

1992 ORDINANCES

ORD NO.	DATE	SUBJECT	TITLE
92-22	12/17	Annexation	An Ordinance amending the official zoning map of Park City, Utah to include the Peterson (Willow Ranch) property
92-21	12/10	Business Lic.	An Ordinance amending Title 4, Chapter 2, Section 18(a), Vending Machines/Mechanical Devices of the Municipal Code to provide for fleet licensing
92-20	11/5	Speakers	An Ordinance adding Section 8.27 to the LMC of Park City, Utah to add criteria for conditional use review of outdoor speakers in conjunction with outdoor dining
92-19	11/5	LMC	An Ordinance amending the LMC of Park City, Utah to include amendments to Chapter 2, definition of floor area; Chapter 4, demolition permits; Chapter 7, lot size policy; Chapter 8, satellite dish screening; and Chapter 9, tower features on single family dwellings and limiting the use of stucco on single family residences
92-18	10/1	Code	An Ordinance adopting Titles 4, 7, 8, 9 and 12 of the Municipal Code of Park City, repealing inconsistent provisions and renumbering the balance of the sections of the 1976 Municipal Code
92-17	9/24	Sensitive lands	An Ordinance adopting the sensitive area overlay

ORD NO.	DATE	SUBJECT	TITLE
92-16	9/3	Speakers	zone regulations and amending the official zoning map of Park City, Utah to include the sensitive area overlay zone and amending the LMC of Park City, Utah to better regulate development on sensitive lands
92-15	8/20	GRAMA	An ordinance amending the beer and liquor licensing ordinance No. 90-23 to provide for speakers and/or amplified music outside licensed premises
92-14	7/16	Banners	An ordinance establishing a government records access and management program and codifying said program as Title 5 of the Municipal Code of Park City, Utah
92-13	6/18	Morning Star	An ordinance amending section 7.11(e) "Banners over Public Property" of Ordinance 90-16, the Park City Sign Code.
92-12	5/28	Speakers	An ordinance amending the official zoning map of Park City, Utah, to include 178.36 acres of Morning Star Estates (a portion of Deer Valley residual parcel).
92-12	5/28	Speakers	An Ordinance amending the Business Licensing Ordinance No. 87-12 to prohibit speakers and/or amplified music outside licensed businesses on Main Street

ORD NO.	DATE	SUBJECT	TITLE
92-11	5/14	LI Zone	An Ordinance amending Section 7.11.3(c) of the Land Management Code to allow affordable/moderate income housing in the Light Industrial Zone (LI) through the master planned development process and amending the land use tables in Chapter 7
92-10	5/14	Fire Code	An Ordinance amending the Municipal Code of Park City, Title 11, Chapter 9, Uniform Fire Code, to enact explosive material provisions
92-9	3/19	TITLES 10 & 11	An ordinance adopting titles 10 and 11 of the Municipal Code of Park City and designating Chapters 1, 2 and 3 as Titles 1, 2 and 3, and renumbering the balance of the sections of the 1976 Municipal Code
92-8	3/5	SIGN CODE	An ordinance amending Ordinance 90-16, the Sign Code of Park City, to clarify meaning and intent of Sections 3.5, 5.6(b), 9.1(s) and (t), Section 10.1, 10.3, 10.6, and 11.1.
92-7	3/5	LMC - CLARIFICATION	An ordinance amending various sections of the Land Management Code of Park City, Utah, to clarify meaning and intent.
92-6	3/5	LMC - NOTICING	An ordinance amending Sections 1.15(a), (b) and (c) and Section 1.21 of the Land Management Code of

ORD NO.	DATE	SUBJECT	TITLE
92-5	2/27	WINTER REZONE	An ordinance amending the official zoning map of Park City to rezone the Carl Winters playing field from Recreation Commercial (RC) to Recreation Open Space (ROS)
92-4	2/13	REMOVING RATES	An ordinance amending Section 1 and 1A of Ordinance 82-15 to remove seasonal water conservation rates to the 1992 Fee Resolution.
92-3	1/30	DELIVERY VEHICLES	An ordinance amending Ordinance 83-17, the Park City Parking Code, to regulate delivery vehicles
92-2	1/30	ANIMAL CONTROL	An Ordinance adopting Summit County Ordinance No. 113E, an ordinance adopting and providing for animal control and repealing Park City Ordinance 81-9
92-1	1/16	SALES OFFICES	An ordinance amending Section 7.19 of the Land Management to temporarily prohibit the placement of temporary sales offices in all zones.

ORDINANCE NO. 92- /

**AN ORDINANCE AMENDING SECTION 7.19 OF THE
LAND MANAGEMENT CODE TO TEMPORARILY PROHIBIT THE PLACEMENT OF
TEMPORARY SALES OFFICES IN ALL ZONES**

WHEREAS, on-site temporary sales offices are currently a conditional use in all zones in Park City; and

WHEREAS, there is no criteria set forth in the Land Management Code which establishes when such offices are appropriate; and

WHEREAS, there is adequate opportunity for the marketing of new projects in Park City through real estate offices;

WHEREAS, the intent is not to preclude sales such as model activities in permanent structures;


NOW, THEREFORE, BE IT ORDAINED by the City Council of Park City to amend the Park City Land Management Code as follows:

Section 1. Section 7.19 Land Use Tables shall be amended to prohibit on site temporary sales offices.

The Land Use Tables, as amended, are attached.

Section 2. Effective Date. This amendment shall become effective upon publication.

PASSED AND ADOPTED this 16th day of January, 1992.


Mayor Bradley A. Olch

Attest:


Anita Sheldon, City Recorder



******CAUTION******

THIS ORDINANCE 92-2 HAS BEEN ADOPTED INTO THE PARK CITY MUNICIPAL CODE. THIS COPY MAY NOT CONTAIN ALL THE AMENDMENTS THAT HAVE BEEN PASSED SINCE ITS ADOPTION INTO THE CODE. THE MOST CURRENT AND UP-TO-DATE VERSION WILL BE FOUND IN THE PARK CITY MUNICIPAL CODE IN SECTION 7.

title

ORDINANCE 92-2

AN ORDINANCE ADOPTING SUMMIT COUNTY
ORDINANCE NO. 113E, AN ORDINANCE ADOPTING
AND PROVIDING FOR ANIMAL CONTROL
AND REPEALING PARK CITY ORDINANCE
81-9

WHEREAS, Park City Municipal Corporation desires to provide animal control within Park City; and

WHEREAS, the Summit County Commissioners have adopted an animal control ordinance No. 113E,

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

SECTION 1. Park City hereby adopts Summit County Ordinance 113E and subsequent amendments thereto as its Animal Control Ordinance. A copy of Summit County Ordinance 113E is hereby attached to this ordinance as Exhibit A and incorporated by this reference.

SECTION 2. Park City Ordinance 81-9, "An Ordinance adopting and providing for animal control" is hereby repealed in its entirety.

SECTION 3. This ordinance shall take effect upon its publication.

PASSED AND ADOPTED this 30th day of January, 1992.

PARK CITY MUNICIPAL CORPORATION

Robert Richer

ROBERT RICHER, MAYOR PRO TEM

ATTEST:

Anita L. Sheldon
ANITA L. SHELDON, CITY RECORDER



ORDINANCE NO. 113E

AN ORDINANCE ADOPTING AND PROVIDING FOR ANIMAL CONTROL
AND REPEALING ORDINANCE 113-B, C, AND D

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SUMMIT COUNTY, STATE OF UTAH, AS FOLLOWS:

100-1-1. Definitions.

1. Animal Boarding Establishment: Any establishment that takes in animals for boarding for profit.

2. Animal Grooming Parlor: Any establishment maintained for the purpose of offering cosmetological services for animals for profit.

3. Animal Shelter: A facility owned and/or operated by a governmental entity or any animal welfare organization that is incorporated within the State of Utah under Section 76-9-302, U.C.A., 1953, as amended, and used for the care and custody of seized, stray, homeless, quarantined, abandoned, or unwanted dogs, cats or other small domestic animals.

4. Animal at Large: Any domesticated animal, whether or not licensed, not under restraint as defined below.

5. Animal Under Restraint: Any animal under the control of its owner or person having charge, care, custody or control. A dog shall be considered under control of the owner when on a leash or lead, confined within a vehicle, or within the real property limits of the owner.

6. Bite: An actual puncture, tear or abrasion of the skin inflicted by the teeth of an animal.

7. Cats: Any age feline of the domesticated types.

8. Cattery: An establishment for boarding, breeding, buying, grooming or selling cats for profit.

9. Dog: Any canis familiaris over four months of age. Any canis familiaris under four months of age is a puppy.

10. Domesticated Animals: Animals accustomed to live in or about the habitation of man, including but not limited to cats, dogs, fowl, horses, swine, goats, and cattle.

11. Stray: Any animal at large as defined herein.

12. Guard Dog: A working dog which must be kept in a fenced run or other suitable enclosure during business hours, or on a leash or under absolute control while working, so it cannot come into contact with the public.

13. Holding Facility: Any pet shop, kennel, cattery, groomery, animal shelter, humane establishment, or any other such facility used for holding animals.

14. Kennel: An establishment having four or more dogs for the purpose of boarding, breeding, buying, grooming, letting for hire, training for fee, or selling.

15. Lease or Lead: Any chain, rope or device used to restrain an animal.

16. Pet. A domesticated animal kept for pleasure rather than utility, including, but not limited to birds, cats, dogs, fish hamsters, mice, and other animals associated with man's environment.

17. Pet Shop. Any establishment containing cages or exhibition pens, not part of a kennel or cattery, wherein dogs, cats, birds, or other pets for sale are kept or displayed.

18. Quarantine: The isolation of an animal in a substantial enclosure so that the animal is not subject to contact with other animals or unauthorized persons.

19. Vicious Animal. Any animal which is dangerous, aggressive, including, but not limited to any animal which has bitten or in any other manner attacked any person or animal.

100-1-2. Department of Animal Control. There is hereby created a Department of Animal Control.

100-1-3. Powers of Animal Control Officials.

1. The Animal Control Director or any person employed by the Department of Animal Control as an Animal Control Officer shall take the oath of office and shall be vested with the power and authority to enforce this ordinance.

2. The Animal Control Director, his deputies, assistants and Animal Control Officers are hereby authorized and empowered to apprehend and take with them and impound any animal found in violation of this ordinance and including licensable dogs for which no license has been procured in accordance with this ordinance, or any licensed or unlicensed dogs for any other violation thereof.

3. In the enforcement of this ordinance, any peace officer or the Director of Animal Control or his assistants are authorized to enter onto the open premises of any person to take possession of any dog in violation of this ordinance.

100-1-4. Duties of Animal Control Officials.

1. The animal Control Director shall:

(a) Enforce this ordinance and perform other responsibilities pursuant thereto.

(b) Supervise the animal shelter(s) under his jurisdiction.

(c) Keep adequate records of all animals impounded and all monies collected.

(d) See that all animals and animal holding facilities in his jurisdiction are licensed, controlled and permitted in accordance with any applicable ordinance and/or regulations.

(e) Establish, in cooperation with the Summit County Health Department and other interested governmental agencies, adequate measure for rabies immunization and control.

2. Each Animal Control Officer Shall:

(a) Enforce this Ordinance in all respects pertaining to animal control within the jurisdiction including the care and impounding of animals and preventions of cruelty to animals.

(b) Carry out all duties prescribed or delegated by the Director.

100-1-5. Dog Licensing:

1. All dogs must be licensed each year, except as otherwise provided herein to a person of the age of 18 or older.

2. Any person owning, possessing or harboring any dog within Summit County shall obtain a license for such animal within 30 days after the dog reaches the age of six (6) months, within ten (10) days of the acquisition of such dog or presence of such dog within Summit County. Said initial license shall be effective for one year from the date of purchase and must be renewed annually thereafter.

3. License renewal applications must be submitted annually to the Department of Animal Control, utilizing a standard form which requests name, address and telephone number of the applicant and the breed, sex, color and age of the animal; The form also asks for pertinent information regarding rabies vaccinations. The application shall be accompanied by the prescribed license fee and by a current rabies vaccination certificate. Rabies vaccinations and certificates therefor, must be obtained every two (2) years, from either a licensed veterinarian or an authorized Animal Control Officer.

4. Dog licenses will be issued in accordance with the following fee schedule:

Female Dog	\$18.00
Male Dog	18.00
Spayed or neutered dog	6.00

No dog shall be licensed as spayed or neutered without satisfactory proof that such surgery was performed on said dog.

100-1-6. License Tag.

1. Upon payment of the license fee, the Department of Animal Control shall issue to the owner a certificate and a tag for each dog licensed. The tag shall have stamped thereon the license number corresponding with the tag number on the certificate. The owner shall attach the tag to the collar or harness of the animal and see that the collar and the tag are constantly worn. Failure to attach the tag as provided shall be in violation of this ordinance, except in that dogs which are kept for show purposes are exempt from wearing the collar and tag.

2. Dog tags are not transferable from one dog to another. No refunds shall be made on any dog license fee for any reason whatsoever. Replacements for lost or destroyed tags shall be issued upon payment of \$1.00 to the Department of Animal Control.

3. Any person removing or causing to be removed, the collar, harness, or tag from any licensed dog without the consent of the owner or keeper thereof, except a licensed veterinarian or animal Control Officer who removes such for medical and other reasons, shall be in violation of this ordinance.

100-1-7. Licensing Exemptions:

1. The provisions of Sections 6 and 7 herein shall not apply to:

(a) Licensed dogs whose owners are non-residents temporarily (up to 30 days) within the jurisdiction; licensed dogs whose owners remain within the jurisdiction longer than 30 days may transfer to the local license upon payment of \$1.00 fee and proof of current rabies vaccination.

(b) Individual dogs within a properly licensed dog kennel or other such establishment when such dogs are held for resale.

2. The fee provisions of Section 6 shall not apply to:

(a) Seeing eye dogs properly trained to assist blind persons if such dogs are actually being used by blind persons to assist them in moving from place to place.

(b) Hearing dogs properly trained to assist deaf persons if such dogs are actually used by deaf persons to aid them in responding to sounds.

(c) Dogs especially trained to assist officials of government agencies in the performance of their duties and which are owned by such agencies.

3. Nothing in this section shall be construed so as to exempt any dog from having a current rabies vaccination.

100-1-8. Unlawful to Harbor Stray Dogs. It shall be unlawful for any person, except an animal welfare society incorporated within the State of Utah under section 76-9-302, UCA, 1953, as amended, to harbor or keep any lost or strayed dog. Whenever any dog shall be found which appears to be lost or strayed, it shall be the duty of the finder to notify the Animal Control Department within 24 hours, and the Department shall impound the dog as herein provided.

100-1-9. Dogs Running at Large. It shall be unlawful for the owner or person having charge, care custody or control of any dog to allow such dog at any time to run at large. The owner or person charged with responsibility for a dog found running at large shall be strictly liable for a violation of this section regardless of the precautions taken to prevent the escape of the dog and regardless of whether or not he knows that the dog is running at large.

100-1-10. Dogs on Unenclosed Premises. It shall be unlawful for any person to chain, stake out, or tether any dog on any unenclosed premises in such a manner that the animal may go beyond the property line unless such person has permission of the owner of the affected property.

100-1-11. Female Dogs in Heat. Any owner or person having charge, care, custody or control of any female dog in heat shall, in addition to restraining such dog from running at large, cause such dog to be constantly confined in a building or secure enclosure so as to prevent it from attracting by scent or coming into contact with other dogs and creating a nuisance, except for planned breeding.

100-1-12. Places Prohibited to Dogs.

1. It shall be unlawful for any person to take or permit any dog, whether loose or on a leash or in arms, in or about any establishment or place of business where food or food products are sold or displayed, including but not limited to restaurants, grocery stores, meat markets, and fruit or vegetable stores.

2. It shall be unlawful for any person keeping, harboring or having charge or control of any dog to allow said dog to be within the following described area:

(a) Any watershed area so designated by ordinance or otherwise legally appointed, either now existing or to be defined in the future.

3. This section shall not apply to dogs provided for in Section 7(2).

100-1-13. Dogs Attacking Persons and Animals.

1. Attacking Dogs. It shall be unlawful for the owner or person having charge, care, custody or control of any dog to attack, chase or worry any person, any domestic animal having a commercial value, or any species of hoofed protected wildlife, or to attack domestic fowl. "Worry" as used in

this section shall mean to harass by tearing, biting or shaking with the teeth.

2. Owner Liability. The owner in violation of number 1 above shall be strictly liable for violation of this section. In addition to being subject to prosecution under number 1 above, the owner of such dog shall also be liable in damages to any person injured or to the owner of any animal(s) injured or destroyed thereby.

3. Defenses. The following shall be considered in mitigating the penalties or damages or in dismissing the charge.

(a) That the dog was properly confined on the premises.

(b) That the dog was deliberately or maliciously provoked.

4. Dogs May be Killed. Any person may kill a dog while it is committing any of the acts specified in number 1 above or while such dog is being pursued thereafter.

100-1-14. Fierce, Dangerous or Vicious Animals. It shall be unlawful for the owner of any fierce, dangerous or vicious animal to permit such animal to go or be off the premises of the owner unless such animal is under restraint and properly muzzled so as to prevent it from injuring any person or property. Every animal so vicious and dangerous that it cannot be controlled by reasonable restraints, and every dangerous and vicious animal not effectively controlled by its owner or person having charge, care or control of such animal, so that it shall not injure any person or property is a hazard to public safety, and the Director of Animal Control shall seek a court order pursuant to Section 29 for destruction of or muzzling of the animal.

100-1-15. Nuisance. Any owner or person having charge, care, custody or control of an animal or animals causing a

nuisance as defined below shall be in violation of this ordinance and subject to the penalties provided herein. The following shall be deemed a nuisance:

1. Any animal which:

(a) causes damages to the property of anyone other than its owner;

(b) is a vicious animal as defined herein and kept contrary to Section 15 above;

(c) causes unreasonable fouling of the air by odors;

(d) causes unsanitary conditions in enclosures or surroundings;

(e) defecates on any public sidewalk, park, or building, or on any private property without the consent of the owner or such private property, unless the person owning, having a proprietary interest in, harboring or having care, charge, control, custody or possession of such animal shall remove any such defecation to a proper trash receptacle;

(f) barks, whines or howls or makes other disturbing noises in an excessive, continuous, or untimely fashion;

(g) attacks other domestic animals;

(h) is determined by the Department of Animal Control or the City-County Health Department to be offensive or dangerous to public health safety or welfare.

2. Any animals which, by virtue of the number maintained, are determined by the Department of Animal Control or the City-County Health Department to be offensive or dangerous to the public health, welfare or safety.

100-1-16. Revocation of Dog License. If the owner of any dog(s) is found to be in violation of this ordinance on three or more different occasions during any twelve-month period, the Director of Animal Control may seek a court order pursuant to Section 27, revoking for a period of one year any dog license(s) such person may possess and providing for the Animal Control Department to pick up and impound any dog(s) kept by the person under such order. Any dog impounded pursuant to such an order shall be dealt with in accordance with the provisions of this ordinance for impounded animals except that the person under the order of revocation shall not be allowed to redeem the dog under any circumstances.

100-1-17. Bites, Duty to Report.

1. Any person having knowledge of any individual or animal having been bitten by an animal of a species subject to rabies shall report the incident immediately to the Department of Animal Control.

2. The owner of an animal that bites a person and any person bitten by an animal shall report the bite to the Department of Animal Control or the Health Department within 24 hours of the bite, regardless of whether or not the biting animal is of a species subject to rabies.

3. A physician or other medial personnel who renders professional treatment to a person bitten by an animal shall report the fact that he has rendered professional treatment to the Department of Animal Control of the City-County health Department within 24 hours of his first professional attendance. He shall report the name, sex and address of the person bitten as well as the type and location of the bite. If known, he shall give the name and address of the owner of the animal that inflicted the bite, and any other facts that may assist the

Department of Animal Control in ascertaining the immunization status of the animal.

4. Any person treating an animal bitten, injured or mauled by another animal shall report the incident to the Department of Animal Control. The report shall contain the name and address of the owner of the wounded, injured or bitten animal, the name and address of the owner, a description of the animal which caused the injury, and the location of the incident.

5. Any person not conforming to the requirements of this section shall be in violation of this ordinance.

100-1-18. Control of Rabies and Rabid Animals.

1. Rabies Vaccination Required for dogs. the owner or person having the charge, care, custody and control of a dog six months of age or over shall have said animal vaccinated within 30 days after it reaches said age. Any person permitting any such animal to habitually be on or remain, or be lodged or fed within such person's house, yard or premises shall be responsible for said vaccination. Unvaccinated dogs over six months of age acquired by the owner or moved into the jurisdiction must be vaccinated thereafter every 24 months with a modified virus rabies vaccine approved by the Summit County Health Department. This provision shall not apply to veterinarian or kennel operators temporarily maintaining on their premises animals owned by others.

2. Duties of Veterinarian and Tag Requirements. It shall be the duty of each veterinarian, when vaccinating any animal for rabies, to complete a certificate of rabies vaccination (in duplicate) which includes the following information:

- (a) owner's name and address;
- (b) description of animal (breed, sex, markings, age, name);
- (c) date of vaccination;

- (d) rabies vaccination tag number;
- (e) type of rabies vaccine administered;
- (f) manufacturer's serial number of vaccine.

A copy of the certificate shall be distributed to the owner and original retained by the issuing veterinarian. The veterinarian and the owner shall retain their copies of the certificate for the interval between vaccinations specified in this section. Additionally a number serialized metal or durable plastic rabies vaccination tag shall be securely attached to the collar or harness of all dogs. A dog not wearing such tag shall be deemed to be unvaccinated and may be impounded and dealt with pursuant to this ordinance.

3. Transient Animal Exception. The provision of this section with respect to vaccination shall not apply to any animal owned by a person temporarily remaining within the jurisdictions for less than 30 days. Such animals shall be kept under strict supervision of the owner. It shall be unlawful to bring any animal into the jurisdiction which does not comply with animal health laws and import regulations.

4. Impoundment of Animal Without Valid Rabies Vaccination Tag.

(a) Any vaccinated animal impounded because of a lack of rabies vaccination tag may be reclaimed by its owner by furnishing proof of rabies vaccination and payment of all impoundment fees prior to release.

(b) Any unvaccinated animal may be reclaimed prior to disposal by payment of impound fees and by obtaining a rabies vaccination within 72 hours of release.

(c) Any dog not reclaimed prior to the period shall be disposed of pursuant to provision of Section 21.

5. Reporting of Rabid Animals. any person having knowledge of the whereabouts of an animal known to have been exposed to, or

suspected of having rabies; or of an animal or person bitten by such a suspect animal, shall notify the Department of Animal Control, the Summit County Health Department or the State Division of Health.

6. Quarantining and Disposition of Biting or Rabid Animal.

(a) An animal that has rabies or shows signs of having rabies, and every animal infected with rabies or that has been exposed to rabies shall be reported by the owner as set forth above and shall immediately be confined in a secure place by the owner.

(b) The owner of any animal of a species subject to rabies which has bitten shall surrender the animal to an authorized official upon demand. Any person authorized to enforce this ordinance may enter upon private property to seize the animal; if the owner refuses to surrender the animal, the officer shall immediately obtain a search warrant authorizing seizure and impoundment of the animal.

(c) Any animal of a species subject to rabies that bites a person or animal or is suspected of having rabies may be seized and quarantined for observation for a period of not less than ten days by the Department of Animal Control and/or the Health Department. The owner of the Animal shall bear the cost of confinement. The animal shelter shall be the normal place for quarantine, but other arrangements, including confinement by the owner, may be made by the Director of Animal Control and/or the Director of Health if the animal had a current rabies vaccination at the time the bite was inflicted or if there are other special circumstances justifying an exception. A person who has custody of an animal under quarantine shall immediately notify the Department of Animal Control if the animal shows any signs of sickness or abnormal behavior, or if the animal

escapes confinement. It shall be unlawful for any person who has custody of a quarantined animal to fail or refuse to allow a Health or Animal Control Officer to make an inspection or examination during the period of quarantine. If the animal dies within 10 days from the date of the bite, the person having custody shall immediately notify the Department or immediately remove and deliver the head to the State Health Laboratory to be examined for rabies. If, at the end of the 10 day period, the Director of Animal Control examines the animal and finds no sign of rabies, the animal may be released to the owner or in the case of a stray, it shall be disposed of as provided in Section 21.

(d) Unvaccinated bitten animals.

1. In the Case of an unvaccinated animal species subject to rabies which is known to have been bitten by a known rabid animal, said bitten or exposed animal should be immediately destroyed.

2. If the owner is unwilling to destroy the bitten or exposed animal, the animal shall be immediately isolated and quarantined for 6 months under veterinary supervision, the cost of such confinement to be paid in advance by the owner. The animal shall be destroyed if the owner does not comply herewith.

(e) Vaccinate bitten animals.

1. If the bitten or exposed animal has been vaccinated, the animal shall be revaccinated within 24 hours and quarantined for a period of 30 days following revaccination; or

2. If the animal is not revaccinated within 24 hours, the animal shall be isolated and

quarantined under veterinary supervision for 6 months.

3. The animal shall be destroyed if the owner does not comply with items (1) or (2) of the subsection 2.

(f) Removal of quarantined animal. It shall be unlawful for any person to remove any such animal from the place of quarantine without written permission of the Department of Animal Control.

(g) If any animal bites or attacks a person or animal two times or more in a 12 month period, such animal may be immediately impounded by the Department of Animal Control without court order and held at owner expense pending court action. Any such animal shall be deemed a vicious animal, and the Director of Animal Control may seek a court order as provided in Section 14, for destruction of the animal. Parties owning such animal shall, if possible, be notified immediately of the animal's location by the Animal Control.

100-1-19. Impounding; animals to be impounded. The Animal Control Director shall place all animals which he takes into custody in a designated animal impound facility. The following animals may be taken into custody by the Animal Control Director and impounded without filing a complaint:

1. Any animal being kept or maintained contrary to the provisions of this ordinance;
2. Any animal running at large contrary to the provisions of this ordinance;
3. Any animal which is by this ordinance required to be licensed and is not licensed. An animal not wearing a tag shall be presumed to be unlicensed for purposes of this section;
4. Sick or injured animals whose owner cannot be located;
5. Any abandoned animal;

6. Animals which are not vaccinated for rabies in accordance with the requirements of this ordinance;

7. Any animal to be held for quarantine;

8. Any vicious animal not properly confined as required by Section 14 herein.

100-1-20. Impounding: records to be kept.

1. Complete description of the animal, including tag number.

2. The manner and date of impound.

3. The location of the pickup and name of the officer picking up the animal.

4. The manner and date of disposal.

5. The name and address of the redeemer or purchaser.

6. The name and address of any person relinquishing an animal to the impound facility.

7. All fees received.

8. All expenses accruing during impoundment.

100-1-21. Impounding: disposition of animals.

1. Licensed Animals shall be impounded for a minimum of five (5) working days before further disposition, except as otherwise provided herein. Reasonable effort shall be made to notify the owner of any animal wearing a license or other identification during that time. Notice shall be deemed given when sent to the last known address of the listed owner. Any animal voluntarily relinquished to the Animal Control facility by the owner thereof for destruction or other disposition need not be kept for the minimum holding period before release or other disposition as herein provided.

2. All dogs, except for those quarantined or confined by court order, held longer than the minimum impound period, and all dogs voluntarily relinquished to the impound facility may be destroyed or sold as the Animal Control Director shall direct.

Any healthy dog may be sold to any person desiring to purchase such animal for a price to be determined by the Director but not to exceed \$30.00 per animal, plus license and rabies vaccination, if required.

3. Any licensed animal impounded and having or suspected of having serious physical injury or contagious disease requiring medical attention, may, in the discretion of the Animal Control Director, be released to the care of a veterinarian with the consent of the owner.

4. When, in the judgment of the Animal Control Director, it is determined that an animal should be destroyed for humane reasons or to protect the public from imminent danger to persons or property, such animal may be destroyed without regard to any time limitations otherwise established herein, and without court order.

100-1-22. Impounding: redemption. The owner of any impounded animal or his authorized representative may redeem such animal before disposition provided he pays:

1. The impound fee;
2. The daily board charge;
3. Veterinary costs incurred during the impound period, including rabies vaccination;
4. License Fee, if required.

Fees shall be charged at the following rates:

Impound fee

First Confinement	\$25.00
Second or subsequent Confinements	\$50.00

Board

Per calendar day of

confinement

\$ 4.00

No impound fee will be charged to the reporting owners of suspected rabid animals if they comply with Section 18 herein.

100-1-23. Animal Shelter.

1. The governing authority shall provide suitable premises and facilities to be used as an animal shelter where impounded small animals can be adequately kept. They shall purchase and supply food and supply humane care for impounded animals.

2. the governing authority shall provide for the painless and humane destruction of dogs and other animals required to be destroyed by this ordinance or by the laws of the State of Utah.

3. The governing authority may furnish, when necessary, medical treatment for such animals as may be impounded pursuant to this chapter.

100-1-24. Cruelty to animals prohibited.

1. Physical Abuse. It is unlawful for any person to willfully or maliciously kill, maim, disfigure, torture, beat with a stick, chain, club or other object, mutilate, burn or scald, overdrive or otherwise cruelly set upon any animal. Each offense shall constitute a separate violation.

2. Hobbling Animals. It is unlawful for any person to carry or confine any animal in or upon any vehicle in a cruel or inhumane manner, including but not limited to, carrying or confining such animal without adequate ventilation or for an unusual length of time.

5. Care and Maintenance. It shall be the duty of any person to provide any animal in his charge or custody, as owner or otherwise, with adequate food, drink, care and shelter.

6. Animal Poisoning. Except as provided in Section 23 herein, it shall be unlawful for any person by any means to make accessible to any animal, with intent to cause harm or death, any substance which has in any manner been treated or prepared with

any harmful or poisonous substance. This provision shall not be interpreted so as to prohibit the use of poisonous substances for the control of vermin in the furtherance of the public health when applied in such a manner as to reasonably prohibit access to other animals.

7. Injury to Animals by Motorists:

(a) Every operator of a motor or other self-propelled vehicle upon the streets of the jurisdiction shall immediately upon injuring, striking, maiming or running down any domestic animal give such aid as can reasonably be rendered. In the absence of the owner, he shall immediately notify the Animal Control Department, furnishing requested facts relative to such injury.

(b) It shall be the duty of such operator to remain at or near the scene until such time as the appropriate authorities arrive, and upon the arrival of such authorities, the operator shall immediately identify himself to such authorities. Alternatively, in the absence of the owner, a person may give aid by taking the animal to the Animal Control Facility or other appropriate facility and notifying the Animal Control Department. Such animal may be taken in by the Animal Control facility and dealt with as deemed appropriate under the circumstances.

(c) Emergency vehicles are exempted from the requirements of this provision.

8. Animals for Fighting:

(a) It shall be unlawful for any person, firm or corporation to raise, keep or use any animal, fowl or bird for the purpose of fighting or baiting; and for any person to be a party to or be present as a spectator at any such fighting or baiting of any animal or fowl; and

for any person, firm or corporation to knowingly rent any building, shed, room, yard, ground or premises for any such purposes as aforesaid, or to knowingly suffer or permit the use of his buildings, sheds, rooms, yards, grounds or premises for the purposes aforesaid.

(b) Law enforcement officers or Animal Control Department officials may enter any building or place where there is an exhibition of fighting or baiting of a live animal, or where preparations are being made for such an exhibition, and the law enforcement officers may arrest persons there present and take possession of all animals engaged in fighting, along with all implements or applications used in such exhibition. This provision shall not be interpreted to authorize a search or arrest without a warrant when such is required by law.

9. Malicious impounding: It shall be unlawful for any person maliciously to secrete or impound the animal of another.

100-1-25. Kennel Permits.

1. Any person wishing to operate or maintain a kennel, cattery, pet shop or groomery must first obtain a kennel license from the Department of Animal Control. Said kennel license shall be issued upon payment of the fee set forth herein and a statement from the Summit County Planning Department or appropriate city official that a kennel is a permitted use under the zoning regulations in effect for the area of the proposed kennel.

2. A valid kennel license shall be posted in a conspicuous place in each establishment and said license shall be considered as appurtenant to the premises and not transferable to another location. The licensee shall notify the Department of Animal Control within thirty (30) days of any change in his establishment or operation which may effect the status of his

license. In the event of a change in ownership of the establishment, the licensee shall notify the Department of Animal Control immediately. Licenses shall not be transferable from one owner to another.

3. Any license issued pursuant to this section shall automatically expire on December 31st, immediately following date of issue. During the first three (3) months of each year the licensee shall apply for a renewal of the license and pay the required fee. Any application made after March 31, except an application for a new establishment opening subsequent to that date, shall be accompanied by a late application fee in addition to the regular permit fee.

4. License fees:

(a) Kennels, catteries, groomeries, pet shops
veterinary clinics, or boarding establishments.

Class A Kennel License, 4-30 animals - \$50.00

(b) Late fee - \$25.00

100-1-26. Standards for Permitted Establishment. The Department of Animal Control shall promulgate rules and regulations governing the operation of kennels, catteries, groomeries, pet shops, riding stables, and veterinary clinics or hospitals. Such rules and regulations shall provide for the type of structures, buildings, pens, cages, runways or yards required for the animal sought to be kept, harbored or confined on such premises; the manner which food, water and sanitation facilities will be provided to such animals; measures relating to the health of said animals, the control of noise and odors, and the protection of person or property adjacent premises; and other such matters as the Director shall deem necessary. Such rules and regulations shall have the effect of law, and violation of such rules and regulations shall be deemed a violation of this

ordinance and grounds for revocation of a permit issued by the Department of Animal Control.

100-1-27. Suspension or Revocation of Permit.

1. Grounds: A permit may be suspended or revoked or a permit application rejected on any one or more of the following grounds:

- (a) Falsification of facts in a permit application;
- (b) Violation of any of the provisions of this ordinance or any other law or regulation governing the establishment including noise.
- (c) Conviction on a charge of cruelty to animals.

2. Procedure: If an inspection of kennels, catteries, groomeries, pet shops, reveals a violation of this ordinance, the inspector shall notify the permit holder or operator of such violation by means of an inspection report form or other written notice. The notification shall:

- (a) set forth the specific violation(s) found;
- (b) establish a specific and reasonable period of time for the correction of the violations found;
- (c) state that failure to comply with any notice issued in accordance with the provisions of this ordinance may result in immediate suspension of the permit.

3. Revocation or Suspension: Any permit granted under this ordinance may be suspended or revoked by the County Commission for violation listed in part (a) above.

4. Emergency Suspension: Notwithstanding the other provisions of this ordinance, when the inspecting officer finds unsanitary or other conditions in the operation of kennels, catteries, groomeries, pet shops, or an similar establishment, which in his judgment, constitute a substantial hazard to public health, he may without warning, or hearing, issue a written notice to the permit holder or operator citing such condition

specifying the corrective action to be taken. Such order may state that the permit is immediately suspended and all operations are to be discontinued. Any person to whom such an order is issued shall comply immediately therewith. Any animals at such a facility may be confiscated by the Animal Control Department and impounded or otherwise provided for according to the provisions of this ordinance.

5. Notice provided for under this section shall be deemed to have been properly served when the original of law inspection report form or other notice has been delivered personally to the permit holder or person in charge, or such notice has been sent by certified mail to the last known address of the permit holder. A copy of such notice shall be filed with the records of the Department of Animal Control.

100-1-28. Domesticated Animals. It is unlawful for the owner or person having charge, care, or custody of any domesticated animal to allow such to be at large.

(a) domestic animals as such include horses, cattle, sheep, pigs, goats, etc.

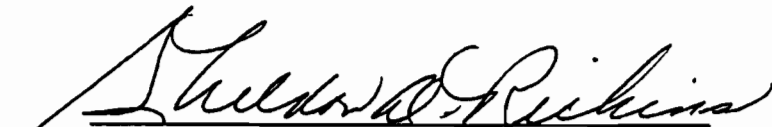
100-1-29. Violation. Any person violating the provisions of this ordinance either by failing to do those acts required herein or by doing any act prohibited herein, shall be subject to a fine in an amount not to exceed \$1000.00 or imprisoned in the County jail not to exceed six months, or both such fine and imprisonment or such further fines and imprisonments provided for Class "B" Misdemeanors pursuant to UCA 76-3-101 et seq. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such.

100-1-30. Severability. If any provision, clause, sentence or paragraph of this ordinance or the application thereof to any person or circumstance shall be held to be invalid, such invalidity shall not affect the other provisions or applications

of this ordinance which can be given effect independent from the invalid provision or application, and to this end the provisions of this ordinance are hereby declared to be severable.

This ordinance shall take effect 15 days after its adoption and publication in a newspaper of general circulation in Summit County, State of Utah.

PASSED, APPROVED AND ENACTED this _____ day of _____, 1991, by the Board of County Commissioners of Summit County, State of Utah.


Sheldon D. Richins, Chairman


Ronald A. Perry


Howard Gene Moser

ATTEST:

Douglas R. Geary, Clerk

Date of first Publication _____, 1991.

VOTING OF COMMISSIONERS

VOTED YES

VOTED NO

Sheldon D. Richins
Ronald A. Perry
Howard Gene Moser

ORDINANCE 92-3

AN ORDINANCE AMENDING ORDINANCE 83-17,
THE PARK CITY PARKING CODE,
TO REGULATE DELIVERY VEHICLES

WHEREAS, it is the duty of the City to provide for the health, safety and welfare of its inhabitants; and

WHEREAS, safety and welfare will be promoted by relieving the congestion of traffic and promoting safe parking practices,

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

SECTION 1. Section 2.6(b) of Ordinance 83-17 shall be amended as follows:

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

1. No delivery vehicle, except those delivering construction materials to a construction site, shall park between the hours of 12:00 noon ~~11:00 a.m.~~ and 2:00 a.m., ~~local time~~ except between December 10 and December 31 when the hours of allowed parking shall be extended to 1:00 p.m.
2. No delivery vehicle delivering construction materials to a construction site shall park between the hours of 3:00 p.m. and 2:00 a.m., ~~local time.~~
3. No delivery vehicle shall be parked in a manner which impedes the flow of traffic after the hour of ~~12:00 noon~~ ~~11:00 a.m.~~, ~~local time.~~
4. ~~No delivery vehicle shall be parked without chocking the wheels.~~
5. ~~No delivery vehicle shall be unattended while parked.~~
6. No delivery vehicle shall park on the east side of Main Street ~~or on the east side of Swede Alley.~~

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

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

PASSED AND ADOPTED this 30th day of January, 1992.



PARK CITY MUNICIPAL CORPORATION

Robert Richer

ROBERT RICHER, MAYOR PRO TEM

AT TEST:

Anita L. Sheldon

ANITA L. SHELDON, CITY RECORDER

ORDINANCE 92-4

AN ORDINANCE AMENDING SECTION 1 AND 1A OF
ORDINANCE 82-15 TO REMOVE SEASONAL WATER
CONSERVATION RATES TO THE 1992 FEE RESOLUTION

WHEREAS, the City is codifying all ordinances and in doing so is removing all fees from the body of existing ordinances; and

WHEREAS, the Council did enact a 1992 Fee Resolution which incorporates the fees listed below,

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

SECTION 1. SECTION 1 OF ORDINANCE 82-15 IS HEREBY AMENDED AS FOLLOWS:

All water delivered through each meter serving commercial customers all year and all other customers between October 1 and May 31 of each year in excess of 5,000 gallons per meter per month shall be charged at a rate as established by resolution. ~~the rate of \$1.37 per thousand gallons.~~

SECTION 2. SECTION 1A IS AMENDED AS FOLLOWS:

SECTION 1A. WATER CONSERVATION RATES. All water delivered through each meter serving single family residential customers in excess of 5,000 gallons per meter per month between June 1 and September 30 of each year shall be billed at the rate established by resolution.

5,001 to 10,000 gallons	—————	\$1.25 per 1,000 gallons
10,001 to 20,000 gallons	—————	1.50 per 1,000 gallons
20,001 to 40,000 gallons	—————	1.90 per 1,000 gallons
Over 40,000 gallons	—————	2.00 per 1,000 gallons

All water delivered through each meter serving multi-family residential and landscape irrigation customers in excess of 5,000 gallons per meter per month between June 1 and September 30 of each year shall be billed at the following rates established by resolution.

5,001 to 10,000 gallons	—————	\$1.25 per 1,000 gallons
10,001 to 20,000 gallons	—————	1.50 per 1,000 gallons
over 20,000 gallons	—————	1.70 per 1,000 gallons

The remainder of Section 1A shall remain unchanged.

SECTION 3. This Ordinance shall take effect upon publication.

PASSED AND ADOPTED this 13th day of February, 1992.

PARK CITY MUNICIPAL CORPORATION



ROBERT RICHER, MAYOR PRO TEM

ATTEST:


ANITA L. SHELDON, CITY RECORDER

**AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF PARK CITY
TO REZONE THE CARL WINTERS PLAYING FIELD FROM
RECREATION COMMERCIAL (RC) TO RECREATION OPEN SPACE (ROS)**

WHEREAS, the playing field next to the Carl Winters School has been used as community open space for a number of years; and

WHEREAS, the Park City Comprehensive Plan calls for the field to be retained as open space; and

WHEREAS, the parcel is currently zoned Recreation Commercial which would allow a variety of residential and commercial uses; and

WHEREAS, it is the desire of the City Council to amend the zoning to restrict uses to recreational uses;

NOW, THEREFORE, be it ordained by the Park City Council:

Section 1. Official Zoning Map Amended. The official zoning map of Park City shall be amended to change the zoning on the Carl Winters Playing Field from Recreation Commercial to Recreation Open Space.

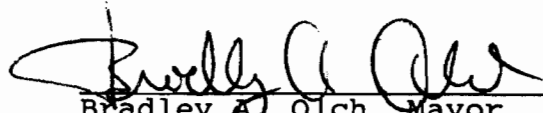
Section 2. Legal Description. The legal description of the area to be rezoned is as follows:

Beginning at the southwest corner of Lot 36, Block 7, Snyder's Addition to the Park City Survey; thence North 35°59'26" West along the easterly right-of-way line of Norfolk Avenue 350 feet, more or less, to the southerly right-of-way line of 13th Street; thence North 54°00'08" East 275.14 feet to the northeasterly corner of Lot 23, Block 6 Snyder's Addition; thence South 35°59'07" East 237.55 feet; thence South 54° 00' 10" West 75 feet, more or less, to the westerly line of Block 6; thence South 35° 59' 14" East along the westerly line of Block 6 112.5 feet, more or less, to the southwest corner of Lot 36, Block 6; thence South 54° 00' 11" West 50.0 feet, more or less, to the southeast corner of Lot 9, Block 7; thence South 54° 00' 11" West 150.0 feet, more or less, along the southerly lines of Lots 9 and 36, Block 7, to the point of beginning. Contains 2.016 acres, more or less.

and is represented in Exhibit A.

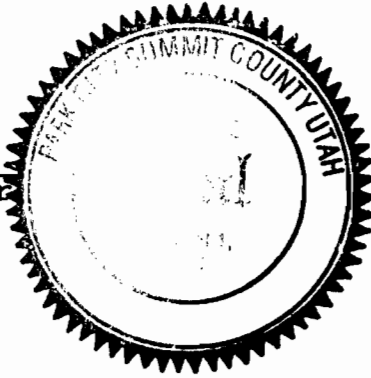
Section 3. Effective Date. This ordinance shall become effective upon publication.

Passed and Adopted this 27th day of February, 1992.


Bradley A. Olch, Mayor

Attest:


Anita Sheldon, City Recorder



**AN ORDINANCE AMENDING SECTIONS 1.15(a), (b) and (c)
AND SECTION 1.21 OF THE LAND MANAGEMENT CODE OF PARK CITY
CLARIFYING NOTICE AND VESTING OF ZONING RIGHTS**

WHEREAS, the Utah legislature has adopted the Municipal Land Use, Development and Management Act providing, among other things, for notice procedures; and

WHEREAS, the City Council has deemed it in the best interest of the public to clarify its procedure and purpose for mailed notice for various planning applications, rezone actions, and appeals required under Section 1.15 (b) of the Land Management Code, and to clarify its intent with regard to vesting of zoning rights as described in Section 1.21 of the Land Management Code; and

WHEREAS, the City Council held a public hearing on the amendments to Section 1.15 and Section 1.21 as provided in Section 1 of this Ordinance at its regularly scheduled meeting of Thursday, March 5, 1992, in compliance with Section 1.5(a) of the Land Management Code;

NOW, THEREFORE, BE IT ORDAINED as follows:

SECTION 1. Sections 1.15(a), (b) and (c) of the Land Management Code of Park City are hereby amended in its entirety to read as follows:

1.15. NOTICE. Notice of hearings before the City Council, Planning Commission, Board of Adjustment, and Historic District Commission concerning amendments to the comprehensive plan, zoning and zone changes, substantive amendments to the Land Management Code, preliminary and final subdivision and condominium plat approvals, master planned development approvals, certificates of appropriateness for demolitions, appeals and variances ~~Notice of development applications received by the City, zoning and rezoning requests, substantive amendments to the Land Management Code and appeals from the City's departments, boards and commissions shall~~ be provided in accordance with this section. Notice of amendments to the comprehensive plan and zoning actions shall be given at least fourteen (14) days before the date set for hearing. Notice of amendment or vacation of subdivision plats, when required, shall be given in accordance with State law. All other notice required herein shall be given at least ten (10) days before the date set for hearing. ~~When required by this Section, posted notice, mailed notice and published notice~~ All notice required under this section shall be given as follows:

- (a) Posted Notice. ~~When posted notice is required,~~ The Community Development Department shall post notice on the property affected by the application and in at least three other public places within the City, stating that an application concerning the development of that property has been filed, and stating that more detailed information concerning the application is available from the Community Development Department. ~~If the property subject to the application is undeveloped and consists of four or more parcels in separate ownership, notice shall be posted in at least three conspicuous places in the area affected by the petition.~~
- ~~(b) Mailed Notice. When mailed notice is required, the applicant shall provide the Community Development Department with stamped and pre-addressed envelopes for each owner of record of each parcel located entirely or partly within 300 feet from any boundary of the property subject to the application, together with a mailing list for those owners. The addresses for adjacent owners shall be as shown on the most recently available Summit county tax assessment rolls except that the name and address of the registered agent for a condominium project is sufficient in lieu of the address for each unit owner. Mailed notice shall state that an application has been filed affecting the subject property, or that an appeal or call-up has been made, the nature of the application or action, and the time, place and date set for public hearing on the matter.~~
- (b) Published Notice. Published notice shall be given by publication in a newspaper having general circulation in Park City. ~~for the specified period.~~ Published notice shall state that an application has been filed affecting the subject property, or that an appeal or call-up has been made, the nature of the application or action, and the time, place and date set for public hearing on the matter.
- (c) Courtesy Notice. As a courtesy to out of town property owners, the applicant shall provide the Community Development Department with stamped and pre-addressed envelopes for each owner of record of each parcel located entirely or partly within 300 feet from any boundary of the property subject to the application, together with a mailing list for those owners. The addresses for adjacent owners shall be as shown on the most recently available Summit county tax assessment rolls except that the name and address of the registered agent for a condominium project is sufficient in lieu of the address for each unit owner. The courtesy notice shall state that an application has been filed affecting the subject property, or that an appeal or call-up has been made, the nature of the application or action, and the time, place and date set for public hearing on the matter. Courtesy notice is not a legal requirement, and any defect in courtesy notice shall not

~~affect or invalidate any hearing or action by the City Council or any board or commission.~~

~~Posted, mailed, and/or published notice shall be provided by the Community Development Department for the listed applications and actions as follows:~~

- ~~(1) Zoning or Rezoning. Notice of the public hearings required before the Planning Commission and the City Council shall be provided by posting the property at least fifteen (15) days prior to the date set for hearing, by mailing notice to all owners of the subject property and owners of properties within three hundred (300) feet of the exterior boundary of the subject property at least fifteen (15) days prior to the hearing date, and by publishing notice once at least fifteen (15) days prior to the date of the hearing.~~
- ~~(2) Substantive Amendments to the Land Management Code. Notice of the public hearings required before the Planning Commission and City Council shall be given by publication once at least ten (10) days prior to the date of the hearing.~~
- ~~(3) Procedural Amendments to the Land Management Code. Notice of the public hearing required before the City Council shall be given by publication one week prior to the date of the hearing.~~
- ~~(4) Preliminary and Final Subdivision and Condominium Plat Approvals and Conditional Use Approvals, including MPD Approvals and Timeshare Conversions. Notice of the public hearing required before the Planning Commission shall be given by mail to the owners of parcels of property within three hundred (300) feet of the exterior boundary of the subject property at least ten (10) days prior to the hearing date, the subject property shall be posted at least ten (10) days prior to the hearing date, and notice shall be published once at least ten (10) days prior to the date of the hearing~~
- ~~(5) Appeals to the City Council from the Historic District or Planning Commission, including Council Call-up. No formal public hearing is required, but notice shall be mailed to all parties who received mailed notice for the original Historic District or Planning Commission action at least ten (10) days prior to the City Council meeting at which the appeal or call-up will be considered.~~
- ~~(6) Appeals to the Board of Adjustment, including Variance Requests. Notice shall be provided by mail to all owners of parcels of property within three hundred (300) feet of~~

~~the subject property and the subject property shall be posted, both at least ten (10) days prior to the date set for the Board of Adjustment hearing. In addition, notice of the appeal or variance request shall be published once, at least ten (10) days prior to the date set for the hearing.~~

~~Proof that notice was given pursuant to either subsection (a) or (b), above is prima facie evidence that notice was properly given. If notice given under authority of this section is not challenged as provided for under State law within 30 days from the date of the hearing for which the challenged notice was given, the notice is considered adequate and proper. Notice shall be deemed to be legally adequate if given as specified in this Section. The City is entitled to rely, and will rely on the mailing lists and addressed and stamped envelopes supplied by the applicant and notice shall not become defective because of unrecorded or subsequent transfers of title.~~

SECTION 2. Section 1.21 of the Land Management Code of Park City is hereby amended in its entirety to read as follows:

~~Upon payment of the required application fees and submission of a complete application, as determined by the to the Community Development Department, an applicant shall be entitled to have the filed application reviewed and acted upon pursuant to the terms of the Land Management Code and zoning map in effect at the time of filing of the application, subject to the exceptions set forth below. the applicant's rights under this ordinance shall vest as to related to zoning and land use, including without limitation, setback, building height, land use, density, and development credits. Subsequent changes shall not reduce the rights of the project owner after the complete application has been filed. The applicant project owner may take advantage of changes in the LMC and zoning map that would permit greater density or more intense use of the land, provided however, that these changes may be deemed a modification of the plan and requiresubject to the payment of additional planning review fees. Vesting terminates on the expiration or termination of approvals or permits.~~

~~Non-zoning related matters, including, but not limited to site development standards, procedural requirements and building code requirements will not vest until the project has been given final approval andcomplete building permit applications have been filed and required fees have been paid.s are issued. Water connection availability, costs of water connection and water development fees, and other applicable fees and charges building codes will vest only upon payment of the building permit application fees and submission of all the materials necessary for the issuance of a building permit.~~

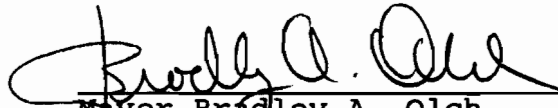
Vesting of all permits and approvals terminates upon the expiration or termination of the permit or approval.

Exceptions. Applicants shall not be entitled to review and approval of applications pursuant to the terms of the LMC in effect at the time of application when revisions to the LMC are pending at the time of application which would prohibit or further condition the approval sought, or when there exists a compelling reason for applying a new standard or requirement retroactively to the time of application.

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


PASSED AND ADOPTED this 5th day of March, 1992.

PARK CITY MUNICIPAL CORPORATION



Mayor Bradley A. Olch

Attest:



Anita L. Sheldon, City Recorder



AN ORDINANCE AMENDING VARIOUS PROVISIONS
OF THE LAND MANAGEMENT CODE

WHEREAS, the City has adopted the Land Management Code;
and

WHEREAS, various provisions of said Land Management Code
have been studied and reviewed for amendment and modification to
clarify the meaning and intent of said Code; and

WHEREAS, public hearings have been held to discuss the
proposed amendments; and

WHEREAS, the Council deems it to be in the best interest
of the citizens of Park City to amend the Land Management Code,

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

SECTION 1. THE FOLLOWING LANGUAGE SHALL BE ADDED TO THE LAND
MANAGEMENT CODE AS SECTIONS 7.5.6., 7.15.7., AND 7.16.6.

MAXIMUM HOUSE SQUARE FOOTAGES ON COMBINED LOTS

Any requested increase in house square footage must be made on
forms provided by the Planning Department. Each application shall
be reviewed and approved by the Community Development Director for
compliance with the following criteria:

- (a) House Size. The maximum house size may not exceed 150 percent
of the house size allowed on each single lot when those
maximums are combined and averaged. For example: if 2 lots,
one with a 4000 square foot maximum house and one with a 3000
square foot maximum are combined, the maximum house size would
be 5250 square feet. The average of the two lots is 3500
square feet. $3500 \times 150\% = 5250$ square feet. In subdivisions
where maximum house size is not specified, the house size on
combined lots must be approved by the Community Development
Director based upon neighborhood compatibility.
- (b) Setbacks. The required setbacks for homes on combined lots
shall increase in proportion to the percentage of increase in
the house size above the defined maximum size for a given
subdivision. For example: if the home size is 20 percent
greater than the maximum house size on any of the lots being
combined, the setbacks shall be 20 percent greater than the
standard setbacks of the zone. Lots with unusual
configurations, topography, access, or significant vegetation
may have the setbacks shifted upon approval of the Community
Development Director but in no case shall they be less than
the required zone setbacks.

- (c) Vegetation Protection. Every effort to protect significant vegetation shall be made by the property owner/developer. This includes large trees of 6" caliper or greater, groves of 5 or more smaller trees, or clumps of oak or maple covering an area of 50 square feet to the drip lines. Limits of disturbance for the house on combined lots must be approved by the Community Development Director.
- (d) Easement Vacations. If an easement has to be vacated, the applicant shall show evidence that it can be vacated or relocated without affecting service to the adjacent lots. An easement relocation agreement showing this shall be required to be filed with the County Recorder's office.

SECTION 2. THE FOLLOWING DEFINITIONS ARE HEREBY ADDED TO SECTION 2 OF THE LAND MANAGEMENT CODE:

Business Offices. Any site or location which provides space for the transactions, service, or administration by a commercial enterprise and/or where storage of goods and sale of merchandise is minimal and secondary to performance of the service.

Building Pad Line. The building pad line denotes that area in which the entire new structure must lie. The area of construction disturbance attributable to the structure (as opposed to utilities installation) may not extend beyond ten (10) feet from the building pad line.

Limits of Disturbance. The limits of disturbance line indicates the area in which construction activity must be contained. Construction disturbance may not extend beyond the limits of disturbance line as indicated on the plat or Master Plan unless the Community Development Director has amended the limit as per sections 10.9(k)3 or 15.4.2(d)3.

Lot Line, Front. The property line dividing a lot from the right-of-way of the street. ~~On a corner lot, the owner shall have the option of designating which line is the front of the lot.~~ A front setback shall be required for each side of a parcel which borders a public or private street right of way, unless a project with private streets has previously designated specific setbacks. See Section 8.25 for specific setbacks on unusual lots.

Professional Offices. A building or space used by persons such as accountants, architects, artists, dentists, designers, engineers, lawyers, physicians, realtors, teachers, and others who, by virtue of training and/or license, are qualified to perform services of a professional nature, and/or ~~where storage of goods and sale of merchandise is minimal and secondary to performance of the service~~ where no goods or merchandise are sold or stored.

Secondary Living Quarters Areas within main dwellings which are used by the property owner or primary tenant as dwellings for the private use of the property owner's relatives, domestic help, caretakers, nursing staff, houseguest, or similar users. The Code requires these quarters to be small, on the same meter system as the main dwelling, with limited access, and not separately rented or leased. Review for this use is undertaken by the Planning and Building Departments at the time of Building Permit request.

Setback, Front. A front setback will be required for each side of a lot bordering a public street right of way. See Section 8.25 for specific setbacks on unusual lots.

SECTION 3. THE FOLLOWING LANGUAGE SHALL BE ADDED AS SECTION 8.18. AND THE SUBSEQUENT SECTIONS OF CHAPTER 8 RENUMBERED ACCORDINGLY:

8.18. REGULATION OF SECONDARY LIVING QUARTERS WITHIN RESIDENTIAL DWELLINGS: Any request for secondary living quarters within residential dwellings shall be reviewed and approved by the Planning Department. The following criteria must be established prior to Building Permit issuance:

- (a) Size. The maximum size for secondary living quarters shall be 800 square feet. This amount shall be included in the total building square footage calculations for all structures.
- (b) Parking. One on-site parking space shall be provided in addition to the underlying parking requirement.
- (c) Single Utility Meters. The main dwelling and the secondary quarters shall be on the same utility meters.
- (d) Access. The secondary quarters shall be designed to have direct access into the main dwelling.
- (e) No Separate Leases. The secondary quarters shall not be rented or leased separately from the main dwelling. Nightly or seasonal rentals are prohibited.
- (f) Prohibited in Historic District. Secondary living quarters will not be approved in the Historic District.

SECTION 4. THE FOLLOWING REGULATIONS FOR PARKING WITHIN THE CITY RIGHTS-OF-WAY ARE HEREBY ADDED AS SECTIONS 7.1.4(e) AND 7.14.5:

7.1.4 SPECIAL PARKING REGULATIONS

- (e) It is the City's policy to consider allowing a portion of the length of a code required parking stall to be placed within the City right of way, subject to the City Engineer's approval. The City Engineer shall consider the likelihood of future roadway changes, utilities, and any other health/safety

considerations which may render parking in the right of way unacceptable.

7.14.5. SPECIAL PARKING REGULATIONS It is the City's policy to consider allowing a portion of the length of a code required parking stall to be placed within the City right of way, subject to the City Engineer's approval. The City Engineer shall consider the likelihood of future roadway changes, utilities, and any other health/safety considerations which may render parking in the right of way unacceptable.

SECTION 5. THE FOLLOWING AMENDMENTS SHALL BE MADE TO SECTIONS 7.7.6., 7.8.7., 7.9.6., 7.10.5., 7.11.6., 7.12.5., 7.13.5., AND 7.14.4:

7.7.6. ARCHITECTURAL DESIGN. Prior to the issuance of building permits for any conditional or permitted use within this zone, ~~except for single family houses,~~ the Community Development Department shall review the proposed plans for ~~compliance with the architectural design guidelines prepared by the Historic District Commission and adopted by resolution of the Council as a supplement to this Ordinance.~~ neighborhood compatibility in keeping with the architectural design guidelines adopted as Chapter 9 of this Code and with the Park City Design Guidelines. ~~Appeals of departmental actions on architectural compliance are heard by the Historic District Commission,~~ Appeals of departmental actions on architectural compliance are heard by the Planning Commission and then may be appealed to the Council as set forth in Chapter 1 of this Code. (The balance of this paragraph remains unchanged)

7.8.7. ARCHITECTURAL REVIEW. Prior to the issuance of building permits for any conditional or permitted use within this zone, ~~except for single family houses,~~ the Community Development Department shall review the proposed plans for ~~compliance with neighborhood compatibility in keeping with the architectural design guidelines adopted as Chapter 9 of this Code...~~(The balance of this paragraph remains unchanged)

7.9.6 ARCHITECTURAL REVIEW. Prior to the issuance of building permits for any conditional or permitted use within this zone, ~~except for single family houses,~~ the Community Development Department shall review the proposed plans for ~~compliance with neighborhood compatibility in keeping with the architectural design guidelines adopted as Chapter 9 of this Code...~~(The balance of this paragraph remains unchanged)

7.10.5 ARCHITECTURAL REVIEW. Prior to the issuance of building permits for any conditional or permitted use within this zone, ~~except for single family houses,~~ the Community Development Department shall review the proposed plans for ~~compliance with neighborhood compatibility in keeping with the architectural design guidelines adopted as Chapter 9 of this Code...~~(The balance of this paragraph remains unchanged)

7.11.6 ARCHITECTURAL REVIEW. Prior to the issuance of building permits for any conditional or permitted use within this zone, ~~except for single family houses,~~ the Community Development Department shall review the proposed plans for compliance with the architectural design guidelines adopted as Chapter 9 of this Code...(The balance of this paragraph remains unchanged)

7.12.5 ARCHITECTURAL REVIEW. Prior to the issuance of building permits for any conditional or permitted use within this zone, ~~except for single family houses,~~ the Community Development Department shall review the proposed plans for compliance with the architectural design guidelines adopted as Chapter 9 of this Code...(The balance of this paragraph remains unchanged)

7.13.5 ARCHITECTURAL REVIEW. Prior to the issuance of building permits for any conditional or permitted use within this zone, ~~except for single family houses,~~ the Community Development Department shall review the proposed plans for ~~compliance with neighborhood compatibility in keeping with~~ the architectural design guidelines adopted as Chapter 9 of this Code...(The balance of this paragraph remains unchanged)

7.14.4. ARCHITECTURAL REVIEW. Prior to the issuance of building permits for any conditional or permitted use within this zone, ~~except for single family houses,~~ the Community Development Department shall review the proposed plans for compliance with the architectural design guidelines prepared by the Historic District Commission and adopted by resolution of the Council as a supplement to this Ordinance...(The balance of this paragraph remains unchanged)

SECTION 6. SECTION 8.7 SHALL BE AMENDED AS FOLLOWS:

8.7. FENCES, WALLS, AND/OR HEDGES.

(a) Height. Fences, walls, and hedges higher than six feet may be erected or allowed within the buildable area, provided that any physical structure over six feet in height shall receive conditional use approval and a building permit. Fences, walls, and hedges shall not exceed four feet in height within any required front yard or side street side yard and shall not exceed six feet within any required rear yard or interior side yard. Where a fence, wall, or hedge occurs along a property line separating two lots and there is a difference in the grade of the properties, the fence, wall, or hedge may be erected or allowed to the maximum height permitted on either side of the property line.

