

**Ordinance No. 2018-52**

**AN ORDINANCE AMENDING TITLE 4A - SPECIAL EVENTS, CHAPTER 1 DEFINITIONS AND CHAPTER 2 SPECIAL EVENT PERMITTING OF THE MUNICIPAL CODE OF PARK CITY, UTAH**

WHEREAS, special events within the city limits of Park City continue to grow; and WHEREAS, Park City desires to facilitate events that provide

positive

impacts to the local resort economy, contribute to the unique historic character and cultural vitality of the City, and help to build a higher quality of life for city residents, visitors and the local business community; and

WHEREAS, special events range from very small neighborhood-level events to city-wide, multi- million dollar productions; and

WHEREAS, special events held in the City impact public safety and impede the flow of pedestrian and vehicular traffic; and

WHEREAS, amendments to the permit application process proposed herein will allow the City to manage neighborhood impacts of events and balance the competing uses of its public spaces to ensure that members of the public are able to access public spaces in a manner consistent with the following General Plan goals:

- Goal 10: Provide world class recreation and public infrastructure to host local, regional, national and international events that further Park City's role as a world class, multi-seasonal destination resort while maintaining balance with our sense of community.
- Goal 11: Support the continued success of the multi-seasonal tourism economy while preserving the community character that adds to the visitor experience.
- Goal 12: Foster diversity of jobs to provide greater economic stability and new opportunities for employment in Park City.
- Goal 13: Park City will continue to grow as an arts and culture hub encouraging creative expression; and

WHEREAS, pursuant to its authority under Utah Code sections 10-8-29 and 10-8-84, Park City Municipal Corporation wants to ensure public health, safety, and welfare during all permitted events; and

WHEREAS, when more than one event occurs in the same general area, the occupancy level of venues, public property, adjacent city streets and sidewalks increases, which may create an unsafe condition and strain the City's resources and infrastructure; and

WHEREAS, limiting the number of special events that may occur simultaneously and limiting the overall number of large scale, Level Three, Four and Five events will allow the City to prevent people from being injured due to overcrowding, overcapacity streets, roadways and sidewalks, and will allow the City to better manage its

resources and maintain infrastructure; and

WHEREAS, citizens need to quickly access public space to respond to current events through spontaneous speech.

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

SECTION 1. AMENDMENTS TO TITLE 4A – Special Events of the Municipal Code of Park City. The recitals above are incorporated herein as findings of fact. Title 4A Special Events, Chapter 1 Definitions and Chapter 2 Special Event Permitting of the Municipal Code of Park City are hereby amended as redlined as attached in Exhibit A.

SECTION 2. This ordinance shall become effective upon publication.

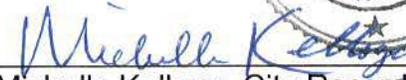
PASSED AND ADOPTED this 27<sup>th</sup> day of September, 2018.

PARK CITY MUNICIPAL CORPORATION



  
\_\_\_\_\_  
Mayor Andy Beerman

Attest:

  
\_\_\_\_\_  
Michelle Kellogg, City Recorder

Approved as to form:

  
\_\_\_\_\_  
Mark Harrington, City Attorney

Exhibit A- Title 4A, Chapters 1 and 2 Redline

# Exhibit A: Special Event Code Changes Title 4A

## 4A Special Events

- 4A-1 Definitions
- 4A-2 Special Event Permitting
- 4A-3 Public Outdoor Music Plazas

### 4A-1 Definitions

- 4A-1-1 Definitions

#### 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 DISRUPTIVE TECHNOLOGY.** An innovation that displaces an established technology and creates a new market and value network that eventually disrupts an existing market and value network, displacing established market-leading firms, products and alliances.

**4A-1-1.54 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 as according to the Park City Fee Schedule which is adopted by June each year.

