

CITY MANAGER

SECTIONS:

<u>68</u> - ___ -1	Creation of office of City Manager
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Section 68 - ___ -1 CREATION OF OFFICE OF CITY MANAGER

There is hereby created the office of City Manager of Park City, Utah.

Section 68 - ___ -2 APPOINTMENT AND QUALIFICATION

The Mayor, by and with the consent and confirmation of the City Council, shall appoint a person to act as City Manager. He shall be chosen for an indefinite period solely upon the basis of administrative qualifications and need not be a resident of the City or State when appointed. He shall hold office at the pleasure of the City Council and receive such salary as shall be fixed by Ordinance or by resolution. (10-6-75)

Section 68 - ___ -3 BOND OF MANAGER

Before taking office the City Manager shall file with the City Recorder a surety bond, conditioned upon honest and faithful performance of his duties in the sum of \$ 2,500.00. The premium of this bond shall be paid by the City.

Section 68 - ___ -4 POWERS AND DUTIES

The City Manager shall be at all times under the control and supervision of the Mayor and City Council. Subject to such supervision and control, his powers and duties shall be as follows:

1. To make appointments and dismiss from employment all non-elective employees, excepting the City Marshal, City Attorney, City Supervisor, City Recorder and City Treasurer; all appointments to be made upon the basis of fitness alone.

2. To have direct supervision and responsibility over operations in the City office and the departments of fire, police, health, inspection, parks, streets, cemetery and other public improvements, sewer, water, and including as a part thereof direct supervision of the construction, improvements, repairs and maintenance of streets, sidewalks, alleys, lanes, bridges, and other public highways;

of sewers, drains, ditches, culverts, streams and water courses, of gutters and curbs; of all public buildings, boulevards, parks, play grounds, squares and other grounds belonging to the City, and to collect and dispose of waste material.

3. To have the direct responsibility to see to the fulfillment of any contracts between the City and/or the various departments and third parties and to represent the City in its contractual relationships with any third parties supplying services to the City.

4. To care for and preserve all machinery, tools, appliances and property belonging to the City.

5. To oversee the issuing of building permits; the inspection of buildings, plumbing and wiring, and plumbing inspector; to direct and oversee such functions as may be undertaken by the City Board of Health; to supervise and oversee all functions of the Public Safety Department.

6. To create no liability against the City in excess of \$ 300.00 without the sanction of the City Council.

7. To act as purchasing agent for the City and to approve all claims before presentation to the City Council for payment; to see that all goods purchased by and for the City are received as per contract.

8. To attend all meetings of the City Council with the right to take part in the discussion but not to vote; to recommend to the City Council for adoption such measures as he may deem necessary or expedient.

9. To serve as Budget Officer upon appointment by the Mayor and approval of the City Council. (10-10-27)

10. To prepare the annual budget (to be construed as a financial estimate only) and keep the City Council advised as to the financial condition and needs of the City.

11. To notify the Mayor and the City Council of any emergency existing in any department under his supervision.

12. To perform such other duties as may be required of him by Ordinance or resolution of the City Council.

SECTION 2. In the opinion of the City Council, it is necessary to the peace, health, and safety of the inhabitants of Park City, Utah. that this Ordinance shall take effect immediately.

Section 3, This Ordinance shall take effect at once upon its first passed by the City Council of Park City, Utah, this 16th day of March A.D. 1972.

(First publication date: March 23, 1972.)


Violet Terry, City Recorder


Mayor, William P. Sullivan

AN ORDINANCE

AN ORDINANCE AMENDING SECTION 4 (1) of CHAPTER LXVIII (68) OF THE REVISED ORDINANCES OF PARK CITY, RELATING TO POWERS AND DUTIES OF THE CITY MANAGER.


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

Section 4 (1) of CHAPTER LXVIII (68), Revised Ordinances of Park City, State of Utah, is hereby amended to read as follows:

1. To make appointments and to dismiss from employment all non-elective employees, excepting the Justice of the Peace and the City Attorney; all appointments to be made upon the basis of fitness alone.

THIS ORDINANCE shall take effect at once upon its first publication. Passed by the City Council of Park City, Utah, this 3rd day of July, 1972.


VIOLET TERRY
City Recorder


WILLIAM P. SULLIVAN
Mayor

AN ORDINANCE REGULATING IMPOUNDMENT OF MOTOR VEHICLES

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

Sec. 1 AUTHORITY TO REMOVE; SITUATIONS ENUMERATED WHEN REMOVAL AUTHORIZED

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 hereinafter enumerated. The city council hereby determines vehicles under the following circumstances to be obstructions to traffic and public nuisances. Such vehicles shall be subject to removal under this section:

- (1) When any vehicle is left unattended upon any bridge or where such vehicle constitutes an obstruction to traffic.
- (2) 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.
- (3) 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.
- (4) 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 manager provided such area or portion or such public street has by him been posted with an official sign giving notice both of limitation or prohibition.
- (5) When a vehicle is left parked at the same place continuously for a period of seventy-two (72) hours.