(b) Restrictions on Materials. Chain link fences are prohibited in all zones with the following exceptions which must be approved by the Community Development Director.

1. For recreational facilities such as tennis courts,

2. As temporary vegetation protection during construction as directed by the Community Development Department.
3. Chain link fences may be permitted in other circumstances by the Community Development Director when it is found that the fence is necessary in the interest of security or public safety, and when the fencing needs cannot be reasonably met with any other type of fencing.

SECTION 7. SUBSECTION 10.8(e) IS AMENDED AND A NEW SUBSECTION 10.8.(f) IS ADDED, SECTION 10.9.(k) IS ADDED, AND SECTIONS 15.4.2(d) AND 15.5.2(b)(18) ARE AMENDED AS FOLLOWS:

10.8. FINAL PLAN REQUIREMENTS

(e) Final limits of disturbance/~~vegetation protection erosion control plan~~ or building pads, and vegetation protection and erosion control plan.

(f) Location of utilities and connections.

10.9. GENERAL CRITERIA FOR REVIEW

(k) Limits of Disturbance or Building Pad Lines. Limits of disturbance or building pad lines must be designated for all new Master Planned Developments if the staff determines that there is significant vegetation on the site or if it is important to clearly designate future building locations. "Significant vegetation" includes large trees of 6" caliper or greater, groves of 5 or more smaller trees, or clumps of oak or maple covering an area of 50 square feet to the drip lines. Locations of utilities and connections must also be indicated on the plat.

1. All construction activity must be contained within the limits of disturbance line, with the balance of the parcel remaining undisturbed. Access to the limits of disturbance area should be along the planned driveway.

2. Building pad lines may be specified on some MPDs instead of limits of disturbance. If building pad lines are designated, no part of the new construction may lie outside of the building pad line; however, construction disturbance may extend as far as ten (10) feet beyond the building pad line. Access to the building pad should be along the planned driveway.

3. The Community Development Director has the authority to vary the limits of disturbance or building pad line if such a variation results in less visual impact or more effective preservation of mature trees. In no case, however, should a variation in the limits of disturbance boundary result in an increase in the amount of buildable area. Applications for a variation in the limits of

disturbance or building pad line are available in the Planning Office.

4. Limits of disturbance or building pad lines with definitions as approved by the staff must be reflected on the final MPD plan.
5. Limits of disturbance must be designated in the field prior to commencement of excavation with snow fencing or other methods approved by the Community Development Department.
6. A security must be posted to ensure compliance with the limits of disturbance plan.

15.4.2. LOT IMPROVEMENTS

(d) Limits of Disturbance/Vegetation Protection or Building Pad Lines. Limits of disturbance or building pad lines shall be designated for each structure to ensure that vegetation removal is minimized during construction, on the preliminary and final plats if the staff determines that there is significant vegetation on the site or if it is important to clearly designate future building locations. "Significant vegetation" includes large trees of 6" caliper or greater, groves of 5 or more smaller trees, or clumps of oak or maple covering an area of 50 square feet to the drip lines. A plan for vegetation protection during construction and revegetation after construction will also be required. A security will be required to be posted to ensure compliance with the limits of disturbance plan.

1. All construction activity must be contained within the limits of disturbance line, with the balance of the parcel remaining undisturbed. Access to the limits of disturbance area should be along the planned driveway.
2. Building pad lines may be specified on some plats instead of limits of disturbance. If building pad lines are designated, no part of the new construction may lie outside of the building pad line; however, construction disturbance may extend as far as ten (10) feet beyond the building pad line. Access to the building pad should be along the planned driveway.
3. The Community Development Director has the authority to vary the platted limits of disturbance or building pad line if such a variation results in less visual impact or more effective preservation of mature trees. In no case, however, should a variation in the limits of disturbance boundary result in an increase in the amount of buildable area. Applications for a variation in the limits of disturbance or building pad line are available in the Planning Office.

4. Limits of disturbance or building pad lines with definitions as approved by the staff must be reflected on the final plat. Because limits of disturbance or building pad lines are sometimes varied by the Community Development Director, the plat may not reflect the final location of the limits.

5. Limits of disturbance must be designated in the field prior to commencement of excavation with snow fencing or other methods approved by the Community Development Department.

15.5.2. PRELIMINARY PLAT

(b) Features. The preliminary plat shall show the following:

18. A plan designating limits of disturbance or building pads and utilities corridors and connections for each parcel and for subdivision improvements such as utilities and roads.

SECTION 8. SECTION 8.25 SHALL BE ADDED AS FOLLOWS:

8.25 SETBACK REQUIREMENTS FOR UNUSUAL LOT CONFIGURATIONS. All lots shall have a front, two side and a rear setback with the following exceptions and clarifications:

(a) Development on corner lots shall have two front setbacks. The rear yard will be the side of the property opposite the driveway access from the street. If it is not clear which boundary should border the rear yard, the owner or developer may specify which is the rear yard.

(b) Lots with more than four sides shall have a sideyard on either side of the front yard. The third side yard and rear yard may be specified by the developer or owner.

(c) Lots with three sides will have a front setback, side setback and rear setback. In those cases where one side is clearly opposite the front, the rear setback must be opposite the driveway. If it is not clear where side and rear setbacks should be, the developer or owner may choose which is side and which is rear.

(d) On those lots which border a street on both the back and front, both sides must have a front setback.

(e) Any lots which are not specified in this section shall have setbacks determined by the Community Development Department.

SECTION 9. SECTION 8.8. IS HEREBY AMENDED AS FOLLOWS:

8.8. FRONTAGE PROTECTION, LIMITED ACCESS TO HIGHWAYS.
The frontage along both sides of Park Avenue (SR 224) from 15th Street north to the north City limits, both sides of Marsac Avenue (SR 224) from its upper intersection with Prospect Avenue to the south City limits, and both sides of Kearns Boulevard (SR 248) from Park Avenue east to the east City limits, ... (The balance of this paragraph remains the same)

SECTION 10. FORMER SECTION 8.23(c)(2) (RENUMBERED SECTION 8.24) IS AMENDED AS FOLLOWS:

8.234. REGULATION OF THE PLACEMENT OF SATELLITE RECEIVING ANTENNAS.

(c) Installation Standards.

2. **Setbacks** Satellite receiving stations installed on the ground must maintain all normal building setbacks and side yards applicable to the zone in which the station is located. If setbacks are not specified for the development, setbacks for the underlying zone must be met. The Community Development Director may vary setback requirements if the most effective screening can be achieved by placing the station within one of the required setbacks.

SECTION 11. SECTION 7.3.2(f) SHALL BE ADDED AND SECTION 7.3.5.(d) SHALL BE AMENDED AS FOLLOWS:

7.3.2. USES

(f) Business offices

7.3.5. SITE DEVELOPMENT STANDARDS

- (d) **Parking.** The residential parking requirement for the zone is the same as that for the RC zone (see Chapter 13 of the Land Management Code). All parking must be both on-site and fully enclosed unless the property is a part of a Master Planned Development. For projects within existing structures where there is insufficient area to provide for parking on-site, the parking requirement may be waived by the Community Development Director when necessary to retain the building intact. Parking for all other uses shall be consistent with the requirements set forth in Chapter 13.3.(c).

SECTION 12. THE LAND USE TABLES SHALL BE AMENDED AS FOLLOWS:

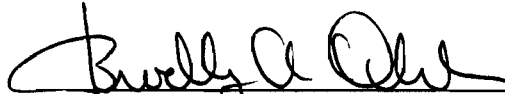
Add a category to the Land Use Table addressing secondary living quarters and those zones where they are permitted and prohibited.

Revise the Land Use Tables 7.19 to permit Business offices in the HRC Zone.

SECTION 13. EFFECTIVE DATE. This ordinance shall take effect upon its publication.

PASSED AND ADOPTED this 5th day of March, 1992.

PARK CITY MUNICIPAL CORPORATION


BRADLEY A. OLCH, MAYOR

ATTEST:


ANITA L. SHELDON, CITY RECORDER



ORDINANCE 92-8

AN ORDINANCE AMENDING VARIOUS PROVISIONS
OF ORDINANCE 90-16

WHEREAS, the City has adopted Ordinance 90-16, the Park City Sign Code; and

WHEREAS, various provisions of said Ordinance 90-16 have been studied and reviewed for amendment and modification to clarify the meaning and intent of said Ordinance; and

WHEREAS, public hearings have been held to discuss the proposed amendments; and

WHEREAS, the Council deems it to be in the best interest of the citizens of Park City to amend Ordinance 90-16,

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

SECTION 1. SECTION 5.6(b) OF ORDINANCE 90-16 IS HEREBY AMENDED AS FOLLOWS:

5.6. ILLUMINATION

(b) Internally Illuminated Signs. Internally illuminated signs shall be limited to individual letters not to exceed 18" high. Individual pan-channel letters with a plastic face or individual cut-out letters (i.e. letters routed out of the face of an opaque cabinet sign) are permitted. Cut-out letters shall have a maximum stroke width of 1 1/2 inches. Variations in stroke width may be reviewed and approved by the Community Development Department. The plastic face or backing of the letters must be ivory colored. Reversed pan-channel letters with an internal light source reflecting off of the building face may also be used for "halo" or "silhouette" lighting. The light source for internally illuminated signs must be white. Internally illuminated pan-channel letters are not permitted on free-standing signs. Internally illuminated signs are not considered appropriate in the Historic District and are prohibited.

SECTION 2. SECTION 9.1. IS HEREBY AMENDED TO ADD SUBSECTIONS (s) AND (t) AS FOLLOWS:

(s) Abandoned signs Any sign applicable to a use which has been discontinued for a period of three (3) months.

(t) Banners. All banners as defined in Section 14, with the exception of those approved under Sections 7.11 and 7.12 of the Sign Code.

SECTION 3. VARIOUS SUBSECTIONS OF SECTION 10 "REMOVAL OF ILLEGAL OR UNSAFE SIGNS" SHALL BE AMENDED AS FOLLOWS:

10.1. ABATEMENT OR REMOVAL OF UNSAFE, DANGEROUS, NON-MAINTAINED, OR ABANDONED SIGNS. A sign which has been determined to be unsafe by the Building Official must be repaired or made safe within five (5) working days after receipt of notice from the City. The owner of the sign or owner of the property shall at once either repair or remove the sign. Failure to make such repairs or remove the sign upon order of the Building Official is unlawful, and the person having charge or control over the sign will be guilty of a Class C misdemeanor and fined accordingly. If, upon inspection, the Building Official determines a sign, or awning permitted by the Park City Sign Code, to be unsafe, unmaintained, or abandoned, the Building Official may issue a written order to the owner of the sign and occupant of the premises stating the nature of the violation and requiring them to repair or remove the sign within five (5) working days after receipt of notice from the City.

In cases of emergency, the Building Official may cause the immediate removal of a dangerous or defective sign. Signs removed in this manner must present a imminent hazard to the public safety.

10.4. REPAIR OF DAMAGED NON-CONFORMING SIGNS. No sign which is not in conformance with this Code shall be repaired or restored after having been damaged to the extent of more than fifty percent (50%) of its value immediately prior to the event causing the damage or destruction. The owner of the sign or owner of the property shall have the obligation to properly remove the sign.

10.6. REMOVAL OF SIGNS BY THE BUILDING OFFICIAL AND COST ACCESSED AGAINST OWNERS. The Building Official may cause the removal of an illegal sign in cases of emergency, or for failure to comply with the written orders of removal or repair under the procedures and authority of Ordinance NO. 85-9.

SECTION 4. SECTION 11.1. IS HEREBY AMENDED AS FOLLOWS:

11.1. RESPONSIBILITY OF OWNER. It is the affirmative obligation of the owner of every sign erected in Park City to maintain that sign and to keep it in a good state of repair at all times. Upon discovery of a sign need of maintenance, the Department shall give written notice to the owner of the sign or the owner of the property on which the sign is located if the owner of the sign itself cannot be determined. This notice shall state the item or items requiring repair or maintenance. The owner shall have fourteen (14) days in which to repair the sign before a citation is issued. If the owner has failed to make repairs within that time, the Department shall causes a citation to be issued. It shall be unlawful, after the fourteen (14) days notice has expired, for any person to display in any of the following condition: (The balance of Section 11.1 remains unchanged).

SECTION 5. AMEND SECTION 3.5. "REVIEW PROCEDURES" AS FOLLOWS:

3.5 REVIEW PROCEDURES.

Complete sign permit applications will be reviewed by the Planning Staff and Building Official, subject to the review of the Community Development Director, within ten (10) working days of receipt of the complete application and application fee, and . The application will be either approved, denied, or returned with requested modifications. Both the Planning and Building Departments must approve the application before a permit can be issued. Either department may return the application for modifications or clarification.


SECTION 6. EFFECTIVE DATE. This ordinance shall become effective upon publication.

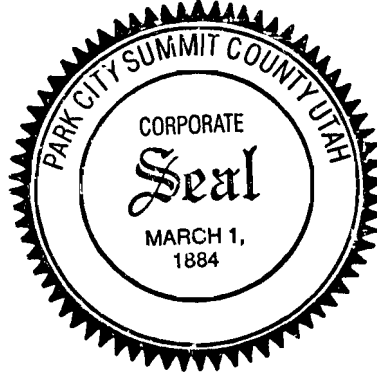
PASSED AND ADOPTED this 5th day of March, 1992.

PARK CITY MUNICIPAL CORPORATION


BRADLEY A. OLCH, MAYOR

ATTEST:


ANITA L. SHELDON, CITY RECORDER



ORDINANCE 92-09

AN ORDINANCE ADOPTING TITLES 10, AND 11
OF THE MUNICIPAL CODE OF PARK CITY
AND DESIGNATING CHAPTERS 1, 2 AND 3 AS TITLES 1, 2 AND 3, AND
RENUMBERING THE BALANCE OF THE SECTIONS OF THE
1976 MUNICIPAL CODE

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

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

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

WHEREAS, the City Council did adopt Ordinance 91-22 in December 1991 adopting Chapters 1, 2 and 3 of the Municipal Code of Park City and now desires to designate said Chapters as "TITLES" of the Municipal Code of Park City.

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

SECTION 1. "CHAPTER 1 GENERAL PROVISIONS" OF THE MUNICIPAL CODE OF PARK CITY, UTAH, SHALL BE RENAMED "TITLE 1 GENERAL PROVISIONS", "CHAPTER 2 ADMINISTRATION" SHALL BE RENAMED "TITLE 2 ADMINISTRATION" AND "CHAPTER 3 ETHICS" SHALL BE RENAMED "TITLE 3 ETHICS".

SECTION 2. TITLE 10 OF THE MUNICIPAL CODE OF PARK CITY, UTAH, SHALL BE NAMED "MOTOR VEHICLE CODE" AND SHALL REPLACE IN ITS ENTIRETY CHAPTER 15 OF THE MUNICIPAL CODE OF THE CITY OF PARK CITY, REVISED 1976. TITLE 10 IS HEREBY ADOPTED AND READS AS FOLLOWS:

TITLE 10 - MOTOR VEHICLE CODE

SECTION 10- 1- 1. DEFINITIONS ADOPTED. Title 41, Chapter 1, Section 1, of the Utah Code Annotated 1953, as amended to this date is hereby adopted by Park City to provide uniform definitions of terms used throughout the Motor Vehicle Act, and shall be cited as the Municipal Code of Park City, Utah, Title 10, Chapter 1, Section 1.

SECTION 10- 1- 2. REGISTRATION AND SAFETY INSPECTION OF VEHICLES. Title 41, Chapter 1, Sections 18-166, inclusive, of the Utah Code Annotated 1953, as amended to this date, is hereby adopted as the Park City ordinance concerning the registration and safety inspection of motor vehicles, except to the extent those provisions address matters that are administrative functions performed by state or county officials

in the process of issuing registrations and keeping records of registrations, and shall be cited as the Municipal Code of Park City, Utah, Title 10, Chapter 1, Section 18-166. .

SECTION 10- 1- 3. DRIVERS LICENSING. Title 41, Chapter 2, Sections 101 through 609, inclusive, of the Utah Code Annotated 1953, as amended to this date, is hereby adopted as the Park City Ordinance concerning drivers licensing, except as those provisions apply to administrative acts on the part of officials of the drivers licensing division or the state agencies, and shall be cited as the Municipal Code of Park City, Utah, Title 10, Chapter 2, Sections 101 through 609.

SECTION 10- 1- 4. UNIFORM TRAFFIC CODE . Title 41, Chapter 6 of the Utah Code Annotated 1953, as amended to this date, is hereby adopted by Park City in full as a Uniform Traffic Code, and shall be cited as the Municipal Code of Park City, Utah, Title 10, Chapter 6 and the Sections shall parallel the corresponding Utah Code sections in Chapter 6 and be so cited .

SECTION 10- 1- 5. UNIFORM REGULATION OF THE OPERATION OF MOTOR VEHICLES OWNED BY PUBLIC AGENCIES. Title 41, Chapter 7 of the Utah Code Annotated 1953, as amended to this date, is hereby adopted by Park City in full as a uniform regulation of the operation of motor vehicles owned by public agencies, and shall be cited as the Municipal Code of Park City, Utah, Title 10, Chapter 7 and the Sections shall parallel the corresponding Utah Code sections in Chapter 7 and be so cited.

SECTION 10- 1- 6. UNIFORM REGULATION OF OPERATION OF MOTOR VEHICLE BY MINOR. Title 41, Chapter 8 of the Utah Code Annotated 1953, as amended to this date, is hereby adopted by Park City in full as a uniform regulation of the operation of motor vehicles by minors, and shall be cited as The Municipal Code of Park City, Utah, Title 10, Chapter 8 and the Sections shall parallel the corresponding Utah Code sections in Chapter 8 and be so cited.

SECTION 10- 1- 7. SEVERABILITY. In the event present or future ordinances of Park City specifically address local conditions concerning parking, signage, intersection controls, or similar site specific conditions, the site specific regulation shall supersede these State Code provisions as to that condition or site.

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

SECTION 3. TITLE 11 OF THE MUNICIPAL CODE OF PARK CITY, UTAH, SHALL BE NAMED "BUILDING AND BUILDING REGULATIONS" AND SHALL REPLACE IN ITS ENTIRETY CHAPTER 6 OF THE MUNICIPAL CODE OF THE CITY OF PARK CITY, REVISED 1976. TITLE 11 IS HEREBY ADOPTED AND READS AS FOLLOWS:

TITLE 11 - BUILDINGS AND BUILDING REGULATIONS.

CHAPTER 1 - DEFINITIONS

SECTION 11- 1- 1. DEFINITIONS.

Appeal - a request for a review of the Building Official's interpretation of any provision of this Title or a request for a variance.

Approved topsoil - New topsoil is required to be tested and cannot exceed the following: lead 200 ppm; as determined by testing a representative sample at a state certified laboratory using the method described in Section 3, Mine Tailings, ~~above.~~ ~~below.~~ Results reported as received [not dry weight].

Area of shallow flooding - a designated AO or AH zone on the Flood Insurance Rate Map (FIRM). The base flood depths range from one to three feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and velocity flow may be evident.

Area of special flood hazard - the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year.

Base flood - the flood having a one percent chance of being equalled or exceeded in any given year.

Construction Site - The property, whether fenced or unfenced, involved in the construction of any building or structure as shown on the approved site plan, and such additional contiguous area owned or controlled by the owner or contractor of the project that is used for construction related work or activities such as staging, material storage, equipment storage, soil stock piling and similar activities.

Construction Work - The performance of any labor, delivery of any materials, operation of any power tool or motorized equipment on any construction site.

Contractor - ~~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 personally or any part thereof, provided, that the term contractor as used in this Chapter 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.~~

Development - any man-made change to improved or unimproved real estate, including, but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations located within the area of special flood hazard.

Flood or Flooding - a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (a) The overflow of inland or tidal waters and/or
- (b) The unusual and rapid accumulation of runoff of surface waters from any source.

Flood Insurance Rate Map - the official report provided by the Federal Emergency Management Agency that includes flood profiles, the Flood Boundary-Floodway Map, and the water surface elevation of the base flood.

Floodway - the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.

Hazardous waste - Any tailings, soil, or other material which exceeds the action level of lead at 1000 ppm for the purpose of this Ordinance shall be considered hazardous waste. The testing to be done according to the method described in Section 3, Mine Tailings, ~~above.~~ **below.**

Lowest floor - the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this Title.

Manufactured home - a structure, transportable in one or more sections, which is built onto a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. This term also includes park trailers, travel trailers and other similar vehicles placed on a site for greater than 180 consecutive days. The use of manufactured homes is controlled by the Land Management Code of Park City.

Manufactured home park or subdivision - a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Mine Tailings - Any soil which has the following lead concentration: Lead 1000 parts per million (ppm) or greater,

as determined by using the Standard Method 15th Edition 302 [Nitric Acid Digestion] analysis by Atomic Absorption Spectrometer Standard. Method 303. Results reported as dry weight.

Mobile home - a structure that is transportable in one or more sections, built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. It does not include recreational vehicles or travel trailers. The use of mobile homes is controlled by the Land Management Code of Park City.

New construction - structures for which the "start of construction" commenced on or after the effective date of this Title.

Owner - The individual, corporation, partnership or other entity who has requested or caused construction work to be performed on a construction site.

Person - every natural person, firm, co-partnership, association, or corporation.

Prospector - That area of Park City described in Section 11-14-1.

Start of construction - includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a structure on a site, such as the pouring of a slab or footings, the installation of piles, the construction of columns or any work beyond the stage of excavation or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main structure.

~~**Structure** - a walled and roofed building or manufactured home that is principally above ground.~~

Substantial improvement - any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure either:

- (a) before the improvement or repair is started; or

(b) if the structure has been damaged and is being restored, before the damage occurred. For the purpose of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure;

The term does not, however, include either:

(1) any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions; or

(2) any alteration of a structure listed on the National Register of Historic Places or State Inventory of Historic Places, or any alteration of a structure listed in the Mining Boom Era Thematic Nomination to the National Register of Historic Places.

Types of contractors - As an illustrative list of contractors subject to the provision of this Title, but not in limitation thereof, the following types of contractors, and all others engaged in related work are subject to the provisions of this Title: 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: Acoustical 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 terrazzo; overhead doors; painting and paper hanging; 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.

Variance - a grant of relief from the requirements of this Title which permits construction in a manner that would otherwise be prohibited by this Title.

CHAPTER 2 - IN GENERAL

SECTION 11- 2- 1. COMMUNITY DEVELOPMENT DIRECTOR The Community Development Director, under the supervision of the City Manager, shall have responsibility for the enforcement, administration, application, and interpretation of the following codes:

(a) Uniform Building Code;

(b) All other building and mechanical codes, including fire, electrical, plumbing, and dangerous building codes, as adopted, or as subsequently amended or enacted;

(c) The Land Management Code, as adopted or as subsequently amended or enacted;

(d) Standard Engineering Specifications for Park City, as adopted or as subsequently amended or enacted;

(e) Park City Sign Code (Title ??? of the Municipal Code), as adopted or as subsequently amended or enacted; and

~~(f) Park City Subdivision Ordinance, as adopted or as subsequently amended or enacted.~~

SECTION 11- 2- 2. SUBSTANTIAL COMPLIANCE PERMITTED. To avoid unnecessary review by City agencies and disputes over the application of codes, whenever there are practical difficulties involved in strict application of the provisions of the codes listed above, the **Community Development Director** is granted the authority to make specific modifications to strict compliance with the codes, provided that any such modification is granted on the basis of an identified site-specific reason that makes strict compliance impossible or impractical, that the standards of this Title are met, and that the modification results in substantial compliance with the intent of the code to which the modification is granted. Any time a modification of strict compliance is made, the **Community Development Director** shall note the modification and the specific reasons why it was granted. The **Director** shall maintain a file of all modifications granted. The **Director** may also document requests for modifications that were denied.

SECTION 11- 2- 3. CONDITIONS FOR GRANTING MODIFICATION. The **Community Development Director** may grant a modification to strict compliance with the codes listed above when:

(a) the impact of the modification on adjoining properties is negligible or insignificant;

(b) the net effect of requiring only substantial compliance provides a functionally or structurally equal structure, site plan, or improvement, both for the owner of the subject property and for the City as a whole;

(c) there is no material increase in the burdens on City services created by granting the modification;

(d) there is no material increase in any risks to health or safety created by granting the modification so that conditions relative to health and safety are not materially worsened from the condition that would have existed had strict compliance been required;

(e) the modification serves to eliminate potentially dangerous or undesirable health, safety, traffic, structural, drainage, erosion control, architectural or similar conditions that would result from requiring strict compliance with the codes;

(f) there are incompatible code provisions affecting the same issue, that make strict compliance with all applicable provisions impossible due to unusual circumstances not within the contemplation of the code, or mutually exclusive provisions; or

(g) when situations arise that are not specifically addressed by the codes, but could be under the purview of one or more Code provisions and a ruling on which provisions apply is necessary to go forward.

SECTION 11- 2- 4. SCOPE OF MODIFICATIONS. Any modification granted under this Code may affect the requirements, provisions, or terms of any of the codes listed above, whether those provisions are specific in nature or require interpretation, and whether the provisions in question address substantive or procedural requirements. This Code, and modification granted under it, shall not be used to circumvent the clear intent of any ordinance or to grant rights or privileges to one property owner that are not generally available to owners of like property owners or like projects under the same general conditions or circumstances. Modifications shall not be so broad as to exceed a standard of substantial compliance with the code or ordinance in question. Wherever modifications greater than substantial compliance are requested, the matter shall be referred to the appropriate Board of Adjustment, Board of Appeals, Commission or Council.

SECTION 11- 2- 5. AMENDMENT OF OTHER CODES AND ORDINANCES. To the extent the codes and ordinances listed above, or their successor provisions specifically vest administrative decision-making authority in persons other than the Community Development Director, those provisions are hereby amended to vest that discretion in the Community Development Director, or those officers or officials that he might delegate the authority to, provided that all decisions are subject to the supervision of the City Manager.

SECTION 11- 2- 6. 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 shall serve under the direction of the Community Development Director. at the pleasure of the City Manager.

SECTION 6.2.7. 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.

SECTION 6.2.8. 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.

SECTION 11- 2- 7. BUILDING INSPECTOR - DUTIES. The chief building inspector shall be responsible for the enforcement of the building code, mechanical code, the electric code, plumbing code, housing code, abatement of dangerous building 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.

SECTION 11- 2- 8. BUILDING INSPECTOR ADDITIONAL DUTIES. The Building Official shall also be known as the Building Inspector and shall in addition to the provisions of the Uniform Building Code have the duty of administering and enforcing the provisions of the Housing Code, Abatement of Dangerous Building Code, and Electrical Code, Uniform Plumbing Code, Uniform Sign Code, Uniform Mechanical Code and Uniform Fire Code. Additionally, he shall be charged with the inspection and enforcement of the provisions set forth with regard to all buildings and structures, in accordance with the manner provided for in each of the above adopted codes. Where necessary, properly appointed health officers acting in behalf of the City are hereby authorized to make such inspections as may be required to enforce the provisions of any of the applicable codes.

SECTION 11- 2- 9. 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.

SECTION 6- 2-12. 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.

SECTION 6.2.7. REGULATIONS. The City Council may adopt such regulations as, in its opinion, are necessary to implement this Title and the objectives thereof.

SECTION 6.2.8. PENALTY. Any person violating any of the provisions of this Title shall, on conviction thereof, be punished by fine.

CHAPTER 3 - UNIFORM BUILDING CODE

SECTION 11- 3- 1. UNIFORM BUILDING CODE ADOPTED. The Uniform Building Code, 1991 edition, establishing rules and regulations for the design, construction quality of materials, use and occupancy, location and maintenance of building and structures, as adopted by the International Conference of Building Officials, is hereby adopted as the Building Code of Park City, together with the following amendments.

(a) Chapters 23, Divisions 1 and 4, and Chapters 31, 32, 35, 51, 53, and 70 located in the appendix of the Uniform Building Code are adopted and incorporated herein.

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

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

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

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

SECTION 11- 3- 2. AUTOMATIC FIRE EXTINGUISHING SYSTEMS. The following newly constructed structures of buildings used for or to be used for human occupancy shall have an automatic fire extinguishing system installed in conformity with the requirements of the Uniform Building Code Standard 38-1-91:

(a) All new construction having more than 6,000 square feet on any floor, except R-3 occupancy.

(b) All new construction having more than two stories except R-3 occupancy.

(c) All new construction having four or more dwelling units, including units rented or leased, and including condominiums or other separate ownership.

(d) All new construction in the Historic Commercial Business zone district, regardless of occupancy.

(e) All new construction and buildings in the General Commercial zone where there are no side-yard setbacks or where one or more of the side yard setbacks are less than two and one-half feet per story of height.

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

CHAPTER 4 MECHANICAL CODE.

SECTION 11- 4- 1. MECHANICAL CODE. The Uniform Building Code, 1991 edition, establishing rules and regulations for the design, construction quality of materials, use and occupancy, location and maintenance of building and structures, as adopted by the International Conference of Building Officials is hereby adopted as the Mechanical Code of Park City.

CHAPTER 5 UNIFORM HOUSING CODE.

SECTION 11- 5- 1. HOUSING CODE. The Uniform Housing Code, 1991 edition, printed as code in book form, and adopted by the International Conference of Building Officials (providing minimum requirements for the protection of life, limb, health, safety and welfare of the general public and the owners and occupants of residential buildings is hereby adopted as the Housing Code of Park City.

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

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

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

CHAPTER 6 UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS.

SECTION 11- 6- 1. ADOPTION OF A CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS. The "Uniform Code for the Abatement of Dangerous Buildings, 1991 edition," printed as a code in book form and adopted by the International Conference of Building Officials (providing for a just, equitable and practicable method whereby buildings or structure which from any cause endanger the life, limb, health, morals property,

safety or welfare of the general public or their occupants, may be required to be repaired, vacated, or demolished) is hereby adopted as the Abatement of Dangerous Buildings Code for Park City.

CHAPTER 7 UNIFORM PLUMBING CODE.

SECTION 11- 7- 1. ADOPTION OF A PLUMBING CODE. The Uniform Plumbing Code, 1991 edition, as amended, is hereby approved and adopted as the plumbing code of Park City. The amendments are as follows:

(a) Plumbing Permits. No new construction, alterations, or additions to existing plumbing shall be installed without first obtaining a permit and a fee paid according to Park City's Fee Resolution.

(b) Plumbing Inspections. The Building Official shall perform all functions of plumbing inspection and shall, among other things, inspect the construction, installation and repair of all plumbing fixtures and appliances and apparatus connected with a plumbing system which are installed within the limits of Park City and shall require that they conform to the provisions of the Plumbing Code including Park City and Utah State amendments which are incorporated herein by this reference.

CHAPTER 8 NATIONAL ELECTRICAL CODE.

SECTION 11- 8- 1. ADOPTION OF ELECTRICAL CODE. The National Electrical Code, 1990 edition, as adopted by the National Fire Protection Association and the American Standards Association and printed as a code in book form is hereby approved and adopted as the electrical code of this City, including all Park City and state amendments which are incorporated herein by this reference.

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

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

CHAPTER 9 UNIFORM FIRE CODE.

SECTION 11- 9- 1. UNIFORM FIRE CODE. The "Uniform Fire Code", 1991 edition as adopted by the International Conference of Building Officials and the Western Fire Chiefs Association and printed as codes in book form is hereby adopted as the Fire Code of Park City with the following amendments:

(a) Removal of debris All debris created from a fire shall be removed and the property restored to normal condition within ninety (90) days after the fire or as soon as the property is released by the State Fire Marshal, the Park City Building Official, or insurance adjuster, whichever is later. In the event the debris is not cleared, such debris shall be declared a nuisance and removed by the City at the expense of the property owner.

(b) Administration and Enforcement. The Building Official shall be responsible for the administration and enforcement of the Fire Code and shall, among other things, enforce all state statutes and local ordinances and/or regulations pertaining to:

- (1) the prevention of fires;
- (2) the suppression or extinguishing of dangerous or hazardous fires;
- (3) the storage, use and handling of explosives, flammable, toxic, corrosive, and other hazardous gaseous, solid and liquid materials;
- (4) the installation and maintenance of automatic, manual and other private fire alarm systems and fire extinguishing equipment;
- (5) the maintenance and regulations of fire escapes;
- (6) the maintenance of fire protection and the elimination of fire hazards on land and in buildings, structures, and other property including those under construction;
- (7) the means and adequacy of each exit in the event of fire, from factories, school, hotels, lodging houses, asylums, hospitals, churches, halls, theaters, amphitheaters, and all other places in which people work, live or congregate from time to time for any purposes; and
- (8) the investigation of the cause, origin and circumstances of fire.

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

SECTION 11- 9- 2. RESPONSIBILITY FOR ADMINISTRATION AND ENFORCEMENT. The Building Official shall be responsible for the administration and enforcement of the Fire Code and shall, among other things, enforce all state statutes and local ordinances and/or regulations pertaining to:

(a) the prevention of fires;

(b) the suppression or extinguishing of dangerous or hazardous fires;

(c) the storage, use and handling of explosives, flammable, toxic corrosive, and other hazardous gaseous, solid and liquid materials;

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

(e) the maintenance and regulations of fire escapes;

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

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

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

SECTION 11- 9- 3. AUTHORITY AND DUTY OF POLICE PERSONNEL TO ASSIST IN ENFORCEMENT. Whenever requested to do so by the Building Official, the Chief of Police shall assign such available police officers as in his discretion may be necessary to assist the Building Official in enforcing the provisions of this Code.

CHAPTER 10 UNIFORM SIGN CODE.

SECTION 11-10- 1. UNIFORM SIGN CODE ADOPTED The Uniform Sign Code, 1991 edition, as adopted by the International Conference of Building Officials and printed as a code in book form is hereby approved and adopted as the Uniform Sign Code of this City.

CHAPTER 11 - RIGHT OF ENTRY

SECTION 11-11- 1. RIGHT OF REASONABLE ENTRY. Whenever necessary to make an inspection to enforce any of the provisions of any code adopted pursuant to this Title, or whenever the Building Official or his authorized representative has reasonable cause to believe that there exists in any building or upon any premises unsafe, substandard, or dangerous, as defined in the applicable sections of the codes, any condition that makes such building or premises dangerous, the Building

Official or his authorized representative may enter such building or premises at all reasonable times to inspect the same or perform any duty imposed upon the Building Official, provided that:

(a) If such building or premises be occupied, he shall first present proper credentials and demand entry; and

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

SECTION 11-11- 2. FAILURE OR NEGLECT TO PROMPTLY PERMIT ENTRY PROHIBITED. No owner or occupant or any other person having charge, care or control of any building or premises shall fail or neglect, after proper demand is made as herein provided, to promptly permit entry therein by the Building Official or his authorized representative for the purpose of inspection and examination pursuant to any provisions of any of the codes adopted pursuant to this Title.

CHAPTER 12 - FEES

SECTION 11-12- 1. PAYMENT OF FEES. Whenever a fee is required by this Title or any schedule or resolution adopted by the City pursuant to this Title, such fees shall be paid to the Building Official, Finance Department.

SECTION 11-12- 2. BUILDING PERMIT FEES. A fee for each building permit, electrical permit, plumbing permit, mechanical permit, and fire permit shall be paid to the city Building Official in such amount as shall be established from time to time by resolution duly enacted by the governing body. In the event that specific permit items are not covered by a fee resolution, the building permit fees set forth in Section 303 of the Uniform Building Code, as herein amended, shall be applicable. The administrative and enforcement provisions of the Uniform Building Code relating to building permit fees shall be deemed to apply to the electrical and plumbing permit fees, unless otherwise provided by resolution of the governing body.

The determination of value or valuation under any of the provisions of the Uniform Building Code as adopted by the City Council, shall be made by the Building Official on the basis of the ICBO Building Standards, subject to the approval of the City Manager.

SECTION 11-12- 3. IMPACT FEES. There is hereby levied an impact fee on all new development, as determined by this Title. Impact fees shall be dedicated to the purchase or construction of equipment or capital improvements that will reasonably relate to the project on which the impact fee was levied to prevent the dilution of City services in other areas of the City.

The determination of value or valuation under any of the provisions of this Ordinance shall be made by the Building Official on

the basis of the ICBO Building Standards, subject to the approval of the City Manager.

The impact fee set forth as established by resolution shall be in addition to the building permit fees, and shall be paid prior to the issuance of a building permit:

The impact fee shall be assessed against all new development wherever it occurs within the City, except that no impact fee will be assessed against projects involving repair work only, or to the demolition and replacement of an existing, inhabited dwelling with another comparable dwelling unit at the same site.

SECTION 11-12- 4. PLAN CHECK FEES. A fee, as established by resolution, for the review and approval of building construction plans by the Building Department shall be paid to the Building Official.

On buildings requiring plan checks at the time of building permit application, the applicant shall pay a deposit which is established by resolution. This deposit shall be credited against the plan check fee when the permit is issued. This deposit is non-refundable in the event permits are not issued.

SECTION 11-12- 5. PROJECT APPLICATION OR RE-SUBMISSION FEES. The Planning Department shall charge a fee for the review and consideration of all projects that require planning review under the Land Management Code. ~~There is a minimum \$200.00 application fee for all projects requiring Planning Commission action, including but not limited to, rezoning, minor site plan modifications to approved projects (see also Section 6, and annexations that do not involve or include specific development concept approval or other applications. Charges above the minimum~~ The fee shall be based on the number of unit equivalents applied for (in the case of Master Planned Developments) as defined in the Land Management Code, subdivision lots or commercial area applied for, provided, however, that payment of the fee based on a specific number of units or commercial area shall not guarantee approval of that number of units or that number of square feet upon completion of the review process. There shall be no refund of the difference in the fees paid if fewer units or less commercial space is approved than was applied for. Re-submission of projects on which a conditional use approval has lapsed shall be accepted only upon payment of a new application fee. The application and re-submission fees shall be as set forth by resolution.

~~This fee shall not apply to single family residences constructed in subdivision which were given final approval and platted after April 4, 1968. Non-habitable space, such as parking structures and nonconvertible storage areas, which are required by zoning regulations as part of the project under consideration are exempt from the fee.~~

~~On projects taking advantage of the large scale Master Planned development process, as set forth in the Land Management Code, the application fees shall be paid as follows: The sum of 25% of the fee unit equivalent as defined in the Land Management Code applied for shall~~

~~be paid at the time of application. The remaining 75% shall be paid at the time the unit equivalents are submitted for final project site plan approval, and will be assessed only against the units applied for within each phase of the phased approval process.~~

SECTION 11-12- 6. CONDOMINIUM CONVERSION, TIMESHARE. The fees prescribed in this Title for Plan Check (~~Section 3~~), Project Application Fees (~~Section 4~~), and Water Development and Connection Fees (~~Sections 11 and 12~~) shall not be assessed against projects which are before the Planning Department and Planning Commission for the sole purpose of obtaining plat approval to submit a previously approved structure to condominium ownership, or to convert an existing structure to a timeshare condominium, provided the following conditions are met:

(a) No substantial changes are being proposed to the structure itself as a part of or incidental to the change in the form of ownership;

(b) No change in use is proposed (other than the change from single ownership to timeshare use where applicable);

(c) The structure was completed not more than five (5) year prior to the application for condominium and/or timeshare conversion, and was either a permitted or approved conditional use at the time of construction; and

(d) The structure is in a zone which allows timeshare ownership as a conditional use, if timeshare ownership is proposed.

The fee, as established by resolution, for plat review for this condominium or timeshare conversion shall be assessed per habitable dwelling unit within the proposed condominium (exclusive of units not included within the conversion) for residential and transient lodging units, and per thousand square feet of non-residential or commercial space. All other fees prescribed by this Ordinance shall apply as the service is required. Additional water connection fees shall be assessed if the meter capacity or water service to the building is increased as a result of the change in ownership. This Ordinance shall not be construed as waiving the conditional use review process for timeshare conversions established by the Land Management Code.

SECTION 11-12- 7. MODIFICATION OF PLANS. After a development project has been placed on the agenda of the Planning Commission (or Historic District Commission, where applicable) for final approval, or in the case of a phased project which has received project site plan approval, no substantial modifications shall be made by the developer except upon payment of a fee as established by resolution per habitable dwelling unit or per 1,000 square feet of commercial space for each unit or commercial area affected by the modification. On developments requiring approval by the planning staff only, and not by the commissions, the modification fee shall apply after the staff has given final approval of the project. This fee for plan modification shall apply to modifications made at the request of the developer, and not to modifications which are requested or required by the planning staff, Planning Commission or Historic District Commission.

SECTION 11-12- 8. BOARD OF ADJUSTMENT. All applications for consideration of any project by the Board of Adjustment shall be accompanied by a fee as established by resolution to defray the costs of technical review, posting of notice and other administrative costs incurred in the application and review.

~~**SECTION 6.18.9. RECORDING FEE FOR APPROVED PLATS.** Plats that have received final City Council approval will be recorded in the office of the County Recorder by the City Recorder personally or through a licensed title company. If the plat is recorded personally, a recording fee as established by resolution is to be paid to the City Recorder prior to filing of the plat:~~

~~The person requesting the recording of a plat shall deposit with the City Recorder the estimated county recording fees in advance of recording. Any difference between the estimated and actual fees shall be refunded or billed to the project owner within thirty (30) days. No plats will be recorded if the project owner has unpaid fees for other permits or approvals relating to the project submitted for record.~~

SECTION 11-12- 9. STAFF REVIEW TEAM FEES. For the technical review provided by the city staff of all development projects, a fee as established by resolution for staff review team meetings shall be charged by the Planning Department and billed monthly to developers who have projects under review.

SECTION 11-12-10. ENGINEERING AND ATTORNEY'S FEES. Each developer of any building project, subdivision or other construction which the city deems to require the services of the City Engineer or the City Attorney, shall reimburse the city for the city's actual costs for such services.

SECTION 11-12-11. OTHER PROFESSIONAL SERVICES. Each developer of any building project, subdivision or other construction which the City deems to required professional services not available by the city staff, shall reimburse the city for the city's actual costs for such services as mutually agreed upon by the developer and the city.

SECTION 11-12-12. CONSTRUCTION INSPECTION. Prior to receiving a building permit, a notice to proceed or plat approval, developers shall pay a fee equal to six percent (6%) of the estimated construction cost as determined by the City Engineer. The City Engineer's estimate shall be based on standard costs derived from nationally recognized and accepted sources for construction costs and approved by the City Manager. The fee shall be used for plan review and inspection services on all improvements, appertaining to the primary structures including but not limited to streets, curb and gutter, sidewalks, water and storm drainage, and all other improvements, as defined in Chapter 4 of the Uniform Building Code or ~~*Section 200*~~ of the Park City Design Standards. All such improvements shall be built to City standards found in the Park City Design Standards, Construction Specifications and Standard Drawings, adopted by ordinance. In projects with private street systems, that limit city inspection requirements to water, drainage, and other improvements, but not to streets, the inspection fee shall be four percent (4%) of the estimated

construction cost of the improvements to be inspected as determined by the City Engineer.

The fees listed above are for typical construction projects requiring typical inspections during normal City business hours. For projects which require extraordinary plan review and inspection services, the City, upon notice to the developer, may charge the developer a fee as set by resolution to recoup costs to the City above the fee charged. The City may also charge an hourly rate re-inspections of work previously rejected.

SECTION 11-12-13. WATER DEVELOPMENT FEES. In order to cover the costs involved in the development of a water supply and water system adequate to serve new development, and to provide for the acquisition of additional water rights sufficient to serve future development, a water development fee as established by resolution is to be paid to the Building Official at the time building permits are issued according to the following schedule:

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

(b) Single Family and Multi-Family Residential Development Shall be assessed based on square footage and number of bedrooms.

(c) Non-Residential Development Shall be assessed based on fixture units.

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

(e) A credit against the applicable Water Development Fee may be granted by the Park City council, in its sole discretion, in the event water rights acceptable to the Council are donated to Park City. Upon receiving an offer of donation of water rights, the Council will request a written opinion from the City Attorney as to the point of diversion, priority of right, place of use, nature of use, quality, quantity and title to the offered rights. The credit granted, if any, will be negotiated between the City and the developer on a case-by-case basis.

SECTION 11-12-14. WATER CONNECTION FEES. In order to amortize the cost of the city's water system, a fee as established by resolution is to be paid to the building official at the time the building permits are issued.

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

(b) Single Family and Multi-Family Residential Development. Shall be assessed on the square footage and the number of bedrooms.

(c) Non-Residential Commercial Development. The Connection Fee will be the larger of; 1), the Fire Standby Fee calculated per square foot of sprinkled or unsprinkled areas or 2), the Water Use Fee calculated per fixture unit

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

SECTION 11-12-15. ADDITIONAL FEES. The fees described in this Title are in addition to building permit fees for plumbing, electrical, mechanical, grading and excavation, demolition, signage, street cuts, and other fees set by resolution.

SECTION 11-12-16. EXCEPTIONS. Any part of any of the fees included in this Title may be waived by the City Council upon the recommendation of the City Manager, for those projects which are deemed to serve a beneficial public purpose that would be harmed by the City requiring payment of such fees, such as low income housing projects. Applications for exceptions are to be filed with the Building Official at the time a permit is requested.

SECTION 11-12-17. APPROVALS WITHHELD. The City Manager is authorized to refuse to allow any building permit to be issued, or subdivision or condominiumization to be approved until the developer has complied with the provisions of this Title.

SECTION 11-12-18. FEE ADJUSTMENTS. The fees established in this Title may be amended, changed, adjusted, or waived from time to time by motion of the City Council. The City Manager is authorized to reduce or waive fees on public or non-profit projects, projects deemed to serve a beneficial public purpose, provided that no waiver or reduction of fees totaling more than one hundred dollars (\$100) on any one project may be waived without City Council approval. Building related fees shall not be assessed against building projects owned by the City.

SECTION 11-12-19. PUBLIC PARKING FACILITY. The payment for spaces in a publicly constructed parking facility, in lieu of providing on-site parking within the HCB and HRC zones shall be as set by resolution and charged per stall. The payments, together with interest earned thereon, shall be used by the City for the construction or acquisition of parking structures within the Swede Alley area between Hillside and Heber Avenues.

SECTION 11-12-20. PENALTY. Any person that fails to pay the fees required by this Ordinance is guilty of a Class B misdemeanor. The Building Official may issue stop work orders on projects with past due fees, and the Council may withhold plat approval.

CHAPTER 13 - REGULATING HOURS OF WORK AND STORAGE OF MATERIALS AND EQUIPMENT

SECTION 11-13- 1. POLICY. It is the policy of Park City to require construction activity on buildings to occur entirely within an approved space, including the storage of materials and equipment, and also accumulation and disposition of construction related refuse.

SECTION 11-13- 2. FENCING OF PUBLIC RIGHT-OF-WAY. In those zones which permit construction of buildings up to property lines or within five (5) feet of property lines, leaving a very limited or no setback area, the building official may permit construction fences to be built across sidewalk area where there are sidewalks, or into the parking lane of the street where there is no sidewalk. Where street width will permit, in the judgement of the building official, the construction fence shall also provide a temporary sidewalk area, which may be built in the parking lane of the street. Any sidewalk built as a part of a construction site fence must be covered with a structural roof which complies with Chapter 44 of the 1991 Uniform Building Code as adopted, ~~by reference as Ordinance 82-23~~ or its successor provisions in later editions of the Uniform Building Code as they are adopted by the City. The Uniform Building Code requirements for construction of a temporary sidewalk may be reduced or waived by the Building Official where conditions will not permit the full four (4) foot width. The location of fencing within the public way and the determination of whether to require sidewalk shall be made by the Building Official, subject to review by the City Manager. In the event that changes in parking regulations are required by the construction of such a fence, the Police Chief is authorized to post signs prohibiting or otherwise regulating parking in the area adjoining the construction site.

SECTION 11-13- 3. CONSTRUCTION CONFINED TO APPROVED AREA. All construction work, including the storage of construction materials, supplies, temporary offices, tools, machinery, trash containers and construction vehicles shall be confined to the approved area at all times, except as follows:

(a) Delivery trucks may park outside the approved areas for a period not in excess of one hour for the purpose of loading or unloading materials and equipment. On Main Street, Heber Avenue and Swede alley delivery trucks are subject to the additional requirements of Title 9, Parking Code, which regulates delivery vehicles in these

locations. ~~Ordinance 84-21, The Park City Delivery Ordinance, and may not double park.~~

(b) Cranes, concrete pumps and similar equipment that cannot be placed within the approved area because of space or access limitations on the site, shall not block traffic lanes on the streets without first having given the Police Department twenty-four (24) hours written notice of the intent to block the street and receiving written permission to block the street from the Police Chief or his designee. The notice of intent shall designate the duration of the blockage and its location. The Chief of Police has the authority to make temporary changes in parking regulations to keep traffic blockage to a minimum.

SECTION 11-13- 4. CONTAINERIZED TRASH SERVICE REQUIRED. All construction sites, including duplexes, single family homes and remodeling projects, shall be required to obtain and maintain on the site a container of suitable size and design to hold and confine trash, scraps, and other construction related refuse created or accumulated on the site. All such construction refuse shall be maintained in a closed container at all times, until transferred to the landfill. Containers may be placed in setback areas, provided that the placement of the container does not obstruct the view of motorists on adjoining streets and thereby create traffic hazards. It shall be unlawful to permit accumulated debris, litter, or trash on any construction site to blow or scatter onto adjoining properties, including the public street or to accumulate on the site outside of the container, or on transit to the landfill or dump. The owner or contractor shall service the container as frequently as needed to prevent trash from over-flowing.

SECTION 11-13- 5. HOURS OF WORK. In all zones the Estate, RD, RDM and HR-1 zones, it shall be unlawful for any person to perform or cause to be performed any construction work on any construction site under his control or at which he is employed between the hours of 10:00 p.m. and 7:00 a.m. of the following day, or before 9:00 a.m. on Sunday. In all other zones, it shall be unlawful to perform or cause to be performed construction work between the hours of 10:00 p.m. and 6:00 a.m. of the following day. The Building Official may authorize extended hours for construction operations or procedures which, by their nature, require continuous operation or modify or waive the hours of work on projects in generally isolated areas where the extended hours do not impact upon adjoining property occupants.

SECTION 11-13- 6. RELATIONSHIP TO UNIFORM BUILDING CODE. This Chapter shall be construed as being supplemental to the Uniform Building Code as adopted. ~~by Ordinance 82-23.~~ The technical requirements of the Building Code are not altered by this Chapter and to the extent there is any conflicting provision between this Chapter and the Uniform Building Code, the more restrictive provision shall apply. The Building Official shall have the authority to alter specific technical requirements of Chapter 44 of the Uniform Building Code (1991 Edition) to suit unique circumstances which might arise within Park City due to site specific conditions or narrow or steep streets. ~~References to the Uniform Building Code apply to the 1982 Edition, but shall also apply to parallel provisions in successor editions of the Uniform~~

~~Building Code as they are adopted by Park City without amendment to this Chapter.~~

SECTION 11-13- 7. ENFORCEMENT AND PENALTIES. This Chapter shall be primarily enforced by the Building Official, with the assistance of the Police Department. When probable cause exists to believe a violation has been committed, the Building Official may issue a stop work order on any construction project until the violation is eliminated or the court finds that no violation exists. Persons violating this Chapter individually or through their employees are guilty of a Class "B" misdemeanor.

CHAPTER 14 - PROSPECTOR LANDSCAPING AND MAINTENANCE OF SOIL COVER

SECTION 11-14- 1. AREA. This Chapter shall be in full force and effect only in that portion of Park City, Utah which is commonly known as that portion which is bounded by State Highway 248 on the north, by the Union Pacific Railroad right-of-way on the south, by Bonanza Drive on the west and by the easterly boundary of the park on the east. (Map on file in City Recorder's office)

SECTION 11-14- 2. MINIMUM COVERAGE WITH TOPSOIL All real property within Prospector must be covered and maintained with a minimum cover of 6" of approved topsoil over mine tailings except where such real property is covered by asphalt, concrete or permanent structures or paving materials.

SECTION 11-14- 3. VEGETATION All areas in Prospector where real property is covered with six inches or more of approved topsoil must be vegetated with plant material suitable to prevent erosion of topsoil.

SECTION 11-14- 4. ADDITIONAL LANDSCAPING REQUIREMENTS. In addition to the minimum coverage of topsoil requirements set forth in Section 4 and the vegetation requirements set forth in Section 5, the following additional requirements shall also be applicable:

(a) Flower or vegetable planting bed at grade - All flower or vegetable planting beds at grade shall be clearly defined with edging material to prevent edge drift and shall have a minimum depth of 24" of approved topsoil so that tailings are not mixed with the soil through normal tilling procedures. Such topsoil shall extend 12" beyond the edge of the flower or vegetable planting bed. ~~(See Figure 2)~~

(b) Flower or vegetable planting bed above grade -All flower or vegetable planting beds above grade shall extend a minimum of 16" above the grade of the 6" of approved topsoil cover and shall contain only approved topsoil. ~~(See Figure 3)~~

(c) Shrubs and Trees - All shrubs planted after the passage of this Ordinance shall be surrounded by approved topsoil for an area which is three times bigger than the rootball and extends 6 inches below the lowest root of the shrub at planting. All trees planted after the passage of this Ordinance shall have a minimum of 18" of approved

topsoil around the rootball with a minimum of 12" of approved topsoil below the lowest root of the tree. ~~(See Figure 4)~~

SECTION 11-14- 5. DISPOSAL OR REMOVAL OF PROSPECTOR SOIL All soil disturbed or removed from Prospector, unless a representative sample tested at a State certified laboratory determines the soil is not a hazardous waste, shall be disposed of only at a facility approved by the Utah State Department of Health, or covered on site with six inches of approved topsoil and re-vegetated as required by this Ordinance.

SECTION 11-14- 6. DUST CONTROL. Contractor or owner is responsible for controlling dust during the time between beginning of construction activity and the establishment of plant growth sufficient to control the emissions of dust from any site. Due care shall be taken by the contractor or owner, to protect workmen while working within the site from any exposure to dust emissions during construction activity by providing suitable breathing apparatus or other appropriate control.

SECTION 11-14- 7. CERTIFICATE OF COMPLIANCE Upon application by the owner of record or agent to the Park City Building Department and payment of the fee established by the department, the Park City Building Department shall inspect the applicant's property for compliance with this Ordinance. When the property inspected complies with this Ordinance, a Certificate of Compliance shall be issued to the owner by the Park City Building Department.

SECTION 11-14- 8. DISPOSAL Any work that produces excess tailings not contained on the site, according to the standards set forth in this ordinance, must have a representative sample of the soil to be transported off the site tested by a State certified laboratory to determine if it is hazardous waste. If the excess soil is determined to be a hazardous waste, it must be transported to a disposal facility approved by the Utah State Health Department. Any work causing tailings to possibly be regenerated to the surface, such as digging, must collect and properly dispose of the tailings, either on site according to the standards set forth in this ordinance or off site as required by this Ordinance and state and federal law.

SECTION 11-14- 9. ENFORCEMENT With the exception of new construction, which shall be inspected and required to comply in accordance with other City permitting and inspections, this ordinance shall be enforced through voluntary requests for inspections to obtain Certificates of Compliance. If a request is made for the Certificate of Compliance as set forth in Section 11-15-7, then the owner of the property shall be required to comply with the standards set forth in this ordinance.

SECTION 11-14-10. WELLS. All wells for culinary irrigation or stock watering use are prohibited in the Prospector area.

SECTION 11-14-11. FAILURE TO COMPLY WITH CHAPTER.
The failure to landscape, maintain landscaping, control dust or dispose of tailings as required by this Chapter shall constitute a public nuisance as determined by the City Council of Park City.

CHAPTER 15 FLOOD DAMAGE PREVENTION

SECTION 11-15- 1. STATUTORY AUTHORIZATION. The legislature of the state of Utah has delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety and general welfare of its citizenry.

SECTION 11-15- 2. FINDINGS OF FACT. The flood hazard areas of Park City are subject to periodic inundation which could result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazards which increase flood heights and velocities, and when inadequately anchored, damage uses in other areas. Uses that are inadequately flood-proofed, elevated, or otherwise protected from flood damage also contribute to the flood loss.

SECTION 11-15- 3. STATEMENT OF PURPOSE. It is the purpose of this Chapter to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed:

- (a) To protect human life and health;
- (b) To minimize expenditure of public money for costly flood control projects;
- (c) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (d) To minimize prolonged business interruptions;
- (e) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets, and bridges located in areas of special flood hazard;
- (f) To help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;
- (g) To insure that potential buyers are notified that property is in an area of special flood hazard; and
- (h) To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

SECTION 11-15- 4. METHODS OF REDUCING FLOOD LOSSES. In order to accomplish its purpose, this Chapter includes methods and provisions for:

(a) Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;

(b) Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

(c) Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;

(d) Controlling filling, grading, dredging, and other development which may increase flood damage; and

(e) Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas.

SECTION 11-15- 5. LANDS TO WHICH THIS CHAPTER APPLIES. This Chapter shall apply to all areas of special flood hazard within the jurisdiction of Park City.

SECTION 11-15- 6. BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD. The areas of special flood hazard identified by the Federal Emergency Management Agency in its Flood Insurance Study, dated July 16, 1987, with accompanying Flood Insurance Rate Map (FIRM), is adopted by reference and declared to be a part of this Chapter. The study and FIRM are on file at the Park City Planning Office, 445 Marsac Avenue, Park City, Utah. The City may, from time to time, adopt additional or updated maps prepared by FEMA, which maps would then further define the areas of special flood hazard.

SECTION 11-15- 7. COMPLIANCE. No structure or land shall hereafter be constructed, located, extended, or altered without full compliance with the terms of this Chapter and other applicable regulations.

SECTION 11-15- 8. ABROGATION AND GREATER RESTRICTIONS. This Chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Chapter and other Titles or Chapters of this Code, easements, covenants, or deed restrictions conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

SECTION 11-15- 9. INTERPRETATION. In the interpretation and application of this Chapter, all provisions shall be:

(a) considered as minimum requirement;

(b) liberally construed in favor of the governing body; and

(c) deemed neither to limit nor repeal any other powers granted under state statute.

SECTION 11-15-10. WARNING AND DISCLAIMER OF LIABILITY. The degree of flood protection required by this Chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This Chapter does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This Chapter shall not create liability on the part of Park City, or any officer or employee thereof, or the Federal Emergency Management Agency for any flood damages that result from reliance on this Chapter or any administrative decision lawfully made thereunder.

SECTION 11-15-11. ESTABLISHMENT OF DEVELOPMENT PERMIT. A Development Permit shall be obtained before construction or development begins within any area of special flood hazard established in Section 11-15-6. Application for a Development Permit shall be made on forms furnished by the Building Official and may include, but not be limited to, plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing. Specifically, the following information is required:

(a) Elevation, in relation to mean seal level, of the lowest floor (including basement) of all structures;

(b) Elevation, in relation to mean sea level, to which any structure has been flood proofed;

(c) Certification by a registered professional engineer or architect that the flood-proofing methods for any non-residential structure meet the flood-proofing criteria in Section 11-15-14; and

(d) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

SECTION 11-15-12. DESIGNATION OF THE BUILDING OFFICIAL AS LOCAL ADMINISTRATOR. The Building Official is hereby appointed to administer and implement this Chapter by granting or denying development permit applications in accordance with its provisions.

SECTION 11-15-13. DUTIES AND RESPONSIBILITIES OF THE BUILDING OFFICIAL. Duties of the Building Official shall include, but not be limited to:

(a) Permit Review

(1) Review all development permits to determine that the permit requirements of this Article have been satisfied.

(2) Review all development permits to determine that all necessary permits have been obtained from those federal, state or local governmental agencies from which prior approval is required.

(3) Review all development permits to determine if the proposed development is located in the floodway. If located in the floodway, assure that the encroachment provisions of Section 11-15-11 are met.

If it is determined that there is no adverse effect and the development is not a building, then the permit shall be granted without further consideration.

If it is determined that there is an adverse effect, then technical justification (i.e., registered professional engineer) for the proposed development shall be required.

If the proposed development is a building, then the provisions of this Chapter shall apply.

(b) Use of other base flood data. When base flood elevation data has not been provided in accordance with Section 11-15-6, the Building Official shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source in order to administer Section 11-15-15 Specific Standards.

(c) Information to be obtained and maintained.

(1) Obtain and record the actual elevation (in relation to mean seal level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.

(2) For all new or substantially improved flood-proofed structures, verify and record the actual elevation (in relation to mean sea level) to which the structure has been flood-proofed, maintain the flood-proofing certifications required in Section 11-15-11 (c) and maintain for public inspection all records pertaining to the provisions of this Chapter.

(d) Alteration of Watercourses. Notify adjacent communities and the State Division of Comprehensive Emergency Management prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Management Agency. The Building Official shall also require that maintenance is provided within the altered or relocated portion of said watercourse so that flood carrying capacity is not diminished.

(e) Interpretation of FIRM boundaries. Make interpretations where needed as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions).

(f) Variances. Appeals and requests for variances from the requirements of this Chapter shall be heard in accordance with the established procedures of Park City. Variances shall not be issued

within any designated floodway if any increase in flood levels during the base flood discharge would result.

SECTION 11-15-14. GENERAL STANDARDS. In all areas of special flood hazards, the following standards are required:

(a) **Anchoring.** All new construction and substantial improvements including manufactured homes (which are controlled by the Land Management Code) shall be anchored to prevent floatation, collapse, or lateral movement of the structure. All manufactured homes must be elevated and anchored to resist floatation, collapse or lateral movement and capable of resisting the hydrostatic and hydrodynamic loads. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces. Specific requirements may be:

(1) Over-the-top ties be provided at each of the four corners of the manufactured home, with two additional ties per side at intermediate locations, with manufactured homes less than 50 feet long requiring one additional tie per side;

(2) Frame ties be provided at each corner of the home with five additional ties per side at intermediate points, with manufactured homes less than 50 feet long requiring four additional ties per side;

(3) All components of the anchoring system be capable of carrying a force of 4,800 pounds; and

(4) Any additions to the manufactured home be similarly anchored.

