

4A-1 Special Events

4A-1 Definitions

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4A-1-1 Definitions

For the purpose of this Title the following terms shall have the meanings herein prescribed:

4A-1-1.1 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 Special Event Permit application and all other documents relevant to the event. If the Applicant is a corporation, corporate Sponsor, or business, or any other entity, which is not a natural person, the co-applicant or responsible party must be a natural person or persons. See Sponsor.

4A-1-1.2 AMPLIFIED EVENT OR MUSIC. An event or music utilizing an amplifier or other input of power so as to obtain an output of greater magnitude or volume through speakers or other electronic devices.

4A-1-1.3 CONCESSION. A privilege to sell food, beverages, souvenirs, or copyrighted or logoed event memorabilia at a permitted event.

4A-1-1.4 FEE(S). Charges assessed by Park City for permitting, staffing, equipment use/rental, property use/rental, set-up, clean up, inspections, public employees, or public equipment assessed to a Special Event and established within the event permitting process.

4A-1-1.5 PERMITTEE. The Applicant, as defined above, becomes the "Permittee" when the Special Event Permit is signed by the Economic Development Manager or his/her designee, upon meeting all the criteria in this Title. As the permit holder, the Permittee becomes the sole proprietor of the event and inherits the responsibilities connected with all licenses and permits, Fee assessments, and insurance liabilities connected with the permitted event.

4A-1-1.6 SPECIAL EVENT.

- A. A sporting, cultural, entertainment, or other type of unique activity, whether held for profit, nonprofit, or charitable purposes, occurring for a limited or fixed duration that impacts the City by involving the use of, or having impact on, City property, or requiring City licensing or services beyond the scope of normal business and/or liquor regulations, as defined by this Code; or creates public impacts through any of the following:
1. Full or partial street or sidewalk closures necessary for the safe and efficient flow of traffic in Park City; and /or
 2. Use of public property, facilities, trails, or parks; and/or
 3. Use of City parking facilities; and/or
 4. Use of amplified sound above that defined in Title 6 of this Code; and/or
 5. Outdoor or temporary events that do not normally occur with the permitted use.
- B. Any organized activity involving the use of, or having an impact on, the above shall require a permit as outlined in Section 4A-2-1 of this Code. Event levels are determined based on degree of City impacts including but not limited to: anticipated attendance, use of amplified sound, transportation and parking, use of public or private property, and admission. Any

event may be defined as either a Level One Event, a Level Two Event, a Level Three Event, or a First Amendment Event if they meet one or more of the listed criteria in the given category:

1. LEVEL ONE EVENT:

- a. The attraction of crowds up to 199 people; or
- b. Necessity for rolling street closure.

2. LEVEL TWO EVENT:

- a. The attraction of crowds between 200 and 499 people; or
- b. Necessity for partial street closure.

3. LEVEL THREE EVENT:

- a. The attraction of crowds between 500 people; or
- b. Necessity for full street closure.

4. FIRST AMENDMENT EVENT: An activity conducted for the purpose of persons expressing their political, social, religious, or other views protected by the First Amendment to the United States Constitution and Article 1, Section 15 of the Utah Constitution, including but not limited to speechmaking, picketing, protesting, marching, demonstrating, or debating public issues on any City street or other property during the event. 'First Amendment Events' shall not include:

- a. Solicitations or events which primarily propose a commercial transaction;
- b. Rallies, races, parades, or events conducted with motor vehicles or bicycles;
- c. Footraces.

4A-1-1.7 SPECIAL EVENTS COORDINATOR. The City employee designated by the Economic Development Manager within the Special Events Department, which administers the provisions in the Special Events Chapter of this Code.

4A-1-1.8 SPECIAL EVENT PERMIT. A permit sought by an Applicant for an event as defined in this Chapter, granted through the Special Events Department.

4A-1-1.9 SPONSOR. A person, group, or business which has contracted to provide financial or logistical support to any Special Event or master festival. Such agreement may provide for advertising rights, product promotion, logo promotion, exclusivity of rights, products, or logos.

4A-1-1.10 STAGE(S). The raised and semi-enclosed platforms that are designed to attenuate sound, or as otherwise approved by Special Events staff.

4A-1-1.11 VENUE. The location or locations upon which a Special Event is held, which may include the ingress and egress route as approved in the conditions of the Special Event Permit.

