

O R D I N A N C E

AN ORDINANCE REPEALING the Revised Ordinances of Park City, 1943 edition, and all subsequent amendments, by substituting therefor and adopting the Revised Ordinances of Park City, 1976, edition, as printed and published in book form by authority of the City Council of Park City, Utah in 1976.

The City Council of Park City, Summit County, State of Utah, ordains as follows:

Section 1. That the Revised Ordinances of Park City, Utah, 1943 edition, and all amendments thereto subsequently enacted, be and the same are hereby repealed.

Section 2. That an ordinance printed and published in book form in July, 1976, three copies of which are on file in the Office of the City Recorder of Park City, Utah, to be known as the Revised Ordinances of Park City, Utah, 1976 edition, including each and every section therein, be and the same is hereby passed and adopted.

Section 3. That all prior ordinances and amendments in conflict herewith be and the same are hereby repealed.

Section 4. In the opinion of the City Council of Park City, Utah, it is necessary for the immediate preservation of the peace, health, safety and welfare of Park City, Utah, and the inhabitants thereof that this ordinance shall take effect immediately upon publication in one issue of a newspaper published in and having general circulation in Park City, Summit County, State of Utah.

IN WITNESS WHEREOF, the City Council of Park City, Utah,

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have approved, passed and adopted this ordinance this 12th day
of December, 1976.

CITY COUNCIL OF PARK CITY, UTAH

BY: Leon Uriarte
MAYOR

[Signature]
COUNCILMAN

John C. Green
COUNCILMAN

Janet T. Wilkey Jr
COUNCILMAN

Richard O. Martiny
COUNCILMAN

Eleanor Gail Bennett
COUNCILWOMAN

ATTEST:

Bruce C. Decker
CITY RECORDER

CODE OF ORDINANCES
Chapter 1
GENERAL PROVISIONS

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

Sec. 1-1-2. DEFINITIONS AND RULES OF CONSTRUCTION GENERALLY. In the construction of this code and of all ordinances and resolutions passed by the city council, the following definitions and rules shall be observed unless such construction would be inconsistent with the manifest intent of the city council:

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

Code. The words "this Code" shall mean the "Municipal Code of the City of Park City, Utah" as designated in Section 1-1-1.

Computation of time. In computing any period of time prescribed or allowed by this Code, the day of the act, event, or default from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included, unless it is a Saturday, a Sunday, or a legal holiday, in which event the period runs until the end of the next day

which is not a Saturday, a Sunday, or a legal holiday. When the period of time prescribed or allowed is less than seven (7) days, intermediate Saturdays, Sundays, and legal holidays shall be excluded in the computation. A half holiday shall be considered as other days and not as a holiday. As used in this section, "legal holiday" includes New Year's Day, Lincoln's birthday, Washington's birthday, Memorial Day, Independence Day, July 24th, Labor Day, Columbus Day, General Election Day, Veterans Day, Thanksgiving Day, Christmas Day, and any other day appointed as a holiday by the President or the Congress of the United States, or pursuant to Utah statute.

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

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

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

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

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

Highway. The term "highway" shall include any street, alley, highway, avenue or public place or square, bridge, viaduct, tunnel,

underpass, overpass and causeway in the city, dedicated or devoted to public use.

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

Land, real estate and real property. The terms "land," "real estate" and "real property" include lands, tenements, hereditaments, water rights, possessory rights and claims.

Month. The word "month" shall mean a calendar month.

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

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

Official time. Whenever the term "official" or "time" is used it shall mean standard time or daylight saving time as may be in current use within the city.

Officers, boards, etc. Whenever reference is made to any

officer, board or commission, the same shall be construed as if followed by the words "of the City of Park City." Reference to such officer, board or commission shall be deemed to include his or their authorized deputies, agents, or representatives.

Or, and. "Or" may be read "and," and "and" may be read "or," if the sense requires it.

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

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

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

Preceding, prior, following, subsequent. The word "preceding" or "prior" mean next before, and the word "following" or "subsequent" mean next after.

Prohibitions. Words prohibiting anything being done, except in accordance with a license or permit or authority from an officer of the city authorized by ordinance shall be construed as

expressly giving such officer power to license or permit or authorize such thing to be done.

Property. The word "property" includes both real and personal property.

Public way or public thoroughfare. The words "public way or public thoroughfare" shall include streets, alleys, lanes, courts, boulevards, public square, mall, public places and sidewalks.

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

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

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

Signature or subscription. The word "signature" or "subscription" shall include a mark when a person cannot write.

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

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

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

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

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

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

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

- (1) Any ordinance promising or guaranteeing the payment of money for the city, or authorizing the issuance of any bonds of the city, or any evidence of the city's indebtedness; and
- (2) Any appropriation ordinance or ordinance providing for the levy of taxes or for an annual budget, or prescribing salaries for city officers and employees; and
- (3) Any ordinance annexing territory to the city or discontinuing territory as a part of the city; and
- (4) Any ordinance granting any franchise;

and all such ordinances are hereby recognized as continuing in full

force and effect to the same extent as if set out at length herein.

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

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

Sec. 1-1-6. AMENDMENTS OR ADDITIONS TO CODES.

(1) All ordinances passed subsequent to this Code which amend, repeal or in any way affect this Code may be numbered in accordance with the numbering system of this Code and printed for inclusion herein. When subsequent ordinances repeal any chapter, section or subsection or any portion thereof, such repealed portion may be excluded from the Code by omission from reprinted pages. The subsequent ordinances as numbered and printed, or omitted in the case of repeal, shall be prima facie evidence of such subsequent ordinances until such time as this Code and subsequent ordinances numbered or omitted are readopted as new Code by the city council.

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

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

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

Sec. 1-1-8. GENERAL PENALTY FOR VIOLATIONS OF CODE — CONTINUING VIOLATIONS — DEFAULT.

(1) Whenever in this Code or in any ordinance of the city an act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or wherever in such Code or ordinance the doing of any act is required or the failure to do any act is declared to be unlawful, and no specific penalty is provided therefor, the violation of any such provision of this Code or any such ordinance shall be punished by a fine of not exceeding two hundred ninety-nine dollars (\$299.00) or imprisonment for a period of not more than six (6) months or both such fine and imprisonment at the discretion of the court. Each day any violation of this Code or of any ordinance shall continue shall constitute a separate offense, unless otherwise provided.

(2) Any person in default of payment of any fine imposed shall be imprisoned in the county jail for a period of one (1) day for each ten dollars (\$10.00) of such fine.

Sec. 1-1-9. COMMITMENT FOR FAILURE TO PAY FINE. Every person against whom any fine or penalty shall be assessed under the laws of the city who shall refuse or neglect to pay the same when demanded upon execution may be committed in default thereof to the city or county jail, or such other suitable place or enclosure as shall be provided by the city, under the direction of the proper officer, until such fine or penalty is fully paid and satisfied, the satisfaction to

be allowed at the rate of ten dollars (\$10.00) per day of twenty-four (24) hours. Any such person may be required to do any reasonable work. Provided, however, that in the discretion of the city justice a stay of execution may be granted by the city justice to enable the defendant to pay the fine or penalty at a later date or in installments. In case the defendant shall not have met the terms of the stay of execution, then the execution shall issue and the defendant shall be placed in jail until the judgment is satisfied.

Sec. 1-1-10. WORKING OF PRISONERS. Any person imprisoned under the provisions of this chapter may be put to work for the benefit of the city for the term of his imprisonment. No prisoner shall be required to work on Sunday.

Sec. 1-1-11. DOUBLE FEE FOR FAILURE TO OBTAIN REQUIRED LICENSES. When work or activity for which a permit or license is required by this Code or any code adopted herein is commenced without first having acquired such permit or license, the specified fee shall be doubled, but the payment of such double fee shall not relieve any person from fully complying with all the requirements of this Code or any code adopted herein, nor from any other prescribed penalties. Payment of such double fee or any unpaid portion thereof may be compelled by civil action in any court of competent jurisdiction. The acceptance of any portion less than the entire amount of such double fee by any officer or employee of the city shall not constitute a waiver or release of the balance thereof.

Sec. 1-1-12. PENALTIES NOT TO EXCUSE ABATEMENT OF PROHIBITED CONDITIONS. The application of any penalty under this chapter shall not constitute the condoning or legalizing of any prohibited condition or prevent the abatement or enforced removal of such condition by any lawful means available to the city.

Sec. 1-1-13. PRESUMPTION OF RESPONSIBILITY FOR CERTAIN VIOLATIONS. The occupant and owner of any premises upon which a violation of any provision of this Code or of any code adopted hereby is apparent and the owner of any object or material placed or remaining anywhere in violation of any provision of this Code or of any code adopted hereby shall be deemed prima facie responsibility for the violation so evidenced and subject to the penalty provided therefor.

Sec. 1-1-14. APPLICATION OF CODE BY CITY OFFICERS OR EMPLOYEES. Whenever in this Code or in any code adopted herein it is provided that anything must be done to the approval or permission of or subject to the direction of any administrative officer or employee of the city, this shall be construed to give such officer or employee only the discretion of determining whether the rules and standards established by this Code or by any code adopted herein have been complied with; and no such provision shall be construed as giving any administrative officer or employee discretionary powers as to what such regulations or standards shall be, or power to require conditions not prescribed by this Code or by any code adopted herein, or to enforce the provisions therein in an arbitrary or discriminatory manner.

Chapter 2
ADMINISTRATION

ARTICLE I
IN GENERAL

Sec. 2-1-1. NAME AND BOUNDARIES. The municipal corporation heretofore existing as a city in the County of Summit, State of Utah, and known as the City of Park City, shall remain and continue as a body politic and corporate with perpetual succession; shall own, possess and hold all property, real and personal heretofore owned, possessed and held by said city of Park City; shall assume, manage and dispose of all trusts in any way connected therewith; shall succeed to all the rights and liabilities and acquire all benefits, and shall assume and pay all bonds, obligations and indebtedness of said city of Park City; by the name of "Park City, a municipal corporation" may sue and defend, plead and be impleaded, in all courts and places, and in all matters and proceedings; may have and use a common seal and alter the same at pleasure.

Sec. 2-1-2. CITY MAP GENERALLY.

(1) The map entitled official map of the city of Park City, Summit County, State of Utah, as prepared by the engineer for the city and approved by the mayor and city council, as amended and on file in the office of the city recorder shall be and is hereby accepted as the official map of the city.

(2) All streets and alleys as the same appear upon such map or recorded in the office of the Summit County Recorder, Coalville, Utah, shall be and are hereby dedicated to the public except such streets and alleys as have been vacated by ordinance or resolution of the city council.

(3) Such map, the field plats and identifying information, shall be available for use of the general public.

Sec. 2-1-3. FISCAL YEAR. The commencement of the fiscal year of this city shall be the 1st day of July. The fiscal year is hereby fixed as the 1st day of July through and including the 31st day of June of the following year.

ARTICLE 2 MUNICIPAL GOVERNMENT

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

Sec. 2-2-2. TERMS OF OFFICE. The terms of office for councilmen and mayor shall be four (4) years as hereinafter provided; in the general election to be held in 1977, the two candidates for councilmen

receiving the highest number of votes shall be elected for four (4) years and thereafter every fourth year two councilmen shall be elected; in the general election to be held in 1979, the candidates for mayor and the three (3) candidates for councilmen receiving the highest number of votes shall be elected for four (4) years and thereafter every fourth year a mayor and three (3) councilmen shall be elected.

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

Sec. 2-2-4. THE COUNCIL. The council and the mayor shall be the legislative and governing body of the city and shall exercise all powers conferred upon or possessed by the city and shall adopt such laws, ordinances and resolutions as it shall deem proper.

Sec. 2-2-5. QUALIFICATIONS. Each councilman and the mayor when nominated and elected shall be an elector of the city, a citizen of

the United States for at least three (3) years, and shall have resided in the city for two (2) continuous years immediately preceding such election. No councilman nor the mayor shall be a salaried employee of the city during his term of office or perform personal services for the city for which he is compensated other than as provided in Section 2-2-6. The council shall be the judge of election and qualifications of its own members.

Sec. 2-2-6. COMPENSATION. The members of the council and the mayor shall receive such compensation, and the mayor such additional compensation, as the council shall prescribe by ordinance; provided, however, that the compensation of any member during his term of office shall not be increased or decreased. The mayor and councilmen may, upon order of the council, be paid their actual and necessary expenses incurred in the performance of their duties of office.

Sec.2-2-7. MAYOR PRO-TEM. The mayor pro-tem shall be elected by the council from its own membership. Said election shall take place at the organizational meeting following each general municipal election. The mayor pro-tem shall serve until the next organizational meeting unless sooner removed by a majority vote of the entire council. In the absence or disability of the mayor, the mayor pro-tem shall perform all duties and have all powers of the mayor. In the event of a vacancy in the office of mayor pro-tem, the council shall choose his successor.

Sec. 2-2-8. VACANCIES. An elected official shall continue to hold his office until his successor is duly qualified. An elective

office shall become vacant whenever any officer is recalled, dies, becomes incapacitated, resigns, or ceases to be a resident of the city or is convicted of a felony. Within thirty (30) days after a vacancy occurs, the remaining councilmen shall choose by majority vote a duly qualified person to fill such vacancy. He shall serve the unexpired term so vacant and until his successor is duly qualified. If three or more vacancies exist simultaneously the remaining councilmen shall, at the next regular meeting of the council, call a special election to fill such vacancies, provided there will not be a general municipal election within ninety (90) days and provided that their successors have not previously been elected. If a vacancy occurs in the office of mayor, a successor shall be chosen by the council from among the qualified electors of Park City, Utah.

Sec. 2-2-9. OATH OF OFFICE. Before entering upon the duties of his office, every councilman, the mayor and other city officers shall take, subscribe before, and file with the city clerk, an oath or affirmation that he will support the Constitution of the United States, the Constitution of the State of Utah and the ordinances of the city and will faithfully perform the duties of the office.

ARTICLE 3 COUNCIL PROCEDURE

Sec. 2-3-1. REGULAR MEETINGS. The council shall meet regularly at least twice each month at a day and hour to be fixed by the rules of council. The council shall determine the rules of procedure governing meetings. The first regular meeting in the month of

January following each general municipal election shall be known as the organizational meeting of the council.

Sec. 2-3-2. SPECIAL MEETINGS. Special meetings shall be called by the city recorder on the written request of the mayor or of any two members of the council, on at least twenty-hour (24) hours written notice to each member of the council, served personally or left at his usual place of residence; a special meeting, however, may be held on shorter notice if all members of the council are present or have waived notice thereof in writing.

Sec. 2-3-3. BUSINESS AT SPECIAL MEETINGS. No business shall be transacted at any special meeting of the council unless it has been stated in the notice of such meeting. Any business which may lawfully come before a regular meeting may be transacted at a special meeting if all the members of the council present consent and all the members absent file their written consent.

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

Sec. 2-3-5. MEETINGS TO BE PUBLIC. All regular and special meetings of the council shall be open to the public and citizens shall

have a reasonable opportunity to be heard under such rules and regulations as the council may prescribe.

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

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

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

Sec. 2-3-9. FORM OF ORDINANCE. Every ordinance shall be introduced in written or printed form. The enacting clause of all ordinances shall be BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PARK CITY, UTAH. Except as otherwise provided in this article, all ordinances shall take effect thirty (30) days after publication following final passage. Every ordinance introduced shall contain a severability clause.

Sec. 2-3-10. PROCEDURE. Except for emergency ordinances, ordinances making general modification of existing ordinances, and ordinances adopting standard codes, the following procedure for enactment of ordinances shall be followed:

(1) The ordinance shall be introduced at any regular meeting of the council by any member thereof.

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

(3) After the first reading of the ordinance, the same shall be approved or rejected by a vote of the council.

(4) If the ordinance is approved on first reading, it shall be published in full unless otherwise provided herein. The council shall set a day, hour, and place at which council shall hold a public hearing on the ordinance and notice of said day, hour and place shall be included in the first publication.

(5) The ordinance shall be introduced at council a second time, at a meeting not earlier than seven (7) days after first publication, for final approval, rejection, or other action as may be taken by vote of the council. This meeting may be the same meeting at which the public hearing on the ordinance is held. The ordinance may be amended before final approval by vote of the council.

(6) Except as otherwise provided herein, an ordinance, if amended, shall be published in full after final passage, but if not amended, it shall be published either by title or in full as the council may determine.

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

Sec. 2-3-11. EMERGENCY ORDINANCES. Emergency ordinances for the preservation of public property, health, peace, or safety shall be approved only by the unanimous vote of councilmen present or a vote of four (4) councilmen, whichever is less. The facts showing such urgency and need shall be specifically stated in the measure itself. No ordinance making a grant of any special privilege, levying taxes, or fixing rates charged by any city-owned utility shall ever be passed as an emergency measure. Neither a public hearing nor a first publication as provided in Section 2-3-10 shall be required. An emergency ordinance shall take effect upon final passage. Publication shall be within ten (10) days after final passage, or as soon thereafter as possible.

Sec. 2-3-12. CODIFICATION. The council shall cause the ordinances to be codified and thereafter maintained in current form. Revision to the codes may be accomplished as provided in Sections 2-3-10, 2-3-11 and 2-3-13.

Sec. 2-3-13. CODES. Standard codes, promulgated by the Federal Government, the State of Utah, or by any agency of either of them, or by any municipality within the State of Utah, or by recognized trade or professional organizations, or amendments or revisions thereof, may be adopted by reference, provided the publication of the ordinance adopting any said code shall advise that copies are available for inspection at the office of the city clerk, and provided that any penalty clause in any code may be adopted only if set forth in full and published in the adopting ordinances.

Sec. 2-3-14. DISPOSITION OF ORDINANCES. A true copy of every ordinance, as adopted by council shall be numbered and recorded in the official records of the city. Its adoption and publication shall be authenticated by the signature of the mayor, or mayor pro-tem, and the city recorder , and by the certificate of publication. A true copy of every ordinance, as adopted by the vote of the electors of the city, shall be separately numbered and recorded commencing with people's Ordinance No. 1.

Sec. 2-3-15. PUBLIC RECORDS. All public records of the City of Park City shall be open for inspection by any person at reasonable times in accordance with state statutes existing at the present time or hereafter enacted.

ARTICLE 4 CITY ADMINISTRATION

Sec. 2-4-1. CITY MANAGER. The city manager shall be the chief administrative officer of the city. The mayor with advice and consent of the council shall appoint a city manager within a reasonable time whenever a vacancy exists in such position. Such appointment shall be without definite term and shall be at a salary to be fixed by council. The city manager shall be appointed without regard to any consideration other than his fitness, competency, training and experience as a city manager. At the time of his appointment, he need not be a resident of the city or state, but during tenure of office he shall reside within the city except at the discretion of the council. No member of the council nor the mayor shall be appointed

manager during the term for which he shall have been elected, nor within one (1) year after the expiration of his term.

Sec. 2-4-2. ACTING MANAGER. The mayor with the advice and consent of the council may appoint an acting city manager during the period of vacancy in the office or during the absence or disability of the city manager. Such acting manager shall, while he is in such office, have all the responsibilities, duties, functions and authority of the city manager.

Sec. 2-4-3. POWERS AND DUTIES. The city manager shall be responsible and under the control and supervision of the mayor and the council for the proper administration of all affairs of the city placed in his charge, and to that end he shall have the power and duty and be required to:

- (1) Be responsible for the enforcement of the laws and ordinances of the city;
- (2) Appoint, hire, suspend, transfer and remove all non-elective city employees excepting the city justice and the city attorney;
- (3) Make appointments on the basis of executive and administrative ability and of the training and experience of such appointees in the work which they are to perform;
- (4) Serve as budget officer upon appointment by the mayor with the advice and consent of the council;
- (5) Cause a proposed budget to be prepared annually and

submitted to the mayor and council and be responsible for the administration of the budget after its adoption (said budget to be construed as a financial estimate only);

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

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

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

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

(10) Attend council meetings and participate in discussions with the mayor and council in an advisory capacity;

(11) Establish a system of accounting and auditing for the

city which shall reflect, in accordance with generally accepted accounting principles, the financial condition and financial operation of the city.

(12) Provide for engineering, architectural, maintenance and construction services required by the city; and

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

Sec. 2-4-4. REMOVAL OF MANAGER. The mayor with the advice and consent of the council may remove the city manager from office. Upon such termination the mayor and council may in their discretion provide termination pay.

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

Sec. 2-4-6. CITY RECORDER. The manager with the approval of the mayor and council shall appoint a city recorder, who shall be custodian of the city seal and who shall keep a journal of council proceedings and record in full all ordinances, motions and resolutions. He shall have power to administer oaths and take acknowledgments under seal of the city and shall perform such other duties as required by this Code, the mayor and the council, or the city manager.

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

Sec. 2-4-8. DUTIES AND POWERS OF CITY TREASURER. The city treasurer shall keep and supervise all accounts; receive and have custody of all monies of the city; collect special city taxes, electric and water fees and charges; issue licenses and collect fees therefor; make and keep public records of the city not specifically entrusted to any other department by this Code or by ordinance; and perform such other duties pertaining to the department of finance as required by this Code, the mayor and council or the city manager.

Sec. 2-4-9. DEPARTMENTS CREATED. The administrative functions of the city shall be performed by the departments existing at the time this Code is adopted and such other departments as may be hereafter established by ordinance. The mayor and the council may, by

ordinance, consolidate or emerge any of the said departments, whether set forth in this Code or created by ordinance.

Sec. 2-4-10. BONDING OF CITY OFFICIALS. The following named city officials shall each, before entering upon the duties of their respective offices, give a good and sufficient surety company bond to the city, duly approved by the city attorney, and conditioned upon the faithful performance and discharge of their respective duties, and for proper application and payment of all money or property coming into their hands by virtue of their offices in the following amounts:

City Manager	\$ _____
City Attorney	\$ _____
City Treasurer	\$ _____
City Recorder	\$ _____
City Engineer	\$ _____

All other city officials and employees dealing with municipal funds shall post bond in an amount and under such conditions as required by the mayor and council.

ARTICLE 5
LEGAL AND JUDICIARY

Sec. 2-5-1. CITY ATTORNEY. The mayor with advice and consent of the council shall appoint a city attorney to serve at the pleasure of the mayor and council. He shall be an attorney at law admitted to

practice in Utah. The city attorney shall be the legal representative of the city and he shall advise the mayor and council and city officials in matters relating to their official powers and duties and perform such other duties as the mayor and council may prescribe by ordinance, resolution, or otherwise. The mayor with advice and consent of the council may provide the city attorney such assistance as the mayor and council may deem necessary, and may on its own motion or upon request of the city attorney in special cases employ special counsel to serve under the direction of the city attorney. The mayor with the advice and consent of the council shall establish compensation for the city attorney, his assistants and special counsel.

Sec. 2-5-2. CITY JUSTICE. There shall be a municipal court vested with exclusive original jurisdiction of all causes arising under the ordinances of the city and as may be conferred by law. The municipal court shall be presided over and its functions exercised by a city justice appointed by the mayor with advice and consent of the council for a specified term of not less than two (2) years. The mayor with advice and consent of the council may reappoint the city justice for subsequent term or terms, except that the initial appointment may be for a term of office which expires on the date of the organizational meeting of the council after the next general election. Any vacancy in the office of city justice shall be filled by appointment by the mayor with the advice and consent of the council for the remainder of

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the unexpired term. (The city justice shall be an attorney at law admitted to practice in the State of Utah) and residing within the city limits.)

The city justice shall receive a fixed salary or compensation set by the council, which salary or compensation shall not be dependent upon the outcome of matters to be decided by the city justice.

The city justice may be removed during his term of office only for cause. A city justice may be removed for cause if:

- (1) He is found guilty of a felony or any other crime involving moral turpitude;
- (2) He has a disability which interferes with the performance of his duties and which is, or is likely to become, of a permanent character;
- (3) He has willfully or persistently failed to perform his duties; or
- (4) He is habitually intemperate.

ARTICLE 6
BOARDS AND COMMISSIONS

Sec. 2-6-1. EXISTING BOARDS AND COMMISSIONS. All existing boards and commissions, including the city planning commission and board of zoning adjustment shall continue as established by ordinance, except as otherwise provided by this Code.

Sec. 2-6-2. COMPOSITION OF BOARDS AND COMMISSIONS. No member of

shall specify the term of office of each individual in order to achieve overlapping tenure. All members, however, shall be subject to removal by the mayor with the advice and consent of the council. The mayor with the advice and consent of the council shall also make appointments to fill vacancies for the unexpired terms. Each board and commission shall elect its own chairman and vice-chairman from among its members. Each board and commission shall operate in accordance with its own rules of procedure except as otherwise directed by the council. All meetings of any board or commission shall be open to the public. Any board or commission created under this article which is not required by statute or this Code may be abolished by the council.

ARTICLE 7
BOARD OF ADJUSTMENT

Sec. 2-7-1. ESTABLISHED. There is hereby established a board of adjustment for the city.

Sec. 2-7-2. COMPOSITION; TERM. The board of adjustment shall consist of five (5) members, who shall hold office for not more than five (4) years. There shall be no restraint upon the number of terms any member may serve.

Sec. 2-7-3. MEMBERS TO BE CITY RESIDENTS. Members of the board of adjustment shall be residents of the city for two (2) years prior to appointment.

Sec. 2-7-4. POWERS AND DUTIES. The board of adjustment shall have the following powers and duties, all of which shall be exercised

subject to the laws of the state and appropriate conditions and safeguards, in harmony with the purpose and intent of this chapter, and in accordance with the public interest and the most appropriate development of the area:

(1) To hear and decide appeals from and review any order, requirement, decision, or determination made by any administrative official charged with the enforcement of the regulations established by the zoning laws;

(2) To hear and decide all matters referred to it or upon which it is required to pass under the provisions of the zoning laws.

(3) Where there are practical difficulties or unnecessary hardships in carrying out the strict letter of the zoning laws, in passing upon appeals the board may vary or modify the application of these regulations and provisions relating to the use, construction or alteration of buildings or structures or the use of land, subject to the requirements of state statutes governing the granting of variances, so that the spirit of the ordinance will be observed, public safety and welfare secured, and substantial justice done.

Sec. 2-7-5. RULES OF PROCEDURE GENERALLY.

(1) The concurring vote of four (4) members of the board of adjustment shall be necessary to reverse any order, requirement, decision or determination of any administrative official, or to decide

in favor of the applicant any matter upon which the board is required to pass, or to effect any variation in the provisions of the zoning laws of the city.

(2) Appeals from any decision or determination made by the board of adjustment or by the building inspector of the city must be taken within sixty (60) days after the date of such decision.

(3) The board of adjustment shall hold a public hearing on all applications and appeals, with the following special conditions required:

(A) For application for variances and appeals relating to the requirements of the zoning laws of the city, a written notice of such hearing shall be sent by first class mail at least five (5) days, or delivered personally at least three (3) days, prior to the hearing date, to owners of property within three hundred (300) feet of the property in question.

(B) For applications for variances not relating to the use requirements of the zoning laws of the city, a written notice of such hearing shall be sent by first class mail at least five (5) days, or delivered personally at least three (3) days prior to the hearing date to owners of property adjacent to the property in question.

(C) For applications for variance relating to the use requirements of the zoning laws of the city, a fee of twenty dollars (\$20.00) shall be charged to cover the cost of advertising and processing. For all other applications a fee of ten dollars (\$10.00) shall be charged to cover such costs.

(D) Unless otherwise stated in the board of adjustment minutes, all variance permits shall be valid for a period of time not to exceed one year from the time such variance is granted.

(E) Whenever the board of adjustment shall act on matters relating to signs, as set forth in the supplementary regulations in Chapter 3, the board of adjustment may first refer such applications for a variance to the planning commission for their review and recommendations.

(F) The board of adjustment shall make a finding that the conditions in this section are satisfied by the reasons set forth in the application and that the variance is the minimum variance that will make possible the reasonable use of the land, building and structure.

(G) The board of adjustment, in granting a variance, may prescribe appropriate conditions and safeguards in conformity with the zoning laws of the city, violation of which shall be deemed a violation of this section.

(4) The following shall be considered valid reasons for granting a variance:

(A) That the special conditions and circumstances do not result from the actions of the applicant; and

(B) That special or extraordinary circumstances apply to the subject property that do not apply similarly to other properties in the same vicinity and zone; and

(C) That the granting of a variance is essential to the enjoyment of a substantial property right enjoyed by other

properties in the same vicinity and zone, but denied the subject property because of the special conditions or extraordinary circumstances; and

(D) That the granting of the variance will not adversely affect the general purpose of the comprehensive general plan.

ARTICLE 8
CITY PLANNING COMMISSION

Sec. 2-8-1. ESTABLISHED. There is hereby established a city planning commission.

Sec. 2-8-2. QUALIFICATIONS. All of the members of the city planning commission shall have been residents of the city for at least two (2) years and shall be qualified electors, and no member of the city council, the mayor, and city employee, nor any appointed city official shall serve on the city planning commission.

Sec. 2-8-3. VACANCIES. Vacancies on the city planning commission shall be filled for the remainder of the unexpired term by appointment of the city council. Public notice of such vacancy shall be made.

Sec. 2-8-4. COMPOSITION; APPOINTMENT; TERM. The city planning commission shall consist of ^{FIVE (5)} ~~seven (7)~~ members who shall be appointed by the city council to serve overlapping terms of four (4) years each, except one member shall serve for a term of two (2) years. Of the seven (7) members initially appointed by the city council, four (4) members shall serve until the first regular meeting in July of

1976 and three (3) members shall serve until the first regular meeting in July of 1978. Thereafter each member shall be appointed to serve for a term of four (4) years, except one member shall be appointed to serve for a term of two (2) years. All members shall serve at the pleasure of the city council and may be removed by a majority vote of the whole city council. There shall be no restraint upon the number of terms any member of the commission may serve.

Sec. 2-8-5. POWERS AND DUTIES. The city planning commission shall have such duties and powers relating to planning and zoning as shall be conferred upon it by the statutes of the state and by this Code.

ARTICLE 9
DEPARTMENT OF ENGINEERING

Sec. 2-9-1. ESTABLISHED. There is hereby created and established a department of engineering of the city for the purpose of providing the necessary engineering services required by the city.

Sec. 2-9-2. COMPOSITION. The engineering department of the city shall be under the direction and immediate control of the city engineer who may appoint an assistant city engineer and all necessary employees as may be authorized. The city engineer shall be responsible for the acts of all employees so appointed.

Sec. 2-9-3. APPOINTMENT AND REMOVAL. The city engineer shall be appointed by the mayor with advice and consent of the council and be responsible to the mayor, city council and city manager and his appointment shall continue during satisfactory service at the pleasure

of the mayor and city council.

Sec. 2-9-4. QUALIFICATIONS. The city engineer shall be appointed on the basis of his administrative and technical qualifications with special reference to his actual experience in and his knowledge of the functions and duties of his office as set forth in this article.

Sec. 2-9-5. FUNCTIONS AND DUTIES OF CITY ENGINEER. The city engineer shall be a department head of the city. His functions and duties shall be as follows:

- (1) Prepare reports and work programs as required.
- (2) Prepare and submit annual departmental budget requests.
- (3) Prepare engineering recommendations and reports for administration's consideration.
- (4) Prepare specifications and cost estimated for materials to be purchased.
- (5) Prepare preliminary plans and feasibility studies for proposed capital improvements.
- (6) Establish and prepare plans and specifications for the construction and repair of various city owned facilities.
- (7) Supervise, inspect, review and approve the construction and repairs of all city owned facilities and improvements.
- (8) The city engineer shall supervise the engineering, surveying and drafting work accomplished by city personnel.
- (9) Coordinate, review, inspect and approve all proposed annexations and subdivision plats.

(10) Coordinate the planning and construction of city facilities with consultants, city personnel, subdivision developers and contractors.

(11) Design, plan and supervise traffic engineering studies and projects related to parking traffic flow and control involving signs, signals, and pavement markings.

(12) Purchase and approve the purchase of departmental materials, supplies and equipment.

(13) The city engineer shall preserve all plans, maps, notes, surveys, books, papers, documents, supplies and equipment pertaining to his office. In the event of resignation or removal from office they shall be delivered to his successor in office or to the city manager.

(14) The city engineer shall perform such other duties as may be prescribed by law or required of him by ordinance or by direction of the city manager.

ARTICLE 10
DEPARTMENT OF POLICE

Sec.2-10-1. POLICE DEPARTMENT — COMPOSITION. The police department of the city shall consist of the city marshal, hereafter designated as "Chief of Police" who shall be exofficio chief of police, and other police officers as may be duly authorized by the city council.

Sec. 2-10-2. DUTIES. It shall be the duties of the members of the police department to enforce all the laws of the city and all statutes of the state applicable thereto, to preserve order and prevent infractions of the law and arrest violators thereof, to serve and execute any process directed to the chief of police, and to perform any police service which the chief might lawfully do..

Sec. 2-10-3. CHIEF OF POLICE — APPOINTMENT. The chief of police shall be appointed pursuant to the laws of the State of Utah.

Sec. 2-10-4. DUTIES OF THE CHIEF OF POLICE. The chief of police shall perform the following duties:

(1) He shall be charged with the duty of crime prevention, crime detection, criminal apprehension, the enforcement of all ordinances in the city and the official conduct of police work generally.

(2) He shall prepare such reports as shall be required of him by the mayor, his authorized agents or the laws of the State of Utah and the ordinances of this city.

(3) He shall perform such other duties as may be prescribed for him by law or by the city manager.

Sec. 2-10-5. LIABILITY FOR ACTS OF MEMBERS OF DEPARTMENT. Nothing contained in this Code shall be so construed as to make the chief of police liable for any unauthorized act of a member of the police department.

Sec. 2-10-6. RULES AND REGULATIONS. The chief of police may prescribe such rules and regulations as he shall deem advisable. Such rules shall be approved by the city manager and shall be binding

on all members. Such rules and regulations may cover the conduct of the members, uniforms and equipment to be worn or carried, assignments, hours of service, and all other similar matters necessary or desirable for the better efficiency of the department.

Sec. 2-10-7. AUTHORITY OF MAYOR TO MAKE APPOINTMENTS OF SPECIAL POLICE FOR CERTAIN PURPOSES. The mayor may upon any emergency, riot, pestilence, invasion, or at any time he shall deem necessary for the peace, good order or health of the city, order the chief of police to appoint special policemen for a specified time.

ARTICLE 11
DEPARTMENT OF FIRE

Sec. 2-11-1. FIRE DEPARTMENT — COMPOSITION. The fire department of the city shall consist of the fire chief and other officers and firemen as may be duly authorized by the city council.

Sec. 2-11-2. Powers and duties. The fire chief shall be charged with the prevention of fires and the protection of life and property against fire and shall:

(1) Report all fire losses to the city treasurer.

(2) Be responsible for the maintenance and care of all property and equipment used by his department.

(3) Be responsible for the extinguishment of fires, the saving of life and property from fire, and the performance of various miscellaneous public services of an emergency.

Sec. 2-11-3. The fire chief shall be appointed by the city manager with the advice and consent of the mayor and city council.

Sec. 2-11-4. FIRE HAZARD INSPECTOR. The firechief shall appoint a fire hazard inspector who shall be responsible for (1) the inspecting

of potential fire hazards, (2) the abatement of existing fire hazards, and (3) the conducting of an educational fire prevention program.

ARTICLE 12
LOCAL BOARD OF HEALTH

Sec. 2-12-1. ESTABLISHED. There is hereby created and established a local board of health of the city for the purpose of providing the necessary health services required by the city.

Sec. 2-12-2. COMPOSITION — CITY HEALTH OFFICER. The board of health of the city shall consist of three or more persons, one of whom when practical shall be a duly licensed physician, who shall be the executive officer of the board and be known as the health officer.

Sec. 2-12-3. TERM. The members of the board of health shall hold office for not more than four (4) years. There shall be no restraint upon the number of terms any member may serve.

Sec. 2-12-4. MEMBERS TO BE CITY RESIDENTS. Members of the board of health shall be residents of the city for two (2) years prior to appointment.

Sec. 2-12-5. POWERS AND DUTIES. The board of health shall have the following powers and duties, all of which shall be exercised subject to the laws of the state and appropriate conditions and safeguards, in harmony with the purpose and intent of this article, and in accordance with the public interest:

(1) To have charge and control of all functions involved in protecting and preserving the public health.

(2) To obtain and maintain all statistics relating to births and deaths as required by law.

(3) To exercise the power of quarantine and detention and to operate special clinics for the care and treatment of contagious disease and to adopt such other measures as will prevent the spreading or aid in the prevention of communicable diseases.

(4) Inspect and supervise the preparation, manufacture, storage and sale of all articles, commodities and food intended for human consumption and examine food handlers and inspect commercial, industrial and housing conditions including ventilation, lighting, and sanitation fixtures.

(5) To perform all necessary services in order to insure the public health and welfare of the city.

Sec. 2-12-6. APPOINTMENT. The members of the board of health shall be appointed by the mayor with the advice and consent of the city council.

ARTICLE 13

COMPLAINTS AGAINST CITY OFFICERS

Sec. 2-13-1. CHARGES AND SPECIFICATIONS. Except as otherwise provided by this Code or by the laws of the state, whenever a complaint shall be made to the city council of this city against any city officer, it shall be the duty of the city council to vote on the question as to whether there shall be charges preferred against the party or parties complained against, and if the city council shall

decide by vote that charges shall be preferred, it shall fix the time and place of trial, and it shall be the duty of the city attorney to draft and prepare such charges and specifications in writing and after the same are signed by the person or persons making the complaint, it shall be the duty of the city attorney to deliver a copy of such charges and specifications to the chief of police, or any other police officer, who shall serve such copy on the person complained against. A notice of the time and place of trial shall also be served with such charges and specifications, which notice, as well as the copy of the charges and specifications, shall be served at least ten (10) days before the time set for trial.

Sec. 2-13-2. EVIDENCE. Whenever a complaint is made against a city officer as provided in Section 2-13-1, the mayor and the members of the city council shall vote on the question as to whether they shall hear the evidence submitted for and against the accused, which evidence shall be given under oath, and the mayor or presiding officer of the city council shall have the right to decide all questions relating to the admissibility or inadmissibility of such evidence.

Sec. 2-13-3. REMOVAL; SUSPENSION; REPRIMAND. When a complaint is made against a city officer as provided in Section 2-13-1, the council, after hearing all the testimony produced, shall proceed to vote upon the question as to whether the person complained against is guilty or not guilty of the charges and specifications so alleged, and if the city council shall vote that such person is guilty, an open vote shall then be taken as to the character of punishment to be

inflicted upon the accused. The question shall be put: "Shall the accused be removed from office?" If a majority of all the members elected to the city council shall vote for such removal, the accused shall be removed from office and the removal shall relate back to the suspension of the officer from duty. If such majority shall fail to vote for removal, then the city council shall vote successively upon the question of suspension or reprimand of the accused. And if suspension be agreed upon, the time of such suspension shall be fixed, and no officer, while under a suspension voted by the city council, shall draw any pay whatever from the city for the period he shall be so under suspension.

ARTICLE 14
EMPLOYEE BENEFITS AND REGULATIONS

Sec. 2-14-1. METHOD OF COMPENSATION BY CLASSIFICATION.

(1) Employees shall be employed in accordance with their respective pay grade number classification as determined by the pay schedule and position classification in effect at the time of their employment and shall commence under step A for twelve (12) months probationary period; thereafter, upon approval of the city manager, such employees may be raised to steps B, C and D in intervals of one (1) year periods. After step D, increases in salary shall be based on the percentage of increase or decrease in the most recent cost of living index report. Every employee in a permanent status ^{M.F.V.} ~~shall~~ receive in addition to their base salary a three percent (3%)

longevity increase upon commencing their second year of employment and a one-half of one percent (1/2%) increase for each year of uninterrupted service thereafter. All longevity increases shall be awarded on the anniversary date of employment.

(2) Original appointment to any position shall be made at the entrance rate and advancement from such rate to the maximum rate within a pay grade shall be by successive steps when earned by merit. Upon approval of the city manager an employee may receive initial compensation at a rate higher than the minimum rate in the salary schedule provided such position involves executive, administrative or professional duties and responsibility, and provided further that such exception is based on the outstanding and unusual character of the employee's experience and ability over and above the minimum qualifications specified for the class.

(3) A pay grade increase may be awarded by the city manager for superior performance of assigned duties or suggestions which materially benefit the city, contingent upon funds being available.

(4) For all permanent employees, the hourly rates to be used as a basis for overtime pay and deductions for each hour of lost time during which pay is not authorized shall be calculated according to the following schedule:

The base monthly salary multiplied by twelve (12) and divided by two thousand eighty (2080), the average number of regularly scheduled hours in the work year, shall determine the hourly rates.

(5) When any employee is promoted to a class with a higher pay grade, the entrance salary rate shall be the lowest rate in the higher salary schedule that will provide an increase over the salary received prior to such promotion.

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~~(6) Employees ^{MAY} shall be compensated for authorized overtime work at the rate of time and one-half in cash or time and one-half in work time, whichever is agreed upon between the city manager and the employee. Only such hours as are worked in excess of the prescribed basis work week shall be so compensated.~~

(7) An officer or employee of the city who is required and specifically authorized by the city manager to operate his personally owned automobile in conduct of city business shall be paid a mileage allowance in an amount established by the city council.

Sec. 2-14-2. DISCIPLINE OR DISCHARGE. A city employee may be discharged or disciplined for any of the following reasons:

- (1) Refusal or inability to follow orders.
- (2) Inefficiency.
- (3) Violation of departmental regulations, general regulations or laws.
- (4) Drinking on the job, or working under the influence of alcohol.
- (5) Excessive tardiness.
- (6) Willful destruction of city property.

Sec. 2-14-3. HOLIDAYS GENERALLY. The following days are declared paid holidays for all permanent and probationary employees with the

12 day Hol.

exception of police personnel:

- (1) The first day of January (New Year's Day).
- (2) The twenty-second day of February (Washington's Birthday). *LINCOLN'S BIRTH.*
- (3) The thirtieth day of May (Memorial Day). *Plant a tree day (Arbor Day)*
- (4) The fourth of July (Independence Day).
- (5) The first Monday of September (Labor Day). *JULY 24TH.*
- (6) The twelfth day of October (Columbus Day).
- (7) The eleventh day of November (Veterans' Day). *G. E. Day*
- (8) The fourth Thursday of November (Thanksgiving Day).
- (9) The twenty-fifth day of December (Christmas Day).

When any holiday listed above falls on Saturday, the preceding Friday shall be considered a holiday, and when any holiday listed above falls on a Sunday, the following Monday shall be considered a holiday. Except in the case of holidays specified in the Federal Act providing for uniform annual observance of certain holidays in which case the day of observance shall correspond to the date observed by the employees of the United States Federal Government. In addition to the above, any day may be designed a holiday by proclamation of the mayor.

In order to be eligible for paid holidays, an employee must work his scheduled workdays preceding and following the holiday unless he has received approval of absence.

Sec. 2-14-4. HOLIDAY WORK. A permanent employee or probationary employee for the city shall be compensated for time worked on holidays

at the rate of time and on-half or by equal time off as agreed upon by employee and supervisor concerned. Police personnel shall be granted extra vacation allowance in lieu of holidays worked as provided in Section 2-14-7.

Sec. 2-14-5. REGULAR VACATION LEAVE. Every police officer and permanent or probationary employee in the city service, except temporary and seasonal employees, shall be allowed paid vacation leave at the rate of ten (10) working days or two (2) workweeks each year. Vacation leave cannot be granted unless the employee shall have completed one (1) full years employment.

Sec. 2-14-6. VACATION LEAVE AFTER TEN YEARS SERVICE. City employees who have completed ten (10) years continuous service with the city shall be allowed three (3) calendar weeks of paid vacation leave each year thereafter. Pay will be based on current basis salary.

Sec. 2-14-7. VACATION LEAVE FOR POLICEMEN. Police personnel shall be credited with nine (~~9~~¹²) calendar days additional vacation allowance, in lieu of holidays worked, at the end of each completed year of service. Pay will be based on current basic salary.

Sec. 2-14-8. HOW VACATION LEAVE TAKEN. Vacation credit may not be accumulated or postponed by city employees. Each department head shall keep necessary records of vacation leave allowances and shall schedule vacation leaves with particular regard to seniority of employees and to accord with operating requirements, and insofar as possible with the written requests of the employees.

Sec. 2-14-9. PAY IN LIEU OF VACATION. If in the discretion of the city manager, an emergency exists, an employee of the city may be granted the equivalent in money, of vacation leave to which such employee is entitled for that year, but it is the policy of the city council that an employee shall be granted a full amount of vacation leave each year. It is hereby declared to be the policy of the city that vacation leave should be taken by eligible employees.

Sec. 2-14-10. MILITARY LEAVE WITH PAY. Any permanent employee or probationary employee of the city who presents official orders requiring his attendance for a period of training or other active duty as a member of the United States Armed Forces shall be entitled to military leave for a period or periods not to exceed a total of ten (10) regular scheduled working days in any one (1) year, and he shall be entitled to payment from city in such amount as to make up the difference between payment received from the United States Government for this period and the amount he would ordinarily receive from the city. Military leave shall be in addition to and may not be concurrent with authorized vacation leave.

Sec. 2-14-11. MILITARY LEAVE WITHOUT PAY. Military leave without pay may be granted to any permanent city employee who presents official orders to active duty. Military leave without pay shall have the effect of allowing the employee to secure all seniority rights exactly as if he were working for the city during this leave period. Except that while on military leave no employee shall accrue

any additional sick or vacation leave.

Sec. 2-14-12. MILITARY LEAVE BONUS. A bonus in an amount equivalent to his ordinary pay for fifteen (15) calendar days shall be granted to any permanent employee who presents official orders for extended active service with the Armed Forces during period declared by the President of the United States to be a period of national emergency.

Sec. 2-14-13. SICK LEAVE. Sick leave will be granted to every officer or employee in the city service, except temporary or seasonal employees, on the basis of one day for each month worked. For periods of sick leave over two (2) days duration the employee shall, at his expense, furnish the department a certificate or letter from the attending doctor setting forth the reasons for the sick leave. Abuse of such leave shall be grounds for disciplinary action up to and including discharge. Sick leave may be accumulated up to ninety (90) days. Payment for sick leave shall be at the direction of the city manager.

Sec. 2-14-14. PERSONAL LEAVE. The city manager may authorize extended personal leave with or without pay for any employee of the city requesting such leave through his department head. Such leave, with or without pay may be granted for training purposes or for urgent personal business.

Sec. 2-14-15. REPORTING ABSENCES. Any officer or employee of the city who finds it necessary to be absent from duty due to emergency, shall report the reasons therefor to his supervisor or department head by telegram or telephone at least one (1) hour before working time,

on the first day of such absence. If this is not possible, the employee shall report to his supervisor or department head at the earliest possible time.

Chapter 3
ADVERTISING AND SIGN REGULATIONS



Sec. 3-1-1. PURPOSES. The purpose of the criteria contained in this chapter is to allow for the preservation and maintenance of the desired visual character of Park City. It is required, therefore, that "Signs" within the city conform to the standards contained herein.

Sec. 3-1-2. DEFINITION. The term "Sign" encompasses all lettering, printed material, pictures, drawings, models, replicas, insignias, trademarks, logos, and mastheads displayed to the public for the purpose of advertising or providing directional instructions.

