

PANGUITCH CITY ORDINANCE NO. 2021- 2

AN ORDINANCE AMENDING PANGUITCH CITY CODE CHAPTER 17.45.050 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 17.45.050 as follows:

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

Definitions

Temporary lodging in a single-family dwelling for less than 30 consecutive days.

Conditional Use Permit and Business License Required

1. A conditional Use Permit for Short - Term Vacation Rentals shall be required for all Short - Term Vacation Rentals, regardless of the zone of the property. No dwelling in any zoning district shall be occupied, advertised, or use as a Short - Term Vacation Rental Property by the until the owner has obtained an approval City Building Inspector and a business license for a Short - Term Vacation Rental issued in accordance with the provisions of this Ordinance.
2. The Owner of any Short-Term Vacation Rental shall be required to collect and remit all Transient Room Taxes and appropriate Sales and Use Taxes by the end of the year. The City shall suspend all permits and license for Short - Term Vacation Rental more than one (1) year past due on applicable taxes until Owner has paid all applicable taxes.
3. If an individual is managing more than one Short-Term Vacation Rental property, a separate Conditional Use Permit and Business License shall be required for each Short - Term Vacation Rental property, in addition to Business License required for the Manager themselves.
4. Planning and Zoning shall recommend approval or denial of the conditional use permit to City Council.
5. Panguitch City reserves its right to revoke a conditional use permit issued under this section if: A licensee engages in a pattern of unlawful activity or under other provisions of state law or local ordinance.
6. Panguitch City Municipal Code 17.24.020 states: Accessory buildings and uses incidental 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.

Limit on Total Number of Short – Term Vacation Rentals

The total number of Vacation Rental Business licenses issued within the City of Panguitch shall be limited in accordance with the following:

1. Excluding Light and Medium Commercial Zones, the total number of Short – Term Vacation Rental Business Licenses issued to permitted residential single family zones shall be limited in accordance with the following: Six percent (6%) of total resident water meters within the residential zones.
2. The total number of licenses available each year shall be recalculated February 1st based on an estimated number of residences meters within the residential zones.
3. If a complete application meeting all other requirements for licensure is received after the maximum number of licenses has been issued, the application shall be placed on a waiting list in the order of the date of receipt of a completed application. No fees will be due until a license becomes available.
4. In the event of a sale or other transfer of any property containing a dwelling licensed as a vacation rental, the purchaser or transferee of the property shall be required to apply for a new license within sixty (60) days of the date of purchase or transfer. In the event that the purchaser or transferee fails to apply for a new license within said sixty (60) days, the license will be forfeited, and the owner(s) must re-apply for any available license or be placed on the waiting list.

Fees

Fees shall be charged for Short - Term Vacation Rental inspections, Conditional Use Business Licenses and such other services required by this Ordinance to be performed by public officers, or agencies. Such Fees shall be established by the legislative body and shall be referred to in the Panguitch City Planning and Zoning Fee Resolution.

Authorized Agent or Representative

1. An Owner may designate an agent or a representative to comply with the requirements of this Ordinance on behalf of the Owner. The designated agent or representative is referred to as "Manager" in this Ordinance.
2. The Owner shall not be relieved from any responsibility or liability for noncompliance with any applicable law, rule or regulation pertaining to the use and occupancy of the subject Short - Term Vacation Rental, regardless of whether such noncompliance was committed by the Owner, Manager, Local Contact Person or the occupants of the Owner's Short - Term Vacation Rental or their guests.
3. Manager Availability. While a Short - Term Vacation Rental unit is occupied, the Manager and/or designated Local Contact Person shall be reasonably available for the purpose of responding to complaints regarding the condition, operation or conduct of occupants of the Short - Term Vacation Rental, or their guests.
4. Manager Responsibility for Guest's Conduct. The Manager and/or designated Local Contact Person shall use reasonably prudent business practices to ensure that the occupants and/or guests of the Short - Term Vacation Rental do not create unreasonable noise or disturbances,

engage in disorderly conduct, or violate any applicable law, rule or regulation pertaining to the use and occupancy of the subject Short - Term Vacation Rental.

