



COUNCIL AGENDA REPORT

DATE: September 14, 1995
DEPARTMENT: Community Development Department
AUTHOR: Megan B. Ryan
TITLE: Trail's End at Deer Valley - Amendment to Record of Survey
TYPE OF ITEM: Legislative

SUMMARY RECOMMENDATIONS:

Hold a public hearing and consider approval of the proposed amendment as conditioned by staff.

DESCRIPTION:

A. Topic.

Plat amendment at Trail's End at Deer Valley to shift two building pads and to change ownership entities. Please see Exhibit A - Proposed plat.

B. Background.

In 1984 a 40 unit Master Planned Development was approved for the Pine Inn condominium project. The condominium plat was approved by the City Council in 1992. The name was changed to the Trail's End at Deer Valley. Please see Exhibit B - Approved plat.

C. Analysis

The applicant, Kim McGuire, is requesting a revision to the recorded plat. The revision will shift the building pad location of units 11 and 12 two feet in a north easterly direction in order to facilitate site drainage and circulation. The revision was made during construction of the buildings. During construction the interior size of the units also increased resulting in a deviation from the original square footage numbers that were platted. The increase in square footage is within the square

footage limits that were originally placed on the project and no change to the overall configuration of the project occurs by this slight square footage increase.

The proposed revision will not affect the original intent or the Final Conditions of Approval on the Master Planned Development for this site.

D. Department Review.

The Community Development Department and City Attorney's Office have reviewed this request.

ALTERNATIVES

- A. Approve the amended Record of Survey at Trail's End at Deer Valley.
- B. Deny the proposed amendments and retain the original Record of Survey.
- C. Continue the item for further discussion and information.

SIGNIFICANT IMPACTS:

The proposed amendments will not change the original intent or the Final Conditions of Approval on the Master Planned Development for this site.

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION:

The structures would have to be torn down and rebuilt as platted and the ownership entity may be in jeopardy.

RECOMMENDATION:

Staff recommends that the City Council approve the amended Record of Survey for Trail's End at Deer Valley based on the following findings with the following conditions:

Findings:

1. The reconfiguration does not affect the intent nor the Final Conditions of Approval under the Master Planned Development for the project.
2. The revision is necessary to reflect the actual building location and to accurately define the areas under common area .

Conclusions of Law:

1. There is good cause for the revision.
2. Neither the public nor any person will be materially injured by the proposed plat revision.

Conditions:

1. All prior Master Planned Development approvals, dated April 11, 1994 and April 5, 1991 are in full force and effect.

2. Prior to plat recordation, the City Attorney and City engineer shall review and approve the final Record of Survey.

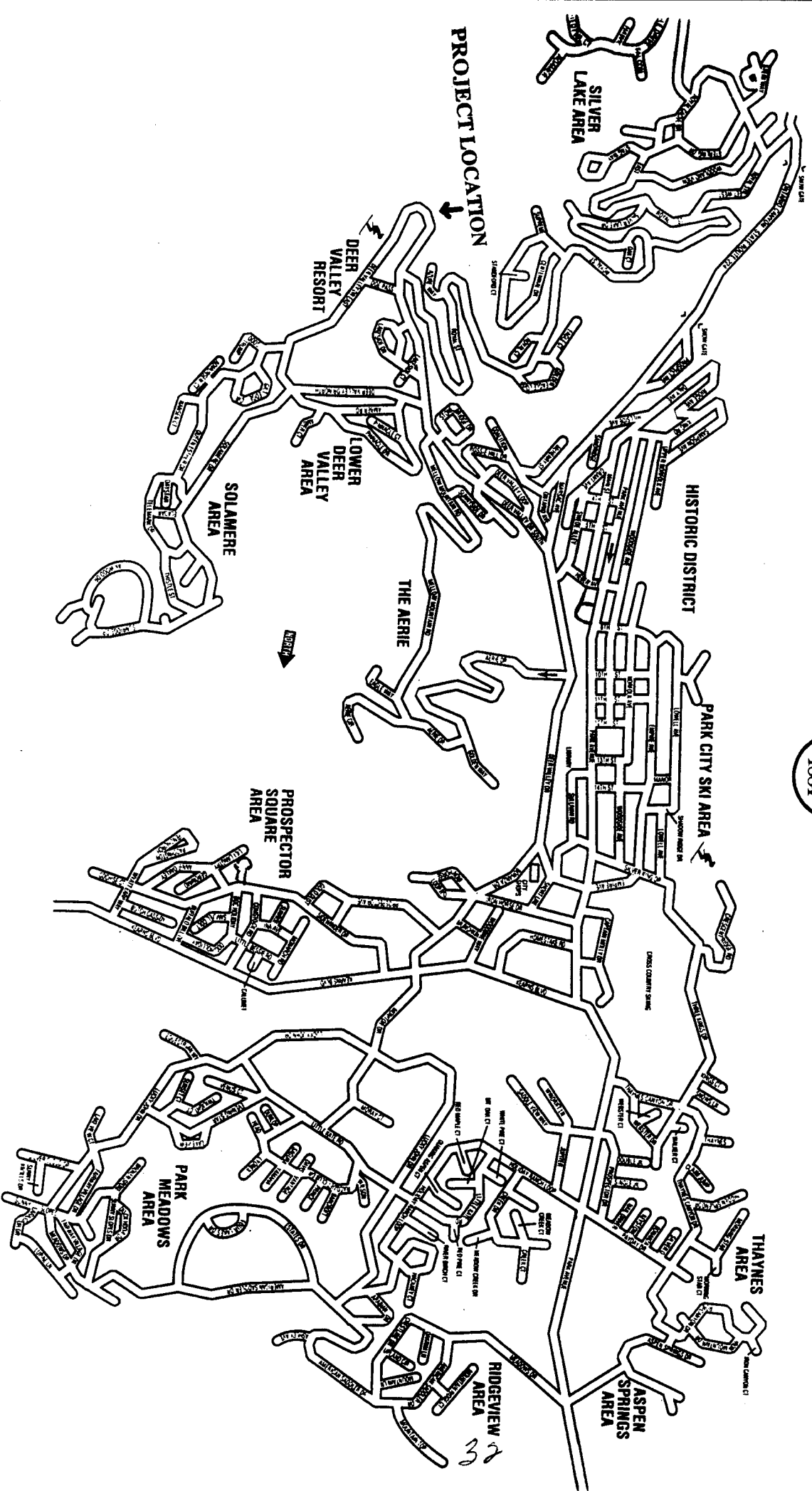
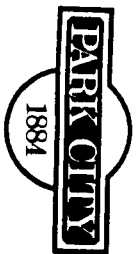
EXHIBITS

Location map

Exhibit A - Proposed plat

Exhibit B - Approved plat

TRAIL'S END AT DEER VALLEY
Location map



ORDINANCE NO. 95-__

**AN ORDINANCE APPROVING THE FIRST AMENDMENT TO TRAIL'S END
AT DEER VALLEY RECORD OF SURVEY LOCATED AT DEER VALLEY
DRIVE, PARK CITY, UTAH**

WHEREAS, the owners of the property known as Trail's End at Deer Valley petitioned the City Council for approval of a revision to the final plat; and

WHEREAS, proper notice was sent and the City Council held a public hearing to receive input on the proposed conversion on September 21, 1995; and

WHEREAS, it is in the best interest of Park City to approve the amendment, and

WHEREAS, there is good cause for the revision as the reconfiguration does not affect the intent or Final Conditions of Approval under the master Planned Development for the project; and

WHEREAS, neither the public nor any person will be materially injured by the proposed plat revision.

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

SECTION 1. The First Amendment to the Trail's End at Deer Valley Record of Survey is approved as shown on the attached Exhibit A with the following conditions:

1. All prior Master Planned Development approvals, dated April 11, 1994 and April 5, 1991 are in full force and effect.
2. Prior to plat recordation, the City Attorney and City engineer shall review and approve the final Record of Survey.

SECTION 2. This ordinance shall take effect immediately.

DATED this 21th day of September, 1995.
PARK CITY MUNICIPAL CORPORATION

BRADLEY A. OLCHE, MAYOR

ATTEST:

Anita Sheldon, City Recorder

APPROVED AS TO FORM:

Mark Harrington, Assistant City Attorney

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COUNCIL AGENDA REPORT

DATE: September 15, 1995
DEPARTMENT: Planning Department
AUTHOR: Megan Ryan
TITLE: Brookside Residential Development
TYPE OF ITEM: Annexation and MPD Request

SUMMARY RECOMMENDATIONS: Conduct a public hearing, take public input and consider directing the staff regarding the annexation and MPD processes.

DESCRIPTION:

A. Topic.

PROJECT STATISTICS

Project Name: Brookside Estate Farms
Applicant: Jack Johnson Company for Mark Montgomery
Location: Highway 224 across from White Pine Canyon Road
Proposal: Annexation and Small Scale Master Planned Development for Residential Development
Zoning: Residential Development, RD (proposed), Sensitive Lands Ordinance
Adjacent Land Uses: Snowed Inn, Open Space, Quarry Mountain
Date of Application: July 27, 1994

B. Background.

Project Description

The applicant is requesting that the City Council grant approval of the most recent version of the application, a six lot subdivision on approximately 71 acres. The applicant is proposing that the City annex the entire 71 acre parcel and approve a six parcel subdivision on approximately 35 of the 71 acres located off Highway 224 adjacent to Quarry Mountain.

The applicant is proposing that the Residential Development, RD, zoning be applied within the proposed development area and that the remainder of the project, approximately 35 acres, be zoned Recreation Open Space, ROS. The Open Space is proposed to be dedicated to City. The property is designated as Agricultural/Holding in the City's 1985 Comprehensive Plan. This designation states:

Six lots are proposed ranging in size from 3.6 to 6.6 acres. The applicant is intending for the development of Lots 1- 4 to have stream access. At this time no equestrian uses are proposed and staff would support a final condition of approval that limits any such use to a Conditional Use Permit. Building pads of 15, 000 square feet are shown on the site plan. Maximum floor areas of 10,000 square feet per home are proposed. Staff would support a reduction in the home sizes to a maximum of 7,500 square feet. The building pads are located 50 feet away from the designated wetlands and are also 100 feet from the Highway 224 right -of- way.

The lots are proposed to be accessed off a 650 foot cul-de-sac from an access point south of the Snowed Inn entrance and north of the White Pine Canyon road. The road is proposed as a private road. It is the Community Development staff position to condition the acceptance of this road so that a new 224 access road is eliminated if a shared entry point can be negotiated through the existing Snowed Inn access. Please see Exhibit A - Location Map and Project Site Plan.

The Synderville Basin Development Code will allow for approximately 1 unit per 5 acres in the portion of the property designated as Tier I. The existing sanitary sewer easement approximately delineates the Tier I and Tier II portions of this property. The zoning designations include: Low Density Residential, Medium Density Residential, and Sensitive Lands/Open Space. Please see Exhibit B - General Land Use Plan Map - Summit County.

September 7, 1995 City Council Work Session

The City Council discussed the petition for annexation at its September 7, 1995 Work Session. Several issues were raised in the discussion with the primary focus centering on the following: (as summarized by staff , please see 9/7/95 Work Session minutes for full account)

1. Is this annexation appropriate for the City at this time? Would we be creating an isolated area that does not coordinate with the City's existing infrastructure?
2. Is the six lot configuration the best design solution that mitigates visual impacts and preserves wetlands and vegetation to the best extent possible?
3. The citizens of Park City should not incur any costs for infrastructure, particularly water, of this subdivision.

The staff and representative for the applicant have met to discuss the issues raised and to try to formulate an annexation agreement that satisfies these concerns. The annexation proposal has been modified to reflect these concerns as detailed below.

C. Analysis

Items for consideration:

1. Is this annexation appropriate for the City at this time? Would we be creating an isolated area that does not coordinate with the City's existing infrastructure?

The City owns property that abuts this parcel to the north and owns significant acreage to the west. While it is accurate that no infrastructure services extend to this parcel, the parcel is located in a prominent position along the City's entry corridor and the staff believes that annexation of this property is appropriate for city development in order to have control of site design and density at this locale. It may also be advantageous for future development control in the adjacent undeveloped areas. If the property were to be developed under county jurisdiction it could preclude future annexations in this area.