Sec. 3-1-3. ACTS DECLARED UNLAWFUL — APPLICATION — "SIGN" PERMIT. It shall be unlawful to erect, construct, reconstruct, alter, paint, repaint, or change the use of any structure, wall, marquee, or any piece of work comprised of parts joined together in some definite manner which is to be used as a "Sign" or picture to convey or direct a message to the general public, without first obtaining a signed permit approved by the Park City Zoning Administrator, provided, that any person dissatisfied with the decision of the Park City Zoning Administrator shall have the right within ten (10) days after said decision is rendered by the zoning administrator to appeal said decision to the Park City Planning Commission.

"Sign" permit applications shall be made available at the City Recorder's Office, Park City, Utah. Further, a sign permit shall not be required to repaint exactly as it previously was, any of the aforesaid, which at the time of the proposed repainting conforms in all respects with the provisions of this ordinance.

Sec. 3-1-4. REGULATIONS — STANDARDS.

(1) "Signs" shall be painted on, attached to, or erected only on the building that houses the business, which the "Sign" or "Signs" advertise. "Signs" may be painted on or displayed in the windows of a building, be attached flush to a building, project from it, or free-standing upon the property. If the "Sign" is of the projecting variety, it should not project more than thirty-six (36) inches from the face of the building. It must have at least eight (8) feet ground clearance and cannot be taller than the building to which it is attached. However, a "Sign" may project to a maximum of three (3) feet above the roof if it is flush with the face of the side on which it appears, but not to exceed the maximum building height allowed in the zone in which said "Sign" is to be located.

(2) All "Signs" attached to a building shall also meet the approval of the city building inspector in that the method of attachment is such that sufficient strength is incorporated in the design of the attachment so as not to afford a hazard to passers-by.

(3) "Signs" may be painted, gilded, smalted, routed, burned or etched in relief or intaglio and should convey a handcrafted appearance. "Signs" shall be kept in good repair and be properly maintained.

(4) The total area of the "Sign" or "Signs" on any one building should constitute not more than fifteen percent (15%) of the area of the side of said building on which the "Sign" appears regardless of the number of businesses occupying said building.

(5) The area of a "Sign" should be construed as the area of the overall background and will include the sum of all faces of the "Sign". "Signs" without a background shall have an area of that of rectangle which will encompass all lettering of said "Sign".

(6) No "Sign" should be placed on a structure in a manner that will disfigure or conceal architectural features or details.

(7) Materials such as wood, wrought iron, steel, metal grill-work, etc., which were used during the period of the late 19th Century are generally acceptable. Simplicity and restraint in material selection is important. Materials should be consistent with the acceptable architectural materials.

(8) "Signs" may be lighted by flood lights or projected light adjacent to the "Sign". Neon or plastic "Signs" are not allowed. "Signs" that flash, blink, revolve, or are otherwise in motion, will not be allowed.

Sec. 3-1-5. OUTDOOR "SIGNS". Outdoor free-standing "Signs" are defined to be any card, paper, metal, wooden, glass, plaster,

stone, or painting on any surface whatsoever and of any kind, placed for outdoor advertising, identification, or directional purposes on the ground or attached to any tree, wall, bush, fence, post, building, structure, and are to be located only on the property occupied by the business which the "Sign" or "Signs" advertise. Outdoor free-standing "Signs" not on the property occupied by the business which the "Sign" or "Signs" advertise, or provide directions to such property, are not authorized. The total area of an outdoor or free-standing "Sign" shall not exceed one (1) square foot of "Sign" area for each four (4) linear feet of street frontage occupied by the principal business or enterprise. Set back requirements from property lines will be determined by the planning commission on a case by case basis.

Sec. 3-1-6. VIOLATIONS UNLAWFUL, INJUNCTION, PENALTY. The erection, construction, or maintenance of any "Sign", contrary to any provision of this chapter is declared to be a violation of this ordinance and unlawful. The city shall immediately, upon any such violation having been called to its attention, institute injunction abatement or any other appropriate action to prevent, enjoin, abate, or remove such violation. Such action may also be instituted by any property owner who may be especially damaged by any violation of this ordinance. The remedies provided by law. Any violation of this ordinance which is not remedied within thirty (30) days after notice shall constitute an offense punishable by a fine not in excess

of \$100.00 or imprisonment in the city jail for a term of not in excess of thirty (30) days or both such fine and imprisonment. Each day of violation after notice shall constitute a separate offense.

Sec. 3-1-7. NON-CONFORMING USE. All "Signs" which are legally in existence on the effective date of this ordinance as which do not conform to the requirements hereof shall be non-conforming "Signs". The use of such non-conforming "Signs" may be continued, but except for normal maintenance or repair, said "Signs" shall not be enlarged or altered in any manner, unless such enlargement or alteration conforms to the provisions of this ordinance. Any change in lettering, painting, or otherwise shall not be considered as "normal maintenance or repair".

Sec. 3-1-8. FEE. A fee of \$1.00 per square foot of "Sign" area is payable to Park City Municipal Corporation. Where work for which a permit is required by this ordinance is started or proceeded without obtaining said permit, a fee of \$100.00 shall be imposed in addition to the fee imposed of \$1.00 per square foot but the payment of such increased fee shall not relieve any persons from fully complying with the requirements of this ordinance in the execution of the work nor from any other penalties prescribed herein.

Sec. 3-1-9. PLANNING COMMISSION.

(1) A colored rendering giving "Sign" dimensions, method of hanging (either projecting or flush mounted, or erecting) identifying materials to be used and showing "Sign" area in relation to store frontage must accompany the application. The planning commission will not consider an application without the colored rendering.

(2) The Park City Planning Commission shall have the authority to deviate from these regulations in extenuating cases not specifically covered by these ordinances.

Chapter 4
ANIMALS AND FOWL
ARTICLE 1
IN GENERAL

Sec. 4-1-1. BREAKING OPEN PENS TO RELEASE ANIMALS PROHIBITED. It shall be unlawful to break open or in any manner, directly or indirectly, aid or assist in breaking open any pen or enclosure with intent of releasing any animal confined therein.

Sec. 4-1-2. CONFINEMENT OF ANIMALS RUNNING AT LARGE; PAYMENT FOR REDEMPTION. If any animal shall be found running at large contrary to the provisions of this chapter, it is hereby made the duty of the Park City Animal Control Officer to take up and confine the same in a secure place or other place provided for that purpose and such animal taken up and confined shall not be released until the owner or person entitled to the possession thereof shall pay to the officer having such animal in his keeping the sum of three dollars (\$3.00) for the taking up of such animal together with the sum of three dollars (\$3.00) per day for each and every day such animal shall be kept by the officer unless otherwise provided in this Code and the same shall be turned in to the city treasurer.

Sec. 4-1-3. PUBLIC SALE OF CONFINED ANIMALS; DISPOSITION OF UNSOLD ANIMALS.

(1) If the owner or person entitled to the possession of an animal does not pay the charges for redemption and take it away within five (5) days from the time it is taken into custody,

the animal control officer may sell such animal at public auction after having given at least five (5) days notice of the time and place of such sale by publishing or by posting such notice in five (5) public places in the municipality as well as serving a copy of such notice upon the owner or possessor of such animal, if known. Such animal may be redeemed at any time before the date of sale by payment to the officer in charge or his assistant of any fees, expenses and charges provided for in this chapter.

(2) In case an animal sold pursuant to the provisions of this section be sold for more than is sufficient to pay the fees and charges, such expenses shall, by the officer or his assistant making the sale, be deposited with the city treasurer, who shall pay such excess, upon order of the city manager to the owner of such animal or to the person entitled to the possession of the same upon claim and proper proof within one (1) year from date of such sale.

(3) In the event such animal is infected or cannot be sold, it may be disposed of in the manner provided for unclaimed or infected dogs.

Sec. 4-1-4. ALLOWING LIVESTOCK TO GRAZE ALONG PUBLIC THOROUGHFARES PROHIBITED. It shall be unlawful for any person to picket, lead or hold any horse, cattle or other livestock on or along any street, sidewalk or alley in this city in such a manner that any such animal may graze upon the grass, herbage or trees growing upon or along any of such street, sidewalks, alleys or other public thoroughfares.

Sec. 4-1-5. ALLOWING LIVESTOCK TO OBSTRUCT STREETS AND SIDEWALKS PROHIBITED. It shall be unlawful for any person to picket, lead or hold any horse, cattle, or other livestock in such a manner as to obstruct or impede the full use of such streets, sidewalks or alleys.

Sec. 4-1-6. HERDING THROUGH STREETS: LIABILITY OF STOCKMEN FOR DAMAGE. It shall be unlawful for anyone to herd or drive animals through the streets without having such animals under control by means of a rope, strap or other device by which it may be led, unless such animal is being driven in harness or hauled; provided that this provision shall not be construed as prohibiting stockmen from driving herds through the city when necessary to transfer them from one pasture to another or for the purpose of shipping, but such stockmen so driving stock through the city shall be liable to property owners for all damages done to their property by such stock while being driven through the city, whether or not such damage is caused by the negligence of the stockman or his agents. Such stock shall be driven through the municipality in as short a time as possible.

Sec. 4-1-7. HITCHING ANIMALS RESTRICTED. It shall be unlawful for any person to hitch a horse or any other animal to any fence, railing, or tree or bush, whether private or public, without the permission of the owner thereof. It shall be unlawful for any person to hitch any animal to any public property including street lamps or fire hydrants, except at such places designated by the city manager.

Sec. 4-1-8. CRUELTY TO ANIMALS PROHIBITED. It shall be unlawful for any person to unnecessarily beat, injure or maltreat any animal.

ARTICLE 2
DOGS
GENERALLY

Sec. 4-2-1. TITLE. This article shall be known as the "Dog Control Code of the City of Park City, Utah".

Sec. 4-2-2. DEFINITIONS. For purposes of this article, the following definitions shall apply:

Dog. The word "dog" shall refer to any animal of the canine species, regardless of sex.

Dog, female. The term "dog, female" shall mean any dog of the female gender on which no alternative surgery of the genital organs has been performed.

Dog, male. The term "dog, male" shall mean any dog of masculine gender, either castrated or not castrated.

Dog, spayed female. The term "dog, spayed female" shall mean any female dog on which an ovariectomy or ovarohysterectomy has been performed by a licensed veterinarian.

Dog, stray. The term "dog, stray" shall mean any unlicensed or licensed dog found unattached or loose anywhere within the city limits.

Owner. The word "owner" shall refer to any person or persons owning, keeping or harboring a dog.

Vaccination, inoculation or vaccination for rabies. The term "vaccination", "inoculation" or "vaccination for rabies" shall mean the inoculation of a dog with vaccine approved by the state department of public health for use in the prevention of rabies.

Sec. 4-2-3. LICENSE AND REGISTRATION REQUIRED; APPLICATION.

(1) No dog over the age of six (6) months shall be kept, harbored or maintained within the City of Park City, Utah, unless the owner, keeper or person in charge of any such animal shall before the first day of March of each and every year pay to the city treasurer, or his authorized agent, a license tax of five dollars (\$5.00) for each and every male and spayed female and the sum of twenty-five dollars (\$25.00) for each and every unspayed female dog owned, kept or harbored. The owner, keeper or person in charge of any dog over the age of six (6) months brought into the City of Park City shall procure a license within ten (10) days as herein provided.

(2) The owner shall state at the time application is made for such license and upon printed forms provided for such purpose, his name and address and the breed, color, and sex of each dog to be licensed.

(3) The provision of this section shall not be intended to apply to dogs brought into the city for the purpose of participating in any dog show, nor to "seeing-eye" dogs properly trained to assist blind persons when such dogs are actually being used by blind persons for the purpose of aiding them in going from place to place.

Sec. 4-2-4. TAG AND COLLAR. Upon payment of the license fee as provided in Section 4-2-3 hereof, the city treasurer, or his authorized agent, shall issue to the owner, keeper or person in charge of each dog, a receipt for the payment and a tag for each dog licensed. The receipt shall contain the number of the license as shown on the tag. Every owner shall be required to provide each dog owned by him with a durable collar to which the license tag must be affixed, and shall see that the collar and tag are constantly worn. In case a dog licensing tag is lost, destroyed or mutilated, a duplicate will be issued by the city treasurer, or his authorized agent, upon the presentation of the receipt showing the payment of the licensing fee for the current year and upon payment of a fee of fifty cents (\$0.50) for each duplicate. Dog tags shall not be transferable from one dog to another and no refunds shall be made on any dog license fee because of the death of the dog or the owner's leaving the city before the expiration of the licensing period.

Sec. 4-2-5. RUNNING AT LARGE RESTRICTED; LEASH CONTROL.

(1) It shall be unlawful for any owner, possessor or person who keeps any dog to permit the same to run at large within the city limits of Park City, Utah, or within one hundred (100) yards of any public assembly, including schools while in session, parades, athletic contests, music festivals and similar public gatherings.

(2) A dog shall be deemed to be running at large when off or away from the premises of the owner, possessor or keeper thereof and not under the direct control of the owner, possessor,

keeper or his agent or servant or a member of his immediate family either by leash, cord, chain, no longer than ten (10) feet in length and of sufficient strength to completely restrain the dog, or within a vehicle or other confinement.

(3) Any person convicted of violating any provision of this section shall, upon conviction, be fined in an amount not to exceed two hundred ninety-nine and 00/100 dollars (\$299.00), or by imprisonment for not more than ninety (90) days or by both such fine and imprisonment.

Sec. 4-2-6. PROCEDURE AND COMPLIANCE WITH ARTICLES REQUIRED FOR DOGS IMPORTED INTO CITY. All dogs which are brought into the city shall be in compliance with the laws and rules and regulations of the state regarding the handling of the animal and shall have been vaccinated not less than thirty (30) days, nor more than twelve (12) months prior to importation. The tag denoting vaccination shall be firmly affixed to the collar or harness of the dog, and shall be evidence of compliance with this section.

If the imported dog remains in the city more than ten (10) days, such dog shall be registered in accordance with the provisions of this article. Any legally acceptable certification of vaccination issued by a legally authorized person to the owner of the dog, in any municipality, country or state, shall be exchanged for a current vaccination-registration tag of the city and a transfer fee of five dollars (\$5.00) imposed thereon, for a male or spayed female and twenty-five dollars (\$25.00) for an unspayed female.

Sec. 4-2-7. FAILURE TO REGISTER AND INOCULATE PROHIBITED. It shall be unlawful for any person to own or harbor any dog in the city that has not been inoculated and registered as provided in this article.

Sec. 4-2-8. POISONING PROHIBITED. It shall be unlawful for any person to poison any dog or to distribute poison in any manner whatsoever with the intent or for the purpose of poisoning any dog within the city.

Sec. 4-2-9. KENNEL LICENSE. Any person who shall keep or operate a kennel, may, in lieu of the individual license required under this article, make application to the city treasurer for a kennel license, entitling the applicant to keep or operate a kennel. Such kennel license shall be issued by the city treasurer upon a proper form and shall entitle the licensee to keep any number of dogs up to and not to exceed the number specified in such license. The fee to be paid for each kennel license shall be ten dollars (\$10.00) for ten (10) dogs or less, and one dollar (\$1.00) for each dog in excess of ten (10). With such kennel license the city treasurer shall issue a number of metal plates or tags, equal to the number of dogs authorized, by the license, such tags to be the same as those provided in Section 4-2-3. The provisions of this section shall not prohibit the taking of dogs having a kennel license outside the limits of the kennel temporarily and on leash nor shall they prohibit the transporting in conveyances of dogs temporarily for the purpose of breeding, trial, or show.

IMPOUNDMENT

Sec. 4-2-10. GENERALLY. It shall be the duty of every police officer or every person duly deputized for that purpose, to apprehend any dog found running at large contrary to the provisions of Section 4-2-5, and to impound such dog in a suitable animal pound to be provided by the city, within or without the city limits. The person in charge of such pound, herein referred to as the poundmaster, upon receiving such dog, shall make a complete registry of such dog upon a book by him kept for such purposes, entering the breed, color and sex of such dog, and whether licensed, If licensed, he shall enter the name and address of the owner and the number of the licensing tag.

Sec. 4-2-11. NOTICE TO OWNER; REDEMPTION. When any dog is impounded, as provided in Section 4-2-11, it shall be the duty of the poundmaster, his agent or animal warden to make reasonable efforts to notify the owner, possessor, or person who harbors or keeps the same, if known, and if not known to post at the city hall and at the pound, a notice containing a description of such dog, and when and where caught. A charge of three dollars (\$3.00) is hereby made for the impounding of any dog. An additional charge of three dollars (\$3.00) per day is hereby made for each day, or part thereof, the dog is kept in the pound, including the day of removal, but not including the day of impounding. No dog shall be released from the pound until the owner shall have paid all charges for impounding the dog, the additional charges for maintaining the dog, and until the dog has been licensed in accordance with this article.

Sec. 4-2-12. DISPOSITION OF UNCLAIMED OR INFECTED DOGS. It shall be the duty of the poundmaster or his agent to keep all dogs impounded under the provisions of this article for a period of five (5) days after the owner, if known, has been notified or reasonable efforts of notification have been made as provided in this ordinance, or for a period of five (5) days after the date of posting in the event that the owner is unknown. If at the expiration of such time the dog shall not have been redeemed, it may be destroyed or otherwise disposed of, at the discretion of the poundmaster. However, such poundmaster shall not release the dog so impounded except on payment of the fees and charges as provided for in this division, as well as the regular licensing fee.

Sec. 4-2-13. CONFINEMENT OF CERTAIN DOGS. The poundmaster or his agent shall not release any fierce, dangerous or vicious dog unless suitable provisions are made for him by his owner to protect the public against these propensities, and no female dog in heat shall be released unless the owner has facilities for caring for and confining such dog. In the event that any dog with fierce, dangerous or vicious propensities is found to be running at large and cannot be safely taken up and impounded, such dog may be slain by the policeman or any person duly deputized for this purpose.

Sec. 4-2-14. RELEASE UPON COMPLIANCE WITH PROVISIONS OF ARTICLE. It is the duty of the city to release any dog from the animal pound of the city upon receipt of satisfactory proof of ownership thereof,

upon payment of any fee due the city, and upon presentation of proof of vaccination for rabies and proper registration of such dog in accordance with the provisions of this article.

RABIES CONTROL

Sec. 4-2-15. MUZZLING REQUIRED UPON PROCLAMATION. Whenever it becomes necessary to safeguard the public from the dangers of hydrophobia, the mayor, if he deems it necessary, may issue a proclamation ordering every person owning or keeping a dog to confine it securely on his premises unless such dog shall have a muzzle of sufficient strength to prevent its biting any person. Any unmuzzled dog running at large during the time of the proclamation shall be seized and impounded, unless it be noticeably infected with rabies and displaying vicious propensities in which event it shall be killed by the city police or by any person duly deputized for this purpose, without notice to the owner. Dogs impounded during the period of such proclamation shall be dealt with as provided in this article for dogs running at large without licenses.

Sec. 4-2-16. PROCEDURE WHEN DOG IS EXPOSED TO OR CONTRACTS RABIES. If any dog is believed to have rabies or has been bitten by a dog suspected of having rabies such dog shall be confined by leash or chain on the owner's premises and shall be placed under the observation of a veterinarian at the expense of the owner for a period of at least two (2) weeks. The owner shall notify the animal warden or his agent of the fact that this dog has been exposed to rabies, and at the discretion of the animal

warden he is hereby empowered to have the dog removed from the owner's premises to a veterinarian hospital and there placed under observation for a period of at least two (2) weeks at the expense of the owner. Every owner or other person who suspects or has ascertained that a dog is rabid shall immediately notify the animal warden or city police, who shall either remove the dog to the pound or summarily destroy it.

Sec. 4-2-17. ANNUAL VACCINATION — REQUIRED. It shall be the duty of every person who owns or harbors any dog or dogs in the City of Park City to have such dog or dogs annually inoculated by a person legally authorized to do so.

Sec. 4-2-18. SAME — TAG. A tag signifying that a dog has been inoculated against rabies shall be made of durable material suitable to be attached to the collar or harness of the inoculated dog. Such tag shall state the year for which issued and the series number of the certificate and tag.

Sec. 4-2-19. SAME — DUTY OF PERSONS INOCULATING. It shall be the duty of each person legally authorized to perform vaccinations on dogs when inoculating any dog to fill out a triplicate certificate with the information required by law and immediately present one triplicate copy to the owner or harborer of the inoculated dog, and to mail one triplicate copy to the office of the city treasurer within five (5) days from the date of the inoculation. The remaining triplicate copy of the certificate shall be retained by

the person performing the vaccination.

Sec. 4-2-20. TAG TO BE ATTACHED TO DOG; CERTIFICATE TO BE RETAINED BY OWNER. Every owner or harborer of a dog shall attach the tag evidencing inoculation with anti-rabid vaccine to the collar or harness of the inoculated dog and such collar or harness shall be worn by such dog at all times. The copy of the certificate issued upon vaccination shall be retained by the owner or harborer of the inoculated dog for inspection by the authorized representatives of the city.

Sec. 4-2-21. REGISTRATION AND PERIOD OF VALIDITY OF CERTIFICATION AND TAG. The city treasurer shall file and register copies of such triplicate certificates received as provided in Section 4-2-19 and retain and file the same as the official registry of all dogs inoculated with anti-rabid vaccine for the city. Such vaccination registration shall be valid for the period of the current calendar year and January and February of the following year. For the period of January 1 to February 28 of each calendar year the vaccination-registration from the previous year and the current calendar year shall both be valid.

Sec. 4-2-22. VACCINATION WITHOUT COST PROVIDED AT DISCRETION OF ANIMAL CONTROL OFFICER. The animal control officer shall at his discretion provide for the vaccination of any dog without cost to the owner or harborer thereof in hardship cases and in such instances that vaccination service is not available elsewhere for a reasonable fee.

Sec. 4-2-23. UNLAWFUL POSSESSION OF TAGS AND CERTIFICATES. Only those persons who own or harbor a dog duly vaccinated in accordance with the provisions of this article shall be permitted to possess the certificates and tags provided for in this article. No person may affix tag evidencing vaccination to the collar or harness of any dog except the tag issued for that dog at the time of vaccination.

Chapter 5
BICYCLES
ARTICLE 1
IN GENERAL

Sec. 5-1-1. APPLICATION OF ARTICLE TO RENTAL AGENCIES. A rental agency shall not rent or offer any bicycle for rent unless the bicycle is first licensed and a license plate is attached thereto as required by this article.

ARTICLE 2
LICENSE

Sec. 5-2-1. REQUIRED. No person, who resides within the city shall ride or propel a bicycle on any street, or upon any public path set aside for the exclusive use of bicycles, unless such bicycle has been licensed and a license plate attached thereto as provided in this article.

Sec. 5-2-2. APPLICATION. The application for every bicycle license shall be made upon a form provided by this city, which shall be obtained from the office of the city treasurer.

Sec. 5-2-3. FEE. Prior to the issuance of a license for bicycles,

an application fee of one dollar (\$1.00) shall be paid to the city.

Sec. 5-2-4. ISSUANCE.

(1) The city treasurer upon receiving proper application for a bicycle license and payment of the license application fee shall proceed to physically examine the bicycle to be licensed to determine that such bicycle is equipped in the manner required by the model traffic code adopted by Park City, a municipal corporation, and that such equipment is in good working order.

(2) The city treasurer may require the license applicant to take an examination, oral or written, to determine the applicant's knowledge of the traffic regulations of the city applicable to bicycle operation.

(3) The city treasurer, in his sole discretion, shall determine if a bicycle license shall be issued to the license applicant based upon the requirements of this section.

(4) Bicycle licenses shall become effective upon issuance.

Sec. 5-2-5. RENEWAL. No renewal of a bicycle license shall be necessary unless the license shall have been revoked or suspended pursuant to the provisions of this Code.

Sec. 5-2-6. RECORD KEEPING. The city treasurer shall keep a record of the number of each bicycle license, the date issued, the name and address of the person to whom issued, the number of the frame of the bicycle for which issued, and a record of all bicycle license application fees collected by him.

Sec. 5-2-7. LICENSE PLATES GENERALLY.

(1) The city treasurer upon issuing a bicycle license shall also issue a license plate bearing the number assigned to the

bicycle and the name "Park City" thereon.

(2) The city treasurer shall require such license plate to be immediately and firmly attached to the rear fender or frame of the bicycle for which issued in such a position as to be plainly visible from the rear.

(3) No person shall remove a license plate from a bicycle except upon a transfer of ownership or in event the bicycle is no longer operated upon any street in this city.

Sec. 5-2-8. TRANSFER. Upon the sale or other transfer of ownership of a licensed bicycle, the licensee shall remove the license plate. The license plate shall then be surrendered to the city treasurer or may, upon proper application, have such plate assigned to another bicycle owned by the licensee. Such a transfer application by the licensee shall be accompanied by a fee of fifty cents (\$0.50).

Chapter 6
BUILDINGS AND BUILDING REGULATIONS
ARTICLE 1
IN GENERAL

1416

Sec. 6-1-1. BUILDING INSPECTOR — APPOINTMENT AND REMOVAL. There shall be a chief building inspector who shall be appointed by and be responsible to the city manager and he shall serve at the pleasure of the citymanager.

Sec. 6-1-2. BUILDING INSPECTOR — AUTHORITY TO APPOINT DEPUTY. The chief building inspector may appoint a deputy building inspector

who shall be responsible to the chief building inspector and the city manager and whose appointment shall be at the pleasure of the city manager.

Sec. 6-1-3. BUILDING INSPECTOR — FUNCTIONS. The chief building inspector shall be ex officio electrical inspector, plumbing inspector and special hazards inspector, until such positions are specifically filled by the appointment of another person.

Sec. 6-1-4. BUILDING INSPECTOR — DUTIES. The chief building inspector shall be responsible for the enforcement of the building code, the electric code, plumbing code, housing code, all special hazards codes which may now or hereafter be adopted, and the zoning code of the city. He shall keep an accurate account of moneys received by him and shall daily pay such moneys over to the city treasurer. During or before the last week of January of each year he shall submit to the city manager a full report of his records and the work of his position for the preceding calendar year.

Sec. 6-1-5. BUILDING INSPECTOR — RIGHT OF ENTRY. Upon presentation of his cretials, the chief building inspector, or his duly authorized representative, may enter at any reasonable time any building, structure or premises in the city to perform any duty imposed upon him by this Code.

Sec. 6-1-6. BUILDING INSPECTOR — STOP ORDERS. Whenever any work is being done contrary to the provisions of this Code or of any code adopted by any provisions of this Code, the chief building

inspector shall order the work stopped by notice in writing served on any person engaged in the doing or causing of such work to be done. It shall be unlawful for any person to fail or refuse to obey such order.

Sec. 6-1-7. BUILDING INSPECTOR — ELECTRICAL INSPECTIONS. Periodically, the chief building inspector shall make a thorough examination of the electrical wiring and appliances installed within the city. Whenever he shall find such installations or appliances to be in an unsafe condition, he shall order the person owning, using, operating or installing the same in writing to remedy the unsafe condition within fifteen (15) days or such longer time as may be deemed reasonable by the inspector. It shall be unlawful for any person to fail or refuse to obey such order. The chief building inspector is hereby empowered to order the disconnection of electrical service to any defective installation or appliance if the same shall constitute an immediate hazard to the public health, safety and welfare.

ARTICLE 2 CONTRACTORS

Sec. 6-2-1. PURPOSE. The purpose of this ordinance is to establish a system of registering persons engaging in business within the limits of the municipality as contractors.

Sec. 6-2-2. DEFINITIONS.

(1) Contractor means any person, firm, co-partnership, corporation, association, or other organization, or any combination of any thereof, who for a fixed sum, price, fee, percentage, or other compensation other than wages, undertakes with another for the construction, alteration, repair, addition to or improvement of any building, highway, road, railroad, excavation or other structure, project, development, or improvement, other than to personalty, or any part thereof, provided, that the term contractor, as used in this ordinance, shall include anyone who builds more than one structure on his own property during any one year for the purpose of sale and shall include subcontractors, but shall not include anyone who merely furnishes materials or supplies without fabricating the same into, or consuming the same in the performance of the work of the contractors as herein defined.

(2) Person means every natural person, firm, co-partnership, association, or corporation.

(3) Types of contractors. As an illustrative list of contractors subject to the provisions of this ordinance, but not in limitation thereof, the following types of contractors, and all others engaged in related work are subject to the provisions of this ordinance: General contractors, specialty contractors of all kinds, such as, but not limited to those engaged in the business of installing, repairing, or otherwise performing services in

connection with: Accoustical tile and roof decking; awnings, storm doors, and windows; air conditioning, dry-heating, sheet metal; boilers, steamfitting, carpentry; cement and concrete; ceramic tile; cabinet and millwork; composition floor, countertops, tile; carpet; drywall; elevator installation; electrical; excavating and grading; fencing; floor coverings; fire prevention (structural); furnaces and burners; glazing; industrial piping; iron and bronze (ornamental); insulation; landscaping; lathing, lawn sprinklers; masonry; mosaic tile and terazzo; overhead doors; painting and paper handing; pest control (structural); plastering; plumbing and wet heating; roofing and siding; swimming pool; signs; stone masonry; sewer installation; steel reinforcing; and erection; tanks (structural); waterproofing; weatherstripping; welding; wrecking and demolition; wood floor laying and finishing.

Sec. 6-2-3. ORDINANCES IN CONFLICT SUPERSEDED. To the extent that any other ordinance of this municipality heretofore enacted, is in conflict with this ordinance in that it imposes a fee upon a contractor for the privilege of engaging in business as a contractor within the limits of this municipality, it is hereby superseded to the extent of said conflict. In such case, this ordinance shall be deemed solely applicable.

Sec. 6-2-4. DOING BUSINESS WITHOUT REGISTRATION UNLAWFUL. Any person desiring to engage in business as a contractor within the corporate limits of this municipality must comply with the two

following requirements:

(1) Be a licensed contractor in the State of Utah and present evidence that the license is current and applicable to the kind of work being performed.

(2) Register for the calendar year. Prior to engaging in any said business activity during any calendar year, he must register for the calendar year as a contractor by completing and filing a registration form in the office of the city clerk, and paying the \$10.00 registration fee.

It shall be unlawful for any person to engage in business as a contractor within the corporate limits of this municipality without first registering for the calendar year and paying the required fees for said registration.

Sec. 6-2-5. REGISTRATION. All persons desiring to do business as contractors within this municipality during any calendar year, shall complete and file in the office of the city clerk a registration form, provided to him by the municipality. Said registration shall disclose (a) the name of the contractor, (b) address and telephone number of the contractor, (c) type of organization, e.g., corporation, partnership, or sole proprietor. If a partnership or a corporation, or other artificial person; the name, address and telephone number of the person responsible for the functions of the organization, (d) the State of Utah license number of the contractor, (e) type of business in which registrant seeks to engage, e.g., general contractor or one of the specialty contractors, (f) Workmen's Compensation (State Insurance Fund) policy number, (g) public

liability and property damage insurance company, extent of coverage, policy, effective and expiration dates.

Sec. 6-2-6. ANNUAL REGISTRATION FEE. Any person seeking to register for the privilege of doing business as a contractor within the limits of this municipality for any calendar year, or any part thereof, shall pay an annual registration fee of ten dollars (\$10.00).

Sec. 6-2-7. RECORDS — INSPECTION. All persons registered pursuant to this ordinance for the privilege of doing business as contractors, and all persons who engage in doing business as contractors, shall maintain records of all services performed by them as contractors within the corporate limits of this municipality. Said records shall disclose the person for whom said services are performed and the contract price or charge made for said services. Said persons shall maintain said records at their office or principal place of business and shall permit officials or agents of the municipality to inspect said records for the purpose of determining whether or not said persons have complied with the requirements of this registration ordinance.

Sec. 6-2-8. REGULATIONS. The city council may adopt such regulations as in its opinion are necessary to implement this ordinance, and the objectives thereof.

Sec. 6-2-9. PENALTY. Any person violating any of the provisions of this ordinance shall, on conviction thereof, be punished by a fine in any sum less than \$299.00 or by imprisonment not exceeding

three (3) months in the city or county jail , or by both said fine and imprisonment.

ARTICLE 3
UNIFORM BUILDING CODE

Sec. 6-3-1. ADOPTION OF BUILDING CODE. The Uniform Building Code, 1973 Edition, with each of the appendices therein, as adopted by the International Conference of Building Officials, is hereby adopted and incorporated herein by reference into the Revised Ordinances of Park City, Summit County, 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. Said imprisonment to be in the county jail.

(2) Section 303 (a) of the Uniform Building Code, 1973 Edition, is amended as follows:

(A) Section 303 (a) (1) BUILDING PERMIT FEES —
A fee for each building permit shall be paid to the building inspector as set forth in Table Number 3-A.

The determination of value or valuation under any of the provisions of this Code shall be made by the building inspector. The valuation to be used in computing the permit and plan-check fees shall be the total value of all constructions wrok 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.

Where work for which a permit is required by this Code is started or proceeded with prior to obtaining said permit, the fees specified in Table Number 3-A shall be doubled, but the payment of such double fee shall not relieve any persons from fully complying with the requirements of this Code in the execution of the work nor from any other penalties prescribed therein.

TABLE NO. 3-A — BUILDING PERMIT FEES

<u>TOTAL VALUATION</u>	<u>FEE</u>
\$1.00 to \$50,000.00	One (1%) percent of the first \$50,000.00
\$50,001.00 to \$500,000.00	One (1%) percent of the first \$50,000.00 plus an additional three quarter (3/4%) percent of the next \$450,000.00 or fraction thereof;
\$500,001.00 and up	One (1%) percent of the first \$50,000.00 plus an additional three quarter (3/4%) percent of the next \$50,001.00 to \$500,000.00 plus an additional one-half (1/2%) percent of \$500,001.00 and up or fraction thereof.

Section 303 (a) (2) IMPACT FEES. Prior to the issuance of a building permit, a fee shall be paid to the building inspector as set forth in Table No. 3-B.

The determination of value or valuation under any of the provisions of this Code shall be made by the building inspector.

The valuation to be used in computing the impact fees shall be the total value of all construction work for which the permits 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.

Where work for which a permit is required by this Code is started or proceeded with prior to obtaining said permit, the fees specified in Table No. 3-B shall be doubled, but the payment of such double fee shall not relieve any persons from fully complying with the requirements of this Code in the execution of the work nor from any other penalties prescribed herein.

The fees as set forth in Table No. 3-B shall be in addition to the building permit fees as set forth in Table No. 3-A.

TABLE NO. 3-B — IMPACT FEES

TOTAL VALUATION	FEE
\$1.00 and up	Two (2%) percent of the total valuation of construction as hereinabove described.

Sec. 6-3-2. Whenever the word "Code" is used in any ordinance, it shall apply equally to all of the codes herein and may be used in connection with any of the said codes.

Sec. 6-3-3. COPIES. Three copies of each volume of the Uniform Building Code have been filed with the city recorder and are available for examination by any person desiring to use the same.

ARTICLE 4
NATIONAL ELECTRICAL CODE

Sec. 6-4-1. ADOPTION OF NATIONAL ELECTRICAL CODE. The National Electrical Code, 1971 Edition, with each of the appendices therein, as adopted by the National Fire Protection Association, is hereby adopted and incorporated herein by reference into the Revised Ordinances of Park City, Summit County, with the following amendments:

(1) Whenever any person, corporation, firm or otherwise violates any provision of this code, said violation shall be deemed a misdemeanor and each day the violation continues shall constitute a separate offense. Any imprisonment shall be in the county jail.

(2) Wherever the word "Code" is used in any ordinance, it shall apply equally to all of the codes herein and may be used in connection with any of the said codes.

(3) Three copies of each volume of said code have been filed with the city recorder and are available for examination by any person desiring to use the same.

ARTICLE 5
UNIFORM MECHANICAL CODE

Sec. 6-5-1. ADOPTION OF MECHANICAL CODE. The Uniform Mechanical Code, 1973 Edition, with each of the appendices therein, as adopted by the International Conference of Building Officials and the international Association of Plumbing and Mechanical Officials is hereby adopted and incorporated herein by reference into the Revised Ordinances of Park City, Summit County, with the following amendments:

(1) Section 202 is amended according to the following:

Where \$500.00 is now shown, it is amended to read \$299.00. Said imprisonment to be in the county jail.

(2) Wherever the word "Code" is used in any ordinance, it shall apply equally to all of the codes herein and may be used in connection with any of the said codes.

(3) Three copies of each volume of said code have been filed with the city recorder and are now available for examination by any person desiring to use the same.

ARTICLE 6

UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS

Sec. 6-6-1. ADOPTION OF CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS. The Uniform Code for the Abatement of Dangerous Buildings, 1973 Edition, with each of the appendices therein, as adopted by the International Conference of Building Officials, a supplement to the Uniform Building Code, is hereby adopted and incorporated herein by reference into the Revised Ordinances of Park City, Summit County, with the following amendments:

(1) Wherever the word "Code" is used in any ordinance, it shall apply equally to all of the codes herein and may be used in connection with any of the said codes.

(2) Three copies of each volume of said code have been filed with the city recorder and are available for examination by any person desiring to use the same.

Chapter 7
ELECTIONS
ARTICLE 1
IN GENERAL

Sec. 7-1-1. UTAH MUNICIPAL ELECTION LAWS ADOPTED. City elections shall be governed by the Utah Municipal Election Laws as now existing or hereafter amended or modified except as otherwise provided by this code, or by ordinance hereafter enacted.

Sec. 7-1-2. MUNICIPAL ELECTIONS. A general municipal election shall be held on the first Tuesday after the first Monday in November of 1977, and biennially thereafter. Any special municipal election may be called by resolution or ordinance of the council at least sixty (60) days in advance of such election. The resolution or ordinance calling a special municipal election shall set forth the purpose or purposes of such election. The polling places for all municipal elections shall be open from 7:00 a.m. to 7:00 p.m. on election day.

Sec. 7-1-3. ELECTION PRECINCTS. The city shall constitute one (1) voting precinct, provided that the council may for the convenience of voters, establish by ordinance three (3) or more precincts forty-five (45) days or more prior to any election. The precincts so established by ordinance shall remain for subsequent elections unless otherwise provided by ordinance. The council shall determine the maximum number of electors for each precinct, and each precinct shall be substantially equal to the number of electors.

Sec. 7-1-4. ELECTION COMMISSION.

(1) An election commission is hereby created, consisting of the city recorder and two qualified and registered electors of the city, who during their term of office shall not be city officers or employees or candidates or nominees for elected city office. These two members shall be appointed by the council in the first January following a regular city election for a term of two years and shall serve without compensation. The city recorder shall be chairman. The election commission shall have charge of all activities and duties required of it by statute and this Code relating to the conduct of elections in the city. In any case where election procedure is in doubt, the election commission shall prescribe the procedure to be followed.

(2) The commission shall provide procedures to establish proof of residency qualification where residency is in question. Upon a showing for good cause, the commission may require proof of residency by any person registered to vote or attempting to register to vote in the City of Park City. Said person shall not be qualified to vote in any municipal election until the commission is satisfied that he has presented sufficient proof of residency as required by law or by this Code.

(3) The election commission shall provide for ballots and sample ballots or voting machines, for determination of the winner in the event of a tie vote, for canvass of returns, and for issuance of appropriate certificates.

Sec. 7-1-5. RECALL. Any elected officer of the city may be recalled at any time after six (6) months in office by the electors

entitled to vote for a successor of such incumbent through the procedure and in the manner provided for in Article VI of the Constitution of the State of Utah consistent with the provisions of this Code. The city council may provide by ordinance for further recall procedures.

Sec. 7-1-6. NON-PARTISAN ELECTIONS. All elections shall be non-partisan. No candidate for any municipal office shall run under a party label of any kind.

ARTICLE 2
DIRECT PRIMARY ELECTION

Sec. 7-2-1. CANDIDATES. Candidates to be voted for at all municipal elections shall be nominated by a primary election, and no names shall be placed upon the municipal ballot except those selected in the manner hereinafter prescribed. The primary election for such nomination shall be held on the fourth Tuesday preceding the municipal election. The judges of the election appointed for the municipal election shall be the judges of the primary election. The primary election shall be held at the same place, so far as possible, as the municipal election, and the polls shall be opened and closed at the same hours.

Sec. 7-2-2. NOMINATION STATEMENT. Any person desiring to become a candidate for mayor or city councilman shall, and at least twenty-one days prior to the primary election, file with the City Recorder a statement of his candidacy in substantially the following form:

NOMINATION STATEMENT

STATE OF UTAH, COUNTY OF SUMMIT

I, _____, being first duly sworn, say that I reside at _____ Street, City of Park City, County of Summit, State of Utah; that I am a qualified voter therein and have resided in Park City, Utah, not less than one (1) year last past; that I am a candidate for nomination to the office of _____ (stating the office) to be voted upon at the primary election to be held on Tuesday, the ____ day of October, 19____, and I hereby request that my name be printed upon the official primary ballot for nominations by such primary election for such office.

(signed) _____

Subscribed and sworn to (or affirmed) before me by _____
_____ on this ____ day of _____, 19____.

(signed) _____

Official character of officer taking
oath)

Sec. 7-2-3. PETITION. Any petition desiring to become a candidate for mayor or city councilman shall at the same time the nomination statement is filed also file with the city recorder, a petition of a least fifty (50) qualified voters requesting such candidacy. Each petition shall be verified by one or more persons as to the qualifications and residence, with street number, of each of the

persons signing such petition, which shall be substantially the following form:

PETITION ACCOMPANYING NOMINATION STATEMENT

The undersigned, duly qualified electors of the City of Park City and residing at the place set opposite our respective names hereto, do hereby request that the name of (name of candidate) be placed on the ballot as a candidate for nomination for (name of office and term), at the primary election to be held in said city on Tuesday, the ___ day of October, 19___. We further state that we know him to be a qualified elector of said city and a man of good moral character, and who is qualified in our judgment for the duties of such office.

	Name of Qualified Electors	Number	Street
1.	_____	_____	_____
2.	_____	_____	_____

Sec. 7-2-4. PUBLICATION OF CANDIDATES — PRIMARY BALLOT.
Immediately upon the expiration of the time for filing the statements and petitions of candidates the city recorder shall cause to be published for three successive publications, in a newspaper circulated in the city, in proper form, the names of the persons as they appear on the primary ballot; and the recorder shall thereupon cause the primary ballots to be printed, authenticated with a facsimile of his signature. Upon the ballot the names of the candidates for mayor, arranged alphabetically, shall first be placed, with a square at the right of each name, and immediately below, the words, "Vote

for One." Following such names, likewise arranged in alphabetical order, shall appear the names of the candidates for city councilmen for the four year term, with a square at the right of each name, and below the names of such candidates shall appear the words, "Vote for _____", (stating the numbers as the case may be).

The ballots shall bear no party designation or mark whatever and shall be in substantially the following form:

OFFICIAL PRIMARY BALLOT

Candidates for nomination for (state the offices to be filled) of Park City, at the primary election _____.

For Mayor:

(Names of Candidates)

Vote for One.

For City Councilman for the four-year term:

(Names of Candidates)

Vote for _____ (stating the number to be elected at the municipal election).

Sec. 7-2-5. VOTING PROCEDURES. Having caused such ballots to be printed, the city recorder shall cause to be delivered at each polling place a number of ballots equal to twice the number of votes cast therein at the last municipal election for mayor. Persons who are qualified to vote at the municipal election, and who at the time of such primary election are registered, shall be qualified

to vote at such primary election, and challenges can be made by not more than two persons to be appointed at the time of opening the polls by the judges of election. The law applicable to challenges made at a municipal election shall be applicable to challenges made at a primary election. Upon the closing of the polls, judges of election shall immediately count the ballots and ascertain the number of votes cast in the district for each of the candidates and make return thereof within twenty hours of the closing of the polls to the city recorder upon proper blanks to be furnished by him. On the day following the primary election the city recorder shall canvass the returns so received from all the polling districts and shall make and publish in a newspaper of general circulation in the city, at least once, the result thereof. The candidates receiving the highest number of votes for mayor shall be placed upon the ballot for mayor at the next succeeding municipal election. The four or six candidates on alternate years receiving the highest number of votes for city councilman shall be the candidates, and the only candidates, whose names shall be placed upon the ballot for city councilman at such municipal election.

Sec. 7-2-6. MUNICIPAL ELECTIONS. At primary elections the election precincts, voting places, and method of conducting elections, shall be the same as provided for by law for municipal elections.

Sec. 7-2-7. RESIDENCY OF ELECTORS. All qualified electors of the state who have resided in the county four months and in the city for

sixty days next preceding any municipal election are entitled to vote at the primary election.

Chapter 8 ETHICS

Sec. 8-1-1. DECLARATION OF POLICY. The proper operation of democratic government requires that public officials and employees be independent, impartial and responsible to the people; that government decisions and policy be made in proper channels of the governmental structure; that public office not be used for personal gain; and that the public have confidence in the integrity of its government. In recognition of these goals, a code of ethics for all city officials and employees is adopted. The purpose of this code is to establish guidelines for ethical standards of conduct for all such officials and employees by setting forth those acts or actions that are compatible with the best interests of the city and by directing disclosure by such officials and employees of private financial or other interests in matters affecting the city.

Sec. 8-2-2. DEFINITIONS.

(1) Interest means direct or indirect pecuniary or material benefit accruing to a public officer or employee as a result of a contract or transaction which is or may be the subject of an official act or action by or with the city, except for such contracts or transactions which by their terms and by the substance of their provisions confer the opportunity and right to realize the accrual of similar benefits to all other persons and/or property similarly situated.

For the purposes of this Code, a public officer or employee shall be deemed to have an interest in the affairs of:

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

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

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

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

(2) Official act or action means any legislative, administrative, appointive or discretionary act of any officer or employee of the city or any agency, board, committee or commission thereof.

(3) Business entity means any business, proprietorship, firm, partnership, person in representative or fiduciary capacity, association, venture, trust or corporation.

(4) Public officer or employee means any person, officer or employee holding a position by election, appointment or employment

in the service of the municipality, whether paid or unpaid, including members of any board, committee or commission thereof.

Sec. 8-1-3. CODE OF ETHICS.

(1) The requirements herein set forth shall constitute a code of ethics establishing reasonable standards and guidelines for the ethical conduct of public officers and employees of the city.

(2) Interest in contract or transaction. No public officer or employee having the power or duty to perform an official act or action, related to a contract or transaction which is or may be the subject of an official act or action of the city, shall:

(A) have or thereafter acquire an interest in such contract or transaction, or

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

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

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

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

(3) The prohibition against gifts or favors shall not apply to:

(A) An occasional non-pecuniary gift, insignificant in value, or

(B) An award publicly presented in recognition of public service, or

(C) Any gift which would have been offered or given to him if he were not an official or employee.

(4) Preacquisition of interest. No public officer or employee with respect to any contract or transaction which is or may be the subject of an official act or action of the city shall acquire an interest in or affected by such contract or transaction at a time when the public employee believes or has reason to believe that it will directly or indirectly be affected by an official act of the city.

(5) Disclosure of information. No public officer or employee with respect to any contract or transaction which is or may be the subject of an official act or action of the city, shall, without proper legal authorization, disclose confidential information concerning the property, government or affairs of the city, or use such information to advance the financial or other private interest of himself or others.

(6) Incompatible service. No public officer or employee shall engage in or accept private employment or render service, for private interest when such employment or service is incompatible with the proper discharge of his official duties or would tend to

impair his independence of judgment or action in the performance of his official duties unless otherwise permitted by law and unless disclosure is made as provided in this Code.

(7) Appearances. No public officer or employee shall appear on behalf of any private person, other than himself, his spouse or minor children before any city agency or municipal court. However, a member of the council may appear before city agencies on behalf of his constituent in the course of his duties as a representative of the electorate or in the performance of public or civic obligations.

