

AN ORDINANCE IMPOSING A CONDITIONAL USE PERMIT LIMITATION WITHIN CERTAIN AREAS OF THE CITY.

Be it ordained by the City Council of Park City:

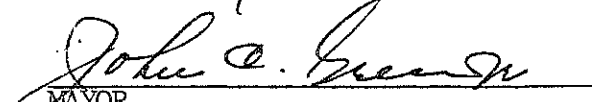
Section 1. Restriction of Conditional Use Permits in Areas of the City Zoned Historic Residential, Historic/Residential Medium Density, and Residential Low Density. The City Council of Park City hereby deems it necessary and in the best interest of the health, welfare and safety of the citizens of Park City to restrict the issuance of Conditional Use Permits in all areas of the City zoned Historic Residential, Historic Residential Medium Density and Residential Low Density. Therefore, from the effective date of this Ordinance to the termination date of this Ordinance no Conditional Use Permit Applications will be considered or issued in said zones.

Section 2. Purpose. The purpose of this Ordinance is to enable the City to consider rezoning or modification of zoning of the areas of the City herein identified.


Section 3. Effective Date. This Ordinance shall effect all projects for which Conditional Use Permit Applications were not on file in the Planning Office as of December 6, 1979.

Section 4. Termination Date. This Ordinance shall terminate and be of no further force and effect on May 1, 1980.

Dated this 17<sup>th</sup> day of JANUARY, 1980.

  
MAYOR

ATTEST:

  
Recorder

ORDINANCE NO. 80-2

AN ORDINANCE AMENDING SECTION 1.9 OF ORDINANCE 13-79 TO DEFINE DISTRICT BOUNDARIES OF ESTATE DISTRICT AND RESIDENTIAL DEVELOPMENT DISTRICT AS RELATED TO 25% SLOPE.


Be it ordained by the Park City City Council:

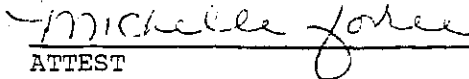
Section 1. Section amended. Section 1.9 of Ordinance 13-79 is amended to read:

- 1.9.3. Where a zoning district boundary follows natural land contours (as in certain boundaries of the Estate District and if dimension lines do not appear on the map, it is assumed that such line follows the transition of the slope to 25% grade. In the event of a dispute as to the location of the beginning of the 25% slope, topographic data acceptable to the Planning Commission is to be presented at which time they will determine the accurate location of the boundary and will make any necessary alterations to the map.
- 1.9.4. Where land with less than a 25% slope is completely surrounded with slopes of 25% or greater, that land, when topographic data acceptable to the Planning Commission is presented, shall be zoned or treated as if it were zoned RD, if it is possible to reach said land without exceeding a grade of 10% and if soils, geologic and hydrologic information acceptable to the Planning Commission indicates that grading of roads into the area will not be harmful to the land involved or the surrounding areas. (Data or information presented to the Planning Commission, to be considered acceptable, must in most cases be prepared by a person licensed or qualified in the field of concern.)

Section 2. EFFECTIVE DATE. This ordinance shall take effect February 28, 1980.

DATED this 21<sup>st</sup> day of February, 1980.

  
MAYOR

  
ATTEST

1.9.3 ~~xxx~~ Where a zoning district boundary follows natural land contours (as in certain boundaries of the Estate District) and if dimension lines do not appear on the map, it is assumed that such line follows the transition of slope to 25% grade. In the event of a dispute as to the location of the beginning of the 25% slope, topographic data acceptable to the Planning Commission is to be presented, at which time they will determine the accurate location of the boundary and will make any necessary alterations to the map.

1.9.4 ~~xxx~~ Where land with less than a 25% slope is completely surrounded with slopes of 25% or greater, that land, when topographic data acceptable to the Planning Commission is presented, shall be zoned or treated as if it were zoned RD, if it is possible to reach said land without exceeding a grade of 10% and if soils, geologic and hydrologic information acceptable to the Planning Commission indicates that grading of roads into the area will not be harmful to the land involved or the surrounding areas. (Data or information presented to the Planning Commission, to be considered acceptable, must in most cases be prepared by a person licensed or qualified in the field of concern.)

ORDINANCE 80-3

AN ORDINANCE AMENDING SECTIONS 4.1., 4.2., 4.7., and 4.8. OF ORDINANCE NO. 13-79 TO REQUIRE GREATER SETBACKS AND SIDE YARDS FOR CONDITIONAL USES IN THE HISTORIC RESIDENTIAL, HISTORIC RESIDENTIAL MEDIUM DENSITY, RESIDENTIAL LOW DENSITY AND RESIDENTIAL MEDIUM DENSITY DISTRICTS.

AN ORDINANCE ENACTING SECTIONS 4.1., 4.2., 4.7., and 4.8., OF ORDINANCE 13-79 TO REQUIRE INCREASED SETBACKS AND SIDE YARDS.

Section 1. Section amended. A new Section Section 4.1.6. is added to Ordinance 13-79 to read:

- 4.1.6. Special Requirements for Conditional Uses.
- 4.1.6.1. The minimum side yard for any building permitted as a conditional use shall be ten feet.
- 4.1.6.2. The minimum front yard for any building permitted as a conditional use shall be 20 feet.
- 4.1.6.3. In cases of buildings permitted as conditional uses which front on more than one street all yards of buildings fronting on any streets shall be considered front yards for the purposes of determining required setbacks.

Section 2. Section amended. A new Section Section 4.2.7. is added to Ordinance 13-79 to read:

- 4.2.7. Special Requirements for Conditional Uses,
- 4.2.7.1. The minimum side yard for any building permitted as a conditional use shall be ten feet,
- 4.2.7.2. The minimum front yard for any building permitted as a conditional use shall be 20 feet.
- 4.2.7.3. In cases of buildings permitted as conditional uses which front on more than one street all yards of buildings fronting on any streets shall be considered front yards for the purposes of determining required setbacks,

Section 3. Section amended, A new Section Section 4.7.7. is added to Ordinance 13-79 to read:

- 4.7.7. Special Requirements for Conditional Uses,
- 4.7.7.1. The minimum side yard for any building permitted as a conditional use shall be ten feet,
- 4.7.7.2. The minimum front yard for any building permitted as a conditional use shall be 20 feet.
- 4.7.7.3. In cases of buildings permitted as conditional uses which front on more than one street all yards of buildings fronting on any streets shall be considered front yards for the purposes of determining required setbacks.

Section 4. Section amended. A new Section Section 4.8.7. is added to Ordinance 13-79 to read:

4.8.7. Special Requirements for Conditional Uses.

4.8.7.1. The minimum side yard for any building permitted as a conditional use shall be ten feet.

4.8.7.2. The minimum front yard for any building permitted as a conditional use shall be 20 feet.

4.8.7.3. In cases of buildings permitted as conditional uses which front on more than one street all yards of buildings fronting on any streets shall be considered front yards for the purposes of determining required setbacks.

Section 5. Effective Date. This Ordinance shall take effect February 28, 1980.

DATE this 21st day of February, 1980.

John C. Greedy  
MAYOR

Linda W.atham  
ATTEST

## AN ORDINANCE CREATING A LIBRARY BOARD.

Be it ordained by the City Council of Park City:

- Section 1. **LIBRARY BOARD CREATED.** There is hereby created a library board of directors to be appointed by the City Council chosen from the citizens at large. The board of directors shall consist of not less than five members and not more than nine members. Not more than one member of the governing body shall be, at any one time, a member of such board. Directors shall serve without compensation, but their actual and necessary expenses incurred in the performance of their official duties may be paid from library funds.
- Section 2. **TERMS - ELECTION OF OFFICERS - REMOVAL - VACANCIES.** Directors shall be appointed for three year terms, or until their successors are appointed. Initially, appointments shall be made for one, two and three year terms. Annually thereafter, the governing body shall, before the first day of July of each year, appoint for three year terms directors to take the place of the retiring directors. Directors shall serve not more than two full terms in succession. Following such appointments, the directors shall meet and elect a chairman and such other officers, as they deem necessary, for one year terms. The governing body may remove any director for misconduct or neglect of duty. Vacancies in the board of directors, occasioned by removals, resignations, or otherwise, shall be filled for the unexpired term in the same manner as original appointments.
- Section 3. **POWERS AND AUTHORITY OF THE BOARD.** The library board directors may with the approval of the governing body have control of the expenditure of the library fund, of construction, lease or sale of library buildings and land, and of the operation of the library. The board shall be responsible for the maintenance and care of the library and shall establish policies for its operation.
- Section 4. **RULES AND REGULATIONS.** The library board of directors shall make and adopt rules and regulations, not inconsistent with the law, for the governing of the library. The library shall be free to the use of the inhabitants of Park City, subject to the rules and regulations adopted by the board. The board may exclude from the use of the library any and all persons who shall willfully violate such rules. The board may extend the privileges and use of the library to persons residing outside of said city upon such terms and conditions as it may prescribe by its regulations.
- Section 5. **ANNUAL REPORTS.** The library board of directors shall make an annual report to the governing body of the city on the condition and operation of the library, including a financial statement. The directors shall also provide for the keeping of such records as shall be required by the Utah State Library in its request for an annual report from the public libraries, and shall submit such an annual report to the State Library.
- Section 6. **DIRECTORS TO APPOINT PERSONNEL.** The library board of directors shall appoint a competent person as librarian to have immediate charge of the library with such duties and compensation for his services as it shall fix and determine. The librarian shall act as the executive officer for the library board. The board shall appoint, upon the recommendation of the librarian, other personnel as needed.
- Section 7. **DONATIONS.** Any person desiring to make donations of money, personal property, or real estate for the benefit of such library shall have the right to vest the title to the money, personal property or real estate so donated, in the board of directors thereof, to be held and controlled by such board, when accepted, according to the terms of the deed, gift, devise or bequest of such property; and as to such property the board shall be held and considered to be trustees.

Section 8. EFFECTIVE DATE. This ordinance shall become effective upon publication.

Dated this 7<sup>th</sup> day of February, 1980.

John E. Quinn  
Mayor

ATTEST:

Michelle Joree  
Recorder

ORDINANCE NO. 80- 5

AN ORDINANCE AMENDING ORDINANCE NO. 80-1 EXTENDING THE CONDITIONAL USE PERMIT LIMITATION TO JUNE 1, 1980.

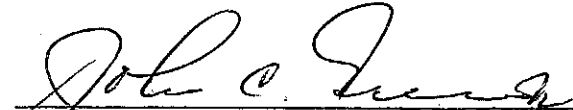
Be it ordained by the City Council of Park City:

Section 1. Ordinance Amended. Ordinance 80-1 of the Park City Ordinances is amended to extend the conditional use permit limitation imposed in that ordinance to June 1, 1980. All other provisions of the ordinance shall continue to June 1, 1980.

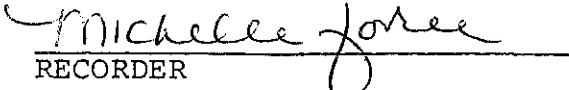
Section 2. Effective date. This ordinance shall take effect on publication.

DATED the 17th day of April, 1980.

PARK CITY

  
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MAYOR

ATTEST:

  
\_\_\_\_\_  
RECORDER



ORDINANCE 80-6

AN ORDINANCE AMENDING ORDINANCE 80-5 EXTENDING THE  
CONDITIONAL USE PERMIT LIMITATION TO JULY 1, 1980.

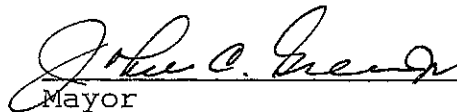
Be it ordained by the City Council of Park City:

Section 1. Ordinance Amended. Ordinance 80-5 of the Park City Ordinances is amended to extend the conditional use permit limitation imposed in that ordinance to July 1, 1980. All other provisions of the ordinance shall continue to July 1, 1980.

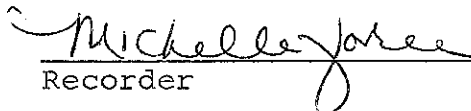
Section 2. Effective date. This ordinance shall take effect on publication.

DATED THIS 15th day of May 1980.

PARK CITY

  
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Mayor

ATTEST:

  
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Recorder

ORDINANCE NO. 80-7

An Ordinance prohibiting retail theft.

BE IT ORDAINED BY THE CITY COUNCIL OF PARK  
CITY AS FOLLOWS:

SECTION 1 Definitions:

(a) "Retail value" means the merchant's stated or advertised price of merchandise;

(b) "Retail mercantile establishment" means any place where merchandise is displayed, held or offered for sale to the public;

(c) "Merchandise" means any personal property displayed, held or offered for sale by a merchant;

(d) "Merchant" means an owner or operator of any retail mercantile establishment where merchandise is displayed, held or offered for sale and includes the merchant's employees, servants or agents;

(e) "Premises of a retail mercantile establishment" includes, but is not limited to, the retail mercantile establishment; any common use areas in shopping centers and all parking lots or areas set aside for the benefit of those patrons of the retail mercantile establishment;

(f) "Minor" means any unmarried person under 18 years of age;

(g) "Shopping cart" means those push carts of the types which are commonly provided by grocery stores, drug stores, or other mercantile establishments or markets for the use of the public in transporting commodities in stores and markets from the store to a place outside the store;

(h) "Peace officer" means an officer as described in Section 77-10-6, including a member of the highway patrol; and

(i) "Under-ring" means to cause the cash register or other sales recording device to reflect less than the retail value of the merchandise.

SECTION 2 Acts Constituting Retail Theft: A person commits the offense of retail theft when he knowingly:

(a) Takes possession of, conceals, carries away, transfers or causes to be carried away or transferred, any merchandise displayed, held, stored or offered for sale in a retail mercantile establishment with the intention of retaining such merchandise or with the intention of depriving the merchant permanently of the possession, use or benefit of such merchandise without paying the retail value of such merchandise; or

(b) Alters, transfers, or removes any label, price tag, marking, indicia of value or any other markings which aid in determining value of any merchandise displayed, held, stored or offered for sale, in a retail mercantile establishment and attempts to purchase such merchandise personally or in consort with another at less than the retail value with the intention of depriving the merchant of the retail value of such merchandise; or

(c) Transfers any merchandise displayed, held, stored or offered for sale in a retail mercantile establishment from the container in or on which such merchandise is displayed to any other container with the intention of depriving the merchant of the retail value of such merchandise; or

(d) Under-rings with the intention of depriving the merchant of the retail value of the merchandise; or

(e) Removes a shopping cart from the premises of a retail mercantile establishment with the intent of depriving the merchant of the possession, use or benefit of such cart.

SECTION 3 Detention of Suspected Violator by Merchant - Purposes:

Any merchant who has probable cause to believe that a person has committed retail theft may detain such person, on or off the premises of a retail mercantile establishment, in a reasonable manner and for a reasonable length of time for all or any of the following purposes:

(a) To make reasonable inquiry as to whether such person has in his possession unpurchased merchandise and to make reasonable investigation of the ownership of such merchandise;

(b) To request identification;

(c) To verify such identification;

(d) To make a reasonable request of such person to place or keep in full view any merchandise such individual may have removed, or which the merchant has reason to believe he may have removed, from its place of display or elsewhere, whether for examination, purchase or for any other reasonable purpose;

(e) To inform a peace officer of the detention of the person and surrender that person to the custody of a peace officer;

(f) In the case of a minor, to inform a peace officer, the parents, guardian or other private person interested in the welfare of that minor immediately, if possible, of this detention and to surrender custody of such minor to such person.

A merchant may make a detention as permitted herein off the premises of a retail mercantile establishment only if such detention is pursuant to an immediate pursuit of such person.

SECTION 4 Defense to Action by Person Detained: In any action for false arrest, false imprisonment, unlawful detention, defamation of character, assault, trespass, or invasion of civil rights brought by any person detained by the merchant, it shall be a defense to such action that the merchant detaining such person had probable cause to believe that the person had committed retail theft and that the merchant acted reasonably under all circumstances.

SECTION 5 Photographs of Merchandise Allegedly Taken or Converted - Admissibility - Procedure. In any prosecution for a violation of Section 2 of this Ordinance, photographs of the goods or merchandise alleged to have been taken or converted shall be deemed competent evidence of such goods or merchandise and shall be admissible in any proceeding, hearing or trial to the same extent as if such goods and merchandise had been introduced as evidence.

Such photographs shall bear a written description of the goods or merchandise alleged to have been taken or converted, the name of the owner of such goods or merchandise, or the store or establishment wherein the alleged offense occurred, the name of the accused, the name of the arresting peace officer, the date of the photograph and the name of the photographer. Such writing shall be made under oath by the arresting peace officer, and the photographs identified by the signature of the photographer. Upon the filing of such photograph and writing with the authority or court holding such goods and merchandise as evidence, such goods or merchandise shall be returned to their owner, or the proprietor or manager of the store or establishment wherein the alleged offense occurred.

SECTION 6 Penalty: A violation of this Ordinance shall be deemed a misdemeanor.

SECTION 7: In the opinion of the City Council, this Ordinance is necessary for the immediate preservation of the peace, health, and safety of the municipality and should be effective upon its passage, adoption, and posting pursuant to Utah law.

Passed and adopted this 1st day of May, 1980.

ATTEST:

CITY OF PARK CITY:

Michelle Jones by John C. Green, Jr.  
City Recorder John C. Green, Jr.

ORDINANCE NO. 80-8

AN ORDINANCE ADOPTING A BUILDING CODE, A HOUSING CODE, AN ABATEMENT OF DANGEROUS BUILDING CODE, A PLUMBING CODE, AN ELECTRICAL CODE AND A FIRE CODE FOR THE CITY OF PARK CITY, UTAH.

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

Section 1. PURPOSE. The purpose of this ordinance is to adopt six codes relating to the construction, wiring, plumbing of buildings and the storage, use and handling of dangerous hazardous materials, substances, processes and maintenance of the same within the limits of the City of Park City and to provide a method of administering the same.

Section 2. SECTION 6-3-1 ADOPTING BUILDING CODE AMENDED. Section 6-3-1 of the Revised Ordinances of Park City is amended to read:

Section 6-3-1 BUILDING CODE. The Uniform Building Code, 1979 edition, together with the 1980 Supplement thereto, printed as codes in book form and adopted by the International Conference of Building Officials (establishing rules and regulations for the design, construction, quality of materials, use and occupancy, location and maintenance of building and structures) three copies of which have been filed for use and examination by the public in the office of City Recorder hereby is adopted as the Building Code of Park City together with the following amendments:

1. Section 205 is amended according to the following:

Where \$300.00 is now shown in the second paragraph, it is amended to read "\$299.00", and where the imprisonment time is shown as 90 days, it shall hereafter be amended to read "six months", otherwise that section remains the same. Imprisonment shall be in the county jail.

2. Section 303(a) of the Uniform Building Code is amended as follows:

Section 303(a)(1) BUILDING PERMIT FEES. A fee for each building permit shall be paid to the Building Official as set forth below.

a. The determination of value or valuation under any of the provisions of this Code shall be made by the Building Official, subject to the approval of the City Manager. The valuation to be used in computing the permit and plan-check fees shall be the total value

of all construction work for which the permit is issued, as well as all finish work, painting, roofing, electrical, plumbing, heating, air conditioning, elevators, fire-extinguishing systems and any other permanent work or permanent equipment.

b. Where work for which a permit is required by this Code is commenced prior to obtaining the permit, the fees specified below shall be doubled, but the payment of such double fee shall not relieve any person, as defined in this ordinance, from fully complying with the requirements of this ordinance in the execution of the work nor from any other penalties prescribed herein.

BUILDING PERMIT FEE SCHEDULE

<u>TOTAL VALUATION</u>	<u>FEE</u>
\$1.00 to \$50,000.00	One percent of the first \$50,000.00 of the total valuation of construction as hereinabove described;
\$50,001.00 to \$500,000.00	One percent of the first \$50,000.00 plus an additional three percent of the next \$450,000.00 or fraction thereof of the total valuation of construction as hereinabove described.
\$500,001.00 and up	One percent of the first \$50,000.00 plus an additional three-quarter percent of the next \$50,001.00 to \$500,000.00 plus an additional one-half percent of \$500,001.00 and up or fraction thereof of the total valuation of construction as hereinabove described.

3. Section 303 (a) (2) IMPACT FEES.

Prior to the issuance of a building permit, a fee shall be paid to the building official in the amount set forth below.

The determination of value or valuation under any of the provisions of this Code shall be made by the building official subject to the approval of the City Manager.

The valuation to be used in computing the impact fees shall be the total value of all new construction work for which a building permit is issued, including all finish work, painting, roofing, electrical, plumbing, heating, air conditioning, elevators, fire-extinguishing systems and any other permanent work or permanent equipment.

The fees as below set forth shall be in addition to the building permit fees as set forth in subsection 26.

IMPACT FEE SCHEDULE

<u>TOTAL VALUATION</u>	<u>FEE</u>
\$1.00 and up	Two percent of the total valuation of new construction as hereinabove described.

The impact fee hereby imposed pursuant to this section shall be deposited in a capital improvement fund and used to purchase or make capital improvements for the use and benefit of the area reasonably related to the area for which the impact fee was paid.

The City may accumulate in separate accounts revenues for the purpose of acquiring or constructing the capital improvements until such time as there are sufficient revenues to purchase or construct the capital improvements.

4. SPRINKLER SYSTEMS.

A. The following structures constructed for human occupancy shall have automatic sprinkling systems:

1. All buildings having more than 6,000 square feet on any one floor, but this subsection shall not apply to single family dwellings or to duplexes or triplexes used as family dwelling units.
2. All buildings having three or more stories.
3. All buildings having four or more family units (including rental or lease units).

B. All existing structures which would have been included within subsection A were such structures constructed after the effective date of this ordinance, shall comply with the requirements of subsection A on the happening of any of the following:

1. At such time as the structure is remodeled, expanded, modified or reconstructed and such remodeling, expansion, modification or reconstruction costs at least 25% of the fair market value of the structure.



2. At such time as the use of the structure substantially changes.

3. At such time as the structure is sold to a new owner.

4. Automatic sprinkling systems shall be constructed in such a manner as to prevent freezing to minus twenty degrees centigrade.

5. All underground parking structures shall be separated from the upper living areas by a masonry slab either poured in place or pre-cast to provide a four hour fire separation.

6. All steel beams or girders in underground parking structures shall be treated with non-flammable substance to a two hour fire rating.

7. All living units in a multi-unit dwelling shall have at least a two hour fire wall between units. The separation here required applies to units which can be separated from other units for the purpose of renting or leasing, but does not apply to separate bedrooms within a unit.

Section 3. HOUSING CODE. The "Uniform Housing Code", 1979 edition, printed as a code in book form and adopted by the International Conference of Building Officials (providing minimum requirements for the protection of life, limb, health, safety and welfare of the general public and the owners and occupants of residential buildings), three copies of which have been filed for use and examination by the public in the office of the Recorder is hereby approved and adopted as the Housing Code of this City.