**4A-1-1.65 PERMITTEE.** The Applicant, as defined above, becomes the "Permittee" when the Special Event Permit is approved and signed by either the City Council or 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-1-1.76 SPECIAL EVENT.**

1. 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:
  - a. Interruption of the safe and efficient flow of transportation in Park City, including streets or public rights of way, which may include ~~f~~Full, ~~or~~ partial, or temporary closures or impacts on street or sidewalks closures necessary for the safe and efficient flow of traffic transportation and pedestrian movement in Park City; and /or

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- b.a. Use of public property, facilities, trails, or parks; and/or
  - c.b. Use of City parking facilities; and/or
  - c. Use of amplified sound above that defined in Title 6 of this Code; and/or
  - d. Need for Public Safety beyond their normal scope of operations; and/or
  - d.e. Requires licensing or services beyond normal scope of business; and/or
  - e.f. Outdoor or temporary events that do not normally occur with the permitted venue use.
2. 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 by City staff based on degree of City impacts including but not limited to: anticipated attendance as related to type of venue use whether private or public, transportation and public safety impacts 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, a Level Four Event, a Level Five 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. Attendance at any one time is estimated between 50 and 250 people and occurs on one day and is not a series; and/or
- b. Has minor impact to surrounding areas and can be held within existing venue/use area; and/or
- c. Has minor transportation needs including minimal removal of parking, rolling road closures, and does not require increased transit; and/or
- d. Does not require Public Safety staffing beyond their normal operations.
- a. ~~The attraction of crowds up to 199 people; or~~
- b. ~~Necessity for rolling street closure.~~

### 2. LEVEL TWO EVENT:

- a. Attendance at any one time is estimated up to 500 people and the event is a series or has multiple days in consecutive occurrence; and
- b. Has minor impact to surrounding areas and can be held within existing venue/use; and/or
- c. Has minor transportation needs including minimal removal of parking, but requires a transportation mitigation plan. temporary, rolling or short term road closures, and does not require increased transit; and/or
- d. Does not require Public Safety beyond their normal operations.
- a. ~~The attraction of crowds between 200 and 499 people; or~~
- b. ~~Necessity for partial street closure.~~

### 3. LEVEL THREE EVENT:

- a. Attendance at any one time is estimated between 500 and 1,000 people and is no more than two (2) consecutive days or three (3) days in a non-consecutive series; and/or
- b. Has moderate impact to surrounding areas and can be held within existing venue/use area; and/or

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- c. Has moderate transportation needs including removal of parking, requires a transportation mitigation plan, may require offsite parking plan, temporary, rolling or short term road closures, and does not require increased Park City transit; and/or
- d. May require limited public safety beyond their normal operations.
- ~~a. The attraction of crowds between 500 people; or~~
- ~~b. Necessity for full street closure.~~

### 4. LEVEL FOUR EVENT:

- a. Attendance throughout the duration of the event time period is estimated between 500 and 5,000 people and the event may be a non-consecutive series or may have multiple days in consecutive occurrence; and/or
- b. Has moderate to major impact to surrounding areas and/or cannot be held within existing venue/use; and/or
- c. Has moderate to major transportation needs including removal of parking, requires a transportation mitigation plan, requires offsite parking plan, temporary, rolling or long term road closures, and minor to moderate residential transportation mitigation and minor increase in service from Park City Transit and may be required to provide additional transit services from a vendor outside of Park City's existing transit; and/or
- d. Requires Public Safety needs beyond their normal operations including moderate to major support in the venue and minor to moderate traffic control. May require Public Safety services from outside of the City's jurisdiction.

