

# PANGUITCH CITY

STATE OF UTAH

MUNICIPAL CODE

# **ORDINANCE ADOPTION**

**PANGUITCH CITY, UTAH**  
**ORDINANCE NO. 2026-\_\_\_\_\_**

**MUNICIPAL CODE**

**AN ORDINANCE AMENDING THE PANGUITCH CITY MUNICIPAL CODE.**

**WHEREAS**, the city council, as the governing body of Panguitch City, State of Utah, specifically finds that it is in the best interest of the safety and welfare of the citizens of the city, to amend the Panguitch City Municipal Code.

**NOW THEREFORE BE IT ORDAINED** by the City council, State of Utah:

Passed and adopted by the city council, State of Utah, on this \_\_\_\_\_ day of \_\_\_\_\_, 2026.

\_\_\_\_\_  
Kim Soper  
Mayor

ATTEST:

\_\_\_\_\_  
Tyrissa Howell  
Panguitch City Clerk

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# PANGUITCH CITY

STATE OF UTAH

## TITLE 1 GENERAL PROVISIONS

# TITLE 1 – GENERAL PROVISIONS

## CHAPTER 1.01 CODE ADOPTION (RESERVED)

(Reserved for future use; see **Utah Code § 10-3-704** regarding adoption and codification of municipal ordinances.)

## CHAPTER 1.04 GENERAL PROVISIONS

### 1.04.010 DEFINITIONS

#### **Definitions.**

This title shall be interpreted using the definitions provided in **Utah Code § 10-9a** (Municipal Land Use, Development, and Management Act) and any other ordinance adopted by the city council except for, in addition to, or as modified by the following:

**BUILDING OFFICIAL.** The officer or other designated authority, or duly authorized representative, charged with the administration and enforcement of building codes and standards, for Panguitch City, State of Utah.

**BUILDING OFFICIAL.** The officer or other designated authority, or duly authorized representative, charged with the administration and enforcement of building codes and standards, for Panguitch City, State of Utah.

**CITY.** Unless otherwise indicated, Panguitch City, State of Utah.

**CITY COUNCIL.** The elected legislative body for Panguitch City, State of Utah.

**CITY ATTORNEY.** The Panguitch City Attorney appointed by the city council to 1) prosecute individuals who commit any State public offense and city criminal offense within Panguitch City, and act as civil legal representation and offer legal advice on behalf of the city and its officials.

**CITY MANAGER.** The official designated by the city council as the appointed administrator for Panguitch City, State of Utah.

**COUNTY.** Unless otherwise indicated, Garfield County, State of Utah.

**LOCAL HEALTH DEPARTMENT.** The Southwest Utah Public Health Department.

**PLANNING COMMISSION.** The planning commission for Panguitch City, State of Utah formally appointed by the city council.

**STATE HEALTH DEPARTMENT.** The State of Utah Department of Environmental Quality.

**ZONING MAP AMENDMENT.** May also be referred to as “Zone Change”.

#### **1.04.020 SEVERABILITY**

If any provision, section, subsection, paragraph, sentence, or clause of this Code is declared invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Code, which shall remain in full force and effect.

#### **1.04.030 NUMBERING AND RECORD OF ORDINANCES**

##### **Numbering System:**

The city recorder shall assign a unique number to each ordinance adopted by the city council. Ordinances of a general and permanent nature shall be codified in the Panguitch City Municipal Code according to the established numbering system.

##### **Special Ordinances:**

Ordinances of a temporary, special, or local nature—including franchises, bond issues, annexations, and tax levies—shall be maintained in a separate book titled “Special Ordinances,” indexed by subject and year.

##### **Electronic Records:**

The city recorder may maintain ordinances and resolutions in electronic format consistent with **Utah Code § 46-4-301** (Uniform Electronic Transactions Act).

##### **Validity:**

Failure to assign or record a number shall not invalidate any ordinance duly adopted by the city council.

#### **1.04.040 INCORPORATION OF STATE STATUTES AND CODES**

- A. References in this code to the Utah Code Annotated, the Utah Administrative Code, or other statutes shall include all current and future amendments unless the context expressly states otherwise.
- B. Adoption by reference of external statutes, codes, or standards shall be effective only when specifically incorporated by ordinance and made available for public inspection at the city offices.
- C. The city council may amend or repeal any incorporated provisions by ordinance without separate publication of the referenced material.

## **CHAPTER 1.08 CITY SEAL**

### **1.08.010 CITY SEAL**

#### **Design and Description:**

The official seal of Panguitch City shall consist of two concentric circles, the outer circle measuring approximately two and one-quarter (2¼) inches in diameter and the inner circle one and one-half (1½) inches. The words “PANGUITCH CITY, UTAH — CORPORATE SEAL” shall appear between the circles, enclosing the impression of a ram facing to the right within the inner circle.

#### **Custody and Use:**

The city recorder shall have custody of the official seal and shall affix it to all documents as required by law or order of the city council.

## **CHAPTER 1.12 – GENERAL PENALTY**

### **1.12.010 PURPOSE**

This chapter establishes the general penalties and enforcement procedures for violations of the Panguitch City Code, as authorized under **Utah Code § 10-3-703**. It is the intent of the city to promote compliance with its ordinances through fair, consistent, and lawful enforcement.

### **1.12.020 VIOLATION CONSTITUTES AN OFFENSE**

Unless otherwise specifically provided, any person, firm, or corporation who violates or fails to comply with any provision of this code, or any ordinance, rule, or regulation adopted pursuant thereto, shall be guilty of a misdemeanor or infraction as provided in this chapter.

### **1.12.030 CLASSIFICATION OF OFFENSES AND PENALTIES**

#### **Class B Misdemeanor**

Where expressly designated, a violation shall be punishable as a Class B misdemeanor as defined in **Utah Code § 76-3-204**, by a fine of not more than \$1,000, imprisonment in the county jail for a term not exceeding six (6) months, or both.

#### **Class C Misdemeanor**

Where expressly designated, or where no specific classification is provided but the nature of the offense warrants, a violation shall be punishable as a Class C misdemeanor under **Utah Code § 76-3-301**, by a fine of not more than \$750, imprisonment not exceeding ninety (90) days, or both.

#### **Infraction**

Unless otherwise specified or unless the city attorney determines that the interests of justice so require misdemeanor prosecution, a violation of this Code may be prosecuted as an infraction, punishable by a fine not exceeding \$750, as provided by **Utah Code § 76-3-205**.

## **Civil Enforcement**

In addition to or in lieu of criminal prosecution, the city may seek civil penalties, injunctive relief, or administrative enforcement under procedures adopted by ordinance or rule.

### **1.12.040 CONTINUING VIOLATIONS**

Each day or portion of a day that a violation continues after written notice has been given to the violator shall constitute a separate offense, unless otherwise provided by ordinance.

### **1.12.050 LIABILITY OF OFFICERS, AGENTS, AND EMPLOYEES**

Every person concerned in the commission of an act prohibited by this code, whether they directly commit the act or cause it to be done, or who aids, abets, advises, or encourages its commission, shall be prosecuted and punished as a principal.

### **1.12.060 ADMINISTRATIVE CITATION OPTION**

1. The city may establish by resolution an administrative citation process for violations of this code that are not criminal in nature.
2. The process shall include:
  - a. Written notice of the violation and applicable fine;
  - b. Opportunity to correct or appeal within a reasonable time; and
  - c. Procedures for collection and appeal before the city council.

### **1.12.070 RESTITUTION AND COSTS**

In addition to any fine or penalty, a violator may be ordered to pay restitution to the city or any affected person for damages, abatement, or costs of enforcement, including administrative expenses, cleanup, and attorney's fees when authorized by law.

### **1.12.080 ENFORCEMENT AUTHORITY**

This chapter may be enforced by any peace officer, code enforcement officer, building official, or other person authorized by the city council.

Such officials are empowered to issue citations, notices of violation, and to initiate criminal or civil proceedings as necessary to enforce the provisions of this code.

### **1.12.090 CUMULATIVE REMEDIES**

The remedies provided in this chapter are cumulative and not exclusive. The city may pursue any and all remedies, penalties, or enforcement actions available under municipal, civil, or criminal law.

### **1.12.100 SEVERABILITY**

If any section, subsection, sentence, clause, or phrase of this chapter is declared unconstitutional or invalid, the remaining portions shall continue in full force and effect.

# PANGUITCH CITY

STATE OF UTAH

TITLE 2 ADMINISTRATION AND PERSONNEL

# **TITLE 2 ADMINISTRATION AND PERSONNEL**

## **CHAPTER 2.04 CITY COUNCIL**

### **2.04.010 FORM OF GOVERNMENT**

Panguitch City shall operate under the six-member council form of government as provided in **Utah Code §10-3b-301**, consisting of a mayor and five council members elected at large.

### **2.04.020 POWERS AND DUTIES**

The city council shall be the governing body of Panguitch City and shall exercise all legislative powers and duties as provided by law, including adoption of ordinances, appropriation of funds, levying of taxes, and establishment of city policy in accordance with **Utah Code §10-3b-202**.

### **2.04.030 MEETINGS**

- A. Regular meetings shall be held at least once a month at a time and place designated by resolution of the city council.
- B. Special meetings may be called in accordance with **Utah Code §10-3-502**.
- C. All meetings shall comply with the Utah Open and Public Meetings Act, **Utah Code §52-4-101 et seq.**

### **2.04.040 QUORUM AND VOTE**

A quorum shall consist of a majority of the council (4 members). All official actions shall require the affirmative vote of a majority of the quorum present.

### **2.04.050 COMPENSATION AND REIMBURSEMENT**

Compensation of elected officials shall be established by ordinance and reviewed annually during the budget process. Reimbursement for actual expenses incurred in the performance of duties shall comply with **Utah Code §10-3-818**.

## **CHAPTER 2.08 MAYOR**

### **2.08.010 DUTIES AND POWERS**

The mayor shall preside at city council meetings, exercises ceremonial functions for the municipality, and ensure faithful execution of all laws, ordinances, and policies. The mayor shall perform the duties set forth in **Utah Code §10-3b-302 and §10-3-819**.

### **2.08.020 VETO POWER**

The mayor may may not veto an ordinance, tax levy, or appropriation passed by the council, as provided in **Utah Code §10-3-302**.

### **2.08.030 TEMPORARY ABSENCE OR DISABILITY**

In the Mayor's temporary absence or disability, the Mayor Pro Tempore shall perform all mayoral duties as provided in **Utah Code §10-3b-302(2)**.

## **CHAPTER 2.12 CITY MANAGER**

### **2.12.010 APPOINTMENT AND TENURE**

The city council may, by ordinance, appoint a city manager pursuant to **Utah Code §10-3b-303**. The city manager shall serve at the pleasure of the city council.

### **2.12.020 DUTIES**

#### **General**

The city manager shall supervise administrative operations, implement city council policy, prepare the annual budget, and oversee personnel management, purchasing, and interdepartmental coordination.

#### **General Plan and Land Use Regulations**

The city manager shall assist the planning commission in the amending, preparing, and adopting the general plan and land use regulations.

#### **Site Plan Review**

The city manager, along with the building official, shall receive all applications for site plan review and review for completeness before approving said plan.

#### **Land Use Applications**

The city manager shall receive all land use applications or other plans to be permitted or approved as required by this title, review for completeness and prepare submittals for review by the planning commission and city council.

### **2.12.030 REMOVAL**

The city manager may be removed by majority vote of the city council, consistent with the provisions of **Utah Code §10-3b-303(6)**.

## **CHAPTER 2.16 MUNICIPAL OFFICERS**

### **2.16.010 APPOINTED OFFICIALS**

The following officers shall be appointed by the city council (See **Utah Code §10-3-9**):

- A. City Recorder/Clerk
- B. City Treasurer
- C. City Attorney
- D. Public Works Director
- E. Other positions as deemed necessary or beneficial to the city and its residents.

### **2.16.020 OATHS AND BONDS**

Each officer shall take the oath of office and, if required, furnish a bond as provided by Utah Code §§10-3-827 and 10-3-828.

### **2.16.030 REMOVAL OF OFFICERS**

Appointed officers serve at the pleasure of the appointing authority, unless otherwise protected by employment agreement or state statute.

## **CHAPTER 2.20 CITY ELECTIONS**

All city elections shall be conducted in accordance with the **Utah Election Code, Title 20A, Utah Code Annotated**. The city recorder shall act as the election officer.

## **CHAPTER 2.24 POLICE DEPARTMENT**

If the city desires to have its own Panguitch City Police Department, it shall operate under the direction of the Chief of Police and Mayor, in compliance with **Utah Code §10-3-915**.

All officers shall be certified by the Utah Peace Officer Standards and Training (POST) Council.

## **CHAPTER 2.28 FIRE DEPARTMENT**

The Panguitch City Fire Department shall be organized under **Utah Code Title 10, Chapter 7**.

The Fire Chief shall be appointed by the mayor with city council consent and shall enforce the Utah Fire Prevention Code (**Utah Admin. Code R710-9**).

## **CHAPTER 2.32 STREET DEPARTMENT**

The Street Department shall maintain all city rights-of-way, streets, sidewalks, and related infrastructure under the direction of the public works director.

## **CHAPTER 2.36 PLANNING COMMISSION**

### **2.36.010 ESTABLISHMENT**

There is hereby created and established a planning commission for Panguitch City, Utah, pursuant to the authority granted in **Utah Code § 10-9a-301**. The planning commission shall act as the land use authority and advisory body to the city council as provided by law and this code.

### **2.36.020 MEMBERSHIP AND TERMS**

#### **Number of Members**

The Planning Commission shall consist of **five (5) voting members** and up to **two (2) alternate members**, all of whom shall be residents of Panguitch City.

#### **Terms of Office**

Each member shall serve a term of **four (4) years**, or until a successor is appointed and qualified. Terms shall be staggered so that, as nearly as possible, one-half of the members' terms expire every two years.

#### **Alternate Members**

Alternate members may be appointed to serve in the absence or disqualification of a regular member. An alternate member shall have full voting authority when serving in place of a regular member.

#### **Compensation**

Planning commission members may receive compensation and reimbursement for expenses as determined by resolution of the city council.

### **2.36.030 APPOINTMENT AND REMOVAL**

#### **Appointment**

Members and alternate members shall be appointed by the city council.

#### **Vacancies**

A vacancy occurring for any reason shall be filled by appointment in the same manner as the original appointment. The new appointee shall serve for the remainder of the unexpired term.

#### **Removal**

A member may be removed by the city council, for cause, including malfeasance, neglect of duty, nonattendance, or violation of law. The member shall be provided written notice and an opportunity to respond before removal.

## **2.36.040 AUTHORITY AND DUTIES**

The Planning Commission shall:

1. Prepare and Recommend Plans:
  - a. Prepare and recommend to the city council a general plan and amendments thereto as provided in **Utah Code § 10-9a-401 et seq.**
2. Review Land Use Applications:
  - a. Review and act upon conditional use permits and other land use applications as designated by ordinance.
3. Advise on Zoning Matters:
  - a. Recommend land use ordinances, amendments, and zoning map amendments requests to the city council.
4. Conduct Hearings:
  - a. Hold public hearings as required by law or when directed by the city council.
5. Perform Other Duties:
  - a. Execute any other functions assigned by the city council or state law relating to land use and community development.

## **2.36.050 OFFICERS AND ORGANIZATION**

1. Election of Officers:
  - a. At its first meeting each year, the planning commission shall elect a chair and vice chair from among its members.
2. Secretary:
  - a. The city recorder, or designee, shall serve as secretary to the planning commission and keep accurate records of all proceedings.
3. Meetings:
  - a. The planning commission shall meet at least monthly, or as necessary to carry out its duties. Special meetings may be called by the chair or by a majority of members.

## **2.36.060 RULES OF ORDER AND PROCEDURE**

The planning commission shall adopt rules of order and procedure consistent with **Utah Code § 10-9a-302** and the **Utah Open and Public Meetings Act (Title 52, Chapter 4, Utah Code)**.

The rules shall:

1. Govern the conduct of meetings and deliberations;
2. Establish procedures for public comment;
3. Define the order of agenda items;
4. Provide standards for decorum and conflict of interest disclosures; and
5. Be made available for public inspection at the city office and on the city's website.
6. A quorum shall consist of a majority of the appointed members. No action shall be taken without a quorum present.