A. APPLICATION. The provisions of the Housing Code shall apply to all buildings or portions thereof used, or designed for or intended to be used for human habitation. Occupancies in existing buildings may be continued as provided in section 104(g) of the Uniform Building Code, except as to those structures found to be substandard as defined in the Housing Code.

B. ALTERATION. Existing buildings which are moved or relocated shall be considered as new buildings and shall comply with all requirements of the Housing Code.

D. ESTABLISHMENT OF A HOUSING ADVISORY AND APPEALS BOARD. In order to interpret the provisions of the Housing Code and to hear appeals provided for hereunder, there is hereby established the Park City Housing Advisory and Appeals Board consisting of five members who shall not be employees of the City. The building official shall be an ex officio member of and shall act as secretary to the board. Members of the board shall be appointed by the Mayor with

consent of the Council. The Housing Advisory and Appeals Board may adopt reasonable rules and regulations for conducting its business. Its decisions and findings shall be in writing and copies shall go to the appellant and to the building official. Appeals to the board shall be processed in accordance with the provisions contained in section 1201 of the Housing Code. Copies of all rules and regulations adopted by the board shall be delivered to the building official who shall make them available to the public without cost.

E. VIOLATIONS. It shall be unlawful for any person, firm or corporation, whether as owner, lessee, sublessee, or occupant, to erect, construct, enlarge, alter, repair, move, improve, remove, demolish, equip, use, occupy, or maintain any building or premises or cause or permit the same to be done, contrary to or in violation of any of the provisions of the Housing Code or any order issued by the building official pursuant thereto.

F. PERMITS AND INSPECTIONS. It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert, or demolish any building or structure, or cause or permit the same to be done, without first obtaining a separate building permit for each such building or structure from the building official in the manner and according to the applicable conditions prescribed in the Housing Code.

Section 4. ADOPTION OF A CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS. The "Uniform Code for the Abatement of Danger Buildings," 1979 edition, printed as a code in book form and adopted by the International Conference of Building Officials (providing for a just, equitable and practicable method whereby buildings or structures which from any cause endanger the life, limb, health, morals, property, safety or welfare of the general public or their occupants, may be required to be repaired, vacated, or demolished), three copies of which have been filed for use and examination by the public in the office of the Recorder of this municipality is hereby approved and adopted as the Abatement of Dangerous Buildings Code of this municipality.

A. APPLICATION. The provisions of the Abatement of Dangerous Buildings Code shall apply to all dangerous buildings as therein defined, which now exist or which may hereafter be constructed in this municipality.

B. ALTERATIONS, ADDITIONS AND REPAIRS. All buildings or structures which are required to be repaired under the provisions of the Abatement of Dangerous Buildings Code shall be subject to the provisions of subsections (l), (b), (c), (d), (e) and (i) of section 104 of the Uniform Building Code.

C. ABATEMENT OF DANGEROUS BUILDINGS. All buildings or portions thereof which are determined after inspection by the building official to be dangerous as defined in the Abatement of Dangerous Buildings Code are hereby declared to be public nuisances and shall

be abated by repair, rehabilitation, demolition, or removal in accordance with procedure specified in section 401 of the Abatement of Dangerous Buildings Code.

D. ESTABLISHMENT OF A BOARD OF APPEALS. In order to interpret provisions of the Abatement of Dangerous Buildings Code and to hear appeals provided for hereunder, there is hereby established an Abatement of Dangerous Building Board of Appeals consisting of five members who shall not be employees of the municipality. The building official shall be an ex officio member of and shall act as secretary to the board. The board shall be appointed by the Mayor with the advice and consent of the Council. The board may adopt reasonable rules and regulations for conducting its business and shall render all decisions and findings in writing to the appellant with a copy to the building official. Appeals to the board shall be processed in accordance with the provisions contained in the adopted codes. Copies of all rules and regulations adopted by the board shall be delivered to the building official who shall make them accessible to the public without cost.

Section 5. ADOPTION OF A PLUMBING CODE. The "Utah Plumbing Code", 1979 edition, as published by the Utah Plumbing, Heating and Cooling Contractors as a code in book form, three copies of which have been filed for use and examination by the public in the office of the City Recorder is hereby approved and adopted as the Plumbing Code of this City.

Section 6. PLUMBING PERMITS. No new construction, alterations or additions to existing plumbing shall be installed without first obtaining a permit therefore except minor repair work of a type commonly accepted as within the capabilities of a householder. Applications for such permits describing such work shall be made in writing and shall conform as far as practicable to the requirements set forth in the Uniform Building Code as to information disclosed. No permit shall be issued to any applicant for permit during the time that he shall fail to correct any defective installations after he has been duly notified to correct such defects by the building official or his agent.

Section 7. PLUMBING INSPECTIONS. The building official shall perform all functions of plumbing inspection and shall, among other things, inspect and supervise the construction, installation and repair of all plumbing fixtures and appliances and apparatus connected with a plumbing system which are installed within the limits of the City and shall require that they conform to the provisions of the Plumbing Code. Plumbing and plumbing fixtures and apparatus heretofore installed need not necessarily be made to conform strictly to the provisions of the Plumbing Code, but the building official shall require the correction of such differences as he deems actually dangerous to life, health or property. The building official shall follow the plumbing procedures relating to enforcement and safety as provided in the Uniform Building Code.

Section 8. ADOPTION OF ELECTRICAL CODE. The "National Electrical Code", 1978 edition, as adopted by the National Fire Protection Association and the American Standards Association and printed as a code in book form, three copies of which have been filed for use an examination by the public in the office of the Recorder is hereby approved and adopted as the Electrical Code of this City.

Section 9. ELECTRICAL INSPECTION. The building official shall perform all functions of electrical inspection and shall, among other things, inspect and supervise the construction, installation, and repairs of all electrical light or power wiring, fixtures, appliances or apparatus installed within the limits of this municipality and shall require that they conform to the provisions of the Electrical Code. Wiring, fixtures and apparatus heretofore installed need not necessarily be made to conform strictly to all the provisions of the Electrical Code, bu the building official shall require the correction of such defects as he deems actually dangerous to life or property. The building official shall follow as to electrical work the procedures relating to enforcement and safety as are established by the Uniform Building Code.

Section 10. PERMITS AND INSPECTIONS. No alterations or additions shall be made in existing wiring, nor shall any wiring be installed or any apparatus which generates, transmits, transforms or utilizes any electricity without first obtaining a permit therefore, except minor repair work such as repairing flush and snap switches, replacing fuses, changing lamp sockets and receptacles, taping bare joints and repairing drop cords. Applications for such permit, describing such work, shall be made in writing and shall conform as far as practicable to the requirements set forth in the Uniform Building Code as to extent of information disclosed. This section shall not apply to installations in power houses and substations belonging to electric light companies. No permit shall be issued to any applicant for a permit during the time that he shall fail to correct any defective electrical installations after he has been duly notified to correct such defective work by the chief of division of electrical inspection.

Section 11. ELECTRICAL DISTURBANCES. Electrical installations for signs, equipment or other facilities which create electrical disturbances which cause interference with normal radio or television reception beyond the immediate vicinity of such electrical installations are hereby declared to be a nuisance. The owners or operators thereof shall so install and maintain such installations as to avoid or eliminate such interference, using all known means and devices for such purpose, such as proper grounding, connections, condensers, resistors and live chokes.

The building official shall withhold or withdraw approval of any electrical installation causing the above disturbance and is hereby authorized to take all steps necessary to the abatement of such nuisances.

Section 12. UNIFORM FIRE CODE. The "Uniform Fire Code", 1979 edition together with the 1980 supplement as adopted by the International Conference of Building Officials and the Western Fire Chiefs Association and printed as codes in book form, three copies of which have been filed for use and examination by the public in the office of the Recorder is hereby adopted as the Fire Code of Park City with the following amendments:

A. All fire hydrants installed or replaced after the effective date of this ordinance shall have a four and one-half inch fitting and two two and one-half inch fittings, dry barrel type.

B. All debris created from a fire shall be removed and the property restored to normal condition within 30 days after the fire or as soon as the property is released by the State Fire Marshal or the Park City Fire Department. In the event the debris is not cleared, such debris shall be declared a nuisance and removed by the City at the expense of the property owner.

Section 13. ADMINISTRATION AND ENFORCEMENT. The building official shall be responsible for the administration and enforcement of the Fire Code and shall, among other things, enforce all state statutes and local ordinances and/or regulations pertaining to: (1) the prevention of fires; (2) the suppression or extinguishing of dangerous or hazardous fires; the storage, use and handling explosives, flammable, toxic, corrosive and other hazardous gaseous, solid and liquid materials; (3) the installation and maintenance of automatic, manual and other private fire alarm systems and fire extinguishing equipment (4) the maintenance and regulations of fire escapes; (5) the maintenance of fire protection and the elimination of fire hazards on land and in buildings, structures, and other property including those under construction; (6) the means and adequacy of each exit in the event of fire, from factories, school, hotels, lodging houses, asylums, hospitals, churches, halls, theaters, amphitheatres, and all other places in which people work, live or congregate from time to time for any purpose; and (7) the investigation of the cause, origin and circumstances of fire.

Section 14. INSPECTIONS AND UNSAFE BUILDINGS. The building official shall inspect, as often as may be necessary, all buildings and premises including such other hazards or appliances as he may designate for the purpose of ascertaining and causing to be corrected any conditions which would reasonably tend to cause fire or contribute to its spread, or any violation of the purpose of provisions of the Fire Code and of any other law or standard affecting fire safety.

All buildings or structures which are structurally unsafe or not provided with adequate egress, or which constitute a fire hazard, or are otherwise dangerous to human life, or which in relation to existing use constitute a hazard to safety or health, or public welfare, by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, disaster damage, or abandonment, as specified in

this Code or any other effective ordinance, are, for the purpose of this section, unsafe buildings. All such unsafe buildings are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition, or removal in accordance with the procedure specified in Chapters 4 through 9 of the Abatement of Dangerous Buildings Code or by any other procedures provided by law.

Section 15. AUTHORITY AND DUTY OF POLICE PERSONNEL TO ASSIST IN ENFORCEMENT. Whenever requested to do so by the building official, the chief of police shall assign such available police officers as in his discretion may be necessary to assist the building official in enforcing the provisions of the Fire Code.

Section 16. REQUIRED PERMITS. All applications for a permit required by the Fire Code shall be made to the building official in such form and detail as he shall prescribe. Applications for permits shall be accompanied by such plans as required by the building official. In instances where laws or regulations are enforceable by departments other than the fire department, joint approval shall be obtained from all departments concerned.

Section 17. BUILDING OFFICIAL ADDITIONAL DUTIES. The building official shall also be known as the building inspector and shall in addition to the provisions of the Uniform Building Code have the duty of administering and enforcing the provisions of the Housing Code, Abatement of Dangerous Buildings Code, Electrical Code and the Utah State Plumbing Code. Additionally, he shall be charged with the inspection and enforcement of the provisions set forth with regard to all buildings and structures, in accordance with the manner provided for in each of the above adopted codes as well as ditches and fences of whatever nature for the purpose of determining their safety and effect upon the health and general welfare of the inhabitants of the structures, pedestrians and vehicles including, but not limited to, obstruction of vision and encroachment upon streets, sidewalks, adjoining property, and other property. Where necessary, properly appointed health officers acting in behalf of the chief of police and the fire marshal are hereby authorized to make such inspections as may be required to enforce the provisions of any of the applicable codes.

Section 18. PAYMENT OF FEES. Whenever a fee is required by this ordinance or any schedule or resolution adopted by the City pursuant to this ordinance, such fees shall be paid to the City Clerk or Treasurer.

Section 19. RIGHT OF ENTRY.

A. Whenever necessary to make an inspection to enforce any of the provisions of any code adopted pursuant to this ordinance, or whenever the building official or his authorized representative has reasonable cause to believe that there exists in any building or upon any premises, unsafe, substandard or dangerous as defined in

the applicable sections of the codes, any condition which makes such building or premises dangerous, the building official or his authorized representative may enter such building or premises at all reasonable times to inspect the same or perform any duty imposed upon the building official provided that:

1. If such building or premises be occupied, he shall first present proper credentials and demand entry; and

2. If such building or premises be unoccupied, he shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and demand entry. If such entry is refused, the building official or his authorized representative shall be recourse to every remedy provided by law to secure entry.

B. No owner or occupant or any other person having charge, care or control of any building or premises shall fail or neglect, after proper demand is made as herein provided, to promptly permit entry therein by the building official or his authorized representative for the purpose of inspection and examination pursuant to any provisions of any of the codes adopted pursuant to this ordinance.

Section 20. VIOLATIONS. No person, firm, or corporation, whether as owner, lessee, sublessee, or occupant, shall erect, construct, enlarge, alter, repair, move, improve, remove, demolish, equip, use, occupy, or maintain any building or premises, or cause or permit the same to be done, contrary to or in violation of any of the provisions of the applicable sections of the codes adopted pursuant to this ordinance or of any order issued by the building official thereunder.

Section 21. BUILDING PERMIT FEES. A fee for each building permit, electrical permit, plumbing permit and fire permit shall be paid to the building official or Recorder in such amount as shall be established from time to time by resolution duly enacted by the governing body. Until such a resolution is adopted as to building permit fees, the building permit fees set forth in section 303 of the Uniform Building Code as herein amended, shall remain applicable. The administrative and enforcement provisions of the Uniform Building Code relating to building permit fees shall be deemed to apply to the electrical and plumbing permit fees, unless otherwise provided by resolution of the governing body.

Section 22. PENALTY. Any person failing to comply with the provisions of this ordinance shall be guilty of a misdemeanor, and, on conviction therefore, shall be punished by a fine in any sum less than \$299.00 or by imprisonment for not more than six months, or by both fine and imprisonment.

Section 23. CONTINUING OFFENSES DEEMED DAILY VIOLATION. In all instances where the violation of these ordinances is a continu-

ing violation a separate offense shall be deemed committed on each day during or on which the violation occurs or continues.

Section 24. REPEAL OF CONFLICTING ORDINANCES. Any provision of any ordinance of this municipality which conflicts or is inconsistent with any provision of this ordinance or any provision of the codes adopted in this ordinance is hereby repealed.

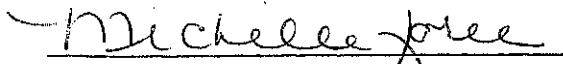
Section 25. SEPARABILITY OF ORDINANCES. Should any section, clause or provision of the codes adopted pursuant to this ordinance be declared by a court of competent jurisdiction to be invalid, such declaration of invalidity shall not affect the validity of any other section or provision of this ordinance or of the codes adopted herein and each such section, clause or provision is hereby declared to be separate and distinct.

Section 26. EFFECTIVE DATE. This ordinance being necessary for the immediate preservation of the peace, health and safety of the City shall take effect immediately.

PASSED and adopted by the City Council this 15<sup>th</sup> day of May, 1980.

  
MAYOR

ATTEST:-----


  
RECORDER



NOTICE is hereby given that the Park City council passed an ordinance adopting the 1979 edition and the 1980 supplement of the Uniform Building Code, the 1979 edition of the Uniform Housing Code, the 1979 edition of the Uniform Code for the Abatement of Dangerous Buildings, the 1979 edition of the Utah Plumbing Code, the 1978 edition of the National Electrical Code and the 1980 edition of the Uniform Fire Code.

The ordinance adopting the foregoing codes also imposes building and impact fees; requires installation of sprinkling systems in many new buildings or buildings when remodeled or sold; provides for inspection, building permits; imposes duties on the building official; authorizes a right of entry for the building inspector to enforce the ordinance and provides penalties for the violation of the ordinance and codes adopted by the ordinance. The ordinance becomes effective on publication.

Passed May 15, 1980.

By   
Mayor

MAY 1 1980

RECEIVED

ORDINANCE NO. 80-9

*Discussed*

AN ORDINANCE RELATING TO ABANDONED, WRECKED, JUNKED, AND DISMANTLED MOTOR VEHICLES; PROHIBITING THE STORAGE, REPAIR, OR DISMANTLING THEREOF ON PUBLIC OR PRIVATE PROPERTY; DECLARING THE SAME TO BE A NUISANCE; PROVIDING FOR THE ABATEMENT OF SUCH NUISANCES; AND PROVIDING PENALTIES FOR THE VIOLATION OF THIS ORDINANCE.

WHEREAS, motor vehicles are or may in the future be abandoned, dismantled, partially dismantled, wrecked, junked, inoperative or discarded or left about the municipality, in places other than junk yards or other appropriate areas; and

WHEREAS, such conditions tend to impede traffic in the streets; interfere with the enjoyment of property; reduce the value of private property; invite plundering; create fire hazards; extend and aggravate urban blight; and are a nuisance; and result in serious hazard to the public health, safety, comfort, convenience, welfare and happiness of the residents of the municipality; and

NOW THEREFORE, be it ordained by the municipality of Park City

Section 1. SHORT TITLE. This Ordinance shall be known and may be cited as the "Abandoned, Wrecked, Dismantled or Inoperative Motor Vehicle Ordinance."

Section 2. DEFINITIONS. For the purposes of this Ordinance, the following terms, phrases, words, and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

(a) Municipality is the City of Park City.

(b) Marshal is the marshal of the municipality.

(c) Motor Vehicle is any vehicle which is self-propelled and designed to travel along the ground and shall include, but not be limited to automobiles, buses, motor-bikes, motorcycles, motor-scooters, trucks, tractors, go-carts, golf carts, campers and trailers.

(d) Junked motor vehicle is any motor vehicle, as defined by subsection (c) of Section 2, which does not have lawfully affixed thereto both an unexpired license plate or plates and a current motor vehicle safety inspection certificate, and the condition of which is wrecked, dismantled, partially dismantled, inoperative, abandoned, or discarded.

(e) Person shall mean any person, firm, partnership, association, corporation, company, or organization of any kind.

(f) Private property shall mean any real property within the municipality which is privately owned and which is not public property as defined in this section.

(g) Public property shall mean any street or highway which shall include the entire width between the boundary lines of every way publicly maintained for the purposes of vehicular travel, and shall also mean any other publicly owned property or facility.

Section 3. STORING, PARKING OR LEAVING DISMANTLED OR OTHER SUCH MOTOR VEHICLE PROHIBITED; AND DECLARED NUISANCE; EXCEPTIONS. No person shall park, store, leave, or permit the parking, storing, or leaving of any motor vehicle or any kind which is in an abandoned, wrecked, dismantled, inoperative, rusted, junked, or partially dismantled condition whether attended or not, on any public or private property within the municipality for a period of time in excess of 72 hours. The presence of an abandoned, wrecked, dismantled, inoperative, rusted, junked or partially dismantled vehicle or parts thereof, on private or public property is hereby declared a public nuisance which may be abated as such in accordance with the provisions of this ordinance. This section shall not apply to any vehicle enclosed within a building on private property or to any vehicle held in connection with a business enterprise, lawfully licensed by the municipality, or to any motor vehicle in operable condition specifically adopted or designed for operation on drag strips or raceways, or any vehicle retained by the owner for antique collection purposes.

Section 4. NOTICE TO REMOVE. Whenever it comes to the attention of the marshal that any nuisance as defined in Section 3 of the ordinance exists in the municipality a notice in writing shall be served on the occupant of the land where the nuisance exists, or in case there is no such occupant, then on the owner of the property or his agent, notifying them of the existence of the nuisance and requesting its removal in the time specified in this ordinance.

Section 5. RESPONSIBILITY FOR REMOVAL. On proper notice and opportunity to be heard, the owner of the abandoned, wrecked, dismantled, or inoperative vehicle and the owner or occupant of the private property on which the same is located, either or all of them shall be responsible for its removal. In the event of removal and disposition by the municipality, the owner, or occupant of the private property where same is located, shall be liable for the expenses incurred.

Section 6. NOTICE PROCEDURE. The municipality shall give notice of removal to the owner or occupant of the private property where it is located, at least ten days before the time of compliance.

It shall constitute sufficient notice, when a copy of same is posted in a conspicuous place on the private property on which the vehicle is located and duplicate copies are sent by registered mail to the owner or occupant of the private property at his last known address.

Section 7. CONTENT OF NOTICE. The notice shall contain the request for removal within the time specified in this ordinance, and the notice shall advise that on failure to comply with the notice to remove, the municipality or its designee shall undertake such removal with the cost of removal to be levied against the owner or occupant of the property.

Section 8. REQUEST FOR HEARING. The persons to whom the notices are directed, or their duly authorized agents may file a written request for hearing before the council of the municipality or its designee within the ten day period of compliance prescribed in Section 6 for the purpose of defending the charges by the municipality.

Section 9. PROCEDURE FOR HEARING. The hearing shall be held as soon as practicable after the filing of the request and the persons to whom the notices are directed shall be advised of the time and place of said hearing at least ten days in advance thereof. At any such hearing the municipality and the persons to whom the notices have been directed may introduce such witnesses and evidence as either party deems necessary.

Section 10. REMOVAL OF MOTOR VEHICLE FROM PROPERTY. If the violation described in the notice has not been remedied within the ten day period of compliance, or in the event that a notice requesting a hearing is timely filed, a hearing is had, and the existence of the violation is affirmed by the council of the municipality or its designee, the marshal or his designee shall have the right to take possession of the junked motor vehicle and remove it from the premises. It shall be unlawful for any person to interfere with, hinder, or refuse to allow such person or persons to enter upon private property for the purpose of removing a vehicle under the provisions of this ordinance.

Section 11. NOTICE OF REMOVAL. Within 48 hours of the removal of such vehicle, the marshal shall give notice to the registered owner of the vehicle, if known, and also to the owner or occupant of the private property from which the vehicle was removed, that said vehicle, or vehicles, has been impounded and stored for violation of this ordinance. The notice shall give the location of where the vehicle or vehicles, is stored, and the costs incurred by the municipality for removal.

Section 12. PROCEDURE FOR REMOVAL FROM PUBLIC PROPERTY. If any nuisance as defined in Section 3 of this ordinance is located

on public property owned or subject to regulation by the municipality, the marshal may remove such nuisance without giving to the property owner the notice and opportunity for hearing required in Section 4 through 9 of this ordinance and remove the nuisances in the manner provided in Section 13 through 17 of this ordinance, except that where the registered owner of such nuisance can be determined by contacting the Utah Department of Motor Vehicles, such owners may be given notice of the sale of such vehicle by notice mailed to him or her at least ten days prior to such sale.

Section 13. DISPOSITION OF VEHICLES. On removing a vehicle under the provisions of Sections 10 or 13, the municipality shall after ten days cause it to be appraised. If the vehicle is appraised at \$75.00 or less, the marshal shall execute an affidavit so attesting and describing the vehicle, including the license plates, if any and stating the location and appraised value of the vehicle. The marshal after complying with the above, may summarily dispose of the vehicle and execute a certificate of sale. If the vehicle is appraised at over \$75.00, the marshal shall give notice of public sale not less than ten days before the date of the proposed sale.

Section 14. CONTENTS OF PUBLIC SALE NOTICE. The notice of sale shall state:

(a) The sale is of abandoned property in the possession of the municipality.