### 5. LEVEL FIVE EVENT:

- a. Attendance throughout the duration of the event time period is estimated to be above 5,000 people and may be a series or have consecutive days of occurrences; and/or
- b. Has moderate to severe impacts to surrounding areas and cannot be held within existing venue or use areas; and/or
- c. Has moderate to severe transportation needs including removal of parking, requires a transportation mitigation plan, requires offsite parking plan, temporary, rolling or long term road closures, moderate to major residential transportation mitigation and requires increased Park City transit and/or increased transportation provider outside of Park City's ability to provide services required; and/or
- d. Requires Public Safety needs beyond their normal operations including moderate to severe support in the venue, and moderate to severe transportation mitigation as well as support of public safety personnel from outside of the City's jurisdiction. severe

- 6. **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-1-1.87 SPECIAL EVENTS COORDINATOR.** The City employee designated by the Economic Development City Manager who, under the supervision of the Economic Development Manager and

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within the Special Events Department, ~~which~~ administers the provisions in the Special Events Chapter of this Code.

**4A-1-1.98 SPECIAL EVENT PERMIT.** A permit sought by an Applicant for an event as defined in this Chapter, granted through the Special Events Department.

**4A-1-1.109 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-1-1.110 STAGE(S).** The raised and semi-enclosed platforms that are designed to attenuate sound, or as otherwise approved by Special Events staff.

**4A-1-1.124 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.

*Adopted by Ord. 2017-51 on 10/5/2017*

### **4A-2 Special Event Permitting**

- [4A-2-1 Unlawful To Operate Without A License Permit; Exceptions](#)
- [4A-2-2 Renewal Of Permit\(s\)](#)
- [4A-2-3 Special Event Permit Application Procedure](#)
- [4A-2-4 Standards For License Permit Approval](#)
- [4A-2-5 Conflicting Permit Applications](#)
- [4A-2-6 Licenses Necessary For A Special Event Permit](#)
- [4A-2-7 Fees To Be Assessed; Exceptions](#)
- [4A-2-8 Events In Parking Structures](#)
- [4A-2-9 Fee Reductions](#)
- [4A-2-10 Insurance Requirements](#)
- [4A-2-11 Permit Application Supplemental Documents](#)
- [4A-2-12 Film-Making](#)
- [4A-2-13 Criminal Penalty](#)
- [4A-2-14 Revocation For Cause; Notice To Cure](#)

### **4A-2-1 Unlawful To Operate Without A License Permit; 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~~permitting:

1. Funeral processions by a licensed mortuary;

2. Activities lawfully conducted by a governmental agency within the scope of authority;

2.3. Activities within resorts areas (Master Planned Development (MPD) boundary in the Recreation Commercial (RC) Zone and Residential Development (RD) that are determined to have Level 1, Level 2 or Level 3 impacts. Such activities in resort areas are required to obtain proper licensing and permitting from city, county or state jurisdictions.

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3.4. \_\_\_\_\_ Filming activities if a permit for such activities has been issued by the City;

4.5. \_\_\_\_\_ 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.

Adopted by Ord. 2017-51 on 10/5/2017

### 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.

Adopted by Ord. 2017-51 on 10/5/2017

### 4A-2-3 Special Event Permit Application Procedure

A. **PRE-APPLICATION REVIEW.** All event applicants must submit a Special Event Pre-Application Form and receive preliminary authorization to move forward with the date and venue requested before submitting a Special Event Application. All applicants requesting to hold new or significantly changed events are strongly encouraged to arrange a pre-application review with the Special Events Department no later than 15 business days before applications are due. Late or incomplete Special Event Applications will not be considered, and shall not be eligible for Special Event Fee Reduction.

B. **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 CoordinatorDepartment. Special Event Applications materials are available at City Special Events Department and online at the City's website, and must be submitted complete with accompanying Hold Harmless Agreement and additional requirements as outlined below and submitted to the Special Event CoordinatorDepartment on the following timeline unless otherwise approved by the Economic Development Manager or his/her designee for Special Events, upon a showing of good cause for onetime events that demonstrate unique opportunities that benefit Park City's community, culture and economic values., City staffThe Special Event DepartmentThe Special Event Department shall review the application for compliance with Section 4A-2-4 herein. Staffthe Special Event DepartmentThe Special Event Department 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.

