

PANGUITCH CITY

STATE OF UTAH

SHORT-TERM RENTAL ORDINANCE

ORDINANCE ADOPTION

PANGUITCH CITY, UTAH

ORDINANCE NO. 2025-__

SHORT-TERM RENTALS

AN ORDINANCE TO REGULATE THE USE OF PRIVATE DWELLING UNITS AS SHORT-TERM RENTALS IN PANGUITCH CITY, UTAH.

WHEREAS, the City Council of Panguitch City, have seen a continual rise in Short-Term Rentals year over year 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, STATE OF UTAH, AS FOLLOWS:

The previously adopted Short-Term Rental Ordinance 2022-01 by the Panguitch City Council on February 8, 2022 shall be rescinded and superseded in its entirety upon adoption of this ordinance by the Panguitch City Council.

Passed and adopted by the Board of Panguitch City Council, State of Utah, on this ____ day of _____, 2025.

Kim Soper

Mayor

ATTEST:

Tyrissa Howell
Panguitch City Clerk

Section 1 SHORT TITLE

This ordinance shall be known as the "Short-Term Rental Ordinance."

Section 2 PURPOSE

The purpose of this ordinance is to establish regulations for the use of privately-owned dwelling units as Short-Term Rentals (STRs) to protect residents' quality of life, building safety for the occupants, ensure proper collection and remittance of taxes, and to address nuisances, parking, trespassing, and other potential negative impacts relating to STRs.

Section 3 DEFINITIONS

This ordinance shall be interpreted using the definitions provided in the State of Utah Municipal Land Use, Development, and Management Act (**UCA 10-9a**) and the Panguitch City Zoning Ordinance except for, in addition to, or as modified by the following:

1. **LOCAL CONTACT PERSON.** A person designated by the owner of a STR when the owner does not use a property management company for the STR, for the purpose of responding to complaints regarding the condition, operation, or conduct of occupants of the STR and taking remedial action to resolve any such issues.
2. **MANAGER.** The owner, designated agent, or representative of the owner who is responsible for compliance with this ordinance and operation of the STR.
3. **OWNER.** A person or entity that holds legal or equitable title or interest in real property.
4. **PRIVACY FENCE.** A fence structure, typically made of wood, vinyl, metal, or other materials, designed to provide seclusion, security, or visual screening for a property. It is usually solid or nearly solid, preventing visibility from outside, and is commonly used to define property boundaries, enhance privacy, or block noise and wind.
5. **RESIDENTIAL DWELLING UNIT.** A residential structure, or any portion of a residential structure, that is occupied as a residence.
6. **SHORT-TERM RENTAL (STR).** A single-family dwelling unit, accessory dwelling unit, or any portion of a dwelling unit, that the owner offers for occupancy for fewer than 30 consecutive days.

Section 4 LIMIT ON SHORT-TERM RENTALS

4.1 Limit. The total number of licensed STRs located within the residential and agricultural zoning districts of Panguitch City shall be limited to thirty (30) total. There shall be no limit on the number of STRs in commercial zoning districts.

4.2 Waiting List. Once the cap of thirty (30) STRs is reached, any new application for a STR will be placed in a waiting list for consideration by the City. Applicants in the waiting list will be selected on a first come, first served basis and shall be notified of their status in the waiting list by the City upon submittal of the preliminary STR application which can be found on the City's official website. Any preliminary application approved by the City shall have thirty (30) days to submit a complete STR permit application in accordance with Section 5 of this ordinance. STR applications shall be valid in the waiting list indefinitely or until the applicant notifies the City otherwise.

4.3 Legal Nonconforming STRs. Any STR currently licensed and permitted by Panguitch City shall be deemed legal nonconforming or "grandfathered in" and may continue operations as usual. In the event of a revocation of the STR permit by the City Council, non-renewal of the business license, closure of the business by the owner, or sale of the property, the STR permit shall be deemed terminated and a new application shall be submitted to the City. If the limit has been met, the application shall be placed in the City's STR lottery system.

4.4 Change of Ownership. In the event of a sale or transfer of ownership of a STR in a residential or agricultural zoning district, the previously approved STR permit shall be forfeited. If the new owners desire to utilize the dwelling as a STR, a new STR application shall be required and if the limit has been met, the application shall be placed in the City's STR waiting list.

4.5 Utilization of Short-Term Rental License. All STR permits must be actively used to remain valid. STR permit holders must maintain an active listing and regularly offer the property for STR use. If a property is not listed or made available for STR use for a continuous period of thirty (30) days or more – without a city approved exemption – the STR permit may be subject to revocation or non-renewal. Permit holders must maintain records verifying active use (e.g., listings, bookings, or platform activity) and provide such records upon request. **Exception:** Use of STR properties as emergency shelters or temporary housing during natural disasters or emergencies shall not result in penalty or loss of permit status.