(8) Public contracts. No public officer or employee who in his capacity as such officer or employee participates in the making of a contract in which he has a private pecuniary interest, direct or indirect, or performs in regard to that contract some function requiring the exercise of discretion on his part, shall enter into any contract with the city unless:

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

(B) The city attorney waives the requirement of this section after determining that it is in the best interest of the city to do so.

(9) Public property. No public officer or employee shall request or permit the unauthorized use of city-owned vehicles, equipment, materials or property for personal convenience or profit.

(10) Special treatment. No public officer or employee shall grant any special consideration, treatment or advantage to any citizen beyond that which is available to every other citizen.

(11) Later case interest. No public officer or employee shall, after the termination of service or employment with the city, appear before any board, commission, committee or agency of the city in relation to any case, proceeding or application in which he personally participated during the period of his service or employment, or which was under his active consideration.

Sec. 8-1-4. EXCEPTIONS TO CODE.

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

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

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

Sec. 8-1-5. DISCLOSURE OF INTEREST IN LEGISLATIVE ACTION.

(1) Any member of the council who has a financial interest or personal interest in any proposed legislation before the council shall disclose on the record of the council the nature and extent of such interest.

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

Sec. 8-1-6. ENFORCEMENT.

(1) The city attorney shall have the primary responsibility for the enforcement of this Code. He shall have the power to investigate any complaint, to initiate any suit, and to prosecute any criminal or civil action on behalf of the city where such action is appropriate.

(2) The city council may direct the city attorney to investigate or prosecute any apparent violation of the Code or it may employ or appoint any qualified attorney to investigate or prosecute any violation or series of violations by one or more persons of this Code.

(3) Any person who believes that a violation of any portion of the Code has occurred may file a complaint with the city attorney or with the city council. However, nothing in the Code shall be construed to prevent complainants from instituting direct legal action through the appropriate judicial authority.

Sec. 8-1-7. ADVISORY OPINIONS.

(1) Where any public officer or employee has a doubt as to the applicability of any provision of this Code to a particular situation, or as to the definition of terms used herein, he may apply to the city attorney for an advisory opinion. The officer or employee shall have the opportunity to present his interpretation of the facts at issue and of the applicability of provisions of the code before such advisory opinion is made.

(2) Such opinion until amended or revoked shall be binding on the city, the city council, and the city attorney in any subsequent actions concerning the public officer or employee who sought the opinion and acted on it in good faith, unless material facts were omitted or misstated in the request for the advisory opinion. Such opinion shall not be binding in any action initiated by any private citizen.

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

Sec. 8-1-8. PENALTIES; FORFEITED POSITION; EXEMPTIONS; INJUNCTION.

(1) Any public officer or employee who willfully and knowingly violates any of the provisions of this ordinance shall be guilty of a misdemeanor.

(2) Upon conviction for any violation of this ordinance of any public officer or employee, such officer or employee shall immediately forfeit his office or position. Nothing in this ordinance shall be construed to prohibit such public officer or employee from being re-elected, reappointed or otherwise rehired to any position forfeited under the provisions of this ordinance.

(3) The city attorney, with the consent of the city council, may exempt from the provisions of this ordinance any conduct found to constitute a violation by a public officer or employee, if he finds that the enforcement of this ordinance with respect to such conduct is not necessary in the public interest.

(4) Any contract or transaction which was the subject of an official act or action of the city in which there is an interest prohibited by this code, or which involved the violation of a provision of this code shall be voidable at the option of the city.

(5) The city attorney shall have the power, where a violation of the provisions of this code is threatened or has occurred, to bring an action or proceeding at law or in equity for a judgment enjoining a violation of the provisions of this ordinance or requiring a relinquishment of any prohibited interest or the voiding of any contract or transaction, taking into account the interests of the attorney and any third persons who may be injured thereby.

Where the attorney determines that the public interest may best be served by not voiding a contract or transaction entered into in violation of this ordinance, such contract or transaction may be enforced and an action or proceeding may be brought against any public officer or employee found in violation of provisions of this ordinance for damages not to exceed twice the damages suffered by the city or twice the profit gain realized by the public officer or employee, whichever is greater.

Sec. 8-1-9. DISTRIBUTION OF CODE OF ETHICS. The city clerk shall cause a copy of this code of ethics to be distributed to every public officer and employee of the city within thirty (30) days after enactment of this code. Each public officer and employee elected, appointed or engaged thereafter shall be furnished a copy before entering upon the duties of this office or employment.

Chapter 9
FIRE PREVENTION AND PROTECTION
ARTICLE I
IN GENERAL

Sec. 9-1-1. FIRE LIMITS. The fire limits of the city shall be the same as the limits of such city.

Sec. 9-1-2. REQUIREMENT OF ONE FIRE TRUCK IN CITY AT ALL TIMES. At least one fire truck shall remain within the city limits at all times for the purpose of providing the city adequate fire protection.

Sec. 9-1-3. STORAGE OF EXPLOSIVES REGULATED. It shall be unlawful

for any person to store within the city limits or within one mile thereof any amount of gunpowder, blasting powder, nitroglycerine, dynamite, or other high explosive, or devices used for the detonation of such high explosives.

Sec. 9-1-4. FALSE ALARMS PROHIBITED. It shall be unlawful for any person to willfully give or make or cause to be given or make a false alarm of fire.

ARTICLE 2 FIREWORKS

Sec. 9-2-1. DEFINITIONS.

For the purposes of this article the term "fireworks" means and includes any article, device or substance prepared for the primary purpose of producing a visual or auditory sensation by combustion, explosion, deflagration, or detonation, including, without limitation, the following articles and devices commonly known and used as fireworks: toy cannons or toy canes in which explosives are used, blank cartridges, the type of balloon which requires fire underneath to propel the same, firecrackers, torpedoes, skyrockets, Roman candles, dago bombs, sparklers, and torches, and the devices for discharging same; providing, this definition shall not include ammunition and firearms.

Sec. 9-2-2. REGULATION OF SALE. It shall be unlawful for any person to sell, possess or display for sale within Park City any fireworks as defined in this article.

Sec. 9-2-3. DISCHARGE REGULATED. It shall be unlawful for any person to set off or discharge fireworks of any kind within the city, except with permission of the city manager for supervised public display of fireworks.

Sec. 9-2-4. APPLICATION OF ARTICLE TO MODEL ROCKETS. This article shall not be construed to prohibit any person who sells or uses model rockets as hereinafter described, and any person engaged in manufacturing of model rockets or model rocket engines who offers for sale, exposes for sale, or has in his possession with intent to offer for sale or sell, model rocket engines, or model or educational rockets which utilize a replaceable engine or motorcartridge, of nonmetallic construction, containing less than two (2) ounces of propellant, and designed to be launched by an electrical ignition system and contain a parachute or other means for safe recovery of the rocket vehicle, except no model rockets shall be used or discharged within the commercial zoned areas of the city.

ARTICLE 3

FLAMMABLE LIQUIDS AND CERTAIN OTHER EXPLOSIVES

Sec. 9-3-1. DEFINITIONS.

For purposes of this article, the following definitions shall have the meanings ascribed to them:

Dangerous articles. The term "dangerous articles" shall mean any chemical compound, mixture, device, gas or element, not otherwise defined, which when released from its container could

cause fire or explosion , damage to property, damage to living tissue, toxication or radiation poisoning.

Delivery vehicle. The term "delivery vehicle" shall mean a single self-propelled motor vehicle equipped with a cargo tank mounted thereon used for the transportation of l.p. gas, flammable liquids or other dangerous articles. The term "tank delivery vehicle" shall not be construed to mean or include such vehicles as semi-truck trailer, tank trailers, towed tank vehicles or any other combination thereof.

Explosives. The word "explosives" shall mean any chemical compound, mixture or device the primary or common purpose of which is to function by explosion with instantaneous release of heat and energy.

Flammable liquid. The term "flammable liquid" shall mean any liquid having a flash point below one hundred (100) degrees Fahrenheit and having a vapor pressure not exceeding forty (40) pounds per square inch (absolute) at one hundred (100) degrees Fahrenheit.

L.P. Gas. The term "l.p. gas" shall mean "liquefied petroleum gas" or LPG and include any material composed predominantly of any of the following hydrocarbons or mixtures of them: propane, propylene , butanes, and butylenes. When reference is made to l.p. gas, it shall refer to liquefied petroleum gases in either the liquid or gaseous state.

Motor vehicle or vehicle. The terms "motor vehicle" or

"vehicle" shall mean any vehicle, machine, truck, tank-truck, tractor, trailer, tank trailer, semi-trailer, or any combination thereof, propelled or drawn by mechanical power and used upon the highways, streets and alleys in the transportation of persons or property.

Sec. 9-3-2. STANDARDS FOR MOTOR VEHICLES USED FOR TRANSPORTATION AND PLACES OF STORAGE. No motor vehicle tank, structure, or place of storage used for the transportation, delivery or storage of flammable liquids, l.p. gas, explosive or other dangerous articles shall be used, operated or maintained within the corporate limits of the city unless such motor vehicle, tank, structure or place of storage are constructed, maintained and operated in a safe and nonhazardous manner. Compliance with the regulations laid down in the Standards for Flammable Liquids NFPA No. 30 of the National Fire Protection Association, the Standard for Liquefied Petroleum Gases NBFU No. 58 of the National Board of Fire Underwriters, the Standards for the Storage and Use of Explosives NFPA No. 495 of the National Fire Protection Association, the Standard for Tank Vehicles for Flammable Liquids NBFU No. 385 of the National Board of Fire Underwriters, and the Fire Prevention Code of the National Board of Fire Underwriters shall be prima facie evidence of construction, maintenance and operation in a safe and nonhazardous manner.

Sec. 9-3-3. LIMITATIONS UPON CAPACITIES OF MOTOR VEHICLES USED IN TRANSPORT.

(1) Tank delivery vehicles used for the delivery of flammable liquids as defined in this article, having an aggregate

capacity in excess of one thousand five hundred (1,500) gallons shall be equipped with a single cargo tank mounted thereon, self-propelled, and of the diesel powered type.

(2) It shall be unlawful for any motor vehicle having a tank capacity in excess of two thousand five hundred (2,500) gallons liquid capacity to deliver l.p. gas to any place of storage within the corporate limits of the city.

(3) It shall be unlawful for any motor vehicle having a tank capacity in excess of five thousand (5,000) gallons aggregate, or with any one compartment thereof in excess of two thousand five hundred (2,500) gallons individual capacity to deliver flammable liquids to any place of storage within the corporate limits of the city.

(4) It shall be unlawful for any motor vehicle transporting flammable liquids in excess of five thousand (5,000) gallons, or any motor vehicle transporting l.p. gas in excess of two thousand five hundred (2,500) gallons liquid, or any vehicle transporting explosives and other dangerous articles to remain within the city for a period exceeding one (1) hour, unless as provided herein.

(5) It shall be unlawful for any motor vehicle other than a "tank delivery vehicle" as defined herein to deliver flammable liquids, l.p. gas, or other dangerous articles to any place of storage within the corporate limits of the city.

Sec. 9-3-4. DISABLED VEHICLES.

(1) Whenever any motor vehicle transporting flammable

liquids, l.p. gas, explosives or other dangerous articles, is disabled upon any highway, street, alley within the city, the requirements of this section shall be complied with during the period of such stop or disability.

(2) All such motor vehicles whether loaded or empty, shall be equipped with three (3) red electric lanterns and two (2) red flags, or three (3) red reflectors and two (2) red flags for use in case of emergency stops. In the event of an emergency stop, a red electric lantern and a flag or a red reflector and a red flag shall be placed in front of and at the rear of the stopped vehicle. During periods of darkness or poor visibility, a red reflector, or a red electric lantern, shall be placed on the traffic side of the disabled vehicle. The distance this equipment shall be placed on the traffic side of the disabled vehicle shall be such as to insure complete safety of all users of the street under the circumstances and conditions then existing.

Sec. 9-3-5. VEHICLE ACCIDENTS — NOTIFICATION; SAFETY PRECAUTIONS GENERALLY. Whenever any motor vehicle transporting flammable liquids, l.p. gas, explosives, or other dangerous articles is involved in an accident by collision or other means with another vehicle or property, the driver shall immediately take the necessary action to notify the city police and fire departments of the accident and probable hazards thereof. Means shall also be employed to prevent smoking, to keep fires or flames away, to safeguard against any hazard present and to warn other users of the highway, street or alley. In the event that any motor vehicle

laden with flammable liquids, l.p. gas, explosives or other dangerous articles is entangled with another or with any other object or structure, no attempt shall be made to disentangle either vehicle, or the laden vehicle from the object or structure without the permission of the officer in charge of the fire department at the scene.

Sec. 9-3-6. SAME — VACATION OF HAZARDOUS AREA. Should the officer in charge of the fire department at the scene of an accident involving a motor vehicle transporting flammable liquids, l.p. gas, explosives, or other dangerous articles, deem it necessary, he shall order all persons not engaged in the protection of persons or property to remove themselves from the area. It shall be unlawful for any person to disobey or interfere with an order to vacate the area given by any officer of the police or fire department.

Sec. 9-3-7. REPAIRS TO MOTOR VEHICLES.

(1) No repairs shall be performed on any motor vehicle containing any flammable liquid, l.p. gas, explosives, or dangerous articles except in such cases that such repair can be made without hazard.

(2) No motor vehicle used for the transporting of flammable liquids, l.p. gas or laden vehicles of which the contents of the cargo include explosives, or dangerous articles shall be repaired, serviced or stored within the confines of a closed garage service station or any structure located within fifty (50) feet of adjacent buildings.

(3) Nothing in this section shall prohibit the storage and repair of motor vehicles used for transporting flammable liquids and l.p. gas at bulk storage plants provided such bulk storage plants are constructed, operated and maintained in accordance with the standards for flammable liquids and l.p. gas referred to in section 9-3-2.

Sec. 9-3-8. MOTOR VEHICLES NOT TO BE LEFT UNATTENDED. It shall be unlawful for any driver or operator of a motor vehicle transporting flammable liquids, l.p. gas, explosives, or other dangerous articles to leave such vehicle unattended upon any highway, street, alley, or during the discharge and loading of the contents of the vehicle.

Sec. 9-3-9. STORAGE OF FLAMMABLE LIQUIDS, AND L.P. GAS IN FIRE ZONES I AND II.

(1) Flammable liquids shall not be stored in above-ground containers exceeding fifty-five (55) gallons individual capacity and two hundred and twenty (220) gallons aggregate capacity located in fire zone.

(2) Flammable liquids shall not be stored in above-ground containers exceeding five hundred (500) gallons liquid individual capacity and five hundred (500) gallons aggregate capacity located in fire zone.

(3) L.p. gas shall not be stored in aboveground containers exceeding five hundred (500) gallons (liquid) capacity and five hundred (500) gallons (liquid) aggregate capacity located in fire zone.

(4) L. p. gas shall not be stored in aboveground containers, exceeding one thousand (1,000) gallons (liquid) individual capacity and one thousand (1,000) gallons (liquid) aggregate capacity located in fire zone except as allowed at bulk storage sites.

Sec. 9-3-10. STORAGE OF EXPLOSIVES, FLAMMABLE LIQUIDS, AND COMPRESSED GAS. It shall be unlawful for any person to store or harbor any of the following items, except small arms ammunition, without the written permission of the chief of the fire department:

(1) Any flammable liquid in containers exceeding five (5) gallons capacity;

(2) Compressed gas and containers exceeding three hundred (300) pounds weight;

(3) Explosives exceeding fifty (50) pounds, within the confines of any structure located within the corporate limits of the city.

Chapter 10 GARBAGE AND TRASH

Sec. 10-1-1. DEFINITIONS.

For purposes of this chapter the following terms shall have the meanings ascribed to them:

Garbage. The term "garbage" shall mean all substances fit for food for swine, discarded from dwellings, rooming houses, hotels, clubs, restaurants, boardinghouses, eating places, shops, stores and other places of business.

Trash. The term "trash" shall mean all substances, which are neither ashes nor garbage, discarded from dwellings, rooming houses, hotels , clubs, restaurants, boardinghouses, eating places, shops, stores and other places of business.

Sec. 10-1-2. LITTERING PROHIBITED. It shall be unlawful for any person to throw, permit to be deposited or scattered upon any sidewalk, street, alley or public passageway or upon any private property, any waste or other material of any kind.

Sec. 10-1-3. DISPOSAL REQUIRED. Every owner or occupant of premises within the city shall use the ashes, garbage and trash collection and disposal system franchised by the city upon payment of the sum fixed by the franchised operator or shall provide his own method and means of collection and disposal of ashes, trash and garbage subject to the regulations of this chapter. But in any event every owner or occupant of premises within the city shall deposit and cause to be deposited all garbage, trash and ashes which may accumulate on any premises owned or occupied by him, in fly-tight, covered , metal containers.

Sec. 10-1-4. SEPARATE CONTAINERS REQUIRED FOR ASHES. All ashes accumulated on any premises shall be placed in a suitable container separate and apart from the garbage and trash containers.

Sec. 10-1-5. SPECIFICATIONS FOR CONTAINERS. The metal containers in which garbage shall be deposited, as provided in

section 10-1-3 shall be of a capacity not to exceed thirty-two (32) gallons each, and shall have a fly-tight cover, be leakproof and be provided with a bail or side handles.

Sec. 10-1-6. FREQUENCY OF COLLECTION BY CITY. The collection and disposal of trash and garbage within the city shall be as often as necessary and ashes shall be removed from the ash pits when sufficient ashes have accumulated to justify their removal.

Sec. 10-1-7. UNSANITARY GARBAGE CANS. Garbage cans or trash containers found to be in an unsanitary condition shall be tagged with a red tag by either the trash collector or the sanitarian. Within twenty-four (24) hours after a garbage can or trash container has been tagged, the occupant of the premises and users of the cans and containers shall cause them to be cleaned and put in a sanitary condition.

Sec. 10-1-8. REMOVAL OF UNLAWFUL ACCUMULATIONS BY CITY; LIEN FOR COST OF REMOVAL. In the event that the owner or occupant of premises in the city shall permit ashes, trash or garbage to accumulate thereon and fail or refuse to deposit such ashes, trash or garbage in suitable containers in accordance with the provisions of this chapter or fail to place the same at or near the street or alley adjacent to the premises in a position convenient for loading, the city at the discretion of the sanitarian may cause the ashes, trash or garbage to be removed. In such case the entire expense of the collection and removal thereof shall be charged against such premises and against the owner or occupant thereof in addition to the regular charge for collection and disposal of such ashes, trash

and garbage, and shall constitute a lien upon the real property of said owner or occupant.

Sec. 10-1-9. HAULING OF ASHES, TRASH, OR GARBAGE TO BE IN CLOSED CONTAINER OR COVERED VEHICLE. All ashes, trash and garbage hauled or conveyed within the city limits or through the city, shall be hauled in a closed container or, if being hauled or conveyed in a vehicle, shall be so covered or closed in so that the contents cannot fall or be blown from such vehicle. No person hauling or conveying ashes, trash or garbage within the city limits or through the city shall allow any ashes, trash or garbage to fall or be blown from the container or vehicle used for such hauling or conveying.

ARTICLE 2

COLLECTION OF GARBAGE, TRASH, ETC.

Sec. 10-2-1. It shall be unlawful to place, dispose, deposit or otherwise set out any garbage, refuse, trash, scrapes, or other materials for scavenger collection except on the days as provided in Section 10-2-3.

Sec. 10-2-2. It shall be unlawful to place, dispose, deposit or otherwise set out any garbage, refuse, trash, scraps, or other materials for scavenger collection unless said garbage, refuse, trash, scraps or other materials is placed in a covered metal container or covered hard plastic container.

Sec. 10-2-3. COLLECTION AREAS. Park City will be divided into three areas and scavenger collection shall be as follows:

- (1) Residential districts will get scavenger collection

once a week.

(2) All businesses will have scavenger collection three times a week.

(3) AREA I. MONDAY — South from 8th Street: All businesses; all residents on Main Street, Grant Avenue (Swede Alley), Heber Avenue, McHenry Avenue, Marsac Avenue, Daly Avenue, King Road, and Ontario Avenue.

(4) AREA II. WEDNESDAY — North of 8th Street: All businesses and residents on Park Avenue, Woodside Avenue, Norfolk Avenue, Empire Avenue, Pacific Avenue and Thaynes Canyon.

(5) AREA III. FRIDAY -- South of 8th Street: All businesses and residents on Park Avenue, Woodside Avenue, Norfolk Avenue and Sampson Avenue.

Sec. 10-2-4. The owner of the property where any garbage, refuse, trash, scraps, or other materials is found in violation of this ordinance shall be deemed solely liable.

Sec. 10-2-5. The violation of any provision of this chapter shall be deemed a misdemeanor.

Chapter 11 HEALTH

Sec. 11-1-1. PRIVIES PROHIBITED. It shall be unlawful for the owner or occupant of any building used for residency or business purposes within the city to provide for the building of, or to maintain, an outside or open closet, vault or privy to be used for

the collection or disposal of sewage from the residence or premises.

Sec. 11-1-2. SEPTIC TANKS, CESSPOOLS, ETC., PROHIBITED WITHIN CERTAIN DISTANCE OF CITY SANITARY SEWER. It shall be unlawful to construct, reconstruct, repair or place any septic tank, cesspool, closet, toilet, pool, drain, ditch, or other sewage disposal device in or near any residence or other building in the city, to be used for the purpose of collecting, storing or disposing of sewage from any such residence or other building.

Sec. 11-1-3. DISPOSAL OF ANIMAL CARCASSES REQUIRED. Any animal or brute which shall be killed or die from any cause in the city shall be at once removed beyond the city limits by the owner or person having had such animal in his possession, control or charge, and the carcass of such animal shall be buried or disposed of in a sanitary manner satisfactory to the sanitarian, or city manager in the absence of a city sanitarian. It shall be unlawful for any person to fail or refuse to dispose of such animal carcass as herein provided.

Sec. 11-1-4. POLLUTION OR CONTAMINATION OF CERTAIN CREEKS PROHIBITED. It shall be unlawful for any person to place, dump, throw, discharge or deposit any substance or material which will, in any manner, pollute or contaminate the waters of any creeks located within or running through the city limits of Park City, or their tributaries, for a distance of five (5) miles around or above the intake points of the water utility of the city, or to have, keep, or maintain, at , along or near the banks of said

creeks, for a distance of five (5) miles around or above the intake points of the water utility, any building, privy, pen, yard, corral for stock, or to have, keep or conduct any business near such creek as aforesaid which will contaminate or pollute the waters of the creeks or render the same unfit for domestic use.

Sec. 11-1-5. POLLUTION OF WATER IN WATERWORKS PROHIBITED. It shall be unlawful for any person to throw or discharge into any waterworks of the city, including all reservoirs, streams, ditches, inlets, pipes, drains, filters, sedimentation basins or other equipment or appliance used in the construction, maintenance and operation of the same, any obnoxious substance which is subject to decay or pollute the water.

Sec. 11-1-6. ALLOWING LIVESTOCK TO GRAZE NEAR OPEN WATERWORKS PROHIBITED. It shall be unlawful for any person to allow any livestock, or any animals of any kind, to graze within one hundred (100) yards of any open waterworks of the city, including all reservoirs, or collection points of water for distribution, streams, trenches, inlets, pipes or drains.

Sec. 11-1-7. SWIMMING OR BATHING IN WATERWORKS RESERVOIRS PROHIBITED. It shall be unlawful for any person to bathe or swim in or bathe any animal or cause any animal to enter into or swim in any of the reservoirs or other parts of the city waterworks.

Sec. 11-1-8. OPEN OR OVERFLOWING SEPTIC TANKS, CESSPOOLS, ETC., REGULATED. It shall be unlawful for any person to maintain any open or overflowing septic tank, cesspool, toilet, sink or open

drainage from any plumbing or sanitary fixtures within the city, and such is hereby declared to be a public nuisance. The owner or occupant of any residence, building, ground or premises within the city who shall maintain or permit the maintenance of any open or overflowing septic tank, cesspool, toilet, sink or open drainage from any plumbing or sanitary fixtures within the city shall be deemed guilty of creating and maintaining a public nuisance.

Sec. 11-1-9. ACCUMULATION OF STANDING WATER ON LAND REGULATED. It shall be unlawful for any person owning or occupying any premises, lot or parcel of land within this city to allow an accumulation of standing water that is or is likely to become offensive or injurious to the public health. Any person owning or occupying any premises, lot, or parcel of land whereupon water shall be standing as aforesaid, shall be deemed guilty of creating and maintaining a public nuisance.

Sec. 11-1-10. REMOVAL OF WEEDS, BRUSH, ETC. — REQUIRED. All weeds, brush and rubbish of all kinds shall be removed from all lots and tracts of land within the city and from the alleys behind and from the sidewalk areas, in front thereof.

Sec. 11-1-11. SAME — NOTICE; REMOVAL BY CITY AND ASSESSMENT OF COST FOR FAILURE TO REMOVE.

(1) In the event any land owner shall fail to remove the weeds, brush and rubbish as provided herein the city manager or his authorized agent may give the record owner of such lot or parcel

of land written notice of such condition and require the removal of such weeds, brush and rubbish within fifteen (15) days of the date of such notice. It shall be unlawful for any land owner to fail or refuse to comply with such notice.

(2) If the owner of such property shall fail to remove the weeds, brush and rubbish within the period above provided, then the city may remove or have removed such weeds, brush and rubbish and shall thereupon charge the whole cost thereof, including inspection and other incidental costs in connection therewith, to the owner of such lots or parcels of land.

(3) In the event that the owner or owners of the lot or lots or tracts of land against which any assessment hereunder shall be made, shall fail, refuse or neglect to pay the same within twenty (20) days from the date of notice of such assessment, then and in this event the assessment shall be certified by the city recorder to the county treasurer of the county to be placed upon the tax list for the current year and to be collected in the same manner as other taxes are collected, together with a penalty added thereon to defray the costs of collection. All the laws of the state for the assessment and collection of taxes and the redemption thereof, shall apply to and have full effect for the collection of all such assessments.

Sec. 11-1-12. SAME — NOTICE IN DISCRETION OF CITY MANAGER. The notices required by section 11-1-11 to be given to remove the weeds, brush and rubbish shall be given at the sole discretion of the

city manager and a determination by him that such a notice should be given because of the condition of such lot or tracts of land shall be conclusive on the question of whether the condition of such lots or tracts of land are such as to warrant such action.

Chapter 12

ARTICLE 1

BUSINESS REVENUE LICENSE

Sec. 12-1-1. DEFINITIONS. For the purpose of this ordinance the following terms shall have the meanings herein prescribed:

(1) Business. "Business" means and includes all activities engaged in within the corporate limits of Park City carried on for the business of gain or economic profit, except that the acts of employees rendering services to employers shall not be included in the term business unless otherwise specifically prescribed.

(2) Engaging in Business. "Engaging in business" includes but is not limited to, the sale of tangible personal property at retail or wholesale, the manufacturing of goods or property and the rendering of personal services for others for a consideration by persons engaged in any profession, trade, craft, business, occupation or other calling, except the rendering of personal services by an employee to his employer under any contract of personal employment.

(3) Place of Business. "Place of business" means each

separate location maintained or operated by the licensee within Park City from which business activity is conducted or transacted.

(4) Employee. "Employee" means the operator, owner, or manager of said place of business and any persons employed by such person in the operation of said place of business in any capacity and also any salesman, agent or independent contractor engaged in the operation of said place of business in any capacity.

(5) Number of Employees. "Number of employees" shall mean the average number of employees engaged in business at the place of business each regular working day during the preceding calendar year. In computing said number, each regular full-time employee shall be counted as one employee, and each part-time employee shall be counted as that fraction which is formed by using the total number of hours worked by such employee as the numerator and the total number of hours regularly worked by a full-time employee as the denominator.

(6) Person. "Person" shall mean any individual, receiver, assignee, trustee in bankruptcy, trust, estate, firm, co-partnership, joint venture, club, company, business trust, corporation, association, society or other group of individuals acting as a unit, whether mutual, cooperative, fraternal, non-profit or otherwise.

Sec. 12-1-2. LICENSE FEE LEVIED.

(1) There is hereby levied upon the business of every person engaged in business in Park City at a place of business within the city, an annual license fee of \$75.00 per business, plus an

additional fee of \$15.00 for each and every employee engaged in the operation of said business, based upon the number of employees defined in Section 12-1-1 (4) and (5) of this ordinance. The definition of an employee for purposes of the additional \$15.00 license fee assessed herein shall not include one (1) owner, operator, or manager of a business.

(2) There is hereby levied upon every person engaged in business in Park City, Utah, in addition to the fee set forth in Section 12-1-2 (1) allowing beer to be sold on the premises, a fee of \$100.00.

(3) There is hereby levied upon every person engaged in business in Park City, Utah, in addition to the fee set forth in Section 12-1-2 (1) and (2) who allow patrons to consume intoxicating liquor and be served setups, a fee of \$50.00.

(4) There is hereby levied upon every person engaged in business in Park City, Utah, in addition to those fees set forth in Section 12-1-2 (1) (2) and (3) who are designated as a "private club" a fee of \$250.00.

(5) There is hereby levied upon the business designated as a "nightly lodging facility" of every person engaged in such business in Park City, Utah, an annual fee of \$50.00 plus the sum of \$10.00 per multiple of four (4) persons who can be accommodated at such facility.

(6) There is hereby levied upon every person engaged in business in Park City, Utah, not having a place of business in

said city, and not exempt as provided by Section 12-1-10 of this code, a license fee as set forth in Section 12-1-2 (1) of this code.

Sec. 12-1-3. UNLAWFUL TO OPERATE WITHOUT LICENSE. It shall be unlawful for any person to engage in business within Park City without first procuring the license required by this chapter. All licenses issued under the provisions of this chapter are non-transferrable.

Sec. 12-1-4. LICENSE ADDITIONAL TO ALL REGULATORY LICENSES. The license fee imposed by this ordinance shall be in addition to any and all other taxes or licenses imposed by any other provisions of the ordinances of Park City.

Sec. 12-1-5. DELINQUENT DATE AND PENALTY. All license fees imposed by this ordinance shall be due and payable on or before January 1 of each year and in the event any fee is not paid within fifteen (15) days thereafter, or false return is filed, a penalty of ten percent (10%) of the license fee shall be assessed. Additionally, any business not duly licensed by April 10, 1975, or by January 31 of each year from and after January 1, 1976, shall be subject to immediate closure and shall remain closed until such time as all unpaid license fees and ten percent (10%) penalty thereon are paid in full.

Sec. 12-1-6. RECORDS TO BE MAINTAINED. It shall be the duty of every person liable for the payment of any license fee imposed by this code to keep and preserve for a period of three (3) years

such books and records as will accurately reflect the number of employees from which can be determined the amount of any license fee for which he may be liable under the provisions of this code.

Sec. 12-1-7. UNLAWFUL TO FILE FALSE RETURN. It shall be unlawful for any person to make a return that is false knowing the same to be so.

Sec. 12-1-8. REVOCATION OF LICENSE. Any person to whom a license is issued may have the same revoked by order of the city council upon his violating any provision, or his failing to comply fully with all the provisions of this code.

Sec. 12-1-9. LICENSE FEES DECLARED TO BE A DEBT. Any license fee due and unpaid under this code and all penalties thereon shall constitute a debt to Park City and shall be collected by court proceedings in the same manner as any other debt in like manner, which remedy shall be in addition to all other existing remedies.

Sec. 12-1-10. EXEMPTIONS TO LICENSE.

(1) No license fee shall be imposed under this chapter upon any person engaged in business for solely religious, charitable, eleemosynary or other types of strictly non-profit purpose who is tax exempt in such activities under the laws of the United States and the State of Utah, nor shall any license fee be imposed on any person engaged in a business specifically exempted from municipal taxation and fees by the laws of the United States or the State of

Utah; nor shall any license fee be imposed upon any person not maintaining a place of business within Park City who has paid a like or similar license tax or fee to some other taxing unit within the State of Utah, and which taxing unit exempts from its license tax or fee, by reciprocal agreement or otherwise, businesses, domiciled in Park City and doing business in such taxing unit.

(2) Reciprocal agreement. The city manager may, with approval of the city council, enter in to reciprocal agreements with the proper officials of other taxing units, as may be deemed equitable and proper in effecting the exemption provided for in paragraph (1) of this section.

Sec. 12-1-11. FEE NOT TO CONSTITUTE UNDUE BURDEN ON INTERSTATE COMMERCE. None of the license fees provided for by this chapter shall be applied as to occasion an undue burden on interstate commerce. In any case where a license fee is believed by a licensee or applicant for license to place an undue burden upon such commerce, he may apply to the city manager for an adjustment of the fee so that it shall not be discriminatory, unreasonable or unfair as to such commerce. Such application may be made before, at or within six (6) months after payment of the prescribed license fee. The applicant shall, by affidavit and supporting testimony show his method of business and the gross volume or estimated gross volume of business and such other information as the city manager may deem

necessary in order to determine the extent, if any, of such undue burden on such commerce. The city manager shall then conduct an investigation, comparing applicant's business with other businesses of like nature and shall make findings of facts from which he shall determine whether the fee fixed by this ordinance is discriminatory, unreasonable or unfair as to applicant's business and shall recommend to the city council a license fee for the applicant in an amount that is non-discriminatory, reasonable and fair, and if the city council is satisfied that such license fee is the amount that the applicant should pay, it shall fix the license fee in such amount. If the regular license fee has already been paid, the city council shall order a refund of the amount over and above the fee fixed by the council. In fixing the fee to be charged, the city manager shall have the power to base the fee upon a percentage of gross sales, or employees, or may use any other method which will assure that the fee assessed shall be uniform with that assessed on businesses of like nature; provided, however, that the amount assessed shall not exceed the fee prescribed in section 12-1-2.

Sec. 12-1-12. BRANCH ESTABLISHMENTS. A separate license must be obtained for each branch establishment or location of business engaged in, with the city, as if such branch establishment or location were a separate business and each license shall authorize the licensee to engage only in the business licensed thereby at the location or in the manner designated in such license, provided, that

warehouses and distributing places used in connection with or incident to a business licensed under this ordinance shall not be deemed to be separate places of business or branch establishments.

Sec. 12-1-13. JOINT LICENSE. Whenever any person is engaged in two or more businesses at the same location within the city, such person shall be required to obtain separate licenses for conducting each of such businesses, but shall be issued one license which shall specify on its face all such businesses. The license tax to be paid shall be computed as if all of said businesses were separate businesses being conducted at such location. Where two or more persons conduct separate businesses at the same location, each such person shall obtain a license for such business and pay the required license tax for such business.

Sec. 12-1-14. REVENUE MEASURE. This ordinance is enacted solely to raise revenue for municipal purposes and is not intended for regulation and is not a substitute for other regulatory ordinances.

ARTICLE 2 GRADING

Sec. 12-12-1. INTENT. The City Council of Park City, Utah, concur that in order to effectuate the objectives of a uniform grading within the incorporate limits of Park City, Utah, it is necessary to adopt this article establishing minimum standards and providing regulations for the construction and maintenance of landfills, excavations, cuts and clearing of vegetation, providing for revegetation of cleared areas where appropriate, and providing for other matters properly relating thereto.

Sec. 12-2-2. GENERAL PROVISIONS

(1) Construction and maintenance of any land fills, excavations and cut and clearing of vegetation and the revegetation of cleared areas shall be in compliance with the terms of this article. Permits shall be required as provided in this article, and such permits shall be granted or denied in conformity with the provisions of this article.

(2) The provisions of this article establish the minimum standards applicable within the city to the subject matters of the article.

Sec. 12-2-3. INTERPRETATION AND SEVERABILITY. The provisions of this article shall be liberally construed to effectuate their purposes. If any section, clause, provision or portion of this article is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this article shall not be affected thereby.

Sec. 12-2-4. SHORT TITLE. This article may be cited and referred to as the "Grading Article".

Sec. 12-2-5. DEFINITIONS. For the purposes of this article, certain terms or words used herein shall be interpreted as follows: Words in the present tense include the future; words in the singular number include the plural number; and, words in the plural number include the singular number. The word "shall" is mandatory, not permissive, unless the context indicates that a director meaning is intended.

Area of instability. An area where there is a foreseeable risk of soil or rock movement.

Clearing of vegetation. Total or partial removal of naturally occurring vegetation on an area of land.

Drainage way. Natural depression in the earth's surface such as swales, ravines, draws and hollows in which surface waters collect as a result of rain or melting snow but at other times are destitute of water.

Flood plain. Areas adjoining a water course, lake or other body of water that have been or may be covered by flood waters.

Fill. Any rock, soil, gravel, sand, or other material deposited by man.

Geological terms. As defined in the "Glossary of Geology and Related Sciences" published by the American Geological Institute.

Grading. Cutting through or otherwise disturbing the layers of the soil mantle so as to permanently change the existing landform.

Person. An individual, partnership, corporation, business association, or group of individuals and any government entity.

Stream environment zone. A required land strip on each side of the stream bed necessary to maintain existing water quality. The width of the stream environmental zone shall be determined by on-the-ground investigation. Investigation shall consider, (1) soil type and how surface water filters into the ground; and (2) the types and amount of the slope of the land within the zone and how significant

it is for retaining sediment from reaching the streams. The intent of maintaining the stream environment zone shall be to preserve the natural environment qualities and function of the land to purify water before it reaches the stream.

Surface waters. Waters falling upon, arising from the naturally spreading over lands and produced by rainfall, melting snow or springs.

Water course. A running stream of water; a natural stream, including rivers, creeks, runs and riverlets. It may sometimes be dry but must flow in a definite channel.

Sec. 12-2-6. PERMIT PROCEDURE. No person shall commence or perform any grading or filling or clearing of vegetation without having first obtained a permit from Park City, a municipal corporation.

(1) Exceptions: All other applicable provisions of this section shall apply, but a permit shall not be required if the work complies with any of the following conditions:

(A) The excavation does not exceed four (4) feet in vertical depth at its deepest point measured from the original surface and does not exceed 200 square feet in area.

(B) The fill does not exceed three feet in vertical depth at its deepest point measured from the natural ground surface and the fill material does not cover more than 200 square feet.

(C) Exploratory excavation not to exceed an aggregate area of 200 square feet.

(D) An excavation below finished grade for basements and footings of a building authorized by a valid building permit. This exception does not affect the requirement of a grading permit for any fill made with the material from such excavation.

(E) Clearing of vegetation which does not exceed 1000 square feet in area.

(F) Work by a public agency in accordance with plans approved by the city council of Park City, Utah.

(G) The work is performed on land used for bona fide agricultural purposes.

Sec. 12-2-8. APPLICATION FORM. Application forms are available in and shall be submitted to the Planning Commission of Park City, Utah, and a review will be made by the zoning inspector in accordance with the planning commission.

Sec. 12-2-8. INFORMATION REPORT. Applicants for a grading permit pursuant to the provisions of this article shall furnish an information report prepared by a person or firm qualified by trainings and experience to have expert knowledge of the subject. The Park City Planning Commission Staff shall determine the adequacy of the report and may require the submission of further information where necessary. The report shall provide information as follows, except to the extent that the planning commission determines that such information is not applicable to the project.

(1) Statement of the land capabilities of the property on

which the grading is to be performed, including soil name, soil group, hydrologic group, slope, runoff potential, soil depth, erosion potential, and natural drainage.

(2) A statement of the credentials of the person or persons who drew up the plans.

(3) Accurate contours at two (2) foot intervals for slopes up to 16% and five (5) foot intervals for slopes over 16% showing the topography of the fifteen (15) feet adjacent to such area.

(4) A subsurface soil and geological report including subsurface investigations, as may be required in Section 12-2-9 of this code.

(5) An accurate plot plan showing the exterior boundaries of the property on which the grading is to be performed, and including grading plans in accordance with engineering and planning practices applicable codes and restrictions imposed by recommendations of existing or future soils and geological reports.

(6) Elevations, dimensions, including quantity, location, and extent of proposed grading.

(7) Erosion control measures to prevent soil loss while the grading is in process.

(8) A report showing proposed extent and manner of tree cutting and vegetation clearing, including a plan for disposing of cut trees and vegetation.

(9) A description of equipment and methods to be employed in processing and disposing of soil and other material that is removed from the grading site, including the location of disposal sites.

(10) Detailed plans of all drainage devices, walls, cribbing, dams, or other protective devices to be constructed in connection with, or as a part of, the proposed work, together with a map showing the drainage area and estimated runoff of the area served by any drains and proposed runoff disposal.

(11) A schedule showing when each state of the project will be completed, including estimated starting and completion dates, hours of operation, and days or week of operation.

(12) A soil stabilization report including final ground cover, landscaping, and erosion control, and requirements for stable cut and fill slopes based upon detailed stability analysis.

Sec. 12-2-9. GENERAL REQUIREMENTS OF SUBSURFACE INVESTIGATIONS. For the purposes of preparing the soil and geological report, subsurface investigations shall be performed throughout the area to sufficiently describe the existing conditions.

Sec. 12-2-10. SPECIFIC REQUIREMENTS OF SUBSURFACE INVESTIGATIONS. In particular, subsurface investigations shall be conducted where stability will be lessened by proposed grading or filling or where any of the following conditions are discovered or proposed:

- (1) At fault zones where past land movement is evident.
- (2) At contact zones between two or more geologic formations.
- (3) At zones of trapped water or high water table.
- (4) At bodies of intrusive materials.
- (5) At historic landslides or where the topography is indicative of prehistoric landslides.

(6) At adversely sloped bedding planes, shortrange folding, over-turned folds, and other geologic formations of similar importance.

(7) At locations where a fill slope is to be placed above a cut slope.

(8) At proposed cuts exceeding twenty (20) feet in height, unless in extremely competent rock.

(9) Locations of proposed fills exceeding twenty (20) feet in height.

(10) Where side hill fills are to be placed on existing slopes steeper than 16%.

(11) Wherever groundwater from either the grading project or adjoining properties is likely to substantially reduce the subsurface stability.

Where any of the particular problem areas listed above or other weaknesses are found , the subsurface investigation shall be of sufficient intensity to describe the problem thoroughly. The person or firm making the report shall submit a written report of their findings and recommendations.

Sec. 12-2-11. PLAN REQUIRED. The applicant shall submit a slope stabilization and revegetation plan which shall include a complete description of the existing vegetation, the vegetation to be removed and its disposal, the vegetation to be planted, and slope stabilization measures to be installed. The plan shall include an analysis of the environmental affects of such operations, including the affects on slope stability, soil erosion, water quality and fish

and wildlife.

Sec. 12-2-12. SUBMITTAL OF PLAN. The revegetation and slope plan shall be submitted with the grading plan unless the revegetation plan is a part of an application for clearing of vegetation which does not include or contemplate grading or filling.

Sec. 12-2-13. ADDITIONAL INVESTIGATIONS AND REPORTS. When requested by Park City Planning Commission the applicant shall procure and furnish at his own expense additional engineering, geologic and ownership reports, plans or surveys and other material necessary to determine and evaluate site conditions and the effect of the proposed work on abutting properties, public ways and public welfare and safety within the purposes of this article.

Sec. 12-2-14. INSPECTION AT REASONABLE TIMES. All construction or work for which a permit is required shall be subject to inspection at reasonable times by the Park City Building Inspector or his authorized employees.

Sec. 12-2-15. GENERAL INSPECTIONS The building inspector may make any inspections of any construction work deemed necessary to ascertain compliance with the provisions of this article and other articles which the building inspection department enforces.

Sec. 12-2-16. NOTIFICATION. The permittee or his agent shall notify the building inspection department when construction stages reach completion, prior to being covered or concealed by additional work.

Sec. 12-2-17. INSPECTION OF CONCEALED WORK. Whenever any work on which inspections are required by this article is covered or concealed by additional work without first having been inspected, the building inspector may require, by written notice, that such work be exposed for examination. The work of exposing and recovering shall not entail expense to the building inspection department or Park City, a municipal corporation.

Sec. 12-2-18. PERMIT DURATION. All grading, filling, clearing of vegetation, or other disturbance of the soil should be completed by October 15th. The City Council of Park City, Utah, may require winterization any time after October 15th.

Sec. 12-2-19. EXTENSION. An extension of the permit may be granted upon a showing by the permittee that the work was delayed by reasons beyond his control or that an extension will not increase the risk of environmental damage caused by the grading, filling or clearing of vegetation.

Sec. 12-2-20. GENERAL CRITERIA FOR GRADING, FILLING AND CLEARING OPERATIONS. All grading, filling, and clearing operations, required under this article, shall be designed:

(1) To preserve, match or blend with the natural contours and undulations of the land.

(2) To retain trees and other native vegetation, to stabilize hill-sides, retain moisture, reduce erosion, siltation and nutrient runoff and preserve the natural scenic beauty.

(3) To minimize scars from cuts and fills.

(4) To reduce the amount of cuts and fills and to round off sharp angles at the top and toe and sides of all necessary

cut and fill slopes.

(5) To limit development on steep or hazardous terrain.

(6) To take into consideration geologic hazards and adverse soil conditions and their affect on the future stability of the development.

(7) So that all cleared slopes, including ski slopes, cuts and fills and other areas vulnerable to erosion shall be stabilized.

(8) So that construction, clearing of vegetation, or disturbances of the soil be limited to those areas of proven stability.

(9) So that the natural geologic erosion of hillsides, slopes, graded areas, cleared area, filled areas or streambanks will not be exceeded.

(10) So that sediment or other material deposited in Bear Lake , its flood plains or its tributaries, or any other public or private lands will not exceed that which would be deposited if the land had been left in its natural state.

Sec. 12-2-21. DIRECT DISCHARGE. No solid or liquid waste materials including soil, silt, clay, sand , and other organic or earthen materials shall be discharged into any stream or within the 100 year flood plain located within the incorporate limits of Park City, Utah.

Sec. 12-2-22. INDIRECT DISCHARGE. No material shall be placed within the 100 year flood plan or any other location from which it would be susceptible to erosion and/or disposition into said plain.

Sec. 12-2-23. DISCHARGE CONTROL DEVICES. In order to prevent such discharges from occurring, approved erosion and siltation control devices shall be required for all grading and filling. Control devices and measures which may be required include, but are not limited to, the following:

(1) Energy absorbing devices to reduce the velocity of runoff water.

(2) Sedimentation controls such as desilting basins and catchbasins. Any trapped sediment shall be removed to a disposal site approved by Park City, a municipal corporation.

(3) Dissipation or water runoff from developed areas into drainage fields to dissipate the runoff into the subsoil.

(4) Discharge of water runoff from developed areas into drainage fields to dissipate the runoff into the subsoil.

(5) Multiple discharge points to reduce the volume of runoff over localized discharge areas.

(6) Physical erosion control devices.

Sec. 12-2-24. TEMPORARY CONTROL. Approved temporary erosion and sedimentation control devices, facilities and measures shall be required during construction.

Sec. 12-2-25. DUST CONTROL. Whenever the native ground cover is removed or disturbed, or whenever fill material is placed on the site, the exposed surface shall be treated to the extent necessary to eliminate dust arising from the exposed material. Dust control methods must be approved by the City Council of Park City, Utah.

Sec. 12-2-26. SEASONAL PROHIBITION ON GRADING. Grading and filling shall be prohibited during the period from October 15th through May 1st, except as otherwise provided by this code.

Sec. 12-2-27. SCHEDULING OF OPERATIONS. All grading and filling operations shall proceed according to a work schedule included in the grading plan. The schedule shall be drawn up to limit to the shortest possible period the time that soil is exposed and unprotected.