(b) A description of the vehicle, including make, model, license number and any other information which will accurately identify the vehicle.

(c) The terms of the sale.

(d) The date, time and place of the sale.

Section 15. PUBLIC SALE. The vehicle shall be sold to the highest and best bidder. At the time of payment of the purchase price, the marshal shall execute a certificate of sale in duplicate, the original of which to be given to the purchaser, the copy thereof to be filed with the recorder of the municipality. Should the sale for any reason be invalid, the municipality shall be limited to the return of the purchase price.

Section 16. REDEMPTION OF IMPOUNDED VEHICLES. The owner of any vehicle seized under the provisions of this ordinance may redeem such vehicle at any time after its removal but prior to the sale or destruction thereof on proof of ownership and payment to the municipality such sum as he may determine and fix for the actual expense of removal, and any preliminary sale advertising expenses, not to exceed \$75.00 plus \$5.00 per day for storage for each vehicle redeemed.

Section 17. LIABILITY OF OWNER OR OCCUPANT. On the failure of the owner of occupant of property on which abandoned vehicles

have been removed by the municipality to pay the unrecovered expenses incurred by the municipality in such removal, a lien shall be placed on the property for the amount of such expenses.

Section 18. PENALTY. Any person violating any of the provisions of this ordinance shall be guilty of a misdemeanor, and on conviction shall be subject to a fine of not more than \$299.99. Each act in violation of any of the provisions hereof shall be deemed a separate offense.

Section 19. EFFECTIVE DATE. This ordinance shall take effect immediatley on publication.

PASSED, ADOPTED AND ORDERED published this 5th day of June,  
19 80.

John C. Green, Jr.  
MAYOR JOHN C. GREEN, JR.

ATTEST:

Michelle Jones  
CITY RECORDER (deputy)

Date of publication \_\_\_\_\_ June 12 19 80 .

ORDINANCE NO. 80-10

AN ORDINANCE AMENDING ORDINANCE 80-1 EXTENDING THE CONDITIONAL USE PERMIT LIMITATION TO AUGUST 1, 1980.


Be it ordained by the City Council of Park City:

Section 1. Ordinance Amended. Ordinance 80-1 of the Park City Ordinances is amended to extend the conditional use permit limitation imposed in that ordinance to August 1, 1980. All other provisions of the ordinance shall continue to August 1, 1980.

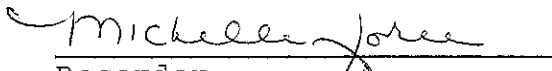
Section 2. Effective date. This ordinance shall take effect on publication.

DATED THE 19th day of June 1980.

PARK CITY

  
John C. Green, Jr.

ATTEST:

  
Recorder

ORDINANCE No. 80-13A

AN ORDINANCE REPEALING SECTION 5(C) AND SECTION 6(D) ESTABLISHING A BOARD OF APPEALS AS AUTHORIZED IN THE UNIFORM BUILDING CODE, UNIFORM HOUSING CODE AND DANGEROUS BUILDING CODE.

WHEREAS, in order to determine the suitability of alternatives of materials and methods of construction and provide for reasonable interpretations of the Uniform Building Code,

WHEREAS, in order to interpret the provisions of the Housing Code and hear appeals provided for, and,

WHEREAS, in order to interpret provisions of abatement of the Dangerous Building Code and hear appeals provided for,

NOW BE IT ORDAINED BY THE CITY COUNCIL OF PARK CITY:

Section 1) That there be created a Board of Appeals consisting of members who are qualified by experience and training to pass upon matters pertaining to building construction, and;

Section 2) The Building Official be an ex officio member and shall act as Secretary of the Board. The Board of Appeals shall be appointed by the Mayor and City Council and hold office at their pleasure;

Section 3) The Board shall adopt reasonable rules and regulations for conducting it's investigations and it's decisions and findings shall be in writing to the Building Official with duplicate copies to the appellant;

Section 4) Copy of all rules and regulations adopted by the Board shall be delivered to the Building Official which will make available to the public without cost;

Section 5) Establishing a Housing Advisory and Appeals Board, and, Section 6(D) establishing a Housing Advisory and Dangerous Building Appeals Board, are hereby repealed;

Section 6) REPEAL OF CONFLICTING ORDINANCES. Any provisions of any ordinance of this municipality which conflicts or is inconsistent with this ordinance and provision of codes adopted in this ordinance, is hereby repealed.

Section 7) SEVERABILITY OF ORDINANCES. Should any section, clause or provision of the codes adopted pursuant to this ordinance be declared by a court of competent jurisdiction to be invalid, such declaration of invalidity shall not affect the validity of any other section or provision of this ordinance or of the codes adopted herein and each such section, clause or provision, is hereby declared to be separate and distinct.

Section 8) EFFECTIVE DATE. This ordinance shall take effect on publication.

PASSED and adopted by the City Council, this 19<sup>th</sup> day of Feb., 1981.

Attest:

John C. Green  
Mayor of Park City

M. R. Olson  
Recorder



ORDINANCE NO. 80-13

AN ORDINANCE AMENDING SECTION 2b of Ordinance No. 80-8  
TO CORRECT CERTAIN TYPOGRAPHICAL ERRORS; AMENDING  
SECTION 4 OF ORDINANCE NO. 80-8 TO CHANGE THE  
REQUIREMENTS FOR AUTOMATIC FIRE EXTINGUISHING  
SYSTEMS AND RENUMBERING THE SECTIONS.

Be it ordained by the City Council of Park City:

Section 1. Ordinance No. 80-8 is hereby repealed and re-enacted to read:

Section 1. PURPOSE. The purpose of this ordinance is to adopt six codes relating to the construction, wiring, plumbing of buildings and the storage, use and handling of dangerous hazardous materials, substances, processes and maintenance of the same within the limits of the City of Park City and to provide a method of administering the same.

Section 2. SECTION 6-3-1 ADOPTING BUILDING CODE AMENDED. Section 6-3-1 of the Revised Ordinances of Park City is amended to read:

Section 6-3-1 BUILDING CODE. The Uniform Building Code, 1979 edition, together with the 1980 Supplement thereto, printed as codes in book form and adopted by the International Conference of Building Officials (establishing rules and regulations for the design, construction, quality of materials, use and occupancy, location and maintenance of building and structures) three copies of which have been filed for use and examination by the public in the office of City Recorder hereby is adopted as the Building Code of Park City together with the following amendments:

A. Section 205 is amended according to the following:

Where \$300.00 is now shown in the second paragraph, it is amended to read "\$299.00", and where the imprisonment time is shown as 90 days, it shall hereafter be amended to read "six months", otherwise that section remains the same. Imprisonment shall be in the county jail.

B. Section 304(a) of the Uniform Building Code is amended as follows:

Section 304(a)(1) BUILDING PERMIT FEES. A fee for each building permit shall be paid to the Building Official as set forth below.

Section 304 (a) (1) BUILDING PERMIT FEES. A fee for each building permit shall be paid to the Building Official as set forth below.

The determination of value or valuation under any of the provisions of this Code shall be made by the Building Official, subject to the approval of the City Manager. The valuation to be used in computing the permit and plan-check fees shall be the total value of all construction work for which the permit is issued, as well as all finish work, painting, roofing, electrical, plumbing, heating, air conditioning, elevators, fire-extinguishing systems and any other permanent work or permanent equipment.

BUILDING PERMIT FEE SCHEDULE

<u>TOTAL VALUATION</u>	<u>FEE</u>
\$1.00 to \$50,000.00	One percent of the first \$50,000.00 of the total valuation of construction as hereinabove described;
\$50,001.00 to \$500,000.00	One percent of the first \$50,000.00 plus an additional three quarters of one percent of the next \$50,000.00 or fraction thereof of the total valuation of construction as hereinabove described;
\$500,001.00 and up	One percent of the first \$50,000.00 plus an additional three quarters of one percent of the next \$50,001.00 to \$500,000.00 plus an additional one-half percent of \$500,001.00 and up or fraction thereof of the total valuation of construction as hereinabove described.

C. Chapters 11, 32, 35, 55 and 70 located in the appendix of the Uniform Building Code are adopted and incorporated in the Ordinances of this City.

Section 3. IMPACT FEES. Prior to the issuance of a building permit, a fee shall be paid to the building official in the amount set forth below.

The determination of value or valuation under any of the provisions of this Code shall be made by the building official subject to the approval of the City Manager.

The valuation to be used in computing the impact fees shall be the total value of all new construction work for which a building permit is issued, including all finish work, painting, roofing, electrical, plumbing, heating, air conditioning, elevators, fire-extinguishing systems and any other permanent work or permanent equipment.

The fees as below set forth shall be in addition to the building permit fees as set forth in subsection 26.

IMPACT FEE SCHEDULE

<u>TOTAL VALUATION</u>	<u>FEE</u>
\$1.00 and up	Two percent of the total valuation of new construction as hereinabove described.

The impact fee hereby imposed pursuant to this section shall be deposited in a capital improvement fund and used to purchase or make capital improvements for the use and benefit of the area reasonably related to the area for which the impact fee was paid.

The City may accumulate in separate accounts revenues for the purpose of acquiring or constructing the capital improvements until such time as there are sufficient revenues to purchase or construct the capital improvements.

Section 4. AUTOMATIC FIRE EXTINGUISHING SYSTEMS.

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

B. AUTOMATIC FIRE EXTINGUISHING SYSTEMS.

1. The following structures or buildings used for or to be used for human occupancy shall have an automatic fire extinguishing system installed in conformity with the requirements of the Uniform Building Code standard 38-1-79:

a. All buildings having more than 6,000 square feet on any one floor, but this subsection does not apply to single family dwellings, to duplexes or to triplexes used as family dwelling units.

b. All buildings having three or more full stories except R3 occupancies.

c. All buildings having four or more dwelling units including units rented or leased.

d. All new construction in the zone, Historic Commercial Business located south of Heber Avenue.

e. All new construction and buildings in the zone, General Commercial where there is no side yard set backs of where the side yard set back is less than 2.5 feet per story.

2. Area separation walls are allowed in dwelling units and such walls would increase the permitted units to a maximum of 12 dwelling units per building.

3. All structures used as dwelling units in a multi-unit structure shall have at least an hour fire separation wall between units.

4. Subsections 1, 2 and 3 of section 4 shall become effective October 1, 1980 and shall be effective for all building permits issued after 5:00 p.m., September 30, 1980.

Section 5. HOUSING CODE. The "Uniform Housing Code", 1979 edition, printed as a code in book form and adopted by the International Conference of Building Officials (providing minimum requirements for the protection of life, limb, health, safety and welfare of the general public and the owners and occupants of residential buildings), three copies of which have been filed for use and examination by the public in the office of the Recorder is hereby approved and adopted as the Housing Code of this City.

A. APPLICATION. The provisions of the Housing Code shall apply to all buildings or portions thereof used, or designed for or intended to be used for human habitation. Occupancies in existing buildings may be continued as provided in section 104(g) of the Uniform Building Code, except as to those structures found to be substandard as defined in the Housing Code.

B. ALTERATION. Existing buildings which are moved or relocated shall be considered as new buildings and shall comply with all requirements of the Housing Code.

C. ESTABLISHMENT OF A HOUSING ADVISORY AND APPEALS BOARD. In order to interpret the provisions of the Housing Code and to hear appeals provided for hereunder, there is hereby established the Park City Housing Advisory and Appeals Board consisting of five members who shall not be employees of the city. The building official shall be an ex officio member of and shall act as secretary to the board. Members of the board shall be appointed by the Mayor with consent of the Council. The Housing Advisory and

Appeals Board may adopt reasonable rules and regulations for conducting its business. Its decisions and findings shall be in writing and copies shall go to the appellant and to the building official. Appeals to the board shall be processed in accordance with the provisions contained in section 1201 of the Housing Code. Copies of all rules and regulations adopted by the board shall be delivered to the building official who shall make them available to the public without cost.

E. VIOLATIONS. It shall be unlawful for any person, firm or corporation, whether as owner, lessee, sublessee, or occupant, to erect, construct, enlarge, alter, repair, move, improve, remove, demolish, equip, use, occupy, or maintain any building or premises or cause or permit the same to be done, contrary to or in violation of any of the provisions of the Housing Code or any order issued by the building official pursuant thereto.

F. PERMITS AND INSPECTIONS. It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert, or demolish any building or structure, or cause or permit the same to be done, without first obtaining a separate building permit for each such building or structure from the building official in the manner and according to the applicable conditions prescribed in the Housing Code.

Section 6. ADOPTION OF A CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS. The "Uniform Code for the Abatement of Dangerous Buildings," 1979 edition, printed as a code in book form and adopted by the International Conference of Building Officials (providing for a just, equitable and practicable method whereby buildings or structures which from any cause endanger the life, limb, health, morals, property, safety or welfare of the general public or their occupants, may be required to be repaired, vacated, or demolished), three copies of which have been filed for use and examination by the public in the office of the Recorder of this municipality is hereby approved and adopted as the Abatement of Dangerous Buildings Code of this municipality.

A. APPLICATION. The provisions of the Abatement of Dangerous Buildings Code shall apply to all dangerous buildings as therein defined, which now exist or which may hereafter be constructed in this municipality.

B. ALTERATIONS, ADDITIONS AND REPAIRS. All buildings or structures which are required to be repaired under the provisions of the Abatement of Dangerous Buildings Code shall be subject to the provisions of subsections (l), (b), (c), (d), (e) and (i) of section 104 of the Uniform Building Code.

C. ABATEMENT OF DANGEROUS BUILDINGS. All buildings or portions thereof which are determined after inspection by the building official to be dangerous as defined in the Abatement of Dangerous Buildings Code are hereby declared to be public nuisances

and shall be abated by repair, rehabilitation, demolition, or removal in accordance with procedure specified in section 401 of the Abatement of Dangerous Buildings Code.

D. ESTABLISHMENT OF A BOARD OF APPEALS. In order to interpret provisions of the Abatement of Dangerous Buildings Code and to hear appeals provided for hereunder, there is hereby established an Abatement of Dangerous Building Board of Appeals consisting of five members who shall not be employees of the municipality. The building official shall be an ex officio member of and shall act as secretary to the board. The board shall be appointed by the Mayor with the advice and consent of the Council. The board may adopt reasonable rules and regulations for conducting its business and shall render all decisions and findings in writing to the appellant with a copy to the building official. Appeals to the board shall be processed in accordance with the provisions contained in the adopted codes. Copies of all rules and regulations adopted by the board shall be delivered to the building official who shall make them accessible to the public without cost.

Section 7. ADOPTION OF A PLUMBING CODE. The "Utah Plumbing Code", 1979 edition, as published by the Utah Plumbing, Heating and Cooling Contractors as a code in book form, three copies of which have been filed for use and examination by the public in the office of the City Recorder is hereby approved and adopted as the Plumbing Code of this City.

Section 8. PLUMBING PERMITS. No new construction, alterations or additions to existing plumbing shall be installed without first obtaining a permit therefore except minor repair work of a type commonly accepted as within the capabilities of a householder. Applications for such permits describing such work shall be made in writing and shall conform as far as practicable to the requirements set forth in the Uniform Building Code as to information disclosed. No permit shall be issued to any applicant for permit during the time that he shall fail to correct any defective installations after he has been duly notified to correct such defects by the building official or his agent.

Section 9. PLUMBING INSPECTIONS. The building official shall perform all functions of plumbing inspection and shall, among other things, inspect and supervise the construction, installation and repair of all plumbing fixtures and appliances and apparatus connected with a plumbing system which are installed within the limits of the City and shall require that they conform to the provisions of the Plumbing Code. Plumbing and plumbing fixtures and apparatus heretofore installed need not necessarily be made to conform strictly to the provisions of the Plumbing Code, but the building official shall require the correction of such differences as he deems actually dangerous to life, health or property. The building official shall follow the plumbing procedures relating to enforcement and safety as provided in the Uniform Building Code.

Section 10. ADOPTION OF ELECTRICAL CODE. The "National Electrical Code," 1978 edition, as adopted by the National Fire Protection Association and the American Standards Association and printed as a code in book form, three copies of which have been filed for use and examination by the public in the office of the Recorder is hereby approved and adopted as the electrical code of this City, except that aluminum conductors shall not be permitted in electrical installations, except as service entry conductors.

Section 11. ELECTRICAL INSPECTION. The building official shall perform all functions of electrical inspection and shall, among other things, inspect and supervise the construction, installation, and repairs of all electrical light or power wiring, fixtures, appliances or apparatus installed within the limits of this municipality and shall require that they conform to the provisions of the Electrical Code. Wiring, fixtures and apparatus heretofore installed need not necessarily be made to conform strictly to all the provisions of the Electrical Code, but the building official shall require the correction of such defects as he deems actually dangerous to life or property. The building official shall follow as to electrical work the procedures relating to enforcement and safety as are established by the Uniform Building Code.

Section 12. PERMITS, INSPECTIONS AND FEES. No alterations or additions shall be made in existing wiring, nor shall any wiring be installed or any apparatus which generates, transmits, transforms or utilizes any electricity without first obtaining a permit therefore, except minor repair work such as repairing flush and snap switches, replacing fuses, changing lamp sockets and receptacles, taping bare joints and repairing drop cords. Applications for such permit, describing such work, shall be made in writing and shall conform as far as practicable to the requirements set forth in the Uniform Building Code as to extent of information disclosed. This section shall not apply to installations in power houses and substations belonging to electric light companies. No permit shall be issued to any applicant for a permit during the time that he shall fail to correct any defective electrical installations after he has been duly notified to correct such defective work by the chief of division of electrical inspection. Until changed by Resolution, the fee for electrical permits shall be as set forth in Exhibit A attached hereto.

Section 13. ELECTRICAL DISTURBANCES. Electrical installations for signs, equipment or other facilities which create electrical disturbances which cause interference with normal radio or television reception beyond the immediate vicinity of such electrical installations are hereby declared to be a nuisance. The owners or operators thereof shall so install and maintain such installations as to avoid or eliminate such interference, using all known means and devices for such purpose, such as proper grounding, connections, condensers, resistors and live chokes.

The building official shall withhold or withdraw approval of any electrical installation causing the above disturbance and is

hereby authorized to take all steps necessary to the abatement of such nuisances.

Section 14. UNIFORM FIRE CODE. The "Uniform Fire Code", 1979 edition together with the 1980 supplement as adopted by the International Conference of Building Officials and the Western Fire Chiefs Association and printed as codes in book form, three copies of which have been filed for use and examination by the public in the office of the Recorder is hereby adopted as the Fire Code of Park City with the following amendments:

A. All fire hydrants installed or replaced after the effective date of this ordinance shall have a four and one-half inch fitting and two two and one-half inch fittings, dry barrel type.

B. All debris created from a fire shall be removed and the property restored to normal condition within 30 days after the fire or as soon as the property is released by the State Fire Marshal or the Park City Fire Department. In the event the debris is not cleared, such debris shall be declared a nuisance and removed by the City at the expense of the property owner.

Section 15. ADMINISTRATION AND ENFORCEMENT. The building official shall be responsible for the administration and enforcement of the Fire Code and shall, among other things, enforce all state statutes and local ordinances and/or regulations pertaining to: (1) the prevention of fires; (2) the suppression or extinguishing of dangerous or hazardous fires; the storage, use and handling explosives, flammable, toxic, corrosive and other hazardous gaseous, solid and liquid materials; (3) the installation and maintenance of automatic, manual and other private fire alarm systems and fire extinguishing equipment (4) the maintenance and regulations of fire escapes; (5) the maintenance of fire protection and the elimination of fire hazards on land and in buildings, structures, and other property including those under construction; (6) the means and adequacy of each exit in the event of fire, from factories, school, hotels, lodging houses, asylums, hospitals, churches, halls, theaters, ampitheaters, and all other places in which people work, live or congregate from time to time for any purpose; and (7) the investigation of the cause, origin and circumstances of fire.

Section 16. INSPECTIONS AND UNSAFE BUILDINGS. The building official shall inspect, as often as may be necessary, all buildings and premises including such other hazards or appliances as he may designate for the purpose of ascertaining and causing to be corrected any conditions which would reasonably tend to cause fire or contribute to its spread, or any violation of the purpose of provisions of the Fire Code and of any other law or standard affecting fire safety.

All buildings or structures which are structurally unsafe or not provided with adequate egress, or which constitute a fire hazard, or are otherwise dangerous to human life, or which in relation to existing use constitute a hazard to safety or health, or public welfare, by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, disaster damage, or abandonment, as specified in



this Code or any other effective ordinance, are, for the purpose of this section, unsafe buildings. All such unsafe buildings are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition, or removal in accordance with the procedure specified in Chapters 4 through 9 of the Abatement of Dangerous Buildings Code or by any other procedures provided by law.

Section 17. AUTHORITY AND DUTY OF POLICE PERSONNEL TO ASSIST IN ENFORCEMENT. Whenever requested to do so by the building official, the chief of police shall assign such available police officers as in his discretion may be necessary to assist the building official in enforcing the provisions of the Fire Code.

Section 18. REQUIRED PERMITS. All applications for a permit required by the Fire Code shall be made to the building official in such form and detail as he shall prescribe. Applications for permits shall be accompanied by such plans as required by the building official. In instances where laws or regulations are enforceable by departments other than the fire department, joint approval shall be obtained from all departments concerned.

Section 19. BUILDING OFFICIAL ADDITIONAL DUTIES. The building official shall also be known as the building inspector and shall in addition to the provisions of the Uniform Building Code have the duty of administering and enforcing the provisions of the Housing Code, Abatement of Dangerous Buildings Code, Electrical Code and the Utah State Plumbing Code. Additionally, he shall be charged with the inspection and enforcement of the provisions set forth with regard to all buildings and structures, in accordance with the manner provided for in each of the above adopted codes. Where necessary, properly appointed health officers acting in behalf of the chief of police and the fire marshal are hereby authorized to make such inspections as may be required to enforce the provisions of any of the applicable codes.

Section 20. PAYMENT OF FEES. Whenever a fee is required by this ordinance or any schedule or resolution adopted by the City pursuant to this ordinance, such fees shall be paid to the City Clerk or Treasurer.

Section 21. RIGHT OF ENTRY.

A. Whenever necessary to make an inspection to enforce any of the provisions of any code adopted pursuant to this ordinance, or whenever the building official or his authorized representative has reasonable cause to believe that there exists in any building or upon any premises, unsafe, substandard or dangerous as defined in the applicable sections of the codes, any condition which makes such building or premises dangerous, the building official or his authorized representative may enter such building or premises at all reasonable times to inspect the same or perform any duty imposed upon the building official provided that:

1. If such building or premises be occupied, he shall first present proper credentials and demand entry; and

2. If such building or premises be unoccupied, he shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and demand entry. If such entry is refused, the building official or his authorized representative shall be recourse to every remedy provided by law to secure entry.

B. No owner or occupant or any other person having charge, care or control of any building or premises shall fail or neglect, after proper demand is made as herein provided, to promptly permit entry therein by the building official or his authorized representative for the purpose of inspection and examination pursuant to any provisions of any of the codes adopted pursuant to this ordinance.