Section 5 STR PERMIT

No dwelling in any zoning district shall be occupied or used as a STR until the owner has obtained an approved:

1. STR inspection from the Building Official;
2. Conditional Use Permit from the City Council, if applicable; and
3. Business License from the City Council.

5.1 STR Inspection.

An inspection for compliance with the regulations set forth in Section 8 of this ordinance and the current IRC shall be performed at the STR property by the Building Official or, if approved by the Building Official, a third-party inspector prior to approval of the conditional use permit, if applicable, and business license.

5.2 Conditional Use Permit.

1. STRs shall be a permitted use in commercial zoning districts and a conditional use in the following zoning districts:
 - a. agricultural; and
 - b. residential.
2. STRs shall be prohibited in all other zoning districts.
3. STRs shall be limited to a maximum of one (1) unit per parcel in all zoning districts and may be permitted in the single-family dwelling unit, accessory dwelling unit, or internal accessory dwelling unit. Lodging or accommodation developments located in commercial zoning districts that have more than five (5) accommodation units shall not be considered STRs and shall instead be regulated as hotels, motels, cabins etc.
4. For properties with a primary single-family dwelling unit and an accessory dwelling unit, the STR permit shall only be granted if the owner lives on the same property – either in the ADU or the primary single-family dwelling unit.
5. A STR permit shall not be granted to any property that does not have frontage on a city street with a minimum of a twenty-four foot (24') wide travel surface and a cul-de-sac on dead end streets.

5.3 Business License.

1. All STRs located in Panguitch City are required to have a Panguitch City Business License. The business license shall include unique transient room and sales and use tax numbers issued from the Utah State Tax Commission.
2. The owner or manager shall comply with the Panguitch City Business License Ordinance for annual business license renewals.
3. The City Clerk shall ensure applicable Utah State tax filing and payment confirmations are completely current, and the business license renewal application fee is paid prior to issuance of the new business license.
4. If the business license is not renewed by the City Clerk, the owner of the STR shall cease operations immediately and shall not be permitted to operate until the business license is issued. The owner may be subject to fines or penalties for failing to renew any business license. Failure to renew a business license within the same calendar year that it expired shall result in a permanent revocation of the business license.

5. If a manager or individual is managing more than one STR property in Panguitch City, a separate inspection, conditional use permit (if applicable), and business license shall be required for each STR property in Garfield County, in addition to the business license required for the property management company.
6. Utilization of property management companies for STRs in Panguitch City shall only be permitted if the property management company itself is, or its employee(s) are located, operated, and licensed in Panguitch City.

Section 6 FEES

Appropriate fees shall be charged for STR inspections, conditional use permit applications, business license applications and renewals and any other services required by this ordinance. Such fees shall be established by the City Council and shall be referred to in the Panguitch City Fee Resolution.

Section 7 AUTHORIZED MANAGER OR LOCAL CONTACT PERSON

7.1 Designation. An owner may designate a manager or local contact person to be held responsible for compliance with the requirements of this ordinance on behalf of the owner. Notwithstanding this subsection, 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 STR, regardless of whether such noncompliance was committed by the owner, manager, local contact person or the occupants of the owner's STR.

7.2 Availability. While a STR is occupied or open for business, the manager and/or local contact person shall be readily available for the purpose of responding to complaints regarding the condition, operation or conduct of occupants of the STR.

7.3 Responsibility for Guest's Conduct. The manager and/or local contact person shall use reasonably prudent business practices to ensure that the occupants of the STR 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 STR.

Section 8 BUILDING STANDARDS

At a minimum, any dwelling unit permitted as a STR shall conform to the standards listed in the STR Inspection Checklist (See EXHIBIT 1).

Section 9 PROPERTY STANDARDS

9.1 Parking Regulations.

The owner of any property licensed as a STR 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 STR.
2. Parking on the STR property shall be provided at one vehicle per bedroom. Tandem spaces on a driveway may be used.
3. Vehicles parked on Panguitch City right-of-way must not restrict traffic flow or infringe on other property rights-of-way.
4. No travel trailers or recreational vehicles shall be occupied on STR properties except in licensed recreational vehicle parks permitted for such use.

9.2 Maintenance Standards.

Any property that contains a dwelling which is licensed as a STR 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. 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.

9.3 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.

9.4 Fencing.

All Short-Term Rentals (STRs) approved after the effective date of this ordinance shall provide privacy fencing along the sides and rear of the property in compliance with the maximum height and other requirements of the Panguitch City fencing ordinance. Any STR, including legal nonconforming STRs, that allows pets shall provide a fully enclosed privacy-fenced area where pets may roam freely. Such fencing must be constructed to prevent pets from leaving the STR property boundaries when unattended.

9.5 Signage.

The owner of any property containing a dwelling licensed as a STR shall display an approved sign containing, at a minimum:

1. The unique name of the STR as it appears on listing platforms;
2. The physical address of the STR; and
3. The telephone number for the owner, manager, and/or local contact person.