The infrastructure as proposed would be isolated from existing city services at this time. Mitigation measures to offset this concern include the proposal of a private road and of water installation with costs to be totally borne solely by the residents of the new subdivision. Police services would need to be extended. Fire service is already provided in the area. As part of the annexation the applicant would be required to perform a fiscal analysis that evaluates the impacts of providing these new or extended services.

2. Is the six lot configuration the best design solution that mitigates visual impacts and preserves wetlands and vegetation to the best extent possible?

The Planning Commission has not conducted a complete Master Planned Development review process on this project. This analysis would need to be concluded prior to final Council action on the proposed annexation.

The City's Annexation Declaration Resolution and MPD regulations requires information such as site analysis and Sensitive Lands Analysis which includes a visual and vegetative component. The applicant has not yet furnished this information but agrees to. The Council can certainly forward any site design comments to the Planning Commission for their review.

3. The City Council determined that the citizens of Park City should not incur the costs for infrastructure, particularly water, of this subdivision.

The wholesale water option has been modified pursuant to the Council's input to reflect the following terms:

Service will be provided from Summit Water Company. The improvements would be designed so that the subdivision could be connected to the City's system if the City ever provided water service in that area at full cost to the owners of the subdivision. It is proposed to add a note to the final plat which indicates that a special improvement district will be formed to pay for any future connection to city services. The initial improvements would be installed to City standards but owned by the Summit Water Company. All City standards would be met including the requirement for adequate fire flows.

D. Department Review.

This project has been reviewed by several departments within the City. The Engineering, Building, Planning, City Attorney's and City Manager's Office concur the proposed annexation should reinstate the Planning process which will address and finalize the aforementioned design and service issues.

ALTERNATIVES

A. After a Public hearing has been held determine that the annexation is appropriate if site design and service delivery parameters can be established and direct staff to proceed with the MPD review and preparation of the final annexation agreement.

B. Continue the item and request additional information.

C. After a public hearing has been held deny the petition for Annexation and direct staff to prepare findings that support that recommendation.

SIGNIFICANT IMPACTS:

The potential advantages of the annexation relative to development in the County are:

1. City design control, inspection and enforcement;
2. Open Space dedication;
3. Development and tax revenue; and
4. Preservation of future annexation options.

The potential disadvantages of annexation relative to development in the County are:

1. Extension of City jurisdiction beyond where the City presently can provide water service;
2. The project could be developed more quickly if annexed to the City rather than in the County.

Encouraging this annexation request as proposed by the applicant would confirm that the City believes that this parcel is appropriate for development in the City despite the inadequacies of service delivery and incomplete review of the site design.

Whatever the advantages of annexation, the project should not be approved without a satisfactory design and service strategy.

Recommending that the request be denied allows the applicant to approach the County about developing outside the City Limits. Under the Inter-Local Planning Agreement the City will review any development plans for this parcel that are presented to Summit County.

If the project were annexed and developed in the City, PCMC would stand to receive between \$400, 000 and \$1,000,000 in impact fees and property taxes (present value), depending on the rate of buildout and the size of the homes. A fiscal analysis will be prepared by staff prior to the public hearing.

Failure to annex could also preclude the option of future annexation in this direction and the potential to acquire future possession of Open Space in the entry corridor adjacent to existing city ownership.

RECOMMENDATION:

Staff believes the property is ultimately suitable for development in the City and supports the annexation agreement subject to the planning process relating to service and design issues and recommends the City Council consider directing the staff to proceed with the MPD review and preparation of the final annexation agreement.



CITY COUNCIL REPORT

DATE: September 14, 1995
DEPARTMENT: Planning Department
AUTHOR: Nora L. Seltenrich
TITLE: Eagle Pointe Subdivision, Phase 1 (aka Quarry Mountain, South Slope)
TYPE OF ITEM: Final Plat

SUMMARY RECOMMENDATIONS: Approve with recommended conditions.

DESCRIPTION:

A. Topic.

PROJECT STATISTICS:

Applicant:	Jack Johnson Company for Florida-Utah Corp.
Location:	North of Risner Ridge and Ridgeview Subdivisions, Park Meadows
Zoning:	RD-MPD
Adjacent Land Uses:	Vacant, single family residential
Date of Application:	July 26, 1995
Project Planner:	Nora Seltenrich
Staff Recommendation:	Conditional approval

B. Background.

The Planning Commission recently approved the preliminary plat for the South Slope and Northslope portions of the Quarry Mountain Project. After the approval, the applicant requested reconsideration of the allowed house sizes in the South Slope. The Planning Commission resolved that issue at the last meeting on August 9, 1995.

The applicant is now requesting final plat approval for the first phase of the project. The

first phase consists of 24 of the 63 parcels in the South Slope. The applicant is proposing to call this subdivision Eagle Pointe. A copy of the proposed plat is attached as Exhibit A.

C. Analysis

The proposed final plat is consistent with the preliminary plat and MPD previously approved by the Planning Commission. There were a number of items which are required to be decided upon at final plat stage. Those include:

House Size - The Planning Commission discussed this as a part of the preliminary approval for the South Slope. The final plat contains a note which states:

"...THE MAXIMUM HOUSE SIZE ALLOWED SHALL BE 3900 SQ.FT. FOR LOTS LESS THAN 0.333 ACRES IN SIZE, 4500 SQ.FT. FOR LOTS 0.333 TO 0.5 ACRES IN SIZE. AND 6000 SQ.FT. FOR LOTS 0.5 TO 1.0 ACRES IN SIZE AND 7000 SQ. FT. FOR LOTS EXCEEDING 1 ACRE IN SIZE. THE MAXIMUM UNPENALIZED GARAGE SIZE IS 600 SQ. FT. GARAGE SQUARE FOOTAGE OVER 600 SQ. FT. SHALL BE DEDUCTED FROM THE MAXIMUM HOUSE SQUARE FOOTAGE TO DETERMINE THE MAXIMUM HOUSE SIZE FOR THAT HOUSE."

This note is consistent with the Planning Commission approval.

Limits of Disturbance - The applicant is proposing to limit the construction disturbance to 15 feet on side yards, 20 feet on rear yards, and 25 feet on front yards beyond the foundation limit. This is consistent with the way we have begun to handle limits in other subdivisions. The applicant must respect the required setbacks for structures, but the limits of disturbance can go up to the property line. The front setbacks along Meadows Drive are staggered from 15 feet to 30 feet as discussed in the preliminary plat process. This is to provide more variation in house placement and avoid all the homes being lined up in a row.

An additional provision which has been discussed for this subdivision is a maximum irrigated area of 10,000 sq.ft. within which a maximum of 7,000 sq. ft. can be sod. This is to reduce the total demand for water. A condition has been recommended to include a note to that effect on the final plat.

Emergency Access - The MPD approval allowed that the first phase of the project be allowed to proceed without an emergency access, but that Meadows Drive had to be graded to a satisfactory width concurrent with the second phase of the project. The applicant will be required to provide financial security which would allow installation of a turn around should the second phase of the project not progress. All structures are required to be fire sprinkled and there is a condition of approval which requires a note on the plat which so indicates.

Trails - A trails plan was outlined in the preliminary plat approval. The plat shall be required to contain all of the easements necessary for those trails. The 4 foot concrete

sidewalk along Meadows Drive will be within the right of way, adjacent to the curb. A soft surface trail in a 25 foot easement is required to the north of the parcels, following the alignment of the dirt road, whenever possible. A connection to the soft surface trail shall occur at the end of Golden Eagle Court.

Protection Strip - The only portion of this subdivision which abuts the current City Boundary occurs on Lot A. Lot A is an undevelopable parcel which is to be dedicated to the City eliminating the necessity of a 1 foot protection strip.

Quarry Lots - As discussed during the preliminary plat process, there are some parcels which occur on very uneven terrain due to the past quarry activity of the site. Notes consistent with the preliminary plat will be required to be placed on the plat and are included in the conditions of approval.

Architectural Guidelines - Draft CC&R's and Design Guidelines have been submitted. The staff and City Attorney are reviewing the documents and will require any necessary revisions prior to plat recordation.

D. Department Review.

The Planning Commission recommended approval of the Final Plat on August 30, 1995.

RECOMMENDATION:

The staff recommends approval for the final plat for the 24 lot Eagle Pointe Subdivision Phase I (aka Quarry Mountain South Slope Phase I), subject to the following:

Findings of Fact:

1. The Quarry Mountain MPD and Preliminary Plat were approved by the Planning Commission and the proposed final plat, as conditioned, is consistent with those approvals.
2. The subdivision is located on a visually sensitive hillside and analysis has been done to minimize the negative visual impacts as required by the Park City Sensitive Lands Ordinance. The existing soil is in many areas solid bedrock which may dictate special utility design and the use of explosives during construction.
3. The applicant has offered to dedicate and construct trails consistent with the Trails Master Plan, as amended by the Planning Commission.
4. Water consumption is a growing concern in Park City and conservation measures are vital to address those concerns.

5. The project is located in an area which contains unusual grade conditions resulting from past quarrying activities.
6. The current access to the Mountain Top subdivision runs through the proposed project.
7. The Planning Commission recommended approval of the Final Plat on August 30, 1995.

Conclusions of Law:

1. The final plat, as conditioned, is consistent with the Park City Land Management Code.
2. The size and configuration of parcels are consistent with adjacent developments.
3. House size limitations and limits of disturbance are necessary for compliance with the Park City Sensitive Lands Ordinance.
4. The final plat, as conditioned, will not be detrimental to health safety and general welfare of the citizens of Park City.

Conditions of Approval:

1. The house size limitations shall be noted on the plat and shall be consistent with the Preliminary Plat approval as follows:

3900 sq.ft. for lots under .33 acres
4500 sq.ft. for lots from .34 to .5 acres
6000 sq.ft. for lots from .51 to 1 acre
7000 sq.ft. for lots larger than 1 acre

2. A note shall be added to the plat which shall require that limits of disturbance be required for each lot upon building permit application. Limits of disturbance (zone of no construction, excavation or vegetation removal) will be required on all site plans with areas of disturbance restricted to 15 feet on side yards, 20 feet on rear yards and 25 feet on front yards. The limits of disturbance can encroach into the setback area to the property line, if the building zone is within 15 feet of the property lines. Some exceptions to this standard may be considered if it is necessary due to unique characteristics of the site and does not result in more disturbed area than would otherwise be allowed. The Park City Community Development Department will be required to review and approve all such exceptions.

3. The applicant shall be responsible for upgrading the pump station to accommodate additional irrigation demands on the site. The pump station will be upgraded to a standard approved by the Public Works Director and City Engineer. The maximum area

on each lot which can be irrigated will be 10,000 sq. ft. and a note shall be placed on the plat which so indicates. Within that 10,000 sq.ft. of irrigated area, a maximum of 7,000 sq.ft. of sod will be allowed.

4. The plat shall be required to show trail easements consistent with the Planning Commission Preliminary Plat approval. A 4 foot wide, concrete sidewalk shall be provided along Meadows Drive and a 25 foot wide trail easement for a soft surface trail to the north of the parcels which will connect to Golden Eagle Court. The applicant will be responsible for constructing the trails. The entire soft surface trail will be required concurrent with phase I and the sidewalk associated with the improvements of Meadows Drive. The construction drawings shall reflect the trails.

5. Site specific analysis shall occur for lots 20, 21 and 22 prior to building permit issuance. This analysis shall involve the averaging of grade to allow a structure to be built consistent with adjacent structures. Grade for purposes of determining building heights which contain piles of rock shall be measured as if the piles were not there.

6. The City Engineer shall review and approve construction drawings prior to plat recordation. The applicant will be required to post a security for all public improvements prior to plat recordation. A 15 foot non-exclusive utility easement shall be dedicated to Park City along the entire frontage of both sides of Meadows Drive.

7. The City Engineer, City Attorney and Community Development Staff shall review and approve the final plat, CC&R's and Design Guidelines prior to plat recordation.

8. Access to the Mountain Top subdivision shall be maintained through this subdivision, including during construction.

9. All homes shall have external fire sprinklers and will be required to be fire sprinkled with a modified 13-D type interior sprinkler system. If the next phase of Eagle Point does not progress within 6 months of completion of the appurtenant section of Meadows Drive, the applicant shall be required to construct a turn around for emergency vehicles. The security for public improvements shall include this cost.