- (6) 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.
- (7) 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 plates or license permit, or driven or parked with an invalid or expired license permit.
- (8) 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.
- (9) When a vehicle is found parked on or so near to any railroad track as to block the same in any manner.
- (10) 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.
- (11) 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.
- (12) When any vehicle is reasonably suspected of being a stolen vehicle or parts thereof to be stolen parts.
- (13) When any motor 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.
- (14) When a vehicle is parked upon private property without the permission of the owner thereof.

Sec. 2 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 Municipal Justice.

Sec. 3 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. 4 NOTICE TO STATE DEPARTMENT WHEN OWNER UNKNOWN

Whenever an officer or employee or agent of the city removes a vehicle from a public way under the provisions and authority of this article and does not know or is not able to ascertain the name of the owner thereof or for any other reason is unable to give the notice to the owner as provided in section 3 and in the event the vehicle is not returned to the owner within a period of three (3) days, then in that event, the chief of police shall immediately send or cause to be sent a written report of such removal by mail to the state department whose duty it is to register motor vehicles. Such notice shall include a complete description of the vehicle, the date, time and place of removal, the reasons for such removal, and the name of the garage or other place where the vehicle is stored with a request that the owner of the vehicle be notified immediately.

Sec. 5 DISPOSAL

Whenever, pursuant to the terms of this article, 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 thirty (30) days and no claim of ownership or the right to possession thereof has been made, or when such claim has been

made but not established to the satisfaction of the Municipal Justice, 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 Municipal Justice 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 Municipal Justice within the time specified the vehicle will be advertised for sale and sold by auction at a specified time and place.

Sec. 6 AUCTION

In accordance with the terms of the notice given under sections 3 and 4 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 Municipal Justice 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 Municipal Justice 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. 7 PROCEEDS OF SALE

From the proceeds of a sale under section 6 , the Municipal Justice 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 Municipal Justice 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. 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 Municipal Justice 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. 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.

In the opinion of the City Council, it is necessary for the preservation of the peace, health and safety of this City that this ordinance shall be effective immediately.

This ordinance shall take effect upon the date of its first posting.

PASSED, ADOPTED AND ORDERED POSTED by the City Council of Park City, Utah, this 19th day of October, 1972.

William P. Sullivan
MAYOR

ATTEST:

Viola Terry
CITY CLERK

Date of first posting: Oct. 26 - 1972

Sec. 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.

Revised

ORDINANCE NO. 3-72

AN ORDINANCE AMENDING SECTION 981 AND SECTION 986 (8)
OF AN ORDINANCE PROVIDING FOR THE LICENSING AND
REGULATION OF THE SALE OF LIGHT BEER AT RETAIL;
FIXING THE FEES FOR RETAILERS AND WHOLESALERS; AND
PROVIDING THE PENALTY FOR THE VIOLATION THEREOF;
AND REPEALING ORDINANCES IN CONFLICT THEREWITH.

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

Section 981. LICENSE FEES SET FOR WHOLESALERS

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 \$300.00 per annum or any part thereof.

"LICENSE FEES" Applications provided for in this chapter shall be
accompanied by the fees hereinafter provided, which fee shall be deposited in
the City Treasury if the license is granted, and returned to the applicant if denied:

For Class "A" retail license per quarter \$75.00 , or any part thereof.

For Class "B" retail license per quarter \$50.00, or any part thereof.

For Class "C" retail license per quarter \$75.00, or any part thereof.

For Class "D" retail license per quarter \$75.00, or any part thereof.

For "Seasonal" licenses at the rate of \$25.00 per month for the season
or period for which it is issued.

~~For "Slab" license at the rate of \$50.00 per quarter.~~ *deleted*

All licenses issued hereinafter shall expire on the 1st day of each quarter of each year and shall be issued for each quarter, except "Seasonal" licenses, which shall be issued for any number of days determined by the City Council.

Further provided, that if at any time during the license period the nature and character of the licensed premises shall change, the license shall at such date terminate and be considered revoked and it shall be unlawful for the licensees to carry on or conduct such business from the date of such change.

Provided, however, that any licensee who sells his place of business, the purchaser thereof may be granted a license to operate the business providing that he has complied with the requirements and possesses the qualifications specified by the City Council.

Section 986. REGULATIONS AND PROHIBITIONS

(1) It shall be unlawful for any licensee to purchase or acquire, or to have or possess for the purpose of sale or distribution, any beer, except that which he shall have lawfully purchased from a brewer or wholesaler licensed under the provisions of the Liquor Control Act of Utah.

(2) No person shall sell beer to any person who is intoxicated or under the influence of any intoxicating beverage. It shall be unlawful to sell beer to any person under the age of 21 years.

(3) No license shall be granted to sell beer in any dance hall, theater, or in the proximity of any church or school.

(4) No licensee shall violate the terms of the license issued, nor unless he shall be so licensed shall he sell bottled, canned or draft beer for consumption on the premises, or permit any beer to be consumed on the premises, and it shall be unlawful to maintain a nuisance upon licensed premises.

(5) No dealer, brewer, or wholesaler shall either directly or indirectly supply, give or pay for any furniture or fixtures of a retailer, nor shall such dealer or wholesaler advance, furnish money or pay for any license of a retailer, or be financially interested either directly or indirectly in the conduct or operation of the business of any retailer.