Section 22. VIOLATIONS. No person, firm, or corporation, whether as owner, lessee, sublessee, or occupant, shall erect, construct, enlarge, alter, repair, move, improve, remove, demolish, equip, use, occupy, or maintain any building or premises, or cause or permit the same to be done, contrary to or in violation of any of the provisions of the applicable sections of the codes adopted pursuant to this ordinance or of any order issued by the building official thereunder.

Section 23. BUILDING PERMIT FEES. A fee for each building permit, electrical permit, plumbing permit and fire permit shall be paid to the building official or Recorder in such amount as shall be established from time to time by resolution duly enacted by the governing body. Until such a resolution is adopted as to building permit fees, the building permit fees set forth in section 303 of the Uniform Building Code as herein amended, shall remain applicable. The administrative and enforcement provisions of the Uniform Building Code relating to building permit fees shall be deemed to apply to the electrical and plumbing permit fees, unless otherwise provided by resolution of the governing body.

Section 24. PENALTY. Any person failing to comply with the provisions of this ordinance shall be guilty of a misdemeanor, and, on conviction therefore, shall be punished by a fine in any sum less than \$299.00 or by imprisonment for not more than six months, or by both fine and imprisonment.

Section 25. CONTINUING OFFENSES DEEMED DAILY VIOLATION. In all instances where the violation of these ordinances is a continuing violation a separate offense shall be deemed committed on each day during or on which the violation occurs or continues.

Section 26. REPEAL OF CONFLICTING ORDINANCES. Any provision of any ordinance of this municipality which conflicts or is inconsistent with any provision of this ordinance or any provision of the codes adopted in this ordinance is hereby repealed.

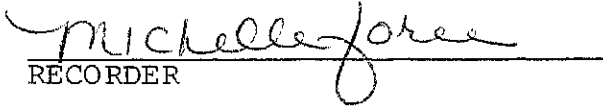
Section 27. SEPARABILITY OF ORDINANCES. Should any section, clause or provision of the codes adopted pursuant to this ordinance be declared by a court of competent jurisdiction to be invalid, such declaration of invalidity shall not affect the validity of any other section or provision of this ordinance or of the codes adopted herein and each such section, clause or provision is hereby declared to be separate and distinct.

Section 2. EFFECTIVE DATE. This ordinance shall take effect on publication.

PASSED and adopted by the City Council this 18 th day of September, 1980.

  
MAYOR

ATTEST:

  
RECORDER

ORDINANCE NO. 80-14

AN ORDINANCE ADOPTING THE UNIFORM MECHANICAL CODE, 1979  
EDITION.

BE IT ORDAINED BY THE CITY COUNCIL OF PARK CITY:

Section 1. UNIFORM MECHANICAL CODE ADOPTED. The uniform Mechanical Code, 1979 edition, as published by the International Conference of Building Officials in code form, three copies of which have been filed for use and examination by the public in the office of the City Recorder is hereby adopted and approved as the Mechanical Code of Park City.

Section 2. SEVERABILITY. The provisions of the code adopted by this Ordinance are severable and if any provision thereof is held to be unlawful, the remaining provisions shall not be affected.

Section 3. PENALTY. Any person that violates any provision of the code hereby adopted shall be guilty of a misdemeanor and shall be fined up to \$299.00 or imprisoned up to six months or by both such fine and imprisonment. Additionally, the violations of this Ordinance or of the provisions of the Uniform Mechanical Code shall be construed to be continuing violations during each day that the violation continues and each day that the violation continues shall be deemed a separate offense and may be punished as such.

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

DATED this 16th day of October, 1980.

PARK CITY

BY John C. Jensen, Mayor

ATTEST:

Michelle Jones  
Recorder

ORDINANCE NO. 80-16

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

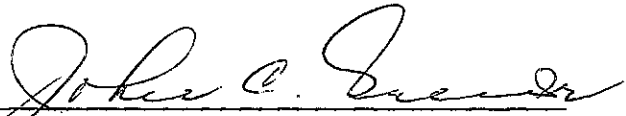
BE IT ORDAINED BY THE CITY COUNCIL OF PARK CITY:

Section 1. REGULAR MEETING DATE. The regular meeting date for meetings of the Park City City Council shall be the first and third Thursdays of each month at 7:00 p.m. at the Memorial Building, Park City, Utah, but if the regular meeting date is a legal holiday, then the meeting shall be held at the same time and place on the next following day which is not a legal holiday.

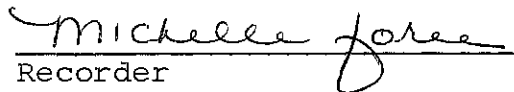
Section 2. EFFECTIVE DATE. This Ordinance shall take effect on publication.

DATED this 6th day of November, 1980.

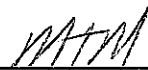
PARK CITY

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
Recorder

APPROVED AS TO FORM

  
\_\_\_\_\_  
City Attorney

ORDINANCE NO. 80-15

AN ORDINANCE LEVYING A TAX ON THE GROSS REVENUES OF BUSINESSES IN COMPETITION WITH UTILITIES.

Be it ordained by the City Council of Park City:

Section 1. Tax levied. There is hereby levied on the business of every person or company engaged in the business within this city, of supplying telephone services, gas or electric energy in competition with any public utility, an annual license tax based on the revenue derived from the sale and use of the service or equipment of such business from users located within the city limits of Park City.

Section 2. Definitions. As used in this ordinance:

A. "In competition with public utilities" means to trade in products or services within the same market as a public utility taxed pursuant to the franchise ordinances of this City (Ordinances 7-73, 5-73 and 14-73)

B. "Gross revenue" means the revenue derived from the sale and use of public utility services with Park City, but "Gross revenue" as applied to the telephone utility means the basic local exchange service revenue received from subscribers located within Park City and directly connected with the switchboards of the telephone utility located in Park City.

C. "Public utility service" means the sale and use of electrical power and energy, natural gas and local exchange telephone services.

Section 3. Amount of Tax. The amount of the annual license tax hereby levied shall be equal to two and one-half percent of the gross revenue derived from the sale of services or equipment of all businesses in competition with public utilities from users located within Park City from and after the effective date of this ordinance.

Section 4. Reports and Payment of Tax. Within forty-five days after the close of each quarter in a calendar year, businesses in competition with public utilities shall file with the city treasurer a report of its gross revenues derived from the sale and use of services and equipment which is in competition with the use of services and equipment provided by public utilities and taxed by the city. The report shall also contain a computation of the amount of the tax due the city. The business taxed pursuant to this ordinance shall pay to the city treasurer the amount due at the same time the report is filed.

Section 5. Severability. The provisions of this ordinance are

severable and if any portion of this ordinance is held to be unlawful the remaining provisions shall not be thereby affected.

Section 6. Penalty. Any person or business which violates any provision of this ordinance is guilty of a class B misdemeanor.

Section 7. Effective Date. This ordinance shall become effective on publication.

Passed this 6th day of November, 1980.

PARK CITY

By:

John C. Green  
Mayor

ATTEST:

Michelle Jore  
Recorder

APPROVED AS TO FORM

[Signature]  
City Attorney

ORDINANCE NO. 80-17

AN ORDINANCE ESTABLISHING STREET CUT PERMIT AND BONDING REQUIREMENTS.

WHEREAS, the City is concerned about the condition of the City's streets; and

WHEREAS, construction work requiring excavation in City streets causes disruption for the public;

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

Section 1. Excavation Permit Required. Before any work can be done in a public right of way, a permit must be issued by the City Building Department.

Section 2. Permit Fee. A street cut permit fee of \$15.00 plus \$15.00 per hour for inspection services shall be charged by the Building Official, subject to the approval of the City Manager.

Section 3. Cash Bond. In addition to the street cut permit fee, a cash bond must be posted to guarantee the work for a period of one year. The bond must be in amount sufficient to cover the estimated cost of the project but not less than \$1,000.00.

Section 4. Indemnity Bond. An indemnity bond must also be posted in an amount not less than \$10,000.00 to guarantee that streets are reconstructed to the standards set in Section 12 of the City's Construction Standards.

Section 5. Amount of Bond. The Building Official, subject to the approval of the City Manager, shall determine the amount of the bond required in Sections 3 and 4 above and shall be responsible for enforcement during the period of construction.

Section 6. Work Period. The period of construction indicating when the work will begin and end shall be specified on the permit.

Section 7. Exemption of Utilities. Utility companies and others controlled by state regulation shall be exempt from the bonding requirements of Sections 3 and 4. Determinations as to exemptions shall be made by the Building Official subject to the approval of the City Manager.

Section 8. Repeal of Conflicting Ordinances. Any provision of any ordinance of this municipality which conflicts or is inconsistent with any provision of this ordinance or any provision of the codes adopted in this ordinance is hereby repealed.



Section 9. Penalty. Any person that violates any provision of this ordinance shall be guilty of a class B misdemeanor. Additionally, each day that any violation of this ordinance occurs shall be deemed a separate offense and may be punished as such.

Section 10. Separability of Ordinances. Should any section, clause or provision of the codes adopted pursuant to this ordinance be declared by a court of competent jurisdiction to be invalid, such declaration of invalidity of any other section or provision of this ordinance or of the codes adopted herein and each such section, clause, or provision is hereby declared to be separate and distinct.

Section 11. Effective Date. This ordinance being necessary for the immediate preservation of the peace, health, and safety of the City shall take effect immediately.

PASSED AND ADOPTED by the City Council this \_\_\_\_\_ day of \_\_\_\_\_, 1980.

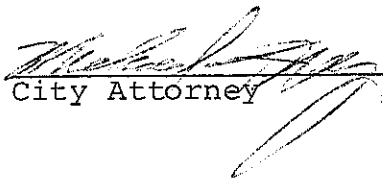
PARK CITY MUNICIPAL CORPORATION

  
\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
Recorder

APPROVED AS TO FORM:

  
\_\_\_\_\_  
City Attorney

or is inconsistent with any provision of this ordinance or any provision of the codes adopted in this ordinance is hereby repealed.


Section 9. Separability of Ordinances. Should any section, clause or provision of the codes adopted pursuant to this ordinance be declared by a court of competent jurisdiction to be invalid, such declaration of invalidity shall not affect the validity of any other section or provision of this ordinance or of the codes adopted herein and each such section, clause or provision is hereby declared to be separate and distinct.

Section 10. Effective Date. This ordinance being necessary for the immediate preservation of the peace, health, and safety of the City shall take effect immediately.

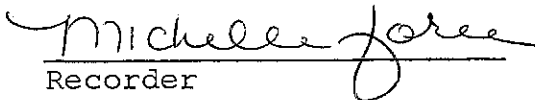
Section 11. Penalty. Any person that violates any provision of this ordinance is guilty of a Class B misdemeanor. Each day that any violation of this ordinance occurs shall be deemed a separate offense.

PASSED AND ADOPTED by the City Council this 6th  
day of November, 1980.

PARK CITY MUNICIPAL CORPORATION

  
John C. Green, Jr., Mayor

ATTEST:

  
Recorder

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney

ORDINANCE NO. 80-18

AN ORDINANCE AMENDING SECTION 2b OF ORDINANCE 80-13 BUILDING PERMIT FEES SCHEDULE.

BUILDING PERMIT FEE SCHEDULE

TOTAL VALUATION

FEE

\$1.00 and up

Three quarters of one percent of the total valuation of construction as hereinabove described with a minimum fee of \$15.00. Any additional fees will be as otherwise outlined in Section 304 and Table 3A of the Uniform Building Code.

REPEAL OF CONFLICTING ORDINANCES. Any provision of any ordinance of this municipality which conflicts or is inconsistent with any provision of this ordinance or any provision of the codes adopted in this ordinance is hereby repealed.

SEPARABILITY OF ORDINANCES. Should any section, clause or provision of the codes adopted pursuant to this ordinance be declared by a court of competent jurisdiction to be invalid, such section or provision of this ordinance or of the codes adopted herein and each such section, clause or provision is hereby declared to be separate and distinct.

EFFECTIVE DATE. This ordinance being necessary for the immediate preservation of the peace, health, and safety of the City shall take effect immediately.

PASSED AND ADOPTED by the City Council this 6th day of November, 1980.

PARK CITY MUNICIPAL CORPORATION

John C. Green  
Mayor

ATTEST:

Michelle Foree  
Recorder

APPROVED AS TO FORM:

MM Wade  
City Attorney

ORDINANCE NO. 80-19

AN ORDINANCE AMENDING SECTION 3 OF ORDINANCE 80-13,  
IMPACT FEES, C. EXCEPTION.

Be it ordained by the city council of Park City:

Section 1. Section Amended. Section 3 of Ordinance 80-13 is hereby amended by adding a subsection C to read:

Section 3.

C. Exception. Impact fees will not apply to work involving repair only where there is no change of use or increase in area of the building, occupant load, or on demolition.

Section 2. Separability of Ordinances. Should any section, clause or provision of the codes adopted pursuant to this ordinance be declared by a court of competent jurisdiction to be invalid, such declaration of invalidity shall not affect the validity of any other section or provision of the ordinance or of the codes adopted herein and each such section, clause or provision is hereby declared to be separate and distinct.

Section 3. Effective Date. This ordinance shall take effect immediately on publication.

PASSED AND ADOPTED by the City Council this 6<sup>th</sup> day of November, 1980.

PARK CITY MUNICIPAL CORPORATION

John C. Green  
Mayor

ATTEST:

Michelle Joree  
Recorder

APPROVED AS TO FORM

DATE November 7, 1980  
Michael J. [Signature]  
(CITY ATTORNEY)

ORDINANCE NO. 80-20

AN ORDINANCE ADOPTING THE UNIFORM SIGN CODE, 1979 EDITION;  
THE UNIFORM SOLAR ENERGY CODE, 1979 EDITION, AND THE UNIFORM  
POOL CODE, 1979 EDITION

BE IT ORDAINED BY THE CITY COUNCIL OF PARK CITY:

Section 1. SIGN, SOLAR ENERGY AND POOL CODES ADOPTED. The code identified below, all published and printed in book form, three copies of which have been filed for use and examination by the public in the office of the City Recorder, are hereby adopted and approved as Ordinances and codes of Park City:

A. Uniform Sign Code, 1979 edition, as published by the International Conference of Building Officials.

B. Uniform Solar Energy Code, 1979 edition, as published by the International Conference of Building Officials.

C. Uniform Pool Code, 1979 edition, as published by the International Conference of Building Officials.

Section 2. SEVERABILITY. The provisions of this Ordinance and of the codes adopted by this Ordinance are severable and if any provision hereof or thereof is held to be unlawful, the remaining provisions shall not be affected.

Section 3. PENALTY. Any person that violates any provision of the codes hereby adopted shall be guilty of a misdemeanor and shall be fined up to \$299.00 or imprisoned up to six months or by both such fine and imprisonment. Additionally, the violation of this Ordinance or of any of the codes hereby adopted shall be construed to be continuing violations during each day that the violation continues, and each day that the violation continues shall be deemed a separate offense and may be punished as such.

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

DATED this 20th day of November, 1980.

PARK CITY

By John C. Green

ATTEST:

Michelle Joree  
Recorder

FRANCHISE ORDINANCE NO. 80-22

AN ORDINANCE AMENDING THE FRANCHISE ORDINANCE GRANTING  
PARK CITY C.A.T.V. ASSOCIATES, A UTAH LIMITED  
PARTNERSHIP, A NON-EXCLUSIVE FRANCHISE.

Be it ordained by the City Council of Park City:

Section 1. Definitions. Unless the particular provision or the context requires, the definitions and provisions contained in this section shall govern the construction, meaning, and application of words and phrases used in this ordinance. The definition of each word or phrase shall constitute, to the extent applicable, the definition of each word or phrase which is derivative from it, or from which it is a derivative, as the case may be.

- (A) "Available" means that trunk lines, amplifiers, and related equipment are installed and capable of providing basic service to every block containing five or more separate occupancies, as defined in the Uniform Building Code.
- (B) "Basic service" means the simultaneous delivery by the grantee to the television, radio, or other appropriate communications receiver of a subscriber of all signals of over-the-air broadcasters required by the Federal Communications Commission or by this ordinance to be carried by the CATV system of the grantee, together with such additional public, educational, governmental, leased, or other access channels or signals as may belikewise required by law, but not including pay or subscription television as defined by the Federal Communications Commission.
- (C) "Block" means all property fronting on both sides of a street between intersecting or intercepting streets, or between a street and a right-of-way, waterway, end of a cul-de-sac, or city boundary.
- (D) "CATV" or "cable television system" means a system employing antennae, micro-wave, wires, wave-guides, coaxial cables, or other conductors, equipment or facilities, designed, constructed or used for the purpose of:
  - (1) collecting and amplifying local or distant broadcast television or radio signals and distributing and transmitting same;
  - (2) transmitting original cablecast programming not received through television broadcast signals;

- (3) transmitting television pictures, film and video-tape programs, not received through broadcast television signals, whether or not encoded or processed to permit reception by only selected receivers; provided, however, that any of the services, permitted hereunder to be performed, as described above, shall be those performed by the grantee for subscribers, as herein defined, in the operation of a cable television or CATV system franchised by the city and not otherwise, and provided further that such term shall not include any such facility or system that serves only the residents of one or more apartment dwellings or commercial establishments under common ownership, control or management.
- (E) "City" means Park City.
- (F) "Franchise" means and includes any authorization granted hereunder in terms of a franchise, privilege, permit, license or otherwise to construct, operate and maintain a cable television system within all or a specified area in the city.
- (G) "Franchise area" means the territory within the city throughout which grantee shall be authorized hereunder to construct, maintain, and operate its system and shall include any enlargements thereof and additions thereto.
- (H) "Grantee" means any person, firm, or corporation receiving the grant of any franchise hereunder and shall include any lawful successor to the interest of such person, firm or corporation.
- (I) The phrase "gross receipts from the sale of services," shall be interpreted to include only those revenues derived from the supplying of regular subscriber service, that is, "gross subscriber revenues", as defined by the Federal Communications Commission, and gross receipts from all other services unless such tax is prohibited by the Federal Communications Commission.
- (J) "Manager" shall mean the city manager or his designee.
- (K) "PCCATV" means Park City C.A.T.V. Associates, A Utan Limited Partnership.
- (L) "Program" means any sign, signal, picture, image, or sound of any kind, or any combination thereof.
- (M) "Subscriber" or "User" means any person or entity receiving for any purpose any service of the grantee's cable television system including, but not limited to, the conventional cable television system service of retransmission of television broadcast, radio signals, grantee's

original cable casting, and the local government, education and public access channels; and other services, such as leasing of channels, data and facsimile transmission, pay television, and police, fire and similar public service communication.

Section 2. Franchise Granted. Subject to the provisions of this ordinance there is hereby granted by the city to PCCATV the right, privilege, permission and authority to construct, erect, operate, and maintain, in, upon, along, across, above, over and under the streets, alleys, public ways and public places, now laid out or dedicated, and all extensions thereof, and additions thereto, in the city and subsequent additions thereto, poles, wires, cables, underground conduits, manholes and other conductors and fixtures, and to use the same for the purpose of transmitting and distributing electricity and electrical impulses, television signals for television purposes, to reproduce pictures and sound in combination or independently, and especially for the conduct of a community antenna television system for the reception, sale and distribution of television signals.

Section 3. Franchise limitations. In addition to any other franchise limitations hereunder or as herein provided, the following limitations shall apply to any franchise granted or renewed by the council under this article:

- (A) Nature of franchise. The franchise granted herein is non-exclusive, and neither the granting thereof nor any of the provisions contained herein or in such franchise shall limit, abridge, diminish, alter, or affect the right, privilege, power, or authority of the city council; and the council hereby reserves and preserves the right to grant any identical or similar or different franchise to any person, firm, or corporation other than grantee, either within or without or partly within or partly without the franchise area of any grantee.
- (B) Subordination of franchise privileges. The franchise hereby granted is subordinate to any prior lawful occupancy of any street or public property or to the grant of any privilege under any other franchise of prior date, insofar as there shall be any conflict.
- (C) Transfer of franchise.
  - (1) The franchise granted hereunder is a privilege to be held in personal trust by the original grantee. It cannot be sold, transferred, leased, assigned, or disposed of, in whole or in part, either by forced or involuntary sale, or by voluntary sale, merger, consolidation or otherwise, without prior consent of the city council and then only under such conditions as may therein be prescribed. Any such transfer or assignment shall be made only by an instrument in writing, such as a bill of sale, or



similar document, a duly executed copy of which shall be filed in the office of the city recorder within 30 days after any such transfer or assignment. The consent of the council may not be unreasonably refused; provided, however, the proposed assignee must show financial responsibility as determined by the council and must agree to comply with all provisions of this ordinance; but no such consent shall be required for a transfer in trust, mortgage, or other hypothecation, in whole or in part, to secure an indebtedness.

Section 4. Franchise tax. PCCATV shall pay to the city in semiannual installments within 30 days after June 30 and December 31, of each year a sum equal to three percent of that portion of the annual gross receipts, as defined in definition (I) of this ordinance.

Section 5. Disclosure. Within 30 days from the date this franchise becomes effective, PCCATV shall provide the city:

- (A) The name, address, and telephone number of the applicant.
- (B) A detailed statement of the corporate or other business entity organization of the applicant, including, but not limited to, the following:
  - (1) The names, residence addresses and business addresses of all officers, directors, and partners or business associates of the applicant.
  - (2) The names, residence addresses and business addresses of all persons and entities having controlling, or being entitled to have or control five percent or more of the ownership of the applicant and the respective ownership share of each such person or entity.
  - (3) The names and addresses of any parent or subsidiary of the applicant and of any other business entity owning or controlling in whole or in part or owned or controlled in whole or in part by the applicant, and a statement describing the nature of any such parent or subsidiary business entity, including, but not limited to, all CATV or similar systems owned or controlled by the applicant, its parent or subsidiary and the areas served thereby.
  - (4) A detailed description of all previous experience of the applicant in providing CATV service or related or similar services.

- (5) A detailed and complete financial statement of the applicant, prepared by a certified public accountant, for the fiscal year next preceding the date of the application hereunder, or a letter or other acceptable evidence in writing from a responsible lending institution or funding source, addressed to both the applicant and the council, setting forth the basis for a study performed by such lending institution or funding source, and a clear statement of its intent as a lending institution or funding source to provide whatever capital shall be required by the applicant to construct and operate the proposed system in the city, or a statement from a certified public accountant, certifying that the applicant has available sufficient free, net and uncommitted cash resources to construct and operate the proposed system in this city.
- (6) A statement identifying, by place and date, any other cable television franchise(s) awarded to the applicant, its parent or subsidiary; the status of said franchise(s) with respect to completion thereof; the total cost of completion of such system(s); and the amount of applicant's and its parent's or subsidiary's resources committed to the completion thereof.
- (C) A detailed description of the proposed plan or operation of the applicant, which shall include, but not be limited to, the following:
- (1) A detailed map indicating all areas proposed to be served, and a proposed time schedule for the installation of all equipment necessary to become operational throughout the entire area to be served.
  - (2) A statement or schedule setting forth all proposed classifications of rates and charges to be made against subscribers and all rates and charges, service charges, and special, extraordinary, or other charges. The purchase price, terms, and nature of any optional or required equipment, device, or other thing to be offered for sale to any subscriber shall be described and explained in detail.
  - (3) A detailed statement describing the actual equipment and operational standards proposed by the applicant.
- (D) A copy of the form of any agreement, undertaking, or other instrument proposed to be entered into between the applicant and any subscriber.