(b) **Construction materials and methods.**

(1) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

(2) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

(3) All new construction and substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

(c) **Utilities**

(1) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

(2) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters; and

(3) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

(d) Subdivision Proposals

(1) All subdivision proposals shall be consistent with the need to minimize flood damage;

(2) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;

(3) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and

(4) Base flood elevation data shall be provided for subdivision proposals and other proposed development which contain at least 50 lots or five acres (whichever is less).

SECTION 11-15-15. SPECIFIC STANDARDS. In all areas of special flood hazards where base flood elevation data has been provided as set forth in Section 11-15-13 (b) the following standards are required:

(a) Residential Construction. New construction and substantial improvement of any residential structure shall have the lowest floor, including the basement, elevated to or above base flood elevation. Within any AO or AH zone on the FIRM, all new construction and substantial improvement of residential construction shall have the lowest floor, including basement, elevated above the highest adjacent grade at least as high as the depth number specified in feet on the FIRM (at least two feet if no depth number is specified). Within any AO or AH zone, adequate drainage paths around structures shall be required to guide floodwater around and away from proposed structures.

(b) Non-residential Construction. New construction and substantial improvement of any commercial, industrial or other non-residential structure shall either have the lowest floor, including basement, elevated to the level of the base flood elevation; or together with attendant utility and sanitary facilities, shall:

(1) Be flood-proofed so that below the base flood level, the structure is watertight with walls substantially impermeable to the passage of water;

(2) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and

(3) Be certified by a registered professional engineer or architect that the standards of this subsection are satisfied. Such certifications shall be provided to the Official as set forth in Section 11-15-13(c)(2).

(4) Within any AO or AH Zone on the FIRM, all new construction and substantial improvement of non-residential structures (i) shall have the lowest floor, including basement, elevated above the highest adjacent grade at least as high as the depth number specified in feet on the FIRM (at least two feet if no depth number is specified; or (ii) together with attendant utility and sanitary facilities be completely flood-proofed to that level to meet the flood-proofing standard specified in Section 11-15-15(b), above. Within any AO or AH Zone, adequate drainage paths around structures shall be required to guide floodwater around and away from proposed structures.

(c) Openings in enclosures below the lowest floor. For all new construction and substantial improvements, fully enclosed areas below the lowest floor that are subject to flooding shall be designated to automatically equalize the hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwater. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:

(1) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided;

(2) The bottom of all openings shall be no higher than one foot above grade; and

(3) Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwater.

(d) Manufactured homes. Manufactured homes shall be anchored in accordance with Section 11-15-14 (a). All manufactured homes or those to be substantially improved shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above the base flood elevation and is securely anchored to an adequately anchored foundation system.

SECTION 11-15-16. FLOODWAY. Located within areas of special flood hazard established in Section 11-15-6 are areas designated as floodway. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

(a) Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless certification by a registered professional engineer or architect is provided

demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

(b) If Section 11-15-16, (a) is satisfied, all new construction and substantial improvement shall comply with all applicable flood hazard reduction provisions of Section 11-15-14 and Section 11-15-15.

CHAPTER 16 PENALTIES AND VIOLATIONS.

SECTION 11-16-1. VIOLATIONS. No person, firm, or corporation, whether as owner, lessee, sublessee, or occupant, shall erect, construct, enlarge, alter, repair, move, improve, remove, demolish, equip, use, occupy, or maintain any building or premises, or cause or permit the same to be done, contrary to or in violation of any of the provisions of the applicable sections of the codes adopted pursuant to this Title or of any order issued by the Building Official hereunder.

SECTION 11-16-2. PENALTY. Any person failing to comply with the provisions of this Title, shall be guilty of a Class B misdemeanor and on conviction therefor shall be punished by fine or by imprisonment for not more than six months or by both fine and imprisonment.

SECTION 11-16-3. CONTINUING OFFENSES DEEMED DAILY VIOLATION. In all instances where the violation of these ordinances is a continuing violation, a separate offense shall be deemed committed on each day during or on which the violation occurs or continues.

CHAPTER 17 GENERAL PROVISIONS.

SECTION 11-17- 1 REPEAL OF CONFLICTING ORDINANCES. All previous adoptions of the Uniform Building, Housing, Fire, Abatement of Dangerous Building, Mechanical, Plumbing, Sign and Electrical Codes are hereby repealed and supplanted with the codes adopted herein.

SECTION 11-17- 2. COPIES AVAILABLE FOR PUBLIC USE. Copies of the Uniform Building, Housing, Fire, Abatement of Dangerous Buildings, Mechanical, Plumbing, Sign and Electrical Codes are on file in the office of the City Recorder for use and examination by the public.

SECTION 11-17- 3. SEPARABILITY OF ORDINANCES. Should any section, clause or provision of the codes adopted pursuant to this ordinance be declared by a court of competent jurisdiction to be invalid, such declaration of invalidity shall not affect the validity of any other section or provision of this Ordinance or the codes adopted herein and each such section, clause, or provision is hereby declared to be separate and distinct.

SECTION 4. REPEALER. ALL EXISTING PROVISIONS OF THE PARK CITY CODES AND ORDINANCES WHICH ARE INCONSISTENT WITH TITLES 1, 2, 3, 10 AND 11 OF THE MUNICIPAL CODE OF PARK CITY, AS ADOPTED HEREIN, ARE HEREBY REPEALED.

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

DATED this 19th day of March, 1992.

PARK CITY MUNICIPAL CORPORATION

Bradley A. Olch
BRADLEY A. OLCH, MAYOR

ATTEST:

Anita L. Sheldon
ANITA L. SHELDON, CITY RECORDER



**AN ORDINANCE AMENDING THE MUNICIPAL CODE OF PARK CITY
TITLE 11, CHAPTER 9, UNIFORM FIRE CODE, TO ENACT EXPLOSIVE
MATERIAL PROVISIONS**

WHEREAS, The City adopted the 1991 edition "Uniform Fire Code as the Fire Code of Park City; and

WHEREAS, the Uniform Fire Code has been codified as Title 11, Chapter 9 of the Municipal Code of Park City; and

WHEREAS, the City has also adopted and codified in the Municipal Code of Park City the local amendments to the Uniform Fire Code, addressing the removal of debris, administration and enforcement, and required permits; and

WHEREAS, the City desires to further amend the Uniform Fire Code to address the issue of blasting and explosive materials; and

WHEREAS, this Council deems it to be in the best interest of the citizens of Park City to amend the Uniform Fire Code Section 77.104 and Section 77.301 (f);

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

SECTION 1. AMENDMENT. The Municipal Code of Park City, Title 11, Chapter 9 UNIFORM FIRE CODE, Section 1 is hereby amended to add an additional amendment which shall be designated as (d) and shall read as follows:

(d) Explosive Materials.

- (1) Posting of Security. Before a permit is issued to use explosive materials, the applicant shall file with the City a corporate surety bond in the principal sum of \$1,000,000 or a public liability insurance policy for the same amount for the purpose of the payment of damages to persons or property which arise from, or are caused by, the conduct of an act authorized by the permit upon which a judicial judgment results. The Fire Marshal is authorized to specify a greater or lesser amount when, in the Fire Marshal's opinion, conditions of use indicate a greater or lesser amount is required. [Amends § 77.104 Uniform Fire Code 1991 edition]
- (2) Notification. When blasting is being conducted in the vicinity of gas, electric, water, fire alarms, telephone, telegraph, steam utilities or occupied buildings, the blaster shall

notify the appropriate representative of such utilities and occupants of buildings at least 48 hours in advance of blasting specifying the location and intended time of such blasting. This notice must also be given to the police department. [Amends §77.301 (f) Uniform Fire Code 1991 edition.]

All other provisions of the Uniform Fire Code shall remain as adopted and codified.

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

PASSED AND ADOPTED this 14th day of May, 1992.

PARK CITY MUNICIPAL CORPORATION



Bradley A. Olch, Mayor

Attest:



Anita Sheldon, City Recorder



**AN ORDINANCE AMENDING SECTION 7.11.3(c) OF THE
LAND MANAGEMENT CODE TO ALLOW AFFORDABLE/MODERATE INCOME HOUSING
IN THE LIGHT INDUSTRIAL (LI) ZONE
THROUGH THE MASTER PLANNED DEVELOPMENT PROCESS
AND AMENDING THE LAND USE TABLES IN CHAPTER 7**

WHEREAS, on December 5, 1991, the City Council adopted Resolution No. 37-91, establishing policies to support and create affordable housing in Park City, Utah; and

WHEREAS, on April 22, 1992 after being duly noticed, the Planning Commission held a public hearing regarding the above-referenced amendment and recommended approval by the City Council; and

WHEREAS, on May 14, 1992 after being duly noticed, the City Council held a public hearing on the proposed amendment and deems it in the best interest of the community to allow affordable/moderate income housing in the LI Zone;

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

SECTION 1. AMENDMENTS. Section 7.11.3(c) of the Land Management Code is hereby amended as follows:

- (c) The Community Development Department shall review the buffer between a structure housing an industrial use and ~~the zone line of a residential area district~~ to determine the most effective way to screen the industrial ~~or residential~~ use.

The "Reference Notes" preceding the Land Use Table in Chapter 7 are hereby amended with the addition:


¹³The City will require extensive buffering on any side of a moderate income housing project where the adjacent parcel is zoned LI and where there is or could be industrial uses. A minimum buffer area of 50 feet wide will be required. The 50-foot requirement will be divided between the two adjoining parcels (25 feet on each) unless one parcel is already developed. In that case, the entire 50-foot buffer must be provided on the remaining undeveloped parcel. A detailed landscape plan must be submitted, and the applicant will be required to show the Planning Commission and staff that the proposed landscaping effectively buffers the residential uses from existing or potential industrial uses.

The Land Use Table in Chapter 7 is hereby amended to reflect that "Master planned developments with moderate income housing density bonus" is a conditional use in the LI Zone with the reference note prohibiting the use in the LI Zone stricken and replaced with "C¹³".

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


PASSED AND ADOPTED this 14th day of May, 1992.

PARK CITY MUNICIPAL CORPORATION

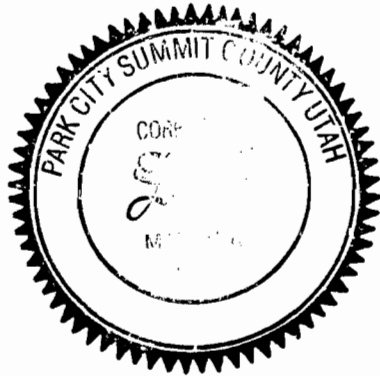


Mayor Bradley A. Olch

Attest:



Anita L. Sheldon, City Recorder



ORDINANCE NO. 92-12

**AN ORDINANCE AMENDING THE BUSINESS LICENSING
ORDINANCE NO. 87-12 TO PROHIBIT
SPEAKERS AND/OR AMPLIFIED MUSIC OUTSIDE
LICENSED BUSINESSES ON MAIN STREET**

WHEREAS, the City Council of Park City is committed to providing a favorable experience for our visitors and citizens as they travel on Main Street; and

WHEREAS, the City Council has received numerous complaints concerning speakers on the outside of buildings of businesses; and

WHEREAS, the City Council views outdoor music, announcements and other noise-making mechanisms as a type of attention-getting device or advertising which is expressly prohibited by ordinance,

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

SECTION 1. AMENDMENT. Ordinance No. 87-12 is hereby amended to add the following subsection to Section 8:

- (d) No licensed business shall permit or cause to exist any speaker or sound amplification equipment on the outside of any premise on Main Street with the exception of those businesses which are allowed to have outside speakers as part of their conditional use permit for outdoor dining or performances or events approved by staff as a part of a master festival license or community celebration.

SECTION 2. EFFECTIVE DATE. This Ordinance shall take effect upon adoption.

PASSED AND ADOPTED this 28th day of May, 1992.

PARK CITY MUNICIPAL CORPORATION


BRADLEY A. OLCH, MAYOR

ATTEST:


ANITA L. SHELDON, CITY RECORDER



Ordinance No. 92-13

**AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP
OF PARK CITY, UTAH TO INCLUDE 178.36 ACRES OF
MORNING STAR ESTATES
(A PORTION OF DEER VALLEY RESIDUAL PARCEL)**

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

WHEREAS, the owner of the Morning Star Estates, Blue Ledge Corporation, petitioned the City Council of Park City for annexation of a 178.36 acre parcel contiguous with Deer Valley to be zoned as Residential Development-Master Plan Development (RD-MPD), Estate (E), and Recreation Open Space (ROS); and

WHEREAS, notice was duly given and published in the Park Record for six weeks in advance of public hearings before the City Council and Planning Commission in accordance with notice provisions of the Land Management Code; and

WHEREAS, a public hearing was held on the annexation on the 23rd of April, 1992 before the City Council and on March 25th before the Planning Commission, and the City Council finds that the annexation and zoning designations, as requested at the time of the hearings, are in the best interest of the community;

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

SECTION 1. AMENDMENT TO OFFICIAL ZONING MAP. The land designated on the attached Annexation Plat shall be annexed and zoned as RD-MPD, E, and ROS, and the zoning map of Park City, Utah is hereby amended to reflect the change.

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

PASSED AND ADOPTED this 11th day of June, 1992.

PARK CITY MUNICIPAL CORPORATION



Bradley A. Olch
Mayor Bradley A. Olch

Attest:
Anita L. Sheldon
Anita L. Sheldon, City Recorder

Recorded at the request of and return to:
Park City Municipal Corporation
P. O. Box 1480
Park City, Utah 84060
Attention: City Recorder

Resolution No. 24-92

**A RESOLUTION ANNEXING 178.36 ACRES OF
MORNING STAR ESTATES
(A PORTION OF DEER VALLEY RESIDUAL PARCEL)
INTO THE CORPORATE LIMITS OF PARK CITY, UTAH**

WHEREAS, a petition was filed by the owners of the land, Blue Ledge Corporation, included within the area described on the attached Annexation Plat, requesting Park City to annex that land to the City, zoned as Residential Development-Master Plan Development (RD-MPD), Estate (E), and Recreation Open Space (ROS); and

WHEREAS, the land is included within the City's Annexation Policy Declaration Statement and Annexation Boundary area; and

WHEREAS, public hearings, as required by law, were held before the Planning Commission on March 25, 1992 and the City Council on April 23, 1992; and

WHEREAS, the attached Annexation Agreement (Exhibit B) was approved by the Planning Commission at its meeting of March 25, 1992 and approved by the City Council at its meeting of April 30, 1992; and

WHEREAS, the land in question is not included within any other municipal jurisdiction, and there have been no protests to the annexation filed by any other jurisdiction;

NOW, THEREFORE, BE IT RESOLVED by the City Council of Park City, Utah that the land described on Exhibit A is hereby annexed to the corporate limits of Park City, Utah.

SECTION 1. ANNEXATION. The land so annexed shall be entitled to receive all City services on the same basis as other land within the City, and shall be subject to all City levies and assessments as described in the terms of the Annexation Agreement, Exhibit B.

SECTION 2. EFFECTIVE DATE. This Resolution shall take effect upon passage, provided that the annexation shall not be

deemed completed until this Resolution is recorded in the Office of the Summit County Recorder together with the Annexation Plat.



RESOLUTION ADOPTED 18th day of June, 1992.

PARK CITY MUNICIPAL CORPORATION

Bradley A. Olch
Mayor Bradley A. Olch

Attest:

Anita L. Sheldon
Anita L. Sheldon, City Recorder

STATE OF UTAH)
) ss.
COUNTY OF SUMMIT)

On the 18th day of June 1992, the foregoing Resolution annexing land of the Morning Star Estates into the corporate limits of Park City, Utah was acknowledged before me by Mayor Bradley A. Olch who executed the same.

Anita L. Sheldon
Notary Public

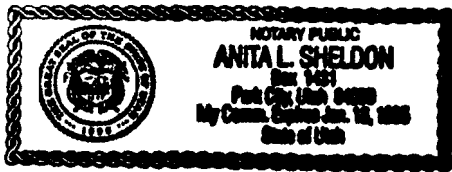


EXHIBIT A

PROPERTY DESCRIPTION

Beginning at a point S 89°30'31" E 387.65 feet along the center of section line from the West Quarter Corner of Section 11, Township 2 South, Range 4 East, Salt Lake Base & Meridian; and running thence along the centerline of section 11, S 89°30'31" E 941.59 feet; thence along the east line of the northwest quarter of the southwest quarter of section 11, S 00°14'20" W 481.61 feet; thence along the northerly end line of the Velvet No.3 mining claim (Mineral Survey No. 6842, Blue Ledge Mining District, Summit County, Utah) S 79°01'04" E 27.41 feet; thence along the easterly side line of the Velvet No.3 mining claim S 32°55'31" E 1037.74 feet; thence along the north line of the southeast quarter of the southwest quarter of section 11, S 89°45'02" E 518.42 feet; thence along the easterly side line of the Velvet No.4 mining claim S 32°48'13" E 390.45 feet; thence along the east line of the southeast quarter of the southwest quarter of section 11, S 00°21'07" W 1022.45 feet; thence along the south line of the southeast quarter of section 11, N 89°59'21" E 583.66 feet; thence along the easterly side line of the Ajo No.14 mining claim (Mineral Survey No.6989, Blue Ledge Mining District) S 31°02'05" W 949.02 feet; thence along the southerly end line of the Ajo No.14 mining claim N 56°22'33" W 599.76 feet; thence along the southerly end line of the Ajo No.15 mining claim N 57°34'28" W 600.92 feet; thence along the easterly side line of The Postmistress mining claim (Mineral Survey No.4981, Blue Ledge Mining District) S 31°00'00" W 319.63 feet more or less; thence along the northerly end line of the Republican mining claim (Mineral Survey No.4981) S 68°19'00" E 6.37 feet more or less; thence along the easterly side line of the Republican mining claim S 31°00'00" W 1502.66 feet more or less; thence along the southerly end line of the Republican mining claim N 68°19'00" W 567.57 feet more or less; thence N 02°15'38" W 1095.31 feet along the easterly line of Solamere Subdivision No. 1 as recorded; thence N 32°00'00" W 1200.72 feet along the easterly boundary line of Solamere Subdivision No.1 and Solamere Subdivision No.2A, as recorded; thence N 45°00'00" E 1128.00 feet along the easterly boundary line of The Oaks at Deer Valley, as recorded and said line projected beyond The Oaks at Deer Valley; Thence North 1321.88 feet to the point of beginning.

Description contains 178.36 acres.

When recorded, return to

Park City Housing Authority
P.O. Box 1480
Park City, Utah 84060

RENT CONTROL COVENANT

THIS COVENANT IS MADE this th 12 day of March, 1993 by and between BLUE LEDGE CORPORATION ("Owner") and the PARK CITY HOUSING AUTHORITY ("PCHA") and PARK CITY MUNICIPAL CORPORATION ("Park City") to set forth the terms and conditions under which Park City will permit the construction of accessory dwelling units on Lots owned by Owner, which will be subject to the rent control regulations by PCHA. The parties agree as follows:

1. Property. The property affected by this covenant is located in Park City, Summit County, Utah, and is more particularly described as follows:

Lots 6, 7, 8, and 10 of Morning Star Estates
Subdivision, as shown on the official plat thereof.

2. Accessory Dwelling Allowed. Park City agrees to permit the Owner(s) of the Property the option to construct one accessory dwelling on each of the Lots listed above. The accessory dwelling is not to be larger than 1,500 square feet in area, and shall in all other respects conform to the declaration of covenants, conditions and restrictions on the Morning Star Estate Subdivision. The accessory dwelling may be included as an apartment in the primary dwelling. The location of the accessory dwelling will be identified, and the accessory dwelling designated, at the time the building permit for it is issued.

3. Use of Accessory Dwelling. The use of the accessory dwelling is intended to be limited to providing housing for an employee of Owner to provide maintenance, security, and similar services to Owner under circumstances where the use of the accessory dwelling is a material part of the compensation of the employee. The accessory dwelling may not, under any circumstances, be used for transient lodging purposes, nightly rental uses as defined by Park City ordinances, or any commercial or business purpose.

4. Rental of Accessory Dwelling. In the event that the use described in the preceding paragraph is not being made of

the accessory dwelling, and Owner desires to rent the accessory dwelling to third parties under circumstances where the tenant is not an employee of the Owner, the parties agree to restrict rental rates and terms as follows:

a. Term. Rental terms will be on a basis typical of primary residential housing, and in no event will be shorter than a 30 day, or month-to-month tenancy.

b. Rent. Rental rate will be restricted by PCHA. The maximum rental rate for the accessory dwelling will be determined annually by the average "per bedroom" rental rate at Parkside Apartments, Fireside Condominiums, and Holiday Village Apartments. The "per bedroom" rental will be computed by taking the average rental for a two bedroom apartment in each of the apartment complexes listed, and dividing by two. The maximum rental rate allowable on the accessory dwellings will be the average of the "per bedroom" rate in the listed apartment complexes, multiplied by the actual number of bedrooms in the accessory dwelling. The determination of the applicable rental rates in the named apartment complexes will be made by PCHA based on actual rental information provided by the owners of those complexes, information obtained from rental agencies and the Park City Board of Realtors.

c. Adjustments. From time to time, the list of apartment complexes used to determine the maximum rent of the accessory dwelling may be amended by mutual agreement. In the event of the destruction of any of the named complexes, it is intended that a substantially similar complex be named to replace it. It is the intention of the parties that the mix of units used as the base for determining rental reflect the general mix of low cost housing of similar age available in Park City. The mix should always include some units that are under Federal Housing Administration rent controls (if feasible), and some units that are free market condominiums owned or rented as primary residences but constructed with assistance or participation from PCHA and Park City in the form of fee waivers or other concessions. If owner-occupied condominiums are considered, the "per bedroom rental" would be determined by taking the purchase price (as determined from multiple listing information) and assuming that rental rates would attempt to recover the full purchase price in 10 years. The "per bedroom" rental rate will be calculated on a basis that excludes taxes, insurance, utility charges and common area maintenance fees if paid by the tenant in addition to rent.

5. Maximum Rental. The maximum rental for the accessory dwelling will be the product of the "per bedroom" rate computed above, multiplied by the number of bedrooms in the accessory dwelling. Tenants in the accessory dwelling can be

charged for, or responsible for direct payment of utility services for the accessory dwelling in addition to the maximum rent.

6. Term of Covenant. This covenant shall have a term of 25 years from the date of recording. This covenant is intended to run with the land, and bind the successors and assigns of the Owner.

7. Remedies. This covenant may be enforced by Park City or the PCHA. In any action for enforcement, the prevailing party is entitled to recover its costs of enforcement, including reasonable attorneys fees, from the other party. Any rent charged in excess of the maximum is recoverable as damages, payable to PCHA.

8. Not Applicable to Main Dwelling. This covenant is only applicable to the accessory dwelling on the Lot, and shall not apply to the primary dwelling. If there is only one dwelling on the Lot, it is presumed to be the primary dwelling. If there are two dwellings on the Lot, and neither was designated as the accessory dwelling at the time the building permit was issued, the accessory dwelling is presumed to be the smaller of the two.

This agreement shall become effective upon recording with the Summit County Recorder.



Attest:

Anita L. Sheldon
Anita Sheldon, City Recorder

PARK CITY MUNICIPAL CORP.

By: Bradley A. Olch
Bradley A. Olch, Mayor

PARK CITY HOUSING AUTHORITY

By: Bradley A. Olch
Bradley A. Olch, Chairman

Attest:

Anita Sheldon
Anita Sheldon, Secretary

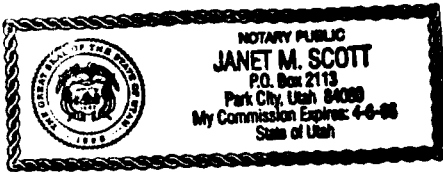
OWNER:

BLUE LEDGE CORPORATION

By: Hank Rothwell
Hank Rothwell, President

STATE OF UTAH)
 :SS
COUNTY OF SUMMIT)

The foregoing instrument was acknowledged before me this 17th day of March, 1993 by Bradley A. Olch and Anita Sheldon, who are the Mayor and City Recorder of Park City, Utah, who executed the foregoing on behalf of that entity with proper authority.



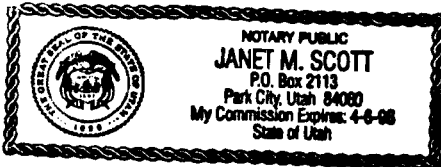
Janet M. Scott
Notary Public

Residing at:

Commission Expires:

STATE OF UTAH)
 :SS
COUNTY OF SUMMIT)

The foregoing instrument was acknowledged before me this 17th day of March, 1993 by Bradley A. Olch and Anita Sheldon, who are the Chairman and Secretary of the Park City Housing Authority, who executed the foregoing on behalf of that entity with proper authority.



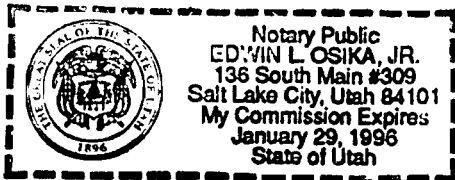
Janet M. Scott
Notary Public

Residing at:

Commission Expires:

STATE OF UTAH)
):ss
COUNTY OF SUMMIT)

The foregoing instrument was acknowledged before me this
12th day of March, 1993 by Hank Rothwell, who is the
President of Blue Ledge Corporation, who executed the
foregoing on behalf of that corporation with proper authority.



Edwin L. Osika, Jr.

Notary Public

Residing at:
Salt Lake City, Utah

Commission Expires:
January 29, 1996

When Recorded, Mail to:

RESTRICTIVE COVENANT

WHEREAS Blue Ledge Corporation is the Owner of the Property described on Exhibit A (the "Property"), which has been annexed to Park City and zoned Estate; and

WHEREAS the Property conforms to the minimum lot requirements for the Estate zone,

WHEREAS the Property has not been submitted to a general planning review, and utilities and finished streets have not been extended to the Property; and

WHEREAS the Owner and Park City desire to temporarily restrict the issuance of a building permit on the Property until such time as formal planning review and utility extensions have been completed;

NOW THEREFORE, the parties agree as follows:

1. Conditions to Building Permit Issuance. Park City will not issue a building permit for the construction of a dwelling or other improvements on the Property until the following conditions have been met:

(a) Power, natural gas, telephone and water have been extended to the Property;

(b) Sanitary sewer service is extended to the property or the Owner has provided reasonably satisfactory evidence that soil and drainage conditions are such that a septic system will operate effectively;

(c) The road abutting the property is paved;

(d) Building location and limits of disturbance have been fixed by the Owner and the City.

2. Incorporation Into Morning Star Estates. If the Property is developed as a single family estate-zoned building lot within 7 years from the date on which the Morning Star Estates Subdivision plat is recorded, it will be added to the Morning Star Estates Subdivision and made subject to the Covenants, Conditions and Restrictions of that Subdivision, as provided in the Declaration of Covenants.

3. Incorporation in Other Developments. If the Property is not developed as an Estate lot, but rather is developed independently or included in development on adjoining lands, the inclusion of the Property in a complete planning review process and approval on that other land will satisfy the conditions of this covenant, provided that development occurs in a manner consistent with that planning approval.

3. Release of Covenant. Park City agrees to provide a written release, in recordable form, releasing the Property from this covenant within 10 days following the satisfaction of either of the foregoing conditions.

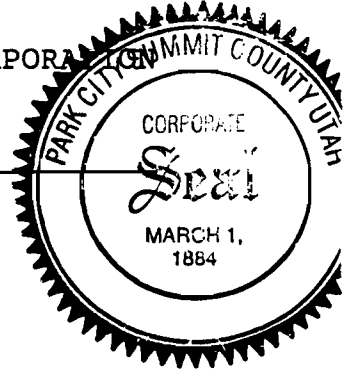
Dated this 12th of March, 1993.

BLUE LEDGE CORPORATION

By: Hank Rothwell
Hank Rothwell

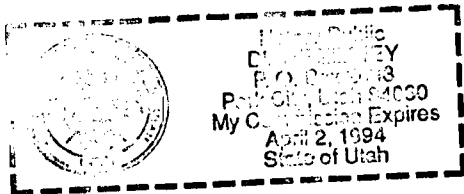
PARK CITY MUNICIPAL CORPORATION

By: Frederick A. Olsen



STATE OF UTAH)
):ss
COUNTY OF SUMMIT)

12 The foregoing instrument was acknowledged before me this 12 day of March, 1993 by Hank Rothwell, who is the President of Blue Ledge Corporation, Utah corporation, who executed the foregoing on behalf of that corporation with proper authority.



David H. Key
Notary Public
Residing at: Park City, Utah

Commission Expires:

4/2/94

STATE OF UTAH)
 SS
COUNTY OF SUMMIT)

The foregoing Restrictive Covenant was acknowledged before me this 17th day of March, 1993, by Bradley A. Olch, Mayor, who executed the same.

Janet M. Scott
Notary Public

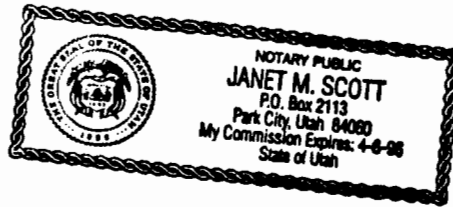


EXHIBIT A
LEGAL DESCRIPTION OF THE RESIDUAL PARCEL

Ordinance No. 92-14

**AN ORDINANCE AMENDING SECTION 7.11(e)
BANNERS OVER PUBLIC PROPERTY
OF THE PARK CITY SIGN CODE**

WHEREAS, safety is a concern in developing criteria for the specifications of banners over public property; and

WHEREAS, the City Council deems it in the best interest of the community to amend the Sign Code;

NOW, THEREFORE, BE IT ORDAINED that:


SECTION 1. AMENDMENT. Section 7.11(e) is hereby amended as follows:

- (e) Banners must be reinforced with rope within a casing at the bottom and the top of the both banner edges.

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

PASSED AND ADOPTED this 16th day of July, 1992.

PARK CITY MUNICIPAL CORPORATION


Mayor Bradley A. Olch

Attest:


Anita L. Sheldon, City Recorder



Ordinance No. 92-15

**AN ORDINANCE ESTABLISHING A GOVERNMENT RECORDS
ACCESS AND MANAGEMENT PROGRAM
AND CODIFYING SAID PROGRAM AS TITLE 5 OF THE MUNICIPAL CODE
OF PARK CITY, UTAH**

WHEREAS, the Utah State Legislature did enact the Government Records Access and Management Act II which became effective as of July 1, 1992; and

WHEREAS, this Act provides that each political subdivision may adopt an ordinance relating to the information practices and records retention, amendment, management, classification, designation, and access and denial of access, including an appeal procedure; and

WHEREAS, the Act provides that any political subdivision that does not enact their own ordinance to govern the records of the jurisdiction shall be bound by the state provision contained in Utah Code Annotated § 63-2-101 et. seq.; and

WHEREAS, the City Council deems it in the best interest of Park City to adopt our own system of records management in compliance with the requirements of the state code, but providing for future flexibility in amendment thereto.

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

The following shall be the Park City Government Records Access and Management Act and shall be codified as Title 5 of the MUNICIPAL CODE OF PARK CITY, UTAH:

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TITLE 5 - GOVERNMENT RECORDS ACCESS AND MANAGEMENT ACT

CHAPTER 1 - IN GENERAL

5- 1- 1. SHORT TITLE - This Title is known as the "Park City Government Records Access and Management Act".

5- 1- 2. PURPOSE AND INTENT In enacting this act, the City recognizes two fundamental constitutional rights: the right of privacy in relation to personal data gathered by the City; and the public's right of access to information concerning the conduct of the public's business. The City also recognizes a public policy interest in restricting access to certain records, as specified in this Title for the public good.

It is the intent of the City to:

(a) Establish fair and efficient management practices for City records.

(b) Promote the public's right of easy and reasonable access to unrestricted public records.

(c) Permit confidential treatment of records only as provided in this Title.

(d) Provide guidelines for both disclosure and restrictions on access to City records, based on the equitable weighing of the pertinent interests and which are consistent with the nationwide standards.

(e) Favor public access when, in the application of this Title, countervailing interests are of equal weight.

5- 1- 3. DEFINITIONS

Audit - a systematic examination of financial and related records for the purpose of determining the fair presentation of financial statements, adequacy of internal controls, or compliance with laws or regulations; or, a systematic examination of program procedures and operations for the purpose of determining their effectiveness, economy, efficiency, and compliance with statutes and regulations.

Chronological logs - mean the regular and customary summary of records of law enforcement agencies and other public safety agencies that show the time and general nature of police, fire, and paramedic calls made to the agency and any arrests or jail bookings made by the agency.

Classification, classify and their derivative forms - mean determining whether a record series, record, or information within a record is public, private, controlled, or protected, or exempt from disclosure under Utah Code § 63-2-201(3)(b).

Computer program - means a series of instructions or statements that permit the functioning of a computer system in a manner designed to provide storage, retrieval, and manipulation of data from the computer system, and any associated documentation and source material that explain how to operate the computer program. Computer program does not mean the original data, including numbers, text, voice, graphics, and images; analysis, compilation, and other manipulated forms of the original data produced by the use of the program; or the mathematical or statistical formulas (excluding the underlying mathematical algorithms contained in the program) that would be used if the manipulated forms of the original data were to be produced manually.

Contractor - means any person who contracts with a governmental entity to provide goods or services directly to the City; or any private, nonprofit organization that receives funds from the City. Contractor does not mean a private provider.

Controlled record - means a record containing data on individuals that is controlled as provided in Section 5-3-5 of this Title.

Designation, designate, and their derivative forms - mean indicating, based on the City's familiarity with a record series or based on the City's review of a reasonable sample of a record series, the primary classification that a majority of records in a record series would be given if classified and the classification that other records typically present in the record series would be given if classified.

Gross compensation - means every form of remuneration payable for a given period to an individual for services provided including salaries, commissions, vacation pay, severance pay, bonuses, and any board, rent, housing, lodging, payments in kind, and any similar benefit received from the individual's employer.

Individual - means a human being.

Initial contact report - means an initial written or recorded report, however titled, prepared by peace officers, engaged in public patrol or response duties describing official actions initially taken in response to either a public complaint about or the apparent discovery of an apparent violation of the law, which report may describe:

(a) the date, time, location, and nature of the complaint, the incident or offense;

(b) names of victims;

(c) the nature or general scope of the agency's initial actions in response to the incident;

(d) the general nature of any injuries or estimate of any damages sustained in the incident;

(e) the name, address, and other identifying information about any person arrested or charged in connection with the incident;

(f) the identity of the public safety personnel (except undercover personnel) or prosecuting attorney involved in responding to the initial incident.

Person - means any individual, nonprofit or profit corporation, partnership, sole proprietorship, or other type of business organization.

Private record - means a record containing data on individuals that is private as provided by Section 5-3-3 of this Title.

Private Provider - means any person who contracts with the City to provide services directly to the public.

Protected Record - means a record that is classified as protected as provided by Section 5-3-7 of this Title.

Public record - means any record that is not private, controlled, or protected and that is not exempt from disclosure as provided in Section 5-3-1(b) of this Title.

Record - means all books, letters, documents, papers, maps, plans, photographs, films, cards, tapes recording or other documentary materials, and electronic data regardless of physical form or characteristics, prepared, owned, used, received, or retained by the City. Record does not mean:

(a) temporary drafts or similar materials prepared for the originator's own use or for the use of an individual for whom the originator is working;

(b) materials that are legally owned by an individual in her or his private capacity;

(c) materials to which access is limited by the laws of copyright or patent unless the copyright or patent is owned by the City;

(d) proprietary software

(e) junk mail or other commercial publications received by the City or an official or an employee of the City;

(f) books and other materials that are catalogued, indexed, or inventoried and contained in the collections of libraries open to the public, regardless of physical form or characteristics of the material;

(g) daily calendars and other personal notes prepared for the personal use of the originator or for the personal use of an individual for whom she or he is working; or

(h) computer programs that are purchased or developed by the City for its own use;

(i) notes or internal memoranda prepared as part of the deliberative process by a member of the judiciary, an administrative law judge, a member of the Board of Pardons, or member of any other body charged with performing a quasi-judicial function.

Record Series - means a group of records that may be treated as a unit for purposes of designation, description, management or disposition.

State archives - means the Division of Archives and Records Service created in the Utah Code § 63-2-901.

Summary data - means statistical records and compilations that contain data derived from private, controlled, or protected information but that do not disclose private, controlled, or protected information.

5- 1- 4. RECORDS CLASSIFICATION AND DESIGNATION. The City shall evaluate all record series that it uses or creates and designate those record series as provided by this Title. The City shall report the designation of its record series to the State Archives. A record, record series or information within a record may be classified at any time, but the City is not required to classify a particular record, record series or information until access to the record is requested. A record, record series or information within a record series may be reclassified or redesignated at any time.

CHAPTER 2. PUBLIC RECORDS AND THEIR DISCLOSURE

5- 2- 1. RIGHT TO INSPECT AND COPY RECORDS Every person has the right to inspect a public record free of charge and the right to take a copy of a public record during normal working hours, subject to the payment of costs and pursuant to Chapter 8 of this Title. All records are public unless otherwise expressly provided by this Title or State or Federal law or regulation.

5- 2 -2. PUBLIC RECORDS The list of public records in this section is not exhaustive and should not be used to limit access to records. The following records are public:

(a) Laws and ordinances;

(b) Names, gender, gross compensation, job titles, job descriptions, business addresses, business telephone numbers, number of hours worked per pay period, dates of employment and relevant education, previous employment, and similar job qualification of the City's former and present employees and officers, excluding undercover law enforcement personnel or investigative personnel if disclosure could reasonably be expected to impair the effectiveness of investigations or endanger any individual's safety;

(c) Final opinions, including concurring and dissenting opinions, and orders that are made by the City in an administrative, adjudicative, or judicial proceeding except that if the proceedings were properly closed to the public, the opinion and order may be withheld to the extent that they contain information that is private, protected, or controlled.

(d) Final interpretations of statutes or rules by the City unless classified as protected under this Title.

(e) Information contained in or compiled from a transcript, minutes, or report of the open portions of a meeting of the City as provided by Utah Code Annotated, Chapter 4, Title 52, Open and Public Meetings, including the records of all votes of each member of the City Council;

(f) Judicial records unless a court orders the records to be restricted under the rules of civil or criminal procedure or unless the records are private under this Title.

(g) Records filed with or maintained by City and County Recorders, clerks, treasurers, surveyors, zoning commissions, or other governmental entities that give public notice of:

(1) Title or encumbrances to real property;

- (2) Restrictions on the use of real property;
- (3) The capacity of persons to take or convey title to real property; or
- (4) tax status for real or personal property;

(h) data on individuals that would otherwise be private under this Title if the individual who is the subject of the record has given the City written permission to make the record available to the public;

(i) Documentation of the compensation the City pays to a contractor or private provider; and

(j) Summary data.

5 -2 -3. PUBLIC RECORDS UNLESS EXEMPTED. The following records are normally public unless they are expressly exempt from disclosure under Subsection 5-3-1(b), or Sections 5-3-3, 5-3-5, or 5-3-7:

(a) Administrative staff manuals, instructions to staff, and statements of policy;

(b) Records documenting a contractor's or private provider's compliance with the terms of a contract with the City;

(c) Records documenting the services provided by a contractor or private provider to the extent the records would be public if prepared by the City;

(d) Contracts entered into with the City;

(e) Any account, voucher, or contract that deals with the receipt or expenditure of funds by the City;

(f) Chronological logs and initial contact reports;

(g) Correspondence by and with the City in which the City determines or states an opinion upon the rights of the State, a political subdivision, the public, or any person;

(h) Empirical data contained in drafts if the empirical data is not reasonably available to the requester elsewhere in similar form and the City is given a reasonable opportunity to correct any errors or make non-substantive changes before release;

(i) Original data in a computer program if the City chooses not to disclose the program;

(j) Arrest warrants after issuance, except that, for good cause, a court may order restricted access to arrest warrants prior to service;

(k) Search warrants after execution and filing of the return, except that a court, for good cause, may order restricted access to search warrants prior to trial;

(l) Records that would disclose information relating to formal charges or disciplinary actions against a past or present employee if the disciplinary action has been completed and all time periods for administrative appeal have expired and the formal charges were sustained;

(m) Final audit reports;

(n) Business licenses;

(o) A notice of violation or similar records used to initiate proceedings for discipline or sanctions against persons regulated by the City, but not including records that initiate employee discipline.

CHAPTER 3. NON-PUBLIC RECORDS AND THEIR DISCLOSURE

5- 3- 1. RECORDS THAT ARE NOT PUBLIC. The following records are not public:

(a) Records that are appropriately classified private, controlled, or protected as allowed by 5-3-3, 5-3-5 and 5-3-7 of this title; and

(b) Records to which access is restricted pursuant to court rule, another state statute, federal statute, or federal regulation, including records for which access is governed or restricted as a condition of participation in a state or federal program or for receiving state or federal funds.

(c). Only those records specified in Sections 5-3-3, 5-3-5, and 5-3-7 may be classified private, controlled, or protected.

5- 3- 2. DISCLOSURE OF RECORDS THAT ARE NOT PUBLIC. The City may not disclose a record that is private, controlled, or protected to any person except as provided below.

(a) Before releasing a private, controlled, or protected record, the City shall obtain evidence of the requester's identity.

(b) The City may disclose a private, controlled, or protected record to another governmental entity only as provided by the Utah Code § 63-2-206.

(c) The City shall disclose or authorize disclosure of private or controlled records for research purposes only as provided by the Utah Code § 63-2-202(8).

(d) Under Section 5-5-4, the City Council may require the disclosure of records that are private under Section 5-3-3, controlled under Section 5-3-5, or protected under Section 5-3-7 to persons other than those specified in this section.

(e) Under the Utah Code §§ 63-2-404(8) and 63-2-202(7), a court may require the disclosure of records that are private under Section 5-3-3, controlled under Section 5-3-5, or protected under Section 5-3-7 to persons other than those specified in this section.

(f) The City may, at its discretion, disclose records that are private under Section 5-3-3 or protected under Section 5-3-5 to persons other than those specified in this Title if the City Council or a designee determines that there is no interest in restricting access to the record, or that the interests favoring access outweigh the interest favoring restriction of access.

(g) The specific provisions of the statute, rule, or regulation govern the disclosure of records to which access is mandated pursuant to court rule, another state statute, federal statute, or federal regulation, including records for which access is mandated or limited as a condition of participation in a state or federal program or for receiving state or federal funds.

5- 3- 3. PRIVATE RECORDS The following records are private:

(a) Records concerning an individual's eligibility for unemployment insurance benefits, social services, welfare benefits, or the determination of benefit levels;

(b) Records containing data describing individuals' medical history, diagnosis, condition, treatment, evaluation, or similar medical data;

(c) Records of publicly funded libraries that when examined alone or with other records identify a patron;

(d) Records concerning a current or former employee of, or applicant for employment with the City that would disclose the

individual's home address, home telephone number, social security number, insurance coverage, marital status, or payroll deductions;

(e) Records concerning a current or former employee of, or applicant for employment with the City, including performance evaluations and personal status information such as race, religion, or disabilities, but not including records that are public under Subsections 5-2-2(b) or 5-2-3(1).

(f) Records describing an individual's finances, except that the following are public:

(1) records described in Subsection 5-2-2;

(2) Information provided to the City for the purpose of complying with a financial assurance requirement; or

(3) Records that must be disclosed in accordance with another statute

(g) Other records containing data on individuals the disclosure of which constitutes a clearly unwarranted invasion of personal privacy.

(h) Records provided by the United States or a governmental entity outside the state that are given with the requirement that the records be managed as private records, if the providing entity states in writing that the record would not be subject to public disclosure if retained by it.

5- 3- 4. DISCLOSURE OF PRIVATE RECORDS Upon request the city shall disclose a **private** record to:

(a) The subject of the record;

(b) The parent or legal guardian of an unemancipated minor who is the subject of the record;

(c) The legal guardian of any legally incapacitated individual who is the subject of the record;

(d) Any other individual who;

(1) has a power of attorney from the subject of the record; or

(2) submits a notarized release from the subject of the record or from her or his legal representative dated no later than 90 days before the date the request is made; or

(3) Any person to whom the record must be provided pursuant to court order.

5- 3- 5. CONTROLLED RECORDS The following records are classified as controlled by the City:

(a) The record contains medical, psychiatric, or psychological data about an individual and the City reasonably believes that:

(1) Releasing the information in the record to the subject of the record would be detrimental to the subject's mental health or the safety of any individual;

(2) Releasing the information would constitute a violation of normal professional practice and medical ethics.

5- 3- 6. DISCLOSURE OF CONTROLLED RECORDS Upon request, the City shall disclose a **controlled** record to:

(a) A physician, psychologist, or certified social worker upon submission of a notarized release from the subject of the record that is dated no more than 90 days prior to the date the request is made and a signed acknowledgement of the terms of disclosure of controlled information as provided by Subsection (c).

(b) Any person to whom the record must be disclosed pursuant to court order.

(c) A person who receives a record from the City in accordance with Subsection (a) above may not disclose the controlled information to any person, including the subject of the record. If there is more than one subject of a private or controlled record, the portion of the record that pertains to another subject shall be segregated from the portion that the requester is entitled to inspect.

5- 3- 7. PROTECTED RECORDS The following records are classified as protected by the City:

(a) Trade secrets, as defined in the Utah Code § 13-24-2, if the person submitting the trade secret has provided the City with the information specified in the Utah Code § 63-2-308 for business confidentiality claims.

(b) Commercial information or non-individual financial information obtained from a person if:

(1) Disclosure of the information could reasonably be expected to result in unfair competitive injury to the person submitting the information or would impair the ability of the City to obtain necessary information in the future;

(2) The person submitting the information has a greater interest in prohibiting access than the public has in obtaining access; and

(3) The person submitting the information has provided the City with the information specified in the Utah Code § 63-2-308.

(c) Commercial or financial information acquired or prepared by the City to the extent that a disclosure would lead to financial speculations in currencies, securities, or commodities that will interfere with a planned transaction by the City or cause substantial financial injury to the City or cause financial injury to the State economy;

(d) Test or interview questions and answers to be used in future license, certification, registration, employment or academic examinations;

(e) Records the disclosure of which would impair governmental procurement or give an unfair advantage to any person proposing to enter into a contract or agreement with the City, except that this subsection does not restrict the right of a person to see bids submitted to or by the City after bidding has closed;

(f) Records that would identify real property or the appraisal or estimated value of real or personal property, including intellectual property, under consideration for public acquisition before any rights to the property are acquired unless;

(1) Public interest in obtaining the information outweighs the City's need to acquire the property on the best terms possible;

(2) The information has already been disclosed by persons not employed by or under a duty of confidentiality to the City; or

(3) In the case of records that would identify property described, potential sellers of the property have already learned of the City's plans to acquire the property;

(4) In the case of records that would identify the appraisal or estimated value of the property, the

potential sellers have already learned of the City's estimated value of the property;

(g) Records prepared in contemplation of sale, lease, exchange, rental, or other contemplated transaction of real or personal property, including intellectual property, which, if disclosed prior to completion of the transaction, would reveal the appraisal or estimated value of the subject property unless:

(1) The public interest in access outweighs the interest in restricting access, including the City's interest in maximizing the financial benefit of the transaction; or

(2) When prepared by or on behalf of the City, appraisals or estimates of the value of the subject property have been disclosed to persons not employed by or under a duty of confidentiality to the City;

(h) Records created or maintained for civil, criminal, or administrative enforcement purposes or audit purposes, or for discipline, licensing, certification or registration purposes if release of the records:

(1) Reasonably could be expected to interfere with investigations undertaken for discipline, licensing, certification, or registration purposes;

(2) Reasonably could be expected to interfere with audits, disciplinary, or enforcement proceedings;

(3) Would create a danger of depriving a person of a right to a fair trial or impartial hearing;

(4) Reasonably could be expected to disclose the identity of a source who is not generally known outside of the government and, in the case of a record compiled in the course of an investigation, disclose information furnished by a source not generally known outside of government if the disclosure would compromise the source; or

(5) Reasonably could be expected to disclose investigative or audit techniques, procedures, policies, or orders not generally known outside of government if disclosure would interfere with enforcement or audit efforts;

(i) Records the disclosure of which would jeopardize the life or safety of an individual;

(j) Records the disclosure of which would jeopardize the security of governmental property, governmental programs, or governmental record-keeping systems from damage, theft, or other appropriation or use contrary to law or public policy;

(k) Records the disclosure of which would jeopardize the security or safety of a correctional facility, or records relating to incarceration, treatment, probation, or parole, that would interfere with the control and supervision or an offender's incarceration, treatment, probation, or parole;

(l) Records of a governmental audit agency relating to an ongoing or planned audit until the final audit is released;

(m) Records prepared by or on behalf of the City solely in anticipation of litigation that are not available under the rules of discovery;

(n) Records disclosing an attorney's work product, including the mental impressions or legal theories of an attorney or other representative of the City concerning litigation;

(o) Records of communications between the City and an attorney representing, retained or employed by the City if the communications would be privileged as provided in the Utah Code § 78-24-8;

(p) Drafts, unless otherwise classified as public;

(q) Records concerning the City's strategy concerning collective bargaining or pending litigation;

(r) Records of investigations of loss occurrences and analyses of loss occurrences;

(s) Records, other than personnel evaluations, that contain a personal recommendation concerning an individual if disclosure would constitute a clearly unwarranted invasion of personal privacy, or disclosure is not in the public interest;

(t) Records that contain the location of historic, prehistoric, paleontological, or biological resources that if known would jeopardize the security of those resources or the security of valuable cultural, historic, scientific, or educational information;

(u) Records of independent state agencies if the disclosure of the records would conflict with the fiduciary obligations of the agency;

(v) Records provided by the United States or a governmental entity outside the State that are given to the City with the requirement that they be managed as protected records if the providing entity certifies that the record would not be subject to public disclosure if retained by it;

(w) Transcripts, minutes, or reports of the closed portion of a meeting of a public body except as provided in the Utah Code § 52-4-7 of the Open and Public Meetings Act;

(x) Records that would reveal the contents of settlement negotiations but not including final settlements or empirical data to the extent that they are not otherwise exempt from disclosure;

(y) Memorandum prepared by staff and used in the decision-making process by an administrative law judge, a member of the Board of Pardons, or a member of any other body of law charged by law with performing a quasi-judicial function; and

(z) Records that would reveal negotiations regarding assistance or incentives offered by or requested from the city for the purpose of encouraging a person to expand or locate a business in Utah, but only if disclosure would result in actual economic harm to the person or place the city at a competitive disadvantage, but this section may not be used to restrict access to a record evidencing a final contract; and

(aa) Materials to which access must be limited for purposes of securing or maintaining the City's proprietary protection of intellectual property rights including patents, copyrights, and trade secrets.

5- 3- 8. DISCLOSURE OF PROTECTED RECORDS. Upon request the City shall disclose a **protected** record to:

(a) The person who submitted the record;

(b) Any other individual who:

(1) Has a power of attorney from all persons and governmental entities whose interest were sought to be protected by the protected classification;

(2) submits a notarized release from all persons and governmental entities whose interests were sought to be protected by the protected classification or from their legal representatives dated no more than 90 days prior to the date the request was made; or

(c) Any other person to whom a record must be provided pursuant to a court order.

(d) The City shall provide a person with a copy of the record if the person:

- (1) Has a right to inspect it;
- (2) Identifies the record with reasonable specificity; and
- (3) Pays the lawful fees.

5- 3- 9. CONFIDENTIAL TREATMENT OF RECORDS FOR WHICH NO EXEMPTION APPLIES. A court may order the confidential treatment of records for which no exemption from disclosure applies if compelling interests which favor restriction of access to the records clearly outweigh the interests favoring access. If the City requests a court to restrict access to a record under this section, the court shall require the City to pay the reasonable attorney's fees and court costs incurred by the leading party in opposing the City's request if the court denies confidential treatment under this section.

This section does not apply to records that are specifically required to be public under Chapter 2 of this Title or under the Utah Code § 63-2-301.

Access to drafts and empirical data may be limited under this section, but the courts may consider, in their evaluation of interests favoring restriction of access, only those interests that relate to the underlying information, and not to the deliberative nature of the record.

Access to original data in a computer program may be limited under this section, but the court may consider, in its evaluation of interests favoring restriction of access, only those interests that relate to the underlying information and not to the statues of that data as part of a computer program.

CHAPTER 4 PROCEDURES FOR ACCESS

5- 4- 1. WRITTEN REQUESTS FOR RECORDS A person making a request for a record shall furnish the City with a written request containing their name, mailing address, daytime phone number if available, and a reasonably specific description of the records requested.

5- 4- 2. RESPONSE TO REQUEST As soon as reasonably possible, but no later than ten business days after receiving a written request, or five business days after receiving a written request if the requester demonstrates that expedited response would primarily benefit the public, the City shall respond to the request by:

- (a) Approving the request and providing the record;
- (b) Denying the request;
- (c) Notifying the requester that it does not maintain the record and providing, if known, the name and address where the record can be found; or
- (d) Notifying the requester that because of one of the extraordinary circumstances listed in Section 5-4-4, below, it cannot immediately approve or deny the request. The notice shall describe the circumstances relied upon and shall specify the date when the record request will be approved or denied.

5- 4- 3. DUTY OF CITY TO RESPOND IS LIMITED. The following limits shall apply to requests:

- (a) The City is not required to create a record in response to a request.
- (b) The City is not required to fulfill a record request if the request unreasonably duplicates prior record requests from that person.
- (c) If a person requests copies of more than 50 pages of records, and if the records are contained in files that do not contain records that are exempt from disclosure, the City may:
 - (1) Provide the requester with copying facilities and require the requester to make her or his own copies; or
 - (2) Allow the requester to provide her or his own copying facilities and personnel to make the copies at the City offices, and waive the fees for copying the records.
 - (3) Nothing in this Title shall be construed to limit or impair the rights or protection granted to the City under Federal copyright or patent law as a result of its ownership of the intellectual property right.
 - (4) The City may not use the physical form, electronic or otherwise, in which a record is stored to deny or unreasonably

hinder the rights of persons to inspect and receive copies of a record.

5- 4- 4. CIRCUMSTANCES WHICH WOULD EXTEND RESPONSE TIME

The following circumstances constitute "extraordinary circumstances" that allow the City to delay approval or denial for a reasonable period of time, but for no longer than fifteen business days. If the City fails to provide the requested records or issue a denial within the specified time period, that failure is considered the equivalent of a determination denying access to the records:

- (a) The request is for a voluminous quantity of records;
- (b) The City is currently processing a large number of record requests;
- (c) The request requires the City to review a large number of records to locate the records requested;
- (d) The decision to release a record involves legal issues that require analysis of statutes, rules, ordinances, regulations, or case law;
- (e) Segregating information that the requester is entitled to inspect from information that the requester is not entitled to inspect requires extensive editing or computer programming; or
- (f) Another governmental entity is using the record, in which case the City shall promptly request that governmental entity currently in possession to return the record.
- (f) Another governmental entity is using the record as part of an audit and returning the record before the completion of the audit would impair the conduct of the audit.

5- 4- 5. DENIALS OF REQUESTS FOR RECORDS. If the City denies a request in whole or in part, it shall provide a denial notice to the requester either in person or by sending the notice to the requester's address. The denial notice shall contain the following information:

- (a) A brief description of the record or portions of the record to which access was denied, provided that the description does not disclose private, controlled, or protected information or records to which access is restricted pursuant to court rule, another state statute, federal statute, or federal regulation, including records for which access is governed or restricted as a

condition of participation in a state or federal program or for receiving state or federal funds;

(b) Citations to the authority that exempt the record or portions of the record from disclosure;

(c) A statement that the requester has the right to appeal the denial to the City Manager; and

(d) A brief summary of the appeals process and time limits for filing an appeal.

Unless otherwise required by a court or agency of competent jurisdiction, the City may not destroy or give up custody of any record to which access was denied until the period for an appeal has expired or the end of the appeals process, including judicial appeal.

CHAPTER 5. APPEALS

5- 5- 1. APPEALS IN GENERAL. Any person aggrieved by the City's access determination under this Title, including a person not a party to the City's proceeding, may appeal the determination to the City Manager by filing a notice of appeal. The notice of appeal shall contain the following information:

(a) The petitioner's name, mailing address, and daytime telephone number; and

(b) The relief sought.

(c) A short statement of facts, reasons, and legal authority in support of the appeal.

5- 5- 2. APPEAL OF EXTRAORDINARY CIRCUMSTANCES DECISIONS. If the City claims extraordinary circumstances and specifies the date when the records will be available and, if the requester believes the extraordinary circumstances do not exist or that the time specified is unreasonable, the requester may appeal the City's claim of extraordinary circumstances or date for compliance within thirty days of notification of a claim of extraordinary circumstances by the City, despite the lack of a "determination" or its equivalent.

5- 5- 3. APPEAL OF BUSINESS CONFIDENTIALITY CLAIMS. If the appeal involves a record that is the subject of a business confidentiality claim under the Utah Code § 63-2-308, the City Recorder shall:

(a) Send notice of the requester's appeal to the business confidentiality claimant within three business days after receiving notice, except that if notice under this section must be given to more than thirty-five persons, it shall be given as soon as reasonably possible;

(b) Send notice of the business confidentiality claim and the schedule for the City Recorder's determination to the requester within three business days after receiving notice of the requester's appeal.

(c) The requester shall have seven business days after notice sent by the City Recorder to submit further support for the claim for business confidentiality.

5- 5- 4. DETERMINATION BY CITY MANAGER. The City Manager shall make a determination on any appeal within five business days of the City Manager's receipt of the notice of appeal or within twelve business days after the City sends the requester's notice of appeal to a person who submitted a claim of business confidentiality

The City Manager may, upon consideration and weighing the various interests and public policies pertinent to the classification and disclosure or nondisclosure, order the disclosure of information properly classified as private under Section 5-3-3 or protected under Section 5-3-7 if the interests favoring access outweigh the interests favoring restriction of access.

The City Recorder shall send written notice of the Mayor's determination to all participants. If the City Manager affirms the denial in whole or in part, the denial shall include a statement that the requester has the right to appeal the denial to the City Council, and the time limits for filing an appeal.

The City Manager's duties under this section may be delegated.

If the City Manager fails to make a determination within the time specified in Subsection (a), the failure shall be considered the equivalent of an order denying the appeal.

5- 5- 5. APPEAL OF CITY MANAGER'S DECISION TO CITY COUNCIL. A notice of appeal of the City Manager's decision must be filed with the City Recorder no later than thirty days after the City Manager has denied the appeal or fails to make a determination within the time specified in Section 5-5-4. No later than three days after receiving notice of appeal, the recorder shall schedule a hearing for the City Council to discuss the appeal which shall be

held no sooner than fifteen days and no later than thirty days from the date of the filing of the appeal;

At the hearing, the City Council shall allow the parties to testify, present evidence and comment on the issues. The City Council may allow other interested persons to comment on the issues. No later than three business days after the hearing, the City Council shall issue a signed order either granting the petition in whole or in part or upholding the determination of the City Manager in whole or in part.

The order of the City shall include:

(a) A statement of reasons for the decision, including citations to this Title or federal regulations that govern disclosure of the record, provided that the citations do not disclose private, controlled, or protected information;

(b) A description of the record or portions of the record to which access was ordered or denied, provided that the description does not disclose private, controlled, or protected information;

(c) A statement that any party to the appeal may appeal the City's decision to the District Court; and

(d) A brief summary of the appeal, and a notice that in order to protect its rights on appeal, the party may wish to seek advice from an attorney.

5- 5- 6. NON-REQUESTER APPEALS. Any person aggrieved by the City's classification or designation determination under this Title, but who is not requesting access to the records, may appeal that determination using the procedures provided in this chapter. If a non-requester is the only appellant, the procedures provided in this section shall apply, except that the determination on the appeal shall be made within thirty days after receiving the notice of appeal.

5- 5- 7. EXTENSION OF TIME PERIOD. The provisions of this section notwithstanding, the parties participating in the proceeding may, by agreement, extend the time periods specified in this Title.

5- 5- 8. JUDICIAL REVIEW. Any party to the proceeding before the City Council may petition for judicial review by the District Court of the City Council's order. The petition shall be filed no later than thirty days after the date of the City Council's order.

CHAPTER 6. RECORDS RETENTION SCHEDULES

5- 6- 1. ADOPTION OF RECORDS RETENTION SCHEDULES The City shall adopt retention schedules for each record series pursuant to the Utah Municipal General Records Retention Schedule of 1990, prepared by the Utah Department of Administrative Services, Division of Archives and Records Service.

CHAPTER 7. RIGHTS OF INDIVIDUALS ON WHOM DATA IS MAINTAINED

5- 7- 1. REQUESTS FOR INFORMATION. The City shall file with the State Archivist a statement explaining the purposes for which record series designated private or controlled are collected and used by the City. This statement shall be a public record. When individuals on whom data is maintained request it, the City shall explain the reasons the individual has been asked to furnish the City with information that could be classified private or controlled, the intended uses of the information, and the consequences for refusing to provide the information.

The City shall not use private or controlled records for purposes other than those given in the statement filed with the State Archivist under Subsection (1) or for purposes other than those for which another governmental entity could use the record under the Utah Code § 63-2-206.

5- 7- 2. SEGREGATION OF RECORDS Notwithstanding any other provision in this Title, if the City receives a request for access to a record that contains both information that the requester is entitled to inspect and information that the requester is not entitled to inspect under this Title, the City shall allow access to information in the record that the requester is entitled to inspect under this Title and deny access to information in the record if the information is exempt from disclosure to the requester, by issuing a written denial notice.

5- 7- 2. REQUEST TO AMEND A RECORD Any individual may contest the accuracy or completeness of any public, private, or protected record by requesting the City to amend the record. However, this section does not affect the right of access to any private or protected records concerning him or her. The request shall contain the requester's name, mailing address, and daytime phone number and a brief statement explaining why the City should amend the record. The City shall issue an order either approving or denying the request to amend no later than thirty days from the receipt of the request.

If the City approves the request, the City shall correct all of its records that contain the same incorrect information as

soon as practical. The City shall not disclose the record until it has amended it, once the request has been approved.