(6) Licensed premises shall be kept brightly illuminated at all times while it is occupied or open for business and no booth, blind, or stall shall be maintained unless all tables, chairs and occupants, if any, therein are kept open to the full view from the main floor at the entrance of such licensed premises.

(7) It shall be unlawful to allow intoxicated persons to loiter about the premises licensed hereunder, or to permit profanity, indecent, immoral, loud or boisterous language or immoral or lewd conduct on premises licensed hereunder.

(8) It shall be unlawful for any person under the age of 21 years to enter or be in or about a licensed Class "C" or "D" establishment not conducting a bona fide restaurant as defined under Section 980, Class "B" licenses. It shall be unlawful for any person under the age of 21 years to drink beer or any intoxicating liquors in any licensed premises.

(9) It shall be unlawful for any person under the age of 21 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 subparagraph prohibiting possessions of beer shall not apply to persons under 21 years of age who are bona fide employees in Class "A" licensed premises while in the discharge of their employment therein or thereabouts.

In the opinion of the City Council, it is necessary for the peace, health and safety of this City that this ordinance shall be effective immediately.

This ordinance shall take effect upon the date of its first ~~posting~~ *publication*.

PASSED, ADOPTED AND ORDERED POSTED by the City Council of Park City,
State of Utah, this 19th day of October, 1972.

Mary C. Lehmer
acting MAYOR

ATTEST:

Violet S. Zerry
CITY CLERK

Date of ~~first posting~~ *publication*: _____

W. J. ...

ORDINANCE NO. _____

AN ORDINANCE REPEALING CHAPTER XII OF THE REVISED ORDINANCES OF PARK CITY, STATE OF UTAH. RELATING TO CITY CEMETERIES AND SIXTON; AND ENACTING A NEW CHAPTER, ALSO KNOWN AS CHAPTER XII, REVISED ORDINANCES OF PARK CITY, STATE OF UTAH, AS AMENDED, RELATING TO CEMETERIES.

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

That Chapter XII, Revised Ordinances of Park City, State of Utah, 1940, be repealed. There is hereby enacted Chapter XII, Revised Ordinances of Park City, State of Utah as amended, as follows:

CHAPTER XII
CEMETERIES

Section 12-1 OFFICE OF SUPERINTENDENT

There is hereby created the office of Cemetery Superintendent, which office shall be filled by appointment by the Mayor, by and with the advice and consent of the City Council.

Section 12-2 DUTIES OF CEMETERY SUPERINTENDENT

It shall be the duty of the Cemetery Superintendent, to take charge of the City Cemetery, to maintain and improve the grounds thereof, to direct the digging of all graves required for the burial of the dead therein, to direct all removals, maintain all necessary records, take charge of all funeral corteges while in the environs of said cemetery, to regulate all traffic within the cemetery as deemed necessary, and to take charge of all other authorized operations.

Section 12-3 FEES

The Superintendent or City Recorder is hereby authorized to collect from those requiring the services provided by the cemetery such fees as shall be set by the City Council by resolution or otherwise. Receipts shall be issued for all fees received, the original to be given to the person paying the fee, the duplicate to be filed with the City Recorder, and the triplicate to be retained in the cemetery records.

Section 12-4 PERMITS

The Superintendent, before burying the body of any deceased person in the City Cemetery or before permitting the removal of the body of any person buried therein, shall require the production of a burial permit from the City Recorder. After burial or removal, the Superintendent shall endorse upon the permit the initial letter of the plat and the numbers of the block and lot, together with the position where said body is buried, or from which said body is removed, and shall file said permit in the permanent records of the cemetery.

Section 12-5 DEATH CERTIFICATE AND CONTENTS OF SAME

Before burying any dead body in any cemetery, and before transporting any dead body beyond the limits mentioned herein, the relatives or any other person having charge of said body must furnish the City Recorder a statement in writing of said death, which shall be recorded by him. Said statement, as well as the record shall include the name of the person deceased, with the names of his parents or other relatives, if known; when and where born, if known, the date and cause of death, together with the name of the attending physician, if any, or coroner, as the case may be, also the date of burial, as well as the name of the cemetery, with the number of the lot where such body is buried, and such other pertinent facts as may be necessary; or if transported beyond the limits mentioned in this Chapter, the place of destination.

Section 12-6 ALL DEAD INTERRED IN CEMETERIES

No person or persons shall be allowed to bury their dead within the limits of the City, except in cemeteries, and no cemetery shall be established without the permission of the City Council. No person, except the owner of a lot or use of lot upon which interment is to be made, shall use a space or lot in the City Cemetery, without first obtaining a written permit from the owner of said lot, or his legal heirs, which permit shall be filed with the Superintendent.

Section 12-7 REMOVALS

No person shall disinter any body buried in the City Cemetery except under the direction of the Superintendent, and before disinterment the Superintendent shall require a written order from the owner of the lot or his heirs authorizing such removal, together with a permit from the City Recorder.

Park City assumes no responsibility for the condition of any casket or vault involved in any removal. Fees for such removals will be charged according to the work involved, with a base fee as established by the City Council.

Section 12-8 BURIAL OF INDIGENT PERSONS

Such lots as the City Council shall, from time to time, designate shall be reserved for the burial of indigent persons.