- (E) A copy of any agreement covering the franchise area, if existing between the applicant and any public utility providing for the use of any facilities of the public utility, including, but not limited to, poles, lines or conduits.
- (F) Any other information pertinent to the subject matter of such application and requested by the manager.
- (G) An application fee in the sum of \$500.00 which shall be in the form of cash, certified or cashier's check, or money order, to pay the costs of studying, investigating, and otherwise processing such application, which shall not be returnable or refundable in whole or in part, except to the extent that such fee exceeds the actual costs incurred by the city in studying, investigating and otherwise processing the application.

Section 6. Inspection. The city shall have the right, after reasonable notice, to inspect the books and records of the PCCATV insofar as such books and records appertain to the gross receipts of PCCATV arising from the construction, operation and maintenance of said system within the city, or allocable thereto. PCCATV shall furnish to the city on request by the city such reports, documents and information reasonably necessary to enable the city to verify the payments made to it by PCCATV.

Section 7. Letter of Credit. PCCATV shall provide the city within 15 days, with a letter of credit in the sum of \$75,000 in a form approved by the city attorney guaranteeing that funds are available to be used as set forth in section 21 to satisfy the payment of damages.

Section 8. Insurance. PCCATV shall furnish the city with written evidence of a contract or contracts of insurance with a reliable company or companies authorized to do business in the state of Utah by which contracts both PCCATV and the city are insured against any claim, demand or loss for injury to persons or damage to property resulting from, growing out of, or connected with the construction, operation or maintenance of the system within the city, which contracts of insurance shall have limits in amounts not less than \$100,000 for injury to one person in one occurrence, not less than \$300,000 for injury to more than one person in the same occurrence, except that this obligation shall not require PCCATV to furnish insurance against injury to persons or damage to property caused by the negligence of the city or its employees.

Section 9. Minimum Standards.

- (A) PCCATV shall:

- (1) Be capable of relaying to subscriber terminals television and radio broadcast signals;
  - (2) Be constructed with the potential of two-way digital and video signal transmission;
  - (3) Distribute color television signals which it receives;
  - (4) Provide one channel for educational, public access and civic or nonprofit organization uses and \$10,000 to provide access as directed by the City Council.
- (B) Additional services. The cable television system may also engage in the business of:
- (1) Transmitting original cablecast programming not received through television broadcast signals;
  - (2) Transmitting television pictures, film and video-tape programs, not received through broadcast television signals, whether or not encoded or processed to permit reception by only selected receivers or subscribers;
  - (3) Transmitting and receiving all other signals; digital, voice and audio-visual.
- (C) Refusal of service. No person, firm or corporation within the service area of the grantee, and where trunk lines are in place, shall be refused service; provided, however, that the grantee shall not be required to provide service to any subscriber that does not pay the applicable connection fee or service charges.
- (D) Service standards. PCCATV shall:
- (1) Correct malfunction promptly and shall use its best efforts to do so within 24 hours after occurrence, except on holidays or weekends.
  - (2) Answer complaints by subscribers;
  - (3) Planned interruptions of service, insofar as possible, shall be preceded by notice given to subscribers 24 hours in advance and shall occur during periods of minimum use of the system;
  - (4) Maintain an office in the city, which office shall be open during all usual business hours, with its telephone listed in directories of the telephone company serving the city, which office shall be so operated that complaints and requests for repairs or adjustments may be received at any time, day or

night, seven days a week; and provide notice of such office and the grantee's complaint procedure to each subscriber at the time of initial subscription to the system;

- (5) Maintain a written record, or "log" listing date of customer complaints, identifying the subscriber and describing the nature of the complaint, and when and what action was taken by grantee in response thereto. The record shall be kept at PCCATV's local office, for a period of three years and shall be available for inspection during regular business hours, without further notice or demand, by the manager.
- (E) City complaint procedures. The manager shall designate a city officer or employee who shall have the primary responsibility for the administration of complaints regarding the cable television franchise, and shall adopt procedures to be followed by such officer or employee in resolving and processing such complaints.
- (F) Failure to provide service. Any grantee of any franchise hereunder who shall, within two years after the payment of any installation charge by any subscriber, fail to operate its system or make its service available to such subscriber, on a regular and continuous basis, shall refund the installation charge, to such subscriber, together with interest thereon at not less than eight percent per year.
- (G) Municipal Service. With respect to the public access channel, the grantee shall provide, at the request of the manager, and upon city reimbursement of PCCATV's actual cost, use of PCCATV's studio, equipment and technical services for production of live and video-tape municipal programs, subject to scheduling requirements of the grantee.
- (H) Minimum Operation. PCCATV shall provide a system of not less than 20-channel capability, which shall include coverage of at least the following:

STATION CALL LETTERS	CITY OF ORIGINATION
KUTV	Salt Lake City, Utah
KTVX	Salt Lake City, Utah
KSL	Salt Lake City, Utah
KUED	Salt Lake City, Utah
KSTU	Salt Lake City, Utah
	(when available)
KBYU	Provo, Utah
	(when available)
WGN	Chicago, Illinois
KTVU	Oakland, California
HBO or SHOWTIME	New York, New York
WTRS	Atlanta, Georgia
CBN	(Christian Broadcasting)
CCN (24 hours news)	Atlanta, Georgia
KPCW Radio	Park City, Utah

- (I) No Discrimination. PCCATV in the conduct of its business and in furnishing service under the provisions of this agreement shall not discriminate between persons or between areas, and access to and use of the cable television system shall be made equally available to all persons, firms and corporations within the city.

Section 10. Dates of Operation. PCCATV shall, before October 15, 1980 extend full service and access to its system to at least 1000 housing units in Park City; and shall by June 30, 1981 extend full service and full access to its system to 2,500 housing units. By December 31, 1981 PCCATV shall extend full service and full access to all areas of the city where there is a population density of at least 75 housing units per running mile. In the event any area is annexed to the city, or the housing unit density becomes at least 75 units per running mile, PCCATV shall extend full service and full access to its system to all parts thereof and to every applicant therein for service within at least two years from the date of annexation, or date that the density becomes 75 units per running mile.

Section 11. Compliance with Federal, State and Local Law. In the installation, construction, operation and maintenance of the community antenna television system, PCCATV shall comply with all current and future federal, state and city laws, regulations, rules, guidelines and ordinances applicable thereto.

Section 12. No Interference with Other Signals. PCCATV shall so operate the system as to not interfere with the direct broadcast or reception of other signals, whether television, radio or otherwise, or with the transmission of telephone or telegraph signals, or with the distribution of electric or electronic signals or energy by others whether by air, wire, cable, conduit or otherwise.

Section 13. Lines. PCCATV shall, where agreement can be made with others within the city who use poles, towers, or conduits, to use existing poles, towers or conduits or other facilities of others wherever possible, and it shall be the sole responsibility of PCCATV to negotiate and make any and all contracts with the owners of such facilities to secure the use thereof. It is the express intention of the city that the number of poles, towers or conduits be kept at a minimum, and to the extent necessary to carry out this intention, PCCATV, on securing such agreement with such others is hereby granted the right to use such existing facilities in the city. To the extent PCCATV is unable to contract with others for the use of existing facilities, it shall construct and place all cables underground.

Section 14. Location of Lines. All conductors, conduits, lines, or cables shall be located underground whenever possible and shall be so located, whether in streets, alleys, avenues, bridges or other public places, and shall be erected and placed

under supervision of the city manager, or under such supervision as the city may from time to time provide.

Section 15. Damage or Excavation. Should any pavement, or any drain, sewer, catch basin, water pipe, or other like improvement be injured by such location, PCCATV shall forthwith repair at its expense the damage caused by such injury to the satisfaction of the city manager or under such supervision as the city may from time to time provide. When in course of its operations it becomes necessary to excavate any street, alley or public place, the operation and restoration thereof shall be in accordance with the regulations of the city governing the openings thereof and the manner of protection and restoration as now adopted or may hereafter be adopted by the city.

Section 16. Maps. PCCATV shall furnish the city a complete set of maps drawn to a scale of 200 feet to an inch showing all installations made by PCCATV hereunder and all changes in such installations and all additions, relocations and modifications thereto and shall keep said maps current at all times.

Section 17. Grading. When any street, avenue, alley, bridge, or public place, upon which or in which any poles, conductors, conduits and apparatus of PCCATV have been placed, shall be graded, curbed, paved or otherwise changed so as to make the resetting or reconstruction of such poles, conductors, conduits and apparatus of PCCATV necessary, PCCATV, its successors or assigns at its expense shall make such necessary change in construction. Should it become necessary or should PCCATV desire to use conduits or other similar fixtures, it shall make application to the city for the establishment of permanent grades and such conduits or other similar fixtures shall not be installed until such permanent grades have been established. The city agrees to establish such permanent grades upon such application at its expense. When the city desires to widen, pave, repair or otherwise improve or change any street, alley, bridge, or public place so as to make the resetting or reconstruction of such poles, conductors, conduits and apparatus of PCCATV necessary, PCCATV, its successors or assigns, shall make such necessary changes in construction at the expense of PCCATV. The city shall give reasonable notice to PCCATV in writing of its intention to improve or change the street, taking into consideration the type and magnitude of the construction requested to be done by PCCATV. PCCATV shall proceed to make such changes as requested so that the work of PCCATV will be completed in advance of the commencement of the improvement by the city.

Section 18. Engineering Standards. PCCATV's plant and equipment, including the antenna site, head-end and distribution system towers, structures, poles, wires, and appurtences shall be installed in accordance with good engineering practices, and shall be located, erected, constructed, reconstructed, replaced, removed, repaired, maintained, and operated so as not to endanger or interfere with the lives of persons or to interfere with improvements the city may deem proper to make, or to unnecessarily hinder or

obstruct pedestrian or vehicular traffic on public ways, places and structures. Erection, installation, construction, replacement, removal, repair, maintenance and operation of the system shall be in accordance with the provisions of the national electrical safety code prepared by the National Bureau of Standards, the national electrical code of the National Board of Fire Underwriters and such applicable laws of the state of Utah and applicable ordinances of this city which may not be in effect or enacted in the future. All installations shall be of a permanent nature, durable, and maintained in a safe, suitable and substantial condition, in good order and repair. Any opening or obstruction in the streets or other public ways made by PCCATV in the course of the construction, operation or removal of installations shall be guarded and protected at all times by the placement of adequate barriers, fences or boardings, the bounds of which during periods of dusk and darkness shall be clearly designated by warning lights. Whenever it is necessary to shut off or interrupt services for the purpose of making repairs, adjustments or installations, PCCATV shall do so at such time as will cause the least amount of inconvenience to its customers, and unless such interruption is unforeseen and immediately necessary, it shall give reasonable notice thereof to its customers.

Section 19. Liability of PCCATV--Hold Harmless. PCCATV shall, at its own expense, defend all suits that may be brought against the city on account of or in connection with the violation by PCCATV of any of the obligations imposed upon or assumed by PCCATV hereunder, or by reason of or in connection with any damage to life, limb or property caused by any structures constructed by PCCATV under and by virtue of this agreement or by reason of the doing, or failure to do, any act by PCCATV in or about the construction, operation or maintenance of said system and shall save and keep harmless the city from any and all damages, judgments, costs and expenses of every kind that may arise or result by reason of the negligence of PCCATV, or by reason of, or growing out of, or connected with the construction, operation and maintenance of the system, including violation of copyright, provided that notice in writing shall be given to PCCATV within 14 days after notice thereof is received by the city of any claim or suit against the city, which, by the terms hereof, PCCATV has hereby agreed to save and keep harmless the city and it is agreed that PCCATV shall be obligated to defend, and provided further that the city shall furnish to PCCATV, all information in its possession relating to the claim or suit, and cooperate with PCCATV in the defense of the claim or suit. The governing body of the city may, if it so desires, assist in the defending of any such claim or suit, but expenses thus incurred shall be at the expense of the city.

Section 20. Rules to be kept in Office. PCCATV shall file with the city and shall keep in its local office, to be available for inspection by the public, a copy of the rules, regulations,



terms and conditions adopted by PCCATV and in effect with its subscribers and applicants for service. PCCATV shall also keep available at its local office, to be available for inspection by the city and shall file with the city a semiannual summary report showing its gross monthly receipts, from, or allocable to, its operations within the city during the preceding semi-annual periods as above described.

Section 21. Damages. In the event PCCATV fails to perform in accordance with any of the provisions of this agreement and a forfeiture is declared, then it is understood and agreed that the city shall be entitled to liquidated damages in the following amounts.

- (A) If PCCATV should fail to extend full access to at least 1000 housing units before October 15, 1980, damages in the amount of \$25,000 shall be paid to the city.
- (B) If PCCATV should fail to extend full access to at least 2500 housing units by June 30, 1981, damages in the amount of \$25,000 shall be paid to the city.
- (C) If PCCATV fails to extend full service and access to all areas of the city where the population density is 75 housing units per running mile by December 31, 1981, damages in the amount of \$25,000 shall be paid to the city.

Section 22. Removal of Equipment. On the termination of the right, privilege, permission and authority granted by this ordinance, or the cessation of operations by PCCATV, all poles, wires, cables, towers, facilities, equipment and appurtenances of PCCATV shall be removed by PCCATV from all public property, ways and easements within the city within six months from the date of such termination or cessation. Should PCCATV fail to so remove such items and things as herein provided, such removal may be done by the city, by contract or otherwise, at the expense of PCCATV, and the escrow account provided for shall forfeit automatically and the full amount thereof be forthwith paid over to the city.

Section 23. Revocation. If PCCATV shall fail to comply with the provisions of this ordinance or default in any of its obligations hereunder, except for causes beyond its reasonable control, as determined by the city council, and shall within 30 days after written notice from the city stating the failure or default fail to complete and correct such default or failure within a reasonable time, as determined by the city council, to complete or correct the failure or default, the city shall have the right to revoke this franchise and all rights granted pursuant to this ordinance. In the event PCCATV or its successors or assigns shall be adjudged bankrupt or placed in receivership,

the city may declare this franchise revoked and terminated. Notwithstanding the provisions of any other section of this ordinance, PCCATV's franchise shall be immediately and automatically revoked if PCCATV fails to provide full service and full access in the amounts and by the dates provided in Section 10 hereof, and liquidated damages shall be paid to the city as provided for in Section 21 hereof.

Section 24. Term. This franchise ordinance and the rights, privileges and authority granted hereby shall be in force and effect from and after the date of publication and shall continue in force and effect for a term of 15 years after the effective date hereof, provided that during the period of 15 years, PCCATV shall faithfully perform all the provisions hereof obligatory on it. Should PCCATV during the period of 15 years fail to faithfully perform all provisions hereof obligatory on it and not correct such failure as provided in Section 23 hereof, then the right, privilege, permission and authority shall terminate and cease. This franchise may be renewed, upon certification that neither party to this agreement is in default hereunder, for successive 15 year periods.

Section 25. Effective Date. This ordinance shall become effective on acceptance by PCCATV and on publication.

DATED this 22nd day of September, 1980.

PARK CITY

By John C. Green  
Mayor

ATTEST:

Michelle Jones  
City Recorder

Accepted by Park City C.A.T.V. Associates, A Utah Limited Partnership, by Misco, Inc., a Nevada Corporation, its general partner this 30th day of September, 1980.


Misco, Inc., General Partner  
of Park City C.A.T.V. Associates  
By: Walter Helms  
President

ACKNOWLEDGEMENT

STATE OF ~~UTAH~~ COLORADO )  
 : ss.  
COUNTY OF ARAPAHOE )

Misco, Inc.  
Misco, Inc.)

On this 30<sup>th</sup> day of September A.D., 1980,  
personally appeared before me, the undersigned notary public, in  
and for ~~the~~ State and County, Milton I. Schwartz, President of,  
who after being duly sworn, acknowledged to me that he is the President of  
general partner of Park City C.A.T.V. Associates, A Utah Limited  
Partnership and that he signed the foregoing franchise ordinance  
freely and voluntarily for and in behalf of the limited partner-  
ship.

  
NOTARY PUBLIC  
Residing at Denver Colorado

My Commission Expires:

October 24, 1982

RECEIPT AND ACCEPTANCE OF ASSIGNMENT OF  
NON-EXCLUSIVE C.A.T.V. FRANCHISE

On the 6<sup>th</sup> day of October, 1980, Park City received the following fully executed original documents:

1. Assignment of Non-Exclusive C.A.T.V. Franchise.
2. An Ordinance Amending The Franchise Ordinance Granting Park City C.A.T.V. Associates, a Utah Limited Partnership, a Non-Exclusive Franchise.

Michelle J. Jones  
Park City Recorder (deputy)

- SPECIAL ORDINANCE #2 -

AN ORDINANCE AMENDING THE FRANCHISE ORDINANCE GRANTING  
PARK CITY C.A.T.V. ASSOCIATES, A UTAH LIMITED  
PARTNERSHIP, A NON-EXCLUSIVE FRANCHISE.

Be it ordained by the City Council of Park City:

Section 1. Definitions. Unless the particular provision or the context requires, the definitions and provisions contained in this section shall govern the construction, meaning, and application of words and phrases used in this ordinance. The definition of each word or phrase shall constitute, to the extent applicable, the definition of each word or phrase which is derivative from it, or from which it is a derivative, as the case may be.

- (A) "Available" means that trunk lines, amplifiers, and related equipment are installed and capable of providing basic service to every block containing five or more separate occupancies, as defined in the Uniform Building Code.
- (B) "Basic service" means the simultaneous delivery by the grantee to the television, radio, or other appropriate communications receiver of a subscriber of all signals of over-the-air broadcasters required by the Federal Communications Commission or by this ordinance to be carried by the CATV system of the grantee, together with such additional public, educational, governmental, leased, or other access channels or signals as may belikewise required by law, but not including pay or subscription television as defined by the Federal Communications Commission.
- (C) "Block" means all property fronting on both sides of a street between intersecting or intercepting streets, or between a street and a right-of-way, waterway, end of a cul-de-sac, or city boundary.
- (D) "CATV" or "cable television system" means a system employing antennae, micro-wave, wires, wave-guides, coaxial cables, or other conductors, equipment or facilities, designed, constructed or used for the purpose of:
  - (1) collecting and amplifying local or distant broadcast television or radio signals and distributing and transmitting same;
  - (2) transmitting original cablecast programming not received through television broadcast signals;

- (3) transmitting television pictures, film and videotape programs, not received through broadcast television signals, whether or not encoded or processed to permit reception by only selected receivers; provided, however, that any of the services, permitted hereunder to be performed, as described above, shall be those performed by the grantee for subscribers, as herein defined, in the operation of a cable television or CATV system franchised by the city and not otherwise, and provided further that such term shall not include any such facility or system that serves only the residents of one or more apartment dwellings or commercial establishments under common ownership, control or management.
- (E) "City" means Park City.
- (F) "Franchise" means and includes any authorization granted hereunder in terms of a franchise, privilege, permit, license or otherwise to construct, operate and maintain a cable television system within all or a specified area in the city.
- (G) "Franchise area" means the territory within the city throughout which grantee shall be authorized hereunder to construct, maintain, and operate its system and shall include any enlargements thereof and additions thereto.
- (H) "Grantee" means any person, firm, or corporation receiving the grant of any franchise hereunder and shall include any lawful successor to the interest of such person, firm or corporation.
- (I) The phrase "gross receipts from the sale of services," shall be interpreted to include only those revenues derived from the supplying of regular subscriber service, that is, "gross subscriber revenues", as defined by the Federal Communications Commission, and gross receipts from all other services unless such tax is prohibited by the Federal Communications Commission.
- (J) "Manager" shall mean the city manager or his designee.
- (K) "PCCATV" means Park City C.A.T.V. Associates, A Utah Limited Partnership.
- (L) "Program" means any sign, signal, picture, image, or sound of any kind, or any combination thereof.
- (M) "Subscriber" or "User" means any person or entity receiving for any purpose any service of the grantee's cable television system including, but not limited to, the conventional cable television system service of retransmission of television broadcast, radio signals, grantee's

original cable casting, and the local government, education and public access channels; and other services, such as leasing of channels, data and facsimile transmission, pay television, and police, fire and similar public service communication.

Section 2. Franchise Granted. Subject to the provisions of this ordinance there is hereby granted by the city to PCCATV the right, privilege, permission and authority to construct, erect, operate, and maintain, in, upon, along, across, above, over and under the streets, alleys, public ways and public places, now laid out or dedicated, and all extensions thereof, and additions thereto, in the city and subsequent additions thereto, poles, wires, cables, underground conduits, manholes and other conductors and fixtures, and to use the same for the purpose of transmitting and distributing electricity and electrical impulses, television signals for television purposes, to reproduce pictures and sound in combination or independently, and especially for the conduct of a community antenna television system for the reception, sale and distribution of television signals.

Section 3. Franchise limitations. In addition to any other franchise limitations hereunder or as herein provided, the following limitations shall apply to any franchise granted or renewed by the council under this article:

- (A) Nature of franchise. The franchise granted herein is non-exclusive, and neither the granting thereof nor any of the provisions contained herein or in such franchise shall limit, abridge, diminish, alter, or affect the right, privilege, power, or authority of the city council; and the council hereby reserves and preserves the right to grant any identical or similar or different franchise to any person, firm, or corporation other than grantee, either within or without or partly within or partly without the franchise area of any grantee.
- (B) Subordination of franchise privileges. The franchise hereby granted is subordinate to any prior lawful occupancy of any street or public property or to the grant of any privilege under any other franchise of prior date, insofar as there shall be any conflict.
- (C) Transfer of franchise.
  - (1) The franchise granted hereunder is a privilege to be held in personal trust by the original grantee. It cannot be sold, transferred, leased, assigned, or disposed of, in whole or in part, either by forced or involuntary sale, or by voluntary sale, merger, consolidation or otherwise, without prior consent of the city council and then only under such conditions as may therein be prescribed. Any such transfer or assignment shall be made only by an instrument in writing, such as a bill of sale, or

similar document, a duly executed copy of which shall be filed in the office of the city recorder within 30 days after any such transfer or assignment. The consent of the council may not be unreasonably refused; provided, however, the proposed assignee must show financial responsibility as determined by the council and must agree to comply with all provisions of this ordinance; but no such consent shall be required for a transfer in trust, mortgage, or other hypothecation, in whole or in part, to secure an indebtedness.

Section 4. Franchise tax. PCCATV shall pay to the city in semiannual installments within 30 days after June 30 and December 31, of each year a sum equal to three percent of that portion of the annual gross receipts, as defined in definition (I) of this ordinance.