## **2.36.070 CONFLICT OF INTEREST**

Members shall comply with the **Utah Municipal Officers' and Employees' Ethics Act (Utah Code § 10-3-1301 et seq.)** and shall disclose any personal or financial interest in matters before the Commission. Any member with a conflict shall recuse themselves from deliberation and voting on that matter.

## **2.36.080 REPORTING AND RECOMMENDATIONS**

All recommendations of the planning commission shall be submitted in writing to the city council and shall include findings of fact, conclusions, and the record of the vote. The city council may adopt, amend, or reject such recommendations.

## **2.36.090 SEVERABILITY**

If any section, subsection, sentence, clause, or phrase of this chapter is declared invalid or unconstitutional, the remainder shall not be affected and shall remain in full force and effect.

## **CHAPTER 2.38 HISTORIC PRESERVATION COMMISSION**

Established under **Utah Code §9-8-302**, the Historic Preservation Commission shall identify and protect historic resources within Panguitch City, maintain the city's status as a Certified Local Government (CLG), and advise on historic preservation policies.

## **CHAPTER 2.40 APPEAL AUTHORITY**

### **2.40.010 ESTABLISHMENT**

The city council shall hereby establish an appeal authority in accordance with **Utah Code §10-9a-701** and **Utah Code §63C-30-2**.

#### **2.40.010 DUTIES AND POWERS**

The appeal authority shall hear appeals from administrative zoning decisions and consider variances where hardship is proven in accordance with **Utah Code §10-9a-701(1)(b) and Utah Code §63C-30-202**.

#### **2.40.010 VARIANCES**

Requests for variances from the terms of this title shall be made to the appeal authority. The appeal authority shall hear and decide requests for variances in accordance with **Utah Code §10-9a-702**.

#### **2.40.010 APPEALS**

Appeals from land use decisions applying any land use ordinance of Panguitch City, State of Utah and/or appeals from a fee charged in accordance with **Utah Code §10-9a-509** shall be to the appeal authority.

Appeals for county recorder standards in accordance with **Utah Code §63C-30-302** shall be to the appeal authority.

#### **2.40.010 FEES**

The appellant shall pay any applicable fee as authorized by this title.

### **CHAPTER 2.44 AIRPORT BOARD**

The Panguitch airport advisory board shall oversee the operation, development, and safety of the Panguitch Municipal Airport in accordance with FAA and Utah Aeronautics Division regulations.

### **CHAPTER 2.46 AGRICULTURAL PROTECTION AREA ADVISORY BOARD**

This board shall be appointed by the Board of Garfield County Commissioners to review proposals for creation, modification, or termination of agricultural protection areas as provided in **Utah Code §17-41-201 et seq.**, and shall make recommendations to the city council for proposed agricultural protection areas located within the incorporated areas of Panguitch City.

### **CHAPTER 2.48 ADMINISTRATIVE HEARINGS**

Administrative hearings for civil violations of the municipal code may be conducted by a designated hearing officer pursuant to **Utah Code §10-3-703.7**.

Decisions may be appealed to the district court as provided by law.

## **CHAPTER 2.52 CITY PROPERTY**

1. All real and personal property of the city shall be managed, disposed of, or leased in accordance with **Utah Code §§10-8-2 and 10-8-85**.
2. Surplus property may be sold by resolution after public notice.

## **CHAPTER 2.56 PUBLIC RECORDS**

1. All city records shall be managed in compliance with the **Government Records Access and Management Act (GRAMA), Utah Code §63G-2-101 et seq.**
2. The city recorder is the records officer responsible for maintaining and releasing records consistent with this act.

## **CHAPTER 2.60 MUNICIPAL JAIL**

If the city desires to maintain or contract for a jail facility, such facility shall operate in compliance with **Utah Code §10-3-913** and all applicable correctional standards.

## **CHAPTER 2.64 PROCEDURE FOR THE REVIEW OF ACTIONS**

Any person aggrieved by a final decision of a city officer, board, or commission may appeal to the district court as provided by **Utah Code §10-9a-801 et seq.** and applicable municipal procedures.

# PANGUITCH CITY

STATE OF UTAH

TITLE 3 REVENUE AND FINANCE

# **TITLE 3 REVENUE AND FINANCE**

## **CHAPTER 3.04 SALES AND USE TAX**

### **3.04.010 AUTHORITY**

Panguitch City imposes a sales and use tax pursuant to **Utah Code §59-12-103 et seq.** and amendments thereto.

### **3.04.020 TAX RATE**

The city council shall by resolution set the rate of the sales and use tax, subject to limitations under state law.

### **3.04.030 COLLECTION AND ADMINISTRATION**

The Utah State Tax Commission shall collect and administer the city sales and use tax pursuant to **Utah Code §59-12-107.**

### **3.04.040 EXEMPTIONS**

All exemptions, deductions, and credits allowed by the Utah State Tax Code apply unless the city council adopts additional provisions consistent with state law.

### **3.04.050 PENALTIES AND INTEREST**

Delinquent taxes, interest, and penalties shall be assessed in accordance with **Utah Code §§59-1-401 and 59-1-402.**

## **CHAPTER 3.08 PUBLIC UTILITY TAX**

### **3.08.010 IMPOSITION**

A tax on the consumption of public utilities within the city is imposed under **Utah Code §10-1-203(3).**

### **3.08.020 RATE**

The city council shall establish rates consistent with **Utah Code §10-1-203** and may adjust rates by resolution.

### **3.08.030 ADMINISTRATION**

Utility providers shall collect the tax from customers and remit it to the city as required by law.

## **CHAPTER 3.12 SPECIAL IMPROVEMENT TAX**

### **3.12.010 PURPOSE**

Special improvement taxes are levied to fund public improvements benefitting specific properties, including streets, sidewalks, and utilities.

### **3.12.020 AUTHORIZATION**

Special improvement districts may be created under **Utah Code §10-1-203** and procedures outlined in **Utah Code §10-2-421 et seq.**

### **3.12.030 COLLECTION**

The city treasurer shall collect assessments on the property tax rolls, and delinquent assessments shall bear interest as authorized by law.

## **CHAPTER 3.16 SPECIAL IMPROVEMENT GUARANTY FUND**

### **3.16.010 PURPOSE**

A Special Improvement Guaranty Fund may be established to secure payment of costs of special improvements, as allowed under **Utah Code §10-2-421(10)**.

### **3.16.020 ADMINISTRATION**

The city treasurer shall maintain the fund and ensure its use only for improvement-related expenses, refunds, or guarantees as authorized.

## **CHAPTER 3.18 RESORT COMMUNITIES TAX**

### **3.18.010 AUTHORITY**

Panguitch city may impose a resort communities' tax on transient lodging pursuant to **Utah Code §59-12-602**.

### **3.18.020 RATES AND ADMINISTRATION**

Rates shall be set by city council resolution, and the Utah State Tax Commission shall collect and remit taxes to the city.

## **CHAPTER 3.20 MUNICIPAL ENERGY SALES AND USE TAX**

### **3.20.010 AUTHORITY**

The city may impose an energy sales and use tax as authorized by **Utah Code §59-12-601 et seq.**

### **3.20.020 ADMINISTRATION**

Taxpayers shall comply with state collection and remittance requirements, and the Utah State Tax Commission shall administer the tax.

## **CHAPTER 3.22 TRANSIENT ROOM TAX**

### **3.22.010 PURPOSE**

The Transient Room Tax (TRT) is imposed on all short-term rentals, hotels, motels, and lodging establishments within the city pursuant to **Utah Code §59-12-602**.

### **3.22.020 ADMINISTRATION**

The Utah State Tax Commission shall collect TRT and remit net proceeds to Panguitch City. The city may allocate revenue for tourism promotion and related municipal services.

## **CHAPTER 3.24 GROSS RECEIPTS OF TELECOMMUNICATIONS SERVICE PROVIDERS TAX**

### **3.24.010 AUTHORITY**

Panguitch City imposes a gross receipts tax on telecommunications service providers under **Utah Code §10-1-203(3)**.

### **3.24.020 ADMINISTRATION**

Telecommunications providers shall collect and remit the tax to the city in accordance with the rules established by the Utah State Tax Commission.

### **3.24.030 PENALTIES**

Delinquent or non-compliant remittances are subject to penalties and interest as provided by **Utah Code §59-1-401 et seq.**

# PANGUITCH CITY

STATE OF UTAH

TITLE 5 BUSINESS LICENSES AND REGULATIONS

# **TITLE 5 BUSINESS LICENSES AND REGULATIONS**

## **CHAPTER 5.04 BUSINESS LICENSES GENERALLY**

### **5.04.010 AUTHORITY**

Panguitch City requires business licenses in accordance with **Utah Code §10-8-2** and other applicable state statutes.

### **5.04.020 APPLICABILITY**

All individuals or entities conducting business within the city limits must obtain a valid business license prior to operation.

### **5.04.030 APPLICATION AND RENEWAL**

- A. Applications shall be submitted to the city recorder using forms prescribed by the city.
- B. Licenses are **valid for 1 year** unless otherwise specified.
- C. Renewal applications must be submitted **at least 30 days prior to expiration**.

### **5.04.040 FEES**

License fees shall be established by city council resolution and may vary based on business type, size, or impact.

### **5.04.050 SUSPENSION OR REVOCATION**

Licenses may be suspended or revoked for violation of municipal codes, state law, or failure to pay applicable fees, consistent with **Utah Code §10-8-84**.

## **CHAPTER 5.08 ALCOHOLIC BEVERAGES**

### **5.08.010 LICENSING AUTHORITY**

The city complies with the **Utah Alcoholic Beverage Control Act (Utah Code Title 32B)** and shall issue local approvals as required for retail, restaurant, or special event alcohol licenses.

### **5.08.020 APPLICATION AND BACKGROUND**

Applicants must provide proof of compliance with state licensing requirements and background information as specified in **Utah Code §32B-1-201 et seq.**

### **5.08.030 CONDITIONS**

All holders of local approvals must comply with city zoning, hours of operation, and safety regulations.

## **CHAPTER 5.10 TOBACCO PRODUCTS**

### **5.10.010 AUTHORITY**

Panguitch City regulates the sale of tobacco and nicotine products in accordance with **Utah Code §53-10-101 et seq.**

### **5.10.020 LICENSE REQUIREMENT**

All businesses selling tobacco or nicotine products must obtain a city tobacco license.

### **5.10.030 AGE RESTRICTIONS**

Sales of tobacco products shall comply with state law regarding minimum age (currently 21 years) and any city-adopted codes.

### **5.10.040 PENALTIES**

Violations may result in fines, license suspension, or revocation.

## **CHAPTER 5.12 CONSTRUCTION CONTRACTORS**

### **5.12.010 LICENSE REQUIRED**

Construction, electrical, plumbing, mechanical, and all other contractors must be licensed in accordance with **Utah Code Title 58, Chapter 55 (Division of Professional Licensing)** and Panguitch City business license requirements.

### **5.12.020 COMPLIANCE AND INSURANCE**

Contractors must maintain required insurance, bonding, and professional certifications, providing proof upon application and renewal.

### **5.12.030 PENALTIES**

Operating without a license may result in fines, stop-work orders, or other enforcement actions consistent with Utah Code §10-8-84.

## **CHAPTER 5.13 LICENSED PROFESSIONALS**

### **5.13.010 LICENSE REQUIRED**

Any occupation requiring a license in accordance with **Utah Code Title 58, Chapter 55 (Division of Professional Licensing [DOPL])** shall carry a professional license issued by DOPL and shall also meet Panguitch City business license requirements.

### **5.13.020 COMPLIANCE AND INSURANCE**

Licensed professionals must maintain required insurance, bonding, and professional certifications, providing proof upon application and renewal.

### **5.13.030 PENALTIES**

Operating without a license may result in fines, stop-work orders, or other enforcement actions consistent with **Utah Code §10-8-84**.

## **CHAPTER 5.16 OFFENSIVE BUSINESSES AND FACILITIES**

### **5.16.010 PURPOSE**

To protect public health, safety, and welfare, Panguitch City regulates businesses that may be offensive, hazardous, or potentially detrimental to community standards.

### **5.16.020 PERMIT REQUIRED**

Any business defined as offensive under **Utah Code §10-8-84** or city ordinance must obtain a special permit.

### **5.16.030 CONDITIONS AND INSPECTION**

Conditions may include operational restrictions, sanitation, safety measures, and hours of operation. Periodic inspections may be conducted to ensure compliance.

## **CHAPTER 5.20 PUBLIC DANCES AND SHOWS**

### **5.20.010 PERMIT REQUIRED**

A permit is required for public dances, shows, or similar entertainment events.

### **5.20.020 APPLICATION AND REVIEW**

Applications shall be submitted to the city recorder at least **30 days prior to the event** and reviewed for compliance with fire safety, noise, zoning, and public safety regulations.

### **5.20.030 CONDITIONS**

The city may impose reasonable conditions, including limits on hours, capacity, and security requirements.

## **CHAPTER 5.24 SOLICITORS, CANVASSERS, PEDDLERS, AND ITINERANT MERCHANTS**

### **5.24.010 LICENSE REQUIRED**

All persons soliciting, canvassing, peddling, or conducting itinerant business within the city must obtain a city-issued license.

#### **5.24.020 APPLICATION**

Applications must include:

- A. Applicant identification
- B. Type of goods or services offered
- C. Duration of activity
- D. Background information

#### **5.24.030 HOURS AND LOCATIONS**

- A. Permitted hours of solicitation are from **9:00 a.m. to 7:00 p.m.**, unless otherwise authorized.
- B. Solicitation is prohibited in residential areas without express consent.

#### **5.24.040 PENALTIES**

Violations may result in fines, license revocation, and prohibition from conducting business in the city for a designated period.

# PANGUITCH CITY

STATE OF UTAH

TITLE 6 ANIMALS

# **TITLE 6 ANIMALS**

## **CHAPTER 6.04 GENERAL**

### **6.04.010 AUTHORITY AND PURPOSE**

The city regulates the keeping, care, and control of animals to protect public health, safety, and welfare under **Utah Code §10-8-84** and other applicable statutes.

### **6.04.020 DEFINITIONS**

**ANIMAL.** Any domesticated or wild creature kept within the city.

**AT LARGE.** An animal not confined or under physical control by its owner.

**OWNER.** Any person who owns, keeps, harbors, or has custody or control of an animal.

**LIVESTOCK.** Includes horses, cattle, sheep, goats, swine, llamas, alpacas, rabbits, and similar domestic farm animals.

**NUISANCE ANIMAL.** Any animal that habitually makes disturbing noises, damages property, runs at large, or otherwise interferes with the reasonable enjoyment of property or public peace.

**POULTRY.** Includes chickens, ducks, geese, turkeys, and similar fowl.

**VICIOUS ANIMAL.** Any animal that, without provocation, attacks or bites a human or another animal, or which demonstrates a disposition to do so.

### **6.04.030 Authority and Enforcement**

1. The poundmaster shall enforce this title and may impound animals found in violation.
2. The city may adopt fees for licensing, impoundment, and animal control services by resolution.

## **CHAPTER 6.08 DOGS**

### **6.08.020 DOGS AT LARGE PROHIBITED**

It is unlawful for any owner to allow a dog to run at large within the city. Dogs must be confined to the owner's property or under the immediate control of a competent person.

### **6.08.030 BARKING OR NUISANCE DOGS**

No person shall keep a dog which, by frequent or habitual barking, howling, or other noises, disturbs the peace and quiet of the neighborhood.

#### **6.08.040 VICIOUS DOGS**

1. It is unlawful to keep or harbor a vicious dog unless securely confined in an enclosed structure or fenced area preventing escape.
2. The poundmaster may seize and impound a dog declared vicious if it poses a danger to the public.
3. Appeals of a vicious dog designation shall be made to the city council within **ten (10) days of notice**.

#### **6.08.050 IMPOUNDMENT**

Dogs found at large or in violation of this chapter may be impounded. The owner shall be responsible for payment of impound fees prior to release.

### **CHAPTER 6.10 CATS**

#### **6.10.010 CONTROL AND IDENTIFICATION**

Cats shall be kept in a manner that prevents nuisance conditions, including property damage, noise, and public health hazards. The city encourages voluntary identification through tags or microchips.