Section 12-9 SUPERINTENDENT TO KEEP RECORD

The Cemetery Superintendent shall keep in a good, substantial and well-bound book, a true and complete record of the death and place of burial of every person so reported to him, said book to be furnished at the expense of the City. All records kept in pursuance of this Chapter shall be open to the public, and at the expiration of his term of office, the Cemetery Superintendent shall turn all such property over to his successor in office, and he shall report fully to the City Council as is required by that body.

Section 12-10 CONTROL OF CEMETERY

The Cemetery Superintendent under the direction of the City Council, shall have complete care and control of the maintenance and operation of the City Cemetery. All markers, planting, improvements or other work of any nature or description must be done under the direction and control of the Cemetery Superintendent. No person owning a lot or a right in a lot in the City Cemetery shall plant, grade, or do any work in said cemetery except by written authority first had and obtained from the Cemetery Superintendent. The City Council shall, by resolution or Ordinance, designate the type of markers, grade of ground, plantings, and other improvements which may be permitted in the City Cemetery.

Section 12-11 NOTICE OF BURIALS AND PURCHASES REQUIRED

All persons in charge of bodies to be buried in the City Cemetery must make the necessary arrangements for the digging of graves, time of arrival at the cemetery, supplier of vault and other pertinent matters at least 48 hours prior to burial time.

Section 12-12 FUNERAL CORTEGES

It shall be required of all funeral directors that they inform all those intending to attend funeral services in the City Cemetery, whether or not

they are arriving individually or in the funeral cortege, that they must enter the cemetery at the designated entrance and must abide by all traffic and parking regulations. No automobiles shall park in the designated funeral zones unless they arrive in the cortege. All funeral corteges must arrive at the City Cemetery no later than 3:00 p.m., and any cortege arriving after 3:00 p.m., shall be charged additional fees as determined by the City Council.

Section 12-13 CEMETERY HOURS

The Park City Cemetery shall be open to the public from 8:00 a.m., to 8:00 p.m., except for the day before Memorial Day and Memorial Day, when the cemetery shall be open to the public from 7:00 a.m. to 10:00 p.m. It shall be unlawful for any person to be in the cemetery during any other hours without the permission of Park City, and the presence of any unauthorized person during such other hours shall constitute a misdemeanor.

Section 12-14 TRAFFIC AND SAFETY REGULATIONS

It shall be unlawful for any person to drive at a speed greater than 10 miles per hour in the City Cemetery. The Superintendent is authorized to enforce this regulation and to promulgate and enforce any other appropriate regulations concerning the driving or parking of motor vehicles and the use of roads and streets in the City Cemetery.

Section 12-15 DAMAGING CEMETERY PROPERTY PROHIBITED

Any person who shall injure, molest, or deface, or otherwise damage or remove any headstone, curbing, urn, monument, tree, shrub, flowers, funeral flowers, floral pieces, vases and containers, or any other property in said cemetery, shall, upon conviction, be punished by a fine not to exceed One Hundred Dollars (\$100.00) or by imprisonment, not to exceed 100 days or both such fine and imprisonment.

Section 12-16 THROWING OR DEPOSITING DEBRIS PROHIBITED

It shall be unlawful for any person to throw or deposit in any part of the City Cemetery the carcass of any dead animal, or meat, fish, rubbish, refuse, filth, trash, garbage, building materials, or any like substance, or any object or substance that will detract from the beauty of said cemetery.

Section 12-17 ANIMALS IN CEMETERY

It shall be unlawful for any person to take any animal into the City Cemetery or to permit any animal to enter said Cemetery without first having obtained permission therefor from the Superintendent.

Section 12-18 ADDITIONAL REGULATIONS

The Superintendent shall have the authority to promulgate additional reasonable regulation concerning the care, use and maintenance of the City Cemetery; the installation and maintenance of markers, headstones, monuments and vaults; the planting of shrubs, flower and landscaping; the conducting of burials therein; and visits to said cemetery by the public, which rules and regulations shall be subject to the approval of the City Council.

Section 12-19 SALES OF LOTS AND PERPETUAL MAINTENANCE

The Cemetery Superintendent and City Council are hereby empowered to sell the use of lots in the City Cemetery for burial purposes only and to collect all sums arising from such sales. All money so collected shall be remitted promptly to the City Recorder. The City Council is hereby empowered to regulate by resolution or Ordinance the selling price, size, and use of lots. The Cemetery Superintendent shall deliver to each purchaser a receipt for each lot or part of lot showing a description thereof and stating the price paid therefor. Such receipt shall also provide that future perpetual care and maintenance has been paid for said lot. Said receipt shall be issued and signed by the City Recorder. The City Recorder shall keep duplicates of all receipts issued by him and the Cemetery Superintendent as part of the records of his office. All rights in lots or parts of lots sold as in this Section provided, together with all improvements, except for water, future care and maintenance, and all lots for which payment has been made for future care and maintenance, shall be exempt from execution and from taxation and assessment for care and maintenance, from and after said payment. The payment mentioned in this Section shall not be construed to be in payment of any of the services described in other Sections of this Chapter.