If the City denies the request it shall inform the requester in writing and provide a brief written statement giving its reasons for denying the request.

If the requester disagrees with the City's decision not to amend a record, the requester may submit a written statement contesting the information in the record and the City shall file the requester's statement along with the disputed record or make the statement accessible if the record is not in a form such that the statement can accompany the record and disclose the requester's statement along with the information in the record whenever the City discloses the disputed information.

5- 7- 3. APPEAL OF DENIAL TO AMEND RECORD The requester may appeal the denial of the request to amend a record pursuant to Chapter 5 of this Title governing appeals.

5- 7- 4. SECTION NOT APPLICABLE. This section does not apply to records relating to title or real or personal property, medical records, judicial case files, or any other records that the City determines must be maintained in their original form to protect the public interest and to preserve the integrity of the record system.

CHAPTER 8. FEES.

5- 8- 1. REASONABLE FEES TO BE SET BY RESOLUTION The City will set reasonable fees by Resolution to cover the City's actual cost of duplicating a record or compiling a record in a form other than that maintained by the City. The initial fee, until changed by resolution is as set forth in Appendix "A". The City may not charge a fee for reviewing a record to determine whether it is subject to disclosure or inspecting a record.

5- 8- 2. WAIVER OF FEES The City may fulfill a record request without charge when it determines that:

- (a) Releasing the record primarily benefits the public;
- (b) The individual requesting the record is the subject of the record;
- (c) The requester's legal rights are directly implicated by the information in the record; or
- (d) The requester is impecunious.

CHAPTER 9. CRIMINAL PENALTIES


5- 9- 1. INTENTIONAL DISCLOSURE OF PRIVATE, CONTROLLED OR PROTECTED RECORDS OR NON-DISCLOSURE OF PUBLIC RECORDS BY EMPLOYEES OR OTHERS A public employee or other person who has lawful access to any private, controlled, or protected record under this Title, and who intentionally discloses or provides a copy of a private, controlled, or protected record to any person knowing that such disclosure is prohibited, is guilty of a class B misdemeanor. A public employee who intentionally refuses to release a record the disclosure of which the employee knows is required by law or by final unappealed order from the City, the Records Committee, or a court, is guilty of a class B misdemeanor.

It is a defense to prosecution under this subsection that the actor released private, protected, or controlled information in the reasonable belief that the disclosure of the information was necessary to expose a violation of the law involving government corruption, abuse of office or misappropriation of public funds or property. It is also a defense to prosecution under this subsection that the record could have been lawfully released to the recipient if it had been properly classified.

5- 9- 2. OBTAINING RECORDS ILLEGALLY A person who, by false pretense, bribery, or theft, gains access or obtains a copy of any private, controlled, or protected record to which she or he is not legally entitled is guilty of a class B misdemeanor. No person shall be guilty under this subsection who receives the record, information, or copy after the fact and without prior knowledge of or participation in the false pretenses, bribery, or theft.


PASSED AND ADOPTED this 20th day of August, 1992.

PARK CITY MUNICIPAL CORPORATION



Mayor Bradley A. Olch

Attest:



Anita L. Sheldon, City Recorder



APPENDIX "A" TO
GRAMA ORDINANCE 92-15

CHARGES FOR COPIES SHALL BE \$.10 PER PAGE WITH TWO-SIDED COPIES
BEING CHARGED AS TWO PAGES.

ORDINANCE NO. 92-16

**AN ORDINANCE AMENDING THE BEER AND LIQUOR LICENSING
ORDINANCE NO. 90-23 TO PROVIDE FOR
SPEAKERS AND/OR AMPLIFIED MUSIC OUTSIDE
LICENSED PREMISES**

WHEREAS, the City Council of Park City is committed to providing a favorable experience for our visitors and citizens; and

WHEREAS, the City Council enacted Ordinance No. 90-23 as amended by Ordinance 90-33 to regulate outside noise and impacts from licensed premises, which specifically addresses hours of operation out of doors and prohibits outside speakers or amplified music or equipment on any outdoor balcony, deck, patio or garden associated with the licensed premises; and

WHEREAS, the City Council desires to amend the absolute prohibition of outdoor music or speakers and to provide a process whereby a licensee may apply for a permit for outdoor dining, including music.

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


SECTION 1. AMENDMENT. Ordinance No. 90-23 as amended by Ordinance 90-33 is hereby amended to add the following language to Section 7.01 (j):

(j) Outdoor Speakers. To permit or cause to exist any loud speaker or sound amplification equipment on any outdoor balcony deck, patio, or garden associated with the licensed premises other than speaker systems or sound amplification equipment in conjunction with approved outdoor dining.

SECTION 2. EFFECTIVE DATE. This Ordinance shall take effect upon adoption.

PASSED AND ADOPTED this 3rd day of September, 1992.

PARK CITY MUNICIPAL CORPORATION


BRADLEY A. OLCH, MAYOR

ATTEST:


ANITA L. SHELDON, CITY RECORDER



Ordinance No. 92-17

**AN ORDINANCE ADOPTING THE SENSITIVE AREA
OVERLAY ZONE REGULATIONS AND AMENDING THE OFFICIAL ZONING MAP
OF PARK CITY, UTAH TO INCLUDE THE SENSITIVE AREA OVERLAY ZONE
AND AMENDING THE LAND MANAGEMENT CODE OF PARK CITY, UTAH
TO BETTER REGULATE DEVELOPMENT ON SENSITIVE LANDS**

WHEREAS the Park City Comprehensive Plan states as a goal: "Preserve and enhance the natural features such as: ridge lines, meadows, streams, flood plains and significant vegetation, which form the sensitive, alpine environment that makes Park City so appealing"; and

WHEREAS, the City Council stated its commitment by adopting Resolution No. 30-91, adopted October 10, 1991, identifying principles for protecting sensitive lands; and

WHEREAS, the City has conducted an extensive public process which included many interest groups and held numerous public hearings and meetings to discuss the protection of sensitive lands; and

WHEREAS, amendments to the Comprehensive Plan have been adopted which support amendments to the Park City Land Management Code and the amendments to the Code are consistent with the Comprehensive Plan for Park City;

NOW, THEREFORE BE IT ORDAINED that the Land Management Code of Park City is amended as follows:

SECTION 1. SENSITIVE AREA OVERLAY ZONE REGULATIONS AND MAP ADOPTED. The Sensitive Area Overlay Zone Regulations are hereby adopted and the Official Zoning Map of Park City, Utah is hereby amended to reflect the boundaries of the Sensitive Area Overlay Zone. A copy of the Regulations and Map are attached hereto and made a part of this Ordinance.

SECTION 2. AMENDMENTS TO THE LAND MANAGEMENT CODE:

The following revisions are hereby added as subsections in Chapter 1, General Provisions/Procedures, of the Land Management Code:

1.13(1) Sensitive Lands Review. If a conditional use approval is located within the Sensitive Area Overlay Zone, additional requirements and regulations may apply. See the Sensitive Lands Provisions.

1.14(c) Sensitive Lands Review. If a master planned development is located within the Sensitive Area Overlay Zone,

additional requirements and regulations may apply. See the Sensitive Lands Provisions.

The following additions and deletions are hereby made to the following subsections in Chapter 3, Planning Commission, of the Land Management Code:

3.14((d)(1) conditional user permits;

3.14(1) Sensitive Lands Review. Any project falling within the Sensitive Lands Area Overlay Zone may be subject to additional requirements and regulations as outlined in the Sensitive Area Overlay Zone Regulations.

The following is hereby added as a subsection in Chapter 8, Supplementary Regulations, of the Land Management Code:

8.26. SENSITIVE LANDS REVIEW. Any project falling within the Sensitive Lands Area Overlay Zone may be subject to additional requirements and regulations as outlined in the Sensitive Area Overlay Zone Regulations.

The following is hereby added as a subsection in Chapter 9, Architectural Review, of the Land Management Code:

9.9. SENSITIVE LANDS REVIEW. Any project falling within the Sensitive Lands Area Overlay Zone may be subject to additional requirements and regulations as outlined in the Sensitive Area Overlay Zone Regulations.

The following revisions are hereby made to the following subsections in Chapter 10, Master Planned Developments, of the Land Management Code:

10.3. LAND USE INTENSITY ALLOWANCE. The density and type of development permitted on a given site will be finally determined as a result of impact and site plan analysis, the following table for absolute maximum densities in Master Planned Developments is provided:

GROSS DENSITY ALLOWED
(Total Site)

<u>Zone</u>	<u>Maximum Allowable Density</u>
Residential Development (RD)	Density up to 5 unit equivalents per acre
Residential Development, Medium Density (RDM)	Density up to 8 unit equivalents per acre

Sensitive Area Overlay Zone Density established by Sensitive Area Overlay Zone regulations

All other zones Density established by Chapter 7

10.6. THE APPLICATION. The Master Planned Development application must be submitted with a completed application form on a form supplied by the City. Additional application requirements may apply for projects within the Sensitive Area Overlay Zone. The application shall be supported by the following (seven sets required).

10.9. GENERAL CRITERIA FOR REVIEW. A Master Planned Development shall implement the purposes of this ordinance and of this section and. Any project falling within the Sensitive Lands Area Overlay Zone may be subject to additional requirements and regulations as outlined in The Sensitive Area Overlay Zone Regulations. In addition, Master Planned Developments shall meet the following standards and requirements.

10.17 SENSITIVE LANDS REVIEW. Any project falling within the Sensitive Lands Area Overlay Zone may be subject to additional requirements and regulations as outlined in the Sensitive Area Overlay Zone Regulations.

The following revisions are hereby made to the following subsections in Chapter 15, Subdivision Regulations, of the Land Management Code:

15.2.1.

(c)1. It is the intent of these regulations that subdivision review be carried out simultaneously with the review of Master Planned Developments. Required applications shall be submitted in a form to satisfy both the requirements of the subdivision regulations and master planned development provisions of the Land Management Code. Any project falling within the Sensitive Lands Area Overlay Zone may be subject to additional requirements and regulation as outlined in the Sensitive Area Overlay Zone Regulations.

3.(ii) Referral Back for Zoning Approval. The Planning Department and city staff shall thereupon refer the sketch plat and preliminary plat with its recommendation of approval, conditional approval, or disapproval, together with such recommendations and reviews of use, density and bulk standards as it was required to make under the master planned development and Sensitive Area Overlay Zone regulations of the Land Management Code, to the Planning Commission as authorized under the Land Management Code to approve the application. Application

shall then be made to the Planning Commission and City Council for final plat approval. No building permits or certificates of occupancy shall be issued for the project until the zoning application for the MPD has been finally approved and final subdivision plat approval has been given and the subdivision plat is recorded with the County Recorder.

15.4.1.

- (a)2. The Land Management Code, Sensitive Area Overlay Zone, Uniform Building and related Codes, and all other applicable laws of the appropriate jurisdictions.


15.4.10 Preservation of Natural Features and Amenities.

- (a) General. Existing features which add value to the community shall be retained. Buildings shall be sited in a manner that preserves significant views. Ridges should be protected from development which would be visible on the sky line from prominent areas in Park City. Existing vegetation should also be retained as much as possible. Vegetation protection shall be required during construction so that disturbance is limited. Existing features such as water courses, wetlands, historic sites, critical meadowlands, important vistas, and other irreplaceable assets shall be preserved in the design of the subdivision. All trees on the plat required to be retained shall be preserved, and all trees where required shall be welled and protected against change of grade. The sketch plat shall show the number, size, and location of existing trees as required by these regulations and shall further indicate all those marked for retention, and the location of all proposed trees along the street side of each lot. Any project falling within the Sensitive Lands Area Overlay Zone may be subject to additional requirements and regulations as outlined in The Sensitive Area Overlay Zone Regulations.

SECTION 3. EFFECTIVE DATE. This Ordinance shall take effect immediately.

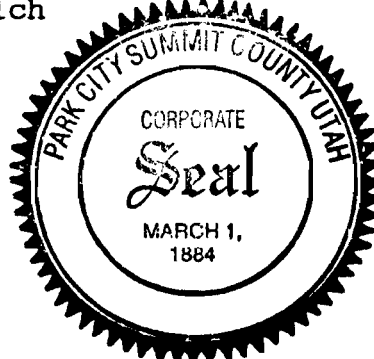
PASSED AND ADOPTED this 24th day of September, 1992.

PARK CITY MUNICIPAL CORPORATION


Bradley A. Olch

Attest:


Anita L. Sheldon, City Recorder



SENSITIVE AREA OVERLAY ZONE REGULATIONS

**Final Draft
September 24, 1992**

**Park City Municipal Corporation
Park City, Utah**

**SENSITIVE AREA OVERLAY ZONE REGULATIONS
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SENSITIVE AREA OVERLAY ZONE REGULATIONS

INTRODUCTION AND OVERVIEW

A. Conditions and Development Pressures Leading to Action

For many years, Park City has discussed the need to develop more comprehensive regulations to deal with development on sensitive lands within Park City. The need for new regulations has intensified with increasing development pressures and with the continued buildout of areas within Park City.

The City Council adopted a resolution in October of 1991 that directed the staff to update the current ordinances to include additional regulations for sensitive lands. A citizens focus group was formed and draft Comprehensive Plan amendments and implementation strategies were formulated. This document proposes changes to the Land Management Code to address development in the sensitive areas of Park City.

The basis for these regulations is the Comprehensive Plan for which amendments are proposed to stress the importance of protecting the characteristics that make Park City unique and desirable:

"The long-term viability of the community depends on its success as a year-round tourist destination and as a desirable place to live and work. Park City must maintain its identity to preserve and enhance its appeal."

The primary intent of the regulations included in this document is to restrict development in aesthetically and environmentally sensitive areas. This is done by requiring open space on hillsides, prohibiting development on ridgeline areas and wetlands and strictly regulating development in entry corridors. The intent is that these regulations will encourage large expanses of open space and the clustering of development while still allowing a reasonable use of property.

There are several different categories of land to which these regulations apply. Much of the property within the existing city limits of Park City is subdivided or master planned. Additionally, there is land within the City which is zoned but undeveloped, and land within the Annexation Policy Declaration which is unzoned and not within the current City Limits.

The regulations will apply to land only within the Sensitive Area Overlay Zone and will have a different level of application for each of these situations. A matrix is included (Appendix B) as a part of these regulations to better understand how requirements apply to these different categories of land:

1. Unannexed, Unzoned Land - The City currently has a significant amount of negotiating power in these situations, but these regulations will provide a minimum basis for those negotiations and will set forth the intent so that new development can be made consistent with that intent.
2. Land within the City Limits and Zoned - All of the proposed regulations would apply to this category of land including the density transfer provisions.
3. Land within the City Limits which is Master Planned but not Subdivided - As site specific plans come before the City, these regulations shall be used for site planning and final density determinations. The building design standards and tree/vegetation protection regulations shall apply.
4. Land within the City Limits which is Subdivided - The building design standards and tree/vegetation protection regulations shall apply to these areas.

It is the intent of this ordinance that the sensitive area regulations will also apply to unique or special developments like public works and utility projects, ski resorts, and industrial activities. However, given the special nature of these developments, the ordinance applies the regulations through special procedures.

These regulations are a beginning point. Because of limited staff resources, there has been an attempt to address the most vital issues relating to development on sensitive lands. Other future regulations may be appropriate as time and staffing allows.

B. Basic Regulatory Approach

The city staff and sensitive lands consultants analyzed a range of regulatory approaches and specific tools to deal with the development pressures on sensitive lands. For example, the team explored options such as a complete rewrite of the city's zoning ordinance to emphasize protection of sensitive lands. They examined innovative growth management systems involving performance zoning and development point systems that are being utilized in other fast-growing communities.

Based on this analysis and an assessment of the pros and cons of each option, the city staff and consultants concluded that given the need to act expeditiously, the best approach was to

adopt a special overlay zoning protection district for all lands containing sensitive environmental areas (importantly, defined to include both sensitive visual and natural environmental areas). Such overlay protection districts are used frequently in localities throughout the United States, and in fact, Park City already utilizes this technique under its Land Management Code.

The overlay protection zone will work as follows. Within the new district, all existing land-use and building regulations now in place will continue to apply except to the extent the regulations contained in the protection district are stronger or more restrictive. In a few instances, new regulations are proposed that would amend existing zoning regulations (for example, the limits of disturbance regulations or building design standards would apply to all development, including residential and commercial, etc.). The overlay district regulations would also serve as minimum standards of review to guide annexation negotiations, but could be applied with a greater degree of discretion given the flexibility inherent in the annexation process.

The overlay review process, described in greater detail in the proposed regulations, will have four primary steps:

1. Sensitive area analysis and delineation: All applicants for development (defined as including applications for subdivision or other development permits, including significant changes in existing Master Planned Developments (MPD), and for annexation) whose property has been identified as being within the sensitive area overlay zone, will be required to undertake an analysis of their property to identify sensitive environmental and aesthetic areas such as steep slopes, ridgeline areas, wetlands, and stream corridors. The regulations set forth criteria for the staff delineation of sensitive environmental areas.
2. Application of overlay zone regulations: Once the staff delineates sensitive areas on a site, regulatory standards will apply depending on the type of area involved (for example, a setback from a crest of a hill or wetlands or a prescribed amount of open space and existing vegetation that must be retained).
3. Site Development Suitability Review: The site will be analyzed and the most appropriate location for development will be determined based upon criteria for suitability outlined in Sections 2.1.9.c and 2.2.3.c. The staff shall review the Sensitive Area Determination and the proposed locations for development

at this time. A report shall be given to the Planning Commission which shall discuss appropriate areas for development and road restrictions. The Community Development Director may require that an application be reviewed by the Planning Commission prior to the master plan or subdivision review based upon size, location, and complexity of the project. A proposal will then continue with the design phase and will be reviewed and approved by the Planning Commission according to the process required in the Land Management Code. The MPD or Subdivision approval shall include density bonuses which may be appropriate as well as the open space requirement within the developed portion of an MPD site.

4. Hardship relief: Application of the sensitive area regulations may in a few cases, particularly involving smaller parcels, give rise to substantial economic hardship. Special procedures are recommended to obviate such hardship. If the applicant can demonstrate that the regulations would deny all reasonable use of the property, administrative steps are specified to provide relief through a special hearing process.

C. Effect on Existing Master Plans

There are number of existing, valid Master Plans which have been approved. Requests for site specific approval for parcels within Large Scale Master Plans which are located within the Sensitive Area Overlay Zone shall be required to go through the Sensitive Lands Analysis and the development will be required to be placed on the least sensitive portion of the parcels. In general, the site design criteria shall apply to these proposals.

If there is a request to change the form of density for a part or all of a Master Plan or a request to substantially modify the plan, the total permitted density will be reevaluated based upon the criteria in these provisions.

D. Changes in Existing Ordinance Provisions

In some instances, adoption of the sensitive area overlay zone regulations will require changes in existing city land development regulations to ensure consistency and compatibility. These provisions are identified in general terms.

E. Future Ordinance Revisions

In addition to recommendations for new sensitive area overlay regulations that should be adopted immediately, possible future revisions to the city's land development regulations are identified for consideration.

SENSITIVE AREA OVERLAY ZONE ORDINANCE PROVISIONS

SECTION 1: APPLICATION AND ANALYSIS REQUIREMENTS

In the Sensitive Area Overlay Zone as depicted in the accompanying map, the following application and analysis requirements and standards shall apply. The map requires that the following analysis be conducted to determine the exact boundaries of the sensitive areas and does not in and of itself define the sensitive areas.

1.1. Sensitive Area Analysis and Determination

Any applicant for any development approval must produce a sensitive lands analysis performed by qualified professionals that identifies and delineates all the following features and conditions.

- 1.1.1 Slope/topographic map, which shall be based on a certified boundary survey and depict contours at an interval of five (5) feet or less. Additionally, the map shall highlight areas of high geologic hazard, areas subject to landsliding, and all significant steep slopes in the following categories: (1) greater than fifteen (15) percent but less than or equal to thirty (30) percent; (2) greater than thirty (30) percent but less than or equal to forty (40) percent; and (3) over forty (40) percent. Steep slopes shall be defined as all areas within a parcel with a slope of greater than fifteen (15) percent. Slope determinations shall be made upon areas at least twenty-five (25) feet vertically and fifty (50) feet horizontally.
- 1.1.2 Ridgeline areas, which shall include all crests of hills or steep slopes as defined in Section 4.
- 1.1.3 Vegetative cover, generally by type and density of vegetation, including: 1) deciduous trees, 2) coniferous trees, 3) gamble oak or high shrub, and 4) sage, grassland, and agricultural crops. The Community Development Department shall have the discretion to require a more detailed tree/vegetation survey if the site has significant or unusual vegetation, stands of trees, or woodlands.

- 1.1.4 All designated entry corridors and designated vantage points present within or adjacent to the site, including Utah Highway 248 east of Wyatt Earpp Way and Utah Highway 224 north of Holiday Ranch Loop Road and Payday Drive.
- 1.1.5 Wetlands as established by using the Federal Manual for Identifying and Delineating Jurisdictional Wetlands, dated January 10, 1989. Although the Federal Manual may change in the future, the City will use this referenced manual as a basis for wetlands determination.
- 1.1.6 Stream corridors as defined by their ordinary high-water mark.

1.2 Additional Information and Study Requirements

In addition to the analysis required by the preceding subsection, the Community Development Department may require the applicant to undertake the following studies and submit the following information and assessments to ensure that the City has adequate information to comprehensively assess all development proposals. Such information and studies may include, but are not limited to:

- 1.2.1 Visual assessment of the subject property from relevant designated vantage points as directed by the Community Development Department, depicting conditions before and after the proposed development, including the proposed location, size, design, landscaping, and other visual features of the project to assist in analyzing the potential aesthetic impact and most advantageous location of structures and other improvements to reduce any adverse impact. The visual assessment shall be conducted using techniques as approved by the Community Development Director, including but not limited to sketches, models, drawings, renderings, hand-enhanced photographs, and computerized images. Selection of the appropriate technique will depend on the size of the development and the visual sensitivity of the proposed development site.
- 1.2.2 Soil investigation report, including but not limited to shrink-swell potential, elevation of water table, general soil classification and suitability for development, erosion potential, hazardous material analysis, and potential frost action.
- 1.2.3 Geotechnical report, including but not limited to location of major geographic and geologic features, depth of bedrock, structural features (folds, fractures,

etc.), and potential slide and other high-hazard areas such as mine shafts and avalanche paths.

1.2.4 Additional Slope Information. If the size of the proposed development and visual sensitivity of the site dictate, the Community Development Department may require the submission of a slope/topographic map depicting contours at an interval of two (2) feet.

1.2.5 Fire protection report, including but not limited to identification of potential fire hazards, mitigation measures, access for fire protection equipment, existing and proposed fire flow capability. The fire protection report shall address, as appropriate, the State Forester's Wildfire Hazards and Residential Development Identification Classification and Regulation Report and the Summit County Wildfire Plan.

1.2.6 Hydrologic report, including but not limited to information on groundwater levels, drainage channels and systems, and base elevations in floodplains.

1.2.7 Wetland/stream corridor resource evaluation, including a delineation of wetland and stream corridor boundaries and a determination of resource significance pursuant to Section 2.4.

1.3 Waiver/Modification of Analysis and Study Requirements.

Based upon a preliminary assessment of the development proposal and a site field inspection, the Community Development Director may modify or waive any of the sensitive area analysis requirements upon a determination that the information is not necessary for a full and adequate analysis of the development or is sufficient at a reduced level of detail.

1.4 Sensitive Area Determination.

The Community Development Department shall delineate all sensitive areas on the parcel, including steep slope areas, ridgeline areas, entry corridors, and wetlands and stream corridors based on information submitted pursuant to this section, any other information and data available to or acquired by the Community Development Department, and an analysis thereof. Such delineation shall be used as the basis for all calculations of open space, density, buffers, setbacks, and density transfers permitted or required by this ordinance.

1.5 Density Transfer.

Whenever land within the Sensitive Areas Overlay Zone is subject to more than one density transfer provision, the more restrictive provision shall apply.

1.6 Annexations

Whenever an Annexation Petition is presented to the City, that Annexation shall be required to provide a Sensitive Area Analysis according to this code and may require varying levels of detail based upon existing conditions on the site. The Sensitive Area will be determined based upon that analysis. The analysis may lead to the designation of additional significant ridgelines, wetlands or vantage points which may not have been previously included as a part of this ordinance or of the accompanying maps.

SECTION 2: SENSITIVE AREA REGULATIONS

The following provisions shall apply to all delineated sensitive areas contained in the Sensitive Area Overlay Zone, including steep slopes, ridgeline areas, meadows, entry corridors, wetlands, and stream corridors.

2.1 Slope Protection Regulations

- 2.1.1 Intent. It is the intent of these regulations to protect Park City's visual character and environmentally sensitive areas on hillsides and slopes. This shall be accomplished by minimizing the visual and environmental impacts of development through careful site planning that maintains the maximum amount of open space, protects existing vegetation, avoids sensitive natural areas, minimizes erosion, recognizes the need for water conservation and locates structures in the least visually sensitive location. These regulations shall apply to all slopes in excess of fifteen (15) percent.
- 2.1.2 Prohibitions. No development shall be allowed on or within fifty (50) feet of slopes in excess of forty (40) percent, areas subject to landsliding, and other high-hazard geological areas as determined by a geotechnical or soils report produced pursuant to Section 1.2.2 and 1.2.3 herein.
- 2.1.3 Graded or filled slopes. Cutting and filling to create additional or larger building sites shall be kept to a minimum and avoided to the maximum extent feasible. All proposed grading and filling shall be subject to review by the Community Development Department to ensure minimum visual impact and geotechnical safety. Graded or filled slopes shall be limited to thirty-three a 3 to 1 slope or less. All graded slopes shall be recontoured to the natural, varied contour of surrounding terrain. Exceptions to this provision may be made for grading associated with ski area development based upon Section 3.2.
- 2.1.4 Benching or terracing to provide additional or larger building sites is prohibited.
- 2.1.5 Streets and roads. Road construction in hillsides can be the most visually disruptive portion of a development. Development in some areas may not be appropriate if roads cannot be constructed to access it without causing

significant visual impacts. Where streets and roads, public and private, are proposed to be constructed on steep slopes:

- (a) Streets and roads that cross slopes of thirty (30) percent or greater shall not be allowed, except that a short run of not more than one hundred (100) feet across slopes greater than thirty (30) percent may be allowed by the Community Development Director upon a favorable recommendation by the Planning Director and the City Engineer that such streets or roads will not have significant adverse visual, environmental, or safety impacts.
- (b) Where streets and roads, public and private, are proposed to cross slopes greater than ten (10) percent, the following standards shall apply:
 - (1) Evidence must be presented that such streets and roads will be built with minimum environmental damage and within acceptable public safety parameters.
 - (2) Such streets and roads shall, to the maximum extent feasible, follow contour lines, preserve the natural character of the land, and be screened with trees or vegetation.
 - (3) Cutting and filling shall be held to a minimum and retaining walls employed to help provide planting areas conducive to revegetation. Revegetation plans will be required for all areas disturbed during road construction.

2.1.6 Retaining walls. Use of retaining walls is encouraged to reduce the steepness of man-made slopes and provide planting pockets conducive to revegetation. The use, design, and construction of all retaining walls shall be subject to the approval of the Community Development Department based upon assessment of visual impact, compatibility with surrounding terrain and vegetation, and safety considerations.

2.1.7 Landscaping and revegetation. In order to mitigate adverse environmental and visual effects, slopes exposed in new development shall be landscaped or

revegetated in accord with a revegetation/landscaping plan as provided in Sections 15.4.2 (d) and 10.9 (k) of the Park City Municipal Land Management Code (Limits of Disturbance/Vegetation Protection), as amended. See Appendix B herein. Topsoil from any disturbed portion of a steep slope shall be preserved and utilized in revegetation. Fill soil must be of a quality to support plant growth.

2.1.8 Private development design standards. All development on steep slopes shall comply with the design standards set forth in Chapter 9 of the Land Management Code--Architectural Review (See Appendix A attached hereto.).

2.1.9 Open space and density on delineated portions of sites with steep slopes greater than fifteen (15) percent but less than or equal to forty (40) percent. In addition to the specific development regulations set forth above, the following general open space, limits of disturbance, and density transfer regulations shall apply:

(a) Open space. Seventy-five (75) percent of the steep slope area shall remain in natural open space as defined in the Land Management Code. Twenty five (25) percent may be developed in accordance with the underlying zoning subject to the following conditions.

(1) Maximum development density. The maximum allowable density that may be developed on the portion of the steep slope area not set aside for open space shall be governed by the underlying zoning. However, the maximum allowable density shall be permitted only by approval of the Community Development Department pursuant to the visual and environmental analysis provided for in Sections 1.1 and 1.2, and a finding that development at that density will not have a significant adverse visual or environmental affect on the community as set forth in Section 2.1.9(c).

(2) Location of development within sensitive areas. Any development permitted in steep slope areas pursuant to this section shall be located in such a manner to reduce visual and environmental impacts to the maximum

extent feasible. To determine the most appropriate location for development, the Community Development Department shall require that the applicant conduct a visual and environmental analysis considering visual impact from key vantage points, potential for screening, location of natural drainage channels, erosion potential, vegetation protection, access, and similar site design criteria. Based upon such analysis, the Community Development Department may require any one or a combination of the following measures:

- (i) clustering of development within the sensitive area, or
 - (ii) dispersal of development throughout the sensitive area, or
 - (iii) transferral of development density to non-sensitive or less sensitive portions of the site not subject to Section 2. In transferring development to less sensitive portions of the site, meadows must also be considered as important visual resources. A low lying meadow area may not always be the most appropriate location for all the development on a site to occur. Development shall be sited to preserve the open meadow vistas which are also desirable.
- (b) Density transfer. Up to twenty-five (25) percent of the densities otherwise permitted in the underlying zone attributable to the 75% open space portion of the site may be transferred to other portions of the site. The density transfer shall be subject to a suitability determination as set forth in Section 2.1.9(c). In addition to density transfers permitted above, up to one (100) hundred percent of the remaining preexisting density as set forth in Section 2.1.9(a) is eligible for transfer.
- (c) Suitability determination. A suitability determination certifying that a development will have no significant adverse impact on

adjacent properties or development shall be granted by the Planning Commission at the time of master plan or subdivision review if the following conditions are satisfied:

- (1) The overall development density of the entire parcel (not limited to the portion of the parcel receiving the transferred densities) is compatible with that of adjacent properties or developments. The fact that individual lot sizes in the receiving area may vary from those of adjacent properties or developments shall not be determinative of incompatibility.
- (2) The architecture, height, building materials, and other design features of the development in the receiving area are compatible with adjacent properties or developments.
- (3) The applicant has agreed to adopt appropriate mitigation measures such as landscaping, screening, illumination standards, and other design features as recommended by the Community Development Department to buffer the adjacent properties from the receiving area.

2.1.10 Open space and density on portions of sites with very steep slopes (in excess of 40 percent).

- (a) One hundred (100) percent of the very steep slope area shall remain in open space. No vegetation within fifty (50) feet of the very steep slope area shall be disturbed.
- (b) Up to ten (10) percent of the densities otherwise permitted in the zone may be transferred to other portions of the site, including delineated sensitive areas. The density transfer shall be subject to a suitability determination by the Community Development Department as set forth in Section 2.1.9(c).

2.1.11 Land Management Code Master Planned Development (MPD) Open Space Requirements. The sixty (60) percent open space requirements contained in Chapter 10.9.(c) of the Land Management Code shall continue to apply to the developed portion of an MPD site. However, the Community Development

Department may recommend to the Planning Commission at master plan or subdivision approval to reduce the sixty (60) percent open space requirement on non-sensitive areas on the site receiving a density transfer upon a determination that:

- (a) The sensitive area open space set aside is sufficient to provide adequate natural open space for the entire development, and
- (b) Sufficient neighborhood and recreational open space is set aside within the developable portion of the site to serve residents of the development.
- (c) In no case shall less than twenty (20) percent of the developable portion of the MPD site be set aside for neighborhood and recreational open space.

2.1.12 Density bonuses. In addition to the density transfers permitted pursuant to this Section, the Community Development Department may recommend that the Planning Commission grant, at the MPD or subdivision review, up to a maximum of twenty (20) percent increase in transferrable densities if the applicant:

- (a) Donates open space either in fee or a less-than-fee interest to either the City or another unit of government or nonprofit land conservation organization approved by the City. Such density bonus shall only be granted upon a finding by the Director that such donation will ensure the long-term protection of a significant environmentally or visually sensitive area; or
- (b) Provides public access other than trails normally required through the development process and as shown on the Trails Master Plan; or
- (c) Restores degraded wetlands or stream areas on the site or makes other significant environmental improvements.

2.2 Ridgeline Area Protection Regulations

- 2.2.1 Intent. The intent of these provisions is to protect the unique visual and environmental character of all designated ridgeline areas within the Sensitive Area Overlay Zone and to ensure that development near ridgeline areas blends in with rather than interrupts or modifies the natural contour elevations of these landforms. Significant ridgeline areas should be retained in a natural state, and development should be sited in such a manner so as not to create a silhouette against the skyline or mountain backdrop as viewed from designated vantage points.
- 2.2.2 Minimum setback. No building, roof, or other appurtenant device shall encroach upon the ridgeline area, as defined in Section 4.2. Additionally, no roof or other appurtenant device, including mechanical equipment, on any building may visually intrude on the ridgeline area from any of the eight designated vantage points as depicted on the accompanying map, determined by a visual assessment.
- 2.2.3 Open space and density. In addition to the specific development regulations set forth above, the following general open space, limits of disturbance, and density transfer regulations shall apply to all ridgeline areas in the Sensitive Area Overlay Zone as defined in Section 4.2:
- (a) No vegetation within the ridgeline area shall be disturbed. One hundred (100) percent of the ridgeline area shall remain in open space.
 - (b) Density transfer. Up to twenty-five (25) percent of the densities otherwise permitted in the zone attributable to the ridgeline area may be transferred to portions of the site determined not to be subject to regulations contained in Section 2 herein. The density transfer shall be subject to a suitability determination as set forth below.
 - (c) Suitability determination. A suitability determination certifying that a development will have no significant adverse impact on adjacent properties or development shall be granted by the Planning Commission at the time of master plan or subdivision review if the following conditions are satisfied:

- (1) The overall development density of the entire parcel (not limited to the portion of the parcel receiving the transferred densities) is compatible with that of adjacent properties or developments. The fact that individual lot sizes in the receiving area may vary from those of adjacent properties or developments shall not be determinative of incompatibility.
- (2) The architecture, height, building materials, and other design features of the development in the receiving area are compatible with adjacent properties or developments.
- (3) The applicant has agreed to adopt appropriate mitigation measures such as landscaping, screening, illumination standards, and other design features as recommended by the Community Development Department to buffer the adjacent properties from the receiving area.

2.2.4 Density bonuses. In addition to the density transfers permitted pursuant to this Section, the Community Development Director may recommend that the Planning Commission grant, at MPD or subdivision review, up to a maximum of twenty (20) percent increase in transferrable densities if the applicant:

- (a) Donates open space either in fee or a less-than-fee interest to either the City or another unit of government or nonprofit land conservation organization approved by the City. Such density bonus shall only be granted upon a finding by the Director that the donation will ensure the long-term protection of a significant environmentally or aesthetically sensitive area; or
- (b) Provides public access for trails, other than those normally required as a part of the development process and as shown on the Trails Master Plan; or
- (c) Restores degraded environmental areas on the site or makes other significant environmental improvements.

2.3 Entry Corridor Protection

- 2.3.1 Intent. To protect the image of Park City as a mountain community with sweeping, attractive vistas, it is the intent of this section to maintain the visual character of all designated entry corridors into Park City including open space and meadows located in the entry corridor protection areas, views of hillsides and ridgeline areas, and natural areas such as streams and wetlands. This objective can be attained by eliminating or mitigating visually obtrusive development and ensuring that significant portions of meadows remain in open space.
- 2.3.2 Applicability to property within existing Park City limits. The regulations contained in this subsection shall apply to all structures on lots adjacent to or within two-hundred and fifty (250) feet of the nearest right-of-way of entry corridors within the existing boundaries of Park City including (1) Utah State Highway 224 north of Holiday Ranch Loop Road and Payday Drive, (2) Utah State Highway 224 south of Prospect Avenue, and (3) Utah Highway 248 east of Wyatt Earpp Way.
- 2.3.3 Applicability to future annexed properties. Upon submission of an annexation petition, the Community Development Department shall identify relevant entry corridors for designation by the City Council and to the maximum extent feasible open vistas and meadows shall be maintained.
- 2.3.4 Access/traffic. Access points and driveways connecting directly to the entry corridor roadways shall be minimized. Access shall be from existing city streets that join with the corridor roadways rather than direct roadway access. Common driveways between adjoining projects shall be encouraged. Whenever direct driveway access is necessary, it shall be located in such a manner to minimize interference with through traffic on the corridor roadway.
- 2.3.5 Setbacks.
- (a) A setback line shall be established by the Community Development Department based upon a visual assessment of the property. However, in no case shall the setback be less than one-hundred (100) feet from the nearest entry roadway right-of-way. In areas where open meadow vistas are considered important, the required setback may be increased significantly.

The 100 foot standard is intended to be more appropriate for properties currently within the City Limits. Upon Annexation request, the appropriate setback will be determined based upon a site specific visual analysis.

(b) Building setbacks shall vary from structure to structure within any one lot or development. Setbacks shall also vary from those on adjoining roadway-oriented property to avoid creating a walled effect. Buildings shall be located in such a manner to enhance and frame important views as determined in the visual assessment provided for in Section 1.2.1.

(c) Agricultural or stock fences shall be permitted in the setback area subject to approval by the Community Development Department.

2.3.6 Parking lots. Parking lots shall be located to the rear or sides of buildings to the maximum extent feasible.

2.3.7 Berms/earthwork screening. All earthen berms and earthwork screening shall be graded and planted in such a manner so as to permit views of primary uses on the site from the adjacent entry corridor roadway. Additionally, berm crests shall be contoured and varied in height to avoid a straight-line barrier effect.

2.3.8 Fencing. In addition to the requirements contained in Section 8.7 of the Land Management Code, all fences in the entry corridor shall be of one of the following styles:

(a) Wooden rail

(b) Architecturally compatible solid wood and natural stone.

(c) Stock fences

(d) Various forms of steel fencing as determined by the Community Development Department, not including chain link fencing.

2.3.9 Height controls. No building shall exceed the following height limits, as defined in Section 2 of the Land Management Code:

- (a) Twenty (20) feet if the entry corridor setback is less than one-hundred fifty (150) feet.
- (b) Twenty-five (25) feet if the entry corridor setback is greater than one-hundred fifty (150) feet but less than two-hundred (200) feet.
- (c) Up to the maximum height allowed by the underlying zone if the setback is two-hundred (200) feet or greater.

In addition, buildings may be required to be stepped back to preserve and enhance important views defined in the visual assessment as provided in Section 1.2.1.

2.3.10 Pedestrian facilities. Trails and sidewalks shall be provided in all entry corridor developments in accordance with the Park City Trails Master Plan.

2.3.11 Landscaping/vegetation protection. A landscaping plan shall be required for all entry corridor developments, and vegetation protection shall be undertaken pursuant to Chapter 15.4.2.(d) of the Land Management Code as amended (See Appendix B).

2.3.12 Design standards. All development within an entry corridor shall comply with the design standards contained in Chapter 9 of the Land Management Code, as amended. (See Appendix A).

2.4 Wetlands and Stream Corridors

2.4.1 Intent. Park City finds that the wetlands and stream corridors provide important hydrologic, biological and ecological, aesthetic, recreational, and educational functions. Important functional values of wetlands and streams have been lost or significantly impaired as a result of various activities and additional functional values of these important resources are in jeopardy of being lost. The following requirements and standards have been developed to promote, preserve and enhance these valuable resources and to protect them from adverse effects and potentially irreversible impacts.

2.4.2 Jurisdiction. All significant wetlands and stream corridors in the Sensitive Areas Overlay Zone are regulated as provided herein and are subject to the jurisdiction of this ordinance.

2.4.3 Prohibited Activities. No person shall engage in any activity that will disturb, remove, fill, dredge, clear, destroy or alter any area, including vegetation, ("surface disturbance") within significant wetlands and significant stream corridors and their respective setbacks, except as may be expressly allowed herein.

2.4.4 Boundary Delineations. Wetland and stream corridor delineations shall be performed by a qualified professional that has demonstrated experience necessary to conduct site analysis. The qualified professional shall be approved by the Community Development Director and shall perform the work on behalf of Park City Municipal Corporation through a third-party contract where all fees, costs and expenses are borne by the applicant. Delineation of wetlands and stream corridors shall be subject to the approval of the Community Development Director.

(a) Pursuant to Section 1.1.5, boundary delineation of wetlands shall be established using the Federal Manual For Identifying and Delineating Jurisdictional Wetlands, dated January 10, 1989, and jointly published by the U.S. Environmental Protection Agency, the U.S. Fish and Wildlife Service, the U.S. Army Corps of Engineers and the U.S. Soil conservation Service. Subsequent revisions to the Federal Manual shall not be incorporated as part of the methodology. Although the Federal Manual may change in the future, the City will use this referenced manual as a basis for wetlands determination.

(b) Stream corridors shall be delineated at the ordinary high water mark as defined in Section 4.2.

2.4.5 Determination of Significance.

(a) A wetland delineated pursuant to the 1989 Federal Manual shall be found significant based upon the following criteria:

(1) Size. All wetlands that occupy a surface area greater than 1/10 acre or are associated with permanent surface water are significant.

(2) Location. All wetlands that are adjacent to or contiguous with a stream corridor are significant.

(b) All stream corridors are significant. Stream Corridors shall not include ditches which are commonly known to be irrigation ditches and do not contribute to the preservation or enhancement of fisheries or wildlife.

2.4.6 Setbacks. The following setbacks are considered minimum distances:

(a) Setbacks from wetlands shall extend a minimum of 50 feet outward from the delineated wetland edge.

(b) Setbacks from stream corridors shall extend a minimum of 50 feet outward from the ordinary high water mark.

(c) Setbacks from irrigation ditches shall extend a minimum of 20 feet from the ordinary high water mark.

2.4.7 Runoff Control. All projects adjacent to wetlands will provide appropriate temporary and permanent runoff control to minimize sediment and other contaminants to the maximum extent feasible.

2.4.8 Habitat Restoration Projects. The Community Development Department may approve wetland and stream restoration and enhancement projects providing that the project plan has been reviewed by a qualified professional and approved by the appropriate state and federal agencies with jurisdiction. All habitat restoration work shall be performed under the direct supervision of a qualified professional.

2.4.9 Land Management Code Master Planned Development (MPD) Open Space Requirements. The sixty (60) percent open space requirements contained in Chapter 10.9.(c) of the Land Management Code shall continue to apply to the developed portions of an MPD site. However, the Community Development Department may recommend to the Planning Commission at master plan or

subdivision approval to reduce the sixty (60) percent open space requirement in the developed portion of an MPD site upon a determination that:

- (a) The sensitive area open space set aside is sufficient to provide adequate natural open space for the entire development, and
- (b) Sufficient neighborhood and recreational open space is set aside within the developable portion of the site to serve residents of the development.
- (c) In no case shall less than twenty (20) percent of the developable portion of the MPD site be set aside for neighborhood and recreational open space.

SECTION 3: ADMINISTRATIVE PROVISIONS

3.1 Development Approvals For Public Projects/Public Works/Public Utilities

All public development projects and public works that visually impact or otherwise adversely impact sensitive areas, and all public utility installations including but not limited to water and sewer projects, pipelines, electrical supply facilities and wires, roads, and trails, constructed or undertaken within the Sensitive Area Overlay Zone shall be reviewed according to the following process and guidelines. It is the intent of this section that the proposed public utilities projects, both private and public, make all reasonable attempts to comply with the standards and guidelines of the Sensitive Lands regulations. The primary emphasis shall be on reasonable and practical reclamation and revegetation of areas disturbed by major public works and utility projects. In some situations, it may be necessary to encroach upon certain environmentally sensitive lands in order to maintain a desirable level of public service and safety. In those cases, an evaluation of alternatives and possible mitigation shall be required prior to such projects being submitted.

3.1.1 Consultation.

- (a) Public Utilities projects. The project sponsor shall notify the Community Development Director of the proposed project. A project plan delineating the location, alignment, and scope of the undertaking shall be submitted with such notification. If the Community Development Director determines that the project may have significant visual and environmental impacts, a consultation meeting shall be scheduled. No development shall occur until after the consultation meeting and compliance with the steps outlined in the following subsections, unless the Community Development Director has determined that no significant visual or environmental impact will result from the proposed project.
- (b) Public Works and other public projects. The department director shall notify the Community Development Director of all proposed projects which may have significant visual and environmental impacts and a consultation meeting shall be scheduled. No development shall occur until after the

consultation meeting and compliance with the steps outlined in the following subsections.

Minor projects which are determined by the Community Development Director to have no potential for significant visual or environmental impacts shall be exempt from the process outlined in Sections 3.1.2 through 3.1.6.

- 3.1.2 Mitigation. The Community Development Director shall review the proposed project and after the consultation meeting may request the project sponsor to prepare a mitigation plan that modifies the project to mitigate the environmental and visual impact of the project. To the maximum extent feasible, the project sponsor shall design the public works to preserve the natural character of the sensitive area and locate it in areas not visible from major public rights-of-way or public property such as parks.
- 3.1.3 Adoption of Recommendations. The project sponsor shall, before undertaking the project, to the maximum extent feasible, adopt the modifications and mitigation measures recommended by the Community Development Department or state in writing why adoption of such measures is not feasible before the project shall proceed.
- 3.1.4 Wetlands and Stream Corridors. All public utilities and public works, constructed or undertaken within significant wetlands and significant stream corridors and their respective setbacks, including but not limited to water and sewer projects, pipelines, electrical supply facilities and wires, roads, and trails, shall be governed pursuant to the procedures set forth in Section 3.1. They shall be exempted from the requirements of this Section 2.4 providing that: (a) no practical alternative location exists outside the significant wetland and significant stream corridor and their respective setbacks; and (b) the project meets the technical guidelines defined below.
- (a) To the maximum extent feasible, disturbed areas within the setbacks shall be revegetated using native species common to the native vegetation community.
 - (b) Maintenance access shall be provided at specific access points rather than parallel access roads. To the extent that access roads must be located within a corridor, the roads shall be kept

to a minimum width. Parallel access roads shall be sited contiguous to the utility corridor to minimize disturbance and shall be sited on the outside edge of the utility corridor away from the resource.

- (c) Surface materials used for trail construction and other access routes shall be approved by the Community Development Director.
- (d) Road construction techniques for stream crossings shall use appropriate methods demonstrated to provide fisheries protection.

3.1.5 Emergency Repairs. In the event of an emergency that requires immediate action to protect the health and safety of the general public, such action may go forward without the immediate consent of the Community Development Director. The Community Development Director shall be consulted at the earliest stage reasonably possible in the construction/repair phase.

3.1.6 Maintenance. Maintenance projects shall proceed only after notification of and approval by the Community Development Director. If the Community Development Director, due to the size or nature of the maintenance activity, determines that it may have a significant adverse impact on the sensitive area, the project shall proceed through the review procedures set forth in Sections 3.1.1 through 3.1.5.

3.2 Development Approvals for Ski Area Construction and Expansion

3.2.1 Consultation. Development of skiing and recreation related facilities within existing ski areas and expansion of ski facilities shall remain a permitted use. The project developer shall notify the Community Development Director of the proposed project. A plan detailing the location, alignment and scope of the undertaking shall be submitted with such notification. If the Community Development Director determines that the project may have significant visual and environmental impacts, a consultation meeting will be scheduled. No development shall occur until after the consultation meeting.

3.2.2 Mitigation. The Community Development Director shall review the proposed project and after consultation may request the project developer to prepare

alternatives for consideration and to prepare a mitigation plan that modifies the project to mitigate the environmental and visual impact of the project. To the maximum extent feasible, the developer shall design the ski facilities to preserve the natural character of the sensitive area. The mitigation plan shall also address revegetation disturbed areas and temporary and permanent erosion control measures.

3.3 Substantial Compliance. To avoid unnecessary review by city agencies and disputes over the application of the Sensitive Area Overlay Zone ordinance provisions, whenever there are practical difficulties over the application of the provisions or whenever the aims of the ordinance can be better achieved through alternatives to strict compliance, the Community Development Director, pursuant to the authority granted under Ordinance No. 83-3, may make specific modifications to strict compliance with the Sensitive Area Overlay Zone ordinance provisions.

3.4 Economic Hardship Relief Provisions.

3.4.1 Hardship Relief Petition. Any applicant for development, after a final decision on its development application is taken by the City Council, may file a Hardship Relief Petition with the Community Development Director seeking relief from the overlay zone regulations on the basis that the denial of the application has created a substantial economic hardship, depriving the applicant of all reasonable use of its property.

3.4.2 Affected Property Interest. The hardship relief petition must provide information sufficient for Community Development Director and the City Attorney to determine that the petitioner possesses a protectable interest in property under Article I, Section 22 of the Constitution of Utah and the Fifth Amendment to the United States Constitution.

3.4.3 Economic Hardship Standard. For purposes of this ordinance, a substantial economic hardship shall be defined as a denial all reasonable use of the property. Upon a finding that the denial of the application has resulted in a denial of all reasonable use of the property, the Park City Municipal Corporation may provide the petitioner with relief from the overlay zone regulations.

3.4.4 Time for Filing Notice of Petition and Petition. No later than ten (10) calendar days from final action by the City Council on any development application, the

applicant shall file a notice of petition in writing with the City Recorder. Within thirty (30) days of filing of a Notice of Petition, the applicant shall file a Hardship Relief Petition with the City Recorder.

3.4.5 Information to be Submitted with Hardship Relief Petition.

- (a) The hardship relief petition must be submitted on a form prepared by the Community Development Director, and must be accompanied at a minimum by the following information:
 - (1) Name of the petitioner;
 - (2) Name and business address of current owner of the property, form of ownership, whether sole proprietorship, for-profit or not-for-profit corporation, partnership, joint venture or other, and if owned by a corporation, partnership, or joint venture, name and address of all principal shareholders or partners.
 - (3) Price paid and other terms of sale of the property, the date of purchase, and the name of the party from whom purchased, including the relationship, if any, between the petitioner and the party from whom the property was acquired;
 - (4) Nature of the protectable interest claimed to be affected, such as, but not limited to, fee simple ownership, leasehold interest;
 - (5) Terms (including sale price) of any previous purchase or sale of a full or partial interest in the property in the three years prior to the date of application;
 - (6) All appraisals of the property prepared for any purpose, including financing, offering for sale, or ad valorem taxation, within the three years prior to the date of application;

- (7) The assessed value of and ad valorem taxes on the property for the previous three years;
- (8) All information concerning current mortgages or other loans secured by the property, including name of the mortgagee or lender, current interest rate, remaining loan balance and term of the loan and other significant provisions, including but not limited to, right of purchasers to assume the loan;
- (9) All listings of the property for sale or rent, price asked and offers received, if any, within the previous three years;
- (10) All studies commissioned by the petitioner or agents of the petitioner within the previous three years concerning feasibility of development or utilization of the property;
- (11) For income producing property, itemized income and expense statements from the property for the previous three years; and
- (12) Information from a title policy or other source showing all recorded liens or encumbrances affecting the property;

(b) The Community Development Director or the appointed Hearing Officer may request additional information reasonably necessary, in their opinion, to arrive at a conclusion concerning whether there has been a denial of all reasonable use constituting a substantial economic hardship.

3.4.6 Failure to Submit Information. In the event that any of the information required to be submitted by the petitioner is not reasonably available, the petitioner shall file with the petition a statement of the information that cannot be obtained and shall describe the reasons why such information is unavailable.

3.4.7 Preliminary determination of substantial economic hardship. Prior to the appointment of a hearing officer, and based on a review of documents

submitted by the applicant, the City Council, upon advice of the Community Development Director and City Attorney, shall make a determination whether the applicant has made a prima facie case that the subject property has suffered a serious diminution of value or a denial of all reasonable use that amounts to a substantial economic hardship. If a determination is made that a prima facie case has been established, then the Community Development Director and City Attorney shall recommend whether the hearing shall be formal or informal under the Utah Administrative Procedures Act. Such determination shall be made within thirty (30) days of the filing of a Hardship Relief Petition and submission of all information required by the Community Development Director and City Attorney necessary to make such determination. Upon such showing, the City Council may appoint a hearing officer, elect either formal or informal administrative proceedings, and proceed with a review of the hardship petition. If upon advice of the Community Development Director and the City Attorney, the City Council finds that the applicant has not made a prima facie case of economic hardship as defined above, the petition for hardship relief shall be denied and no hearing officer shall be appointed.

- 3.4.8 Appointment of Hearing Officer. The Community Development Director shall, within thirty (30) days following a preliminary determination of hardship by the City Council, appoint a Hearing Officer to review information submitted by the petitioner, to hold a hearing to determine whether there is an affected property interest and whether a substantial economic hardship has been created as a result of the final action on the application, and to make a recommendation to the City Council concerning approval or denial of the Hardship Relief Petition.
- 3.4.9 Qualifications of the Hearing Officer. Every appointed Hearing Officer shall have demonstrated experience in either development, real estate finance, real estate analysis, real estate consulting, real estate appraisal, planning, real estate or zoning law, or in other real estate related disciplines sufficient to allow understanding, analysis and application of the economic hardship standard. Prior to appointment, the hearing officer shall submit a statement of no potential or actual conflict of interest.
- 3.4.10 Notice of the Public Hearing. Within ten (10) days following appointment of the Hearing Officer, written notice shall be published and posted in accordance with Section 1.15 of the Land Management Code. The hearing shall be held

within thirty (30) days following the final date of written notice, unless a reasonable extension of time is agreed to by both the Community Development Director and the petitioner.

3.4.11 Rules for Conduct of the Hearing. The hearing shall be conducted according to the rules of the Utah Administrative Procedures Act.

3.4.12 Application of the Economic Hardship Standard. In applying the economic hardship standard in Section 3.4.3 above, the Hearing Officer shall consider among other items the following information or evidence.

- (a) Any estimates from contractors, architects, real estate analysts, qualified developers, or other competent and qualified real estate professionals concerning the feasibility, or lack of feasibility, of construction or development on the property as of the date of the application, and in the reasonably near future;
- (b) Any evidence or testimony of the market value of the property both considering and disregarding the Sensitive Area Overlay Zone designation; and
- (c) Any evidence or testimony concerning the value or benefit to the petitioner from the availability of opportunities to transfer density or cluster development on other remaining contiguous property owned by the petitioner eligible for such transfer as provided herein;

3.4.13 Burden of Proof. The petitioner shall have the burden of proving that the denial of the application creates a substantial economic hardship under the standard provided in Section 3.4.3.

3.4.14 Findings of the Hearing Officer. The Hearing Officer shall, on the basis of the evidence and testimony presented, make the following specific findings as part of its report and recommendations to the City Council:

- (a) Whether the petitioner has complied with the requirements for presenting the information to be submitted with a hardship relief petition;

- (b) Whether the petitioner has a protectable interest in property;
- (c) The market value of the property considering the Sensitive Area Overlay Zone designation;
- (d) The market value of the property disregarding the Sensitive Area Overlay Zone designation;
- (e) The market value of, or benefit accruing from opportunities to transfer density or cluster development on other remaining contiguous property owned by the petitioner eligible for such transfer as provided herein;
- (f) Whether it was feasible to undertake construction on or development of the property as of the date of the application, or in the reasonably near future thereafter;
- (g) Whether, in the opinion of the Hearing Officer, the denial of the application would create a substantial economic hardship as defined in Section 3.4.3.

3.4.15 Report and Recommendations of the Hearing Officer.

- (a) The Hearing Officer, based upon the evidence and findings, shall make a recommendation to the City Council concerning the Hardship Relief Petition.
- (b) If the Hearing Officer recommends that the City Council approve the Hardship Relief Petition, then the report of the Hearing Officer shall discuss the type and extent of incentives necessary, in the opinion of the Hearing Officer, to provide an appropriate increase in market value or other benefit or return to the petitioner sufficient to offset the substantial economic hardship. The types of incentives that the hearing officer may consider include, but are not limited to, the following:
 - (1) An increase in the opportunity to transfer density or cluster development on other property owned by the applicant outside the Sensitive Area Overlay Zone;

- (2) A waiver of permit fees;
- (3) Development finance assistance on property outside the Sensitive Area Overlay Zone;
- (4) Approval of development on some portion of the property within the Sensitive Lands Protection District; and
- (5) Acquisition of all or a portion of the property at market value.

(c) The report and recommendation shall be submitted to the City Council and mailed to the petitioner within thirty (30) days following conclusion of the public hearing.

3.4.16 City Council Review and Consideration. The City Council shall review the report and recommendations of the Hearing Officer and approve or disapprove the Hardship Relief Petition within sixty (60) days following receipt of the Hearing Officer's report. The City Council may hold a public hearing and provide notice as provided in the Land Management Code. Only new testimony and evidence shall be presented at any public hearing held by the City Council. The City Council may adopt any incentive reasonably necessary to offset any substantial economic hardship as defined in Section 3.4.3 and may condition such incentives upon approval of specific development plans.

3.4.17 Time Limits/Transferral of Incentives. Any incentives adopted by the City Council pursuant to this section may be transferred and utilized by successive owners of the property or parties in interest, but in no case shall the incentives be valid after the expiration date of the development approval.

SECTION 4: DEFINITIONS

4.1 Definition Usage.

For the purposes of this ordinance, certain terms and words used herein shall be used, interpreted, and defined as set forth in this subsection and the Park City Municipal Corporation Land Management Code.

4.2 Definitions.

Compatible. A development is compatible with an existing development or property if its architectural features, building height and materials, approved uses, intensity of such use and other features are complementary and do not have a significant adverse economic and aesthetic impact on the existing development or property.

Crest of hill. The highest point on a hill or slope as measured continuously throughout the property. Any given property may have more than one hill crest.

Substantial economic hardship. Means denial of all reasonable economic use of the property.

Development Approval Application. Includes any application for any development approval including but not limited to grubbing, grading, an alteration or revision to an approved MPD, conditional use permits, zoning or rezoning, subdivision, or annexation. The term "development approval application" shall not include any building permits associated with construction within an approved subdivision or on an existing platted lot unless otherwise specified.

Land Management Code. The official Park City Municipal Corporation Land Management Code adopted December 22, 1983, and effective January 1, 1984, as amended.

Maximum extent feasible. Means no prudent, practical and feasible alternative exists, and all possible planning to minimize potential harm has been undertaken. Economic considerations may be taken into account but shall not be the overriding factor in determining "maximum extent feasible."

Open space. Shall have the meaning set forth in Chapter 2 of the Land Management Code.

Ordinary high water mark. Means the line on the bank to which the high water ordinarily rises annually in season as indicated by changes in the characteristics of soil, vegetation or other appropriate means which consider the characteristics of the surrounding areas. Where the ordinary high water mark cannot be found, the top of the channel bank shall be substituted. In braided channels, the ordinary high water mark or substitute shall be measured so as to include the entire stream feature.

Qualified professional. Means a professionally trained person with the requisite academic degree, experience, and professional certification or license in the field or fields relating to the subject matter being studied or analyzed.

Ridgeline area. Means the crest of a hill or slope plus the land located within one-hundred fifty (150) feet horizontally (map distance) on either side of the crest.

Significant wetland. All wetlands which occupy a surface area greater than 1/10 acre or are associated with permanent surface water or which are adjacent to or contiguous with a stream corridor.

Slope. The level of inclination of land from the horizontal determined by dividing the horizontal run of the slope into the vertical rise of the same slope and converting the resulting figure into a percentage value. For purposes of regulation and measurement, slopes must cover at least twenty five (25) feet vertically and fifty (50) feet horizontally.

Steep slope. Slopes greater than fifteen (15) percent but less than or equal to forty (40) percent.

Stream. Means those streams, excluding ditches and canals constructed for irrigation and drainage purposes, that flow year around or intermittently during years of normal rainfall.

Stream corridor. Means the corridor defined by the stream's ordinary high water mark.

Suitability determination. A determination carried out by the Community Development Director to ascertain if a development at increased densities due to a

density transfer from a sensitive area is compatible with development on surrounding or adjacent property.

Vantage points. A height of five feet above a set reference marker in the following designated vantage points within Park City that function to assist in analyzing the visual impact of development on hillsides and steep slopes:

1. Osguthorpe Barn
2. Treasure Mountain Middle School
3. Intersection of Main Street and Heber Avenue
4. Park City Ski Area Base
5. Snow Park Lodge
6. Park City Golf Course Clubhouse
7. Park Meadows Golf Course Clubhouse
8. Utah Highway 248 at the turn-out one quarter mile west from U.S. Highway 40
9. Highway 224, 1/2 mile south of the intersection with Kilby Road.

APPENDIX A--DESIGN STANDARDS

All private development within the Sensitive Area Overlay Zone shall comply with the following design standards which supplement, and supersede in the case of a conflict, Chapter 9 of the Land Management Code

- A.1 Building color and material. All buildings shall be constructed of material of a muted earth tone color that reflects the dominant color of the surrounding vegetation. Building materials shall comply with the provisions of Chapter 9 of the Park City Municipal Land Management Code (Architectural Review).
- A.2 Windows and other glass. Glass areas shall be reviewed to avoid highly reflective surfaces. Mirrored glazing is prohibited on any building, except that solar absorption glazing is an acceptable material.
- A.3 Parking. Subdivision lots and streets shall be designed so that wherever possible parking is located behind buildings on the uphill lots. Uses other than single-family residences shall break up parking areas into smaller lots that should be located in linear strips running parallel to the slope contours. The perimeter of parking areas shall be screened with vegetation, fencing, or other architectural elements.
- A.4 Rooftop mechanical equipment. All rooftop mechanical equipment, including HVAC equipment and similar appurtenances, must be screened so as not to be visible from nearby properties or hillsides above the equipment.
- A.5 Roof pitch, color, and materials. The pitch of any roof shall generally parallel the slope upon which the building is located, but in any case shall not exceed a height to horizontal ratio of 9/12 and shall not descend closer than seven (7) feet from the ground. The minimum roof pitch shall be 4/12. Roofs shall be of a dark, muted earth tone color in a shade of dark gray, dark brown, or black that reflects the dominant color of the surrounding vegetation and shall be constructed of materials as set forth in Chapter 9 of the Park City Municipal Corporation Land Management Code (Architectural Review).
- A.6 Height controls. Upon review of any subdivision or MPD within the Sensitive Area Overlay Zone, an analysis of appropriate building heights will be conducted. Based upon the visual analysis, building heights may be reduced for all or part of a proposed development.

