

PARK CITY MUNICIPAL CODE
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TITLE 1 - GENERAL PROVISIONS

CHAPTER 1 - IN GENERAL

1- 1- 1. HOW CODE DESIGNATED AND CITED.

The ordinances embraced in this and the following titles, chapters and sections shall constitute and be designated the Municipal Code of Park City, Utah and may be so cited.

1- 1- 2. DEFINITIONS AND RULES OF CONSTRUCTION GENERALLY.

In the construction of this code the following definitions and rules shall be observed unless such construction would be inconsistent with the manifest intent of the City Council:

(A) **CITY**. The words "the City" or "this City" or "municipality" shall mean the City of Park City, in the county of Summit, State of Utah. Such words shall extend to and include its several officers, agents and employees.

(B) **CITY OFFICER**. The terms "City Officer" shall include the Mayor, the Council, all Mayor-appointed City officials

and the members of all City boards and commissions.

(C) **CODE**. The words "this Code" shall mean the Municipal Code of the City of Park City, Utah as designated in Section 1-1-1.

(D) **COMPUTATION OF TIME**. In computing any period of time prescribed or allowed by this Code, the day of the act, event, or default from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included, unless it is a Saturday, a Sunday, or a legal holiday, in which event the period runs until the end of the next day which is not a Saturday, a Sunday, or a legal holiday. As used in this section, "legal holiday" includes New Year's Day, President's Day, Martin Luther King's birthday, Memorial Day, Independence Day, July 24th, Labor Day, Columbus Day, General Election Day, Veteran's Day, Thanksgiving Day, Christmas Day, and any other day appointed as a holiday by the President or the Congress of the United States, or pursuant to Utah statute. Time periods of five (5) days or less shall exclude intervening Saturdays, Sundays and holidays

(E) **COUNCIL**. Whenever the words "Council", "this Council", "the Council" or "City Council" are used, they shall mean the City Council of Park City, Utah.

(F) **COUNTY**. The words "County", "the County", or "this County" shall mean Summit County, Utah.

(G) **U. C. A.** The initials "U. C. A." whenever used throughout this Code shall mean Utah Code Annotated, 1953.

(H) **DAY**. The word "day" shall mean any twenty-four (24) hour period from midnight to midnight.

(I) **GENDER**. A word importing the masculine gender shall extend and be applied to females and to firms, partnerships and corporations as well as to males.

(J) **HIGHWAY**. The term "highway" shall include any street, alley, highway, avenue or public place or square, bridge, viaduct, tunnel, underpass, overpass and causeway in the city, dedicated or devoted to public use.

(K) **JOINT AUTHORITY**. Words purporting to give authority to three (3) or more officers or other persons shall be construed as giving such authority to a majority of such officers or other persons unless it is otherwise declared.

(L) **LAND, REAL ESTATE AND REAL PROPERTY**. The terms "land", "real estate" and "real property" include lands, tenements, hereditaments, water rights, possessory rights and claims.

(M) **MONTH**. The word "month" shall mean a calendar month.

(N) **NUMBER**. Any word importing the singular number shall include the plural and any word importing the plural number shall include the singular.

(O) **OATH**. The word "oath" shall be construed to include an affirmation in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the words "swear" and "sworn" shall be equivalent to the words "affirm" and "affirmed". Every mode of oral statement under oath or affirmation is embraced in the term "testify" and every written one in the term "depote".

(P) **OFFICIAL TIME**. Whenever the term "official" or "time" is used it shall mean standard time or daylight savings time as may be in current use within the City.

(Q) **OFFICERS, BOARDS, ETC.** Whenever any reference is made to any officer, board or commission, the same shall be construed as if followed by the words "of the City of Park City". Reference to such officer, board or commission shall be deemed to include his or their authorized deputies, agents or representatives.

(R) **OWNER**. The word "owner" applied to a building or land shall include any part-owner, joint owner, tenant in common, joint tenant or lessee of the whole or of a part of such building or land.

