

# 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 health, safety, and general 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

This title shall be interpreted using the definitions provided in **Utah Code § 10-20 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:

1. **“building official”** means 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.
2. **“city”** means the City of Panguitch, Garfield County, State of Utah.
3. **“city council”** means the elected legislative body for Panguitch City, State of Utah.
4. **“city attorney”** means the attorney appointed by the city council to 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.
5. **“city manager”** means the official designated by the city council as the appointed administrator for Panguitch City, State of Utah.
6. **“county”** means Garfield County, State of Utah.
7. **“local health department”** means the Southwest Utah Public Health Department.
8. **“planning commission”** means the planning commission for the city of Panguitch, formally appointed by the city council.
9. **“state health department”** means the State of Utah Department of Environmental Quality.
10. **“zoning map amendment”** means an amendment to the official zoning map of Panguitch City, and 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/clerk 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/clerk 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**

**References to State Law**

References in this code to the Utah code annotated, the Utah administrative code, or other state statutes or regulations shall include all current provisions and any future amendments, unless the context expressly indicates otherwise.

**Adoption by Reference**

1. In accordance with **Utah Code §§ 10-3-708 and 10-3-709**, the city council may adopt by reference any state statute, administrative rule, technical code, or standard by ordinance, without setting forth the full text of the adopted material.
2. Any such adopted material shall be clearly identified in the adopting ordinance and made available for public inspection at the city offices during regular business hours.

## **Amendment or Repeal**

The city council may amend or repeal any incorporated provision by ordinance. Such action does not require separate publication of the referenced statute, rule, or standard.

## **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/clerk 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 municipal 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.

### **1.12.110 APPEAL OF ADMINISTRATIVE CITATIONS**

#### **1. Right to Appeal**

Any person receiving an administrative citation issued under this code may appeal the citation to the city within fourteen (14) calendar days from the date the citation was issued.

#### **2. Filing the Appeal**

- a. Appeals shall be submitted in writing to the city recorder/clerk and shall include:
- b. The appellant's name, address, and contact information;
- c. A copy of the citation being appealed; and
- d. A statement describing the specific grounds for appeal.
- e. The filing of an appeal does not stay any required abatement or corrective action unless expressly authorized by the city.

#### **3. Hearing Officials**

- a. The city council shall review and decide appeals of administrative citations.
- b. The city council may affirm, modify, or dismiss the citation based on the evidence presented.

#### 4. **Hearing Procedure**

- a. The city council shall schedule a hearing within a reasonable time after the appeal is filed and provide notice to the appellant.
- b. The appellant and city staff may present evidence, testimony, and witnesses relevant to the citation.
- c. The city council's decision shall be based on a preponderance of the evidence and shall be issued in writing within ten (10) days after the hearing.

#### 5. **Final Decision and Judicial Review**

- a. The decision of the city council constitutes the city's final administrative action.
- b. Any person aggrieved by the decision may seek judicial review in accordance with **Utah Code § 10-3-703** and applicable state law.

# 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

1. Regular meetings shall be held at least once a month at a time and place designated by resolution of the city council.
2. Special meetings may be called in accordance with **Utah Code § 10-3-502**.
3. 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 is the minimum number of council members who must be present, either in person or virtually, for the council to legally conduct official business. A quorum shall consist of a majority of the council (at least 4 council 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**. The mayor shall be a nonvoting member, except in the following circumstances:

1. When the vote of the council results in a tie;
2. When the council votes on whether to appoint or dismiss a city manager; or
3. When the council votes on an ordinance that enlarges, restrains, or transfers the mayor's executive powers or duties.

### **2.08.020 VETO POWER**

The mayor may not veto an ordinance, tax levy, or appropriation passed by the council, as provided in **Utah Code § 10-3b-302(1)(e)**.

### **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 **Utah Code § 10-3-9**:

1. City recorder/clerk/Clerk
2. City Treasurer
3. City Attorney
4. Public Works Director
5. 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/clerk 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 the city council, in compliance with **Utah Code § 10-3-915**.

## **CHAPTER 2.28 FIRE DEPARTMENT**

### **2.28.010 ESTABLISHMENT**

There is hereby established the Panguitch City fire department, a volunteer department organized to protect life and property from fire, hazardous conditions, and other emergencies within the corporate limits of Panguitch City and within any area for which the city may contract or provide mutual aid.

### **2.28.020 FIRE CHIEF – APPOINTMENT**

The position of fire chief is hereby created. The fire chief shall be appointed by the city council and shall serve at the pleasure of the city council.

### **2.28.030 FIRE CHIEF – POWERS AND DUTIES**

1. The fire chief shall have general supervision and command of the fire department and all related operations.
2. During an emergency, the fire chief or the officer in command shall have full authority to take all necessary measures to control and extinguish fires, mitigate hazards, and protect life and property.
3. The fire chief shall:
  - a. Enforce all city ordinances and state laws related to fire prevention and fire safety;
  - b. Maintain the department's apparatus, equipment, and facilities in a state of readiness;
  - c. Prepare and submit reports to the mayor and city council at least annually on activities, incidents, equipment condition, and training;
  - d. Recommend fire prevention, suppression, and emergency management policies and regulations;
  - e. Coordinate with the Utah State Fire Marshal's Office and other fire agencies for mutual aid and compliance with applicable state and federal regulations;
  - f. Establish rules, procedures, and training programs for department members, subject to approval of the mayor and city council.

#### **2.28.040 DEPARTMENT PERSONNEL**

1. The fire department shall consist of volunteer firefighters and other personnel as authorized by the city council.
2. Members shall be appointed by the fire chief with the approval of the city council.
3. Members shall meet qualifications established by the fire chief, including participation in regular training, drills, and certification programs as applicable.
4. Members serve under the direction of the fire chief and are subject to removal by the city council upon recommendation of the fire chief.

#### **2.28.050 AUTHORIZED EMERGENCY VEHICLES**

All fire trucks and other department apparatus operated in response to an emergency are designated authorized emergency vehicles under Utah traffic law and may operate with emergency lights and sirens in accordance with **Utah Code § 41-6a-212**.

#### **2.28.060 REMOVAL OF OBSTRUCTIONS DURING EMERGENCIES**

The officer in charge at an emergency scene may order the removal, cutting, or demolition of any fence, building, or other obstruction, or the closure of any utility service when necessary to control, contain, or extinguish a fire or to prevent injury or loss of life.

#### **2.28.070 CONTROL OF PERSONS OR TRAFFIC DURING EMERGENCIES**

1. All persons present at or near a fire or emergency scene shall comply with the lawful orders of any firefighter or police officer.
2. Vehicles shall not follow any emergency apparatus responding to a fire or emergency closer than 500 feet, nor drive over fire hoses or obstruct access to hydrants or equipment.
3. Unauthorized persons shall remain at least 500 feet away from emergency operations unless permitted by an officer in charge.

#### **2.28.080 INTERFERENCE WITH FIREFIGHTERS**

It is unlawful for any person to obstruct, hinder, or interfere with any firefighter or emergency responder in the performance of their duties, or to disobey lawful orders given at the scene of a fire or emergency. Violation of this section is an infraction.

#### **2.28.090 DAMAGE OR INTERFERENCE**

Any person who willfully injures, damages, defaces, or obstructs any fire apparatus, hydrant, water supply, or alarm system, or interferes with firefighting operations, shall be guilty of a Class B misdemeanor and subject to penalties as provided by law.

### **2.28.100 POST-FIRE INVESTIGATION AND REPORTING**

The fire chief, or a qualified investigator designated by the chief, shall promptly investigate the cause and origin of all fires within the city. A written report shall be prepared and maintained on file in the fire department office and shared with the mayor, city council, and the Utah state fire marshal's office as required by state law.

### **2.28.110 INSPECTION AND ACCESS AUTHORITY**

The fire chief and authorized officers, upon presentation of proper credentials, may enter any premises at reasonable times to conduct fire safety inspections, enforce fire codes, or investigate hazards, in accordance with Utah law.

### **2.28.120 ASSISTANCE AT FIRES**

All able-bodied persons present at a fire or emergency scene may be requested by the officer in command to assist in operations when necessary to protect life or property. Failure to comply with such lawful orders may be prosecuted under applicable provisions of this code.

### **2.28.130 FALSE ALARMS**

It is unlawful for any person to knowingly give, or cause to be given, a false alarm of fire or other emergency, or to tamper with any part of the city's fire alarm, communications, or suppression systems. A violation of this section is a Class B misdemeanor and subject to restitution for costs incurred.

## **CHAPTER 2.32 PUBLIC WORKS DEPARTMENT**

### **2.32.010 ESTABLISHMENT AND ADMINISTRATION**

There is hereby established a public works department under the general supervision of the public works director. The public works department shall be responsible for the construction, maintenance, and repair of all streets, sidewalks, parks and other public facilities owned by and located within Panguitch City.

The public works director shall be appointed by the city council, and shall serve under the general direction of the city council and city manager.

### **2.32.020 POWERS AND DUTIES**

The public works department, under the direction of the public works director, shall have the following powers and duties:

**1. Construction and Maintenance**

- a. Construct, maintain, and repair all city streets, alleys, sidewalks, bridges, curbs, gutters, culverts, drains, waterways, and other public ways.
- b. Ensure that all public improvements are designed and constructed in accordance with city engineering standards and specifications.

**2. Control of Surface Waters**

- a. Manage and direct all stormwater, drainage, and surface water flows within public rights-of-way, including storm drain systems and natural waterways.
- b. Coordinate with the county and other agencies for flood control, stormwater management, and erosion prevention.

**3. Public Safety and Hazard Response**

- a. Identify, post warnings for, and repair hazards or defects in streets and sidewalks that may endanger public safety.
- b. When necessary, close or barricade streets and sidewalks to protect the public pending repairs.

**4. Inspections and Complaint Response**

- a. Receive, record, and investigate all complaints regarding defective streets, sidewalks, culverts, drains, or other public ways.
- b. Maintain records of all complaints received and actions taken.
- c. Respond to and remedy conditions in a reasonable timeframe consistent with public safety and available resources.