- A.7 Dwelling size. Maximum single-family dwelling size shall be evaluated at the time of project approval taking into consideration visual impact and community character.
- A.8 Underground utilities. All utility lines in steep slope developments shall be underground, except that the Community Development Director may allow above-ground utilities if burying would result in severe damage to significant vegetation or sensitive environmental areas.

APPENDIX B--TREE/VEGETATION PROTECTION REGULATIONS

- B.1 The following provisions are hereby adopted as amendments to existing limits of disturbance regulations contained in Section 15.4.2(d) and Section 10.9 (k) of the Park City Municipal Corporation Land Management Code and will apply to existing platted subdivisions in the Sensitive Area Overlay Zone, to include the following criteria to be used in establishing limits of disturbance.
- B.1.1 Visual impacts of the development, including but not limited to screening from adjacent properties, ridgeline area protection, and protection of critical viewsheds as defined in the Sensitive Area Overlay Zone District Regulations Section 1 herein.
- B.1.2 Erosion prevention and control, including but not limited to protection of natural drainage channels.
- B.1.3 Fire prevention and safety, including but not limited to location of trees and vegetation near structures.
- B.1.3 Irrigation and water conservation.
- B.1.4 Wildlife habitat, including but not limited to preservation of critical wildlife habitat and migration routes.
- B.1.5 Stream and wetland protection and buffering.
- B.2 Tree/vegetation removal. No trees or vegetation within the Sensitive Area Overlay Zone shall be removed for the purpose of providing open views to or from structures on a site.
- B.3 Irrigation limits. The amount of irrigated area shall be minimized depending on the amount existing natural vegetation on the site prior to construction and type of irrigation proposed to be used.
- B.4 Revegetation plan. All applicants for developments on land subject to Sensitive Area Overlay Zone regulations involving cut and fill and graded slopes shall submit a revegetation/landscaping plan for approval by the Community Development Department. The plan shall depict the type, size, and location of any vegetation and trees being planted and illustrate how the site will be recontoured in such a fashion

and with sufficient topsoil to ensure that revegetation is feasible. The plan shall also indicate a time frame for revegetation which is acceptable to the Community Development Department. Retaining walls shall be used to provide breaks in man-made steep slopes exceeding fifteen (15) percent and to provide planting pockets.

- B.5 Violation/Replacement provision. Any applicant who violates the provisions of this subsection by removing trees or vegetation or exceeding the prescribed limit of disturbance shall replace two for one in number all trees/vegetation illegally removed. Size of trees planted in replacement of illegally removed trees must be approved by the Community Development Department.

APPENDIX C--LAND USE MATRIX

APPLICATION OF SENSITIVE LANDS PROVISIONS

	Building Design Standards	Limits of Disturbance & Vegetation Protection Standards	Site Planning Standards	Density Limitations
Annexations	Used as a basis for negotiation			
Projects within City Limits, but not Master Planned	YES	YES	YES	YES
Projects within approved Large Scale MPD's	YES	YES	YES	Where changes in concept are proposed
Small Scale MPD's	YES	YES	YES	Where changes in concept are proposed
Building Permits within subdivisions on visually sensitive hillsides	YES	YES	NO	NO



ORDINANCE 92-18

AN ORDINANCE ADOPTING TITLES 4, 7, 8, 9 AND 12
OF THE MUNICIPAL CODE OF PARK CITY,
REPEALING INCONSISTANT PROVISIONS AND
RENUMBERING THE BALANCE OF THE SECTIONS OF THE
1976 MUNICIPAL CODE

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

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

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

WHEREAS, the City Council did adopt Ordinance 91-22 in
December 1991 adopting Chapters 1, 2 and 3 of the Municipal Code of Park
City and did adopt Ordinance 92-09 enacting Titles 10 and 11 in March
of 1992, and Ordinance No. 92-15 enacting Title 5 in August 1992, and
has designated said provisions as "TITLES" of the Municipal Code of Park
City; and

WHEREAS, the City Council desires to continue in this process
by adopting and enacting the following provisions as "TITLES" of the
Municipal Code of Park City.

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

**SECTION 1. ORDINANCES 87-12, 82-27 AND 90-23, AND SUBSEQUENT
AMENDMENTS THERETO, ARE HEREBY ADOPTED AS TITLE 4 OF THE MUNICIPAL CODE
OF PARK CITY, UTAH, WHICH SHALL BE NAMED "LICENSES" AND TITLE 4 SHALL
REPLACE IN THEIR ENTIRETY CHAPTERS 20, 21, 22, 23, AND 24 OF THE
MUNICIPAL CODE OF THE CITY OF PARK CITY, REVISED 1976. TITLE 4 IS
ATTACHED HERETO AND INCORPORATED HEREIN BY THIS REFERENCE:**

**SECTION 2. ORDINANCE 92-2, AND SUBSEQUENT AMENDMENTS THERETO, IS HEREBY
ADOPTED AS TITLE 7 OF THE MUNICIPAL CODE OF PARK CITY, UTAH, WHICH SHALL
BE NAMED "ANIMAL CONTROL" AND TITLE 7 SHALL REPLACE IN ITS ENTIRETY
CHAPTER 4 OF THE MUNICIPAL CODE OF THE CITY OF PARK CITY, REVISED 1976.
TITLE 7 IS ATTACHED HERETO AND INCORPORATED HEREIN BY THIS REFERENCE.**

**SECTION 3. ORDINANCE 83-15, AND SUBSEQUENT AMENDMENTS THERETO, IS
HEREBY ADOPTED AS TITLE 8 OF THE MUNICIPAL CODE OF PARK CITY, UTAH,
WHICH SHALL BE NAMED "CRIMINAL CODE" AND SHALL REPLACE IN ITS ENTIRETY
CHAPTER 13 OF THE MUNICIPAL CODE OF THE CITY OF PARK CITY, REVISED 1976.
TITLE 8 IS ATTACHED HERETO AND INCORPORATED HEREIN BY THIS REFERENCE.**



SECTION 4. ORDINANCE ⁸³82-17, AND SUBSEQUENT AMENDMENTS THERETO, IS HEREBY ADOPTED AS TITLE 9 OF THE MUNICIPAL CODE OF PARK CITY, UTAH, WHICH SHALL BE NAMED "PARKING CODE" AND SHALL REPLACE IN ITS ENTIRETY CHAPTER 14 OF THE MUNICIPAL CODE OF THE CITY OF PARK CITY, REVISED 1976. TITLE 9 IS ATTACHED HERETO AND INCORPORATED HEREIN BY THIS REFERENCE.

SECTION 5. ORDINANCE 90-23, AND SUBSEQUENT AMENDMENTS THERETO, IS HEREBY ADOPTED AS TITLE 12 OF THE MUNICIPAL CODE OF PARK CITY, UTAH, WHICH SHALL BE NAMED "SIGN CODE" AND SHALL REPLACE IN ITS ENTIRETY ANY INCONSISTANT PROVISIONS OF THE MUNICIPAL CODE OF THE CITY OF PARK CITY, REVISED 1976. TITLE 12 IS ATTACHED HERETO AND INCORPORATED HEREIN BY THIS REFERENCE.

SECTION 6. REPEALER. ALL EXISTING PROVISIONS OF THE PARK CITY CODES AND ORDINANCES WHICH ARE INCONSISTENT WITH TITLES 4, 7, 8, 9 AND 12 OF THE MUNICIPAL CODE OF PARK CITY, AS ADOPTED HEREIN, ARE HEREBY REPEALED.

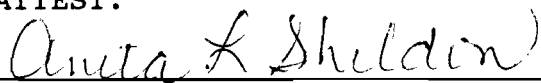
SECTION 7. EFFECTIVE DATE. THIS ORDINANCE SHALL TAKE EFFECT UPON ITS PUBLICATION.

DATED this 1ST day of October, 1992.

PARK CITY MUNICIPAL CORPORATION


BRADLEY A. OLCH, MAYOR

ATTEST:


ANITA L. SHELDON, CITY RECORDER



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TITLE 4 - LICENSING

CHAPTER 1 - IN GENERAL

4- 1- 1. DEFINITIONS. All words and phrases used in this title shall have the following meanings unless a different meaning clearly appears from the context:

ALCOHOLIC BEVERAGES. Includes "beer" and "liquor" as they are defined herein.

BEDROOM. Each room in a hotel, motel, lodge, timeshare project, condominium project, single family residence or other nightly lodging facility that is intended primarily for the temporary use of transient guests for sleeping purposes.

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

BEER LICENSE - SPECIAL EVENT TEMPORARY . A license issued by the City to an individual or organization for a maximum period of time of 72 consecutive hours to sell beer at an event. Person's holding a Special Event Temporary beer license from a local authority are not required to obtain a State on-premise beer license.

BEER RETAILER. Any business establishment engaged, primarily or incidentally, in the retail sale or distribution of beer to public patrons, whether for consumption on or off the establishment's premises, and that is licensed to sell beer by the Commission and Park City.

BEER RETAILER - ON PREMISE. Any beer retailer engaged, primarily or incidentally, in the sale or distribution of beer to public patrons for consumption on the retailer's premises. It includes taverns.

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BUSINESS. A distinct and separate person engaging in business, as those terms are defined herein. A business is distinguished from another business by separate state sales tax numbers or separate ownership. (THIS NEEDS SOME WORK)

CHARITABLE ORGANIZATION. "Charitable Organization" means any recognized religious organization, or any social or welfare organization recognized and dedicated to the relief of the poor, care of the sick or elderly, or aid to victims of disaster, catastrophe, or personal tragedy.

COMMISSION. The State of Utah Alcoholic Beverage Control Commission.

CONDUCTING BUSINESS For purposes of this Title the term "conducting business" shall include the sale or offering for sale of any goods or merchandise, or the offering or performing of any service for valuable consideration of any kind.

CORPORATE SPONSOR. within the meaning of Chapter 8 - Master Festival Licenses shall be any business enterprise or combination of business enterprises which provide funding for any special event in the amount of 50% or more of the funds necessary to promote the event or account for 50% or more of the events operating expenditure budget.

DESIGNEE. A Park City staff member qualified to process liquor-related applications and renewals.

DIRECTOR. The Finance Director of Park City.

DIVISION. The Park City Business Licensing Division.

ENGAGING IN BUSINESS. Includes all activities engaged in within the corporate limits of Park City carried on for the purpose of gain or economic profit, except that the acts of employees rendering service to employers shall not be included in the term business unless otherwise specifically prescribed. "Engaging in business" includes but is not limited to, the sale or rental of tangible personal or real 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,

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except the rendering of personal services by an employee to his employer under any contract of personal employment.

FIREWORKS PERMIT. Normally applied for and paid for through the City Fire Marshal for aerial or concession fireworks. When fireworks are used in conjunction with a licensed event, the Master Festival License negates the need of a separate Fireworks Permit.

HOURLY UPHILL LIFT CAPACITY. The aggregate number of persons that can be accommodated per hour by all of the ski lifts in a given ski resort operating at the maximum safe rate of operation.

HOURLY USER CAPACITY. The maximum number of persons that can be safely and reasonably accommodated per hour by an amusement park, golf course, athletic club, theater bowling alley, tennis club, racquetball club, swimming pool, and any other recreational, sports, or entertainment facility.

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

LICENSED PREMISE. Any room, building, structure, or place occupied by any person licensed to sell beer or to allow the consumption or storage of liquor on such premises under Chapter 4; provided that in any multi-roomed establishment, an applicant for an on-premise or off-premise beer license shall designate a room or portion of a building of such business for the consumption or the sale of beer, which portions shall be specifically designated in the application and, in the license issued pursuant thereto, shall be the licensed premises. Multiple dining facilities located in one building, owned or leased by one license applicant and subject to the same type of beer or liquor license shall not be deemed separate licensed premises, and shall not be required to obtain a separate license for each area.

LIQUOR. Includes alcohol, or any alcoholic, spirituous, vinous, fermented, malt or other liquid combination of liquids, a part of which is spirituous, vinous, or

TITLE 4 - LICENSING

fermented, and all other drinks or drinkable liquids, containing more than one half one percentum (.05%) of alcohol by volume ; and all mixtures, compounds or preparation, whether liquid or not, which contain more than one-half of one percentum (.05%) of alcohol by volume, and which are capable of human consumption; except that the term "liquor" shall not include any beverage defined as beer, malt liquor or malted beverage that has an alcohol content of less than 4% alcohol by volume.

MOBILE FOOD VENDOR. Any motor vehicle from which consumable on-site food service is offered. Mobile food vendors are restricted to serving construction sites.

MONTHLY RENTAL FACILITY - UNDER MANAGEMENT. Any place where rooms or units are rented or otherwise made available by a manager or management company for residential purposes on a monthly or longer time basis, but not including monthly or longer rental by the owner of the property without management.

NIGHTLY LODGING FACILITY. Any place where or any portion is rented or otherwise made available to persons for transient lodging purposes for a period less than thirty (30) days including, without limitation, a hotel, motel, lodge, condominium project, single family residence or timeshare project.

NON-PROFIT CORPORATION. A corporation, no part of the income of which, is distributable to its members, trustees or officers, or a non-profit cooperative association.

NUISANCE. Any licensed premises where: Alcoholic beverages are manufactured, sold, kept, bartered, stored, consumed, given away or used contrary to the Alcohol Beverage Control Act, the Utah Liquor Commission Rules and Regulations, or this Code; or intoxicated persons are permitted to loiter about, or profanity, indecent, immoral, loud or boisterous language or immoral, unruly, disorderly, lewd, obscene conduct is permitted, or carried on; or persons under the age of twenty-one are permitted to purchase or drink beer or liquor; or city, county, state or federal laws or ordinances are violated by the licensee or his agents or patrons with the consent or knowledge of licensee which tend to affect the public health, safety, peace, or morals; or patrons are throwing

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litter or other objects within the licensed premises or from the licensed premises in a manner which tends to affect the public safety or health; or patrons are permitted to remove opened containers of alcoholic beverages or glasses containing alcoholic beverages from the licensed premises to the public street or way; or persons who are not members, or guest members of a private club or accompanied by members as their "visitors" (as defined by State law) in any private club are permitted to remain in that club without obtaining a permanent or temporary membership.

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

PERSON. Any individual, receiver, assignee, trustee in bankruptcy, trust, estate, firm, 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.

PLACE OF BUSINESS. Each separate location maintained or operated by the licensee within Park City from which business activity is conducted or transacted. A location shall be identified by street address or by building name if a street address has not been assigned. "Place of business" as used in connection with the issuance of beer and liquor licenses means cafes, restaurants, public dining rooms, cafeterias, taverns, cabarets, and any other place where the general public is invited or admitted for business purposes, including any patios, balconies, decks, or similar areas, and also means private clubs, corporations and associations operating under charter or otherwise wherein only the members, guest members and their visitors are invited. Occupied hotel and motel rooms that are not open to the public shall not be "places of business" as herein defined.

PRIVATE CLUB. A non-profit corporation operating as a social club, recreational, fraternal or athletic association, or kindred association organized primarily for the benefit of its stockholders or members and operating under authority of a license granted by the Alcohol Beverage Control Commission in accordance with UTAH CODE ANN. § 32A-5-101, et seq.

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PUBLIC FESTIVAL. Any event held on public or private property in which the general public is invited with or without charge and which creates significant public impacts through the attraction of large crowds, necessity for street closures, or use of other public property, requires the use of public employees or equipment, or necessitates temporary business or liquor licensing in conjunction with the public impacts.

RESTAURANT. A place of business where a variety of hot food is prepared and cooked and complete meals are served to the general public in indoor dining accommodations, or in outdoor accommodation and is engaged primarily in serving meals to the general public.

RETAILER. Any person engaged in the sale or distribution of alcoholic beverages to the consumer.

SELL OR TO SELL. Any transaction, exchange, or barter whereby, for any consideration, an alcoholic beverage is either directly or indirectly transferred, solicited, ordered, delivered for value, or by any means or any pretexts promised or obtained, whether done by a person as a principal, proprietor, or as an agent, servant or employee unless otherwise defined in this title.

SET-UP. Glassware, ice, and/or mixer provided by a licensee to patrons who supply their own liquor.

SKI RESORT. A ski area, such as the Park City or Deer Valley Ski Areas, which is operated as a distinct and separate enterprise, and which shall be deemed to include, without limitation, the ski runs, ski lifts, and related facilities that are part of the ski area and primarily service the patrons of the ski area. The ski resort includes ski instruction, tours, first aid stations, parking garages, management and maintenance facilities, and workshops, but does not include food service, ski rentals, or retail sales of goods or merchandise, which are all deemed separate businesses even if owned by a resort operator.

SOLICITOR. A person who contacts individuals or the general public for the purpose of taking orders for goods or services, encouraging attendance at sales presentations, lectures, seminars, or the like at which goods or services are promoted or offered for sale (whether the presentation is held within Park City or

not, provided that the solicitor makes his contact with the public at a location other than at the regular place of business at which the goods or services are actually sold or performed. For purposes of this Section 5, the term "goods or services" shall include merchandise, personal services, property services, investment opportunities, franchises, time intervals in the use of ownership or real property, and any other kind of tangible or intangible thing that is given in exchange for a valuable consideration. A solicitor shall not carry goods or merchandise with him for sale, but may deliver previously ordered goods or merchandise.

SPECIAL EVENT. Any event, public or private, with either public or private venues, requiring City licensing beyond the scope of normal business and/or liquor regulations, as defined by this Code; or creates significant public impacts through the use of public property or employees, or could reasonably be interpreted to cause significant public impacts via disturbance, crowd, traffic/parking, or disruption of the normal routine of the community or affected neighborhood.

SPECIAL EVENTS COORDINATOR. The Chief of Police of Park City Municipal Corporation.

STREET CLOSURE. The deliberate blockage of any public street or City owned parking facility to prohibit the flow of traffic or access of vehicles. Any non-construction Street Closure in excess of four (4) hours requires a Master Festival License. Any non-construction related Street Closure, regardless of duration, of Main Street or any arterial street necessary for the safe and efficient flow of traffic in the City, shall require a Master Festival License.

SPONSOR. A person, group, or business which has contracted to provide financial or logistical support to any special event of Public Festival. Such agreement may provide for advertising rights, product promotion, logo promotion, exclusivity of rights, products, or logos.

SQUARE FOOTAGE. The aggregate number of square feet of area within a place of business that is used by a licensee in engaging in its business.

UNIT. Any separately rented portion of a hotel, motel, condominium, apartment building, single family residence,

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duplex, triplex, or other residential dwelling without limitation.

VENUE. The location or locations upon which a Special Event or Public Festival is held, as well as the ingress and egress route when included in the festival license.

WHOLESALE. Any person other than a licensed manufacturer engaged in importation for sale or in the sale of beer, malt liquor, or malted beverages in wholesale or jobbing quantities to retailers.

CHAPTER 2 - BUSINESS LICENSING IN GENERAL

4- 2- 1. UNLAWFUL TO OPERATE WITHOUT A LICENSE. Unless exempted by state or federal law or by this Title, it shall be unlawful for any person to engage in business within Park City, whether on a temporary or permanent basis, without first procuring the license required by this chapter. All licenses issued under the provisions of this Title are non-transferrable and expire on December 31st of each year.

4- 2- 2. DOUBLE FEE FOR FAILURE TO OBTAIN REQUIRED LICENSE. Unless exempted by state or federal law or by this Chapter, any person who engages in business prior to submitting a completed application and payment of all fees shall pay double the specified fee for said license. The payment of such double fee shall not relieve any person from fully complying with all the requirements of this Code, nor from any other prescribed penalties.

4- 2- 3. NO TEMPORARY LICENSES. Any person engaging in business on a temporary basis within Park City shall be required to obtain the license required by this Chapter in the same manner and shall be subject to the same fees as a person engaging in business on a permanent basis within Park City.

4- 2- 4. LICENSE APPLICATION. Applications for business licenses shall be made in writing to the Director. Each application shall state the name of the applicant, the location of the business, if any, the fee and tax to be paid, the name and address of the business agent residing in Park City who is authorized to receive service of process and any communication regarding applicant's license, state sales tax reporting number, state contractor's license number, if applicable, and state real estate broker's license number, if applicable, and shall contain such additional information as may be needed for the purpose of guidance of the Director in issuing the license. Any change in the above information furnished by the applicant shall be forwarded in

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writing, within ten (10) days of the change, to the Director. License application forms shall be prepared and kept on file by the Director.

4- 2- 5. APPLICATION FEE. Each license application shall be accompanied by the revenue license tax required to be paid for the issuance of the license desired.

4- 2- 6. REFUND OF FEE AND TAX. Unless otherwise provided herein, no revenue license tax is refundable for any reason whatsoever, once the license has been issued by the City, except when the license was issued in error. If a license is denied, applicant shall be entitled to a refund of the amount paid in excess of twenty-five dollars (\$25.00). The sum of twenty-five dollars (\$25.00) shall be retained to offset application processing costs.

4- 2- 7. INVESTIGATION. Within five (5) days after receipt by the Director of a license application, the Director has the discretion to refer the application for investigation to the Police Department.

4- 2- 8. INSPECTIONS FOR CODE COMPLIANCE/NOTICE OF INFRACTION/LICENSE REVOCATION/COMPLAINT FILED BY CITY ATTORNEY. Prior to the issuance of a license to engage in a new business not previously licensed at that location, or an existing business with a change of location, the applicant shall be required to permit inspections to be made of the prospective place of business of the applicant by the appropriate departments of the City or other governmental agency to ensure compliance with building, fire, and health codes. No license shall be granted unless any required inspections reveal that the prospective place of business is in substantial compliance with the building, fire, and health codes. In addition to the business license fees, all new businesses or business locations shall pay an inspection fee as set forth in the rate tables in effect at the time of application.

Existing places of business licensed within the City may be inspected periodically by departments of the City for compliance with building, fire, and health codes. Written notice shall be given by the Director to a licensee upon the finding of any code infractions which notice shall provide for a reasonable period not to exceed sixty (60) days in which to correct such infractions, the failure of which shall result in the revocation of the license by the Director.

The Director may request the City Attorney to file a complaint against any applicant or any licensee who continues to

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conduct business beyond the time limits provided in this section for non-compliance with the required standards.

4- 2- 9. LICENSE DENIAL. The Director may deny a license if the applicant:

(a) Has been convicted of a fraud or felony by any state or federal court within the past five (5) years or now has criminal proceedings pending against him in any state or federal court for fraud or a felony;

(b) Has obtained a license by fraud or deceit;

(c) Has failed to pay personal property taxes or other required taxes or fees imposed by the City; or

(d) Has violated the laws of the State of Utah, the United States Government, or the ordinances of Park City governing operation of the business for which the applicant is applying for the license.

4- 2-10. LICENSE ISSUANCE OR DENIAL. Upon receipt by the Director of a completed license application and full payment of the fees, the City will not prosecute under Section 4-2-1 of this chapter for doing business without a license during the review and inspection process. The Director shall notify the applicant of 1) the denial of a license and the reason for such denial; or 2) the issuance of the license. Any applicant doing business during the review period proceeds at their own risk and no legal or equitable rights exist prior to the issuance of the actual license certificate.

4- 2-11. APPEALS OF LICENSE DENIAL. A license denial by the Director may be appealed within ten (10) days to the Park City Council by written notice of appeal. The request is to be filed with the Recorder. The Park City Council shall hear the appeal within thirty (30) days of notice of appeal.

4- 2-12. ISSUANCE OF LICENSE CERTIFICATE. All license certificates shall be signed by the Director, under the seal of the City (signature may be placed mechanically), and contain the following information:

(a) The name of the person to whom such certificate has been issued;

(b) The name of the business, if applicable;

(c) The type of license; and

(d) The term of the license with commencement and expiration dates.

4- 2-13. LICENSE PERIOD. Renewed license certificates shall be valid through December 31, of the year of renewal unless revoked pursuant to this Title. New license certificates issued between January 1 and September 30 shall be valid through December 31 of the year of issuance unless revoked. New license certificates issued between October 1 and December 31 may be valid through December 31 of the year following the year of issuance, unless revoked. An applicant applying for a license between October 1 and December 31st may, at the option of the applicant, pay 125% of the amount otherwise imposed for new licenses issued and the license shall be valid through December 31 of the year following the year of issuance, unless revoked. However, an applicant may elect to pay the fee of 100% on new applications between October 1 and December 31 if the applicant does not intend to do business in Park City the following year.

4- 2-14. DUTY TO DISPLAY LICENSE. Every licensee licensed pursuant to the provisions of this chapter shall keep his license displayed and exhibited while the same is in force in some conspicuous part of the place of business. Every licensee not having a fixed place of business shall carry such license with him at all times while carrying on the business for which the license is issued and shall produce the license for inspection when requested to do so by any person.

4- 2-15. BRANCH ESTABLISHMENTS. A separate license must be obtained for each branch establishment or separate location in which business is engaged in, within 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 chapter shall not be deemed to be separate places of business or branch establishments.

4- 2-16. SEPARATE BUSINESSES, LICENSED PREMISES. Where two or more persons conduct separate businesses at the same location, each such person shall obtain a separate license for each such business and pay the required license tax for such business. Where a person is a licensee pursuant to provisions in the Beer and Liquor Licensing chapter of this Title, that person shall obtain a separate business license for each licensed premises.

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4- 2-17. REVENUE TAX IMPOSED. There is hereby imposed and levied an annual business license revenue tax on the types of businesses described below. The rate of tax, if not otherwise stated, shall be the product achieved by multiplying the square footage of the place of business by the rate stated. The tax rates set forth in the Table appended to the fee resolution are incorporated herein.

4- 2-18. REGULATION OF SPECIFIC BUSINESSES The minimum fee assessed for each business shall be as set forth in the rate tables as adopted by resolution unless set forth specifically in the sections below.

(a) **VENDING MACHINES/MECHANICAL DEVICES** It shall be unlawful to install or permit to be installed, any kind of mechanical device operated by coin, token, or currency, which sells goods, merchandise, food, beverages, candy, or entertainment services without first having paid the applicable tax on that mechanical device. Further, it shall be unlawful for any person to permit an untaxed machine to be placed on his premises or within his place of business any such mechanical device on which the tax has not been paid. The license for such a mechanical device, and the receipt showing payment of the license fee, shall take the form of a sticker to be placed in a visible location on the machine or device. The placement of a current sticker shall be prima facie evidence of payment of the license fees as far as the owner of the premises in which the machine is installed is concerned, and the owner of such premises or place of business shall be entitled to rely on the display of a current sticker as proof that the machine has been properly licensed. It is the duty of the owner of the machine to pay the tax, place the license sticker on the machine, and see that it is continuously displayed.

License certificate stickers on vending machines and electronic game machines shall be marked with the description of the machine, and designed so that the license sticker is not removable without destroying the sticker. There shall be a sticker on each machine. In the event a machine is replaced by another machine of a similar nature, the sticker on the machine to be replaced may be surrendered to the Division, and a new sticker issued for the replacement machine without additional charge.

(b) **CONTRACTORS AND BUILDERS.** All general contractors and subcontractors, including but not limited to, builders, electricians, plumbers and back flow device technicians, with their principal place of business within Park City shall be assessed a regulatory license fee each year as set forth in the rate tables. Said fee must be paid and a business license issued prior to

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engaging in any construction within the City unless exempted from licensure under U.C.A. § 58-55-6(7) or Section 4-2-20 of this chapter.

No contractor shall be issued a business license under this section unless and until he has provided a certified statement that he is currently licensed with the State of Utah Department of Business Regulation, including the state license number(s) and date of expiration. If said state license expires prior to December 31st of the year, each contractor must provide proof of renewal within ten (10) days of renewal or shall forfeit the City license for the balance of the year.

Contractors with their principal place of business within Park City engaged in excavating, hauling or concrete delivery are also assessed an additional fee under Section 4-2-18(h) based on the size and number of trucks.

Contractors with their principal place of business within Park City are required to obtain a separate office business license (Code C1521-10).

(c) **NIGHTLY RENTAL** All nightly rental units must be licensed before being offered for rent. Any persons offering to rent night rental units on behalf of an owner must hold a valid Utah real estate broker's license pursuant to § 61-2-1 of the Utah Code, or must be affiliated with a licensed broker. Owners may offer to rent only units in which they hold an ownership interest.

(1) **License Issuance**. The business license for rental of units under this section will be issued by the City upon payment of necessary fees and upon a finding by the staff that the review criteria established below have been satisfied.

(2) **Licensee**. The licensee for rentals under this section shall be both the local representative and the owner. The local representative shall be deemed the responsible party.

(3) **Application Procedure**. All new and renewal applications must contain the property manager's name, a sales tax collection and accounting number, the street address of each unit, the name and address of a local responsible party who is available by telephone 24 hours per day and all other information requested on the application forms. The application includes a cover form which contains information common to all units managed,

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and unit forms which contain information on each unit managed. It is the licensee's duty to supplement both forms as information changes or as units change from one manager to another.

(4) **Management Standards.** The lodging authorized under Section 4-1-17(d) must be properly managed. As a condition to holding a valid license, the licensee agrees to provide or arrange for adequate property management services. In the event an owner's association exists, it shall be responsible for property maintenance. In the event an owner agrees to be responsible for property maintenance, the licensee must present a statement to that effect signed by the owner. The minimum services required include:

(i) Snow removal during winter months to a level that allows safe access to the building over the normal pedestrian access to the unit.

(ii) Snow removal service to off-street parking facilities associated with the rental property so that off-street parking is at all times available for use of the occupants.

(iii) Summer yard maintenance, including landscaping, weed control, and irrigation to a level that is consistent with the level of landscaping and maintenance on adjoining and nearby properties.

(iv) Structural maintenance to preserve substantial code compliance as described above is required.

(v) Routine upkeep, including painting and repair to a level that is consistent with the level of maintenance on adjoining or nearby properties.

(vi) Trash collection which insures that trash cans are not left at the curb for any period in excess of 24 hours and the property must be kept free from accumulated garbage and refuse.

(vii) Housekeeping service as a part of hotel or property management company: included in property management license.

(5) **Noise and Occupancy Control**. The licensee and the owner of rentals under this section are responsible for regulating the occupancy of the unit and noise created by the occupants of the unit. Unreasonable noise levels, or unreasonable occupancy loads, failure to use designated off-street parking, toleration of illegal conduct or other abuses which rise to the level of public or private nuisance is a violation of the license and considered grounds for revocation under ****Section 15. Failure to collect and deposit sales tax is also a violation of the license and grounds for revocation under Section ****15.

(6) **Review Criteria**. In determining whether or not a business license for rental authorized under this Section shall be issued, the application shall be reviewed to see if, in addition to standards and conditions applicable to issuance of all business licenses, the following conditions and standards are met:

(i) The unit is located within a zone and subzone designated as allowing rentals for the period which the license is applied for.

(ii) The Park City Building Department has reviewed the business license application for compliance with the Code for Abatement of Dangerous Buildings. Inspection of the unit may be required under Section 4-2-8. The applicant shall bear the cost of any such inspection and any reinspection which may be required. The cost shall be determined by the prevailing hourly rate of the Park City Building Department.

(iii) The access to the rental unit and the layout of the unit is such that noise and physical trespass from the proposed rental unit is not likely to be a substantial intrusion to the adjoining properties. If the proposed rental units is a single family home or duplex and shares an access, hallway, common wall, or driveway with another dwelling, written consent of the owner of the other dwelling is required.

(iv) The applicant must designate a responsible party. The responsible party must be a property management company, realtor, lawyer, owner, or other individual who resides within Summit County, or, in the case of a company, has offices in Summit

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County. The responsible party is personally liable for the failure to properly manage the rental. The responsible party must be available by telephone, or otherwise, 24 hours per day, and must be able to respond to telephone inquiries within twenty (20) minutes of receipt of such inquiries by that party's answering machine, paging device or answering service. The responsible party is also designated as the agent for receiving all official communications under this Title from Park City. If the licensee is a property management company or individual other than the owner, such company or individual must comply with applicable state law, including UCA 61-2-2, 1953, as amended, which requires those who receive valuable consideration to lease property to have a state license.

(v) The application must bear a sales tax collection and accounting number for the rental operation. This number may be the sales tax accounting number used by the property management company responsible for that unit, or may be specific to the unit, but no license will be effective until the sales tax number is provided.

(d) Restaurants, Food Service, Taverns, Etc..

(1) Outdoor dining areas connected with any food service establishment shall be assessed at a rate lower than the rest of the establishment.

(2) Catering services shall be licensed at the rate established in the Rate Tables per year unless part of a full service restaurant or part of a restaurant operation, in which case catering is included in that license.

(3) Mobile vending trucks, serving construction sites only shall be assessed at the rate established in Rate Tables. The license certificate shall be issued in the manner described in Section ***18.08.

(e) Building Material, Hardware, Lumber. Lumber stores shall be assessed by square foot of space under roof, including retail areas, lumber storage, and shop space, but shall not be assessed for uncovered yard space.

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(f) Automotive Services. Car rental businesses shall be assessed at a rate per car based in Park City for rental purposes as of January 1 of each license year, but not less than the minimum dollar amount per rental agency, as established in the rate tables.

(g) Transportation Service, Passenger and Freight, Service and Delivery Trucks. License certificates shall take the form of a sticker to be placed on each licensed vehicle. The Division shall design stickers that are suitable for this use, and non-removable without the sticker being destroyed. Various kinds of stickers may be used to show the term of a license if issued for less than one year. The sticker shall be displayed on all service, freight delivery, passenger service, and taxis at all times. If no sticker is displayed, it is prima facie evidence that no license was issued. Delivery and service vehicles with a business location in Park City, on which a license fee is issued on a square footage basis shall be exempt.

(1) Ready-mix concrete trucks, ore hauling trucks, dump trucks, drilling apparatus trucks, cranes, concrete pumping trucks, and other truck-based construction or excavation equipment shall be assessed on the gross vehicle weight of the truck in question, up to a total charge as set forth in the rate tables per business engaged in such business.

(2) Notwithstanding the provisions of the foregoing Section 18.08(b), businesses which operate a fleet of trucks and trailers may purchase a fleet license for all vehicles operated by that business at a rate as established by the rate tables per year, in lieu of individually licensing all vehicles. A license sticker shall be issued for each vehicle in the fleet, regardless of number.

(3) Businesses which utilize trucks in construction activity are subject to both the fee provisions of this section and also those of Section 18.03 for contractors except that an unlimited number of trucks, not exceeding 9,000 pounds gross vehicle weight, may be used in the construction activity without any charge applied to the vehicle.

(h) ENTERTAINMENT AND RECREATION FACILITIES. Ski resorts shall be assessed at a rate set forth in the Section 18.01 RATE TABLE multiplied by the hourly uphill user capacity of the resort (See Section 4-1-2 Definitions)

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4- 2-19. SPECIAL ASSESSMENT BY DIRECTOR. Any other business not listed in the foregoing sections shall be assessed at the rate and on the same basis as the business determined by the Director to be most similar to the business to be licensed. If the applicant and Director are not able to agree on a rate and method of assessment, the application shall be referred to the City Council for license issuance. The rate and method of assessment determined by the Council may be applied on a case by case basis, or, if it appears to be of general application or importance, may take the form of an amendment to the Code to cover that license and similar applications in the future.

4- 2-20. REVENUE MEASURE. The revenue license tax provided for in this Chapter is imposed both to raise revenue and for regulatory purposes, but is in addition to and not a substitute for other regulatory ordinances of Park City. The revenues raised through the revenue tax shall be used primarily to defray the costs incurred by the City in operating, maintaining, and replacing the City transit system.

4- 2-21. EXCEPTIONS TO BUSINESS REVENUE LICENSE TAX. No business revenue license tax shall be imposed under this Chapter upon the following persons or businesses:

(a) Any person engaged in business for solely religious, charitable, eleemosynary, or other types of strictly non-profit purposes who is tax exempt in such activities under the laws of the United States and the State of Utah, nor shall any revenue license tax 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 revenue license tax be imposed on any non-profit corporation duly incorporated according to the provisions of the Utah Non-Profit Corporation and Cooperative Association Act; nor shall any revenue license tax be imposed upon any person not maintaining a place of business within Park City who has paid a like or similar revenue 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, business domiciled in Park City and doing business in such taxing unit;

(b) Any insurance company or agent, so long as they are exempted by state law;

(c) Any sales or merchandise damaged by smoke or fire or of bankrupt concerns, where such stocks have been acquired from merchants of Park City theretofore, regularly licensed and engaged

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in business; provided, however, no such stocks or merchandise shall be augmented by other goods;

(d) Any person, firm, or corporation exhibiting goods for sale concurrent with and as an adjunct to a group display, meeting or convention duly authorized to be held; provided that the convention is duly licensed under other applicable ordinances;

(e) A person who sells his own property which was not acquired for resale, barter, or exchange and who does conduct such sales or act as a participant by furnishing goods in such a sale more than twice during any calendar year. Each person seeking this exemption shall furnish to the department of licensing an accurate list with the names, addresses and telephone numbers of all persons contributing items to said sale. Said list shall be filed with the licensing department at least ten (10) days prior to the sale;

(f) Any person, firm, or organization (i. e., tournament referees, ski race officials, sport camp instructors), whose contract is for a period of 30 days or less per year, and whose contract relates directly to recreation programs or services in Park City, is not required to obtain a business license;

(g) Any person who obtains an exemption from the City Council by petitioning the Council for a waiver of the fees.

(h) Any contractor, builder, electrician, plumber, etc., licensed under U.C.A. § 58-55-1, et seq, with a principal place of business outside of Park City or as exempted by state law.

4- 2-22. LICENSE FEES DECLARED TO BE A DEBT AND MAY BE FORWARDED TO A COLLECTION AGENCY. Any license or tax due and unpaid under this Title and all penalties thereon shall constitute a debt to Park City and may be collected by court proceedings in the same manner as any other debt or may be turned over to a collection agency, which remedy shall be in addition to all other existing remedies.

4- 2-23. FEE AND TAX PAYMENTS, RENEWALS AND PENALTY. The annual business revenue license tax provided in this Title shall be due and payable to the City on or before the first day of January of each year for renewals of licenses for businesses which were licensed the previous year. Business licenses for previously unlicensed businesses shall be issued for the unexpired portion of the calendar year in which issued unless issued between October 1 and December 31, in which case the license shall be valid until December 31 of the year following the issuance of the license, upon

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payment of 125% of the annual license fee, as set forth in Section 4-2-13 above.

If the renewal license fee is not paid on or before January 15 of the year in which the renewal license is due, there shall be a business license enforcement fee imposed of twenty-five percent (25%) of the license fee imposed by this Chapter or Twenty-Five Dollars (\$25.00) whichever is greater.

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

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

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

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

Any previously licensed business cited for engaging in business in violation of this Title shall have five days from the date of citation to come into compliance with this Title. Failure of the licensee to reach compliance within five days of the date of citation will subject the business to closure and the licensee to all applicable civil and criminal penalties.

If a licensed business enlarges its place of business or increases its capacity for conducting business (i. e., adding square footage, increasing number of vending machines, number of employees, bid limits, or increasing hourly user capacity), an additional revenue license tax shall be due and payable to the City and shall be prorated on the basis of one-twelfth (1/12th) of the total annual tax on the enlargement or increase for each month remaining in the unexpired portion of the calendar year, including the month in which such increase is accomplished. The additional

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revenue license tax for adding square footage shall be due and payable on the date the City issues the occupancy permit.

4- 2-24. RENEWAL BILLING PROCEDURE. On or before December 1 of each year, the division shall send a statement to each current licensee within the City, which statement shall be upon forms calling for the computation by the licensee of a revenue license tax for the ensuing year based upon the nature of the business, square footage, bid limits, employees, and other pertinent factors.

4- 2-25. RENEWAL OF LICENSE CERTIFICATE. Upon receipt of the revenue license tax, the Division shall issue a license certificate valid through December 31 of the next year.

4- 2-26. RECORDS TO BE MAINTAINED. It shall be the duty of every person liable for the payment of any revenue license tax imposed by this Title to keep and preserve for a period of three (3) years such books and records as will accurately reflect the factors used in determining the amount of the revenue license tax for which he may be liable under this Title.

4- 2-27. REVENUE TAX ADJUSTMENT TO AVOID BURDENING INTERSTATE COMMERCE. The business revenue license tax imposed by this Title shall not be applied so as to place an undue burden on interstate commerce. In any case, where the revenue license tax is believed by a licensee or applicant for a license to place an undue burden upon interstate commerce, such licensee or applicant may apply to the Director for an adjustment of the fee so as to relieve such burden. The licensee or applicant shall, by supporting other information as the Director may deem necessary in order to determine the extent, if any, of such undue burden. The Director shall then conduct an investigation, comparing the subject business with other businesses of like nature and shall make findings of fact from which he shall determine whether the revenue license tax is discriminatory, unreasonable or unfair as to the licensee or applicant from the standpoint of its impact on interstate commerce and shall recommend to the City Council an appropriate revenue license tax under the circumstances and the City Council shall fix the revenue license tax in such amount. If the regular revenue license tax has already been paid, the City Council shall order a refund of any amount over and above the amount of the revenue license tax fixed, if any. In fixing the tax to be charged, the Director may use any method which will assure that the tax assessed shall be uniform with that assessed on business of like nature; provided, however, that the amount assessed shall in no event exceed the regular tax prescribed in this Title.

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4- 2- 28. OUTDOORS SPEAKERS ON MAIN STREET. No licensed business shall permit or cause to exist any speaker or sound amplification equipment on the outside of any premise on Main Street with the exception of those businesses which are allowed to have outside speakers as a part of their conditional use permit for outdoor dining or performances or events approved by staff as part of a master festival license or community celebration.

CHAPTER 3 - PEDDLERS AND SOLICITORS LICENSING

4- 3- 1. LICENSE REQUIRED. It shall be unlawful for any person, business, corporation, partnership, or other entity to conduct business within Park City without first have obtained a license from the City. Solicitation of business, whether sales are actually made or orders taken, shall be conducting of business within this Title.

4- 3- 2. BUSINESS CONFINED TO ENCLOSED BUILDING. Except as authorized by this Title, all businesses within Park City are to be conducted within a fully enclosed building, except for outdoor dining or other permanent conditional uses which have been given approval under Title 13 Land Management Code.

4- 3- 3. BUSINESS CONFINED TO PRIVATE PROPERTY. Unless specifically licensed to do so under this or other ordinances, it shall be unlawful for any person to conduct business within any public street, sidewalk, alleyway, within the public parks, golf course, or publicly owned parking areas, unless said person has received prior City approval and executed a concession contract with the City.

4- 3- 4. PEDDLERS OF GOODS OR MERCHANDISE. Peddling of goods or merchandise is prohibited within Park City.

4- 3- 5. SOLICITORS OF SERVICES, INVESTMENTS, ACCOMMODATIONS, OR PROPERTY. The Finance Department may issue a license to solicitors of goods and services, accommodations, franchises, investments, or any interest in real property or time intervals in the use or ownership of property, on the following conditions:

(a) Licensing Exceptions. Solicitors who hold valid state issued licenses to act as real estate brokers or salesmen, stock brokers, or insurance agents or salesmen need not obtain a separate solicitors license from the City, but shall conduct their solicitation activities in accordance with the provisions of this Code.

(b) Solicitor License. A solicitor's license shall permit the holder thereof to solicit individuals or the general public on behalf of any business regularly licensed to conduct business within Park City. All solicitation activities shall be conducted within a fully enclosed building with the written consent of the owner. It shall be unlawful to make solicitation on the streets, sidewalks, or other public property.

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(c) License Fee. The annual fee for a solicitor's license shall be as set forth in the Fee Resolution. Persons soliciting on behalf of a regularly licensed Park City business shall pay a minimal annual license fee. A solicitor's license shall be valid for a maximum of one calendar year, provided that all such licenses will expire on December 31 of the year of issue. The fee may be prorated on a monthly basis for applications filed between October 1 and December 31 if the applicant makes payment for the entire following year as well.

(d) Denial of Application. If the application is denied, 25% of the fee shall be retained to cover the costs of investigating the application, and the balance refunded.

(e) Application. The application for a solicitor license shall be signed by both the person to be licensed as a solicitor and by an authorized representative of the business or businesses for which the licensee will be soliciting, (referred to as the "primary business" below). The application shall require the disclosure of the existence of any investigations by any local, state, or federal regulatory agency into allegations of fraud, deceit, securities violations, real estate sales or brokerage license suspension proceedings, or any pending charges on any felony, provided, however, that if the applicant is a licensed real estate or securities salesman, the foregoing information concerning the applicant's background may be supplied by providing the date of the issuance of that state license by the Utah Department of Business Regulation and such other information as necessary to correctly identify the applicant with that department. The application shall contain the date of birth and social security number of the applicant. The application shall be forwarded to the Police Department for review prior to the license being acted upon. No license shall be issued to persons who have been convicted of or entered a guilty plea to any felony involving receiving stolen goods, burglary, theft, fraud, the possession or sale of controlled substances, securities violations, or prostitution within the preceding three (3) years.

(f) Photo Identification Required. All licensed solicitors shall wear an identification badge prepared by the City (which shall be the City license) in full view at all times while soliciting. The badge shall state that the wearer is a solicitor for a specified primary business, and contain the photograph of the licensee.

(g) Handbills, Enticements, Etc. No solicitor shall give or pass handbills, literature, or other printed matter to passersby or place them on cars, buildings, or porches. The

licensee, including the primary business signing the license application, shall be responsible for any littering caused by that licensee's handbills being discarded. No solicitor shall attempt to entice the public to stop and engage in a promotional discussion or solicitation by means of offering candy, food, drink, toys, or any other kind of property without reasonable consideration being given for it.

(h) Solicitation from Motor Vehicle Prohibited. It shall be unlawful for any person to solicit from any motor vehicle by means of calling or hailing from inside or on the vehicle, or to use any sound amplification equipment to broadcast solicitations from the vehicle. Persons offering others free transportation in exchange for listening to a sales solicitation shall, by clearly printed signs (all lettering to be legible from at least ten (10) feet away by persons of normal vision) attached to the outside of both sides of the vehicle, identify the vehicle as a point at which sales solicitations will be made and display the name of the business for which the solicitation will be made.

(i) Business Responsible for Solicitors. The business or businesses which have signed the application for a solicitor's license shall be jointly liable for the conduct of that solicitor while engaged in conduct intended to further the business interests of the primary business. The City Council, may, after hearing, revoke the license of the primary business as a result of frequent violations of this Chapter by solicitors licensed to solicit on behalf of that primary business. For purposes of the section, frequent violations shall mean that more than five (5) solicitors licensed for that primary business have been convicted of violations within any one calendar year.

4- 3- 6. STREET MUSICIANS. Persons playing musical instruments, performing pantomime, magic, dancing, or any other visual or audible performances with the intent or expectation to receive valuable consideration therefor shall be licensed by the City as street musicians before any such performance. The Finance Department may issue such a license upon payment of the license fee set forth in the Fee Resolution and no license shall be granted for more than ten (10) days at a time.

4- 3- 7. STREET VENDORS. It shall be unlawful to sell food, flowers, agricultural products, ice cream, candy, popcorn or other goods or merchandise from push carts, mobile wagons, or motor vehicles on private or public property except as authorized and licensed under this Chapter.

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(a) Sales at Construction Sites. At bona fide construction sites a license, as described in Section 4-2-18 of the this Title may be obtained to sell food or other merchandise from motor vehicles located on private property. Licensees must list the construction sites they intend to serve on the license application, and update the list as needed throughout the year.

(b) Sales on Public Streets and Sidewalks. In order to abate street vending in Park City, except at construction sites, only those street vendors who have continuously renewed their Street Vendors license since 1987, as grandfathered by the City Council pursuant to the minutes of the March 5, 1987 meeting may renew licenses to continue such business.

(c) Terms and Conditions. Licensed vendors shall be subject to the following terms and conditions:

(1) License Fee. The license fee for a street vendor's license shall be as set forth by resolution. Licenses shall expire on December 31 of the year of issuance. License fees may be prorated on a monthly basis on licenses granted after March 1 of the year of issue. If the license is not granted, the City shall retain twenty five percent (25%) of the fee to help defray the costs of processing and refund the balance.

(2) Health Department Approval. All vendors serving food or garden produce for human consumption from any cart, wagon, or motor vehicle must have the means of preparing, keeping, and serving the foods approved by the Summit County Health Department. This approval, in writing, must be submitted as part of the license application. Withdrawal of Health Department approval for sanitary or health violations is grounds for revocation of the City license.

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

construction sites only, and all sales from motor vehicles shall occur on private property.

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

4- 3- 8. CONVENTION SALES. The Finance Department may issue licenses for a period not to exceed two (2) weeks for temporary use of convention and meeting rooms within any licensed convention or meeting facility for the purpose of temporary retail sales of goods or services, whether in conjunction with a convention or not. Solicitation of orders for future sales or deliveries of goods or services is permissible without licensure. The licenses may be issued on the following terms:

(a) License Fee. The license fee shall be as set forth in the Park City License Fee Schedule.

(b) State Tax Number. The applicant must provide his sales tax identification number as a part of the license application to assist in verifying the collection and reporting of sales tax.

(c) Review by Police. Applications for convention sales licenses shall be sent to the Police Department for review and consideration prior to their approval. No convention sales license shall be issued to any person or business which has entered a guilty plea or been convicted of any felony involving receiving stolen goods, burglary, sale or possession of any controlled substance, or prostitution, or securities fraud within the preceding three (3) years. Applicants shall provide their date of birth and social security number to assist in the investigation.

(d) Applications. Applications must be filed at least ten (10) days prior to the proposed date of commencement of business to permit adequate time for the Police Department review and investigation. The police may request reasonable evidence of

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title to goods proposed to be offered for sale as a part of the review.

(e) Responsibility of Host Business to Ensure Licensing. Businesses which make a portion or portions of their licensed business locations available to other persons for the purpose of engaging in business shall be responsible to ensure that such persons obtain business licenses and possess Utah state sales tax numbers listed in Park City. In the event a licensed hotel, motel, inn or bed-and-breakfast business fails to require such a showing, that business shall be liable for payment of all license fees and penalties payable by the person engaging in business at their licensed location.

4- 3- 9. OUTDOOR SALES. The Finance Department may grant a license to regularly licensed Park City businesses, excluding restaurants and food and beverages services, to hold outdoor sales five (5) times a year for a duration of no longer than five (5) days for each outdoor sale, either within the business' own property or on public sidewalks or streets adjoining the business on the following terms.

(a) License Fee. The license fee for an outdoor sale license shall be as set forth in the Fee Resolution in addition to regularly issued business license for that business. No outdoor sale license shall be issued if the regular business license is not currently paid in full.

(b) Promotion by Merchant's Association. An association representing tenants in a shopping center or other merchant's association representing the businesses in a specific area may apply for an outdoor sale license for the members of that association by providing a list of the merchants participating, and paying a fee which shall be in lieu of and not in addition to the fee assessed against individual businesses.

(c) Seasonal Plants. The Finance Department may issue licenses of longer duration to permit the outdoor sale, on a temporary basis, of Christmas trees, landscaping materials, or plants that are of a type and nature that reasonably require the sale to be conducted out of doors. The license fee for this kind of outdoor sale shall be as set forth in the Fee Resolution and no license shall have a duration of more than eight (8) weeks. These licenses may be issued to any person or business. Sales shall be confined to commercial zones and to property under the possession and control of the applicant.

4- 3-10. LICENSE TO BE DISPLAYED. All licenses issued under this Title all be displayed by the licensee in a prominent place at the licensee's place of business. Solicitors shall carry the license on their person in a visible position.

4- 3-11. MULTIPLE LICENSING. Any one person may be issued any of the licenses described and created in this Title and may simultaneously hold more than one license, and/or a regular Park City business license. The granting of multiple licenses shall not grant privileges not specifically granted by the licenses issued, nor shall the issuance of multiple licenses extend the time limitations imposed on any of these special licenses that are of a temporary nature. Suspension or revocation of one of the multiple licenses shall not act as a suspension of any other license then in effect, unless the grounds for the suspension of one are also the grounds for suspension of other licenses held by the licensee.

4- 3-12. GROUNDS FOR DENIAL OF LICENSE. Licenses under this Chapter shall be denied if the applicant fails to meet the standards set within the license classification or for giving false or misleading information in any application category included in the application. Licenses may also be denied on the grounds that the general health, welfare, and public safety of the community makes the issuance of such a license inappropriate., License which conflict in location with other applications or issued licenses may be denied. Applicants whose licenses have been denied have the right to a hearing before the City Council on the reasons for denial.

4- 3-13. USE OF PUBLIC PROPERTY. With the exception of those licenses listed above which specifically grant the right to make use of the streets or sidewalks, all commercial activity shall be confined to private property and to fully enclosed buildings on that property except as provided by this Title. The City Council may, however, grant specific temporary licenses to applicants to sell food, beer, or merchandise in city parks or at other locations on public property. In granting these temporary licenses, preferences shall be given to non-profit organizations and civic groups before profit-making businesses are licensed to conduct a temporary business within the parks or on other city property. Such licenses shall be issued only after consideration in a regularly noticed meeting of the Council and execution of a concession contract with the City.

4- 3-14. TIME FOR APPLICATION. With the exception of the festival master license or the street closure permit, which have special hearing requirements, all applications which are to be heard by the City Council (those using City property) shall be

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filed with the Finance Director at least fifteen (15) days in advance of the desired effective date of the license. Licenses approved by the Finance Department shall be filed at least five (5) days prior to the requested effective date to allow adequate time for the police review and processing of the application.

4- 3-15. CERTAIN ACTS PROHIBITED. It shall be unlawful for any person, business, corporation, partnership or other entity to attract or attempt to attract people to that person or that licensee's place of business by calling, shouting, hawking, ringing any bells, horn, sounding any siren or other noise making device, or by displaying any light or lantern, or by waving, hailing or otherwise signaling to passersby or by touching or physically detaining them. It shall be unlawful to pass handbills, flyers, or other advertising material by handing such material to passersby, or placing them on porches or vehicles, or attaching them to light or sign posts, or poles.

4- 3-16. EXEMPTIONS. The licensing provisions of this Chapter shall not apply to the following kinds of activities that would otherwise fall with the purview of this Chapter:

(a) Residential garage sales - No license shall be required for sales of surplus household goods or furnishings at a private residence in the garage or yard. If a garage sale is held more frequently than two (2) days in any one calendar quarter at the same residence, it shall be deemed to be conducting business on a regular basis and a regular business license for the sale of that kind of merchandise is required. If the sale is in a zone that does not permit the sale of merchandise as a permitted or conditional use, further sales are unlawful. Sales tax on all sales is required under state law, and this Title shall not be construed as attempting to waive the requirement that tax be collected.

(b) Political actions - No license shall be required to solicit signatures on petitions of a political nature or to canvass or solicit funds on behalf of candidates for office or ballot issues. Campaign literature may be delivered to homes, notwithstanding the general prohibition of the posting or passing of handbills.

(c) Religious actions - No license shall be required of persons exercising their right to express their religious views, provided however, that no person shall use this exemption to solicit money or to sell merchandise.

(d) Civic groups - No licensing shall be required of local civic organizations, such as Boy Scouts, Girl Scouts, historic preservation groups, museums, not-for-profit organizations, or other charities.

(e) Wholesale solicitation - Persons who are soliciting business on a wholesale basis only who are exempt under the provision of Utah Code Annotated § 10-8-80 or any successor provision. For purposes of this Chapter, the solicitation of orders to place advertising in periodicals or for later broadcasts shall be deemed wholesale solicitation, and exempt from licensing.

(f) Deliveries - Persons delivering newspapers or soliciting subscriptions, the United States Mail, parcel delivery services, or persons delivering dairy products on behalf of a regularly licensed retailer of those products.

4- 3-17. RELATION TO BUSINESS LICENSE CHAPTER. This Chapter is intended to supplement Chapter 2 of this Title to provide for greater flexibility in the manner of doing business. In the event that a conflict exists between the provision of this Chapter and that, so that it is unclear which category of license is required, the Finance Director shall determine the proper class of license or licenses to be issued, subject to review by the City Manager and appeal to the Council.

CHAPTER 4 - BEER AND LIQUOR LICENSING

4- 4- 1. POLICY. It is the policy of Park City Municipal Corporation to permit the operation of establishments serving beer and liquor in a manner consistent with the provisions of the Alcohol Beverage Control Act and related provisions of State Law. It is also the policy of Park City Municipal Corporation to place the primary responsibility for maintaining order and preventing breaches of the peace within establishments selling and serving beer and liquor on the owners and managers of those establishments.

4- 4- 2. LICENSE APPLICATION. Applications for new beer or liquor licenses shall be made in writing to the City Council or its designee upon a form furnished by the Director to be filed with the Director. Each application shall state the name, address (street address and post office box number, if applicable), age and citizenship of the applicant, the location of the business, whether he has complied with requirements specified in the Utah Liquor Control act, whether the applicant meets the licensee qualifications set out in Section 4-4-3 below, the location of any other beer or liquor licenses held by the applicant, and any other

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reasonably pertinent information required by the Director or City Council. If the applicant is a partnership, association or corporation, the same information shall be included for each officer or director thereof. The application must be subscribed by the applicant who shall state under oath that the facts therein contained are true.

4- 4- 3. LICENSEE QUALIFICATIONS. No beer or liquor license shall be granted to any retailer, partnership, corporation, or association if any partner, director, or officer does not meet the qualifications for a license as set forth in (a) through (d), below:

(a) The licensee shall be over the age of twenty-one years;

(b) No beer or liquor license shall be granted to anyone who has been convicted of or plead guilty to a felony within two years of the application, or of misdemeanors involving alcohol or controlled substances during a period of one year prior to the application;

(c) No beer or liquor license shall be granted to any person who has been convicted of any violation of any law or ordinance relating to the importation or sale of intoxicating liquors, or of keeping a gambling or disorderly establishment, or who has plead guilty to or forfeited his bail on a charge of having violated any such law or ordinance within the preceding three years; or

(d) Any person whose beer or liquor license was revoked is ineligible to reapply for a beer or liquor license until the expiration of three years from the date such license is revoked.

(e) No license shall be granted to any partnership, corporation, or association if any partner, director, or officer does not meet the qualifications for a license as set forth in (a) through (d), inclusive above.

4- 4- 4. APPLICATION FEE. Each beer and liquor license application shall be accompanied by the regulatory license fee required by Section 4-5-2 or Section 4-4-10. If the license is denied, 50% of the license fee will be retained to pay the costs of processing the application.

4- 4- 5. REFERRAL OF LICENSE APPLICATION TO CHIEF OF POLICE. All applications filed in accordance with the provisions of this Chapter shall be referred to the Chief of Police for

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

4- 4- 6. REFERRAL OF LICENSE APPLICATION TO HEALTH DEPARTMENT. All applications filed in accordance with this Chapter may be referred to the County Health Department which may inspect all premises to be licensed to assure sanitary compliance with the laws and regulations of the State of Utah and the ordinances, rules, and regulations of Park City in the preparation, storage, distribution, or sale of beer and food fulfills all such sanitary requirements.

4- 4- 7. REFERRAL OF APPLICATION TO BUILDING DEPARTMENT AND PLANNING DEPARTMENT. The Chief of Police may refer the application to the Building and Planning Departments for review by the Building Official to ensure compliance with the applicable building codes, determination of the maximum number of occupants the premises may safely accommodate at one time given the location and number of emergency exits, and compliance with the Park City Land Management Code. (Title 13 of this Code)

4- 4- 8. PERIODIC INSPECTION OF PREMISES BY CHIEF OF POLICE. The Chief of Police shall be permitted to have access to all premises licensed or applying for license under this Chapter, and shall make periodic inspections of said premises and may report his findings to the City Council.

4- 4- 9. GROUNDS FOR LICENSE DENIAL. The City Council or its designee may deny a beer or liquor license if:

(a) The license application does not contain all of the information required by Section 4-4-2;

(b) The application fee is not paid;

(c) The premises to be licensed do not comply with the applicable zoning regulations and building codes in force at the time of application;

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(d) The applicant does not meet the licensee qualifications set out in Section 4-4-3;

(e) The applicant intentionally misrepresented or concealed information required by Section 4-4-2 in an application for the license;

(f) The proposed premises do not meet health codes, and the applicant does not provide reasonable assurances that the premises will be brought into compliance upon approval of the license;

(g) The applicant holds other licenses under this Title, which are not in good standing, or on which licensed premises the provisions of this Code and state laws are frequently violated.

(h) Applicant does not hold a current Park City business license.

4- 4-10. ISSUANCE OF LICENSE CERTIFICATE. All beer and liquor license certificates shall be signed by the Mayor, attested by the City Recorder under the seal of the City, and contain the following information:

(a) The address of the licensed premises;

(b) A description of the portion of the building designated as the licensed premises;

(c) The maximum occupancy of the licensed premises;

(d) The beer or liquor license classification;

(e) The name of the person to whom such certificate has been issued;

(f) The name of the business;

(g) The term of the license with commencement and expiration dates; and

(h) That the license is subject to revocation by the City for violation of this Title or the Alcohol Beverage Control Act.

4- 4-11. CITY LICENSE PERIOD. The license certificate shall be valid through December 31 of the year of issuance, unless

revoked or suspended under this Title or unless the licensee's required State license is suspended, revoked or denied.

4- 4-12. CITY RENEWAL PROCEDURE. On or before December 1 of each year, the City shall send notice to each beer, restaurant liquor or private club liquor licensee within the City that the regulatory license fee required by Section 4-4-2 is due by December 31st. Upon receipt of the regulatory license fee and finding that renewal is proper, the City Council or its designee shall issue a license certificate valid through December 31st of the next licensing year.