4A-2 Special Event Permitting

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4A-2-1 Unlawful To Operate Without A License; Exceptions

- A. It is unlawful for any person to conduct a Special Event with or without charge for admission, on public or private property, without first applying for and being granted a Special Event Permit for the specific event and its Venue(s). All permits issued pursuant to this Title are non-transferrable and expire at the completion of the given event, or upon revocation, whichever is earlier.
- B. The following are exempt from Special Event licensing:

1. Funeral processions by a licensed mortuary;
2. Activities lawfully conducted by a governmental agency within the scope of authority;
3. Filming activities if a permit for such activities has been issued by the City;
4. First Amendment activities: If it is not reasonably possible to obtain a permit in advance of a First Amendment Event, no permit shall be required providing that the prohibitions of Subsections B, C, D and E of Section 4A-2-4 are not violated.

4A-2-2 Renewal Of Permit(s)

Permittees under the provisions of this Title who successfully operate a Special Event under the provisions of this Title and who wish to have the event on an annual or periodic basis must renew each Special Event Permit as outlined in Section 4A-2-3 herein. Event levels will be determined through the renewal process, regardless of recurrence or previously determined event levels. Activities that occur in series, falling under the criteria established in this Title, must have a Special Event Permit, which specifically authorizes each activity in the series, even if the same activity is held on separate occasions.

4A-2-3 Special Event Permit Application Procedure

- A. **APPLICATION SUBMITTAL.** All requests for Special Event Permit(s) shall be made on a Special Event application or First Amendment Event application prescribed by the City and submitted to the Special Events Coordinator. Application materials are available at City Special Events Department and online at the City's website, and must be completed and submitted to the Special Event Coordinator not less than ninety (90) days prior to the scheduled opening of any Level Three Event, not less than sixty (60) days

prior to the scheduled opening of any Level Two Event, and not less than thirty (30) days prior to the scheduled opening of any Level One or First Amendment Event unless otherwise approved by the City Council, or by the Economic Development Manager or his/her designee for Special Events, upon a showing of good cause.

B. **ADDITIONAL REQUIREMENTS.** In addition to an application for a Special Event Permit, the Economic Development Manager or his/her designee shall require the Applicant to provide as necessary:

1. Insurance coverage, waiver and release of damages and indemnification as described in Section 4A-2-10;

2. Supplemental documents, including a transport and traffic control plan, contingency plan, and site map described in Section 4A-2-11;

3. Proof that the Applicant has obtained any applicable city, county, state, or other governmental agency approvals, permits, or licenses as described in Section 4A-2-6.

C. **CITY COUNCIL REVIEW.** The City Council of Park City shall review and either approve, approve with conditions, or deny the following applications:

1. Applications for new Level Three Events;

2. Applications for Level Three Event permit renewals where material elements of the event have substantially changed from the previous application; and

3. Appeals of administrative decisions made pursuant to Subsection (D) Administrative Review, herein.

4. As used herein, a 'new Level Three Event' shall mean any Level Three Event being proposed for the first time, an event renewal of a Level One, Level Two or First Amendment Event that now qualifies as a Level Three Event, or a Level Three Event which was not renewed for a period exceeding one (1) year. The City Council shall review applications for compliance with the standards for permit approval described at Section 4A-2-4 herein as follows:

a. **Staff Review and Recommendation.** Upon receipt of a complete Level Three Event application and accompanying Fee, City staff shall review the application for compliance with Section 4A-2-4 herein. Staff shall subsequently return a copy of the application to the Applicant with comments and a recommendation, i.e., approve as is, approve with changes and/or conditions, or cause for denial. Incomplete applications will be returned to the Applicant and noted accordingly. Following review of the Level Three Event application and notice to the Applicant, the Special Events Coordinator shall schedule the application for a public hearing before the City Council.

b. **City Council Hearing.** Level Three Event applications requiring City Council review and appeals of administrative Special Event decisions shall be heard at a duly noticed public hearing of the City Council. The City Council shall review the application for compliance with the standards set forth at Section 4A-2-4 herein, and shall record its decision with written findings of fact, conclusions of

law, and condition of approval, if applicable. Written notice of the City Council's decision shall be delivered to the Applicant within ten (10) days of the date of decision.