#### **6.10.020 FERAL CATS**

The city may support or authorize trap-neuter-return (TNR) programs for feral cat management in coordination with local animal welfare organizations.

### **CHAPTER 6.12 NUISANCE AND VICIOUS ANIMALS**

#### **6.12.010 PROHIBITED ACTS**

No person shall keep or maintain an animal that:

1. Frequently makes disturbing noises;
2. Damages property;
3. Defecates habitually on property not owned by the animal's owner; or
4. Otherwise endangers public peace, safety, or welfare.

#### **6.12.020 VICIOUS OR DANGEROUS ANIMALS**

1. Any animal that attacks or bites a person or another domestic animal without provocation shall be declared vicious.
2. The owner shall immediately notify animal control of any such incident.
3. The city may require removal or euthanasia of an animal that presents a continuing threat to public safety under **Utah Code § 18-1-3**.

## **CHAPTER 6.16 LIVESTOCK AND POULTRY**

### **6.16.010 PURPOSE**

This Chapter regulates the keeping of livestock and poultry within city limits to balance agricultural traditions with public health and neighborhood compatibility.

### **6.16.020 LIVESTOCK OR POULTRY IN RESIDENTIAL AREAS**

1. Livestock and poultry may be kept only in zoning districts where such uses are permitted under **Title 17 (Zoning)**.
2. Minimum setback for structures housing livestock or poultry shall be 50 feet from any dwelling on an adjacent lot.
3. Animals shall be kept in clean, sanitary conditions free from offensive odors or flies.
4. Manure shall be removed or properly composted to prevent odor and runoff.

### **6.16.030 PROHIBITED ACTS**

No livestock or poultry shall be permitted to run at large within the city. The owner shall confine such animals within a secure enclosure.

### **6.16.040 Nuisance and Removal**

If livestock or poultry are maintained in violation of this chapter and create a nuisance, the city may require correction or removal under the nuisance abatement procedures of **Title 8**.

## **CHAPTER 6.20 ENFORCEMENT AND PENALTIES**

### **6.20.010 Enforcement Authority**

The poundmaster, law enforcement officers, and other designated officials are authorized to issue citations, impound animals, and enforce this title.

### **6.20.020 Penalties**

1. Unless otherwise provided, violations of this Title are punishable as infractions with fines up to \$750, or as class C misdemeanors where specified.
2. Each day a violation continues constitutes a separate offense.
3. Costs associated with impoundment, care, or abatement of animals shall be borne by the owner.

### **6.20.030 Severability**

If any provision of this Title is declared invalid by a court of competent jurisdiction, the remaining provisions shall remain in full force and effect.

## **CHAPTER 6.21 RABIES**

### **6.21.010 VACCINATION REQUIRED**

All dogs and cats must be vaccinated against rabies in accordance with **Utah Code §26-15-4**.

### **6.12.020 REPORTING**

Veterinarians, poundmasters, and owners must report rabies exposure or suspected cases to the local health department and city authorities.

### **6.21.030 QUARANTINE**

Animals exposed to or suspected of having rabies may be quarantined as prescribed by **Utah Code §26-15-7**.

## **CHAPTER 6.22 POUNDMASTER**

### **6.22.010 APPOINTMENT**

The city shall appoint a poundmaster to enforce animal control provisions. The poundmaster may be a municipal employee or contracted service.

### **6.22.020 DUTIES**

Duties include:

- A. Capturing stray or nuisance animals
- B. Enforcing licensing, vaccination, and leash laws
- C. Maintaining a facility for impounded animals

### **6.22.030 AUTHORITY**

The poundmaster may enter private property only as authorized by law to capture at-large animals or enforce city ordinances.

## **CHAPTER 6.23 IMPOUNDMENT OF ESTRAYS**

### **6.23.010 ESTRAY DEFINED**

An estray is any domestic animal found at large without identifiable ownership.

### **6.23.020 IMPOUNDMENT PROCEDURE**

Estrays may be impounded at a city-approved facility. The poundmaster shall make reasonable efforts to notify the owner.

### **6.23.030 REDEMPTION**

Owners may redeem estrays upon payment of fees, fines, and costs of care. Unclaimed animals may be sold, adopted, or humanely euthanized in compliance with state law.

### **6.23.040 FEES AND PENALTIES**

Impoundment fees, daily care fees, and fines are established by city council resolution. Repeat offenses may result in additional penalties under **Utah Code §10-8-84**.

# PANGUITCH CITY

STATE OF UTAH

TITLE 8 HEALTH AND SAFETY

# **TITLE 8 HEALTH AND SAFETY**

## **CHAPTER 8.04 GARBAGE COLLECTION AND DISPOSAL**

### **8.04.010 AUTHORITY**

The city regulates collection, disposal, and management of solid waste pursuant to **Utah Code §10-8-84** and applicable state environmental laws.

### **8.04.020 RESPONSIBILITIES OF PROPERTY OWNERS**

Owners and occupants of property must dispose of waste in approved containers and utilize city-approved collection services.

### **8.04.030 PROHIBITED ACTS**

Open dumping, burning of hazardous waste, or disposal in unauthorized areas is prohibited.

### **8.04.040 ENFORCEMENT AND PENALTIES**

Violations are subject to fines and abatement as provided by city ordinance and **Utah Code §10-8-84**.

## **CHAPTER 8.08 FIRE DISTRICTS OR ZONES**

### **8.08.010 ESTABLISHMENT**

The city may establish fire districts or zones within city limits pursuant to **Utah Code §17B-1-301 et seq.**

### **8.08.020 DUTIES**

Fire districts/zones are responsible for fire prevention, suppression, inspection, and emergency response.

### **8.08.030 FUNDING**

Funding may be derived from property assessments, grants, or city allocations, consistent with Utah Code.

## **CHAPTER 8.12 FIREWORKS AND EXPLOSIVES**

### **8.12.010 AUTHORITY**

The sale, use, and storage of fireworks and explosives are regulated under **Utah Code §53-7-201 et seq.**

### **8.12.020 PERMITS**

Permits are required for retail sale or public display.

### **8.12.030 PROHIBITED ACTS**

Use of fireworks in prohibited zones, near flammable structures, or without a permit is strictly forbidden.

## **CHAPTER 8.16 FLOOD DAMAGE PREVENTION**

### **8.16.010 PURPOSE**

To protect life, property, and public infrastructure from flooding hazards.

### **8.16.020 COMPLIANCE**

Development within floodplains must comply with Panguitch City Floodplain Ordinance and **Utah Code §10-9a-508**.

### **8.16.030 PERMITTING**

Floodplain development permits must be obtained prior to construction, grading, or filling.

## **CHAPTER 8.20 LITTER AND FLYERS**

### **8.20.010 PROHIBITED ACTS**

Discarding trash, debris, or flyers in public or private property without consent is prohibited.

### **8.20.020 ENFORCEMENT**

Violators are subject to fines and abatement under city ordinance.

## **CHAPTER 8.24 NUISANCES GENERALLY**

### **8.24.010 DEFINITION**

A nuisance includes conditions that endanger public health, safety, or welfare, or interfere with the reasonable use of property.

### **8.24.020 EXAMPLES**

Nuisances include but are not limited to: excessive noise, odors, hazardous materials, unsanitary conditions, or obstructed rights-of-way.

## **CHAPTER 8.28 PROPERTY NUISANCES**

### **8.28.010 ENFORCEMENT**

Property owners must abate nuisances on their property. The city may issue notices and orders for abatement under **Utah Code §10-8-84**.

## **CHAPTER 8.32 ABATEMENT OF NUISANCES**

### **8.32.010 PROCEDURE**

The city may abate nuisances after notice and opportunity to correct the condition. Costs incurred may be assessed against the property as a lien.

## **CHAPTER 8.36 WEED CONTROL**

### **8.36.010 AUTHORITY**

The city may require control or removal of noxious weeds to prevent fire hazards or infestations.

### **8.36.020 ENFORCEMENT**

Failure to control weeds after notice may result in city abatement, with costs charged to the property owner.

## **CHAPTER 8.40 MISCELLANEOUS HEALTH REGULATIONS**

### **8.40.010 AUTHORITY**

The city may adopt regulations to protect public health, including sanitation, pest control, and food safety, consistent with Utah Code §26-1-30.

## **CHAPTER 8.44 BURIAL OF HUMAN REMAINS ON PRIVATE LAND**

### **8.44.010 AUTHORITY AND PERMIT REQUIRED**

Burial of human remains on private land requires a permit and compliance with **Utah Code §17-21-1 et seq.** and health department regulations.

### **8.44.020 CONDITIONS**

Burial must not interfere with groundwater, public health, or neighboring property rights.

## **CHAPTER 8.48 RECOVERY OF EXPENSES INCURRED IN RESPONDING TO HAZARDOUS MATERIALS EMERGENCIES**

### **8.48.010 RECOVERY AUTHORITY**

The city may recover expenses incurred in response to hazardous material emergencies, spills, or contamination under **Utah Code §19-6-104.**

### **8.48.020 BILLING AND COLLECTION**

Property owners or responsible parties shall be billed for costs, including labor, equipment, and materials.

## **CHAPTER 8.52 DUMPING REGULATIONS**

### **8.52.010 PROHIBITED ACTS**

Illegal dumping of solid or hazardous waste within the city limits is prohibited.

### **8.52.020 PENALTIES**

Violations are subject to fines, cleanup costs, and potential criminal charges in accordance with **Utah Code §19-6-107**.

## **CHAPTER 8.56 SMOKING IN CITY PARKS, RECREATIONAL AREAS, ETC.**

### **8.56.010 PROHIBITED ACTS**

Smoking of tobacco, vaping, or other nicotine products is prohibited in city parks, playgrounds, and recreational areas, in accordance with **Utah Clean Air Act, Utah Code §26-38-1 et seq.**

### **8.56.020 ENFORCEMENT**

City enforcement officers may issue citations or warnings, and signage shall be posted in all regulated areas.

# PANGUITCH CITY

STATE OF UTAH

TITLE 9 PUBLIC PEACE, MORALS, AND WELFARE

# **TITLE 9 PUBLIC PEACE, MORALS, AND WELFARE**

## **CHAPTER 9.04 CRIMINAL CODE**

### **9.04.010 ADOPTION OF STATE CRIMINAL CODE**

Panguitch City adopts, by reference, all criminal offenses under the **Utah Criminal Code, Title 76, Utah Code Annotated**, as may be amended.

### **9.04.020 APPLICABILITY**

All acts prohibited by state law within city limits are also prohibited by city ordinance unless specifically exempted.

## **CHAPTER 9.08 OFFENSES GENERALLY**

### **9.08.010 DEFINITION**

**OFFENSE.** Any act prohibited by city ordinance, state law, or both.

### **9.08.020 PENALTIES**

Violations are punishable as provided in **Utah Code §10-8-84**, including fines, imprisonment, or both, consistent with state law.

## **CHAPTER 9.10 NOISE CONTROL**

### **9.10.010 PURPOSE**

To protect residents from excessive or unreasonable noise.

### **9.10.020 PROHIBITED ACTS**

Noise which unreasonably disturbs the peace, endangers health, or interferes with sleep or work is prohibited.

### **9.10.030 ENFORCEMENT**

City officers may issue warnings or citations; repeat violations may incur escalating fines.

## **CHAPTER 9.12 OFFENSES BY OR AGAINST PUBLIC OFFICERS AND GOVERNMENT**

### **9.12.010 AUTHORITY**

Interference with public officers, city employees, or government operations is prohibited under **Utah Code §§76-8-305 et seq.**

## **9.12.020 PENALTIES**

Violators may be fined, imprisoned, or both, consistent with state criminal penalties.

# **CHAPTER 9.16 OFFENSES AGAINST THE PERSON**

## **9.16.010 ASSAULT, BATTERY, AND THREATS**

Acts causing injury, fear of injury, or unlawful confinement are prohibited and punishable as provided in **Utah Code Title 76, Chapters 5 & 6**.

## **9.16.020 DOMESTIC VIOLENCE**

Domestic violence is prohibited under **Utah Code §77-36-1 et seq.**; the city will cooperate with law enforcement and courts.

# **CHAPTER 9.20 OFFENSES AGAINST PUBLIC PEACE**

## **9.20.010 DISTURBING THE PEACE**

Fighting, disorderly conduct, and obstructing public ways are prohibited.

## **9.20.020 CURFEW VIOLATIONS**

The city may establish curfew regulations for minors consistent with **Utah Code §10-8-84**.

# **CHAPTER 9.24 OFFENSES AGAINST PUBLIC DECENCY**

## **9.24.010 LEWD CONDUCT AND INDECENCY**

Lewd acts, public nudity, and obscene behavior are prohibited under **Utah Code Title 76, Chapter 9**.

## **9.24.020 ENFORCEMENT**

Violations may result in fines, incarceration, or community service.

# **CHAPTER 9.28 OFFENSES AGAINST PUBLIC PROPERTY**

## **9.28.010 VANDALISM**

Damaging, defacing, or destroying city or private property is prohibited.

## **9.28.020 GRAFFITI**

Unauthorized markings on property are prohibited; violators may be assessed for abatement costs.

## **CHAPTER 9.32 OFFENSES BY OR AGAINST MINORS**

### **9.32.010 AUTHORITY**

Minors engaging in unlawful acts are subject to state juvenile code under **Utah Code Title 78A, Chapter 6**.

### **9.32.020 PARENTAL RESPONSIBILITY**

Parents or guardians may be held liable for acts of minors as authorized by law.

## **CHAPTER 9.36 WEAPONS**

### **9.36.010 REGULATION OF FIREARMS AND WEAPONS**

Possession, discharge, or sale of firearms, explosives, and dangerous weapons is regulated in accordance with **Utah Code Title 76, Chapters 10 & 11**.

### **9.36.020 PROHIBITED ACTS**

Weapons are prohibited in schools, government buildings, and other restricted locations unless specifically authorized.

## **CHAPTER 9.40 CONTROLLED SUBSTANCES ACT ADOPTED**

### **9.40.010 ADOPTION**

Panguitch City adopts the provisions of the **Utah Controlled Substances Act, Utah Code Title 58, Chapter 37**.

### **9.40.020 ENFORCEMENT**

Possession, sale, or distribution of controlled substances within city limits is prohibited and punishable according to state law.

## **CHAPTER 9.44 DRIVING WHILE INTOXICATED OR UNDER THE INFLUENCE OF DRUGS**

### **9.44.010 PROHIBITED ACTS**

Operating a motor vehicle while impaired by alcohol or drugs is prohibited under **Utah Code §§41-6a-502 et seq.**

### **9.44.020 PENALTIES**

Violators are subject to fines, license suspension, and other penalties consistent with state law.

## **CHAPTER 9.48 UNLAWFUL INTOXICATING CHEMICAL COMPOUNDS**

### **9.48.010 AUTHORITY**

Use or possession of inhalants or intoxicating chemical compounds for the purpose of intoxication is prohibited under **Utah Code §76-10-1201 et seq.**

### **9.48.020 ENFORCEMENT**

Violators are subject to fines, community service, or other penalties.

# PANGUITCH CITY

STATE OF UTAH

TITLE 10 VEHICLES AND TRAFFIC

# **TITLE 10 VEHICLES AND TRAFFIC**

## **CHAPTER 10.04 MOTOR VEHICLE ACT ADOPTED**

### **10.04.010 ADOPTION**

Panguitch City adopts, by reference, the **Utah Uniform Motor Vehicle Act (Utah Code Title 41, Chapter 6a)**, including amendments, except as modified by city ordinance.

### **10.04.020 APPLICABILITY**

All provisions of the state motor vehicle laws apply within city limits unless specifically exempted.

### **10.04.030 ENFORCEMENT**

City authorized law enforcement officers are authorized to enforce traffic laws and issue citations under the **Motor Vehicle Act**.

## **CHAPTER 10.08 TRAFFIC CONTROL DEVICES**

### **10.08.010 AUTHORITY**

The city may place traffic signs, signals, markings, and devices in accordance with **Utah Code §41-6a-1105**.

### **10.08.020 COMPLIANCE REQUIRED**

Drivers must obey all traffic control devices, including stop signs, traffic signals, and pavement markings.

### **10.08.030 PROHIBITED ACTS**

No person may alter, remove, or tamper with traffic control devices.