Section 12-20 SUPERINTENDENT MAY PURCHASE UNUSED PROPERTIES

The Superintendent, when directed to do so by the City Council, may purchase for the City, with funds provided for that purpose, any unused lots or portions of lots in the City Cemetery; provided, however, that it shall be unlawful for any officer or employee of the City to Trade, deal in, or to make a profit, directly or indirectly, out of any transaction involving any such sale, purchase, or transfer of any such property.

Section 12-21 PERPETUAL CARE FUND

There is hereby established a Perpetual Care Fund for the maintenance and improvement of lots and portions thereof in the Park City Cemetery, and there shall be deposited in said fund fifty percent (50%) of the purchase price

of every use of lot or portion thereof that is sold or transferred by Park City after the effective date of this ordinance.

Section 12-22 PERPETUAL CARE DEFINED

The term "Perpetual Care" as used in this chapter shall mean the filling of the grave, the placing of top soil upon said grave, the filling and seeding of the gravesite with suitable grass seed, watering and cutting of the grass, but does not include any other service. Charges shall be made for all other services and improvements in accordance with fee schedules established by the City Council.

Section 12-23 MAINTENANCE CHARGES ON LOTS WITHOUT PERPETUAL CARE

The care and maintenance of all lots for which a perpetual care fund has not been established shall be furnished by Park City at rates established by the City Council. All such charges shall become a personal liability of the owners of said lots and, in addition thereto, shall constitute a lien against said lots as is set forth in the next succeeding section.

Section 12-24 MAINTENANCE COSTS A LIEN ON CEMETERY LOTS

The cost of all services rendered by Park City or its employees in watering, beautifying, maintaining, or caring for any unoccupied lots or portions thereof in the Park City Cemetery for which a Perpetual Care Fund has not been established in accordance with the provisions of this chapter, shall constitute a lien against said lot or lots. If the costs for such services remain unpaid for a period of six (6) months, the lien created herein for said services may be foreclosed in a court of competent jurisdiction in the manner provided by the laws of the State of Utah for the foreclosure of mechanic's liens; provided, however, that in lieu of the notices required for the foreclosure of mechanic's liens, the following notices shall be given:

(a) A notice of the action to foreclose said lien shall be published once each week for three consecutive weeks in a newspaper having general circulation in Summit County. The notice shall contain a description of the property, the amount of the lien, and the name and last known address of the owner of said property, or if said person is known to be deceased, the names and last known addresses of any known heirs.

(b) A copy of said notice shall be mailed to the owner of said property at his last known address, or, if known, to be deceased, to any known addresses. Copies of said notice shall also be posted in a conspicuous place at the City Hall for a period of three consecutive weeks.

Section 12-25 CITY ENTITLED TO BID AT SALE-REDEMPTION

Park City shall be entitled to bid on all cemetery lots sold in any such foreclosure may be redeemed within six (6) months from the date of sale by paying to the purchaser thereof the amount paid for said lot.

Section 12-26 DISPOSITION OF EXCESS PROCEEDS

Any excess proceeds from the sale of said lots remaining after the payment of all liens and any costs involved in the foreclosure of said liens, including reasonable attorney's fees, shall be paid to the owner, or if deceased, to any known heirs of said owner. If the owner of his heirs cannot be located within a reasonable time after the sale of said lots, any such excess proceeds shall be paid into the Perpetual Care Fund.

Section 12-27 MAINTENANCE, PERPETUAL CARE, FORFEITURE

When any party or parties to whom the use of any lot or portion of a lot in the City Cemetery has been sold shall have failed to pay to the City Recorder the full purchase price for the same, together with the required sum for annual maintenance or perpetual keep thereof for a period of three years from the date of said sale, and who, after the City Recorder has mailed notice to the last known address of said party or parties, shall fail and refuse to pay the same within thirty (30) days of the mailing of said notice, then and in that event said party or parties shall forfeit all rights and privileges to said property, save and except only such portion thereof as are then actually used for the burial place of deceased persons. The City shall have the right to sell the unused portions of said lots or lots to compensate it for the upkeep of the parts used, provided the City Recorder shall use diligence to notify parties whose residence is unknown.

Section 12-28 RULES AND REGULATIONS

The City Council may from time to time prepare and have printed, rules and regulations for the operation of the cemetery, and such rules and


regulations will cover all matters necessary for the operation of the cemetery which are not contained in this Chapter.

Section 12-29 PENALTIES

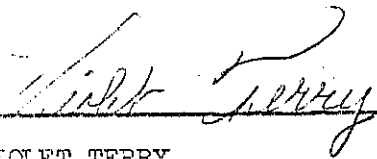
Any person violating any of the provisions of this Chapter or any rules or regulations established hereunder shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall, unless a different penalty is provided in specific cases, be punished by a fine not to exceed \$299.00 or by imprisonment for up to six (6) months, or by both such fine and imprisonment.

Section 12-30 EFFECTIVE DATE

This ordinance shall take effect upon its first publication. Passed by The City Council of Park City, Utah, this 18th day of May, 1972.



WILLIAM P. SULLIVAN MAYOR



VIOLET TERRY
CITY RECORDER

ORDINANCE NO. 5-72

AN ORDINANCE DEDICATING A PARCEL OF LAND AS A PUBLIC ROADWAY.

