding officer or LHE shall regulate the course of the hearing to obtain full disclosure of relevant facts and afford all parties the reasonable opportunity to present their positions.
- b. The presiding officer or LHE may determine the

length of the hearing and may prevent the calling of witnesses or admission of documentary evidence where such witnesses or evidence are irrelevant, immaterial, unduly repetitious, or unnecessary due to the receipt of other evidence.

c. Technical rules of evidence required in court proceedings shall not apply, and the presiding officer or LHE shall not exclude evidence solely because it is hearsay.

d. The presiding officer or LHE may afford to all parties the opportunity to present evidence, argue, respond, conduct cross-examination, and submit rebuttal evidence within the time frame of the hearing established by said officer.

e. The hearing shall be recorded by electronic means or by means of a Certified Shorthand Reporter. The record thus created shall be preserved by the City Council until such time as it is clear that no court proceedings or further administrative proceedings will be held concerning the matters which are the subject of the hearing; but a minimum of one year. The recording may be transcribed at the request of any party, at the expense of the requesting party.

f. All testimony presented at the hearing shall be given under oath administered by a person duly authorized to administer oaths.

g. The licensee shall have the right to appear at the hearing in person or by counsel, or both.

h. Subpoenas and other orders to secure the attendance of witnesses or the production of evidence shall be issued by the City Council when requested by any party, or may be issued by the presiding officer or hearing examiner on his or her own motion. The mere issuance of subpoenas shall not operate to require the admissibility of evidence or testimony subpoenaed.

i. Upon request, both the City and the licensee shall be entitled to discovery of the other's list of witnesses to be called at the hearing, including the names and addresses of such witnesses. The parties shall be entitled to have copies of, or have access to any documents to be used by either side during the course of the hearing. No other formal discovery shall be required.

j. The standard of proof required for any action adverse to the licensee shall be that of proof by a preponderance of the evidence.

k. The presiding officer, if the City Council hears the matter itself, or the LHE, shall prepare written Findings of Fact, Conclusions of Law, and an Order. In the case of an LHE, the LHE shall submit said Findings, Conclusions and Order to the City Council. The City Council shall either accept or reject the Findings of Fact, Conclusions of Law, and proposed Order of the LHE, or enter its own Findings, Conclusions and Order, and shall state the basis from the record upon which the divergence from LHE's recommended Findings, Conclusions and Order occurs.

l. The Order formally entered by the City Council may be to (1) dismiss the action against the licensee; (2) suspend the license for a specified period; (3) place the licensee on probation upon such conditions as the City Council may order; (4) permanently revoke the license in question; or (5) any combination of the above.

m. Any licensee aggrieved by an Order of the City Council entered pursuant to this section may maintain an action for relief therefrom in any court of competent jurisdiction, where said court deems itself the appropriate forum for the appeal from the City Council's action. The licensee shall be required to follow orders and procedures of the appropriate court with regard to time for filing.

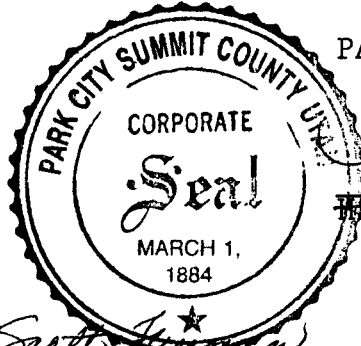
n. Nothing herein shall be construed to require a showing that the licensee shall have been first convicted in a court of law of any violation of any law, rule or regulation. All notices required by this section may be made by personal service or by certified mail, mailed to the licensee's address as it appears in the business regulation records of the City, postage prepaid, certified, return receipt requested.

o. If any provision of this ordinance is declared by a court of competent jurisdiction to be unconstitutional, such ruling shall not affect the other provisions of this ordinance, and said ordinance shall read as simply eliminating the offending provision.

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

PASSED AND ADOPTED this 16th day of June, 1988.

PARK CITY MUNICIPAL CORPORATION



Kristen Rogers
~~Hal W. Taylor~~, Mayor ~~PRO TEM~~

Attest:

Jan Sesto
~~Marta L. Coletti~~
City Recorder -- ~~DEPUTY~~

ORDINANCE

Ordinance No. 83-16(1)

AN ORDINANCE AMENDING SECTION 3.02 AND 4.02 OF ORDINANCE NO. 83-16, ESTABLISHING REGULATORY BEER AND LIQUOR LICENSING FEES, ENACTING SECTION 5.13 OF THE ORDINANCE ESTABLISHING TRAINING REQUIREMENTS FOR THE EMPLOYEES OF BEER AND LIQUOR LICENSED PREMISES, AND SECTION 3.04 RELATING TO THE DEFINITION OF CLASS "D" BEER SALES

WHEREAS, Ordinance No. 82-17, establishing a business revenue license and repealing Ordinance 82-10, as amended in its entirety, was adopted on November 5, 1987 by the Park City Council after two legally noticed public hearings held on October 29, 1987 and November 5, 1987; and

WHEREAS, in 1986 the Utah State Legislature enacted a law which requires every individual who sells alcoholic products at retail within the State of Utah to complete an alcohol training and education seminar; and

WHEREAS, the provision defining a Class "D" Beer License and specifying the sale of beer for consumption on or at publicly owned recreation facilities is impractical;

NOW, THEREFORE, BE IT ORDAINED:

SECTION 1. The first sentence of Section 3.02 shall be amended and replaced in its entirety to read as follows:

Section 3.02 Regulatory Beer License Fee. The regulatory beer license fee shall be \$100 for all classes of beer licenses, or any combination of beer and liquor licenses.

SECTION 2. The first sentence of Section 4.02 shall be amended and replaced in its entirety to read as follows:

Section 4.02 Regulatory Liquor License Fee. The regulatory liquor license fee shall be \$100 for "set-up", "mini-bottle on site", or "private club" liquor licenses, or any combination of beer and liquor licenses.

SECTION 3. Section 5.13, entitled "Training Requirements for the Employees of Beer and Liquor Licensed Premises" shall be added as follows:

Section 5.13 Training Requirements for the Employees of Beer and Liquor Licensed Premises.

- (a) Seminar Training Required. Upon the effective date of this Ordinance, no person shall be granted a new beer or liquor license or renewal for an existing beer or

liquor license, unless that person shall show by certificate(s) granted by the Utah Department of Alcoholic Beverage Control, or by adequate proof of the existence of such certificate(s), that each employee of the business engaging in the serving, selling or furnishing of such alcohol on the premises has completed the Alcohol Training and Education Seminar, as required in UCA, Section 32A-17-3(1).

- (b) Time for Compliance. The holders of current Park City beer and/or liquor licenses shall provide the evidence of compliance required in Paragraph (a) above for existing employees by July 1, 1988. Every new employee of a licensee who is required to complete this seminar shall complete the seminar within six months of commencing employment. Violation of this section will result in revocation of the license granted under Section (a), unless compliance with this Ordinance is completed within two months of the time that licensee is first notified that such violation occurred.

SECTION 4. The following sentence of Section 3.04(d) shall be stricken:

Class "D" Beer License. Under this license, no beer shall be sold in the original containers but must be first emptied into suitable temporary containers.

SECTION 5. EFFECTIVE DATE. This Ordinance shall take effect on the date of its publication.

PASSED AND ADOPTED this 11th day of February, 1988.

PARK CITY MUNICIPAL CORPORATION


Mayor Hal W. Taylor

Attest:


Anita L. Coletti
City Recorder

Liquor / 1/11/88

ORDINANCE

Ordinance No. 83-17

AN ORDINANCE ADOPTING THE PARKING CODE FOR
PARK CITY, UTAH
(AND AS AMENDED JULY 12, 1984)

SECTION 1. GENERAL PROVISIONS

- Section 1.1. Citation
- Section 1.2. Application of the Code
- Section 1.3. Definitions
- Section 1.4. Tow Enforcement
- Section 1.5. Regulations Not Exclusive
- Section 1.6. Presumption of Identity

SECTION 2. STANDARD PARKING REGULATION

- Section 2.1. Parking Prohibited in Certain Places
- Section 2.2. Parking May Not Obstruct Traffic
- Section 2.3. Stopping or Parking on Streets
- Section 2.4. Parking for Certain Purposes Prohibited
- Section 2.5. Condition of Unattended Vehicles
- Section 2.6. Double Parking
- Section 2.7. Parallel Parking
- Section 2.8. Angle Parking
- Section 2.9. Overnight Parking/Camping
- Section 2.10. Parking on Narrow Alleys and Streets Prohibited
- Section 2.11. Lighting Requirements

SECTION 3. TIME LIMITATIONS

- Section 3.1. Parking for More than Seventy-Two (72) Consecutive Hours
- Section 3.2. Two (2) Hours Limitation in Commercial Areas

SECTION 4. SEASONAL LIMITATIONS ON PARKING

- Section 4.1. Special Winter Limitations
- Section 4.2. Parking to Obstruct Snow Removal
- Section 4.3. Snow Removal Emergency Routes

SECTION 5. RESIDENT PERMIT PARKING

SECTION 6. SIGNAGE

- Section 6.1. Parking Regulations Established by Order of Police
- Section 6.2. Signs

SECTION 7. COMPLIANCE REQUIRED/FINES, IMPOUNDMENT

- Section 7.1. Compliance Required
- Section 7.2. Obligation of Owner to Move Vehicle
- Section 7.3. Nature of Violation
- Section 7.4. Fines

Section 7.5. Payment
Section 7.6. Release of Impounded Vehicles

SECTION 1. GENERAL PROVISIONS.