## **CHAPTER 10.12 STOPPING, STANDING, AND PARKING**

### **10.12.010 GENERAL RULES**

No vehicle may stop, stand, or park in violation of posted signs or city ordinances.

### **10.12.020 DESIGNATED AREAS**

Parking is allowed only in designated spaces, unless otherwise authorized by the city.

### **10.12.030 ENFORCEMENT PENALTIES**

Violations may result in citations, towing, impoundment, and fines consistent with **Utah Code §41-6a-1401**.

## **CHAPTER 10.16 MISCELLANEOUS TRAFFIC REGULATIONS**

### **10.16.010 SPEED LIMITS**

The city may establish speed limits on streets and alleys consistent with **Utah Code §41-6a-601**.

### **10.16.020 ONE-WAY STREETS AND TURN RESTRICTIONS**

The city may designate one-way streets, restricted turns, and other traffic controls by ordinance or resolution.

### **10.16.030 VEHICLE EQUIPMENT REQUIREMENTS**

All vehicles must comply with state safety and equipment requirements under **Utah Code §41-6a-1601 et seq.**

## **CHAPTER 10.20 OFF-HIGHWAY VEHICLES (OHVS)**

### **10.20.010 DEFINITION**

**OFF HIGHWAY VEHICLE (OHV).** Any motorized vehicle designed for off-road use, including ATVs, UTVs, dirt bikes, and snowmobiles.

### **10.20.020 OPERATION**

OHVs may be operated on designated city streets or trails only if authorized by ordinance or resolution.

Operators must comply with all applicable safety equipment requirements and age restrictions under **Utah Code §41-22-1 et seq.**

### **10.20.030 PROHIBITED ACTS**

OHVs are prohibited in parks, sidewalks, and other public areas not designated for OHV use.

### **10.20.040 ENFORCEMENT**

Violations are punishable by fines, confiscation of vehicles, and other penalties authorized by city ordinance.

# PANGUITCH CITY

STATE OF UTAH

TITLE 12 STREETS, SIDEWALKS,  
AND PUBLIC PLACES

# **TITLE 12 STREETS, SIDEWALKS, AND PUBLIC PLACES**

## **CHAPTER 12.04 CONSTRUCTION AND REPAIR OF STREETS AND SIDEWALKS**

### **12.04.010 CONSTRUCTION BY PERSONS**

No person shall construct, repair, or alter any street, sidewalk, curb, or public right-of-way without complying with this chapter and obtaining all required permits.

### **12.04.020 PERMIT REQUIRED**

1. A permit issued by the city council or designated official is required prior to construction or repair.
2. Work must be supervised by a qualified contractor to ensure compliance with city standards.

### **12.04.030 CONSTRUCTION OF DRIVEWAYS**

It shall be unlawful for any person to construct a driveway across a city sidewalk, or cut or change the construction of a city sidewalk, curb, or gutter without first obtaining authorization from the city to do so. The acceptance of such permit shall be deemed an agreement on the part of such person to construct said driveway in accordance with specifications furnished by the city.

### **12.04.040 BUILDING MATERIALS IN CITY RIGHTS OF WAY**

1. Materials such as dirt, gravel, concrete, or sand may not be stored or placed on public streets or sidewalks without a permit.
2. The permit shall specify allowable quantities, duration, and safety precautions.

### **12.04.050 PLACING OR MIXING SAND OR GRAVEL IN CITY RIGHTS OF WAY**

1. Mixing or placing construction materials on paved streets or sidewalks is prohibited without prior approval.
2. All debris must be removed promptly to prevent hazards to pedestrians or vehicles.

### **12.04.060 OVERFLOWING OF WATER ON PUBLIC PROPERTY**

1. Property owners or contractors must ensure that water, irrigation, or other liquids do not overflow onto public streets or sidewalks.
2. The city may order abatement or repair if public safety is threatened.

#### **12.04.070 IRRIGATION DITCHES ACROSS SIDEWALKS**

1. Irrigation ditches crossing sidewalks must be properly culverted or bridged.
2. Permits are required for installation or modification, and work must comply with city design standards.

#### **12.04.080 REMOVAL OF SOD OR EARTH FROM STREETS OR OTHER PUBLIC PROPERTY**

1. Removal or excavation of earth, sod, or other materials from public streets, alleys, or property is prohibited without prior approval.
2. Unauthorized removal may result in fines and restoration orders.

#### **12.04.090 SETBACKS**

1. Construction adjacent to streets or sidewalks must maintain the setbacks established in the city zoning ordinance (**see Title 17 Zoning**).
2. Encroachments without permit may be subject to removal or mitigation at the property owner's expense.

# PANGUITCH CITY

STATE OF UTAH

## TITLE 13 PUBLIC SERVICES

# **TITLE 13 PUBLIC SERVICES**

## **CHAPTER 13.04 WATER SYSTEM**

### **13.04.010 AUTHORITY**

The city regulates its municipal water system pursuant to **Utah Code §§10-8-84, 19-4-101 et seq., and 19-4-105**, ensuring safe and reliable drinking water for residents and businesses.

### **13.04.020 CONNCETION PERMITS**

All connections to the municipal water system require a permit from the city office. Unauthorized connections are prohibited.

### **13.04.030 WATER USE REGULATIONS**

1. Water must be used for lawful purposes only.
2. The city may impose restrictions during drought, emergencies, or system maintenance.

### **13.04.040 SERVICE FEES**

Water service fees, deposits, and penalties are established by city council resolution. Nonpayment may result in service disconnection.

## **CHAPTER 13.08 SEWER SYSTEM**

### **13.08.010 AUTHORITY**

The city operates and regulates the municipal sewer system under **Utah Code §10-8-84** and related statutes.

### **13.08.020 CONNECTION REQUIREMENTS**

All properties must connect to the municipal sewer system where available. Permits are required for new connections or modifications.

### **13.08.030 PROHIBITED ACTS**

No person shall discharge prohibited substances (e.g., hazardous chemicals, grease, or untreated wastewater) into the sewer system.

### **13.08.040 ENFORCEMENT**

Violations may result in fines, service termination, and remediation costs.

## **CHAPTER 13.12 BACKFLOW AND CROSS CONNECTIONS**

### **13.12.010 PURPOSE**

To protect the public water supply from contamination by preventing backflow or cross-connections.

### **13.12.020 COMPLIANCE**

All water connections must comply with **Utah Administrative Code R309-600 et seq.** and city backflow prevention standards.

### **13.12.030 TESTING AND INSPECTION**

1. Backflow prevention devices must be tested annually by a certified tester.
2. The city may inspect properties to ensure compliance.

## **CHAPTER 13.16 INDIVIDUAL WASTEWATER DISPOSAL CODE**

### **13.16.010 AUTHORITY**

Regulates private sewage disposal systems in accordance with **Utah Code §10-8-84 and Utah Administrative Code R317-1 et seq.**

### **13.16.020 PERMIT REQUIRED**

A permit from the city or authorized inspector is required before installation, alteration, or abandonment of a private wastewater system.

### **13.16.030 SYSTEM MAINTENANCE**

Owners are responsible for proper operation and maintenance. Failure to maintain may result in enforcement actions or connection to the municipal system if available.

## **CHAPTER 13.20 SMALL UNDERGROUND WASTEWATER DISPOSAL SYSTEM CODE**

### **13.20.010 PURPOSE**

Regulates small subsurface sewage systems (e.g., septic systems) in compliance with **Utah Administrative Code R317-3-3.**

### **13.20.020 DESIGN AND INSTALLATION**

Systems must meet design, installation, and setback requirements. A licensed installer must perform all work.

### **13.20.030 INSPECTION AND APPROVAL**

The city or authorized inspector must approve the system prior to use. Annual inspections may be required.

## **CHAPTER 13.24 DRINKING WATER SOURCE PROTECTION**

### **13.24.010 AUTHORITY AND PURPOSE**

The city implements source water protection measures under **Utah Code §§19-4-101 et seq.** to prevent contamination and protect public health.

### **13.24.020 RESTRICTED ACTIVITIES**

Activities posing risk to water quality (e.g., storage of hazardous chemicals) are restricted within designated protection zones.

Permits or mitigation measures may be required for regulated activities.

### **13.24.030 ENFORCEMENT**

Violations may result in fines, remediation orders, or other penalties as authorized by law.

# PANGUITCH CITY

STATE OF UTAH

TITLE 15 BUILDINGS AND CONSTRUCTION

# **TITLE 15 BUILDINGS AND CONSTRUCTION**

## **CHAPTER 15.04 GENERAL PROVISIONS**

### **15.04.010 PURPOSE**

To ensure public safety, health, and welfare by regulating building construction, maintenance, and demolition within city limits.

### **15.04.020 SCOPE**

Applies to all construction, alteration, repair, and demolition of buildings and structures within Panguitch City.

### **15.04.030 COMPLAINTS REQUIRED**

All construction shall comply with city ordinances, adopted building codes, and applicable provisions of **Utah Code Title 10, Chapters 8 & 9**.

## **CHAPTER 15.08 BUILDING OFFICIAL**

### **15.08.010 APPOINTMENT**

The city council shall formally appoint a building official responsible for enforcement of building and construction codes.

### **15.08.020 DUTIES**

- A. Review plans and permit applications.
- B. Site plan review.
- C. Inspect construction sites for compliance.
- D. Issue stop-work orders for violations.

### **15.08.030 AUTHORITY**

The Building Official has authority to enforce codes, revoke permits, and issue citations pursuant to city ordinance and **Utah Code §10-8-84**.

## **CHAPTER 15.12 BUILDING CODE ADOPTED**

### **15.12.010 ADOPTION**

The city adopts the latest **International Building Code (IBC)** and **International Residential Code (IRC)**, as amended, together with Utah state amendments.

### **15.12.020 PERMITS REQUIRED**

Building, remodeling, or demolition requires a permit issued by the building official.

### **15.12.030 INSPECTIONS**

Periodic inspections are required at critical stages of construction to ensure compliance with building codes and safety standards.

## **CHAPTER 15.16 ELECTRICAL CODE**

### **15.16.010 ADOPTION**

The city adopts the current **National Electrical Code (NEC)** with Utah state amendments.

### **15.16.020 PERMITS AND INSPECTIONS**

Electrical work requires a permit and must be inspected by a licensed inspector to ensure code compliance.

### **15.16.030 ENFORCEMENT**

Violations may result in fines, revocation of permits, and stop-work orders.

## **CHAPTER 15.20 PLUMBING CODE**

### **15.20.010 ADOPTION**

The city adopts the latest **Uniform Plumbing Code** with applicable Utah amendments.

### **15.20.020 PERMITS REQUIRED**

Plumbing installations, alterations, and repairs require a permit from the building official.

### **15.20.030 INSPECTIONS**

Inspections are required prior to covering or concealing plumbing work.

## **CHAPTER 15.24 UNIFORM FIRE CODE**

### **15.24.010 ADOPTION**

The city adopts the **International Fire Code (IFC)** as amended by Utah state law.

### **15.24.020 COMPLIANCE**

All buildings must comply with fire prevention, suppression, and life-safety requirements.

### **15.24.030 INSPECTIONS AND ENFORCEMENT**

The fire chief or authorized inspector may conduct inspections and issue citations for violations.

## **CHAPTER 15.28 UNIFORM HOUSING CODE**

### **15.28.010 PURPOSE**

To ensure safe and habitable residential housing.

### **15.28.020 ADOPTION**

The city adopts the **International Property Maintenance Code** and Utah amendments.

### **15.28.030 ENFORCEMENT**

The building official or designee may issue notices of violation, require remediation, or initiate legal proceedings for noncompliance.

## **CHAPTER 15.32 ABATEMENT OF DANGEROUS BUILDINGS**

### **15.32.010 AUTHORITY**

The city may declare buildings unsafe or dangerous under **Utah Code §10-8-84**.

### **15.32.020 NOTICE AND REMEDY**

Owners must abate hazards within a specified period. Failure may result in city abatement at the owner's expense.

### **15.32.030 EMERGENCY ACTION**

The city may immediately secure or demolish buildings posing imminent danger to life or property.

## **CHAPTER 15.36 CONSTRUCTION REFUSE**

### **15.36.010 DISPOSAL REQUIREMENTS**

Construction debris must be properly contained and disposed of at approved sites.

### **15.36.020 PROHIBITED ACTS**

Dumping refuse on streets, sidewalks, public property, or private property without permission is prohibited.

### **15.36.030 ENFORCEMENT**

Violators may be subject to fines, cleanup orders, and permit revocation.

# PANGUITCH CITY

STATE OF UTAH

TITLE 16 SUBDIVISIONS



# PANGUITCH CITY

STATE OF UTAH

TITLE 17 ZONING

# **TITLE 17 ZONING**

## **CHAPTER 17.04 GENERAL PROVISIONS**

### **17.04.010 PURPOSE**

The purpose of this title is to protect public health, safety, and welfare by regulating land use, density, and development in accordance with the Panguitch City General Plan and **Utah Code § 10-9a-101 et seq.**

### **17.04.020 AUTHORITY**

This Title is adopted pursuant to **Utah Code § 10-9a-501** and other applicable state statutes.

### **17.04.030 APPLICABILITY**

This title applies to all land within the incorporated limits of Panguitch City, as shown on the official zoning map. No building or land shall be used or developed except in compliance with this title.

### **17.04.040 COMPLIANCE REQUIRED**

All uses, structures, and development must comply with:

1. This Title;
2. Applicable subdivision regulations;
3. Building, fire, and health codes;
4. Any conditions imposed under a conditional use or planned unit development permit.

### **17.04.050 INTERPRETATION**

Where conflicts occur:

1. The stricter regulation governs;
2. Terms not defined herein shall be interpreted according to common usage unless the context indicates otherwise.

### **17.04.060 SEVERABILITY**

If any section, clause, or provision is declared invalid, the remainder shall remain in full force and effect.

### **17.04.070 ENFORCEMENT**

This title shall be enforced in all incorporated areas of Panguitch City, Utah. The City shall not enforce Home Owner's Association (HOA) Covenants, Conditions and Restrictions (CC&R's). However, if CC&R's do exist within the incorporated areas of the city and there is a legal, active board to enforce them, such CC&R's may prevail.

#### **17.04.080 PENALTIES**

Any civil offense against this title shall be an infraction, which shall be punishable in accordance with Utah law.

#### **17.04.090 FEES**

All permit, application, and appeal fees shall be set by resolution of the city council.

### **CHAPTER 17.08 DEFINITIONS**

This title shall be interpreted using the definitions provided in the **State of Utah Municipal Land Use, Development, and Management Act (Utah Code §10-9a)** and any other ordinance adopted by the city council.

### **CHAPTER 17.12 ADMINISTRATION, CONSTRUCTION, AND ENFORCEMENT**

#### **17.12.010 ZONING ADMINISTRATOR**

The city manager shall act as the zoning administrator responsible for implementing this title, issuing permits, and enforcing regulations.

#### **17.12.020 PERMITS REQUIRED**

1. Zoning compliance from the city is required before building permits are issued;
2. Conditional uses, PUDs, and variances require separate applications.

#### **17.12.030 ENFORCEMENT**

1. Violations are subject to penalties under **Title 1, Chapter 1.12, and Utah Code § 10-3-703**;
2. Remedies include injunctions, abatement, and fines.

#### **17.12.040 APPEALS**

Decisions of the zoning administrator may be appealed to the appeal authority.

## CHAPTER 17.16 SUPPLEMENTARY REGULATIONS

### 17.16.010 PURPOSE

The purpose of this chapter is to establish supplementary regulations that apply throughout all zoning districts to ensure safe, orderly, and compatible development, to regulate accessory structures, parking, loading, easements, and special uses, and to implement the general plan.

### 17.16.020 FENCES, WALLS, AND HEDGES

1. Fences, walls, and hedges are permitted in all districts, provided:
  - a. Front yard fences: maximum **4 feet height, with at least 50% open visibility**;
  - b. Side/rear yard fences: **maximum 6 feet height**;
  - c. Fences shall not obstruct sight lines at intersections or driveways.
2. Barbed wire or electrified fencing is permitted only in agricultural or industrial districts.