C. **APPLICATION SUBMISSION DEADLINES:** Special Event Applications may be submitted no earlier than 18 months in advance of the proposed start date of the event. All applications must be submitted no later than the deadlines as described below.

1. Level 3, 4 and 5 events shall adhere by the following application deadlines:

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- a. First Friday in December– Complete Applications received by the first Friday in December will be reviewed and approved with conditions or denied no later than the last City Council meeting in February.
  - b. First Friday in April - Complete Applications received by the first Friday in April will be reviewed and approved, approved with conditions or denied no later than the last City Council meeting in June.
  - c. First Friday in August – Complete Applications received by the first Friday in August will be reviewed and approved with conditions or denied no later than the last City Council meeting in October.
  - d. Events that are determined to be a Level 4 or Level 5 within Master Planned Developments (MPD) boundary in the Recreation Commercial (RC) Zone and Residential Development (RD) Zone shall submit by the deadlines as described above however, final, non-material supplemental details shall be submitted not less than 45 days before the event. Material changes after deadlines may require approval by City Council. Examples of non-material information include talent information, vendors or sponsors, specifics of venue site plans etc. Material changes would include items that would increase scope of public safety, transportation needs or include dates that conflict with other events on the calendar. Events within these zones as described above shall work with the City to decrease impacts that may be caused in conjunction with other events, activities or community gatherings.
2. Level 1 and Level 2 events are exempt from these deadlines, but must submit a completed application not less than 30 days prior to the scheduled start of their event, unless otherwise approved by the Economic Development Manager or their designee. A pre-submittal application is required for Level 1 and Level 2 events.
- 1.3. Events that are determined to be a First Amendment Event, however, shall work to submit applications no less than 30 days prior to the start of their event, unless otherwise approved by the Economic Development Manager or their designee.
- ~~C. Level 1 and Level 2 events are exempt from these deadlines, but must submit a completed application not less than 30 days prior to the scheduled opening of their event, unless otherwise approved by the City Council. A pre-submittal application is not required. 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.~~
- D. PEAK TIME PERIODS.** Applications for any new Level Three, Four or Five Event will not be considered during the following peak time periods. —:
1. Sundance Film Festival (as per dates in contract – dates vary annually);
  2. Presidents Day Weekend (dates vary annually);
  3. Savor the Summit Weekend – Friday through Sunday (dates vary annually);

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4. July 2, 3, 4 and 5;
5. First Full Weekend of August (aka Arts Fest Weekend) – Friday through Sunday (dates vary annually);
6. Tour of Utah Weekend – Friday through Sunday (dates vary annually);
7. Labor Day Weekend (aka Miners Day Holiday Weekend)– Friday through Monday (dates vary annually);
8. 3rd Weekend in September (aka Autumn Aloft Weekend)– Friday through Sunday
9. October 31 (Halloween on Main);
10. Winter Holiday (December 23 to 26);
11. Winter Holiday 2 (December 30, 31 and January 1).

### EXCEPTIONS:

- a. Level One, Two and Three events located within Master Planned Developments (MPD) boundary in the Recreation Commercial (RC) Zone and Residential Development (RD) Zone are allowed during peak time period limitations in Section 4A-2-3 (D), however, are not required to obtain a Special Event Permit as per section 4A-2-1.3.
- b. First Amendment events are exempt from peak time period limitations but are required to obtain a Special Event Permit.
- c. Applications for existing events that were permitting on the 2018 event calendar may be considered during peak timeframes and shall be evaluated based on the standards of approval herein.

**E. PUBLISH PEAK TIME PERIOD CALENDAR.** By the last Friday of each November, the Special Event Department will publish peak time period event calendar in which any new event applications will not be considered for any date identified in Section 4A-2-3 (D) as a peak time period. Applicants that appeal to be held during peak time periods shall do so based on hardship or good cause/extraordinary circumstance to enable the application to proceed. If this is the case, the event, no matter what Level, shall be approved/denied by City Council in an open public meeting after a public hearing.