Section 1.1. Citation. This ordinance shall be referred to as the Park City Parking Code.

Section 1.2. Application of the Code. This Code is applicable on all public ways within Park City's corporate limits as now constituted or as subsequently amended by annexation or disconnection.

Section 1.3. Definitions. As used in this Code, the following terms shall have the meanings stated, unless the context clearly requires some other meaning:

- (a) Motor Vehicle shall mean any automobile, truck, motorcycle, trailer, back-hoe, loader or other piece of construction machinery, and every other means of conveyance or persons or cargo included within the Utah Motor Vehicle Code.
- (b) Street shall mean every street, alley, roadway, or parking lot under the control and/or maintenance of Park City, whether on public or private property, including all streets shown as public streets on the Street Master Plan. The term streets shall not include private driveways, parking lots, or private roadways.
- (c) Parking shall mean stopping, standing, or leaving a motor vehicle in a fixed spot or location on a street for any length of time, except when required to stop or stand because of the flow of

traffic, or to yield to other traffic, or in compliance with the requirements of traffic control devices or police officers.

Section 1.4. Tow Enforcement. Because unlawfully parked cars prevent access to large areas by emergency vehicles as well as local residents, the Police Department is authorized to enforce this Code by towing or otherwise removing vehicles parked in violation of this Code without first having given notice to the owner of the vehicle that it may be towed if not removed.

Section 1.5. Regulations not Exclusive. The parking regulations established by this Ordinance are not all encompassing, and additional regulations may be established by posting permanent or seasonal signs stating the additional regulation imposed, or by police officers directing traffic during periods of heavy traffic volume or during periods of emergencies.

Section 1.6. Presumption of Identity. The presence of any vehicle on any street which is parked in violation of the regulations of this Code is prima facie evidence that the registered owner of the vehicle parked, the vehicle in violation of this Code, or permitted others to park his vehicle in violation of the Code, and is deemed responsible for the violation and for the fine imposed.

SECTION 2. STANDARD PARKING REGULATION.

Section 2.1. Parking Prohibited in Certain Places. It shall be unlawful and a violation of this Code

for any person to park his vehicle, or to permit others to park his vehicle in any of the following places on a street:

- (a) On a sidewalk or across a sidewalk;
- (b) In front of, or within five (5) feet on either side of a driveway;
- (c) Within an intersection, or within fifteen (15) feet of an intersection;
- (d) In front of or within five (5) feet from a fire hydrant;
- (e) In or on a cross walk;
- (f) Within twenty (20) feet of a crosswalk at an intersection;
- (g) Within thirty (30) feet from the approach to any flashing beacon or traffic control device, including stop signs controlling traffic on the same roadway as the approach;
- (h) Within fifty (50) feet of the nearest rail of any railroad crossing;
- (i) Within twenty (20) feet of the entrance to a fire station, or on the street opposite of the entrance to a fire station if designated a no parking area by signs;
- (j) Along side any street excavation or construction fence or barricade if parking in that location would obstruct the free flow of traffic on the street;

- (k) On a bridge or other elevated portion of a street; or under an overpass;
- (l) At any place marked by signs as a no parking zone;
- (m) In such a location or manner that the car is parked opposite of the flow of traffic on the street, except as provided in this Code.

Section 2.2. Parking May Not Obstruct Traffic.

No person shall park a vehicle on a street in any manner that obstructs the street, sidewalk, or driveways and impedes the free movement of vehicular or pedestrian traffic.

Section 2.3. Stopping or Parking on Streets. No

person shall park a vehicle, whether attended or not attended, on the traveled portion of a street when it is possible under the existing conditions to park the vehicle off the traveled portion of the street. When stopping or parking a vehicle, it must be parked in a manner that leaves an unobstructed width along the vehicle for the passage of other vehicles.

- (a) This section shall not apply to vehicles which are parked as a result of mechanical failures or otherwise disabled to an extent that the vehicles cannot be moved out of the traffic lane. It is the duty of the owner or operator of the disabled vehicle to activate warning lights on the vehicle, and to open the hood in order to give notice to other vehicles on the street that traffic is

blocked by a disabled vehicle. If it also the duty of the owner or operator of a disabled vehicle to obtain assistance as soon as possible under the circumstances to have the disabled vehicle removed from the traffic lane.

Section 2.4. Parking for Certain Purposes

Prohibited. It shall be unlawful to park a vehicle on any street or within any public parking facility for the following purposes:

- (a) Displaying the vehicle for sale;
- (b) Greasing, servicing, or repairing the vehicle, except to the extent necessary under emergency conditions to move a disabled vehicle;
- (c) Displaying of advertising;
- (d) Selling food or other merchandise, or soliciting orders for food or merchandise, except when properly licensed by Park City to do so;
- (e) Camping or other habitation.

Section 2.5. Condition of Unattended Vehicles.

It shall be unlawful for any person to park a vehicle on a street or public parking lot without stopping the engine, locking the ignition, and removing the key from the ignition, and if the vehicle is parked on a readily perceptible grade, the wheels must be turned toward the curb or edge of the road and the parking brake set.

Section 2.6. Double Parking. No person shall park a vehicle on a street at the side of another vehicle

which is also parked, except while actually engaged in loading or unloading passengers or cargo, and except when complying with the instructions of a police officer, allowing an emergency vehicles to pass, or when necessary to avoid other traffic.

Section 2.7. Parallel Parking. It shall be unlawful to park any vehicle in a manner other than parallel with the curb or shoulder of the street, with the front of the vehicle facing the direction of traffic flow, with the right hand wheels (passenger side) not more than eighteen (18) inches from the curb, shoulder, or snow bank, whichever is nearer to the traffic lane.

- (a) On residential streets south of 12th Street and west of Rossie Hill Drive, but including both of those streets, vehicles may be parked on either side of the street regardless of direction of traffic flow, so long as they are not parked in a manner that violated site specific regulations on posted signs, or impede or obstruct the flow of traffic on those streets. This exception does not apply to parking on Main Street, Park Avenue (north of Heber Avenue), Heber Avenue, or Swede Alley.

Section 2.8. Angle Parking. Angle parking is permitted only when designated by posted signs, and then, only when conditions are such that angle parking does not result in obstructions of the driving lanes such that

traffic has to deviate from its normal course to avoid the parked vehicles. Further, no vehicle in excess of twenty (20) feet in length shall park in an angle parking place at any time.

Section 2.9. Overnight Parking/Camping. It shall be unlawful to park a vehicle on a public street, or within a public parking lot, or within public parks, playing fields, or other areas for purposes of overnight camping, sleeping, or other habitation.

Section 2.10. Parking on Narrow Alleys and Streets Prohibited. It shall be unlawful for any person to park a vehicle on any street or alley in a manner that obstructs the flow of traffic on that street by failing to leave an unobstructed lane of at least twelve (12) feet in width for passing traffic. It shall be unlawful to park opposite another parked vehicle so as to leave less than a twelve (12) foot wide traffic lane, or in any other manner to obstruct the free movement of traffic through the alley or narrow street.

Section 2.11. Lighting Requirements. The owner or operator of a vehicle is not required to provide any warning lights on any lawfully parked vehicle. Any vehicle that is parked so as to obstruct the normal flow of traffic, whether illegally parked or disabled in traffic, shall display one or more lights to the front and rear which are visible from a distance of five hundred (500) feet. The light shown to the front of the vehicle shall be white or

amber, and the light shown to the rear of the vehicle shall be red. If the headlights are left on, they shall be set on the dimmed setting. It shall be the duty of the owner or operator of a vehicle so parked to open the hood as an additional warning to other motorists, and to keep the lights free of snow, mud, or other obstructions so the lights are clearly displayed.

SECTION 3. TIME LIMITATIONS.