- D. **ADMINISTRATIVE REVIEW.** The Economic Development Manager or his/her designee shall review and shall have the authority to administratively approve, approve with conditions, or deny the following applications:
1. Level One and Level Two Event applications;
 2. First Amendment Event applications;
 3. Applications for Level Three Event renewals where material elements of the event have not substantially changed from the previous application. Upon receipt of a complete Level Three Event application and accompanying Fee, the Special Events Coordinator shall review the application for compliance with Section 4A-2-4 herein.
- E. **DECISION.** Upon receipt of a complete Special Event Permit application and accompanying Fee, the Special Events Coordinator shall review the application for compliance with Section 4A-2-4 herein. Following review of the application, the Special Events Coordinator shall record his/her decision with written findings of fact, conclusions of law, and conditions of approval, to the Economic Development Manager or his/her designee for final administrative approval. Once approved by the Economic Development Manager or his/her designee, the Special Event Coordinator will deliver written notice of such decision to the Applicant.
- F. **APPEALS.** Any Applicant whose application has been administratively denied may appeal the decision to the City Council by filing a written request to the Special Events Coordinator within ten (10) days of the date of decision. The City Council shall hear the matter de novo and with public hearing.

4A-2-4 Standards For License Approval

Applications for Special Event Permit(s) shall be reviewed for compliance with the standards provided herein. The Economic Development Manager or his/her designee or City Council may deny or restrict any Special Event whenever any of the conditions enumerated in this Section cannot be eliminated or sufficiently mitigated by Conditions of Approval to ensure public safety and consistency with the Park City General Plan.

- A. The Special Event does not provide positive economic, cultural, or community value, or is not in accordance with the goals outlined in the Park City General Plan. The economic, cultural, and community value shall be determined by the City pursuant to the following criteria:
1. Does not unreasonably restrict existing public access or adversely impact shared space or the public due to the number of events, the nature of the event, proposed location and/or location conditions;
 2. Provides diversity or uniqueness to the existing event calendar;
 3. Is not primarily retail and/or solely to avoid more restrictive general zoning and license regulations;
 4. Provides economic benefit to the City through tax benefits, resort visitation, or marketing or branding value, compared to community impacts and costs of services.
- B. The conduct of the Special Event will substantially interrupt or prevent the safe and orderly movement of public transportation or other vehicular and pedestrian traffic in the area of its Venue.

- C. The conduct of the Special Event will require the diversion of so great a number of police, fire, or other essential public employees from their normal duties as to prevent reasonable police, fire, or other public services protection to the remainder of the City.
- D. The concentration of persons, vehicles, or animals will unduly interfere with the movement of police, fire, ambulance, and other emergency vehicles on the streets or with the provision of other public health and safety services.
- E. The Special Event will substantially interfere with any other Special Event for which a permit has already been granted or with the provision of City services in support of other such events or governmental functions.
- F. Where applicable, the Applicant fails to provide the following:
 - 1. The services of a sufficient number of traffic controllers, signs or other City required barriers or traffic devices;
 - 2. Monitors for crowd control and safety;
 - 3. Safety, health, or sanitation equipment, and services or facilities reasonably necessary to ensure that the Special Event will be conducted without creating unreasonable negative impacts to the area and with due regard for safety and the environment;
 - 4. Adequate off-site parking and traffic circulation in the vicinity of the event;
 - 5. Required insurance, cash deposit, or other security; or
 - 6. Any other services or facilities necessary to ensure compliance with City ordinance(s).
- G. The event creates the imminent possibility of violent disorderly conduct likely to endanger public safety or cause significant property damage.
- H. The Applicant demonstrates inability or unwillingness to conduct the event pursuant to the terms and conditions of this Title or has failed to conduct a previously authorized event in accordance with the law or the terms of a permit, or both.
- I. The Applicant has not obtained the approval of any other public agencies, including the Park City Fire District, within whose jurisdiction the event or a portion thereof will occur.
- J. **EXCEPTIONS**. Applications for First Amendment Event permits will be reviewed for compliance with the standards outlined in Subsections B, C, D, E, G, and H above. In reviewing any Application for a permit for a First Amendment Event, the Economic Development Manager or his/her designee may place reasonable time, place, and manner of restrictions on the First Amendment Event. No such restriction shall be based on the content of the beliefs expressed or anticipated to be expressed during the First Amendment Event, or on factors such as the identity or appearance of persons expected to participate in the assembly.

4A-2-5 Conflicting Permit Applications

- A. No more than one (1) Special Event shall be approved for the same date(s) unless the Economic Development Manager or his/her designee finds that the events will not adversely impact one another and that concurrent scheduling of the events will not adversely impact the public health,

safety, and welfare. In making this determination, the Economic Development Manager or his/her designee will apply the following criteria:

