

**PARK CITY MUNICIPAL CODE
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**TITLE 14 - TREES/LANDSCAPING; STREETS, SIDEWALKS AND STAIRS;
STREETCUTS; SNOW REMOVAL; STREET ADDRESS SYSTEM; NEWS RACKS**

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STREET CUTS; SNOW REMOVAL; STREET ADDRESS
SYSTEM; NEWS RACKS**

**CHAPTER 1 – TREES/LANDSCAPING
ON PUBLIC AND PRIVATE
PROPERTY**

14- 1- 1. PURPOSE.

The City prides itself on its many areas of landscape, both natural and enhanced, and recognizes the importance of trees within the community. Not only do trees add to the beauty of the community, but they stabilize surface drainage, soil erosions, and mitigate siltation of streams. A well-designed landscape planting can reduce air and sound pollution, and regulate solar radiation and wind control.

**14- 1- 2. CREATION OF
FORESTRY MANAGER, BOARD AND
APPOINTMENTS.**

The City Manager or his/her designee shall be the Park City Forestry Manager. The Park City Forestry Board shall consist of three members of the Parks, Recreation and Beautification Advisory Board. The Chairman of the Parks, Recreation and Beautification Advisory Board shall appoint members to the Park City Forestry Board.

Each member shall serve a minimum two (2) year term. Of the members first appointed, the Chairman shall designate one to serve for one year, and two for a term of two years. Thereafter, as terms expire, all appointments shall be for terms of two years. Members of the Forestry Board shall serve without compensation.

**14- 1- 3. DUTIES AND
RESPONSIBILITIES OF THE
FORESTRY MANAGER.**

The Forestry Manager shall have full power over all trees and shrubs located within the City's rights-of-way, parks and public places; over trees and shrubs located on private property that constitute a hazard or threat as described herein; and to building sites, both commercial or residential, regarding landscaping, vegetation disturbance limits and visual impacts.

**14- 1- 4. DUTIES AND
RESPONSIBILITIES OF THE
FORESTRY BOARD.**

The Forestry Board shall assist the Forestry Manager in developing and operating a

comprehensive forestry plan. It shall be the responsibility of the Board to study, investigate, counsel, formulate, develop and/or update, and administer a Community Forestry Plan, hereinafter referred to as "Forestry Plan" for the care, preservation, pruning, planting, replanting, removal or disposition of trees and shrubs in parks, along streets, and in other public places. Such plan will be presented, when appropriate, to the City Council and upon its acceptance and approval, by the Council, shall constitute the official comprehensive city tree plan for the City of Park City.

The Board, when requested by the Forestry Manager shall consider, investigate, make findings, report and recommend upon any special matter or question coming within the scope of its work. The Board shall choose its own officers, make its own rules and regulations, and keep a journal of its proceedings. A majority of the members shall be a quorum for the transaction of business.

14- 1- 5. REGULATIONS FOR PLANTING TREES AND LANDSCAPING IN THE CITY'S RIGHT-OF-WAY.

Tree planting on public ways shall be coordinated with required open or landscaping areas on private property so as to achieve the most effective use of these areas and to accomplish the purposes of aesthetics and conservation. All trees planted in the public rights-of-way and all tree planting spaces shall be approved by the Forestry Manager who shall supervise such locating and planting according to the

Forestry Plan and in a manner meeting the following considerations:

(A) **REPLACEMENT**. Trees that must be removed shall be replaced by a new planting except in circumstances which the Manager deems impractical.

(B) **SPACING**. Unnatural regularity of spacing and arrangement shall be avoided, staggered or irregular locations being preferred, depending upon tree type.

(C) **SPECIES**. Species selected may vary; however, the preference of natives is urged. A list of preferred plants and trees shall be maintained by the Forestry Manager and specified in the Forestry Plan.

(D) **DISTANCE FROM CURB AND SIDEWALK, STREET CORNERS, FIRE HYDRANTS, UTILITIES AND SNOW STORAGE**. The Forestry Manager shall give special consideration to locations and species of plantings from curb and sidewalk, street corners, fire hydrants, utilities and for snow removal. Determinations will be based on health and safety issues and/or the provisions set forth in the Forestry Plan.

14- 1- 6. REGULATIONS FOR PLANTING AND MAINTENANCE OF TREES AND LANDSCAPING ON PRIVATE PROPERTY.

The City has adopted and implemented landscaping standards to address both aesthetics and conservation concerns for new development. These provisions are

included in various chapters of this Code relating to but not limited to water connection/development fees for residential and commercial development, master planned development and subdivision applications, and construction projects subject to sensitive lands criteria.

14- 1- 7. PUBLIC TREE CARE.

The City shall have the right, as determined by its sole discretion, to plant, prune, maintain, and remove trees, plants and shrubs within rights-of-way, streets and public property as may be necessary to ensure public safety or to preserve or enhance public grounds.

14- 1- 8. ILLEGAL TO CUT TREES AND/OR TREE TOPPING.

It shall be unlawful for any person to remove trees situated on City property, including streets and roadways of the City, without obtaining permission from the Forestry Manager for that purpose.