Section 3.1. Parking for More than Seventy-Two (72) Consecutive Hours. It shall be unlawful to leave a vehicle parked on any street or public parking lot for more than seventy-two (72) consecutive hours. After seventy-two consecutive hours, the vehicle is subject to impoundment.

Section 3.2. Two (2) Hour Limitation in Commercial Areas. Public streets, but not parking lots, within commercial areas may be designated as having a two (2) hour parking limitation, and it shall be unlawful to park a vehicle in an area so designated by posted signs for longer than two (2) hours.

SEASONAL LIMITATIONS ON PARKING.

Section 4.1. Special Winter Limitations.

Notwithstanding the foregoing general parking regulations, there shall be additional regulations which apply during the winter season to facilitate snow removal and emergency access during the winter months. The winter seasonal regulations shall apply from November 1 to April 30. The special winter regulations are as follows:

- (a) It shall be unlawful to park any vehicle on the downhill side of any street south of 12th Street. The downhill side of the street is the side on which the natural slope is away from the street surface, and the side to which the natural drainage flows. Main Street, Park Avenue north of Heber Avenue, and Swede Alley, are not included within this regulation.
- (b) Additional parking limitations may be posted by signs stating the nature and effective period of the additional regulations.
- (c) It shall be unlawful to park any vehicle on Park Avenue between 12th Street and Heber Avenue, on Heber Avenue, or Main Street between the hours of 2 a.m. and 6 a.m. during the winter months. Additional streets may be designated as no parking areas during these periods as necessary to facilitate snow removal.

Section 4.2. Parking to Obstruct Snow Removal.

It shall be unlawful to park any vehicle in a manner that obstructs snow removal by failing to leave adequate room for passage of plows and other removal equipment, and vehicles so parked are subject to impoundment.

Section 4.3. Snow Removal Emergency Routes. In order to maintain a free flow of traffic during periods of heavy snow, and immediately following heavy snow storms, the Police Department may declare a snow removal emergency,

during which time it shall be unlawful to park any vehicle on the following streets:

- (a) Park Avenue from Heber Avenue north of the city limits;
- (b) Kearns Boulevard east to the city limits;
- (c) Main Street from Heber Avenue south to King Road and Hillside;
- (d) Heber Avenue;
- (e) Deer Valley Drive from the junction with Heber Avenue to the Snow Park Lodge, and Deer Valley Drive (U-224 Belt Route) from the intersection with Park Avenue to Heber Avenue;
- (f) Marsac Avenue;
- (g) Holiday Ranch Loop Road from Park Avenue (U-224) to Little Kate Road;
- (h) Little Kate Road from Holiday Ranch Loop Road to Meadows Drive;
- (i) Meadows Drive from Little Kate Road to Evening Star Drive;
- (j) Monitor Drive from Kearns Boulevard (U-248) to Little Kate Road;
- (k) Sidewinder Drive from Kearns Boulevard (U-248) to Wyatt Earp Drive;
- (l) Wyatt Earp Drive to the intersection with Kearns Boulevard (U-248);
- (m) Empire Avenue from Park Avenue to Silver King Drive;

- (n) Silver King Drive between Empire Avenue and Three Kings Drive;
- (o) Three Kings Drive between Silver King Drive and Thaynes Canyon Drive;
- (p) Thaynes Canyon Drive from Silver King Drive to Payday Drive;
- (q) Payday Drive from Thaynes Canyon Drive to Park Avenue (U-224);
- (s) Royal Street from Deer Valley Drive to the Silver Lake Lodge and the intersection with the Guardsman Pass Road;
- (r) Such other streets as may be necessary to add from time to time in order to meet the needs of the snow removal emergency.

During a snow removal emergency declared by the Chief of Police or the City Manager, any vehicle parked on one of the streets listed above shall be deemed illegally parked, and subject to impound. The state of emergency shall be declared, and notice given, in the best manner possible under the circumstances, including giving notice of the emergency parking regulations to local news outlets. The primary objective of declaring the emergency is to clear the streets of parked vehicles so that impound fees on vehicles impounded for illegal parking on streets designated as streets to be kept free of parked vehicles in the emergency shall be reduced by half of the normal rate for the violation.

SECTION 5. RESIDENT PERMIT PARKING.

SECTION 6. SIGNAGE.

Section 6.1. Parking Regulations Established by Order of Police. The Chief of Police, under the direction of the City Manager, shall have the authority to establish additional parking regulations as necessary to provide for efficient traffic circulation and safe parking areas. All areas that are closed to parking shall be so designated by signs posted in the area, except for those regulations set forth in Section 2 which shall not require signs.

Section 6.2. Signs. Signs setting forth parking regulations shall be mounted within the street right-of-way or on the shoulder of the roadway. Signs shall measure 10 inches by 12 inches.

- (a) Signs pertaining to a permanent parking regulation shall be white and red lettering, and shall state the nature of the regulation on the face of the sign. Signs shall be erected with sufficient number to adequately inform the public of the parking regulation.
- (b) Signs dealing with parking regulations that are seasonal in nature shall be white and green lettering and shall contain the words "Winter Regulations" on the face of the sign.
- (c) Parking regulations for public parking lots shall be posted on the parking lot in a form that is of

sufficient size to impart notice of the parking regulations applicable to that lot.

SECTION 7. COMPLIANCE REQUIRED/FINES,
IMPOUNDMENT.

Section 7.1. Compliance Required. Compliance with this Code is required when proper signs are posted, or when the regulation is such that no sign is required under this Code. It shall be unlawful to park any vehicle in violation of the regulations established by this Code, or in violation of regulations contained in posted signs.

Section 7.2. Obligation of Owner to Move Vehicle. It is the obligation of the owner or operator of a vehicle to remove that vehicle when it is illegally parked. When an officer finds an illegally parked vehicle that is impeding traffic or snow removal, the officer is authorized to move the vehicle to the extent necessary to remove the obstruction, including towing the vehicle to the city impound yard.

Section 7.3. Nature of Violation. Violations of this Code are infractions, punishable by a fine but not imprisonment. The maximum fine shall not exceed one hundred dollars (\$100.00) for any violation.

Section 7.4. Fines. The owner or operator of a vehicle cited for illegal parking under this Code, shall be required to post bail in the amount set forth below for the violations, and if the charges in the citation are not contested, may forfeit bail as a fine in lieu of trying the

charges. Bail for all violations of this Code is as follows:

- (a) Ten dollars (\$10.00) from the date of violation until ten (10) days following the violation;
- (b) Twenty dollars (\$20.00) from the eleventh (11th) day following the violation to the thirtieth (30th) day following the violation;
- (c) An addition ten dollars (\$10.00) for every thirty (30) days thereafter, up to a maximum of one hundred dollars (\$100.00) for any one violation.

In addition to bail and/or fine on the violation, the owner of the vehicle is responsible for paying towing fees and impound fees for the release of the vehicle. Impound fees will be twenty dollars (\$20.00); while towing fees shall be forty dollars (\$40.00) per vehicle; but in no event shall towing fees be more than fifty dollars (\$50.00) per vehicle. Towing fees may be levied against the violator or the owner of the vehicle, or both.

Section 7.5. Payment. Bail and/or fines shall be paid to Park City Municipal Corporation by cash or check to the City's post office box (which shall be stated on all citations) or at the City offices.

Section 7.6. Release of Impounded Vehicles.

Impound vehicles will only be released to the owner thereof or the person legally entitled to possession under a rental or lease agreement. Impounded vehicles shall be released under the regulations established by the Police Department or by ordinance for release and inventory of impounded vehicles, and upon payment of the impound fees and towing fees.

PASSED AND ADOPTED this 20th day of October, 1983.

THIS ORDINANCE INCORPORATES THE AMENDMENT CHANGING SECTION 7.4, FINES, PASSED AND ADOPTED JULY 12, 1984.