1. Geographic separation of the events;
 2. Proposed time and duration of the events;
 3. Anticipated attendance volumes;
 4. Necessity for public personnel, equipment, and/or transportation services at the events; and
 5. Anticipated traffic and parking impacts.
- B. In cases where an event double booking conflict arises, the Economic Development Manager or his/her designee will encourage any secondary, or subsequent, Applicant to review the feasibility of collocating with the original Applicant. If collocating proves impractical, the Economic Development Manager or his/her designee will encourage any secondary, or subsequent, Applicant to offer a viable alternative strategy that meets the needs of all Applicants, while also ensuring adequate public safety measures remain intact.
- C. If no voluntary agreement is reached, then the Economic Development Manager or his/her designee shall resolve the issue based on the following order of priorities:
1. The Special Event that provides the greatest overall value to the City based on economic, cultural, and community impacts, which for recurring events may be based on annual event debrief with recommendations from the Special Event Advisory Committee.
 2. Special Events planned, organized, or presented by state, federal, or City governmental entities or their agents shall have priority over conflicting applications if:
 - a. The application is timely filed and processed by the City;
 - b. Said governmental application is made in good faith and not with the effect or purpose of improperly chilling constitutional rights of conflicting Applicants.
- D. If no voluntary agreement is reached, then the first-in-time application shall be given priority. The conflicting Applicant shall be advised of other open dates on the City's events calendar.

4A-2-6 Licenses Necessary For A Special Event Permit

The Applicant/licensee shall procure any applicable city, county, state, or other governmental agency approvals, permits, or licenses.

4A-2-7 Fees To Be Assessed; Exceptions

- A. **APPLICATION FEE.** Special Event application Fees shall be assessed according to the Fee resolution. All application Fees are due and payable upon submission of a completed application. Applications shall be considered incomplete unless and until the application Fee is paid in full. An Applicant for a recurring event that qualifies as a new event level is responsible for Fee amounts of the given level.
- B. **CITY SERVICE FEES.** Upon receipt of a completed Special Event Permit application, the Special Events Coordinator will provide the Applicant with an estimate of Fees based on

estimated costs for City services arising from the event, including but not limited to the use of City personnel and/or equipment, City transportation services, inspections, and user Fees. A final assessment of City costs will occur upon completion of the Special Event. All City service Fees will be adjudged to reflect actual cost. Unless reduced pursuant to Section 4A-2-9, all City service Fees must be paid in full within thirty (30) days of the final assessment of City costs for the Special Event.

- C. **FINANCIAL SECURITY.** The Special Events Coordinator is authorized to require an Applicant to post a cash deposit or other security accepted by the Legal Department for all estimated contingent costs prior to the issuance of a Special Event Permit, as a guarantee against Fees, damages, clean up, or loss of public property.
- D. **EXCEPTIONS.** Specified Fees do not apply to an application for a First Amendment Event permit if the Applicant demonstrates, by sufficient evidence, that the imposition of Fees would create a financial hardship on the Applicant or would have a detrimental effect on services provided to the public.

4A-2-8 Events In Parking Structures

Applications for Special Events taking place within a parking structure shall be reviewed for compliance with all Codes relating to Special Events along with the standards provided below:

- A. Location – Special Events or hospitality functions taking place within a parking structure shall only take place in Historic Recreation Commercial (HRC) District and Historic Commercial Business (HCB) District zones.
- B. Duration – Permitted Special Events or hospitality events taking place within a parking structure may not exceed ten (10) calendar days in duration.
- C. Frequency – Individual parking structures will be eligible to be converted into an event or hospitality use no more than two times during one calendar year.
- D. Application Requirements – In addition to the Special Event application requirements, Applicants wishing to utilize a parking structure for a temporary assembly use as part of a Special Event or hospitality function must also provide the following:
 - 1. An original set of design plans stamped by a Utah licensed mechanical engineer that meet the intent of required ventilation standards as per the International Mechanical Code Section 403.3.1.1 for both occupancies. This plan must be approved by the Building Official.
 - 2. Design plans that demonstrate plumbing systems and fixtures provided within the event space meet the intent of the plumbing fixture requirements of IBC Chapter 29. This plan must be approved by the Building Official.
 - 3. All plans must be approved by the Deputy Fire Marshal and shall demonstrate compliance with the International Fire Code.

4A-2-9 Fee Reductions

- A. Annually, the City will allocate up to two hundred thousand dollars (\$200,000) to be used to reduce City Service Fees required for Special Events. Allocation of reduced Fees will be determined at the sole discretion of the Economic Development Manager and Budget Manager(s),

City Manager, and City Council. Unmet thresholds at the end of a year will not be carried forward to future years.