Sec. 12-2-28. PROHIBITION OF WORK IN STREAM ENVIRONMENT ZONES. No clearing of vegetation, grading or filling shall take place within a stream environment zone of 100 year flood plain provided, however, drainage, facilities required by this article, utility facilities and roads may be constructed within said zone if (1) it can be demonstrated that there will be no detrimental effect on water quality of the water course, there will be no discharge of sediment or other material into the water courses, and (2) fish habitats will not be detrimentally affected by the construction.

Sec. 12-2-29. A permit for any construction resulting in alterations of the shape of a stream channel shall be subject to review by the Park City Planning Commission. After review of the permit application, the planning commission shall take action concerning the permit within 60 days after the application is made. Failure to take action will result in automatic approval of the application.

Sec. 12-2-30. No clearing of vegetation, grading or filling shall be done within a drainageway without the prior written approval of the City Council of Park City, Utah. Approval shall not be given unless it can be shown that:

(1) The proposed work will not substantially increase or alter in any manner the natural flow water, and

(2) The proposed work will not be detrimental to the environment within or adjacent to the drainageway.

Sec. 12-2-31. DISPOSAL OF CLEARED VEGETATION. Vegetation removed during clearing operations shall be disposed of by chipping all or some of the cleared vegetation and stockpiling on the site for use as mulch or compost, or disposal in a manner approved by Park City, a municipal corporation.

Sec. 12-2-32. DISPOSAL OF REMOVED EARTHEN MATERIALS. Earthen materials removed during site preparations shall be disposed of as follows:

(1) Stockpiling all or some of the topsoil on the site for use on areas to be revegetated.

(2) Disposal of the earthen material at the location approved by Park City, a municipal corporation.

Sec. 12-2-39. MAXIMUM SLOPE. The maximum cut slope shall be determined on the basis of the risk of slope instability or soil erosion as shown by the soil report and other available information.

Sec. 12-2-34. SLOPE MATERIAL. If the material of the slope is of such composition and character as to be unstable under the maximum moisture content anticipated, Park City, a municipal corporation, shall require such measures as are necessary to insure the stability of the slope. Such measures may include, but are not limited to, reduction of the slope angle and mechanical slope stabilization.

Sec. 12-2-35. SETBACKS. Tops of cut slopes shall not be made nearer to a property line than three (3) feet, plus one-fifth of the height of the cut, but need not exceed a horizontal distance of ten (10) feet. Top of any cut shall be a minimum distance of six feet measured horizontally from any fill slope.

(1) Building foundations shall be set back from the top of a slope a minimum distance of six feet for all cut slopes steeper than the ratio of two horizontal to one vertical.

(2) The setbacks given in this subsection are minimum and may be increased if considered necessary for safety or stability or to prevent possible damage from water, soil, or debris.

Sec. 12-2-36. MECHANICAL STABILIZATION. Where mechanical stabilization or containment of the slope by other than the use of native material is employed, the stabilization devices shall be at least partially screened by vegetation.

Sec. 12-2-37. MAXIMUM SLOPE. The maximum fill slope shall be determined on the basis of the risk of instability or soil erosion as shown by the soil report and other available information.

Sec. 12-2-38. FILL MATERIAL. No organic material, such as vegetation or rubbish, or any other material not subject to proper compaction, or otherwise not conducive to slope stability shall be permitted in fills. No rock of similar irreducible material with a maximum dimension greater than eight (8) inches shall be buried or placed in the top six feet of fills.

Sec. 12-2-39. BORROWING. Borrowing for fill is prohibited unless a grading permit has been issued therefro.

Sec. 12-2-40. COMPACTION. Each layer of material for fill shall be compacted to relative compaction of not less than 90% as certified by applicant to Park City, a municipal corporation.

Sec. 12-2-41. MOISTURE CONTENT. At the time of compaction, the moisture content of the fill material shall be such that the specified relative compaction may be obtained with the equipment being used.

Sec. 12-2-42. SETBACKS. The top and bottom of fill slopes shall be so located that no portion of the fill slope will be closer than ten feet to any adjacent property line. In addition the toes of fill slopes shall not be nearer to any adjacent property line than one-half the height of the fill but need not exceed a horizontal distance of twenty feet.

The setbacks given in this section are minimum and may be increased if necessary for safety or stability to prevent damage from water, soil, or debris.

Sec. 12-2-43. INTERCEPTORS. Paved or riprapped interceptors shall be installed at the top of all cut and filled slopes where there is a surfact runoff potential.

Sec. 12-2-44. REVEGETATION PERFORMANCE BOND. A revegetation performance bond shall be posted. The amount of bond shall be the estimated cost of the revegetation as determined by the City Council of Park City, Utah. The bond shall not be released until the required revegetation has survived satisfactorily for three (3) years. Prk City, a municipal corporation shall either call or release the bond not later than at the end of six (6) years.

Sec. 12-2-45. RESTRICTION OF VEHICLES TO GRADED AREAS. There shall be no excavation on the site before Psrk City, a municipal corporation, has approved the location of the stakeout of the drives, parking sites, building sites, and other areas to be graded or filled. Construction equipment shall be limited to the actual area to be graded according to the approved plans. No vehicles of any kind shall pass over areas to be left in their natural state according to the approved plans.

Sec. 12-2-46. TREE BUFFER ZONE. No grading or operation of heavy equipment shall take place within the area bounded by the drip line of any tree on or off the property. This does not apply to those trees which are within the actual construction area and are to be removed according to the Tree Removal Plan and the Tree Removal Permit.

Sec. 12-2-47. PROTECTIVE BARRIERS. During construction the permittee shall provide appropriate barriers around all native

vegetation proposed for retention.

Sec. 12-2-48. RESPONSIBILITY OF CONTRACTOR. The permittee shall be fully responsible for any damage caused to existing trees or other vegetation. He shall carry the responsibility both for his own employees and for all subcontractors from the first day of construction until the notice of completion, if filed.

Sec. 12-2-49. PROHIBITION ON GRADING. No grading, filling, clearing or vegetation, operation of equipment, or disturbance of the soil shall take place in areas where any historic or prehistoric ruins or monuments or objects of antiquity are present. The grading plan shall indicate all such areas on the site and shall indicate the measures that will be taken to protect such areas.

Sec. 12-2-50. DISCOVERY OF ANTIQUITIES. Whenever during excavation there are uncovered or become apparrent any historic or prehistoric ruins or monuments or objects of antiquity not previously accounted for in the grading plan, all work in the immediate area shall cease until Park City, a municipal corporation, shall determine what precautions should be taken to preserve the historic artifacts.

Sec. 12-2-51. VARIANCES. Park City, a municipal corporation, may grant modifications from the provisions of this article in specific instances or circumstances where, owing to special conditions, a literal enforcement will result in unnecessary hardship. Such action shall not be contrary to the public interest nor the purpose of this article. No variance shall be granted if the effect will be to nullify the objectives of this article.

If the planning commission does not take final action within 60 days, applications for permits shall be deemed approved. All variances shall be reported by the regional commission staff with staff recommendations to the Park City Planning Commission for its review and action. The staff report and recommendations shall be available to the public at least five (5) days prior to the planning commission meeting and the applicant and other interested persons shall be afforded opportunity at such meeting to comment on the variance.

Sec. 12-2-52. VIOLATIONS AND PENALTIES. Any person, firm or corporation, violating any provision of this article, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine of not more than \$299.00, or by imprisonment for a period not to exceed ninety (90) days or both such fine and imprisonment.

Chapter 13
CRIMINAL CODE
ARTICLE 1
GENERAL PROVISIONS

Sec. 13-1-1. DESIGNATION. This code shall be designated as the Park City Municipal Criminal Ordinance Code.

Sec. 13-1-2. APPLICATION OF CODE — OFFENSE PRIOR TO EFFECTIVE DATE.

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

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

Sec. 13-1-3. PURPOSES AND PRINCIPLES OF CONSTRUCTION. The provisions of this code shall be construed in accordance with these general purposes to:

(1) Forbid and prevent the commission of offenses.

(2) Define adequately the conduct and mental state which constitute each offense and safeguard conduct that which without fault from condemnation as criminal.

(3) Prescribe penalties which are proportionate to the seriousness of offenses and which permit recognition of differences in rehabilitation possibilities among individual offenders.

(4) Prevent arbitrary or oppressive treatment of persons accused or convicted of offenses.

Sec. 13-1-4. CRIMES ABOLISHED. No conduct is a crime or an offense unless made so by this code, or other ordinances or other applicable statute.

Sec. 13-1-5. STRICT CONSTRUCTION RULE NOT APPLICABLE. The rule that a penal ordinance is to be strictly construed shall not apply to this code, or any of its provisions, or other ordinances of this municipality. All provisions of this code and offenses defined by it shall be construed according to the fair import of their terms to promote justice and to affect the objects of the law and general purposes.

Sec. 13-1-6. PROCEDURE — GOVERNED BY STATE AND CONSTITUTIONAL PROVISIONS LIABILITY FOR CIVIL DAMAGES NOT AFFECTED.

(1) Except as otherwise provided, the procedure governing the accusation, prosecution, conviction, and punishment of offenders and offenses is not regulated by this code, but shall be in conformity with the laws of Utah and the Constitution of the United States.

(2) This code does not bar, suspend, or otherwise affect any rights to or liability for damages, penalty, forfeiture, impeachment, or other remedy authorized by law to be covered or enforced in a civil action, administrative proceeding, or otherwise, regardless of whether the conduct involved in the proceeding constitutes an offense defined in this code.

Sec. 13-1-7. JURISDICTION OF OFFENSES.

(1) A person is subject to prosecution in this municipality for an offense which he commits, while either within or outside the municipality, by his own conduct or that of another for which he is legally accountable, if:

(A) The offense is committed either wholly or partly within the municipality; or

(B) The conduct outside this municipality constitutes an attempt within this municipality; or

(C) The conduct outside this municipality constitutes an attempt within this municipality; or

(D) The conduct within the municipality constitutes an attempt, solicitation or conspiracy to commit in another jurisdiction an offense under this code and such other jurisdiction.

(2) An offense is committed partly within this municipality if either the conduct which is an element of the offense, or the result which is such an element, occurs within this municipality.

(3) An offense which is based on an omission to perform a duty imposed by this code is committed within this municipality regardless of the location of the offender at the time of the omission.

Sec. 13-1-8. LIMITATION OF ACTIONS — MISDEMEANOR — ANY INFRACTION — COMMENCEMENT OF PROSECUTION.

(1) Except as otherwise provided in this part, prosecutions for other offenses are subject to the following periods of limitation:

(A) A prosecution for a misdemeanor must be commenced within two years after it is committed;

(B) A prosecution for any infraction must be commenced within one year after it is committed;

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

Sec. 13-1-9. FRAUD OR BREACH OF FIDUCIARY OBLIGATION — MISCONDUCT BY PUBLIC OFFICER OR EMPLOYEE. If the period prescribed in Section 13-1-8 has expired, a prosecution may nevertheless be commenced for:

(1) Any offense, a material element of which is either fraud or a breach of fiduciary obligation, within one year after discovery of the offense by an aggrieved party or by a person who has a legal duty to represent an aggrieved party and who is himself not a party to the offense, but in no case shall this provision extend beyond the period of limitation otherwise applicable by more than three years; and

(2) Any offense based on misconduct in office by a public officer or employee at any time during the term of the defendant's public office or the period of his public employment or within two years thereafter, but in no case shall this provision extend beyond the period of limitation otherwise applicable by more than three years.

Sec. 13-1-10. DEFENDANT OUT OF STATE. The period of limitation does not run against any defendant during any period of time he is out of the state following the commission of an offense.

Sec. 13-1-11. LESSER INCLUDED OFFENSE FOR WHICH PERIOD OF LIMITATION HAS RUN. Whenever a defendant is charged with an offense for which the period of limitations has not run and the defendant should be found guilty of a lesser offense for which the period of limitations has run, the finding of the lesser and included offense against which the statute of limitations has run shall not be a bar to punishment for the lesser offense.

Sec. 13-1-12. "SINGLE CRIMINAL EPISODE" DEFINED. In this code unless the context requires a different definition, "single criminal episode" means all conduct which is closely related in time and is in incident to an attempt or an accomplishment of a single criminal objective.

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

Sec. 13-1-13. INCORPORATION BY REFERENCE OF PROVISIONS OF STATE CRIMINAL CODE. The provisions of Utah Code Annotated 76-1-402 through 76-1-405 are hereby adopted as part of this code and incorporated herein by reference.

Sec. 13-1-14. JOINDER OF OFFENSES AND DEFENDANTS.

(1) Two or more offenses under this code or the ordinances of this municipality may be charged in the same citation or complaint in a separate court for each offense if the offenses charged are of the same or similar character or are based on the same act or transgression or on two or more acts or transactions connected

together or constituting parts of a common scheme or plan.

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

Sec. 13-1-15. INCORPORATION OF STATE CODE. The provisions of Utah Code Annotated 76-1-501 through 76-1-504 are hereby adopted and incorporated herein by reference.

Sec. 13-1-16. INCORPORATION OF STATE CODE. The provisions of Utah Code Annotated 76-1-601 are hereby adopted and incorporated herein by reference.

Sec. 13-1-17. INCORPORATION OF STATE CODE. The provisions of Utah Code Annotated 76-2-101 through 76-2-104 are hereby adopted and incorporated herein by reference.

Sec. 13-1-18. INCORPORATION OF STATE CODE. The provisions of Utah Code Annotated 76-2-201 through 76-2-205 are hereby adopted as part of this code and incorporated herein by reference.

Sec. 13-1-19. INCORPORATION OF STATE CODE. The provisions of Utah Code Annotated 76-2-301 through 76-2-308 hereby are adopted as part of the code and incorporated herein by reference.

Sec. 13-1-20. INCORPORATION OF STATE CODE. The provisions of Utah Code Annotated 76-2-401 through 76-2-406 are hereby adopted and incorporated herein by reference.

Sec. 13-1-21. SENTENCING IN ACCORDANCE WITH CHAPTER.

(1) A person adjudged guilty of an offense under this code or the ordinances of this municipality shall be sentenced in accordance with the provisions of this chapter.

(2) Ordinances enacted after the effective date of this code which involve an offense should be classified for sentencing purposes in accordance with this chapter, unless otherwise expressly provided.

Sec. 13-1-22. DESIGNATION OF OFFENSES. Offenses are designated as misdemeanors or infractions.

Sec. 13-1-23. MISDEMEANORS CLASSIFIED.

(1) Misdemeanors are classified into two categories:

(A) Class B misdemeanors.

(B) Class C misdemeanors.

(2) An offense designated as a misdemeanor in this code or in the ordinance of this municipality when no other specification as to punishment or category is made, is a class B misdemeanor.

Sec. 13-1-24. INFRACTIONS.

(1) Infractions are not classified.

(2) Any offense which is made an infraction in this code or other ordinances of this municipality or which is expressly designated an infraction and any offense designated by this code or other ordinances of this municipality which is not designated as a misdemeanor and for which no penalty is specified is an infraction.

Sec. 13-1-25. CONTINUING VIOLATION. In all instances where the violation of these ordinances or any ordinance hereinafter enacted is a continuing violation, a separate offense shall be deemed committed on each day during or on which the violation occurs or continues to occur.

Sec. 13-1-26. SENTENCES OR COMBINATION OF SENTENCES ALLOWED — CIVIL PENALTIES. Within the limits prescribed by this code, a court may sentence a person adjudged guilty of an offense to any one of the following sentences or a combination of such sentences:

- (1) To pay a fine; or
- (2) Reserved.
- (3) To probation; or
- (4) To imprisonment.

Sec. 13-1-27. MISDEMEANOR CONVICTION — TERM OF IMPRISONMENT. A person who has been convicted of a misdemeanor may be sentenced to imprisonment as follows:

- (1) In the case of a class B misdemeanor, for a term not exceeding six (6) months;
- (2) In the case of a class C misdemeanor, for a term not exceeding ninety (90) days.

Sec. 13-1-28. INFRACTION CONVICTION — FINE, FORFEITURE, AND DISQUALIFICATION.

- (1) A person convicted of an infraction may not be imprisoned but may be subject to a fine, forfeiture or both.
- (2) Whenever a person is convicted of an infraction and no

punishment is specified, the person may be fined as for a class C misdemeanor.

Sec. 13-1-29. FINES OF PERSONS. A person who has been convicted of an offense may, in addition to any term of imprisonment imposed, be sentenced to pay a fine not to exceed \$299.00 when the conviction is of a class B or C misdemeanor or infraction.

Sec. 13-1-30. FINES OF CORPORATIONS, ASSOCIATIONS, PARTNERSHIPS, OR GOVERNMENTAL INSTRUMENTALITIES. The sentence to pay a fine, when imposed upon a corporation, association, partnership, or governmental instrumentality for an offense defined in this code or the ordinances of the municipality or for any offense defined outside of this code over which this municipality has jurisdiction, for which no special corporate fine is specified, shall be sentenced to pay an amount, fixed by the court, not exceeding \$299.00 when the conviction is for a class B or C misdemeanor or infraction.

Sec. 13-1-31. INCORPORATION OF STATE CODE. The provisions of Utah Code Annotated 76-3-401 through 76-3-405 are hereby adopted and incorporated herein by reference , as such limitations and special provisions on sentences apply to misdemeanors.

, ARTICLE 2
PUBLIC OFFENSES

Sec. 13-2-1. AIDING ESCAPE FROM CONFINEMENT OR CUSTODY PROHIBITED. It shall be unlawful for any person to aid, abet, or assist any person to escape or attempt to escape from lawful confinement or from the custody of any peace officer.

Sec. 13-2-2. FURNISHING WEAPONS TO PRISONERS. It shall be unlawful for any person to furnish, or attempt to furnish,

to deliver or attempt to deliver to any prisoner confined, or in the custody of any officer, any weapon, tool, intoxicating liquors, drug or other article without the consent of the officer in charge.

Sec. 13-2-3. AIDING, ABETTING, ETC., OFFENSES PROHIBITED. It shall be unlawful for any person, in any way or manner, to aid, abet, counsel, advise or encourage any other person in the commission of any of the acts prohibited by this code or other ordinance of the city or in any manner encourage the commission of such offense.

Sec. 13-2-4. IMPERSONATING AN OFFICER PROHIBITED. It shall be unlawful for any person in the city to impersonate any police officer.

Sec. 13-2-5. DUTY TO AID AND ASSIST POLICE OFFICERS. It shall be the duty of all persons in the city when called upon by any police officer, or any member of the police department to promptly aid and assist him in the discharge of his duties. It shall be unlawful for any person to refuse such assistance when called upon.

Sec. 13-2-6. GIVING FALSE INFORMATION TO POLICE PROHIBITED. It shall be unlawful for any person to knowingly and wilfully give false information to a police officer while he is acting in his official capacity, with intent to hinder, delay, impede, or mislead said officer in the prosecution of his official work, or with the intent to obstruct justice.

Sec. 13-2-7. RESISTING AN OFFICER. It shall be unlawful for any person in the city to resist any police officer, member of the police department, special policeman, private policeman or employee

of the city in the discharge of his duty, or in any way interfere with or hinder or prevent him from discharging his duty. Profane or abusive language directed to a police officer or employee of the city shall be deemed interference with and obstruction to the discharge of the police officer's or city employee's duties.

Sec. 13-2-8. ENCOURAGING, AIDING DELINQUENCY PROHIBITED. It shall be unlawful for any person, by any act or neglect, to encourage, aid or cause a minor to come within the purview of the juvenile authorities.

Sec. 13-2-9. ALLOWING MINOR TO DRIVE AFTER LICENSE SUSPENSION PROHIBITED. It shall be unlawful for any person, after notice that a driver's license of any minor has been suspended or revoked, to permit such child to operate a motor vehicle during the period that such driver's license is suspended.

Sec. 13-2-10. CURFEW FOR MINORS.

(1) For the purpose of this section the following words are herewith defined as follows:

Minor. A "minor" is defined as any person who has not attained the age of eighteen (18) years.

Parent. A "parent" is defined as any person who is the natural parent of a minor or who has been given legal custody of a minor or who has the care and control of a minor, either permanently or temporarily.

(2) It shall be unlawful for any minor to loiter, linger, wander or play on the public streets, highways, alleys, roads or other public grounds, public places and public buildings, vacant lots or other unsupervised places within the city, between the hours of 11:00 p.m. and 5:00 a.m. the following day. The provisions of this section do not apply to those minors who are accompanied by their parents or where the minor is upon legitimate business directed by or at the request of his parents or is under the supervision of an adult person with the knowledge of his parents.

(3) It shall be unlawful for any parent to permit any minor to loiter, linger, wander or play on the public streets, highways, roads, alleys or other public grounds, public places and public buildings, vacant lots or other unsupervised places between the hours of 11:00 p.m. and 5:00 a.m. the following day; provided, however, that the provisions of this section do not apply where the minor is accompanied by his parent, or where the minor is upon legitimate business directed by or at the request of his parent, or is under the supervision of an adult person with the knowledge of his parent.

(4) The fact that the minor is upon the streets, highways, alleys or other public places as defined in this section, between the hours of 11:00 p.m. and 5:00 a.m. the following day, shall be prima facie evidence that the parent is guilty of violating this section.

Sec. 13-2-11. ASSAULT OR BATTERY PROHIBITED.

(1) An assault is an unlawful attempt, coupled with a present ability, to commit an injury on the person of another. A battery is any willful and unlawful use of force or violence upon the person of another.

(2) It shall be unlawful for any person to commit an assault or battery upon the person of another.

Sec. 13-2-12. DISCHARGE OF FIREARMS PROHIBITED. It shall be unlawful for any person to fire or discharge any gun, pistol or firearm of any kind within the city, unless otherwise authorized by the chief of police.

Sec. 13-2-13. CARRYING CONCEALED WEAPONS PROHIBITED. It shall be unlawful for any person other than a police officer or private watchman to carry any concealed deadly weapon on his person in the city.

Sec. 13-2-14. DISTURBING THE PEACE. It shall be unlawful for any person, willfully, maliciously, intentionally or unnecessarily, to disturb the peace and quiet of another or of any neighborhood or family or religious congregation or other assembly by loud or unusual noises or indecent behavior, offensive or unbecoming conduct, or for any person to threaten, quarrel, fight or provoke an assault or battery or curse or swear or utter any obscene or vulgar or indecent language in the presence of another.

Sec. 13-2-15. ASSEMBLY OF TWO OR MORE PERSONS TO DISTURB PEACE OR COMMIT UNLAWFUL ACT. It shall be unlawful for two (2) or more persons to assemble together for the purpose of disturbing the peace or for the purpose of committing an unlawful act.

Sec. 13-2-16. WINDOW-PEEPING PROHIBITED. It shall be unlawful for any person to trespass upon the property owned or occupied by another in the city for the purpose of looking or peeping into any window, door, skylight or other opening in a house, room or building or to loiter in a public street, alley, parking lot or other public place, for the purpose of wrongfully observing the actions of the occupants of such house, room or building.

Sec. 13-2-17. TRESPASSING. It shall be unlawful for any person to enter upon any property owned or occupied by another without lawful purpose, or to loiter or wander thereon without lawful purpose.

Sec. 13-2-18. LOITERING PROHIBITED. It shall be unlawful for any person to be upon any public way or place of public nature in such manner as to interfere with free and unobstructed use of public way or place of public nature by any other person or to be profane, lewd or wanton in speech or behavior in such public way or place.

Sec. 13-2-19. OCCUPYING OR SLEEPING IN CERTAIN PLACES PROHIBITED. It shall be unlawful for any person to occupy, lodge, or sleep in any vacant or unoccupied barn, garage, shed, shop or other building or structure without owning same or without permission of the owner or person entitled to the possession of the same, or to sleep in any vacant lot or any public place whatsoever during the hours of darkness.

Sec. 13-2-20. PROFANE, LEWD, OR WANTON SPEECH OR BEHAVIOR IN PUBLIC PROHIBITED. It shall be unlawful for any person to be profane, lewd, or wanton in speech or behavior in any public way or place of

a public nature.

Sec. 13-2-21. MALICIOUS INJURY TO PROPERTY. It shall be unlawful for any person willfully and maliciously to injure, deface, mutilate, remove, pull down, break or in any way interfere with or molest or secrete or destroy any trees, real or personal property belonging to or under the control of the city or any person within the city.

Sec. 13-2-22. EXPECTORATING ON SIDEWALKING OR IN PUBLIC BUILDINGS. It shall be unlawful for any person to expectorate or spit upon any sidewalk or upon the floor, walls or ceiling of any public building or room used for public assemblies.

Sec. 13-2-23. DRINKING LIQUOR IN PUBLIC PROHIBITED. It shall be unlawful for any person to drink any alcoholic beverage, fermented malt beverages, malt, vinous or spiritous liquors upon any street, alley, sidewalk or other public property in the city.

Sec. 13-2-24. DRUNKENESS. It shall be unlawful for any person to be drunk, intoxicated or under the influence of intoxicating liquor upon any public thoroughfare or other public place.

Sec. 13-2-25. GAMBLING PROHIBITED; SEIZURE OF DEVICES.

(1) It shall be unlawful for any person to deal, play or conduct, either as owner, employee or lessee, whether or not for hire, any game played with cards, dice or other device for money, checks, credit or other representative of value.

(2) Any peace officer or policeman of the city is hereby authorized to seize anything devised solely for gambling or found

in actual use for gambling within the city limits and to destroy the same after a judicial determination that such device was used for gambling or found in actual use of gambling.

Sec. 13-2-26. INDECENT EXPOSURE. It shall be unlawful for any person to appear in a state of nudity or in any indecent or lewd dress or condition in any public place or in any place open to public view, or in any such place to make any indecent exposure of his person or private parts thereof or the private parts of another.

Sec. 13-2-27. DISTRIBUTION OR POSSESSION OF OBSCENE LITERATURE. It shall be unlawful for any person to exhibit, pass, give or deliver to another any obscene, lewd, or indecent book, pamphlet, picture, card, print, paper, writing, mold, cast or figure or to have the same in his possession.

Sec. 13-2-28. POSTING OF HANDBILLS REGULATED. It shall be unlawful for any person to stick, paint or post any handbill, poster or placard of any description upon any private property without the permission of the owner of or occupant of the same or for any person to stick, paint or post any handbill, poster or placard upon any post, pole or other premises located upon the sidewalks, streets, or alleys of this city without permission of the city council.

Sec. 13-2-29. KEEPING OF JUNK PROHIBITED.

(1) It shall be unlawful to keep, store, or provide for the collection of junk within the city and that the keeping, storage, or collection of junk within the city is hereby declared to be a

nuisance and is detrimental to the health, safety, convenience and general welfare of the citizens thereof.

(2) Junk is hereby defined to be any old, used or second-hand materials of any kind, including, without limitation, cloth, rags, clothing, paper, rubbish, bottled, rubber, iron, tires, brass, copper, or other metal furniture, refrigerators, freezers, all other appliances, used motor vehicle or the parts thereof or therefrom, machines, apparatuses and contrivances, and parts thereof, which are no longer in use, any used building material, boards, or other lumber, cement blocks, bricks, or brick bats, or other secondhand building material, or any discarded machinery, tractors, trucks, or automobiles, or any other article or thing commonly known and classified as junk.

(3) The keeping, storage or collection of junk shall not be deemed unlawful or a nuisance when and if same is kept, stored or collected in completely enclosed buildings, and this section shall not apply to any premises where a licensed motor vehicle dealer or a farm implement dealer conducts his or their business.

(4) The keeping or storage of any motor vehicle not having thereon a valid and unexpired certificate of inspection as required by the laws of the State of Utah, on private property, by any person not specifically exempted under this section, shall be prima facie evidence of violation of this section.

(5) It shall be unlawful for any person to violate any provision of this section, and any person found guilty of violating any provision of this section shall be punished for each violation by a fine of not more than two hundred ninety-nine dollars (\$299.00) or by imprisonment for not more than ninety (90) days, or by both fine and imprisonment; further, each act or omission in violation of one (1) or more than one (1) of the provisions hereof shall be deemed a separate violation of such provision, and for each calendar day during which any violation continues, a separate violation shall be deemed to have been committed.

Sec. 13-2-30. ABANDONED ICEBOXES, REFRIGERATORS, ETC., REGULATED. It shall be unlawful for any person to leave or permit to remain outside of any dwelling, building, or other structure, or within any unoccupied or abandoned building, structure or dwelling under his control, in a place accessible to children, any abandoned, unattended or discarded icebox, refrigerator or other container which has a door or lid, snaplock or other locking device which may not be released from the inside, without first removing such door or lid, snaplock or other locking device.

Sec. 13-2-31. DELIVERING OF UNLABELED POISON PROHIBITED. It shall be unlawful for any person to sell or deliver within this city any deadly poison, knowing the same to be such, without marking the same to be such in legible characters, "poison."

Sec. 13-2-32. PEDDLERS AND SOLICITORS GOING IN OR UPON PRIVATE RESIDENCES UNINVITED PROHIBITED; EXCEPTION.

(1) It shall be unlawful for solicitors, peddlers, hawkers,

itinerant merchants , and transient vendors of merchandise to go to, in or upon private residences in the city, not having been requested or invited so to do by the owner or occupant of such private residences, for the purpose of soliciting orders for the sale of goods, wares, merchandise, or for the purpose of disposing of or peddling or hawking the same, subject to the exceptions stated in subsection (2). Such action is deemed an offense and is punishable as a violation of this code.

(2) Subsection (1) above shall not be applicable to persons representing charitable , recreational, or civic enterprises.

Sec. 13-2-33. BEGGING PROHIBITED. It shall be unlawful for any person to go about from door to door of private homes or commercial and business establishments, or placing himself in or upon any public way or public place to beg or receive alms for himself or others.

Sec. 13-2-34. NUISANCES — PROHIBITED IN CONDUCT OF BUSINESS. It shall be unlawful to conduct or operate any business , licensed or not, in such a manner as to constitute a nuisance in fact.

Sec. 13-2-35. NUISANCES — ABATEMENT. The city marshal or his authorized agent is hereby empowered to remove or abate any nuisance within the city limits upon first presenting to the owner or person responsible therefor, notice in writing. But if such nuisance shall create a public health hazard or an extra hazardous condition, such officer may remove or abate the same without giving any such notice, and the costs of such removal shall be charged against the owner or person responsible therefor.

Sec. 13-2-36. SURVEY MONUMENTS, MARKERS, OR STAKES — UNAUTHORIZED REMOVAL PROHIBITED. It shall be unlawful for any person to remove any permanent survey monuments, markers or stakes established, placed or installed by the city without having first obtained the approval of the city engineer, or city manager if there is no city engineer.

Sec. 13-2-37. SURVEY MONUMENTS — APPLICATION AND PERMISSION FOR REMOVAL OR RELOCATION. In the event any person shall find it necessary by reason of practical difficulty in the use of the land or through the construction or erection of improvements thereon, or by reason of a change, alteration, repair, construction, erection or installation of a public improvement, to remove and relocate any of the permanent survey monuments, markers or stakes, such person shall apply to the city engineer, or city manager if there is no city engineer, for authority to remove or relocate the survey monument involved and shall specify in detail the reason therefor. The city engineer, or city manager if there is no city engineer, shall examine such application and shall inspect the location of the monument involved, and if after the examination and inspection the city engineer, ^{or city manager if there is no city engineer,} shall find that the survey monument should be removed or relocated, he shall grant such person the authority and permission to remove or relocate such monument and shall specify the manner in which the survey monument shall be removed or relocated.

Sec. 13-2-38. SURVEY MONUMENTS — REMOVAL BY LICENSED LAND SURVEYOR ONLY. No permanent survey monuments, markers or stakes shall be removed except by a person licensed as a land surveyor under the laws of the state.

Sec. 13-2-39. SURVEY MONUMENTS — PLATS FOR RELOCATION. In the event a permanent survey monument, marker or stake in the city is removed as provided in section 13-2-37, the surveyor involved shall file with the city engineer, or city manager if there is no city engineer, a plat showing in detail the new location of the survey monument and shall also file written field notes therewith as may be directed by the city engineer, or city manager if there is no city engineer. The city engineer, or city manager if there is no city engineer, shall keep a permanent record of all such plats and field notes filed with him pursuant to this section and the record thereof shall be available at all times to the general public.

Sec. 13-2-40. SURVEY MONUMENTS -- COLLECTION OF RESTORATION COSTS WHEN DAMAGED OR REMOVED. If any person shall destroy, mutilate, damage or remove any permanent survey monument, marker, or stake in the city, except as provided by this code, he shall be liable to the city for all costs and expenses incurred by the city in restoring the survey monument to its original condition and proper location, and such costs and expenses may be collected by the city on

proof thereof in a civil court of competent jurisdiction. This remedy shall be in addition to all other remedies available to the city for a violation of any provision of this code.

Sec. 13-2-41. RADIO INTERFERENCE.

(1) It shall be unlawful for any person to operate within the limits of the city, any electrical device, machine or equipment which needlessly and unnecessarily causes interference with radio reception, when such interference can be reasonably prevented by means of repair, adjustments, the installations of corrective appliances or other practicable alteration.

(2) The administration and enforcement of this section shall be entrusted to and imposed upon the building inspector or other designated municipal official whose duty it shall be to investigate complaints of radio interference, to locate the source of such interference, to advise and make recommendations as to its elimination, and who is hereby authorized to issue orders for such repairs, adjustments, or alterations to be complied with within a reasonable length of time, as shall be practicable and reasonably necessary to prevent the continuance of such interference.

(3) The building inspector or other designated official shall, upon presentation of his badge or other evidence of his authority, have the right of access to any premises at any reasonable hour for the purpose of inspecting this installation and operation of any device or equipment coming within the provisions of this section.

Chapter 14
PARKING CODE

Sec. 14-1-1. DESIGNATION. This code shall be designated as the Park City Municipal Parking Code.

Sec. 14-1-2. AUTHORITY TO REMOVE; SITUATION ENUMERATED WHEN REMOVAL AUTHORIZED.

(1) Members of the police department are hereby authorized to remove, or have removed at their direction, a vehicle from any street, alley, highway, roadway, sidewalk, ditch or other public way or place, and from any restricted or prohibited parking area, to any garage maintained by the city or the police department for the storage of impounded vehicles, or in any private garage approved by the city manager for such purpose and designated on a list of such approved garages posted in his office, or to any other place of safety, under any of the circumstances to be obstructions to traffic and public nuisances. Such vehicles shall be subject to removal under this section:

(A) When any vehicle is left unattended upon any bridge or where such vehicle constitutes an obstruction to traffic.

(B) When a vehicle upon a public way is so disabled as to constitute an obstruction to traffic and the person in charge of the vehicle is by way of physical injury, or illness, incapacitated to such an extent as to be unable to provide for its custody or removal.

(C) When any vehicle is left unattended upon a street or is parked illegally so as to constitute a definite hazard or

obstruction to the normal movement of traffic, or left unattended on any public street with engine running or with keys in the ignition switch or lock.

(D) When any vehicle is parked or left standing upon any area or portion of a public street in violation of or contrary to a parking limitation or prohibition established by the city council provided such area or portion of such public street has by an authorized agent of the city been posted with an official sign giving notice both of limitation or prohibition.

(E) When a vehicle is left parked at the same place continuously for a period of seventy-two (72) hours.

(F) When any vehicle has been taken into custody by the police department and the vehicle would thereby be left unattended on a street, highway or restricted parking area or other public way.

(G) When the driver of a vehicle is reasonably suspected of using license plates or license permit unlawfully, or a vehicle is driven or parked without proper license permit, or driven or parked without proper license plates or license permits, or with no license plated or license permit, or driven or parked with an invalid or expired license permit.

(H) When the driver of a vehicle is driving without an operator's license, or chauffeur's license which is current and valid or who does not have such license in his immediate possession, or drives a vehicle while his operator's license or chauffeur's license has been denied, suspended, cancelled or

revoked by the state.

(I) When a vehicle is found parked on or so near to any railroad track as to block the same in any manner.

(J) When the driver of any vehicle or the vehicle which he is driving is reasonably suspected of having been involved in any hit and run accident.

(K) When the driver of any vehicle is taken into custody for a suspected felony or misdemeanor, or when the vehicle is suspected of containing stolen goods , or other contraband.

(L) When any vehicle, by reason of having no muffler, or a defective or inadequate muffler, or a muffler which has been modified in such a manner as to amplify or increase the noise emitted by the motor of such vehicle above that emitted by the muffler originally installed on the vehicle , emits an excessive or unusual noise.

(M) When any vehicle is reasonably suspected of being a stolen vehicle or parts thereof to be stolen parts.

(N) When a vehicle is parked upon private property without the permission of the owner thereof.

(O) When a vehicle which is longer than fifteen (15) feet in length is parked upon any public street or alleyway within the city limits where such vehicle constitutes an obstruction or hazard to the normal movement of traffic.

(2) It shall be unlawful for any person to park, situate or place a vehicle in circumstances constituting a violation under any provision of section 14-1-2.

Sec. 14-1-3. CHARGES FOR RELEASE. No vehicle removed and stored or impounded as provided for in this article shall be released until the charge for towing or otherwise removing such vehicle together with a charge for storage of the same , shall have been paid. The charges for towing, removal, storage and impoundment of such vehicles shall be established by the city council.

Sec. 14-1-4. NOTICE TO OWNER OF IMPOUNDMENT. Whenever the police officer or any other employee of the city so authorized removes a vehicle and causes it to be impounded as authorized in this article and the officer or other employee knows or is able to ascertain from the registration, or other records in the vehicle or otherwise, the name of the owner and address of the owner thereof, such officer or employee shall immediately give or cause to be given notice in writing to such owner of the fact of such removal, the reason therefor, and the place to which such vehicle has been removed.

Sec. 14-1-5. DISPOSAL. Whenever, pursuant to the terms of this ordinance, a vehicle has been stored on a lot maintained for the storage of impounded vehicles or at a garage designated for such storage for a period of sixty (60) days and no claim of ownership of the right to possession thereof has been made, or when such claim has been made but not established to the satisfaction of the city manager, and no suit or action to determine such claim has been instituted and impending, the chief of police may dispose of such vehicle as provided in this section. The chief of police shall cause written notice to be given to all persons known by him to claim

an interest in the vehicle. Such notice shall be given by delivering in person, or by registered mail, addressed to the last known address of the business or residence of the person to be notified. The notice shall contain:

(1) An itemized statement of the amount due to the city for removal of and storage of the vehicle showing the amount due at the time of notice.

(2) A description of the vehicle.

(3) A demand that the amount due the city as stated in the notice and such further claims as shall accrue shall be paid and the right to the possession of the vehicle be established to the satisfaction of the city manager on or before a date mentioned, being not less than ten (10) days from the delivery of the notice if it is personally delivered or from the date of registration of the letter, and the statement that unless the amount so due the city is paid and the right to the possession of the vehicle is established to the satisfaction of the city manager within the time specified the vehicle will be advertised for sale and sold by auction at a specified time and place.

Sec. 14-1-6. AUCTION. In accordance with the terms of the notice given under section 14-1-5, a sale of the vehicle by auction may be had to satisfy the claim of the city for the storage and removal of the vehicle and to discharge the city from further responsibility in connection with the vehicle and from any duty to further retain or store the same. The sale shall be held at the place where the vehicle is stored or impounded or if such is manifestly unsuitable for the purpose, at the nearest suitable place. After the time for

the payment of the claim and the establishment to the satisfaction of the city manager of the right to possession of the vehicle has elapsed, if such notice was given when required, an advertisement of the sale describing the vehicle to be sold and stating the names of all persons known by the city manager to claim an interest in the vehicle if there are any such persons, and the time and place of the sale shall be published once a week for two (2) consecutive weeks in a legal newspaper published in the county. The sale shall be had not less than fifteen (15) days from the date of the first publication.

Sec. 14-1-7. PROCEEDS OF SALE. From the proceeds of a sale under Section 14-1-6, the city manager shall satisfy the claim of the city for such charges for removal and storage of the vehicle, and for the reasonable charges or expenses for or of such notice, advertising and sale. The balance, if any, of the proceeds will be paid into the treasury of the city and appropriated to the general fund. No claim for refund shall be made by any person entitled to the same except such claim is made within one (1) year from the date of any sale resulting in the payment of any such proceeds into the treasury. Such claim for refund shall be made to the city council who shall make a thorough examination of the claim so made. The failure on the part of any person so to request the initiation of a refund to him within one (1) year from the date of sale shall be conclusive of the fact that he has no meritorious claim for such refund within the set period of one (1) year from the date of sale he shall not thereafter commence any action, suit or proceeding whatsoever to obtain the same and the city shall be under no liability to him

whatsoever by reason of such sale of the payment of any part of the proceeds of such sale or the entire proceeds of the said sale in the treasury of the city.

Sec. 14-1-8. SALE TO CITY.. When any vehicle is offered for sale at auction pursuant to the terms of this article and there is no bid or offered bid for the same, the city manager shall declare the same to be sold to the city for the amount of the charges for the removal and storage of such vehicle and the charges and expenses of notice , advertisement, and sale, and shall place the vehicle in the custody of such department of the city as he in his sole discretion, may determine for the sole benefit and use of the city.

Sec. 14-1-9. NO RIGHT OF REDEMPTION. There shall be no right of redemption from any sale made pursuant to the terms of this article and after a vehicle has been sold pursuant to such terms neither the city nor any officer, agent, or employee thereof shall be liable for failure to deliver such vehicle to any one other than the purchaser or purchasers at such sale.

Sec. 14-1-10. PARKING PARALLEL TO CURB. No person shall stand or park a vehicle in a roadway other than parallel with the edge of the roadway, headed in the direction of lawful traffic movement and with the right-hand wheels of the vehicle within eighteen (18) inches of the curb or edge of the roadway, except as otherwise provided in this article, or whenever the snow, ice, etc., and the angle of the roadway makes it impractical to park headed in the direction of lawful traffic movement.

Sec. 14-1-11. ANGLE PARKING.

(1) Angle parking shall be permitted upon streets or parts of streets designated unless otherwise provided in this article. The city street department or the police chief shall mark or sign such streets or parts of streets and also indicate the angle of such parking.

(2) Angle parking shall not be indicated or permitted at any place where passing traffic would thereby be caused or required to drive upon the left side of the street or upon any railroad track.

(3) No vehicle shall extend from the curb or edge of the roadway a greater distance than one-third of the width of the roadway.

Sec. 14-1-12. SAME — OBEDIENCE TO ANGLE PARKING SIGNS OR MARKINGS. Where signs or traffic markings have been placed by an authorized agent of the city, no person shall park or stand a vehicle other than between such traffic markings or at any angle to the curb or edge of the roadway other than indicated by such signs or traffic markings.

Sec. 14-1-13. CUTBACKS'. No cutback shall be constructed between a curb line and sidewalk of any street unless in accordance with a permit issued therefor by the city commission on recommendation of the city engineer. Every such cutback must be so constructed that vehicles must park at an angle not to exceed forty-five degrees and the front of such cutback must not be less than fifteen feet beyond the curb line and at least three (3) feet from the outer

edge of the sidewalk.

Sec. 14-1-14. LIGHTS ON PARKED VEHICLES.

(1) Whenever a vehicle is lawfully parked upon any street within a business or residence district, no lights need be displayed upon such parked vehicle.

(2) Whenever a vehicle is parked upon a street outside of a business or residence district during the hours between one-half hour after sunset and one-half hour before sunrise, such vehicle shall be equipped with one or more lamps which shall exhibit a white light on the roadway side visible from a distance of five hundred (500) feet to the front of the vehicle and a red light visible from a distance of five hundred feet to the rear.

(3) Any lighted head lamps upon a parked vehicle shall be depressed or dimmed.

Sec. 14-1-15. CONDITION IN WHICH UNATTENDED VEHICLE TO BE LEFT.

No driver or person in charge of a motor vehicle shall permit it to stand unattended without first stopping the engine, locking the ignition and removing the key or, when such motor vehicle is standing upon any perceptible grade, without effectively setting the brakes thereon and turning the front wheels to the curb or side of the street.

Sec. 14-1-16. ILLEGALLY PARKED VEHICLE TO BE MOVED. Whenever any officer finds a vehicle parked or standing upon a street in violation of any provisions of this article, such officer is hereby authorized to move such vehicle or require the driver or other person in charge of the vehicle to move the same to a position off the main-traveled part of such street.

Sec. 14-1-17. STOPPING OR PARKING ON STREET OUTSIDE
BUSINESS OR RESIDENTIAL DISTRICTS.

(1) Upon any street outside of a business or residence district, no person shall stop, park or leave standing any vehicle, whether attended or unattended, upon a main-traveled part of the street when it is practical to stop, park or so leave such vehicle off such part of such street, but in every event, an unobstructed width of the street opposite a standing vehicle shall be left for the free passage of other vehicles, and a clear view of such stopped vehicle shall be available from a distance of two hundred (200) feet in each direction upon such street.

(2) This section shall not apply to the driver of any vehicle which is disabled while on the main-traveled portion of a street in such manner and to such extent that it is impossible to avoid stopping and temporarily leaving such disabled vehicle in such position.

Sec. 14-1-18. PROHIBITED IN CERTAIN PLACES.

(1) No person shall stop, stand or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with law or the directions of a police officer or traffic-control device in any of the following places:

- (A) On a sidewalk.
- (B) In front or within five feet of a private driveway.
- (C) Within an intersection.
- (D) Within five feet of a fire hydrant.
- (E) On a crosswalk.

(F) Within twenty feet of a crosswalk at an intersection.

(G) Within thirty feet upon the approach to any flashing beacon or traffic-control device located at the side of a roadway.

(H) Between a safety zone and the adjacent curb or within thirty feet of points on the curb immediately opposite the ends of a safety zone unless authorized signs or markings indicate a different length.

(I) Within fifty feet of the nearest rail of a railroad crossing.

(J) Within twenty feet of the driveway entrance to any fire station and on the side of a street opposite the entrance when properly signposted.

(K) Alongside or opposite any street excavation or obstruction when stopping, standing or parking would obstruct or be hazardous to traffic.

(L) Upon any bridge or other elevated structure upon a street or within a street tunnel or underpass.

(M) At any place where official signs or traffic markings prohibit stopping, standing or parking.

(N) With the left-hand side of the vehicle to the curb, except as otherwise permitted on one-way streets and except whenever the snow, ice, etc., and the grade of the roadway makes it impractical to park headed in the direction of lawful traffic.

(2) No person shall move a vehicle not lawfully under his

control into any such prohibited area or away from a curb such distance as is unlawful.

Sec. 14-1-19. DOUBLE PARKING. No person shall park, stand or stop a vehicle upon the roadway side of another vehicle which is parked, standing or stopped, except while actually engaged in loading or unloading passengers or in compliance with directions of a police officer or traffic-control device or when necessary to avoid other traffic.

Sec. 14-1-20. PARKING NOT TO OBSTRUCT TRAFFIC, SIDEWALKS, DRIVEWAY, ETC.

(1) No person shall park any vehicle upon a street in such a manner or under such conditions as to leave available less than twenty (20) feet of the width of the roadway for free movement of vehicular traffic.

(2) No person shall park any vehicle in such manner or under such conditions as to obstruct any sidewalk, crossing or private driveway.

Sec. 14-1-21. PARKING IN ALLEYS. No person shall park a vehicle within an alley except during the necessary and expeditious loading and unloading of merchandise, and no person shall stop, stand or park a vehicle within an alley in such position as to block the driveway entrance to any abutting property or interfere with the free movement of traffic through the alley.

Sec. 14-1-22. PARKING MORE THAN SEVENTY-TWO CONSECUTIVE HOURS PROHIBITED. No person who owns or has possession or control of any

vehicle shall park such vehicle upon any street or alley for more than seventy-two consecutive hours.