ORDINANCE

Ordinance No. 83-17

AN ORDINANCE ADOPTING THE PARKING CODE FOR
PARK CITY, UTAH
(AS AMENDED JULY 12, 1984, AND NOVEMBER 8, 1984)

SECTION 1. GENERAL PROVISIONS

- Section 1.1. Citation
- Section 1.2. Application of the Code
- Section 1.3. Definitions
- Section 1.4. Tow Enforcement
- Section 1.5. Regulations Not Exclusive
- Section 1.6. Presumption of Identity

SECTION 2. STANDARD PARKING REGULATION

- Section 2.1. Parking Prohibited in Certain Places
- Section 2.2. Parking May Not Obstruct Traffic
- Section 2.3. Stopping or Parking on Streets
- Section 2.4. Parking for Certain Purposes Prohibited
- Section 2.5. Condition of Unattended Vehicles
- Section 2.6. Double Parking
- Section 2.7. Parallel Parking
- Section 2.8. Angle Parking
- Section 2.9. Overnight Parking/Camping
- Section 2.10. Parking on Narrow Alleys and Streets Prohibited
- Section 2.11. Lighting Requirements

SECTION 3. TIME LIMITATIONS

- Section 3.1. Parking for More than Seventy-Two (72) Consecutive Hours
- Section 3.2. Two (2) Hours Limitation in Commercial Areas

SECTION 4. SEASONAL LIMITATIONS ON PARKING

- Section 4.1. Special Winter Limitations
- Section 4.2. Parking to Obstruct Snow Removal
- Section 4.3. Snow Removal Emergency Routes

SECTION 5. RESIDENT PERMIT PARKING

SECTION 6. SIGNAGE

- Section 6.1. Parking Regulations Established by Order of Police
- Section 6.2. Signs

SECTION 7. COMPLIANCE REQUIRED/FINES, IMPOUNDMENT

- Section 7.1. Compliance Required
- Section 7.2. Obligation of Owner to Move Vehicle
- Section 7.3. Nature of Violation
- Section 7.4. Fines

Section 7.5. Payment
Section 7.6. Release of Impounded Vehicles

SECTION 1. GENERAL PROVISIONS.

Section 1.1. Citation. This ordinance shall be referred to as the Park City Parking Code.

Section 1.2. Application of the Code. This Code is applicable on all public ways within Park City's corporate limits as now constituted or as subsequently amended by annexation or disconnection.

Section 1.3. Definitions. As used in this Code, the following terms shall have the meanings stated, unless the context clearly requires some other meaning:

- (a) Motor Vehicle shall mean any automobile, truck, motorcycle, trailer, back-hoe, loader or other piece of construction machinery, and every other means of conveyance or persons or cargo included within the Utah Motor Vehicle Code.
- (b) Street shall mean every street, alley, roadway, or parking lot under the control and/or maintenance of Park City, whether on public or private property, including all streets shown as public streets on the Street Master Plan. The term streets shall not include private driveways, parking lots, or private roadways.
- (c) Parking shall mean stopping, standing, or leaving a motor vehicle in a fixed spot or location on a street for any length of time, except when required to stop or stand because of the flow of

traffic, or to yield to other traffic, or in compliance with the requirements of traffic control devices or police officers.

- (d) Delivery vehicles shall include any motor vehicle being used for the purpose of loading or delivering goods or cargo to businesses or individuals.

Section 1.4. Tow Enforcement. Because unlawfully parked cars prevent access to large areas by emergency vehicles as well as local residents, the Police Department is authorized to enforce this Code by towing or otherwise removing vehicles parked in violation of this Code without first having given notice to the owner of the vehicle that it may be towed if not removed.

Section 1.5. Regulations not Exclusive. The parking regulations established by this Ordinance are not all encompassing, and additional regulations may be established by posting permanent or seasonal signs stating the additional regulation imposed, or by police officers directing traffic during periods of heavy traffic volume or during periods of emergencies.

Section 1.6. Presumption of Identity. The presence of any vehicle on any street which is parked in violation of the regulations of this Code is prima facie evidence that the registered owner of the vehicle parked, the vehicle in violation of this Code, or permitted others

to park his vehicle in violation of the Code, and is deemed responsible for the violation and for the fine imposed.

SECTION 2. STANDARD PARKING REGULATION.

Section 2.1. Parking Prohibited in Certain Places. It shall be unlawful and a violation of this Code for any person to park his vehicle, or to permit others to park his vehicle in any of the following places on a street:

- (a) On a sidewalk or across a sidewalk;
- (b) In front of, or within five (5) feet on either side of a driveway;
- (c) Within an intersection, or within fifteen (15) feet of an intersection;
- (d) In front of or within five (5) feet from a fire hydrant;
- (e) In or on a cross walk;
- (f) Within twenty (20) feet of a crosswalk at an intersection;
- (g) Within thirty (30) feet from the approach to any flashing beacon or traffic control device, including stop signs controlling traffic on the same roadway as the approach;
- (h) Within fifty (50) feet of the nearest rail of any railroad crossing;
- (i) Within twenty (20) feet of the entrance to a fire station, or on the street opposite of the entrance to a fire station if designated a no parking area by signs;

- (j) Along side any street excavation or construction fence or barricade if parking in that location would obstruct the free flow of traffic on the street;
- (k) On a bridge or other elevated portion of a street; or under an overpass;
- (l) At any place marked by signs as a no parking zone;
- (m) In such a location or manner that the car is parked opposite of the flow of traffic on the street, except as provided in this Code.

Section 2.2. Parking May Not Obstruct Traffic.

No person shall park a vehicle on a street in any manner that obstructs the street, sidewalk, or driveways and impedes the free movement of vehicular or pedestrian traffic.

Section 2.3. Stopping or Parking on Streets. No

person shall park a vehicle, whether attended or not attended, on the traveled portion of a street when it is possible under the existing conditions to park the vehicle off the traveled portion of the street. When stopping or parking a vehicle, it must be parked in a manner that leaves an unobstructed width along the vehicle for the passage of other vehicles.

- (a) This section shall not apply to vehicles which are parked as a result of mechanical failures or otherwise disabled to an extent that the vehicles cannot be moved out of the traffic lane. It is

the duty of the owner or operator of the disabled vehicle to activate warning lights on the vehicle, and to open the hood in order to give notice to other vehicles on the street that traffic is blocked by a disabled vehicle. If it also the duty of the owner or operator of a disabled vehicle to obtain assistance as soon as possible under the circumstances to have the disabled vehicle removed from the traffic lane.

Section 2.4. Parking for Certain Purposes

Prohibited. It shall be unlawful to park a vehicle on any street or within any public parking facility for the following purposes:

- (a) Displaying the vehicle for sale;
- (b) Greasing, servicing, or repairing the vehicle, except to the extent necessary under emergency conditions to move a disabled vehicle;
- (c) Displaying of advertising;
- (d) Selling food or other merchandise, or soliciting orders for food or merchandise, except when properly licensed by Park City to do so;
- (e) Camping or other habitation.

Section 2.5. Condition of Unattended Vehicles.

It shall be unlawful for any person to park a vehicle on a street or public parking lot without stopping the engine, locking the ignition, and removing the key from the ignition, and if the vehicle is parked on a readily

perceptible grade, the wheels must be turned toward the curb or edge of the road and the parking brake set.

Section 2.6. Double Parking.

(a) Vehicles other than Delivery Vehicles. No person shall park a vehicle on a street at the side of another vehicle which is also parked, except while actually engaged in loading or unloading passengers or cargo, and except when complying with the instructions of a police officer, allowing an emergency vehicles to pass, or when necessary to avoid other traffic.

(b) Delivery Vehicles. All delivery vehicles parked on Main Street or Swede Alley shall observe the following restrictions.

1. No delivery vehicle, except those delivering construction materials to a construction site, shall park between the hours of 11:00 a.m. and 2:00 a.m., local time.
2. No delivery vehicle delivering construction materials to a construction site shall park between the hours of 3:00 p.m. and 2:00 a.m., local time.
3. No delivery vehicle shall be parked in a manner which impedes the flow of traffic after the hour of 11:00 a.m local time.
4. No delivery vehicle shall be parked without chocking the wheels.

5. No delivery vehicle shall be unattended while parked.

6. No delivery vehicle shall park on the east side of Main Street.

The Chief of Police, or his agent, may waive the time restrictions under Item 2. if the delivery cannot be completed within the allotted time.

Violation of any of the above restrictions shall constitute a Class "B" Misdemeanor.

Section 2.7. Parallel Parking. It shall be unlawful to park any vehicle in a manner other than parallel with the curb or shoulder of the street, with the front of the vehicle facing the direction of traffic flow, with the right hand wheels (passenger side) not more than eighteen (18) inches from the curb, shoulder, or snow bank, whichever is nearer to the traffic lane.

(a) On residential streets south of 12th Street and west of Rossie Hill Drive, but including both of those streets, vehicles may be parked on either side of the street regardless of direction of traffic flow, so long as they are not parked in a manner that violated site specific regulations on posted signs, or impede or obstruct the flow of traffic on those streets. This exception does not apply to parking on Main Street, Park Avenue (north of Heber Avenue), Heber Avenue, or Swede Alley.

Section 2.8. Angle Parking. Angle parking is permitted only when designated by posted signs, and then, only when conditions are such that angle parking does not result in obstructions of the driving lanes such that traffic has to deviate from its normal course to avoid the parked vehicles. Further, no vehicle in excess of twenty (20) feet in length shall park in an angle parking place at any time.

Section 2.9. Overnight Parking/Camping. It shall be unlawful to park a vehicle on a public street, or within a public parking lot, or within public parks, playing fields, or other areas for purposes of overnight camping, sleeping, or other habitation.