Upon notification by the Police Department, the licensee must close the licensed premises on the expiration date of the license and keep the premises closed for the consumption or storage of beer or liquor until the date his renewal license is issued by the City Council or its designee or pending a hearing before the City Council. In the absence of such notice, pending action on license renewals, the license is deemed extended provided a renewal application was filed on or before December 31 of the year in which the prior license was issued. The Director and Chief of Police shall prepare a list or lists of all licenses to be renewed, and the City Council or its designee may approve all renewals on that list or lists by a single motion.

Licenses shall be renewed unless the Council or its designee shall find that:

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

(b) The licensee no longer holds the qualifications required of licensee under the provisions of Section 4-4-3 of this Title;

(c) The premises have been remodeled or changed in a manner that eliminates required exits, creates closed booths or stalls; or

(d) The licensee or his employees or agents have been convicted of or plead guilty to more than five (5) violations of this Title or state liquor control statutes relative to the conduct of the licensed premises in a single calendar year preceding the renewal, not including violation by patrons.

(e) Licensee does not hold a current valid Park City business license or has NOT been exempted therefrom under Chapter 2 of this Title.

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

4- 4-13. LICENSES NON-TRANSFERABLE. No license issued under this Chapter is transferable from the original licensee to any other person, partnership, corporation or other entity. Each year, as a part of the renewal process, the licensee shall indicate the board of directors, or all partners, and if there are any changes from the previous year, the license shall be reviewed as a new application to the extent of the changes in ownership full to separate legal entity or individual is deemed a surrender of the license, and shall have no effect.

4- 4-14. TRAINING REQUIREMENTS FOR THE EMPLOYEES OF BEER AND LIQUOR LICENSE PREMISES. No person shall be granted a new beer or liquor license, unless that person shall show by certificate(s) granted by the Utah Department of Alcoholic Beverage Control or by adequate proof of the existence of such certificate(s), that each employee of the business engaging in the serving, selling or furnishing of such alcohol on the premises has completed the Alcohol Training and Education Seminar, as required in UCA, § 62A-8-403.

Every new employee of a licensee who is required to complete this seminar shall complete the seminar within six months of commencing employment. Violation of this section will result in revocation of the license granted unless compliance with this Chapter is completed within two months of the time that licensee is first notified that such violation occurred.

4- 4-15. EMERGENCY SUSPENSIONS BY POLICE. Licenses under this Chapter may be suspended by the Chief of Police without prior hearing when conditions existing at the licensed premises are such that there is probable cause to believe that violations of this ordinance or state law are occurring, and the conditions are such that the public health and safety are endangered, provided that the temporary suspension shall occur only if the management or the licensee fails to remedy the situation within fifteen (15) minutes of notification by the Chief of Police that a suspension will occur if the conditions complained of are not remedied in a manner that eliminates the immediate danger to public health and safety. No suspension by the Chief of Police shall extend beyond

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the ordinary close of business on the day on which the suspension was given.

4- 4-16. OFFENSES OF LICENSEE. It shall be unlawful for the holder of any license issued under this ordinance or any employee or agent of the holder to cause or permit to be caused on his or her premise any of the following acts:

(a) Sale During Revocations. To sell any beer or liquor during any period of a license revocation or suspension.

(b) Failure to Display License. To fail to have the license issued under this ordinance on display in the licensed premises.

(c) Excess Hours of Operation. To sell any beer or liquor on the licensed premises, at any time between the hours of 1:00 a.m. and 10:00 a.m. Holders of Off-Premise beer licenses may sell beer for consumption off the premises at any time of day.

(d) Minors on the Premises. To permit a minor to be in or enter into a licensed premises which holds the an On-Premise tavern beer license.

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

- Off-Premise Beer License
- On-Premise Beer License (except taverns)
- Restaurant Liquor Licenses
- Temporary Licenses of these classifications

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

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

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It shall be unlawful to permit minor employees to sell, serve, or handle alcoholic beverages.

(e) Sale or Service to Minors. To furnish or sell, directly or indirectly, through its agents or employees, an alcoholic beverage to persons under the age of twenty-one years, or to permit patrons within the licensed premises to provide alcoholic beverages to persons under the age of twenty-one years on the licensed premises.

(f) Nuisance. To keep or permit a nuisance on the premises as defined by Section 4-1-1 of this Title.

(g) Untaxed Liquor. To possess or sell on the licensed premises any liquor which does not bear proper stamps and labels indicating it was purchased from a Utah State Liquor Store or a package agency of that store, except as provided by state law.

(h) Adulterated Alcoholic Beverages. To possess or sell on the licensed premises any adulterated, impure, diluted, or misbranded liquor.

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

(j) Outdoor Speakers. To permit or cause to exist any loud speaker or sound amplification equipment on any outdoor balcony deck, patio, or garden associated with the licensed premises other than speaker systems or sound amplification equipment in conjunction with approved outdoor dining.

(k) Excess Hours Outside. To sell or service alcoholic beverages or to permit patrons to remain on any outdoor balcony, deck, patio, or garden associated with the licensed premises after the hour of 10 p.m.

(l) Gambling. To permit, cause, participate, or allow any gambling or gaming, as defined by the laws of the state of Utah within any licensed premises.

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(m) Controlled Substances. To permit or tolerate, or participate in the use, sale, or possession of any unlawful controlled substance within the licensed premises.

(n) Overloading. To permit or tolerate the licensed premises to be occupied by more person than the assigned occupancy load for the building assigned by the Building Official under the Uniform Building Code.

(o) License Violation. To permit the consumption of alcohol on any premises licensed with an Off-Premise beer license, or to open any container for consumption on the premises by the holder of any Off-Premise beer license or his agents or employees; or to permit, cause, or tolerate on the licensed premises the sale, use, consumption, or possession of alcoholic beverages in a manner that is in violation of the limits imposed by the license granted.

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

(q) Operating Without Required State Licenses. To continue to sell, serve or store alcoholic beverages on a licensed premise after the state license required under Utah Code Ann. § 34A-1-101, et seq., has been denied, suspended or revoked.

4- 4-17. OFFENSES BY PATRONS. It shall be unlawful for any person within a licensed premise under this ordinance, whether as a guest, patron, invitee, supplier, or in any other capacity other than as an employee of the license holder or as the licensee to commit or perform any of the following within the licensed premises:

(a) To enter or remain in any licensed premises holding an On-Premise Tavern License while under the age of twenty-one years.

(b) To enter or remain in any premises licensed as a private club while under the age of twenty-one years, except when accompanied by a parent or guardian or as a non-alcoholic handling employee of the licensee.

(c) To be in or around the portion of any licensed premise holding a private club license which is designated or functioning as a liquor selling portion of the premises, rather than the area primarily designed and intended for the sale of food when under the age of twenty-one years.

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(d) To furnish directly or indirectly alcoholic beverages to any persons under the age of twenty-one years, or to possess or consume alcoholic beverages while under the age of twenty-one years.

(e) To enter or remain about a licensed private club without being a member of that club a guest member of that club or an invitee of a member of that licensed club.

(f) To enter to remain in any licensed premises after being ordered to leave the premises by the licensee or the agent or employees of the licensee.

(g) To enter or remain in any licensed premises while intoxicated.

4- 4-18. CITATIONS/VIOLATIONS. The commission of any act or offense listed in Section 4-4-15 or 4-4-16 above shall be a Class "B" misdemeanor, except violations of 4-4-15(e) and (q) shall be Class A misdemeanors. Both the license holder or his employee or agent, and the patron of the licensed premises may be charged from the same incident, as the offenses of the licensee and the offenses of the patron are separate offenses. The licensee shall be civilly responsible for all violations permitted or caused by the agent or employee of the licensee and the criminal acts of the employees or agents committed on the premises in the course of employment shall be deemed the acts of the licensee for purposes of revocation, suspension, or non-renewal by the City.

4- 4-19. WHOLESALER AND RETAILER NOT TO HAVE COMMON INTERESTS. It shall be unlawful for any dealer, brewer or wholesaler to either directly or indirectly supply, give or pay for any furniture, furnishings or fixtures of a retailer, and it shall be unlawful for any dealer or brewer to advance funds, money or pay for any license of a retailer or to be financially interested either directly or indirectly in the conduct, operation, or ownership of any premises with a beer license, "private club" liquor license or "seasonal" license for any of these license classes.

4- 4-20. BUILDING REQUIREMENTS. It shall be unlawful for any person who obtains a liquor or beer license after the adoption of this ordinance to own, operate or manage any premises licensed for the retail sale or consumption of beer or liquor without complying with the following lighting and view requirements:

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

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

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

4- 4-21. CLOSED STALLS AND BOOTHS PROHIBITED. It shall be unlawful for any closed booths or stalls to exist on premises licensed for the retail sale or consumption of beer or liquor. This provision shall not prevent the use and operation of private dining or conference rooms as a part of the licensed premises.

4- 4-22. OCCUPANCY LOAD. On any premises licensed after the date of this ordinance, the Building Official shall determine the maximum safe occupancy load of the building, as provided in the Uniform Building Code, and it shall be unlawful and a Class "B" misdemeanor for any license with an assigned occupancy load to permit more than that number of persons to be within the licensed premises. Once an occupancy limit is assigned, the limit shall be posted with the license in a prominent place within the licensed premises. This provision shall not apply to premises licensed as Off-Premise beer licenses.

4- 4-23. APPLICABILITY. The provisions of this ordinance shall apply to all licensed premises and all licensees who are issued either a new license or a renewal of an existing license after the date of this ordinance. Amendments to this ordinance may be made from time to time, and all licenses or renewals issued hereunder are subject to amendments as they become effective, except that amendments which address structural requirements of any licensed premises existing at the time of the amendment shall not apply to existing structures until such time as the license is transferred, forfeited, or allowed to expire. As existing structure are sold, remodeled, or relicensed (but not on renewal of existing licenses), however, full compliance will be required prior to the issuance of a new license, new class of license, or license to a new licensee at that location.

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CHAPTER 5 - BEER LICENSES DESCRIBED.

4- 5- 1. BEER LICENSE REQUIRED. It shall be unlawful for any person to engage in the business of the sale of beer at retail or wholesale within the City without first procuring a beer license as required by this ordinance. In addition to the City license, a State beer license shall be required for all sales of beer for on-premise consumption or for purchase or sale of beer in a container exceeding two liters. A separate license shall be required for each place of retail sale, for each separate premise, and/or for separate portions of a building designated as separate premises for purposes of off-premise and on-premise beer licenses. No beer license may be transferred, assigned or subleased in any manner. Licenses are invalidated by transfer or attempted transfer. All licensees shall comply with the provisions of the Alcohol Beverage Control Act, and this ordinance.

4- 5- 2. REGULATORY BEER LICENSE FEE. The regulatory liquor license fee shall be set by resolution for all beer licenses. The regulatory license fees shall be used by the City to defray, in part, the costs of alcohol related enforcement and responding to alcohol related offenses within Park City. This fee may be waived by the City Council or its designee for Special Event Temporary licenses issued to persons participating in community sponsored events, or in events sponsored by or for the benefit of non-profit, civic, religious, or charitable organizations.

4- 5- 3. RETAIL BEER LICENSE CATEGORIES. Retail beer licenses issued under the provisions of this Ordinance shall be classified and carry the privileges and responsibilities hereinafter set forth in this Ordinance:

(a) **Off-Premise Beer License.** An off-premise retail license shall entitle the licensee to sell bottled or canned beer on the licensed premises in accordance with the Alcohol Beverage Control Act and the ordinances of Park City.

(1) Beer may not be sold, provided, or possessed for off-premise consumption in containers larger than 2 liters.

(2) A minor may not sell beer for off-premises consumption except under the supervision of a person 21 years of age or older who is on the premises.

(3) If malt beverages or malt liquor is sold, the licensee shall display a sign at the location on the premises where malt liquor or malt beverages is sold

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stating "Malt beverages and malt liquors are alcoholic beverages". A violation of this subsection is an infraction.

(4) No consumption of beer or alcoholic beverage shall be permitted on the premises of an off-premise licensee.

(b) On-Premise Retail Beer License. As of January 1, 1991, any establishment desiring to sell beer at retail for on-premise consumption shall first obtain a Park City on-premise retail beer license and a State on-premise retail beer license as required under Utah Code Ann. § 32A-10-201. An on-premise retail beer license shall entitle the licensee to sell beer at retail in bottles, cans or at draft for consumption on the premises.

All State-issued on-premise beer retail licenses expire on the 1st day of February of each year. Accordingly applicants must submit a renewal application to the State no later than January 31st of each year. City beer licenses shall expire on December 31st of each year and the licensee must submit a renewal application to the City prior to January 15th. All licensees must notify the City immediately if the State license is denied or revoked for any reason. On-premise licensees must provide the City with proof of State licensure by March 1 of each year or be subject to cancellation, revocation or termination of the City's license issued hereunder.

On-premise beer retail license holders may sell beer in open containers, in any size not exceeding two liters, and on draft. Liquor may not be stored or sold on the premises of any on-premise retail beer licensee. Beer purchased from an on-premise retail beer licensee may not be removed from the premises.

Section: There are two types of licenses to be issued under this

(1) On-Premise Retail Tavern License. An on-premise retail tavern license shall be required for all premises where the primary or main business is that of selling beer for consumption on the licensed premises. An on-premise retail tavern license shall entitle the licensee to sell bottled, canned, or draft beer for consumption on the licensed premises. No person under the age of twenty-one year shall sell or serve beer under this license.

(2) On-Premise Retail Beer License - All Others An On-Premise Retail Beer License - Restaurant shall entitled

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the licensee to sell beer at retail in bottles, cans or draft for consumption on the premises in conjunction with restaurant food service. No person under the age of twenty-one years shall serve or sell beer under this license.

(c) Special Event Temporary Beer License. A special event temporary beer license shall carry the privileges of either an on-premise or off-premise license. A special event temporary beer license shall authorize the storage, sale, service and consumption of beer for a period not to exceed 72 consecutive hours in conjunction with a convention, civic or community event. No person, individual or association shall be licensed for more than four (4) special event temporary beer licenses in any one calendar year. No person under the age of 21 shall sell or serve beer under this license. Persons holding a special event license issued by Park City are not required to have a State on-premise beer license.

(d) "Private Club" Beer License. A "private club" beer license shall carry the privileges of a tavern beer license provided that the sale of beer shall be to club members, guest members and their visitors only and each license shall be issued to bona fide clubs which are organized, incorporated, bonded, regulated, and operated in compliance with the provisions of the Utah Non-profit Corporation and Cooperation Act in § 32A-5-101, Utah Code Annotated, 1953, as amended, the Utah Liquor Control Act, and the Liquor Control Commission Rules and Regulations.

CHAPTER 6 - LIQUOR LICENSE DESCRIBED

4- 6- 1. LIQUOR LICENSE REQUIRED. No person shall operate a place of business which allows customers, members, guests, visitors, or other persons to possess, consume, or store liquor on the premises of the place of business without a liquor license issued by the City. A separate license shall be required for each place of business. No liquor license may be transferred, assigned, or subleased in any manner. All licensees shall comply with the provisions of the Alcohol Beverage Control Act, Utah Liquor Control Commission Rules and Regulations, and this ordinance.

4- 6- 2. SET-UP LIQUOR LICENSE. A "set-up" liquor license shall entitle the licensee to provide set-ups to patrons who supply their own liquor for the consumption of liquor on the premises in accordance with the Utah Liquor Control Act and Utah Liquor Commission Rules and Regulations and the ordinances of Park City. A "set-up" liquor license does not permit the operation of a State liquor store or the storage of liquor on the licensed

premises. No person under the age of twenty-one years shall serve or sell liquor. All set-up liquor licenses shall expire on December 31, 1990, and no set-up license shall issue after that date.

4-6-3. RESTAURANT LIQUOR LICENSE. A restaurant liquor license shall only be issued to persons licensed by the State Liquor Commission under § 32A-4-101, et seq, of the Utah Code Annotated. A "restaurant" liquor license shall entitle the licensee to provide liquor to patrons for consumption on the premise. Only bona fide restaurants shall be entitled to a restaurant liquor license. Patrons must intend to order food which is prepared, sold, and served on the premises, in accordance with the Alcoholic Beverage Control Act and Utah Liquor Commission Rules and Regulations and the ordinances of Park City. Liquor is to be provided only in conjunction with a meal, and it shall be unlawful to serve or sell liquor except with a meal. No person under the age of twenty-one years shall serve or sell liquor under this license. All liquor must be purchased in the restaurant from a server designated and trained by the licensee. Any alcoholic beverages under this license must be consumed at the patron or guest's table. A restaurant liquor license shall not entitle the storage of liquor on the licensed premises, except as designated on the application.

Beginning July 1, 1991, a restaurant liquor license holder may not sell or provide any primary liquor except in one ounce quantities dispensed through a calibrated metered dispensing system approved by the Commission.

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

If any audit or inspection discloses that the sales of food on the licensed premises are below 70% (seventy percent) of the gross dollar volume of business for any semi-annual period, the restaurant liquor license shall immediately be suspended and shall not be reinstated until the licensee is able to prove to the

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satisfaction of the City Council or its designee that in the future, the sales of food on the licensed premises will not fall below seventy percent of the gross dollar volume of business.

All licensees holding a restaurant liquor license as of the date of this Ordinance may continue to operate under said license unless revoked or suspended under one of the provisions herein until December 31, 1990. All Park City issued restaurant liquor licenses shall expire on December 31st of each year thereafter. All State-issued restaurant liquor licenses expire on October 31 of each year. All licensees must notify the City immediately if the State liquor license is denied, suspended or revoked for any reason. Restaurant liquor license applicants must provide the City with proof of State licensure by December 1 of each year or be subject to cancellation, revocation or termination of the City's license issued hereunder. All renewal applications must attach a copy of a valid State license.

4- 6- 4. PRIVATE CLUB LIQUOR LICENSE. A "private club" liquor license shall entitle the licensee to serve, sell, and store liquor, pursuant to Utah Liquor Commission Rules and Regulations, and to ordinances of Park City. No person under the age of twenty-one years shall serve or sell liquor under this license. All sales under a private club license shall be to bona fide members of the licensed club, guest members or their visitors accompanied by members or guest members, and not to the general public. All licensees holding a private club liquor license as of the date of this Ordinance may continue to operate under said license unless revoked or suspended under one of the provisions herein until December 31, 1990. All Park City Private Club licenses shall expire December 31st of each year thereafter. All state-issued restaurant liquor licenses expire on June 30 of each year. All licensees must notify the City immediately if the State liquor license is denied, suspended or revoked for any reason. Private Club License applicants must provide the City with proof of the State licensure by July 1st of each year or be subject to cancellation, revocation or termination of the City's license issued hereunder. All renewal applications must attach a copy of a valid State license.

4- 6- 5. SEASONAL LIQUOR LICENSE. A seasonal liquor license shall carry the privileges of a "restaurant" liquor license for a period of less than one year to be determined by the City Council or its designee. No person under the age of twenty-one years shall sell or serve liquor under this license.

4- 6- 6. SINGLE EVENT LIQUOR LICENSE A single event liquor license shall authorize for a period not to exceed 72

consecutive hours the storage, sale, service and consumption of liquor at an event sponsored by a bona fide association, corporation, church or political organization or a recognized lodge, chapter or other local unit that is conducting a convention, civic or community enterprise. The City may not issue more than two single-event liquor permits in any one calendar year to the same association, church, or political organization, chapter, lodge or unit thereof.

4- 6- 7. REGULATORY LIQUOR LICENSE FEE. The regulatory liquor license fee shall be set by resolution for all liquor licenses. The regulatory license fees shall be used by the City to defray, in part, the costs of alcohol related enforcement and responding to alcohol related offenses within Park City. This fee may be waived by the City Council or its designee for temporary licenses issued to persons participating in community sponsored events, or in events sponsored by or for the benefit of non-profit, civic, religious, or charitable organizations. This fee may be waived by the City Council or its designee for Special Event Temporary licenses issued to persons participating in community sponsored events, or in events sponsored by or for the benefit of non-profit, civic, religious, or charitable organizations.

CHAPTER 7 - SUSPENSION AND REVOCATION OF CITY-ISSUED LICENSES.

4- 7- 1. GROUNDS FOR REVOCATION OR SUSPENSION Licenses issued under this ordinance may be suspended or revoked by the City Council for the following reasons:

(b) **BUSINESS LICENSE.** The following are grounds for revocation or suspension of business licenses:

- (1) Licensee has filed false or fraudulent license tax returns;
- (2) Licensee has been convicted of or plead guilty to or paid fines or settlements in criminal or civil actions brought by the State Tax Commission for the collection of, or arising from the non-payment of, taxes imposed by or collected by the state of Utah;
- (3) Licensee has permitted its employees, agents or patrons, to engage in illegal activities on the business premises;
- (4) The business has been the subject of a sufficient number of consumer complaints that it has the effect of

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tarnishing the reputation of other businesses within Park City.

(c) **PEDDLERS AND SOLICITORS' LICENSE**. The following are grounds for revocation or suspension of peddlers' or solicitors' licenses:

- (1) Violation of any specific provisions or limitations on the license imposed by this Title or by the City Council in issuing the license;
- (2) Complaints from the public concerning misrepresentation of the goods or merchandise sold;
- (3) Unfair or dishonest business practices;
- (4) Any other circumstances which endanger the health or safety of the residents of Park City.

(c) **BEER AND LIQUOR** The following are grounds for revocation or suspension of beer or liquor related licenses:

- (1) The licensee has failed to comply with the requirements of the Alcohol Beverage Control Act as currently in force or amended in the future, or the requirements of this Title;
- (2) The licensee or employees of the licensee have been convicted or plead guilty to violations occurring under Section 4-4-15 of this Title or any city, county, state or federal law or ordinance and said violations occurred on the licensed premise, not including violations by patrons;
- (3) The licensee has attempted to transfer the license to another in violation of this Title;
- (4) The licensee has become ineligible to hold a license by failing to meet the standards for licensees listed in this Title;
- (5) The licensee or his agents or employees, with the knowledge of the license holder, have been engaged in the sale, distribution or delivery of controlled substances, as defined by state statute, on or from the licensed premises.

(6) The licensee has been denied a license by the state of Utah under the Alcoholic beverage Control act as required by this Title or has had said state license revoked or suspended.

4- 7- 2. ACTION OF CITY MANAGER OR DESIGNEE. Upon receiving a written complaint from any person alleging a violation of any provision of this Title the licensee or an agent of the licensee, the City or anyone designated by the City Manager with the assistance of such other departments of the City as the City Manager may direct, shall conduct an investigation of the allegations of the complaint. The City shall not investigate consumer or product liability complaints. Upon completion of the investigation, the City Manager may dismiss the matter as being without merit, settle the matter based upon the negotiations the City Manager or his or her designee may have undertaken with the licensee, or cause an Order to Show Cause to be issued to the licensee requiring the licensee to come forward and answer the allegations of the Order to Show Cause.

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

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

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

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4- 7- 3. REVOCATION OR SUSPENSION HEARING. In all administrative license revocation or suspension proceedings, a hearing shall be conducted as follows:

The presiding officer or LHE shall regulate the course of the hearing to obtain full disclosure of relevant facts and afford all parties the reasonable opportunity to present their positions. The presiding officer or LHE may determine the length of the hearing and may prevent the calling of witnesses or admission of documentary evidence where such witnesses or evidence are irrelevant, immaterial, unduly repetitious, or unnecessary due to the receipt of other evidence.

Technical rules of evidence required in court proceedings shall not apply, and the presiding officer or LHE shall not exclude evidence solely because it is hearsay. The presiding officer or LHE may afford to all parties the opportunity to present evidence, argue, respond, conduct cross-examination, and submit rebuttal evidence within the time frame of the hearing established by said officer.

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

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

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

the licensee shall be that of proof by a preponderance of the evidence.

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

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

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

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

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CHAPTER 8 - MASTER FESTIVAL LICENSE

4- 8- 1. DEFINITIONS. For the purpose of this Chapter the following terms shall have the meanings herein prescribed.

APPLICANT. The person, or group of people, who is or are the organizer(s) and with whom the responsibility for conduct of the event lies. The applicant signs the festival license application and all other documents relevant to the event. The applicant must be a natural person or persons, and not a corporation, corporate sponsor, or business, or any other entity which is not a natural person (see sponsor).

BUSINESS LICENSE - As defined in Chapter 2 of this Title. A Business license may be temporarily replaced or altered for the purpose of a special event or public festival within the specific guidelines of the festival license.

CONCESSION. A privilege to sell food, beverages, souvenirs, or copyrighted or logoed event memorabilia at a licensed event. Concessions are provided for within this Chapter in lieu of City business license regulations.

FEES. Charges assessed by Park City for licensing, staffing, equipment use/rental, property use/rental, clean up, inspections involving the use of public property, public employees, or public equipment assessed to an event or festival and established within the festival licensing process.

LICENSEE. The Applicant, as defined above, becomes the "licensee" when the Master Festival License is signed by the Special Events Coordinator or receives formal City Council approval. As the license holder, the Licensee becomes the sole proprietor of the event and inherits the responsibilities connected with all licenses, fee assessments, copyrights, and insurance liabilities connected with the licensed event.

PUBLIC HOLIDAY. Any state or national holiday or any locally declared day of celebration during which a Public Festival may be held. Such days are, but may not be limited to: 4th of July, Miners Day, and that portion of America's Opening (Friday after Thanksgiving) which is held on public property. Public Festivals on Public Holidays promoted by the Park City Municipal Corporation

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(City) and/or the Park City Chamber/Bureau and held on public property do not require festival licensing. Fees will be absorbed by the City as established by the Special Events Coordinator in an amount less than five hundred dollars (\$500). Event expenditures for public holidays in excess of five hundred dollars (\$500) require City Council approval.

4- 8- 2. UNLAWFUL TO OPERATE WITHOUT A LICENSE. Unless exempted by state or federal law, it shall be unlawful for any person, group, or business, to conduct a Special Event or Public Festival with or without charge for admission, on public or private property, without first applying for and being granted a Master Festival License for the specific event and its Venue(s). All licenses issued pursuant to this ordinance are non-transferrable and expire at the completion of the given event.

4- 8- 3. RENEWAL OF LICENSES. Licenses under the provisions of this Ordinance who successfully operate an event under the provisions of this Ordinance and who wish to have the event on an annual or periodic basis, must renew each Master Festival License as if it were a new event. Events which occur in series such as concerts, falling under the criteria established in this Ordinance, must have a Master Festival License for each concert in the series, even if the same performer is performing on separate occasions.

4- 8- 4. MASTER FESTIVAL LICENSE APPLICATION PROCEDURE. Applications for Master Festival Licenses shall be made in writing to the Special Events Coordinator (Chief of Police). Application materials are available at City Hall and the Chamber/Bureau offices, and must be completed and submitted to the Special Events Coordinator not less than forty five (45) days prior to the scheduled opening of the event. Application materials will be reviewed by the City staff and returned to the applicant with comments and a recommendation (i.e., approval as is, approval with changes, cause for denial) within ten (10) working days from date of submission. Incomplete applications will be returned to the applicant and noted accordingly. Upon receipt of favorable recommendation and the signature of the Special Events Coordinator, the application shall be noticed before the Park City Council for public hearing, consent agenda, or renewal, whichever may apply, by the Special Events Coordinator upon properly public notice at the next available City Council meeting. Upon City Council approval of the application, the application will automatically evolve into a Master Festival License for the given event.

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4- 8- 5. LICENSES ENCOMPASSED BY MASTER FESTIVAL LICENSE. The Master Festival License shall include a temporary business license, temporary liquor or beer license, fireworks license, building permit, and banner permit either individually or in combination. This Section does not eliminate necessary state permits, licenses, or tax accountability, nor does this Section supercede any state permit, license, or tax regulation. A profit-making business or corporation promoting a Special Event which falls under the provisions of this Ordinance must also have a fully paid Park City Municipal Corporation business license, as outlined in Ordinance No. 87-12 prior to making application for a Master Festival License. Occupancy permits for any temporary establishment constructed under the provisions of a Master Festival License will be provided to the Licensee upon compliance of all Code enforcement provisions and upon inspection by the Park City Building Department.

4- 8- 6. FEES TO BE ASSESSED. Upon application, the Special Events Coordinator will, upon review of necessary services, property, and/or equipment as requested by applicant or deemed necessary by Special Events Coordinator, provide the applicant with an estimate of fees based on City department user fees, salaries, equipment rental charges, and inspection charges to be assessed against the event for city services.

4- 8- 7. PAYMENT OF FEES, POSTING OF BONDS. Unless waived pursuant to this Ordinance, all fees due the Park City Municipal Corporation as a result of a special event or public festival, must be paid within thirty (30) days from the final day of the event. This Section further empowers the Special Events Coordinator to require an applicant to post a bond in an amount not to exceed one thousand dollars (\$1,000) prior to the issuance of a Master Festival License, as a guarantee against fees, damages, clean up, or loss of public property. Bonds may be waived by the Special Events Coordinator upon demonstration by the applicant that adequate steps are provided for protection of public property, payment of fees, and Venue clean up.

4- 8- 8. FEE WAIVERS. It is recognized that some events, particularly new events, may not have sufficient resources to pay City assessments and in fact, the event could not occur or would be significantly harmed if assessments were levied. For-profit events or events which are charitable or not-for-profit with budgets in excess of fifty thousand dollars (\$50,000) will not be considered for fee waivers. The Special Events Coordinator shall make a recommendation in conjunction with the application approval process for a fee waiver based on one or more of the following criteria.

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(a) Events without Corporate Sponsorship and which do not charge admission, will receive a 100% fee waiver, upon request, during the first year of operation.

(b) Events without Corporate Sponsorship and which do not charge admission will receive, upon request, a 50% fee waiver during the second year of operation. No additional waivers will be given beyond the second year of operation.

(c) Events having Corporate Sponsorship, which charge admission, or have some other source of funding, will upon request, receive a 50% fee waiver during the first year of operation or upon the first event, whichever is less. No additional waivers will be given.

(d) Charitable events having no Corporate Sponsorship and which charge two dollars (\$2) or less admission, upon request for waiver and presentation of documents noting tax free status and intended donor, will have all fees waived until such time as the status of the event changes.

(e) Charitable events having Corporate Sponsorship, which charge admission, or sell tickets or any combination thereof, may receive a full, partial, or no fee waiver based upon request and presentation of a full event budget to the Special Event Coordinator who in turn will evaluate the event and the budget for applicability to this Section. Event budgets in excess of fifty thousand dollars (\$50,000) in gross revenue, including donations, or fifty thousand dollars (\$50,000) in gross expenditures will not be considered.

4- 8- 9. INSURANCE REQUIREMENTS. Every event licensed under the provisions of this Ordinance shall provide upon application for license proof of liability insurance in the amount of one million dollars (\$1,000,000) or more as may be required by the Special Events Coordinator or the City Attorney's Office, and shall further name Park City Municipal Corporation as an additional insured. Private events held on private property falling under the requirements of this Ordinance shall further indemnify the City from liability occurring at the event.

4- 8-10. PUBLIC HEARING PROCESS. All new Master Festival Licenses shall have a public hearing, properly noticed, as a matter of City Council business to be held not less than ten (10) calendar days from the proposed start date of the event. The public hearing shall be the method by which members of the public, and particularly those persons affected by the event, can provide input or register protest. Each Master Festival License public

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hearing shall only be held after the application process is completed and the application is signed by the Special Events Coordinator, and all appropriate recommendations as to fee waivers and approvals for the event have been noted. Renewal licenses and Public Holiday festival licenses, as promoted by the City and/or Chamber/Bureau, as defined above do not require public hearing, unless the event has so changed during the renewal period as to cause significantly different public impacts than originally intended, or, in the case of Public Holiday festivals, the public impacts are so great as to cause mass inconvenience and the likelihood of protest outweighs the elimination of the festival licensing process.

4- 8-11. RUNS, WALKS, FILM-MAKING, AND PROMOTIONS.

Runs, walks, film-making, and promotions are not governed by the provisions of this ordinance unless such run, walk, film, or a promotion creates substantial public impact or requires substantial City service. Any run, walk, film, or promotion undertaken by any for-profit business or corporation, must first be licensed as a business under the Business License Ordinance No. 87-12. For-profit corporations falling under the provisions of this Ordinance or who are specifically in film-making or promotions on public or private property must, as a provision of their license, provide proof of insurance, shooting schedule or schedule of events, produce written permission of property owners, and provide access to any set or site for purposes of Code enforcement.

4- 8-12. CRIMINAL PENALTY. Any person who willfully violates any provision of this Ordinance shall be guilty of a Class B misdemeanor. Persons conducting Special Events or Public Festivals without having first obtained a Master Festival License are subject to arrest and the event is subject to closure.



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TITLE 7 - ANIMAL CONTROL

CHAPTER 1 - IN GENERAL

7- 1- 1. DEFINITIONS.

ANIMAL BOARDING ESTABLISHMENT. Any establishment that takes in animals for boarding for profit.

ANIMAL GROOMING PARLOR. Any establishment maintained for the purpose of offering cosmetological services for animals for profit.

ANIMAL SHELTER. A facility owned and/or operated by a governmental entity or any animal welfare organization that is incorporated within the state of Utah under Section 76-9-302, UCA, 1953, as amended, and used for the care and custody of seized, stray, homeless, quarantined, abandoned, or unwanted dogs, cats or other small domestic animals.

ANIMAL AT LARGE. Any domesticated animal, whether or not licensed, not under restraint as defined below.

ANIMAL UNDER RESTRAINT. Any animal under the control of its owner or person having charge, care, custody or control. A dog shall be considered under control of the owner when on a leash or lead, confined within a vehicle, or within the real property limits of the owner.

BITE. An actual puncture, tear or abrasion of the skin inflicted by the teeth of an animal.

CATS. Any age feline of the domesticated types.

CATTERY. An establishment for boarding, breeding, buying, grooming or selling cats for profit.

DOG. A canis familiaris over four months of age. Any canis familiaris under four months of age is a puppy.

DOMESTICATED ANIMALS. Animals accustomed to live in or about the habitation of man, including but not limited to cats, dogs, fowl, horses, swine, goats, and cattle.

STRAY. Any animal at large as defined herein.

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GUARD DOG. A working dog which must be kept in a fenced run or other suitable enclosure during business hours, or on a leash or under absolute control while working, so it cannot come into contact with the public.

HOLDING FACILITY. Any pet shop, kennel, cattery, groomery, animal shelter, humane establishment, or any other such facility used for holding animals.

LEASH OR LEAD. Any chain, rope or device used to restrain an animal.

PET. A domesticated animal kept for pleasure rather than utility, including, but not limited to birds, cats, dogs, fish, hamsters, mice, and other animals associated with man's environment.

PET SHOP. Any establishment containing cages or exhibition pens, not part of a kennel or cattery, wherein dogs, cats, birds, or other pets for sale are kept or displayed.

QUARANTINE. The isolation of an animal in a substantial enclosure so that the animal is not subject to contact with other animals or unauthorized persons.

VICIOUS ANIMAL. Any animal which is dangerous, aggressive, including, but not limited to any animal which has bitten or in any other manner attacked any person or animal.

7- 1- 2. DEPARTMENT OF ANIMAL CONTROL. Summit County has created a Department of Animal Control.

7- 1- 3. POWERS OF ANIMAL CONTROL OFFICIALS. The Summit County Animal Control Director or any person employed by the Summit County Department of Animal Control as an Animal Control Officer shall take the oath of office and shall be vested with the power and authority to enforce this ordinance.

The Summit County Animal Control Director, [hereinafter "Director"] his deputies, assistants and Animal Control Officers are hereby authorized and empowered to apprehend and take with them and impound any animal found in violation of this ordinance and including licensable dogs for which no license has been procured in accordance with this ordinance, or any licensed or unlicensed dogs for any other violations thereof.

In the enforcement of this ordinance, any peace officer or the Summit County Director of Animal Control, or his assistants are authorized to enter onto the open premises of any person to take possession of any dog in violation of this ordinance.

7- 1- 4. DUTIES OF ANIMAL CONTROL OFFICIALS.

(a) **Animal Control Director.** The Director shall enforce this ordinance and perform other responsibilities pursuant thereto, supervise the animal shelter(s) under his jurisdiction, keep adequate records of all animals impounded and all monies collected, see that all animals and animal holding facilities in his jurisdiction are licensed, controlled and permitted in accordance with any applicable ordinance and/or regulations, establish, in cooperation with the Summit County Health Department and other interested governmental agencies, adequate measure for rabies immunization and control.

(b) **Animal Control Officers.** The animal control officers shall enforce this ordinance in all respects pertaining to animal control within the jurisdiction including the care and impounding of animals and prevention of cruelty to animals and carry out all duties prescribed or delegated by the Director.

CHAPTER 2 - LICENSING

7- 2- 1. DOG LICENSING. All dogs must be licensed each year, except as otherwise provided herein, to a person of the age of 18 or older. Any person owning, possessing or harboring any dog within Summit County shall obtain a license for such animal within 30 days after the dog reaches the age of six (6) months, within ten (10) days of the acquisition of such dog or presence of such dog within Summit County. Said initial license shall be effective for one year from the date of purchase and must be renewed annually thereafter.

License renewal applications must be submitted annually to the Summit County Department of Animal Control, utilizing a standard form which requests name, address and telephone number of the applicant and the breed, sex, color and age of the animal; the form also asks for pertinent information regarding rabies vaccinations. The application shall be accompanied by the prescribed license fee and by a current rabies vaccination certificate. Rabies vaccinations and certificates therefor, must be obtained every two (2) years, from either a licensed veterinarian or an authorized Animal Control Officer.

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No dog shall be licensed as spayed or neutered without satisfactory proof that such surgery was performed on said dog.

7- 2- 2. LICENSE TAG. Upon payment of the license fee, the Summit County Department of Animal Control shall issue to the owner a certificate and tag for each dog licensed. The tag shall have stamped thereon the license number corresponding with the tag number on the certificate. The owner shall attach the tag to the collar or harness of the animal and see that the collar and the tag are constantly worn. Failure to attach the tag as provided shall be in violation of this ordinance, except in that dogs which are kept for show purposes are exempt from wearing the collar and tag.

Dog tags are not transferable from one dog to another. No refunds shall be made on any dog license fee for any reason whatsoever. Replacements for lost or destroyed tags shall be issued upon payment of the required fee to the Summit County Department of Animal Control.

Any person removing or causing to be removed, the collar, harness, or tag from any licensed dog without the consent of the owner or keeper thereof, except a licensed veterinarian or Animal Control Officer who removes such for medical and other reasons, shall be in violation of this ordinance.

7- 2- 3. LICENSING EXCEPTIONS.

(a) The provisions of Sections 7 -2 -1 and 7 -2 -2 herein shall not apply to:

(1) Licensed dogs whose owners are non-residents temporarily (up to 30 days) within the jurisdiction; licensed dogs whose owners remain within the jurisdiction longer than 30 days may transfer to the local license upon payment of the required fee fee and proof of current rabies vaccination.

(2) Individual dogs within a properly licensed dog kennel or other such establishment when such dogs are held for resale.

(b) The fee provisions of Section 7 -2 -2 shall not apply to:

(1) Seeing-eye dogs properly trained to assist blind persons if such dogs are actually being used by blind persons to assist them in moving from place to place.

(2) Hearing dogs properly trained to assist deaf persons if such dogs are actually used by deaf persons to aid them in responding to sounds.

(3) Dogs especially trained to assist officials of government agencies in the performance of their duties and which are owned by such agencies.

(c) Nothing in this section shall be construed so as to exempt any dog from having a current rabies vaccination.

CHAPTER 3 - VIOLATIONS

7- 3- 1. UNLAWFUL TO HARBOR STRAY DOGS. It shall be unlawful for any person, except an animal welfare society incorporated within the state of Utah under section 76-9-302, UCA, 1953, as amended, to harbor or keep any lost or strayed dog. Whenever any dog shall be found which appears to be lost or strayed, it shall be the duty of the finder to notify the Summit County Animal Control Department within 24 hours, and the Department shall impound the dog as herein provided.

7- 3- 2. DOGS RUNNING AT LARGE. It shall be unlawful for the owner or person having charge, care, custody or control of any dog to allow such dog at any time to run at large. The owner or person charged with responsibility for a dog found running at large shall be strictly liable for a violation of this section regardless of the precautions taken to prevent the escape of the dog and regardless of whether or not he knows that the dog is running at large.

7- 3- 3. DOGS ON UNENCLOSED PREMISES. It shall be unlawful for any person to chain, stake out, or tether any dog on any unenclosed premises in such a manner that the animal may go beyond the property line unless such person has permission of the owner of the affected property.

7- 3- 4. FEMALE DOGS IN HEAT. Any owner or person having charge, care, custody or control of any female dog in heat shall, in addition to restraining such dog from running at large, cause such dog to be constantly confined in a building or secure enclosure so as to prevent it from attracting by scent or coming into contact with other dogs and creating a nuisance, except for planned breeding.

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7- 3- 5. PLACES PROHIBITED TO DOGS.

(a) It shall be unlawful for any person to take or permit any dogs, whether loose or on a leash or in arms, in or about any establishment or place of business where food or food products are sold or displayed, including, but not limited to restaurants, grocery stores, meat markets, and fruit or vegetable stores.

(b) It shall be unlawful for any person keeping, harboring or having charge or control of any dog to allow said dog to be within

any watershed area so designated by ordinance or otherwise legally appointed, either now existing or to be defined in the future.

(c) This section shall not apply to dogs provided for in Section 7- 2- 3(b).

7- 3- 6. DOGS ATTACKING PERSONS AND ANIMALS.

(a) **Attacking Dogs.** It shall be unlawful for the owner or person having charge, care, custody or control of any dog to attack, chase or worry any person, any domestic animal having a commercial value, or any species of hoofed protected wildlife, or to attack domestic fowl. "Worry" as used in this section shall mean to harass by tearing, biting or shaking with the teeth.

(b) **Owner Liability.** The owner in violation of (a) above shall be strictly liable for violation of this section. In addition to being subject to prosecution under (a) above, the owner of such dog shall also be liable in damages to any person injured or to the owner of any animal(s) injured or destroyed thereby.

(c) **Defenses.** The following shall be considered in mitigating the penalties or damages or in dismissing the charge.

(1) That the dog was properly confined on the premises.

(2) That the dog was deliberately or maliciously provoked.

(d) **Dogs may be Killed.** Any person may kill a dog while it is committing any of the acts specified in (a) above or while such dog is being pursued thereafter.

7- 3- 7. FIERCE, DANGEROUS OR VICIOUS ANIMALS. It shall be unlawful for the owner of any fierce, dangerous or vicious animal to permit such animal to go or be off the premises of the owner unless such animal is under restraint and properly muzzled so as to prevent it from injuring any person or property. Every animal so vicious and dangerous that it cannot be controlled by reasonable restraints, and every dangerous and vicious animal not effectively controlled by its owner or person having charge, care or control of such animal so that it shall not injure any person or property is a hazard to public safety, and the Director of Animal Control shall seek a court order for destruction of or muzzling of the animal.

7- 3- 8. NUISANCE. Any owner or person having charge, care, custody or control of an animal or animals causing a nuisance as defined below shall be in violation of this ordinance and subject to the penalties provided herein. The following shall be deemed a nuisance:

(a) causes damages to the property of anyone other than its owner;

(b) is a vicious animal as defined herein and kept contrary to Section 7- 3- 7 above;

(c) causes unreasonable fouling of the air by odors;

(d) causes unsanitary conditions in enclosures or surroundings;

(e) defecates on any public sidewalk, park, or building, or on any private property without the consent of the owner of such private property, unless the person owning, having a proprietary interest in, harboring or having care, charge, control, custody or possession of such animal shall remove any such defecation to a proper trash receptacle;

(f) barks, whines or howls or makes other disturbing noises in an excessive, continuous or untimely fashion;

(g) attacks other domestic animals;

(h) is determined by the Summit County Department of Animal Control or the City-County Health Department to be offensive or dangerous to public health, safety or welfare.

(i) any animals which, by virtue of the number maintained, are determined by the Summit County Department of

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Animal Control or the City-County Health Department to be offensive or dangerous to the public health, welfare or safety.

7- 3- 9. REVOCATION OF DOG LICENSE. If the owner of any dog(s) is found to be in violation of this ordinance on three or more different occasions during any twelve-month period, the Director of Animal Control may seek a court order revoking for a period of one year any dog license(s) such person may possess and providing for the Animal Control Department to pick up and impound any dog(s) kept by the person under such order. Any dog impounded pursuant to such an order shall be dealt with in accordance with the provisions of this ordinance for impounded animals except that the person under the order of revocation shall not be allowed to redeem the dog under any circumstances.

7- 3-10. BITES, DUTY TO REPORT.

(a) Any person having knowledge of any individual or animal having been bitten by an animal of a species subject to rabies shall report the incident immediately to the Summit County Department of Animal Control.

(b) The owner of an animal that bites a person and any person bitten by an animal shall report the bite to the Summit County Department of Animal Control or the Health Department within 24 hours of the bite, regardless of whether or not the biting animal is of a species subject to rabies.

(c) A physician or other medical personnel who renders professional treatment to a person bitten by an animal shall report the fact that he has rendered professional treatment to the Summit County Department of Animal Control of the City-County Health Department within 24 hours of his first professional attendance. He shall report the name, sex and address of the person bitten as well as the type and location of the bite. If known, he shall give the name and address of the owner of the animal that inflicted the bite, and any other facts that may assist the Summit County Department of Animal Control in ascertaining the immunization status of the animal.

(d) Any person treating an animal bitten, injured or mauled by another animal shall report the incident to the Summit County Department of Animal Control. The report shall contain the name and address of the owner of the wounded, injured or bitten animal, the name and address of the owner, a description of the animal which caused the injury, and the location of the incident.

(e) Any person not conforming to the requirements of this section shall be in violation of this ordinance.

CHAPTER 4 - CONTROL OF RABIES AND RABID ANIMALS

7- 4- 1. RABIES VACCINATION REQUIRED FOR DOGS. The owner or person having the charge, care, custody and control of a dog six months of age or over shall have said animal vaccinated within 30 days after it reaches said age. Any person permitting any such animal to habitually be on or remain, or be lodged or fed within such person's house, yard or premises shall be responsible for said vaccination. Unvaccinated dogs over six months of age acquired by the owner or moved into the jurisdiction must be vaccinated thereafter every 24 months with a modified virus rabies vaccine approved by the Summit County Health Department. This provision shall not apply to veterinarian or kennel operators temporarily maintaining on their premises animals owned by others.

7- 4- 2. DUTIES OF VETERINARIANS AND TAG REQUIREMENTS. It shall be the duty of each veterinarian when vaccinating any animal for rabies to complete a certificate of rabies vaccination (in duplicate) which includes the following information:

- (a) owner's name and address;
- (b) description of animal (breed, sex, markings, age, name);
- (c) date of vaccination;
- (d) rabies vaccination tag number;
- (e) type of rabies vaccine administered;
- (f) manufacturer's serial number of vaccine

A copy of the certificate shall be distributed to the owner and original retained by the issuing veterinarian. The veterinarian and the owner shall retain their copies of the certificate for the interval between vaccinations specified in this section. Additionally a numbered serialized metal or durable plastic rabies vaccination tag shall be securely attached to the collar or harness of all dogs. A dog not wearing such tag shall be deemed to be unvaccinated and may be impounded and dealt with pursuant to this ordinance.

7- 4- 3. TRANSIENT ANIMAL EXCEPTION. The provisions of this section with respect to vaccination shall not apply to any

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animal owned by a person temporarily remaining in the jurisdictions for less than 30 days. Such animals shall be kept under strict supervision of the owner. It shall be unlawful to bring any animal into the jurisdiction which does not comply with animal health laws and import regulations.

7- 4- 4. IMPOUNDMENT OF ANIMAL WITHOUT VALID RABIES VACCINATION TAG.

(a) Any vaccinated animal impounded because of a lack of rabies vaccination tag may be reclaimed by its owner by furnishing proof of rabies vaccination and payment of all impoundment fees prior to release.

(b) Any unvaccinated animal may be reclaimed prior to disposal by payment of impound fees and by obtaining a rabies vaccination within 72 hours of release.

(c) Any dog not reclaimed prior to the period shall be disposed of pursuant to provision of Section 7- 5- 3.

7- 4- 5. REPORTING OF RABID ANIMALS. Any person having knowledge of the whereabouts of an animal known to have been exposed to, or suspected of having rabies; or of an animal or person bitten by such a suspect animal, shall notify the Summit County Department of Animal Control, the Summit County Health Department or the State Division of Health.

7- 4- 6. QUARANTINING AND DISPOSITION OF BITING OR RABID ANIMALS.

(a) An animal that has rabies or shows signs of having rabies, and every animal infected with rabies or that has been exposed to rabies shall be reported by the owner as is set forth above and shall immediately be confined in a secure place by the owner.

(b) The owner of any animal of a species subject to rabies which has bitten shall surrender the animal to an authorized official upon demand. Any person authorized to enforce this ordinance may enter upon private property to seize the animal; if the owner refuses to surrender the animal, the officer shall immediately obtain a search warrant authorizing seizure and impoundment of the animal.

(c) Any animal of a species subject to rabies that bites a person or animal or is suspected of having rabies may be seized and quarantined for observation for a period of not less than ten

days by the Summit County Department of Animal Control and/or the Health Department. The owner of the Animal shall bear the cost of confinement. The animal shelter shall be the normal place for quarantine, but other arrangements, including confinement by the owner, may be made by the Director of Animal Control and/or the Director of Health if the animal had a current rabies vaccination at the time the bite was inflicted or if there are other special circumstances justifying an exception. A person who has custody of an animal under quarantine shall immediately notify the Summit County Department of Animal Control if the animal shows any signs of sickness or abnormal behavior, or if the animal escapes confinement. It shall be unlawful for any person who has custody of a quarantined animal to fail or to refuse to allow a Health or Animal Control Officer to make an inspection or examination during the period of quarantine. If the animal dies within ten days from the date of the bite, the person having custody shall immediately notify the Department or immediately remove and deliver the head to the State Health laboratory to be examined for rabies. If, at the end of the ten-day period, the Director of Animal Control examines the animal and finds no sign of rabies, the animal may be released to the owner or in the case of a stray, it shall be disposed of as provided in Section 7- 5- 3.

7- 4- 7. DISPOSITION AND IMPOUNDING OF BITTEN ANIMALS.

(a) Unvaccinated bitten animals. In the case of an unvaccinated animal species subject to rabies which is known to have been bitten by a known rabid animal, said bitten or exposed animal should be immediately destroyed. If the owner is unwilling to destroy the bitten or exposed animal, the animal shall be immediately isolated and quarantined for six months under veterinary supervision, the cost of such confinement to be paid in advance by the owner. The animal shall be destroyed if the owner does not comply herewith.

(b) Vaccinate bitten animals. If the bitten or exposed animal has been vaccinated, the animal shall be revaccinated within 24 hours and quarantined for a period of 30 days following revaccination; or if the animal is not revaccinated within 24 hours, the animal shall be isolated and quarantined under veterinary supervision for six months. The animal shall be destroyed if the owner does not comply with this subsection.

7- 4- 8. REMOVAL OF QUARANTINED ANIMAL. It shall be unlawful for any person to remove any such animal from the place of quarantine without written permission of the Summit County Summit County Department of Animal Control.

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7- 4- 9. TWO ATTACKS DEEMED A VICIOUS ANIMAL. If any animal bites or attacks a person or animal two times or more in a 12 month period, such animal may be immediately impounded by the Summit County Department of Animal Control without court order and held at owner expense pending court action. Any such animal shall be deemed a vicious animal, and the Director of Animal Control may seek a court order as provided in Section 7- 3- 7 for destruction of the animal. Parties owning such animal shall, if possible, be notified immediately of the animal's location by the Animal Control.

CHAPTER 5 - IMPOUNDING

7- 5- 1. ANIMALS TO BE IMPOUNDED. The Director shall place all animals which he takes into custody in a designated animal impound facility. The following animals may be taken into custody by the Director and impounded without filing a complaint:

(a) Any animal being kept or maintained contrary to the provisions of this ordinance;

(b) Any animal running at large contrary to the provisions of this ordinance;

(c) Any animal which is by this ordinance required to be licensed and is not licensed. An animal not wearing a tag shall be presumed to be unlicensed for purposes of this section.

(d) Sick or injured animals whose owner cannot be located;

(e) Any abandoned animal;

(f) Animals which are not vaccinated for rabies in accordance with the requirements of this ordinance;

(g) Any animal to be held for quarantine;

(h) Any vicious animal not properly confined as required by Section 7- 3- 7 herein.

7- 5- 2. IMPOUNDING, RECORDS TO BE KEPT. Complete records shall be kept for all impounded animals and shall include the following information:.

(a) description of the animal, including tag number.

(b) The manner and date of impound.

(c) The location of the pickup and name of the officer picking up the animal.

(d) The manner and date of disposal.

(e) The name and address of the redeemer or purchaser.

(f) The name and address of any person relinquishing an animal to the impound facility.

(g) All fees received.

(h) All expenses accruing during impoundment.

7- 5- 3. IMPOUNDING: DISPOSITION OF ANIMALS.

(a) Licensed Animals shall be impounded for a minimum of five (5) working days before further disposition, except as otherwise provided herein. Reasonable effort shall be made to notify the owner of any animal wearing a license or other identification during that time. Notice shall be deemed given when sent to the last known address of the listed owner. Any animal voluntarily relinquished to the Summit County Animal Control facility by the owner therefor for destruction or other disposition need not be kept for the minimum holding period before release or other disposition as herein provided.

(b) All dogs, except for those quarantined or confined by court order, held longer than the minimum impound period, and all dogs voluntarily relinquished to the impound facility may be destroyed or sold as the Director shall direct. Any healthy dog may be sold to any person desiring to purchase such animal for a price to be determined by the Director but not to exceed the fee set by the County , plus license and rabies vaccination, if required.

(c) Any licensed animal impounded and having or suspected of having serious physical injury or contagious disease requiring medical attention may, in the discretion of the Director, be released to the care of a veterinarian with the consent of the owner.

(d) When, in the judgment of the Director, it is determined that an animal should be destroyed for humane reasons or to protect the public from imminent danger to persons or property, such animal may be destroyed without regard to any time limitations otherwise established herein, and without court order.

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7- 5- 4. IMPOUNDING: REDEMPTION. The owner of any impounded animal or his authorized representative may redeem such animal before disposition provided he pays:

- (a) The impound fee;
- (b) The daily board charge;
- (c) Veterinary costs incurred during the impound period, including rabies vaccination;
- (d) License Fee, if required.

No impound fee will be charged to the reporting owners of suspected rabid animals if they comply with Section **7- 4- 6.** herein.

CHAPTER 6 - CRUELTY TO ANIMALS PROHIBITED

7- 6- 1. PHYSICAL ABUSE. It is unlawful for any person to willfully or maliciously kill, maim, disfigure, torture, beat with a stick, chain, club or other object, mutilate, burn or scald, overdrive or otherwise cruelly set upon any animal. Each offense shall constitute a separate violation.

7- 6- 2. HOBBLING ANIMALS. It is unlawful for any person to carry or confine any animal in or upon any vehicle in a cruel or inhumane manner, including but not limited to, carrying or confining such animal without adequate ventilation or for an unusual length of time.

7- 6- 3. CARE AND MAINTENANCE. It shall be the duty of any person to provide any animal in his charge or custody, as owner or otherwise, with adequate food, drink, care and shelter.

7- 6- 4. ANIMAL POISONING. It shall be unlawful for any person by any means to make accessible to any animal, with intent to cause harm or death, any substance which has in any manner been treated or prepared with any harmful or poisonous substance. This provision shall not be interpreted so as to prohibit the use of poisonous substances for the control of vermin in the furtherance of the public health when applied in such a manner as to reasonably prohibit access to other animals.

7- 6- 5. INJURY TO ANIMALS BY MOTORISTS.

(a) Every operator of a motor or other self-propelled vehicle upon the streets of the jurisdiction shall immediately upon

injuring, striking, maiming or running down any domestic animal give such aid as can reasonably be rendered. In the absence of the owner, he shall immediately notify the Animal Control Department, furnishing requested facts relative to such injury.

(b) It shall be the duty of such operator to remain at or near the scene until such time as the appropriate authorities arrive, and upon the arrival of such authorities, the operator shall immediately identify himself to such authorities. Alternatively, in the absence of the owner, a person may give aid by taking the animal to the Animal Control Facility or other appropriate facility and notifying the Animal Control Department. Such animal may be taken in by the Animal Control facility and dealt with as deemed appropriate under the circumstances.

(c) Emergency vehicles are exempted from the requirements of this provision.

7- 6- 6. ANIMALS FOR FIGHTING.

(a) It shall be unlawful for any person, firm, or corporation to raise, keep or use any animal, fowl or bird for the purpose of fighting or baiting; and for any person to be a party to or be present as spectator at any such fighting or baiting of any animal or fowl; and for any person, firm or corporation to knowingly rent any building, shed, room, yard, ground or premises for any such purposes as aforesaid, or to knowingly suffer or permit the use of his buildings, sheds, rooms, yards, grounds or premises for the purposes aforesaid.

(b) Law enforcement officers or Animal Control Department officials may enter any building or place where there is an exhibition of fighting or baiting of a live animal, or where preparations are being made for such an exhibition, and the law enforcement officers may arrest persons there present and take possession of all animals engaged in fighting, along with all implements or applications used in such exhibition. This provision shall not be interpreted to authorize a search or arrest without a warrant when such is required by law.

7- 6- 7. MALICIOUS IMPOUNDING. It shall be unlawful for any person maliciously to secrete or impound the animal of another.

TITLE 7 - ANIMAL CONTROL

CHAPTER 7 - KENNELS, PET SHOPS ETC., AND THE REGULATION THEREOF

7- 7- 1. KENNEL PERMITS.

(a) Any person wishing to operate or maintain a kennel, cattery, pet shop or groomery must first obtain a kennel license from the Summit County Department of Animal Control. Said kennel license shall be issued upon payment of the fee and a statement from the Summit County Planning Department or appropriate city official that a kennel is a permitted use under the zoning regulations in effect for the area of the proposed kennel.

(b) A valid kennel license shall be posted in a conspicuous place in each establishment and said license shall be considered as appurtenant to the premises and not transferable to another location. The licensee shall notify the Summit County Department of Animal Control within thirty (30) days of any change in his establishment or operation which may effect the status of his license. In the event of a change in ownership of the establishment, the licensee shall notify the Summit County Department of Animal Control immediately. Licenses shall not be transferable from one owner to another.

(c) Any license issued pursuant to this section shall automatically expire on December 31st, immediately following date of issue. During the first three (3) months of each year the licensee shall apply for a renewal of the license and pay the required fee. Any application made after March 31, except an application for a new establishment opening subsequent to that date, shall be accompanied by a late application fee in addition to the regular permit fee.

7- 7- 2. STANDARDS FOR PERMITTED ESTABLISHMENT. The Summit County Department of Animal Control shall promulgate rules and regulations governing the operation of kennels, catteries, groomeries, pet shops, riding stables, and veterinary clinics or hospitals. Such rules and regulations shall provide for the type of structures, buildings, pens, cages, runways or yards required for the animal sought to be kept, harbored or confined on such premises; the manner which food, water and sanitation facilities will be provided to such animals; measures relating to the health of said animals, the control of noise and odors, and the protection of person or property adjacent premises; and other such matters as the Director shall deem necessary. Such rules and regulations shall have the effect of law, and violation of such rules and regulations shall be deemed a violation of this ordinance and grounds for revocation of a permit issued by the Summit County Department of Animal Control

7- 7- 3. SUSPENSION OR REVOCATION OF PERMIT.

(a) **Grounds.** A permit may be suspended or revoked or a permit application rejected on any one or more of the following grounds:

- (1) Falsification of facts in a permit application;
- (2) Violation of any of the provisions of this ordinance or any other law or regulation governing the establishment including noise.
- (3) Conviction on a charge of cruelty to animals.

(b) **Procedure.** If an inspection of kennels, catteries, groomeries, pet shops, reveals a violation of this ordinance, the inspector shall notify the permit holder or operator of such violation by means of an inspection report form or other written notice. The notification shall:

- (1) set forth the specific violation(s) found;
- (2) establish a specific and reasonable period of time for the correction of the violations found;
- (3) state that failure to comply with any notice issued in accordance with the provisions of this ordinance may result in immediate suspension of the permit.

7- 7- 4. EMERGENCY SUSPENSION.

(a) Notwithstanding the other provisions of this ordinance, when the inspecting officer finds unsanitary or other conditions in the operation of kennels, catteries, groomeries, pet shops, or a similar establishment, which in his judgment, constitute a substantial hazard to public health, he may, without warning or hearing, issue a written notice to the permit holder or operator citing such condition specifying the corrective action to be taken. Such order may state that the permit is immediately suspended and all operations are to be discontinued. Any person to whom such an order is issued shall comply immediately therewith. Any animals at such a facility may be confiscated by the Animal Control Department and impounded or otherwise provided for according to the provisions of this ordinance.

(b) Notice provided for under this section shall be deemed to have been properly served when the original of law inspection report form or other notice has been delivered personally to the permit holder or person in charge, or such notice

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has been sent by certified mail to the last known address of the permit holder. A copy of such notice shall be filed with the records of the Summit County Department of Animal Control.

CHAPTER 8 - DOMESTICATED ANIMALS

7- 8- 1. DOMESTICATED ANIMALS. It is unlawful for the owner or person having charge, care, or custody of any domesticated animal to allow such to be at large. Domestic animals include horses, cattle, sheep, pigs, goats, etc.

CHAPTER 9 - VIOLATIONS AND PENALTIES, AND SEVERABILITY

7- 9- 1. VIOLATION. Any person violating the provisions of this ordinance either by failing to do those acts required herein or by doing any act prohibited herein, shall be subject to fine in an amount as established by statute, or imprisoned in the County jail not to exceed six months, or both such fine and imprisonment or such further fines and imprisonments provided for Class "B" misdemeanors pursuant to UCA 76-3-101, et seq. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such.

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TITLE 8 - CRIMINAL CODE

CHAPTER 1 - GENERAL PROVISIONS

8- 1- 1. DESIGNATION. This ordinance shall be designated as the Park City Municipal Criminal Code. It is referred to within as "this Code".