Sec. 14-1-23. PARKING FOR CERTAIN PURPOSES PROHIBITED. No person shall park or operate a vehicle upon any roadway for the principal purpose of:

(1) Displaying such vehicle for sale.

(2) Greasing or repairing such vehicle, except repairs necessitated by an emergency.

(3) Displaying advertising.

(4) The sale of foodstuffs or other merchandise.

Sec. 14-1-24. PARKING ON NARROW STREETS. No person shall park a vehicle on any private or public street or alley where the width of the roadway is less than twenty feet.

Sec. 14-1-25. PARKING ON SIDEWALK OR CURBING. It shall be unlawful for any person to leave or cause to be left or parked any vehicle upon, over and across any public parking or sidewalk or that area between the sidewalk and curb.

Sec. 14-1-26. STOPPING, STANDING OR PARKING IN HAZARDOUS OR CONGESTED PLACES. When official signs or markings are erected at hazardous or congested places, no person shall stop, stand or park a vehicle in such designated places.

Sec. 14-1-27. SIGNS OR MARKINGS TO INDICATE STANDING OR PARKING RESTRICTIONS.

(1) The city manager or the police chief is hereby authorized, subject to provisions and limitations of this chapter, to place and when required herein, shall place and maintain appropriate signs or traffic markings to indicate standing or parking

regulations, and such traffic markings shall designate the zones and shall have the meanings herein set forth:

(A) Red. Shall mean no stopping, standing or parking at any time.

(B) Yellow. With the words "restricted zone" stenciled thereon, shall mean no stopping, standing or parking except as stated on the signs or markings giving notice thereof; except , that this provision shall not apply on Sundays and legal holidays.

(2) When appropriate signs or traffic curb markings have been erected or placed according to this section, no person shall stop, stand or park a vehicle in any zone in violation of any of the provisions of this section.

Sec. 14-1-28. No person shall stand or park a vehicle which is longer than fifteen (15) feet in length upon any public street or alleyway within the city limits.

Sec. 14-1-29. SAME — COMPLIANCE REQUIRED. When proper signs or traffic markings are erected or in place giving notice thereof, no person shall park a vehicle or permit such vehicle to remain standing at any time upon any of the streets of this city.

Sec. 14-1-30. ERECTION OF SIGNS OR TRAFFIC MARKINGS PREREQUISITE TO ENFORCEMENT OF PARKING RESTRICTIONS AND PROHIBITIONS. Whether by this chapter or any of the ordinances of this city any parking time limit is imposed or parking is prohibited on designated streets or parts of streets, the city manager or police chief shall erect or place and maintain appropriate signs or traffic markings giving notice thereof, and no such regulations shall be effective unless such signs

or traffic markings are erected and in place at the time of any alleged violation.

Sec. 14-1-31. APPLICABILITY OF ARTICLE. The provisions of this article prohibiting the standing or parking of a vehicle shall apply at all times or at those times herein specified or as indicated on official signs except when it is necessary to stop a vehicle to avoid conflict with other traffic or in compliance with the directions of a police officer or official traffic-control device.

Sec. 14-1-32. REGULATIONS NOT EXCLUSIVE. The provisions of this article imposing a time limit on parking shall not relieve any person from the duty to observe other and more restrictive provisions prohibiting or limiting the stopping, standing or parking of vehicles in specified places or at specified times.

Sec. 14-1-33. PRESUMPTION AS TO INDENTITY OF PERSON VIOLATING PARKING REGULATIONS. The presence of any vehicle in or upon any public street in the city parked in violation of this chapter or any other ordinance regulating the parking of vehicles shall be prima facie evidence that the person in whose name such vehicle is registered as owner committed or authorized the commission of such violation.

Chapter 15
MOTOR VEHICLE CODE

Sec. 15-1-1. Title 41, Chapter 1, Article 1 through and including Title 41, Chapter 20, Article 1, Utah Code Annotated, 1953, as amended, pertaining and relating to motor vehicles, also referred to as The Motor Vehicle Act, and the enforcement thereof is hereby adopted by the City Council of the City of Park City.

Sec. 15-1-2. It is hereby ordered that the City Recorder file with his office no less than three (3) copies of said traffic code, the same to remain therein for examination by any interested party.

Sec. 15-1-3. IMPROPER LOOKOUT. It shall be unlawful for any person to operate any motor vehicle upon the streets of Park City, Summit County, State of Utah, without maintaining a proper lookout for other persons, vehicles, or other objects. Any violation shall be deemed a misdemeanor.

Chapter 16
NOISE

Sec. 16-1-1. IDLING OF VEHICLE MOTORS.

(1) The unreasonable and prolonged idling of motors or any diesel fuel burning bus or motor vehicle or the prolonged and unreasonable idling of the motor of any motor vehicle of any kind whatsoever is hereby declared to be a nuisance and a public health hazard.

(2) It shall be unlawful for any person to idle or permit the idling of the motor of any diesel fuel burning bus or motor vehicle or idle or permit the idling of the motor of any motor vehicle

of any kind whatsoever for a prolonged and unreasonable period of time, determined herein to be any period of time in excess of fifteen (15) minutes, within the limits of the city at any time of the day or night.

Sec. 16-1-2. MUFFLERS REQUIRED. It shall be unlawful for any person to operate a motor vehicle which shall not at all times be equipped with a muffler upon the exhaust thereof in good working order and in constant operation to prevent excessive or unusual noise and it shall be unlawful for any person operating any motor vehicle to use a cutout, bypass or similar muffler elimination appliance.

Sec. 16-1-3. LOUDSPEAKERS AND SOUND TRUCKS RESTRICTED. It shall be unlawful to play, operate or use any loudspeaker, sound amplifier, radio or phonograph, with loudspeaker or sound amplifier or any instrument of any kind or character which emits loud and raucous noises, including such devices attached to and upon any vehicle or upon any building or structure, unless the owner or user thereof shall have first applied to and received permission from the city manager to operate any such device.

Sec. 16-1-4. NOISE PROHIBITED GENERALLY.

(1) The making and creating of an excessive or unusually loud noise within the city as heard without measurement or heard and measured in the manner prescribed in subsection (3) is hereby declared to be unlawful, except when made under and in compliance with a permit issued pursuant to subsections (5) and (6).

(2) No person shall operate any type of vehicle , machine, device or carry on any other activity in such a manner as would be a violation of subsection (1).

(3) For the purpose of determining and classifying any noise as excessive or unusually loud as declared to be unlawful and prohibited by this section, the following test measurement and requirements may be applied; provided, however, a violation of this section may occur without the following measurements being made:

(A) The noise shall be measured within the city at a distance of at least twenty-five (25) feet from a noise source located within the public right-of-way and if the noise source is located on private property or public property other than the public right-of-way, at least twenty-five (25) feet from the property line of the property on which the noise source is located.

(B) The noise shall be measured on a decibel or sound level meter of standard design and quality operated on the "A" weighing scale.

(C) A noise measured or registered as provided above from any source more than eighty (80) decibels on the "A" weighing scale in intensity shall be and is hereby declared to be excessive and unusually loud and is unlawful.

(D) Applications for a permit for relief from the noise level designated in this section on the basis of undue hardship may be made to the city manager or his duly authorized representative. Any permit granted by the city manager hereunder shall contain all

conditions upon which the permit has been granted and shall specify a reasonable time that the permit shall be effective. The city manager, or his duly authorized representative, may grant the relief as applied for if he finds:

(A) That additional time is necessary for the applicant to alter or modify his activity or operation to comply with this chapter, or

(B) The activity, operation or noise source will be of temporary duration, and cannot be done in a manner that would comply with subsection (1) and

(C) That no other reasonable alternative is available to the applicant.

The city manager may prescribe any conditions or requirements he deems necessary to minimize adverse effects upon the continuity of the surrounding neighborhood.

(5) The requirements, prohibitions and terms of this section shall not apply to any authorized emergency vehicle, when responding to an emergency call or acting in time of emergency.

(6) The terms of this section shall not apply to those activities of a temporary duration, permitted by law and for which a license or permit therefor has been granted by the city, including but not limited to parades and fireworks displays.

(7) Any person violating the provisions of this Chapter shall upon conviction be guilty of a misdemeanor.

Chapter 17
PUBLIC PARKS

Sec. 17-1-1. DEFINITIONS.

For the purposes of this chapter, the following terms, phrases, words, and their derivations shall have the meaning given herein.

(1) "Director" is a person immediately in charge of any park area and its activities and to whom all park attendants of such area are responsible.

(2) "Park" is a park, reservation, playground, beach, recreation center or any other area in the city, owned or used by the city, and devoted to active or passive recreation.

(3) "Person" is any person, firm, partnership, association, corporation, company or organization of any kind.

(4) "Vehicle" is any wheeled conveyance, whether motor-powered, animal-drawn, or self-propelled. The term shall include any trailer in tow of any size, kind or description. Exception is made for baby carriages and vehicles in the service of the city parks.

Sec. 17-1-2. PARK PROPERTY. No person in a park shall:

(1) Willfully mark, deface, disfigure, injure, tamper with, or displace or remove, any building, bridges, tables, benches, fireplaces, railings, paving or paving material, water lines or other material, water lines or other public utilities or parts or appurtenances thereof, signs, notices or placards whether temporary or permanent, monuments, stakes, posts, or other boundary markers, or other structures or equipment, facilities or park property or appurtenances whatsoever, either real or personal.

(2) Fail to cooperate in maintaining restrooms and washrooms in a neat and sanitary condition. No person over the age of years shall use the restrooms and washrooms designated for the opposite sex.

(3) Dig, or remove any beach sand, whether submerged or not, or any soil, rock, stones, trees, shrubs or plants, down-timber or other wood or materials, or make any excavation by tool, equipment, blasting, or other means or agency.

(4) Construct or erect any building or structure of whatever kind, whether permanent or temporary in character, or run or string any public service utility into, upon, or across such lands, except on special written permit issued hereunder.

(5) Damage, cut, carve, transplant or remove any tree or plant or injure the bark, or pick the flowers or seeds, of any tree or plant. Nor shall any person attach any rope, wire, or other contrivance to any tree or plant. A person shall not dig in or otherwise disturb grass areas or in any other way injure or impair the natural beauty or usefulness of any area.

(6) Climb any tree or walk, stand or sit upon monuments, vases, fountains, railing, fences or gun-carriages or upon any other property not designated or customarily used for such purposes.

(7) Tie or hitch a horse or other animal to any tree or plant.

(8) Hunt, molest, harm, frighten, kill, trap, chase, tease, shoot or throw missiles at any animal, reptile or bird; nor shall he remove or have in his possession the young of any

reptile or bird; nor shall he collect, remove, have in his possession, give away, sell or offer to sell, or buy or offer to buy, or accept as a gift, any specimen alive or dead of any of the group of tree snails. Exception to the foregoing is made in that snakes known to be deadly poisonous, such as rattle snakes, moccasins, coral snakes, or other deadly reptiles may be killed on sight.

(9) Give or offer, or attempt to give to any animal or bird any tobacco, alcohol or other known noxious substances.

Sec. 17-1-3. SANITATION. No person in a park shall:

(1) Throw, discharge, or otherwise place or cause to be placed in the waters of any fountain, pond, lake, stream, bay or other body of water in or adjacent to any park or any tributary, stream, storm sewer, or drain flowing into such waters, any substance, matter or thing, liquid or solid, which will or may result in the pollution of said waters.

(2) Have brought in or shall dump, deposit or leave any bottles, broken glass, ashes, paper, boxes, cans, dirt, rubbish, waste, garbage, or refuse, or other trash. No such refuse or trash shall be placed in any waters in or contiguous to any park or be left anywhere on the grounds thereof, but shall be placed in the proper receptacles where these are provided ; where receptacles are not so provided, all such rubbish or waste shall be carried away from the park by the person responsible for its presence, and properly disposed of elsewhere.

Sec. 17-1-4. TRAFFIC. No person in a park shall:

(1) Fail to comply with all applicable provisions of the state motor vehicles traffic laws in regard to equipment and operation

of vehicles together with such regulations as are contained in this or other ordinances.

(2) Fail to obey all traffic officers and park employees, such persons being hereby authorized and instructed to direct traffic whenever and wherever needed in the parks and on the highways, streets or roads immediately adjacent thereto in accordance with the provisions of these regulations and such supplementary regulations as may be issued subsequently by the director.

(3) Fail to observe carefully all traffic signs indicating speed, direction, caution, stopping, or parking, and all others posted for proper control and to safeguard life and property.

(4) Ride or drive a vehicle at a rate of speed exceeding 15 miles per hour, except upon such roads as the director may designate, by posted signs, for speedier travel.

(5) Drive any vehicle on any area except the paved park roads or parking areas, or such other areas as may on occasion be specifically designated as temporary parking areas by the director.

(6) Park a vehicle in other than an established or designated parking area, and such use shall be in accordance with the posted directions thereat and with the instructions of any attendant who may be present.

(7) Full-park on the road or driveway at any time. In order to enjoy some special natural scenic feature, vehicles may be parked with the two left wheels near the right edge of the paving for not more than thirty (30) minutes. No stopping or parking is permitted even briefly on the left-hand side of any road or driveway.

(8) Leave any vehicle anywhere in this park with one or more wheels chained , or with motor set in gears and doors locked, or in any manner fixed or arranged so that such vehicle cannot readily be moved by hand.

(9) Leave a vehicle standing or parked at night without lights clearly visible for at least thirty (30) feet from both front and rear on any driveway or road area except legally established parking areas.

(10) Fail to immediately notify an attendant of an emergency in the nature of a breakdown requiring the assistance of a tow-truck, mechanic or other person.

(11) Double-park any vehicle on any road or parkway unless directed by a park official.

(12) Fail to use a muffler, adequate to deaden the sound of the engine in a motor vehicle.

(13) Ride a bicycle on other than a paved vehicular road or path designated for that purpose. A bicyclist shall be permitted to wheel or push a bicycle by hand only over any grassy area or wooded trail or on any paved area reserved for pedestrian use.

(14) Ride a bicycle other than on the right-hand side of the road paving as close as conditions permit, and bicycles shall be kept in single file when two or more are operating as a group. Bicyclists shall at all times operate their machines with reasonable regard to the safety of others, signal all turns, pass to the right of any vehicle they are overtaking, and pass to the right of any vehicles they may be meeting.

(15) Ride any other person on a bicycle.

(16) Leave a bicycle in a place other than a bicycle rack when such is provided and there is a space available.

(17) Leave a bicycle lying on the ground or paving, or set against trees, or in any place or position where other persons may trip over or be injured by them.

(18) Ride a bicycle on any road between 30 minutes after sunset or before 30 minutes before sunrise without an attached headlight plainly visible at least two hundred (200) feet in front of, and without a red taillight or red reflector plainly visible from at least two hundred (200) feet from the rear of such bicycle.

Sec. 17-1-5. RECREATIONAL ACTIVITIES. No person in a park shall:

(1) Swim, bath, or wade in any waters or water-ways in or adjacent to any park, except in such waters and at such places as are provided therefor, and in compliance with such regulations as are herein set forth or may be hereafter adopted. Nor shall any person frequent any waters or places customarily designated for the purpose of swimming, or bathing, or congregate thereat when such activity is prohibited by the director upon a finding that such use of the water would be dangerous or otherwise inadvisable.

(2) Frequent any waters or places designated for the purpose of swimming or bathing, or congregate thereat, except between such hours of the day as shall be designated by the director for such purposes for each individual area.

(3) Erect, maintain, use or occupy on or in any beach or bathing area any tent, shelter or structure of any kind unless there shall be an unobstructed view into said tent, shelter or structure from at least two sides; nor shall any guy wire, rope or extension or exterior brace or support be connected or fastened from any such structure to any other structure, stake, rock or other object outside thereof.

(4) Allow himself to be so covered with a bathing suit as to indecently expose his person or call forth merited criticism. No person shall appear in bathing costume at any place in the parks except within the limits of designated bathing places or areas and all bathing costumes shall conform to commonly accepted standards.

(5) Dress or undress on any beach, or in any vehicle, toilet or other place, except in such bathing houses or structures as may be provided for that purpose.

(6) Engage in commercial fishing or the buying or selling of fish caught in any waters.

(7) Fish in any waters, whether fresh or salt, and whether by the use of hook-and-line, net, trap, or other device, except in waters designated by the director for that use and under such regulations and restrictions as have been or may be prescribed by the director.

(8) Hunt, trap or pursue wild life at any time. No person shall use, carry, or possess firearms of any descriptions, or air-rifles, spring-guns, bow-and-arrows, slings or any other forms of weapons potentially inimical to wild life and dangerous to human safety, or any instrument that can be loaded with and fire

blank cartridges, or any kind of trapping device. Shooting into park areas from beyond park boundaries is forbidden.

(9) Picnic or lunch in a place other than those designated for that purpose. Attendants shall have the authority to regulate the activities in such areas when necessary to prevent congestion and to secure the maximum use for the comfort and convenience of all. Visitors shall comply with any directions given to achieve this end.

(10) Violate the regulation that use of the individual fireplaces, together with tables and benches, follows generally the rule of "First come, first served."

(11) Use any portion of the picnic areas or of any of the tennis courts, buildings or structures therein for the purpose of holding picnics or playing tennis to the exclusion of other persons, nor shall any person use such area and facilities for an unreasonable time if the facilities are crowded.

(12) Leave a picnic area before the fire is completely extinguished and before all trash in the nature of boxes, papers, cans, bottles, garbage and other refuse is placed in the disposal receptacles where provided. If no such trash receptacles are available, then refuse and trash shall be carried away from the park area by the picnicker to be properly disposed of elsewhere.

(13) Camp in other than permanent cabins for organized camping, provided by the director and used by groups of persons under adequate supervision. No person shall set up tents, shacks, or any other temporary shelter for the purpose of overnight camping, nor shall any person leave in a park after closing hours any movable structure or special vehicle to be bused or that could be used for

such purpose, such as house-trailer, camptrailer, camp-wagon, or the like.

(14) Take part in or abet the playing of any games involving thrown or otherwise propelled objects such as balls, stones, arrow, javelins or model airplances, except in areas set apart for such forms of recreation. The playing of rough or comparatively dangerous games such as football, baseball and quoits is prohibited, except on the fields and courts or areas provided therefor. Roller-skating shall be confined to those areas specifically designated for such pasttime.

(15) Ride a horse except on designated bridle trails. Where permitted, horses shall be thoroughly broken and properly restrained, and ridden with due care, and shall not be allowed to graze or go unattended nor shall they be hitched to any rock, tree or shrub.

Sec. 17-1-6. BEHAVIOR. No person in a park shall:

(1) Have brought alcoholic beverages nor shall any person drink alcoholic beverages at any time in the park, except

(2) At certain specifically designated recreation centers where meals or lunches are served under concession privileges the sale of alcoholic beverages by such concessionaire will be permitted under the strict regulation and control of the director.

(3) Have entered or be under the influence of intoxicating liquor.

(4) Brought, or have in his possession, or set off or otherwise cause to explode or discharge or burn, any firecrackers, torpedo, rocket, or other fireworks or explosives of inflammable

material, or discharge them or throw them into any such area from land or highway adjacent thereto. This prohibition includes any substance, compound, mixture, or article that in conjunction with any other substance or compound would be dangerous from any of the foregoing standpoints.

(5) Have been responsible for the entry of a dog or other domestic animal into areas other than automobile parking concourses and walks immediately adjacent thereto, and in such other areas as may be clearly marked by signs bearing the words "Domestic Animals Permitted in this Area." Nothing herein shall be construed as permitting the running of dogs at large. All dogs in those areas where such animals are permitted shall be restrained at all times on adequate leashes not greater than five (5) feet in length.

(6) Occupy any seat or bench, or enter into or loiter or remain in any pavilion or other park structure or section thereof which may be reserved and designated by the board for the use of the opposite sex. Exception is made for children under years of age.

(7) Appear at any place in other than proper clothing. With the exception of the restricted bathing areas "properly clothed" shall be construed to prohibit the wearing of trunks or clothing that does not cover the upper portion of the body.

(8) Shall solicit alms or contributions for any purpose, whether public or private.

(9) Build or attempt to build a fire except in such areas and under such regulations as may be designated by the director. No person shall drop, throw, or otherwise scatter lighted matches,

burning cigarettes or cigars, tobacco paper or other inflammable material, within any park area or on any highway, road or street abutting or contiguous thereto.

(10) Enter an area posted as "Closed to the Public", nor shall any person use, or abet the use of any area in violation of posted notices.

(11) Gamble, or participate in or abet any game of chance.

(12) Go onto the ice on any of the waters except such areas as are designated as skating fields, and provided a safety signal is displayed.

(13) Sleep or protractedly lounge on the seats or benches or other areas, or engage in loud, boisterous, threatening, abusive, insulting or indecent language, or engage in any disorderly conduct or behavior tending to a breach of the public peace.

(14) Fail to produce and exhibit any permit from the director he claims to have, upon request of any authorized person who shall desire to inspect the same for the purpose of enforcing compliance with any ordinance or rule.

(15) Distrub or interfere unreasonably with any person or party occupying any area, or participating in any activity, under the authority of a permit.

Sec. 17-1-7. MERCHANDISING, ADVERTISING AND SIGNS. No person in a park shall:

(1) Expose or offer for sale any article or thing, nor shall

he station or place any stand, cart, or vehicle for the transportation, sale or display of any such article or thing. Exception is here made as to any regularly licensed concessionaire acting by and under the authority and regulation of the director.

(2) Announce, advertise, or call the public attention in any way to any article or service for sale or hire.

(3) Paste, glue, tack or otherwise post any sign, placard, advertisement, or inscription whatever, nor shall any person erect or cause to be erected any sign whatever on any public lands or highways or roads adjacent to a park.

Sec. 17-1-8. PARK OPERATING POLICY.

(1) Except for unusual and unforeseen emergencies, parks shall be open to the public every day of the year during designated hours. The opening and closing hours for each individual park shall be posted therein for public information.

(2) Any section or part of any park may be declared closed to the public by the director any any time and for any interval of time, either temporarily or at regular and stated intervals (daily or otherwise) and either entirely or merely to certain uses, as the director shall find reasonably necessary.

(3) The finding of lost articles by park attendants shall be reported to the director, who shall make every reasonable effort to locate the owners. The director shall make every reasonable effort to find articles reported as lost.

(4) A permit shall be obtained from the appropriate director before participating in the following park activity:

(A) A person seeking issuance of a permit hereunder shall file an application with the appropriate director. The application shall state:

(A-1) The name and address of the applicant;

(A-2) The name and address of the person, persons, corporation or association sponsoring the activity, if any:

(A-3) The day and hours for which the permit is desired;

(A-4) The park or portion thereof for which such permit is desired;

(A-5) An estimate of the anticipated attendance;

(A-6) Any other information which the director shall find reasonably necessary to a fair determination as to whether a permit should issue hereunder.

(B) The director shall issue a permit hereunder when he finds:

(B-1) That the proposed activity or use of the park will not unreasonably interfere with or detract from the general public enjoyment of the park;

(B-2) That the proposed activity and use will not unreasonably interfere with or detract from the promotion of public health, welfare, safety and recreation;

(B-3) That the proposed activity or use is not reasonably anticipated to incite violence, crime or disorderly conduct.

(B-4) That the proposed activity will not entail unusual , extraordinary or burdensome expense or police operation by the city.

(B-5) That the facilities desired have not been reserved for other use at the day and hour required in the application.

(C) Within ten (10) days after receipt of an application the director shall apprise an applicant in writing of his reasons for refusing a permit, and any aggrieved person shall have the right to appeal in writing within ten (10) days to the city council, which shall consider the application under the standards set forth in subsection ((B) hereof and sustain or overrule the directors's decision within ten (10) days after receipt of appeal. The decision of the city council shall be final.

(D) A permittee shall be bound by all park rules and regulations and all applicable ordinances fully as though the same were inserted in said permits.

(E) The person or persons to whom a permit is issued shall be liable for any loss, damage or injury sustained by any person whatever by reason of the negligence of the person or persons to whom such permit shall have been issued.

(F) The director shall have the authority to revoke a permit upon a finding of violation of any rule or ordinance, or upon good cause shown.

Sec. 17-1-9. ENFORCEMENT.

(1) The director and park attendants shall, in connection with their duties imposed by law, diligently enforce the provisions

of this chapter.

(2) The director and any park attendant shall have the authority to eject from the park any person acting in violation of this chapter.

(3) The director and any park attendant shall have the authority to seize and confiscate any property, thing or device in the park, or used, in violation of this chapter.

Sec. 17-1-10. PENALTIES. Any person violating the provisions of this chapter shall upon conviction be guilty of a misdemeanor.

Chapter 18
STREETS, SIDEWALKS AND
OTHER PUBLIC PROPERTY
ARTICLE 1
IN GENERAL

Sec. 18-1-1. CERTAIN ORDINANCES RELATING TO STREETS NOT AFFECTED BY CODE. Nothing in this code or the ordinance adopting this code shall be construed as repealing or otherwise affecting the validity of any ordinance:

(1) Dedicating, accepting, naming establishing, locating, relocating, opening, paving, widening or vacating any street or other public way in the city;

(2) Establishing or prescribing grades for streets in the city;

and all such ordinances are hereby recognized as continuing in full force and effect to the same extent as if set out at length herein.

Sec. 12-1-2. HOUSE NUMBERING — REQUIRED. All lots, buildings

and structures in the city shall be numbered.

Sec. 18-1-3. SAME — CHART. The building inspector shall keep a chart showing the proper street number of every building site in the city, which chart shall be open to inspection to any interested person.

Sec. 18-1-4. OBSTRUCTIONS BY PERSONS OR ASSEMBLAGE. No person or group of persons shall stand together or near each other on any public way or place of a public nature in such a manner as to obstruct or impede public travel or interfere with the free and unobstructed use of such public way or place by any other person, and any person or group of persons so standing or acting shall move on immediately after a request to do so made by the city marshal, or any police officer.

Sec. 18-1-5. PLACING MERCHANDISE ON SIDEWALKS RESTRICTED. It shall be unlawful for any person receiving or delivering goods, wares or merchandise in this city to place, keep or suffer to be kept upon any sidewalk any such goods, wares or merchandise without leaving a passageway of six (6) feet in width. No goods, wares or merchandise shall be left on said sidewalk for a period longer than six (6) daylight hours, except with the express approval of the city marshal.

Sec. 18-1-6. DANGEROUS OPENINGS IN SIDEWALKS. It shall be unlawful for any person to leave or keep open any cellar door, pit or vault, or other subterraneous opening on any highway or sidewalk, or to keep such opening in an insecure condition so that passersby will

be in danger of falling into such opening.

Sec. 18-1-7. RESPONSIBILITY FOR REMOVAL OF ICE AND SNOW FROM SIDEWALK. Any person in possession of or owning, or the agent of any person owning, any vacant or occupied building or lot or persons owning any vacant lots within the city, are hereby required to remove the ice and snow from the sidewalk in front of said building or lot within twelve (12) hours after the snow shall fall or ice accumulate thereon.

Sec. 18-1-8. OBSTRUCTION OF DITCHES PROHIBITED. It shall be unlawful for any person to obstruct, damage or in any manner interfere with any irrigation ditch or flume belonging to or under the control of this city.

Sec. 18-1-9. RESPONSIBILITY FOR KEEPING DITCHES ON PREMISES UNOBSTRUCTED; WATER TO BE RECONVEYED TO DITCHES IN STREETS. All persons shall keep the ditches in front and rear on their respective premises clean and in working order, and the water used in ditches running through their land must be reconveyed to ditches in the adjoining street or alley most convenient of access.

Sec. 18-1-10. ALLOWING WATER TO FLOW ON PUBLIC THOROUGHFARE PROHIBITED. It shall be unlawful for any person to allow any water to flow into or upon any public thoroughfare.

ARTICLE 2

DEPARTMENT OF STREETS AND ALLEYS

Sec. 18-2-1. CREATION. There is hereby created and established

a department of streets and alleys of the city for the purpose of providing the necessary street and alley construction and maintenance services required by the city.

Sec. 18-2-2. COMPOSITION, DIRECTION AND CONTROL. The street and alley department of the city shall be under the direction and immediate control of the city manager, who may appoint a street superintendent and all necessary employees as may be authorized. The city manager shall be responsible for the acts of all employees so appointed.

5-9-95 Sec. 18-2-3. STREET SUPERINTENDENT — APPOINTMENT AND REMOVAL. The street superintendent shall be appointed by the city council and be responsible to the city manager and his appointment shall continue during satisfactory service at the pleasure of the city council.

Sec. 18-2-4. SAME — QUALIFICATIONS. The street superintendent shall be appointed on the basis of his supervisory and technical qualifications with special reference to his actual experience in and his knowledge of the functions and duties of his office as set forth in this article.

Sec. 18-2-5. SAME — FUNCTIONS AND DUTIES. The street superintendent shall be a department head of the city. His functions and duties shall be as follows:

(1) Prepare recommendations, progress reports and work programs as required.

(2) Prepare and submit annual department budget requests.

(3) Supervise, inspect, review and approve the construction and repairs of all city streets and alleys.

(4) Purchase and approve the purchase of departmental materials, supplies and equipment.

(5) The street superintendent shall preserve all records, plans, maps, notes, surveys, books, papers, documents, supplies and equipment pertaining to his office. In the event of resignation or removal from office they shall be delivered to his successor in office or to the city manager.

(6) Prepare daily work schedules for employees and assign all equipment to projects.

(7) Train or assign subordinate employees in training of new employees.

(8) Coordinate inter-divisional and inter-departmental work programs with other supervisors during special project assignment.

(9) The street superintendent shall perform such other duties as may be prescribed by law or required of him by ordinance or by direction of the city manager.

ARTICLE 3 EXCAVATIONS

Sec. 18-3-1. DEFINITIONS. The following words, when used in this chapter, shall have the meanings ascribed to them in this section, except in those instances where the context clearly indicates otherwise:

(1) "Emergency" shall mean any unforeseen circumstance or occurrence, the existence of which constitutes a clear and immediate danger to persons or properties.

(2) "Street" shall mean and include a public or private street, easement, right-of-way, highway, alley, way, place, or road.

Sec. 13-3-2. PERMITS REQUIREMENTS.

(1) It shall be unlawful for any person to make any tunnel, opening, or excavation of any kind in or under the surface of a street without first securing a permit from the city for each separate undertaking, provided that any utility company maintaining pipes, lines or other underground facilities in or under the surface of any street may proceed without a permit when emergency circumstances demand the work be done immediately and the permit cannot reasonably and practically have been obtained beforehand. Such person shall thereafter apply for a permit on the first regular business day on which the city office is open for business.

(2) Each application for a permit shall be made thirty-six hours before the work authorized by the permit is to begin. Each permittee shall notify ALL utilities operating in Park City and the Park City Police Department of the nature and location of the work authorized by the permit and the time that said work shall begin, at least twenty-four hours before the work authorized by the permit is to begin. Such application and notice shall be made during the normal office hours of said utilities and the city.

(3) An application shall be filed on such forms as shall be furnished by the building inspector. Applicant shall in addition present information that all materials, labor and equipment which may be required to complete the proposed work are available.

(4) Each application for a permit shall be accompanied by a deposit to be computed by the building inspector as provided hereinafter in Section 18-3-6.

(5) The building inspector may accept an initial deposit from any applicant to cover more than one permit, provided that the permittee pays for the actual cost of each excavation, if applicable, within a specified time as designated by the city recorder. Nothing contained herein shall be construed as exempting anyone from obtaining a permit for each separate undertaking.

(6) Any utility company providing electric, telephone, gas, water, sewer or cable televisions service on a regular basis to the residents of Park City are hereby exempted from posting a deposit on said work, provided said utility company file a letter with the city recorder, signed by the appropriate officers of the company, agreeing to reimburse the City of Park City for all costs incurred in repairing street openings made by said utility and agreeing to abide by all the terms of this ordinance. Each utility company shall submit a list of persons authorized to sign permit applications and keep such list current.

(7) Every applicant shall agree to hold the city, its officers, employees and agents harmless from any and all costs, damages and liabilities which may accrue or be claimed to have accrued by reason of any work performed under a permit issued hereunder. The acceptance of a permit shall constitute such an agreement by the applicant.

(8) Every permit holder shall retain the permit at the location of the work while same is in progress and shall present such permit upon demand by appropriate city officials.

(9) No person to whom a permit has been granted shall perform any of the work authorized by such permit in any amount or quantity greater than that specified in the permit, except that, upon the approval of the building inspector, additional work may be done under the provisions of the permit in an amount not greater than 10% of that specified in the permit.

(10) Permits hereunder are not transferable and the work shall not be made in any place other than the location specifically designated in the permit.

(11) Every permit shall expire at the end of the period of time set out in the permit. Normally five (5) days will be allowed for a street excavation to final restoration. If the permittee shall be unable to commence or to complete the work within the specified time, he shall, prior to the expiration date, present in writing to the building inspector a request for an extension of time, setting forth the reasons for the requested extension. If in the opinion of the building inspector, such an extension is necessary and not contrary to the public interest, the permittee may be granted additional time for the completion of the work being done.

Sec. 18-3-3. REVOCATION OF PERMITS. Any permit may be revoked by the building inspector, after notice to the permittee, for the following grounds:

(1) Violation of any condition of the permit or of any provision of this ordinance.

(2) Violation of any provision of any other applicable

ordinance or law relating to the work.

(3) Existence of any condition or the doing of any act constituting a nuisance or endangering lives or properties of others.

Written notice of any of the above designated violations or conditions shall be served upon the holder of the permit or his agent engaged in the work. The notice shall contain a brief statement of the reason for the revocation and shall also indicate the time at which the revocation will take effect and the time period in which the revocation will take effect and the time period in which the violation may be corrected and work resumed. Such notice shall be given either by personal delivery thereof to the person to be notified or by certified or registered mail addressed to such person. When any permit has been revoked and the work authorized by the permit has not been completed, the building inspector is hereby authorized to take such steps as may be necessary to immediately restore the street to as good a condition as existed before the opening was made.

Sec. 18-3-4. REGULATION OF OPENINGS AND EXCAVATIONS.

(1) The opening which may be made in a street at any one time shall be no greater than will permit the reasonable use of such street by the public and will not cause substantial hazards in said use.

(2) All utility facilities shall be exposed sufficiently ahead of trench excavation work to avoid damage to those facilities and to permit their relocation, if necessary. Proper bracing shall be maintained to prevent the collapse of adjoining ground.

(3) Pipe drains, pipe culverts, or other facilities encountered shall be protected by the permittee.

(4) Monuments of concrete, iron, or other lasting material set for the purpose of locating or preserving the lines of any street or property subdivision, or a precise survey reference point or a permanent survey bench mark within the city shall not be removed or disturbed or caused to be removed or disturbed unless permission to do so is first obtained in writing from the building inspector. Permission shall be granted only upon condition that the permittee shall pay all expenses incident to the proper replacement of the monument.

(5) When work performed by the permittee interferes with the established drainage system of any street, provision shall be made by the permittee to provide proper drainage to the satisfaction of the building inspector.

(6) All excess excavated material shall be removed from the site by the permittee after the work has been completed. In the event the earth, gravel or other excavated material so deposited is not removed, the building inspector shall cause such removal and the cost incurred shall be paid by the permittee.

(7) Every permittee shall provide adequate warning lights for each opening during the night. Every permittee shall provide suitable barricades for each opening. Proper traffic regulatory

signs, such as "SLOW", "UTILITY WORK", "ONE WAY TRAFFIC" and adequate personnel to direct traffic must be employed if considered necessary. In most instances even the cutting of the entire width of a street can be done one-half at a time to allow traffic to proceed. If complete interruption of traffic is required, properly placed detour signs must be installed and constantly maintained to insure proper traffic flow. Additional safety regulations may be prescribed by the building inspector. Whenever any person shall fail to provide or maintain adequate safety devices, such devices may be installed and maintained by the city and the amount of the cost thereof shall be paid by the holder of the permit. No person shall willfully move, remove, injure, destroy or extinguish any barrier, warning light, sign, or notice erected, placed or posted in accordance herewith.

(8) Access to private driveways shall be provided except during working hours when construction operations prohibit provisions of such access. Free access must be provided at all times to fire hydrants.

(9) Excavated materials shall be laid compactly along the side of the trench in a manner so as to cause as little inconvenience as possible to public travel. In order to expedite the flow of traffic or to abate a dirt or dust nuisance, the building inspector may require the permittee to provide toe boards or bins; and if the excavated area is muddy and causes inconvenience to pedestrians, temporary wooden plank walks shall be installed by the permittee as directed by the building inspector.

(10) Work authorized by a permit shall be performed between the hours of 7:00 a.m. and 7:00 p.m., Monday through Friday, unless the permittee obtains written consent from the building inspector to do the work earlier or later than the stated hours or on a weekend. Except in the case of an emergency, no permit authorized herein shall be issued so as to allow a street opening or pavement cut between November 1st and April 15th.

(11) In granting any permit, the building inspector may attach such other conditions as may be reasonable necessary to prevent damage to public or private property or to prevent the operation from being conducted in a manner hazardous to life or property or in a manner likely to create a nuisance. Such conditions may include, but shall not be limited to:

(A) Restrictions as to the size and type of equipment.

(B) Designation of routes upon which materials may be transported.

(C) The place and manner of disposal of excavated materials.

(D) Requirements as to the cleaning of streets, the prevention of noise, and other results offensive or injurious to the neighborhood, the general public, or any portion thereof.

(E) Regulations as to the use of streets in the course of the work.

(F) Minimum depth of any service line shall be 18" below grade.

Sec. 18-3-5. REGULATION OF BACKFILLING AND RESTORATION.

(1) All pavements cuts, openings and excavations shall be backfilled, surfaced and restored as follows:

(Building inspector shall be notified four (4) hours prior to starting backfill).

(A) Backfilling under paved streets shall be made in accordance with the following specifications:

(I) Material - Shall be granular, consisting essentially of sand, gravel, rock, slag, disintegrated granite or a combination of such materials. It shall be a wellgraded mixture containing sufficient soil mortar, crusher dust or other binding material which, when placed and compacted, will result in a firm, stable foundation. Material composed of uniform size particles or which contains pockets of excessively fine or excessively coarse material will not be acceptable. The material shall meet the following graduation:

<u>Sieve Designation</u>	<u>% By Weight Passing</u>
2½ inch	100
2 inch	95 - 100
No. 40	30 - 60
No. 200	5 - 15

All material passing the No. 40 sieve shall have a liquid limit of not over thirty-five (35) and a plasticity index of not over six (6).

Test for liquid limit and plasticity index shall be in accordance with A.A.S.H.O. designations T-89 and T-91 respectively.

(II) Construction Methods - The material shall be deposited in layers not exceeding eight (8) inches in thickness prior to compacting. Each layer shall be compacted with suitable mechanical tamping equipment. It shall be compacted sufficiently to obtain a field density which is at least ninety (90) percent original. Jetting or attempted settling by water are not acceptable methods of compaction.

(B) Backfilling of unpaved streets shall be made in accordance with the following specifications:

(I) Material - The bottom six (6) inches and the top twelve (12) inches of backfill shall be the same type of material specified in Section 18-3-5 (1) (A) (I) of this ordinance. The excavated material may be used for the remainder of the backfill, provided that no materials greater than 18 inches in diameter shall be used for backfill.

(II) Construction Methods - The material shall be deposited in layers not exceeding eighteen (18) inches in thickness prior to compacting. Each layer shall be compacted with suitable mechanical tamping equipment. It shall be compacted sufficiently to obtain a field density which is at least ninety (90) percent of original

(C) Excavations in unpaved public places not used as vehicular ways may be backfilled with earth and shall be compacted in lifts not to exceed 18 inches in depth by loose measurement in a

manner set forth by the building inspector. All grassed areas shall be returned to their original condition.

(D) The cut and restoration of asphalt surface shall be made in the following manner:

The initial pavement cut shall be made a minimum of one (1) foot wider than the trench on all sides of the trench, a minimum of three (3) feet wide, and the cut in the paving shall be made with a power circular saw. Ripping the surface with a backhoe or other power bucket will not be allowed.

The asphalt surface shall match the quality and appearance of the existing surface surrounding the excavation, and sealed with a chemical as approved by the building inspector.

(E) If the building inspector finds that paving surfaces adjacent to the street opening may be damaged where trenches are made parallel to the street, or where a number of cross trenches are made parallel to the street, or where a number of cross trenches are laid in close proximity to one another, or where the equipment used may cause such damage, the permittee shall be required to pay the cost of resurfacing. The cost of resurfacing shall be charged on a time and materials basis and payment shall be made prior to the issuance of any other permit.

(F) If any settlement in a restored area, or any curb, gutter, sidewalk, sidewalk, storm sewer, or appurtenance is broken or cracked as a result of such excavation occurs within a period of one year from the date of completion of the permanent restoration, any expense incurred by the city in correcting such settlement shall

be paid by the permittee , unless proof is submitted by the permittee, satisfactory to the building inspector, that the settlement was not due to defective backfilling. Failure to backfill properly may be grounds for revocation of permittee's city registration.

(G) Upon approval by the building inspector Park City may exercise the option of repairing street cuts and making backfills for the permittee, and requiring said permittee to pay the city for said cost of restoration in an amount computed by the building inspector in accordance with the rates set forth in Section 18-3-6 of this ordinance.

Sec. 18-3-6. DEPOSITS.

(1) Upon receipt of a properly completed application, the building inspector shall determine the amount of the deposit which shall be placed by the holder of any permit hereunder, which said deposit shall cover the cost of restoring the street involved in such work. The deposits to be placed for permits shall be as follows:

For replacement of paving with asphalt surface -
\$2.00 per square foot;

For replacement of paving with concrete surface -
\$3.00 per square foot.

Backfill \$20.00 per cubic yard.

Saw cuts done by the city shall be \$1.50 per lineal foot with a minimum fee of \$25.00.

Any rework done by the city shall be time and material.

(2) The deposit shall be either in the form of a certified treasurer's or cashier's check, cash, or other if approved by the city recorder. Performance bonds are not acceptable.

(3) If any deposit is less than sufficient to pay all costs, the holder of any permit shall, upon demand, pay to the city an amount equal to the deficiency. If the permittee fails or refuses to pay such deficiency, the city may institute an action to recover the same in any court of competent jurisdiction. Until such deficiency is paid in full, no additional permits shall be issued to such permittee.

(4) Whenever any person or company shall anticipate more than five (5) street openings or excavations per year, such utility or authority may post a single deposit for the entire year or part thereof to cover the cost of any and all such work. The amount of such deposit shall be determined by the building inspector.

(5) Upon satisfactory completion of backfill and street surface the permit deposit will be returned less costs incurred by the city.

Sec. 18-3-7. CITY REGISTRATION, EVIDENCE OF INSURANCE, AND STATE LICENSE REQUIREMENTS. No person, firm or corporation shall be issued a permit hereunder without first registering with the city, at which time they shall submit proof that there is being maintained and carried liability insurance covering personal injury and property damage which may arise from or out of the performance of the proposed work. Such insurance shall cover collapse, explosive hazards and underground coverage and shall include protection against

liability arising from completed operations. Such insurance for personal injury shall be in an amount not less than one hundred thousand dollars (\$100,000.00) for each person and not less than three hundred thousand dollars (\$300,000.00) for each accident and, for property damage, shall be in an amount not less than fifty thousand dollars (\$50,000.00), and not less than one hundred thousand dollars (\$100,000.00) for all accidents. A certified copy or certificate of such insurance policies, together with the certificate of the insurer that each policy is in full force and effect and that said insurance will not be altered, amended, terminated or ended without a ten day written notice having first been given to the city shall be filed prior to the issuance of an excavation permit. All concerns must also have current a Workmen's Compensation policy approved by the State of Utah, or be found to be sufficiently self-insured and be a properly licensed contractor in the State of Utah for the type of work being performed.]

Sec. 18-3-8. MAPS OF UNDERGROUND FACILITIES.

(1) Every person owning , using, controlling or having an interest in pipes, conduits, ducts or other structures under the surface of any street used for the purpose of supplying or conveying gas electricity , communication impulses, water or steam to or from the city, or to or from its inhabitants, or for any other purpose shall file with the building inspector within one hundred twenty (120) days after the adoption of this ordinance, a map or set of maps, each drawn to a scale of not less than 1" to 400', showing

the location, size and description of all such installations. The owner agrees upon reasonable notice from the city or any permittee to accurately locate its installations upon the ground as shown on said maps.

(2) By March 1st of each year, such person shall file with the building inspector a corrected map or set of maps, drawn to the above designated scale, showing such installations, including all such installations made during the previous year; provided, however, if no further installations have been made during the previous year, there may be filed with the building inspector a written statement to that effect.

Sec. 18-3-9. ABANDONED FACILITIES. Whenever any pipe, manhole, conduit, duct, tunnel or other structure located under the surface of any street is abandoned, the person owning, using, controlling or having an interest therein shall, within thirty (30) days after such abandonment, file with the building inspector a statement in writing showing the location of the abandoned structure.

Sec. 18-3-10. FILING. An applicant for an excavation or cut permit shall be required to file with the appropriate city authority an application furnished by the city containing the information shown in the attached Exhibit "A", which by reference is incorporated herein and made a part hereof.

Sec. 18-3-11. PENALTY CLAUSE. Any person violating any of the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be punished for such offense by imprisonment, in the city or county jail, for not more than ninety (90) days

or by a fine of not less than \$5.00 nor more than \$299.00, or by both both fine and imprisonment. Each day such violation is committed or permitted to continue, shall constitute a separate offense and shall be punishable as such hereunder. Both the licensed contractor and the person, firm or corporation the work is for are responsible for compliance with this ordinance.

ARTICLE 4
SIDEWALKS, CURB OR
DRIVEWAY CONSTRUCTION OR REPAIR

Sec. 18-4-1. PETITION OR CITY COUNCIL ORDER. Whenever the owners of a majority of the frontage upon either side of any street or specified portion thereof shall petition the city council for the construction of a sidewalk, or whenever the city council deems such improvements necessary, the city council shall immediately order such a sidewalk to be constructed.

Sec. 18-4-2. DUTY OF CITY TO FURNISH GRADE. Whenever any person shall desire to construct or reconstruct any sidewalk he shall apply to the city manager for the grade that is required by provisions in this chapter, and it shall be the duty of the city manager to furnish him with such grade upon the payment of twenty-five cents (\$0.25) per running foot of sidewalk grade.

Sec. 18-4-3. NOTIFICATION BY CITY MANAGER TO REPAIR SIDEWALKS, DRIVEWAYS, ETC.; FAILURE TO COMPLY. When any sidewalk, driveway, curb, gutter or any combination thereof, in front of or abutting upon or serving any premises, shall be out of repair, the city

manager shall cause notice to be served upon the owner, or other person in charge of or having the control and supervision of the premises, to repair such sidewalk , driveway, curb or gutter within thirty (30) days. It shall be unlawful for any person to fail or refuse to comply with such notice to repair. Upon such failure or refusal to comply with such notice to repair, the city manager may repair the same by day's work or by contract, and the cost of such repair may be assessed upon and made a lien upon the land so benefited as in other cases made and provided. In addition thereto, the city may cause action to be instituted against the owner or the person in charge of the premises upon whom such notice was served, in any court of competent jurisdiction, to recover such costs. All such remedies shall be cumulative.

Sec. 18-4-4. RESPONSIBILITY FOR CITY'S LIABILITY AFTER SERVICE OF NOTICE TO REPAIR. If any person shall secure judgment against the city for damages by reason of any defect in any sidewalk, driveway, curb or gutter, which damages shall have been suffered after the service of notice as provided in section 18-4-3, the city may recover the amount of such judgment from the owner of the premises abutting upon sidewalk, driveway, curb or gutter, and from the person in charge of the premises upon whom such notice was served.