It shall be unlawful as a normal practice for any person, firm, or City department to top any tree. Topping is the severe cutting back of limbs to stubs larger than three inches (3") in diameter within the tree's crown to such a degree as to remove the normal canopy and disfigure the tree. Trees severely damaged by storms or other causes, or certain trees under utility wires or other obstructions where other pruning practices are impractical, may be exempted from this section at the determination of the Forestry Manager.

14- 1- 9. PRUNING, CORNER CLEARANCE.

Subject to the provisions of Section 14-1-10, every owner of any tree or shrub overhanging any street, sidewalks, or right-of-way within the City shall prune the branches so that such branches shall not severely obstruct the light from any street lamp, obstruct the view of any street intersection, or obstruct and create a hazard on a sidewalk. Said owners shall remove all dead, diseased, or dangerous trees and shrubs, or broken or decayed limbs, which constitute a menace to the safety of the public. The City shall have the right to prune any tree or shrub on private property when it interferes with the proper spread of light along the street from a street light, interferes with visibility of any traffic control device, sign or sight triangle at intersections, or constitutes a hazard on a sidewalk. Any costs incurred by the City will be collected from the adjacent property owner.

14- 1-10. REMOVAL OF DEAD AND/OR HAZARDOUS TREES/PLANTINGS ON THE CITY'S RIGHT-OF-WAY - PROPERTY OWNER'S RESPONSIBILITY

The removal of any tree, living or dead is subject to the permit process, as outlined in Section 14-1-11. Dead trees and/or hazardous planting on the City's right-of-way will be removed at the adjacent property owner's expense. If the dead tree is determined by the City to be a hazard and the adjacent property owner refuses to cooperate with its removal, it shall be

removed by the City and any costs incurred will be collected from the adjacent property owner. The City accepts responsibility for maintenance of planted areas on public property and the City's rights-of-way for City installed projects, which are regularly maintained by City staff.

14- 1-11. PERMIT TO REMOVE TREES OR VEGETATION FROM CITY PROPERTY.

Any person desiring to cut and remove trees or vegetation from City property, including the City's rights-of-way, shall first make written application to the Forestry Manager and the application shall contain the following information:

- (A) The exact number of trees to be removed and the location of each with reference to street designations.
- (B) A statement that the applicant will cut and remove the trees at his own cost and expense within thirty (30) days of the date of the permit.
- (C) A statement that the applicant will restore the City property to the satisfaction of the City and will replant such trees as the City may require and where the City may specify according to the Forestry Plan.
- (D) That the applicant will indemnify the City against any damage to the City property or to the adjacent property owners or to any injury to persons or property sustained in cutting and removing of the trees.

14- 1-12. FEE/WAIVER.

No permit shall be issued for the cutting and removing of trees upon City property until a charge is assessed by the Forestry Manager covering inspection costs, although the fees may be waived upon a determination that it is in the public's best interest to do so.

14- 1-13. REVOCATION.

The permit issued under the provisions of this Chapter is conditioned upon the applicant's performing in full the conditions set out in the permit, and in the event that the City requires the replanting of trees as one of the requirements in the permit, the permittee shall do such work in good faith. In the event such conditions are not met, the permit shall be revoked and the Forestry Manager may assess against permittee such damages as the City shall have suffered through the permittee's failure of performance.

14- 1-14. APPEALS.

Any person may appeal a decision of the Forestry Manager to the Forestry Board who may hear the matter and make a final decision

**CHAPTER 2 - STREETS, SIDEWALKS
AND STAIRS**

**14- 2- 1. PETITION OR CITY
COUNCIL ORDER.**

Whenever the owners of a majority of the frontage upon either side of any street, or upon a specified portion, shall petition the City Council for construction of a sidewalk, or stairway, or whenever the City Council deems such improvements necessary, the City Council may order such improvements to be constructed at the property owners expense.

**14- 2- 2. CURB, GUTTER,
SIDEWALK, AND STAIRWAY
REPLACEMENT POLICY.**

City staff shall provide an annual survey identifying and prioritizing curb, gutter, stairway, walkway, and sidewalk needs. Priorities shall be determined by health and safety, drainage flow line, use, and general disrepair considerations. Improvements are contingent upon available City funds and based on the following guidelines:

(A) **CURB AND GUTTER.** The City shall provide the replacement of two (2) sections or twenty feet (20'), whichever is less, of curb and gutter. The City may request the property owner make additional curb and gutter repairs; once this request is made, the Public Works Department shall remove the existing curb and gutter and provide the necessary repairs to the asphalt roadway. The property owner will be responsible for adequate base, forming, concrete, form removal, and yard repair.

The City will not participate in the removal of existing curb and gutter when it is in conjunction with new conditional use projects or subdivisions.

(B) **SIDEWALKS.** The Public Works Department shall repair two (2) sections or ten feet (10') of sidewalk, whichever is less. If the property owner requests additional sidewalk repair, the City shall be responsible for removing the existing concrete. All other costs are the owner's responsibility. The City shall not participate if the project is in conjunction with the construction of new conditional use projects or subdivisions.

(C) **STAIRWAYS.** Stairways of public buildings, and pedestrian stairs in the historic district are prioritized for maintenance, repair, and/or reconstruction in a master plan formulated by the Community Development Department, and/or as part of the annual budget review and capital improvements plan. Prioritization is based on condition, location, and amount of public use. The City may, but is not obligated to, maintain walkways and stairways within the City which, in the opinion of City officials, are so heavily used by the general public that the use of City funds, equipment and labor is justified. The fact that the City has undertaken maintenance of a given sidewalk or stairway shall not act to relieve the owner of abutting properties from their obligations to maintain the same.

