

PANGUITCH CITY ORDINANCE NO. 2022-01

AN ORDINANCE AMENDING PANGUITCH CITY CODE CHAPTER 17.45.050 WITHIN THE CITY OF PANGUITCH, STATE OF UTAH.

WHEREAS, the City Council of Panguitch City, have seen a rise in Short Term Rentals since 2016-2017 and;

WHEREAS, the City Council of Panguitch City have recognized the State of Utah, and sister counties in Utah are experiencing the same or similar growth and development of properties for Short Term Rentals and;

WHEREAS, the City Council of Panguitch City have had several work meetings and a public hearing to listen to the suggestions and opinions of the community and;

WHEREAS, the City Council, as the governing body of the City of Panguitch, State of Utah, specifically finds that it is in the best interest of the safety and welfare of the citizens of the City of Panguitch to amend Panguitch City Code 17.45.050 as follows:

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

Definitions

Temporary lodging in a single-family dwelling for less than 30 consecutive days.

Short Term Rental Definition:

Property that is occupied, possessed or used by any person or entity for transient lodging where the term of occupancy, possession, or use is offered for twenty-nine (29) consecutive calendar days or less, for direct or indirect compensation or other consideration.

Panguitch City Residency Definition:

A resident is a person who has a fixed primary residence or domicile within Panguitch City boundary and has lived in the city for at least one hundred eighty-three (183) consecutive days or six months. The address of a primary residence must be documented by producing one of the following documents dated within the past 60 days:

- Valid driver license
- Valid Utah photo identification card
- Voter registration documentation
- Primary residence tax notice

Non-Resident - A person who is not able to provide proof of the above requirements will be considered a Non-Resident of Panguitch City.

Conditional Use Permit and Business License Required

1. A Conditional Use Permit shall be required for all Short-Term Rentals within all residential and agriculture zones. A Conditional Use Permit is not required for Short-Term Rentals in commercial zones. No dwelling in any zoning district shall be occupied, advertised, or used as a Short-Term Rental Property until the owner has obtained a onetime approval from the City Building Inspector and a business license for a Short-Term Rental issued in accordance with the provisions of this Ordinance.
2. All Short-Term Rental Owners within Panguitch City will be required to sign a yearly acknowledgment of safety inspection compliance before a business license renewal will be issued.
3. If an individual is managing more than one Short-Term Rental property, a separate Conditional Use Permit is required by zone and Business License shall be required for each Short-Term Rental property, in addition to Business License required for the Manager themselves.
4. Panguitch City reserves the right to revoke a conditional use permit issued under this section if: A licensee engages in a pattern of unlawful activity or under other provisions of state law or local ordinance.
5. The Owner of any Short-Term Rental shall be required to collect and remit all Transient Room Taxes and appropriate Sales and Use Taxes by the end of the year. The City shall suspend all permits and license for Short-Term Rental more than one (1) year past due on applicable taxes until Owner has paid all applicable taxes.

Fees

Fees shall be charged for Short-Term Rental inspections, Conditional Use Permits and Business Licenses and such other services required by this Ordinance to be performed by public officers, or agencies. Such Fees shall be established by the legislative body and shall be referred to in the Panguitch City Planning and Zoning Fee Resolution.

Limitation on number and type of Short-Term Rentals allowed.

1. As of February 8th, 2022, all established Short-Term Rentals with valid City business license within Panguitch City will be grandfathered in and may continue their current rentals as established. If the grandfathered Short-Term Rental business changes ownership it will no longer be considered as a “Grandfathered” Short-Term Rental business and will be required to follow the current ordinance requirements.
2. There will be no limit on numbers of Short-Term Rentals within any commercial zones (light or medium zones) within Panguitch City.
3. Permanent residents may not fully or partially own more than two Short-Term Rentals within all residential or agriculture zones.
4. A non-resident may not fully or partially own more than one Short-Term Rental within all residential or agriculture zones.
5. Two or more adjacent Short-Term Rentals require prior City Council approval.

6. Short term rental units located within the permanent residence of short-term rental owner are allowed regardless of the number of short-term rentals on the block or within the subdivision.

Authorized Agent or Representative

1. An Owner may designate an agent or a representative to comply with the requirements of this Ordinance on behalf of the Owner. The designated agent or representative is referred to as "Manager" in this Ordinance.
2. The Owner shall not be relieved from any responsibility or liability for noncompliance with any applicable law, rule or regulation pertaining to the use and occupancy of the subject Short-Term Rental, regardless of whether such noncompliance was committed by the Owner, Manager, Local Contact Person or the occupants of the Owner's Short-Term Rental or their guests.
3. Manager Availability. While a Short-Term Rental unit is occupied, the Manager and/or designated Local Contact Person shall be reasonably available for the purpose of responding to complaints regarding the condition, operation or conduct of occupants of the Short-Term Rental, or their guests.
4. Manager Responsibility for Guest's Conduct. The Manager and/or designated Local Contact Person shall use reasonably prudent business practices to ensure that the occupants and/or guests of the Short-Term Rental do not create unreasonable noise or disturbances, engage in disorderly conduct, or violate any applicable law, rule or regulation pertaining to the use and occupancy of the subject Short-Term Rental.
5. Manager Response to Complaint. The Manager and/or Local Contact Person shall, upon notification that any occupant and/or guest of the Short-Term Rental has created unreasonable noise or disturbances, engaged in disorderly conduct, or committed violations of any applicable law, rule or regulation pertaining to the use and occupancy of the subject short-term unit, respond within one (1) hour to halt or prevent a recurrence of such conduct. Upon failure of the Owner, Manager or Local Contact Person to respond to calls or complaints in one (1) hour regarding the condition, operation or conduct of occupants and/or guests of the Short-Term Rental, the Owner and/or Manager or Local Contact Person may be subject to all administrative, legal, and equitable remedies available to the City.