Section 5. Disclosure. Within 30 days from the date this franchise becomes effective, PCCATV shall provide the city:

- (A) The name, address, and telephone number of the applicant.
- (B) A detailed statement of the corporate or other business entity organization of the applicant, including, but not limited to, the following:
  - (1) The names, residence addresses and business addresses of all officers, directors, and partners or business associates of the applicant.
  - (2) The names, residence addresses and business addresses of all persons and entities having controlling, or being entitled to have or control five percent or more of the ownership of the applicant and the respective ownership share of each such person or entity.
  - (3) The names and addresses of any parent or subsidiary of the applicant and of any other business entity owning or controlling in whole or in part or owned or controlled in whole or in part by the applicant, and a statement describing the nature of any such parent or subsidiary business entity, including, but not limited to, all CATV or similar systems owned or controlled by the applicant, its parent or subsidiary and the areas served thereby.
  - (4) A detailed description of all previous experience of the applicant in providing CATV service or related or similar services.



- (5) A detailed and complete financial statement of the applicant, prepared by a certified public accountant, for the fiscal year next preceding the date of the application hereunder, or a letter or other acceptable evidence in writing from a responsible lending institution or funding source, addressed to both the applicant and the council, setting forth the basis for a study performed by such lending institution or funding source, and a clear statement of its intent as a lending institution or funding source to provide whatever capital shall be required by the applicant to construct and operate the proposed system in the city, or a statement from a certified public accountant, certifying that the applicant has available sufficient free, net and uncommitted cash resources to construct and operate the proposed system in this city.
- (6) A statement identifying, by place and date, any other cable television franchise(s) awarded to the applicant, its parent or subsidiary; the status of said franchise(s) with respect to completion thereof; the total cost of completion of such system(s); and the amount of applicant's and its parent's or subsidiary's resources committed to the completion thereof.
- (C) A detailed description of the proposed plan or operation of the applicant, which shall include, but not be limited to, the following:
- (1) A detailed map indicating all areas proposed to be served, and a proposed time schedule for the installation of all equipment necessary to become operational throughout the entire area to be served.
  - (2) A statement or schedule setting forth all proposed classifications of rates and charges to be made against subscribers and all rates and charges, service charges, and special, extraordinary, or other charges. The purchase price, terms, and nature of any optional or required equipment, device, or other thing to be offered for sale to any subscriber shall be described and explained in detail.
  - (3) A detailed statement describing the actual equipment and operational standards proposed by the applicant.
- (D) A copy of the form of any agreement, undertaking, or other instrument proposed to be entered into between the applicant and any subscriber.

- (E) A copy of any agreement covering the franchise area, if existing between the applicant and any public utility providing for the use of any facilities of the public utility, including, but not limited to, poles, lines or conduits.
- (F) Any other information pertinent to the subject matter of such application and requested by the manager.
- (G) An application fee in the sum of \$500.00 which shall be in the form of cash, certified or cashier's check, or money order, to pay the costs of studying, investigating, and otherwise processing such application, which shall not be returnable or refundable in whole or in part, except to the extent that such fee exceeds the actual costs incurred by the city in studying, investigating and otherwise processing the application.

Section 6. Inspection. The city shall have the right, after reasonable notice, to inspect the books and records of the PCCATV insofar as such books and records appertain to the gross receipts of PCCATV arising from the construction, operation and maintenance of said system within the city, or allocable thereto. PCCATV shall furnish to the city on request by the city such reports, documents and information reasonably necessary to enable the city to verify the payments made to it by PCCATV.

Section 7. Letter of Credit. PCCATV shall provide the city within 15 days, with a letter of credit in the sum of \$75,000 in a form approved by the city attorney guaranteeing that funds are available to be used as set forth in section 21 to satisfy the payment of damages.

Section 8. Insurance. PCCATV shall furnish the city with written evidence of a contract or contracts of insurance with a reliable company or companies authorized to do business in the state of Utah by which contracts both PCCATV and the city are insured against any claim, demand or loss for injury to persons or damage to property resulting from, growing out of, or connected with the construction, operation or maintenance of the system within the city, which contracts of insurance shall have limits in amounts not less than \$100,000 for injury to one person in one occurrence, not less than \$300,000 for injury to more than one person in the same occurrence, except that this obligation shall not require PCCATV to furnish insurance against injury to persons or damage to property caused by the negligence of the city or its employees.

Section 9. Minimum Standards.

- (A) PCCATV shall:

- (1) Be capable of relaying to subscriber terminals television and radio broadcast signals;
  - (2) Be constructed with the potential of two-way digital and video signal transmission;
  - (3) Distribute color television signals which it receives;
  - (4) Provide one channel for educational, public access and civic or nonprofit organization uses and \$10,000 to provide access as directed by the City Council.
- (B) Additional services. The cable television system may also engage in the business of:
- (1) Transmitting original cablecast programming not received through television broadcast signals;
  - (2) Transmitting television pictures, film and video-tape programs, not received through broadcast television signals, whether or not encoded or processed to permit reception by only selected receivers or subscribers;
  - (3) Transmitting and receiving all other signals; digital, voice and audio-visual.
- (C) Refusal of service. No person, firm or corporation within the service area of the grantee, and where trunk lines are in place, shall be refused service; provided, however, that the grantee shall not be required to provide service to any subscriber that does not pay the applicable connection fee or service charges.
- (D) Service standards. PCCATV shall:
- (1) Correct malfunction promptly and shall use its best efforts to do so within 24 hours after occurrence, except on holidays or weekends.
  - (2) Answer complaints by subscribers;
  - (3) Planned interruptions of service, insofar as possible, shall be preceded by notice given to subscribers 24 hours in advance and shall occur during periods of minimum use of the system;
  - (4) Maintain an office in the city, which office shall be open during all usual business hours, with its telephone listed in directories of the telephone company serving the city, which office shall be so operated that complaints and requests for repairs or adjustments may be received at any time, day or

night, seven days a week; and provide notice of such office and the grantee's complaint procedure to each subscriber at the time of initial subscription to the system;

- (5) Maintain a written record, or "log" listing date of customer complaints, identifying the subscriber and describing the nature of the complaint, and when and what action was taken by grantee in response thereto. The record shall be kept at PCCATV's local office, for a period of three years and shall be available for inspection during regular business hours, without further notice or demand, by the manager.
- (E) City complaint procedures. The manager shall designate a city officer or employee who shall have the primary responsibility for the administration of complaints regarding the cable television franchise, and shall adopt procedures to be followed by such officer or employee in resolving and processing such complaints.
- (F) Failure to provide service. Any grantee of any franchise hereunder who shall, within two years after the payment of any installation charge by any subscriber, fail to operate its system or make its service available to such subscriber, on a regular and continuous basis, shall refund the installation charge, to such subscriber, together with interest thereon at not less than eight percent per year.
- (G) Municipal Service. With respect to the public access channel, the grantee shall provide, at the request of the manager, and upon city reimbursement of PCCATV's actual cost, use of PCCATV's studio, equipment and technical services for production of live and video-tape municipal programs, subject to scheduling requirements of the grantee.
- (H) Minimum Operation. PCCATV shall provide a system of not less than 20-channel capability, which shall include coverage of at least the following:
- | STATION CALL LETTERS | CITY OF ORIGINATION                                 |
|----------------------|---|
| KUTV                 | Salt Lake City, Utah                                |
| KTVX                 | Salt Lake City, Utah                                |
| KSL                  | Salt Lake City, Utah                                |
| KUED                 | Salt Lake City, Utah                                |
| KSTU                 | Salt Lake City, Utah                                |
| KBYU                 | (when available)<br>Provo, Utah<br>(when available) |
| WGN                  | Chicago, Illinois                                   |
| KTVU                 | Oakland, California                                 |
| HBO or SHOWTIME      | New York, New York                                  |
| WTBS                 | Atlanta, Georgia                                    |
| CBN                  | (Christian Broadcasting)                            |
| CCN (24 hours news)  | Atlanta, Georgia                                    |
| KPCW Radio           | Park City, Utah                                     |

- (I) No Discrimination. PCCATV in the conduct of its business and in furnishing service under the provisions of this agreement shall not discriminate between persons or between areas, and access to and use of the cable television system shall be made equally available to all persons, firms and corporations within the city.

Section 10. Dates of Operation. PCCATV shall, before October 15, 1980 extend full service and access to its system to at least 1000 housing units in Park City; and shall by June 30, 1981 extend full service and full access to its system to 2,500 housing units. By December 31, 1981 PCCATV shall extend full service and full access to all areas of the city where there is a population density of at least 75 housing units per running mile. In the event any area is annexed to the city, or the housing unit density becomes at least 75 units per running mile, PCCATV shall extend full service and full access to its system to all parts thereof and to every applicant therein for service within at least two years from the date of annexation, or date that the density becomes 75 units per running mile.

Section 11. Compliance with Federal, State and Local Law. In the installation, construction, operation and maintenance of the community antenna television system, PCCATV shall comply with all current and future federal, state and city laws, regulations, rules, guidelines and ordinances applicable thereto.

Section 12. No Interference with Other Signals. PCCATV shall so operate the system as to not interfere with the direct broadcast or reception of other signals, whether television, radio or otherwise, or with the transmission of telephone or telegraph signals, or with the distribution of electric or electronic signals or energy by others whether by air, wire, cable, conduit or otherwise.

Section 13. Lines. PCCATV shall, where agreement can be made with others within the city who use poles, towers, or conduits, to use existing poles, towers or conduits or other facilities of others wherever possible, and it shall be the sole responsibility of PCCATV to negotiate and make any and all contracts with the owners of such facilities to secure the use thereof. It is the express intention of the city that the number of poles, towers or conduits be kept at a minimum, and to the extent necessary to carry out this intention, PCCATV, on securing such agreement with such others is hereby granted the right to use such existing facilities in the city. To the extent PCCATV is unable to contract with others for the use of existing facilities, it shall construct and place all cables underground.

Section 14. Location of Lines. All conductors, conduits, lines, or cables shall be located underground whenever possible and shall be so located, whether in streets, alleys, avenues, bridges or other public places, and shall be erected and placed

under supervision of the city manager, or under such supervision as the city may from time to time provide.

Section 15. Damage or Excavation. Should any pavement, or any drain, sewer, catch basin, water pipe, or other like improvement be injured by such location, PCCATV shall forthwith repair at its expense the damage caused by such injury to the satisfaction of the city manager or under such supervision as the city may from time to time provide. When in course of its operations it becomes necessary to excavate any street, alley or public place, the operation and restoration thereof shall be in accordance with the regulations of the city governing the openings thereof and the manner of protection and restoration as now adopted or may hereafter be adopted by the city.

Section 16. Maps. PCCATV shall furnish the city a complete set of maps drawn to a scale of 200 feet to an inch showing all installations made by PCCATV hereunder and all changes in such installations and all additions, relocations and modifications thereto and shall keep said maps current at all times.

Section 17. Grading. When any street, avenue, alley, bridge, or public place, upon which or in which any poles, conductors, conduits and apparatus of PCCATV have been placed, shall be graded, curbed, paved or otherwise changed so as to make the resetting or reconstruction of such poles, conductors, conduits and apparatus of PCCATV necessary, PCCATV, its successors or assigns at its expense shall make such necessary change in construction. Should it become necessary or should PCCATV desire to use conduits or other similar fixtures, it shall make application to the city for the establishment of permanent grades and such conduits or other similar fixtures shall not be installed until such permanent grades have been established. The city agrees to establish such permanent grades upon such application at its expense. When the city desires to widen, pave, repair or otherwise improve or change any street, alley, bridge, or public place so as to make the resetting or reconstruction of such poles, conductors, conduits and apparatus of PCCATV necessary, PCCATV, its successors or assigns, shall make such necessary changes in construction at the expense of PCCATV. The city shall give reasonable notice to PCCATV in writing of its intention to improve or change the street, taking into consideration the type and magnitude of the construction requested to be done by PCCATV. PCCATV shall proceed to make such changes as requested so that the work of PCCATV will be completed in advance of the commencement of the improvement by the city.

Section 18. Engineering Standards. PCCATV's plant and equipment, including the antenna site, head-end and distribution system towers, structures, poles, wires, and appurtenances shall be installed in accordance with good engineering practices, and shall be located, erected, constructed, reconstructed, replaced, removed, repaired, maintained, and operated so as not to endanger or interfere with the lives of persons or to interfere with improvements the city may deem proper to make, or to unnecessarily hinder or

obstruct pedestrian or vehicular traffic on public ways, places and structures. Erection, installation, construction, replacement, removal, repair, maintenance and operation of the system shall be in accordance with the provisions of the national electrical safety code prepared by the National Bureau of Standards, the national electrical code of the National Board of Fire Underwriters and such applicable laws of the state of Utah and applicable ordinances of this city which may not be in effect or enacted in the future. All installations shall be of a permanent nature, durable, and maintained in a safe, suitable and substantial condition, in good order and repair. Any opening or obstruction in the streets or other public ways made by PCCATV in the course of the construction, operation or removal of installations shall be guarded and protected at all times by the placement of adequate barriers, fences or boardings, the bounds of which during periods of dusk and darkness shall be clearly designated by warning lights. Whenever it is necessary to shut off or interrupt services for the purpose of making repairs, adjustments or installations, PCCATV shall do so at such time as will cause the least amount of inconvenience to its customers, and unless such interruption is unforeseen and immediately necessary, it shall give reasonable notice thereof to its customers.

Section 19. Liability of PCCATV--Hold Harmless. PCCATV shall, at its own expense, defend all suits that may be brought against the city on account of or in connection with the violation by PCCATV of any of the obligations imposed upon or assumed by PCCATV hereunder, or by reason of or in connection with any damage to life, limb or property caused by any structures constructed by PCCATV under and by virtue of this agreement or by reason of the doing, or failure to do, any act by PCCATV in or about the construction, operation or maintenance of said system and shall save and keep harmless the city from any and all damages, judgments, costs and expenses of every kind that may arise or result by reason of the negligence of PCCATV, or by reason of, or growing out of, or connected with the construction, operation and maintenance of the system, including violation of copyright, provided that notice in writing shall be given to PCCATV within 14 days after notice thereof is received by the city of any claim or suit against the city, which, by the terms hereof, PCCATV has hereby agreed to save and keep harmless the city and it is agreed that PCCATV shall be obligated to defend, and provided further that the city shall furnish to PCCATV, all information in its possession relating to the claim or suit, and cooperate with PCCATV in the defense of the claim or suit. The governing body of the city may, if it so desires, assist in the defending of any such claim or suit, but expenses thus incurred shall be at the expense of the city.

Section 20. Rules to be kept in Office. PCCATV shall file with the city and shall keep in its local office, to be available for inspection by the public, a copy of the rules, regulations,

terms and conditions adopted by PCCATV and in effect with its subscribers and applicants for service. PCCATV shall also keep available at its local office, to be available for inspection by the city and shall file with the city a semiannual summary report showing its gross monthly receipts, from, or allocable to, its operations within the city during the preceding semi-annual periods as above described.

Section 21. Damages. In the event PCCATV fails to perform in accordance with any of the provisions of this agreement and a forfeiture is declared, then it is understood and agreed that the city shall be entitled to liquidated damages in the following amounts.

- (A) If PCCATV should fail to extend full access to at least 1000 housing units before October 15, 1980, damages in the amount of \$25,000 shall be paid to the city.
- (B) If PCCATV should fail to extend full access to at least 2500 housing units by June 30, 1981, damages in the amount of \$25,000 shall be paid to the city.
- (C) If PCCATV fails to extend full service and access to all areas of the city where the population density is 75 housing units per running mile by December 31, 1981, damages in the amount of \$25,000 shall be paid to the city.

Section 22. Removal of Equipment. On the termination of the right, privilege, permission and authority granted by this ordinance, or the cessation of operations by PCCATV, all poles, wires, cables, towers, facilities, equipment and appurtenances of PCCATV shall be removed by PCCATV from all public property, ways and easements within the city within six months from the date of such termination or cessation. Should PCCATV fail to so remove such items and things as herein provided, such removal may be done by the city, by contract or otherwise, at the expense of PCCATV, and the escrow account provided for shall forfeit automatically and the full amount thereof be forthwith paid over to the city.

Section 23. Revocation. If PCCATV shall fail to comply with the provisions of this ordinance or default in any of its obligations hereunder, except for causes beyond its reasonable control, as determined by the city council, and shall within 30 days after written notice from the city stating the failure or default fail to complete and correct such default or failure within a reasonable time, as determined by the city council, to complete or correct the failure or default, the city shall have the right to revoke this franchise and all rights granted pursuant to this ordinance. In the event PCCATV or its successors or assigns shall be adjudged bankrupt or placed in receivership,



the city may declare this franchise revoked and terminated. Notwithstanding the provisions of any other section of this ordinance, PCCATV's franchise shall be immediately and automatically revoked if PCCATV fails to provide full service and full access in the amounts and by the dates provided in Section 10 hereof, and liquidated damages shall be paid to the city as provided for in Section 21 hereof.

Section 24. Term. This franchise ordinance and the rights, privileges and authority granted hereby shall be in force and effect from and after the date of publication and shall continue in force and effect for a term of 15 years after the effective date hereof, provided that during the period of 15 years, PCCATV shall faithfully perform all the provisions hereof obligatory on it. Should PCCATV during the period of 15 years fail to faithfully perform all provisions hereof obligatory on it and not correct such failure as provided in Section 23 hereof, then the right, privilege, permission and authority shall terminate and cease. This franchise may be renewed, upon certification that neither party to this agreement is in default hereunder, for successive 15 year periods.

Section 25. Effective Date. This ordinance shall become effective on acceptance by PCCATV and on publication.

DATED this 18<sup>th</sup> day of SEPTEMBER, 1980.

PARK CITY

By John C. Dresser  
Mayor

ATTEST:

Michelle Jones  
City Recorder (deputy)

Accepted by Park City C.A.T.V. Associates, A Utah Limited Partnership, by Milton S. Schwartz, Pres. its general partner this 29 day of Sept., 1980.  
TKM

Park City CPTV assoc.  
By M.I.S.O. Inc.  
By Dorothy Young

Power of Attorney for this time only 12:53 PM  
for Milton S. Schwartz, Pres.

ACKNOWLEDGEMENT

STATE OF UTAH )  
 )  
COUNTY OF Summit ) : ss.

On this 29th day of SEPTEMBER A.D., 19 80,  
personally appeared before me, the undersigned notary public, in  
and for the State and County LUANN ANTONIO,  
who after being duly sworn, acknowledged to me that he is the  
general partner of Park City C.A.T.V. Associates, A Utah Limited  
Partnership and that he signed the foregoing franchise ordinance  
freely and voluntarily for and in behalf of the limited partner-  
ship.

Luann Antonio  
NOTARY PUBLIC  
Residing at Salt Lake

My Commission Expires:

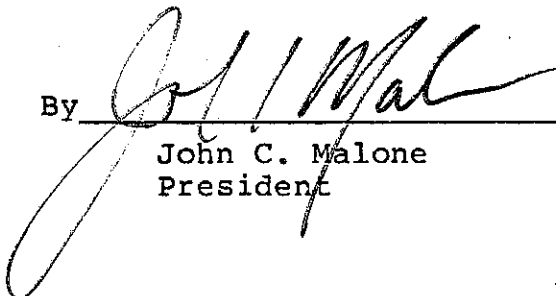
May 31, 1982



the approval thereof by the City of Park City, Utah, the undersigned COMMUNITY TELEVISION OF UTAH, INC., does hereby accept the foregoing assignment, and does hereby assume and agree to faithfully observe, keep and perform all of the terms, covenants and conditions set forth in the CATV Franchise Ordinance adopted by the City of Park City, Utah on August 22, 1980, as amended by the Amended CATV Franchise Ordinance adopted by the City of Park City, Utah on September 22, 1980, granting certain rights, franchises, privileges, permits, and licenses to Park City, C.A.T.V. Associates, to erect, install, operate and maintain a CATV system at Park City, Utah and in the surrounding areas.

DATED this 30th day of September, 1980.

COMMUNITY TELEVISION OF UTAH, INC.

By   
John C. Malone  
President

STATE OF COLORADO        )  
                                  )    s.s.  
COUNTY OF ARAPAHOE    )

On this 30th day of September 1980, before me the undersigned, a Notary Public in and for said County and State, personally appeared John C. Malone who being first duly sworn, declared that he is the President of COMMUNITY TELEVISION OF UTAH, INC., that he executed the within instrument as President of COMMUNITY TELEVISION OF UTAH, INC., a Nevada corporation, and that the statements contained herein are true.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

My Commission expires October 24, 1982

  
Notary Public

ORDINANCE

Ordinance 80-22

AN ORDINANCE AMENDING THE FRANCHISE ORDINANCE  
GRANTING PARK CITY C.A.T.V. ASSOCIATES,  
A UTAH LIMITED PARTNERSHIP, A NON-EXCLUSIVE FRANCHISE

Section 1.	Definitions
Section 2.	Franchise Granted
Section 3.	Franchise Limitations
Section 4.	Franchise Tax
Section 5.	Disclosure
Section 6.	Inspection
Section 7.	Letter of Credit
Section 8.	Insurance
Section 9.	Minimum Standards
Section 10.	Dates of Operation
Section 11.	Compliance with Federal, State and Local Law
Section 12.	No Interference with Other Signals
Section 13.	Lines
Section 14.	Location of Lines
Section 15.	Damage or Excavation
Section 16.	Maps
Section 17.	Grading
Section 18.	Engineering Standards
Section 19.	Liability of PCCATV - Hold Harmless
Section 20.	Rules to be Kept in Office
Section 21.	Damages
Section 22.	Removal of Equipment
Section 23.	Revocation
Section 24.	Term
Section 25.	Effective Date

Be it ordained by the City Council of Park City:

Section 1. Definitions. Unless the particular provision or the context requires, the definitions and provisions contained in this section shall govern the construction, meaning, and application of words and phrases used in this ordinance. The definition of each word or phrase shall constitute, to the extent applicable, the definition of each word or phrase which is derivative from it, or from which it is a derivative, as the case may be.

(A) "Available" means that trunk lines, amplifiers, and related equipment are installed and capable of providing basic service to every block containing five or more separate occupancies, as defined in the Uniform Building Code.

(B) "Basic Service" means the simultaneous delivery by the grantee to the television, radio, or other

appropriate communications receiver of a subscriber of all signals of over-the-air broadcasters required by the Federal Communications Commission or by this ordinance to be carried by the CATV system of the grantee, together with such additional public, educational, governmental, leased, or other access channels or signals as may be likewise required by law, but not including pay or subscription television as defined by the Federal Communications Commission.