- B. The City Manager may reduce the following Special Event permitting and associated City Service Fees up to a total of twenty five thousand dollars (\$25,000) after reviewing a recommendation from the Economic Development Manager and Budget Manager upon a finding of eligibility pursuant to the criteria provided herein:
1. Application;
 2. Building permit;
 3. Facility and/or equipment rentals;
 4. Field and/or park rentals;
 5. Special use of public parking permit;
 6. Bleachers;
 7. Trail; and
 8. Public Safety Personnel.

If the total Fee reduction request exceeds twenty five thousand dollars (\$25,000) or includes other City Service Fees outside the Fees mentioned above, then the request must be approved by City Council in a Public Meeting.

- C. All Fee reduction requests will be reviewed twice a year. All Special Event Fee reduction requests must be submitted to the Special Events Coordinator prior to the application deadlines:
1. October 1st – Events occurring between January 1st and June 30th.
 2. April 1st – Events occurring between July 1st and December 31st.

Applications received outside of the normal application process may be considered for reductions but must demonstrate an immediate need for reduction and provide justification to why the application was not filed within the specified deadline.

- D. Fee reduction applications will be evaluated by a City Staff review committee comprised of City Departments which the Fees directly impact and a recommendation will be submitted to the Special Events Department. Special Events staff will make a recommendation to the Economic Development Manager, Budget Manager(s), and City Manager or City Council. Final determinations will be made by these parties as outlined above in Section 4A-2-9(B). All decisions may be appealed with the final decision given by the City Council. Eligibility for a full or partial Fee reduction shall be determined by the City pursuant to the following criteria, none of which shall be individually controlling:
1. Charges event admission or Fees for participation and policy for attendees or participants unable to pay such Fees;
 2. Event provides free programs to the community, or raises funds for organizations that provide free programs, benefiting local youth, seniors, or under-served constituents;

3. Provides economic opportunities to the community including positive tax benefits, raises funds or provides revenue opportunities to the City to offset City services and costs required by the event;
4. Provides community and/or economic event opportunities during resort off seasons;
5. Demonstrates extraordinary efforts to reduce and mitigate environmental, transportation, and residential impacts associated with the event consistent with adopted City Council priority/policy goals and the General Plan; and
6. Demonstrates that the imposition of Fees would create a financial hardship on the Applicant or would have a detrimental effect on services provided to the public.

Fee reduction requests must be filed bi-annually, unless otherwise approved in a City services agreement by the City Council. Approval of a Fee reduction for any application shall not create a precedent for future requests.

4A-2-10 Insurance Requirements

Upon receipt and review of a Special Event Permit application, the Special Event Coordinator will submit the application with a recommendation for final authority by the City Attorney's Office for amount of liability insurance pursuant to the hazard matrix or more to be determined within ten business days (10) following submittal. The Special Event Coordinator will deliver written notice of such determination to the Applicant. Applicants shall provide proof of liability insurance in the determined amount no later than fourteen days (14) prior to the first set-up day of a Special Event. The City Attorney's Office shall require the Applicant to further name Park City Municipal Corporation as an additional insured. All Applicants shall further indemnify the City from liability occurring at the event, except for any claim arising out of the sole negligence or intentional torts of the City or its employees. Any reduction of these requirements must be approved by the City Attorney's Office prior to permit approval.

4A-2-11 Permit Application Supplemental Documents

- A. Transportation and traffic control requirements and considerations:
 1. All traffic and transportation control is the responsibility of the Applicant. A traffic and transportation control plan shall be provided to, and approved by, the Economic Development Manager or his/her designee upon recommendation by the Transportation Department by the event date. Plans are determined through collaboration with the Special Events Coordinator, and shall include determinations on transit impacts and traffic control, including pedestrian, bicycle, motorized and other methods of transport required for the event;
 2. Road closures will require appropriate traffic control. Appropriate traffic control may include by uniformed state, county, or local police officers, or a private company, identified event staff, or physical devices, as determined by the Economic Development Manager or his/her designee;
 3. The Economic Development Manager or his/her designee may require an alternate route, or alternative time, if the proposed Event occurs when traffic volumes are high, active road construction is present, an alternative event is already occupying the road, a safer route to accommodate the event, or the event poses a significant inconvenience to the traveling public;

4. The Applicant shall restore the road or trail segment, or impacted area to its original condition, free from litter and other material charges;
5. The Economic Development Manager or his/her designee may monitor and ensure compliance with the terms and conditions of any Special Event Permit.