### 17.16.030 EASEMENTS AND RIGHTS OF WAY

1. Easements and rights-of-way shall not be obstructed by buildings, fences, or landscaping.
2. Utility easements must remain accessible for installation, maintenance, and repair of public or private utilities.
3. Encroachments into easements or rights-of-way require written approval from the city or utility provider.

### 17.16.040 SPECIAL REGULATIONS

#### 1. Youth Services Centers

- a. Must be located a minimum of **500 feet** from schools, parks, and residential districts unless otherwise approved.
- b. Safety and supervision plans must be provided as part of a conditional use application.

#### 2. Adult Uses

- a. Permitted only in commercial or industrial districts with conditional use approval.
- b. Must be located a minimum of **1,000 feet** distances from residential uses, schools, parks, and places of worship.
- c. Signage, visibility, and hours of operation may be restricted.

#### **17.16.050 DEVELOPMENT AGREEMENTS**

1. Panguitch City may enter into a development agreement containing any term that the city considers necessary or appropriate to accomplish the purposes of this title, in accordance with **Utah Code §10-9a-532**.
2. Agreements must be in writing, recorded, and binding on all successors.

#### **17.16.060 PHASED DEVELOPMENTS**

1. Large or multi-phase developments may be approved in phases.
2. Each phase shall comply with minimum development standards, including streets, utilities, and open space.
3. Adequate infrastructure and public services must be provided in proportion to the completed phases.

#### **17.16.070 SITE PREPERATION WORK PROHIBITED**

##### **1. Residential**

- a. No excavation, grading, or other improvement shall take place on any lor or parcel of land until:
  - i. the proposed development has been approved by the planning department;
  - ii. the proposed development has been approved by the public works department;
  - iii. a building permit has been issued by the building department; and
  - iv. all applicable fees have been paid.

##### **2. Commercial**

- a. No excavation, grading, or other improvement shall take place on any lor or parcel of land until:
  - i. the proposed development has been approved by the planning department;
  - ii. the proposed development has been approved by the public works department;
  - iii. a building permit has been issued by the building department; and
  - iv. all applicable fees have been paid.

### **3. Subdivisions**

- a. No excavation, grading, or other improvement shall take place on any land within any proposed subdivision until:
  - i. the final subdivision plat or record of survey has been approved by the County;
  - ii. the subdivision plat has been filed or recorded at the office of the County Recorder;
  - iii. applicable deeds have been recorded at the office of the County Recorder; and
  - iv. all applicable fees have been paid.

#### **17.16.080 DWELLING AND LOT RELATIONSHIPS**

1. No more than one primary dwelling and one accessory dwelling shall be permitted per lot unless otherwise allowed by conditional use or PUD approval.
2. Dwelling spacing must comply with district setbacks and minimum lot area standards.
3. No dwelling or structure shall be constructed across property boundary lines.

#### **17.16.90 YARD REGULATIONS**

1. Front, side, and rear yard setbacks shall comply with district-specific requirements.
2. Corner lots shall maintain appropriate visibility triangles to prevent obstruction of sight lines.
3. Open porches, terraces, and steps may project into required yards up to 10 feet, unless restricted for safety.

#### **17.16.100 AREA REQUIRED FOR ACCESSORY BUILDINGS**

1. Accessory buildings must comply with district setbacks and lot coverage limitations.
2. Maximum height of accessory buildings:
  - a. Residential districts: 15 feet
  - b. Agricultural districts: 25 feet

#### **17.16.110 UTILITY CONNECTION REQUIREMENTS**

1. All new developments shall connect to city-approved water, sewer, and electrical utilities where available.
2. Off-site improvements necessary to serve a development must be provided by the developer.
3. Alternative or private utilities require city approval to ensure adequate service and safety.

#### **17.16.120 ENFORCEMENT**

Violations of these supplementary regulations shall be enforced in accordance with **Title 1, Chapter 1.12 of this Code and Utah Code § 10-3-703.**

## CHAPTER 17.20 ZONING DISTRICTS

### 17.20.010 ESTABLISHMENT OF ZONING DISTRICTS

For the purpose of this title, the following zoning districts are created as necessary to regulate the development of the land in Panguitch City, Utah:

| <b>Zoning District</b> | <b>Abbreviation</b> |
|------------------------|---------------------|
| Agricultural           | A-1, A-2            |
| Commercial             | C-1, C-2            |
| Industrial             | I                   |
| Mobile Home            | MH                  |
| Residential            | R                   |

### 17.20.020 BOUNDARIES OF ZONES

The boundary of any zoning district shall be the same as the associated lot or parcel boundary. No lot or parcel shall have more than one zoning designation and no zoning district boundary shall differ from its associated lot or parcel boundary.

### 17.20.030 ZONING MAP AMENDMENT PROCEDURES

1. The Planning Commission shall provide notice as required by **Utah Code §10-9a-205(1)** and hold a public hearing on any proposed zoning map amendment.
  - a. For a zoning map amendment proposed by the city, a notice shall be mailed at least 10 days before the public hearing to each property owner whose land is directly affected by the proposed zoning map amendment.
  - b. For a zoning map amendment proposed by a private property owner, a notice shall be mailed at least 10 days before the public hearing to each adjacent property owner with a common lot or parcel boundary line as the subject property, or within 500 feet, whichever is greater.
2. After holding a public hearing, the planning commission shall give their formal recommendation to the city council for final consideration. City council decisions are an administrative act and shall be final.

### 17.20.040 PERMITTED AND CONDITIONAL USES

Each zoning district shall have permitted and conditional uses specific to the respective district. Any use not specifically listed as permitted or conditional shall be deemed a prohibited use.

## **CHAPTER 17.24 RESIDENTIAL DISTRICT**

### **17.24.010 PURPOSE**

To provide residential developments of rural character with regulations intended to prohibit uses that would be incompatible with a residential setting.

### **17.24.020 PERMITTED USES**

1. Accessory buildings and uses.
2. Accessory dwelling units, one per parcel.
3. Single-family dwellings; one per parcel.
4. Crop production.
5. Dogs, cats, rabbits, and poultry provided they are contained on the property and do not roam freely at large.

### **17.24.030 CONDITIONAL USES**

1. Bed & breakfast inns or short-term rentals, one per parcel.
2. Churches.
3. Cows, horses, or sheep may be kept for domestic purposes subject to applicable health codes as follows:
  - a. one cow or one horse for each 10,000 square feet of lot area, including buildings, or one sheep for each 4,000 square feet of lot area, including buildings.
  - b. Pigs, goats, mink, and other dangerous or nuisance animals are prohibited.
4. Home occupations.
5. Multiple-family dwellings.
6. Parks or playgrounds.
7. Private stable, corral, barn, chicken coops;
8. Schools.

### **17.24.040 HEIGHT REGULATIONS**

No building shall be erected to a height greater than **2 ½ half stories and 35 feet**, unless specifically approved by the city council. Chimneys, flag poles, atriums, church towers and similar structures not used for human occupancy shall not exceed **40 feet** in height.

#### 17.24.050 MINIMUM LAND AREA, WIDTH, AND YARD REGULATIONS

| Zone | Minimum Area      | Minimum Width | Front Yard Setback | Side Yard Setback | Rear Yard Setback |
|------|-------------------|---------------|--------------------|-------------------|-------------------|
| R    | 8,000 square feet | 75 feet       | 25 feet            | 10 feet           | 20 feet           |

#### 17.24.060 MINIMUM STRUCTURE AREA, WIDTH, AND YARD REGULATIONS

| Structure           | Maximum Square Footage    | Setback to Structures | Front Yard Setback | Side Yard Setback | Rear Yard Setback |
|---------------------|---------------------------|-----------------------|--------------------|-------------------|-------------------|
| Dwelling Units      | N/A                       | 10 feet               | 25 feet            | 10 feet           | 20 feet           |
| Accessory Buildings | 50% main or 1,000 sq. ft. | 10 feet               | 25 feet            | 10 feet           | 10 feet           |
| ADUs                | N/A                       | 10 feet               | 25 feet            | 10 feet           | 10 feet           |

#### 17.24.070 MODIFYING REGULATIONS

##### 1. Accessory Buildings

- a. Any shed, garage, carport, container, or other accessory building that is detached from the primary structure and requires a building permit shall meet the required setbacks for accessory buildings and shall be setback a minimum of **10 feet** from any other structure.

##### 2. Accessory Dwelling Units

- a. Any ADU that is detached from the primary structure shall meet the required setbacks for ADUs and shall be setback a minimum of **10 feet** from any other structure.

##### 3. Animals

- a. Stables, corrals, barns and chicken coops shall be setback at least **50 feet** from the nearest dwelling or public street.

##### 4. Accessory Buildings and Uses

- a. No accessory building or use shall be permitted unless required setbacks are met, adequate land area is available, and/or necessary utility connections are granted.

## **CHAPTER 17.26 RESIDENTIAL DISTRICT MEDIUM DENSITY HOUSING**

## CHAPTER 17.28 AGRICULTURAL DISTRICT

### 17.28.010 PURPOSE

The purpose of the Agricultural Zone is to preserve areas for agricultural and open space uses. Uses normally and necessarily related to agriculture are permitted, and uses adverse to the continuance of agricultural activity are not allowed.

### 17.28.020 PERMITTED USES

1. Accessory buildings and uses.
2. Accessory dwelling units, one per parcel.
3. Crop production.
4. Dogs, cats, rabbits, and poultry provided they are contained on the property and do not roam freely at large.
5. Livestock keeping and grazing.
6. Single-family dwellings, one per parcel.
7. Stands for the sale of produce grown on the premises.

### 17.28.030 CONDITIONAL USES

1. Home occupations.
2. Short-term rentals, one per parcel.
3. Temporary activities or events expected to consistently reoccur.
4. Transmitting stations and towers.

Youth services centers.

### 17.28.040 HEIGHT REGULATIONS

No dwelling shall be erected to a height greater than 2 ½ stories or 35 feet, unless specifically approved by the Building Official.

### 17.28.050 MINIMUM LAND AREA, WIDTH, AND YARD REGULATIONS

| Zone | Minimum Area | Minimum Width | Front Yard Setback | Side Yard Setback | Rear Yard Setback |
|------|--------------|---------------|--------------------|-------------------|-------------------|
| A    | 1 acre       | 150 feet      | 25 feet            | 10 feet           | 20 feet           |

### 17.28.060 MINIMUM STRUCTURE AREA, WIDTH, AND YARD REGULATIONS

| Structure           | Maximum Square Footage    | Setback to Structures | Front Yard Setback | Side Yard Setback | Rear Yard Setback |
|---------------------|---------------------------|-----------------------|--------------------|-------------------|-------------------|
| Dwelling Units      | N/A                       | 10 feet               | 25 feet            | 10 feet           | 20 feet           |
| Accessory Buildings | 50% main or 1,000 sq. ft. | 10 feet               | 25 feet            | 10 feet           | 10 feet           |
| ADUs                | N/A                       | 10 feet               | 25 feet            | 10 feet           | 10 feet           |

### 17.28.070 MODIFYING REGULATIONS

#### 1. Accessory Buildings

- a. Any shed, garage, carport, container, or other accessory building that is detached from the primary structure and requires a building permit shall meet the required setbacks for accessory buildings and shall be setback a minimum of **10 feet** from any other structure.

#### 2. Accessory Dwelling Units

- a. Any ADU that is detached from the primary structure shall meet the required setbacks for ADUs and shall be setback a minimum of **10 feet** from any other structure.

#### 3. Animals

- a. Stables, corrals, barns and chicken coops shall be setback at least **50 feet** from the nearest dwelling or public street.

#### 4. Accessory Buildings and Uses

- a. No accessory building or use shall be permitted unless required setbacks are met, adequate land area is available, and/or necessary utility connections are granted.

## **CHAPTER 17.32 COMMERCIAL DISTRICT**

### **17.32.010 PURPOSE**

To provide retail and service activities in locations convenient to serve the public.

### **17.32.020 PERMITTED USES**

1. Accommodation & food services.
2. Administrative services.
3. Finance & insurance.
4. Health care & social assistance.
5. Information.
6. Management companies & enterprises.
7. Mixed-use buildings.
8. Multiple-family dwellings and employee housing developments.
9. Permitted residential uses (See **Chapter 17.24** of this title).
10. Professional, scientific & technical services.
11. Public administration.
12. Real estate, rental & leasing.
13. Retail trade.
14. Wholesale trade.

### **17.32.030 CONDITIONAL USES**

1. Transmitting stations and towers.

### **17.32.040 MINIMUM LAND AREA, WIDTH, AND YARD REGULATIONS**

| <b>Zone</b> | <b>Minimum Area</b> | <b>Minimum Width</b> | <b>Front Yard Setback</b> | <b>Side Yard Setback</b> | <b>Rear Yard Setback</b> |
|-------------|---------------------|----------------------|---------------------------|--------------------------|--------------------------|
| C-1         | N/A                 | N/A                  | 25 feet                   | 10 feet                  | 20 feet                  |
| C-2         | N/A                 | N/A                  | 0 feet                    | 0 feet                   | 0 feet                   |

### 17.32.050 MINIMUM STRUCTURE AREA, WIDTH, AND YARD REGULATIONS

| Structure           | Maximum Square Footage    | Setback to Structures | Front Yard Setback | Side Yard Setback | Rear Yard Setback |
|---------------------|---------------------------|-----------------------|--------------------|-------------------|-------------------|
| Dwelling Units      | N/A                       | 10 feet               | 25 feet            | 10 feet           | 20 feet           |
| Accessory Buildings | 50% main or 1,000 sq. ft. | 10 feet               | 25 feet            | 10 feet           | 10 feet           |
| ADUs                | N/A                       | 10 feet               | 25 feet            | 10 feet           | 10 feet           |

### 17.32.60 MODIFYING REGULATIONS

#### 1. Accessory Buildings

- a. Any shed, garage, carport, container, or other accessory building that is detached from the primary structure and requires a building permit shall meet the required setbacks for accessory buildings and shall be setback a minimum of **10 feet** from any other structure.

#### 2. Accessory Dwelling Units

- a. Any ADU that is detached from the primary structure shall meet the required setbacks for ADUs and shall be setback a minimum of **10 feet** from any other structure.

#### 3. Animals

- a. Stables, corrals, barns and chicken coops shall be setback at least **50 feet** from the nearest dwelling or public street.

#### 4. Accessory Buildings and Uses

- a. No accessory building or use shall be permitted unless required setbacks are met, adequate land area is available, and/or necessary utility connections are granted.

## CHAPTER 17.36 MOBILE HOME DISTRICT

### 17.36.010 PURPOSE

To provide for the development of mobile home parks which will promote the objectives and purposes of this title and to protect the integrity and characteristics of the districts contiguous to mobile home parks.

### 17.36.020 PERMITTED USES

1. Mobile home subdivisions.
2. Mobile home parks.
3. Mobile home units.
4. Dogs, cats, rabbits, and poultry provided they are contained on the property and do not roam freely at large.
5. Accessory buildings and uses.
6. Crop production.

### 17.36.030 CONDITIONAL USES

1. Public buildings and uses.
2. Parks and playgrounds.
3. Parking lots.
4. Home occupations.

### 17.36.040 MINIMUM LAND AREA, WIDTH, AND YARD REGULATIONS

| Zone | Minimum Area      | Minimum Width | Front Yard Setback | Side Yard Setback | Rear Yard Setback |
|------|-------------------|---------------|--------------------|-------------------|-------------------|
| MH   | 4,000 square feet | 40 feet       | 10 feet            | 10 feet           | 20 feet           |

### 17.36.050 MINIMUM STRUCTURE AREA, WIDTH, AND YARD REGULATIONS

| Structure           | Maximum Square Footage    | Setback to Structures | Front Yard Setback | Side Yard Setback | Rear Yard Setback |
|---------------------|---------------------------|-----------------------|--------------------|-------------------|-------------------|
| Dwelling Units      | N/A                       | 10 feet               | 10 feet            | 10 feet           | 20 feet           |
| Accessory Buildings | 50% main or 1,000 sq. ft. | 10 feet               | 25 feet            | 10 feet           | 10 feet           |

## **17.36.060 MODIFYING REGULATIONS**

### **1. Accessory Buildings**

- a. Any shed, garage, carport, container, or other accessory building that is detached from the primary structure and requires a building permit shall meet the required setbacks for accessory buildings and shall be setback a minimum of **10 feet** from any other structure.