**5. Enforcement of Ordinances**

- a. Enforce city ordinances governing the maintenance, excavation, construction, or obstruction of streets, sidewalks, and public rights-of-way.
- b. Coordinate with law enforcement, building officials, and utilities to ensure compliance with city regulations.

**6. Coordination with Other Departments**

- a. Review and approve street improvement plans associated with subdivisions, building permits, or other developments.

## 7. Recordkeeping and Reporting

- a. Maintain accurate maps, records, and reports of city streets, sidewalks, and public rights-of-way, including maintenance activities, complaints, and repairs.
- b. Submit regular reports to the city council concerning department operations, street conditions, and future improvement needs.

## 8. Permitting and Utility Coordination

- a. Review and issue permits for excavation, trenching, or construction within public streets or sidewalks.
- b. Coordinate with utility providers to ensure restoration of street surfaces and compliance with city standards following utility work.

### 2.32.030 STANDARDS AND REGULATIONS

The public works director may develop and recommend to the city council reasonable rules, specifications, and standards for the construction, maintenance, and repair of city streets and sidewalks. These standards, once adopted by resolution, shall have the force and effect of law.

### 2.32.040 EMERGENCIES AND TEMPORARY CLOSURES

In the event of an emergency or hazardous condition, the public works director, or authorized personnel, may temporarily close or restrict the use of any street, sidewalk, or public way to protect public safety or allow for necessary repairs.

## 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 § 10-20-301**. The planning commission shall act as the land use authority pursuant to **Utah Code § 10-20-102(40)** 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.

The city council may appoint one of its members to serve as a liaison between the council and the planning commission. The liaison may participate in planning commission discussions but shall have no voting authority.

## **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**

Prepare and recommend to the city council a general plan and amendments thereto as provided in **Utah Code § 10-20-401 et seq.**

### **2. Review Land Use Applications**

Review and act upon conditional use permits and other land use applications as designated by ordinance.

**3. Advise on Zoning Matters**

Recommend land use ordinances, amendments, and zoning map amendments requests to the city council.

**4. Conduct Hearings**

Hold public hearings as required by law or when directed by the city council.

**5. Perform Other Duties**

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**

At its first meeting each year, the planning commission shall elect a chair and vice chair from among its members.

**2. Secretary**

The city recorder/clerk, or designee, shall serve as secretary to the planning commission and keep accurate records of all proceedings.

**3. Meetings**

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 § 10-20-302** and the **Utah Open and Public Meetings Act**.

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**

### **2.38.010 ESTABLISHMENT AND AUTHORITY**

In accordance with **Utah Code § 9-8-302**, there is established a historic preservation commission for Panguitch City. The commission shall serve as the local historic preservation body to identify, protect, and enhance historic and cultural resources within the city, and to fulfill the responsibilities required to maintain the city's status as a Certified Local Government (CLG) under state and federal law.

### **2.38.020 MEMBERSHIP AND TERMS**

1. The commission shall consist of not fewer than three (3) members, appointed by the city council.
2. Members shall demonstrate interest, competence, or knowledge in history, architecture, archaeology, planning, or related disciplines.
3. Members shall serve staggered three-year terms and may be reappointed. Vacancies shall be filled for the unexpired term in the same manner as original appointments.
4. Members shall serve without compensation, except for reimbursement of approved expenses incurred in the performance of official duties.

### **2.38.030 OFFICERS AND MEETINGS**

1. The commission shall elect a chair and vice-chair annually from among its members.
2. The commission shall meet at least quarterly, and more often as necessary, at the call of the chair or the city council.
3. A majority of members shall constitute a quorum for the transaction of business.
4. All meetings shall comply with the **Utah Open and Public Meetings Act (Utah Code § 52-4-101 et seq.)**.

### **2.38.040 POWERS AND DUTIES**

The historic preservation commission shall:

#### **1. Identify and Recommend Designations**

Conduct surveys and inventories of historic and cultural resources and recommend properties for designation to the Panguitch City Historic Register, the Utah State Register of Historic Places, and the National Register of Historic Places.

#### **2. Review and Advise**

Review proposed alterations, demolitions, or new developments affecting designated historic properties and make recommendations to the planning commission and city council.

#### **3. Promote Preservation**

Encourage the preservation, restoration, and adaptive reuse of historic structures and sites; and promote public education and awareness of the city's historic resources.

#### **4. Coordinate with State and Federal Agencies**

5. Work with the Utah State Historic Preservation Office (SHPO) and comply with CLG program requirements to maintain certification and eligibility for preservation grants.

#### **6. Policy and Planning Role**

Advise the mayor, city council, and planning commission on preservation policies, land use decisions, and ordinances affecting historic resources.

#### **7. Public Records**

Maintain accurate records of meetings, actions, and recommendations, and ensure public accessibility to such records in accordance with the Government Records Access and Management Act (GRAMA).

### **2.38.050 HISTORIC RESOURCE PROTECTION STANDARDS**

1. When reviewing proposed work on designated historic properties, the commission shall use the Secretary of the Interior's Standards for the Treatment of Historic Properties as a guideline.
2. No alteration, demolition, or relocation of a designated historic property shall occur without review and recommendation by the commission.
3. Recommendations of the commission shall be advisory unless otherwise required by ordinance or state law.

### **2.38.060 ANNUAL REPORT AND COMPLIANCE**

The commission shall prepare and submit an annual report to the Utah State Historic Preservation Office and the city council summarizing its activities, accomplishments, and compliance with CLG requirements under **Utah Code § 9-8-302** and the **National Historic Preservation Act (54 U.S.C. § 300101 et seq.)**.

### **2.38.070 STAFF SUPPORT**

The city manager or designee shall serve as staff liaison to the historic preservation commission, providing technical and administrative support, maintaining records, and assisting with communications between the commission, city council, and other agencies.

## **CHAPTER 2.40 APPEAL AUTHORITY**

### **2.40.010 ESTABLISHMENT**

The city council shall hereby establish an appeal authority in accordance with **Utah Code § 10-20-701** and **Utah Code § 63C-30-2**.

### **2.40.020 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 § 10-20-701(1)(b)** and **Utah Code § 63C-30-202**.

### **2.40.030 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 § 10-20-702**.

## **2.40.040 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 § 10-20-509** 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.

## **2.40.050 FEES**

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

# **CHAPTER 2.44 AIRPORT TECHNICAL ADVISORY COMMITTEE**

## **2.44.010 ESTABLISHED; MEMBERS**

There is hereby established an airport advisory board for Panguitch City, to be known as the Panguitch City airport technical advisory committee.

### **Membership**

1. The board shall consist of **five (5) members**, one of whom shall be a member of the city council.
2. The remaining four (4) members shall be appointed by the city council.
3. Members shall be selected based on knowledge, experience, or interest in aviation, transportation, or economic development, without regard to political affiliation.
4. Members shall serve without compensation, except for reimbursement of reasonable and necessary expenses approved by the city.

## **2.44.020 TERMS OF OFFICE; VACANCIES; REMOVAL**

### **Terms of Office**

1. The board member's terms of service on the board shall be determined by the city council.
2. Of the initial appointments, two (2) members shall serve two-year terms and three (3) members shall serve four-year terms. Thereafter, all appointments shall be for four (4) years.

### **Vacancies**

Vacancies occurring otherwise than by term expiration shall be filled by mayoral appointment, with the consent of the city council, for the unexpired term.

## **Removal**

Any member may be removed from office, with or without cause, upon recommendation of the mayor and majority vote of the city council.

## **2.44.030 OFFICERS; RULES; RECORDS**

### **Officers**

The city council shall appoint a chair and a vice chair from among the members of the board. The chair shall preside at meetings, and the vice chair shall act in the chair's absence.

### **Rules**

The board may adopt reasonable rules of procedure consistent with this code and Utah's Open and Public Meetings Act.

### **Quorum and Voting**

A quorum shall consist of **three (3) members**, and no official action shall be taken without at least three affirmative votes.

### **Records**

The board shall keep public records of all meetings, proceedings, and recommendations, which shall be filed with the city recorder/clerk.

## **2.44.040 MEETINGS**

### **Regular Meetings**

The airport board shall meet as needed, and more frequently as necessary, at a regular time and place designated by the board.

### **Special Meetings**

Special meetings may be called by the chair or at the request of the mayor, city council, or any three members of the board.

### **Public Access**

All meetings shall comply with the Utah Open and Public Meetings Act and be open to the public.

## **2.44.050 POWERS AND DUTIES**

### **1. Advisory Role**

The airport board shall serve as an advisory body to the city council on matters relating to the management, operation, and development of the Panguitch City Airport.

### **2. Responsibilities**

- a. Recommend improvements, maintenance needs, and operational policies for the airport and its facilities;
- b. Review and advise on airport-related budgets, grants, and funding opportunities at the city, state, and federal levels;
- c. Assist in the preparation and review of airport master plans, capital improvement plans, and economic development opportunities related to aviation;
- d. Promote public awareness of the airport's role in local transportation and economic development;
- e. Encourage coordination with regional, state, and federal aviation agencies;
- f. Perform other duties as may be expressly delegated by the mayor or city council.

## **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 2.52 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/clerk 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.

# 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 § 10-6**

### **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 § 10-6**.

### **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 § 59-12-603**.

### **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**.

### **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 § 59-12-301**.

### **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

1. Applications shall be submitted to the city recorder/clerk using forms prescribed by the city.
2. Licenses are **valid for 1 year (January 1 – December 31)** unless otherwise specified.
3. Renewal applications must be submitted **by February 1st**. Applications submitted after the deadline shall be considered delinquent and late penalties shall be applied.

### 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**. Failure to renew a license by February 1<sup>st</sup> may result in a revocation of any license.

### 5.04.060 TRANSFER OF LICENSE PROHIBITED

#### **Nontransferable**

Business licenses issued by Panguitch City are non-transferable.

#### **New License Required**

Any person who acquires, purchases, or otherwise assumes ownership or operation of a business, or any business property, must apply for a new license in accordance with this chapter prior to conducting business.

## **Prohibition**

No person shall operate a business under a license issued to another person.

## **Enforcement**

Violation of this section may result in suspension or revocation of the business license and/or other penalties as provided by law.