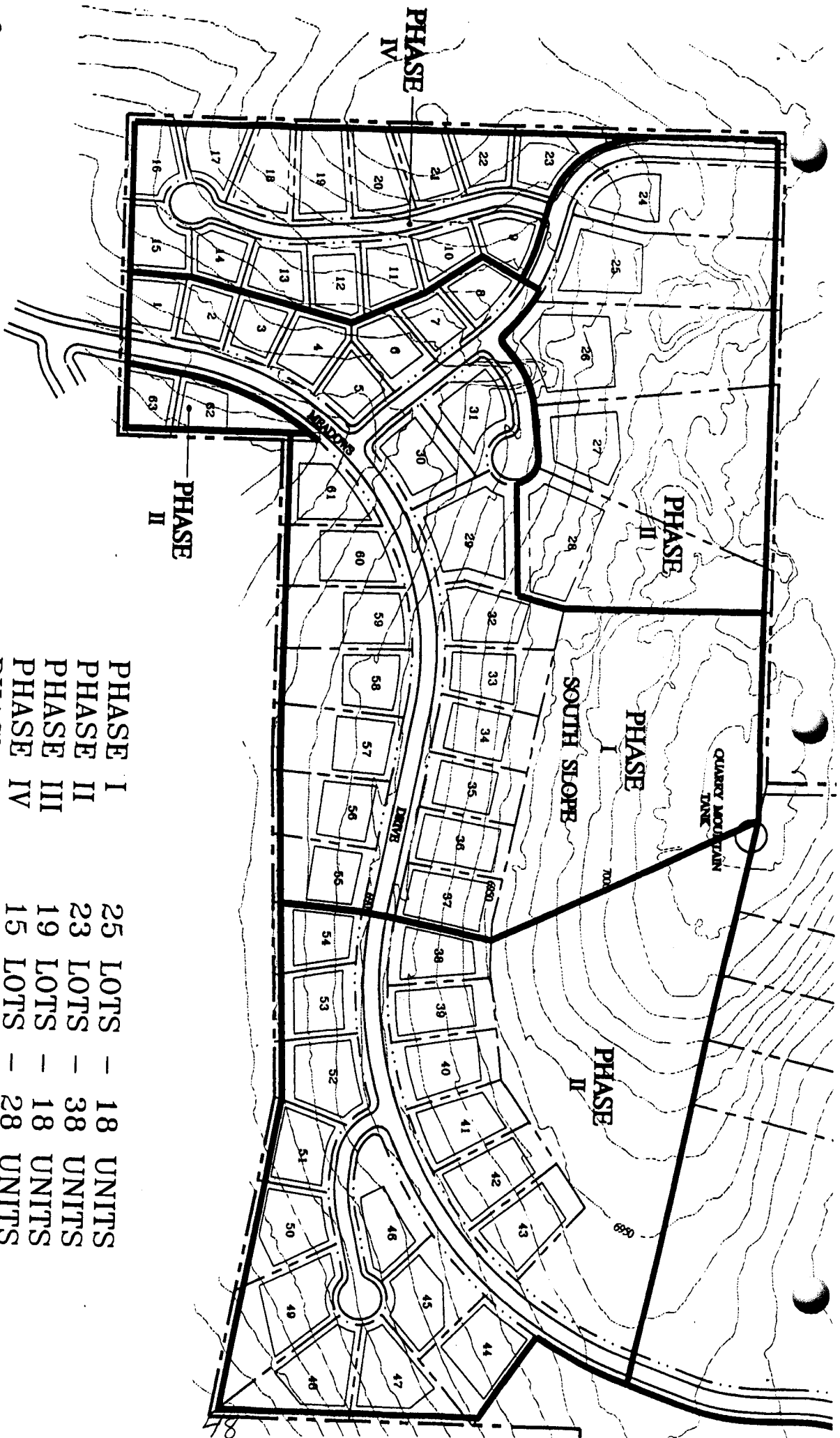
10. The name of Golden Eagle Court shall be changed because its similarity to Golden Eagle Drive. The new name is subject to the approval of the Fire Marshall.

11. The parcel of "future development" indicated between lot 24 and the Ridgeview Subdivision contains a future density range of 0 to 2 lots.

12. Lot A is to be dedicated to the City concurrent with plat recordation.

13. The reconstruction of the intersection of American Saddler and Meadows Drive shall be completed with the first phase improvements.

EXHIBITS: A - Final Plat
B - Approved Phasing Plan



RECEIVED
 AUG 24 1935
 MARK CITY
 PLANNING DEPT

PHASE I	25 LOTS -	18 UNITS
PHASE II	23 LOTS -	38 UNITS
PHASE III	19 LOTS -	18 UNITS
PHASE IV	15 LOTS -	28 UNITS
PHASE V	0 LOTS -	16 UNITS
TOTAL	82 LOTS -	118 UNITS

EXHIBIT D

COUNCIL AGENDA REPORT

DATE: September 11, 1995 (for September 21st meeting)
DEPARTMENT: Legal
AUTHOR: Anita Sheldon
TITLE: City Recorder
TYPE OF ITEM: Legislative

SUMMARY RECOMMENDATIONS: Pass and adopt an ordinance amending Title 4 of the Municipal Code of Park City to reflect Park City Municipal Corporation's reorganization of various departments and pass a resolution naming Thomas B. Bakaly as the Treasurer.

DESCRIPTION: Update the Code to eliminate references to the position of Finance Director, and changing those references to that of Administrative Services Director, who will assume the responsibilities formerly assigned to the Finance Director. Additionally, pass a resolution appointing a new treasurer.

A. Topic: Amendment to Title 4 of the Municipal Code to reflect the reorganization of the Finance and Personnel Departments.

B. Background: During this past year, the City has reorganized, combining the finance and personnel departments into the Administrative Services Department. The position of Finance Director has been eliminated and the responsibilities for that position have been assigned to the Administrative Services Director. The licensing section of the Municipal Code of Park City has several references to the Finance Director's duties in issuing licenses, including requiring his or her signature on business licenses. These references should be changed to assign the duties to the Administrative Services Director, or his or her designee.

Also, state code requires that the City Manager, with the approval of the Mayor and City Council, appoint a treasurer. The City Treasurer keeps and supervises all accounts, receives and has custody of all monies of the City, collects special City fees and taxes, water utility fees and charges, issues licenses and collects fees therefor, and performs such other duties pertaining to the department of finance as required by this Code, the Mayor and Council or City Manager. The City Manager has recommended that Thomas B. Bakaly be appointed to the position.

C. **Analysis:** The changes are necessary so that the code is consistent with the current City structure and State Code requires that the City Treasurer appointment be approved by the City Council.

D. **Department Review:** Legal and Administrative Services Departments have reviewed this matter

ALTERNATIVES:

A. **Approve the request:** Recommended action.

B. **Deny the request:** Denying the request is not practical.

C. **Continue the Item:** Same as "B"

D. **Do nothing:** Same as "B"

SIGNIFICANT IMPACTS: None

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION: Not taking the recommended action may make business licenses defective since they wouldn't be signed by the officer required by the Code. Additionally, it would cause considerable confusion in the department and with the public about who has what responsibilities in issuing licenses.

RECOMMENDATION: Pass and adopt the ordinance.

RESOLUTION ___ - 95

A RESOLUTION APPOINTING THOMAS B. BAKALY
AS CITY TREASURER

WHEREAS, cities of the Third Class are entitled to appoint a City Treasurer: and

WHEREAS, the Municipal Code of Park City, Utah, requires that a City Treasurer be appointed by the City Manager, with the approval of the Mayor and City Council; and

WHEREAS, due to the reorganization of the Finance and Personnel Departments into the new Administrative Services Department, there is not currently a City Treasurer; and

WHEREAS, after advertising the position available, accepting resumes and conducting interviews through the Personnel Director, the City Manager has chosen Thomas B. Bakaly to fill the position of City Treasurer,

NOW, THEREFORE, BE IT RESOLVED by the City Council of Park City, Utah, Thomas B. Bakaly is hereby appointed as the City Treasurer for Park City, with all the powers and duties of the City Treasurer as described in Title 2, Chapter 4, Section 8 of the Municipal Code of Park City, Utah. This appointment shall be effective immediately.

DATED this 21st day of September, 1995.

PARK CITY MUNICIPAL CORPORATION

BRADLEY A. OLCH, MAYOR

ATTEST:

ANITA L. SHELDON, CITY RECORDER

ORDINANCE NO. 95-___

AN ORDINANCE AMENDING TITLE 4
OF THE MUNICIPAL CODE OF PARK CITY, UTAH, TO REFLECT
PARK CITY MUNICIPAL CORPORATION'S REORGANIZATION
OF VARIOUS DEPARTMENTS

WHEREAS, Park City Municipal Corporation has undergone a reorganization, eliminating the position of Finance Director and adding a position entitled "Administrative Services Director; and

WHEREAS, various sections of the Municipal Code of Park City, Utah, refer to the position of Finance Director for decision-making and other responsibilities; and

WHEREAS, the new position of Administrative Services Director is now responsible for those duties previously administered by the Finance Director,

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

SECTION 1. Section 4-1-1(N) of the Municipal Code of Park City, Utah, is hereby amended as follows:

(N) **DIRECTOR.** The ~~Administrative Services Director Finance Director~~ of Park City.

SECTION 3. Section 4-2-4. "License Application" is hereby amended to read as follows:

4-2-4. LICENSE APPLICATION. Applications for business licenses shall be made in writing to the Director or his or her designed. Each application shall state the name of the applicant, the location of the business, if any, the fee and tax to be paid, the name and address of the business agent residing in Park City who is authorized to receive service of process and any communication regarding applicant's license, state sales tax reporting number, state contractor's license number, if applicable, and state real estate broker's license number, if applicable, and shall contain such additional information as may be needed for the purpose of guidance of the Director in issuing the license. Any change in the above information furnished by the applicant shall be forwarded in writing, within ten (10) days of the change, to the Director or his or her designee. License application forms shall be prepared and kept on file by the Director.

SECTION 4. Section 4-2-7 "Investigation" is hereby amended to read as follows:

4-2-7. INVESTIGATION. Within five (5) days after receipt by the Director of a license application, the Director or his or her designee has the discretion to refer the application for investigation to the Police Department

SECTION 5. Section 4-2-8 "Inspections for Code compliance/Notice of Infraction/License

Revocation/Complaint filed by City Attorney” is hereby amended to read as follows:

4-2-8. INSPECTIONS FOR CODE COMPLIANCE/NOTICE OF INFRACTION/ LICENSE REVOCATION/COMPLAINT FILED BY CITY ATTORNEY. Prior to the issuance of a license to engage in a new business not previously licensed at that location, or an existing business with a change of location, the applicant shall be required to permit inspections to be made of the prospective place of business of the applicant by the appropriate departments of the City or other governmental agency to ensure compliance with building, fire, and health codes. No license shall be granted unless any required inspections reveal that the prospective place of business is in substantial compliance with the building, fire, and health codes. In addition to the business license fees, all new businesses or business locations shall pay an inspection fee as set forth in the rate tables in effect at the time of application.

Existing places of business licensed within the City may be inspected periodically by departments of the City for compliance with building, fire, and health codes. Written notice shall be given by the Director, or his or her designee, to a licensee upon the finding of any code infractions which notice shall provide for a reasonable period not to exceed sixty (60) days in which to correct such infractions, the failure of which shall result in the revocation of the license by the Director, or his or her designee, .

The Director, or his or her designee, may request the City Attorney to file a complaint against any applicant or any licensee who continues to conduct business beyond the time limits provided in this section for non-compliance with the required standards

SECTION 6. Section 4-2-9 “License Denial” is hereby amended to read as follows:

4-2-9. LICENSE DENIAL. The Director, or his or her designee, may deny a license if the applicant:

- (A) Has been convicted of a fraud or felony by any state or federal court within the past five (5) years or now has criminal proceedings pending against him in any state or federal court for fraud or a felony;
- (B) Has obtained a license by fraud or deceit;
- (C) Has failed to pay personal property taxes or other required taxes or fees imposed by the City;
or
- (D) Has violated the laws of the State of Utah, the United States Government, or the ordinances of Park City governing operation of the business for which the applicant is applying for the license.