### **2. Accessory Dwelling Units**

- a. ADUs shall be prohibited in a mobile home zoning district.

### **3. Animals**

- a. Stables, corrals, barns and chicken coops shall be setback at least **50 feet** from the nearest dwelling or public street.

### **4. Accessory Buildings and Uses**

- a. No accessory building or use shall be permitted unless required setbacks are met, adequate land area is available, and/or necessary utility connections are granted.

## **CHAPTER 17.40 INDUSTRIAL DISTRICT**

### **17.40.010 PURPOSE**

To provide areas where industries necessary and beneficial to the local economy may locate and operate.

### **17.40.020 PERMITTED USES**

1. Accommodation & food services.
2. Construction.
3. Information.
4. Manufacturing.
5. Mining.
6. Real estate, rental & leasing.
7. Retail trade.
8. Transportation & warehousing.
9. Utilities.
10. Waste management services.
11. Wholesale trade.

### **17.40.030 CONDITIONAL USES**

1. Construction camps.

### **17.40.040 HEIGHT, AREA, WIDTH, AND YARD REGULATIONS**

The height and yard restrictions pertaining to any adjacent zone shall apply within one-hundred feet of the common property boundary.

### **17.40.050 MODIFYING REGULATIONS**

All hazardous areas or materials subject to this zone shall be completely enclosed by a secure fence or suitable barrier approved by the building official, fire marshal, and fire chief to prevent entrance by unauthorized persons and to protect the general public from accidental exposure.

## CHAPTER 17.44 HOME OCCUPATIONS

1. **Home Occupations** shall be classified as follows:
  - a. **Class A:** fully contained within the interior of the dwelling unit or accessory building with little to no impact on the Conditional Use Review Criteria listed in this title.  
(i.e., home offices, shops, etc.)
  - b. **Class B:** may be contained within the interior and/or the exterior of the dwelling unit or accessory building with potential outdoor storage, parking, increased traffic, etc. and a clear impact on the Conditional Use Review Criteria listed in this title.  
(i.e., daycares, salons, retail, manufacturing, rentals, outdoor storage, etc.)
2. Home Occupations shall meet the following conditions:
  - a. **Class A** Home Occupations shall be a permitted use in all zoning districts.
  - b. **Class B** Home Occupations shall be a conditional use in all zoning districts and shall be limited to one per parcel and may be approved as the main dwelling unit or the accessory dwelling unit, but not both.
  - c. A county approved business license shall be required for all home occupations.
  - d. The home occupation, and all inventory, supplies and equipment shall not exceed or consume more than 50% of the primary structure.
  - e. Goods relating to the home occupation shall not be stored in the front yard of the lot
  - f. If necessary, additional parking spaces shall be provided to accommodate the home occupation. All parking shall be off-street.

## CHAPTER 17.45 **BED AND BREAKFAST INNS; SHORT TERM RENTALS**

### 17.45.010 SHORT TITLE

This ordinance shall be known as the "Bed and Breakfast Inn & Short-Term Rental Ordinance."

### 17.45.020 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.

### 17.45.030 DEFINITIONS

This ordinance shall be interpreted using the definitions provided in the State of Utah Municipal Land Use, Development, and Management Act (**Utah Code §10-9a**) and city codes 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.

#### **17.45.040 LIMIT ON SHORT-TERM RENTALS**

**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.

**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.

**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.

**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.

**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.

#### **17.45.050 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.

#### **17.45.060 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.

#### **17.45.070 SONDITIONAL 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.
  - c. STRs shall be prohibited in all other zoning districts.
2. 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 one (1) accommodation unit shall not be considered STRs and shall instead be regulated as hotels, motels, cabins, etc.
3. 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.
4. 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.

#### **17.45.080 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.

#### **17.45.090 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.

#### **17.45.100 AUTHORIZED MANAGER OR LOCAL CONTACT PERSON**

**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.

**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.

**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.

#### **17.45.110 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).

## **17.45.120 PROPERTY STANDARDS**

### **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.

### **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.

### **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.

**Fencing.**

Privacy fencing shall be required for all STRs approved after the effective date of this ordinance and such fencing shall meet Panguitch City fencing ordinance requirements. All STRs (including legal nonconforming STRs) allowing pets shall have a fully enclosed privacy fenced area for pets to roam freely. The enclosed fenced area shall be constructed in a manner that the pets are not able to wander outside the STR property boundaries if left unattended.

**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.

**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.

### **17.45.130 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.

### **17.45.140 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.

### **17.45.150 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.

#### **17.45.160 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.

#### **17.45.170 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.

#### **17.45.180 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.

#### **17.45.190 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.

## **CHAPTER 17.46 ACCESSORY DWELLING UNITS**

### **17.46.010 PURPOSE**

The purpose of this ordinance is to allow and regulate Accessory Dwelling Units (ADUs) in Panguitch City to:

1. Increase housing options and affordability.
2. Support multi-generational living and aging-in-place.
3. Promote efficient use of existing residential properties.
4. Preserve the rural character and integrity of neighborhoods.

### **17.46.020 DEFINITIONS**

1. Accessory Dwelling Unit (ADU): A habitable living unit added to, created within, or detached from a primary single-family dwelling and contained on one lot or parcel.
2. Primary Dwelling Unit: A single-family dwelling unit that is detached and occupied as the primary residence of the owner of record.
3. Owner-Occupant: An individual listed on the recorded deed as an owner of the property who resides in either the primary dwelling or the ADU as their primary residence.

### **17.46.030 APPLICABILITY**

ADUs shall be permitted in all zoning districts within Panguitch City (Residential, Commercial, and Agricultural zones) where single-family dwellings are allowed, subject to the standards and requirements outlined in this ordinance.

### **17.46.040 DEVELOPMENT STANDARDS**

#### **1. Number of ADUs**

- a. Only 1 ADU shall be permitted per lot or parcel with an existing single-family dwelling. ADUs shall not be permitted on lots or parcels with duplexes or other multi-family dwelling units. Any dwelling unit constructed on a vacant lot shall be deemed the primary single-family dwelling unit until an additional dwelling unit is constructed on the same lot or parcel. At that time, the existing building may be deemed the ADU or the primary building depending on the square footages of each dwelling unit.

#### **2. Types of ADUs**

- a. Internal ADU (IADU): Located or created within the footprint of the primary dwelling unit (e.g., basement, attic, addition, or converted space).
- b. Detached ADU: A structure separate from the primary dwelling contained on the same lot or parcel (e.g., a mother-in-law home or above a detached garage).

### 3. Size

- a. Internal ADUs: No maximum size, but shall comply with underlying zoning requirements (e.g., lot/parcel area, lot/parcel coverage, setbacks).
- b. Detached ADUs: Total living area shall not exceed 1,000 square feet.

### 4. Lot Size

- a. All ADUs shall comply with minimum area of the underlying zoning district.

### 5. Setbacks

- a. General: Stairways, balconies, landings, covered patios, and any other element of the ADU shall not encroach into the minimum setback.
- b. Internal ADUs: Shall comply with the minimum setbacks for single-family dwellings of the underlying zoning district.
- c. Detached ADUs: Shall meet the following setbacks:

| Minimum Setback                        | Distance |
|--|----------|
| Front                                  | 25 feet  |
| Side                                   | 10 feet  |
| Rear                                   | 10 feet  |
| From Primary Dwelling/Other Structures | 10 feet  |

### 6. Height

- a. Detached ADUs: Maximum height of 2 stories or 35 feet.

### 7. Parking

- a. A minimum of 1 off-street parking space shall be required for the ADU, in addition to parking required for the primary dwelling. Existing driveways or shared parking areas may be used if compliant with zoning standards.

### 8. Appearance

- a. The ADU shall maintain the single-family character of the property. External entrances to internal ADUs shall be located on the side or rear of the primary dwelling. Only one front entrance shall be visible from the street.
- b. Detached ADUs shall be architecturally compatible with the primary dwelling (e.g., similar materials, colors, or design).

## **9. Utilities**

- a. ADUs may share utility connections with the primary dwelling or have separate meters, subject to approval by Panguitch City and applicable utility providers.
- b. All utility connections shall comply with state and local building codes.

## **17.46.050 OCCUPANCY AND RENTAL RESTRICTIONS**

### **1. Owner-Occupancy**

- a. The property owner shall reside in either the primary dwelling or the ADU as their primary residence, except in cases of temporary absence (e.g., vacation, medical leave, work, etc.) not exceeding 1 year.

### **2. Rental Restrictions**

- a. ADUs shall be permitted for long-term rental use (greater than 30 days).
- b. The use of ADUs as a short-term rental (30 days or less) shall be a conditional use and shall comply with the Panguitch City Short-Term Rental (STR) Ordinance.

## **17.46.060 PERMITTING AND APPROVAL PROCESS**

### **1. Application**

- a. ADU project approval forms shall be submitted to Panguitch City and shall include a site plan, building plans, and approved utility connections.
- b. Applications for internal and detached ADUs for long-term occupancy (more than 30 days) are permitted uses and require only a building permit, provided all standards are met.
- c. Applications for internal and detached ADUs for short-term occupancy (30 days or less) shall require an approved short-term rental permit from Panguitch City.

### **2. Review Process**

- a. Panguitch City shall complete the initial review of a complete ADU project approval application within 14 business days.

### **3. Building Codes**

- a. New ADUs shall comply with current building codes adopted by Panguitch City.
- b. Existing structures converted to ADUs shall comply with building codes in effect at the time of original construction, with any necessary upgrades for safety as determined by the Building Official.

### **4. Fees**

- a. Standard permitting and review fees shall apply as outlined in the Panguitch City Fee Resolution.

#### **17.46.070 COMPLIANCE WITH STATE LAW**

This ordinance complies with **Utah Code, including Senate Bill 34 (2019)**, which mandates that internal and attached ADUs be permitted uses in residential zones. Any conflicts between this ordinance and state law shall be resolved in favor of Utah law.

#### **17.46.080 SEVERABILITY**

If any provision of this ordinance is found invalid by a court of competent jurisdiction, the remaining provisions shall remain in full force and effect.

## **CHAPTER 17.48 PLANNED UNIT DEVELOPMENTS**

### **17.48.010 LOCATION**

A Planned Unit Development (PUD) may be approved by the administrative land use authority in any zoning district.

### **17.48.020 REQUIRED PLAT**

A Planned Unit Development shall be depicted on a plat to be recorded at the Office of the County Recorder upon approval from the administrative land use authority. The plat shall be prepared by a registered professional land surveyor in the State of Utah.

### **17.48.030 AREA**

A Planned Unit Development shall not have an area less than that approved by the administrative land use authority as adequate for the proposed development.

### **17.48.040 USES**

A Planned Unit Development that will contain uses not permitted in the zoning district in which it is to be located may require an approved zone change by the administrative land use authority in conjunction with the PUD application.

### **17.48.050 OWNERSHIP**

The development shall be in single or corporate ownership at the time of application, or the subject of an application filed jointly by all owners of the property.

### **17.48.060 DESIGN**

The administrative land use authority shall require such arrangements of structures and open spaces within the PUD as necessary to ensure that adjacent properties will not be adversely affected.

### **17.48.070 SPECIFIC REGULATIONS**

Lot area, width, yard, height, density, and coverage regulations shall be determined by approval of the site development plan.

### **17.48.080 OPEN SPACES**

Preservation, maintenance, and ownership of required open spaces within the development shall be accomplished by either:

1. dedication of the land for public use; or
2. creating a permanent, open space easement on and over the said private open spaces to guarantee that the open space remains perpetually in recreational use, with ownership and maintenance being the responsibility of an owners' association established with articles of association and bylaws.

# CHAPTER 17.52 MOBILE HOMES AND MOBILE HOME PARKS

## 17.52.010 AUTHORITY AND PURPOSE

Pursuant to **Utah Code §§ 10-8-84, 10-9a-102, 10-9a-501, and 10-9a-505**, the Panguitch city council adopts this title to promote the health, safety, and welfare of the community by establishing regulations for the location, development, and occupancy of mobile homes and mobile home parks.

The purpose of this title is to ensure that mobile home developments are properly located, designed, and maintained to provide safe and sanitary living conditions while preserving the residential character of the city.

## 17.52.020 DEFINITIONS

For purposes of this title

1. **MOBILE HOME.** A structure designed for long-term residential occupancy, capable of being transported on its own chassis or on a flatbed trailer, and intended to be used as a dwelling when connected to required utilities.
2. **MANUFACTURED HOME.** A factory-built dwelling unit constructed after June 15, 1976, in compliance with the National Manufactured Housing Construction and Safety Standards Act, and bearing a HUD certification label.
3. **MOBILE HOME PARK.** A parcel or contiguous parcels of land under common ownership or management that is designed, used, or intended to be used for the placement of two or more mobile homes for residential occupancy.
4. **MOBILE HOME SPACE.** A designated area within a mobile home park intended for the placement of a single mobile or manufactured home.
5. **MOBILE HOME SUBDIVISION.** A subdivision of land in which individual lots are created and sold or leased for the placement of a single mobile or manufactured home on each lot, together with customary accessory buildings and uses, and where the streets, utilities, and other improvements are designed and constructed to public subdivision standards, rather than privately maintained as in a mobile home park.
6. **RECREATIONAL VEHICLE (RV).** A travel trailer, camper, or motor home designed for short-term, temporary living quarters. Recreational vehicles shall not be used as permanent dwellings.

## 17.52.030 LOCATION RESTRICTIONS

1. No mobile home or manufactured home shall be located, installed, or occupied as a dwelling within the incorporated limits of Panguitch City except within a legally approved and licensed mobile home park, mobile home subdivision, or as a single-family dwelling on a permanent foundation that meets the standards of the Panguitch City building and zoning codes.

2. The installation of mobile or manufactured homes shall comply with **Utah Administrative Code R156-56 (State Construction Code) and the Utah Manufactured Housing Act (Utah Code § 15A-1-302).**
3. No new mobile home park shall be established without a conditional use permit and site plan approval by the Panguitch City planning commission and city council.

#### **17.52.040 DEVELOPMENT STANDARDS FOR MOBILE HOME PARKS**

All mobile home parks established or expanded after the effective date of this ordinance shall comply with the following standards:

##### **1. Minimum Site Area:**

- a. No mobile home park or mobile home subdivision shall contain less than 2 acres of contiguous land.

##### **2. Density:**

- a. No more than **10 mobile home spaces per acre**, excluding roadways and public spaces, shall be permitted.

##### **3. Minimum Space Size:**

- a. Each mobile home space shall contain at least **4,000 square feet of area**, exclusive of driveways, streets, or public areas.

##### **4. Setbacks:**

| <b>Mobile Home Park</b> |         | <b>Mobile Home Subdivision</b> |         |
|-------------------------|---------|--------------------------------|---------|
| Park Boundaries         | 20 feet | Front                          | 10 feet |
| Mobile Homes            | 20 feet | Side                           | 10 feet |
| Public Streets          | 10 feet | Rear                           | 20 feet |
| Public Areas            | 10 feet | Structures                     | 10 feet |

##### **5. Access and Streets:**

- a. Each park shall have direct access to a public street or highway.
- b. Internal streets shall be paved or chip sealed, not less than **24 feet in width**, and maintained in good condition.

**6. Utilities and Services:**

- a. All mobile home parks shall provide and maintain:
  - i. Connection to public water and sewer systems.
  - ii. Underground electric and communication service lines.
  - iii. Storm drainage facilities designed per city standards.

**7. Skirting and Foundation:**

- a. Each mobile home shall be securely anchored and fully skirted within **60 days** of placement, using durable materials consistent with the home's exterior finish.

**8. Parking:**

- a. A minimum of **2 off-street parking spaces** per mobile home space shall be provided.
- b. Additional parking spaces may be provided by the developer.

**9. Open Space:**

- a. At least **10 percent of the total park area** shall be devoted to public open space, playgrounds, or recreational areas.

**10. Landscaping and Screening:**

- a. Each park shall provide a **10-foot landscaped buffer** along all public street frontages and property boundaries, with fencing or screening approved by the city.

**11. Management Office:**

- a. A resident or on-site manager shall be designated for each park to ensure compliance with city codes.