# **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 § 76-9-11 et seq.**

## **5.10.020 LICENSE REQUIREMENT**

All businesses selling tobacco or nicotine products must obtain a city tobacco license. The operation of businesses primarily engaged in the sale of tobacco products is prohibited within Panguitch City.

## **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 § 10-8-66** 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/clerk 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**

No person may operate as a solicitor, canvasser, peddler, transient merchant, or itinerant vendor within the city without first obtaining a license from their local jurisdiction and providing evidence to Panguitch City of said license, or as required under this chapter.

### **5.24.020 DEFINITIONS**

1. **“solicitor/canvasser”** means any person traveling door-to-door or from place to place, seeking orders for goods, services, or future delivery, whether or not carrying samples.
2. **“peddler”** means any person selling goods, wares, or produce directly to consumers, either traveling or from a vehicle, including vendors and hucksters.
3. **“transient merchant/itinerant vendor”** means any person or business temporarily selling goods within the city, from a building, vehicle, tent, or other location, including auctions or associations with local merchants.

#### **5.24.030 APPLICATION**

Applicants must submit a written application to the recorder/clerk including:

1. Name, address, and, if applicable, employer or business information;
2. Description of goods or services and sources;
3. Proposed duration and locations of operation;
4. List of other municipalities where business was conducted in the past six months;
5. Disclosure of any criminal convictions;
6. Health clearance for those selling food products; and
7. Authorization for employment if representing a business.

#### **5.24.040 HOURS AND LOCATIONS**

1. Permitted hours of solicitation are from **9:00 a.m. to 7:00 p.m.**, unless otherwise authorized.
2. Solicitation is prohibited in residential areas without express consent.
3. Transient merchants and itinerant vendors, including food trucks, food carts, and other mobile vendors, may not park or operate on city rights-of-way or city property without prior written authorization from the city.

#### **5.24.050 FEES**

The city council shall establish certain application and licensing fees as outlined in the Panguitch City fee resolution.

#### **5.24.070 ADDITIONAL REQUIREMENTS**

This chapter does not waive other city ordinance requirements or fees. Compliance with other applicable city laws remains required.

#### **5.24.080 EXCEPTIONS**

This chapter does not apply to individuals engaged in activities authorized by a church with a permanent Utah structure in place for at least six months.

#### **5.24.090 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

1. **“animal”** means any domesticated or wild creature kept within the city.
2. **“at large”** means any animal not confined or under physical control by its owner.
3. **“owner”** means any person who owns, keeps, harbors, or has custody or control of an animal.
4. **“livestock”** may include horses, cattle, sheep, goats, swine, llamas, alpacas, rabbits, and similar domestic farm animals.
5. **“nuisance animal”** means any animal that habitually makes disturbing noises, damages property, runs at large, or otherwise interferes with the reasonable enjoyment of property or public peace.
6. **“poultry”** may include chickens, ducks, geese, turkeys, and similar fowl.
7. **“vicious animal”** means 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

### 6.08.010 LICENSE AND REGISTRATION REQUIRED

#### 1. License Required

No person may keep, harbor, or maintain any dog six months of age or older without registering and licensing the dog as required by this chapter.

#### 2. Kennels

Kennels may only operate in agricultural zones.

### 3. **Grandfather Provision**

Persons owning more than four dogs over six months of age when this section takes effect may continue to do so. Upon the death or permanent removal of any dog, owners must comply with the two-dog limit.

### 4. **Application**

Applications for dog registration and license shall be submitted to the city or other person authorized by the city council.

### 5. **Issuance and Fees**

- a. The poundmaster or authorized person shall issue licenses once the required fee, set by resolution of the city council, is paid.
- b. Dogs acquired or reaching licensing age after January 1 must be registered and licensed within 90 days; applications received after June 30 require a fee equal to one-half the standard annual fee.

### 6. **License Information and Expiration**

Applications must include the owner's name and address, and the dog's sex, breed, and color. Licenses are valid for the calendar year and expire December 31, regardless of the issue date.

### 7. **Service Dogs**

Service dogs for impaired persons must be registered and licensed, but no fee is required.

## **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**

Any owner of livestock or poultry which 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**.

### **6.21.020 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 of the poundmaster shall include:

1. Capturing stray or nuisance animals;
2. Enforcing licensing, vaccination, and leash laws; and
3. 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-1-2**.

### **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 § 10-20-508**.

### **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**

“**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 law 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, criminal offenses under the **Utah Criminal Code, Title 76, Utah Code Annotated**, as amended to the extent enforceable as municipal ordinances (infractions/misdemeanors). All criminal offenses defined by state law are offenses within the city.

### 9.04.020 APPLICABILITY

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

## CHAPTER 9.08 GENERAL OFFENSES

### 9.08.010 DEFINITION

1. **“offense”** means 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

The purpose of this chapter is to protect residents from excessive or unreasonable noise that disrupts peace, sleep, health, or normal activity.

### 9.10.020 PROHIBITED ACTS

The following acts, among others, are considered loud, disturbing, or unnecessary noises in violation of this chapter:

1. **Amplified Sound, Loud Vocal Noise, and Construction Noise**

Operating any radio, sound system, musical instrument, amplified device, or creating loud yelling or shouting, or performing construction activities in a manner that unreasonably disturbs nearby residents or businesses. Such noise is presumed to be a violation during quiet hours of 11:00 p.m. to 7:00 a.m.

## 2. **Animals**

Allowing any animal to habitually or repeatedly make noise—such as barking, howling, or similar continuous sounds—that unreasonably disturbs nearby residences.

## 3. **Noise Near Sensitive Locations**

Creating excessive noise adjacent to schools, courts, churches, or hospitals when such facilities are in active use, if the noise interferes with their normal operations.

## 4. **Amplified Sound from Vehicles**

Using loudspeakers, amplifiers, or sound systems on vehicles in a manner that unreasonably disturbs persons in the vicinity.

### **9.10.030 EXEMPTIONS**

The following activities are exempt from this chapter:

#### 1. **Agricultural Operations**

Noise resulting from normal agricultural activity, including livestock movement, feeding, irrigation pumps, machinery use, haying, and other customary agricultural work.

#### 2. **Government Maintenance and Emergency Work**

Noise created by government or utility crews performing road maintenance, snow removal, infrastructure repair, or emergency work necessary for public safety or essential service continuity.

### **9.10.040 ENFORCEMENT**

City officers may issue warnings or citations for violations of this chapter. Repeat or ongoing violations may incur escalating penalties.

## **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**

It is unlawful for any person to engage in fighting, violent or tumultuous behavior, disorderly conduct, or to obstruct a public way, in a manner that unreasonably disturbs or endangers others.

## **CHAPTER 9.28 OFFENSES AGAINST PUBLIC PROPERTY**

### **9.28.010 VANDALISM**

It is unlawful to intentionally damage, deface, or destroy public or private property.

### **9.28.020 GRAFFITI**

Placing graffiti on any structure, sign, or surface without permission is prohibited. The city may recover abatement and cleanup costs from the responsible party.

# 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 Code § 41-6a Utah Uniform Motor Vehicle Act**, 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 AND PENALTIES**

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

### **10.12.040 UNLAWFUL PARKING**

#### **Parking at Curbs**

1. Vehicles shall be parked parallel to the curb with the right-hand wheels within twelve (12) inches of the curb, except on one-way streets where parking on the left side is permitted.
2. On streets designated for angle parking, vehicles shall be parked at the indicated angle.

#### **Vehicles for Sale and Peddling**

1. It is unlawful to park any vehicle on a public street for the purpose of displaying it for sale.
2. No person shall park any vehicle on a business street for the purpose of selling or peddling merchandise.

#### **Loading Zones**

1. Passenger vehicles may not stand or park in a loading zone longer than necessary to load or unload passengers, not to exceed three (3) minutes.
2. Freight or delivery vehicles may not stand or park in a loading zone longer than necessary to load, unload, and deliver materials, not to exceed thirty (30) minutes.
3. Loading zones shall be designated by resolution of the city council and appropriately marked.

#### **Alleys**

1. No vehicle may be parked in an alley in a manner that leaves less than ten (10) feet of roadway available for free traffic movement.
2. No person shall stop or park a vehicle in an alley in a way that blocks access to any driveway or abutting property.

#### **Overnight Parking in Parks**

No vehicle shall be parked overnight on or within any city park or recreational area.

#### **Two-Hour Parking Zone**

Parking is limited to two (2) hours on Main Street between 100 East on Center Street and 200 North on Main Street.

## **School Zone Parking Restrictions**

1. It is unlawful to park, stop, or leave a vehicle standing on the north side of 100 South Street between 100 West and 300 West, or on 200 West Street between Center Street and 100 South, during school pick-up and drop-off times at Panguitch Elementary School.
2. Parking in these areas is permitted at all other times.

### **Penalty**

Violations of this section are infractions and subject to parking fines as established by resolution of the city council.

## **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**.

The speed limit on all city streets shall be **25 miles per hour**.

### **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**

1. **“off-highway vehicle (OHV)”** means any motorized vehicle designed for off-road use, including ATVs, UTVs, dirt bikes, snowmobiles, and golf carts.

### **10.20.020 OPERATION**

#### **Designation of Streets**

Pursuant to the authority granted to the City Council in Section **§ 41-22-10.5 et seq**, all Panguitch City Streets are hereby designated as off-highway vehicle routes to allow off-highway vehicle operators to gain direct access to or from a private or public area open for off-highway vehicle use, except for those routes which are specifically posted closed to off highway vehicle use.

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,  
RIGHTS-OF-WAY, 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.

#### **12.04.100 RIGHT-OF-WAY PERMITS**

##### **Definitions**

1. **“right-of-way (ROW)”** means the area of public property designated for vehicular and pedestrian traffic, utility infrastructure, and public amenities.
  - a. **“ownership”** means the city will retain ownership of all rights-of-ways and may use any or all portions of the right-of-way at any time for public purposes.
  - b. **“permit”** means the authorization granted by the city to individuals or entities for temporary use of the right-of-way.
2. **“encroachment permit”** means the authorization granted by the city for permanent structures or improvements that partially occupy the right-of-way.
3. **“obstruction permit”** means the authorization granted by the city for temporary structures or activities that obstruct the right-of-way.
4. **“excavation permit”** means the authorization granted by the city for any digging or excavation work within the right-of-way.