Section 2.10. Parking on Narrow Alleys and Streets Prohibited. It shall be unlawful for any person to park a vehicle on any street or alley in a manner that obstructs the flow of traffic on that street by failing to leave an unobstructed lane of at least twelve (12) feet in width for passing traffic. It shall be unlawful to park opposite another parked vehicle so as to leave less than a twelve (12) foot wide traffic lane, or in any other manner to obstruct the free movement of traffic through the alley or narrow street.

Section 2.11. Lighting Requirements. The owner or operator of a vehicle is not required to provide any warning lights on any lawfully parked vehicle. Any vehicle that is parked so as to obstruct the normal flow of traffic,

whether illegally parked or disabled in traffic, shall display one or more lights to the front and rear which are visible from a distance of five hundred (500) feet. The light shown to the front of the vehicle shall be white or amber, and the light shown to the rear of the vehicle shall be red. If the headlights are left on, they shall be set on the dimmed setting. It shall be the duty of the owner or operator of a vehicle so parked to open the hood as an additional warning to other motorists, and to keep the lights free of snow, mud, or other obstructions so the lights are clearly displayed.

SECTION 3. TIME LIMITATIONS.

Section 3.1. Parking for More than Seventy-Two (72) Consecutive Hours. It shall be unlawful to leave a vehicle parked on any street or public parking lot for more than seventy-two (72) consecutive hours. After seventy-two consecutive hours, the vehicle is subject to impoundment.

Section 3.2. Two (2) Hour Limitation in Commercial Areas. Public streets, but not parking lots, within commercial areas may be designated as having a two (2) hour parking limitation, and it shall be unlawful to park a vehicle in an area so designated by posted signs for longer than two (2) hours.

SEASONAL LIMITATIONS ON PARKING.

Section 4.1. Special Winter Limitations.

Notwithstanding the foregoing general parking regulations, there shall be additional regulations which apply during the

winter season to facilitate snow removal and emergency access during the winter months. The winter seasonal regulations shall apply from November 1 to April 30. The special winter regulations are as follows:

- (a) It shall be unlawful to park any vehicle on the downhill side of any street south of 12th Street. The downhill side of the street is the side on which the natural slope is away from the street surface, and the side to which the natural drainage flows. Main Street, Park Avenue north of Heber Avenue, and Swede Alley, are not included within this regulation.
- (b) Additional parking limitations may be posted by signs stating the nature and effective period of the additional regulations.
- (c) It shall be unlawful to park any vehicle on Park Avenue between 12th Street and Heber Avenue, on Heber Avenue, or Main Street between the hours of 2 a.m. and 6 a.m. during the winter months. Additional streets may be designated as no parking areas during these periods as necessary to facilitate snow removal.

Section 4.2. Parking to Obstruct Snow Removal.

It shall be unlawful to park any vehicle in a manner that obstructs snow removal by failing to leave adequate room for passage of plows and other removal equipment, and vehicles so parked are subject to impoundment.

Section 4.3. Snow Removal Emergency Routes. In order to maintain a free flow of traffic during periods of heavy snow, and immediately following heavy snow storms, the Police Department may declare a snow removal emergency, during which time it shall be unlawful to park any vehicle on the following streets:

- (a) Park Avenue from Heber Avenue north of the city limits;
- (b) Kearns Boulevard east to the city limits;
- (c) Main Street from Heber Avenue south to King Road and Hillside;
- (d) Heber Avenue;
- (e) Deer Valley Drive from the junction with Heber Avenue to the Snow Park Lodge, and Deer Valley Drive (U-224 Belt Route) from the intersection with Park Avenue to Heber Avenue;
- (f) Marsac Avenue;
- (g) Holiday Ranch Loop Road from Park Avenue (U-224) to Little Kate Road;
- (h) Little Kate Road from Holiday Ranch Loop Road to Meadows Drive;
- (i) Meadows Drive from Little Kate Road to Evening Star Drive;
- (j) Monitor Drive from Kearns Boulevard (U-248) to Little Kate Road;
- (k) Sidewinder Drive from Kearns Boulevard (U-248) to Wyatt Earp Drive;

- (l) Wyatt Earp Drive to the intersection with Kearns Boulevard (U-248);
- (m) Empire Avenue from Park Avenue to Silver King Drive;
- (n) Silver King Drive between Empire Avenue and Three Kings Drive;
- (o) Three Kings Drive between Silver King Drive and Thaynes Canyon Drive;
- (p) Thaynes Canyon Drive from Silver King Drive to Payday Drive;
- (q) Payday Drive from Thaynes Canyon Drive to Park Avenue (U-224);
- (s) Royal Street from Deer Valley Drive to the Silver Lake Lodge and the intersection with the Guardsman Pass Road;
- (r) Such other streets as may be necessary to add from time to time in order to meet the needs of the snow removal emergency.

During a snow removal emergency declared by the Chief of Police or the City Manager, any vehicle parked on one of the streets listed above shall be deemed illegally parked, and subject to impound. The state of emergency shall be declared, and notice given, in the best manner possible under the circumstances, including giving notice of the emergency parking regulations to local news outlets. The primary objective of declaring the emergency is to clear the streets of parked vehicles so that impound fees on vehicles

impounded for illegal parking on streets designated as streets to be kept free of parked vehicles in the emergency shall be reduced by half of the normal rate for the violation.

SECTION 5. RESIDENT PERMIT PARKING.

SECTION 6. SIGNAGE.

Section 6.1. Parking Regulations Established by Order of Police. The Chief of Police, under the direction of the City Manager, shall have the authority to establish additional parking regulations as necessary to provide for efficient traffic circulation and safe parking areas. All areas that are closed to parking shall be so designated by signs posted in the area, except for those regulations set forth in Section 2 which shall not require signs.

Section 6.2. Signs. Signs setting forth parking regulations shall be mounted within the street right-of-way or on the shoulder of the roadway. Signs shall measure 10 inches by 12 inches.

- (a) Signs pertaining to a permanent parking regulation shall be white and red lettering, and shall state the nature of the regulation on the face of the sign. Signs shall be erected with sufficient number to adequately inform the public of the parking regulation.
- (b) Signs dealing with parking regulations that are seasonal in nature shall be white and green

lettering and shall contain the words "Winter Regulations" on the face of the sign.

- (c) Parking regulations for public parking lots shall be posted on the parking lot in a form that is of sufficient size to impart notice of the parking regulations applicable to that lot.

SECTION 7. COMPLIANCE REQUIRED/FINES, IMPOUNDMENT.

Section 7.1. Compliance Required. Compliance with this Code is required when proper signs are posted, or when the regulation is such that no sign is required under this Code. It shall be unlawful to park any vehicle in violation of the regulations established by this Code, or in violation of regulations contained in posted signs.

Section 7.2. Obligation of Owner to Move Vehicle. It is the obligation of the owner or operator of a vehicle to remove that vehicle when it is illegally parked. When an officer finds an illegally parked vehicle that is impeding traffic or snow removal, the officer is authorized to move the vehicle to the extent necessary to remove the obstruction, including towing the vehicle to the city impound yard.

Section 7.3. Nature of Violation. Violations of this Code are infractions, punishable by a fine but not imprisonment. The maximum fine shall not exceed one hundred dollars (\$100.00) for any violation.

Section 7.4. Fines. The owner or operator of a vehicle cited for illegal parking under this Code, shall be required to post bail in the amount set forth below for the violations, and if the charges in the citation are not contested, may forfeit bail as a fine in lieu of trying the charges. Bail for all violations of this Code is as follows:

- (a) Ten dollars (\$10.00) from the date of violation until ten (10) days following the violation;
- (b) Twenty dollars (\$20.00) from the eleventh (11th) day following the violation to the thirtieth (30th) day following the violation;
- (c) An addition ten dollars (\$10.00) for every thirty (30) days thereafter, up to a maximum of one hundred dollars (\$100.00) for any one violation.

In addition to bail and/or fine on the violation, the owner of the vehicle is responsible for paying towing fees and impound fees for the release of the vehicle. Impound fees will be twenty dollars (\$20.00); while towing fees shall be forty dollars (\$40.00) per vehicle; but in no event shall towing fees be more than fifty dollars (\$50.00) per vehicle. Towing fees may be levied against the violator or the owner of the vehicle, or both.

Section 7.5. Payment. Bail and/or fines shall be paid to Park City Municipal Corporation by cash or check to the City's post office box (which shall be stated on all citations) or at the City offices.

Section 7.6. Release of Impounded Vehicles. Impound vehicles will only be released to the owner thereof or the person legally entitled to possession under a rental or lease agreement. Impounded vehicles shall be released under the regulations established by the Police Department or by ordinance for release and inventory of impounded vehicles, and upon payment of the impound fees and towing fees.