B. Contingency Plan Requirements:

1. Considering the nature of the planned Special Event, the Applicant shall develop:
 - a. Contingency or emergency plans, including Emergency Medical Service, fire, and police;
 - b. Operations plan and timeline;
 - c. Weather date and/or weather conditions plan;
 - d. Residential notification and mitigation plan;
 - e. Planned rest areas, water and toilet facilities, and trash and recycling cleanup;
 - f. Plans to ensure that participants obey the conditions of the Special Event Permit and all other generally applicable traffic laws, lights, and signs;
 - g. The Economic Development Manager or his/her designee may require that the Applicant provide notice to participants, bystanders, or the public of all plans enumerated in Subsection (B)(1). The amount of and method of notice shall be dependent on the circumstances of the Special Event Permit.

C. Special Event Site Identification and Private Property Use Requirements.

- D. The Applicant shall provide a detailed map showing the proposed course and direction of the event. Locations of parking areas, signs and banners, water stations, power sources, toilet facilities and other appropriate information shall also be included on this map. The Applicant is responsible for obtaining appropriate permission to locate these facilities on private property.

4A-2-12 Film-Making

Film-making shall be considered Special Events unless such event does not create substantial public impact or require substantial City service. Any filming undertaken by any business or corporation must first be licensed as a business under Title 4 of this Code. Corporations falling under the provisions of this Title or who are specifically in film-making or promotions on public or private property must, as a provision of their permit, provide the following: proof of insurance, shooting schedule or schedule of events, written permission of property owners, and access to any set or site for purposes of Code enforcement.

4A-2-13 Criminal Penalty

Any person who willfully violates any provision of this Title shall be guilty of a Class B misdemeanor. Persons conducting Special Events without having first obtained a Special Event Permit are subject to arrest and the Special Event is subject to closure.

4A-2-14 Revocation For Cause; Notice To Cure

- A. **NOTICE TO CURE**. If the Special Events Coordinator or any sworn law enforcement officer determines that the conditions of any permit issued pursuant to this Title have been or are being violated, then notice shall be given to the Permittee, Sponsor, or designated organizer's representative of the Special Event to cure the violation.
- B. **FAILURE TO CURE**. It is unlawful for the Permittee, Sponsor, or on-site organizer's representative of an authorized Special Event to fail to take reasonable steps to promptly cure any notice of violation of this Title. It is also unlawful for any participant or spectator to fail to

comply with lawful directions issued by any sworn law enforcement officer or by the Permittee, Sponsor, or on-site organizer's representative to cure their violation of this Title.

- C. **CLEAR AND PRESENT DANGER.** If a sworn law enforcement officer determines, after consultation with the Chief of Police or the Chief of Police's designee, that any failure to cure a violation of this Title creates a clear and present danger of immediate significant harm to life, public safety, or property which cannot be reasonably mitigated by increased public safety enforcement and which, on balance, outweighs the constitutionally protected rights of the organizers or participants in the Special Event, the Permittee, Sponsor, or on-site organizer's representative of the Special Event shall be promptly notified that the permit is revoked and that the Special Event must immediately cease and desist.
- D. **VIOLATION OF CEASE AND DESIST ORDER.** If a Special Event Permit is revoked as specified in Subsection (C) above, then it shall be unlawful for any person to fail to obey the order to cease and desist from illegal activities.

4A-3 Public Outdoor Music Plazas

4A-3-1 Title For Citation

4A-3-2 Purpose: Reasonable Licensing Procedures

4A-3-3 Application Of Provisions

4A-3-4 Special Event Permit: Review Procedure

4A-3-5 Public Outdoor Music Plazas

4A-3-6 General Regulations

4A-3-7 Alcohol

4A-3-8 License Holder; Program Board

4A-3-9 On-Going Compliance Evaluation

4A-3-10 Transfer Limitations

4A-3-11 Plaza Licenses In Lieu Of Administrative Permit For Outdoor Music And Outdoor Speakers

4A-3-1 Title For Citation

This Chapter shall be known and may be referred to as the Public Outdoor Music Plaza Ordinance.

4A-3-2 Purpose: Reasonable Licensing Procedures

It is the purpose and object of this Chapter that the City establish reasonable and uniform regulations governing the licensing and manner of operations of public outdoor music plazas in Park City. This Chapter shall be construed to protect the legitimate and important governmental interests recognized by this Chapter in a manner consistent with constitutional protections provided by the United States and Utah Constitutions. The purpose of these regulations is to provide for the regulation and licensing of public outdoor music plazas within the City in a manner which will protect the property values of surrounding businesses and neighborhoods, and residents from the potential adverse secondary effects, while providing to those who desire to perform in and patronize public outdoor music plazas the opportunity to do so. The purpose of this Chapter is to prevent and control the adverse effects of public outdoor music plazas and thereby to protect the health, safety, and welfare of the citizens and guests of Park City, protect the citizens from increased noise, preserve the quality of life, and preserve the property values and character of the surrounding neighborhoods.