BE IT ORDAINED BY THE CITY COUNCIL AT PARK CITY, SUMMIT COUNTY, STATE OF UTAH:

Section 1. The below described parcel of land located in Park City, State of Utah is hereby declared to be a public road and shall be maintained by Park City, a Municipal Corporation. Said parcel is now particularly described as follows:

Beginning at a point on the Westerly right-of-way line of State Highway U-97, said point being South 1652.55 feet and East 1203.30 feet from the West quarter corner of Section 9, Township 2 South, Range 4 East, Salt Lake Base and Meridian and running thence South $24^{\circ} 00'$ East along said Westerly line 80.00 feet; thence South $66^{\circ} 00'$ West 156.85 feet to a point of 205.00 foot radius curve to the left; thence Southerly along the arc of said curve 293.26 feet to a point of a 535.32 foot radius compound curve to the left; thence Southeasterly along the arc of said compound curve 87.57 feet to a point of tangency, thence South $25^{\circ} 20' 14''$ East 92.49 feet; thence South $75^{\circ} 39' 18''$ West 50.94 feet to the Easterly line of Silver King Drive; thence North $25^{\circ} 20' 14''$ West along said Easterly line 50.39 feet to the Northerly line of said Silver King Drive; thence South $75^{\circ} 39' 18''$ West along said Northerly line 60.00 feet to a point of a 50.00 foot radius curve to the left; thence Northeasterly along the arc of said curve 85.92 feet to a point of a 585.32 foot radius reverse curve to the right; thence Northwesterly along the arc of said reverse curve 69.81 feet to a point of a 289.88 foot radius compound curve to the right; thence

Northerly along the arc of said compound curve 414.69 feet to a point of tangency; thence North 66° 00' East 122.32 feet to the point of beginning.

Contains 0.983 acres.

In the opinion of the City Council, it is necessary for the peace, health and safety of this City that this ordinance shall be effective immediately.

This ordinance shall take effect upon the date of its first posting.

PASSED, ADOPTED AND ORDERED POSTED by the City Council of Park City, State of Utah, this 16th day of November, 1972.

William P. Sullivan
MAYOR

ATTEST:

Vivian Terry
CITY CLERK

Date of first posting: Nov. 17, 1972

INDEXED: _____
GRANTOR: 2
GRANTEE: _____
RELEASED: _____
ABSTRACTED: A. Sec. 10
STAMPED: _____

ORDINANCE 6-72

ANNEXING TERRITORY TO THE
OF PARK CITY

D. C. ANDERSON'S

Entry No. <u>130200</u>	Book <u>M. 76</u>
<u>1-16-76</u>	Page <u>259-61</u>
Park City Municipal Corp.	
RECORDED	INDEXED
DH	<u>Nanda Y. Spriggs</u>

WHEREAS, on the 16 day of November, 1972a petition in writing requesting the annexation of certain land lying adjacent and being contiguous to the existing boundaries of the City of Park City was duly filed with the Clerk of said City requesting that said land be annexed to the City of Park City; and

WHEREAS, there was filed with the said petition an adequate plat of the land sought to be annexed prepared by BUSH & GUDGELL, a qualified surveyor duly licensed to perform services as a land surveyor in the State of Utah and the County of Summit: and

WHEREAS, it has been determined that the said petition for annexation so filed is signed by the owners by not less than one-third in value of the real property to be annexed as shown by the last assessment rolls of the Assessor of Summit County, State of Utah, and that the owners signing said petition comprise a majority of the owners of real property in the area or territory annexed; and

WHEREAS, the requirements of the law of the State of Utah with respect to annexation of territory have been in all things met and complied with by the applicants for annexation of the territory more particularly hereinafter described; and

WHEREAS, at a regular meeting of the City Council the members thereof voted upon the question of annexing the lands aforesaid and more than two-thirds of the members of the City Council voted for said annexation.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Park City in regular meeting assembled,

Section I. The following described lands adjoining and lying contiguous to the corporate limits of the City of Park City, all of said land lying and being within the County of Summit, State of Utah, as more particularly shown upon the plat attached hereto and form a part of this ordinance is hereby added annexed and taken into and made a part of the City of Park City, the land so annexed is described as follows, to-wit;

BOOKM76 PAGE 259

Section II. Upon this ordinance becoming effective, the corporate limits of the City of Park City and the boundary line thereof shall be changed as necessary to include the territory annexed.

Section III. The annexation herein provided for shall be complete upon the filing in the Office of the County Recorder of Summit County a copy of the plat of the annexed territory duly certified together with a certified copy of this ordinance, from the date of which subject documents are filed the territory annexed shall be deemed a part of the City of Park City and is subject to the ordinances, taxes and regulations of said City.

Section IV. This ordinance shall be goverened pursuant to the provisions of # 10-6-12, Utah Code Annotated, and shall become effective upon the 20th day after posting or on the 30th day after final passage, whichever shall be the more remote.