PASSED AND ADOPTED this 20th day of October, 1983.

THIS DOCUMENT INCORPORATES THE AMENDMENT CHANGING SECTION 7.4, FINES, PASSED AND ADOPTED JULY 12, 1984.

THIS DOCUMENT INCORPORATES AN AMENDMENT PASSED NOVEMBER 8, 1984 REGULATING DELIVERY VEHICLES (SECTION 1.3. DEFINITIONS, AND SECTION 2.6. DOUBLE PARKING).

ORDINANCE

Ordinance No. 83-17(1)

AN ORDINANCE AMENDING THE PARKING CODE
FOR PARK CITY, UTAH

WHEREAS, the 1985 Budget requires an increase in parking fines;

NOW, THEREFORE, BE IT ORDAINED by the City Council that Section 7.4 of Ordinance 83-17 should be and is hereby amended to read as follows:

Section 7.4. Fines. The owner or operator of a vehicle cited for illegal parking under this Code, shall be required to post bail in the amount set forth below for the violations, and if the charges in the citation are not contested, may forfeit bail as a fine in lieu of trying the charges. Bail for all violations of this Code is as follows:

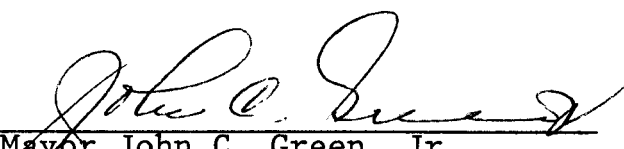
- (a) Ten dollars (\$10.00) from the date of violation until ten (10) days following the violation;
- (b) Twenty dollars (\$20.00) from the eleventh (11th) day following the violation to the thirtieth (30th) day following the violation;
- (c) An addition ten dollars (\$10.00) for every thirty (30) days thereafter, up to a maximum of one hundred dollars (\$100.00) for any one violation.

In addition to bail and/or fine on the violation, the owner of the vehicle is responsible for paying towing fees and impound fees for the release of the vehicle. Impound fees will be twenty dollars (\$20.00); while towing fees shall be forty dollars (\$40.00) per vehicle; but in no event shall towing fees be more than fifty dollars (\$50.00) per vehicle. Towing fees may be levied against the violator or the owner of the vehicle, or both.


Effective Date. This ordinance shall take effect upon publication.

PASSED AND ADOPTED this 12th day of July, 1984.

PARK CITY MUNICIPAL CORPORATION


Mayor John C. Green, Jr.

Attest:


City Recorder

ORDINANCE

Ordinance No. 83-17-2

AN ORDINANCE AMENDING THE PARK CITY PARKING CODE
TO PROVIDE FOR A PERMIT PARKING SYSTEM IN THE
CENTRAL BUSINESS DISTRICT AND
HISTORIC RESIDENTIAL AREAS

WHEREAS, the construction of the Town Lift is likely to generate an additional parking demand on the downtown area of Park City; and

WHEREAS, it is the desire of the City to minimize the impacts of that new demand on area residents and employees of area businesses; and

WHEREAS, regulation of public parking lots and facilities is necessary to provide a mix of parking for office workers, hotel guests, employees, and short term parking users;

NOW, THEREFORE be it ordained by the City Council of Park City, that a new Chapter 5 of the Park City Parking Code be adopted as follows:

1. Permit Parking Area. The following area is hereby established as a permit parking area, and any vehicle parked in that area is subject to these regulations:

Norfolk Avenue South of 12th Street
Woodside Avenue South of 12th Street
Park Avenue South of 12th Street
Upper Norfolk
Sampson Avenue
King Road
Anchor Avenue
Daly Avenue
Hillside Avenue
Prospect Avenue

Marsac Avenue between the intersection of Hillside
Avenue and, Deer Valley Drive
Sand Ridge Avenue
Ontario Avenue
McHenry Avenue
Deer Valley Loop/Olive Branch Road
Rossie Hill Drive
Coalition View Court
Main Street
Swede Alley
12th Street
11th Street
10th Street
9th Street
8th Street/Crescent Tram
Heber Avenue/Crescent Tram
6th Street
5th Street
4th Street
Easy Street
Pacific Avenue
Lowell Avenue south of 12th Street

Empire Avenue, south of 12th Street

2. Seasonal Regulations. The parking regulations of this Chapter shall apply to the above listed streets and parking areas from November 1st of each year, through the winter months to May 1st of the following year.

3. Types of Permits. There shall be the following kinds of parking permits:

A. Resident Parking Permit: A resident parking permit will be issued to residents or property owners having property on the above listed streets. A resident parking pass will entitle the holder of the pass to park a vehicle on the public street, as space is available, and subject to the general provisions of this Code dealing with the manner

of parking and snow removal. Resident parking passes will be issued to residents or to the owner of property that is used as a vacation home or nightly rental unit. Passes will only be issued to the extent that the number of vehicles registered at the dwelling exceeds the off street parking available at that dwelling to encourage the use of all available off street parking.

B. Employee Pass: An employee pass will be issued to persons owing or employed in business located within the area defined above. The employee pass will entitle the holder to park only in designated long term parking lots within the Swede Alley parking area. Employee passes do not entitle the holder to park in the long term lots between the hours of 2:00 a.m. and 8:00 a.m.

C. Hotel Guest Pass: The hotel guest pass will be available to the owners of hotel or transient lodging type facilities located within the defined area. Passes will be issued at the ratio of .66 parking passes per hotel room, rounded up to the next whole number. Passes will not be available for transient lodging units with available off street parking for their guests and/or employees. Holders of hotel guest passes will be entitled to park in designated long term parking lots within the Swede Alley area. Hotel guest passes entitle the holder to 24 hour a day parking at the designated lots.

4. Parking Lots and Classifications. There shall be the following kinds and classifications of parking areas, which shall be designated by appropriate signage posted on the lots or along the streets:

A. Long Term Lots: Long term parking lots are available for use by holders of Employee, Resident, or Hotel Guest passes for parking of vehicles with passes for periods of eleven (11) hours from 8:00 a.m. to 6:00 p.m. From 6:00 p.m. to 2:00 a.m., no restrictions apply. From 2:00 a.m. to 8:00 a.m., only cars with resident or hotel guest passes may remain in the lots.

B. Short Term Lots: Short term parking lots are available for use by holders of Employee, Resident, or Hotel Guest permits, and by the general public without permits, for periods not to exceed four (4) hours between the hours of 8:00 a.m. to 6:00 p.m. From 6:00 p.m. through 2:00 a.m. of the following morning, there is no restriction on the use of these lots. From 2:00 a.m. to 8:00 a.m., there shall be no parking allowed in the short term lots to facilitate snow removal. Vehicles parked in short term lots for periods in excess of four (4) hours during the restricted parking periods, or parked in the lots between 2:00 a.m. and 8:00 a.m. will be subject to ticket and/or tow.

C. Timed Parking Areas: Holders of any class of parking permit, or persons without a parking permit may use the timed parking areas (which are primarily on street parking areas of Main Street) for up to the allowed time. Between 8:00 a.m. and 6:00 p.m., the timed parking areas are limited to two (2) hours. Between 6:00 p.m. and 2:00 a.m. of the following morning, there is no restriction on the time a vehicle may be left parked in the timed parking areas. Between 2:00 a.m. and 8:00 a.m., there shall be no parking in the timed parking areas, and vehicles left there are subject to ticket and/or tow enforcement.

D. Non-Timed, On-Street Parking: To preserve limited on street parking for area residents' use, parking on any public street where parking is not prohibited entirely or regulated by timed parking regulations, it shall be unlawful to park any vehicle on the street which does not have a resident permit attached to it, between the hours of 8:00 a.m and 6:00 p.m. After 6:00 p.m. no permit is needed.

5. Permits Do Not Affect General Parking Regulations. The provisions of this Section on permit parking are not intended to supersede any other provisions of the Park City Parking Code with respect to general parking regulations such as parking in a manner that obstructs driveways or traffic, parking that interferes with snow removal, proximity to intersections, fire hydrants, and other general

parking regulations. It is not a defense to any parking violation that the violator had a parking permit, unless alleged violation is parking without the required permit.

6. Permit Does Not Guarantee Parking. The intent of this Ordinance is to attempt to divide the limited pool of available parking among the various classifications of parking users on an equitable basis. The issuance of a permit does not guarantee a place to park at all times.

7. Issuance Of Permits. Parking permits will be issued through the Park City Police or Finance Departments. Permits will be valid for one season only, with permits to be reissued each season to eligible persons. Proof of residence or employment within the permit parking area will be required before a permit will be issued.