- (C) "Block" means all property fronting on both sides of a street between intersecting or intercepting streets, or between a street and a right-of-way, waterway, end of a cul-de-sac, or city boundary.
- (D) "CATV" or "cable television system" means a system employing antennae, micro-wave, wires, wave-guides, coaxial cables, or other conductors, equipment or facilities, designed, constructed or used for the purpose of:
  - (1) Collecting and amplifying local or distant broadcast television or radio signals and distributing and transmitting same;
  - (2) Transmitting original cablecast programming not received through television broadcast signals;
  - (3) Transmitting television pictures, film and video tape programs, not received through broadcast television signals, whether or not encoded or processed to permit reception by only selected receivers; provided, however, that any of the services, permitted hereunder to be performed, as described above, shall be those performed by the grantee for subscribers, as herein defined, in the operation of a cable television or CATV system franchised by the city and not otherwise, and provided further that such term shall not include any such facility or system that serves only the residents of one or more apartment dwellings or commercial establishments under common ownership, control or management.
- (E) "City" means Park City.
- (F) "Franchise" means and includes any authorization granted hereunder in terms of a franchise, privilege, permit, license or otherwise to

construct, operate and maintain a cable television system within all or a specified area in the city.

- (G) "Franchise area" means the territory within the city throughout which grantee shall be authorized hereunder to construct, maintain, and operate its system and shall include any enlargements thereof and additions thereto.
- (H) "Grantee" means any person, firm, or corporation receiving the grant of any franchise hereunder and shall include any lawful successor to the interest or such person, firm or corporation.
- (I) The phrase "gross receipts from the sale of services," shall be interpreted to include only those revenues derived from the supplying of regular subscriber service, that is, "gross subscriber revenues", as defined by the Federal Communications Commission, and gross receipts from all other services unless such tax is prohibited by the Federal Communications Commission.
- (J) "Manager" shall mean the city manager or his designee.
- (K) "PCCATV" means Park City C.A.T.V. Associates, A Utah Limited Partnership.
- (L) "Program" means any sign, signal, picture, image, or sound of any kind, or any combination thereof.
- (M) "Subscriber" or "User" means any person or entity receiving for any purpose any service of the grantee's cable television system including, but not limited to, the conventional cable television system service of retransmission of television broadcast, radio signals, grantee's original cable casting, and the local government, education and public access channels; and other services, such as leasing of channels, data and facsimile transmission, pay television, and police, fire and similar public service communication.

Section 2. Franchise Granted. Subject to the provisions of this ordinance there is hereby granted by the city to PCCATV the right, privilege, permission and authority to construct, erect, operate, and maintain, in, upon, along, across, above, over and under the streets, alleys, public ways and public places, now laid out or dedicated, and all extensions thereof, and additions thereto, in the city and subsequent additions thereto, poles, wires, cables, underground conduits, manholes and other conductors and fixtures, and to use the same of the

purpose of transmitting and distributing electricity and electrical impulses, television signals for television purposes, to reproduce pictures and sound in combination or independently, and especially for the conduct of a community antenna television system for the reception, sale and distribution of television signals.

Section 3. Franchise Limitations. In addition to any other franchise limitations hereunder or as herein provided, the following limitations shall apply to any franchise granted or renewed by the council under this article:

- (A) Nature of franchise. The franchise granted herein is non-exclusive, and neither the granting thereof nor any of the provisions contained herein or in such franchise shall limit, abridge, diminish, alter, or affect the right, privilege, power, or authority of the city council; and the council hereby reserves and preserves the right to grant any identical or similar or different franchise to any person, firm, or corporation other than grantee, either within or without or partly within or partly without the franchise area of any grantee.
- (B) Subordination of franchise privileges. The franchise hereby granted is subordinate to any prior lawful occupancy of any street or public property or to the grant of any privilege under any other franchise of prior date, insofar as there shall be any conflict.
- (C) Transfer of franchise.
  - (1) The franchise granted hereunder is a privilege to be held in personal trust by the original grantee. It cannot be sold, transferred, leased, assigned, or disposed of, in whole or in part, either by forced or involuntary sale, or by voluntary sale, merger, consolidation or otherwise, without prior consent of the city council and then only under such conditions as may therein be prescribed. Any such transfer or assignment shall be made only by an instrument in writing, such as a bill of sale, or similar document, a duly executed copy of which shall be filed in the office of the city recorder within 30 days after any such transfer or assignment. The consent of the council may not be unreasonably refused; provided, however, the proposed assignee must show financial responsibility as determined by the council and must agree to comply with all



provisions of this ordinance; but no such consent shall be required for a transfer in trust, mortgage, or other hypothecation, in whole or in part, to secure an indebtedness.

Section 4. Franchise Tax. PCCATV shall pay to the city in semiannual installments within 30 days after June 30 and December 31, of each year a sum equal to three percent of that portion of the annual gross receipts, as defined in definition (I) of this ordinance.

Section 5. Disclosure. Within 30 days from the date this franchise becomes effective, PCCATV shall provide the city:

- (A) The name, address, and telephone number of the applicant.
- (B) A detailed statement of the corporate or other business entity organization of the applicant, including, but not limited to, the following:
  - (1) The names, residence addresses and business addresses of all officers, directors, and partners or business associates of the applicant.
  - (2) The names, residence addresses and business addresses of all persons and entities having controlling, or being entitled to have a control five percent or more of the ownership of the applicant and the respective ownership share of each such person or entity.
  - (3) The names and addresses of any parent or subsidiary of the applicant and of any other business entity owning or controlling in whole or in part or owned or controlled in whole or in part by the applicant, and a statement describing the nature of any such parent or subsidiary business entity, including, but not limited to, all CATV or similar systems owned or controlled by the applicant, its parent or subsidiary and the areas served thereby.
  - (4) A detailed description of all previous experience of the applicant in providing CATV service or related or similar services.
  - (5) A detailed and complete financial statement of the applicant, prepared by a certified public accountant, for the fiscal year next preceding the date of the application

hereunder, or a letter or other acceptable evidence in writing from a responsible lending institution or funding source, addressed to both the applicant and the council, setting for the the basis for a study performed by such lending institution or funding source, and a clear statement of its intent as a lending institution or funding source to provide whatever capital shall be required by the applicant to construct and operate the proposed system in the city, or a statement from a certified public accountant, certifying that the applicant has available sufficient free, net and uncommitted cash resources to construct and operate the proposed system in this city.

- (6) A statement identifying, by place and date, any other cable television franchise(s) awarded to the applicant, its parent or subsidiary; the status of said franchise(s) with respect to completion thereof; the total cost of completion of such system(s); and the amount of applicant's and its parent's or subsidiary's resources committed to the completion thereof.
- (C) A detailed description of the proposed plan or operation of the applicant, which shall include, but not be limited to, the following:
- (1) A detailed map indicating all areas proposed to be served, and a proposed time scheduled for the installation of all equipment necessary to become operational throughout the entire area to be served.
  - (2) A statement or schedule setting forth all proposed classifications of rates and charges to be made against subscribers and all rates and charges, service charges, and special, extraordinary, or other charges. The purchase price, terms, and nature of any optional or required equipment, device, or other thing to be offered for sale to any subscriber shall be described and explained in detail.
  - (3) A detailed statement describing the actual equipment and operational standards proposed by the applicant.

- (D) A copy of the form of any agreement, undertaking, or other instrument proposed to be entered into between the applicant and any subscriber.
- (E) A copy of any agreement covering the franchise area, if existing between the applicant and any public utility providing for the use of any facilities of the public utility, including, but not limited to, poles, lines or conduits.
- (F) Any other information pertinent to the subject matter of such application and requested by the manager.
- (G) An application fee in the sum of \$500.00 which shall be in the form of cash, certified or cashier's check, or money order, to pay the costs of studying, investigating, and otherwise processing such application, which shall not be returnable or refundable in whole or in part, except to the extent that such fee exceeds the actual costs incurred by the city in studying, investigating and otherwise processing the application.

Section 6. Inspection. The city shall have the right, after reasonable notice, to inspect the books and records of the PCCATV insofar as such books and records appertain to the gross receipts of PCCATV arising from the construction, operation and maintenance of such system within the city, or allocable thereto. PCCATV shall furnish to the city on request by the city such reports, documents and information reasonably necessary to enable the city to verify the payments made to it by PCCATV.

Section 7. Letter of Credit. PCCATV shall provide the city within 15 days, with a letter of credit in the sum of \$75,000 in a form approved by the city attorney guaranteeing that funds are available to be used as set forth in Section 21 to satisfy the payment of damages.

Section 8. Insurance. PCCATV shall furnish to the city with written evidence of a contract or contracts of insurance with a reliable company or companies authorized to do business in the state of Utah by which contracts both PCCATV and the city are insured against any claim, demand or loss for injury to persons or damage to property resulting from, growing out of, or connected with the construction, operation or maintenance of the system within the city, which contracts of insurance shall have limits in amounts not less than \$100,000 for injury to one person in one occurrence, not less than \$300,000 for injury to more than one person in the same occurrence, except that this obligation shall not require PCCATV to furnish insurance

against injury to persons or damage to property caused by the negligence of the city or its employees.

Section 9. Minimum Standards.

(A) PCCATV shall:

- (1) Be capable of relaying to subscriber terminals television and radio broadcast signals;
- (2) Be constructed with the potential of two-way digital and video signal transmission;
- (3) Distribute color television signals which it receives;
- (4) Provide one channel for local governmental, educational, or local informational uses. Programming of this channel will be under the direction of Park City under rules and regulations promulgated by it, provided that any entity other than Park City desiring to use the channel for "educational" or "informational" purposes shall be a non-profit organization funded in whole or in part by federal, state, or municipal funds. The programming of this channel shall be entirely non-commercial in nature. In providing this channel, the franchisee must make space available on the cable to transmit the local informational programming, and also provide some reasonable, mutually acceptable means of connecting the programming to the cable system head end.

(B) Additional services. The cable television system may also engage in the business of:

- (1) Transmitting original cablecast programming not received through television broadcast signals;
- (2) Transmitting television pictures, film and video tape programs, not received through broadcast television signals, whether or not encoded or processed to permit reception by only selected receivers or subscribers;
- (3) Transmitting and receiving all other signals; digital, voice and audio-visual.

(C) Refusal of service. No person, firm or corporation within the service area of the

grantee, and where trunk lines are in place, shall be refused service; provided, however, that the guarantee shall not be required to provide service to any subscriber that does not pay the applicable connection fee or service charges.

(D) Service standards. PCCATV shall:

- (1) Correct malfunction promptly and shall use its best efforts to do so within 24 hours after occurrence, except on holidays or weekends.
- (2) Answer complaints by subscribers;
- (3) Planned interruptions of service, insofar as possible, shall be preceded by notice given to subscribers 24 hours in advance and shall occur during periods of minimum use of the system;
- (4) During the term of this franchise, and any renewal thereof, the company shall maintain in Summit County a local business office for the purpose of receiving and resolving all complaints, requests for repairs or service, and similar matters. The office must be accessible by a local toll free telephone call during local business hours, and in no event less than 9:00 a.m. to 5:00 p.m. Monday through Friday, excluding legal holidays.
- (5) Maintain a written record, or "log" listing date of customer complaints, identifying the subscriber and describing the nature of the complaint, and when and what action was taken by grantee in responding thereto. The record shall be kept at PCCATV's local office, for a period of one year and shall be available for inspection during regular business hours, without further notice or demand, by the manager.

(E) City complaint procedures. The manager shall designate a city officer or employee who shall have the primary responsibility for the administration of complaints regarding the cable television franchise, and shall adopt procedures to be followed by such officer or employee in resolving and processing such complaints.

(F) Failure to provide service. Any grantee of the franchise hereunder who shall, within two years after the payment of any installation charge by

any subscriber, fail to operate its system or make its service available to such subscriber, on a regular and continuous basis, shall refund the installation charge, to such subscriber, together with interest thereon at not less than eight percent per year.

- (G) Minimum Operation. PCCATV shall provide a system of not less than 20-channel capability, which shall include coverage of at least the following:

Station Call Letters	City of Origination
KUTV	Salt Lake City, Utah
KTVX	Salt Lake City, Utah
KSL	Salt Lake City, Utah
KUED	Salt Lake City, Utah
KSTU	Salt Lake City, Utah (when available)
KBYU	Provo, Utah (when available)
WGN	Chicago, Illinois
KTVU	Oakland, California
HBO or Showtime	New York City, New York
WTBS	Atlanta, Georgia
CBN	(Christian Broadcasting)
CCN (24 hour news)	Atlanta, Georgia
KPCW Radio	Park City, Utah

- (H) No Discrimination. PCCATV in the conduct of its business and in furnishing service under the provisions of this agreement shall not discriminate between persons or between areas, and access to and use of the cable television system shall be made equally available to all persons, firms and corporations within the city.

Section 10. Dates of Operation. PCCATV shall, before October 15, 1980 extend full service and access to its system to at least 1000 housing units in Park City; and shall be June 30, 1981 extend full service and full access to its system to 2,500 housing units. By December 31, 1981 PCCATV shall extend full service and full access to all areas of the city where there is a population density of at least 75 housing units per running mine. In the event any area is annexed to the city, or the housing unit density becomes at least 75 units per running mile, PCCATV shall extend full service and full access to its system to all parts thereof and to every applicant therein for service within at least two years form the date of annexation, or date that the density becomes 75 units per running mile.

Section 11. Compliance with Federal, State and Local Law. In the installation, construction, operation and maintenance of the community antenna television system,

PCCATV shall comply with all current and future federal, state and city laws, regulations, rules, guidelines and ordinances applicable thereto.

Section 12. No Interference with Other Signals. PCCATV shall so operate the system as to not interfere with the direct broadcast or reception of other signals, whether television, radio or otherwise, or with the transmission of telephone or telegraph signals, or with the distribution of electric or electronic signals or energy by others whether by air, wire, or cable, conduit or otherwise.

Section 13. Lines. PCCATV shall, where agreement can be made with others within the city who use poles, towers, or conduits, to use existing poles, towers or conduits or other facilities of others where ever possible, and it shall be the sole responsibility of PCCATV to negotiate and made any and all contracts with the owners of such facilities to secure the use thereof. It is the express intention of the city that the number of poles, towers or conduits be kept at a minimum, and to the extent necessary to carry out this intention, PCCATV, on securing such agreement with such others is hereby granted the right to use such existing facilities in the city. To the extent PCCATV is unable to contract with others for the use of existing facilities, it shall construct and place all cables underground.

Section 14. Location of Lines. All conductors, conduit, lines, or cables shall be located underground whenever possible and shall be so located, whether in streets, alleys, avenues, bridges or others public places, and shall be erected and placed under supervision of the city manager, or under such supervision as the city may from time to time provide.

Section 15. Damage or Excavation. Should any pavement, or any drain, sewer, catch basin, water pipe, or other like improvement be injured by such location, PCCATV shall forthwith repair at its expense the damage caused by such injury to the satisfaction of the city manager or under such supervision as the city may from time to time provide. Where in course of its operations it becomes necessary to excavate any street, alley or public place, the operation and restoration thereof shall be in accordance with the regulations of the city governing the openings thereof and the manner of protection and restoragion as now adopted or may hereafter be adopted by the city.

Section 16. Maps. PCCATV shall furnish the city a complete set of maps drawn to a scale of 200 feet to an inch showing all installations made by PCCATV hereunder and all changes in such installations and all additions, relocations and modifications thereto and shall keep said maps current at all times. The company may, as an alternative to

providing the maps to the city as required herein, join and maintain membership in a "blue stake" program as defined by Utah Code Annotated, Sections 54-8(a)-1, et seq. covering the Park City area.

Section 17. Grading. When any street, avenue, alley, bridge, or public place, upon which or in which any poles, conductors, conduits and apparatus of PCCATV have been placed, shall be graded, curbed, paved or otherwise changed so as to make the resetting or reconstruction of such poles, conductors, conduits and apparatus of PCCATV necessary, PCCATV, its successors or assigns at its expense shall make such necessary change in construction. Should it become necessary or should PCCATV desire to use conduits or other similar fixtures, it shall make application to the city for the establishment of permanent grades and such conduits or other similar fixtures shall not be installed until such permanent grades have been established. The city agrees to establish such permanent grades upon such application at its expense. When the city desires to widen, pave, repair or otherwise improve or change any street, alley, bridge, or public place so as to make the resetting or reconstruction of such poles, conductors, conduits and apparatus of PCCATV necessary, PCCATV, its successors or assigns, shall make such necessary changes in construction at the expense of PCCATV. The city shall give reasonable notice to PCCATV in writing of its intention to improve or change the street, taking into consideration the type and magnitude of the construction requested to be done by PCCATV. PCCATV shall proceed to make such changes as requested so that the work of PCCATV will be completed in advance of the commencement of the improvement by the city.

Section 18. Engineering Standards. PCCATV's plant and equipment, including the antenna site, head-end and distribution system towers, structures, poles, wires, and appurtenances shall be installed in accordance with good engineering practices, and shall be located, erected, constructed, reconstructed, replaced, removed, repaired, maintained, and operated so as not to endanger or interfere with the lives of person or to interfere with improvements the city may deem proper to make, or to unnecessarily hinder or obstruct pedestrian or vehicular traffic on public ways, places and structures. Erection, installation, construction, replacement, removal, repair, maintenance and operation of the system shall be in accordance with the provisions of the national electrical safety code prepared by the National Bureau of Standards, the national electrical code of the Nation Board of Fire Underwriters and such applicable laws of the state of Utah and applicable ordinances of this city which may not be in effect or enacted in the future. All installations shall be of a permanent nature, durable, and maintained in a safe, suitable and substantial condition, in good order and



repair. Any opening or obstruction in the streets or other public ways made by PCCATV in the course of the construction, operation or removal of installations shall be guarded and protected at all times by the placement of adequate barriers, fences or boardings, the bounds of which during periods of dusk and darkness shall be clearly designated by warning lights. Whenever it is necessary to shut off or interrupt services for the purpose of making repairs, adjustments or installations, PCCATV shall do so at such time as will cause the least amount of inconvenience to its customers, and unless such interruption is unforeseen and immediately necessary, it shall give reasonable notice thereof to its customers.

Section 19. Liability of PCCATV - Hold Harmless. PCCATV shall, at its own expense, defend all suits that may be brought against the city on account of or in connection with the violation by PCCATV of any of the obligations imposed upon or assumed by PCCATV hereunder, or by reason of or in connection with any damage to life, limb or property caused by any structures constructed by PCCATV under and by virtue of this agreement or by reason of the doing, or failure to do, any act by PCCATV in or about the construction, operation or maintenance of said system and shall save and keep harmless the city from any and all damages, judgments, costs and expenses of every kind that may arise or result by reason of the negligence of PCCATV, or by reason of, or growing out of, or connected with the construction, operation and maintenance of the system, including violation of copyright, provided that notice in writing shall be given to PCCATV within 14 days after notice thereof is received by the city of any claim or suit against the city, which, by the terms hereof, PCCATV has hereby agreed to save and keep harmless the city and it is agreed that PCCATV shall be obligated to defend, and provide further that the city shall furnish to PCCATV, all information in its possession relating to the claim or suit, and cooperate with PCCATV in the defense of the claim or suit. The governing body of the city may, if it so desires, assist in the defending of any such claim or suit, but expenses thus incurred shall be at the expense of the city.

Section 20. Rules To Be Kept In Office. PCCATV shall file with the city and shall keep in its local office, to be available for inspection by the public, a copy of the rules, regulations, terms and conditions adopted by PCCATV and in effect with its subscribers and applicants for service. PCCATV shall also keep available at its local office, to be available for inspection by the city and shall file with the city a semiannual summary report showing its gross monthly receipts, from, or allocable to, its operations within the city during the preceding semiannual periods as above described.

Section 21. Damages. In the event PCCATV fails to perform in accordance with any of the provisions of this agreement and a forfeiture is declared, then it is understood and agreed that the city shall be entitled to liquidated damages in the following amounts.

- (A) If PCCATV should fail to extend full access to at least 1,000 housing units before October 15, 1980, damages in the amount of \$25,000 shall be paid to the city.
- (B) If PCCATV should fail to extend full access to at least 2,500 housing units by June 20, 1981, damages in the amount of \$25,000 shall be paid to the city.
- (C) If PCCATV fails to extend full service and access to all areas of the city where the population density is 75 housing units per running mile by December 31, 1981, damages in the amount of \$25,000 shall be paid to the city.

Section 22. Removal of Equipment. On the termination of the right, privilege, permission and authority granted by this ordinance, or the cessation of operations by PCCATV, all poles, wires, cables, towers, facilities, equipment and appurtenances of PCCATV shall be removed by PCCATV from all public property, ways and easements within the city within six months from the date of such termination or cessation. Should PCCATV fail to so remove such items and things as herein provided, such removal may be done by the city, by contract or otherwise, at the expense of PCCATV, and the escrow account provided for shall forfeit automatically and the full amount thereof be forthwith paid over to the city.

Section 23. Revocation. If PCCATV shall fail to comply with the provisions of this ordinance or default in any of its obligations hereunder, except for causes beyond its reasonable control, as determined by the city council, and shall within 30 days after written notice from the city stating the failure or default fail to complete and correct such default or failure within a reasonable time, as determined by the city council, to complete or correct the failure or default, the city shall have the right to revoke this franchise and all rights granted pursuant to this ordinance. In the event PCCATV or its successors or assigns shall be adjudged bankrupt or placed in receivership, the city may declare this franchise revoked and terminated. Notwithstanding the provisions of any other section of this ordinance, PCCATV's franchise shall be immediately and automatically revoked if PCCATV fails to provide full service and full access in the amounts and by the dates provided in Section 10 hereof, and liquidated damages shall be paid to the city as provided for in Section 21 hereof.

Section 24. Term. This franchise ordinance and the rights, privileges and authority granted hereby shall be in force and effect from and after the date of publication and shall continue in force and effect for a term of 15 years after the effective date hereof, provided that during the period of 15 years, PCCATV shall faithfully perform all the provisions hereof obligatory on it. Should PCCATV during the period of 15 years fail to faithfully perform all provisions hereof obligatory on it and not correct such failure as provided in Section 23 hereof, then the right, privilege, permission and authority shall terminate and cease. This franchise may be renewed, upon certification that neither party to this agreement is in default hereunder, for successive 15 year periods.

Section 25. Effective Date. This ordinance shall become effective on acceptance by PCCATV and on publication.

Dated this 18th day of September, 1980.

PARK CITY MUNICIPAL CORPORATION  
/s/ John C. Green, Jr., Mayor

Attest:  
/s/ Michelle Foree, City Recorder

Accepted by Park City C.A.T.V. Associates, A Utah Limited Partnership, by Milton J. Schwartz, President, its general partner this 29th day of September, 1980.

Park City C.A.T.V. Associates, by M.I.S.Co., Inc. by Dorothy Young, Power of Attorney for this time only for Milton J. Schwartz, President.

NOTE: This ordinance codifies Ordinance 80-22 (also known as Special Ordinance #2) adopted September 18, 1980, Ordinance 80-23 (also known as Special Ordinance #1) adopted August 22, 1980, and Ordinance 84-20 adopted November 1, 1984. This codefication took place August 22, 1986.