Sec. 18-4-5. PERMIT FOR SIDEWALKS, CURBS OR GUTTERS GENERALLY. It shall be unlawful for any person to construct or reconstruct any

sidewalk, curb or gutter within the city without having first procured a permit therefor from the city manager. The application for such permit shall be in accordance with regulations prescribed by the city manager and shall include sufficient information to show that the construction will be in conformance with specifications and grade levels established by the city manager.

Sec. 18-4-6. PERMIT FOR DRIVEWAY CONSTRUCTION. It shall be unlawful for any person to construct or cause to be constructed any driveway over or across any park strip or sidewalk, or to surface or cause to be surfaced with any cement, bituminous product, gravel or similar substance any portion of any park strip or sidewalk on any public street within the city without first obtaining a permit for the city manager.

Sec. 18-4-7. APPROVAL REQUIRED FOR SURFACING OF PLANTING AREA NEAR SIDEWALKS. Whenever any sidewalk area in the city shall have been surfaced in such a manner as to leave unsurfaced planting areas within such sidewalk areas, such planting or open area shall not be closed or surfaced without approval of the city council upon written application.

Sec. 18-4-8. PLANS AND SPECIFICATIONS REQUIRED. It shall be unlawful for any person to construct or reconstruct a sidewalk within the corporate limits of the city excepting walks entirely inside the lot lines, unless the same shall be constructed according to plans and specifications approved by the city manager.

Sec. 18-4-9. PAVING TO ALLOW ROOM FOR TREE GROWTH. When any portion of any sidewalk area or any park strip shall be paved or surfaced, a minimum space of six (6) inches shall be left around the base of any and all trees growing in such area to permit tree growth.

Sec. 18-4-10. OBSTRUCTING CONSTRUCTION AND REPAIRS PROHIBITED. It shall be unlawful for any person to hinder or obstruct the making or repairing of any pavement, sidewalk or crosswalk which may be under process of repairing or construction.

Sec. 18-4-11. PARK STRIPS. No portion of any park strip shall be paved or surfaced except sidewalks and driveways. A park strip is defined as the portion between the front or side lot line and the actual or designated curb line.

Sec. 18-4-12. COMPLIANCE WITH ARTICLE REQUIRED. Any sidewalk not constructed in strict conformity with this article shall within ten (10) days after notice to the owner of the property upon which the sidewalk shall have been constructed, be made to conform to this article at the expense of the owner, or else the same shall be removed by the city at the expense of the owner.

ARTICLE 5 TREES ON PUBLIC PROPERTY

Sec. 18-5-1. REGULATIONS FOR PLANTING OF TREES IN STREET OR SIDEWALK AREA. All trees planted in the public street or sidewalk areas and all tree planting spaces required by this chapter shall be

located and planted under the supervision of the city manager, who shall supervise such locating and planting in a manner to meet the following consideration:

(1) Trees that must be removed shall be replaced by new planting, except in unusual circumstances.

(2) Unnatural regularity of spacing and arrangement shall be avoided, staggered or irregular locations being preferred.

(3) Species selected may vary. However, the preference of natives is urged.

(4) Special consideration shall be given to the problem of snow removal.

(5) The coordination of tree planting on public ways with required open or landscaping areas on private property so as to achieve the most effective use of these areas, and to accomplish the above-mentioned purposes.

Sec. 18-5-2. PRESERVATION OF TREES FOR GENERAL WELFARE. The preservation of the trees upon city property within the city is in the best interests of the general welfare of the people of the city.

Sec. 18-5-3. ILLEGAL TO CUT TREES. It shall be unlawful for any person, whether a property owner or not to cut and remove trees situated upon city property, including the street and roadways of the city, without obtaining a permit from the city council of the city, signed by the city manager or his authorized representative appointed for that purpose.

Sec. 18-5-4. APPLICATION. Any person desiring to cut and remove trees from city property, including the streets and roadways within the city, shall first make application to the city council for a permit, which application shall be in writing, be accompanied by payment in full of the charges provided for in this division and shall contain the following information:

(1) The exact number of trees to be removed and the location of each with reference to street designations.

(2) A statement that the applicant will cut and remove the trees at his own cost and expense within thirty (30) days of the date of the permit.

(3) A statement that the applicant will restore the city property to the satisfaction of the city and will replant such trees as the city may require and where the city may specify.

(4) That the applicant will indemnify the city against any damage to the city property or to the adjacent property owners or to any injury to persons or property sustained in cutting and removing of the trees.

Sec. 18-5-5. FEE; REFUND. No permit shall be issued for the cutting and removing of trees upon city property until a charge of five dollars (\$5.00) per tree has been paid in advance.

Sec. 18-5-6. REVOCATION. The permit issued under the provisions of this code is conditioned upon the applicant's performing in full the conditions set out in the permit, and in the event that the city requires the replanting of trees as one of the requirements in the permit, the permittee shall do such work in a good and

husbandlike manner consistent with good tree planting techniques. In the event such conditions are not met, the permit shall be revoked and the city council may assess against permittee such damages as the city shall have suffered through permittee's failure of performance.

ARTICLE 6
BUILDING MOVING

Sec. 18-6-1. DEFINITIONS. For the purposes of this article the following terms, phrases, words, and their derivations shall the meaning given herein.

(1) "Building" is a structure designed, built or occupied as a shelter or roofed enclosure for persons, animals or property and used for residential, business, mercantile, storage, commercial, industrial, institutional, assembly, educational or recreational purposes. A structure of the following dimensions shall not fall within this definition: (set forth dimensions for smaller structure, the moving of which will not give rise to sufficient foreseeable danger to warrant its inclusion here).

(2) "Building inspector" is the building inspector of the city of Park City.

(3) "Person" is any person, firm, partnership, association, corporation, company or organization of any kind.

Sec. 18-6-2. PERMIT REQUIRED. No person shall move any building over, along or across any highway, street or alley in the city without first obtaining a permit from the building inspector.

Sec. 18-6-3. APPLICATION. A person seeking issuance of a permit hereunder shall file an application for such permit with the building inspector.

(1) The application shall be made in writing, upon forms provided by the building inspector, and shall be filed in the office of the building inspector.

(2) The application shall set forth:

(A) A description of the building proposed to be moved, giving street number, construction materials, dimensions, number of rooms and condition of exterior and interior;

(B) A legal description of the lot from which the building is to be moved, giving the lot, block and tract number, if located in the city;

(C) A legal description of the lot to which it is proposed such building be removed, giving lot, block and tract number, if located in the city.

(D) The portion of the lot to be occupied by the building when moved;

(E) The highways, streets and alleys over, along or across which the building is proposed to be moved;

(F) Proposed moving date and hours;

(G) Any additional information which the building inspector shall find necessary to a fair determination of whether a permit should issue.

(3) The owner of the building to be moved shall file with the application sufficient evidence that the building and lot

from which it is to be removed are free of any entanglements and that all taxes and any city charges against the same are paid in full. The applicant, if other than the owner, shall file with the application a written statement or bill of sale signed by the owner, or other sufficient evidence, that he is entitled to move the building.

(4) The application shall be accompanied by a permit fee in an amount to be established by the city from time to time. If the building to be moved is located outside the city such fee shall be augmented by a charge of \$ per mile beyond the city limits.

Sec. 18-6-4. DEPOSIT FOR EXPENSE TO CITY. Upon receipt of an application it shall be the duty of the building inspector to procure from the city manager an estimate of the expense that will be incurred in removing and replacing any electric wires, street lamps, or pole lines belonging to the city or any other property of the city, the removal and replacement of which will be required by reason of the moving of the building through the city, together with the cost of materials necessary to be used in making such removals and replacements. Prior to issuance of the permit the building inspector shall require of the applicant a deposit of a sum of money equal to twice the amount of the estimated expense over and above the permit fee.

Sec. 18-6-5. GENERAL DEPOSIT.

(1) An application hereunder shall be accompanied by a cash deposit in the sum of \$ as an indemnity for any damage which the city may sustain by reason of damage or injury to any

highway, street or alley, sidewalk, fire-hydrant or other property of the city, which may be caused by or be incidental to the removal of any building over, along or across any street in the city and to indemnify the city against any claim of damages to persons or private property and to satisfy any claims by private individuals arising out of, caused by or incidental to the moving of any building over, along or across any street in the city.

(2) Any person filing an application hereunder may, in lieu of the general cash deposit required above, file with the building inspector a bond, approved as to form by the city attorney, executed by a bonding or surety company authorized to do business in the State of Utah, in the amount of \$ conditioned upon the assurance that this and other applicable ordinances and laws will be complied with. Such bond shall run to the city for the use and benefit of any person or persons intended to be protected thereby and shall be conditioned on the payment of any damage to public or private property and the payment for any damages or losses resulting from any malfeasance, misfeasance, or nonfeasance or negligence in connection with any of the activities or conditions upon which the permit applied for is granted.

(3) Any person filing an application hereunder may, in lieu of the general cash deposit required above, file with the building inspector a liability insurance policy, issued by an insurance company authorized to do business in the State of Utah, and approved as to form by the city attorney, in the same

amount and providing the same protection as would be required for a bond hereunder.

Sec. 18-6-6. DUTIES OF BUILDING INSPECTOR.

(1) The building inspector shall inspect the building and the applicant's equipment to determine whether the standards for issuance of a permit are met.

(2) The building inspector shall refuse to issue a permit if he finds:

(A) That any application requirement or any fee or deposit requirement has not been complied with;

(B) That the building is too large to move without endangering persons or property in the city;

(C) That the building is in such a state of deterioration or disrepair or is otherwise so structurally unsafe that it could not be moved without endangering persons and property in the city;

(D) That the building is structurally unsafe or unfit for the purpose for which moved, if the removal location is in the city.

(E) That the applicant's equipment is unsafe and that persons and property would be endangered by its use;

(F) That zoning or other ordinances would be violated by the building in its new location.

(G) That for any other reason persons or property in the city would be endangered by the moving of the building.

(3) The building inspector shall deposit all fees and deposits, and all bonds or insurance policies with the city treasurer.

(A) Upon his refusal to issue a permit the building inspector shall return to the applicant all deposits, bonds and insurance policies. Permit fees filed with the application shall not be returned.

(B) After the building has been removed the building inspector shall furnish the city manager with a written statement of all expenses incurred in removing and replacing all property belonging to the city, and of all material used in the making of the removal and replacement together with a statement of all damage caused to or inflicted upon property belonging to the city. Provided, however, that if any wires, poles, lamps or other property are not located in conformity with governing ordinances, the permittee shall not be liable for the cost of removing the same. The city manager shall authorize the building inspector to return to the applicant all deposits after the city treasurer deducts the sum sufficient to pay for all of the costs and expenses and for all damage done to property of the city by reason of the removal of the building. Permit fees deposited with the application shall not be returned.

(4) The building inspector shall procure from the street superintendent a list of designated streets over which the building may be moved. The building inspector shall have the list

approved by the city marshal and shall reproduce the list upon the permit in writing. In making their determinations the street superintendent and the city marshal shall act to assure maximum safety to persons and property in the city and to minimize congestion and traffic hazards on public streets.

Sec. 18-6-7. DUTIES OF PERMITTEE. Every permitted under this article shall:

(1) Move a building only over streets designated for such use in the written permit.

(2) Notify the building inspector in writing of a desired change in moving date and hours as proposed in the application.

(3) Notify the building inspector in writing of any and all damage done to property belonging to the city within twenty-four (24) hours after the damage or injury has occurred.

(4) Cause red lights to be displayed during the night time on every side of the building, while standing on a street, in such manner as to warn the public of the obstruction, and shall at all times erect and maintain barricades across the streets in such manner as to protect the public from damage or injury by reason of the removal of the building.

(5) Remove the building from the city streets after four (4) days of such occupancy, unless an extension is granted by the city manager.

(6) Comply with the Building Code, the Fire Zone, the Zoning Ordinance and all other applicable ordinances and laws upon relocating the building in the city.

(7) Pay the expense of a traffic officer ordered by the building inspector to accompany the movement of the building to protect the public from injury.

(8) Remove all rubbish and materials and fill all excavations to existing grade at the original building site so that the premises are left in a safe and sanitary condition.

(9) See that the sewer line is plugged with a concrete stopper, the water shut off, and the meter returned to the city water office. Permittee shall notify the gas and electric service companies to remove their services.

Sec. 18-6-8. ENFORCEMENT.

(1) The building inspector, the police department and the street superintendent shall enforce and carry out the requirements of this article.

(2) The permittee shall be liable for any expense, damages or costs in excess of deposited amounts or securities, and the city attorney shall prosecute an action against the permittee in a court of competent jurisdiction for the recovery of such excessive amounts.

(3) The city shall proceed to do the work necessary to leaving the original premises in a safe and sanitary condition where permittee does not comply with the requirements of this article, and the cost thereof shall be charged against the general deposit.

ARTICLE 7
PARADES

Sec. 18-7-1. DEFINITIONS.

(1) "Parade" is any parade, march, ceremony, show, exhibition, pageant, or procession of any kind, or any similar display, in or upon any street, park or other public place in the city.

(2) "Parade "Permit" is a permit as required by this article.

(3) "Person" is any person, firm, partnership, association, corporation, company or organization of any kind.

Sec. 18-7-2. PERMIT REQUIRED. No person shall engage in, participate in, aid, form or start any parade, unless a parade permit shall have been obtained from the city marshal.

(1) This article shall not apply to:

(A) Funeral processions;

(B) Students going to and from school classes or participating in educational activities, providing such conduct is under the immediate direction and supervision of the proper school authorities;

(C) A governmental agency acting within the scope of its functions.

Sec. 18-7-3. APPLICATION. A person seeking issuance of a parade permit shall file an application with the city marshal on forms provided by such officer.

(1) An application for a parade permit shall be filed with the city marshal not less than ten (10) days nor more

than thirty (30) days before the date on which it is proposed to conduct the parade.

(2) The application for a parade permit shall set forth the following information:

(A) The name, address and telephone number of the person seeking to conduct such parade;

(B) If the parade is proposed to be conducted for, on behalf of, or by an organization, the name, address and telephone number of the headquarters of the organization, and of the authorized and responsible heads of such organization;

(C) The name, address and telephone number of the person who will be the parade chairman and who will be responsible for its conduct.

(D) The date when the parade is to be conducted;

(E) The route to be traveled, the starting point and the termination point;

(F) The approximate number of persons who, and animals and vehicles which, will constitute such parade; the type of animals and description of the vehicles;

(G) The hours when such parade will start and terminate;

(H) A statement as to whether the parade will occupy all or only a portion of the width of the streets proposed to be traversed;

(I) The location by streets of any assembly areas for such parade;

(J) The time at which units of the parade will begin

to assemble at any such assembly area or areas.

(K) The interval of space to be maintained between units of such parade;

(L) If the parade is designed to be held by, and on behalf of or for, any person other than the applicant, the applicant for such permit shall file with the city marshal a communication in writing from the person proposing to hold the parade, authorizing the applicant to apply for the permit on his behalf.

(M) Any additional information which the city marshal shall find reasonably necessary to a fair determination as to whether a permit should issue.

(3) The city marshal, where good cause is shown therefor, shall have the authority to consider any application hereunder which is filed less than ten (10) days before the date such parade is proposed to be conducted.

(4) There shall be paid at the time of filing the application for a parade permit a fee in an amount to be established from time to time by the city council.

Sec. 18-7-4. STANDARDS FOR ISSUANCE. The city marshal shall issue a permit as provided for hereunder when, from a consideration of the application and from such other information as may otherwise be obtained, he finds that:

(1) The conduct of the parade will not substantially interrupt the safe and orderly movement of other traffic contiguous

to its route;

(2) The conduct of the parade will not require the diversion of so great a number of police officers of the city to properly police the line of movement and areas contiguous thereto as to prevent normal police protection to the city;

(3) The conduct of such parade will not require the diversion of so great a number of ambulances as to prevent normal ambulance service to portions of the city other than that to be occupied by the proposed line of march and areas contiguous thereto.

(4) The concentration of persons, animals and vehicles at assembly points of the parade will not unduly interfere with proper fire and police protection of, or ambulance service to, areas contiguous to such assembly areas;

(5) The conduct of such parade will not interfere with the movement of fire-fighting equipment enroute to a fire;

(6) The conduct of the parade is not reasonably likely to cause injury to persons or property, to provoke disorderly conduct or create a disturbance;

(7) The parade is scheduled to move from its point of origin to its point of termination expeditiously and without unreasonable delays enroute;

(8) The parade is not to be held for the sole purpose of advertising any product, goods or event, and is not designed to be held purely for private profit.

Sec. 18-7-5. NOTICE OF REJECTION. The city marshal shall act upon the application for a parade permit within five (5) days after the filing thereof. If the city marshal disapproves the application, he shall mail to the applicant within seven (7) days after the date upon which the application was filed, a notice of his action, stating the reasons for his denial of the permit.

Sec. 18-7-6. APPEAL PROCEDURE. Any person aggrieved shall have the right to appeal the denial of a parade permit to the city council. The appeal shall be taken within five (5) days after notice. The city council shall act upon the appeal within ten (10) days after its receipt.

Sec. 18-7-7. ALTERNATIVE PERMIT. The city marshal, in denying an application for a parade permit, shall be empowered to authorize the conduct of the parade on a date, at a time, or over a route different from that named by the applicant. An applicant desiring to accept an alternative permit shall, within five (5) days after notice of the action of the city marshal, file a written notice of acceptance with the city marshal. An alternate parade permit shall conform to the requirements of, and shall have the effect of a parade permit under this article.

Sec. 18-7-8. NOTICE OF CITY AND OTHER OFFICIALS. Immediately upon the issuance of a parade permit, the city marshal shall send a copy thereof to the following:

- (1) The city manager;
- (2) The city attorney;
- (3) The fire chief;
- (4) The street superintendent.

Sec. 18-7-9. CONTENTS OF PERMIT. Each parade permit shall state the following information:

- (1) Starting time;
- (2) Minimum speed;
- (3) Maximum speed;
- (4) Maximum interval of space to be maintained between the units of the parade;
- (5) The portions of the streets to be traversed that may be occupied by the parade;
- (6) The maximum length of the parade in miles or fractions thereof;
- (7) Such other information as the city marshal shall find necessary to the enforcement of this article.

Sec. 18-7-10. DUTIES OF PERMITTEE. A permittee hereunder shall comply with all permit directions and conditions and with all applicable laws and ordinances. The parade chairman or other person heading or leading such activity shall carry the parade permit upon his person during the conduct of the parade.

Sec. 18-7-11. PUBLIC CONDUCT DURING PARADES.

(1) No person shall unreasonably hamper, obstruct or impede, or interfere with any parade or parade assembly or with any person, vehicle or animal participating or used in a parade.

(2) No driver of a vehicle, street car or trackless trolley shall drive between the vehicles or persons comprising a parade when such vehicles or persons are in motion and are conspicuously designated as a parade.

(3) °The city marshal shall have the authority, when reasonably necessary, to prohibit or restrict the parking of vehicles along a highway or part thereof constituting a part of the route of a parade. The city marshal shall post signs to such effect, and it shall be unlawful for any person to park or leave unattended any vehicle in violation thereof. No person shall be liable for parking on a street unposted in violation of this article.

Sec. 18-7-12. REVOCATION OF PERMIT. The city marshal shall have the authority to revoke a parade permit issued hereunder upon application of the standards for issuance as herein set forth.

ARTICLE 8
ILLEGAL PARKING

Sec. 18-8-1. It shall be unlawful for any person, corporation, partnership, or other, to park a motor vehicle upon the streets on days and times as herein designated in Park City, Summit County, State of Utah.

(1) STATE HIGHWAY 224

Park Avenue from junction of State Highway to Heber Avenue

NO PARKING THURSDAY - 9:00 a.m. to 4:00 p.m.

Heber Avenue from Park Avenue to Main Street

NO PARKING AT ANY TIME

Main Street

NO PARKING 1:00 a.m. to 6:00 a.m.

Hillside Avenue

NO PARKING AT ANY TIME

Chambers Avenue

NO PARKING AT ANY TIME

- (2) PARK AVENUE
From Heber Avenue to intersection with Main Street
NO PARKING - THURSDAY - 9:00 a.m. to 4:00 p.m.
- (3) WOODSIDE AVENUE
From 15th Street to 13th Street
NO PARKING - WEDNESDAY - 9:00 a.m. to 4:00 p.m.
From 12th Street to 1st Street (King Road)
NO PARKING - WEDNESDAY - 9:00 a.m. to 4:00 p.m.
- (4) NORFOLK AVENUE
From 14th Street to 8th Street
NO PARKING - FRIDAY - 9:00 a.m. to 4:00 p.m.
From 1st Street (King Road) to turn-around
NO PARKING - FRIDAY - 9:00 a.m. to 4:00 p.m.
- (5) ONTARIO AVENUE
NO PARKING AT ANY TIME
- (6) DEER VALLEY LOOP ROAD
NO PARKING - MONDAY - 9:00 a.m. to 4:00 p.m.
- (7) MC HENRY AVENUE
NO PARKING - MONDAY - 9:00 a.m. to 4:00 p.m.
- (8) PROSPECT AVENUE (ONTARIO RIDGE)
NO PARKING AT ANY TIME
- (9) 1ST STREET (KING ROAD), 4TH STREET, 5TH STREET, 6TH STREET, 8TH STREET (including tramway), 9TH STREET THRU AND INCLUDING 15TH STREET
NO PARKING AT ANY TIME

Sec. 18-8-2. It shall be unlawful for any person, corporation,

partnership, or other, within the corporate limits of Park City, Summit County, State of Uth, owning any commercial off-street parking to fail to remove snow or otherwise make accessible for parking within two (2) days after the cessation of the snow fall. "Commercial off-street parking" shall mean any residence, building, structure or otherwise which is required to provide off-street parking for the occupants therein.

Sec. 18-8-3. Any violation of this code shall be deemed a misdemeanor and any vehicle found in violation shall be impounded in accordance with the impound ordinances of Park City, Summit County, State of Utah.

Chapter 19
UTILITIES
ARTICLE 1
WATER GENERALLY

Sec. 19-1-1. DEFINITION. Wherever ther term "superintendent" is used in this article it shall refer to the superintendent of the waterworks.

Sec. 19-1-2. WATERWORKS GENERALLY; OPERATION AND CONTROL. The waterworks owned and operated by the city and used to supply the city with water, shall be known as "The Park City Waterworks." The operation and management of the waterworks shall be under the control of the city manager, who shall direct the construction of additions thereto, and the maintenance and operation thereof, and in all cases , not particularly provided for by this code or other ordinance of the city, shall determine in what manner and upon what

terms, water may be taken from the waterworks, by any property owner or water consumer and the character of the connections and appliances which may be made or used therefor.

Sec. 19-1-3. POWERS AND DUTIES GENERALLY OF SUPERINTENDENT OF WATERWORKS.

(1) The superintendent of the waterworks shall, under the direction of the city manager, have charge of all facilities of the waterworks and it shall be his duty to supervise the waterworks, and maintain and control the same as directed by the city manager and as provided in this article.

(2) The superintendent of the waterworks shall have control of the laying of all water mains. The superintendent shall have the general supervision of the putting in of all taps, and service pipes or other connections with the water mains and the regulation of the water supply to all users of water. He shall also have charge of and be responsible for all tools, machinery, pipes, meters, fixtures, plumbing material and all other apparatus and appliances owned by the city or used by it in the maintenance and operation of the waterworks, and shall keep account of all such material and the manner in which the same is used, kept or disposed of.

(3) It is hereby made the duty of the superintendent to make a report to the city manager monthly or more often if required, of his doings as superintendent and of the condition of

the waterworks and it shall also be his duty to make such suggestions concerning the same as the nature of the service may require.

(4) It shall be the duty of the superintendent to keep all fire hydrants in repair and shall test the same frequently to see if the same are in order, and he may let water from the hydrants, whenever it shall be necessary for the testing of the condition of the waterworks, or for purifying the water, or for the repairing of the waterworks, or for watering the trees in extreme need.

(5) The superintendent may grant permission to any person employed by the city to sprinkle the streets, or to any other person the city manager may authorize to draw water from the fire hydrants.

Sec. 19-1-4. ACCESS TO FIRE HYDRANTS BY FIRE DEPARTMENT. The members of the fire department under the orders of the chief of the fire department or other officer in charge, shall at all times have free access to the fire hydrants in case of fire and for the purpose of cleaning, washing or testing their engines or other apparatus.

Sec. 19-1-5. INSPECTION OF PREMISES RECEIVING SERVICE. The city manager may from time to time direct that the superintendent of the waterworks or other official designated by it may and shall examine and inspect all premises where water the waterworks is used in or upon such premises in order to ascertain the nature, character, and extent of such water use and the condition of the water pipes,

fixtures and appliances, and to determine if water is being wasted upon the premises. During the times that such inspections are being made, the superintendent or other official designated shall accurately tabulate the appliances and fixtures used for water as may be required in connection with the establishment of the rate to be charged to any such premises and the report thereof shall be submitted to the city manager.

Sec. 19-1-6. UNAUTHORIZED OBSTRUCTION OR OPERATION OF HYDRANT PROHIBITED. It shall be unlawful for any person not authorized by this article to open or operate any fire hydrant, or draw water therefrom, or obstruct the approach thereto. *FINE*

Sec. 19-1-7. WRENCHES FOR FIRE HYDRANTS. Wrenches for fire hydrants shall be furnished by the superintendent of the waterworks to the fire department for the use of its members, and to such other persons as to him may seem proper, and it shall be unlawful for any person to whom a wrench is so furnished to permit the same to be taken from his control or to be used by any other person or for any other purpose than that authorized by the provisions of this article or by the superintendent in pursuance thereof.

Sec. 19-1-8. UNAUTHORIZED TRESPASSING ON WATERWORKS PROPERTY PROHIBITED. It shall be unlawful for any person, unless authorized by this article, to trespass upon the waterworks or the grounds upon which the same are constructed.

Sec. 19-1-9. INJURING OR DAMAGING WATERWORKS PROPERTY PROHIBITED. It shall be unlawful for any person to injure or in anywise damage or to meddle or interfere with in any way any property or appliance constituting or being a part of the waterworks or any fence, guard

rail, box cover or building or any other structure constructed to be used to protect any part of the waterworks.

Sec. 19-1-10. INJURY TO OR OBSTRUCTION OF WATER IN WATERWORKS PROHIBITED. It shall be unlawful for any person to cast, place, dump or deposit in the waterworks any substance or material which will in any manner injure or obstruct the same.

ARTICLE 2

TAP PERMITS AND CONNECTIONS

Sec. 19-2-1. COMPLIANCE WITH ARTICLE REQUIRED. It shall be unlawful for any person not authorized by this article to make any connection with any water pipe or main of the waterworks or to connect with any sewer line, or for any authorized person to put in any tap or connection contrary to the provisions of this article.

Sec. 19-2-2. PERMIT — REQUIRED. It shall be unlawful for any person to tap or make any connection with the pipe line or water main, forming a part of the Park City Waterworks or sewer system without having first obtained a permit therefor.

Sec. 19-2-3. SAME — APPLICATION. The city treasurer shall supervise and administer the issuance of all applications for permits to tap the pipes or mains of the waterworks in accordance with the provisions of this article. All applications for permits to tap shall be in writing to the city treasurer and state the name of the applicant, the date thereof, the nature and size of the tap to be used, the location thereof, and the premises for the use of which such tap is made. If such application to tap shall include provisions not specified or provided for in this article no permit shall be issued except with the approval of the city recorder.

Sec. 19-2-4. SAME — BUILDING PERMIT PREREQUISITE TO ISSUANCE. No water tap applicant shall receive a tap permit previous to the issuance of a valid building permit for a structure.

Sec. 19-2-5. SAME — ISSUANCE, CONTENTS; RECORD KEEPING. All permits to tap as required by this division shall be issued and signed by the city treasurer and shall set forth the name of the applicant for such permit, the nature and size of the tap, and stop-cock to be used, the location thereof, the premises for the use of which such tap is to be made. The city treasurer shall keep a duplicate or record of all permits to tap, issued by him, in a book or books, kept for such purpose.

Sec. 19-2-6. PAYMENT OF ALL FEES PREREQUISITE TO TAP. No water tap or other connection with the water mains of the Park City Waterworks shall be made by the superintendent until all applicable permit and tap fees have been paid.

Sec. 19-2-7. TAP AND CONNECTION FEES GENERALLY. All applicants for water service shall pay to the city a tap or connection fee as outlined in section 19-2-8.

Sec. 19-2-8. WATER TAP OR CONNECTION FEES.

(1) Single family residences, apartments, condominium apartments and similar units shall pay minimum connection or tap fee of \$300.00 per unit plus a fee for each bedroom in excess of one (1) bedroom as follows:

- (A) Minimum fee - \$300.00;
- (B) One (1) bedroom - \$300.00;

(C) Two (2) bedroom - \$400.00;

(D) Three (3) bedroom - \$500.00;

(E) More than three (3) bedrooms - \$500.00 plus \$50.00 for each additional bedroom;

(F) For the purpose of calculating the above listed fees, every room and/or sleeping loft will be considered a bedroom except kitchens, bathrooms, one dining room per unit, one living room per unit, entry halls, closets not exceeding sixty (60) square feet each, hallways, laundry rooms or garages. This method is used to prevent owners or builders from avoiding paying these connection or tap fees by labeling sleeping areas as dens, studies, or by other devices.

(2) Hotels, motels, and lodges, \$200.00 per room plus a fee for any commercial space as hereinafter defined, developed for use in conjunction with said hotel, motel or lodge. Provided, that in the event a room can accommodate more than two (2) persons the connection or tap fee shall be \$200.00 plus \$50.00 per person the room is capable of accommodating.

(3) Commercial users such as restaurants, bars, nightclubs, offices, shops, service businesses, manufacturers, lumber yards, building material suppliers, and all other commercial enterprises, including such operations developed in connection with hotels, motels, and lodges, but not limited thereto, shall pay a connection or tap fee based on the following schedule:

(A) Minimum - \$400.00;

(B) Fifty cents (\$0.50) per square foot for the first 1,000 square feet;

(C) \$500.00 plus \$0.25 per square foot for the excess over 1,000 square feet.

(4) Warehouses, storage sheds, storage yards, etc. - \$300.00.

(5) Trailer parks, mobile homes, R-V parks - \$400.00 per trailer, mobile home or R-V space.

(6) Churches - \$300.00.

(7) There shall be no connection fee for public schools and publicly owned buildings.

(8) There shall be no connection fee for fire protection equipment and fire sprinkler systems.

(9) Dormitory residential uses - \$100.00 for each person that said dormitory is capable of accommodating.

(10) All applicants for water service shall include in their system a suitable frost-free water meter. Cost of making the connection and the cost of purchasing and installing the water meter and water meter vault shall be paid by the applicant and shall be in addition to the connection or tap fees hereinabove described.

Sec. 19-2-9. SEWER CONNECTIONS. All sewer connections shall be computed as outlined in section 19-2-10.

Sec. 19-2-10. SEWER CONNECTION FEES. All applicants for sewer service shall pay a connection fee for each sewer connection as

determined by the Board of Trustees of the Snyderville Basin Sewage Improvement District.

Sec. 19-2-11. FEE WHEN LARGE TAP IS NECESSARY FOR FIRE PROTECTION SYSTEM. In the event a larger size water tap is necessary for a private fire protection system, then the tap fee shall be computed as specified in section 19-2-8 exclusive of the fire protection system. Under this regulation the user shall be required to pay the full cost of installation of the service, including all pipe, valves, valve boxes.

Sec. 19-2-12. EQUIPMENT INCLUDED IN PAYMENT OF FEE. All tap fees excepting those specified in section 19-2-11 shall include a meter if necessary and the necessary valves and curb box for proper installation of the service.

Sec. 19-2-13. RESPONSIBILITY FOR COST OF TAPPING OR CONNECTION. The water user shall furnish and pay for all materials, labor and all expenses in and about the making of all connections with the main except the cost attributed to the actual tapping of the main, the copper tailpiece, the curb valve and the curb box. *install pressure regulation.*

Sec. 19-2-14. MINIMUM DEPTH FOR SERVICE PIPE. All water service pipe shall be laid at least six (6) feet below the established grade of the street from the main to the curb box and in all places at least six (6) feet below the surface of the ground.

Sec. 19-2-15. SINGLE TAPS SERVING MORE THAN ONE BUILDING.

(1) In all cases where service pipes have been constructed from a single tap to different houses, buildings or premises, and a separate stop-cock, accessible to the superintendent of the waterworks has been placed on the pipe leading to each house,

building or premises, so that water can be easily turned on or shut off from premises, or any of them, the continued use of such extensions will be permitted.

(2) Any person owning adjoining premises, may obtain a permit to make one tap for all such premises. Whenever such a permit has been granted, a single tap may be made and a single service pipe may be laid therefor, but such service pipe must be provided with separate and distinct stop-cocks for each and every one of the premises.

(3) No connection with the waterworks or use of water therefrom, shall be made through any extension of the service pipe of any other premises, except as provided in this section.

Sec. 19-2-16. SPECIFICATIONS FOR SERVICE PIPES; LOCATION OF STOP-COCK. No tap inserted in or connected with the service pipes shall have an orifice of a smaller diameter than five-eighths ^{3/4} (5/8) of an inch, and every such tap shall be of brass and the service pipe connected therewith shall be of heavy, serviceable pipe, and shall extend from the main to the outside line of the sidewalk at which point shall be placed a stop-cock with cover and in case the point of delivery is such that there is no sidewalk or if it be in the alley, then stop-cock shall be placed just outside the lot line or at such point as the superintendent shall direct, so that the same shall be accessible to the superintendent for the purpose of turning on or shutting off water by means thereof, without going on private premises.

Sec. 19-2-17. BARRICADES AND SAFETY MEASURES FOR EXCAVATIONS. All excavations in the street with regard to the water service

shall be made in conformity to this code and other ordinances of the city and suitable barricades and guards shall be placed around such excavations, as will be sufficient to protect all persons from injury and damage; and sufficient red lights shall be kept burning near such excavations from twilight until sunrise in order to protect all persons from injury or damage thereby. The person making such excavations shall be liable for all injuries or damages resulting from his failure to do so.

Sec. 19-2-18. TESTING OF COMPLETED CONNECTION. When any tap or connection for water service has been completed and the service is found to comply with the provisions of this article, the superintendent of the waterworks shall test the connection to determine that the connection and service are in proper operating condition.

Sec. 19-2-19. AUTHORITY TO TURN WATER ON.

(1) No water shall be turned on, except for testing, by anyone except the superintendent of the waterworks or someone acting under his order.

Sec. 19-2-20. MAINTENANCE OF SERVICE PIPES AND FIXTURES. The owner of any premises for which a water connection is made, shall at all times keep all pipes, fixtures and appliances from point of connection at the stop-cock to and on his premises tight and in good working order and so as to prevent any waste of water. In case any pipe or fixture shall be found to leak water, the owner shall be responsible for thawing frozen pipes from the point of connection with the main to this premises.

Sec. 19-2-21. NOTICE TO REPAIR DEFECTIVE PLUMBING FIXTURES;
DISCONTINUANCE OF SERVICE FOR FAILURE TO COMPLY.

(1) If at any time the superintendent of the waterworks shall ascertain that the plumbing fixtures or appliances on any premises are so defective as to waste water, it shall be his duty to immediately notify the user of the water or his agent, thereof, to repair the same, and if the same are not repaired within forty-eight (48) hours from the time of such notice being served upon the water user or the agent, the superintendent shall shut off the water from the premises and immediately notify the city manager.

(2) It shall be unlawful for any person to fail or refuse to comply with the order provided for in this section.

Sec. 19-2-22. DISCONNECTIONS. In case any owner of premises on which water is used shall cease to use water, and desires to disconnect his premises, he shall not be permitted to take up the stop-cock or that portion of the service pipes, leading from the main to the stop-cock, but his water shall be shut off at the stop-cock and all appliances from the water main to and including the stop-cock shall remain in the ground and become the property of the city.

Sec. 19-2-23. RECONNECTION AFTER WATER TURNED OFF. In any case where the water has been shut off from any premises, for any causes stated in this article or at the request of the owner of the premises, the superintendent of the waterworks shall not turn it on again or order it to be turned on until all back water rents and charges have been paid and the owner requests the service by making application and receives a permit therefor.

Sec. 19-2-24. CONNECTIONS THROUGH LINES OF OTHERS WHEN CITY LINE UNACCESSIBLE. The superintendent of the waterworks , with the approval of the city manager, may authorize and permit any proposed consumer not connected with the water mains of the city, and not situated within a reasonable distance of such a main, to connect through service lines used and owned by others, provided, however, all such consumers shall first secure and present to the superintendent the written consent of the consumer connected through, and such connecting consumer pays the appropriate tap charges and agrees to disconnect when a water main is installed nearer to the premises than such permitted connection, or the written consent of the connecting consumer is revoked. Connection thereafter to the water main shall be subject to, and in accordance with, all the terms and conditions of this code and any other ordinance of the city.

ARTICLE 3
USE PERMIT AND REGULATIONS

Sec. 19-3-1. USE PERMIT GENERALLY.

(1) No water shall be turned on to any premises until the consumer has applied for, and received, a permit from the city treasurer to use water. Such permit shall state the name of the applicant, the right of the applicant to possession of the premises and use of water thereon, the date of the application, the location and ownership of the premises, if other than the proposed consumer, whether the use shall be residential or other than residential, as hereinafter defined, and if applicable, the number of rooms and the number and type of water using facilities. Before any permit is

granted the consumer must agree in writing to pay all charges for water and for connection and to abide by and with the terms and conditions of this code. In addition, the city treasurer shall verify all statements made in such application, and shall correct all erroneous statements. Service and use of water to such consumer shall thereafter be made and charged for on the basis of such statements contained in the corrected application.

Such permits when issued, and after all tap and connection charges have been paid, shall give such consumer the right to use water from the city water mains on the described premises for the purposes stated in such permit so long as all provisions of this code, and other ordinances of the city are complied with.

Sec. 19-3-2. PERMIT FOR EXTENSION OF SERVICE PIPES. If at any time any person shall propose to extend his water service pipes for the supply of any other rooms, or tenants, or for the use of water for any other purpose other than those for which he or others shall have a permit he shall before so doing, obtain a permit from the city treasurer for such extension.

Sec. 19-3-3. DETERMINATION OF CHARGE WHEN MORE THAN ONE BUSINESS EXISTS IN ONE BUILDING. Whenever more than one business shall be carried on in any one store, room or other building it shall be the duty of the city treasurer to decide whether or not more than one charge for water service shall be made for such use.

Sec. 19-3-4. SHUT-OFFS.

(1) If after a permit to the use of water shall have been issued, it shall be ascertained that water is being used on any premises not authorized by the permit or by any permit or in a

greater amount or for a different purpose than that provided for in the permit, or if any water user shall fail or refuse to pay the water charges for the use of water, as the same shall become due, it shall be the duty of the superintendent to shut off the water, providing, however, the superintendent shall give the owner of such premises forty-eight (48) hours notice prior to the date the water is to be shut off.

(2) The superintendent reserves the right to shut off the street mains when they deem it necessary for repairing the mains or waterworks, making connections or extensions to the same, or for the purpose of cleaning the same. No main shall be shut off except in emergency without prior notice to the water users affected. But no licensed plumber or other person shall shut off the water from any of the city mains or make a tap thereon. In case of any emergency the city manager may restrict the use of water until the next meeting of the city council.

Sec. 19-3-5. USE OF WATER ON PREMISES, OTHER THAN A PERMIT HOLDER'S PROHIBITED. It shall be unlawful for any person having a permit to use water on his premises, or any occupant of such premises to allow any person to take water from the premises unless the last mentioned person or the owner of the premises on which he uses or intends to use such water has a permit to do so as provided for in this article.

Sec. 19-3-6. USE OF LAWN SPRINKLERS AND NOZZLES. It shall be unlawful for any person at any time to use water for sprinkling or irrigating through a hydrant or hose, without a nozzle or lawn sprinkler, and no sprinkler opening used shall be more than

three-eighths (3/8) inch in diameter. The city council shall have the authority to establish by resolution, motion or otherwise any and all other restrictions as to the use of water for sprinkling or irrigation and a violation of any such orders or regulations as imposed by the city council shall be considered a violation of this code.

Sec. 19-3-7. USE OF WATER FOR SPRINKLING OR IRRIGATION DURING FIRE PROHIBITED. It shall be unlawful to use water for sprinkling or irrigation purposes during any fire or while the fire department is using water for fire purposes and when the fire alarm is sounded.

Sec. 19-3-8. WASTING WATER PROHIBITED. It shall be unlawful for any person having a permit to use water from the waterworks to permit, suffer or allow water to run to waste upon his premises, buildings, houses or lots in, through or out of any water closet, lavatory, urinal, bathtub, hose hydrant, faucet or other fixture, appliance or apparatus whatsoever, or in any manner through neglect or by reason of faulty or imperfect plumbing or fixtures.

Sec. 19-3-9. TAMPERING WITH OR INTERFERING WITH METER OR METER READING PROHIBITED. It shall be unlawful for any person to tamper with any water meter installed on any service connection on the water mains of the city or to place, install, or put on or near any such meter any instrument or device which will affect the operation thereof or the reading thereof. It is further declared to be unlawful to interfere with or prevent the superintendent of the waterworks or any employee of the city from examining and reading any such meter.

BBLE MONTHLY RATE

delinquent monthly service fees for deposit

Section 5. Non-Owner Applicants. Applicants for water and sewer services who are not the owners of the premises to which water and sewer service is being supplied shall deposit to the Water Department, as a guarantee payment of all water and sewer rates, the amount of ~~\$10.00~~ ^{\$25.00} for each service, if the service is supplied to a single family residence, and the amount of ~~\$20.00~~ ^{\$25.00} for each service, if supplied for any other type of use. In the event the user shall fail to pay his water or sewer charges, said deposit may be applied to the payment of any delinquent charges. Upon termination of services, said deposit or any unconsumed portion thereof shall be returned to the depositor, provided all such charges have been paid.

Such deposit shall not be considered an advance payment of any service charges and unpaid accounts may be considered delinquent. Notwithstanding the existence of such deposit, the user shall not have the right to compel the Town to apply such deposit to any account to avoid delinquency.

Where applicants are not the actual owners but are merely buying served premises under contract or bond for deed, or where the applicants are building contractors applying for new water service, claiming to be owners of the property, the above deposit provisions shall apply.

Section 6. Agreement of Owner. Applications for water and sewer services made by the tenant of an owner must, in addition to the above requirements, be guaranteed by an agreement signed by the owner of the premises or his duly authorized agent to the following effect:

In consideration of the acceptance of the application for water and sewer service submitted by (any present or future tenant) , I, or we, will pay for all water and sewer service furnished such tenant, or any other occupant of (premises) , in case such tenant or occupant shall fail to pay for the same according to the ordinances, rules and regulations enacted by the Town Board of Trustees of Tropic, Utah.

Owner

Section 7. Rates and Connection Fees. The rates, penalty fee for delinquency in payment, and connection fees for water and sewer service from the Town systems shall be fixed from time to time by resolution enacted by the Town Board of Trustees. The Town Board of Trustees may, from time to time, enact rules for levying, billing, guaranteeing, and collecting charges for water and sewer services, and all other rules necessary for the management and control of the water and sewer systems.

Section 8. Special Rates. The City Council may from time to time fix by agreement or resolution, special rates and conditions for users using exceptionally large amounts of water.

ARTICLE 4
WATER, SEWER AND SCAVENGER
SERVICE RATES

Sec. 19-4-1. DEFINITIONS AND RATES. As used in this article:

(1) The monthly rates for water supplied within the corporate limits of Park City, Utah, payable in advance shall be as follows:

(A) Single family residences, multiple unit residences, apartment houses, rental units, condominiums, hotels, motels, trailer courts, boarding houses and rooming houses, rented on not less than a monthly basis exclusively throughout the year, \$5.00 per residence or individual living unit.

(B) Multiple unit residences, apartment houses, rental units, condominiums, hotels, motels, trailer courts, boarding houses and rooming houses, rented on less than a month to month basis during any part of the year, \$1.25 per person capable of being accommodated.

(C) Any commercial businesses not serving food or beverages or rendering services wherein water is used or consumed, \$6.50.

(D) Any commercial business not serving food or beverages, but rendering services wherein water is consumed, \$8.30.

(E) Any commercial business establishment serving food or beverages, \$7.00 plus an additional \$0.25 per person capable of being seated and served on a stool, at a table, or otherwise.

(F) Churches, \$5.00.

(G) Schools, \$0.15 per student.

(H) Special users and any and all uses not herein above mentioned shall be charged a monthly rate as determined by the City Council of Park City.

(I) In all of the foregoing rates where the service rendered creates an unequal consumptive use of water, an equitable rate will be determined by the City Council of Park City.

Sec. 19-4-2. SEWER RATES. The monthly sewer rates for sewer services within the corporate limits of Park City, Utah, payable in advance shall be as follows:

(1) Single family residences, multiple unit residences, apartment houses, rental units, condominiums, hotels, motels, trailer courts, boarding houses and rooming houses rented on not less than a monthly basis exclusively throughout the year, \$3.35 per residence or individual living unit.

(2) Multiple unit residences, apartment houses, rental units, condominiums, hotels, motels, trailer courts, boarding houses and rooming houses rented on less than a month to month basis during any part of the year, \$0.50 per person capable of being accommodated.

(3) Any commercial businesses not serving food or beverages or rendering services wherein water is used or consumed, \$3.35.

(4) Any commercial business not serving food or beverages, but rendering services wherein water is used or consumed, \$3.35.

(5) Any commercial business establishment serving food or beverages, \$7.00 plus an additional \$0.10 per person capable of being seated and served on a stool, at a table, or otherwise.

(6) Churches, \$3.35.

(7) Schools, \$0.05 per student.

(8) Special users and any and all uses not herein above mentioned shall be charged a monthly rate as determined by the Board of Trustees of the Snyderville Basin Sewer Improvement District.

(9) In all of the foregoing rates where the service rendered creates an unequal burden upon the sewer system an equitable rate will be determined by the Board of Trustees of the Snyderville Basin Sewer Improvement District.

Sec. 19-4-3. SPECIAL RATES. The City Council of Park City may from time to time fix special rates and conditions for users of the water system upon such terms and conditions as are equitable and proper. The Board of Trustees of the Snyderville Basin Sewer Improvement District may from time to time fix special rates and conditions for the users of the sewer system upon such terms and conditions as are equitable and proper.

Sec. 19-4-5. SERVICES OUTSIDE CITY LIMITS. Charges for water and sewer services rendered outside the corporate limits of Park City, Utah shall be double those applying within the corporate limits.

Sec. 19-4-6. CHANGE OF RATES. That the rates and charges herein provided may be changed and readopted from time to time by the Park City Council and/or the Board of Trustees of the Snyderville Basin Sewer Improvement District, in the manner provided by law, provided that such rates and charges will always be sufficient to produce the amounts required by the outstanding water and sewer revenue bonds of the city.

Sec. 19-4-7. EXCAVATION. Before any excavation may be made in,

under or through the streets, alleys or public ways of Park City or in, under or through the curb, gutters, sidewalks or other municipal improvements of said city, other than those made by or under the direction and control of Park City, the person, firm or corporation making the excavation shall apply to the city recorder for a permit therefor. As a condition precedent to the issuance of a permit, the permit holder and the property owner for whom the excavation is to be made are jointly and severally liable to Park City for all claims for damages and for the restoration of the street, alley, public way, curb, gutter, sidewalk or other municipal improvement to a good and safe condition. Any property owner, who for more than five (5) days after notice, fails to repair any damage caused by the excavation shall have the water service to the premises discontinued until the damage has been repaired in a satisfactory and workmanlike manner.