ENACTED this 16 day of November, 1972

Members present 4

Members voting in favor 4

Members voting against None

CITY OF PARK CITY

William P. Sullivan

MAYOR

ATTEST

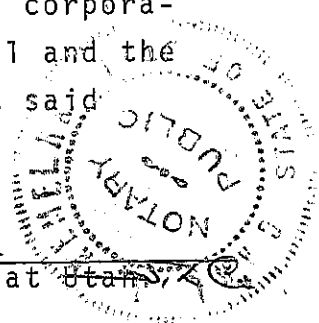
Violet Terry
CITY RECORDER

STATE OF UTAH)
) ss.
COUNTY OF SUMMIT)

On the 15th day of December, 1972, personally appeared before me WILLIAM P. SULLIVAN, who being duly sworn by me, did say that he is the Mayor of Park City Municipal Corporation, and that said instrument was signed on behalf of said corporation by authority of a proposition of its City Council and the said WILLIAM P. SULLIVAN duly acknowledged to me that said corporation executed the same.

My commission expires
March 7, 1977.

[Signature]
NOTARY PUBLIC, Residing at Utah
County, State of Utah



BOOK M76 PAGE 260

Beginning at the Center of Section 9 Township 2 South, Range 4 East,
Salt Lake Base and Meridian, and running thence N. 0 degrees 13 minutes
40 seconds E. along the Section line 1323.7 feet; thence S. 89 degrees
57 minutes 00 seconds E. 1909.4 feet; thence N. 0 degrees 04 minutes
58 seconds E. 1166.8 feet; thence N. 89 degrees 49 minutes 35 seconds E.
745.1 feet; thence N. 0 degrees 18 minutes 38 seconds E. 164.1 feet;
thence N. 89 degrees 49 minutes 35 seconds E. 2638.1 feet; thence S.
1344.1 feet; thence N. 89 degrees 57 minutes W. 598.3 feet; thence
541 degrees 24 minutes E. 1320.0 feet; thence 561 degrees 01 minutes W.
727.0 feet; thence N. 89 degrees 44 minutes 14 seconds W. 4941.4 feet
to the point of beginning. containing 258.5 Acres more or less.

0.1
10

SUNRISE
LITTLE
BIRD
SUNRISE
LITTLE
BIRD
SUNRISE
LITTLE
BIRD

7-72

ORDINANCE NO. ~~487~~¹⁸-72

AN ORDINANCE REGULATING EXCAVATIONS OF STREETS,
TUNNELS ETC. WITHIN THE CITY OF PARK CITY, UTAH; PROVIDING
FOR ASSESSMENT AND COLLECTION OF FEES, AND PROVIDING FOR
PENALTIES FOR VIOLATION OF THIS ORDINANCE

EXCAVATIONS

Sec. 1. Permit Required. It shall be unlawful for any person, firm or corporation to tunnel under or to make any excavation in any street, alley or other public place in the city without complying with the provisions of this chapter and obtaining a permit as herein required. An emergency excavation may be made without prior permit if the reason for the excavation is to prevent loss of life or damage to property which appears to be imminent if the excavation is delayed by waiting to contact the city zoning department. In such emergency situations the excavating parties MUST contact the zoning department on the first working day following the excavation and complete and secure a formal permit. None of the provisions of these specifications are waived for emergency situations except for prior permit requirement.

Sec. 2. Applications. Applications for such permits shall be made to the zoning department and shall describe the location of the intended excavation or tunnel, the size thereof, the purpose therefor, the person, firm or corporation doing the actual excavating work and the name of the person, firm or corporation for whom or which the work is being done, and shall contain an agreement that the applicant will comply with all ordinances and laws of Park City and the state of Utah relating to the work to be done.

Sec. 3. Fees.

- (1) For all longitudinal sewer cuts.....\$20.00
- (2) For all longitudinal water cuts.....~~\$20.00~~
- (3) For all gas, power and telephone.....\$ 2.00
cuts, if shown on the plans or profile plat.....\$20.00
- (4) For all easements cuts for sewers, including all
lateral cuts, if shown on the plans or profile plats....~~\$20.00~~
- (5) For all easement cuts for water, including all lateral
- ? { (6) For all lateral cuts without easements.....\$20.00
- ? { (7) For all other lateral cuts without easements.....~~\$20.00~~

valid for a period
not less than
one year

Sec. 4. Bond. No such permit shall be issued unless and until the applicant therefor has filed with the zoning department a bond in the sum of ten thousand dollars and an indemnity agreement conditioned to indemnify the city for any loss, liability or damage that may result from or because of the making, existence or manner of guarding or constructing any such tunnel or excavation. Such bond shall have as surety a corporation licensed to do business in the state of Utah as a surety company.

VALID FOR A PERIOD NOT LESS THAN ONE (1) YEAR

Sec. 5. Completion Bond. No such permit shall be issued unless and until the applicant therefor has posted a one-thousand-dollar bond with the city treasurer to insure the proper restoration of the ground and the laying of the pavement, if any. Provided, that where the extent of the excavation warrants, a larger bond may be required. From this bond shall be deducted the expense to the city of relaying the surface of the ground or pavement and of making the refill if this is done by the city or at its expense, and the balance shall be returned to the applicant without interest after the tunnel or excavation is completely refilled and the surface or pavement is restored.