**17.52.050 NONCONFORMING USES**

- 1. Any mobile home or mobile home park lawfully existing prior to the adoption of this ordinance may continue as a legal nonconforming use in accordance with **Utah Code § 10-9a-511** and city code, provided that:
- 2. Expansion of the use requires city approval; and
- 3. Any replacement of mobile homes shall meet current health and safety standards.

### **17.52.060 ENFORCEMENT AND PENALTIES**

1. The city council shall administer and enforce the provisions of this ordinance.
2. Any person, firm, or corporation violating any provision of this ordinance shall be guilty of a Class C misdemeanor and subject to fines and penalties as provided under **Utah Code § 10-3-703.**
3. Each day of violation constitutes a separate offense.

### **17.52.070 SEVERABILITY**

If any section, subsection, or clause of this ordinance is found invalid by a court of competent jurisdiction, the remaining provisions shall remain in full force and effect.

## CHAPTER 17.56 RECREATIONAL VEHICLES AND RECREATIONAL VEHICLE PARKS

### 17.56.010 INTENT

The intent of this title is to require that recreational vehicle developments will be of such character as to promote the objectives and purposes of the Panguitch City zoning code; protect the integrity and characteristics of the districts contiguous to those in which recreational vehicles are located; and to protect other land use values contiguous to or near recreational vehicle developments. The following factors were considered throughout the implementation of this title:

1. **INFRASTRUCTURE AND SERVICES:** RV occupancy can impact local infrastructure and services such as potable water, wastewater disposal, and electricity. The city shall assess whether the existing infrastructure can support additional RV occupancy without overburdening resources or compromising safety.
2. **HEALTH AND SAFETY:** There are several health and safety concerns associated with RV occupancy, including compliance with building codes, fire safety regulations, and sanitation requirements. This title shall establish guidelines for safe RV use to protect residents and maintain community well-being.
3. **TEMPORARY HOUSING NEEDS:** Allowing temporary RV occupancy can be beneficial in certain situations, such as during natural disasters, construction of a permanent dwelling or other structure, housing shortages, or for employee housing.
4. **COMMUNITY IMPACT:** This title aims to ensure RVs do not:
  - a. affect the aesthetics of the neighborhood or property values;
  - b. create noise, traffic, or other disruptions; or
  - c. pose a threat to the health, safety, or general welfare of the occupants or adjacent properties of any RV.
5. **ENFORCEMENT AND MONITORING:** This title establishes mechanisms to enforce regulations and monitor RV occupancy. This includes establishment of permits, inspections, and addressing any violations or complaints. Adequate enforcement ensures that RV occupancy remains within the intended guidelines.

## **17.56.020 DEFINITIONS**

This title shall be interpreted using the definitions provided in the Panguitch City zoning code, except for, in addition to, or as modified by the following:

**AUTOMOBILE SPACE.** A plot of ground within a recreational vehicle park, designated and intended for the accommodation of at least 1 automobile or vehicle.

**CONSTRUCTION CAMP.** Temporary occupancy of a mobile home, recreational vehicle, or any other non-permanent structure during the period of construction. Construction jobs may include, but are not limited to: dwellings, structures, public works or infrastructure developments, mines, etc.

**DEVELOPED (LOT OR PARCEL).** A lot or parcel with a dwelling unit constructed on the property. Lots or parcels only containing accessory buildings such as sheds, garages, barns, well houses, etc. shall not qualify as “developed”.

**LOT.** Any tract of land that is created by and shown on a subdivision plat or record of survey that has been approved by the city council and recorded or filed in the Office of the County Recorder.

**MANUFACTURED HOME.** A transportable factory-built housing unit constructed on or after June 15, 1976, according to the Federal Home Construction and Safety Standards Act of 1974 (HUD Code), in 1 or more sections, which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or when erected on site, is 400 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems.

**MOBILE HOME.** A transportable factory-built housing unit built prior to June 15, 1976, in accordance with a state mobile home code which existed prior to the **Federal Manufactured Housing and Safety Standards Act (HUD Code)**.

**MOBILE HOME PARK.** A tract of land approved by the city council for occupancy by mobile homes for residential use.

**MOBILE HOME SUBDIVISION.** A subdivision designed and intended for residential use where the lots are to be individually owned or leased and occupied by mobile homes exclusively.

**PARCEL.** Any tract of land or real property that is not part of a subdivision.

**PARK MODEL RECREATIONAL VEHICLE (PMRV).** A unit that: is designed and marketed as temporary living quarters for recreational, camping, travel, or seasonal use; is not permanently affixed to real property for use as a permanent dwelling; requires a special highway movement permit for transit; and is built on a single chassis mounted on wheels with a gross trailer area not exceeding 400 square feet in the setup mode.

**PERMANENT LIVING.** The occurrence of 1 or more persons occupying a Recreational Vehicle for longer than 30 days in any 60-day period.

**PERMANENT UTILITIES.** Shall include any connections to electrical, telecommunications, gas, water supply, and/or wastewater disposal lines or systems. Self-contained utilities that are affixed to, or part of the recreational vehicle do not apply to this title.

**RECREATIONAL VEHICLE (RV).** A vehicular unit other than a mobile home, primarily designed as a temporary dwelling for travel, recreational or vacation use, that is either self-propelled or pulled by another vehicle. “Recreational Vehicle” includes: a travel trailer; a camping trailer; a motor home; a fifth wheel trailer; and a van.

**RECREATIONAL VEHICLE PARK.** An area of land where spaces are rented commercially to 1 or more owners or users of recreational vehicles.

**RECREATIONAL VEHICLE SPACE.** A plot of ground within a recreational vehicle park, designated and intended for the accommodation of at least 1 recreational vehicle.

**RECREATIONAL VEHICLE SITE.** A plot of ground within a recreational vehicle park, designated and intended for at least 1 recreational vehicle space, 1 automobile space, and open space for picnic tables, firepits, etc.

**TEMPORARY LIVING.** The occurrence of 1 or more persons occupying a Recreational Vehicle for **30 days or in any 60-day period**.

**VACANT (LOT OR PARCEL).** A lot or parcel without a dwelling constructed on the property.

## **17.56.020 LOCATION**

### **Mobile Homes**

No mobile home, mobile home park or mobile home subdivision shall be located anywhere within the incorporated areas of Panguitch City without written approval from the city council.

### **Recreational Vehicles**

No recreational vehicle as herein defined shall be located, placed, used or occupied for permanent living purposes in any district except within approved and licensed recreational vehicle parks and except as otherwise provided herein.

### **Park Models**

PMRVs occupied for transient accommodation purposes shall be permitted in an approved RV park in a commercial zoning district and shall be prohibited in all other zoning districts. PMRVs occupied for permanent residential living shall only be permitted if placed on a permanent foundation and approved by the building official.

### **Storage**

Recreational vehicles which are unoccupied for living purposes may be indefinitely stored on a private lot or parcel of land.

### **Utility Connections**

**Vacant Properties.** On a *vacant* lot or parcel, no recreational vehicle shall be connected to any permanent utility in any district except within an approved and licensed recreational vehicle park and as otherwise provided herein.

**Developed Properties.** On a *developed* lot or parcel, a recreational vehicle may be temporarily connected to permanent utilities, but permanent occupancy shall be prohibited.

**Exceptions.** Permanent utilities may be temporarily extended a recreational vehicle via conditional use permit for a construction camp. Evidence of an active building permit from the building official shall be required prior to consideration of the conditional use by the planning commission.

The conditional use permit shall be valid during the period of construction or work relating to the construction camp and shall expire **30 days** after the applicable work is completed.

After the work is completed, the temporary mobile home or structure shall be removed from the premises and the recreational vehicle or travel trailer may either be a) removed from the premises or b) disconnected from all infrastructure and utilities and stored on the property, not to be occupied for permanent living purposes.

## **17.56.040 APPROVAL**

### **Recreational Vehicle Parks**

*Recreational vehicle parks* may be approved by the city in locations permitting such use in this Ordinance. Before approval is granted, the planning commission shall find the proposed development will:

1. Be placed within a parcel of land appropriately zoned for such use.
2. Be placed on a parcel of land of not less than **2 acres**, unless modified by a planned unit development.
3. Meet all standards and requirements of this title, and all other applicable city codes, except where these are modified by approval of a planned unit development.
4. Comply with the State of Utah's regulations for recreational vehicle park sanitation.
5. Ensure that each recreational vehicle site meets the requirements of this title.

### **Recreational Vehicle Subdivisions**

*Recreational vehicle subdivisions* may be approved by the city in locations permitting such use in this title. Before such approval may be granted, the planning commission shall find that the proposed development will:

1. Be placed within a parcel of land appropriately zoned for such use.
2. Be placed on a parcel of land of not less than **2 acres**, unless modified by a planned unit development.
3. Meet all standards and requirements of this title, and all other applicable city codes, except where these are modified by approval of a planned unit development.
4. Comply with the State of Utah's regulations for recreational vehicle park sanitation.
5. Ensure that each recreational vehicle site meets the requirements of this title.
6. Proposed RV lot sizes shall not be less than **4,000 sq. ft.**

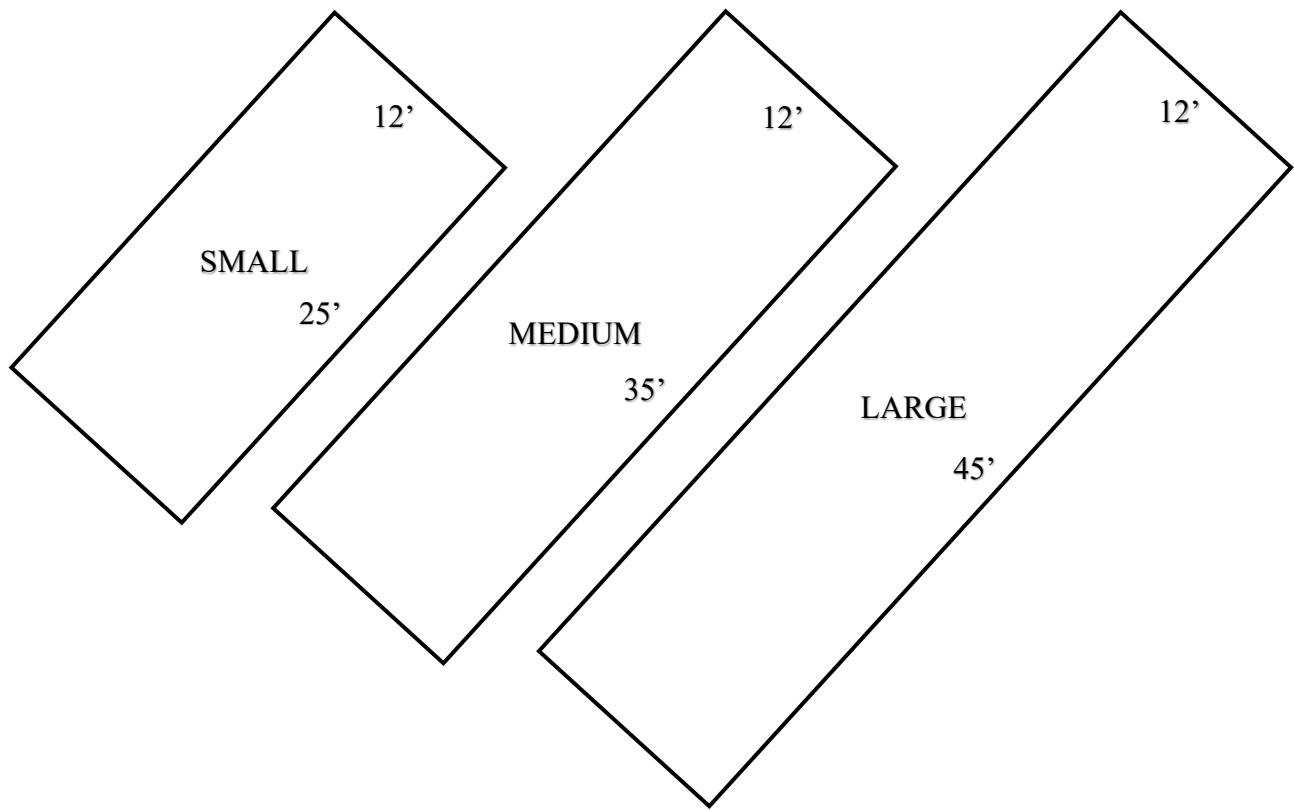
## 17.56.050 STANDARDS AND REQUIREMENTS

### Recreational Vehicle Parks

The development of a recreational vehicle park shall conform to the following standards and requirements, unless modified by an approved planned unit development.

1. All RV Parks shall have potable drinking water and wastewater disposal systems approved by the State or local health department.
2. RV and automobile parking spaces shall be designed with the following dimensions:

| Parking Space Size | Minimum Width | Minimum Length |
|--------------------|---------------|----------------|
| Automobile         | 9 feet        | 20 feet        |
| Small RV           | 12 feet       | 25 feet        |
| Medium RV          | 12 feet       | 35 feet        |
| Large RV           | 12 feet       | 45 feet        |



3. Streets and roadways shall be designed to the minimum standards:
  - a. Minimum Travel Surface Width: 26 feet
  - b. Roadway Width: 40 feet
  - c. Roadways: All roadways shall be hard-surfaced or have a six-inch gravel base and shall be properly drained.
  - d. Access: In addition to the RV park entrance roadway, an approved emergency access road and/or turnaround shall be required.
  - e. Any required UDOT approvals for access shall be granted by UDOT before issuance of any permit or license by the city.
4. Storm drainage facilities shall be approved by the State of Utah DEQ.
5. All storage and solid waste receptacles outside the confines of any recreational vehicle park must be constructed and maintained in an orderly manner by the park owner.
6. No RV park in Panguitch City shall be allowed in an obvious flood or geological hazardous area.
7. All RV parks shall provide sanitary facilities, approved by the State of Utah DEQ or local health department, for tent campers and units which are not self-contained.
8. Wastewater dump stations shall be required at all RV parks for self-contained units.
9. RV Parks shall meet all requirements of the State of Utah Recreational Vehicle Park Sanitation Regulations.

### **Recreational Vehicle Subdivisions**

The development of a recreational vehicle park shall conform to the following standards and requirements, unless modified by an approved planned unit development.

1. All RV subdivisions shall comply with the Standards and Requirements for RV Parks as outlined in this title.
2. RV subdivisions shall have the following area and modifying regulations:

| <b>Minimum Area</b> | <b>Minimum Width</b> | <b>Front Yard Setback</b> | <b>Side Yard Setback</b> | <b>Rear Yard Setback</b> |
|---------------------|----------------------|---------------------------|--------------------------|--------------------------|
| 4,000 square feet   | 30 feet              | 30 feet                   | 10 feet                  | 10 feet                  |

### **17.56.060 NONCONFORMING UNITS**

State law and Panguitch City code shall govern the establishment, restoration, reconstruction, extension, alteration, expansion or substitution of any approved nonconforming mobile home or recreational vehicle and any approved noncomplying structure related to such use.

### **17.56.070 PENALTY**

Each person in violation of this title and each property owner permitting persons to violate any portion of this title shall be guilty of an infraction. Each day of residence shall be a separate offense.

## **CHAPTER 17.60 DESIGN REVIEW**

## **CHAPTER 17.64 PERFORMANCE STANDARDS FOR INDUSTRIAL AND OTHER USES**

### **17.64.010 PURPOSE**

1. The purpose of this chapter is to protect the public health, safety, and general welfare by regulating the environmental impacts of industrial, commercial, and other potentially disruptive uses, including noise, vibration, glare, odor, dust, and other objectionable elements. These standards are intended to:
  - a. Ensure compatibility of uses within and adjacent to industrial and commercial districts;
  - b. Prevent nuisance conditions;
  - c. Provide clear criteria for review and enforcement of potentially harmful activities.

### **17.64.020 GENERAL PROVISIONS**

1. All uses shall comply with the following performance standards unless otherwise specifically exempted by this chapter or by conditional use approval.
2. Uses must operate in such a manner that no dangerous or objectionable elements are perceptible beyond the property boundary or as otherwise specified by this chapter.
3. These standards are minimum requirements; more restrictive standards may apply under other chapters of this code, state, or federal law.

### **17.64.030 PERFORMANCE STANDARDS**

#### **1. Review**

- a. The zoning administrator shall review all applications for industrial, commercial, or conditional uses for compliance with these performance standards.

