
PANGUITCH CITY COUNCIL

AGENDA

GARFIELD COUNTY COURT HOUSE
COMMISSION CHAMBERS
55 SOUTH MAIN
PANGUITCH, UTAH 84759
JUNE 11, 2019 6:30 PM

- OPENING CEREMONY
- ADOPTION OF THE AGENDA
- APPROVAL OF MINUTES
- OFFICER REPORT
- PANGUITCH LIONS CLUB
- ORDINANCE 2019-9 CURB SIDE GARBAGE COLLECTION
- ORDINANCE 2019-10 AMENDING 2007-3 EXISTING SECONDARY DWELLINGS
- MAIN STREET PARKING
- TRANSIENT ROOM TAX
- VACATION RENTAL – BRIAN SMITH AT 240 S 200 W
- PENDING BUSINESS
- DEPARTMENT REPORTS/CALENDAR
- EXECUTIVE SESSION
- ADJOURNMENT

REASONABLE ACCOMMODATION: The City of Panguitch will make efforts to provide reasonable accommodations to disabled members of the public in accessing City programs.

Please contact Lori Talbot at Panguitch City office at least 24 hours in advance if you have special needs.

Anyone who wishes to offer a prayer or thought in the opening ceremony at City Council is welcome to do so by calling City Manager Lori Talbot at 435-676-8585 to schedule an appointment. Participation may be telephonic or electronic .

Items may not be covered in order listed. Panguitch City is an equal opportunity employer.

PANGUITCH CITY ORDINANCE NO. 2019-_____

**AN ORDINANCE ADDING CURB SIDE GARBAGE COLLECTION AND
DISPOSAL AND PROVIDING REPEALER WITHIN THE CITY OF
PANGUITCH STATE OF UTAH.**

WHEREAS, the City Council, as the governing body of the City of Panguitch, State of Utah, specifically finds that it is in the best interest of the safety and welfare of the citizens of the City of Panguitch to add collection and disposal of garbage.

BE IT ORDAINED by the Panguitch City Council, State of Utah, as follows:

Section 1: GARBAGE COLLECTION AND DISPOSAL:

- Definitions
- Collection Of Garbage
- Service Charges
- Method Of Payment Of Service Charges
- Processing Of Garbage Or Refuse
- Containers
- Closing Of Garbage Containers Required
- Time And Place Of Pickup
- Limitations Upon Dumping

Definitions

As used in this chapter:

"Container" or **"approved container"** or **"regulation container"** means the approved ninety (90), three hundred (300), or four hundred (400) gallon containers furnished residential users by the City, or such other container as may be periodically established by the City.

"Garbage" means waste from the preparation, handling, storing, cooking or consumption of food and food products.

"Refuse" means all waste matter, except garbage, attending or resulting from the occupancy of residences, apartments, hotels or other places of dwelling and from the operation of a business. Refuse shall not be deemed to include industrial waste or waste matter resulting from the construction, demolition or repair of a building or other structure.

Collection Of Garbage

1. The City or its agent shall collect, remove and dispose of all residential garbage. Owners of residential properties may not privately contract for their garbage disposal. However,

commercial or quasi-public establishments may privately contract for the garbage collection and disposal.

2. Commercial establishments, and public or quasi-public institutions may either dispose of their own garbage or employ an authorized contractor to remove their garbage. To qualify as an authorized contractor, a garbage hauler must receive a city business license and written authorization from the City to collect garbage within the city. Garbage collection must be done in the manner, at such times and in such vehicles as may be approved by periodic resolution of the city council.
3. Nothing in this section shall be construed as eliminating the charge made for municipal garbage service.

Service Charges

1. All residents within the City shall pay monthly garbage service charges in the amount established periodically by resolution of the City Council.
2. If a dwelling unit or a place of business has remained vacant for an entire month, the owner or possessor of the site may make arrangements with the city recorder for no garbage collection charges during the continued vacancy of the premises.
3. The mayor, with the consent of the City Council, may excuse needy or elderly persons who are not reasonably capable of paying the monthly charge for residential collection of garbage from the payment of the residential rate for such period of time as may be deemed proper or necessary.