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 STR building within the property boundary.

All STR signs shall be illuminated with low wattage lighting in a downlit manner and the lighting shall not trespass onto adjacent properties.

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.

9.6 Miscellaneous Rules and Regulations.

The following rules and regulations shall apply to any dwelling for which a STR permit 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 STR permit 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 STR.

Section 10 COMPLAINTS

1. 1st Complaint – A letter will be sent to the property owner.
2. 2nd Complaint – A second 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 STR permit should not be revoked.

Section 11 PREVENTION OF NOISE, NUISANCE OR TRESPASS

The owner or manager shall ensure occupants of the STR 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 areas;
2. Disturb the peace of surrounding properties by shouting, fighting, playing of loud music, racing of cars or off highway vehicles on streets, or engaging in outside recreational or other activities after 10:00 P.M and before 8:00 A.M.;
3. Interfere with the privacy or trespass onto surrounding properties;
4. Allow pets or animals to create incessant noise, roam the streets without an owner present, trespass on neighboring properties or create any type of mess that is not cleaned up by the owner of the pet or animal; and
5. Engage in any disorderly or illegal conduct, including illegal consumption of drugs and alcohol.

Section 12 ENFORCEMENT PROVISIONS

1. When the City determines a STR may be operating without first obtaining the requirements set forth in this ordinance, the City Manager shall send a certified letter to the owner of real property describing the requirements of this ordinance along with a formal request to come into compliance.
2. If the owner of real property fails to respond to, or act upon, the first notice within 30 days of certified delivery, a 2nd notice shall be sent from the City Attorney informing the owner of the fines and penalties that shall be imposed if operation of the STR continues without City authorization.
3. Upon failure to respond to the 2nd notice within 14 days of certified delivery, the owner shall be guilty of a Class C Misdemeanor and shall be subject to a separate fine of \$100.00 per day until all applicable documentation is submitted and fees are paid in full to the City. A lien will be recorded on the real property for any outstanding penalties.

4. Any owner or manager of a STR located within the incorporated areas of Panguitch City who, having first obtained the required approvals of this ordinance thereafter operates or permits operation of said STR 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.
5. In the event of any violation of this ordinance committed by an owner, manager, local contact person or occupant of the STR, the City Council shall discuss said violation(s) in a public meeting and take action, including possible fines or revocation of the conditional use permit, if applicable, and business license for the STR.

Section 13 APPEALS

Any person or entity aggrieved by a decision of any City Official or staff member regarding the provisions of this ordinance shall have the right to appeal such decision to the City Council if a written request for an appeal is filed with the City Clerk's Office within 10 days of verification that the aggrieved person or entity has been made aware of the decision.

Section 14 SEVERABILITY

Should any portion of this ordinance be found for any reason to be unconstitutional, unlawful, or otherwise void or unenforceable, the balance of the Ordinance shall be severable therefrom and shall survive such declaration, remaining in full force and effect.

Section 15 LEGAL NONCONFORMING PROPERTIES

Utah law and Panguitch City Code shall govern the establishment, restoration, reconstruction, extension, alteration, expansion, or substitution of any approved nonconforming use and any approved noncomplying structure related to such use.

Section 16 EFFECTIVE DATE

This Ordinance shall be effective on and after June 1, 2025.

EXHIBIT 1. STR INSPECTION CHECKLIST

The following list includes the most common violations on STR inspections, other life and safety violations, discovered by the building official will be presented to the applicant in the STR inspection report:

- At least 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) **IRC 314**;
- At least one operable carbon monoxide detector on each floor installed per the manufacturer specifications, when gas appliances are utilized in the structure **IRC 314**;
- Graspable hand railings (1 1/4 inches – 2 inches) on all staircases **IRC 311.7.8**;
- GFCI plugs are required within 6 feet of all wet areas and all exterior outlets **IRC E3902**;
- Sleeping rooms must meet current IRC requirements for egress **IRC R3111**.
- Each STR unit should have at least one operable fire extinguisher.
- Trash shall not be left or stored within public view, except in proper containers for the purpose of collection by an authorized waste hauler on scheduled trash collection days.
- STR units with more than 5 sleeping rooms, or the ability to sleep more than 10 occupants shall receive written approval from the building official prior to occupancy of the STR unit.
- Required posting in the STR unit:
 - A copy of the STR business license
 - The name and phone number of the owner, local contact person or manager and local emergency contact information.
 - The location of all fire extinguishers and emergency exits.
 - A list of all rules applicable for the STR
 - The maximum occupancy of the dwelling unit and the maximum number of vehicles allowed
 - The available parking spaces
 - Trash, pick up day and applicable rules and regulations pertaining to leaving or storing trash on the exterior of the property.
 - A map showing property boundaries and parking spaces.
 - A visible sign at the front of the property stating the name of the STR, the physical address and the phone number of the owner, manager, or local contact person.
 - Panguitch City reserves the right to amend this Checklist when necessary.