Sec. 6. Application Requirements for Exempt Entities. Water conservancy districts, sewage districts, or other entities which are or may be exempt by law from the payment of permit fees, or from bonding provisions, shall be required to make application as herein required before proceeding to take excavations in any street, alley or other public place in the city. Such entities shall be required to comply with all requirements of this ordinance pertaining to the restoration of a cut surface to its original condition; shall indemnify the ~~city~~^{CITY} for any loss, liability or other damage resulting from the making of such excavation and shall pay an inspection fee of \$10.00... for each and every inspection of the excavation site made by the zoning department.

Sec. 7. Manner of Excavating. It shall be unlawful to make any such excavation or tunnel in any way contrary to or at variance with the terms of the permit therefor. Proper bracing shall be maintained to prevent the collapse of adjoining ground; and, in excavations, no portion of the excavation below the surface shall extend beyond the opening at the surface.

No injury shall be done to any pipes, cables or conduits in the making of such excavations or tunnels; and notice shall be given to the persons maintaining any such pipes, cables or conduits which are or may be endangered or affected by the making of any such excavation or tunnel before such pipes, cables or conduits shall be disturbed, or to the zoning department.

No unnecessary damage or injury shall be done to any tree or shrub or the roots thereof.

Sec. 8. Backfill. Material for backfill under paved areas shall be of a select nature. All large broken concrete, peat, decomposed vegetable matter and similar materials obtained from the excavation shall be removed from the site prior to the beginning of backfilling. All backfill shall be placed in layers or lifts consistent with the nature of the soil involved. Compaction shall be obtained by mechanical rollers, tampers, or other improved means. Material used for backfilling shall be properly moistened or watered to the correct moisture content to insure proper compaction. Jetting or internal vibrating methods of compacting sand fill or similar methods of compacting sand or similar granular, free draining materials will be permitted. No ~~frozen~~^{frozen} material shall be used for backfill under ~~paved~~^{paved} surfaces. The intent of this provision is to insure that the ~~density~~^{DENSITY} dry of the backfill under pavements, sidewalks, curbs or other structures shall be no less than that of the surrounding unmolested soil.

Sec. 9. Sidewalks. If any sidewalk is blocked by excavation work, a temporary sidewalk shall be constructed or provided which shall be safe for travel and convenient for users.

Sec. 10. Restoring Surface. Any person, firm or corporation making any excavation or tunnel in or under any public street, alley or other public place in the city shall, at his own expense, restore the surface to its original condition and replace any pavement removed or damaged with the same type and depth of pavement as that which is adjoining, including the gravel base material. Refills shall be properly tamped down, and any bracing in such tunnel or excavation shall be left in the ground. All restoration shall conform to the standards and regulations promulgated by the zoning department, and all restorations shall be accomplished within forty-eight hours from the time of the excavation, unless additional time is granted in writing by the zoning department.

Sec. 11. Supervision. A representative of the city Council or such officer as the City Council shall appoint shall from time to time inspect or cause to be inspected, all excavations and tunnels being made in or under any public street, alley or other public place in the city to insure the enforcement of the provisions of this title.

Sec. 12. City May Restore. The person, firm, or corporation doing the actual excavating work may, at its option, request that the city restore the surface to its original condition. The fee for such resurfacing shall be determined by the zoning department in accordance with its reasonable costs for such work and shall be charged to the person, firm, or corporation making the excavation.

Sec. 13. Failure to Comply. If the person doing the actual excavating work or the person for whom or which the work is being done shall fail to restore the surface to its original condition in accordance with the standards herein required, or to request that the city do so within forty-eight hours after the receipt of written notice from the zoning department, the Councilman in charge of the City Streets department, or his assistant

may authorize and employ the necessary assistance to restore the surface to its original condition. The Zoning department shall prepare an itemized statement of all expenses incurred in such restoration and shall mail a copy thereof to the excavator, to the person for whom the work was done and to the bond holder, demanding payment within twenty days of the date of mailing. Such notice shall be deemed delivered when mailed by registered mail addressed to the last known address of the property owner.

Sec. 14. Collection By Lawsuit. In the event collection of the city's expenses must be made in court, the city shall sue and receive judgment for all expenses incurred in the restoration of the property, together with reasonable attorneys fees, interest and court costs. The city shall execute upon such judgment in the manner provided by law.

Sec. 15. Right-of-Way-Structures Prohibited. No right-of-way of any city road shall be dug up or excavated and no approach, road, driveway, pole, pipeline, conduit, sewer, ditch, culvert, billboard, advertising sign, or other structure or object of any kind or character shall be placed, constructed or maintained within any such right-of-way except as permitted by, and in accordance with, the regulations of the city zoning authorities.

Any person who violates the provisions of this section is guilty of a misdemeanor and shall be punished by a fine not to exceed \$299.00 or by imprisonment in city or Summit County jail not to exceed 90 days.

In the opinion of the City Council, it is necessary for the peace, health and safety of this City that this ordinance shall be effective immediately.

This ordinance shall take effect upon the date of its first posting.

PASSED, ADOPTED and ORDERED POSTED by the City Council of Park City, State of Utah this 16th day of Nov. 1972.

William P. Sullivan
MAYOR

ATTEST:

Violet Perry
CITY CLERK

Date of first posting: Nov.