Sec. 19-4-8. BILLING. That bills submitted for monthly sewer service shall be consolidated with bills submitted for water service and scavenger service to those persons who are liable for the payment of charges for such services. Such consolidated bill shall be paid in full as a unit, and payment of one portion thereof shall not be permitted without payment of the remainder. In the event that any such bill is not paid within ^{city 30} twelve (12) days from the first day of the month for which it is due, such bill shall be deemed delinquent and a penalty of ten (10%) percent shall be added thereto, and if such bill remains delinquent for more than thirty (30) days, all water service to the premiss concerned shall be immediately cut off.

Sec. 19-4-9. REQUIREMENT TO CONNECT — ILLEGAL TO REFUSE.

Shed
10/2/21

(1) It shall be unlawful for the owner or othe person having charge of or occupying any property upon which a building shall have been or is being constructed for residential, commercial or industrial use, any part of which building is within two hundred (200) feet of any street, alley or way in which a public sewer is then in existence and used in the city to construct or permit to be constructed or to use or permit to be used any privy, vault, septic tank or cesspool connected with such building.

(2) Each such owner or other person shall within ninety (90) days after having been given notice by the city that any accepted public sewer is ready to receive connections forthwith cause such building to be connected with said sewer.

(3) It shall thereafter be unlawful for such owner or other person to have the plumbing in such building remain unconnected to the public sewer or to maintain or use or cause or permit to exist any privy, vault, septic tank or cesspool to which said building is connected or which is used by the occupant thereof.

(4) Whenever an accepted public sewer is available to receive connections therewith, the manager of the system shall cause appropriate notice to be served upon the owner, agent or other person having charge of or occupying all property coming within scope of this section, that said public sewer is ready to receive connections therewith and that all plumbing must be connected with such sewer.

(5) Whenever the owner, agent or other person having charge of or occupying any property coming within the scope of this section has been properly notified to make connection with an available public sewer and has not made or caused to be made such connection, or when such connection has been made but the connection charge therefor has not been paid, any water and sewer service to such premises shall immediately be discontinued.

Sec. 19-4-10. SCAVENGER SERVICES.

(1) The monthly rates for scavenger service supplied within the corporate limits of Park City, Utah payable in advance shall be as follows:

(A) Single family residences, \$2.00.

(B) Any multiple unit residence, apartment house, rental unit, condominium, hotel, motel, trailer court, boarding house, rooming house, commercial business establishment, school, church, or any and all uses not herein above mentioned shall pay a monthly rate to be determined by the Park City Council, which in any event may not be less than \$2.00 a month and shall be equalized with the rate in paragraph (A) above upon the basis of services rendered.

(C) Charges for scavenger services outside the corporate limits of Park City, Utah shall be double those applying within the corporate limits.

(D) Bills submitted for the monthly scavenger service shall be consolidated with the bill submitted for monthly sewer and water services.

Sec. 19-4-11. PENALTY. Failure to comply with any of the

provisions of this article is hereby declared a misdemeanor.

Chapter 20
LICENSING
GENERAL

Sec. 20-1-1. DEPARTMENT CREATED — PERSONNEL. There is hereby created the Park City License Department which shall function under and be responsible to the city council. There is also hereby created the office of the license director in said department and said license director shall have charge of said department and direct the same subject to and in accordance with such terms and conditions as the city council deems appropriate. Upon recommendation of the license director, the council may authorize the appointment of such deputies, clerks or other employees in the license department as the council may consider necessary.

Sec. 20-1-2. DUTIES OF THE LICENSE DIRECTOR. The license director shall assess each licensee in accordance with the provisions of this chapter and the applicable statutes of the State of Utah and shall receive all license fees required to be paid. The license director shall also keep and maintain a suitable index properly alphabetized containing the names of all licensees of each and every class to be assessed and of all miscellaneous licenses.

Sec. 20-1-3. BONDS. The license director shall give a bond to the city in the sum of \$10,000.00 condition upon the faithful performance of his duties and the proper accounting of all funds coming into his hands or under his control by virtue of his office. The City Council of Park City may require any employee of the license

department to give a bond running in favor of the city in such amount as may from time to time be designated.

Sec. 20-1-4. ASSESSMENT ROLL. Before the 1st day of January of each year, the license director may submit to the council an assessment roll, which shall contain the names and addresses of all persons, firms, or corporations, subject to license assessment within the city under the terms of this chapter and any other license ordinance. The assessment roll submitted to the council shall contain in addition to the foregoing information, the amount of the assessment to be assessed the licensee, information showing that notice of the assessment has been mailed to the licensee, and the date upon which said notice was mailed. The license director shall submit an affidavit with the assessment roll which shall show that diligent inquiry has been made during the current year to ascertain the names of all persons within the city subject to assessment for licenses; that all persons have been assessed in accordance with the rates established by the ordinances of the county; that notice to each licensee has been mailed prior to the 31st day of December and that all duties imposed upon him by the ordinances of the city have been faithfully complied with.

Sec. 20-1-5. LICENSE NECESSARY. It shall be unlawful for any person to engage in or carry on or operate any business within the corporate limits of Park City, Utah, referred to in this chapter or to use any property for such business, without first making application for and obtaining a license from the city.

Sec. 20-1-6. PERSON SUBJECT TO LICENSE. Whenever in this code a license is required for the maintenance, operation, or conduct of any business or establishment, or for doing business or engaging in any activity or occupation, any person or corporation shall be subject to the requirements if by himself or through an agent, employee or partner, he holds himself forth as being engaged in the business or occupation; or solicits patronage therefor, actively or passively; or performs or attempts to perform any part of such business or occupation in the city.

Sec. 20-1-7. APPLICATIONS. Applications for licenses and permits required by ordinance shall be made in writing to the license director of the Park City License Department in the absence of provisions to the contrary. Each application shall state the name of the applicant, the permit or license desired, the location to be used, if any, the time covered and the fee to be paid; and shall further contain such additional information as may be needed for the proper guidance of the city officials in the issuing of the permit or license applied for. Forms for all licenses and permits, and applications therefor, shall be prepared and kept on file by the license director.

Sec. 20-1-8. FEES NOT REFUNDED. No license fee, or any part thereof shall be refunded for any reason whatsoever, once the license has been granted or issued by the city.

Sec. 20-1-9. COMPLIANCE WITH BUILDING AND ZONING REQUIREMENTS REQUIRED. No license shall be issued for the conduct of any business, and no permit shall be issued for any thing, or act, if the premises and building to be used for the purposes do not fully comply with the requirements of the city. No such license or permit shall be issued for the conduct of any business or performance of any act which would involve a violation of the zoning ordinance of the city.

Sec. 20-1-10. EX-OFFICIO LICENSE DEPUTIES. The city marshal and all police officers of Park City, the license director, chief sanitarian, chief health inspector and consulting sanitarian of the board of health, and the chief and assistant chiefs of the fire department are hereby appointed ex-officio license deputies who in addition to the several duties of their respective offices or positions are hereby authorized and empowered to examine and inspect all places of business subject to pay a license under the provisions of this code as their duty shall bring them into contact with same; to see that businesses covered and authorized by the license issued are carried on or transacted in accordance with this chapter and other applicable law and to report to the license director the names of all persons doing business without a license and instances of the conduct by any party or business other than that covered by the license issued.

Sec. 20-1-11. POSTING LICENSE. It shall be the duty of any person conducting a licensed business in the city to keep his license posted in a prominent place on the premises used for such business at all times.

Sec. 20-1-12. LICENSE CERTIFICATE TO BE SHOWN TO OFFICIALS.

It shall be the duty of each and every person to whom a certificate of license has been issued to show the same at any proper time when requested to do so by the license director, city marshal or other law enforcement office.

Sec. 20-1-13. TRANSFERABILITY OF LICENSES. No license granted or issued under the provisions of the ordinances of the city shall be deemed to be assignable or transferable or to authorize any person other than the person therein mentioned or named to do business, or to authorize any other business than is therein mentioned or named to be done or transacted. Persons to whom one or more licenses have been issued to transact or carry on some business at a definite location in the city may, however, except as hereinafter provided, make application for the transfer of said licenses for the sole purpose of transacting or carrying on the same business as is therein mentioned at some other definite location in the city. Applications therefor shall be filed with the license director ten (10) days in advance of the proposed change. The council, after receiving reports furnished by the license director or his authorized agent, may, in its discretion, deny or grant the transfer of licenses according to the above limitations. No change shall be permitted without full compliance with the building and zoning requirements of this code.

Sec. 20-1-14. REVOCATION. Every license or permit issued hereunder may, in addition to any fine imposed, be revoked by the city council of Park City, Utah, upon recommendation of the license director at any time after notice and hearing are accorded the licensee, unless

otherwise specifically provided, for violation by the licensee or permittee of the ordinance provisions relating to the license or permit, the subject matter of the license or permit, the premises occupied, or for other cause deemed good and sufficient.

Sec. 20-1-15. REVOCATION OF BEER LICENSES. The council may, with or without hearing and at its discretion, refuse to grant any beer license applied for and may revoke any license, when, in its opinion, it is necessary for the protection of the public health, peace or morals, without cause given if any applicant or licensee shall not possess or shall cease to possess all of the qualifications required by the Liquor Control Act of Utah, or shall fail to comply with the ordinances of the city. It shall be unlawful for any person to engage in the sale of beer after revocation of his license until he may again qualify as provided herein to engage in the sale thereof. The council may revoke any beer license upon recommendation of the city marshal or city attorney when it appears to its satisfaction that any licensed premises has become a nuisance, as defined by this code, or a disorderly house. Where any license is so revoked, no license shall again be issued for such premises for a period of six months after said revocation.

Sec. 20-1-15. EFFECT OF REVOCATION. If at any time a license under the provisions of this title is denied or revoked, it shall thereafter be unlawful for any person to engage in or carry on or operate or use or permit to be used any property for any business with

respect to which the license has been revoked or denied until a license shall be granted by the council.

Sec. 20-1-16. WAITING PERIOD FOR NEW LICENSES. No person who has been denied a license, or whose license has been revoked under the provisions of this chapter, and no person associated or connected with such person in the conduct of such business, shall be granted a license for the same purpose under provisions of this chapter for a period of six (6) months after such denial or revocation has occurred. The council may, at its discretion, waive the prohibition against persons associated or connected with an individual who has been denied a license.

Sec. 20-1-17. PENALTY. Any person, firm, or corporation violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this chapter is committed, continued or permitted, and upon conviction of any such violation, such persons shall be punishable by a fine of not more than \$299.00, or by imprisonment for not more than six (6) months, or by both such fine and imprisonment.

Chapter 21
LICENSING - AMUSEMENTS
ARTICLE 1
AMUSEMENTS

Sec. 21-1-1. APPLICATION. The provisions of this chapter, except as to licensing and fees, shall apply to all public shows, theatricals, circuses and other amusements in the city whether specifically licensed under another chapter in this code or not.

Sec. 21-1-2. LICENSES. It shall be unlawful to conduct or operate any amusement which is open to the public and for admittance to which a fee is charged, without having first secured a license therefor; provided, that the provisions of this ordinance shall not be held to apply to those amusements which are specifically licensed by any other ordinance of the city.

Applications for such licenses shall be made to the license director and shall comply with all of the general provisions of the ordinances relating to such application. For such licenses the following fees shall be paid:

- (1) Menageries \$5.00 per day
- (2) Exhibitions of inanimate objects \$5.00 per day
- (3) Other amusements \$10.00 per day

Sec. 21-1-3. MUSIC DEVICES. It shall be unlawful to offer or maintain for public use any coin-operated device, machine or mechanism to procure to reproduce music or singing without having first obtained a permit therefor. The annual fee for such permits shall be ten dollars (\$10.00) per unit.

Sec. 21-1-4. ATHLETIC EXHIBITIONS. It shall be unlawful to conduct, operate or exhibit any race between persons, animals or vehicles, or any baseball games , boxing or wrestling matches or any other athletic contest or exhibition for admission to which a fee is charged without first having procured a license therefor.

The fee for each such athletic exhibition license shall be fifty dollars (\$50.00), provided, that should the exhibition be of a recurring kind the yearly fee for same shall be two hundred dollars (\$200.00).

Sec. 21-1-5. ORDER — CROWDING. The audience of any amusement, show or theatrical must be orderly and quiet at all times, and it shall be unlawful for any person attending such amusement, show or theatrical to create a disturbance in the audience.

It shall be unlawful to permit such a crowd to witness any such amusement or show as may tend to create a dangerous condition because of fire or other risks.

Sec. 21-1-6. INSPECTIONS. It shall be the duty of the city marshal and the fire marshal to see that every exhibition, amusement, theatrical or other public show or amusement is inspected by a member of the city marshal's department and by the fire department in order to insure conformity with the provisions concerning such amusements. No license shall be issued by the license director until such inspections as are above provided are carried out.

Sec. 21-1-7. INDECENT SHOWS. It shall be unlawful for any person, firm or corporation to present, exhibit, conduct or take part in any indecent show, theatrical, play, motion picture, exhibition or other form of public amusement or show appealing primarily to

the prurient interest.

Sec. 21-1-8. RIOTS. It shall be unlawful to present any public amusement or show of any kind which tends to or is calculated to cause or promote any riot or disturbance.

Sec. 21-1-9. SMOKING. It shall be unlawful to smoke or carry a lighted cigar, cigarette or pipe on or beneath the stage or in a dressing room of any building used as an assembly hall with seating accommodations for more than one hundred persons or in which theatricals, shows, amusements, lectures or other entertainments are offered, presented, operated or exhibited.

It shall be the duty of the owner of such premises or of the occupant in charge to provide and place printed signs on which the words "No Smoking" shall appear in letters at least four inches high, in conspicuous places, at least two signs being on the stage or in the wings thereof and one in each dressing room.

ARTICLE 2 AUTOMATIC AMUSEMENT DEVICES

Sec. 21-2-1. DEFINITIONS.

(1) The term mechanical amusement device is hereby defined to be each machine which, upon the insertion of a coin, trade-token, slug, or similar object, operates, or may be operated, as a game or contest of skill or amusement of any kind or description, and which contains no automatic payoff for the return of money or trade tokens, or which makes no provision whatever for the return of money to the player. A mechanical amusement device is hereby further defined as any machine, apparatus or contrivance which is used, or which may be used, as a game of skill and amusement wherein, or whereby

the players initiates, employs or directs any force generated by the machine, but specifically excludes a musical mechanical amusement device as hereinafter defined.

(2) The term musical mechanical amusement device is hereby defined to be and shall include each machine vending recorded music, or a period of radio or television entertainment in return for the insertion or deposit therein of a coin, trade-token, slug, or similar object; provided, however, that this does not include coin-operated radios or television sets in private quarters.

Sec. 21-2-2. LICENSE — FEES. It shall be unlawful for any person, firm or corporation to install, operate or maintain any such mechanical amusement device, or any such musical mechanical amusement device without having first obtained a license therefor. Applications shall be made to the license director.

The fee for such license shall be:

(1) Twenty dollars (\$20.00) per year for each mechanical amusement device;

(2) Ten dollars (\$10.00) per year for each musical mechanical amusement device.

Sec. 21-2-3. ISSUANCE. No license shall be issued except to a person of good character, approved by the city council. Upon approval of the applicant and the payment of the license fee, the license director shall issue a stamp bearing a notation, "City of Park City license for the calendar year of 19____". One license shall

be issued for each device licensed and it shall be placed in a conspicuous place and so affixed that it cannot be transferred from one machine to another.

Sec. 21-2-4. MINORS. No minor under the age of eighteen years shall be allowed or permitted to play, use or operate any pin ball machine licensed hereunder.

Sec. 21-2-5. DEVICES TO BE KEPT IN PLAIN VIEW — GAMBLING DEVICES PROHIBITED. All such devices shall at all times be kept and placed in plain view of any person or persons who may frequent or be in any place of business where such devices are kept or used.

Nothing in this article shall be construed to authorize, permit or license any gambling device of any nature whatsoever.

Sec. 21-2-6. INSPECTION. The city marshal shall inspect or cause the inspection of any place or building in which any such device or devices are operated or set up for operation and shall, further, inspect, investigate and test such devices, at least once each month.

Chapter 3 BILLIARD AND POOL HALLS

Sec. 21-3-1. LICENSE REQUIRED. No person, firm or corporation shall operate, maintain or conduct a billiard, pool or bagatelle or pigeon hole table open to the public without having first obtained a license therefor as is herein required. All applications for such licenses shall state thereon the intended location of the place of business and the number of tables to be used therein.

Sec. 21-3-2. FEES. The annual fee for such license shall be fifteen dollars for the first table; and an additional fee of ten dollars (\$10.00) for each additional table, except that no more

than fifty dollars (\$50.00) shall be charged for any one annual license.

Sec. 21-3-3. MINORS. Minors under the age of fourteen years shall under no circumstances frequent, loiter, go to or remain in any hall licensed hereunder at any time, unless it be upon some lawful errand, under the direction and consent and with the knowledge of the parent, guardian or other person having the lawful custody of such minor; and it shall be unlawful for the proprietor of any hall so licensed to allow or permit any such minor to frequent, loiter or remain within the hall in violation of this section.

Chapter 4 CARD ROOMS

Sec. 21-4-1. CARD AND GAME LICENSES — INDIVIDUAL. It shall be unlawful for any person to keep, maintain or operate in the city any room where there is played any backgammon, cards, checkers, or other games of similar nature , or any game played with beans, buttons, dice or similar devices, or to keep, maintain or operate in the city any table on which said games are played, where charge is made for the use of the room, use of the tables or for the privilege of playing on such tables or in such room, without first obtaining a license.

Sec. 21-4-2. CARD AND GAME LICENSE — CLUB. It shall be unlawful for any club, group or association within the city, whether incorporated or not, to maintain a regular club or meeting room or any table within such room for the purpose of providing members, guests or other persons with a place to play any of the games set forth in the preceding section without first obtaining a license therefor.

Sec. 21-4-3. APPLICATION FOR CARD AND GAME LICENSE. Applications shall be made to the license director and shall include a sworn statement by the applicant showing the street and house number of the place where it is proposed to maintain said room or table, the name of the place of business and of any club, association or corporation operating the premises, the number of tables used or intended to be used for playing games and the names and addresses of all officers of such organizations responsible for the operation of the rooms or tables.

Sec. 21-4-4. INVESTIGATION AND REPORT ON APPLICATION — DUTY OF CITY MARSHAL. The license director shall refer all applicants and sworn statements of applicants to the police department for an investigation and report. The city marshal shall report to the city council within five days of the receipt of such information the general reputation and character of the person making application, of the place sought to be licensed, and of its patrons. The city marshal shall further indicate the nature and kind of business conducted at said place or at any other place by the applicant and shall especially note whether gambling of any description has been carried on or indulged in at said place; whether known gamblers operate, supervise or play any game or appear to be employed in or about said card and game room; and whether said place is or has been previously conducted in a lawful, orderly manner. The city marshal shall make his recommendations as to the issuance or denial of the application.

The city marshall shall, after license has been issued, make

periodic inspections of the licensed premises in order to insure strict compliance with the provisions of this chapter and particularly with such as govern the issuance of a license in the first instance. Violations shall be promptly reported to the city council, which shall take such action with regard to revocation as it deems necessary.

Sec. 21-4-5. CARD AND GAME LICENSE — FEE. The annual license fee for conducting card and game rooms or tables for the playing of cards shall be seventy-five dollars (\$75.00).

Sec. 21-4-6. DOOR NOT TO BE LOCKED OR BARRED. It shall be unlawful for any person licensed under the provisions of this chapter to permit any game to be played behind locked, barred or barricaded doors, or in such a place as is not readily accessible to law enforcement officers. No person shall keep upon said premises any lookout, or signal, buzzer, alarm or other device of any kind capable of use for the purpose of warning occupants of the presence of law enforcements officers.

It shall be unlawful for any person to play any game behind a locked, barred or barricaded door, or under any conditions hereinabove specified in this ordinance.

Sec. 21-4-7. UNLAWFUL TO PERMIT MINORS TO ENTER CARD OR GAME ROOMS. It shall be unlawful for any person or his agent licensed under the provisions of this chapter to permit or allow parties under the age of twenty-one years to visit, frequent or remain in any room where the games enumerated herein are being played or operated.

Sec. 21-4-8. UNLAWFUL TO PERMIT KNOWN GAMBLERS TO OPERATE GAMES OR TO WORK IN CARD OR GAME ROOMS. It shall be unlawful for any

person licensed under the provisions of this ordinance, or the agent, manager or representative of such licensee, knowingly to employ any known gambler to conduct any of the games enumerated in this chapter or to work in or about licensed premises.

Sec. 21-4-9. UNLAWFUL TO PERMIT PLAYING ON SUNDAY AND OTHER HOURS. It shall be unlawful for any licensee or agent thereof to permit the use of card or game rooms for the playing of games enumerated in this chapter on Sunday, or between the hours of twelve o'clock midnight and nine o'clock a.m. of any day.

Sec. 21-4-10. LICENSE MAY BE REVOKED. The license of any person for the operation of card and game tables may be revoked by the city council at any time upon notice and hearing for the violation of any ordinance of this city or law of the state of Utah, or for any other good and sufficient reason.

Sec. 21-4-11. PLAYING FOR MONEY UNLAWFUL. It shall be unlawful to play cards and games for money or anything of value or to engage in any kind of gaming or gambling.

ARTICLE 5 CIRCUSES AND CARNIVALS

Sec. 21-5-1. LICENSE REQUIRED. No person, firm or corporation shall conduct or operate a circus or carnival in the city without having first obtained a license as is provided in this article.

Sec. 21-5-2. APPLICATION. The applications for such licenses shall be made to the license director and shall specify the place in or on which the circus or carnival is to be conducted.

Sec. 21-5-3. FEE. The fee for a circus or carnival license shall be fifty dollars (\$50.00) per day.

Sec. 21-5-4. EXEMPTION. Upon written application to the council and approval, religious and charitable organizations shall not be required to obtain a license.

Sec. 21-5-5. INSPECTION. It shall be the duty of the city marshal and the fire marshal to see that inspections shall be made of all circuses, circus performances and of the premises used to insure compliance with the provisions of this article.

Sec. 21-5-6. PARADES — BONDS. It shall be unlawful to conduct any parade connected with a circus in or on any public street, alley or other public way or place in the city, unless a permit therefor is first obtained from the city marshal. Such permit shall specify the route to be followed, and shall be accompanied by a bond in the sum of twenty-five thousand dollars (\$25,000.00) conditioned to indemnify the city for any loss, damage or liability incurred or caused by the conduct of such parade.

ARTICLE 6 GOLF DRIVING RANGES

Sec. 12-6-1. LICENSE REQUIRED. It shall be unlawful for any person, firm or corporation to construct, operate or maintain a golf driving range for the use of which a fee is charged without first securing a license therefor.

Sec. 12-6-2. APPLICATION FOR LICENSE. Applications for such license shall be accompanied by plans or drawings showing the area to be used and showing compliance with the zoning ordinances.

Sec. 12-6-3. FEE. The annual fee for a license to conduct or operate a golf driving range shall be thirty dollars (\$30.00).

Sec. 12-6-4. CONSTRUCTION REGULATIONS — MAINTENANCE. Each such golf driving range shall be constructed according to nationally recognized safe practice standards for such amusements to protect patrons, passers-by and the surrounding area. Sufficient off-street parking for patrons shall be furnished and maintained. The premises shall be maintained in an orderly manner and grass and weeds kept down.

Sec. 12-6-5. CONCESSIONS — SALE OF FOOD OR BEVERAGES. Any food or beverages offered for sale at such driving range, whether such sale is by the operator, the owner or employees or by a concession, must comply with the provisions of the city ordinances relating thereto and an additional fee for such sales shall be paid when required by ordinance.

Sec. 12-6-6. INSPECTION. The city marshal shall inspect such driving ranges as often as necessary to insure compliance with the provisions of this chapter.

ARTICLE 7 PROFESSIONAL DANCERS.

Sec. 21-7-1. LICENSE REQUIRED.

(1) It shall be unlawful for any person to perform as a dancer for compensation, and for any person or agency to furnish, book or otherwise engage the services of a dancer for compensation, for or to any tavern, bar, cabaret, private club or association whether

such performer is to be compensated by wages, salary fees or other compensation, without having first obtained a license therefor.

(2) It shall be unlawful for any person or agency to knowingly furnish, book or otherwise engage the services of any dancer for compensation in or for any tavern, bar, cabaret, private club or association who at the time of such booking or employment has not obtained a license in accordance with subsection (1) hereof.

Sec. 21-7-2. FEES. The annual fee for a license for an individual performer shall be \$10.00, to be paid upon application. The annual fee for an agency license shall be \$50.00 and \$1.00 per performer represented by such agency.

Sec. 21-7-3. LICENSE REQUIREMENTS. The applicant shall appear in person before the license director and shall complete the application form in writing. The application shall include the name and address of the applicant, any stage name or names used, the name of the agent or agency if the performer uses an agent, the criminal record, if any, and such other information as may be required by the director. Upon receipt of the fee and application the director shall transmit said application to the city marshal, who shall make inquiry concerning the applicant's character and background and report whether or not in his opinion a license should be granted. If the city marshal recommends denial of the application, the director shall not issue the license. If the applicant desires a hearing, the applicant shall apply to the city council for a public hearing within ten (10) days after denial of a license.

Sec. 21-7-4. DUTY TO DISPLAY LICENSE ON REQUEST. Should a license be granted, the performer when entertaining shall carry the license in his or her possession, and any peace officer shall have the right to inspect the license during intermission or after the performance. The license shall contain its number; the name, address and stage names of the performer; a physical description and photograph of the performer; the name of the agent or agency if applicable; the expiration date of the license and such other information as the director may require.

Sec. 21-7-5. PLACE OF PERFORMANCE. The licensee shall perform only on a stage, platform or dance floor, and shall not dance in aisles or upon tables used by patrons or members of the audience, or in other places except those designated by the city marshal upon request of the owner or operator of a licensed establishment, tavern, cabaret or private club.

Sec. 21-7-6. COSTUME REQUIREMENTS. The licensee shall at all times be decently costumed during performances and shall not perform otherwise. Any agency shall require that performers whom it represents or manages comply with this section and the proceeding section.

Sec. 21-7-7. VIOLATIONS. Any performer or agency violating the provisions of this article shall be guilty of a misdemeanor, and upon conviction shall suffer a revocation of his, her or its license, unless the city council shall deem fit to suspend said license for a period of time rather than to revoke said license.

ARTICLE 8
SKATING RINK

Sec. 21-8-1. LICENSE REQUIRED. It shall be unlawful to operate or maintain a public skating rink in the city without first having obtained a license therefor as is herein provided.

Sec. 21-8-2. APPLICATION — INVESTIGATION. Applications for such licenses shall be made in conformance with the provisions of the ordinances relating to licenses and shall specify the location of the proposed skating rink and the person or organization sponsoring the same.

No such license shall be issued to a person who is not of good moral character, nor to a corporation or organization which is not represented in the city by a person of good moral character.

It shall be the duty of the city marshal or other officer herein empowered to make or cause to be made an investigation into the character of each applicant and report the results of such investigation to the license director.

Sec. 21-8-3. FEE. The fee for such licenses shall be twenty-five dollars (\$25.00) per year.

Sec. 21-8-4. PREMISES. It shall be unlawful to conduct a public skating rink in any hall or building which is not equipped with sufficient and adequate exits; and no hall or building which is not provided with a least two exits of four feet or more in width shall be used for such purpose.

Sec. 21-8-5. CONDUCT. It shall be unlawful to indulge in any improper conduct or to permit any improper conduct at any public skating rink.

ARTICLE 9
SKI LIFTS

Sec. 21-9-1. LICENSE REQUIRED. No person, firm or corporation shall operate, maintain or conduct a ski lift open to the public within the city without first having obtained a license therefor as is herein required.

Sec. 21-9-2. FEE. The fee for such license shall be as from time to time is determined by the City Council of Park City.

Sec. 21-9-3. CONDUCT. It shall be unlawful to indulge in any improper conduct at any public ski lift.

Sec. 21-9-4. PREMISES. It shall be unlawful to conduct or maintain any ski lodge connected with a ski lift licensed hereunder not equipped with sufficient and adequate exits. Ski lodges shall conform to the safety precautions required by the Fire Prevention and Uniform Building Codes and with all ordinances under this code pertaining to buildings of similar nature.

Chapter 22
LICENSING — FOOD AND BEVERAGES
ARTICLE 1
GENERAL PROVISIONS

Sec. 22-1-1. DEFINITIONS.

(1) The term "food" as used in this article shall be construed to include beverages.

(2) The term "food dealer" as used in this article shall be construed to mean and include every person, firm or corporation engaged in the business of selling food at retail for human consumption

Sec. 22-1-2. LICENSE REQUIRED. It shall be unlawful for any food dealer to engage in or do business without having first secured a license therefor. Application for such licenses shall be made in compliance with the general provisions of these ordinances relating thereto and it shall be stated thereon the kind of food intended to be handled or sold.

The annual fee for such license shall be that prescribed in Chapter 12 of this code.

Sec. 22-1-3. REVOCATION OF LICENSE. Any food dealer's license may be revoked by the city council for repeated violation of the provisions of this article or for violation of any other ordinance, provision or applicable law relating to the conduct of the business, the condition of the premises, the articles sold or the license required.

Sec. 22-1-4. UNWHOLESOME FOOD. No person, firm or corporation shall offer for sale, or keep for the purpose of selling or offering for sale, any food of any kind intended for human consumption which is spoiled or tainted or is unwholesome and unfit for human consumption for any reason.

All tainted or unwholesome food intended for human consumption may

be condemned by the board of health, and shall thereupon be seized and destroyed by the health officer or any officer of the police department.

Sec. 22-1-5. ADULTERATIONS. It shall be unlawful to sell, offer for sale or keep for such purpose, any food or drink intended for human consumption which has been adulterated by any material harmful in any way or which does not comply with the ordinances governing the same.

Sec. 22-1-6. SANITARY REGULATIONS. Premises used for the sale or storage of food intended for human consumption must be kept in a clean and sanitary condition. It shall be unlawful to permit any accumulation of refuse or waste of any kind to remain thereon for more than twenty-four hours and it shall be unlawful to permit any decaying animal or plant material to remain on such premises.

Sec. 22-1-7. APPLICATION FOR LICENSE. All applications for a license to conduct a business connected with the storage, handling, sale or preparation of food or drink intended for human consumption shall be referred to the county board of health, which shall make or cause to be made an investigation of the premises to be used, and report its findings thereon, recommending or advising against the issuance of the license. Providing the board of health deems it advisable to issue a license, said board shall issue a permit to the applicant which shall be presented to the license director for

referral to the commission.

Sec. 22-1-8. FLIES AND VERMIN. Premises used for the storage, preparation or sale of food for human consumption shall be kept free from flies and vermin and rodents.

Sec. 22-1-9. FROZEN MEAT — THAWED. It shall be unlawful to sell or offer for sale for human consumption any meat , poultry or fish which as been frozen and later thawed, unless such meat, poultry or fish is plainly labeled to indicate this, and such labels shall be on the display counter or table where the meat is offered, and also, on each package in which such meat, poultry or fish is wrapped when sold or delivered.

Sec. 22-1-10. EMPLOYEES. All persons engaged in handling or coming in contact with food intended for sale for human consumption shall keep themselves clean, both as to person and clothing.

It shall be unlawful for any person who is afflicted with or a carrier of any infectious or contagious disease to handle or be engaged in the care of preparation of any such food; and it shall be unlawful to permit any such person to be employed in or about any premises where food is stored, prepared or sold, or to deliver any such food.

ARTICLE 2 ALCOHOLIC BEVERAGES

Sec. 22-2-1. DEFINITIONS. All words and phrases used in this article shall have the following meanings unless a different meaning clearly appears from the context.

(1) "Alcoholic beverages" means and includes "beer" and "liquor" as they are defined herein.

(2) "Beer" means any beverage containing not less than one-half of one percentum of alcohol by weight and obtained by the alcoholic fermentation of an infusion or decoction of any malted grain, or similar products, and which contains not more than three and two-tenths percentum of alcohol by weight and may or may not contain hops or other vegetable products and includes ale, stout or porter.

(3) "Licensee" means any persons holding any beer, liquor or private club license in connection with the operation of a place of business or private club. This term shall also include any employee of the licensee.

(4) "Licensed premises" shall mean any room, house, building, structure or place occupied by any person licensed to sell beer or to allow the consumption of liquor on such premises under this article; provided that in any multi-roomed establishment an applicant for a liquor consumption license or for a Class "B", Class "C" or "Club" beer license shall designate a room or portion of a building of such business for consumption of liquor or the sale of beer, which portion so specifically designated in the application and in the license issued pursuant thereto shall be the licensed premises. Multiple dining facilities located in one building and owned or leased by one licensed applicant shall be deemed to be only one licensed premises.

(5) "Liquor" means and includes alcohol, or any alcoholic, spirituous, vinous, fermented, malt or other liquid or combination of liquids, a part of which is spirituous, vinous, or fermented, and all other drinks or drinkable liquids, containing more than one-half of one percentum of alcohol by weight; and all mixtures, compounds or preparations, whether liquid or not, which contain more than one-half of one percentum of alcohol by weight, and which are capable of human consumption; except that the term "liquor" shall not include "beer" as herein defined.

(6) "Nuisance" means any room, house, building, structure, place or licensed premises, where:

(A) Alcoholic beverages are manufactured, sold, kept, bartered, stored, given away or used contrary to the liquor control act of Utah or this article, or where persons resort for drinking alcoholic beverages contrary to the liquor control act of Utah or this article; or

(B) Intoxicated persons are permitted to loiter about, or profanity, indecent, immoral, loud or boisterous language or immoral or lewd conduct is permitted, or carried on; or

(C) Persons under the age of twenty-one are permitted to purchase or drink beer; or

(D) Laws or ordinances are violated by the licensee or his agents or patrons with the consent or knowledge of licensee which tend to affect the public health, peace or morals; or

(E) Any sign is displayed which is obnoxious, gaudy,

blatant or offensive.

(7) "Place of business" as used in connection with the issuance of a liquor consumption license shall be deemed to include cafes, restaurants, public dining rooms, cafeterias, taverns, cabarets and any other place where the general public is invited or admitted for business purposes, and shall also be deemed to include private clubs, corporations and associations operating under charter or otherwise wherein only the members and their guests are invited. Occupied hotel and motel rooms that are not open to the public shall not be deemed to be places of business as herein defined.

(8) "Retailer" means any person engaged in the sale or distribution of beer to the consumer.

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

(10) "Wholesaler" means any person other than a brewer or retailer engaged in importation for sale or in the sale of beer in wholesale or jobbing quantities.

(11) "Restaurant" as used in connection with the issuance of

a Class "B" retail license shall mean premises where a variety of hot food is served for consumption on the premises and where no more than forty percent of the gross volume of business is derived from the sale of beer sold at said premises.

Sec. 22-2-2. BEER LICENSES:

(1) License to Sell Beer at Wholesale. It shall be unlawful for any person to engage in the business of selling beer at wholesale within the limits of Park City without first obtaining a license therefor from the Liquor Control Commission of Utah and paying a fee therefor in the sum of two hundred dollars (\$200.00) per annum.

(2) License to Sell Beer at Retail. It shall be unlawful for any person to engage in the business of the sale of beer at retail within the city without first procuring a license therefor, as hereinafter provided. A separate license shall be required for each place of sale. The license shall identify the specific premises covered thereby and shall at all times be conspicuously displayed in the place at which it shall refer or for which it shall be issued. All licensees shall comply with the provisions of the Liquor Control Act of Utah and the regulations of the Liquor Control Commission and this article, and every license shall recite that it is granted subject to revocation as is provided in section of this article.

(3) Retail Licenses Classified. Retail licenses issued under the provisions of this article shall be classified into the

following types which shall carry the privileges and responsibilities hereinafter set forth in this article.

Class "A"

Class "B"

Class "C"

Class "D"

Seasonal
Club

All licenses of each class shall be numbered numerically commencing with one.

(4) Class "A" License. A class "A" retail license shall entitle the licensee to sell beer on the premises described therein in original containers for consumption off the premises in accordance with the Liquor Control Act of Utah, and the ordinances of Park City.

(5) Class "B" License. A class "B" retail license shall entitle the licensee to sell beer on the premises described therein in original containers for consumption on the licensed premises and to all of the privileges granted to a holder of a class "A" retail license. Only bona fide restaurants shall be entitled to class "B" licenses. All holders of a class "B" license shall maintain records which shall disclose the gross sales of beer and the gross sales of food served and any other items sold for consumption on or off the premises during the semi-annual period ending June 30 and December 31 of each year. Such sales shall be shown separately. Each license shall retain all invoices, vouchers, sales slips, receipts,

and other records of beer and other commodity purchases from all suppliers. Such records shall be available for inspection and audit by the city license director at any time following the close of the semi-annual period and for eighteen months thereafter. Failure to properly maintain such records for such inspection and audit shall be cause for revocation of the class "B" license. If any audit or inspection discloses that the sales of beer on the licensed premises are in excess of forty percent of the gross dollar volume of business for any semi-annual period, the class "B" license shall immediately be suspended and shall not be reinstated until the licensee is able to prove to the satisfaction of the city council that in the future the sales of beer on the licensed premises will not exceed forty percent of the gross dollar volume of business. No person under the age of twenty-one years shall sell or serve beer under this license.

(6) Class "C" License. A class "C" license shall be required for all premises where the primary or main business is that of selling beer for consumption on the licensed premises. A class "C" license shall entitle the licensee to sell beer for consumption on or off the licensed premises and shall entitle the holder thereof to all the privileges granted the holders of class "A" and "B" retail licenses in accordance with the Liquor Control Act of Utah. No person under the age of twenty-one years shall sell or serve beer under this license.

(7) Class "D" License. A class "D" retail license shall entitle the licensee to sell beer for consumption on publicly owned recreation facilities. The licensee shall be the holder of a concession

contract from the public body owning the recreation area involved. Under this license, no beer shall be sold in the original containers but must be first emptied into suitable temporary containers. No person under the age of twenty-one years may sell or serve beer under this license. All sales and deliveries under this license shall be made directly to the ultimate consumer.

(8) Seasonal License. A seasonal license shall carry the privilege of a class "C" retail license and shall be for a period of less than one year to be determined by the city council. No person under the age of twenty-one years shall sell or serve beer under this license.

(9) Club License. A club license shall carry the privileges of a class "C" retail license provided that the sale of beer shall be to club members and guests only and each license shall be issued to bona fide clubs which are incorporated, bonded, regulated and operated in compliance with the provisions of Chapter 6, U.C.A. 1953, as amended.

(10) Application for License. General Requirements. All applications for licenses, for renewal or reissuance of licenses and for transfer of licenses, authorized by this chapter shall be verified and filed with the license director, addressed to the city council and shall state the applicant's name in full and indicate that he has complied with the requirements and possesses the qualifications specified in the liquor control act. If the applicant is a co-partnership, the names and addresses of all officers and directors must be stated. The application must be subscribed by the applicant who shall state under oath that the facts therein

contained are true.

(11) Referral to City Marshal. All applications filed in accordance with the provisions of this article shall be referred to the city marshal for inspection and report. The city marshal shall within ten days after receiving such application make report to the city council of the general reputation and character of the persons who habitually frequent such place; the nature and kind of business conducted at such place by the applicant or by any other person or by the applicant at any other place; whether said place is or has been conducted in a lawful, quiet and orderly manner; the nature and kind of entertainment, if any, at such place; whether gambling is or has been permitted on the premises or by the applicant at any other place; and the proximity of such premises to any school or church. The city marshal shall also add to such report his recommendation as to whether or not the application should be granted.

(12) Referral to Health Department. All applications filed in accordance with this chapter shall be referred to the health department which shall inspect all premises to be licensed to assure sanitary compliance with the laws of the state of Utah, the ordinances of Park City and the rules and regulations in the preparation, storage, distribution or sale of beer and food fulfills all such sanitary requirements, the health department shall issue a permit to the licensee, a copy of which shall be attached to the application for license.

(13) Filing Date for Holders of Old Licenses. All applications for renewal licenses filed by the holders of existing licenses shall be filed with the license director at least thirty days prior to the expiration date of the then issued license. Any person who fails to file such application within the time limit shall close his licensed premises on the expiration date of the then issued license and shall keep the premises closed for any and all business for the sale of beer until the date his new license is issued by order of the city council of Park City.

(14) Transfer of License to New Location. Licenses issued pursuant to this article may be transferred to a new proper location upon application to the city council, filed with the license director and upon the payment of a twenty-five dollar transfer fee which shall be refunded if the application is denied.

(15) Issuance of New License Upon Business Purchased. If any licensee sells his place of business, the purchaser thereof may be granted a license to operate the same business providing that he has complied with the requirements and possesses the qualifications specified by the city council. Any prospective purchasers of a business licensed pursuant to this article may petition the council for a determination of his fitness and eligibility to be granted a license as herein provided; and when such determination is favorable to the petitioner, he shall thereafter be granted such a license upon making application therefor and submitting proper proof of his purchase of said business to the city council within sixty days after filing his original petition, except that no such license shall be issued to any applicant whose eligibility therefor shall

have been terminated by the discovery of grounds for his dis-
qualification subsequent to this original petition. The current
license fee to be paid by such purchaser shall be payable in
advance in the following amounts:

AFTER JULY 15 SIX MONTH FEE

(A) All of the required annual license if such license
is issued on or before September 30th of the license year herein-
above set forth.

AFTER SEPT. 15 AT RECORDER'S DISCRETION

(B) ~~Three~~fourths of the required annual license if
such license is issued after September 30th and on or before Dec-
ember 31st.

(C) One-half of the required annual license if such
license is issued after December 31st and on or before March 31st.

(D) One-fourth of the required annual license if such
license is issued after March 31st and on or before June 30th.

(16) License Fees. Applications provided for in this
article shall be accompanied by the fee hereinafter provided which
fee shall be returned to the applicant if denied.

For class "A" retail license \$100.00 per annum or any part thereof.

For class "B" retail license \$200.00 per annum or any part thereof.

For class "C" retail license \$350.00 per annum or any part thereof.

For class "D" retail license \$300.00 per annum or any part thereof.

(17) Expiration of License. All licenses issued pursuant
to the provisions of this title shall expire on the 30th day
of Dece of each year and shall be issued for one year, except seasonal
licenses, which shall be issued for a period of less than a year as
may be determined by the city council.

(18) Suspension and Revocation of Licenses. Licenses may be suspended or revoked by the city council for the violation on the licensed premises of any provision of this article, or of any other applicable ordinance or law relating to alcoholic beverage, or if the person to whom the license was issued no longer possesses the qualifications required by this article and statutes of the State of Utah.

All licenses issued pursuant to this title may be suspended by the city marshal without a prior hearing. Immediately following any suspension order issued without a prior hearing, notice shall be given such licensee, advising him of his right to a prompt hearing before the city council and listing the cause or causes for such suspension. If a cause for the suspension is established at the hearing, the suspension order may be continued for up to one year in duration. However, no license shall be revoked or suspended beyond the initial hearing without first establishing cause therefor, nor shall any license be revoked without first giving the licensee an opportunity for a hearing on the causes specified for revocation. It shall be unlawful for any person to sell beer at licensed premises during the period of suspension, or after the revocation of his beer license.

Sec. 22-2-3. BEER REGULATIONS.

(1) Unlawful to Sell Beer Without License. It shall be unlawful for any person to sell beer or to permit the consumption of beer on any premises unless such premises are licensed for such sale or consumption. It shall be unlawful for any licensee to violate

the terms of his license and it shall be unlawful for any person, unless he shall be so licensed, to sell beer for consumption on the premises or to permit any beer to be consumed on the premises.

(2) Sale to Intoxicated Persons Prohibited. It shall be unlawful for any person to sell beer to any intoxicated person or to any person under the influence of any intoxicating beverage.

(3) Advertising Sale. It shall be unlawful to advertise the sale of light beer except under such regulation as is made by the Liquor Control Commission of Utah.

(4) Nuisance Prohibited. It shall be unlawful for any person to keep or maintain a nuisance as the same is defined in this article.

(5) Wholesaler and Retailer not to have Common Interests. It shall be unlawful for any dealer, brewer or wholesaler to either directly or indirectly supply, give or pay for any furniture, furnishings or fixtures of a retailer, and it shall be unlawful for any dealer or brewer to advance funds, money or pay for any license of a retailer or to be financially interested either directly or indirectly in the conduct or operation of the business of any retailer.

(6) Minimum Light and Open View Required in Licensed Premises. It shall be unlawful for any person to own, operate or manage any premises licensed for the sale of beer without complying with the following lighting and view requirements:

(A) During business hours a minimum of one candle power light measured at a level five feet above the floor shall be maintained.

(B) No enclosed booths, blinds or stalls shall be erected or maintained.

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

(7) Sale to Minors Prohibited. It shall be unlawful to sell beer to any person under the age of twenty-one years.

(8) Presence of Minors in Certain Establishments Prohibited. It shall be unlawful for any person under the age of twenty-one years to enter or be in or about any premises licensed exclusively as a class "C" establishment, for the sale of beer, or to drink beer or any intoxicating liquor in such licensed premises.

(9) Unlawful to Permit Minors in Certain Establishments. It shall be unlawful for any licensee of a class "C" establishment for the sale of beer or any operator, agent or employee of such licensee to permit any person under the age of twenty-one years to remain in or about such licensed premises.

(10) Presence of Minors in Portions of Certain Establishments Prohibited. It shall be unlawful for any person under the age of twenty-one years to be in or around any lounge or bar area in premises licensed with a "club" or "seasonal" license for the sale of beer or in or around any lounge or bar area in premises licensed with a liquor consumption license.

(11) Unlawful to Permit Minors in Portions of Certain Establishments. It shall be unlawful for any licensee of a "club" or "seasonal" license for the sale of beer or of a liquor consumption license or any operator, agent or employee of such licensee to permit any person under the age of twenty-one years to remain in or about the lounge or bar area in such licensed premises.

(12) Possession of Beer Prohibited to Minors. Exception. It shall be unlawful for any person under the age of twenty-one years to purchase, accept or have in his or her possession any alcoholic beverage, including beer or intoxicating liquor; provided, however, that this subparagraph shall not apply to the acceptance of alcoholic beverages by such person for medicinal purposes supplied only by the parent or guardian of such person or to the administering of such alcoholic beverage by a physician in accordance with the law; provided further that the provisions of the subparagraph prohibiting possession of beer shall not apply to persons under twenty-one years of age who are bona fide employees in class "A" licensed premises while in the discharge of their employment therein or thereabouts.

(13) Unlawful to Permit Intoxicated Person on Licensed Premises. It shall be unlawful for any person licensed to sell beer or for any of his agents or employees to allow intoxicated persons to remain in or about any licensed premises.

(14) Sale or Disposition of Beer Between Certain Hours Unlawful. It shall be unlawful for any licensee or any employee thereof to sell, dispose of, give away or deliver any beer or to

permit the consumption thereof on the licensed premises between the hours of 1:00 a.m. and 7:00 a.m. Mountain Standard Time of any day or between the hours of 2:00 a.m. and 7:00 a.m. Mountain Daylight Savings Time of any day provided, however, that on New Year's Day the sale and consumption of beer on licensed premises may be permitted until 3:00 a.m. Mountain Standard Time of said day.