**F. EVENT LEVEL LIMITS.** The City restricts the number of event permits annually. An event permit may have more than one event day. Level of event types will be capped as established below. Once caps are reached, an event applicant may amend their application reduce the event scope to be re-categorized into another event level type that is unrestricted as long as it does not fall within the dates as mentioned in section 4A-2-3.D.

11. Level 1 events are unrestricted.
12. Level 2 events are unrestricted.
13. Level 3 events are capped at 17 annually.
14. Level 4 events are capped at 10 annually.
15. Level 5 events are capped at 10 annually.

### EXCEPTIONS:

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- a. First Amendment Events are exempt from caps.
- b. Events located within Master Planned Developments (MPD) boundary in the Recreation Commercial (RC) Zone and Residential Development (RD) Zone are exempt from permitting needs as per section 4A-2-1.3, and caps if determined to be a Level 1, Level 2 or Level 3. Events in this zone that are Level 4 or Level 5 are not exempt from caps.

F.G. **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. The applicant shall submit a hold harmless letter and current certificate of insurance effective through the date or if the expiration date is prior to the event, the applicant shall update the certificate and resubmit 14 days before any event set-up or activity occurs;
- 1.2. Supplemental documents information, including a transportation, parking and traffic control plan, weather/emergency condition contingency plan, waste and recycling plan, staff and volunteer plan, community impact outreach and notification plan, vendor or concession plan, sponsor and marketing plan, noise exemption request, and site map(s) 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.
- 2.4. Letters of permission from property owners, and/or letters of recommendation or support from businesses, local organizations or residents.

H. **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 Four and Five Events;
2. Applications for Level Four and Five 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-Four or Five Event' shall mean any Level Three Four or Five Event being proposed for the first time, an event renewal of a Level One, Level Two, Level Three or First Amendment Event that now qualifies as a Level Three Four or Five Event, or a Level Three-Four or Five 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 Four or Five Event application ~~and accompanying Fee, City staff shall review the application for compliance with Section 4A-2-4 herein. Staff shall subsequently~~

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~~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~~ administrative review of a Level Three Four or Five 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-Four or Five~~ 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.

- I. **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, and Level Three Event applications;
  2. First Amendment Event applications that are found to have Level One, Level Two or Level Three impacts;
  3. Applications for Level ~~Three-Four or Five~~ Event renewals where material elements of the event have not substantially changed from the previous application. Upon receipt of a complete Level ~~Three-Four or Five~~ Event application that has not significantly changed\_ and accompanying Fee, the Special Events Coordinator shall review the application for compliance with Section 4A-2-4 herein.
- J. **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 approvalreview. 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.
- K. **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.

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## 4A-2-4 Standards For Permit 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 transportation access in accordance with the Park City Transportation Demand Management Plan, public safety in accordance with the requirements of the Park City Police Department 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 and City Council's Biennial Strategic Plan. The economic, cultural, and community value shall be determined by the City pursuant to the following criteria in order of priority:
1. Reasons for hosting the event in Park City and venue/use area is consistent with Park City's goals to create a complete community through its core values and/or partnerships with businesses or organizations that support Park City's community goals, local athletic, cultural or historic celebrations, or honoring local achievements, groups and/or individuals. Events that use public property only as a backdrop or venue with no authentic tie to the local community or city goals will not meet this standard.
  - 1.2. Provides direct economic benefit to the City through tax benefits sales tax, overnight resort-visitation, or indirect benefit through marketing or branding value, compared to community impacts and costs of providing city services.
  - 2.3. Provides event diversity by expressly targeting local gathering and/or underserved participants and/or uniqueness and uniqueness to the existing event calendar in a manner not reflected by other approved events;
  - 3.4. 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;
  - 4.5. Provides diversity or uniqueness to the existing event calendar;
  - 5.6. Is not primarily retail and/or solely to avoid more restrictive general zoning and license regulations;
  - 6.7. 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.