(S) **PERSON**. The word "person" shall extend and be applied to associations, corporations, firms, partnerships and bodies politic and corporate as well as to individuals.

(T) **PERSONAL PROPERTY**. The term "personal property" includes every description of money, goods, chattels, effects, evidence of rights in action, and all written instruments by which any pecuniary obligation, right or title to property is created, acknowledged, transferred, increased, defeated, discharged or diminished, and every right or interest therein.

(U) **PRECEDING, PRIOR, FOLLOWING, SUBSEQUENT**. The words "preceding" or "prior" mean next before and the words "following" or "subsequent" mean next after.

(V) **PROHIBITIONS**. Words prohibiting anything being done, except in accordance with a license or permit or authority from an officer of the City authorized by ordinance shall be construed as expressly giving such officer power to license or permit or authorize such thing to be done.

(W) **PROPERTY**. The word "property" includes both real and personal property.

(X) **PUBLIC WAY OR PUBLIC THOROUGHFARE**. The words "public way" or "public thoroughfare" shall include streets, alleys, lanes, courts, boulevards, public square, mall, public places and sidewalks.

(Y) **QUARTER**. The word "quarter" shall mean any three (3) month period ending with the last day of March, June, September or December.

(Z) **ROADWAY**. The word "roadway" shall mean that portion of the street between the curb, or the lateral line of the roadway and the adjacent property line, intended for the use of vehicles.

(AA) **SIDEWALK**. The word "sidewalk" shall include any portion of the street between the curb, or the lateral line of the roadway and the adjacent property line, intended for the use of pedestrians.

(BB) **SIGNATURE OR SUBSCRIPTION**. The word "signature" or "subscription" shall include a mark when a person cannot write.

(CC) **STATE**. The words "the State" or "this State" shall be construed to mean the State of Utah.

(DD) **STREET**. The term "street" shall include any highway, alley, avenue or public place or square, bridge, viaduct, underpass, overpass, tunnel or causeway in the city, dedicated or devoted to public use.

(EE) **TENANT OR OCCUPANT**. The word "tenant" or "occupant" applied to a building or land shall include any person who occupies the whole or any part of such building or land, whether alone or with others.

(FF) **TENSE**. Words used in the past or present tense include the future as well as

the past and present.

(GG) **WRITTEN or IN WRITING.** The words "written" or "in writing" shall be construed to include any representation of words, letters or figures, whether by printing or otherwise.

(HH) **YEAR.** The word "year" shall mean a calendar year.

1- 1- 3. CERTAIN ORDINANCES NOT AFFECTED BY CODE.

Nothing in this Code or the ordinance adopting this Code shall be construed to repeal or otherwise affect the validity of the following:

- (A) Any ordinance promising or guaranteeing the payment of money for the City, or authorizing the issuance of any bonds of the City, or any evidence of the City's indebtedness; and
- (B) Any appropriation ordinance or ordinance providing for the levy of taxes or for an annual budget, or prescribing salaries for City officers and employees; and
- (C) Any ordinance annexing territory to the City or discontinuing territory as a part of the City; and
- (D) Any ordinance granting any franchise; and all such ordinances are hereby recognized as continuing in full force and effect to the same extent as if set out at length herein.
- (E) The Park City Municipal

Corporation Land Management Code.

1- 1- 4. CODE DOES NOT AFFECT PRIOR OFFENSES, CONTRACTS, ETC.

Nothing in this Code or the ordinance adopting this Code shall affect any offense or act committed or done or any penalty or forfeiture incurred or any contract or right established or accruing before the effective date of this Code.

1- 1- 5. CATCHLINES OF SECTIONS.

The catchlines of the several sections of this Code, printed in boldface type, are intended as mere catchwords to indicate the contents of the section and shall not be deemed or taken to be titles of such sections, nor as any part of the section, nor, unless expressly so provided, shall they be so deemed when any of such sections, including the catchlines, are amended or reenacted.

1- 1- 6. AMENDMENTS OR ADDITIONS TO CODES.