**14- 2- 3. NOTIFICATION BY CITY
MANAGER TO REPAIR SIDEWALKS,
DRIVEWAYS, ETC.; FAILURE TO
COMPLY.**

When any public sidewalk, walkway, driveway, curb, gutter, stairway, in front of or abutting upon or serving any premises needs repair, but does not meet the policy replacement and repair requirements specified in Section 14-2-2, the City Manager, or his or her designee, shall serve notice on the owner, or other person in control of the premises, to repair such sidewalk, driveway, curb, gutter, or stairway within thirty (30) days. It is unlawful for any person to fail or refuse to comply with such notice to repair. If the notice to repair is not complied with, the City may undertake repairs itself or by contract, and assess the owner or person responsible, or place a lien upon the benefited property. In addition, the City may initiate action against the owner or the person in charge of the premises upon whom such notice was served, in any court of competent jurisdiction, to recover costs. All remedies shall be cumulative.

14- 2- 4. RESPONSIBILITY FOR CITY'S LIABILITY AFTER SERVICE OF NOTICE TO REPAIR.

If any person secures judgment against the City for damages resulting from any defect in any sidewalk, walkway, driveway, curb, gutter, or stairway, providing damages were suffered after the notice to repair had been served pursuant to Section 14-2-3, the City may recover the amount of such judgment from the owner abutting upon the sidewalk, driveway, curb, gutter, or stairway, and the person who had control of the premises who received notice of repairs.

14- 2- 5. PERMIT FOR SIDEWALKS, CURBS, GUTTER, OR STAIRS GENERALLY.

It shall be unlawful for any person to construct or reconstruct any public sidewalk, curb, gutter, or stairway within the City without having first procured a permit issued by the City Manager, or his or her designee. The permit application shall be in accord with regulations prescribed by the City Manager and shall include sufficient information to show that the construction shall conform with specifications and grade levels established by the City Engineer.

14- 2- 6. PLANS AND SPECIFICATIONS FOR SIDEWALK CONSTRUCTION OR RECONSTRUCTION.

It is unlawful for any person to construct or reconstruct a sidewalk within the corporate limits of the City excepting walks entirely inside the lot lines, unless the same is constructed according to plans and specifications approved by the City Manager, or his or her designee.

14- 2- 7. PARK STRIPS.

No portion of any park strip shall be paved or surfaced except sidewalks and driveways. A park strip is defined as the portion between the front or side lot line and the actual or designated curb line.

14- 2- 8. PAVING TO ALLOW ROOM FOR TREE GROWTH.

When any portion of any sidewalk area or any park strip is paved or surfaced, a minimum space of six inches (6") must be left around the base of any and all trees growing in such area to permit tree growth.

**14- 2- 9. PERMIT FOR
DRIVEWAY CONSTRUCTION.**

It is unlawful for any person to construct or cause to be constructed any driveway over or across any park strip, walkway, or sidewalk, or to surface or cause to be surfaced with cement, bituminous product, gravel or similar substance any portion of any park strip or sidewalk on any public street within the City without first obtaining a permit from the City Manager, or his designee.

**14- 2-10. OBSTRUCTING
CONSTRUCTION AND REPAIRS
PROHIBITED.**

It is unlawful for any person to hinder or obstruct streets or public rights-of-way while repairing pavement, sidewalks, walkways, stairways, driveways, or crosswalks.

**14- 2-11. COMPLIANCE
REQUIRED.**

Sidewalks, curbs, gutters, and stairways not constructed in strict conformity with this Chapter shall within ten (10) days after notice to the owner of the property upon which the improvement is constructed, be made to conform with this Chapter at the expense of the owner, or it shall be removed by the City at the expense of the owner.

CHAPTER 3 - STREET CUTS

14- 3- 1. PURPOSE.

Construction activity frequently necessitates cutting through pavement section of the public streets to make connections and/or repairs of utility lines within a street. The City is concerned about the condition of its streets and has a duty to the public with regard to health and safety and establishes the following requirements for street cuts.

**14- 3- 2. PERMIT REQUIRED;
FEES.**

It shall be unlawful for any person, corporation, or other entity to make or cause to be made any cut in or excavation through or under any public street without first obtaining a permit from the City Manager, or his or her designee, in accordance with the provisions of this Chapter. A street includes the paved roadway, curb, gutter, sidewalk, walkway, and any unpaved portions of the road right-of-way.

A permit fee for each cut shall be paid in advance to the City. The permit fee may be increased or decreased by the City Council by resolution. The City Manager may design an appropriate permit application form and permit form to enforce this Chapter. The permit form shall clearly identify the person or entity for whom the street cut is being made, the contractor performing the work, the location of the street by street address, the purpose of the cut, and the anticipated start and completion dates of the street cut. Contractors shall provide both their state contractor's numbers

and their Park City business license number on the permit. The permit shall also state the approximate size and dimensions of the cut in sufficient detail for the City Manager to determine the amount of the bond or letter of credit necessary to guarantee completion of the project.