Complaints:

1. 1st Complaint – A letter will be sent to the property owner.
2. 2nd Complaint – Another letter will be sent notifying the property owner that their conditional use permit is in jeopardy.
3. 3rd Complaint – Issue the property owner an infraction notice and have the property owner attend City Council meeting to discuss the complaint with the city council members and give cause as to why the Conditional Use Permit should not be revoked.

Parking Regulations

The owner of any property licensed as a Short-Term Rental shall provide off street parking for guests in accordance with the following:

1. Off street parking shall be provided on the same lot as the dwelling which is licensed as a Short-Term Rental.
2. Parking on the Short-Term Rental property shall be provided at one vehicle per bedroom. Tandem spaces on a driveway may be used.
3. A maximum of three standard size vehicles may be parked on the Panguitch City right-of-way. Any additional parking must be provided on the premises in addition to requirements above.
4. Autos parked on Panguitch City right-of-way must not restrict traffic flow or infringe on other property rights-of-way.
5. Overnight camping on Short-Term Rental properties:
 - No camping in camp trailers on Short-Term Rental property will be allowed.
 - No Motorhome camping on Short-Term Rental property will be allowed.
 - Tent camping will be allowed as long as the occupants do not go over the Short-Term Rental property occupancy limit.

Maintenance Standards:

Any property that contains a dwelling which is licensed as a Short-Term Rental shall conform to the following standards:

1. Structures shall be properly maintained, painted, and kept in good repair, and grounds and landscaped areas shall be properly maintained in order that the use in no way detracts from the general appearance of the surrounding area.
2. Short-Term Rental unit(s) with more than five (5) sleeping rooms, or the ability to sleep more than ten (10) occupants, shall receive written approval from the Panguitch City Building Inspector prior to occupancy of the Short-Term Rental unit.
3. Each sleeping room must meet current International Building Code requirements for egress.
4. Each dwelling unit shall have:
 - At least one operable fire extinguisher.
 - One operable smoke detector in each bedroom, in the major living areas, and on each floor (the major living area can count for the detector on that floor).
 - An operable carbon monoxide detector on each floor installed per the manufacture's specifications when gas appliances are utilized in the structure.
5. Trash shall not be left stored within public view, except in proper containers for the purpose of collection by an authorized waste hauler on scheduled trash collection days.

Pets:

1. It shall be unlawful for the owner or keeper of any dog to permit such dog to run at large. Any dog running at large is declared to be a nuisance and menace to the public health and safety, and the dog shall be impounded. The owner of any dog running at large shall be fined \$100.00 plus an impound fee at the rate of \$25.00 per day, per dog.

2. It shall be unlawful to allow pets or animals to create noise, roam the streets, trespass on neighboring properties, or create a mess that is not cleaned up by the owner or custodian of the pet or animal.

Noise, Nuisance or Trespass

The owner of any dwelling licensed as a Short-Term Rental shall be responsible to ensure that guests or occupants of the Short-Term Rental do not:

1. Create noises that by reason of time, nature, intensity, or duration are out of character with noises customarily heard in the surrounding residential neighborhood.
2. Disturb the peace of surrounding residential property residents by engaging in shouting, fighting, playing of loud music, discharging fireworks, racing of cars or recreational vehicles on streets, engaging in outside recreational activities after 11 p.m., or other similar activities.
3. Interfere with the privacy of surrounding residents or trespass onto surrounding residential properties.
4. Engage in any disorderly or illegal conduct, including illegal consumption of drugs and alcohol.

Required Posting

The following information must be available in a folder or binder located in a clear, concise, and unambiguous manner and in a conspicuous location inside any dwelling licensed as a Short-Term Rental:

1. A copy of the Short-Term Rental business license.
2. The name, address, and phone number of the owner or property manager.
3. The location of all fire extinguishers and emergency exits.
4. A list of all rules applicable for Short-Term Rental.
5. The maximum occupancy of the dwelling unit and the maximum number of vehicles allowed.
6. Trash pick-up day and applicable rules and regulations pertaining to leaving or storing trash on the exterior of the property; and
7. A map showing property boundaries and parking spaces.