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- 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 transportation, 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.
- G.H. The event proposes to partner with a Disruptive Technology and has not mitigated potential impacts to businesses or the community due to nature of the technology.
- I. 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.
- H.J. The Applicant has not paid City Services, or State Sales Taxes if applicable from previous years.
- I.K. 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, or the applicant has not obtained the approval of the private property of which the event or a portion thereof will occur.
- J.L. **EXCEPTIONS.** Applications for First Amendment Event permits will be reviewed for compliance with the standards outlined in Subsections B, C, D, E, G, ~~and Hand I~~ 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

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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.

Adopted by Ord. 2017-51 on 10/5/2017

### 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 (including consecutive, prior year approval) shall be given priority. The conflicting Applicant shall be advised of other open dates on the City's events calendar.

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

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

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

- A. **APPLICATION FEE.** Special Event ~~A~~application Fees shall be assessed according to the Fee resolution. All application Fees are due and payable upon ~~submission of a completed application receipt of invoice from the Park City Special Events Department.~~ Applications for annual events will not be accepted unless the applicant has paid fees in full from previous year. 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 City Service Fees based on the fee schedule and will provide 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, City Public Safety services, City venues or facilities, Building 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 and receipt of invoice of City costs for the Special Event.
- C. **FINANCIAL SECURITY.** The ~~Special Events Coordinator~~Economic Development Manager 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.

Adopted by Ord. 2017-51 on 10/5/2017

### 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:

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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.

Adopted by Ord. [2017-51](#) on 10/5/2017

### 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) per event 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) per event 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.

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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 and/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. Reason for choosing Park City and specific venue for the event.

- 4.2. \_\_\_\_\_ Charges event admission or Fees for participation and policy for attendees or participants unable to pay such Fees;
- 2.3. \_\_\_\_\_ Event organizers provides free programs to the community, or raises funds for organizations that provide free or low cost programs, benefiting local youth, seniors, or under-served constituents, and/or is aligned with City Council's critical goals;
- 3.4. \_\_\_\_\_ 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;
- 4.5. \_\_\_\_\_ Provides community and/or economic event opportunities during resort off seasons;
- 5.6. \_\_\_\_\_ 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
- 6.7. \_\_\_\_\_ 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. Applications for fee reduction shall only be considered for the first five (5) years of event approval, unless otherwise approved under a City Service Agreement or by City Council. If an applicant appeals to have their application considered after five (5) consecutive years, the Economic Development Manager or their designee may require, by showing of good cause or extraordinary circumstances, review of a business plan, economic impact study and/or community vitality study for review and consideration of allowing an extraordinary circumstance for application to be considered. Approval of any fee reduction for any application shall not create a precedent for future requests.

Adopted by Ord. [2017-51](#) on 10/5/2017

### [4A-2-10 Insurance Requirements](#)

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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.

Adopted by Ord. [2017-51](#) on 10/5/2017

### 4A-2-11 Permit Application Supplemental Documents

#### A. Transportation, parking 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;

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- d. Residential notification and mitigation plan;
- e. Planned rest areas, water and toilet facilities, and trash and recycling cleanup;
- e.f. Marketing, sponsorship and vendor plans. If the event proposes partnership or sponsorship with a Disruptive Technology, the applicant shall be required to submit potential plan to mitigate impacts of Disruptive Technology at the time that the Special Event Permit is due, unless otherwise approved by the Economic Development Director or their designee.
- f.g. Plans to ensure that participants obey the conditions of the Special Event Permit and all other generally applicable traffic laws, lights, and signs;
- g.h. \_\_\_\_\_ 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.

Adopted by Ord. 2017-51 on 10/5/2017

### 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.

Adopted by Ord. 2017-51 on 10/5/2017

### 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.

Adopted by Ord. 2017-51 on 10/5/2017

### 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.

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- 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.

*Adopted by Ord. [2017-51](#) on 10/5/2017*