## **APPLICATION PROCESS**

### **1. Application Submittal**

- a. Any person or entity seeking to conduct work, place structures, or otherwise use a city street, sidewalk, right-of-way shall submit a written application to the city.
- b. The application shall describe in detail the scope, location, purpose, and duration of the proposed activity and must be filed on forms provided by the city.
- c. Applications shall include, as applicable:
  - i. Site plans or diagrams showing the proposed work area and its relationship to existing streets, sidewalks, utilities, and property lines;
  - ii. Construction drawings or product specifications;
  - iii. A proposed schedule of work, including start and completion dates;
  - iv. Proof of liability insurance naming the city as an additional insured;
  - v. Any required bonds, deposits, or fees established by city resolution; and
  - vi. Any other information reasonably required by the city to evaluate the request.

### **2. Review and Evaluation**

- a. Upon receipt of a complete application, the city staff shall review the proposal for compliance with all applicable city ordinances, engineering standards, and safety regulations.
- b. The review shall consider factors including, but not limited to:
  - i. Public safety and accessibility;
  - ii. Traffic flow and pedestrian movement;
  - iii. Protection of city infrastructure and utilities;
  - iv. Noise, dust, and other temporary impacts; and
  - v. Compatibility with adjacent land uses and right-of-way conditions.
- c. The city may require modifications, conditions, or additional information to ensure compliance with city standards.

### **3. Approval or Denial**

- a. The city may approve, approve with conditions, or deny any application based on the findings of the review.
- b. Written notice of the city’s decision shall be provided to the applicant.
- c. Approval of an application does not relieve the applicant of the obligation to obtain any other required city, county, state, or federal permits.

### **4. Compliance and Enforcement**

- a. All approved work shall be performed in accordance with the conditions of approval, city engineering standards, and applicable safety regulations.
- b. The city may inspect the work at any time and may suspend or revoke approval if violations are identified or public safety is compromised.

### **Right-of-Way Permits**

A right-of-way permit is required for any person or entity seeking to conduct work or activities within the right-of-way before commencing any activity. Right-of-way permits shall be issued in compliance with the guidelines and regulations set forth by the city.

### **Encroachment Permits**

An encroachment permit requirement includes but is not limited to any existing or proposed structure or portion thereof that projects onto, under or over any municipal right-of-way such as gravel, asphalt or concrete. The encroachment permit gives the permit holder permission to use a specific portion of the right-of-way until such time as that portion of the right-of-way is needed by the City of Panguitch for public purposes. Encroachment permits are revocable at any time in the interest of public safety.

### **Obstruction Permits**

Obstruction permits are required whenever an object or equipment is placed within the city’s rights-of-way (streets, sidewalks, alleys, and other rights-of-way). Obstruction permits include dumpsters, food carts, full block use, hoisting, parking lane use, scaffolding, sidewalk use, sidewalk cafe, special events, storage containers, etc.

#### **1. Sidewalk Cafe**

- a. Food establishments, such as restaurants and coffee shops, that wish to provide outdoor seating for customers on the public sidewalk adjoining the premises must obtain a sidewalk cafe obstruction permit issued by Panguitch City. This permit allows tables and chairs to be placed in approved public right-of-way areas.

**2. Block Parties on Residential Streets**

- a. The block party permit applies to residential streets and alleys only. The permit supports the gathering of residents of a particular block and those adjacent to the street or alley being closed. Parties organized by commercial or business interests that are advertised and/or open to the broader public are permitted under special events. Gatherings on non-residential streets and those that include the sale of alcohol also fall under special events.

**3. Bicycle Parking**

- a. A right of entry permit is required for bicycle parking racks.

**Excavation Permits**

Excavation permits are required whenever an excavation or underground work is planned within the city’s right-of-way (sidewalks, boulevards, and roadways). Prior to obtaining a permit the proposed work must be reviewed and approved by various city departments. Excavation Permits include geoprobes, House Service Connection, Monitor Well, Sewer, Utility Company Use of Right-of-way, Tree Trench Restoration, Driveways, Sprinkler Systems, etc.

**Enforcement and Penalties**

Violations of this ordinance may result in the revocation of permits, and are punishable in the as an infraction with a fine of \$150.00 per incident, or other penalties as determined by the city. The city reserves the right to take any necessary action to rectify violations and recover associated costs.

**12.04.110 PARKING ON 100 SOUTH**

**Purpose**

The City Council of Panguitch hereby enacts this ordinance to address traffic congestion and safety concerns during specific hours and days on 100 South Street between 100 West and 300 West and on 200 West Street between Center Street and 100 South within the city limits. The Council finds that restricting parking during these times will improve traffic flow and enhance safety in this area.

**Parking Restrictions**

- 1. No person shall park, stop, or leave standing any vehicle on the North side of 100 South Street between 100 West and 300 West or on 200 West Street between Center Street and 100 South (Panguitch Elementary) for the purpose of dropping off or picking up a student.
- 2. Parking on these streets is allowed at all other times.

## **Penalty**

1. Violation of this part shall be considered an infraction, and violators may be subject to penalties as defined by the city's parking enforcement regulations.
2. The current fine for a parking violation is \$150.

## **12.04.120 SIDEWALK MAINTENANCE**

### **Property Owner Responsibility**

1. Owners of property adjacent to a public sidewalk must maintain it in a safe, unobstructed, and clean condition.
2. Maintenance includes snow and ice removal, repairing cracks or uneven surfaces, trimming overhanging vegetation, and preventing hazards to pedestrians.

### **City Authority**

1. If a sidewalk becomes unsafe and the owner fails to maintain it after written notice, the city may repair or abate the hazard.
2. The city may assess the cost of repairs to the property owner as a lien or special assessment against the property.

### **Prohibited Obstructions**

No person shall place or allow obstacles on a sidewalk that interfere with pedestrian use, including debris, merchandise, or construction materials, without a permit.

### **Enforcement**

Violations may be subject to fines, penalties, or costs of abatement as set by city resolution.

## **12.04.130 PUBLIC TREE MAINTENANCE**

### **City Responsibility**

The city shall maintain trees located in public rights-of-way and on city-owned property, including planting, pruning, removal, and disease management.

### **Property Owner Responsibility**

1. Property owners must prevent trees on private property from obstructing sidewalks, streets, utilities, or streetlights.
2. Overhanging branches or roots causing hazards must be trimmed by the owner upon written notice from the city.

### **Prohibited Activities**

No person shall damage, remove, or interfere with public trees without prior written authorization from the city.

### **Enforcement and Penalties**

Violations of this section may result in fines, costs of corrective action, or both, as determined by city resolution.

## **12.04.140 PUBLIC PARKS AND FACILITIES**

### **Use of Parks**

City parks and facilities are for the enjoyment of all residents and visitors. Use must comply with posted rules, city ordinances, and applicable state law.

### **Prohibited Activities**

1. Littering, vandalism, destruction of property, or unsafe activities are prohibited.
2. Alcohol, drugs, and illegal substances are prohibited except as authorized by city permit.
3. Unauthorized commercial activity, camping, or fires is prohibited unless permitted by the city.

### **City Maintenance and Authority**

1. The city is responsible for maintenance, repair, and operation of parks and facilities.
2. The city may close parks or facilities temporarily for maintenance, special events, or emergencies.

### **Enforcement**

1. Violations of this section may result in fines, removal from the park, or criminal citation as authorized by law.
2. Property damage caused by violations may be charged to the responsible person or entity.

**12.04.150 OBSTRUCTIONS AND STORAGE WITHIN PUBLIC RIGHTS-OF-WAY**

**Purpose**

The purpose of this ordinance is to prohibit unauthorized storage and obstructions within public rights-of-way and to establish procedures for enforcement, penalties, and removal.

**Definitions**

- 1. **“right-of-way”** means any public street, alley, sidewalk, shoulder, or other area dedicated or used for public travel or utilities.
- 2. **“storage”** means the placement of any item for more than seven (7) consecutive days.
- 3. **“inoperable vehicle”** means any vehicle that is not currently registered, not capable of safe operation, or unable to move under its own power.
- 4. **“trailer”** means any non-motorized vehicle designed to be towed, including utility trailers, campers, and equipment trailers.
- 5. **“obstruction”** means any item that interferes with the intended use of the right-of-way.

**Prohibited Uses**

It shall be unlawful to place, store, or allow any of the following within a public right-of-way without authorization from the city:

- 1. Inoperable vehicles;
- 2. Trailers, campers, or equipment not actively in use;
- 3. Building materials, debris, or personal property;
- 4. Equipment or machinery;
- 5. Any item that obstructs travel, drainage, utilities, or emergency access.

**Temporary Use Exception**

Temporary placement of items within the right-of-way may be permitted when:

- 1. The use is actively associated with loading, unloading, or construction; and
- 2. The duration does not exceed seven (7) consecutive days; and
- 3. The placement does not create a safety hazard.
- 4. The city may issue permits for temporary extended use where appropriate.

## **Notice of Violation**

Upon determination of a violation, the city shall issue a written notice to the property owner or responsible party.

The notice shall:

1. Identify the violation;
2. Specify corrective action; and
3. Provide a compliance deadline.

## **Penalties**

1. If the violation continues for fourteen (14) consecutive days, the responsible party shall be subject to a civil fine as established by city fee schedule.
2. Each day after the 14<sup>th</sup> day that the violation continues shall constitute a separate offense.

## **Removal by the City**

1. If the violation continues for thirty (30) consecutive days, the city shall authorize the sheriff's office and the contracted towing company to remove and impound the offending items without further notice.
2. The cost of removal, storage, and disposal shall be charged to the property owner or responsible party.
3. Unclaimed property may be disposed of in accordance with applicable law.

## **Immediate Removal**

The city may remove any item immediately without prior notice if it:

1. Creates an immediate threat to public health or safety;
2. Obstructs emergency access; or
3. Interferes with critical infrastructure or utilities.

