

Ordinance 2016-45

AN ORDINANCE AMENDING TITLE 4, LICENSING SPECIFICALLY 4-1-1.45 SKIER DAY, 4-2-1 UNLAWFUL TO OPERATE WITHOUT A LICENSE, 4-2-13 LICENSE PERIOD, 4-2-17 REGULATORY & SERVICE ENHANCEMENT FEES IMPOSED, 4-2-18(f) AUTOMOTIVE SERVICES, 4-2-23 FEE & TAX PAYMENT, RENEWALS & PENALTY, 4-2-24 RENEWAL BILLING PROCEDURE, 4-2-25 RENEWAL OF LICENSE CERTIFICATE, 4-3-6 LICENSE FEE, 4-3-8(c)(1) STREET VENDORS, 4-4-11 CITY LICENSE PERIOD, 4-4-12 CITY RENEWAL PROCEDURE, 4-6-4 RESTAURANT LIQUOR LICENSE, 4-6-5 PRIVATE CLUB LIQUOR LICENSE, 4-6A-2 RESORT LIQUOR LICENSE, 4-6B-2 MANUFACTURING LICENSE

WHEREAS, Park City has an interest in promoting public health, safety, and welfare, and

WHEREAS, Utah Code Annotated ("U.C.A.") Section 10-1-203 gives the City power to collect a license fee on businesses within the city limits and may regulate the businesses by ordinance, and

WHEREAS, processing business license renewals in a timely manner promotes the public health, safety, and welfare as well as better business practices, and

WHEREAS, City Council has determined that amending the Municipal Code to change the business license renewal deadline for all licenses is necessary to ensure timely and accurate processing of business license renewals.

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

**Section I.** Amendment. Title 4, Licensing, to be amended and read as outlined in Exhibit A

**Section II.** Effective Date. This Ordinance shall become effective upon publication.

**PASSED AND ADOPTED** this 22<sup>nd</sup> day of September, 2016.




Attest:

  
Michelle Kellogg, City Recorder

PARK CITY MUNICIPAL CORPORATION

  
Mayor Jack Thomas

Approved as to form:

  
Mark D. Harrington, City Attorney

## EXHIBIT A

4-1-1.45 **SKIER DAY**. A three (3) year average of the total number of lift tickets sold annually, including daily lift tickets, resident coupons, complimentary tickets, and an estimated average of season pass holders daily use. The three (3) year average shall be calculated by the Ski Resort and shall include the three most recent years of operation from November 1 through June 30. The City may audit the analysis and any business records relied upon for the analysis. The calculation shall be submitted to the Finance Department by ~~July 15~~ **October 15th** of each year.

### 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 being issued the license required by this chapter. All licenses issued under the provisions of this Title are non-transferable and expire on ~~September 30~~ **December 31st** of each year.

### 4-2-13 License Period

Renewed license certificates shall be valid ~~October 1~~ through ~~September 30~~ **December 31**, of the year of renewal unless revoked pursuant to this Title. New license certificates issued between ~~October 1~~ **January 1** and ~~June 30~~ **September 30** shall be valid through ~~December 31~~ **September 30th** of the year of issuance unless revoked. New license certificates issued between ~~July 1~~ **October 1** and ~~September 30~~ **December 31** may be valid through ~~December 31~~ **September 30th** of the year following the year of issuance, unless revoked. An applicant applying for a license between ~~October 1~~ **July 1** and ~~December 31st~~ **September 1**, ~~at the option of the applicant, shall~~ pay one hundred and twenty-five percent (125%) of the amount otherwise imposed for new licenses issued and the license shall be valid through ~~December 31~~ **September 30** of the year following the year of issuance, unless revoked. However, an applicant may elect to pay the prorated fee pursuant to this Title on new applications between ~~October 1~~ **July 1** and ~~December 31~~ **September 30** if the applicant does not intend to do business in Park City the following year.

### 4-2-17 Regulatory And Service Enhancement Fees Imposed

There is hereby imposed and levied an annual business license fee on the types of businesses and in the amounts described below in the Business License Fee Schedule:

See Business License Fee Schedule.