8- 1- 2. APPLICATION OF CODE. The provisions of this Code shall govern the construction of, the punishment for, and the defense against any offense defined in this Code, or except where otherwise specifically provided or the context otherwise requires any offenses defined outside this Code; provided such offense was committed after the effective date of this Code.

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

8- 1- 3. PURPOSES AND PRINCIPLES OF CONSTRUCTION. The provisions of this Code shall be construed in accordance with these general purposes to:

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

8- 1- 4. CRIMES ABOLISHED. No conduct is a crime or an offense unless made so by this Code, or other City ordinances or other State or Federal applicable statutes.

8- 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

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of Park City. All provisions of this Code and offenses defined by it shall be construed according to the fair import of their terms to promote justice and to affect the objects of the law and general purposes.

8- 1- 6. PROCEDURE, GOVERNED BY STATE AND CONSTITUTIONAL PROVISIONS.

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

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

8- 1- 7. JURISDICTION OF OFFENSES.

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

1. The offense is committed either wholly or partly within Park City; or
2. The conduct outside Park City constitutes an attempt within this municipality; or
3. The conduct outside Park City constitutes conspiracy to commit an offense within Park City and an act in furtherance of the conspiracy occurs in Park City; or
4. The conduct within Park City constitutes an attempt, solicitation or conspiracy to commit in another jurisdiction an offense under this Code and such other jurisdiction.

(b) An offense is committed partly within Park City if either the conduct which is an element of the offense, or the result which is such an element, occurs within Park City.

(c) An offense which is based on an omission to perform

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a duty imposed by this Code is committed within Park City regardless of the location of the offender at the time of the omission, provided that the duty to be performed was to be performed within the City.

8- 1- 8. LIMITATION OF ACTIONS. Except as otherwise provided in this part, prosecutions for offenses are subject to the following periods of limitation.

(a) A prosecution for a misdemeanor must be commenced within two (2) years after it is committed;

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

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

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

(a) Any offense, a material element of which is either fraud or a breach of fiduciary obligation, within one year after discovery of the offense by an aggrieved party or by a person who has a legal duty to represent an aggrieved party and who is himself not a party to the offense, but in no case shall this provision extend beyond the period of limitation otherwise applicable by more than three (3) years; and

(b) Any offense based on misconduct in office by a public officer or employee at any time during the term of the defendant's public office or the period of his public employment or within two (2) years thereafter, but in no case shall this provision extend beyond the period of limitation otherwise applicable by more than three (3) years.

8- 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.

8- 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

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to punishment for the lesser offense.

8- 1-12. JOINDER OF OFFENSES AND DEFENDANTS. Two or more offenses under this Code or the ordinances of Park City may be charged in the same citation, complaint or information in a separate count for each offense if the offense charged are of the same or similar character or are based on the same act or transgression or on two or more acts or transactions connected together or constituting parts of a common scheme or plan.

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

8- 1-13. PRESUMPTION OF INNOCENCE. A defendant in a criminal proceeding is presumed to be innocent until each element of the offense charged against him is proved beyond a reasonable doubt.

8- 1-14. GENERAL DEFINITIONS. The provisions of 76-1-601, Utah Code Annotated, 1953, as amended, are hereby adopted and incorporated. Unless otherwise provided or a different meaning plainly required, the following terms shall be applicable to this Code, in its entirety, and shall have the meanings designated in this section:

ACT. A voluntary bodily movement and includes speech.

ACTOR. A person whose criminal responsibility is in issue in a criminal action.

BODILY INJURY. Physical pain, illness, or any impairment of physical condition.

CONDUCT. An act or omission.

DEADLY OR DANGEROUS WEAPON. Anything that in the manner of its use or intended use is likely to cause death or serious bodily injury.

OMISSION. A failure to act where there is a legal duty to act and the actor is capable of acting.

PERSON. An individual, public or private corporation, government, partnership, or unincorporated association.

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POSSESS. To have physical possession of or to exercise dominion or control over tangible property.

SERIOUS BODILY INJURY. Bodily injury that creates or causes serious permanent disfigurement, protracted loss or impairment of the function of any bodily member or organ or creates a substantial risk of death.

SINGLE CRIMINAL EPISODE. 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.

VIOLATION. A violation of the provisions of this Code.

8- 1-15. CULPABILITY GENERALLY. The provisions of 76-2-101 through 76-2-104 Utah Code Annotated 1953, as amended, dealing with culpability are hereby adopted and incorporated herein by reference.

8- 1-16. CRIMINAL RESPONSIBILITY FOR CONDUCT OF ANOTHER. The provisions of 76-2-201 through 76-2-205 Utah Code Annotated 1953, as amended, dealing with criminal responsibility for conduct of another are hereby adopted and incorporated herein by reference.

8- 1-17. DEFENSES TO CRIMINAL RESPONSIBILITY. The provisions of 76-2-301 through 76-2-308 Utah Code Annotated 1953, as amended, dealing with defenses to criminal responsibility are hereby adopted and incorporated herein by reference.

8- 1-18. JUSTIFICATION EXCLUDING CRIMINAL RESPONSIBILITY. The provisions of 76-2-401 through 76-2-406 Utah Code Annotated 1953, as amended, dealing with justification excluding criminal responsibility are hereby adopted and incorporated herein by reference.

8- 1-19. SENTENCING IN ACCORDANCE WITH CODE. A person adjudged guilty of an offense under this Code or the ordinances of Park City shall be sentenced in accordance with the provisions of this Code. Ordinances enacted after the effective date of this Code which involve an offense should be classified for sentencing purposes in accordance with this Code, unless otherwise expressly provided.

8- 1-20. DESIGNATION OF OFFENSES. Offenses are designated as misdemeanors or infractions.

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8- 1-21. MISDEMEANORS CLASSIFIED. Misdemeanors are classified into three categories:

- Class A misdemeanor
- Class B misdemeanor
- Class C misdemeanor

An offense designated as a misdemeanor in this Code or in the ordinances of Park City when no other specification as to punishment or category is made, is a Class B misdemeanor.

8- 1-22. CONTINUING VIOLATION. In all instances where the violation of this Code or any ordinance hereinafter enacted is a continuing violation, a separate offense shall be deemed committed on each day during or on which the violation occurs or continues to occur.

8- 1-23. SENTENCES OR COMBINATION OF SENTENCES ALLOWED - CIVIL PENALTIES. Within the limits prescribed by this Code, a court may sentence a person adjudged guilty of an offense to any one of the following sentences or a combination of such sentences:

- (a) Payment of a fine; or
- (b) Completion of a public work project; or
- (c) Probation; or
- (d) Imprisonment; or
- (e) Removal or disqualification from public or private office.

8- 1-24. MISDEMEANOR CONVICTION - TERM OF IMPRISONMENT. A person who has been convicted of a misdemeanor may be sentenced to imprisonment in the County jail as follows:

- (a) In the case of a Class A misdemeanor, for a term not exceeding one year.
- (b) In the case of a Class B misdemeanor, for a term not exceeding six months;
- (b) In the case of a Class C misdemeanor , for a term not exceeding ninety days.

8- 1-25. INFRACTION CONVICTION - FINE, FORFEITURE. A person convicted of an infraction may not be imprisoned but may be subject to a fine, forfeiture, or both. Whenever a person is convicted of an infraction and no punishment is specified, the person may be fined as for a Class C misdemeanor.

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8- 1-26. FINES OF PERSONS. A person who has been convicted of an offense may, in addition to any term of imprisonment imposed, be sentenced to pay a fine not to exceed Two Thousand Five Hundred Dollars (\$2,500) when the conviction is of a Class A misdemeanor, pay a fine not to exceed One Thousand (\$1,000) if the conviction is for a Class "B" misdemeanor and Five Hundred Dollars (\$500.00) when the conviction is for a Class "C" misdemeanor or infraction.

8- 1-27. FINES OF CORPORATIONS, ASSOCIATIONS, PARTNERSHIPS, OR GOVERNMENTAL INSTRUMENTALITIES. The sentence to pay a fine, when imposed upon a corporation, association, partnership, or governmental instrumentality for an offense defined in this Code or the ordinances of Park City or for any offense defined outside of this Code over which Park City has jurisdiction, for which no special corporate fine is specified, shall be sentenced to pay an amount, fixed by the court, not to exceed Ten Thousand Dollars (\$10,000) if the conviction is for a Class "A" misdemeanor, Five Thousand Dollars (\$5,000) if the conviction is for a Class "B" misdemeanor and One Thousand (\$1,000) Dollars if the conviction is for a Class "C" misdemeanor or infraction.

8- 1-28. LIMITATIONS AND SPECIAL PROVISIONS OF SENTENCES. The provisions of 76-3-401 through 76-3-405 Utah Code Annotated 1953, as amended, dealing with limitations and special provisions on sentences are hereby adopted and incorporated herein by reference.

8- 1-29. ATTEMPT. For the purpose of this Code a person is guilty of an attempt to commit any act made an offense by any ordinance of this municipality if, acting with the kind of culpability otherwise required for the commission of the offense, he engages in conduct constituting a substantial step toward commission of the offense. For purposes of this Code, conduct does not constitute a substantial step unless it is strongly corroborative of the actor's intent to commit the offense.

No defense to the offense of attempt shall arise:

(a) Because the offense attempted was actually committed; or

(b) Due to factual or legal impossibility if the offense could have been committed had the attendant circumstances been as the actor believed them to be.

8- 1-30. ATTEMPT - CLASSIFICATION OF OFFENSES. Criminal attempt to commit:

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

8- 1-31. CONSPIRACY. For purposes of this Code a person is guilty of conspiracy when he, intending that conduct constituting an offense under this Code whether he specifically intends to violate this Code or not, agrees with one or more persons to engage in or cause the performance of such conduct and any one of them commits an overt act in pursuance of the conspiracy.

8- 1-32. CONSPIRACY - CLASSIFICATION OF OFFENSES.
Conspiracy to commit:

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

8- 1-33. APPEARANCE REQUIRED BY CITATION - FAILURE TO APPEAR AS MISDEMEANOR. Person(s) receiving misdemeanor citations shall appear before the magistrate designated in the citation on or before the time and date specified in the citation. Any person who willfully and without just cause fails to appear before a court pursuant to a citation issued under this provision is guilty of a Class B misdemeanor, regardless of the disposition of the charge upon which said person was originally cited.

CHAPTER 2 - OFFENSES INVOLVING PERSONS AND PUBLIC PEACE.

8- 2- 1. ASSAULT. An assault is an unlawful attempt, coupled with a present ability to commit or cause an injury upon the person of another. It shall be unlawful for any person to commit an assault within the limits of Park City.

8- 2- 2. BATTERY. A battery is any willful and unlawful use force or violence upon the person of another. It shall be unlawful for any person to commit a battery within the limits of Park City.

8- 2- 3. HARASSMENT. A person is guilty of harassment if, with intent to frighten, annoy, or compel the conduct of another, he communicates in writing or verbally, including telephone communication, a threat to commit any violent felony. Harassment is a Class C misdemeanor.

8- 2- 4. TERRORISTIC THREAT. A person commits terroristic threat if he threatens to commit any offense involving violence with intent:

(a) To cause action of any sort by a governmental official or volunteer agency, or employee or agent thereof, organized to deal with emergencies; or

(b) To place a person in fear of serious bodily injury.

(c) To prevent or interrupt the occupation of a place of assembly; or aircraft, automobile, or other form of conveyance, but shall not include a facility of public transportation operated by a common carrier.

8- 2- 5. CUSTODIAL INTERFERENCE.

(a) A person whether a parent or other, is guilty of custodial interference if, without good cause, he takes, entices, conceals, or detains a child under the age of sixteen from his parent, guardian, or other lawful custodian:

1. Knowing he has no legal right to do so; and

2. With intent to hold the child for a period substantially longer than the visitation or custody period previously awarded by a court of competent jurisdiction.

(b) A person, whether a parent or other, is guilty of custodial interference if, having actual physical custody of a child under the age of sixteen pursuant to a judicial award of any court of competent jurisdiction which grants to another person visitation or custody rights, and without good cause he conceals or detains the child with intent to deprive the other person of his lawful visitation or custody rights.

(c) A person is guilty of custodial interference if without good cause he takes, entices, conceals, or detains an incompetent or other person under the age of sixteen who has been committed by authority of law to the custody of another person or institution from the other person or institution, knowing he has no

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legal right to do so.

8- 2- 6. UNLAWFUL DETENTION. A person commits unlawful detention if he knowingly restrains another unlawfully so as to interfere substantially with his liberty.

CHAPTER 3 - OFFENSES INVOLVING PROPERTY.

8- 3- 1. THEFT. A person commits theft if he obtains or exercises unauthorized control over the property of another with a purpose to deprive him thereof. The possession of property recently stolen, when the party in possession fails to make a satisfactory explanation shall be deemed prima facie evidence of guilt.

8- 3- 2. THEFT OF SERVICES.

(a) A person commits theft if he obtains services which he knows are available only with compensation by deception, threat, force, or any other means designed to avoid the due payment therefor.

(b) A person commits theft if, having control over the disposition of services of another, to which he knows he is not entitled, he diverts such services to his own benefit or to the benefit of another who he knows is not entitled thereto.

(c) As used in this section "services" includes, but is not necessarily limited to, labor, professional service, public utility, including governmental utility service, and transportation services, restaurant, hotel, motel, tourist cabin rooming house and like accommodations, the supplying of equipment tools, vehicles, or trailers for temporary use, telephone or telegraph service, cable television, computer service, gas, electricity, water or steam, and the like, admission to entertainment, exhibitions, sporting events, or other events for which a charge is made.

8- 3- 3. CRIMINAL MISCHIEF.

(a) A person commits criminal mischief if he intentionally damages, defaces, or destroys the property of another or he recklessly or willfully shoots or propels a missile or other object at or against a motor vehicle, bus airplane, boat, locomotive, train, railway car or caboose, whether moving or standing.

(b) Criminal mischief is defined herein as a Class B misdemeanor if the actor's conduct causes or is intended to cause pecuniary loss in excess of two hundred and fifty dollars (\$250)

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and a Class C misdemeanor if the actor's conduct causes or is intended to cause the loss of less than two hundred and fifty dollars (\$250).

8- 3- 4. CRIMINAL TRESPASS.

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

1. He enters or remains unlawfully on property; and (a) intends to cause annoyance or injury to any person thereon or damage to any property thereon; or (b) intends to commit any crime, other than theft or a felony; (c) is reckless as to whether his presence will cause fear for the safety of another.

2. Knowing his entry or presence is unlawful, he enters or remains on property as to which notice against entering is given by: (a) personal communication to the actor by the owner or someone with apparent authority to act for the owner; or (b) fencing or other enclosure obviously designed to exclude intruders; or (c) posting of signs reasonably likely to come to the attention of intruders.

(b) A violation of Subsection 1 is a Class C misdemeanor unless it was committed in a dwelling in which event it is a Class B misdemeanor. A violation of Subsection 2 is an infraction.

(c) It is a defense to prosecution under this section:

1. That the property was open to the public when the actor entered or remained; and

2. The actor's conduct did not substantially interfere with the owner's use of the property.

CHAPTER 4 - OFFENSES INVOLVING PUBLIC PEACE AND WELFARE.

8- 4- 1. OBSCENE OR PROFANE LANGUAGE. It shall be unlawful for any person to use insulting, obscene, or profane language in a place or under circumstances which could cause a breach of the peace or good order of Park City.

8- 4- 2. INTOXICATION. A person is guilty of intoxication, a Class C misdemeanor, if he or she is under the influence of intoxicating liquor, a controlled substance, or any substance having the property of releasing toxic vapors, to a degree that the person may endanger himself or another in a public

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place or in a private place where he unreasonably disturbs other persons.

8- 4- 3. INTERFERENCE WITH A PUBLIC SERVANT. Every person shall be guilty of a misdemeanor who:

(a) Attempts by means of any threat, force, intimidation, distraction, or violence to deter, interfere with, or prevent a police officer, fireman, building official, meter reader, or any other city employee charged with the enforcement of any law, from performing any official duty imposed upon said officer, fireman, or other employee by law; or

(b) Willfully resists, delays, or obstructs a police officer fireman or building official, or fails to comply with a lawful command of a police officer, fireman, or building official in the discharging or attempted discharge of his or her official duty.

8- 4- 4. OBSTRUCTION OF JUSTICE. A person shall be guilty of a obstruction of justice if, with intent to hinder, prevent, or delay the discovery, apprehension, prosecution, conviction, or punishment of another for the commission of a crime, he/she:

(a) Conceals an offense from a magistrate, knowing it has been committed;

(b) Harbors or conceals the offender;

(c) Provides the offender a weapon, transportation, disguise, or other means for avoid discovery or apprehension;

(d) Warns such offender of impending discovery or apprehension; or

(e) Conceals, destroys, or alters any physical evidence that might aid in the discovery, apprehension, or conviction of such person; or

(f) Obstructs by force, intimidation, distraction, or deception anyone from performing an act which might aid in the discovery, apprehension, prosecution or conviction of such person.

8- 4- 5. DISTURBING GOVERNING BODY OR OFFICIAL MEETING. A person is guilty of a disturbing the governing body or official meeting if:

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(a) He intentionally interferes with the condition of any meeting of the City Council, Planning Commission, Board of Adjustment, or any other **public body** created by ordinance while that meeting is in session with the intention of preventing or delaying the official action of that public body; or

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

(c) Intentionally disturbs an official meeting or commits any disorderly conduct in immediate view and presence of participants in an official meeting which tends to interrupt its proceedings. "Official meeting" as used in this section, means any lawful meeting of municipal officials for the purpose of carrying on governmental functions.

8- 4- 6. ESCAPE. It shall be unlawful for any person convicted of any offense against the ordinances of Park City, or under arrest for the commission of any offense against the ordinances of Park City, or the laws of the State of Utah, or in lawful custody to escape from such custody.

8- 4- 7. RIOT. Any use of force or violence disturbing the public peace, or any threat to use such force or violence by two or more persons acting together and without authority of law, if accompanied by immediate power of execution is a riot. It shall be unlawful for any person to participate in any riot.

8- 4- 8. FAILURE TO AID PEACE OFFICER. A person is guilty of failure to aid a peace officer if, upon command by a peace officer identifiable or identified by him as such, he unreasonably fails or refuses to aid the peace officer in effecting an arrest or in preventing the commission of any offense by another person.

8- 4- 9. DISTURBING THE PEACE. It shall be unlawful for any person maliciously or willfully to disturb the peace or quiet of another or of any neighborhood or family, by loud or unusual noise or by discharging firearms of any description, or by tumultuous, lascivious or offensive conduct, or by threatening, inducing, quarreling, challenging to fight or fighting or by use of profane or blasphemous language.

8- 4-11. FALSE INFORMATION TO LAW ENFORCEMENT OFFICER. A person is guilty of giving false information to a law enforcement officer if he:

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(a) Knowingly gives or causes to be given false information to any law enforcement officer with a purpose of inducing the officer to believe that another has committed an offense; or

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

8- 4-12. FALSE NAME OR ADDRESS TO LAW ENFORCEMENT OFFICER. A person commits a Class C misdemeanor if, with intent of misleading a law enforcement officer as to his identity, he knowingly gives a false name or address to a law enforcement officer in the lawful discharge of his official duties.

8- 4-13. IMPERSONATION OF OFFICER. A person is guilty of a impersonation of an officer if he impersonates a public servant or a peace officer of this municipality with intent to deceive another or with intent to induce another to submit to his pretended official authority or to rely upon his pretended official act.

8- 4-14. DISORDERLY CONDUCT. A person is guilty of disorderly conduct if:

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

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

1. He engages in fighting or in violent, tumultuous, or threatening behavior; or

2. He makes unreasonable noises in a public place; or

3. He makes unreasonable noises in a private place which can be heard in a public place; or

4. He engages in abusive or obscene language or makes obscene gestures in a public place; or

5. He obstructs vehicular or pedestrian traffic.

(c) "Public place" for the purpose of this section, means any place to which the public or a substantial group of the public

has access and includes but is not limited to streets, highways, and the common areas of schools, hospitals, apartment houses, office buildings, transport facilities, shops, plazas, parking lots, public parks, cemeteries, and similar areas open to the public or a substantial group of the public.

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

8- 4-15. DISRUPTING A MEETING OR PROCESSIONS. A person is guilty of disrupting a meeting or procession if, intending to prevent or disrupt a lawful meeting, procession or gathering, he obstructs or interferes with the meeting, procession, or gathering by physical action, verbal utterance, or any other means.

8- 4-16. FAILURE TO DISPERSE. A person is guilty of failure to disperse when he remains at the scene of a riot, disorderly conduct, or an unlawful assembly after having been ordered to disperse by a peace officer.

This section shall not apply to a person who attempted to but was unable to leave the scene of the riot or unlawful assembly.

8- 4- 17. GIVING A FALSE ALARM. A person is guilty of giving a false alarm if he initiates or circulates a report or warning of any fire, impending bombing, or other crime or catastrophe, knowing that the report or warning is false or baseless and is likely to cause evacuation of any building, place of assembly, or facility of public transport, to cause public inconvenience or alarm or action by any sort by any official or volunteer agency organized to deal with emergencies. The offense shall be committed if the false alarm is given verbally or by activating an electronic or mechanical alarm device or system.

8- 4-18. TELEPHONE HARASSMENT. A person is guilty of telephone harassment and subject to prosecution if, with intent to annoy or alarm another, he:

(a) Makes a telephone call, whether or not a conversation ensues, without purpose of lawful communication; or

(b) Makes repeated telephone calls at extremely inconvenient hours or in offensively coarse language; or

(c) Insults, taunts, or challenges another in a manner likely to provoke a violent or disorderly response.

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8- 4-19. LEWDNESS. A person is guilty of lewdness if in a place open to public view, he or she fornicates, makes an intentional exposure of his or her genitals, pubic area, buttocks, or the female breast, urinates or defecates, or performs any other act of gross lewdness under circumstances which he or she should know will likely cause affront or alarm.

8- 4-20. DRINKING BEER OR LIQUOR AND OPEN CONTAINER ON A PUBLIC STREET PROHIBITED. No person shall drink beer or liquor on a public street and no person on a public street shall keep, carry, or possess any container containing beer or liquor if the container has been opened, the seal thereon broken, or the contents of the container partially consumed.

CHAPTER 5 - OFFENSES RELATING TO MINORS.

8- 5- 1. SALE OF TOBACCO TO MINORS. It shall be unlawful for any person to sell, give, or furnish any cigar, cigarette, or tobacco in any form, to any person under nineteen (19) years of age.

8- 5- 2. POSSESSION OF TOBACCO BY MINOR. It shall be unlawful for any person under the age of nineteen (19) years to purchase, accept, or have in his or her possession any cigar, cigarette, or tobacco in any form. Possession of tobacco by a minor is an infraction.

8- 5- 3. PROCURING A PROHIBITED ARTICLE FOR A MINOR. It shall be unlawful for any person to procure for any person under disability by reason of age any article which such person under such disability is forbidden by law to purchase or have in his possession.

8- 5- 4. UNLAWFUL TO MISREPRESENT AGE. It shall be unlawful for any person under a disability by reason of age to make any false statement or to furnish, present, or exhibit any fictitious or false registration card, identification card or note or other document, or to furnish, present or exhibit such document or documents issued to a person other than the one presenting the same for the purpose of gaining admission to prohibited premises, or for the purpose of procuring the sale, gift, or delivery of prohibited articles including beer, liquor, or tobacco.

CHAPTER 6 - OFFENSES RELATING TO FIREARMS.

8- 6- 1. USE AND POSSESSION OF FIREARMS. It shall be unlawful for any person, other than a law enforcement officer engaged in the performance of his official duties, to use, or

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possess with intent to use in any area within the confines of the city limits, whether public or private, any gun, revolver, or firearm of any kind or nature, or airgun, or sling shot, or rubber flipper, or bow and arrow of any other such type instrument designed to propel or throw missiles, unless upon a place specifically designed exclusively for the use of any such type instrument.

8- 6- 2. DISCHARGE OF FIREARMS PROHIBITED. It shall be unlawful for any person, other than a law enforcement officer engaged in the performance of his official duties, to discharge firearms of any description within the corporate limits of Park City, excepting at a regularly licensed shooting gallery, at the Park City police target range, or at a regularly organized gun club shooting range, where the range and facilities have been approved by the Chief of Police or his designated agent.

8- 6- 3. UNLAWFUL WEAPONS. It shall be unlawful for any person except a peace officer, to carry any brass knuckles, firearms, daggers, stiletto, nunchaku stick, or any other instrument or object capable of causing death or serious bodily injury concealed upon his person.

It shall be unlawful for any person, except a peace officer, to carry concealed on his person, any dangerous weapon with the intent or the purpose to use the same to harm, maim, or injure another person, animal, or thing. For the purpose of this subsection:

(a) Dangerous weapon shall mean any item that, in the manner of its use or intended use, is capable of causing death or serious bodily injury; and

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

8- 6- 4. THREATENING WITH FIREARMS PROHIBITED. It shall be unlawful for any person to draw or exhibit any firearm, whether it is loaded or unloaded, or any other deadly weapon in an angry or threatening manner or to use the same in any fight or quarrel.

CHAPTER 7 - OFFENSES RELATING TO DRUGS.

8- 7- 1. POSSESSION OF CONTROLLED SUBSTANCES No person

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shall knowingly or consciously possess or use a controlled substance as defined in the Controlled Substances Act of the Utah Code Annotated 1953, unless it is obtained pursuant to a valid prescription or order or directly from a practitioner authorized to prescribe such substances, while acting in the course of his professional practice, or except as otherwise authorized by the Controlled Substance Act.

8- 7- 2. POSSESSION OF DRUG PARAPHERNALIA.

(a) It is unlawful for any person to deliver, possess with intent to deliver, or manufacture with intent to deliver, any drug paraphernalia knowing that the drug paraphernalia will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce a controlled substance as defined in Section 8-7-1 into the human body in violation of the Utah Controlled Substance Act.

(b) It is unlawful for any person eighteen (18) years of age or over to deliver drug paraphernalia to a minor.

(c) It is unlawful for any person to place in this city in any newspaper, magazine, handbill, or other publication any advertisement, knowing that the purpose of the advertisement is to promote the sale of drug paraphernalia.

(d) Drug paraphernalia used in violation of this section shall be subject to seizure and forfeiture to the city.

(e) "Drug paraphernalia" as used herein is defined in 58-37a-3 Utah Code Annotated 1953 as amended, which section is adopted and incorporated herein by reference.



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TITLE 9 - PARKING CODE

CHAPTER 1 - IN GENERAL

9- 1- 1. CITATION. This chapter shall be referred to as the Park City Parking Code.

9- 1- 2. APPLICATION OF THE CODE. This Title is applicable on all public ways within Park City's corporate limits as now constituted or as subsequently amended by annexation or disconnection.

9- 1- 3. DEFINITIONS. As used in this Title, the following terms shall have the meanings stated, unless the context clearly requires some other meaning:

Motor Vehicle Any automobile, truck, motorcycle, trailer, back-hoe, loader or other piece of construction machinery, and every other means of conveyance or persons or cargo included within the Utah Motor Vehicle Code.

Street Every street, alley, roadway, or parking lot under the control and/or maintenance of Park City, whether on public or private property, including all streets shown as public streets on the Street Master Plan. The term streets shall not include private driveways, parking lots, or private roadways.

Parking Stopping, standing, or leaving a motor vehicle in a fixed spot or location on a street for any length of time, except when required to stop or stand because of the flow of traffic, or to yield to other traffic, or in compliance with the requirements of traffic control devices or police officers.

Delivery Vehicles Includes any motor vehicle being used for the purpose of loading or delivering goods or cargo to businesses or individuals.

9- 1- 4. TOW ENFORCEMENT. Because unlawfully parked cars prevent access to large areas by emergency vehicles as well as local residents, the Police Department is authorized to enforce this Title by towing or otherwise removing vehicles parked in violation of this Title without first having given notice to the owner of the vehicle that it may be towed if not removed.

9- 1- 5. REGULATION NOT EXCLUSIVE. The parking regulations established by this Title are not all encompassing, and

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additional regulations may be established by posting permanent or seasonal signs stating the additional regulation imposed, or by police officers directing traffic during periods of heavy traffic volume or during periods of emergencies.

9- 1- 6. PRESUMPTION OF IDENTITY. The presence of any vehicle on any street which is parked in violation of the regulations of this Title is prima facie evidence that the registered owner of the vehicle parked, the vehicle in violation of this Title, or permitted others to park his vehicle in violation of the Title, and is deemed responsible for the violation and for the fine imposed.

CHAPTER 2 - STANDARD PARKING REGULATION

9- 2- 1. PARKING PROHIBITED IN CERTAIN PLACES. It shall be unlawful and a violation of this Title for any person to park his vehicle, or to permit others to park his vehicle in any of the following places on a street:

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

(j) Along side any street excavation or construction fence or barricade if parking in that location would obstruct the free flow of traffic on the street;

(k) On a bridge or other elevated portion of a street; or under an overpass;

(l) At any place marked by signs as a no parking zone;

(m) In such a location or manner that the car is parked opposite of the flow of traffic on the street, except as provided in this Title.

9- 2- 2. PARKING MAY NOT OBSTRUCT TRAFFIC. No person shall park a vehicle on a street in any manner that obstructs the street, sidewalk, or driveways and impedes the free movement of vehicular or pedestrian traffic.

9- 2- 3. STOPPING OR PARKING ON STREETS. No person shall park a vehicle, whether attended or not attended, on the traveled portion of a street when it is possible under the existing conditions to park the vehicle off the traveled portion of the street. When stopping or parking a vehicle, it must be parked in a manner that leaves an unobstructed width along the vehicle for the passage of other vehicles.

This section shall not apply to vehicles which are parked as a result of mechanical failures or otherwise disabled to an extent that the vehicles cannot be moved out of the traffic lane. It is the duty of the owner or operator of the disabled vehicle to activate warning lights on the vehicle, and to open the hood in order to give notice to other vehicles on the street that traffic is blocked by a disabled vehicle. It is also the duty of the owner or operator of a disabled vehicle to obtain assistance as soon as possible under the circumstances to have the disabled vehicle removed from the traffic lane.

9- 2- 4. PARKING FOR CERTAIN PURPOSES PROHIBITED. It shall be unlawful to park a vehicle on any street or within any public parking facility for the following purposes:

(a) Displaying the vehicle for sale;

(b) Greasing, servicing, or repairing the vehicle, except to the extent necessary under emergency conditions to move a disabled vehicle;

(c) Displaying of advertising;

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(d) Selling food or other merchandise, or soliciting orders for food or merchandise, except when properly licensed by Park City to do so;

(e) Camping or other habitation.

9- 2- 5. CONDITION OF UNATTENDED VEHICLES. It shall be unlawful for any person to park a vehicle on a street or public parking lot without stopping the engine, locking the ignition, and removing the key from the ignition, and if the vehicle is parked on a readily perceptible grade, the wheels must be turned toward the curb or edge of the road and the parking brake set.

9- 2- 6. DOUBLE PARKING.

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

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

1. No delivery vehicle, except those delivering construction materials to a construction site, shall park between the hours of ~~11:00 a.m. and 2:00 a.m., local time.~~ 12:00 noon and 2:00 a.m. except between December 10 and December 31 when hours of allowed parking shall be extended to 1:00 p.m.

2. No delivery vehicle delivering construction materials to a construction site shall park between the hours of 3:00 p.m. and 2:00 a.m., ~~local time.~~

3. No delivery vehicle shall be parked in a manner which impedes the flow of traffic after the hour of ~~11:00 a.m., 12:00 noon local time.~~

~~4. No delivery vehicle shall be parked without chocking the wheels.~~

~~5. No delivery vehicle shall be unattended while parked.~~

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~~6-~~ No delivery vehicle shall park on the east side of Main Street or on the east side of Swede Alley.

~~The Chief of Police, or his agent, may waive the time restrictions under Item 2 if the delivery cannot be completed within the allotted time. [Ordinance 92-3.]~~

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

9- 2- 7. PARALLEL PARKING. It shall be unlawful to park any vehicle in a manner other than parallel with the curb or shoulder of the street, with the front of the vehicle facing the direction of traffic flow, with the right hand wheels (passenger side) not more than eighteen (18) inches from the curb, shoulder, or snow bank, whichever is nearer to the traffic lane.

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

9- 2- 8. ANGLE PARKING. Angle parking is permitted only when designated by posted signs, and then, only when conditions are such that angle parking does not result in obstructions of the driving lanes such that traffic has to deviate from its normal course to avoid the parked vehicles. Further, no vehicle in excess of twenty (20) feet in length shall park in an angle parking place at any time.

9- 2- 9. OVERNIGHT PARKING/CAMPING. It shall be unlawful to park a vehicle on a public street, or within a public parking lot, or within public parks, playing fields, or other areas for purposes of overnight camping, sleeping, or other habitation.

9- 2-10. PARKING ON NARROW ALLEYS AND STREETS PROHIBITED. It shall be unlawful for any person to park a vehicle on any street or alley in a manner that obstructs the flow of traffic on that street by failing to leave an unobstructed lane of at least twelve (12) feet in width for passing traffic. It shall be unlawful to park opposite another parked vehicle so as to leave less than a twelve (12) foot wide traffic lane, or in any other manner to obstruct the free movement of traffic through the alley or narrow street.

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9- 2-11. LIGHTING REQUIREMENTS. The owner or operator of a vehicle is not required to provide any warning lights on any lawfully parked vehicle. Any vehicle that is parked so as to obstruct the normal flow of traffic, whether illegally parked or disabled in traffic, shall display one or more lights to the front and rear which are visible from a distance of five hundred (500) feet. The light shown to the front of the vehicle shall be white or amber, and the light shown to the rear of the vehicle shall be red. If the headlights are left on, they shall be set on the dimmed setting. It shall be the duty of the owner or operator of a vehicle so parked to open the hood as an additional warning to other motorists, and to keep the lights free of snow, mud, or other obstructions so the lights are clearly displayed.

CHAPTER 3 - TIME LIMITATIONS

9- 3- 1. PARKING FOR MORE THAN SEVENTY-TWO (72) CONSECUTIVE HOURS. It shall be unlawful to leave a vehicle parked on any street or public parking lot for more than seventy-two (72) consecutive hours. After seventy-two consecutive hours, the vehicle is subject to impoundment.

9- 3- 2. TWO HOUR LIMITATION IN COMMERCIAL AREAS. Public streets, but not parking lots, within commercial areas may be designated as having a two (2) hour parking limitation, and it shall be unlawful to park a vehicle in an area so designated by posted signs for longer than two (2) hours.

CHAPTER 4 - SEASONAL LIMITATIONS ON PARKING

9- 4- 1. SPECIAL WINTER LIMITATIONS. Notwithstanding the foregoing general parking regulations, there shall be additional regulations which apply during the winter season to facilitate snow removal and emergency access during the winter months. The winter seasonal regulations shall apply from November 1 to April 30. The special winter regulations are as follows:

(a) It shall be unlawful to park any vehicle on the downhill side of any street south of 12th Street. The downhill side of the street is the side on which the natural slope is away from the street surface, and the side to which the natural drainage flows. Main Street, Park Avenue north of Heber Avenue, and Swede Alley, are not included within this regulation.

(b) Additional parking limitations may be posted by signs stating the nature and effective period for the additional regulations.

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(c) It shall be unlawful to park any vehicle on Park Avenue between 12th Street and Heber Avenue, on Heber Avenue, or Main Street between the hours of 2:00 a.m. and 6:00 a.m. during the winter months. Additional streets may be designated as no parking areas during these periods as necessary to facilitate snow removal.

9- 4- 2. PARKING TO OBSTRUCT SNOW REMOVAL. It shall be unlawful to park any vehicle in a manner that obstructs snow removal by failing to leave adequate room for passage of plows and other removal equipment, and vehicles so parked are subject to impoundment.

9- 4- 3. SNOW REMOVAL EMERGENCY ROUTES. In order to maintain a free flow of traffic during periods of heavy snow, and immediately following heavy snow storms, the Police Department may declare a snow removal emergency, during which time it shall be unlawful to park any vehicle on the following streets:

(a) Park Avenue from Heber Avenue north to the city limits;

(b) Kearns Boulevard east to the city limits;

(c) Main Street from Heber Avenue south to King Road and Hillside;

(d) Heber Avenue;

(e) Deer Valley Drive from the junction with Heber Avenue to the Snow Park Lodge, and Deer Valley Drive (U-224 Belt Route) south from the intersection with Park Avenue to Heber Avenue;

(f) Marsac Avenue;

(g) Holiday Ranch Loop Road from Park Avenue (U-224) to Little Kate Road;

(h) Little Kate Road from Holiday Ranch Loop Road to Meadows Drive;

(i) Meadows Drive from Little Kate Road to Evening Star Drive;

(j) Monitor Drive from Kearns Boulevard (U-248) to Little Kate Road;

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(k) Sidewinder Drive from Kearns Boulevard (U-248) to Wyatt Earp Drive;

(l) Wyatt Earp Drive to the intersection with Kearns Boulevard (U-248);

(m) Empire Avenue from Park Avenue to Silver King Drive;

(n) Silver King Drive between Empire Avenue and Three Kings Drive;

(o) Three Kings Drive between Silver King Drive and Thaynes Canyon Drive;

(p) Thaynes Canyon Drive from Silver King Drive to Payday Drive;

(q) Payday Drive from Thaynes Canyon Drive to Park Avenue (U-224);

(r) Royal Street from Deer Valley Drive to the Silver Lake Lodge and the intersection with the Guardsman Pass Road;

(s) Such other streets as may be necessary to add from time to time in order to meet the needs of the snow removal emergency.

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

CHAPTER 5 - RESIDENT PERMIT PARKING

9- 5- 1. PERMIT PARKING AREA. The following area is hereby established as a permit parking area, and any vehicle parked in that area is subject to these regulations:

Norfolk Avenue South of 12th Street
Woodside Avenue South of 12th Street

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

9- 5- 2. SEASONAL REGULATIONS. The parking regulations of this Chapter shall apply to the above listed streets and parking areas from November 1st of each year, through the winter months, to May 1st of the following year.

9- 5- 3. TYPES OF PERMITS. There shall be the following kinds of parking permits:

(a) **Resident Permit Parking:** A resident parking permit will be issued to residents or property owners having property on the above listed streets. A resident parking pass will entitle the holder of the pass to park a vehicle on the public street, as space is available, and subject to the general provisions of this Title dealing with the manner of parking and snow removal. Resident parking passes will be issued to residents or to the owner of property that is used as a vacation home or nightly rental unit.

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Passes will only be issued to the extent that the number of vehicles registered at the dwelling exceeds the off-street parking available at that dwelling to encourage the use of all available off-street parking.

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

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

9- 5- 4. PARKING LOTS AND CLASSIFICATIONS. There shall be the following kinds and classifications of parking areas, which shall be designated by appropriate signage posted on the lots or along the streets:

(a) **Long Term Lots:** Long term parking lots are available for use by holders of Employee, Resident, or Hotel Guest passes for parking of vehicles with passes for periods of eleven (11) hours from 8:00 a.m. to 6:00 p.m. From 2:00 a.m. to 8:00 a.m., only cars with resident or hotel guest passes may remain in the lots.

(b) **Short Term Lots:** Short term parking lots are available for use by holders of Employee, Resident, or Hotel Guest permits, and by the general public without permits, for periods not to exceed four (4) hours between the hours of 8:00 a.m. to 6:00 p.m. From 6:00 p.m. through 2:00 a.m. of the following morning, there is no restriction on the use of these lots. From 2:00 a.m. to 8:00 a.m., there shall be no parking allowed in the short term lots to facilitate snow removal. Vehicles parked in short term lots for periods in excess of four (4) hours during the restricted parking periods, or parked in the lots between 2:00 a.m. and 8:00 a.m. will be subject to ticket and/or tow.

(c) **Timed Parking Areas:** Holders of any class of parking permit, or persons without a parking permit may use the timed parking areas (which are primarily on-street parking areas of Main Street) for up to the allowed time. Between 8:00 a.m. and 6:00 p.m., the timed parking areas are limited to two (2) hours. Between 6:00 p.m. and 2:00 a.m. of the following morning, there is no restriction on the time a vehicle may be left parked in the timed parking areas. Between 2:00 a.m. and 8:00 a.m., there shall be no parking in the timed parking areas, and vehicles left there are subject to ticket and/or tow enforcement.

(d) **Non-timed, On-Street Parking:** To preserve limited on-street parking for area residents' use, parking on any public street where parking is not prohibited entirely or regulated by timed parking regulations, it shall be unlawful to park any vehicle on the street which does not have a resident permit attached to it, between the hours of 8:00 a.m. and 6:00 p.m. After 6:00 p.m. no permit is needed.

9- 5- 5. PERMITS DO NOT AFFECT GENERAL PARKING REGULATIONS. The provisions of this Section on permit parking are not intended to supersede any other provisions of the Park City Parking Code with respect to general parking regulations such as parking in a manner that obstructs driveways or traffic, parking that interferes with snow removal, proximity to intersections, fire hydrants, and other general parking regulations. It is not a defense to any parking violation that the violator had a parking permit, unless alleged violation is parking without the required permit.

9- 5- 6. PERMIT DOES NOT GUARANTEE PARKING. The intent of this Chapter is to attempt to divide the limited pool of available parking among the various classifications of parking users on an equitable basis. The issuance of a permit does not guarantee a place to park at all times.

9- 5- 7. ISSUANCE OF PERMITS. Parking permits will be issued through the Park City Police or Finance Departments. Permits will be valid for one season only, with permits to be reissued each season to eligible persons. Proof of residence or employment within the permit parking area will be required before a permit will be issued.

9- 5- 8. PERMIT TO BE DISPLAYED. All parking permits, except Hotel Guest Permits, will be in the form of stickers which must be affixed to the permittee's vehicle as designated on the sticker, typically to the rear windshield or bumper. Hotel Guest

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Passes will be transferrable, and shall be placed on the dashboard or rear window shelf of the vehicle when the vehicle is parked.

9- 5- 9. REPLACEMENT PERMIT. Replacement permits will be issued to replace permits that have been lost, destroyed, or in cases where there has been a change in vehicles, for a replacement charge of fifty cents (50¢) per permit.

9- 5-10. SIGNAGE. The City will designate the various parking areas with signs at the entrance to the parking lots, or with signs along the streets affected. In the absence of signage, on-street parking is hereby designated as Resident Parking areas, and a resident parking pass is required. The designations of parking areas may be changed from time to time by relocation or redesignation of the signs to adapt to actual parking demand experienced for that kind of parking area.

9- 5-11. VIOLATIONS. Parking any vehicle in a manner that is in conflict with the provisions of this Title is unlawful, and shall be punishable as an infraction as provided in the Park City Parking Code. In addition to enforcement by ticket, illegally parked vehicles are subject to towing.

9- 5-12. MULTIPLE PERMITS. Persons who are entitled to more than one classification of permit (such as persons residing and working in the permit parking area) shall be entitled to only one permit, which will be the resident permit or other permit which is the least restrictive available to which that person is entitled.

CHAPTER 6 - PARKING SIGNAGE

9- 6- 1. PARKING REGULATIONS ESTABLISHED BY ORDER OF POLICE. The Chief of Police, under the direction of the City Manager, shall have the authority to establish additional parking regulations as necessary to provide for efficient traffic circulation and safe parking areas. All areas that are closed to parking shall be so designated by signs posted in the area, except for those regulations set forth in Chapter 2 which shall not require signs.

9- 6- 2. SIGNS. Signs setting forth parking regulations shall be mounted within the street right-of-way or on the shoulder of the roadway. Signs shall measure 10 inches by 12 inches.

(a) Signs pertaining to a permanent parking regulation shall be white and red lettering, and shall state the nature of the

regulation on the face of the sign. Signs shall be erected with sufficient number to adequately inform the public of the parking regulation.

(b) Signs dealing with parking regulations that are seasonal in nature shall be white and green lettering and shall contain the words "Winter Regulations" on the face of the sign.

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

9- 6- 3. TRAFFIC CONTROL DEVICES. Uniform Department of Transportation Manual Adopted with Park City Amendment. The Department of Transportation shall adopt a manual and specifications for the uniform system of traffic control devices consistent with the provisions of this chapter of use upon highways within this state. Such uniform system set forth in the most recent edition of the "Manual on Uniform Traffic Control Devices for Streets and Highways" and other standards issued or endorsed by the Federal Highway Administrator. Except that in Park City the color used to designate no parking zones shall be red.

CHAPTER 7 - COMPLIANCE REQUIRED/FINES, IMPOUNDMENT

9- 7- 1. COMPLIANCE REQUIRED. Compliance with this Title is required when proper signs are posted, or when the regulation is such that no sign is required under this Title. It shall be unlawful to park any vehicle in violation of the regulations established by this Title, or in violation of regulations contained on posted signs.

9- 7- 2. OBLIGATION OF OWNER TO MOVE VEHICLE. It is the obligation of the owner or operator of a vehicle to remove that vehicle when it is illegally parked. When an officer finds an illegally parked vehicle that is impeding traffic or snow removal, the officer is authorized to move the vehicle to the extent necessary to remove the obstruction, including towing the vehicle to the city impound yard.

9- 7- 3. NATURE OF VIOLATION. Violations of this Title are infractions, punishable by a fine, fee or penalty but not imprisonment.

9- 7- 4. PENALTIES FOR ILLEGAL PARKING. The owner or operator of a vehicle cited for illegal parking under this Title, shall be required to pay the penalty in the amount set forth in the Fee Resolution for the violations, and if the illegal parking is

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not contested, shall pay the fee according to the schedule set forth by resolution, in lieu of trial on the infraction. In addition to the fee imposed for illegal parking the owner of the vehicle is responsible for paying towing fees and impound fees for the release of the vehicle. Towing fees may be levied against the violator or the owner of the vehicle, or both.

9- 7- 5. PAYMENT. All fees and penalties imposed pursuant to this Title shall be paid to Park City Municipal Corporation by cash or check to the City's post office box (which shall be stated on all parking citations) or at the City offices.

9- 7- 6. RELEASE OF IMPOUNDED VEHICLES. Impounded vehicles will only be released to the owner thereof or the person legally entitled to possession under a rental or lease agreement. Impounded vehicles shall be released under the regulations established by the Police Department or by ordinance for release and inventory of impounded vehicles, and upon payment of the impound fees and towing fees.

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TITLE 12 - SIGN CODE

CHAPTER 1 - DEFINITIONS

For purposes of this Title, the following abbreviations, terms, phrases, and words shall be defined as specified in this section:

ABANDONED SIGN. Any sign applicable to a use which has been discontinued for a period of three (3) months.

ALTERATIONS. Alterations as applied to a sign means change or rearrangement in the structural parts or its design, whether by extending on a side, by increasing in area or height, or in moving from one location or position to another.

AREA OF SIGN. The area of a sign shall include the entire area within any type of perimeter or border which may enclose the outer limits of any writing, representation, emblem, figure, or character. The area of the sign having no perimeter or border shall be computed by enclosing the entire area within a parallelogram or triangle of the smallest size sufficient to cover the entire area of the sign and computing the area of the parallelogram, circle or triangle.

BALCONY. A platform that projects from the wall of a building and is surrounded by a railing or balustrade.

BANNER. Banners shall include signs, posters and banners and their common definitions.

BILLBOARD OR OFF-PREMISE SIGN. A permanent outdoor advertising sign which advertises goods, products, or services not necessarily sold on the premises on which said sign is located.

BUILDING FACE OR WALL. All window and wall area of a building in one plane or elevation.

CANOPY. A roofed structure constructed of fabric or other material placed so as to extend outward from a building providing a protective shield for doors, windows, and other openings, supported by the building and supports extended to the ground directly under the canopy or cantilevered from the building.

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CHANGEABLE COPY SIGN. A sign which is characterized by changeable copy, whether said sign is free-standing or wall sign, or whether said sign projects from and is supported by a building.

COMMUNITY OR CIVIC EVENT. A public event which is of interest to the community as a whole rather than the promotion of any product, political candidate, religious leader or commercial goods or services.

DIRECTIONAL SIGN (GUIDE SIGNS). Signs which serve as directional guides to recognized areas of regional importance and patronage. To clarify and define such areas of regional importance and patronage, three (3) types of areas are intended to be included:

1. Recreational and entertainment centers of recognized regional significance.
2. Major sports stadiums, entertainment centers or convention centers having a seating capacity in excess of 3,000 persons.
3. Historical landmarks

FREE-STANDING SIGN. A sign which is supported by one or more uprights or braces which are fastened to, or embedded in the ground or a foundation in the ground. Free-standing signs refer to on-premise advertising or project identification signs for the purpose of this Code.

HEIGHT OF SIGN. The height of a sign is the vertical distance measured from the ground plane to the top of the sign, including the air space between the ground and the sign.

HOURS OF OPERATION SIGN. A sign which displays hours of operation, including "open" and "closed" signs.

LOW PROFILE SIGN. On-premise identification sign having a maximum height of eight (8) feet which is incorporated into a landscape planter.

MASTER IDENTIFICATION SIGN. A sign which identifies only the name and/or logo and/or address of a commercial or industrial complex, the owner and tenants thereof.

NAME PLATES. Signs identifying the name, occupation, and/or professions of the occupants of the premises.

NON-CONFORMING SIGNS (LEGAL). Any advertising structure or sign which was lawfully erected and maintained prior to such time as it came within the purview of this Code and any amendments thereto, and which fails to conform to all applicable regulations and restrictions of this Code.

ON-PREMISE OR BUSINESS IDENTIFICATION SIGNS. A sign which directs attention to a business, commodity, service, industry or other activity which is sold, offered, or conducted on the premises upon which the sign is located, or to which it is affixed.

PROJECTING SIGN. A sign attached to a building or other structure and extending in whole or in part more than six (6) inches beyond any wall of the building or structure.

PUBLIC NECESSITY SIGN. A sign which informs the public of any danger or hazard existing on or adjacent to the premises.

PUBLIC PROPERTY. Any property owned by governmental entity.

SIGN. Sign shall mean and include every advertising message, announcement, declaration, demonstration, display, illustration, insignia, surface or space erected or maintained in view of the observer thereof for identification, advertisement, or promotion of the interest of any person, entity, product, or service. The definition of sign shall also include the sign structure, supports, lighting system, and any attachments, ornaments or other features used to draw the attention of observers.

SIGNAGE PLAN. A plan designed to show the relationship of signs for any cluster of buildings or any single building housing a number of users or in any arrangement of buildings or shops which constitute a visual entity as a whole.

SOLICITATION SIGN. Sign used to advise solicitors that they are not welcome on the property.

SPECIAL PURPOSE SIGN. Sign of a temporary nature other than those established by a business; for the purpose of

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advertising a special event pertaining to drives or events of a civic, philanthropic, educational, or religious organization.

SPECIAL SALE SIGN. Temporary signs used to advertise a special sale on the premises.

STRUCTURE. The supports, uprights, bracing, guy rods, cables, and framework of a sign or outdoor display.

SUBDIVISION OR PROJECT ENTRANCE SIGN. An identification sign located at the entrance to a residential or commercial development.

TEMPORARY SIGN. A sign which is intended for use during a specified limited time. Temporary signs, as defined by this Code, shall include real estate signs and construction signs.

THEATER MARQUEE. A permanent structure with changeable letters, which is used to advertise theater events.

WALL SIGNS. A sign with messages or copy erected parallel to and attached to or painted on the outside wall of a building and extending not more than six (6) inches from the wall.

WALL MURALS. Murals which are purely decorative in nature and content, and do not include advertising by picture or verbal message are exempt from sign regulation.

WINDOW SIGN. A sign installed upon or within one foot of a window for the purpose of viewing from outside of the premises. This term does not include merchandise displayed.

ZONE DISTRICT. Refers to land use regulatory zones under the zoning ordinances of Park City.

CHAPTER 2 - IN GENERAL

12- 2- 1. PURPOSES AND SCOPE. The City Council of Park City, Utah finds and declares that by controlling and standardizing signage in the community, the regulations set forth in this Title will reduce potential hazards to motorists and pedestrians; encourage signs which, by their good design, are integrated with and harmonious to the buildings and sites which they occupy;

encourage sign legibility through the elimination of excessive and confusing sign displays; prevent confusion of business signs with traffic regulations; preserve and improve the appearance of the city as a place in which to live and work; create an attraction to non-residents to come to visit or trade; allow each individual business to clearly identify itself and the goods and services which it offers in a clear and distinctive manner; safeguard and enhance property values; protect public and private investment in buildings and open space; supplement and be a part of the zoning regulations imposed by Park City; and promote the public health, safety, and general welfare of the citizens of Park City.

12- 2- 2. INTERPRETATION. The Planning Commission, or Historic District Commission if the sign is in the Historic District, shall have the authority and duty to interpret the provisions of this Title at the request of the Community Development Director or when a written appeal from a decision of the Community Development Department is filed with the Planning Commission or Historic District Commission for signs in the Historic District.

In interpreting and applying the provisions of this Title the sign requirements contained herein are declared to be the maximum allowable for the purpose set forth. The types of signs allowable by this Title shall be plenary and sign types not specifically allowable as set forth within this Title shall be prohibited.

CHAPTER 3. APPLICATION AND REVIEW PROCEDURES FOR PERMANENT SIGNS

12- 3- 1. PERMITS. No person shall erect, alter, or relocate any permanent or temporary sign within Park City without first obtaining a sign permit and a building permit from the City, unless the sign is exempt under this code. Any person who hangs, posts, or installs a sign which requires a permit under this code and who fails to obtain a permit before installing the sign, shall be guilty of a Class C misdemeanor and shall be fined accordingly.

12- 3- 2. PRE-APPLICATION CONFERENCE. A pre-application conference with the Community Development Department is encouraged in order for the applicant to become acquainted with application procedures, design standards, and related city ordinances. Completed sign permit applications are to be submitted to the Department. The staff may assist in the preparation of the application, and shall provide information to applicants on the regulations created by this Code.

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12- 3- 3. APPLICATIONS. Applications for sign permits for permanent signs must include the following:

(a) A site plan drawn to scale which specifies the location of the sign structure, or drawings or photographs which show the scale of the sign in context with the scale of the building if the sign is to be mounted on the building.

(b) Colored rendering or scaled drawing including dimensions of all sign faces, descriptions of materials to be used, manner of construction and method of attachment, and color samples.

(c) A complete signage plan for any commercial building which houses more than one use. This must be submitted prior to issuance of a permit for any one sign on the building.

(d) A sign permit application on the form provided by the Community Development Department.

(e) Building permit application on a form provided by the Community Development Department.

(f) Appropriate fees.

12- 3- 4. FEES. Sign permit applications shall be reviewed according to a fee schedule established by resolution.

12- 3- 5. REVIEW PROCEDURES. Complete sign permit applications will be reviewed by the Planning Staff and Building Official, subject to the review of the Community Development Director, within ten (10) working days of receipt of the complete application and application fee. The application will be either approved, denied or returned with requested modifications. Both the Planning and Building Departments must approve the application before a permit can be issued. Either department may return the application for modifications or clarification. If a permit application has not been processed within ten (10) working days, and written reasons given for the denial of the permit issued within that time, the application is deemed approved. Any applicant who believes the denial was not justified, has the right to appeal to the Planning Commission or Historic District Commission, and to appear at the next regularly scheduled meeting for which proper notice can be given and agenda time is available. Intention to take an appeal to the Commission shall be filed with the Community Development Director in writing within three (3) business days following the denial of the permit by the Department.

Applicants may have any action of the Planning or Historic District Commissions reviewed by the City Council by petitioning in writing for a hearing before that body within ten (10) days following Planning Commission or Historic District Commission action on the sign permit. Actions of the Commission

are subject to appeal and review according to the procedures set forth in the Land Management Code, Chapter 1.

12- 3- 6. CONDITIONAL USES. The following types of signs require conditional use review by the Planning Commission:

(a) Free standing signs located in the HCB zone, as defined by Section 7.2 of the Land Management Code.

(b) Free-standing signs located in the highway frontage protection zone, as defined in Section 8.8 of the Land Management Code.

(c) Requests for increased signage above the maximum allowed by this code. (See Section 12-5-1)

Projects which require Conditional Use Permits may have their signage reviewed as part of the C.U.P. review for no additional fee.

CHAPTER 4 - SIGN TYPES

12- 4- 1. TYPES OF SIGNS ALLOWED. The following types of signs are allowed subject to Planning staff review based upon the regulations set forth in this code:

(a) **Free standing signs.**

(1) Height limit. Free-standing signs are limited to low profile signs which may not exceed a height of ten (10) feet.

(2) Design. Free-standing monument signs with solid or enclosed bases are permitted. Signs supported by at least two (2) poles without enclosed bases are also permitted provided that the exposed pole's height does not constitute more than 50% of the sign's overall height (i.e., the height of the open area beneath a sign cannot exceed 50% of the sign's total height). Single pole signs are not considered appropriate in Park City except in the case where a single pole is used in conjunction with a horizontal cross-bar to support hanging signs on one side of the pole only subject to the projection and clearance provisions defined in Section 12-6-3.

(3) Size. Free-standing signs shall be limited to a maximum of thirty-six (36) square feet in area unless the building to which the sign applies has no other signage, in which case a forty-five (45) square foot sign is allowed. However, in no case may the area of a free-standing sign exceed a total of one (1) square foot for every three (3) feet of frontage occupied by the business

or enterprise or 5% (five percent) of the building facade to which the sign applies.

(4) Density. Businesses, projects or parcels are limited to one (1) free-standing sign except that properties with more than 1000 (one thousand) feet of continuous frontage and with more than one entrance may, subject to Planning Commission approval, install a free-standing sign at each entrance, provided that the combined square footage of all free-standing signs does not exceed 72 (seventy-two) square feet (two 36 square foot signs). Where there is frontage on more than one street, each frontage is treated independently. Signage area may not be transferred from one frontage to another.

(5) Setback and orientation. Free-standing signs are subject to the setback requirements for each zone or as defined in Section 12-6-2. They may be aligned either perpendicular or parallel to the road provided that signs perpendicular to the road are finished on both sides, and that signs parallel to the road maintain a setback of at least 25 (twenty-five) feet from the curb or edge of pavement. The Community Development Director may decrease this setback if it is determined that a particular road alignment or traffic conditions would facilitate adequate visibility of the sign for street or pedestrian traffic.

(6) Zoning restrictions. Free-standing signs may be allowed in the HCB Zone only with Conditional Use approval from the Planning Commission (Section 12-3-6). Free-standing signs are permitted in all other zones except that in the HR-1, HRL, HRC and RD zones, they are permitted only as part of subdivisions of 50 (fifty) lots or more or master planned developments, subject to the provisions of Section 12-4-1(k).

(7) Content. Because it is the City's intent to facilitate traffic flow and avoid traffic hazards caused by confusing or cluttered signage, and because tourists, who may be looking for a specific business often depend on sign text that assimilates business names as listed in telephone directories or other promotional advertisements, free-standing signs are permitted for the purpose of identifying the name of the building or one business only.

(b) Window Signs. Permanent window signs may be placed in or upon any window, provided that on windows below the elevation of the second floor level, no more than fifty percent (50%) of the total transparent area of the window is obscured, except that in multi-tenant buildings, window signs shall be restricted to windows

below the second floor level. (See Section 12-5-3). Windows on or above the elevation of the second floor level shall be limited to not more than two rows of lettering identifying the business with characters not exceeding six (6) inches in height

(c) Wall Signs. Wall signs may be placed upon a building provided that they meet the size, material, content, location and other standards of this Code. Wall signs shall be placed so as to utilize existing architectural features of a building without obscuring them. Wall signs shall be oriented toward pedestrians or vehicles within close proximity.

(d) Projecting Signs. No single projecting sign may exceed 18 (eighteen) square feet in area or may project more than thirty-six (36) inches from the face of the building to which it is attached. Projecting signs must have at least eight (8) feet of ground clearance unless reduced according to the projection and clearance provisions of Section 12-6-3, and cannot be higher than the building to which they are attached. They may not extend beyond the applicant's property, except those which are proposed to be placed over the Main Street sidewalks. Signs may extend over City property only with the written approval of the Community Development Director and a certificate of insurance acceptable to the City Attorney.

(e) Hanging Signs. A hanging sign may be placed on a building or underneath an approved canopy, awning, or colonnade, as long as it does not project beyond the same. It must have at least eight (8) feet of ground clearance, unless reduced according to the projection and clearance provisions of Section 12-6-3, and cannot be higher than the building to which they are attached. Signs may extend over City property only with the express written approval of the Community Development Director and a certificate of insurance acceptable to the City Attorney.

(f) Awnings. Awnings are permitted as signage provided they blend with the architecture of the building and do not obscure details of the building. Awnings should serve as an accent to the building's design but should not be the dominant architectural feature. Awnings are counted as signage if they have lettering or other graphics conveying a commercial message or name of a business or project sold in the building to which the awning is attached.

(1) Signage Area. Only 20% of any one face of an awning may be used for signage regardless of the size of the building facade to which the sign applies.

(2) Material. Only canvas will be permitted. Material should be high quality, colorfast and sunfade resistant. Vinyl or plastic materials are not considered appropriate in Park City.

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(3) Color. Awning colors are generally limited to a single field color with a single contrasting color for lettering and logos. However, if the awning is striped in a traditional manner, either with vertical stripes along the entire awning or horizontal stripes along the valance, two field colors may be used. Corporate colors may be used only if they conform to color requirements as specified in Section 12-5-5 of this Code.

(4) Illumination. Illuminated (back-lit) translucent awnings or translucent letters on opaque backgrounds are not appropriate in Park City and are not permitted. Canvas awnings illuminated in the traditional manner with incandescent lighting are permitted.

(5) Clearance and projection. Awnings must have a minimum clearance of eight (8) feet to the frame and 7 (seven) feet to the bottom of the valance. They may project a maximum of 36 inches from the face of the building except when used as entrance canopies, in which case awnings may extend to the setback lines.

(6) Entrance canopies. Entrance canopies may be used only if they lead to a bona fide business entrance and if they are compatible with the architecture of the building.

(7) Location of Awnings. Awnings must be located in a traditional manner above doors, windows, or walkways, provided said walkways lead to a bona fide entrance. All other locations are prohibited. Free-standing awning signs are prohibited.