7. **Manager Response to Complaint.** The Manager and/or Local Contact Person shall, upon notification that any occupant and/or guest of the Short - Term Vacation Rental has created unreasonable noise or disturbances, engaged in disorderly conduct or committed violations of any applicable law, rule or regulation pertaining to the use and occupancy of the subject short-term unit, respond within one (1) hour to halt or prevent a recurrence of such conduct. Upon failure of the Owner, Manager or Local Contact Person to respond to calls or complaints in one (1) hour regarding the condition, operation or conduct of occupants and/or guests of the Short - Term Vacation Rental, the Owner and/or Manager or Local Contact Person may be subject to all administrative, legal and equitable remedies available to the City.

Complaints received by Panguitch City

- 1st Complaint – A letter will be sent to the property owner.
- 2nd Complaint – Another letter will be sent to the property owner. Conditional use permit is now in jeopardy.
- 3rd Complaint – Property owner will be asked to attend City Council meeting to discuss the complaint with the city council members.

Parking Regulations

The owner of any property licensed as a Short - Term Vacation Rentals shall provide off street parking for guests in accordance with the following:

1. Off street parking shall be provided on the same lot as the dwelling which is licensed as a Short - Term Vacation Rentals.
2. Parking shall be provided at one vehicle per bedroom. Tandem spaces on a driveway may be used.
3. A maximum of three cars may be parked on the Panguitch City right-of-way. Any additional parking must be provided on the premises.
4. Autos parked on Panguitch City right-of-way must not restrict traffic flow or infringe on other property rights-of-way.
5. Overnight camping on Short - Term Vacation Rentals properties
 - No camp trailers on Short - Term Vacation Rentals property will be allowed.
 - No tents on Short - Term Vacation Rentals property will be allowed.
 - Motorhomes

Maintenance Standards:

Any property that contains a dwelling which is licensed as a Short - Term Vacation Rentals shall conform to the following standards:

1. Structures shall be properly maintained, painted and kept in good repair, and grounds and landscaped areas shall be properly maintained in order that the use in no way detracts from the general appearance of the surrounding area;

2. Short - Term Vacation Rental unit(s) with more than five (5) sleeping rooms, or the ability to sleep more than ten (10) occupants, shall receive written approval from the Garfield City Building Inspector prior to occupancy of the Short - Term Vacation Rental unit.
3. Each sleeping room must meet current International Building Code requirements for egress.
4. Each dwelling unit shall have at least one operable fire extinguisher.
5. 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).
6. An operable carbon monoxide detector on each floor installed per the manufacture's specifications, when gas appliances are utilized in the structure; and
7. 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 taken up and impounded. The owner of any dog running at large shall be fined per Panguitch City current fee schedule 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.

Prevention of Noise, Nuisance or Trespass

The owner of any dwelling licensed as a Short - Term Vacation Rentals shall be responsible to ensure that guests or occupants of the Short - Term Vacation Rental do not:

1. Create noises that by reason of time, nature, intensity, or duration are out of character with noises customarily heard in the surrounding residential neighborhood.
2. Disturb the peace of surrounding residential property residents by engaging in shouting, fighting, playing of loud music, discharging fireworks, racing of cars or recreational vehicles on streets, engaging in outside recreational activities after 10 p.m., or other similar activities.
3. Interfere with the privacy of surrounding residents or trespass onto surrounding residential properties.
4. Engage in any disorderly or illegal conduct, including illegal consumption of drugs and alcohol.
5. Outdoor pools, hot tubs or spas shall not be used between the hours of eleven o'clock (11:00) p.m. and six o'clock (6:00) a.m.

Required Posting

The following information must be posted in a clear, concise, and unambiguous manner and in a conspicuous location inside any dwelling licensed as a Short - Term Vacation Rentals:

1. A copy of the Short - Term Vacation Rentals business license.
2. The name, address, and phone number of the owner or property manager.
3. The location of all fire extinguishers and emergency exits.
4. A list of all rules applicable for Short - Term Vacation Rentals.
5. The maximum occupancy of the dwelling unit and the maximum number of vehicles allowed.
6. Trash pick-up day and applicable rules and regulations pertaining to leaving or storing trash on the exterior of the property; and
7. A map showing property boundaries and parking spaces.

Fencing

Privacy fence must be installed for back yards. See Panguitch City fencing ordinance for detailed installation information.