#### **2. Conditional Uses**

- a. Conditional use approval may impose additional requirements or mitigation measures to ensure compliance.

#### **3. Modification of Standards**

- a. Adjustments or variances may be granted only by the planning commission or city council if the public welfare is not adversely affected.

#### **17.64.040 ENFORCEMENT**

1. The zoning administrator shall inspect sites when complaints or reports of violations are received.
2. Notice of violation shall be provided in writing, specifying the nature of the violation and a reasonable time for correction.
3. Failure to comply may result in enforcement actions including:
  - a. Fines per **Title 1, Chapter 1.12**;
  - b. Suspension or revocation of business licenses;
  - c. Injunctive relief;
  - d. Other remedies permitted under Utah law.
4. Compliance shall generally be evaluated at the property boundary nearest the affected neighbor.
5. For noise, vibration, and odor, measurements shall be made at a point where these elements could reasonably affect nearby properties.
6. The zoning administrator may use industry-standard measurement procedures.

#### **17.64.050 NONCONFORMING USES**

1. Any use lawfully established prior to the adoption of this chapter that does not fully comply shall be considered nonconforming.
2. Nonconforming uses must:
  - a. Minimize impacts to surrounding properties;
  - b. Not expand or intensify unless brought into compliance;
  - c. Discontinue if abandoned or discontinued for a period of **12 months**.

## **17.64.070 DANGEROUS AND OBJECTIONABLE ELEMENTS**

All uses shall be designed and operated so that the following are not detectable beyond the property line:

### **1. Noise**

- a. Maximum continuous noise levels shall not exceed 55 dB in residential zones or 65 dB in non-residential zones.

### **2. Vibration**

- a. No perceptible vibration at adjacent property lines.

### **3. Glare**

- a. No direct or reflected light that interferes with adjacent properties or public streets.

### **4. Odors**

- a. No emission of odors detectable at the property line in amounts that unreasonably interfere with the use of neighboring property.

### **5. Dust, Smoke, and Particulate Matter**

- a. Must comply with applicable air quality standards; deposition on adjacent properties is prohibited.

### **6. Heat and Radiation**

- a. Must not create unsafe conditions or interfere with neighboring uses.

### **7. Hazardous Materials**

- a. Storage, use, and disposal must comply with all applicable local, state, and federal regulations.

## **CHAPTER 17.68 NATURAL HAZARDS**

### **17.68.010 PURPOSE**

The purpose of this chapter is to protect public health, safety, and welfare by minimizing risks from natural hazards, including flooding, landslides, wildfires, and other geological or environmental hazards. This chapter establishes requirements for development in hazard-prone areas and provides for voluntary waiver agreements where appropriate.

### **17.68.020 REQUIREMENTS**

#### **1. Hazard Identification**

- a. All proposed developments shall be reviewed for potential natural hazards using available city, state, and federal maps and studies.

#### **2. Site Development Standards**

- a. No structure shall be located within identified floodways, steep slopes, or other hazardous areas unless approved by the city and appropriate mitigation measures are implemented.
- b. Development in hazard-prone areas shall comply with all applicable state and federal regulations, including building codes and floodplain management standards.

#### **3. Hazard Mitigation Measures**

- a. Developers must incorporate measures such as retaining walls, erosion control, drainage improvements, and fire-resistant materials where hazards exist.
- b. Infrastructure and utility connections must be designed to minimize risk from natural hazards.

#### **4. Permits and Approvals**

- a. The city shall not issue building or zoning permits for properties subject to natural hazards unless the proposed development complies with this chapter or a waiver agreement is executed.

### **17.68.030 WAIVER AGREEMENT**

#### **1. Eligibility**

- a. A property owner may request a waiver agreement for development in a hazard area when full compliance with hazard standards is impractical but the development can reasonably minimize risk.

#### **2. Execution**

- a. The waiver agreement shall be in writing, signed by the property owner, and recorded with the county recorder.

- b. The agreement shall acknowledge the risks associated with development in the hazard area and release the city from liability for damages resulting from natural hazards.

### **3. Conditions**

- a. The city may impose conditions on the waiver agreement to ensure public safety, including additional engineering, setbacks, or risk mitigation measures.
- b. Waiver agreements shall run with the land and be binding on all future owners.

### **4. Review and Approval**

- a. The planning commission shall review waiver requests and forward recommendations to the city council for final approval.

## **CHAPTER 17.72 CONDITIONAL USES**

### **17.72.010 General**

An approved conditional use permit shall be required for each conditional use listed in this title. No permit or license shall be issued for a conditional use by any officer or employee unless a conditional use permit has been approved by the city council.

### **17.72.020 Application**

Conditional use permit applications shall be available at the city office or on the city's official website. Conditional use permit applications shall be submitted to the city as provided in this title. Applications shall be accompanied by maps, drawings, statements, or other documents in accordance with the provisions of this title. An appropriate fee outlined in this title shall be collected at the time of submittal.

### **17.72.030 Determination**

The city council shall approve, approve with modifications, or deny conditional use applications. The city council shall hear and decide any conditional use request in accordance with **Utah Code §10-9a-507**.

### **17.72.040 Conditional Use Review Criteria**

Each request for a conditional use approval shall be consistent with the criteria listed as follows:

The Request:

1. is consistent with all applicable provisions of the general plan.
2. shall not adversely affect adjacent properties.
3. is compatible with the existing or allowable uses of adjacent properties.
4. can demonstrate that adequate public facilities, including roads, drainage, potable water, sanitary sewer and police and fire protection exist or will exist to serve the requested use at the time such facilities are needed.
5. can demonstrate adequate provision for maintenance of the use and associated structures.
6. has minimized, to the degree possible, adverse effects on the natural environment.
7. will not create undue traffic congestion.
8. will not adversely affect the public health, safety, or welfare.
9. conforms to all provisions of this title and other applicable city ordinances.

## **CHAPTER 17.76 NONCONFORMING BUILDINGS AND USES**

### **17.76.010 General**

Except as otherwise required by State law, a structure or use legally established prior to the adoption date of this title be maintained unchanged. In other than criminal proceedings, the owner, occupant, or user shall have the burden to show that the structure, lot or use was lawfully established.

### **17.76.020 Discontinuance**

#### **1. Vacancy**

- a. Any lot or structure, or portion thereof, occupied by a nonconforming use, that is or hereafter becomes vacant and remains unoccupied by a nonconforming use for a period of 1 year shall not thereafter be occupied, except by a use that conforms to this title.

#### **2. Damage**

- a. If any nonconforming structure or use is, by any cause, damaged to the extent of **50 percent** of its value as determined by the building official, it shall not thereafter be reconstructed as such.

### **17.76.030 Enlargements and Modifications**

#### **1. Maintenance and Repair**

- a. Maintenance, repairs, and structural alterations shall be permitted to be made to nonconforming structures or to a building housing a nonconforming use with valid permits.

#### **2. Changes of Nonconforming Use**

- a. A change of use of a nonconforming use of a structure or parcel of land shall not be made except to that of a conforming use. Where such change is made, the use shall not thereafter be changed back to a nonconforming use.

#### **3. Additions**

- a. Additions to nonconforming structures and parking areas shall conform to the requirements of this title. Additions to structures housing nonconforming uses that increase the area of a nonconforming use shall not be made.

#### **4. Certificate of Occupancy Required**

- a. No building hereafter structurally altered or erected shall be used or changed in use for a nonconforming use until a certificate of occupancy has been issued by the building official, stating that the building or proposed use thereof or the use of the land, complies with the provisions of this title for the renewing, changing, or extending thereof.

## **CHAPTER 17.80 SIGNS**

### **17.80.010 PURPOSE**

1. The purpose of this chapter is to regulate the location, design, construction, installation, and maintenance of signs within Panguitch City to:
  - a. Protect public health, safety, and welfare;
  - b. Enhance the visual character of the community;
  - c. Support economic development and tourism;
  - d. Ensure adequate visibility for business identification and wayfinding; and
  - e. Authority for this chapter is granted under **Utah Code §§ 10-8-84, 10-9a-102, and 10-9a-510.**

### **17.80.020 PERMIT REQUIRED**

1. A sign permit shall be required for the erection, construction, alteration, relocation, or replacement of any sign, except those specifically exempted under this chapter.
2. No sign shall be erected or maintained that creates a hazard to traffic, obstructs visibility, or violates building or electrical codes adopted by the city.

### **17.80.030 APPLICATION**

1. **Filing**
  - a. The applicant shall submit a completed sign permit application to the city.
2. **Contents**
  - a. The application shall include:
    - i. A scaled site plan and elevation drawing showing the sign location and dimensions;
    - ii. Construction details, materials, and mounting specifications;
    - iii. Lighting method, if applicable; and
    - iv. Written consent from the property owner.
3. **Review**
  - a. The building official shall review the application for compliance with this Chapter and applicable building and electrical codes.

#### **17.80.040 CRITERIA FOR ISSUANCE OF A PERMIT**

1. A sign permit shall be issued if the proposed sign:
  - a. Conforms to all provisions of this chapter;
  - b. Meets applicable **International Building Code (IBC)** and **National Electrical Code (NEC)** standards;
  - c. Does not obstruct public rights-of-way, visibility at intersections, or pedestrian access; and
  - d. Is structurally and electrically safe.
2. If the application is denied, the decision shall include written findings stating the reasons for denial.

#### **17.80.050 EXEMPTIONS**

The following signs are exempt from permit requirements but must comply with all other applicable standards:

1. Traffic control and official government signs;
2. Temporary signs of **six (6) square feet** or less on private property;
3. Address or identification signs not exceeding **two (2) square feet**;
4. Interior window signs not visible from the public right-of-way; and
5. Seasonal decorations and public event banners authorized by the city.

#### **17.80.060 DECISION**

1. The city shall approve, approve with conditions, or deny a sign permit within **fifteen (15) business days** of a complete application.
2. Failure to act within that time shall be deemed approval unless extended by written notice to the applicant.

#### **17.80.070 APPEAL**

An appeal of the city's decision may be made to the appeal authority within **ten (10) days** after the city's written decision.

#### **17.80.080 MAINTENANCE**

1. All signs shall be maintained in a safe, clean, and attractive condition.
2. Any sign that becomes structurally unsafe, damaged, or dilapidated shall be repaired or removed within **thirty (30) days of written notice** by the City.
3. Signs shall not be painted or affixed to trees, utility poles, or rocks within the public right-of-way.

#### **17.80.090 REMOVAL OF ABANDONED SIGNS**

1. Signs advertising businesses or activities that have ceased operation for **more than ninety (90) days** shall be deemed abandoned.
2. The property owner shall remove or replace the sign within **thirty (30) days of notice** by the city.
3. If not removed, the city may remove the sign and recover costs as provided in **Utah Code § 10-11-1 et seq.**

#### **17.80.100 ENFORCEMENT**

1. The zoning administrator and building official are authorized to enforce this chapter.
2. Violations constitute an infraction and may also be subject to civil penalties or abatement procedures under **Panguitch City Code Title 8, Chapter 8.32.**
3. Each day a violation continues shall constitute a separate offense.

## **CHAPTER 17.84 OFF-STREET PARKING REQUIREMENTS**

### **17.84.010 PURPOSE AND INTENT**

1. The purpose of this chapter is to establish minimum requirements for off-street parking and loading facilities in Panguitch City to:
  - a. Promote the safe and efficient movement of vehicles and pedestrians;
  - b. Ensure adequate and accessible parking for all land uses;
  - c. Reduce congestion on public streets; and
  - d. Maintain the community's visual and environmental quality.
2. This chapter is enacted under the authority of **Utah Code § 10-9a-102 et seq.**

### **17.84.020 GENERAL REQUIREMENTS**

1. **Applicability**
  - a. No building or structure shall be constructed, altered, enlarged, or changed in use unless off-street parking and loading spaces are provided as required by this chapter.
2. **Continuing Obligation**
  - a. Parking facilities required by this chapter shall be maintained and kept available for their intended use as long as the building or use exists.
3. **Shared Parking**
  - a. Two or more uses may share parking facilities if the total number of spaces is not less than the sum required for each use, and parking demand occurs at different times of day, subject to approval by the zoning administrator.

### **17.84.030 PARKING FOR BUILDING EXPANSION**

When an existing building or use is expanded or changed, additional off-street parking spaces shall be provided in proportion to the increase in floor area or occupancy, based on the requirements for the new or expanded use.

#### **17.84.040 MINIMUM PARKING RATIOS**

Unless otherwise specified in this title, the following minimum off-street parking spaces shall be provided:

| <b>Use</b>    | <b>Parking Spaces Required</b> |
|---------------|--------------------------------|
| Dwelling Unit | 2 per dwelling unit            |
| Hotel/Motel   | 1 per sleeping unit            |
| Restaurant    | 1 per 100 gross square feet    |
| Retail        | 1 per 200 gross square feet    |
| Commercial    | 1 per 300 gross square feet    |
| Industrial    | 1 per 500 gross square feet    |

#### **17.84.050 DESIGN AND DIMENSIONAL STANDARDS**

##### **1. Standard Stall**

- a. Each parking space shall be not less than **9 feet wide and 18 feet long**.

##### **2. Compact Stall**

- a. Up to **10%** of required spaces may be compact stalls measuring **8 feet by 16 feet**, if signed accordingly.

##### **3. Drive Aisles**

- a. Minimum aisle widths:
  - i. One-way traffic: 12 feet
  - ii. Two-way traffic: 24 feet

##### **4. Surface**

- a. All parking areas shall be paved or treated with an all-weather surface approved by the city public works director.

##### **5. Drainage**

- a. Parking lots shall be designed to prevent runoff onto public rights-of-way and adjoining properties.

#### **17.84.060 ACCESSIBLE AND MOTORCYCLE PARKING**

##### **1. Accessible Parking**

- a. Parking for persons with disabilities shall comply with the **Americans with Disabilities Act (ADA)** and **Utah Administrative Code R156-56-701**.

##### **2. Motorcycle Parking**

- a. **One (1) motorcycle parking space** may be provided for every ten **(10) required automobile spaces** and may substitute for one **(1) automobile space** if approved by the zoning administrator.

#### **17.84.070 LOCATION OF REQUIRED PARKING**

1. All required parking shall be located on the same lot as the principal use, except where the planning commission authorizes shared or remote parking within **300 feet** of the property.
2. Parking areas shall not occupy required front yard setbacks in residential zones, except for driveways serving garages or carports.

#### **17.84.080 ACCESS AND CIRCULATION**

1. All parking lots shall have adequate ingress and egress designed to prevent traffic hazards.
2. Driveways shall be located at least **30 feet** from street intersections and **10 feet** from side property lines, unless otherwise approved.
3. Access drives shall conform to Utah Department of Transportation (UDOT) access management standards where applicable.

#### **17.84.090 OFF STREET LOADING AND UNLOADING**

1. Every building used for manufacturing, retail, or other commercial activity requiring deliveries or shipments shall provide off-street loading space in addition to required parking.
2. Each loading berth shall be at least **12 feet wide, 40 feet long**, and have **14 feet of overhead clearance**.
3. Loading areas shall not interfere with pedestrian or vehicular circulation and shall be screened from public view where practical.

#### **17.84.100 MAINTENANCE OF PARKING AREAS**

1. All parking facilities shall be maintained in good repair, free of potholes, weeds, debris, and standing water.
2. Striping, signage, and lighting shall be kept clearly visible and functional.
3. The property owner shall be responsible for ongoing maintenance.

#### **17.84.110 LANDSCAPING AND SCREENING**

1. Parking lots with more than **ten (10) spaces** shall provide landscaping equal to at least **five percent (5%)** of the total paved area.
2. A landscape buffer of at least five **(5) feet** shall be maintained between parking areas and public rights-of-way.
3. Screening may consist of a combination of plantings, walls, or decorative fencing.

#### **17.84.120 ENFORCEMENT AND PENALTIES**

1. No certificate of occupancy shall be issued for any building or use until parking facilities have been constructed in accordance with approved plans.
2. Violations of this chapter constitute an infraction and may be subject to civil penalties or correction orders under city code.
3. Each day a violation continues shall constitute a separate offense.

#### **17.84.130 INTREPRETATION AND APPEALS**

Any interpretation or modification of parking requirements shall be subject to review by the city, with the right of appeal to the appeal authority.