

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, GARFIELD CITY, STATE OF UTAH, AS FOLLOWS:

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

STR ORDINANCE OPTIONS

Option 1 **LIMIT ON SHORT-TERM RENTALS**

Limit: The total number of licensed short-term rentals located within the incorporated areas of Panguitch City shall be limited to thirty (30) total.

Lottery System: Once the cap of thirty (30) short-term rentals is reached, any new application for a STR will be placed in a lottery system for consideration. The lottery will be conducted with proper notice during the next available city council meeting following any vacancy of licensed STRs. Applicants in the lottery shall be notified of their status by the City after a decision has been made by the City Council.

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 license by the City Council, non-renewal of the business license, closure of the business by the owner, or sale of the property, the STR license shall be deemed expired and a new application shall be submitted to the City. If the limit has been met, the applicant shall be placed in the City’s STR lottery system.

Option 2 **ADUS PROHIBITED**

1. As of February 8th, 2022, all established Short-Term Rentals with valid City business license within Panguitch City shall be considered legal nonconforming and may continue their current rentals as established. If the legal nonconforming Short-Term Rental business changes ownership it will no longer be considered legal nonconforming or “Grandfathered”, and shall be required to follow the current ordinance requirements.
2. Two or more adjacent short-term rentals shall require prior City Council approval.
3. Short term rental units located within the permanent residence (internal ADU) of short-term rental owner are allowed regardless of the number of short-term rentals on the block or within the subdivision.
4. Short-term rentals shall be permitted in a single-family dwelling or internal accessory dwelling unit, but shall be prohibited in any detached accessory dwelling unit.

Option 3 **FREE MARKET**

The rest of the ordinance applies with no further restrictions.

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 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 short-term rentals.

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 10-27a) 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 or the manager of the short-term rental, for the purpose of responding to complaints regarding the condition, operation, or conduct of occupants of the short-term rental 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 short-term rental.
3. **NON-RESIDENT.** A person who is not able to provide proof of the above "resident" requirements will be considered a Non-Resident of Panguitch City.
4. **OWNER.** A person or entity that holds legal or equitable title or interest in real property.
5. **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.
6. **RESIDENTIAL DWELLING UNIT.** A residential structure, or any portion of a residential structure, that is occupied as a residence.
7. **SHORT-TERM RENTAL (STR).** A residential dwelling unit, or any portion of a residential dwelling unit, that the owner of record or the lessee of the residential unit offers for occupancy for fewer than 30 consecutive days. ~~Any property that is occupied, possessed, or used by any person or entity for transient lodging purposes 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.~~
8. **TRANSIENT.** Occupancy of a dwelling unit for not more than thirty (30) days. ~~Occupancy of a dwelling unit for not more than twenty-nine (29) consecutive calendar days.~~

9. **RESIDENT.** 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:
 - a. Valid driver license
 - b. Valid Utah photo identification card
 - c. Voter registration documentation
 - d. Primary residence tax notice

Section 4 SHORT-TERM RENTAL PERMIT

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

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

4.1 STR Inspection

An inspection for compliance with the regulations set forth in Sections 7-9 of this ordinance and the current International Building Code shall be performed at the short-term rental 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.

4.2 Conditional Use Permit

1. Short-term rentals shall be a permitted use in Commercial zoning districts a conditional use in the following zoning districts:
 - a. Agricultural; and
 - b. Residential.
2. Short-term rentals shall be prohibited in all other zoning districts.
3. Short-term rentals shall be limited to 1 per parcel in all zoning districts.

4.3 Business License

1. All short-term rentals 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 Town Clerk, the owner of the short-term rental 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 for 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 short-term rental property in Panguitch City, a separate inspection, conditional use permit (if applicable), and business license shall be required for each short-term rental property in Garfield County, in addition to the business license required for the manager (i.e., property management company).

Section 5 FEES

Appropriate fees shall be charged for short-term rental 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 6 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 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.

7.2 Availability. While a short-term rental 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 Short-Term Rental.

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 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 short-term rental.

~~**7.4 Response to Complaint.** The manager and/or local contact person shall, upon notification that any occupant 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 short-term rental, respond within 1 hour to halt or prevent recurrence of such conduct.~~

~~**7.5 Failure to Respond.** Upon failure of the manager or local contact person to respond to calls or complaints in 1 hour regarding the condition, operation or conduct of occupants of the short-term rental, the manager shall receive written notice from the City. If the owner, manager, or local contact person fail to respond to the complaints and or written notification from the City, the City Council may consider revocation of the conditional use permit and/or business license in a public meeting.~~

Section 7 BUILDING STANDARDS

At a minimum, any dwelling unit permitted as a short-term rental shall conform to the standards listed in the Short-Term Rental Inspection Checklist (See EXHIBIT 1).

Section 8 PROPERTY STANDARDS

8.1 Required Posting

The following information shall be posted in a conspicuous location inside any short-term rental:

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

8.2 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. Vehicles 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:
 - a. No camping in camp trailers on Short-Term Rental property will be allowed.
 - b. No Motorhome camping on Short-Term Rental property will be allowed.
 - c. Tent camping will be allowed as long as the occupants do not go over the Short-Term Rental property occupancy limit.

8.3 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:
 - a. At least one operable fire extinguisher.
 - b. 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).
 - c. An operable carbon monoxide detector on each floor installed per the manufacture's specifications when gas appliances are utilized in the structure.
6. 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.

8.4 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.

8.5 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.

8.6 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.

8.7 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.

Section 9 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.

Section 10 PREVENTION OF NOISE, NUISANCE OR TRESPASS

The owner or manager shall ensure 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 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 10:00 A.M.;
3. Interfere with the privacy or trespass onto surrounding properties; and
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.
5. Engage in any disorderly or illegal conduct, including illegal consumption of drugs and alcohol.

Section 11 ENFORCEMENT PROVISIONS

1. When the City determines a short-term rental 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 short-term rental 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 short-term rental located within the unincorporated areas of Panguitch City who, having first obtained the required approvals of this ordinance 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.
5. In the event of any violation of this ordinance committed by an owner, manager, local contact person or occupant of the short-term rental, 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 short-term rental.

Section 12 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 13 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 14 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.

EXHIBIT 1.

SHORT-TERM RENTAL INSPECTION CHECKLIST

The following list includes the most common violations on STR inspections, other life, 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**;
- Gripable 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 International Residential Code (IRC) requirements for egress **IRC R3111**.
- Each short-term rental 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.
- Short-term rental 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 short-term rental unit.
- Required posting in the short-term rental unit:
 - A copy of the short-term rental 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 short-term rental
 - 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 short-term rental and the physical address.