Sec. 22-2-4. LIQUOR CONSUMPTION LICENSES.

(1) Unlawful to Allow Consumption Without License. It shall be unlawful for any owner, operator, manager or lessee, or any agent, partner, associate or employee of such owner, operator, manager or lessee of any "place of business" as in this article defined, knowingly to permit, or allow customers, members, guests or any other person to consume "liquor" as defined in this article, without first obtaining a license under this chapter.

(2) Consumption Prohibited in Unlicensed Premises. It shall be unlawful for any person to consume "liquor" in an unlicensed place of business as provided herein.

(3) License Application. Application for a liquor consumption license shall be upon a form furnished by the city, signed under oath by the applicant, and addressed to the city council. The form shall require information showing applicant's age, citizenship, moral character and reputation and conviction of a felony or misdemeanor involving moral turpitude, if any. If the applicant is a partnership

or association or a corporation, the same information shall be obtained on each officer thereof. Each licensee must be over the age of twenty-one years, of good moral character and a citizen of the United States. No license shall be granted to any applicant who has been convicted of a felony or misdemeanor involving moral turpitude. If any applicant is a partnership, association or corporation, each partner, association member or corporate director or corporate officer shall meet all of the foregoing qualifications.

(4) License Fee. The license fee for a liquor consumption license shall be \$50.00 per annum or any part thereof which shall be deposited in the city treasury if the license is granted and returned to the applicant if the license is denied.

(5) City Marshal's Investigation of Applicants. The city marshal shall examine all applications and investigate all applicants for licenses under this chapter. Following such examination and investigation, the recommendations of the city marshal shall be made in writing to the city council which shall be the licensing authority.

(6) Periodic Inspection of Premises by City Marshal. The city marshal shall be permitted to have access to all premises licensed or applying for license under this chapter, and shall make periodic inspections of said premises and report his findings to the city council.

(7) Suspension and Revocation of Licenses. Licenses may be suspended or revoked by the city council for the violation on the licensed premises of any provision of this article, or of any other applicable ordinance or law relating to alcoholic beverages , or if the person to whom the license was issued no longer possesses the qualifications required by this article and the statutes of the State of Utah.

All licenses issued pursuant to this article may be suspended by the city marshal without a prior hearing. Immediately following any suspension order issued without a prior hearing, notice shall be given such licensee, advising him of his right to a prompt hearing, before the city council, and listing the cause or causes for such suspension. If cause for the suspension is established at the hearing the suspension order may be continued for up to one year in duration. However, no license shall be revoked or suspended beyond the initial hearing without first establishing cause therefor, nor shall any license be revoked without first giving the licensee an opportunity for a hearing on the causes specified for revocation. It shall be unlawful for any license to permit any person to possess or consume liquor on the licensed premises during the period of suspension or after the revocation of license.

(8) Display of License. Each license issued pursuant to this chapter shall be displayed at all times on the licensed premises in a place readily visible to the public.

(9) Expiration of Licenses. All licenses issued under

this article shall be issued for one year and shall expire on the 30th day of June of each year.

(10) Storage Prohibited on Licensed Premises. It shall be unlawful for any person to store any "liquor" in or on places of business licensed by this article. It shall be unlawful for any licensee or any operator or employee of a licensee to hold, store or possess "liquor" on premises licensed by this chapter. Persons other than the licensee or other than the operator or employee of the license may, with the consent of the licensee or operator or employee of either, possess and consume "liquor" on the licensed premises.

(11) Minimum Light and Open View Required in Licensed Premises. It shall be unlawful for any person to own, operate, or manage any premises licensed pursuant to this chapter without complying with the following lighting and view requirements:

(A) During business hours a minimum of one candle power light measured at a level five feet above the floor shall be maintained.

(B) No enclosed booths, blinds, or stalls shall be erected or maintained.

(C) A clear, unobstructed view of all portions of the interior shall be available at all times from some point within the licensed premises at or near the main public entrance.

(12) Sale or Disposition of Liquor Between Certain Hours Unlawful. It shall be unlawful for any licensee, operator or any employee thereof to permit the consumption of liquor on the licensed premises between hours of 1:00 a.m. and 7:00 a.m. Mountain Standard

Time of any day or between the hours of 2:00 a.m. and 7:00 a.m. Mountain Daylight Savings Time of any day provided, however, that on New Year's Day the consumption of liquor on licensed premises may be permitted until 3:00 a.m. Mountain Standard Time of said day.

ARTICLE 3
DELIVERY VEHICLES

Sec. 22-3-1. LICENSE REQUIRED. It shall be unlawful to use or permit the use of any vehicle, including wagons and motor vehicles and vehicles propelled by human power, for the storage or carrying of any meat, fish, poultry, butter, cheese, lard, vegetables, bread or bakery products, or any other provisions intended for human consumption, including beverages in the city for use and consumption at, wholesale or retail, unless a license for such vehicle is first secured and the provisions of this article are fully complied with.

Sec. 22-3-2. APPLICATIONS — FEE. Applications for such license for delivery vehicles shall be made to the license director and shall recite the name and address of the owner of the vehicle, the name or names of the persons from whom such deliveries are made and the nature of the good carried. The license director shall refer such licenses to the city council.

The annual fee for such license shall be as follows:

Mobile Food Unit	\$10.00
Vehicles weighing 6,000 pounds or less	7.50
Vehicles weighing between 6,000 and 9,000 pounds	10.00
Vehicles weighing between 9,000 and 12,000 pounds	12.50
Vehicles weighing between 12,000 and 15,000 pounds	15.00
Vehicles weighing between 15,000 and 18,000 pounds	17.50
Vehicles weighing between 18,000 and 21,000 pounds	20.00

Vehicles weighing between 21,000 and 24,000 pounds	\$22.50
Vehicles weighing between 24,000 and 27,000 pounds	25.00
Vehicles weighing between 27,000 and 30,000 pounds	27.50
Vehicles weighing over 30,000 pounds	30.00

Sec. 22-3-3. EXEMPTION. No license fee shall be required for any vehicle used to deliver foodstuffs from any establishment which is licensed and inspected as a food-dealing establishment in the city, but all provisions of this article other than that providing for the payment of a fee shall be complied with in connection with such vehicle.

Sec. 22-3-4. REGULATIONS. All such vehicles shall be kept in a clean and sanitary condition and shall be thoroughly cleaned each day they are so used. It shall be unlawful to permit stale food, decaying matter or any other waste material or product to accumulate in or on any such vehicle while it is so used.

If unwrapped foodstuffs are transported in any vehicle, such goods shall be carried in a portion or compartment of the vehicle which is screened and protected against dust and insects.

Sec. 22-3-5. TEMPERATURE CONTROL. Readily perishable foods or beverages, while in transit, shall be maintained at a temperature of not less than thirty-five degrees Fahrenheit and not more than fifty degrees Fahrenheit. The temperature for hot liquid foods or beverages shall be maintained at not less than one hundred and fifty degrees Fahrenheit; and for frozen foods at not more than thirty-two degrees Fahrenheit. The compartments in vehicles used for carrying such foods shall be so constructed, equipped and maintained as to preserve the temperature as above indicated for the respective types of food.

Sec. 22-3-6. INSPECTIONS. It shall be the duty of the city council to make or cause to be made such inspections as may be necessary to insure compliance with the provisions of this article.

Chapter 4

MISCELLANEOUS FOOD HANDLING ESTABLISHMENTS

Sec. 22-4-1. PERMIT. It shall be unlawful for any person to engage in the manufacture or sale of any food products for human consumption without first obtaining a permit from the license director of Park City , and paying for and obtaining the license required by the provisions of this code. Such permit shall be presented with the application for a license to conduct such business, and no such license shall be issued unless accompanied by such permit.

Sec. 22-4-2. PERMIT REQUIRED. It shall be unlawful for any person to conduct the business of bottling plant, grocery store, meat market, bakery, candy factory, confectionery or other similar establishment used for the manufacture , packing, packaging, storage, sale, processing or distribution of any food product, including perishable foods , without first obtaining a permit from the county board of health and paying for and obtaining the license required by the provisions of this code.

Sec. 22-4-3. LICENSE FEE. The annual fee for such license shall be that prescribed in Chapter 12 of this code.

Sec. 22-4-4. APPLICATIONS. Applications therefor shall be made to the license director and collector showing the location and kind

of food establishment to be operated. Upon receipt of such application, the license director shall refer said application to the health department whereupon the health officer or his authorized representative shall make an inspection of the premises and if the premises are found to be in compliance with the county ordinances and the rules and regulations of the health department, a permit may be issued by the health department to conduct such a business. In the event the premises are not in satisfactory compliance with these ordinances and the rules and regulations of the health department, no such permit shall be issued.

Sec. 22-4-5. PERMIT TO ACCOMPANY LICENSE — RIGHT TO APPEAL REVOCATION. In no case shall the license director issue a license to conduct such business until a permit ^{is} issued by the health department. Such permit may be suspended or revoked by the health officer upon the violation by the holder of any of the terms of this ordinance. When in the opinion of the health officer, there has been a failure on the part of the committee to observe the sanitary rules and regulations adopted by the health department, such permit shall be revoked, such revocation to take place thirty or more days after written notice by the health officer to the permittee advising the permittee of the contemplated act and setting forth the reason. The permittee shall be further advised of his right to request a hearing before the board of health at any time during the thirty days prior to the revocation of the permit. When in the opinion of the health officer there exists an emergency which may endanger the public health or safety, the health officer is empowered to declare such an emergency and immediately suspend any or all such permits as may be

required without hearing or prior notice. The operation of any such business without having in full force and effect a permit from the health department to operate shall be in violation of the ordinance. If such unlawful operation is conducted, it shall be construed as a separate violation for each day that such operation continues.

Sec. 22-4-6. NEW FACILITIES. Applicants proposing to build new buildings or facilities or proposing to make any major alteration of food handling establishments must submit plans and specifications for such buildings, facilities or alterations to the health department , and such new buildings , facilities or major alterations shall be build in compliance with these ordinances, and the rules and regulations of the health department.

Sec. 22-4-7. INSPECTIONS. It shall be the duty of the health commissioner or his authorized representative to visit and inspect all such food establishments for the purpose of determining the sanitary conditions existing therein and all such inspections shall be recorded in duplicate, one copy of which shall be conspicuously posted and maintained by the proprietor on an inside wall of the food establishment and the other copy shall be filed with the health department. For the purpose of determining the sanitary conditions of all such food establishments, the health officer shall use as a guide, the following items, each of which be known as an item of sanitation; provided, however, that the enumeration of such items shall not be construed as a limitation of the general powers and duties of the health officer to inspect and regulate food

establishments in the interest of public health and sanitation.

(1) Floors. The floors of all rooms in which food or drink is stored, prepared or handled or in which utensils and equipment are washed, shall be kept clean and in good repair and shall, at all intersections with walls, be impervious to water and provided with ample drainage.

(2) Walls and Ceilings. Walls and ceilings of all rooms in which food or drink is stored, prepared or handled shall be kept clean and in good repair. The rooms in which food, drink or food products are handled, prepared or processed shall be of such material as is readily cleanable, smooth and impervious to moisture and shall have a light-colored finish.

(3) Doors and Windows. Openings into the outer air shall be effectively screened and doors shall be self-closing, unless other effective means are provided to eliminate flies or prevent their access.

(4) Lighting. So that all parts thereof may be readily inspected and in order to facilitate cleaning operations, all rooms or places in which food, drink or food products are prepared, processed, cooked, mixed, baked, exposed, bottled, packed, packaged, handled, stored, manufactured, sold or offered for sale shall be properly and adequately lighted by at least fifteen foot candles at working surfaces.

(5) Ventilation. All places in which food or drink is prepared, cooked, mixed, baked, bottled, packed, handled or manufactured

shall be provided with ventilating hoods and ducts or with other mechanical means to carry off into the outer air any steam, gasses, odors, vapors, dust and excessive heat that may be generated in the process of cooking, baking or processing, so as to render same harmless to persons and products therein.

(6) Toilet Facilities. Every food establishment shall be provided with adequate toilet facilities for its employees and shall conform with all laws of the Utah State Industrial Code and Park City Plumbing Code. In food establishments hereafter constructed, toilet rooms shall not open directly into any room where food, drink or utensils are handled or stored, doors shall be self-closing and such rooms shall be kept in clean condition, good repair and well lighted and ventilated. Hand-washing signs shall be posted in each toilet room used by employees.

(7) Water Supply. Hot and cold running water under pressure shall be accessible to all rooms in which food or drink is prepared or utensils are washed, and the water supply shall be adequate, and of a safe and sanitary quality.

(8) Lavatory Facilities. Hand-washing facilities conveniently located to the place of work shall be provided, including hot and cold running water, soap and approved sanitary towels. The use of a common towel is prohibited. No employee shall resume work after using the toilet, smoking, coughing, sneezing or after contact with any substance which may contaminate or adulterate food or food products without first washing his hands.

(9) Construction of Utensils and Equipment. All utensils, show and display cases, windows, counters, shelves, tables, refrigerating equipment, etc., used in connection with the operation of a food establishment shall be constructed so as to be easily cleaned and shall be kept in good repair. The using or keeping of any utensil which is badly worn, rusted, corroded or in such a condition that it cannot be readily rendered clean and sanitary by washing, is prohibited. Utensils containing or plated with cadmium or lead shall not be used; provided, that solder containing lead shall not be prohibited for jointing. The tops of tables, counters, benches and block shall be so constructed as to render the same non-absorbent and free from cracks and crevices. Slicer and grinder bench tops and drainboards shall be of metal or other non-absorbent materials, approved by the health officer.

(10) Cleaning and Bactericidal Treatment of Utensils and Equipment. All equipment, including display cases or windows, counters, tables, shelves, refrigerators, stoves, hoods and sinks, shall be kept clean and free from dust, dirt, insects and other contaminating material. All cloths and towels used by employees shall be clean. Utensils, bottles and other containers used in food establishments shall be properly cleaned with hot water and soap or other suitable detergent and sterilized with live steam, hot water, a chemical solution or a caustic alkali solution of sodium hydroxide as approved by the health officer. No article, polish or other substance containing any cyanide preparation or other poisonous material shall be used for the cleaning or polishing of utensils.

(11) Storage and Handling of Utensils and Equipment.

Utensils, bottles, and containers which have been properly cleaned and sterilized must be stored, kept and handled so as to prevent recontamination of them by dust, dirt, flies and other sources. Where it is deemed necessary by the health department, vats, tanks, hoppers, mixing machines and other equipment shall be provided with suitable covers and kept covered.

(12) Disposal of Wastes. All wastes shall be properly disposed of and all garbage and trash shall be kept in suitable containers or receptacles in such a manner as not to become a nuisance or food and harborage for vermin, rodents and flies. All plumbing shall comply with Park City and Utah State Plumbing Ordinances.

(13) Refrigeration. All readily perishable foods and drink except fruits and vegetables shall be kept at or below forty-five degrees Fahrenheit except when being prepared. Waste water from refrigeration equipment shall be disposed of properly, and ice shall be handled and stored in an approved manner.

(14) Storage and Display of Food and Drink. All food and drink shall be so stored and displayed as to be protected from dust, flies, vermin, depredation and pollution by rodents, unnecessary handling, droplet infection, overhead leakage and other contamination. No animals or fowls shall be kept or allowed in any room in which food or drink is prepared or stored. Open foods shall be kept in a clean, covered container when transported from one establishment to another. All means necessary for the elimination of flies, roaches and rodents shall be used.

(15) Wholesomeness of Food and Drink. All food and drink shall be clean, wholesome, free from spoilage and so prepared as to be safe for human consumption. No food or drink shall be prepared in a private home. All materials that are prepared or manufactured into food or drink products shall be from approved sources. All food, drink, ingredients and food products shall be clean and free from spoilage.

(16) Cleanliness of Employees. All employees shall wear clean outer garments and shall keep their hands clean at all times while engaged in handling food, drink, utensils or equipment. Employees shall not expectorate or use tobacco in any form where food is prepared; and shall wear suitable hairnet or cap.

(17) Miscellaneous. The premises of all food establishments shall be kept clean and free of accumulated litter or rubbish. None of the operation connected with a food establishment shall be conducted in any room used as living or sleeping quarters. Adequate lockers or dressing rooms shall be provided for employees' clothing and shall be kept clean; and soiled linens, coats and aprons shall be kept in containers to be provided.

Sec. 22-4-8. MEDICAL EXAMINATIONS. Every person engaged in the manufacture, preparation or handling of food or drink, or employed in or around food in a bottling plant, grocery store, meat market, candy factory or other similar establishment shall submit to medical examination when and as required by the health officer and certificates of such examination on forms provided by the county shall be filed with the health officer. Every healthy person shall be entitled to a certificate of health.

Sec. 22-4-9. CONTAGIOUS DISEASES. No person who is afflicted with any disease in a communicable form or is a carrier of such disease shall work in any bottling plant, grocery store, meat market, candy factory or other similar establishment, and no bottling plant, grocery store, meat market, candy factory or other similar establishment shall employ any such person or any persons suspected of being afflicted with any disease in a communicable form or of being a carrier of such disease. If the manager of the bottling plant, grocery store, meat market, candy factory or other similar establishment suspects that any employee has contracted any disease in a communicable form or has become a carrier of such disease he shall notify the health officer immediately. A placard containing this section shall be posted in all toilet rooms.

Sec. 22-4-10. SUSPICION OF HEALTH DANGER. When suspicion arises as to the possibility of transmission of infection from an employee of any bottling plant, grocery store, meat market, candy factory or other similar establishment, the health officer is authorized to require any or all of the following measures:

(1) The employee shall be immediately excluded from the place of employment.

(2) The immediate closing of the bottling plant, grocery store, meat market, candy factory ^{or} other similar establishment concerned until no further danger of disease outbreak exists in the opinion of the health officer.

(3) Adequate medical examinations of the employee and of his associates, with such laboratory examinations as may be indicated.

ARTICLE 10
REGULATING AND LICENSING PEDDLERS

Sec. 22-5-1. LICENSE REQUIRED. It shall be unlawful for any person to engage in the business of peddler as defined in this article within the corporate limits of Park City without first obtaining a license therefor as provided herein.

Sec. 22-5-2. DEFINITIONS.

(1) The word "person" as used herein shall include the singular and the plural and shall also mean and include any person, firm or corporation, association, club, co-partnership, society or any other organization.

(2) The word "peddler" as used herein shall include any person, agent, servant or employee of any persons traveling by foot, wagon, automotive vehicle or any other type of conveyance, from place to place, from house to house, or from street to street, carrying, conveying or transporting goods, wares, merchandise, fruits, vegetables, ice cream, ices, candies, confections, beverages or other edibles or wares offering and exposing the same for sale or making sales and delivering articles to purchasers. The word "peddler" shall include the words "Hawker" and "Huckster" and any other person who shall make public outcry or speeck, or blow a horn, ring a bell or use any sound device, including any loud speaking radio, phonograph or sound amplifying system to attract notice or customers to his wares.

Sec. 22-5-3. APPLICATIONS — FEE.

(1) Application for such license shall be made to the license director and shall recite the name and address of the owner of the vehicle or conveyance and the goods to be carried for sale and sold and the nature of such goods. The license director shall refer such applications to the city council.

(2) The annual fee for such permit shall be two dollars and for such license shall be ten dollars for each vehicle or conveyance. Such fees shall be paid to the license director who shall turn them over to the treasurer, forthwith.

Sec. 22-5-4. NOISE PROHIBITED — EXCEPTION. It shall be unlawful for any peddler licensed or registered under the provisions of this article to sound a gong, blow a whistle or make any other loud noise to attract customers; provided that such peddler may ring a small bell or play soft music provided that such ringing or playing does not emit sound audible to the human ear at a distance greater than one block from its source.

Sec. 22-5-5. USE OF STREETS. No peddler shall have any exclusive right to any location on the public streets or roads, nor shall any be permitted a stationary location, nor shall he be permitted to operate in any congested area where his operations might impede, inconvenience or endanger the public. For the purpose of this ordinance the judgment of a peace officer, exercised in good faith, shall be deemed conclusive as to whether the area is congested or the public impeded, inconvenienced or endangered.

Sec. 22-5-6. PROHIBITED NEAR SCHOOLS, PARKS OR CHURCHES. It shall be unlawful for any peddler to stand or station himself, or to drive any vehicle for the purpose of selling his wares and merchandise or to sell or offer to sell any of his wares or merchandise within two blocks of any public school property in Park City between the hours of 8:00 a.m. and 4:00 p.m. on all days when school is in session, or within one block of any public park or playground or church.

Sec. 22-5-7. DUTY OF CITY MARSHAL'S OFFICE TO ENFORCE. It shall be the duty of the city marshal of Park City and his officers to require any person seen peddling, and who is not known by such officer to be duly licensed to produce his peddler's license and to enforce the provisions of this ordinance against any person found to be violating the same.

Sec. 22-5-8. PENALTY. Any person violating any of the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction thereof, forfeit his permit and be punishable by a fine not to exceed two hundred ninety-nine dollars or by imprisonment not to exceed six months or by both such fine and imprisonment.

Chapter 23
LICENSING - MERCHANTS
ARTICLE 1
CIGARETTE VENDING MACHINES

Sec. 23-1-1. LICENSE REQUIRE. It shall be unlawful to sell or give away any cigarettes by means of a vending machine without first

being licensed to do so.

Sec. 23-1-2. APPLICATIONS. Applications for such licenses shall be made in writing to the license director. Such application shall contain the name of the applicant; the address at which such sales are to be made; the number of cigarette vending machines; and shall be filed with the license director together with the license fee hereinafter required.

Sec. 23-1-3. FEE. The annual fee for a license as herein required shall be \$1.10 for each machine.

Sec. 23-1-4. SALE TO MINORS. No person shall maintain any tobacco vending machine in a place of business where same is used by minors under the age of nineteen years.

Sec. 23-1-5. PENALTY. Any person, firm or corporation violating the provisions of this ordinance or permitting the same to be violated by their employees shall be subject to the penalties provided in title 59, chapter 18, section 18 (b) of the Utah Code Annotated, 1953. The holder of such license may also suffer the penalty of having his license for such sale revoked for any such violation. Revocation shall be in writing signed by the city council.

ARTICLE 2 SERVICE STATIONS

Sec. 23-2-1. LICENSE REQUIRED. It shall be unlawful to conduct or operate any service station in the city without first having obtained a license.

Sec. 23-2-2. DEFINITION. A "service station" is a place of business where gasoline, or any highly volatile fuels for motor vehicles or internal combustion engines, are sold or offered for sale at retail, and dispensed into the fuel tanks of such motor vehicles.

The definition shall include also a private storage tank and dispensing of such products for the same purposes as those served by a service station, whether the storage is maintained for the use or benefit of the owner, lessee, agents or employees of either, or of any others.

Sec. 23-2-3. FEES. The annual fee for such service station license shall be that prescribed in chapter 12 of this code.

Sec. 23-2-4. COMPLIANCE WITH REGULATORY PROVISIONS. No such license shall be issued unless the location and equipment to be used fully comply with the ordinances of the city, the fire prevention code of the National Board of Fire Underwriters adopted by reference in this code, and all other applicable laws.

Sec. 23-2-5. NON-BUSINESS FILLING STATIONS. Any person, firm or corporation maintaining or operating any storage tank for gasoline for the use of automobiles of the owner, lessees, employees or agents of such person, firm or corporation shall comply with all the provisions of this ordinance other than the requirement for the payment of a fee.

Sec. 23-2-6. COIN-OPERATED STATIONS. It shall be unlawful for any person, firm or corporation to maintain any coin-operated station without the services of an attendant on duty at all times.

Chapter 24
LICENSING - OTHER BUSINESSES

ARTICLE 1
BOARDING OR ROOMING HOUSES

Sec. 24-1-1. LICENSE REQUIRED. It shall be unlawful to operate or maintain any house or building having sleeping facilities where furnished or unfurnished rooms and board or board without room may be had without acquiring a license therefor.

Sec. 24-1-2. FEE. The annual fee for such license shall be that prescribed in chapter 12 of this code.

Sec. 24-1-3. APPLICATIONS. Applications shall contain such information as the license director shall from time to time require, including the location of the house, number of rooms therein contained, and the number of persons which such house will accommodate with room and board and with board without rooms.

Sec. 24-1-4. INVESTIGATION. Applications shall be referred by the license director to the city marshal who shall make or cause to be made an investigation of the applicant, his general reputation, the reputation of the occupants of said boarding house, and of such other and further matters as should be investigated. The city marshal's findings and recommendations as to the issuance or denial of the license shall be referred by the license director to the city council.

Sec. 24-1-5. INSPECTIONS. The city marshal shall, after a license has been granted, make periodic inspections of said boarding house to insure compliance with this ordinance and all other applicable law.

ARTICLE 2
MESSAGE PARLORS AND MASSEURS

Sec. 24-2-1. DEFINITIONS.

(1) A "massage parlor" is hereby defined to be any place where a masseur engages in, conducts, carries on, or permits to be engaged in, conducted or carried on, any business of giving treatment by the application of mechanical or manual manipulation of the soft tissues of the human body or by the use of any kind or character of baths, or any business of the same nature though bearing a different name; except a private home where a licensed masseur without assistance from other persons or attendants conducts treatments and where no more advertising media than a non-illuminated name plate not exceeding one and one-half square feet in area is used to distinguish such private home as the home or residence of a masseur.

(2) A masseur is hereby defined to be any person who, not duly licensed by the department of registration of the State of Utah to practice the healing arts or whose treatments hereinbefore referred to are not in connection with the treatment of a disease or ailment, whether given by a person licensed by state authority or not, engages in, conducts or carries on the giving of treatment by the application of mechanical or manual manipulation or massage of the tissues of the human body.

Sec. 24-2-2. APPLICATIONS. It shall be unlawful for any person to operate, conduct or maintain a message parlor or to engage in the

business, practice or profession of a masseur in the city without first obtaining a license. Applications for such license shall include a statement under oath showing the place where it is intended to conduct or maintain such massage parlor or to engage in the pursuits of a masseur; a statement setting forth the exact nature of the business or pursuits to be therein conducted; a statement signed by at least³ reputable persons who are residents of the city, testifying as to the moral character of the applicant; and a certificate from a licensed doctor showing that the applicant, as well as all others employed upon the premises is free from any communicable disease.

Sec. 24-2-3. FEE. The annual fee for such license shall be that prescribed in chapter 12 of this code.

ARTICLE 3 MISCELLANEOUS LICENSES

Sec. 24-3-1. LICENSES REQUIRED. It shall be unlawful for any persons to engage in or pursue any business, vocation or calling hereinafter mentioned, without first obtaining a license so to do.

ARTICLE 4 PARKING LOTS AND GARAGES

Sec. 24-4-1. DEFINITION OF TERMS. Whenever used in this article, the following terms, shall mean and include:

(1) "Parking lot" shall mean any outdoor space, or uncovered plot, place, lot, parcel, yard or enclosure, or any portion thereof, where more than five motor vehicles may be parked, stored, housed or kept, for which any charge is made.

(2) "Garage" shall mean a building, shed or enclosure, or any portion thereof in which more than five motor vehicles may be parked, stored, housed or kept, for which any charge is made.

(3) "Motor vehicle" shall mean any automobile, truck, motor scooter, or other self-propelled vehicle not operated on tracks or from trolleys.

(4) "person" shall mean and include any person, firm, partnership, association, corporation, company or organization of any kind.

Sec. 24-4-2. LICENSE REQUIRED. It shall be unlawful for any person to conduct a business of storing motor vehicles for hire on a parking lot or garage within the city without first having obtained a license therefor in the manner set forth in chapter 12 of this code.

Sec. 24-4-3. REVOCATION OF LICENSE. The city council may revoke any parking lot or garage license if upon a hearing and investigation after at least ten days' written notice of the time and place of such hearing, the city council finds: (1) the licensee has knowingly made any false or materially incorrect statement in the application; (2) the licensee knowingly violates or knowingly permits or countenances the violation of any provision of this article; (3) the licensee has made any charge for parking or storing a vehicle other than those set forth in his license applications;

(4) the licensee knowingly violates or knowingly permits or countenances the violation of any provision of any penal law or ordinance regarding theft, larceny or conversion of a motor vehicle , or the operation of a motor vehicle without the owner's consent whether such licensee or other person has been convicted of such offense or not; (5) the licensee fails to keep an attendant on duty during the times specified on his application.

Sec. 24-4-4. SIGNS REQUIRED. Each licensee shall maintain at each entrance to such parking lot or garage a permanently affixed sign suitable to apprise persons using same of the name of the licensee; in accordance with the ordinances of this city; the hours of the day or night when such places are open for parking or storing motor vehicles; the rates charged and the closing hours of such parking lot or garage. Where more than one rate is charged for parking the figures for each rate shall be of the same size and dimensions and such figures shall measure not less than six inches in height, and the letters and figures indicating the closing hours shall be not less than six inches in height. All such signs shall be subject to the approval of the building inspector or his authorized representative.

(1) Where separate rates or charges are made for day parking and night parking, the night rate shall become effective at 6:30 p.m., and notice thereof shall be posted on the signs described in the preceding paragraph.

(2) All signs shall be erected at a height not less than eight feet and not more than twelve feet above the sidewalk level, and shall not be erected in such a manner as to interfere with, mislead or confuse traffic.

Sec. 24-4-5. NOT TO REFUSE VEHICLES. No licensee shall refuse to park or store any vehicle for which there shall be accomodation in such parking lot or garage on tender of the stated fee for such parking.

Sec. 24-4-6. CLAIM CHECKS — RETURN OF VEHICLE. When a vehicle is left for storing or parking, the licensee of the parking lot or garage, his agent, servant or employee, shall furnish the owner or operator of said vehicle with a distinctive claim check which shall have printed thereon the full name and address of the parking lot or garage , a number corresponding to a coupon placed upon the vehicle, and shall have written or stamped thereon the date and license number of the motor vehicle. The licensee shall not deliver any vehicle without the proper claim check being presented, or without satisfactory proof of ownership of said vehicle.

This provision shall not apply where vehicles are stored or parked on a weekly or monthly fee basis.

It shall be unlawful to affix any parking coupon upon any vehicle so as to obliterate in whole or in part any portion of the license plates on such vehicle.

Sec. 24-4-7. ENTRANCES AND EXITS. Each parking lot or garage shall have onē common entrance and one common exit, which may or may not be combined , and the operator of such parking lot or garage

shall keep such entrance and exit properly attended at all times during the period the parking lot or garage is in operation.

Sec. 24-4-8. BARRIERS — PARKING LOTS. Except for places of entrance and exit, every parking lot shall be completely enclosed by barriers constructed and maintained so as to withstand the shocks and stresses to which they will normally be subjected by vehicles using the premises and shall be of such height as to engage the bumper of any motor vehicle parked on said lot so that no portion of the vehicles shall extend over the property lines. When said lot abuts on a building, barriers shall be erected as provided in this section to prevent motor vehicles from striking such building.

Sec. 24-4-9. MAINTENANCE OF PARKING LOT OR GARAGE AND SURROUNDINGS.

(1) Every operator of a parking lot or garage shall keep the sidewalk surrounding the premises free from dirt, ice, sleet and snow, and shall keep the sidewalk and driveways in a safe condition for the travel of pedestrians.

(2) The ground or floor space of each parking lot or garage, if made of dirt, sand, cinders or other loose mixture, shall at all times be kept thoroughly sprinkled or treated with water, calcium chloride or other means, so that the dust, sand, cinders or other substance of which said ground or floor space is made will not be raised, carried or blown by the wind, movement of

vehicles , or other causes, into or upon public property , or the adjacent property of others. The surface or floor of said premises shall be constructed so as to prevent retention of water thereon.

(3) It shall be unlawful for any person to distribute literature or place handbills in or upon any vehicle while it is parked in a parking lot or garage.

(4) The loading or unloading of passengers or drivers of vehicles across or upon a public sidewalk is hereby expressly prohibited and any operator or employee , who by receiving or delivering vehicles other than within the property line of the parking lot or garage, aids or assists in blocking any sidewalk or street shall be deemed to have violated the provisions of this ordinance.

(5) No licensee shall sublet, sublease or otherwise permit any parking lot or garage or portion thereof to be used by any vendor of goods, wares, or merchandise or services for the conduct of such vendor's business unless the same is conducted in a permanent building or structure licensed by the city for that purpose.

Sec. 24-4-10. NOTIFICATION OF CLAIMS FOR DAMAGE OR LOSS. Every licensee shall immediately notify the police department of every claim made by reason of loss, theft, or conversion, or any damage or

injury to person or property from the operation of a parking lot or garage, and occurring during the hours said premises are regularly open for business. The obligation created by this section shall not extend beyond the regular posted hours of attendance as posted upon the premises and printed upon the regular receipt furnished to the owner or person parking said vehicle.

Sec. 24-4-11. NOTIFICATION TO POLICE OF UNCLAIMED VEHICLES. Every licensee shall immediately notify the police department, in writing, of the license number, make, and the name of the owner, if known to him, of every vehicle left in a parking lot or garage for a period of more than forty-eight consecutive hours.

Sec. 24-4-12. UNAUTHORIZED USE OR REMOVAL OF VEHICLES. It shall be unlawful for any licensee of a parking lot or garage to make or permit any use for any purpose whatsoever of any vehicle parked in such place, unless the use shall have first been expressly authorized by the owner or person having control of such vehicle. No licensee shall transfer or cause to be moved or transferred, any parked vehicle through or upon the streets, or alleys of the city without the written consent of the owner or person having control of such vehicle.

Sec. 24-4-13. VEHICLES' CARE AFTER CLOSING TIME. When vehicles are not called for at closing time, the attendant shall leave the keys and parking coupon for safekeeping at a place within a reasonable distance of the parking lot or garage, with a responsible person whose name and address shall be posted in a conspicuous place on said premises.

Sec. 24-4-14. FIRE PROTECTION. Every parking lot or garage shall be equipped with proper fire extinguishing apparatus subject to the approval of the fire department of the city, and all vehicles shall be so parked or stored that they may be reached readily in case of fire or other emergency.

Sec. 24-4-15. TIME FOR COMPLIANCE. All parking lots and garages now licensed shall be given ninety (90) days from the effective date of this article to file plans for approval, and one year for full compliance with the terms of this article. All parking lots and garages licensed after the effective date of this ordinance shall comply with all the terms and provisions of this article.

ARTICLE 5 VEHICLE REPAIRING

Sec. 24-5-1. DEFINITIONS. Except where otherwise indicated by the context, the following definitions shall apply in the interpretation and enforcement of this ordinance.

(1) "Motor vehicle" shall mean an automobile, truck, motorcycle, or other trackless, self-propelled vehicle designed primarily to transport persons or property over public streets and highways.

(2) "Motor vehicle repair shop" shall mean any place, indoors or outdoors, where motor vehicles are repaired for a charge and any place where the work of repairing motor vehicles is carried on as an incident to the business of selling new or used motor vehicles, or new or used vehicle parts, or as an incident to

any other traffic in motor vehicles or their parts or equipment, except that a place where only the following work is done is not an automobile repair shop: tire changing or repairing; lamp globe changing; fan belt changing; the charging or changing of batteries; and the installation of such other minor parts or the making of such trivial repairs as is customarily done as an incident to the business of selling motor fuel, oil, or accessories.

(3) "Repair work on motor vehicles" shall mean any work done on the premises of a motor vehicle repair shop which requires direct or indirect physical contact with a motor vehicles or part thereof.

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

Sec. 24-5-2. LICENSE REQUIRED. It shall be unlawful for any person to operate a motor vehicle repair shop within the city without first having obtained a license from the city treasurer in accordance with the provisions of chapter 12 of this code. A person who operates more than one motor vehicle repair shop within the city shall have in effect a separate license for each such shop.

Sec. 24-5-3. OTHER BUSINESSES AND ACTIVITIES.

(1) No business shall be carried on in conjunction with any motor vehicle repair shop, unless such business would be permitted under applicable zoning laws and other laws if carried on independently and all laws applicable thereto are complied with.

(2) No partially dismantled, non-operable, or wrecked motor vehicles shall be stored or dismantled on the repair shop premises, except as a direct, immediate, and necessary incident to its repair, unless such storing or dismantling is necessary to some business the licensee is lawfully engaged in conjunction with the motor vehicle repair business.

Sec. 24-5-4. GENERAL OPERATING REQUIREMENTS. The following general operating requirements shall apply to all businesses licensed in accordance with chapter 12 of this code.

(1) The license issued shall be plainly displayed on the business premises.

(2) No noxious weeds or appreciable amounts of refuse or debris shall be allowed to accumulate on the premises.

(3) A record must be kept showing the address and signature of every person from whom any secondhand parts are purchased or obtained. Such record shall be held available for inspection by the city treasurer for a period of at least two years.

(4) An itemized statement of parts and labor used in repairing a motor vehicle and of the charges made therefor shall be furnished upon demand of the legal or equitable owner of the vehicle or upon demand of the insurance company which has insured the vehicle or its owner or operator.

(5) In cases where used or secondhand parts are used in making any repair or alteration, the person having the work done must be informed that the parts used are not new, and such fact must

be noted in the record, upon any bill rendered, and upon any statement given upon demand as provided for in this section.

(6) A written report shall be made to the city marshal within 24 hours when any motor vehicle with gunshot damage is brought to the licensed business, giving the license number, serial number, engine number, make, model, year, and color of the vehicle and the name, address, sex, race, and approximate age of the person who brought the vehicle, or so much of such information as can be obtained.

Sec. 24-5-5. INSPECTIONS. The city treasurer or its duly authorized representatives, shall inspect all businesses licensed hereunder at least once a year to determine whether such businesses are being operated in a lawful manner and in accordance with the provisions of this article and other applicable provisions of law.

Sec. 24-5-6. REVOCATION AND SUSPENSION. When the city treasurer determines that the public interest so requires, it shall revoke or suspend any license issued hereunder when it finds, after due investigation, that:

(1) The licensee or any agent or officer of the licensee who takes part in the operation of the licensed business is not of good character or reputation or has failed to comply with this ordinance or any provision of law applicable to the premises, equipment, or operation of the licensed business.

(2) The licensee, or any officer, agent, or employee of the licensee, in the course of the licensed business, has

multilated or altered the engine or serial number of any motor vehicle; has made wrongful use of any motor vehicle entrusted to the licensee; has victimized, injured, or abused any member of the public in a manner amounting to a crime (other than a minor traffic violation); or has endangered the life or safety of any person willfully or through gross negligence;

(3) The licensee, or any officer, agent, or employee of the licensee, in the course of the licensed business, has defrauded or attempted to defraud any person financially concerned with payment for services of the licensee, by means of charging or attempting to charge for any unnecessary or unauthorized repairs intentionally made, by misstating the nature or probable cost of any repair, or by any other means;

(4) The licensee has obtained his license through any fraud or misstatement; or

(5) The licensed business is being conducted in a manner detrimental to the health, safety, or general welfare of the public; is a nuisance; is being operated in any unlawful manner; or is no longer being operated.

Sec. 24-5-7. COMPLIANCE. Any person operating any motor vehicle repair shop on the effective date of this article shall have a period of days after such effective date to comply with the terms of this article.

Chapter 25
TAXATION
ARTICLE 1
SALES AND USE TAX

Sec. 25-1-1. TITLE. This article shall be known as the "Uniform Local Sales and Use Tax Ordinance of the City of Park City, Utah".

Sec. 25-1-2. PURPOSE. The 41st Session of the Utah Legislature of Utah has authorized the counties and municipalities of the State of Utah to enact sales and use tax ordinances imposing a three-fourths of one percent tax thus enabling this municipality to increase its local option sales and use tax from one-half of one percent to three-fourths of one percent.

Additionally, said session of the legislature has enacted amendments to Chapters 15 and 16 of Title 49, Utah Code Annotated, 1953, sufficiently to require this municipality to modify its sales and use tax ordinance to bring about conformity to those changes.

It is the purpose of this ordinance to conform the Uniform Local Sales and Use Tax of the municipality to the requirements of the Uniform Local Sales and Use Tax law of Utah, Chapter 9 of Title 11, Utah Code Annotated, 1953, as currently amended by repealing the previously enacted Uniform Local Sales and Use Tax Ordinance of this municipality and re-enacting by this ordinance a new Uniform Local Sales and Use Tax ordinance.

Sec. 25-1-3. EFFECTIVE DATE — CONTINUANCE OF FORMER ORDINANCE. This ordinance shall become effective as of 12:01 o'clock a.m., July 1, 1975. The provisions of the previously enacted Uniform

Local Sales and Use Tax ordinance of the municipality which is repealed hereby and which are in conflict herewith shall continue effective until 12:00 o'clock midnight, June 30, 1975. The provisions of this ordinance which are not in conflict with said former ordinance shall be deemed to be a continuation thereof and any rights, duties and obligations arising thereunder shall not in any way be deemed abrogated or terminated.

Sec. 25-1-4. SALES TAX.

(1) (A) From and after the effective date of this ordinance, there is levied and there shall be collected and paid a tax upon every retail sale of tangible personal property, services and meals made within the municipality at the rate of three-fourths of one percent (3/4%).

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

where public utilities services are rendered, but the place of sale or the sales tax revenues arising from such service allocable to the city shall be as determined by the State Tax Commission pursuant to an appropriate formula and other rules and regulations to be prescribed and adopted by it.

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

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

administration or operation of this ordinance.

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

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

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

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

Sec. 25-1-5. USE TAX.

(1) An excise tax is hereby imposed on the storage, use, or other consumption in this municipality of tangible personal property from any retailer on or after the operative date of this ordinance for storage, use or other consumption in the municipality at the rate of three-fourths of one percent (3/4%) of the sales price of the property.

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

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

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

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

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

Sec. 25-1-6. CONTRACT WITH STATE TAX COMMISSION. Heretofore, this municipality has entered into an agreement with the State Tax Commission to perform all functions incident to the administration or operation of the sales and use tax ordinance of the municipality. That contract is hereby confirmed and the mayor is hereby authorized to enter into such supplementary agreement with the State Tax Commission as may be necessary to the continued administration and operation of the local sales and use tax ordinance of the municipality as re-enacted by this ordinance.

Sec. 25-1-7. PENALTIES. Any person violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punishable by a fine in an amount less than \$300.00 or imprisonment for a period of not more than six months, or by both such fine and imprisonment.

ARTICLE 2
TRANSIENT ROOM TAX

Sec. 25-2-1. TITLE. This article shall be known as "The Transient Room Ordinance of the city of Park City.

Sec. 25-2-2. PURPOSE. The city council hereby declares that this ordinance is adopted to achieve the following, among other purposes, and directs that the provisions hereof be interpreted in order to accomplish these purposes:

(1) To adopt a transient room tax ordinance which complies with the requirements and limitations contained in chapter 35, Laws of Utah, 1965.

(2) To adopt a transient room tax ordinance which incorporates provisions identical to those of chapter 31 of title 17, Utah Code Annotated, 1953, as amended.

(3) To adopt a transient room tax ordinance which imposes a one and on-half percent tax and provide a measure therefor than can be administered and collected by the State Tax Commission in a manner that adapts itself as fully as practical to the existing statutory and administrative procedures followed by the State Tax Commission in administering and collecting the sales and use taxes of the State of Utah.

(4) To adopt a transient room tax ordinance which can be administered in a manner that will provide funds for the purposes of establishing, financing and promoting recreational tourist and convention bureaus and for that purpose create, at the discretion of the city council, a reserve fund comprised of any funds collected but not expended during any fiscal year.

Sec. 25-2-3. TRANSIENT ROOM. There is hereby levied and there shall be collected and paid a tax upon all rent for every occupancy of a suite, room or rooms on all persons, companies, corporations or other like and similar persons, groups or organizations doing business in Park City as motor courts, motels, hotels, inns or like and similar public accommodations, at the rate of one and one-half percent.

Except as hereinafter provided, and except insofar as they are inconsistent with the provisions of title 17, chapter 31, Utah Code Annotated, 1953, as amended and in force and effect on August 1, 1965, all of the provisions of title 59, chapter 15, Utah Code Annotated, 1953, are hereby adopted and made a part of this ordinance as though fully set forth herein.

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

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

There shall be excluded from the rent paid or charged by which the tax is measured:

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

(2) Receipts from the sale or service charge for any food or beverage or room service charges in conjunction with the occupancy of the suite, room or rooms.

Sec. 25-2-4. USE OF FUNDS COLLECTED. No funds collected and received by Park City by virtue of the tax imposed hereby shall be used for any purpose other than establishing , financing and promoting recreational, tourist and convention bureaus.

Sec. 25-2-5. RESERVE FUND. For the purposes authorized by this ordinance, there is hereby created a reserve fund to be known as the "Convention Bureau Special Reserve Fund" which shall be maintained separate and apart from general and other special funds of Park City and in which shall be deposited any and all funds collected by virtue of the tax imposed hereby but not expended during the fiscal year in which they were collected or in any other subsequent year.

Sec. 25-2-6. CONTRIBUTIONS PERMITTED. The city council is hereby authorized to accept, on behalf of the city, funds contributed, donated or supplied by any person, corporation, other governmental agency or from any other source whatever for the purposes

outlined in section 25-2-2 of this ordinance, and, when such funds are received, they shall be deposited and used in the same manner as though they were derived from the tax imposed hereby. ㄿ

Sec. 25-2-7. TRANSIENT DEFINED. For the purpose of this ordinance the term "transient" is defined as any person who occupies any suite, room or rooms in a motel, hotel, motor court, inn or similar public accommodation for fewer than thirty consecutive days.

Sec. 25-2-8. STATUTE INCORORATED. The provisions of title 17, chapter 31, Utah Code Annotated, 1953, as amended, enacted by chapter 35, Laws of Utah, 1965 , are hereby incorporated herein and made a part of this article by this reference thereto.

Sec. 25-2-9. PENALTIES. Any person violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punishable by a fine of not more than \$299.00 , or by imprisonment for a period of not more than six months, or by both such fine and impirsonment.

Chapter 26
ZONING

Chapter 27
MISCELLANEOUS ORDINANCES

Sec. 27-1-1. COMPENSATION AND EXPENSES OF MAYOR AND COUNCIL.

(1) The Mayor of Park City, Utah, shall be paid as compensation and partial expenses the sum of two hundred and twenty-five dollars (\$225.00) per month for attendance at the two (2) regular meetings of the City Council, Park City, Utah. Said amount shall be paid one hundred and twelve dollars and fifty cents (\$112.50) at each meeting. The only absences that will be remunerated shall be one (1) vacation meeting per year and any other absence which the council regularly by majority vote accepts as being reasonable and warranted.

(2) Each Councilman of Park City, Utah, shall be paid as compensation and partial expenses the sum of two hundred dollars (\$200.00) per month for attendance at the two (2) regular meetings of the City Council, Park City, Utah. Said amount shall be paid one hundred dollars (\$100.00) at each meeting. The only absences that will be remunerated shall be one (1) vacation meeting per year and any other absence which the council regularly by majority vote accepts as being reasonable and warranted.

Sec. 27-1-2. RETURN OF CHECK. Whenever any person, firm, corporation, or otherwise, submits to Park City Corporation a check in payment of any debt due Park City Corporation and said check

urned by the bank for any reason, said person, firm, corporation, or otherwise, shall be liable to Park City Corporation for the amount of said check.

c. 27-1-3. ACTS DECLARED MISDEMEANOR. Where the performance of an act is prohibited by an ordinance or declared to be unlawful, a penalty for the violation of such ordinance is imposed by an ordinance, the doing of such act is a misdemeanor.