(g) Illuminated Signs. Illuminated signs are permitted subject to the provisions of Section 12-5-6, below.

(h) Neon Signs. Neon used to draw attention to a business or building in any manner, including (but not limited to) neon text, logos or outlining of a building's architectural features, is considered signage and shall be regulated according to the provisions of this code as follows:

(1) Size. All other size requirements set forth in this Code must be adhered to.

(2) Zoning Restrictions. Neon signs may be used only in the HCB, HRC, RC and GC zones.

(3) Location. Neon signage must be located within a building and displayed through a window rather than being attached to the exterior of the building. If the neon signage is located within ten (10) feet of the front

window, it is considered signage and must have a permit. Neon located ten (10) feet back from the window is considered interior lighting and is not regulated. The neon sign must be designed to be compatible with the space in which it is located, and have a sense of balance and proportion.

(4) Colors. The following historic colors are permitted in the Historic District in primary shades only: red, yellow, white, blue, green. All others are prohibited. Other colors are permitted in the RC and GC zones.

(5) Content. Neon signage may include the name of the business, and may possibly include a description of use in conjunction with the name (e. g. Dolly's Bookstore). Graphics and symbols may be permitted and should be historic or traditional in design.

(6) Prohibited Neon Signs. The following are prohibited in neon: open/closed signs; product brand names; message/sales promotion. Neon may not flash, move, alternate, or show animation.

(7) HDC or Planning Commission Review. The Historic District Commission or Planning Commission shall review neon signs at the option of the Planning Staff if or when there are questions about compliance with these requirements.

(i) Changeable Copy Signs. Changeable copy signs may only be used in conjunction with theaters, entertainment facilities non-profit art galleries, or similar exhibit facilities or master address identification signs in conjunction with a signage plan.

(j) Directory sign. Directory signs shall be permitted to provide information for multi-tenant projects. Multi-tenant projects, either commercial or residential, may have a maximum of thirty-six (36) square feet of signage to serve as a directory for the project. Each phase of an expandable condominium or other phased project shall be considered a part of the initial phase for signage purposes if the project is joined by a common conditional use permit, zoning approval or management structure such as a condominium homeowners' association. The contents of such signs shall be limited to the name of the multi-tenant structure, its street address, and the names and unit numbers of the tenants of the project. Signs shall be located in the common area of the project and oriented toward a central pedestrian path or common parking area. Directory signs may not be oriented for off-site viewing. No telephone numbers, rental information, or sales information shall be permitted on the directory sign.

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(k) **Name plates for multi-family residences.** Individual name plates may be used in lieu of a directory sign on multi-family projects. They may be located near the entrance of the unit to which the sign applies and shall be limited to one (1) square foot in size. The content of name plates shall be limited to the name of the residence and the unit number or street address. Directory signs may not be used in conjunction with individual name plates except that each unit may be identified by a unit number.

(l) **Menu Display.** Menus for restaurants may be displayed on the inside of windows of a restaurant or inside a wall mounted or free-standing display box. Free-standing display boxes shall be designed and constructed to withstand wind and may be located only on private property. The maximum size shall be two square feet and shall be included in the calculation of total wall or window signage. If a display box is used, it must be constructed to coordinate with the building design, must contain a clear face which would protect the menu from the weather and must not extend over public property.

(m) **Entrance/Exit Signs.** Two entrance/exit signs are allowed at each approved driveway opening for commercial uses and multi-tenant dwellings provided that each sign is not larger than three (3) square feet per side and no higher than five (5) feet above the ground at the top of the sign.

(n) **Directional or Guide Signs.** Directional or guide signs which give direction to recognized areas of regional importance and patronage (See definitions in Section 1) may be a maximum of sixteen (16) square feet and must be approved by the Director.

(o) **Public Necessity Sign.** Public necessity signs such as "Bus Stop", "No Parking" and street name signs may be a maximum of twelve (12) square feet and must be approved by the Public Works Director and the Community Development Director, if the sign is to remain in place for more than five working days. These signs shall contain no advertising of any kind. This shall not apply to signs erected by the City, state highway department, franchised utilities, or their contractors.

(p) **Special Purpose Signs.** Signs and banners promoting events sponsored by civic, charitable, educational, or other non-profit organizations may be erected on private property up to two (2) weeks in advance of the event being promoted. These signs shall be removed within five (5) days following the conclusion of the event. Signs or banners located on or over public property easements or rights-of-way are subject to the requirements of this Code and require approval by the City Manager. (Requirements for the erection of banners over public property are found in Section 12-7-11) Special purpose signs erected on private property shall be

erected only after issuance of a permit from the Planning Department.

(q) Temporary Signs. Temporary signs are permitted subject to the requirements found in Chapter 7.

CHAPTER 5 - DESIGN STANDARDS.

All regulated approved signs must comply with the following design standards:

12- 5- 1. SIZE REQUIREMENTS. The total area of all permanent signs on one building face, including window signs, wall signs, projecting signs, and hanging signs, shall not exceed 45 square feet per building face or 36 square feet per building face if used in conjunction with a free-standing sign, regardless of the number of businesses occupying the building. If additional signage is necessary, the Planning Commission may grant additional signage, but in no case may the total signage area exceed 5% of the building face to which the sign is attached. (See Section 12-4-1(f) for specific size requirements for awning signs, Section 12-4-1(a) for free-standing signs; Section 12-7-1(a) for temporary signs; Section 12-7-3(a) for project construction signs; and Section 12-7-4(a) for portable yard signs.)

12- 5- 2. AREA OF SIGN. The area of a sign shall include the entire area within any type of perimeter or border which may enclose the outer limits of any writing, representation, emblem, figure, or character. The area of the sign having no perimeter or border shall be computed by enclosing the entire area within a parallelogram, circle, or triangle of the smallest size sufficient to cover the entire area of the sign and computing the area of that parallelogram, circle, or triangle. The area of the second side of a two-sided sign shall not be included when calculating signage area unless the sides diverge more than 30 degrees. Where a sign has more than two (2) faces, the total area of the third face and all additional faces shall be included in determining the area of the sign. All existing signs, whether conforming or non-conforming signs shall be counted in establishing the permitted area of size of all new signs to be allowed on the property.

12- 5- 3. SIGNAGE PLANS. Buildings or clusters of buildings having more than one tenant or use, shall provide a signage plan for the entire structure or project. The signage plan must be designed so that it establishes a common theme or design, uses similar construction methods, has compatible colors, lettering, lettering style, symbols, scale and size of signs and/or identical background.

Signage plans for office buildings must have their primary focus on the identification of the building, and individual

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tenants may be identified by using small lettering on a window or door or directories. Total signage area within the plan is subject to the maximum size limitations of this ordinance. Signage area cannot be transferred to a single building or facade from other buildings in the project.

For multi-tenant retail and mixed-use buildings, which contain any combination of uses including residential, office, service or retail uses, sign plans shall be designed so that wall signage is confined to the building surface below the finished floor elevation of the second floor or twenty (20) feet above adjacent natural grade whichever is lower. Signs below the finished floor elevation of the second floor may be located on flat wall areas, within windows or on sign bands above windows. Signage above the finished floor elevation of the second floor shall be restricted to one sign per building face identifying the building name and address. For buildings with pre-existing sign bands or architectural features, the Community Development Director may grant exceptions to the second floor level signage restriction.

12- 5- 4. SIGN MATERIALS. Exposed surfaces of signs may be constructed of metal, glass, stone, concrete, brick, cloth, or solid wood. Other materials may be used in the following applications:

(a) **Face.** The face or background of a sign may be constructed of exterior grade manufactured composite board if the face of the sign is painted and the edges of the sign are framed and sealed with silicone. Plywood is prohibited except on temporary signs where painted plywood may be used.

(b) **Letters.** Synthetic or manufactured materials may be used for individual cut-out or cast letters in particular applications where the synthetic or manufactured nature of the material would not be obvious due to its location on the building and/or its finish. Ivory colored plastic may be used for internally illuminated letters (See Section 12-5-6(b)). Other materials may be approved by the Planning Commission at its discretion, but are otherwise prohibited. The sign materials should be compatible with the face of the building and should be colorfast and resistant to corrosion.

12- 5- 5. COLOR. Signs must be finished in subdued earthtone colors. Earthtones may be defined in this context to include the full spectrum of soil and clay colors. Spectrums of off-whites to deep browns, and light grays to black provide a wide range of acceptable colors. Brighter colors may be used provided they are imbued with brown or black tones. For example: pink imbued with brown would tend toward mauve and would be acceptable. Bright reds imbued with brown or black tones give a deeper burgundy or maroon color and may also be acceptable. Colors should compliment the color scheme of the building. A matte or flat

finish is required for all painted surfaces. In no case will "day-glo", fluorescent, reflective colored materials that give the appearance of changing color or brilliant luminescent colors be permitted.

12- 5- 6. ILLUMINATION.

(a) **Externally Illuminated Signs.** Light fixtures for externally illuminated signs must be simple in form and mounted so they do not obscure building ornamentation. The light fixtures should emphasize the continuity of the building surface and should not clutter the building in an unorganized manner. Spot lights and flood lights shall be directed only at the sign surface. Light shall not be directed off the property. No exposed light sources are allowed, and all light sources must be shaded to contain light rays to the sign. Colored lighting is prohibited.

(b) **Internally Illuminated Signs.** Internally illuminated signs shall be limited to individual letters not to exceed 18" high. Individual pan-channel letters with a plastic face or individual cut-out letters (i.e. letters routed out of the face of an opaque cabinet sign) are permitted. Cut-out letters shall have a maximum stroke width of 1 1/2 inches. Variations in stroke width may be reviewed and approved by the Community Development Department. The plastic face or backing of the letters must be ivory colored. Reversed pan-channel letters with an internal light source reflecting off of the building face may also be used for "halo" or "silhouette" lighting. The light source for internally illuminated signs must be white. Internally illuminated pan-channel letters are not permitted on free-standing signs. Internally illuminated signs are not considered appropriate in the Historic District and are prohibited.

(See Section 12-12-2 for further information regarding the inspection of electrical signs.)

12- 5- 7. SIGN CONTENT. Signs shall be limited in content to material that is intended to be permanent (with the exception of theater or gallery marquees). The name of the business, the nature of the goods or services offered, and street address may be contained in the sign except that a free-standing sign may only identify the name of the building or one business. Statements of prices for specific items, listing of items beyond a general category of merchandise, telephone numbers, or similar information directed at the merchandise sold or service provided, rather than the identification of the business are prohibited. The use of logotypes or other symbols is appropriate in addition to the name of the business. Applications for signs which contain misleading content or false information shall be denied.

In each instance, and under the same conditions to which this code permits any sign, a sign containing an ideological,

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political, or other non-commercial message and constructed to the same physical dimensions and character shall be permitted.

CHAPTER 6 - LOCATION STANDARDS

12- 6- 1. LOCATION ON BUILDING. Architectural details of a building often suggest a location, size, or shape for a sign. Signage should compliment the architectural details of the building. Signs should help to establish a visual continuity with adjacent store fronts and relate directly to the store entrance. Signs must be oriented toward pedestrians or vehicles in close proximity; signs oriented for distance viewing will not be permitted. Signs shall be designed and located on the building or on the premises in a manner that is compatible with the mass and scale of the building to which the sign applies. Signs must not obscure architectural details of the building; nor cover doors, windows, or other integral elements of the facade. Signs shall not obstruct views of nearby intersections and driveways.

12- 6- 2. SETBACK REQUIREMENTS. Permanent signs shall not be placed in the setback area as defined for the zone in which the sign is located. However, in the General Commercial Zone, signs may be set back ten (10) feet from the property line. The Director may decrease the setback if it is determined that the public will be better served with a sign located otherwise, due to site specific conditions such as steep terrain, integration of signage on retaining walls, heavy vegetation, or existing structures on the site or adjoining properties. (See Section 12-7-2(b) for specific setback requirements for temporary signs and Section 12-7-3(b) for setback requirements for temporary construction project signs)

12- 6- 3. PROJECTION AND CLEARANCE. No sign may project more than 36 (thirty-six) inches from the face of a building or pole. Projecting and hanging signs must maintain at least 8 (eight) feet of clearance from ground level. Clearance for signs projecting or hanging over landscaped areas may be reduced to 7 (seven) feet if the sign is set back at least three (3) feet from any hard surface or pavement. Signs may not extend over the applicant's property line except those which are proposed to be placed over the Main Street sidewalk. Signs may extend over City property only with the written approval of the Community Development Director and a certificate of insurance acceptable to the City Attorney.

CHAPTER 7 - TEMPORARY SIGNAGE & PORTABLE YARD SIGNS

12- 7- 1. POLICY. It is the policy of the City as outlined in this Section to restrict the use of temporary signage. Temporary signage is often poorly constructed, poorly maintained, and located in a manner that obscures traffic signs, views of intersections of public and private streets and driveways and tends

to depreciate the scenic beauty and quality of life of the community by creating visual clutter. Temporary signage has a place in the community for specialize purposes, such as announcing properties for sale or lease, construction activities, temporary sales, or making political or ideological statements. Temporary signage is permitted for those and similar purposes subject to the regulations of this Chapter.

12- 7- 2. TEMPORARY SIGNS. Temporary signs are those signs which are installed on a property with the intent of displaying them continuously for more than twenty-four (24) hours, but which are not a part of a permanent land use on the property, and are not intended to be displayed for more than one year. Temporary signs include signs announcing properties for sale, lease or rent, and campaign signs and other similar signs of a non-commercial nature. Temporary signs are permitted subject to the following regulations on placement and location:

(a) **Size.** Temporary signs (other than construction project entry signs dealt with in Section 12-7-3) shall not exceed three (3) square feet of area on the exposed sign face.

(b) **Location.** Temporary signs are permitted in any zone, provided that they are located a minimum of twenty (20) feet back from the edge of the curb, or edge of pavement where there is no curb, of the street on which the sign fronts. If this twenty (20) foot distance would be within a structure, the sign may be within three (3) feet of the front of the structure. Signs must be parallel to the street on which the building fronts, and placed in front of the front facade with the building as a backdrop. Signs may not be positioned in the side yard. Signs may be displayed through windows or other glass areas subject to the restrictions of Section 12-8-1(i) and 12-8-1(m). On vacant lots, where there is no structure, the sign shall be approximately centered on the lot, and shall maintain the twenty (20) foot setback from the street.

(c) **Height.** No portion of the sign shall extend more than six (6) feet above the existing ground level (without snow) at the location of the sign. Mounting devices may extend above the sign by not more than six (6) inches.

(d) **Number.** Only one temporary sign is permitted on any one parcel of property, except that for sixty (60) days preceding a general or special election, up to three (3) temporary signs may be placed on any one parcel of property, all of which must be compliance with the size, color, and placement standards of this Code.

12- 7- 3. TEMPORARY SIGNAGE FOR CONSTRUCTION PROJECTS. Because of the unique need to identify construction projects clearly for material suppliers, deliveries, construction workers,

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and to allow for initial marketing, temporary construction project entry signs are permitted subject to the following regulations:

(a) **Size.** Projects containing four (4) or more dwelling units, or four thousand (4,000) square feet or more of commercial floor area are allowed one project sign on the property in conjunction with a project under development or construction. Three (3) square feet of signage area is allowed for each residential unit, and two (2) square feet of signage allowed for each one thousand (1,000) square feet of commercial floor area, provided that in no event may the sign exceed thirty-two (32) square feet in area.

(b) **Location.** Temporary signage on construction sites may not be closer than twenty (20) feet to the curb line (or edge of pavement if there is no curb) of the street on which the project fronts, which is the street providing access to the project. If that twenty (20) foot setback places the sign within the construction limits of disturbance, the sign may be placed closer to the street, but not more than ten (10) feet outside of the construction limits of the disturbance. In the HCB Zone, and the Prospector Commercial Subdivision, and other areas which have been approved or zoned with no setback or sideyard requirements, the sign may be located on the construction barricade or fence surrounding the site, even if that places the sign within the public right-of-way. No portion of the sign may extend above the barricade or fence.

(c) **Height.** Construction project signs may not exceed ten (10) feet in vertical height from the ground at the point where the sign is located. Signs mounted on a construction barricade or fence may not extend above the height of the barricade or fence.

(d) **Clear window maintained.** Construction project signs must be located in a manner that does not obstruct the view of adjoining streets from the driveway of the site to the adjoining street, for normal passenger vehicles.

(e) **Time limit.** Temporary construction project signs are to be installed upon granting of conditional use permits by the City for the project the sign pertains to or upon the issuance of footing and foundation permits on permitted uses which do not require conditional use approval. On conditional uses, if the footing and foundation permits have not been taken out within six (6) months of the erection of the sign, the sign must be removed until permits are issued. Temporary project signs must be removed within thirty (30) days from the date the last certificate of occupancy is given on the site. If a subsequent phase is commenced during that time, the sign may remain so long as construction continues on the project's initial construction. If a permanent sign is constructed on the site, all temporary signage must be removed. When a project is owned by one party and units are being

marketed, but the time limit is beyond the 30 days after a certificate of occupancy is issued, the Community Development Director may authorize the temporary placement of a sign which is subject to the limitations of this section, except that it may be displayed for a period of 90 days. This sign would be in lieu of standard real estate signs.

12- 7- 4. PORTABLE YARD SIGNS. Portable yard signs are signs intended to be displayed for less than twenty-four (24) hours at a time for the purpose of announcing a garage sale, yard sale, open house, or similar event on a property. Portable yard signs may be located in any zone subject to the following regulations:

(a) **Number.** No more than two (2) yard signs are permitted, one of which must be on the property to which the sign pertains, and the other placed off-site for directional purposes. If the property is located on a cul-de-sac or dead end street, one additional off-site sign may be placed off-site for directional purposes.

(b) **Location.** Yard signs may be located anywhere on the property to which the sign pertains. Off-site yard signs may be located within the public right-of-way, but not within the paved area of any street, and not on any sidewalk. Off-site yard signs must be weighted with sand bags or otherwise supported to withstand the forces of the wind. Yard signs may not be attached to street sign posts, light posts, public utility poles, or any other facility within the public right-of-way. Signs so placed are deemed refuse, and will be removed by the City.

(c) **Size.** Yard signs shall not exceed three (3) square feet in area on any sign face, but may be double-sided, awning or A-frame type construction, for a total sign area of six (6) square feet.

(d) **Time limit.** Yard signs shall be displayed only immediately prior to and during the yard sale, garage sale, or open house actually in progress, and shall be removed at sundown if located within public rights-of-way to avoid creating a trip hazard to the public using the streets and sidewalks. Yard signs may not be displayed for more than forty-eight (48) hours continuously. Signs not removed after forty-eight (48) hours of display are deemed refuse. The owner or erector of the sign is subject to a fee per sign as set forth in the Fee Resolution, ~~ten (\$10.00) dollar per sign~~ removal charge if the sign is removed by the City as refuse. In addition, the owner or erector shall be guilty of a Class "B" misdemeanor for littering.

12- 7- 5. MOUNTING DEVICES. Temporary and yard signs, excluding construction project entry signs, shall be mounted on hardware of wood or painted metal, no part of which shall be greater than four inches by four inches (4" x 4") in cross section.

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Construction project signs, because of their larger size and the increased risk of disruption nearby, shall be mounted on at least two (2) four inch by four inch (4" x 4") posts with back bracing, or such other means that comply with the Uniform Sign Code's standards for installation. Mounting hardware shall be painted or stained in earth tones. No message may be written on the mounting hardware, so that the entire message area of the sign is contained on the sign face itself.

12- 7- 6. LIGHTING PROHIBITED. No temporary sign, yard sign, or construction project entry sign may be illuminated in any manner.

12- 7- 7. COLOR AND MATERIALS. Temporary signs, yard signs, and construction project signs are subject to the Design Standards of Chapter 5.

12- 7- 8. MAINTENANCE. Temporary signs shall be maintained as provided in Chapter 11 of this Code, and it shall be a violation of this ordinance to permit a temporary sign, yard sign or construction project entry sign to fall into disrepair.

12- 7- 9. EXCEPTIONS. Where there are conditions such as heavy vegetation on the property, or extremely steep terrain that makes the sign placement standards of this Chapter impractical because the sign is not visible from the street, the Community Development Director, or some member of that department so authorized, may grant an exception of the sign setback standards, but not the size or street orientation standards. In no event may temporary signs subject to the setback requirements be placed within the public right-of-way.

12- 7-10. EXISTING TEMPORARY SIGNS. Existing temporary signs, and construction project entry signs not brought into full conformance with this Code on or before October 1, 1984 or thereafter are in violation of ordinance. All signs erected after the effective date of this ordinance shall be erected in full compliance, or are otherwise unlawful.

12- 7-11. BANNERS OVER PUBLIC PROPERTY.

(a) **Administration.** The City Manager is authorized to administer the placement of banners over public property.

(b) **Approval.** Approval of all applications to display banners over public property shall be given by the City Manager only if all conditions in this section are met.

(c) **Terms and conditions.** In order to receive approval to display a sign or banner over public property, the applicant shall meet the following terms and conditions:

(1) The banner or sign shall only inform the community of an upcoming community event. A community event shall be defined as a public event which is of interest to the community as a whole rather than the promotion of any product, political candidate, religious leader or commercial goods or services.

(2) The banner may only be displayed immediately prior to and during a community event which it advertises, and in no case shall the banner be displayed for less than five (5) days or more than ten (10) days.

(3) Banners shall only be displayed at site(s) approved by the City Manager.

(4) Reservation of dates for a banner site may be made up to three (3) months prior to the date of display. Site(s) are generally reserved on a first-come, first-served basis; however, preference may be given for recurring annual events, historically or traditionally tied to a specific date, holiday or season. Additionally, a request to advertise the reoccurrence of the same event or same type of event within any one calendar year (i. e., plays or class registrations) may be honored if no request for the banner site for an unrepeated scheduling is received.

(5) All banners over public property shall be hung by City personnel, and must meet the following specifications:

(a) Maximum banner size over public property (Park Avenue location) shall not exceed four (4) feet by thirty (30) feet and the minimum size shall not be less than three and one-half (3.5) feet by twenty-four (24) feet. Banners not over the Park Avenue location shall not exceed the above-mentioned maximum size, and must be approved by the Planning Director.

(b) Day-glo, or fluorescent colors shall not be allowed.

(c) Banners shall be constructed of durable canvas or similar type weather resistant fabric.

(d) Banners must be slit to reduce wind resistance.

(e) Banners must be reinforced with rope within a casing at the bottom and the top of both banner edges.

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(f) Each corner of the banner must have a grommet and a lead of 1/4" rope from each corner, no less than four (4) feet long.

(g) Banners must have a minimum of seven (7) grommets (including the two corner grommets) across the top edge, which allows the banner to be attached to a cable.

(h) An additional one hundred and fifty (150) feet of 1/4" rope is required to hang each banner, and shall be provided to the Public Works Department by the applicant or sponsor of the banner.

(6) The primary purpose of banners which extend over public property shall be to advertise and inform of upcoming community events. No more than twenty-five per cent (25%) of each side of the banner space shall be used for the name or logo of a commercial sponsor.

(7) Prices or fees charged for the event shall not be displayed.

(8) Banners shall be hung or displayed in a manner that does not interfere with or impede traffic or interfere with or obscure traffic signs or control devices.

(9) The owner of a banner shall agree to assume full liability and indemnify the City for any damage to persons or property arising from the display of the banner by the City.

(10) If the banner is not picked up from the Public Works Department by the applicant or sponsor within ten (10) days after it has been taken down, the banner shall become the property of the City and will be disposed of.

(11) Banners should be received by the Public Works Department one week prior to the date of scheduled display.

(12) The City is not responsible for any damage that may occur to the banner from any cause.

(d) **Fee.** A fee shall be payable to the City when the banner is dropped off at the Public Works Department before its reservation commences to cover manpower costs associated with installation and removal of the banner. Said fee shall be set by resolution.

12- 7-12. BANNERS ON CITY LIGHT STANDARDS.

(a) **Administration.** The City Planning Department is authorized to administer the placement of banners on City light standards.

(b) **Approval.** Approval of all applications to displays banners on City light standards shall be given by the Planning Department only if all conditions in this section are met.

(c) **Terms and Conditions.** Banners displayed in the Park City Main Street or Empire Avenue area shall be either: (a) those sponsored by, designed for and commissioned by, fabricated for, and installed by the direction of the Planning Department and Parks staff, or (b) those sponsored by outside entities (Sponsors) that meet the following terms and conditions.

(1) The eligible sponsor must be a non-commercial, non-profit entity whose primary purpose is the offering of cultural, educational, or entertainment enrichment to the community.

(2) The design of banners must be presented to the Planning Department, or a designated committee thereof, for review and approval. Artwork should be of sufficient size and show actual colors and banner material in sufficient detail to adequately represent the proposed final product. Design specifications are shown below.

(3) The cost of the design and fabrication of the banners is to be borne by the Sponsor. Fabrication of the banners must meet the minimum standards adopted by the Park Staff, or a designated committee of Park City Municipal Corporation. Cost of installation and dismantling will be borne by the organization sponsoring the banners.

(4) Applications shall be presented to the Planning Department in sufficient time to allow the determination of eligibility of the Sponsor, design review, fabrication of the banners and verification of the scheduling of their period of display.

(5) Sponsors accept that the display period is contingent upon a workable arrangement within the overall schedule of other City banners as well as prior commitments to other outside Sponsors. Prior commitments may preclude the desired display period of an otherwise acceptable Sponsor's banner. Park City acknowledges that a Sponsor's interest and ability to participate may be contingent upon a minimum period which would warrant the expense of the fabrication of the banners. The display period will be based on a first-come basis.

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(6) All banners on City light standards shall be hung by City personnel and must meet the following specifications.

(a) Fabrication and colors are to be within color guidelines of the Planning Department and Historic District.

(b) The dates for the banners to be installed and dismantled will be arranged by the Sponsor and the Parks staff.

(c) Size of the Main street banners are 29" X 72"; or as otherwise approved by the Parks staff.

(d) The number of banners to be hung for winter and summer is 35. Five additional banners must be submitted for replacement.

(e) The design must be on both sides, or as otherwise approved by the Parks Department.

(f) One and one half inch (1 1/2") brass grommets should be installed on both bottom corners. A three and one half to four inch (3 1/2" to 4") by 29 inch wide sleeve at the top of the banner is required to hang the banners on brackets.

(g) Banners must be sewn for mounting on existing brackets. A sample will be provided by the Parks Department. Sponsors are required to contact the Parks Department for review of their proposal for compliance with the actual specifications.

(h) Fabric must be of a durable material to withstand snow and heavy winds.

(i) Sponsors will pay for artwork, banner production, installation and dismantling of banners.

(j) Artwork should be approved at least two months prior to hanging date. A written permit will be issued by the Planning and Parks staff.

(k) The owner of a banner shall agree to assume full liability and indemnify the City for any damage to persons or property arising from the display of the banner by the City.

(l) If the banner is not picked up from the Park Department by the applicant or sponsor within ten

days after it has been taken down, the banner shall become the property of the City and will be disposed of.

(m) Banners should be received by the Parks Department one week prior to the date of scheduled display.

(n) The City is not responsible for any damage that may occur to the banner from any cause.

(d) **Fee.** A fee shall be payable to the city when the application is dropped off at the Parks Department before its reservation commences to cover costs associated with installation and removal of the banners. This fee shall be established by the ~~Fee Resolution shall be \$100,~~ and checks shall be made payable to the Park City Leisure Services department and submitted with the application.

CHAPTER 8 - NON-REGULATED SIGNS

12- 8- 1. SIGNS EXEMPT FROM PERMIT REQUIREMENT. The following signs are not subject to a permit requirement if the following standards are met. They shall be regulated by the following size and placement standards and shall not be included when calculating permitted sign area for any parcel, use or development. Building permits may be required for the installation of these signs even though they are exempt from design review and regulation.

(a) **Nameplates (residential).** One nameplate sign for each single family residence, which shall not exceed one square foot in area. If lighted, a building permit is required.

(b) **Vacancy signs.** Vacancy signs are allowed only for those buildings which are permitted and licensed for nightly rentals within the HCB, HRC, GC and RC zones. Vacancy signs may be a maximum of two (2) square feet. If illuminated, a building permit is required.

(c) **Solicitation signs.** One "no solicitors" sign, not to exceed one square foot, is allowed per major entrance to any building or apartment complex.

(d) **Hours of operation sign.** One "hours of operation" sign is allowed per entryway. Each sign may not exceed one square foot in area. The sign may not be illuminated.

(e) **Trespassing signs.** "No trespassing" signs may be posted on doors, windows or other property entrances, or on fence or property lines. They may not exceed one square foot in area, and may not be illuminated.

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(f) **Addressing numbers.** Addressing numbers may be no higher than twelve (12) inches. When placed on commercial buildings, they may be taken into account in the review of the signage plan, and counted as signage if part of the overall signage for the building.

(g) **Interior signs.** Non-illuminated signs which are on the interior of buildings set back at least two (2) feet from any window are not regulated at all. Illuminated interior signs setback at least ten feet are not regulated for design but a building permit is required.

(h) **Flags, symbols, or insignias.** The flag of the United States, the state of Utah, or other flags or insignias of governmental entities or agencies may be displayed and not counted as signage.

(i) **Special sale signs.** Merchants may advertise special sales with temporary paper signs on the inside of windows provided they do not cover more than fifty percent (50%) of the window area. Special sale signs may be displayed two (2) weeks at a time, five (5) times a year.

(j) **Private plazas.** Signs on privately owned walls or plazas that are so located as to be oriented to the plaza and not to public streets are not regulated, except that building permits may be required for mounting and wiring.

(k) **Private recreational facilities.** Signs located inside open air recreational facilities which are not oriented to public streets, e. g. directional signs in ski resorts and golf courses are not regulated.

(l) **Public necessity signs.** Public necessity signs such as bus stop, no parking and street name signs installed by or with permission of Park City Municipal Corporation are exempt from permit requirements. Approval of the Public Works Director and Community Development Director is required in order to insure safe placement and prevent unsightly or distracting sign placement.

(m) **Special events fliers.** Fliers or posters advertising special events may be displayed on the inside of windows of businesses, provided the owner of the business approves of the placement. Such posters may be displayed for up to one week prior to an event, and must be removed within 48 hours after the event. Posters or fliers may not be tacked up to the exterior of any building or to telephone/utility poles or distributed by placement on parked automobiles or on door steps, etc.

CHAPTER 9 - PROHIBITED SIGNS AND SIGNAGE ILLUMINATION

12- 9- 1. PROHIBITED SIGNS. No person shall erect, alter, maintain, or relocate any sign as specified in this Chapter in any zone:

(a) **Signs creating traffic hazards.** No sign shall be erected at or near any public street or the intersection of any streets in such a manner as to create a traffic hazard by obstructing vision or at any location where it would interfere with, obstruct the view of, or be confused with any authorized traffic sign.

(b) **Hazardous signs.** No sign shall be erected or maintained which, due to structural weakness, design defect, or other reason, constitutes a threat to the health, safety and welfare of any person or property.

(c) **Signs resembling traffic or signs.** No sign shall be constructed, erected, or maintained which purports to be or resembles an official traffic sign or signal except those signs officially authorized by Park City or other governmental entities.

(d) **A-frame signs.** Any portable sign or structure composed of two (2) sign faces mounted or attached back to back in such a manner as to form a basically triangular vertical cross section through the faces.

(e) **Flashing signs or lights.** Any sign which contains an intermittent or flashing light source, or which includes the illusion of intermittent or flashing light by means of animation, or an externally mounted intermittent light source. Flashing light sources are prohibited.

(f) **Electronic message signs.** A permanent free-standing roof, wall, or other sign which changes copy electronically using switches and electric lamps. Automatic changing signs, such as public service, time, temperature and date signage are prohibited.

(g) **Off-premise signs and billboards.** A permanent outdoor advertising sign which advertises goods, products, or services not sold on the premises on which the sign is located.

(h) **Roof signs.** Any signs erected partly or wholly on or over the roof of a building, including ground signs that rest on or overlap a roof. Signs mounted anywhere on a mansard roof are not allowed.

(i) **Animated signs.** A rotating or revolving sign, or signs where all or a portion of the signs moves in some manner.

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(j) **Wind signs.** Any propeller, whirling, or similar device which is designed to flutter, rotate, or display other movement under the influence of the wind. This shall include "gasoline flags", or banners.

(k) **Bench signs.** Any outdoor bench or furniture with commercial signage.

(l) **Mobile or portable signs.** A sign not permanently attached to the ground or building, except for public necessity signs and temporary signs as allowed by this Code.

(m) **Vehicle Signs.** Roof or antenna mounted signs on automobiles, except for student driver signs. Vehicle signs may be allowed on the sides of vehicles but they may not be illuminated.

(n) **Home occupation signs.** Business identification sign for a home occupation.

(o) **Video signs.** Animated visual messages which are projected on a screen.

(p) **Illuminated awnings.** Illuminated (back-lit), translucent, awnings are not considered appropriate in Park City and are prohibited.

(q) **Inflatable signs or displays.** Any inflatable object used for signage or promotional purposes.

(r) **Outdoor displays.** Outdoor display of merchandise is considered as advertisement and is prohibited except as allowed under Title 4. ~~Licensing Peddlers and Solicitors Ordinance, as amended,~~ and/or under the Master Festival License Ordinance, as amended.

(s) **Abandoned signs** Any sign applicable to a use which has been discontinued for period of three (3) months.

(t) **Banners** All banners ~~as defined in Section 14,~~ with the exception of those approved under Sections 12-7-11 and 12-7-12 of this Title.

CHAPTER 10 - REMOVAL OF ILLEGAL AND UNSAFE SIGNS

12-10- 1. ABATEMENT OR REMOVAL OF UNSAFE, DANGEROUS NON-MAINTAINED OR ABANDONED SIGNS. If, upon inspection, the Building Official determines a sign, or awning permitted by the Park City Sign Code, to be unsafe, unmaintained, or abandoned, the Building Official may issue a written order to the owner of the sign and occupant of the premises stating the nature of the violation and requiring them to repair or remove the sign within five (5) working days after receipt of notice from the City.

In cases of emergency, the Building Official may cause the immediate removal of a dangerous or defective sign. Signs removed in this manner must present a imminent hazard to the public safety.

12-10- 2. ABATEMENT AND REMOVAL OF ILLEGAL SIGNS. Any person who hangs, posts, or installs a sign which requires a permit under this Code, and who fails to obtain a permit before installing the sign, shall be guilty of a Class C misdemeanor and be fined accordingly.

12-10- 3. REMOVAL OF NON-CONFORMING SIGNS. All signs which are not in conformance with this ordinance shall be removed by the owner or user of the sign within two (2) years from the date on which the Department gives notice to the owner that the sign is non-conforming. In any event, the non-conforming sign shall not be transferred to a new tenant or occupant of the premises on which the sign is erected, but shall be removed at the termination of the tenancy to which it applies.

(a) **Notice.** Notice of the non-conforming status of signs shall be given by the Department in writing. The notification shall state the location of the sign, and the modifications needed to bring it into conformance, or that the sign must be removed entirely if it cannot be made to conform. Notices may be sent by regular United States mail and notice is deemed complete upon mailing. Notices may be sent by certified or registered mail, but that is not required.

(b) **Amortization period.** Upon receipt of notice, the owner of any non-conforming sign may enter into an agreement with the City to bring the sign into compliance, or to remove the sign, after a reasonable period of amortization which shall not, in any event, exceed five (5) years. In the absence of such an agreement, the owner of the sign is deemed to have consented to the two year amortization period. Signs which have been in place for more than three (3) years prior to the adoption of this Code, and were non-conforming under the previous ordinance, shall not be eligible for an amortization period of more than two (2) years. Signs which have been in place for less than three (3) years prior to the effective date of this Code will be given a two (2) year amortization period, unless the owner can establish a necessity for a longer period, such as a lease agreement on the sign itself, recent improvements of substantial cost, or similar investment or commitment that makes an amortization period of longer than two (2) years necessary to avoid an economic loss. In no event will the amortization period exceed five (5) years from the date of notice that a sign is non-conforming.

12-10- 4. REPAIR OF DAMAGED NON-CONFORMING SIGNS. No sign which is not in conformance with this Code shall be repaired or restored after having been damaged to the extent of more than

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fifty percent (50%) of its value immediately prior to the event causing the damage or destruction. The owner of the sign or owner of the property shall have the obligation to properly remove the sign.

12-10- 5. ALTERATION OF NON-CONFORMING SIGNS. Non-conforming signs may be maintained and repaired in accordance with ~~Section 11-6~~ 12-12-1 of this Title, provided that the alterations and repairs are for the purpose of maintaining the sign in its original condition. Alterations to a non-conforming sign which changes the use, content, color, lighting, or appearance of a non-conforming sign are subject to design review and approval by the Community Development Department, but in no case shall a non-conforming sign be conveyed to a new tenant, and the amortization period of the sign shall not be extended. Alterations of a substantial nature which bring the sign closer to full compliance with size, location, or height standards may be made, and if those modifications are substantial, the Director may start a new five (5) year amortization period from the date of the substantial modification. To be considered substantial, the modification must have brought the sign into conformance with the lighting, color, and materials standards in addition to making a major modification to height, size, or location.

12-10- 6. REMOVAL OF SIGNS BY THE BUILDING OFFICIAL AND COST ACCESSED AGAINST OWNERS. The Building Official may cause the removal of an illegal sign in cases of emergency, or for failure to comply with the written orders of removal or repair under the procedures and authority of ~~Ordinance No. 85-9~~.

CHAPTER 11 - MAINTENANCE

12-11-1. RESPONSIBILITY OF OWNER. It is the affirmative obligation of the owner of every sign erected in Park City to maintain that sign and to keep it in a good state of repair at all times. Upon discovery of a sign in need of maintenance, the Department shall give written notice to the owner of the sign or the owner of the property on which the sign is located if the owner of the sign itself cannot be determined. This notice shall state the item or items requiring repair or maintenance. The owner shall have fourteen (14) days in which to repair the sign before a citation is issued. If the owner has failed to make repairs within that time, the Department shall cause a citation to be issued. It shall be unlawful, after the fourteen (14) days notice has expired, for any person to display a sign in any of the following conditions:

(a) Lettering or other elements of the sign have become detached and have fallen off the sign or become misaligned;

(b) Painted surfaces on the sign have begun to peel, flake over a substantial portion of the sign, or have faded or

oxidized to an extent that the sign no longer displays the colors approved by the Department as shown on the application for a sign permit;

(c) The information on the sign has become obsolete or abandoned due to changed use or occupancy of the property.

CHAPTER 12 - INSPECTION OF SIGNS.

12-12- 1. INSPECTION BY BUILDING DEPARTMENT. The Building Department shall inspect, as it deems necessary, signs regulated by this Code to ascertain whether the signs have been adequately installed and adequately maintained to minimize risks to the public.

12-12- 2. CERTAIN SIGNS TO BE APPROVED BY ELECTRICAL INSPECTOR. The application for a permit for erection of a sign or other advertising structure in which electrical wiring and connections are to be used shall be submitted to the electrical inspector. The electrical inspector shall examine the plans and specifications with respect to all wiring and connections to determine if they comply with the electrical code of the City, and he shall approve such permit if the plans and specifications comply with the code or disapprove the application if non-compliance with the code is found.

CHAPTER 13 - VIOLATION OF TITLE.

12-13- 1. PENALTY. Violation of this Title is a Class "C" misdemeanor.



Ordinance No. 92-19

AN ORDINANCE AMENDING THE LAND MANAGEMENT CODE OR PARK CITY, UTAH
TO INCLUDE AMENDMENTS TO
CHAPTER 2, DEFINITION OF FLOOR AREA;
CHAPTER 4, DEMOLITION PERMITS;
CHAPTER 7, LOT SIZE POLICY,
CHAPTER 8, SATELLITE DISH SCREENING; AND
CHAPTER 9, TOWER FEATURES ON SINGLE FAMILY DWELLINGS
AND LIMITING THE USE OF STUCCO ON SINGLE FAMILY RESIDENCES

WHEREAS, the City Council is empowered to make amendments to the Land Management Code; and

WHEREAS, public hearings were duly advertised and held before the Planning Commission on September 23 and October 14 and before the City Council on October 29 and November 5, 1992; and

WHEREAS, the City Council deems it in the best interest of the community to make the above-captioned amendments to the Code;

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

SECTION 1. AMENDMENTS TO THE LAND MANAGEMENT CODE
ADOPTED: The following amendments shall be made to the Land Management Code as follows:

Amend Land Management Code Chapter 2, definition of Floor Area as follows:

Floor Area. The floor area is the area of a building that is enclosed by surrounding exterior walls, excluding a 600 square foot allowance for garages. It is the intent of this definition to include lower levels into the floor area calculation which are not true basements. A true basement has all four walls underground. Therefore, a lower level will be counted into the floor area of a building if it is less than 80% underground or has an outside door (including garage door) visible from public rights-of-way. If an entire lower level does not meet the criteria for exclusion from the floor area calculation, no part of the lower level may be excluded. ~~Basements will be considered floor area whether finished or unfinished. Basements which are more than 80% below natural and finished grade will not be included in the floor area calculation.~~ Unenclosed porches, balconies, patios and decks will not be considered floor area. This definition is for planning purposes only and may conflict with other methods of calculating square footage such as the Uniform Building Code.

Amend Land Management Code Section 4.15 as follows:

4.15. CERTIFICATE OF APPROPRIATENESS FOR DEMOLITION. With the exception of any building or structure falling under the purview of Section 203 of the Uniform Building Code or undergoing complete renovation\reconstruction in compliance with this Chapter, no building or other structure located within the historic district or over 50 years old and deemed to be historically significant by the Historic District Commission may be demolished or removed without the prior issuance of a Certificate of Appropriateness (CAD) by the Planning Department or the Historic District Commission (HDC).

Add the following to Land Management Code Section 7.1.3.a:

The Commission advises that all resubdivisions of lots within the HR-1 zone comply with a standard lot size of approximately 25 by 75 feet. Because combinations of lots are permitted for larger structures, development potential of resubdivided parcels is not affected. However, smaller lots do allow the potential for the development of smaller single family structures, while resubdivisions into larger lots promotes the construction of larger houses, duplexes, and triplexes.

Amend Land Management Code Section 8.24.(a) to read:

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

Amend Land Management Code Section 8.24.(c) to read:

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

to ensure installation of required screening. The security shall be 125% of the estimated cost of the screening.

A diagram of screening which protects the reception window will also be added to the Land Management Code.

Amend Land Management Code Section 9.5(a) to read:

9.5. ARCHITECTURAL DESIGN GUIDELINES. The following architectural design guidelines apply to all conditional and permitted uses in all zones outside the Historic District:

(a) Prohibited Architectural Styles and Motifs. The following architectural styles and motifs are prohibited in Park City:

A-Frame structures;

Geodesic dome structures;

Mediterranean motifs;

Tudor or mock tudor (half timbering);

"Swiss" chalets;

Highly ornate Victorian;

Rustic frontier;

Colonial;

Nouveau-Chateau, French Provincial, Fairy Tale or Castle. Tower features and turrets may be allowed if roofs are not conical and if the roof line is integrated into the main structure. Round exterior walls are permitted but not as semi-detached round rooms (i.e., a round room may not exceed 270 degrees).

Other historical or period design motifs that have a strong connection or association with other regions, or which have no historical connection with Park City.

New structures designed to imitate historic structures built in Park City or elsewhere, unless the project complies with the Historic District Design Guidelines.

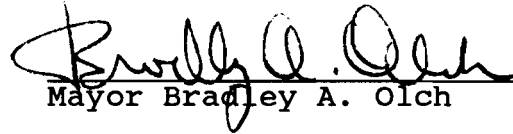
The above provisions addressing tudor, victorian, and colonial styles and tower elements shall not apply in the Prospector Park subdivision.

Add the following to the end of Section 9.5(b)

In order to avoid architectural styles which are foreign to Park City (particularly Mediterranean, Southwestern, or Adobe), building designs which include large, unbroken expanses of stucco will not be approved. Stucco must be of earth tones; white and pastel colors are prohibited.

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

PARK CITY MUNICIPAL CORPORATION



Mayor Bradley A. Olch

Attest:

Janet M. Scott
Deputy City Recorder

Ordinance No. 92-20

AN ORDINANCE ADDING SECTION 8.27 TO THE LAND MANAGEMENT CODE
OF PARK CITY, UTAH TO ADD CRITERIA
FOR CONDITIONAL USE REVIEW OF OUTDOOR SPEAKERS IN
CONJUNCTION WITH OUTDOOR DINING

WHEREAS, outdoor speakers in conjunction with outdoor dining may be determined as an enhancement to the dining experience when criteria such as adjacent uses are considered; and

WHEREAS, previous conflicts with the liquor license provisions of the Municipal Code prohibiting liquor license holders to provide outside music for the enjoyment of their patrons have been mitigated to accommodate outdoor speakers in conjunction with outdoor dining; and

WHEREAS, public hearings were duly advertised and held before the Planning Commission on September 23 and October 14 and before the City Council on October 29, 1992; and

WHEREAS, the City Council deems it in the best interest of Park City businesses and our resort community to allow outdoor speakers in conjunction with outdoor dining under certain circumstances and subject to specific conditions;

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

SECTION 1. AMENDMENT TO THE LAND MANAGEMENT CODE ADOPTED. The following amendment is hereby adopted.

Add Land Management Code Section 8.27 to read:

8.27 CRITERIA FOR CONDITIONAL USE REVIEW OF OUTDOOR SPEAKERS IN CONJUNCTION WITH OUTDOOR DINING.

- (a) Conditional Use Required. The Planning Commission will consider, as a conditional use, the placement of outdoor speaker systems in conjunction with approved outdoor dining. In reviewing whether a conditional use should be granted, the Planning Commission shall consider adjacent land uses. If outdoor music cannot be mitigated so as not to adversely impact adjacent uses, the request for a conditional use will be denied by the Planning Commission.
- (b) Criteria. The Planning Commission shall attach criteria and conditions appropriate to reduce any potential impact of outdoor speaker systems on adjacent properties. At a minimum, the following criteria shall be applied to all requests for the use of outdoor speakers:

1. Music shall have hours limited to between 11:00 A.M. and 10:00 P.M.


2. Sound levels of the music shall be kept at a volume so as not to be disruptive to adjacent property and shall not be audible beyond the boundaries of the outdoor dining area.

3. Speakers shall be placed at table level or below and shall not be directed off site.

(c) Review for Compliance. All conditional use approvals for outdoor speaker systems shall be reviewed by the Community Development Staff for compliance with the conditions of approval after one year. If the staff finds that conditions have been violated at any time before or after the one year review, the conditional use approval for outdoor speakers may be terminated.

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

PARK CITY MUNICIPAL CORPORATION



Mayor Bradley A. Olch

Attest:

Janet M. Scott
Deputy City Recorder

ORDINANCE No. 9221

**AN ORDINANCE AMENDING TITLE 4 CHAPTER 2 SECTION 18 (a)
VENDING MACHINES/MECHANICAL DEVICES OF THE MUNICIPAL CODE OF
PARK CITY**

WHEREAS, the City Council adopted Title 4 of the Municipal Code of Park City to regulate licensing within the City; and

WHEREAS, §4-2-18(a) of said code regulates Vending Machines and Mechanical Devices; and

WHEREAS, it is deemed to be in the best interest of the citizens of Park City to add language to §4-2-18 (a) which provides for a option to license food and beverage vending machines under the "fleet" license and pay the fleet fee as provided in the fee resolution;

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

SECTION 1. SECTION 4-2-18 (a) OF THE MUNICIPAL CODE OF
PARK CITY IS HEREBY AMENDED AS FOLLOWS:

The following language shall be added at the end of the existing §4-2-18 (a) paragraphs.

A business which operates a fleet of food and/or beverage vending machines may purchase a fleet license for all machines operated by that business at the rate established by the Rate Table per year, in lieu of individually licensing all machines. A license sticker shall be issued for each machine in the fleet, regardless of number. This fleet license shall not apply to video games, electronic entertainment devices, billiards or other similar devices.

SECTION 2. All other provisions of §4-2-18(a) shall remain unchanged and as adopted.


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

PASSED AND ADOPTED this 10th day of December, 1992.

PARK CITY MUNICIPAL CORPORATION


BRADLEY A. POLCH, MAYOR

ATTEST:


ANITA L. SHELDON, CITY RECORDER

Ordinance No. 92-22

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP
OF PARK CITY, UTAH TO INCLUDE THE
PETERSON (WILLOW RANCH) PROPERTY

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

WHEREAS, the Park City Council, on its own motion, has proposed the annexation of these properties on the terms and conditions set forth in a Supplemental Annexation Declaration dated December 17, 1992; and

WHEREAS, notice of the proposed annexation was duly published for at least four consecutive weeks in compliance with state law; and

WHEREAS, public hearings were held before the Planning Commission on December 2, 1992 and before the City Council on December 10 and 17, 1992, and the City Council finds that the annexation and zoning designation proposed at the time of the hearing is in the best interest of the community;

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

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

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

PASSED AND ADOPTED this 17th day of ~~August~~^{December}, 1992.

PARK CITY MUNICIPAL CORPORATION



Mayor Bradley A. Olch

Attest:

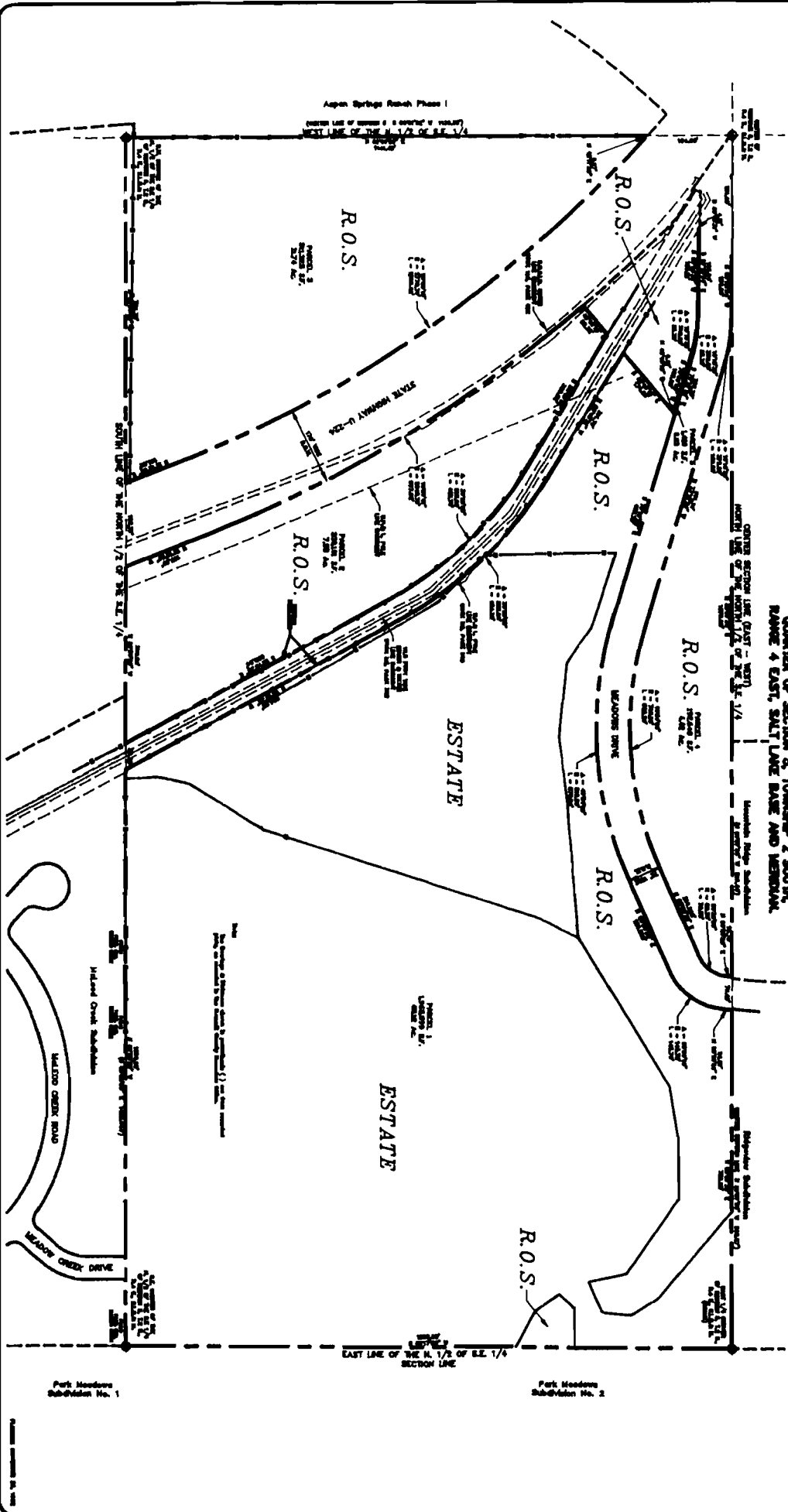


Anita L. Sheldon, City Recorder



ANNEXATION & ZONING PLAT OF THE PETERSON PROPERTY

LOCATED IN THE NORTH HALF OF THE SOUTHEAST
QUARTER OF SECTION 5, TOWNSHIP 2 SOUTH,
RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN.



CITY COUNCIL APPROVAL
 PRESENTED TO THE BOARD OF
 CITY ENGINEERS, THE
 CITY PLANNING COMMISSION, AND
 THE CITY ATTORNEY ON _____
 DATE: _____

CITY ENGINEER
 APPROVED AND ACCEPTED BY THE
 CITY ENGINEER ON _____
 DATE: _____

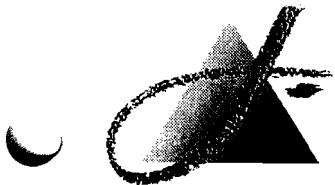
CITY PLANNING COMMISSION
 APPROVED AND ACCEPTED BY THE
 CITY PLANNING COMMISSION ON _____
 DATE: _____

APPROVAL AS TO FORM
 APPROVED AS TO FORM ON _____
 DATE: _____

RECORDED
 IN THE STATE OF _____
 COUNTY OF _____
 RECORDED AND FILED AT THE REQUEST OF

 COUNTY RECORDER

THE JACK JOHNSON COMPANY
 1900 West 10th Street
 Salt Lake City, Utah 84119



WILLOW RANCH
PARCEL 1

Innovators in Project Direction . . .

Legal Description

October 20, 1992

Beginning at the East Quarter Corner of Section 5, Township 2 South, Range 4 East, Salt Lake Base and Meridian; thence along the East line of the North half of the Southeast Quarter of said Section 5, South $00^{\circ}17'50''$ West 1338.83 feet to the Southeast Corner of the North half of the Southeast Quarter of said Section 5, said point also being the Northeast Corner of McLeod Creek Subdivision as recorded; thence along the South line of the North half of the Southeast Quarter of said Section 5, said South line also being the North line of said McLeod Creek Subdivision, North $89^{\circ}58'59''$ West 1258.05 feet to a point on the Easterly most line of a 50 foot wide railroad right-of-way; thence along said railroad right-of-way the following three (3) calls: (1) North $28^{\circ}16'38''$ West 694.96 feet to a point of a 855.00 foot radius curve to the left; (2) along the arc of said curve 454.36 feet thru a central angle of $30^{\circ}26'53''$; (3) North $58^{\circ}43'31''$ West 311.76 feet; thence North $49^{\circ}48'18''$ East 174.85 feet to a point on the southerly most right-of-way line of Meadows Drive as recorded; thence along said Meadows Drive right-of-way the following five (5) calls, (1) South $73^{\circ}10'24''$ East 468.75 feet to a point of a 812.00 foot radius curve to the left; (2) along the arc of said curve 579.64 feet thru a central angle of $40^{\circ}54'00''$; (3) North $65^{\circ}55'36''$ East 216.285 feet to a point of a 140.30 foot radius curve to the left; (4) along the arc of said curve 145.70 feet thru a central angle of $59^{\circ}30'00''$; (5) North $6^{\circ}25'36''$ East 24.87 feet to a point on the North line of the North half of the Southeast Quarter of said Section 5, said point also being on the South line of Ridgeview Subdivision as recorded; thence along said North line of the North half of the Southeast Quarter of said Section 5, said line also being the South line of Ridgeview Subdivision as recorded North $89^{\circ}57'38''$ East 738.83 feet to the Point of Beginning.

Contains: 1,965,599 square feet or 45.12 acres more or less.

Governmental Approvals • Land Planning • Architecture • Civil Engineering
1910 Prospector Avenue • Park City, Utah 84060
(801) 645-9000 • Fax (801) 649-1620

THE JACK
JOHNSON
COMPANY

**WILLOW RANCH
PARCEL 2**

Legal Description

October 20, 1992

Beginning at a point located South $00^{\circ}17'50''$ West along Section line 1338.83 feet and North $89^{\circ}58'59''$ West 1314.83 feet from the East Quarter Corner of Section 5, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said point of beginning being on the South line of the North half of the Southeast Quarter of said Section 5, said point also being on the North line of McLeod Creek Subdivision as recorded; said point also being on the westerly most line of a 50-foot wide railroad right-of-way; thence along said South line of the North half of the Southeast Quarter of said Section 5, North $89^{\circ}58'59''$ West 386.24 feet to a point on the Easterly most right-of-way line of State Highway U-224; thence along said Easterly right-of-way line the following two (2) calls: (1) North $21^{\circ}12'00''$ West 187.97 feet to a point of a 2949.79 foot radius curve to the left; (2) along the arc of said curve 977.92 feet thru a central angle of $18^{\circ}59'41''$; thence North $49^{\circ}48'18''$ East 82.32 feet to a point on the westerly most line of a 50-foot wide railroad right-of-way; thence along said westerly right-of-way line the following three (3) calls: (1) South $58^{\circ}43'31''$ East 328.52 feet to a point of a 805.00 foot radius curve to the right; (2) along the arc of said curve 427.79 feet thru a central angle of $30^{\circ}26'53''$; (3) South $28^{\circ}16'38''$ East 668.04 feet to the Point of Beginning.

Contains: 330,101 square feet or 7.58 acres more or less.

**WILLOW RANCH
PARCEL 3**

Legal Description

November 12, 1992

Beginning at a point located South $00^{\circ}17'50''$ West along Section line 1338.83 feet and North $89^{\circ}58'59''$ West 1883.44 feet from the East Quarter Corner of Section 5, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said point of beginning being on the South line of the North half of the Southeast Quarter of said Section 5, said point also being on the Westerly right-of-way line of State Highway U-224; thence along said South line of the North half of the Southeast Quarter of said Section 5, North $89^{\circ}58'59''$ West 752.35 feet to the Southwest Corner of the North half of the Southeast Quarter of said Section 5; thence along the West line of the North half of the Southeast Quarter of said Section 5 North $00^{\circ}00'59''$ East 1141.43 feet; thence North $42^{\circ}11'39''$ East 8.07 feet to a point on the Westerly right-of-way line of State Highway U-224; said point also being on the arc of a 2779.79 foot radius curve to the right; thence along said westerly right-of-way the following two (2) calls: (1) along the arc of said 2779.79 foot radius curve 1260.82 feet thru a central angle of $25^{\circ}59'15''$; (2) South $21^{\circ}12'00''$ East 121.92 feet to the Point of Beginning.

Contains: 511,325 square feet or 11.74 acres more or less.

**WILLOW RANCH
PARCEL 4**

Legal Description

November 12, 1992

Beginning at a point located North $89^{\circ}57'38''$ West along the center of Section line 811.29 feet from the East Quarter Corner of Section 5, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said point of beginning being on the North line of the North half of the Southeast Quarter of said Section 5, said point also being on the South line of Mountain Ridge Subdivision as recorded, said point also being on the Westerly most right-of-way line of Meadows Drive as recorded; thence along said Meadows Drive right-of-way the following seven (7) calls: (1) South $06^{\circ}25'36''$ West 16.70 feet to a point of a 68.30 foot radius curve to the left; (2) along the arc of said curve 70.93 feet thru a central angle of $59^{\circ}30'00''$; (3) South $65^{\circ}55'36''$ West 216.285 feet to a point of a 740.00 foot radius curve to the right; (4) along the arc of said curve 528.24 feet thru a central angle of $40^{\circ}54'00''$; (5) North $73^{\circ}10'24''$ West 601.10 feet to a point of a 372.00 radius curve to the left; (6) along the arc of said curve 105.88 feet thru a central angle of $16^{\circ}18'30''$; (7) North $89^{\circ}28'54''$ West 134.95 feet to a point on the North line of the North half of the Southeast Quarter of said Section 5; thence along said North line of the North half of the Southeast Quarter of said Section 5, North $89^{\circ}57'38''$ East 1570.05 feet to the Point of Beginning.

Contains: 192,648 square feet or 4.42 acres more or less.

**WILLOW RANCH
PARCEL 5**

Legal Description

November 12, 1992

Beginning at a point located South $89^{\circ}57'38''$ West along the center of Section line 2036.23 feet and South 124.61 feet from the East Quarter Corner of Section 5, Township 2 South, Range 4 East, Salt Lake Base & Meridian said point also being on the Southerly right-of-way line of Meadows Drive as recorded; thence South $49^{\circ}48'18''$ West 6.01 feet; thence North $73^{\circ}06'00''$ West 136.85 feet to a point of a 300-foot radius curve to the left; thence along the arc of said curve 85.39 feet thru a central angle of $16^{\circ}18'30''$; thence North $89^{\circ}24'35''$ West 183.21 feet to a point on the Easterly most line of a 50-foot wide railroad right-of-way; thence North $58^{\circ}43'31''$ West along said railroad right-of-way 4.21 feet to a point on the Southerly right-of-way of Meadows Drive as recorded; thence along said Meadows Drive right-of-way the following three (3) calls: (1) South $89^{\circ}28'54''$ East 195.64 feet to a point of a 300-foot radius curve to the right; (2) along the arc of said curve 85.39 feet thru a central angle of $16^{\circ}18'30''$; (3) South $73^{\circ}10'24''$ East 132.35 feet to the Point of Beginning.

Contains: 1,410 square feet or 0.03 acres more or less.