## **Enforcement**

This ordinance shall be enforced by designated city officials. Remedies may include:

1. Notices of violation;
2. Civil fines;
3. Abatement and removal; and
4. Any other remedy authorized by law.

# PANGUITCH CITY

STATE OF UTAH

## TITLE 13 PUBLIC SERVICES

# TITLE 13 PUBLIC SERVICES

## CHAPTER 13.04 WATER SYSTEM

### 13.04.010 WATER DEPARTMENT ESTABLISHED

1. There is created a Panguitch City water department, responsible for the operation, maintenance, and protection of the city's culinary and secondary water systems.
2. The department shall ensure that both systems are operated in compliance with **Utah Code Title 10, Chapter 8, Section 84 and Utah Code Title 19, Chapter 4, Safe Drinking Water Act.**
3. The department shall administer both systems to provide:
  - a. Safe and reliable culinary water for domestic and commercial use; and
  - b. Efficient and sustainable secondary water for irrigation and outdoor purposes where available.

### 13.04.020 WATER SUPERINTENDENT

1. The position of water superintendent is hereby established. The superintendent shall be appointed by the mayor with the advice and consent of the city council.
2. The superintendent shall supervise all employees and contractors engaged in the operation, maintenance, and expansion of the culinary and secondary water systems and shall serve under the direction of the mayor and city council.

### 13.04.030 DUTIES OF THE WATER SUPERINTENDENT

1. The superintendent shall:
  - a. Manage the daily operation of both the culinary and secondary water systems;
  - b. Ensure compliance with **Utah Administrative Code R309 (Drinking Water Rules) and R317 (Water Quality Rules);**
  - c. Maintain accurate records of system operations, water rights, and distribution maps;
  - d. Oversee water testing, meter reading, and cross-connection control;
  - e. Enforce all city ordinances related to water conservation, irrigation scheduling, and secondary use; and
  - f. Submit regular reports to the mayor and city council on water supply, demand, and system improvements.

2. The superintendent may issue written directives for system safety, maintenance, and conservation consistent with council policy.

#### **13.04.040 WATER SYSTEMS DISTINCTION**

##### **1. Culinary Water System**

- a. The city's culinary water system provides potable water for domestic, commercial, and institutional use.
- b. The system shall meet all state and federal drinking water standards and shall not be interconnected with any secondary water line, well, or irrigation source.
- c. Cross-connections between the culinary system and any non-potable source are strictly prohibited under **Utah Admin. Code R309-105-12**.

##### **2. Secondary Water System**

- a. The city may operate a secondary water system to provide non-potable water for landscape irrigation, agricultural use, and other approved outdoor purposes.
- b. The secondary system shall be clearly identified and physically separated from the culinary system.
- c. Users shall not connect any part of the secondary water system to internal plumbing or any culinary line within a building.
- d. Secondary water may be subject to seasonal restrictions and service limitations based on available supply.

##### **3. Customer Responsibility**

- a. Each property owner shall ensure proper separation between culinary and secondary systems on their property and shall maintain any required backflow prevention devices.

#### **13.04.050 WATER CONNECTIONS AND SERVICE APPLICATIONS**

##### **1. Permit Required**

No person shall connect to, disconnect from, or modify any part of the city's culinary or secondary water systems without a connection permit issued by the city.

## **2. Application for Water Service**

- a. A written application must be submitted to the water department for each new service connection.
- b. Each application shall include:
  - i. Applicant and property owner information;
  - ii. Property location and parcel identification;
  - iii. Type of connection (culinary or secondary);
  - iv. Intended use and estimated demand;
  - v. Payment of all applicable fees and deposits.
  - vi. Developers shall enter into a development or extension agreement when proposing system extensions or multiple connections.

## **3. Connection Standards**

All installations and extensions shall comply with Panguitch City engineering standards and state regulations. Unauthorized connections are prohibited and subject to immediate disconnection and penalty.

### **13.04.060 SERVICE RATES, FEES, AND BILLING**

1. Water service rates, connection fees, impact fees, deposits, and penalties shall be established by city council resolution.
2. Culinary and secondary water rates may differ based on system cost, delivery method, and availability.
3. Bills shall be rendered monthly; late payments may incur penalties or disconnection of service.
4. The property owner is responsible for all water charges regardless of tenant occupancy.

### **13.04.070 WATER CONSERVATION AND USE RESTRICTIONS**

1. Water shall be used only for lawful, beneficial purposes.
2. The mayor and city council may adopt temporary restrictions during droughts, emergencies, or system shortages. These may include:
  - a. Limits on irrigation hours or days;
  - b. Prohibition of nonessential uses such as washing sidewalks or vehicles;
  - c. Seasonal suspension of secondary water service.

- d. Waste of water through leaks, runoff, or excessive irrigation is prohibited. The city may issue warnings or citations for repeated wasteful use.
3. Outdoor watering hours for both culinary and secondary water shall generally be limited to 6:00 a.m.–10:00 a.m. and 6:00 p.m.–10:00 p.m., unless otherwise specified by city resolution.

#### **13.04.080 MAINTENANCE AND REPAIRS**

1. The city is responsible for maintenance of mains, hydrants, meters, and valves located within public rights-of-way.
2. Property owners are responsible for service lines, irrigation laterals, and private plumbing beyond the city's meter.
3. Excavation within public rights-of-way requires a construction permit issued by the city.

#### **13.04.090 METERS AND MONITORING**

1. All culinary connections shall be metered; secondary water connections may be metered or otherwise monitored at the city's discretion.
2. Meters remain the property of the city and may not be altered or tampered with.
3. Customers may request meter testing for accuracy; if the meter is found inaccurate beyond three percent ( $\pm 3\%$ ), the city shall correct billing and refund testing fees.

#### **13.04.100 LIABILITY AND SYSTEM PROTECTION**

1. The city is not liable for interruptions in water service caused by maintenance, emergencies, or natural conditions.
2. It is unlawful to tamper with or draw water from any hydrant, valve, or main without written authorization.
3. The city may terminate service or issue citations for violations of this chapter.

#### **13.04.110 OUT-OF-AREA SERVICE**

1. The city may, at its discretion, provide culinary or secondary water to properties outside the city limits through written agreement approved by the city council.
2. Such agreements shall specify rates, conditions, and system capacity limitations, with priority always given to city residents.

#### **13.04.120 DISCONTINUANCE OF SERVICE**

1. The city may discontinue service for nonpayment, unauthorized use, tampering, or system violation after written notice of at least five (5) days.
2. Reconnection requires payment of all past-due charges, penalties, and applicable reconnection fees.

#### **13.04.130 FIRE HYDRANTS**

1. Fire hydrants are for authorized firefighting and maintenance use only.
2. Unauthorized hydrant use is prohibited and subject to penalty and restitution for any damage.

#### **13.04.140 ENFORCEMENT**

Violations of this chapter may be enforced through administrative citation, service termination, or other remedies authorized by this code. Each day of violation constitutes a separate offense.

### **CHAPTER 13.08 SEWER SYSTEM**

#### **13.08.010 PURPOSE AND AUTHORITY**

1. The purpose of this chapter is to protect public health, safety, and the environment by regulating the construction, use, and maintenance of public and private sewer systems within Panguitch City.
2. The city has authority under **Utah Code Annotated Title 10, Chapters 8 and 9** to adopt and enforce sewer system regulations, including connections, inspections, user charges, and penalties.
3. This chapter applies to all property owners, occupants, and users of buildings within the city or within 300 feet of any public sewer system.

#### **13.08.020 USE OF PUBLIC SEWER SYSTEM REQUIRED**

1. It is unlawful to dispose of human excrement, garbage, or any objectionable waste in any unsanitary manner on public or private property or into any natural outlet within the city.
2. Except where approved treatment is provided, no sewage or polluted water shall be discharged to any natural outlet within the city.
3. Construction or use of privies, septic tanks, cesspools, or other private wastewater disposal facilities is prohibited where a public sewer line connection is available within 300 feet of the property line.

4. Property owners within 300 feet of a public sewer must connect to the system within 180 days of official notice, at their expense. Failure to connect constitutes a class B misdemeanor.
5. Violations of this section may result in fines of at least \$50 per day, with each day considered a separate offense.

#### **13.08.030 PRIVATE WASTEWATER SYSTEMS**

1. Where a public sewer is unavailable, private wastewater disposal systems may be used if they comply with city, state, and Utah Department of Environmental Quality standards.
2. A permit from the city's water and sewer superintendent is required before construction. The permit application must include plans, specifications, and inspection fees.
3. The city may inspect private wastewater systems during construction and before any underground components are covered.
4. Private systems must be maintained in a sanitary manner by the property owner at no cost to the city.
5. When a public sewer becomes available, property owners must connect to the public sewer within 180 days and properly decommission any private system.

#### **13.08.040 SEWER CONNECTIONS AND PERMITS**

1. No person shall make connections, alter, or use public sewers without a written permit from the city.
2. All sewer connection applications must include relevant plans and pay applicable fees.
3. The city may establish sewer connection fees and impact fees by resolution. Fees shall reflect residential, commercial, and industrial use and may be adjusted for equitable distribution of costs.
4. Property owners are responsible for the installation, maintenance, and repair of building sewers from the building to the public sewer. The city is not liable for damage resulting from such work.
5. The city reserves the right to inspect sewer connections and enforce compliance with this chapter and applicable codes.

### **13.08.050 PROHIBITED DISCHARGES**

1. No person shall discharge unpolluted stormwater, groundwater, roof runoff, or cooling water into the public sewer system, except as permitted by the city.
2. Prohibited substances include, but are not limited to:
  - a. Flammable or explosive liquids, solids, or gases.
  - b. Toxic or poisonous substances harmful to wastewater facilities.
  - c. Corrosive substances with pH below 5.5.
  - d. Solid or viscous materials that may obstruct flow (e.g., ashes, metals, plastics, rags, grease).
  - e. Radioactive or odor-producing wastes above regulated limits.
3. The city may require pretreatment, flow control, or other measures to prevent harm to the sewer system.
4. Industrial users must provide information regarding wastewater characteristics, production processes, and peak flow rates as requested.