PARK CITY BUSINESS LICENSE FEE SCHEDULE

	Transit Service Enhancement Fee		Festival Facilitation, Service Enhancement Fee		Enhanced Enforcement Fee		Administrative Fee		
	Rate	Unit of Measure	Rate	Unit of Measure	Rate	Unit of Measure	Rate Renewal	Rate New/Inspections	Unit of Measure
Ski Resort	\$0.263	Skier Day	\$0.013	Skier Day	-	-	\$22.00	\$149.00	License
Lodging	\$19.250	Per Bedroom	\$9.488	Per Bedroom	-	-	\$17.00	\$149.00	License
Restaurant	\$0.231	Per Sq. Ft.	\$0.103	Per Sq. Ft.	-	-	\$22.00		License
Outdoor Dining	\$0.063	Per Sq. Ft.	\$0.029	Per Sq. Ft.	-	-	\$22.00		License
Retail	\$0.231	Per Sq. Ft.	\$0.103	Per Sq. Ft.	-	-	\$22.00		License
Large Retail (>12,000 sq. ft.)	\$0.161	Per Sq. Ft.	\$0.072	Per Sq. Ft.	-	-	\$22.00		License
Office Service, Other	\$0.206	Per Sq. Ft.	\$0.013	Per Sq. Ft.	-	-	\$22.00	\$149.00	License
Warehouse	\$0.059	Per Sq. Ft.	\$0.002	Per Sq. Ft.	-	-	\$22.00	\$149.00	License
Resort and Amusement	\$1.035	Per User	\$0.048	Per User	-	-	\$22.00	\$149.00	License

ent									
For-Hire Vehicles	\$37.500	Per Vehicle	\$1.751	Per Vehicle	\$45.58	Per Vehicle	\$71.83	\$71.83	License
Other Commercial Vehicles and Trailers	\$7.500	Per Vehicle	\$0.292	Per Vehicle	-	-	\$71.83	\$149.00	License
Employee Based	\$3.750	Per Employee	\$0.146	Per Employee	-	-	\$22.00	\$149.00	License
Commercial Vending, Game and Laundry Machines	\$18.750	Per Employee	\$0.730	Per Machine	-	-	\$22.00	\$149.00	License
Escort Services	\$3.750	Per Employee	\$0.150	Per Employee	\$46.19	Per Employee	\$22.00	\$149.00	License

Transit Service Enhancement Fees and Festival Facilitation Service Enhancement Fees shall be subject to proration for businesses applying for a new business license after ~~December 31st~~ ~~March 31~~. Proration will be according to the following schedule:

After ~~March 31~~ ~~December 31st~~ – 75% of the Transit and Festival Facilitation Service Enhancement Fee, 100% of the Administrative and Enhanced Enforcement Fee.

After ~~May 31~~ ~~June 30~~ – 50% of the Transit and Festival Facilitation Service Enhancement Fee, 100% of the Administrative and Enhanced Enforcement Fee

After ~~September 30~~ ~~June 30~~ – 25% of the Transit and Festival Facilitation Service Enhancement Fee, 100% of the Administrative and Enhanced Enforcement Fee.

**4-2-18 AUTOMOTIVE SERVICES.** Car rental businesses shall be assessed at a rate per car for rental purposes as of ~~January 1~~ October 1 of each license year, as established in the rate tables.

**4-2-23 Fee And Tax Payment, Renewals And Penalty**

The annual business license fee provided in this Title shall be due and payable to the City on or before the first day of ~~October~~ 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~~ July 1 and ~~December 31~~ September 30, in which case the license shall be valid until ~~December 31~~ September 30 of the year following the issuance of the license, upon 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~~ October 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 ~~November 15~~ 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~~ January 1 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 or his or her designee may waive the business license enforcement fee of said renewals.

Upon a showing of hardship acceptable to the Director or his or her designee, 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 eighteen percent (18%) per annum.

Any previously licensed business cited for engaging in business in violation of this Title shall have five (5) days from the date of citation to come into compliance with this Title. Failure of the licensee to reach compliance within five (5) 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 license fee shall be due and payable to the City and shall be prorated on the basis of one-twelfth (1/12th) of the total annual fee 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 license fee 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~~ September 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 license fee for the ensuing year based upon the nature of the business, square footage, employees, and other pertinent factors.

#### 4-2-25 Renewal Of License Certificate

Upon receipt of the license fee, the Division shall issue a license certificate valid through ~~December 31~~September 30 of the next year.

**4-3-6 (a) LICENSE FEE.** The annual fee for a solicitor's license shall be as set forth in the Fee Resolution. A solicitor's license shall be valid for a maximum of one calendar year, provided that all such licenses will expire on ~~December 31~~ September 30 of the year of issue.

#### **4-3-8(C)(1): STREET VENDORS**

**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~~ September 30 of the year of issuance. 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.