SECTION 7. Section 4-2-10, “License Issuance or Denial” is here amended to read as follows:

4-2-10. LICENSE ISSUANCE OR DENIAL. Upon receipt by the Director, or his or her

designee, of a completed license application and full payment of the fees, the City will not prosecute under Section 4-2-1 of this chapter for doing business without a license during the review and inspection process. The Director, or his or her designee, shall notify the applicant of 1) the denial of a license and the reason for such denial; or 2) the issuance of the license. Any applicant doing business during the review period proceeds at their own risk and no legal or equitable rights exist prior to the issuance of the actual license certificate.

SECTION 8. Section 4-2-11 "Appeals of License Denial" is hereby amended to read as follows:

4-2-11. APPEALS OF LICENSE DENIAL. A license denial by the Director, or his or her designee, may be appealed within ten (10) days to the Park City Council by written notice of appeal. The request is to be filed with the Recorder. The Park City Council shall hear the appeal within thirty (30) days of notice of appeal.

SECTION 9. Section 4-2-12 "Issuance of License Certificate" is hereby amended to read as follows:

4-2-12. ISSUANCE OF LICENSE CERTIFICATE. All license certificates shall be signed by the Director, or his or her designee, under the seal of the City (signature may be placed mechanically), and contain the following information:

- (A) The name of the person to whom such certificate has been issued;
- (B) The name of the business, if applicable;
- (C) The type of license; and
- (D) The term of the license with commencement and expiration dates.

SECTION 10. Section 4-2-19 "Special Assessment by Director" is hereby amended to read as follows:

4-2-19. SPECIAL ASSESSMENT BY DIRECTOR. Any other business not listed in the foregoing sections shall be assessed at the rate and on the same basis as the business determined by the Director, or his or her designee, to be most similar to the business to be licensed. If the applicant and Director, or his or her designee, are not able to agree on a rate and method of assessment, the application shall be referred to the City Council for license issuance. The rate and method of assessment determined by the Council may be applied on a case by case basis, or, if it appears to be of general application or importance, may take the form of an amendment to the Code to cover that license and similar applications in the future.

SECTION 11. Section 4-2-23 "Fee and Tax Payments, Renewals and Penalty" is hereby amended to read as follows:

4-2-23. FEE AND TAX PAYMENTS, RENEWALS AND PENALTY. The annual business

revenue license tax provided in this Title shall be due and payable to the City on or before the first day of January of each year for renewals of licenses for businesses which were licensed the previous year. Business licenses for previously unlicensed businesses shall be issued for the unexpired portion of the calendar year in which issued unless issued between October 1 and December 31, in which case the license shall be valid until December 31 of the year following the issuance of the license, upon payment of 125% of the annual license fee, as set forth in Section 4-2-13 above.

If the renewal license fee is not paid on or before January 15 of the year in which the renewal license is due, there shall be a business license enforcement fee imposed of twenty-five percent (25%) of the license fee imposed by this Chapter or Twenty-Five Dollars (\$25.00) whichever is greater.

If the renewal license fee is not paid in full on or before February 15th of the year in which the renewal fee is due, the business license enforcement fee shall be increased to fifty percent (50%) of the license fee imposed by this Chapter or Twenty-Five Dollars (\$25) whichever is greater.

If the renewal license fee is not paid on or before March 1st of the year in which the renewal fee is due, the business license enforcement fee shall be increased to one-hundred percent (100%) of the license fee imposed by this Chapter.

Upon a proper showing that the business is of such a seasonal nature that business has not been conducted to date, the Director, or his or her designee, may waive the business license enforcement fee of said renewals.

Upon a showing of hardship acceptable to the Director, or his or her designee, the licensed business may be allowed to pay the business license fees due over a period of time not to exceed three (3) months from the due date, with interest on the unpaid balance at the rate of 18% per annum

Any previously licensed business cited for engaging in business in violation of this Title shall have five days from the date of citation to come into compliance with this Title. Failure of the licensee to reach compliance within five days of the date of citation will subject the business to closure and the licensee to all applicable civil and criminal penalties.

If a licensed business enlarges its place of business or increases its capacity for conducting business (i. e., adding square footage, increasing number of vending machines, number of employees, bid limits, or increasing hourly user capacity), an additional revenue license tax shall be due and payable to the City and shall be prorated on the basis of one-twelfth (1/12th) of the total annual tax on the enlargement or increase for each month remaining in the unexpired portion of the calendar year, including the month in which such increase is accomplished. The additional revenue license tax for adding square footage shall be due and payable on the date the City issues the occupancy permit.

SECTION 12. Section 4-2-27 "Revenue Tax Adjustment to Avoid Burdening Interstate

Commerce" is hereby amended to read as follows:

4-2-27. REVENUE TAX ADJUSTMENT TO AVOID BURDENING INTERSTATE

COMMERCE. The business revenue license tax imposed by this Title shall not be applied so as to place an undue burden on interstate commerce. In any case, where the revenue license tax is believed by a licensee or applicant for a license to place an undue burden upon interstate commerce, such licensee or applicant may apply to the Director, or his or her designee, for an adjustment of the fee so as to relieve such burden. The licensee or applicant shall, by supporting other information as the Director, or his or her designee, may deem necessary in order to determine the extent, if any, of such undue burden. The Director, or his or her designee, shall then conduct an investigation, comparing the subject business with other businesses of like nature and shall make findings of fact from which he shall determine whether the revenue license tax is discriminatory, unreasonable or unfair as to the licensee or applicant from the standpoint of its impact on interstate commerce and shall recommend to the City Council an appropriate revenue license tax under the circumstances and the City Council shall fix the revenue license tax in such amount. If the regular revenue license tax has already been paid, the City Council shall order a refund of any amount over and above the amount of the revenue license tax fixed, if any. In fixing the tax to be charged, the Director, or his or her designee, may use any method which will assure that the tax assessed shall be uniform with that assessed on business of like nature; provided, however, that the amount assessed shall in no event exceed the regular tax prescribed in this Title.

Applications for new beer or liquor licenses shall be made in writing to the City Council or its designee upon a form furnished by the Director to be filed with the Director, or his or her designee. Each application shall state the name, address (street address and post office box number, if applicable), age and citizenship of the applicant, the location of the business, whether he has complied with requirements specified in the Utah Liquor Control act, whether the applicant meets the licensee qualifications set out in Section 4-4-3 below, the location of any other beer or liquor licenses held by the applicant, and any other reasonably pertinent information required by the Director or City Council, or their designees. If the applicant is a partnership, association or corporation, the same information shall be included for each officer or director thereof. The application must be subscribed by the applicant who shall state under oath that the facts therein contained are true.

SECTION 13. Section 4-3-17 "Relation to Business License Chapter" is hereby amended as follows:

4- 3-17. RELATION TO BUSINESS LICENSE CHAPTER. This Chapter is intended to supplement Chapter 2 of this Title to provide for greater flexibility in the manner of doing business. In the event that a conflict exists between the provision of this Chapter and that, so that it is unclear which category of license is required, the Director or his or her designee ~~Finance Director~~ shall determine the proper class of license or licenses to be issued, subject to review by the City Manager and appeal to the Council.

SECTION 14. Section 4-4-12 "City Renewal Procedure" is hereby amended to read as follows:

4- 4-12. CITY RENEWAL PROCEDURE. On or before December 1 of each year, the City shall send notice to each beer, restaurant liquor or private club liquor licensee within the City that the regulatory license fee required by Section 4-4-2 is due by December 31st. Upon receipt of the regulatory license fee and finding that renewal is proper, the City Council or its designee shall issue a license certificate valid through December 31st of the next licensing year.

Upon notification by the Police Department, the licensee must close the licensed premises on the expiration date of the license and keep the premises closed for the consumption or storage of beer or liquor until the date his renewal license is issued by the City Council or its designee or pending a hearing before the City Council. In the absence of such notice, pending action on license renewals, the license is deemed extended provided a renewal application was filed on or before December 31 of the year in which the prior license was issued. The Director and Chief of Police shall prepare a list or lists of all licenses to be renewed, and the City Council or its designee may approve all renewals on that list or lists ~~by a single motion.~~

Licenses shall be renewed unless the Council or its designee shall find that:

- (A) The licensee has attempted to transfer or assign the license to others in violation of this Title;
- (B) The licensee no longer holds the qualifications required of licensee under the provisions of Section 4-4-3 of this Title;
- (C) The premises have been remodeled or changed in a manner that eliminates required exits, creates closed booths or stalls; or
- (D) The licensee or his employees or agents have been convicted of or plead guilty to more than five (5) violations of this Title or state liquor control statutes relative to the conduct of the licensed premises in a single calendar year preceding the renewal, not including violation by patrons.
- (E) Licensee does not hold a current valid Park City business license or has NOT been exempted therefrom under Chapter 2 of this Title.

In the event the Council or its designee finds any of the foregoing conditions (A) through (E) to exist with respect to a license renewal application, the Council or its designee may waive the violations and grant a renewal license, grant a probationary renewal for a fixed period of time less than one year, or deny the application for renewal. When deemed appropriate, the Council may hold hearings on specific license renewal applications prior to granting the renewal license.

SECTION 14. Section 4-6-3 "Restaurant Liquor License" is hereby amended to read as follows:

4-6-3. RESTAURANT LIQUOR LICENSE. A restaurant liquor license shall only be issued to persons licensed by the State Liquor Commission under § 32A-4-101, et seq, of the Utah Code Annotated. A "restaurant" liquor license shall entitle the licensee to provide liquor to patrons for consumption on the premise. Only bona fide restaurants shall be entitled to a restaurant liquor license. Patrons must intend to order food which is prepared, sold, and served on the premises, in accordance with the Alcoholic Beverage Control Act and Utah Liquor Commission Rules and Regulations and the ordinances of Park City. Liquor is to be provided only in conjunction with a meal, and it shall be unlawful to serve or sell liquor except with a meal. No person under the age of twenty-one years shall serve or sell liquor under this license. All liquor must be purchased in the restaurant from a server designated and trained by the licensee. Any alcoholic beverages under this license must be consumed at the patron or guest's table. A restaurant liquor license shall not entitle the storage of liquor on the licensed premises, except as designated on the application.

Beginning July 1, 1991, a restaurant liquor license holder may not sell or provide any primary liquor except in one ounce quantities dispensed through a calibrated metered dispensing system approved by the Commission.

All holders of restaurant liquor licenses shall maintain records which shall disclose the gross sales of liquor and the gross sales of food served and any other items sold for consumption on or off the premises. Such sales shall be shown separately. Each licensee shall retain all invoices, vouchers, sales slips, receipts, and other records of beer and other commodity purchases from all suppliers. Such records shall be available for inspection and audit by the Director, or his or her designee, at any time following the close of the semi-annual period and for one year thereafter, or as required by State regulations. Failure to properly maintain such records for such inspection and audit shall be cause for revocation of the restaurant liquor license.

If any audit or inspection discloses that the sales of food on the licensed premises are below 70% (seventy percent) of the gross dollar volume of business for any semi-annual period, the restaurant liquor license shall immediately be suspended and shall not be reinstated until the licensee is able to prove to the satisfaction of the City Council or its designee that in the future, the sales of food on the licensed premises will not fall below seventy percent of the gross dollar volume of business.

All licensees holding a restaurant liquor license as of the date of this Ordinance may continue to operate under said license unless revoked or suspended under one of the provisions herein until December 31, 1990. All Park City issued restaurant liquor licenses shall expire on December

31st of each year thereafter. All State-issued restaurant liquor licenses expire on October 31 of each year. All licensees must notify the City immediately if the State liquor license is denied, suspended or revoked for any reason. Restaurant liquor license applicants must provide the City with proof of State licensure by December 1 of each year or be subject to cancellation, revocation or termination of the City's license issued hereunder. All renewal applications must attach a copy of a valid State license.

PASSED AND ADOPTED this ____ day of August, 1995.

PARK CITY MUNICIPAL CORPORATION

BRADLEY A. OLCH, MAYOR

ATTEST:

ANITA L. SHELDON, CITY RECORDER

APPROVED AS TO FORM:

JODI F. HOFFMAN, CITY ATTORNEY

COUNCIL AGENDA REPORT

DATE: September 14, 1995 (for the September 21st meeting)
DEPARTMENT: Legal
AUTHOR: Anita Sheldon
TITLE: City Recorder
TYPE OF ITEM: Administrative

SUMMARY RECOMMENDATIONS: Pass and adopt an ordinance amending Title 7 of the Municipal Code of Park City, Utah by adopting the Summit County amended Ordinance 113-F providing for animal control.