**14- 3- 3. PERFORMANCE BONDS
REQUIRED PRIOR TO ISSUANCE OF
STREET CUT PERMIT.**

The person requesting the permit shall post an irrevocable letter of credit or cash bond to the City to secure a completion of repairs to the street in a timely manner. The amount of the letter of credit or bond shall be determined by the City Manager, or his or her designee, and shall be an amount equal to the reasonably estimated costs of back-filling, compacting, and repaving of any area disturbed by the permittee. The letter of credit or bond shall in no event be less than one thousand dollars (\$1,000). This bond shall remain in effect for a period of one (1) year from the date the work is actually completed to guarantee the adequacy of repairs made to the streets.

**14- 3- 4. INDEMNITY BOND
REQUIRED PRIOR TO ISSUANCE OF
STREET CUT PERMIT.**

Persons applying for a street cut permit shall also provide the City with an indemnity bond or certificate of insurance which is adequate to protect the City from any and all damage claimed which may reasonably arise from the applicant's work in the public street, including personal injury and property damage claims from third parties

which might result from this excavation. The amount of the indemnity bonds or insurance policy shall in no event be less than ten thousand dollars (\$10,000), but a single contractor may use the same indemnity bond or insurance policy to fulfill this requirement as to ten permits, provided that the insurance coverage or indemnity bonds shall remain in place for a period of one (1) year after the completion of work on each permit.

14- 3- 5. CONSTRUCTION STANDARDS.

All back-filling, compaction, and resurfacing of areas disturbed under a street cut permit shall be performed according to specifications established by the City Manager, or his or her designee, and general construction standards for Park City. If, in the opinion of the City Manager, there are circumstances concerning a specific street cut that make more stringent standards necessary, the City Manager may require back-filling and compaction to comply with site specific standards.

14- 3- 6. UTILITY EXEMPTIONS FROM BONDING REQUIREMENTS.

Those public utilities which are regulated by the State of Utah, Park City franchises, the Park City Water Department and the Snyderville Basin Sewer Improvement District are exempt from the bonding requirements of this Chapter, but shall still be required to obtain a street cut permit prior to making excavations. Excavations to make emergency repairs may be made without a permit provided that notice of the

repair and the street cut shall be given to the City Manager, or his or her designee, as soon as reasonably possible under the circumstances.

**14- 4- 1. SNOW REMOVAL
PRIORITIES FOR PUBLIC STREETS.**

Snow removal is provided for public streets within the corporate limits of Park City on a priority basis. Main arterial streets receive first priority; residential streets second priority; and cul-de-sacs third priority. The City provides limited sidewalk and stairway clearing when possible; see Section 14-4-11 regarding snow removal of City walks and stairs.

**14- 4- 2. PRIVATE STREETS:
DUTY TO REMOVE SNOW.**

It shall be the duty of every condominium owners association, property owners association, corporation, partnership, or other entity having control over a private street system within the corporate limits of Park City, and the owners of properties abutting on such private streets which are provided access from those streets, to provide regular and adequate snow removal service on those private streets in accordance with the standards established in Section 14-4-3.

**14- 4- 3. SNOW REMOVAL
STANDARDS**

"Regular and adequate snow removal service" shall mean that snow shall be cleared from the roadway to a width of twenty feet (20') within a period of eight hours from the end of each snow storm which deposits an accumulation of four inches (4") of snow or more. It shall be unlawful to permit an accumulation of more than four inches (4") of snow to remain on a

private street for more than eight (8) hours from the end of each storm.

(Amended by Ord. No. 04-46)

**14- 4- 4. SNOW STORAGE ON
SITE.**

It is the property owner's responsibility to store snow which has accumulated on his property on either his own premises, or on the premises of another with the permission of the other.

(Amended by Ord. No. 04-46)

**14- 4- 5. UNLAWFUL TO
DEPOSIT SNOW IN PUBLIC WAY.**

It shall be unlawful for any person to deposit, haul, push, blow, or otherwise deposit snow accumulated on private property within the traveled portion of any public street.

(Amended by Ord. No. 04-46)

**14- 4- 6. TRAVELED PORTION
DEFINED.**

As used in this Chapter, the term "traveled portion of any public street" shall mean and refer to that portion of the public right-of-way that is paved and maintained for vehicular or pedestrian traffic. It shall not include the portions of the right-of-way outside of the paved area, and it shall not be a violation of this Chapter for any property owner, or his employees, agents, or contractors, to place accumulated snow

within the non-traveled portion of the public right-of-way.

**14- 4- 7. PRIVATE SNOW
REMOVAL ON PUBLIC STREETS.**

It shall be the duty of every condominium owners association, property owners association, corporation, partnership, or other entity having the responsibility for snow removal on a public street pursuant to plat restriction, conditional use approval or other permit or agreement with the City, and the duty of every owner of property abutting on and provided access from such public street to provide regular and adequate snow removal service on those public streets according to the regular and adequate snow removal service standards cited in Section 14-4-4.

**14- 4- 8. FAILURE TO REMOVE
SNOW FROM PUBLIC STREETS.**

In the event the party or parties responsible for private snow removal on public streets as provided in Section 14-4-9. fail to remove snow to the required standards of Section 14-4-3, the City may, at its discretion, perform the snow removal necessary to achieve the required standards, and obtain reimbursement of its snow removal costs from the responsible party or parties.

