

PANGUITCH CITY ORDINANCE NO. 2023-3

AN ORDINANCE ADDRESSING THE CITY RIGHT-OF-WAY.

WHEREAS, the City of Panguitch has had incidents where persons have placed property on the Right-of-Way without the consent of the City and

WHEREAS, the City of Panguitch desires to address and define its Right-of-Way and;

WHEREAS, the City Council desires to set up a permitting process in regards to the City Right-of-Way 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 have a policy regarding its Right-of-Way.

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

Section 1: RIGHT-OF-WAY PERMITS AND DEFINITIONS.

Right-of-Way (ROW): The area of public property designated for vehicular and pedestrian traffic, utility infrastructure, and public amenities.

Right-of-Way Ownership: Panguitch City will retain ownership of all rights-of-ways and may use any or all portions of the right-of-way at any time for public purposes.

Right-of-Way Permits: Authorization granted by the city to individuals or entities for temporary use of the right-of-way.

Encroachment Permits: Authorization granted by the city for permanent structures or improvements that partially occupy the right-of-way.

Obstruction Permits: Authorization granted by the city for temporary structures or activities that obstruct the right-of-way.

Excavation Permits: Authorization granted by the city for any digging or excavation work within the right-of-way.

Types of public right of way encroachments

Right-of-Way Permits

A right-of-way permit is required for any person or entity seeking to conduct work or activities within the right-of-way before commencing any activity. Right-of-Way permits shall be issued in compliance with the guidelines and regulations set forth by the city.

Application Process:

Applicants must submit a written application to the city detailing the scope and nature of the proposed activity. The application must include all relevant plans, diagrams, and other documentation as required by the city. The city shall review applications for compliance with safety regulations, public convenience, and overall impact on the right-of-way.

Encroachment Permits

An encroachment permit requirement includes but is not limited to any existing or proposed structure or portion thereof that projects onto, under or over any municipal right of way such as gravel, asphalt or concrete. The Encroachment Permit gives the permit holder permission to use a specific portion of the right of way until such time as that portion of the right of way is needed by the City of Panguitch for public purposes. Encroachment Permits are revocable at any time in the interest of public safety.

Application Process:

Applicants seeking an encroachment permit must submit a detailed application to the city, including drawings, project plans, and relevant permits. The city shall review applications for compliance with zoning , safety standards, and aesthetic considerations.

Obstruction Permits

Obstruction permits are required whenever an object or equipment is placed within the City's right of way (streets, sidewalks, alleys, and other rights of way). Obstruction permits include Dumpster, Food Cart, Full Block Use, Hoisting, Parking Lane Use, Scaffolding, Sidewalk Use, Sidewalk Cafe, Special Events, Storage Pods, Traffic & Bike Lane Use, Utility Company Use of Right of Way, Valet Parking, etc.

Application Process:

Applicants must submit an application to the city outlining the nature, size, and duration of the proposed obstruction. The city shall review applications to ensure that the proposed obstruction does not unduly interfere with public safety and convenience.

- **Sidewalk Cafe**

Food establishments, such as restaurants and coffee shops, that wish to provide outdoor seating for customers on the public sidewalk adjoining the premises must obtain a Sidewalk Cafe Obstruction Permit issued by Panguitch City. This permit allows tables and chairs to be placed in approved public right of way areas.

- **Block Parties on Residential Streets**

The block party permit applies to residential streets and alleys only. The permit supports the gathering of residents of a particular block and those adjacent to the street or alley being closed. Parties organized by commercial or business interests that are advertised and/or open to the broader public are permitted under Special Events. Gatherings on non-residential streets and those that include the sale of alcohol also fall under Special Events.

- **Bicycle Parking**

A Right of Entry Permit is required for bicycle parking racks.

Excavation Permits

Excavation permits are required whenever an excavation or underground work is planned within the city's right of way (sidewalks, boulevards, and roadways). Prior to obtaining a permit the proposed work must be reviewed and approved by various city departments. Excavation Permits include Geoprobes, House Service Connection, Monitor Well, Sewer, Utility Company Use of Right of Way, Tree Trench Restoration, Driveways, Sprinkler Systems, etc.

Application Process:

Applicants must submit an application to the city detailing the purpose and scope of the excavation work. The city shall review applications to assess potential impacts on public safety and infrastructure.

Enforcement and Penalties

Violations of this ordinance may result in the revocation of permits, and are punishable in the as an infraction with a fine of \$150.00 per incident, or other penalties as determined by the city. The city reserves the right to take any necessary action to rectify violations and recover associated costs.

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.

Section 3: PARAGRAPH HEADINGS:

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

Section 4: 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.

Section 5: 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 12 day of December 2023

PANGUITCH CITY:

By: _____
KIM SOPER, Mayor

ATTEST:

TYRISSA HOWELL
Clerk