DESCRIPTION:

A. Topic: Adopt Summit County's amended ordinance regulating animal control

B. Background: Summit County is responsible for animal control in the entire county, including Park City. In 1992, Park City adopted, as Title 7 of the Municipal Code, Summit County's ordinance 113 E which regulated animal control. Earlier this year, Summit County amended their ordinance and repealed the ordinance which Park City had adopted.

C. Analysis: By incorporating the ordinance into our code, we are better able to serve the citizens of Park City when they ask for information on animal control. We are able to answer their questions or provide them with a copy of the ordinance without having to refer them to the County.

D. Department Review: This ordinance has been reviewed by the Legal Department.

ALTERNATIVES:

A. Approve the request: This is the recommended action.

B. Deny the request: Denying the request is not practical.

C. Continue the Item: Same as "B"

D. Do nothing: Same as "B"

SIGNIFICANT IMPACTS: None

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION: Not taking the recommended action would cause confusion both with the public and the staff because the old ordinance had some fairly serious typographical mistakes (for instance in Section 7-3-6 (A), the old ordinance states that it is unlawful for the owners of . . . any dog. . . to attack, chase or worry other animals or people.)

RECOMMENDATION: Adopt the amendment to Title 7.

ORDINANCE NO. 95-__

AN ORDINANCE AMENDING TITLE 7 OF THE MUNICIPAL CODE
OF PARK CITY, UTAH AND
ADOPTING THE SUMMIT COUNTY
AMENDED ORDINANCE 113-F PROVIDING FOR
ANIMAL CONTROL

WHEREAS, Summit County provides animal control services for the Park City area; and

WHEREAS, the Park City Council desires to support the County in its efforts at providing animal control; and

WHEREAS, Summit County recently amended its animal control ordinance and repealed its previous ordinance which had been adopted by Park City as Ordinance 92-2 and incorporated into the Municipal Code of Park City, Utah, as Title 7,

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

SECTION 1: Title 7 of the Municipal Code of Park City, Utah, is hereby amended as follows:

CHAPTER 1 - IN GENERAL

7-1-1. DEFINITIONS.

(A) **ANIMAL BOARDING ESTABLISHMENT.** Any establishment that takes in animals for boarding for profit.

(B) **ANIMAL GROOMING PARLOR.** Any establishment maintained for the purpose of offering cosmetological services for animals for profit.

(C) **ANIMAL SHELTER.** A facility owned and/or operated by a governmental entity or any animal welfare organization that is incorporated within the state of Utah under Section 76-9-302, UCA, 1953, as amended, and used for the care and custody of seized, stray, homeless, quarantined, abandoned, or unwanted dogs, cats or other small domestic animals.

(D) **ANIMAL AT LARGE.** Any domesticated animal, whether or not licensed, not under restraint as defined below.

(E) **ANIMAL UNDER RESTRAINT.** Any animal under the control of its owner or person having charge, care, custody or control. A dog shall be considered under control of the owner when on a leash or lead, confined within a vehicle, or within the real property limits of the owner.

- (F) **BITE**. An actual puncture, tear or abrasion of the skin inflicted by the teeth of an animal.
- (G) **CATS**. Any age feline of the domesticated types.
- (H) **CATTERY**. An establishment for boarding, breeding, buying, grooming or selling cats for profit.
- (I) **DOG**. A canis familiaris over four months of age. Any canis familiaris under four months of age is a puppy.
- (J) **DOMESTICATED ANIMALS**. Animals accustomed to live in or about the habitation of man, including but not limited to cats, dogs, fowl, horses, swine, goats, and cattle.
- (K) **STRAY**. Any animal at large as defined herein.
- (L) **GUARD DOG**. A working dog which must be kept in a fenced run or other suitable enclosure during business hours, or on a leash or under absolute control while working, so it cannot come into contact with the public.
- (M) **HOLDING FACILITY**. Any pet shop, kennel, cattery, groomery, animal shelter, humane establishment, or any other such facility used for holding animals.
- (N) **KENNEL**. An establishment having four or more dogs for the purpose of boarding, breeding, buying, grooming, letting for hire, training for fee, selling, or agricultural use such as stock herding and guarding.
- (ON) **LEASH OR LEAD**. Any chain, rope or device used to restrain an animal.
- (P) **NEUTER**. A surgical procedure performed on male animals in which its testicles are removed.
- (QΘ) **PET**. A domesticated animal kept for pleasure rather than utility, including, but not limited to birds, cats, dogs, fish, hamsters, mice, and other animals associated with man's environment.
- (RP) **PET SHOP**. Any establishment containing cages or exhibition pens, not part of a kennel or cattery, wherein dogs, cats, birds, or other pets for sale are kept or displayed.
- (SQ) **QUARANTINE**. The isolation of an animal in a substantial enclosure so that the animal is not subject to contact with other animals or unauthorized persons.
- (T) **SPAY**. A surgical procedure performed on a female animal in which its ovaries and uterus are removed.
- (UR) **VICIOUS ANIMAL**. Any animal which is dangerous, aggressive, including, but not limited to any animal which has bitten or in any other manner attacked any person or animal.
- (V) **VICIOUS DOG**. (1) Any dog which, in a vicious or terrorizing manner, approaches any person in apparent attitude of attack upon the streets, sidewalks, or any public grounds or places; (2) Any dog with a known propensity, tendency, or disposition to attack, to cause injury or to otherwise endanger the safety

of human beings or animals; or (3) Any dog which bites, inflicts injury, assaults, or otherwise attacks a human being or domestic animal on public or private property.

7-1-2. DEPARTMENT OF ANIMAL CONTROL. Summit County has created a Department of Animal Control.

7-1-3. POWERS OF ANIMAL CONTROL OFFICIALS. The Summit County Animal Control Director or any person employed by the Summit County Department of Animal Control as an Animal Control Officer shall take the oath of office and shall be vested with the power and authority to enforce this Chapter.

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

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

7-1-4. DUTIES OF ANIMAL CONTROL OFFICIALS.

(A) **Animal Control Director.** The Director shall enforce this Title and perform other responsibilities pursuant thereto, supervise the animal shelter(s) under his jurisdiction, keep adequate records of all animals impounded and all monies collected, see that all animals and animal holding facilities in his jurisdiction are licensed, controlled and permitted in accordance with any applicable ordinance and/or regulations, establish, in cooperation with the Summit County Health Department and other interested governmental agencies, adequate measures for rabies immunization and control.

(B) **Animal Control Officers.** The animal control officers shall enforce this Title in all respects pertaining to animal control within the jurisdiction including the care and impounding of animals and prevention of cruelty to animals and carry out all duties prescribed or delegated by the Director.

CHAPTER 2 - LICENSING

7-2-1. DOG LICENSING. All dogs must be licensed each year, except as otherwise provided herein, to a person of the age of 18 or older. Any person owning, possessing or harboring any dog within Summit County shall obtain a license for such animal within 30 days after the dog reaches the age of four (4) ~~six~~ (6) months, within ten (10) days of the acquisition of such dog or presence of such dog within Summit County. For a dog under the age of six months, the Department of Animal Control may accept certification from a licensed veterinarian that the owner has deposited funds for spaying or neutering, then the dog may be licensed at the reduced fee. Said initial license shall be effective for one year from the date of purchase and must be renewed annually thereafter.

License renewal applications must be submitted annually to the Summit County Department of Animal Control, utilizing a standard form which requests name, address and telephone number of the applicant

and the breed, sex, color and age of the animal; the form also asks for pertinent information regarding rabies vaccinations. The application shall be accompanied by the prescribed license fee and by a current rabies vaccination certificate. Rabies vaccinations and certificates therefor, must be obtained every two (2) years, from either a licensed veterinarian or an authorized Animal Control Officer.

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

Female dog	\$ 18.00
Male dog	18.00
Late Fee (in addition to Reg Fee)	15.00
Spayed or neutered dog	6.00

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

The license shall be effective one (1) year from the date of purchase after which a late fee may be imposed. Licenses for the following year may be purchased within 30 days prior to the expiration date.

No person or persons at any one residence within the jurisdiction shall at any one time own or license more than three (3) dogs in any combination except as otherwise provided herein.

7-2-2. LICENSE TAG. Upon payment of the license fee, the Summit County Department of Animal Control shall issue to the owner a certificate and tag for each dog licensed. The tag shall have stamped thereon the license number corresponding with the tag number on the certificate. The owner shall attach the tag to the collar or harness of the animal and see that the collar and the tag are constantly worn. Failure to attach the tag as provided shall be in violation of this Chapter, except in that dogs which are kept for show purposes are exempt from wearing the collar and tag.

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

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

7-2-3. LICENSING EXCEPTIONS.

(A) The provisions of Sections 7-2-1 and 7-2-2 herein shall not apply to:

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

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

(B) The fee provisions of Section 7-2-2 shall not apply to:

- (1) Seeing-eye dogs properly trained to assist blind persons if such dogs are actually being used by blind persons to assist them in moving from place to place.
- (2) Hearing dogs properly trained to assist deaf persons if such dogs are actually used by deaf persons to aid them in responding to sounds.
- (3) Dogs especially trained to assist officials of government agencies in the performance of their duties and which are owned by such agencies.

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

CHAPTER 3 - VIOLATIONS

7-3-1. UNLAWFUL TO HARBOR STRAY DOGS. It shall be unlawful for any person, except an animal welfare society incorporated within the state of Utah under section 76-9-302, UCA, 1953, as amended, to harbor or keep any lost or strayed dog. Whenever any dog shall be found which appears to be lost or strayed, it shall be the duty of the finder to notify the Summit County Animal Control Department within 24 hours, and the Department shall impound the dog as herein provided.

7-3-2. DOGS RUNNING AT LARGE. It shall be unlawful for the owner or person having charge, care, custody or control of any dog to allow such dog at any time to run at large. The owner or person charged with responsibility for a dog found running at large shall be strictly liable for a violation of this section regardless of the precautions taken to prevent the escape of the dog and regardless of whether or not he knows that the dog is running at large. Deemed "at large" unless personally controlled by leash or lead in condo common areas, public parks, parking lots open to public, ski areas, golf courses and shopping centers.

7-3-3. DOGS ON UNENCLOSED PREMISES. It shall be unlawful for any person to chain, stake out, or tether any dog on any unenclosed premises in such a manner that the animal may go beyond the property line unless such person has permission of the owner of the affected property.

7-3-4. FEMALE DOGS IN HEAT. Any owner or person having charge, care, custody or control of any female dog in heat shall, in addition to restraining such dog from running at large, cause such dog to be constantly confined in a building or secure enclosure so as to prevent it from attracting by scent or coming into contact with other dogs and creating a nuisance, except for planned breeding.

7-3-5. PLACES PROHIBITED TO DOGS. It shall be unlawful for any person to take or permit any dogs, whether loose or on a leash or in arms, in or about any establishment or place of business where food or food products are sold or displayed, including, but not limited to restaurants, grocery stores, meat markets, and fruit or vegetable stores. It shall be unlawful for any person keeping, harboring or having charge or control of any dog to allow said dog to be within any watershed area so designated by ordinance or otherwise legally appointed, either now existing or to be defined in the future, or on any construction site of a building, building improvement, road, utility, or other construction site during any time when actual construction or excavation activity is taking place. This section shall not apply to dogs provided

for in Section 7-2-3(b).

7- 3- 6. DOGS ATTACKING PERSONS AND ANIMALS.

(A) **Attacking Dogs.** It shall be unlawful for the owner or person having charge, care, custody or control of any dog to allow such dog to attack, chase or worry any person, any domestic animal having a commercial value, or any species of hooved protected wildlife, or to attack domestic fowl. "Worry" as used in this section shall mean to harass by tearing, biting or shaking with the teeth, or without provocation to chase or approach any person in an apparent attitude of attack when such person is in a place where he/she has a right to be..

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

(C) **Defenses.** The following shall be considered in mitigating the penalties or damages or in dismissing the charge.

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

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

(D) **Dogs may be Killed.** Any person may kill a dog while it is committing any of the acts specified in (a) above or while such dog is being pursued thereafter.