Fencing

Privacy fencing may be required as a condition for conditional use approval:

1. If written trespass complaints are received by the city concerning the need for privacy fencing around Short-Term Rental, the Planning Commission may require the suspension of the conditional use permit until privacy fencing is installed.
2. Fencing must meet Panguitch fencing ordinance requirements.

Signage

The owner of any property containing a dwelling licensed as a Short-Term Rental shall display an approved sign containing Short-Term Rental Company Name; 24 hour-per-day, 365 day-per-year telephone number of the owner or other party designated by the owner as property manager responsible for receiving and resolving complaints regarding activities on the property and conduct of its occupants and guests.

The sign must be a minimum of 8 square feet and not exceeding 15 square feet in area, which shall be parallel with the building. The business sign shall be placed directly in front of the Short-Term Rental building within the property boundary.

Historical Main Street District (along Main Street from Center to 100 North) sign exceptions can be made with recommendations from the Planning Commission and granted by the City Council.

Miscellaneous Rules and Regulations

The following rules and regulations shall apply to any dwelling for which a Short-Term Rental business license has been issued:

1. The owner or other person designated as the property manager shall respond to complaints and concerns within one (1) hour of any phone call or other notification. Failure of the owner or property manager to respond in a timely manner may result in a violation and possible fines to the business license holder and property owner.
2. The requirements of this section shall be in effect throughout the time a Short-Term Rental license is in effect on the property, regardless of whether the property is occupied by the owner, non-paying guests of the owner, or paying guests of the owner. The City finds that, given the practical difficulty of determining whether or not the occupants are paying guests, enforcement of the requirements contained in this section shall be based on whether the property is licensed as a Short-Term Rental.
3. No Trailers or Motorhomes will be permitted as Short-Term Rental except in commercial zones.

Short-Term Rental Building Inspection Required

A one-time inspection for safety compliance with the regulations set forth in this Ordinance of a Short-Term Rental property for compliance with these regulations will be performed by the City Building Inspector prior to approval of the Business License. Additional inspections may be performed with 24-hour notice to the license holder/property manager if deemed necessary by the City Building Inspector.

Short-Term Rental property owners will be required to complete a yearly acknowledgment of safety inspection compliance prior to issuance of business license renewal.

Sale or Transfer of Property

In the event of a sale or other transfer of any property containing a dwelling licensed as a Short-Term Rental, the purchaser or transferee of the property shall be required to acquire a new Conditional Use Permit and Business License as they are non-transferable.

Enforcement Provisions

1. Any owner of any dwelling within Panguitch City who allows or permits occupation of said dwelling as a Short-Term Rental, as defined herein, without having first obtained a Conditional Use Permit and Business License in accordance with the provisions of this Ordinance shall be notified as stated above. Penalties could include a citation for an infraction which may be filed in the Panguitch City Justice Court and susceptible to penalties associated with infractions at that time existing.
2. Any Owner of any dwelling within Panguitch City who, having first obtained a Conditional Use Permit and Business License for use or occupation of said dwelling as a Short-Term Rental, thereafter, operates or permits operation of said Short-Term Rental in violation of the terms and provisions of this Ordinance may be guilty of an Infraction, and may be punished by a fine of up to \$750 for each such violation.
3. Violation of any provision of this section regulating Short-Term Rentals shall constitute a separate offense for each day said violation occurs or continues.
4. In the event of any one (1) violation of this Ordinance committed by an Owner, Manager, Local Contact Person or guest, the City Council may, depending on the nature or extent of the violations, proceed with revocation of the Conditional Use Permit and/or Business License for any Short-Term Rental property in accordance with the provisions of this Ordinance.

Appeals

Any person or entity aggrieved by a decision in the enforcement and/or administration of this Section shall have the right to appeal such decision to the City Council if a written request for an appeal is filed with the Planning Commission within fourteen (14) days of verification that the aggrieved person or entity has been made aware of the decision.

General Provisions

Sections of the Panguitch City Administrative Code identified in this Ordinance shall be, and hereby are, amended with the express intent of allowing Short-Term Rentals as a permitted use for the zones prescribed herein in accordance with Utah State law.

SEVERABILITY:

If any provision of this ordinance is declared invalid or inoperative by a court of competent jurisdiction, the remainder shall not be affected thereby, and effect shall be given to the intent manifested by the portion held invalid or inoperative.

PARAGRAPH HEADINGS:

The paragraph headings used herein are for convenience only and shall not be considered in the interpretation of this Ordinance.

REPEALER:

Any previously enacted ordinances or parts thereof which are inconsistent with this ordinance are hereby repealed, but only to the extent that they are inconsistent with this ordinance. The repealer shall not, however, be construed to revive any ordinance heretofore repealed.

EFFECTIVE DATE:

The City Council of Panguitch City, State of Utah, has determined that the public health, safety and welfare requires that this Ordinance take effect immediately. Therefore, this Ordinance shall become effective immediately upon passage and publication as required by law.

PASSED, APPROVED, ADOPTED and ORDAINED this 8 day of February, 2022

PANGUITCH CITY:

By: _____
KIM SOPER, Mayor

ATTEST:

TYRISSA HOWELL
Clerk