#### **4-4-11 City License Period**

Unless otherwise provided under this Title the license certificate shall be valid through September 30 ~~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~~ September 1 of each year, the City shall send via first class mail, notice to each beer, restaurant liquor or Club Licensee within the City that the regulatory license fee required by this Title is due by ~~December 31st~~ October 1st Upon receipt of the regulatory license fee and finding that renewal is proper pursuant to the criteria in this Title and set forth herein at Subsections (A) through (E), the Finance Manager or designee shall issue a license certificate valid through ~~December 31st~~ September 30th 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/her renewal license is issued by the Finance Manager or designee. 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 September 30th ~~December 31~~ of the year in which the prior license was issued. The Finance Manager or designee shall prepare a list or lists of all licenses to be renewed, and the Finance Manager or designee may approve all renewals on that list or lists.

Licenses shall be renewed unless the Finance Manager or designee shall find:

- The licensee has attempted to transfer or assign the license to others in violation of this Title;
- The licensee no longer holds the qualifications required of licensee under the provisions of this Title;

- C. The premises have been remodeled or changed in a manner that eliminates required exits, creates closed booths or stalls;
- D. The licensee or his/her 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; or
- E. Licensee does not hold a current valid Park City business license.

In the event the Finance Manager or designee finds any of the foregoing conditions (A) through (E) to exist with respect to a license renewal application, the Finance Manager or 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.

**4-5-4(B) ON-PREMISE RETAIL BEER LICENSE.** 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 U.C.A. Section 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 last day of February of each year. Accordingly, applicants must submit a renewal application to the DABC no later than January 31st of each year.~~ City beer licenses shall expire on September 30<sup>th</sup> ~~December 31st~~ of each year, ~~and the licensee must submit a renewal application to the City prior to December 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/January 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 (2) liters, and on draft. Liquor may not be stored or sold on the premises of any on-premise retail beer licensee. Beer sold in sealed containers smaller than two (2) liters by the on-premise Licensee may be removed from the premises.

#### 4-6-4 Restaurant Liquor License

All Park City issued restaurant liquor licenses shall expire on September 30<sup>th</sup> ~~December 31st~~ of each year thereafter. ~~All State-issued restaurant liquor licenses expire on October 31st 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 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 Private Club Liquor License

A liquor club Licensee shall be entitled to serve, sell, and store liquor, pursuant to Utah Alcoholic Beverage Control Commission rules and regulations, and the ordinances of Park City. No person under the age of twenty-one (21) years shall serve or sell liquor. ~~All State-issued club licenses shall expire~~

~~December 31st of each year. All State-issued club liquor licenses expire on June 30 of each year.~~ All licensees must notify the City immediately if the State-issued club liquor license is denied, suspended or revoked for any reason. ~~Club liquor license applicants must provide the Finance Manager or designee 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.

#### 4-6A-2 Resort License

A Resort License shall only be issued to persons capable of being licensed by the DABC under U.C.A. Section 32A-4a-101 to 205, as amended. A Resort License shall entitle the licensee to store, sell, allow service and allow consumption of alcoholic beverages within the terms of said license. Only bona fide resorts shall be entitled to a Resort License. No person under the age of twenty-one (21) years shall serve or sell liquor under this license.

In order to qualify for a Resort License the applicant must propose four or more resort sub-licensees. It is the Resort Licensee's responsibility to ensure that each resort sub-licensee operates in accordance with the restrictions placed on that type of operation.

All Park City issued Resort Licenses shall expire on ~~December 31st~~ September 30th of each year thereafter. ~~All State-issued Resort Licenses expire on October 31st of each year.~~ All licensees must notify the City immediately if the State Resort License is denied, suspended or revoked for any reason. ~~Resort License applicants must provide the City with proof of State licensure by December 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.~~

#### 4-6B-2 Manufacturing License

A Manufacturing license shall only be issued to persons capable of being licensed by the DABC under Chapter 8 of Title 32A of the Utah Code, as amended. A Manufacturing License shall authorize a Licensee to conduct business as either a winery, distillery, or a brewery.

All Park City issued Manufacturing licenses shall expire on ~~December 31st~~ September 30th of each year thereafter. ~~All State-issued Manufacturing licenses expire on October 31st of each year.~~

All Licensees must notify the City immediately if the State Manufacturing license is denied, suspended or revoked for any reason. ~~Manufacturing license applicants must provide the City with proof of State licensure by December 1<sup>st</sup> 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.~~