4A-3-3 Application Of Provisions

This Chapter imposes regulatory standards and license requirements on certain activities, which are characterized as "public outdoor music plazas". It is not the intent of this Chapter to suppress any speech activities protected by the First and Fourteenth Amendments to the United States Constitution and the Constitution of the State of Utah, but to impose content-neutral regulations which address the adverse secondary effects of public outdoor music plazas. This Chapter is intended to supersede any other related ordinances including, but not limited to, Title 6 Chapter 3, Noise, and Title 15, Land Management Code, of the Municipal Code.

4A-3-4 Special Event Permit; Review Procedure

The public outdoor music plazas identified at Section 4A-3-5 herein may be programmed for public performances and outdoor music, subject to the regulations and conditions of this Chapter and subject to Special Event permitting review pursuant this Title. No Permittee or performer shall accrue any vested rights under this revocable license.

4A-3-5 Public Outdoor Music Plazas

The following locations, dates and times may be programmed for public performances and outdoor music:

A. LOWER SUMMIT WATCH PLAZA.

1. **LOCATION.** On the north end of Summit Watch Plaza. Approved plans are on file with the Special Events Department.
2. **OPERATION DAYS/HOURS/MONTHS.** This Stage may be programmed a maximum of three (3) days per week from June 1st through Labor Day. Programming is limited to a maximum of three (3) hours per day and shall begin no earlier than 12:00 Noon and conclude no later than 8:30 p.m. A timer device will be installed that shuts the power of the Stage and sound system off at 8:30 p.m.
3. **TYPE OF MUSIC.** Amplified and acoustic with prerecorded music allowed during breaks. For Amplified Events or Music on Summit Watch Plaza, the program manager shall be responsible to ensure that the sound system maintains the sound at an A-weighted sound level adjustment and maximum decibel level of ninety (90), as measured twenty-five feet (25') in front of the Stage.

B. MINER'S PLAZA.

1. **LOCATION.** 415 Main Street.
2. **OPERATION DAYS/HOURS/MONTHS.** This Stage may be programmed a maximum of two (2) days per week from June 1st through Labor Day. Programming is limited to a maximum of three (3) hours per day and shall begin no earlier than 12:00 Noon and conclude no later than 8:30 p.m. Programming of this Stage shall not conflict with any City-sponsored or duly licensed Special Event as approved by the Special Events Department, including but not limited to dates reserved for the Park City Arts Festival. A timer device will be installed that shuts the power of the Stage and sound system off at 8:30 p.m.
3. **TYPE OF MUSIC.** Solo and duo acts with microphones for vocal, with prerecorded music during breaks. For Amplified Events, the program manager shall be responsible to ensure that the sound system maintains the sound at an A-weighted sound level adjustment and maximum decibel level of 90, as measured twenty-five feet (25') in front of the Stage.

C. TOWN LIFT PLAZA.

1. **LOCATION.** 825 Main Street.
2. **OPERATION DAYS/HOURS/MONTHS.** This Stage may be programmed a maximum of three (3) days per week from June 1st through Labor Day. The maximum duration of programming per day shall not exceed four (4) hours and shall begin no earlier than 12:00 Noon and must conclude no later than 8:30 p.m. Programming of this Stage shall

not conflict with any City-sponsored or duly licensed Special Event as approved by the Special Events Department, including but not limited to dates reserved for the Park City Arts Festival. A timer device will be installed that shuts the power of the Stage and sound system off at 8:30 p.m.

3. **TYPE OF MUSIC.** Amplified and acoustic acts with microphones for vocal, with prerecorded music during breaks. For Amplified Events, the program manager shall be responsible to ensure that the sound system maintains the sound at an A-weighted sound level adjustment and maximum decibel level of ninety (90), as measured twenty-five feet (25') in front of the Stage.

D. UPPER SUMMIT WATCH PLAZA.

1. **LOCATION.** On the south end of Summit Watch Plaza. Approved plans are on file with the Special Events Department.
2. **OPERATION DAYS/HOURS/MONTHS.** This Stage may be programmed a maximum of three (3) days per week from June 1st through Labor Day. Programming is limited to a maximum of three (3) hours per day and shall begin no earlier than 12:00 Noon and must conclude no later than 8:30 p.m. A timer device will be installed that shuts the power of the Stage and sound system off at 8:30 p.m.
3. **TYPE OF MUSIC.** Amplified and acoustic with prerecorded music allowed during breaks. For Amplified Events or Music on the Upper Summit Watch Plaza, the program manager shall be responsible to ensure that the sound system maintains the sound at an A-weighted sound level adjustment and maximum decibel level of 90, as measured twenty-five feet (25') in front of the Stage.