Method Of Payment Of Service Charges

1. All residences within the municipality shall pay the municipality a garbage service fee. The garbage service charges imposed above shall be added to the charge made for water furnished through the water system of the City and shall be billed and collected in the same manner as water service charges are billed and collected.
2. In the event the obligee for water service charges and the obligee for garbage service charges do not coincide, or in the event practical economic and administrative reasons do not make combined billing and collection feasible, in the opinion of the City Council, the garbage service charges may be collected with such frequency and in such manner as the City Council shall, by regulation, provide.
3. Charges shall apply to all residences whether or not they have elected to haul their own garbage or employ other services other than the authorized garbage haulers contracted by the municipality.
4. If a dwelling unit or residence has remained vacant for an entire month, the owner or possessor of the site may make arrangement with the recorder/clerk for no garbage collection and charges during the continued vacancy of the premises.

Processing Of Garbage Or Refuse

A county health officer may permit the feeding or processing of garbage or refuse upon premises properly equipped and maintained for this purpose. The health officer may grant to any person

permission for sorting, baling, and marketing trade waste upon premises properly equipped and maintained.

Containers

1. All garbage and refuse to be collected by the City from residential users shall be placed only in approved containers. All other garbage and refuse shall be placed in suitable and sufficient garbage receptacles. These receptacles shall have tight-fitting lids, properly and sufficiently treated water resistant paper bags manufactured specifically for use in garbage and refuse collections, or plastic bags manufactured specifically for use in garbage and refuse collection. Garbage and refuse shall be placed by residential users only in containers issued to them, and use of containers issued to others for garbage disposition is prohibited.
2. Title to containers furnished by the Garbage Hauling Contractor to residential users, shall be retained by the Garbage Hauling Contractor and payment for the use thereof shall be rental made to the City.
3. Users renting containers furnished by the Garbage Hauling Contractor, or having custody thereof, shall keep the containers free from destructive or decorative markings; shall maintain the original color thereof; shall keep the inside of the containers clean and free from buildup of fungus or bacteria, or any other type of contaminant that causes odors or facilitates deterioration of the inside or outside of such container; and shall not deposit any hot or caustic materials therein or otherwise damage or deface such containers.
4. No household hazardous waste such as but not limited to antifreeze, batteries (vehicle & Lithium Ion - rechargeable and electronics), bleach, computers & computer monitors, fertilizers and other yard chemicals, gasoline & unwanted fuels, household cleaning agents, insecticides/ pesticides / fungicides, items that contain MERCURY: thermostats , thermometers , & compact fluorescent light bulbs (CFLs), motor oil (limit of 5 gallons/day per resident or 55 gallons/day per farmer), paint, paint thinner, pool & spa chemicals, propane cylinders, tagged A/C or refrigeration unit w/ certificate of Freon removal, CRT Televisions, transmission fluid, Any product with the words Caution, Warning, or Danger on the label shall not be deposited in the containers.
5. Residential users shall report to the City, or authorized garbage hauler, any damage to or malfunctioning of containers which limits their usefulness for receipt of garbage or refuse. Upon such notification the city may return the container to the supplier for repair or replacement pursuant to the supplier's warranty.
6. Containers lost or missing through no fault of the user thereof shall be replaced by the Garbage Hauling Contractor without charge, but users shall exercise due care to protect containers against loss through theft or misappropriation.
7. Containers furnished by the Garbage Hauling Contractor are issued to specific users by number and are nontransferable. Containers shall be returned to the Garbage Hauling Contractor upon discontinuance of use by a resident.

Closing Of Garbage Containers Required

Approved containers shall not be overfilled to the point where the lid thereon cannot completely close and cover the contents thereof. Nor shall they be filled to the extent that their contents may

be spilled during the process of pickup and dumping into the garbage collection vehicle. All garbage and refuse or market waste not deposited for pickup by the City shall be placed in rain-proof and fly-proof receptacles of the type herein required, and the receptacle shall be tightly closed in such a manner as to prevent offensive odors or flies.

Time And Place Of Pickup

1. All garbage and refuse subject to garbage collection by the City shall be placed on the edge of the street next to the driveway. The wheels of the containers shall be placed as close to the street as reasonably possible, with the hinge thereof to street side and the lid opening toward the street. When snow or street construction prevent placing of the container near the street, the container shall be placed not over two feet from the edge of the snow or the construction and in a manner that will not obstruct traffic or unduly impede the snow plowing activities of the City.
2. Containers shall not be placed or permitted to block driveways or through traffic.
3. Until otherwise provided by regulation, garbage and refuse must not be set out upon the street for collection prior to the evening of the day before collection and must be set out prior to five a.m. on the day for collection.
4. All empty containers or garbage receptacles must be removed from the street as soon as possible after being emptied, and in every case, must be removed from the street the same day they are emptied.