8. Permit To Be Displayed. All parking permits, except Hotel Guest Permits, will be in the form of stickers which must be affixed to the permittee's vehicle as designated on the sticker, typically to the rear windshield or bumper. Hotel Guest passes will be transferrable, and shall be placed on the dashboard or rear window shelf of the vehicle when the vehicle is parked.

9. Replacement Permit. Replacement permits will be issued to replace permits that have been lost, destroyed, or

in cases where there has been a change in vehicles for a replacement charge of fifty cents (50¢) per permit.

10. Signage. The City will designate the various parking areas with signs at the entrance to the parking lots, or with signs along the streets affected. In the absence of signage, on street parking is hereby designated as Resident Parking areas, and a resident parking pass is required. The designations of parking areas may be changed from time to time by relocation or redesignation of the signs to adapt to actual parking demand experienced for that kind of parking area.

11. Violations. Parking any vehicle in a manner that is in conflict with the provisions of this ordinance is unlawful, and shall be punishable as an infraction as provided in the Park City Parking Code. In addition to enforcement by ticket, illegally parked vehicles are subject to towing.

12. Multiple Permits. Persons who are entitled to more than one classification of permit (such as persons residing and working the the permit parking area) shall be entitled to only one permit, which will be the resident permit or other permit which is the least restrictive available to which that person is entitled.

ORDINANCE

AN ORDINANCE ADOPTING THE COLOR RED
TO DESIGNATE NO PARKING ZONES IN PARK CITY

Whereas, it is the duty of the City to provide safety regulations for the benefit of the residents and visitors.

Whereas, the color red is the most readily recognized as designating no parking zones.

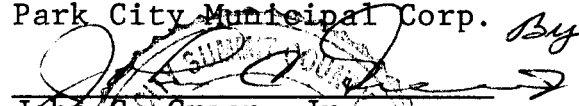
Be it ordained by the City Council of Park City, Summit County, State of Utah:

SECTION 1. That 41-6-20 of the Park City Motor Vehicle Code 1983 be amended to read:

41-6-20 Traffic Control Devices - Uniform Department of Transportation Manual. The Department of Transportation shall adopt a manual and specifications for the uniform system of traffic control devices consistent with the provisions of this chapter for use upon highways within this state. Such uniform system set forth in the most recent edition of the "Manual on Uniform Traffic Control Devices for Streets and Highways" and other standards issued or endorsed by the Federal Highway Administrator. Except that in Park City the color used to designate no parking zones shall be red.

Adopted this 15 day of September, 1984.

Park City Municipal Corp. *By*


John C. Green, Jr.
Mayor

Attest:

J. Craig Smith
City Recorder

ORDINANCE

83-17(4)
Ordinance No. _____

ORDINANCE AMENDING THE PARK CITY PARKING CODE
TO REGULATE DELIVERY VEHICLES

Whereas, it is the duty of the City to provide for the health, safety and welfare of its inhabitants;

Whereas, safety and welfare will be promoted by relieving congestion of traffic and promoting safe parking practices;

Be it ordained by the City Council of Park City Municipal Corporation that the Parking Code for Park City, Utah be amended as follows:

SECTION 1.3, Definitions.

(d) Delivery vehicles shall include any motor vehicle being used for the purpose of loading or delivering goods or cargo to businesses or individuals.

SECTION 2.6. Delivery Vehicles. All delivery vehicles parked on Main Street or Swede Alley shall observe the following restrictions.

1. No delivery vehicle, except those delivering construction materials to a construction site, shall park between the hours of 11:00 a.m. and 2:00 a.m., local time.

2. No delivery vehicle delivering construction materials to a construction site shall park between the hours of 3:00 p.m. and 2:00 a.m., local time.

3. No delivery vehicle shall be parked in a manner which impedes the flow of traffic after the hour of 11:00 a.m local time.

4. No delivery vehicle shall be parked without chocking the wheels.

5. No delivery vehicle shall be unattended while parked.

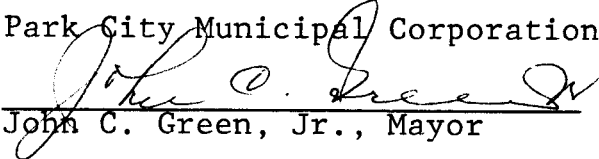
6. No delivery vehicle shall park on the east side of Main Street.

The Chief of Police, or his agent, may waive the time restrictions under Part 2 if the delivery cannot be completed within the allotted time.

Violation of any of the above restrictions shall constitute a Class "B" Misdemeanor.

Adopted this 8th day of November, 1984.

Park City Municipal Corporation


John C. Green, Jr., Mayor

Attest:


J. Craig Smith
City Recorder

*Book 75-76
Sec. 21-A
A 11-28*

ORDINANCE

Ordinance No. 83-18

AN ORDINANCE VACATING A PORTION OF SAMSON AVENUE,
RIDGE AVENUE, AND SEVENTH STREETS OF
THE PARK CITY SURVEY

WHEREAS, Glenn Peterson is the owner of a house located within the intersection of Samson Avenue, Ridge, and Seventh Streets in Park City, according to the Park City Survey Plats, and

WHEREAS, the Peterson house appears to have been on that site prior to the recording of the Park City Survey in 1880, under rights obtained through a patent to the land, and

WHEREAS, the patent to Peterson's predecessor in interest is prior to the Townsite Entry by the Park City Townsite Company, and the Peterson house appears from all available evidence to have been built prior to the recording of the City plat and to have been continuously occupied since the 1870's, and

WHEREAS, it appears equitable under the circumstances to vacate the portions of the streets within the fence line of the established yard occupied by Peterson and his predecessors for in excess of 110 years, and

WHEREAS, notice of the hearing on the vacation was duly published in the Park Record on October 6, October 13, October 20, and October 27, 1983, as required by law, and a hearing was held on the 27th of October, with no opposition

BOOK 278 PAGE 475-477

986

Entry No.	213351
REQUEST OF	<i>Park City Municipal Corp</i>
FEE	ALAN SPRINGS, SUMMIT CO. RECORDER
\$ <i>N.C.</i>	By <i>Susan Johnson</i>
RECORDED	NOV 14 1983 at: 3.80

expressed to the vacation of these unopened streets and the plat in that area,

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

1. The platted rights-of-way of unopened Samson Avenue, Ridge, and Seventh Streets as shown on the official plat of Park City on file and of record of the office of the Summit County Recorder should be and is hereby vacated to the extent that the street rights-of-way are included within the following described parcel:

Beginning at a point on the east line of Ridge Avenue, said point being South 21°33' West 10.89 feet along said east line from the Northwest corner of Block 75, Park City Survey, and running thence South 21°33' West 86.45 feet along said east line; thence North 64°15' West 35.34 feet to the west line of Ridge Avenue; thence North 21°33' East 65.27 feet along said west line to the south line of Seventh Street, said point also being the Northeast corner of Block 76, Park City Survey; thence South 66°22' West 38.28 feet along said south line to the east line of Samson Avenue, said point also being the Northwest corner of Block 76, Park City Survey; thence South 29°44' West 29.45 feet along said east line to a northerly fence line; thence North 51°14' West 4.03 feet along said northerly fence line to a point on the edge of the gravel road; thence along said gravel road North 37°12' East 104.16 feet to a fence corner; thence South 35°32' East 35.56 feet along a southerly fence line; thence continuing along said southerly fence line South 37°51' East 14.30 feet to the point of beginning, containing 0.10 of an acre, more or less.

2. The balance of the rights-of-way, which may provide the sole access to other platted lots, shall not be affected by this vacation, nor shall this vacation be construed as affecting any prescriptive rights of the City or other across this property, or other property owned by petitioner Glenn Peterson.


BOOK 278 PAGE 476

3. This ordinance shall not vacate any easements in favor of the Snyderville Basin Sewer District to maintain any lines currently within the portions of the streets vacated, or prevent them from maintaining such lines, if any are found to exist. At the present time, no lines are known to exist within the platted rights-of-way.

EFFECTIVE upon publication.

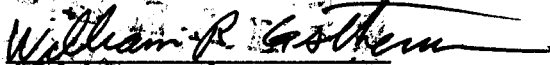
PASSED AND ADOPTED this 3rd day of November.

PARK CITY MUNICIPAL CORPORATION

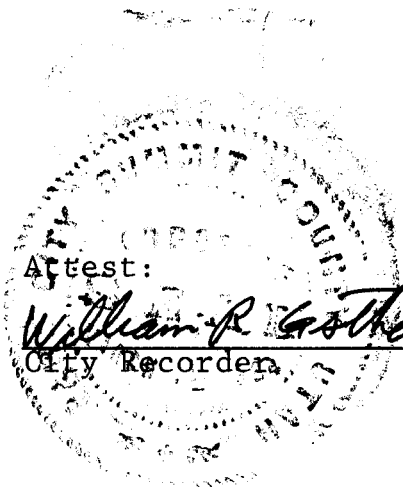


Mayor John C. Green, Jr.