### **13.08.060 INSPECTION AND ACCESS**

1. Authorized city employees may enter private properties for inspection, measurement, sampling, and testing related to sewer use.
2. Industrial users may withhold information only to protect trade secrets.
3. Grease, oil, and sand interceptors must be installed where required. Property owners are responsible for proper maintenance, disposal, and recordkeeping.
4. The city may require installation of monitoring structures, meters, and other appurtenances at the owner's expense to ensure compliance.
5. Employees must follow safety protocols while on private property; the city assumes liability except where negligence by the property owner occurs.

### **13.08.070 RATES, FEES, AND IMPACT CHARGES**

1. Sewer user charges, connection fees, and impact fees shall be established by city resolution.
2. Fees shall reflect equitable distribution of operation, maintenance, and debt service costs.
3. Property owners within 300 feet of a sewer line are required to connect, pay applicable fees, and maintain the service.

4. Water service may be suspended for delinquent sewer fees until payment is received.
5. Annual review of user charges and operational costs shall be conducted to ensure equity and sufficiency of funding.

#### **13.08.080 ENFORCEMENT AND PENALTIES**

1. Violations of this chapter shall be subject to written notice and a reasonable period for correction.
2. Continued violations after the notice period constitute a class B misdemeanor, punishable by fines up to \$1,000 per violation, with each day treated as a separate offense.
3. Property owners are liable for all damages or costs resulting from violations.

#### **13.08.090 HEARING BOARD**

1. A hearing board may be appointed to resolve disputes between the city and sewer users.
2. Board membership shall include at least one commercial and one residential representative.
3. The board may consult with legal counsel as needed.

### **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**

Panguitch City 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.

# 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 COMPLIANCE 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

1. Review plans and permit applications.
2. Site plan review.
3. Inspect construction sites for compliance.
4. 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 by reference the State of Utah Construction Code as established under **Utah Code § 15A-2-104**, including all statewide amendments and additions to the International Building Code (IBC), International Residential Code (IRC), International Fire Code (IFC), National Electrical Code (NEC), and related model codes adopted by the state. The city may not enact local amendments that conflict with the state-adopted construction code unless expressly authorized by state law.

### **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, stabilize, or demolish any building or structure that poses an imminent danger to life, health, safety, or property.

During emergency demolition or abatement, the responsible party shall implement dust mitigation measures to minimize airborne particulates, including but not limited to:

1. Wetting down debris and exposed soil before and during demolition;
2. Covering or properly containing transported materials; and
3. Cleaning adjacent streets and sidewalks affected by dust or debris.

All emergency actions and dust control activities shall comply with applicable Utah Division of Air Quality regulations and city public health and safety standards.

### **15.32.040 DUST ABATEMENT**

#### **Purpose**

To protect public health, safety, and welfare by minimizing airborne dust and particulate matter generated during demolition, construction, or debris removal activities.

#### **Requirements**

1. Any person or contractor engaged in demolition, grading, excavation, or construction shall implement appropriate dust control measures to prevent visible dust emissions from leaving the site.
2. Acceptable dust control measures include, but are not limited to:
  - a. Regular watering or application of approved dust suppressants to disturbed soil and debris;
  - b. Covering or properly securing trucks hauling loose materials;
  - c. Prompt removal of dirt or mud tracked onto public streets; and
  - d. Limiting vehicle speeds on unpaved surfaces to reduce airborne dust.

#### **Compliance and Enforcement**

Dust control measures shall comply with the standards of the Utah Division of Air Quality (DAQ) and applicable city ordinances.

Failure to implement adequate dust abatement may result in suspension of permits, work stoppage orders, or penalties as provided in this title.

## **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

# CHAPTER 16.04 GENERAL PROVISIONS

## 16.04.010 SHORT TITLE

This ordinance shall be known, and may be cited as the “Panguitch City Subdivision Ordinance” and may be identified within this document as “this ordinance,” or “Subdivision Ordinance”.

## 16.04.020 PURPOSE

This ordinance is established to provide for the orderly division of lands within the incorporated areas of Panguitch City, to avoid incompatibilities in land use, and to secure the provision and long-term maintenance of necessary infrastructure and services in an efficient and economical manner for existing and future residents. This ordinance is also enacted to require that an application for the subdivision of lands in Panguitch City comply with the provisions of this ordinance, Utah law (**Utah Code § 10-20-8 et seq.**).

## 16.04.030 AUTHORITY

This ordinance is enacted under the authority of the **State of Utah Municipal Land Use, Development, and Management Act** [hereinafter “LUDMA”] (**Utah Code § 10-20 et seq.**).

## 16.04.040 APPLICABILITY

This ordinance shall govern and apply to the subdivision of all lands within the municipal boundaries of Panguitch City, Garfield County, State of Utah (hereinafter the “City”).

## 16.04.050 INTERPRETATION

In interpreting and applying the provisions of this ordinance, the requirements contained herein are declared to be the minimum requirements for the purpose set forth.

## 16.04.060 SEVERABILITY

If any section of this ordinance should for any reason be found invalid, by a court of competent jurisdiction, the remaining sections nevertheless shall be carried into effect.

## 16.04.070 FEES

Appropriate fees shall be charged for land use applications, plan reviews, engineering services, variance or appeal requests, or any other service required by this ordinance. Such fees shall be established via resolution by the city council.

## 16.04.080 PENALTIES

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

**16.04.090 APPEALS**

Pursuant to Utah Law, no person shall challenge in District Court, the City's land use decisions made consistent with Utah law, Panguitch City Code, and this ordinance until said person has exhausted all administrative remedies as provided by the City and by **Utah Code § 10-20-11 et seq.**

**16.04.100 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.

**16.04.110 SITE PREPARATION WORK PROHIBITED**

No excavation, grading, or other improvement related to the development of the subdivision shall take place on any land within the proposed subdivision until:

- 1. the final subdivision plat or record of survey has been approved by the City;
- 2. the subdivision plat has been filed or recorded at the office of the County Recorder;
- 3. applicable deeds have been recorded at the office of the County Recorder; and
- 4. all applicable fees have been paid.

**16.04.120 BUILDING PERMITS**

No building permit shall be issued for any lot in a proposed subdivision until the requirements of this ordinance have been met.

**16.04.130 DEFINITIONS**

This ordinance shall be interpreted using the definitions provided in the Zoning Ordinance, LUDMA in addition to, or as modified by the following:

- 1. **“subdivision improvement plans”** mean the civil engineering plans associated with required infrastructure required for a subdivision.
- 2. **“subdivision plat review”** means the review of the applicant’s subdivision improvement plans and other aspects of the subdivision land use application to verify that the application complies with city code and applicable standards and specifications.

# **CHAPTER 16.06 ADMINISTRATIVE LAND USE AUTHORITY**

## **16.06.010 ESTABLISHMENT**

This section hereby establishes the Panguitch City Administrative Land Use Authority.

## **16.06.020 APPOINTMENT**

The city council shall appoint a 3-member board, consisting of the city manager, city recorder/clerk, and the city public works director as the ALUA to consider land use applications arising from subdivision applications within the incorporated areas of Panguitch City.

In the event of a conflict of interest, the city council shall designate a member of the city council to serve in place of the conflicted ALUA board member for purposes of considering the land use application before the ALUA.

## **16.06.030 TERMS**

Members of the ALUA shall serve without term limits and shall continue to serve for the duration of their employment with the city in their respective positions.

## **16.06.040 COMPENSATION**

The ALUA shall not be compensated for the review cycle of a subdivision application. The applicant shall be responsible to pay all fees associated with the subdivision application.

## **16.06.050 DUTIES AND POWERS**

The ALUA shall consider land use applications arising from subdivision applications within the incorporated areas of Panguitch City in accordance with this ordinance and **Utah Code § 10-20-805**.

# CHAPTER 16.08 DESIGN STANDARDS

## 16.08.010 NATURAL CONDITIONS

All subdivisions shall meet the following minimum standards:

1. The design and development of subdivisions shall preserve insofar as possible, cultural or historic sites, natural terrain, natural drainage, existing topsoil, trees, hillsides, etc.
2. Land subject to hazardous conditions (i.e., slides, mud flows, rock falls, snow avalanches, possible mine subsidence, shallow water table, open quarries, floods, etc.) shall be identified and may not be subdivided until the hazards have been eliminated or will be eliminated by the subdivision and construction plans.

## 16.08.020 LOT STANDARDS

All lots in a subdivision shall meet the following minimum standards:

1. Lots and buildings shall meet the minimum area, width, and setback requirements of the Panguitch City zoning code.
2. All lots shall have written approval from the local or state health department for onsite wastewater disposal.
3. All lots shall front a public or private street or road with legal access.
4. No single lot shall be divided by a Panguitch City and Garfield County boundary line.
5. Lots on a cul-de-sac shall have a minimum 30' width at the front property line.

## 16.08.040 PLANNED UNIT DEVELOPMENTS – OPEN SPACE

### 1. Purpose

This section is provided as an alternative subdivision layout option to encourage the preservation and protection of open space and scenic, cultural, historic, and sensitive lands located within the city. This subdivision layout option is designed to promote efficiencies in the delivery of required infrastructure, facilities, and services in subdivision development. The planned unit development also provides an opportunity to promote the desired goals and policies to enhance the community character of the city.

## 2. Zoning Districts

Planned Unit Developments may be allowed in the following zoning districts:

- a. Agricultural (A);
- b. Residential (LDR);
- c. Medium Density Residential (MDR); and
- d. Commercial (C).

## 3. Application

A planned unit development application shall be made as a preliminary subdivision application and a final subdivision application, and is subject to subdivision review and approval standards as provided by this ordinance for a preliminary and final subdivision application.

## 4. General Requirements

### a. Lot Area

In order to achieve the effect of clustering and provide desirable open space, the minimum lot area within a planned unit development may be smaller than the minimum size required in the zoning district, as approved by the city Council through development agreement(s).

### b. Lot Width and Frontage

The minimum lot width and minimum lot frontage provided for each lot located within a planned unit development may be reduced from the minimum requirements of the zoning district, as approved by the city council through development agreement(s).

### c. Setbacks

The minimum front, side, and rear yard setback requirements provided for each lot located within a planned unit development may be reduced from the minimum requirements of the zoning district, as approved by the city council through development agreement(s).