**14- 4- 9. SIDEWALKS TO BE
CLEARED.**

Tier 1
Park City Municipal Corporation will provide snow removal services on the pedestrian Spine System Sidewalks, as

identified in the Park City Snow Removal Guide. Property owners are not required to remove snow from stairs and sidewalks at the perimeter of their property if those stairs and sidewalks are included within the Spine System Sidewalks.

Tier II

It shall be the duty of a property owner to clear the sidewalks and stairways at the perimeter of his/her property within eight (8) hours from the end of each storm if the sidewalks and stairways do not receive City services and are identified as critical to pedestrian movement in the Park City Snow Removal Guide. It shall be unlawful for a property owner under a duty to remove snow to permit an accumulation of more than eight inches (8”) of snow to remain on the sidewalks or stairs for more than eight (8) hours at a time.

Tier III

Park City Municipal Corporation will not remove snow from sidewalks not listed in the Park City Snow Removal Guide nor are adjacent property owners required to remove snow from sidewalks and stairs not listed in the Park City Snow Removal Guide.

Property owners required to remove snow may request relief from this ordinance through the City’s Request for Elevated Level of Service process. A decision under this process will be based on the seasonality, location and outlet of the path or sidewalk. Property owners not under a duty to remove snow may request a higher level of service through the same process.

(Amended by Ord. No. 08-43)

14- 4-10. FIRE HYDRANTS TO BE UNCOVERED.

It shall be the duty of every property owner to mark, uncover and remove accumulated snow and windrows of snow from over and around fire hydrants located at the perimeter of the owner's property. The hydrants shall be uncovered for a distance of not less than three feet (3') on all sides so the hydrants are accessible for emergency use. Hydrants shall be uncovered within seventy-two (72) hours of the time they are buried by a plowed windrow of snow or from the time they become buried from drifts.

(Amended by Ord. Nos. 04-46; 08-43)

14- 4-11. HYDRANT LOCATIONS TO BE MARKED.

All fire hydrants on private street systems shall be marked with a minimum six foot (6') pole or other sign.

(Amended by Ord. No. 04-46)

14- 4-12. UNLAWFUL TO REMOVE MARKERS.

It shall be unlawful to remove or destroy the hydrant markers on either public or private road systems, except that they may be removed in the spring for storage until the following fall when they are again necessary. Hydrant markers shall be continuously in place from November 15 to May 1 of the following year.

14- 4-13. IMPROVEMENTS INSTALLED AT OWNER'S RISK.

The City shall have no liability for damage to sprinklers, mailboxes, lights, plants, trees, shrubs, or other improvements installed in the City's right-of-way, including those streets on which the City's right-of-way is wider than the paved street.

(Amended by Ord. No. 04-46)

14- 4-14. DAMAGE TO IMPROVEMENTS.

The City will not assume any liability for damage to improvements or landscaping in the public right-of-way, which results from normal snow removal activity.

14- 4-15. FLAGGING IMPROVEMENTS.

Owners of improvements within the right-of-way are requested to flag the location of improvements, and to the extent it is reasonable to do so, city snow removal efforts will avoid flagged areas. This shall not be construed as a waiver or abandonment of the right-of-way or an acceptance of liability for damage to encroachments that are hidden with snow.

14- 4-16. PENALTIES.

Any person convicted of a violation of this chapter is guilty of a Class "C" misdemeanor.

**CHAPTER 5 - STREET ADDRESS
SYSTEM**

**14- 5- 1. DESIGNATION OF
STREET ADDRESS NUMBERS.**

The principal building on each premises fronting on a street shall bear a distinctive street number in accordance with the Park City Address Book on file in the office of the Community Development Department.

The City Engineer shall designate the appropriate street number for each new building constructed, which shall require a number, upon final plat approval prior to the issuance of an occupancy permit.

As additional streets are established by platting or subdividing and existing streets are altered, it shall be the duty of the City Engineer to revise the Park City Address Book and to assign appropriate numbers in accordance with the existing street numbering plan.

**14- 5- 2. POSTING OF
DESIGNATED STREET ADDRESS.**

Owners shall place and maintain the correct number, assigned by the City Engineer, upon the front of each building requiring a number. The assigned number shall face the street and be adjacent to the principal entrance and in such position as to be plainly visible from the street. Numbers shall be not less than three inches (3") in height and shall contrast in color with the color of the building or background to which they are attached.

**14- 5- 3. DUTY TO AFFIX
ASSIGNED NUMBERS.**

Within sixty (60) days after the mailing or delivery of written notification of the assigned number and/or assigned corrected number from the City Engineer, the owner, occupant or person in charge of a house or building shall affix the assigned number in such a manner as to be plainly visible and legible from the street or road fronting the property.

**14- 5- 4. DUTY TO REMOVE
OTHER NUMBERS.**

It shall be the duty of the owner, occupant, or person in charge of the property, upon affixing the new number, to remove any different number which might be mistaken for, or confused with, the number assigned to the building by the City Engineer.

14- 5- 5. PENALTIES.

Any owner, occupant, or person in charge of any house or building who is convicted of a violation of this chapter is guilty of a Class "C" misdemeanor.