Signage

The owner of any property containing a dwelling licensed as a Short - Term Vacation Rentals shall cause to be displayed in the City of Panguitch recommend approval by the Planning and Zoning Committee and approved by the City Council the location on the exterior of the property an approved sign containing the Air bnb or Short - Term Vacation Rentals Company Name, 24 hour-per-day, 365 day-per-year telephone number of the owner or other party designated by the owner as property manager who will be responsible for receiving and resolving complaints regarding activities on the property and the conduct of its occupants and guests. No business signs are used with the exception of one unlighted sign concerned with the home occupation or office of a professional person not to exceed 15 square feet in area which shall be attached to or parallel with the building. No business sign shall be more than 12 inches from the building (Title 17.44.040 Zoning, Home Occupancy, Conditions (D)).

Miscellaneous Rules and Regulations

The following rules and regulations shall apply to any dwelling for which a Short - Term Vacation Rentals business license has been issued:

1. The owner or property manager shall provide information on current occupants to police, emergency, or city personnel as requested. The owner or other person designated as the property manager shall respond to complaints and concerns within one (1) hour of any phone call or other notification. Failure of the owner or property manager to respond in a timely manner may result in a violation and possible fines to the business license holder and property owner.
2. The requirements of this section shall be in effect throughout the time a Short - Term Vacation Rentals license is in effect on the property, regardless of whether the property is occupied by the owner, non-paying guests of the owner, or paying guests of the owner. The City finds that, given the practical difficulty of determining whether or not the occupants are paying guests, enforcement of the requirements contained in this section shall be based on whether the property is licensed as a Short - Term Vacation Rentals.

Short – Term Rental Building Inspection Required

An inspection for compliance with the regulations set forth in this Ordinance of a Short - Term Vacation Rentals property for compliance with these regulations will be performed by the City Building Inspector prior to approval of the Conditional Use Permit and Business License. Additional inspections may be performed with 24-hour notice to the license holder/property manager if deemed necessary by the City Building Inspector.

Sale or Transfer of Property

In the event of a sale or other transfer of any property containing a dwelling licensed as a Short - Term Vacation Rental, the purchaser or transferee of the property shall be required to amend the Conditional Use Permit and Business License within thirty (30) days of the date of purchase of transfer. In the event that the purchaser or transferee fails to make necessary amendments within said thirty (30) days, the license will be forfeited, and the Owner must re-apply for all appropriate inspections, permits and licenses.

Enforcement Provisions

1. Any Owner of any dwelling within Panguitch City who allows or permits occupation of said dwelling as a Short - Term Vacation Rental, as defined herein, without having first obtained a Conditional Use Permit and Business License in accordance with the provisions of this Ordinance shall 1) receive a request from Panguitch City to come into compliance; 2) upon failure to respond to the first request within thirty (30) days, receive a formal incompliance notice from the City Attorney; and 3) upon failure to respond to the second notice within fourteen (14) days, the Owner may be guilty of a Class C misdemeanor, which shall be punishable by a fine of up to \$750, imprisonment for up to 90 days or any combination thereof for each such violation.
2. Any Owner of any dwelling within Panguitch City who, having first obtained a Conditional Use Permit and Business License for use or occupation of said dwelling as a Short - Term Vacation Rental, thereafter, operates or permits operation of said Short - Term Vacation Rental in violation of the terms and provisions of this Ordinance may be guilty of an Infraction, and may be punished by a fine of up to \$750 for each such violation.
3. Violation of any provision of this section regulating Short - Term Vacation Rentals shall constitute a separate offense for each day said violation occurs or continues.
4. In the event of any one (1) violation of this Ordinance committed by an Owner, Manager, Local Contact Person or guest, the City Council may, depending on the nature or extent of the violations, proceed with revocation of the Conditional Use Permit and/or Business License for any Short - Term Vacation Rental property in accordance with the provisions of this Ordinance.

Appeals

Any person or entity aggrieved by a decision in the enforcement and/or administration of this Section shall have the right to appeal such decision to the City Council if a written request for an

appeal is filed with the Planning and Zoning administrator within fourteen (14) days of verification that the aggrieved person or entity has been made aware of the decision.

General Provisions

Sections of the Panguitch City Administrative Code identified in this Ordinance shall be, and hereby are, amended with the express intent of allowing Short - Term Vacation Rentals as a permitted use for the zones prescribed herein in accordance with Utah State law.

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.

PARAGRAPH HEADINGS:

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

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.

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 _____, 2021

PANGUITCH CITY:

By: _____
KIM SOPER, Mayor

ATTEST:

TYRISSA HOWELL
Clerk