Containers or receptacles shall not be permitted to remain on the street longer than may be necessary for the removal of the contents.

5. Those persons physically unable to wheel containers to curb side may arrange with the mayor for proper pickup.
6. It is unlawful to park a vehicle upon a public street within the City during the hours of garbage pickup within twenty (20) feet of a container or in a manner that interferes with access thereto by the garbage collection vehicle.

Limitations Upon Dumping

Dumping waste and garbage shall be permitted only in such places as are designated by the City council. Dumping shall be subject to such rules and regulations as may be formulated by the City council.

Section 2: SEVERABILITY:

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

Section 3: PARAGRAPH HEADINGS:

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

Section 4: REPEALER:

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

Section 5: EFFECTIVE DATE:

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

PASSED, APPROVED, ADOPTED and ORDAINED this ____ day of
_____, 2019

PANGUITCH CITY:

By: _____

KIM SOPER, Mayor

ATTEST:

TYRISSA HOWELL, Recorder

PANGUITCH CITY ORDINANCE NO. 2007- 3

AN ORDINANCE AMENDING CHAPTER 17.24, PANGUITCH MUNICIPAL CODE, TO CLARIFY THE CHAPTER AND DECLARE ONLY ONE DWELLING PER LOT IS ALLOWED.

WHEREAS, Panguitch Municipal Code Section 17.24.020(F) currently is unclear as to if two dwellings are permitted on one lot; and

WHEREAS, the Mayor and City Council believe it is in the public interest to only allow one dwelling per lot within the City limits.

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

1. Section 17.24.020, of the Panguitch Municipal Code is amended as follows:

17.24.020 Permitted uses.

The following are permitted uses in the R-1 district:

- a. Single family dwellings;
- b. Two-family dwellings;
- c. Multiple-family dwellings;
- d. Tilling the soil, raising of crops, horticulture;
- e. Household pets;
- f. Accessory buildings and uses incidental to each dwelling to each dwelling when placed upon the same lot or parcel of land and not used or operated commercially. However, "accessory building" is not a Single- family dwelling, a Two- family dwelling nor a Multiple- family dwelling and therefore only one Single- family, Two- family or Multiple- family dwelling is allowed on each lot.
- g. Planned unit development. (Prior code § 17-2).

PASSED, APPROVED and ADOPTED this 23rd day of January,
2007.

PANGUITCH CITY

By: J. Cooper
J. ARTHUR COOPER, Mayor

PANGUITCH CITY ORDINANCE NO. 2019-

AN ORDINANCE AMENDING PANGUITCH CITY CODE CHAPTER 17.24 WITHIN THE CITY OF PANGUITCH, STATE OF UTAH.

WHEREAS, the City Council, as the governing body of the City of Panguitch, State of Utah, specifically finds that it is in the best interest of the safety and welfare of the citizens of the City of Panguitch to amend Panguitch City Code 17 as follows

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

Section 1: AMENDMENTS AND PURPOSE:

17.24.010 - Purpose.

The purpose of this chapter is to provide clarification regarding dwellings on a single lot within the City of Panguitch. The purpose is also to provide for the need to recover extra costs associated with lots containing “mother in law” homes or “vacation rentals” or “Airbnb rentals.”

- (1) As of the date this Ordinance is passed and approved by the City Council, it will no longer be allowable for single lots to have “mother in law” homes or “vacation rentals” or “Airbnb rentals” for a commercial purpose in residential neighborhoods.
- (2) As of the date this Ordinance is passed and approved by the City Council, those lots containing more than one house or accessory building shall pay double water and sewer rates due to the impact of the other building, unless the lot has two meters

Section 2: SEVERABILITY:

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

Section 3: PARAGRAPH HEADINGS:

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

Section 4: REPEALER:

Any previously enacted ordinances or parts thereof which are inconsistent with this ordinance are hereby repealed, but only to the extent that they are inconsistent with this

ordinance. The repealer shall not, however, be construed to revive any ordinance heretofore repealed.

Section 5: EFFECTIVE DATE:

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

PASSED, APPROVED, ADOPTED and ORDAINED this _____ day of
_____, 2019

PANGUITCH CITY:

By: _____
KIM SOPER, Mayor

ATTEST:

TYRISSA HOWELL
Clerk

10.12.050 - Unlawful parking.