CHAPTER 6 - NEWS RACKS

Adopted by Ordinance No. 01-09

4- 6- 1. PURPOSE.

The provisions and prohibitions hereinafter contained and enacted are in pursuance of and for the purpose of securing and promoting the public health, and general welfare of persons in Park City in their use of the public rights-of-way through the regulation of placement, appearance,

number, size and servicing of News Racks on the public rights-of-way within Park City ' s Historic District so as to:

- (A) Provide for pedestrian and driving safety and convenience;
- (B) Ensure no unreasonable interference with the flow of pedestrian or vehicular traffic, including ingress to, or egress from, any place of business or from the street to the sidewalk;
- (C) Provide reasonable access to sidewalks, poles, posts, hydrants, and similar appurtenances for the purpose of use, maintenance, cleaning, and snow removal;
- (D) Reduce visual blight on the public rights-of-way, protect the aesthetics and value of Park City ' s Historic District and surrounding properties;
- (E) Reduce exposure of the City to personal injury or property damage claims; and
- (F) Protect the right to distribute information protected by the United States Constitution and the Constitution of Utah through use of News Racks.

14- 6- 2. DEFINITIONS.

For purposes of this Chapter the following abbreviations, terms, phrases, and words shall be defined as specified in this section:

- (A) **DISTRIBUTOR**. The person responsible for the installation, placement,

location, use or maintenance of a News Rack in a public right-of-way.

(B) **FULLY ENCLOSED BUILDING.**

That portion of a building or structure contained fully within the exterior walls of a building. The term 'fully enclosed building' shall not include decks, porches, carports, areas under roof overhangs, or any other area not contained totally within the exterior walls.

(C) **NEWS RACK.** Any outdoor self-service or coin operated container, rack or structure installed, placed, located, used or maintained for the display, dissemination or distribution of newspapers, periodicals or other printed material.

(D) **PERSON.** Any natural person or persons, or entity including, but not limited to, a corporation, partnership, unincorporated association or joint venture.

(E) **SIDEWALK.** Any surface provided for the exclusive use of pedestrians.

(F) **SPECIAL DISTRIBUTION AREA.** The Historic District of Park City so designated by the City Council upon findings that the special circumstances of the Historic District require special design, placement and other standards for News Racks.

(G) **STREET.** All the area dedicated to public use for public street purposes and shall include, but not to be limited to roadways, parkways, and alleys.

**14- 6- 3. NEWS RACKS
PROHIBITED.**

After October 15, 2001, no News Racks other than City permitted News Racks, shall be installed, placed or located in the Special Distribution Area, unless within a Fully Enclosed Building. News Racks installed, placed or located in violation of this Section shall be impounded per the regulations set forth in Section 14-6-13(D).

(Amended by Ord. No. 01-43)

**14- 6- 4. SPECIAL DISTRIBUTION
AREA.**

The Historic District is hereby designated as a Special Distribution Area. As used herein, the Historic District shall be defined as those areas within Park City, which are zoned HR-1, HR-2, HRL, HRM, HCB and HRC.

**14- 6- 5. NOTICING OF
ORDINANCE.**

Within thirty (30) days after the effective date of this ordinance designating a Special Distribution Area, the Community Development Department shall establish a date (the 'cut-off-date') by which application shall be made to the Community Development Department for every News Rack proposed to be located within the Special Distribution Area. No application shall be considered for the initial allocation that is filed later than the established cut-off

date. The Community Development Department shall give notice of the cut-off date by publication once in a newspaper of general circulation in the City not less than thirty (30) days prior to such cut-off date. The Community Development Department shall also endeavor to mail notice of the cut-off date to the owners and/or Distributors of publications distributed within the Historic District as of the effective date of the ordinance designating a Special Distribution Area; provided however, that failure to provide mailed notice to any person shall not invalidate any action taken pursuant to this Chapter.

Once the initial distribution of publications occurs, the Community Development Department shall accept applications to be considered for additional and/or future openings in the Special Distribution Area.

14- 6- 6. NEWS RACK PERMITS.

Any person desiring to place a News Rack within the Special Distribution Area shall submit a News Rack Permit Application for a specific publication to the City at the Community Development Department.

(A) **APPLICATION**. Application for a News Rack permit shall be made to the Community Development Department on a form provided by the City. The application shall contain the name and address of the applicant, the name of the publication, the proposed specific location of said News Rack, and shall be signed by the applicant. Separate applications shall be filed for each publication.

(B) **FEES**. The application shall be accompanied by an application fee as set forth in the Fee Resolution to partially defray the cost of reviewing the permit application. The Community Development Department shall issue a News Rack permit for all approved News Racks upon payment of a permit fee as set forth in the Fee Resolution. The permit fee will be required at the time of installation and is valid for three (3) years.

(C) **REVIEW PROCEDURES**. Complete applications will be reviewed and assignment, if any, will be made by the Community Development Department within ten (10) working days from the date of the completed application and payment of the application fee.

(D) **ASSIGNMENT**.

(1) If sufficient space does not exist to accommodate all applications submitted for any location, the Community Development Department shall give priority as to that location to publications as follows:

(a) First priority shall be publications that are published two or more times per week;

(b) Second priority shall be given to publications that are published once per week;

(c) Third priority shall be given to publications that are

published less than once per week but more than once per month; and

(d) Fourth priority shall be given to publications that are published once per month or less frequently than once per month.