## 5. Open Space

### a. Definition

“open space” means land within a development that is permanently set aside and preserved for active or passive recreational use, conservation of natural resources, protection of sensitive lands, or aesthetic purposes.

Open space shall be free of buildings and structures except those that are incidental and subordinate to its intended use, such as trails, landscaping, utility improvements, and recreational amenities.

**b. Minimum Area**

A planned unit development shall provide for a minimum of 25% of the total acreage of the subdivision site as open space in accordance with the open space standards, maintenance and dedication requirements provided by this section. As practicable, the open space lands within a planned unit development shall be contiguous and shall provide connectivity to other open space areas.

**c. Preservation and Protection**

Open space areas provided in a planned unit development shall be identified as permanently restricted from any future development by a plat note, conservation easement, or other method of long-term protection and preservation. Open space protection and preservation methods shall be recorded concurrent with the recording of the final subdivision plat along with any development agreement(s) as required by the city council.

**d. Ownership**

The ownership of any open space areas shall be in a single ownership and may be owned and maintained by one of the following entities: homeowners' association, land trust, conservation organization, governmental agency or private individual, as approved by the city council.

**6. Maintenance Responsibility**

- a. All preliminary and final subdivision applications proposing a planned unit development shall provide an open space ownership and maintenance plan addressing the proposed ownership and permanent maintenance of the open space area within the planned unit development. The maintenance responsibility of open space areas shall be clearly stated by a plat note, recordable document, or other method approved by the ALUA in concurrence with the final approval of the subdivision plat.
- b. Any amendments to an approved open space ownership and maintenance plan shall be approved by the ALUA.

**7. Improvements Guarantee**

Any planned unit development with required improvement installations and guarantees shall comply with all land use ordinances of the city.

# CHAPTER 16.10 IMPROVEMENT STANDARDS

## 16.10.010 STREET AND ROAD IMPROVEMENTS

### 1. Minimum Standards

Streets and roads shall be designed and built to the minimum standards of the Panguitch City Road and Street Design and Construction Standards and the Wildland Urban Interface Code. The designing engineer shall certify in writing that the minimum standards have been met prior to any site work or issuance of any building permits in the subdivision.

### 2. Lot Frontage

An application to subdivide lands may not be considered unless all proposed lots and other areas to be subdivided have adequate frontage, either by minimum widths or appropriate accesses as required by this ordinance and the zoning ordinance. All lots in a proposed subdivision shall be accessed on a private or public street and road improved to the minimum standards of this ordinance.

### 3. Rights-of-way

Panguitch City streets and roadways shall have the following minimum right-of-way widths:

Street and road Type	Minimum Width
Major Collector	100 feet
Minor Collector	66 feet
Collector Street and road	66 feet
Major Street and road	66 feet
Minor or Frontage Street and road	66 feet
Private Street and road	50 feet

### 4. Easements

Easements shall follow lot lines whenever practical and shall have a minimum width of 20 feet apportioned equally in abutting properties except where the grade or terrain may require additional space for utilities or maintenance of the easement.

**5. Flag Lots**

Flag lots shall be prohibited for any new subdivision developments.

**6. Intersections**

Streets and roads shall intersect at 90-degree angles and no more than 4 streets and roads shall enter any intersection.

**7. Grades**

No street and road shall exceed an 8% grade unless specifically approved by the City and certified by a licensed engineer.

**8. Signage**

Street and road name signs shall be required and shall be installed by the applicant. Signage shall conform to the minimum standards of the city and provided where necessary for proper identification of all streets and roads.

**9. Dedication and Acceptance**

- a. The applicant shall identify public streets and roads and improvements that are to be transferred to public ownership on the subdivision plat or other recordable document. Dedication may not occur until widths, alignments, location and design features of the proposed rights-of-way are approved by the city.
- b. The applicant shall bring public street and roadways and other improvements to the minimum standards of the city and maintain them in that condition for a period of 1 year before maintenance as public facility may be requested. Only after inspection and approval shall the city accept the facilities for public maintenance.
- c. City services may not be provided to the subdivision until maintenance responsibility for the public improvements is accepted, and the facilities are formally dedicated to the city.
- d. In the event the city does not accept maintenance responsibility of the proposed public improvements, the applicant shall be so advised in writing by the city stating the reason for the rejection or necessary corrective actions. If the needed corrections are not made within a reasonable time, as so stated in the notice, the city may have the improvements completed and paid for out of the security deposits for the subdivision.

## **16.10.020 POTABLE DRINKING WATER**

### **1. Supply**

All subdivisions shall have a permanent supply of potable water available to each lot in the subdivision. Hauling water to any lot in a subdivision as the primary source shall be prohibited.

### **2. Approval**

When available, all lots shall be required to connect to the city's culinary water system. Applicable impact fees shall be charged to the subdivider. When connection to the culinary water system is not feasible, water quantity, quality, and distribution system plans shall be approved, in writing, by the State of Utah Department of Environmental Quality and Divisions of Drinking Water and Water Rights.

### **3. Irrigation**

If outdoor water use is anticipated for irrigation, livestock, landscaping, recreation, etc., the city may require an expansion of the secondary water system into the subdivision. If serviced by private wells, additional water rights shall be required for each lot and shall have written approval from the Utah Division of Water rights for such use.

## **16.10.030 WASTEWATER DISPOSAL**

### **1. System**

All subdivisions shall have an approved wastewater disposal system available to each lot in the subdivision.

### **2. Approval**

When available, all lots shall be required to connect to the city's sewer system. Applicable impact fees shall be charged to the subdivider. When connection to the sewer system is not feasible, an onsite wastewater system feasibility application shall be approved in writing by the local health department for any proposed subdivision in Panguitch City.

#### **a. City Sewer System**

A subdivision application proposing connections to the City's sewer system shall include written approval from the city.

**b. Onsite Septic Systems**

A subdivision application proposing individual septic systems for each lot shall include written approval from the health department for wastewater feasibility prior to consideration by the city.

**c. Wastewater Treatment Facilities**

A subdivision application proposing a public or private wastewater treatment facility shall include written approval for wastewater feasibility, and an approved construction permit from the local health department or DEQ prior to consideration by the city.

**16.10.040 FIRE PROTECTION**

**1. Requirements**

All subdivisions shall have a fire protection plan prepared by a licensed engineer and approved by a state, county, or city fire official prior to consideration by the ALUA.

**2. Compliance**

All fire flow, line size, and hydrant standards shall conform to the most currently adopted edition of the International Fire Code by the State of Utah, and its appendices.

**3. Line Size**

Water distribution lines in all subdivisions shall be a minimum of 8 inches in diameter. Minimum line sizes may be increased to provide for required fire flow of at least 500 gallons per minute (GPM).

**4. Fire Flows**

If fire flows are at least 500 GPM, but less than 1,000 GPM, the following exceptions shall be available to the developer:

- a. A fire sprinkler system may be installed by the developer to the minimum standards of the International Fire Code in all structures within a proposed subdivision; or
- b. minimum setbacks of all lots in a proposed subdivision may be increased to:
  - i. Front: 25'
  - ii. Side: 15'
  - iii. Rear: 20'

## **5. Loops and Valves**

Water systems shall be looped when possible and valves shall generally be spaced such that a break in any one length of main will put no more than 1,000 feet out of service during repairs.

### **16.10.050 STORM DRAINAGE**

#### **1. Requirements**

A stormwater drainage system shall be provided and shall be separate and independent of the wastewater disposal system. The final plans for the drainage system shall be prepared by a licensed engineer and approved by the city prior to any site work or issuance of any building permits in the subdivision.

#### **2. Ditches and Canals**

No ditch or canal shall be approved as suitable for the use of storm drainage water without the written permission of the appropriate ditch or canal company or of the water users, for such use. No ditch or canal shall be used for stormwater unless adequately improved to handle such water as might be reasonably expected to flow from canal ditch water, subdivision runoff water, and other water expected to reach such canal or ditch. The applicant shall work with irrigation companies as to the responsibility for the periodic inspection, cleaning, and maintenance of such ditches, pipes, and culverts. In cases where canals or ditches cross public streets and roads or proposed public streets and roads, specifications and grades for pipe or culvert must be approved by the city.

#### **3. Impact on Adjoining Properties Prohibited**

The development of a subdivision may not cause drainage from the subdivision to impact adjoining properties. The designing engineer shall prepare drainage plans to be inspected and approved by the city. Holding and retention basins shall be the preferred method of retaining drainage.

### **16.10.060 FLOOD PLAINS**

All lots in any proposed subdivision shall have sufficient area for the location of a dwelling entirely outside the flood plain, and where all setback requirements of the zoning district in which the subdivision is located, can be met.

### **16.10.070 OTHER UTILITIES**

Installation of utilities shall be provided through underground service in properly recorded easements or rights-of-way. The city encourages existing overhead power lines within a proposed subdivision be relocated underground whenever feasible.

# CHAPTER 16.12 IMPROVEMENTS GUARANTEE

## 16.12.010 GUARANTEE REQUIRED

In lieu of the actual completion and acceptance of the improvements required by this ordinance and before approval of the final plat by the city council, the applicant shall guarantee the installation and construction of the required improvements free from defective material or workmanship and in compliance with all city standards.

## 16.12.020 FORM OF GUARANTEE

Said guarantee shall be in the form of a cash bond or irrevocable letter of credit for an amount equal to 120% of the cost of improvements not previously accepted and as estimated by the developer's engineer and approved by the city.

## 16.12.030 REQUEST FOR FINAL INSPECTION

After the completion of all subdivision improvements, the applicant shall make a written request to the city for a final inspection. Inspections shall be made within 8 days from the date of request by the city supervisor. A letter of final inspection shall be written within 8 days by the city specifying the acceptability of all subdivision improvements, or if rejected, a letter stating the deficiencies.

## 16.12.040 RELEASE OF GUARANTEE

Once all improvements are approved by the city, any guarantee filed with the city therefor shall be released within 5 days from the date of approval. In any event, the applicant shall provide the city with a letter of guarantee stating that all subdivision improvements will be maintained in a good state of repair and free from defective material or workmanship which becomes evident for one year from their request for final inspection, and will supply the bond as required in this section. A 2-year bond may be required pursuant to **Utah Code § 10-20-808**, as amended.