7- 3- 7. FIERCE, DANGEROUS OR VICIOUS ANIMALS. It shall be unlawful for the owner of any fierce, dangerous or vicious animal to permit such animal to go or be off the premises of the owner unless such animal is under restraint and properly muzzled so as to prevent it from injuring any person or property. Every animal so vicious and dangerous that it cannot be controlled by reasonable restraints, and every dangerous and vicious animal not effectively controlled by its owner or person having charge, care or control of such animal so that it shall not injure any person or property is a hazard to public safety, and the Director of Animal Control shall seek a court order for destruction of or muzzling of the animal.

7- 3- 8. NUISANCE. Any owner or person having charge, care, custody or control of an animal or animals causing a nuisance as defined below shall be in violation of this Title and subject to the penalties provided herein. The following shall be deemed a nuisance:

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

(B) is a vicious animal as defined herein and kept contrary to Section 7-3-7 above;

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

(D) causes unsanitary conditions in enclosures or surroundings;

(E) defecates on any public sidewalk, park, or building, or on any private property without the consent of the owner of such private property, unless the person owning, having a proprietary interest in, harboring

or having care, charge, control, custody or possession of such animal shall remove any such defecation to a proper trash receptacle;

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

(G) attacks other domestic animals;

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

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

7- 3- 9. REVOCATION OF DOG LICENSE. If the owner of any dog(s) is found to be in violation of this Title on three or more different occasions during any twelve-month period, the Director of Animal Control may seek a court order revoking for a period of one year any dog license(s) such person may possess and providing for the Animal Control Department to pick up and impound any dog(s) kept by the person under such order. Any dog impounded pursuant to such an order shall be dealt with in accordance with the provisions of this Title for impounded animals except that the person under the order of revocation shall not be allowed to redeem the dog under any circumstances.

7- 3-10. BITES, DUTY TO REPORT.

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

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

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

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

(E) Any person not conforming to the requirements of this section shall be in violation of this Chapter.

CHAPTER 4 - CONTROL OF RABIES AND RABID ANIMALS

7- 4- 1. RABIES VACCINATION REQUIRED FOR DOGS. The owner or person having the charge, care, custody and control of a dog or cat ~~four months~~ ~~six months~~ of age or over shall have said animal vaccinated within 30 days after it reaches said age. Any person permitting any such animal to habitually be on or remain, or be lodged or fed within such person's house, yard or premises shall be responsible for said vaccination. Unvaccinated dogs over four ~~six~~ months of age acquired by the owner or moved into the jurisdiction must be vaccinated thereafter every 24 months with a modified virus rabies vaccine approved by the Summit County Health Department. Cats shall be vaccinated every 24 months. This provision shall not apply to veterinarian or kennel operators temporarily maintaining on their premises animals owned by others.

7- 4- 2. DUTIES OF VETERINARIANS AND TAG REQUIREMENTS. It shall be the duty of each veterinarian when vaccinating any animal for rabies to complete a certificate of rabies vaccination (in duplicate) which includes the following information:

- (A) owner's name and address;
- (B) description of animal (breed, sex, markings, age, name);
- (C) date of vaccination;
- (D) rabies vaccination tag number;
- (E) type of rabies vaccine administered;
- (F) manufacturer's serial number of vaccine

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

7- 4- 3. TRANSIENT ANIMAL EXCEPTION. The provisions of this section with respect to vaccination shall not apply to any animal owned by a person temporarily remaining in the jurisdictions for less than 30 days. Such animals shall be kept under strict supervision of the owner. It shall be unlawful to bring any animal into the jurisdiction which does not comply with animal health laws and import regulations.

7- 4- 4. IMPOUNDMENT OF ANIMAL WITHOUT VALID RABIES VACCINATION TAG.

- (A) Any vaccinated animal impounded because of a lack of rabies vaccination tag may be reclaimed by its owner by furnishing proof of rabies vaccination and payment of all impoundment fees prior to release.
- (B) Any unvaccinated animal may be reclaimed prior to disposal by payment of impound fees and by obtaining a rabies vaccination within 72 hours of release.

(C) Any dog not reclaimed prior to the period shall be disposed of pursuant to provision of Section 7- 5-3.

7- 4- 5. REPORTING OF RABID ANIMALS. Any person having knowledge of the whereabouts of an animal known to have been exposed to, or suspected of having rabies; or of an animal or person bitten by such a suspect animal, shall notify the Summit County Department of Animal Control, the Summit County Health Department or the State Division of Health.

7- 4- 6. QUARANTINING AND DISPOSITION OF BITING OR RABID ANIMALS.

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

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

(C) Any animal of a species subject to rabies that bites a person or animal or is suspected of having rabies may be seized and quarantined for observation for a period of not less than ten days by the Summit County Department of Animal Control and/or the Health Department. The owner of the Animal shall bear the cost of confinement. The animal shelter shall be the normal place for quarantine, but other arrangements, including confinement by the owner, may be made by the Director of Animal Control and/or the Director of Health if the animal had a current rabies vaccination at the time the bite was inflicted or if there are other special circumstances justifying an exception. A person who has custody of an animal under quarantine shall immediately notify the Summit County Department of Animal Control if the animal shows any signs of sickness or abnormal behavior, or if the animal escapes confinement. It shall be unlawful for any person who has custody of a quarantined animal to fail or to refuse to allow a Health or Animal Control Officer to make an inspection or examination during the period of quarantine. If the animal dies within ten days from the date of the bite, the person having custody shall immediately notify the Department or immediately remove and deliver the head to the State Health laboratory to be examined for rabies. If, at the end of the ten-day period, the Director of Animal Control examines the animal and finds no sign of rabies, the animal may be released to the owner or in the case of a stray, it shall be disposed of as provided in Section 7-5-3.

7- 4- 7. DISPOSITION AND IMPOUNDING OF BITTEN ANIMALS.

(A) **Unvaccinated bitten animals.** In the case of an unvaccinated animal species subject to rabies which is known to have been bitten by a known rabid animal, said bitten or exposed animal should be immediately destroyed. If the owner is unwilling to destroy the bitten or exposed animal, the animal shall be immediately isolated and quarantined for six months under veterinary supervision, the cost of such confinement to be paid in advance by the owner. The animal shall be destroyed if the owner does not comply herewith.

(B) **Vaccinated bitten animals.** If the bitten or exposed animal has been vaccinated, the animal shall be revaccinated within 24 hours and quarantined for a period of ~~45~~ 30 days following revaccination; or if the

animal is not revaccinated within 24 hours, the animal shall be isolated and quarantined under veterinary supervision for six months. The animal shall be destroyed if the owner does not comply with this subsection.

7-4-8. REMOVAL OF QUARANTINED ANIMAL. It shall be unlawful for any person to remove any such animal from the place of quarantine without written permission of the Summit County Summit County Department of Animal Control. It is unlawful for any person to permit, or suffer to escape, any such animal from its place of quarantine or impoundment.

7-4-9. TWO ATTACKS DEEMED A VICIOUS ANIMAL. If any animal bites or attacks a person or animal two times or more in a 12 month period, such animal may be immediately impounded by the Summit County Department of Animal Control without court order and held at owner expense pending court action. Any such animal shall be deemed a vicious animal, and the Director of Animal Control may seek a court order as provided in Section 7-3-7 for destruction of the animal. Parties owning such animal shall, if possible, be notified immediately of the animal's location by the Animal Control.

CHAPTER 5 - IMPOUNDING

7-5-1. ANIMALS TO BE IMPOUNDED. The Director shall place all animals which he takes into custody in a designated animal impound facility. The following animals may be taken into custody by the Director and impounded without filing a complaint:

- (A) Any animal being kept or maintained contrary to the provisions of this Title;
- (B) Any animal running at large contrary to the provisions of this Title;
- (C) Any animal which is by this Title required to be licensed and is not licensed. An animal not wearing a tag shall be presumed to be unlicensed for purposes of this section.
- (D) Sick or injured animals whose owner cannot be located;
- (E) Any abandoned animal;
- (F) Animals which are not vaccinated for rabies in accordance with the requirements of this Chapter;
- (G) Any animal to be held for quarantine;
- (H) Any vicious animal not properly confined as required by Section 7-3-7 herein.

7-5-2. IMPOUNDING, RECORDS TO BE KEPT. Complete records shall be kept for all impounded animals and shall include the following information:.

- (A) description of the animal, including tag number.
- (B) The manner and date of impound.
- (C) The location of the pickup and name of the officer picking up the animal.

- (D) The manner and date of disposal.
- (E) The name and address of the redeemer or purchaser.
- (F) The name and address of any person relinquishing an animal to the impound facility.
- (G) All fees received.
- (H) All expenses accruing during impoundment.

7- 5- 3. IMPOUNDING: DISPOSITION OF ANIMALS.

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

(B) No dog or cat shall be released for adoption until such dog or cat is spayed or neutered unless payment for such spaying or neutering is deposited with Animal Control and the person to whom the dog or cat is released agrees, in writing, to cause such dog or cat to be spayed or neutered. Such agreement shall provide that the purchaser will have the dog or cat spayed or neutered within 120 days of the date of purchase. Failure to spay or neuter such dog or cat shall be deemed a breach of the adoption contract and shall result in its termination, return of the dog or cat, and forfeiture of all amounts paid to Animal Control. All adoptions are conditional until the animal is spayed or neutered.

(CB) All dogs, except for those quarantined or confined by court order, held longer than the minimum impound period, and all dogs voluntarily relinquished to the impound facility may be destroyed or sold as the Director shall direct. Any healthy dog may be sold to any person desiring to purchase such animal for a price to be determined by the Director but not to exceed the fee set by the County, plus license, and rabies vaccination, and/or spaying or neutering fees, if required.

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

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

7- 5- 4. IMPOUNDING: REDEMPTION. The owner of any impounded animal or his authorized representative may redeem such animal before disposition provided he pays:

- (A) The impound fee;
- (B) The daily board charge;

(C) Veterinary costs incurred during the impound period, including rabies vaccination;

(D) License Fee, if required.

No impound fee will be charged to the reporting owners of suspected rabid animals if they comply with Section 7-4-6. herein.

7-5-4. IMPOUND FEES FOR VOLUNTARY RELINQUISHMENT BY OWNER. Whenever any dog or cat is voluntarily relinquished by the owner thereof to the animal control facility for destruction or other disposition as provided by Section 7-5-4 of this Title, a fee shall be paid by such owner of \$10.00 for each dog and/or for each litter of dogs and \$5.00 for each cat and/or for each litter of cats so relinquished.

7-5-5. ANIMAL SHELTER. The governing authority shall provide suitable premises and facilities to be used as an animal shelter where impounded small animals can be adequately kept. they shall purchase and supply food and supply humane care for impounded animals. The governing authority shall provide for the painless and humane destruction of dogs and other animals required to be destroyed by this Title or by the laws of the state of Utah. The governing authority may furnish, when necessary, medical treatment for such animals as may be impounded pursuant to this Title.

CHAPTER 6 - CRUELTY TO ANIMALS PROHIBITED

7-6-1. PHYSICAL ABUSE. It is unlawful for any person to willfully or maliciously kill, maim, disfigure, torture, beat with a stick, chain, club or other object, mutilate, burn or scald, overdrive or otherwise cruelly set upon any animal. Each offense shall constitute a separate violation.

7-6-2. HOBBLING ANIMALS. It is unlawful for any person to carry or confine any animal in or upon any vehicle in a cruel or inhumane manner, including but not limited to, carrying or confining such animal without adequate ventilation or for an unusual length of time.

7-6-3. CARE AND MAINTENANCE. It shall be the duty of any person to provide any animal in his charge or custody, as owner or otherwise, with adequate food, drink, care (which shall include veterinary care) and shelter.

7-6-4. ANIMAL POISONING. It shall be unlawful for any person by any means to make accessible to any animal, with intent to cause harm or death, any substance which has in any manner been treated or prepared with any harmful or poisonous substance. This provision shall not be interpreted so as to prohibit the use of poisonous substances for the control of vermin in the furtherance of the public health when applied in such a manner as to reasonably prohibit access to other animals.

7-6-5. INJURY TO ANIMALS BY MOTORISTS.

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

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

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

7-6-6. ANIMALS FOR FIGHTING.