If the above process does not resolve the conflict over News Rack allocation, the Community Development Department shall allocate available locations by random drawing.

(2) If an approved News Rack is configured to accommodate more than one publication, the approved applicant shall determine the second publication.

(3) Those publications requesting assignment in a specific location, who were unable to receive assignment, shall be placed on a waiting list.

(4) The Community Development Department shall allocate the publication's location within the Gang-Rack by random drawing.

(E) **CONDITIONS OF PERMIT.** Each News Rack permit shall specify the permit holder (distributor), name of publication, and permitted News Rack location. News Rack permits are non-transferable. News Rack permits shall be

conditioned upon observance of the provisions of this Ordinance.

(F) **APPEALS.** A permit denial by the Community Development Department may be appealed within ten (10) days of the date of denial to the City Manager or his/her designee. The City Manager or his/her designee shall conduct a hearing within thirty (30) days of the receipt of the appeal. Written notice of the time and place of the hearing shall be given to the applicant, and shall be posted in the official posting locations of the City. The hearing shall be informal, but oral and written evidence may be given. The City Manager or designee shall render a written decision within fifteen (15) days after the date of the hearing.

(G) **EXPIRATION.** A News Rack permit is valid for three (3) years from the date of issuance.

(H) **PERMIT RENEWAL.** Permittees in good standing as of thirty (30) days prior to the expiration of the permit shall be eligible to renew their permits.

(I) **NUMBER OF PERMITS PER PUBLICATION.** No publication shall be allocated more than one (1) News Rack within each designated News Rack Receiving Area.

14- 6- 7. CITY PERMITTED NEWS RACK LOCATIONS.

News Racks shall be permitted and installed within the Special Distribution Area pursuant to this Chapter.

(A) **NEWS RACK RECEIVING**

AREAS. The City shall provide pedestals and trays at the following locations for the installation of that number of News Racks specified below:

- (1) **Summit Watch, 780 Main Street** - twelve (12) News Racks; along the stone walls within the four stepbacks.
- (2) **Kimball Art Center, 638 Park Avenue** - twelve (12) News Racks; along the cement wall to the east of the building.
- (3) **Main Street Bulb-Out, 560 Main Street** - six (6) News Racks; along the south side of the bulb-out between Main Street and the pedestrian walkway.
- (4) **Dolly's Bookstore walkway to Swede Alley, 510 Main Street** - eight (8) News Racks; along the railing within the stepback towards the east end of the walkway.
- (5) **Post Office, 450 Main Street** - sixteen (16) News Racks; along the wall on the south end of the entrance.
- (6) **Café Terigo walkway to Swede Alley, 424 Main Street** - eight (8) News Racks; along the brick wall on the south end of the plaza on Swede Alley.

(7) **South of Wasatch Brew Pub, 248 Main Street** - twelve (12) News Racks; along the railing.

(8) **Main Street Mall, 333 Main Street** - twelve (12) News Racks; outside the south entrance between the sidewalk and building.

(9) **China Bridge Parking Structure, 320 Swede Alley** - eight (8) News Racks; outside of the west entrance along the sidewalk.

(10) **Transit Center, 540 Swede Alley** - six (6) News Racks; on the plaza level.

(B) **REQUEST FOR ADDITIONAL RECEIVING AREAS.** Applications shall be submitted to the Community Development Department for additional News Rack Receiving Areas. The City Council shall review requests based on the compliance with the following information:

- (1) No lawn, flowers, shrubs, trees or other landscaping shall be removed in order to facilitate the location of News Racks.
- (2) No News Rack shall be placed, installed, used or maintained within:
 - (a) five feet (5') of any fire hydrant, fire call box, police call box or other emergency facility;
 - (b) five feet (5') of any marked crosswalk;

- (c) five feet (5') of any driveway;
- (d) on or within five feet (5') of any access ramp or curb cut for disabled persons;
- (e) any location where the News Rack causes, creates, or constitutes a line-of-sight problem or traffic hazard; and
- (f) within three feet (3') of or on any public area improved with lawn, flowers, shrubs, trees or other landscaping.

(3) No News Rack shall be placed in a location where the clear space for the passageway of pedestrians is reduced to less than eight feet (8'); and

(4) News Racks proposed to be placed on sidewalks shall be placed along the walls of buildings, and not placed along the curb of the street.

(5) No additional News Rack receiving areas shall be approved unless the City Council makes a finding of public necessity and convenience.

(Amended by Ord. No. 02-29)

14- 6- 8. DESIGN STANDARDS FOR NEWS RACKS.

(A) **SIZE.** All News Racks shall measure sixteen inches (16") deep, twenty-four inches (24") in width and seventeen and a half inches (17 2 ") high.

(B) **ADVERTISING.** News Racks shall carry no advertising except a logo or other information identifying the publication sold therein. This information may be displayed only on the front of the News Rack.

(C) **NEWS RACKS IN THE SPECIAL DISTRIBUTION AREA.** The News Rack must be equivalent to the Sho-Rack model K or TK 49-16, which has been approved by the City Council and chosen for aesthetic appeal, durability, functionality, and versatility of the News Rack. News Racks shall be painted to match the Sho-Rack flat black.