## SPECIAL ORDINANCE #1

AN ORDINANCE GRANTING PARK CITY C.A.T.V. ASSOCIATES  
A UTAH LIMITED PARTNERSHIP, A NON-EXCLUSIVE  
FRANCHISE.

Be it ordained by the City Council of Park City:

Section 1. Definitions. Unless the particular provision or the context requires, the definitions and provisions contained in this section shall govern the construction, meaning, and application of words and phrases used in this ordinance. The definition of each word or phrase shall constitute, to the extent applicable, the definition of each word or phrase which is derivative from it, or from which it is a derivative, as the case may be.

- (A) "Available" means that trunk lines, amplifiers, and related equipment are installed and capable of providing basic service to every block containing five or more separate occupancies, as defined in the Uniform Building Code.
- (B) "Basic service" means the simultaneous delivery by the grantee to the television, radio, or other appropriate communications receiver of a subscriber of all signals of over-the-air broadcasters required by the Federal Communications Commission or by this ordinance to be carried by the CATV system of the grantee, together with such additional public, educational, governmental, leased, or other access channels or signals as may be likewise required by law, but not including pay or subscription television as defined by the Federal Communications Commission.
- (C) "Block" means all property fronting on both sides of a street between intersecting or intercepting streets, or between a street and a right-of-way, waterway, end of a cul-de-sac, or city boundary.
- (D) "CATV" or "cable television system" means a system employing antennae, micro-wave, wires, wave-guides, coaxial cables, or other conductors, equipment or facilities, designed, constructed or used for the purpose of:
  - (1) collecting and amplifying local or distant broadcast television or radio signals and distributing and transmitting same;
  - (2) transmitting original cablecast programming not received through television broadcast signals;

- (3) transmitting television pictures, film and video-tape programs, not received through broadcast television signals, whether or not encoded or processed to permit reception by only selected receivers; provided, however, that any of the services, permitted hereunder to be performed, as described above, shall be those performed by the grantee for subscribers, as herein defined, in the operation of a cable television or CATV system franchised by the city and not otherwise, and provided further that such term shall not include any such facility or system that serves only the residents of one or more apartment dwellings or commercial establishments under common ownership, control or management.
- (E) "City" means Park City.
- (F) "Franchise" means and includes any authorization granted hereunder in terms of a franchise, privilege, permit, license or otherwise to construct, operate and maintain a cable television system within all or a specified area in the city.
- (G) "Franchise area" means the territory within the city throughout which grantee shall be authorized hereunder to construct, maintain, and operate its system and shall include any enlargements thereof and additions thereto.
- (H) "Grantee" means any person, firm, or corporation receiving the grant of any franchise hereunder and shall include any lawful successor to the interest of such person, firm or corporation.
- (I) The phrase "gross receipts from the sales of services" shall be interpreted to include only those revenues derived from the supplying of regular subscriber service, that is, "gross subscriber revenues", as defined by the Federal Communications Commission, and gross receipts from all other services unless such tax is prohibited by the Federal Communications Commission.
- (J) "Manager" shall mean the city manager or his designee.
- (K) "PCCATV" means Park City Cable T.V. Associates, A Utah Limited Partnership.
- (L) "Program" means any sign, signal, picture, image, or sound of any kind, or any combination thereof.
- (M) "Subscriber" or "User" means any person or entity receiving for any purpose any service of the grantee's cable television system including, but not limited to, the conventional cable television system service of retransmission of television broadcast, radio signals, grantee's

original cable casting, and the local government, education and public access channels; and other services, such as leasing of channels, data and facsimile transmission, pay television, and police, fire and similar public service communication.

Section 2. Franchise Granted. Subject to the provisions of this ordinance there is hereby granted by the city to PCCATV the right, privilege, permission and authority to construct, erect, operate, and maintain, in, upon, along, across, above, over and under the streets, alleys, public ways and public places, now laid out or dedicated, and all extensions thereof, and additions thereto, in the city and subsequent additions thereto, poles, wires, cables, underground conduits, manholes and other conductors and fixtures, and to use the same for the purpose of transmitting and distributing electricity and electrical impulses, television signals for television purposes, to reproduce pictures and sound in combination or independently, and especially for the conduct of a community antenna television system for the reception, sale and distribution of television signals.

Section 3. Franchise limitations. In addition to any other franchise limitations hereunder or as herein provided, the following limitations shall apply to any franchise granted or renewed by the council under this article:

- (A) Nature of franchise. The franchise granted herein is non-exclusive, and neither the granting thereof nor any of the provisions contained herein or in such franchise shall limit, abridge, diminish, alter, or affect the right, privilege, power, or authority of the city council; and the council hereby reserves and preserves the right to grant any identical or similar or different franchise to any person, firm, or corporation other than grantee, either within or without or partly within or partly without the franchise area of any grantee.
- (B) Subordination of franchise privileges. The franchise hereby granted is subordinate to any prior lawful occupancy of any street or public property or to the grant of any privilege under any other franchise of prior date, insofar as there shall be any conflict.
- (C) Transfer of franchise.
  - (1) The franchise granted hereunder is a privilege to be held in personal trust by the original grantee. It cannot be sold, transferred, leased, assigned, or disposed of, in whole or in part, either by forced or involuntary sale, or by voluntary sale, merger, consolidation or otherwise, without prior consent of the city council and then only under such conditions as may therein be prescribed. Any such transfer or assignment shall be made only by an instrument in writing, such as a bill of sale, or

similar document, a duly executed copy of which shall be filed in the office of the city recorder within 30 days after any such transfer or assignment. The consent of the council may not be unreasonably refused; provided, however, the proposed assignee must show financial responsibility as determined by the council and must agree to comply with all provisions of this ordinance; but no such consent shall be required for a transfer in trust, mortgage, or other hypothecation, in whole or in part, to secure an indebtedness.

Section 4. Franchise tax. PCCATV shall pay to the city in semiannual installments within 30 days after June 30 and December 31, of each year a sum equal to three percent of that portion of the annual gross receipts, as defined in definition (I) of this ordinance.

Section 5. Disclosure. Within 30 days from the date this franchise becomes effective, PCCATV shall provide the city:

- (A) The name, address, and telephone number of the applicant.
- (B) A detailed statement of the corporate or other business entity organization of the applicant, including, but not limited to, the following:
  - (1) The names, residence addresses and business addresses of all officers, directors, and partners or business associates of the applicant.
  - (2) The names, residence addresses and business addresses of all persons and entities having controlling, or being entitled to have or control five percent or more of the ownership of the applicant and the respective ownership share of each such person or entity.
  - (3) The names and addresses of any parent or subsidiary of the applicant and of any other business entity owning or controlling in whole or in part or owned or controlled in whole or in part by the applicant, and a statement describing the nature of any such parent or subsidiary business entity, including, but not limited to, all CATV or similar systems owned or controlled by the applicant, its parent or subsidiary and the areas served thereby.
  - (4) A detailed description of all previous experience of the applicant in providing CATV service or related or similar services.

- (5) A detailed and complete financial statement of the applicant, prepared by a certified public accountant, for the fiscal year next preceding the date of the application hereunder, or a letter or other acceptable evidence in writing from a responsible lending institution or funding source, addressed to both the applicant and the council, setting forth the basis for a study performed by such lending institution or funding source, and a clear statement of its intent as a lending institution or funding source to provide whatever capital shall be required by the applicant to construct and operate the proposed system in the city, or a statement from a certified public accountant, certifying that the applicant has available sufficient free, net and uncommitted cash resources to construct and operate the proposed system in this city.
  - (6) A statement identifying, by place and date, any other cable television franchise(s) awarded to the applicant, its parent or subsidiary; the status of said franchise(s) with respect to completion thereof; the total cost of completion of such system(s); and the amount of applicant's and its parent's or subsidiary's resources committed to the completion thereof.
- (C) A detailed description of the proposed plan or operation of the applicant, which shall include, but not be limited to, the following:
- (1) A detailed map indicating all areas proposed to be served, and a proposed time schedule for the installation of all equipment necessary to become operational throughout the entire area to be served.
  - (2) A statement or schedule setting forth all proposed classifications of rates and charges to be made against subscribers and all rates and charges, service charges, and special, extraordinary, or other charges. The purchase price, terms, and nature of any optional or required equipment, device, or other thing to be offered for sale to any subscriber shall be described and explained in detail.
  - (3) A detailed statement describing the actual equipment and operational standards proposed by the applicant.
- (D) A copy of the form of any agreement, undertaking, or other instrument proposed to be entered into between the applicant and any subscriber.



- (E) A copy of any agreement covering the franchise area, if existing between the applicant and any public utility providing for the use of any facilities of the public utility, including, but not limited to, poles, lines or conduits.
- (F) Any other information pertinent to the subject matter of such application and requested by the manager.
- (G) An application fee in the sum of \$500.00 which shall be in the form of cash, certified or cashier's check, or money order, to pay the costs of studying, investigating, and otherwise processing such application, which shall not be returnable or refundable in whole or in part, except to the extent that such fee exceeds the actual costs incurred by the city in studying, investigating and otherwise processing the application.

Section 6. Inspection. The city shall have the right, after reasonable notice, to inspect the books and records of the PCCATV insofar as such books and records appertain to the gross receipts of PCCATV arising from the construction, operation and maintenance of said system with the city, or allocable thereto. PCCATV shall furnish to the city on request by the city such reports, documents and information reasonably necessary to enable the city to verify the payments made to it by PCCATV.

Section 7. Escrow Account. PCCATV shall establish, under the control of the city, an account in the amount of \$70,000 with a Park City Banking Institution in such form as may be approved by the Park City attorney. This account shall be established to insure the faithful and substantial performance by PCCATV of all obligations of PCCATV to be performed under the provision of this ordinance thereto, including the payment of liquidated damages as provided for in Section 21 herein.

Section 7.1. Letter of Credit. PCCATV shall provide the city with a letter of credit in the sum of \$500,000 in a form approved by the city attorney guaranteeing that the funds are available and will be used for the construction of the system.

Section 8. Insurance. PCCATV shall furnish the city with written evidence of a contract or contracts of insurance with a reliable company or companies authorized to do business in the state of Utah by which contracts both PCCATV and the city are insured against any claim, demand or loss for injury to persons or damage to property resulting from, growing out of, or connected with the construction, operation or maintenance of the system within the city, which contracts of insurance shall have limits in amounts not less than \$100,000 for injury to one person in one occurrence, not less than \$300,000 for injury to more than one person in the same occurrence, except that this obligation shall not require PCCATV to furnish insurance against injury to persons or damage to property caused by the negligence of the city or its employees.

Section 9. Minimum Standards.

(A) PCCATV shall:

- (1) Be capable of relaying to subscriber terminals television and radio broadcast signals;
- (2) Be constructed with the potential of two-way digital and video signal transmission;
- (3) Distribute color television signals which it receives;
- (4) Provide one channel for educational, public access and civic or nonprofit organization uses and \$10,000 to provide access as directed by the City Council.

(B) Additional services. The cable television system may also engage in the business of:

- (1) Transmitting original cablecast programming not received through television broadcast signals;
- (2) Transmitting television pictures, film and video-tape programs, not received through broadcast television signals, whether or not encoded or processed to permit reception by only selected receivers or subscribers;
- (3) Transmitting and receiving all other signals; digital, voice and audio-visual.

(C) Refusal of service. No person, firm or corporation within the service area of the grantee, and where trunk lines are in place, shall be refused service; provided, however, that the grantee shall not be required to provide service to any subscriber that does not pay the applicable connection fee or service charges.

(D) Service standards. PCCATV shall:

- (1) Correct malfunction promptly and shall use its best efforts to do so with 24 hours after occurrence, except on holidays or weekends.
- (2) Answer complaints by subscribers;
- (3) Planned interruptions of service, insofar as possible, shall be preceded by notice given to subscribers 24 hours in advance and shall occur during periods of minimum use of the system;
- (4) Maintain an office in the city, which office shall be open during all usual business hours, with its telephone listed in directories of the telephone company serving the city, which office shall be so operated that complaints and requests for repairs or adjustments may be received at any time, day or



- (I) No Discrimination. PCCATV in the conduct of its business and in furnishing service under the provisions of this agreement shall not discriminate between persons or between areas, and access to and use of the cable television system shall be made equally available to all persons, firms and corporations within the city.

Section 10. Dates of Operation. PCCATV shall, before October 15, 1980 extend full access to its system to at least 1000 housing units in Park City; and shall by December 31, 1980 extend full service and full access to its system to 2,500 housing units. By December 31, 1981 PCCATV shall extend full service and full access to all areas of the city where there is a population density of at least 75 housing units per running mile. In the event any area is annexed to the city, PCCATV shall extend full service and full access to its system to all parts thereof and to every applicant therein for service within at least two years from the annexation, provided there are at least 75 housing units per running mile.

Section 11. Compliance with Federal, State and Local Law. In the installation, construction, operation and maintenance of the community antenna television system, PCCATV shall comply with all current and future federal, state and city laws, regulations, rules, guidelines and ordinances applicable thereto.

Section 12. No Interference with Other Signals. PCCATV shall so operate the system as to not interfere with the direct broadcast or reception of other signals, whether television, radio or otherwise, or with the transmission of telephone or telegraph signals, or with the distribution of electric or electronic signals or energy by others whether by air, wire, cable, conduit or otherwise.

Section 13. Lines. PCCATV shall, where agreement can be made with others within the city who use poles, towers, or conduits, to use existing poles, towers or conduits or other facilities of others wherever possible, and it shall be the sole responsibility of PCCATV to negotiate and make any and all contracts with the owners of such facilities to secure the use thereof. It is the express intention of the city that the number of poles, towers or conduits be kept at a minimum, and to the extent necessary to carry out this intention, PCCATV, on securing such agreement with such others is hereby granted the right to use such existing facilities in the city. To the extent PCCATV is unable to contract with others for the use of existing facilities, it shall construct and place all cables underground.

Section 14. Location of Lines. All conductors, conduits, lines, or cables shall be located underground whenever possible and shall be so located, whether in streets, alleys, avenues, bridges or other public places, and shall be erected and placed

under supervision of the city manager, or under such supervision as the city may from time to time provide.

Section 15. Damage or Excavation. Should any pavement, or any drain, sewer, catch basin, water pipe, or other like improvement be injured by such location, PCCATV shall forthwith repair at its expense the damage caused by such injury to the satisfaction of the city manager or under such supervision as the city may from time to time provide. When in course of its operations it becomes necessary to excavate any street, alley or public place, the operation and restoration thereof shall be in accordance with the regulations of the city governing the openings thereof and the manner of protection and restoration as now adopted or may hereafter be adopted by the city.

Section 16. Maps. PCCATV shall furnish the city a complete set of maps drawn to a scale of 200 feet to an inch showing all installations made by PCCATV hereunder and all changes in such installations and all additions, relocations and modifications thereto and shall keep said maps current at all times.

Section 17. Grading. When any street, avenue, alley, bridge, or public place, upon which or in which any poles, conductors, conduits and apparatus of PCCATV have been placed, shall be graded, curbed, paved or otherwise changed so as to make the resetting or reconstruction of such poles, conductors, conduits and apparatus of PCCATV necessary, PCCATV, its successors or assigns at its expense shall make such necessary change in construction. Should it become necessary or should PCCATV desire to use conduits or other similar fixtures, it shall make application to the city for the establishment of permanent grades and such conduits or other similar fixtures shall not be installed until such permanent grades have been established. The city agrees to establish such permanent grades upon such application at its expense. When the city desires to widen, pave, repair or otherwise improve or change any street, alley, bridge, or public place so as to make the resetting or reconstruction of such poles, conductors, conduits and apparatus of PCCATV necessary, PCCATV, its successors or assigns, shall make such necessary changes in construction at the expense of PCCATV. The city shall give reasonable notice to PCCATV in writing of its intention to improve or change the street, taking into consideration the type and magnitude of the construction requested to be done by PCCATV. PCCATV shall proceed to make such changes as requested so that the work of PCCATV will be completed in advance of the commencement of the improvement by the city.

Section 18. Engineering Standards. PCCATV's plant and equipment, including the antenna site, head-end and distribution system towers, structures, poles, wires, and appurtences shall be installed in accordance with good engineering practices, and shall be located, erected, constructed, reconstructed, replaced, removed, repaired, maintained, and operated so as not to endanger or interfere with the lives of persons or to interfere with improvements the city may deem proper to make, or to unnecessarily hinder or

obstruct pedestrian or vehicular traffic on public ways, places and structures. Erection, installation, construction, replacement, removal, repair, maintenance and operation of the system shall be in accordance with the provisions of the national electrical safety code prepared by the National Bureau of Standards, the national electrical code of the National Board of Fire Underwriters and such applicable laws of the state of Utah and applicable ordinances of this city which may not be in effect or enacted in the future. All installations shall be of a permanent nature, durable, and maintained in a safe, suitable and substantial condition, in good order and repair. Any opening or obstruction in the streets or other public ways made by PCCATV in the course of the construction, operation or removal of installations shall be guarded and protected at all times by the placement of adequate barriers, fences or boardings, the bounds of which during periods of dusk and darkness shall be clearly designated by warning lights. Whenever it is necessary to shut off or interrupt services for the purpose of making repairs, adjustments or installations, PCCATV shall do so at such time as will cause the least amount of inconvenience to its customers, and unless such interruption is unforeseen and immediately necessary, it shall give reasonable notice thereof to its customers.

Section 19. Liability of PCCATV--Hold Harmless. PCCATV shall, at its own expense, defend all suits that may be brought against the city on account of or in connection with the violation by PCCATV of any of the obligations imposed upon or assumed by PCCATV hereunder, or by reason of or in connection with any damage to life, limb or property caused by any structures constructed by PCCATV under and by virtue of this agreement or by reason of the doing, or failure to do, any act by PCCATV in or about the construction, operation or maintenance of said system and shall save and keep harmless the city from any and all damages, judgments, costs and expenses of every kind that may arise or result by reason of the negligence of PCCATV, or by reason of, or growing out of, or connected with the construction, operation and maintenance of the system, including violation of copyright, provided that notice in writing shall be given to PCCATV within 14 days after notice thereof is received by the city of any claim or suit against the city, which, by the terms hereof, PCCATV has hereby agreed to save and keep harmless the city and it is agreed that PCCATV shall be obligated to defend, and provided further that the city shall furnish to PCCATV, all information in its possession relating to the claim or suit, and cooperate with PCCATV in the defense of the claim or suit. The governing body of the city may, if it so desires, assist in the defending of any such claim or suit, but expenses thus incurred shall be at the expense of the city.

Section 20. Rules to be kept in Office. PCCATV shall file with the city and shall keep in its local office, to be available for inspection by the public, a copy of the rules, regulations,

terms and conditions adopted by PCCATV and in effect with its subscribers and applicants for service. PCCATV shall also keep available at its local office, to be available for inspection by the city and shall file with the city a semiannual summary report showing its gross monthly receipts, from, or allocable to, its operations within the city during the preceding semi-annual periods as above described.

Section 21. Damages. In the event PCCATV fails to perform in accordance with any of the provisions of this agreement and a forfeiture is declared, then it is understood and agreed that the city shall be entitled to liquidated damages in the following amounts.

- (A) If PCCATV should fail to extend full access to at least 1000 housing units before October 15, 1980, damages in the amount of \$20,000 shall be paid to the city.
- (B) If PCCATV should fail to extend full access to at least 2500 housing units by December 31, 1980, damages in the amount of \$35,000 shall be paid to the city.
- (C) If PCCATV fails to extend full service and access to all areas of the city where the population density is 75 housing units per running mile by December 31, 1981, damages in the amount of \$75,000 shall be paid to the city.

Section 22. Removal of Equipment. On the termination of the right, privilege, permission and authority granted by this ordinance, or the cessation of operations by PCCATV, all poles, wires, cables, towers, facilities, equipment and appurtenances of PCCATV shall be removed by PCCATV from all public property, ways and easements within the city within six months from the date of such termination or cessation. Should PCCATV fail to so remove such items and things as herein provided, such removal may be done by the city, by contract or otherwise, at the expense of PCCATV, and the escrow account provided for shall forfeit automatically and the full amount thereof be forthwith paid over to the city.

Section 23. Revocation. If PCCATV shall fail to comply with the provisions of this ordinance or default in any of its obligations hereunder, except for causes beyond its reasonable control, as determined by the city council, and shall within 30 days after written notice from the city stating the failure or default fail to complete and correct such default or failure within a reasonable time, as determined by the city council, to complete or correct the failure or default, the city shall have the right to revoke this franchise and all rights granted pursuant to this ordinance. In the event PCCATV or its successors or assigns shall be adjudged bankrupt or placed in receivership,

the city may declare this franchise revoked and terminated. Notwithstanding the provisions of any other section of this ordinance, PCCATV's franchise shall be immediately and automatically revoked if PCCATV fails to provide full service and full access in the amounts and by the dates provided in Section 10 hereof, and liquidated damages shall be paid to the city as provided for in Section 21 hereof.

Section 24. Term. This franchise ordinance and the rights, privileges and authority granted hereby shall be in force and effect from and after the date of publication and shall continue in force and effect for a term of 15 years after the effective date hereof, provided that during the period of 15 years, PCCATV shall faithfully perform all the provisions hereof obligatory on it. Should PCCATV during the period of 15 years fail to faithfully perform all provisions hereof obligatory on it and not correct such failure as provided in Section 23 hereof, then the right, privilege, permission and authority shall terminate and cease. This franchise may be renewed, upon certification that neither party to this agreement is in default hereunder, for successive 15 year periods.

Section 25. Effective Date. This ordinance shall become effective on acceptance by PCCATV and on publication.

DATED this 22nd day of August, 1980.

PARK CITY

By John C. Jones  
Mayor

ATTEST:

Michelle Jones  
City Recorder

APPROVED AS TO FORM

DATE 8/29/80  
Michael A. Jones  
(CITY ATTORNEY)

Accepted by Park City C.A.T.V. Associates, A Utah Limited Partnership, by \_\_\_\_\_ its general partner this \_\_\_\_\_ day of \_\_\_\_\_, 1980.



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Section 24. Term. This franchise ordinance and the rights, privileges and authority granted hereby shall be in force and effect from and after the date of publication and shall continue in force and effect for a term of 15 years after the effective date hereof, provided that during the period of 15 years, PCCATV shall faithfully perform all the provisions hereof obligatory on it. Should PCCATV during the period of 15 years fail to faithfully perform all provisions hereof obligatory on it and not correct such failure as provided in Section 23 hereof, then the right, privilege, permission and authority shall terminate and cease. This franchise may be renewed, upon certification that neither party to this agreement is in default hereunder, for successive 15 year periods.

Section 25. Effective Date. This ordinance shall become effective on acceptance by PCCATV and on publication.

DATED this 12th day of August, 1980.

PARK CITY

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

ATTEST:

Michelle Jokee  
City Recorder

5/24/80  
Michael J. [Signature]

Accepted by Park City C.A.T.V. Associates, A Utah Limited Partnership, by MISCOD INC its general partner this 3 day of NOVEMBER, 1980.

Messia [Signature]  
William [Signature] Pres.