(A) It shall be unlawful for any person, firm, or corporation to raise, keep or use any animal, fowl or bird for the purpose of fighting or baiting; and for any person to be a party to or be present as spectator at any such fighting or baiting of any animal or fowl; and for any person, firm or corporation to knowingly rent any building, shed, room, yard, ground or premises for any such purposes as aforesaid, or to knowingly suffer or permit the use of his buildings, sheds, rooms, yards, grounds or premises for the purposes aforesaid.

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

7-6-7. MALICIOUS IMPOUNDING. It shall be unlawful for any person maliciously to secrete or impound the animal of another.

CHAPTER 7 - KENNELS, PET SHOPS ETC., AND THE REGULATION THEREOF

7-7-1. KENNEL PERMITS.

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

(B) A valid kennel license shall be posted in a conspicuous place in each establishment and said license shall be considered as appurtenant to the premises and not transferable to another location. The licensee shall notify the Summit County Department of Animal Control within thirty (30) days of any change in his establishment or operation which may effect the status of his license. In the event of a change in ownership of the establishment, the licensee shall notify the Summit County Department of Animal Control immediately. Licenses shall not be transferable from one owner to another.

(C) Any license issued pursuant to this section shall automatically expire on December 31st, immediately following date of issue. During the first three (3) months of each year the licensee shall apply for a

renewal of the license and pay the required fee. Any application made after March 31, except an application for a new establishment opening subsequent to that date, shall be accompanied by a late application fee in addition to the regular permit fee.

7-7-2. STANDARDS FOR PERMITTED ESTABLISHMENT. The Summit County Department of Animal Control shall promulgate rules and regulations governing the operation of kennels, catteries, groomeries, pet shops, ~~riding stables, and veterinary clinics or hospitals~~. Such rules and regulations shall provide for the type of structures, buildings, pens, cages, runways or yards required for the animal sought to be kept, harbored or confined on such premises; the manner which food, water and sanitation facilities will be provided to such animals; measures relating to the health of said animals, the control of noise and odors, and the protection of person or property adjacent premises; and other such matters as the Director shall deem necessary. Such rules and regulations shall have the effect of law, and violation of such rules and regulations shall be deemed a violation of this Title and grounds for revocation of a permit issued by the Summit County Department of Animal Control

7-7-3. SUSPENSION OR REVOCATION OF PERMIT.

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

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

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

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

7-7-4. EMERGENCY SUSPENSION.

(A) Notwithstanding the other provisions of this Title, when the inspecting officer finds unsanitary or other conditions in the operation of kennels, catteries, groomeries, pet shops, or a similar establishment, which in his judgment, constitute a substantial hazard to public health, he may, without warning or hearing, issue a written notice to the permit holder or operator citing such condition specifying the corrective action to be taken. Such order may state that the permit is immediately suspended and all operations are to be discontinued. Any person to whom such an order is issued shall comply immediately therewith. Any animals at such a facility may be confiscated by the Animal Control Department and

impounded or otherwise provided for according to the provisions of this Title.

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

7-7-5. INTERFERENCE WITH OFFICERS PROHIBITED. It is unlawful for any person to do any act which hinders, delays, interferes with or obstructs an Animal Control Officer while engaging in the discharge of their duties, including furnishing false information to such.

CHAPTER 8 - DOMESTICATED ANIMALS

7-8-1. DOMESTICATED ANIMALS. It is unlawful for the owner or person having charge, care, or custody of any domesticated animal to allow such to be at large. Domestic animals include horses, cattle, sheep, pigs, goats, etc.

CHAPTER 9 - PENALTIES AND SEVERABILITY

7-9-1. PENALTIES. Any person violating the provisions of this Title either by failing to do those acts required herein or by doing any act prohibited herein, shall be subject to fine in an amount not to exceed \$750.00 ~~as established by statute~~, or imprisoned in the County jail not to exceed 90 days ~~six months~~, or both such fine and imprisonment or such further fines and imprisonments provided for Class "CB" misdemeanors pursuant to UCA 76-3-101, et seq. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such.

DATED this 21st day of September, 1995.

PARK CITY MUNICIPAL CORPORATION

BRADLEY A. OLCH, MAYOR

ATTEST:

ANITA L. SHELDON, CITY RECORDER

APPROVED AS TO FORM:

MARK HARRINGTON
ASSISTANT CITY ATTORNEY

COUNCIL AGENDA REPORT

DATE: September 21, 1995
DEPARTMENT: Public Works
AUTHOR: Jerry Gibbs
TITLE: Demolition of Osguthorpe Dairy Buildings
TYPE OF ITEM: Award of Contract

SUMMARY RECOMMENDATIONS: 1. Enter into an agreement with UDOT for removal of the buildings and concrete at the Osguthorpe dairy in the amount of \$250,000. 2. Award a City contract to Pappas Brick and Stone for demolition of the Osguthorpe dairy buildings, slab removal and removal of debris in the amount of \$43,800.00. 3. Award contract to Erickson Inc. for removal of bovine sludge (BS) in the amount of \$14,500.

DESCRIPTION:

A. Topic. UDOT agreement; demolition and removal of the dairy buildings, debris and appurtenances; and removal of 180,000 gallons of manure.

B. Background. UDOT and Harper Construction originally negotiated a contract for the removal of the dairy buildings and foundations but disagreed on the total amount of debris to be removed. At the direction of City Council, Public Works was directed to negotiate an agreement with UDOT and solicit bids for removal and clean up.

C. Analysis. Toby and I met with UDOT representatives to discuss the City assuming the responsibility for the remainder of the project. A tentative agreement was negotiated. UDOT will contract with Park City for \$250,000 for the clean up.

Public Works developed plans and specifications, advertised and opened bids for the two projects. Two contractors bid for the removal of the buildings and debris - Costello Company, Inc. (\$120,000) and Pappas Brick and Stone (\$43,800). This includes removal of all equipment, concrete, building materials, pipes, wire and miscellaneous junk. As per Council request, the feedlot slabs are to be left in place. A price per square foot for removal was included in the bid. Staff will leave the manure pit in place for two reasons. First, the slab

can be used for parking and second, the 180,000 gallon water reservoir could be useful for irrigation of landscaping. The contractor was displeased with the spread in the bid but felt he could still perform the work. His comment was "I bid the project to get it." Our estimate was approximately \$80,000.

Two contractors bid for the removal of manure - Erickson Inc. and VJE/Sump and Trap Cleaning. Erickson Inc. was the low bidder for the removal of the manure to be transported to City-owned property (\$14,500 compared to \$19,640). VJE was the low bidder if transported to a contractor's site (\$34,640 compared to \$149,600).

A grading plan is being developed. This will be bid separately. The plan will be helpful to the demolition contractor to identify where excess dirt may be utilized.

D. Department Review. This has been reviewed by Public Works and General Administration.

ALTERNATIVES:

A. UDOT and Park City enter into an agreement to clean up the building areas. Award contract to Pappas Brick and Stone to demolish and remove the building walls and slabs. Award contract to Erickson Inc. for removal of manure.

B. Allow UDOT and Harper to continue with their contract.

SIGNIFICANT IMPACTS: The City would enter into a contract with the State that would allow additional revenues to be applied to farm improvements.

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION:

Harper would need to be remobilized. The clean up would probably not take place until next year under the auspices of UDOT. The City would need to find additional revenue for farm improvements.

RECOMMENDATION: Enter into an agreement with UDOT for removal of the buildings at the Osguthorpe dairy in the amount of at least \$250,000. Award a City contract to Pappas Brick and Stone for demolition of the Osguthrope dairy buildings, slab removal and removal of debris in the amount of \$43,800 and a \$1.48/sq.ft.; and award contract to Erickson Inc. for removal of manure in the amount of \$14,500. The manure will be deposited on City-owned property across the road.

MEMORANDUM

TO: CITY COUNCIL
TOBY ROSS
FR: JERRY GIBBS
DATE: 21 SEPTEMBER 95
RE: DAIRY FARM DEMOLITION
CONTRACT SUPPLEMENT

Pappas Brick and Stone was the low bidder on the demolition project at \$43,800. The next lowest bid was \$120,000 and my estimate was \$80,000. Due to the large difference in dollars, I asked the contractor to review his bid for errors.

Bert Berrett contacted me on Monday to inform me he had figured the truck time only one way. His bid should be \$15,000 higher or \$58,800. This is still substantially below my estimate or the next low bid.

It has also come to my attention this is a MBA project. Our city policies do not require a formal bid process. The bidding has worked to our benefit by receiving favorable bids.

I would like to amend my recommendation in the council packet to "authorize staff to enter into a contract and negotiate change orders with Pappas Brick and Stone in an amount not to exceed \$80,000 and an agreement with UDOT for not less than \$250,000. The demolition contract is contingent upon completion of an agreement with UDOT." The additional \$21,200 will be a contingency fund to allow removal of selected slab area and pay for additional cost caused by unknown site conditions. A price of \$1.48 per square foot of slab removal was included in the bid which is substantially lower than the price submitted in the other competitive bid. Unknown site conditions will be negotiated on a case by case problem.

PARK CITY

1881

COUNCIL AGENDA REPORT

DATE: September 21, 1995
DEPARTMENT: Public Works
AUTHOR: John Lind
TITLE: Award of Contract
TYPE OF ITEM: Purchase Approval

SUMMARY RECOMMENDATIONS: Award purchase of the 938F Caterpillar rubber-tired loader contract to Wheeler Equipment for \$104,585.

DESCRIPTION: The Public Works Department solicits bids for heavy equipment using a public bid process. Equipment is tested onsite by our operators. Acceptable equipment is determined by operator preference, parts availability and past service. Our equipment replacement program changes out heavy equipment on a five year schedule. The program includes a guaranteed buy-back and annual maintenance cost. The program has been financially favorable to Park City. It allows for current, reliable equipment to operate in our fleet with minimal downtime and cost.

Bids were received on a 140 horsepower, rubber-tired loader as authorized in this year's budget. Two bids were received: one from Wheeler Equipment, representing Caterpillar; and the other from Scott Machinery, representing John Deere. The bids included an initial purchase price, guaranteed maximum yearly cost for maintenance, and a guaranteed buy-back at the end of five years. Based on past experience, no bids were solicited from other rubber-tired manufacturers. The bids were as follows:

	<u>John Deere</u>	<u>938 F Cat</u>
1) Initial price of rubber-tired loader	\$111,500	\$104,585
2) Guaranteed maximum yearly cost for maintenance	\$ 500	\$ 500
3) Guaranteed minimum buy-back price at five (5) years, 6000 hours	\$ 56,500	\$ 50,636
4) Penalties for exceeding 6000 hours	-0-	-0-
TOTAL COST OVER FIVE YEARS	\$ 55,000	\$ 53,949

This loader will be equipped with quick disconnect attachments to handle our snow blade, thus increasing our winter snow removal options.

With our five-year replacement program for large and expensive loaders, including guaranteed buy-back, we are able to project our anticipated cost and budget into the future with solid accuracy.

The 3.5 yd 936 size loader would be replaced with a current production model, the 938F Caterpillar, for a price of \$104,585; \$52,700 of which we have received from the pre-authorized sale of the 936 Caterpillar loader. The direct out-of-pocket cost to Park City Municipal Corporation in 1995 will be \$51,885. After five years' usage, we are guaranteed a buy-back of this piece of equipment for \$50,636.

Public Works proceeded with the advertisement and ultimate sale of the 936 loader. We received the requested amount of \$52,700, which was \$10,020 more than our guaranteed buy-back amount.

ALTERNATIVES:

- A. Approve the purchase of the 938F Caterpillar loader in the amount of \$104,585.
- B. Do nothing.

SIGNIFICANT IMPACTS: Through our equipment depreciation fund, we have budgeted for replacement of the equipment. This action is financially favorable and necessary for the timely and successful completion of field operations.

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION: With the sale of the 936 Caterpillar loader, our fleet has been reduced to two loaders. Our operational needs require three, necessitating the purchase or rental of an additional loader during high usage periods. The average use of a loader is 4800 hours operating time over a five-year period or 960 hours a year. This size loader rents for a guarantee of \$3400 a month for 167 hours, with an additional charge for excess hours. Our operations would require eight (8) months of rental per year. This alternative has been reviewed on numerous occasions; at this time it is not considered beneficial to Park City.