(A) All ordinances passed subsequent to this Code, which amend, repeal or in any way affect this Code may be numbered in accordance with the numbering system of this Code and printed for inclusion herein. When subsequent ordinances repeal any chapter, section or subsection or any portion thereof, such repealed portion may be excluded from the Code by omission from reprinted pages. The subsequent ordinances as numbered and printed, or omitted in the case of repeal, shall be prima facie evidence

of such subsequent ordinances until such time as this Code and subsequent ordinances numbered or omitted are re-adopted as new Code by the City Council.

(B) Amendments to any of the provisions of this Code shall be made by amending such provisions by specific reference to the section number of this Code in the following language: "Title ___, Chapter ___, Section _____ (or Section ___, Subsection _____) of the Municipal Code of the City of Park City, Utah, is hereby amended to read as follows:" The new provisions shall then be set out in full as desired.

(C) In the event a new section not heretofore existing in the Code is to be added, the following language shall be used: "That the Municipal Code of the City of Park City, Utah, is hereby amended by adding a section (or chapter), which said section (or chapter) shall read as follows:" The new section shall then be set out in full as desired.

1- 1- 7. SEVERABILITY OF PART OF CODE.

It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this Code are severable and, if any phrase, clause, sentence, paragraph or section of this Code shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Code, since the same would have been enacted by the

City Council without incorporation in this Code of any such unconstitutional phrase, clause, sentence, paragraph, or section.

1- 1- 8. GENERAL PENALTY FOR VIOLATIONS OF CODE - CONTINUING VIOLATIONS - DEFAULT.

Whenever in this Code or in any ordinance of the City an act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or wherever in such Code or ordinance the doing of any act is required or the failure to do any act is declared to be unlawful and no specific penalty is provided therefore, the violation of any such provision of this Code or any such ordinance shall be punished by a fine not to exceed the maximum Class B misdemeanor fine under the state law or by a term of imprisonment up to six months, or by both the fine and term of imprisonment. Each day any violation of this Code or of any ordinance shall continue shall constitute a separate offense, unless otherwise provided.

1- 1- 9. DOUBLE FEE FOR FAILURE TO OBTAIN REQUIRED LICENSES.

When work or activity for which a permit or license is required by this Code or any code adopted herein is commenced without first having acquired such permit or license, the specified fee shall be doubled, but the payment of such double fee shall not relieve any person from fully complying with all the requirements of this Code or any code adopted herein, nor from any other prescribed penalties. Payment of such

double fee or any unpaid portion thereof may be compelled by civil action in any court of competent jurisdiction. The acceptance of any portion less than the entire amount of such double fee by any officer or employee of the City shall not constitute a waiver or release of the balance thereof.

1- 1-10. PENALTIES NOT TO EXCUSE ABATEMENT OF PROHIBITED CONDITIONS.

The application of any penalty under this chapter shall not constitute the condoning or legalizing of any prohibited condition or prevent the abatement or enforced removal of such condition by any lawful means available to the City.

1-1-11. PRESUMPTION OF RESPONSIBILITY FOR CERTAIN VIOLATIONS.

The occupant and owner of any premises upon which a violation of any provision of this Code or of any code adopted hereby and the owner of any object or material placed or remaining anywhere in violation of any provision of this Code or of any code adopted hereby shall be presumed to be responsible for the violation so evidenced and subject to the penalty provided therefore.

1- 1-12. APPLICATION OF CODE BY CITY OFFICERS OR EMPLOYEES.

Whenever in this Code or in any code adopted herein it is provided that anything must be done to the approval or permission of or subject to the direction of any

administrative officer or employee of the City, this shall be construed to give such officer or employee only the discretion of determining whether the rules and standards established by this Code or by any code adopted herein have been complied with; and no such provision shall be construed as giving any administrative officer or employee discretionary powers as to what such regulations or standards shall be, or power to require conditions not prescribed by this Code or by any code adopted herein, or to enforce the provisions therein in an arbitrary or discriminatory manner.