- A. *Parking at curb.* No motor vehicle shall be parked with the left side of the vehicle next to the curb, except on one way streets. It shall be unlawful to stand or park any motor vehicle in a street other than parallel with the curb and with the two right wheels of the vehicle within twelve inches of the regularly established curb line except on those streets which have been marked for angle parking; then vehicles shall be parked at the angle to the curb indicated by such marks.
- B. *Vehicles for sale.* It shall be unlawful to park any vehicle on any street for the purpose of displaying it for sale, or to park any vehicle from which merchandise is peddled on any business street.
- C. *Loading zone.* When not otherwise posted or subject to another ordinance of this municipality, it shall be unlawful for the driver of a passenger vehicle to stand or park such vehicle for a period of time longer than necessary for the loading or unloading of passengers, not to exceed three minutes, and for the driver to stand or park any freight carrying motor vehicle for a period of time longer than is necessary to load, unload and deliver materials, not to exceed 30 minutes in any place designated by resolution of the governing body as a loading zone and marked as such, or in any of the places described in the appropriate appendix to this Code.
- D. *Alleys.* No person shall park a motor vehicle within an alley in such manner or under such conditions as to leave less than ten feet of the width of the roadway available for the free movement of vehicular traffic. No person shall stop, stand or park a vehicle within an alley in such a position as to block the driveway entrance to any abutting property.
- E. *Cab stands—Bus stands.* No motor vehicle other than a licensed taxicab shall be parked in any area designated by ordinance as a taxicab stand and no vehicle other than a bus shall be parked in a place so designated as a bus loading zone.
- F. *Parking prohibited.* It shall be an infraction for any person to park or leave standing on any public road, street, alley or municipal property any motor vehicle for 48 or more consecutive hours, and any vehicle so parked or left standing may be impounded and removed by the chief of police. For purposes of impoundment and removal, the chief of police may impound and remove any motor vehicle which reasonably appears to have remained unmoved for 48 consecutive hours. The cost of impoundment and removal shall be charged to the owner or any person who claims the impounded motor vehicle.
- G. It shall be unlawful for any vehicle to be parked overnight at or on the public parks of Panguitch City.
- H. **It shall be unlawful for any vehicle to be parked on Main Street between Center Street and 200 North for more than two hours at a time.**

(Prior code § 11-344)

PENDING BUSINESS

June 11, 2019

- Bike path up Lake Road
- Cameron Motel/other blight and abatement
- Panguitch City Springs rehabilitation
- Roads

Donations

City Council Donations – July 2017 – June 2018

4/2017	Patchway Parkway Byway	1500.00
6/2017	Panguitch Homecoming	2000.00
5/2017	24 th Dinner (Fire Department)	2653.96
7/2017	Junior Livestock Show	2000.00
9/2017	Panguitch Fishing Derby	2000.00
10/2017	Shooting Range	200.00
10/2017	Christmas in the Country	500.00
10/2017	Sub for Santa	300.00
12/2017	Eagle Scout Project-Parker Brinkerhoff	331.10
2/2018	3 on 3 BB tournament	1000.00
2/2018	Easter Egg Hunt	300.00
2/2018	Program Ads Girls & Boys State BB	200.00
2/2018	Mid Utah Radio Basketball ads	300.00
2/2018	Sportscast Region & State BB	400.00
3/2018	Bryce Canyon Half	250.00
3/2018	Panguitch Elementary	200.00
4/2018	FCCLA Nationals	1500.00
4/2018	Little League Baseball	600.00
5/2018	flower pots	165.00
5/2018	Garfield Memorial Foundation Dinner	500.00
6/2018	TARS Nationals	600.00

Total

\$17,500.06

City Council Donations – July 2018 – June 2019

3/2018	Patchway Parkway Byway	1500.00
7/2018	Panguitch Homecoming	2000.00
7/2018	Junior Livestock Show	2000.00
9/2018	Eagle Scout Project – Nathaniel Sarles	
10/2018	Eagle Scout Project – Klyn Fullmer	481.00
11/2018	Sub for Santa	500.00
11/2018	Christmas in the Country	300.00
2/2019	Bryce Canyon Half & 5K	250.00
2/2019	Mid Utah Radio Basketball ads	
2/2019	Sportscast Region & State BB	400.00
3/2019	PHS Wrestling	225.00
3/2019	Easter Egg Hunt	400.00
4/2019	FCCLA Nationals	600.00
4/2019	FBLA Nationals	300.00
5/2019	Garfield Memorial Foundation Dinner	500.00

Total

\$9456.00

City Council Donations – July 2019 – June 2020

4/2019	Patchway Parkway Byway	1500.00
5/2019	Junior Livestock Show	2000.00