14- 6- 9. INSTALLATION OF NEWS RACKS.

Following the initial News Rack allocation process, the Community Development Department will delivery notice via first class mail to all News Rack permit holders detailing the process of installation of the News Racks on the City provided pedestals.

The installation date will be between September 1, 2001 and October 15, 2001.

(Amended by Ord. No. 01-43)

14- 6-10. NEWS RACK IDENTIFICATION REQUIRED.

All permitted News Racks within the Special Distribution Area shall display the

Distributor's name, address, and telephone number affixed to the face of the News Rack. The News Rack identification shall be no larger than 2" X 3".

**14- 6-11. STANDARDS FOR
MAINTENANCE AND
INSTALLATION.**

Any News Rack, which is placed within the Special Distribution Area shall comply with the following standards:

(A) No News Rack shall be used for advertising signs or publicity purposes other than that dealing with the display, sale or purchase of the newspaper, periodical, or other printed material, sold therein.

(B) Each News Rack containing material for sale shall be equipped with a coin-return mechanism to permit a person using the machine to secure an immediate refund in the event the person is unable to receive the paid for publication. The coin-return mechanism shall be maintained in good working order at all times.

(C) Each News Rack shall be maintained in a neat and clean condition and in good repair at all times. Specifically, but without limiting the generality of the foregoing, each News Rack shall be serviced and maintained so that:

- (1) It is reasonably free of dirt and grease;
- (2) It is reasonably free of chipped, faded, peeling and cracked

paint in the visible painted areas thereof;

(3) It is reasonably free of rust and corrosion in the visible unpainted metal areas thereon;

(4) The clear plastic or glass parts, thereof, if any, through which the publications therein are viewed are unbroken and reasonably free of cracks, dents, blemishes and discoloration;

(5) The paper or cardboard parts or inserts thereof are reasonably free of tears, peeling or fading;

(6) The structural parts thereof are not broken or unduly misshapen; and

(7) Any and all graffiti, unauthorized stickers or decals are promptly removed.

14- 6-12. ABANDONMENT.

(A) If any permitted News Rack installed pursuant to this Chapter does not contain the publication specified in the application within a period of thirty (30) days after the date of installation, or if no publication is in the News Rack for a period of more than thirty (30) consecutive days, the City shall deem the News Rack abandoned and may remove the News Rack in accordance with the procedures set forth in Subsection 14-6-13.

**PARK CITY MUNICIPAL CODE - TITLE 14 TREES/LANDSCAPING; STREETS,
SIDEWALKS AND STAIRS; STREET CUTS; SNOW REMOVAL; STREET ADDRESS
SYSTEM; NEWS RACKS** **14-21**

(B) In the event a News Rack permittee desires to voluntarily abandon a News Rack location, such permittee shall notify the Community Development Department in writing not less than thirty (30) days prior to the date such permittee intends to abandon the News Rack.

14- 6-13. VIOLATIONS.

(A) **CITY ACTION.** Upon determination by the Community Development Department that a News Rack has been installed, used or maintained in violation of this Chapter, a notice of violation shall be issued specifying the manner in which this Chapter is violated and requesting compliance. Such notice shall state the nature of the violation, the City's intent to impound the News Rack if the violation is not corrected and a hearing is not requested, and the procedure for requesting such a hearing. The notice of violation shall state that unless the violation is corrected or a hearing is requested within ten (10) days after the date of the notice, the News Rack shall be removed and impounded by the City.

(B) **HEARINGS.** Any person holding a valid News Rack permit determined by the Community Development Department to be in violation of this Chapter may request a hearing before the Community Development Department Director, or his/her designee, within ten (10) calendar days of receipt of such notice of violation. The request for a hearing must be in writing, state the basis thereof, and shall be filed with the Community Development Department.

The hearing shall be held within ten (10) working days of the filing of the request. At the hearing any person may present evidence or argument as to whether the News Rack has been installed, used or maintained in violation of this Chapter. Within five (5) business days after the close of the hearing, the Community Development Director shall render a decision in writing and shall deliver such written decision to the person who requested the hearing via certified mail.

(C) **APPEALS.** The Community Development Director's decision may be appealed to the City Council within ten (10) calendar days of the date of decision. The appeal must be in writing, state the basis upon which the appeal is made, and must be filed with the City Recorder. The City Council shall hear the appeal within thirty (30) days of the filing of the request for appeal. At the hearing, any person may present evidence or argument as to whether the News Rack has been installed, used or maintained in violation of this Chapter. The Council shall render a decision no later than its next regularly scheduled meeting after the hearing. Within thirty (30) days after the decision is rendered, the City shall give notice thereof to the appellant.

(D) **IMPOUNDMENT.** Any News Rack installed, used or maintained within the City found in violation of this Chapter shall be removed and impounded by Park City Municipal Corporation. Notice of impoundment shall be provided to the Distributor, if known, within three (3) calendar days of impoundment. Such notice shall state the date the News Rack was

removed, the reason(s) therefore, the location and procedure for claiming the News Rack, and the procedure for obtaining a post-removal hearing before the Community Development Department, if desired. An impound fee, which shall be measured by the City ' s cost and expense of impounding, shall be assessed against each News Rack summarily removed.

14- 6-14. SEVERABILITY.

If any Section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.