RECOMMENDATION: Staff recommends approval of the purchase of a rubber-tired loader, 938F Caterpillar, in the amount of \$104,585, from Wheeler Machinery in Salt Lake City, Utah.

COUNCIL AGENDA REPORT

DATE: 9/14/95
DEPARTMENT: Legal
AUTHOR: Mark Harrington
TITLE: Appeal of HDC Design Review; 74 Prospect Ave.
Owner: Aaron Honigman; Attorney: Greg Holbrook
TYPE OF ITEM: Quasi-Judicial

SUMMARY RECOMMENDATIONS:

Grant the appeal and direct the Historic District Commission ("HDC") to dismiss the matter. Direct the Community Development Department ("CDD") to process the building permit application immediately.

DESCRIPTION:**A. Topic.**

Appeal of Historic District Commission jurisdiction to hear an appeal of CDD staff approval of the design of a new residence at 74 Prospect Avenue.

B. Background.

On June 29, 1995, the CDD staff approved the design of a new residence at 74 Prospect Avenue as compliant with the Historic District Design Guidelines. The matter appeared on the HDC agenda as an informational item on July 5, 1995. The City received an appeal of the design approval on July 26, 1995 from David Chaplin, a neighbor. A hearing was held before the HDC for the appeal on August 21, 1995, and the matter was continued until September 25, 1995 as the HDC requested additional information. The owner, Aaron Honigman, filed this appeal on August 29, 1995, contesting the jurisdiction of the HDC to hear the first appeal since the first appeal was not filed within ten days of July 5th (the day it appeared on the HDC agenda).

C. Analysis.

The Land Management Code § 1.16 requires an appeal to be filed within ten days of a final action. In this case the final action by CDD staff (and only notice of the action) was the appearance of the CDD approval on the HDC agenda on July 5th. Accordingly, any appeal to the HDC had to have

been filed by July 17th (the 15th was on a weekend). Mr. Church's appeal was untimely and the HDC has no jurisdiction to hear the appeal. The matter should be dismissed and the owner allowed to continue the building permit process.

D. Department Review.

The Community Development and Legal Departments have reviewed this matter.

ALTERNATIVES:

1. Grant the appeal and direct the Historic District Commission ("HDC") to dismiss the matter. Direct the Community Development Department ("CDD") to process the building permit application immediately. This is the recommended action.
2. Deny the appeal and direct the staff to clarify the appeal section of the Land Management Code.

SIGNIFICANT IMPACTS:

The granting of the appeal means the owner can proceed to build the residence as designed, but eliminates any further opportunity for Mr. Chaplin to raise his concerns.

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION:

Denial of the appeal would prevent the owner from building this season (he would lose his contractor) and likely risks a legal challenge to any HDC action on the matter.

RECOMMENDATION:

Grant the appeal and direct the Historic District Commission ("HDC") to dismiss the matter. Direct the Community Development Department ("CDD") to process the building permit application immediately.

LAW OFFICES

JOHNSON, HOLBROOK & SCHIFFERLI, L.C.

1912 SIDEWINDER DRIVE, #200A, P.O. Box 3598

PARK CITY, UTAH 84060

(801) 649-5602

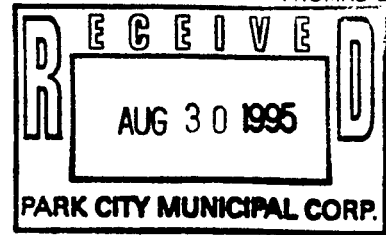
FAX: (801) 649-0933

OF COUNSEL:

THOMAS L. HOWARD

DAVID W. JOHNSON, P. C.
GREGORY M. HOLBROOK, P. C.
ERIC D. SCHIFFERLI, P. C.
JAMES M. BARTH

August 29, 1995



Anita Sheldon
Park City Recorder
445 Marsac Avenue
P.O. Box 1480
Park City, UT 84060-1480

Re: Notice of Appeal, 74 Prospect Avenue;
Aaron Honigman, Owner/Applicant

Dear Anita:

Please be advised that I am appealing, on behalf of Mr. Aaron Honigman, the owner of 74 Prospect Avenue, the recent decision by the Historic District Commission to continue until September 25th, 1995 any further action on Mr. Honigman's Application for New Construction upon his above-referenced lot.

I am filing this Notice of Appeal more from the standpoint of preserving Mr. Honigman's appeal rights per the Park City Land Management Code following the August 21st, 1995 HDC meeting.

I enclose herewith a copy of a letter dated August 23rd, 1995, with the enclosures thereto, which I sent on to Ms. Hoffman. The August 23rd, 1995 letter pretty much details the basis for Mr. Honigman's appeal, however, I hereby reserve the right to supplement this appeal prior to any City Council review, as we deem necessary and appropriate.

Thank you for your attention to this and please call should you have any questions or comments.

Very truly yours,

JOHNSON, HOLBROOK & SCHIFFERLI, L.C.

A handwritten signature in dark ink, appearing to read "Gregory M. Holbrook".

Gregory M. Holbrook
Attorney at Law

cc: Aaron Honigman
Jodi Hoffman
Rick Lewis

LAW OFFICES
JOHNSON, HOLBROOK & SCHIFFERLI, L.C.

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(801) 649-5602
FAX: (801) 649-0933

OF COUNSEL:
THOMAS L. HOWARD

August 23, 1995

SENT VIA FACSIMILE 645-5078 & REGULAR MAIL

Jodi Hoffman
Park City Attorney
445 Marsac Avenue
P.O. Box 1480
Park City, UT 84060-1480

Re: Approval of new construction, 74 Prospect Avenue.

Dear Jodi:

I am counsel for Mr. Aaron Honigman, who is the owner of the above property. He has contacted me due to what appears to me to be an unjustified "recall" of the approval of his new home on the above property. At this point I am not quite sure what to call the process he has just recently been made to go through, and thus this letter to yourself

By way of background, Mr. Honigman applied for his new construction application this past May, 1995. His architect is John DeGray, who is experienced in the design of homes under the Historic District Guidelines, and which were complied with for Mr. Honigman's home. On June 29, 1995, the new home design was approved by the Planning Department as being in compliance with the applicable historic district design guidelines, and is a permitted use in the subject zone also meeting all set-back and height requirements (copy of approval attached). Despite this approval, and apparently in response to Mr. Woody's letter, on July 5, 1995, the Historic District Commission reviewed the proposed home and at that meeting received comment from only one individual, who I believe was Mr. Woody. My client's architect also attended and advised me that Mr. Woody's comments were found to be inapplicable and the HDC also approved the proposed home. Quite frankly, Mr. DeGray found the July 5th meeting to be somewhat confusing in light of the earlier June 29th approval.

On July 26, 1995, Mr. Honigman's neighbor, David Chaplin, filed his "appeal of an approval of a proposed Historic District residence" [emphasis added]. I have attached a copy of this appeal herewith. On August 9, 1995, Mr. Honigman received the enclosed letter from the planning department, presumably the result of Mr. Chaplin's appeal letter. This was the first Mr. Honigman had heard of any concerns by Mr. Chaplin as he did not appear at any of the previous meetings or submit any other written objections until July 26, 1995. The hearing referenced in Ms. Lew's letter was held the evening of August 21, 1995. The outcome of that meeting was to postpone any action (?) until the September 25, 1995 meeting. Apparently Mr. Chaplin did speak at this

Jodi Hoffman
Park City Attorney
Page 2

meeting, but his comments addressed his general concerns with the applicable zoning of Prospect Avenue and not specifically with Mr. Honigman's proposed home.

My own objections to this delay is that it is clearly contrary to what the Land Management Code provides. Section 4.5 is clear, and once the June 29th approval was made, any further review by the HDC became moot as the review process was closed (other than confirming that the building plans and specs submitted to the building department match those submitted to the planning department). At the July 5th meeting, which I am told was for informational purposes only (?), the HDC did not modify, condition, reverse or otherwise change the June 29th approval, simply stating that Mr. Woody's concerns were probably beyond the scope of the HDC's review. In Mr. DeGray's opinion, we should have our building permit. I agree.

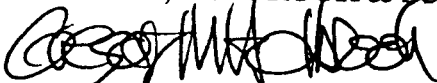
Next is the fact that Mr. Chaplin's "appeal" is not timely, for either the June 29th approval or the July 5th meeting (although I believe it is not relevant). The Code requires that appeals be made within 10 days of the subject action or, in this case by July 7th (assuming the July 5th date were relevant, then by July 17th given the intervening weekend). The City received Mr. Chaplin's "appeal" on July 26th. To delay Mr. Honigman's home due Mr. Chaplin's "appeal" at this time is clearly contrary to the appeal provisions of the Land Management Code. (Please note that Mr. Chaplin also acknowledges that the subject home was approved.) Further, and assuming the appeal were timely, this matter should have come before the City Council, not the HDC; but again, this becomes moot as the failure to timely file is the threshold requirement.

My client is understandably quite upset over this latest delay. He should be under construction, and is now facing the potential of missing the remainder of the building season and the inevitable increase in his construction costs. I will appreciate it if you could look into this and then call so we can meet as soon as possible and discuss what the reasoning behind these delays are.

Thank you in advance for your attention to this.

Very truly yours,

JOHNSON, HOLBROOK & SCHIFFERLI, L.C.


Gregory M. Holbrook

cc: Aaron Honigman
Jonathan DeGray

MEMORANDUM
PARK CITY PLANNING DEPARTMENT

TO: HISTORIC DISTRICT COMMISSION
FROM: JANICE LEW, PLANNER
DATE: JUNE 29, 1995
RE: REVIEW OF NEW CONSTRUCTION APPLICATIONS

74 Prospect Avenue

Request: Design review of single family residence

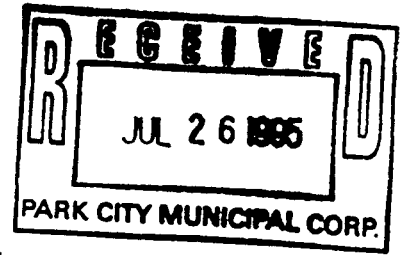
Action: Found to be in compliance with the guidelines and approved by the Planning Department.

July 26, 1995

to: Park City Council

from: David Chaplin, 86 Prospect Avenue, Park City

subject: appeal of an approval of a proposed Historic District residence



The issues which we bring to your attention are in response to a residence which is proposed to be built at 74 Prospect Ave. We consider that this proposed structure creates a severe safety and property rights concern as well as insensitivity to compatibility and aesthetics .

While the proposed design of the residence is in compliance with the minimum standards of the code as presently written, consideration of the effect on neighboring properties and the character of the adjacent structures was not given when approval was recommended by staff to the Historic District Commission. We sincerely believe that if the character of the Historic District is to be protected in Park City that the context into which a structure is introduced must be a significant factor in gaining approval.

This letter is written to formally appeal the Historic District Commission's approval of the proposed residence at 74 Prospect Ave. The basis for the appeal is:

1. Incompatibility of the proposed design with the contiguous existing houses.
2. Inadequate setback or an improper proposed roof design to adequately protect adjacent property from snow shedding.

Rationale to support appeal number one is that all of the contiguous residences are single story structures which establish the historic character of this unique street. There are few areas of the Historic District which have so faithfully maintained the true character of Park City. The proposed structure is maximized in every particular, being designed to the absolute maximum height, and the absolute minimum setbacks on front, back and side.

Rationale to support appeal number two is that the roof is designed from a longitudinal center ridge sloping to the sides where the combination of the minimum setback of three feet and a minimum height of twenty feet above grade will propel snow sliding from the roof onto neighboring properties.

Thank you most sincerely for your consideration of this appeal.


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Department of Community Development
Engineering • Building Inspection • Planning

August 9, 1995

Aaron Honigman
PO Box 3683
Park City UT 84060

Dear Mr. Honigman:

The Park City Planning Department has received an appeal of the Department's design approval for 74 Prospect Avenue. A hearing will be held by the Historic District Commission to discuss this issue. The meeting will be held at 5:30 p.m. in the City Council Work Session Room, 445 Marsac Avenue, and I recommend you attend the hearing. A copy of the appeal is enclosed.

Sincerely,

A handwritten signature in cursive script, appearing to read "Janice Lew".

Janice Lew
Planner

cc: Jonathan DeGray