

ORDINANCE NO. 1028

AN ORDINANCE OF DRAPER CITY AMENDING SECTION 15-1-100 OF THE DRAPER CITY MUNICIPAL CODE RELATING TO USE OF THE DRAPER AMPHITHEATER.

WHEREAS, Utah State law grants to Draper City the authority to regulate parks and recreation facilities within the city; and

WHEREAS, it is desirable by the Draper City Council to make available the Draper City Amphitheater for both public and private use; and

WHEREAS, it is desirable to implement rules of use and rental policies to best manage and utilize the Amphitheater; and

WHEREAS, the City Council of Draper City has determined that it is in the best interest of the city and its citizens to revise provisions governing the use of the Draper Amphitheater;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF DRAPER CITY, STATE OF UTAH, AS FOLLOWS:

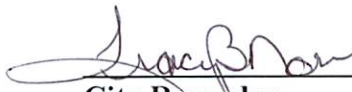
Section 1. Chapter 15-1 of the Draper City Municipal Code is hereby enacted to read as set forth in Exhibit "A," attached hereto and incorporated herein by reference.

Section 2. Severability. If any section, part or provision of this Ordinance is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Ordinance, and all sections, parts and provisions of this Ordinance shall be severable.

Section 3. Effective Date. This Ordinance shall become effective 20 days after publication or posting, or 30 days after final passage, whichever is closer to the date of final passage.


PASSED AND ADOPTED BY THE CITY COUNCIL OF DRAPER CITY, STATE OF UTAH, THIS 18th DAY OF September, 2012.

ATTEST:



City Recorder

DRAPER CITY:

By: 

Mayor



EXHIBIT A

Section 15-1-110. Amphitheater. The Amphitheater will be used on a priority basis by Draper City. Other users may reserve the amphitheater when, in the opinion of the City, it furthers the image of the community and will not be disruptive to the surrounding neighborhood. Reservation fees shall be as established in the Consolidated Fee Schedule.

- (a) A maximum not to exceed 3 events or productions a week that require the use of any loud speakers will be allowed at the Amphitheater in a Calendar week Sunday - Saturday.
- (b) Sound broadcast from any loud speakers at the Amphitheater may not exceed a 95db level when measured on the “A” weight at the property boundaries.
- (c) All events, productions, concerts, festivals, etc. held at the Amphitheater must end by 10:00p.m. All loudspeakers must be turned off by this time.
- (d) No loud speakers may be used to broadcast sound at the Amphitheater before 10a.m. any day of the week.
- (e) Draper City may enter into an agreement to partner with or co-sponsor with any outside agency or promoter to bring events to the Amphitheater when it is deemed to be beneficial to the Amphitheater and a valuable opportunity.
 - 1. All negotiations and agreements/contracts must be finalized to be official. This includes contracts with the promoter and talent agency.
 - 2. All fees including a “per ticket” fee charged by the City to the partner/promoter must be as in the Consolidated Fee schedule.
 - 3. Some or all production costs including: lights, sound, talent purchase, director’s costs, etc. are to be paid by the promoter or co-sponsoring agency.
 - 4. If ticket sales are to be sold through a ticket outlet other than the current Draper Amphitheater ticket outlet it must be approved by the City and all payments made to the City within 5 business days.
- (f) The Amphitheater may be rented by private contractors under the following conditions:
 - 1. The Draper Amphitheater rental agreement is signed and executed by the Renter and Draper City.
 - 2. All rental fees are paid as per the consolidated fee schedule
 - 3. All Draper City Police or UFA staff as deemed necessary by the City staff are paid for per the consolidated fee schedule.

Affidavit of Posting

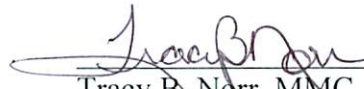
SALT LAKE COUNTY, STATE OF UTAH

I, the Recorder of Draper City, by my signature below, certify that copies of **Ordinance No. 1028** for the **City of Draper**, which **Passed and Adopted by the City Council of Draper City, State of Utah on the 18th day of September, 2012** were posted at the following places: Draper City Bulletin Board, Draper Senior Citizens Center, and Draper Library within the municipality.

Posting Period: September 20, 2012 through October 10, 2012

City Seal





Tracy B. Norr, MMC
City Recorder
Draper City, State of Utah