4A-3-6 General Regulations

- A. The program manager, or his/her designee, shall provide on-site management for each event.
- B. A sound technician shall provide on-site noise monitoring for each event with music, amplified or otherwise, and any Amplified Event.
- C. For Amplified Events or Music, the program manager shall be responsible to ensure that the sound system maintains the sound at an A-weighted sound level adjustment and maximum decibel level of 90, as measured twenty-five feet (25') in front of the Stage. The data currently available to the City indicates that a maximum decibel level of 90 satisfies the purpose of this ordinance. The City may amend this ordinance consistent with newly acquired data.
- D. All events shall be open to the public and free of charge.
- E. No event shall exceed 250 people at one time unless a separate Special Event Permit is granted for that event.
- F. The Police Department or other proper City official shall have access at all times to all public outdoor music plazas under this Chapter, and may make periodic inspection of said premises whether the officer or official is in uniform or plain clothes.
- G. All events shall take place only on authorized Stages and shall have clean-up services directly following each event so as to leave the plazas in a clean and litter free manner.

4A-3-7 Alcohol

It is unlawful for the Permittee or any person or business to allow the sale, storage, supply, or consumption of alcoholic beverages at the public outdoor music plazas, unless licensed pursuant to Title 4, Alcoholic Beverage Licenses, as applicable.

4A-3-8 License Holder; Program Board

- A. The Permittee(s) will hire a program manager who must be approved by the City; the City will not unreasonably withhold approval of the program manager. The program manager will be responsible for general management of each public outdoor music plaza and on-site oversight for each event. Agreements with the individual property owners will be provided to the City Special Events Department by the program manager.
- B. The Permittee(s) shall schedule events in accordance with the regulations set forth in this Chapter. Nothing herein shall allow the City to regulate the content or otherwise censor plaza productions or speech. The Permittee(s) shall at all times hold the City harmless and indemnify the City from all claims, actions, and liability arising from the Permittee(s)' use of the public outdoor music plazas. The Permittee(s) shall maintain their own liability insurance, with the City listed as an additional insured in a form approved by the City Attorney.
- C. Nothing in this Chapter shall be interpreted to create a contract or implied-contract between the City and any performer, or public outdoor music plaza owner.

4A-3-9 On-Going Compliance Evaluation

- A. Permittee(s) shall post a phone number at each Venue so that individuals may phone in comments. Based upon such comments, the Special Events staff may issue additional conditions consistent with the intent of this Chapter to the program manager, including decreasing DB levels in three (3) DB increments with at least three (3) days between each reduction. A summary of, and recommended response to comments will be forwarded to the City Council within seven (7) days of the end of each month of operation, or sooner if requested by the program manager to resolve any issue.
- B. The Police Chief, or his/her designee, may suspend the permits granted herein and schedule a revocation hearing before the City Council at the next regularly scheduled City Council meeting for any of the following causes:
 - 1. Any violation of this Chapter as evidenced by a citation issued by the Police Department.
 - 2. Any violation of law or City ordinance.
 - 3. Upon any other evidence that the program manager or entertainer constitutes a hazard or nuisance to the health, safety, or welfare of the community.

4A-3-10 Transfer Limitations

The Special Event Permit(s) granted under this Chapter are not transferable without the written consent of the Mayor. It is unlawful for an individual to transfer a public outdoor music plaza Special Event Permit without City approval as provided herein. If any transfer of the controlling interest in a public outdoor music plaza permit occurs without City approval, the permit is immediately null and void and the public outdoor music plaza shall not operate until a separate new permit has been properly issued by the City as herein provided. The City will not unreasonably withhold consent of transfer provided the proposed licensee is a non-profit organization within Park City, meets all the criteria of this Chapter, and demonstrates experience managing Special Events.

4A-3-11 Plaza Licenses In Lieu Of Administrative Permit For Outdoor Music And Outdoor Speakers

The Special Event Permits granted under this Chapter are in lieu of any administrative conditional permit (CUP) for outdoor music, including outdoor speakers, pursuant to Title 15 of the Municipal Code, Land Management Code. The Planning Department shall not issue any outdoor music permits in the Historic Commercial Business (HCB) zoning district north of Heber Avenue. The City may still issue outdoor music permits in conjunction with an approved Special Event Permit.