Attest:



City Recorder.



WHEN RECORDED, MAIL TO:

City Recorder
Park City Municipal Corporation
P. O. Box 1480
Park City, Utah 84060

11/10/83 ORIGINAL sent to
J. Lehman for recording
in coalville will be
returned to me

QUIT-CLAIM DEED

PARK CITY MUNICIPAL CORPORATION, a corporation organized and existing under the laws of the State of Utah, with its principal office at 445 Marsac Avenue, Park City, County of Summit, State of Utah, GRANTOR, hereby quit claims to GLENN PETERSON of Park City, County of Summit, State of Utah, GRANTEE, for the sum of TEN DOLLARS (\$10.00) and other good and valuable consideration the following described tract of land in Park City, County of Summit, State of Utah:

Beginning at a point on the east line of Ridge Avenue, said point being South 21°33' West 10.89 feet along said east line from the Northwest corner of Block 75, Park City Survey, and running thence South 21°33' West 86.45 feet along said east line; thence North 64°15' West 35.34 feet to the west line of Ridge Avenue; thence North 21°33' East 65.27 feet along said west line to the south line of Seventh Street, said point also being the Northeast corner of Block 76, Park City Survey; thence South 66°22' West 38.28 feet along said south line to the east line of Samson Avenue, said point also being the Northwest corner of Block 76, Park City Survey; thence South 29°44' West 29.45 feet along said east line to a northerly fence line; thence North 51°14' West 4.03 feet along said northerly fence line to a point on the edge of the gravel road; thence along said gravel road North 37°12' East 104.16 feet to a fence corner; thence South 35°32' East 35.56 feet along a southerly fence line; thence continuing along said southerly fence line South 37°51' East 14.30 feet to the point of beginning, containing 0.10 of an acre, more or less.

The officers who sign this deed hereby certify that this deed and the transfer represented was duly authorized under an ordinance duly adopted by the City Council of the GRANTOR at a lawful meeting duly held and attended by a quorum.

In witness whereof, the GRANTOR has caused its corporate name and seal to be hereunto affixed by its duly authorized officers this 3rd day of November, 1983.

ORDINANCE

Ordinance No. 83-19

AN ORDINANCE ESTABLISHING THE
PARK CITY MUSEUM ADVISORY BOARD

WHEREAS, Park City has determined that there is public interest and support for the establishment of a Park City Museum; and

WHEREAS, the City Council has provided space for a museum in the renovated City Hall on Main Street; and

WHEREAS, it is necessary to have a board that assists the City in the establishment and continuing operation of the museum;

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

1. Board Created. There is hereby created a Museum Advisory Board to assist with the management and operation of the Park City Museum. The Board shall consist of eleven (11) members appointed by the Mayor with the confirmation of the Council. Board members are not required to live within the City limits, provided that a majority of the Board shall reside within the City limits as at the time of their appointments.

2. Term. The Board members shall serve an initial term of one year.

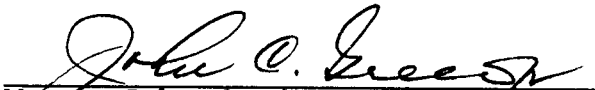
3. Powers and Duties. The Board shall make recommendations to the Council on the preparation of the museum on a long-term and day-to-day basis, specifically including recommendations on the level of financial contributions by the City, policies on exhibit lengths, exhibit contents, the nature of any permanent collection, the means of obtaining permanent collection items, participation in exchange programs, policies on hosting exhibits sponsored by private entities, and all other matters that affect the operation of the museum. The Board shall not have the power to commit City funds or revenues of any kind, to incur obligations on behalf of the City, whether financial or otherwise, hire or terminate employees, dispose of items acquired by the museum, acquire items on the part of the museum on any basis except as donations, or in any other way bind the City to any course of action or financial commitment, as those actions are non-delegating functions of the City Council.

4. Support Organizations. The Board may form, or Board members may participate in an independent association or corporation for the purpose of supporting the museum. Any such organization is independent of the Advisory Board, and solicitations on the part of any such organization shall be clearly identified as being on the part of an independent support organization, and not on the part of the City.


PASSED AND ADOPTED this 15th day of December, 1983.

THIS ORDINANCE shall become effective upon publication.

PARK CITY MUNICIPAL CORPORATION


Mayor John C. Green, Jr.

Attest:


William R. Gatherum
City Recorder

Recorded at the request of and return
to: Park City Municipal Corp.
P. O. Box 1430, Park City, UT 84060

ORDINANCE

A-1-12 2-
Cond. A.
Sec. 21-A
22-A

Ordinance No. 83-20

AN ORDINANCE VACATING STEIN ERIKSEN LODGE
PHASE II NON-EXCLUSIVE UTILITY EASEMENT

WHEREAS, the City Council received the petition of
the owners of Stein Eriksen Lodge requesting that the
easement be vacated across their lot;

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

1. Upon duly noticed public hearing on the petition
for the vacation of the easement, the City Council finds
that the easement is surplus, does not serve any public
purpose that is not served equally well from other locations
that create a lesser burden for area residents and property
owners, and that the easement should be vacated.

2. The easement shown on the plat for the Stein
Eriksen Lodge is hereby vacated, being part of the
convertible land as shown on the Record of Survey Map of
Stein Eriksen Lodge, a Utah Condominium Project, as recorded
January 12, 1983, as Entry No. 187370 in the Office of the
Recorder of Summit County, Utah, and being more particularly
described as follows:

Beginning at the northernmost corner of a non-exclusive
utility easement as shown on said plat, said point
being South 838.70 feet and East 772.48 feet from the
southwest corner of Section 22, Township 2 South, Range
4 East, Salt Lake Base and Meridian; thence along the
exterior boundary of said easement the following two
courses: (1) South 45°00'00" West 223.59 feet; (2)
South 11.80 feet to a point on the southerly line of
said convertible land; thence along said southerly line
the following two courses: (1) North 58°45'31" East
52.56 feet; (2) East 50.00 feet; thence North 51.19
feet to a point on the exterior boundary of said
easement; thence North 45°00'00" East 103.78 feet to
the easternmost corner of said easement; thence North
29°30'00" West 20.75 feet to the point of beginning.

3. The City Recorder shall cause this Ordinance to be
recorded with the Summit County Recorder.

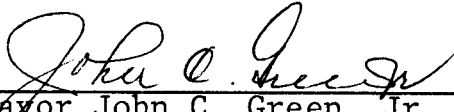
4. This Ordinance shall take effect on the date of
its first publication.

BOOK 283 PAGE 527-529

Entry No.	214730
REQUEST OF	<i>Park City Municipal Corp.</i>
FEE	ALAN SPRIGGS, SUMMIT CO. RECORDER
\$ <i>NC</i>	By <i>Susan Adams</i>
RECORDED	DEC 29 1983 at 9:40 M

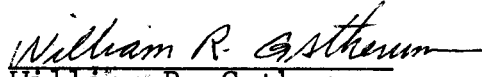
PASSED AND ADOPTED this 22nd day of December,
1983.

PARK CITY MUNICIPAL CORPORATION

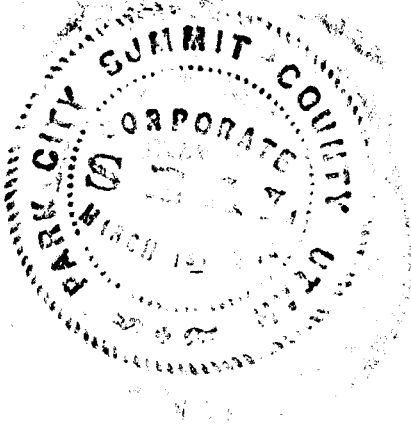


Mayor John C. Green, Jr.

Attest:



William R. Gatherum
City Recorder



BOOK 283 PAGE 528

STATE OF UTAH)
 :
COUNTY OF SUMMIT)

I, William R. Gatherum, the duly qualified City Recorder of Park City, Utah, do hereby certify, according to the records of Park City in my official possession, that the above and foregoing constitutes a true and correct copy of: _____
Ordinance No. 83-20, An Ordinance vacating Stein
Eriksen Lodge Phase II Non-Exclusive Utility Easement.

IN WITNESS WHEREOF, I have hereunto subscribed my official signature and impressed hereon the corporate seal of Park City this 22nd day of December, 1983.

William R. Gatherum
William R. Gatherum
City Recorder