## 16.12.050 INSTALLATION TIME PERIOD

All such improvements shall have been installed within a 1-year time period unless extended by the city council for one additional year.

### **16.12.060 PARTIAL RELEASE**

1. A letter of credit or cash bond may be released in part, as progress payment for improvements, subject to the following conditions:
  - a. The developer shall submit to the Town, a request for payment against the letter of credit, showing to whom and for what amount the release is requested. Upon inspection by the Town, and approval of the requested amount, the Town will authorize the holder of the credit account to disperse the approved payments.
  - b. Said payment requests may be made upon completion of the various phases of development as follows:
    - i. Complete water system installation, including any required storage facility, wells, hydrants or other improvements, etc.
    - ii. Complete street and road construction, including all survey monuments, traffic control and street and road name signs. Street and road construction shall also include storm drainage systems.
    - iii. Complete waste disposal system, as required.
    - iv. Staking of lot corners and any other required survey field work.
    - v. Completion of utilities, including power, telephone, data transmission lines, and natural gas, if bonded by the developer.
2. Requests may not be submitted more frequently than on a monthly basis. A minimum of 20% of each element shall be retained as required for the guarantee bond required in subsection G of this section.

### **16.12.070 RETENTION**

In any event, 20% of the total amount of all improvements shall be retained until one year following completion of the project as a guarantee of quality of improvements. A cash bond or irrevocable letter of credit for 20% of the total amount of all improvements shall be filed prior to the release of the improvement bond.

### **16.12.080 COST ESTIMATE FOR IMPROVEMENTS**

For a developer who proposes to install improvements prior to recording a final plat, as provided by this section, a cost estimate of improvements shall be submitted by the developer's engineer and approved by the city prior to the start of construction, as the basis for determining the amount of the 20% guarantee bond that shall be posted upon final approval of the improvements by the city.

# CHAPTER 16.14 PROCESS FOR SUBDIVISION REVIEW AND APPROVAL

## 16.14.010 CONCEPTUAL PLAN REVIEW

Pre-application meetings for subdivision land use applications are not required pursuant to **Utah Code § 10-20-805(4)(a)(b)**. The city strongly encourages applicants to request a conceptual plan review meeting with city staff prior to submitting a subdivision application in order to identify potential issues, provide guidance on applicable requirements, and improve the completeness and efficiency of subsequent applications.

## 16.14.020 ADMINISTRATIVE LAND USE AUTHORITY

### 1. Preliminary Plat

The ALUA shall complete a preliminary plat subdivision application review at staff level within 30 business days of submission of a complete preliminary application. If a preliminary plat subdivision application complies with the provisions of this ordinance and **Utah Code § 10-20-803**, the ALUA shall approve the preliminary plat.

### 2. Concurrent Processing

If the preliminary plat application is approved by the ALUA without modifications, it shall be considered the final plat.

### 3. Final Plat

The ALUA shall complete a final plat subdivision application review within 30 business days of submission of a complete final application. If a final plat subdivision application complies with the provisions of this ordinance and **Utah Code § 10-20-803**, the ALUA shall approve the final plat.

## 16.14.030 FINAL RECORDING

The final subdivision plat shall be recorded by the applicant at the office of the county recorder within 1 year of final plat approval by the ALUA. If the final plat is not recorded within the required timeframe, the final subdivision approval from the ALUA shall be null and void and the applicant shall be required to submit a new preliminary subdivision application for review and consideration by the ALUA.

# CHAPTER 16.16 PRELIMINARY PLAT

## 16.16.010 REQUIREMENTS

### Submission

Preliminary subdivision application forms shall be available on the city's official website and/or the city office and shall be officially submitted to the city. Applications shall only be deemed complete once all requirements of this section have been met.

## 16.16.020 REVIEW OF PRELIMINARY PLAT

The ALUA shall review the preliminary plat application at staff level within 30 business days of submission of a complete preliminary application.

1. In reviewing the preliminary subdivision land use application, the ALUA may require:
  - a. additional information relating to an applicant's plans to ensure compliance with Panguitch City code and approved standards and specifications for construction of public improvements; and
  - b. modifications to plans that do not meet current codes, applicable standards or specifications, or do not contain complete information.
2. The ALUA's request for additional information or modifications to plans under Subsection 1(a) or (b) shall be specific and include citations to all city codes, standards, or specifications that require the modifications to plans, and shall be logged in an index of requested modifications or additions.

## 16.16.030 CONSIDERATION – PRELIMINARY DECISION

After the ALUA has reviewed the preliminary plat, the applicant shall be advised of any required changes and/or additions. The ALUA shall provide written notice to the applicant with the date of approval, required modifications, or denial and the justification for the decision.

## 16.16.040 EFFECTIVE PERIOD

The approval of a preliminary plat shall be effective for a period of 60 calendar days. If the final application is not submitted within the required timeframe, the preliminary application shall be null and void and the applicant shall be required to submit a new preliminary subdivision application for review and consideration by the ALUA.

**16.16.050 EXTENSIONS**

The applicant may request time extensions for the expiration of a preliminary plat approval by submitting a request in writing to the ALUA prior to original expiration date. The ALUA shall review requests for extensions and may only consider the request when the applicant is able to demonstrate no change in circumstance, including physical changes to the property or surroundings, that would result in an unmitigated impact or that would result in a finding of non-compliance with the general plan, zoning ordinance, or this ordinance in effect at the time of the extension request.

**CHAPTER 16.18 FINAL PLAT**

**16.18.010 REQUIREMENTS**

If the preliminary application requires modifications and/or the installation of infrastructure improvements, said modifications and/or improvements shall be made prior to review and consideration of the final plat by the ALUA.

**16.18.020 REVIEW OF FINAL PLAT**

The ALUA shall review the final plat application at staff level within 30 business days of submission of a complete final application.

- 1. In reviewing the final subdivision land use application, the ALUA may require:
  - a. additional information relating to an applicant's plans to ensure compliance with city codes and approved standards and specifications for construction of public improvements; and
  - b. modifications to plans that do not meet current ordinances, applicable standards or specifications, or do not contain complete information.
- 2. The ALUA’s request for additional information or modifications to plans under Subsection 1(a) or (b) shall be specific and include citations to all city codes, standards, or specifications that require the modifications to plans, and shall be logged in an index of requested modifications or additions.
- 3. If an applicant makes a material change to a plan set, the ALUA has the discretion to restart the review process at the 1<sup>st</sup> review of the final application, but only with respect to the portion of the plan set that the material change substantively effects.
- 4. If an applicant does not submit a revised plan within 30 business days after the ALUA requires a modification or correction, the ALUA shall have an additional 30 business days to respond to the plans.
- 5. After the applicant has responded to the final review cycle, and the applicant has complied with each modification requested in the ALUA’s previous review cycle, the

ALUA may not require additional revisions if the applicant has not materially changed the plan, other than changes that were in response to requested modifications or corrections.

- a. In addition to revised plans, an applicant shall provide a written explanation in response to the ALUA's review comments, identifying and explaining the applicant's revisions and reasons for declining to make revisions, if any.
  - b. The applicant's written explanation shall be comprehensive and specific, including citations to applicable standards and ordinances for the design and an index of requested revisions or additions for each required correction.
  - c. If an applicant fails to address a review comment in the response, the review cycle is not complete and the subsequent review cycle by the ALUA may not begin until all comments are addressed.
6. If, on the 4<sup>th</sup> or final review, the ALUA fails to respond within 30 business days, the ALUA shall, upon request of the property owner, and within 10 business days after the day on which the request is received:
- a. for a dispute arising from the subdivision improvement plans, assemble an appeal panel in accordance with **Utah Code § 10-20-1103** to review and approve or deny the final revised set of plans. Unless otherwise agreed by the applicant and the municipality, the panel shall consist of the following three experts:
    - i. one licensed engineer, designated by the city;
    - ii. one licensed engineer, designated by the land use applicant; and
    - iii. one licensed engineer, agreed upon and designated by the two designated engineers as appointed in subsection (a) i and ii of this section.
  - b. A member of the panel assembled by the ALUA under Subsection i may not have an interest in the application that is the subject of the appeal.
  - c. The land use applicant shall pay:
    - i. 50% of the cost of the panel; and
    - ii. the city's published appeal fee; or
7. for a dispute arising from the subdivision ordinance review, advise the applicant, in writing, of the deficiency in the application and of the right to appeal the determination to a designated appeal authority.

**16.18.030 CONSIDERATION – FINAL DECISION**

If the final plat complies with the requirements of **Utah Code § 10-20-8**, this ordinance, and the preliminary subdivision approval, the ALUA shall approve the final subdivision application.

**16.18.040 IMPROVEMENTS**

The ALUA shall require that all improvements be installed and dedicated within 1 year of final plat approval and prior to the signing of the final subdivision plat.

**16.18.050 EFFECTIVE PERIOD**

The approval of a final plat shall be effective for a period of 1 year. If the required improvements are not installed and/or final plat is not recorded within the required timeframe, the final application shall be null and void and the applicant shall be required to submit a new preliminary subdivision application for review and consideration by the ALUA.

**16.18.060 EXTENSIONS**

The applicant may request time extensions for the expiration of a final plat approval by submitting a request in writing to the ALUA prior to original expiration date. The ALUA shall review requests for extensions and may only consider the request when the applicant is able to demonstrate no change in circumstance, including physical changes to the property or surroundings, that would result in an unmitigated impact or that would result in a finding of non-compliance with the general plan, zoning ordinance, or this ordinance in effect at the time of the extension request.

**16.18.070 PHASE DEVELOPMENTS**

1. The final platting of subdivisions may be done in phases. Each phase shall consist of a number of lots which can be completely developed with improvements within a period designated by the ALUA.
2. The intent is that improvements be completed within a reasonable period of time designated by the ALUA. If little to no work has been done within said time period, and there are no immediate plans for substantial work to be completed, the ALUA shall rule the plat null and void by reason of inactivity.
3. When the improvements have been completed and approved by the ALUA, the applicant may submit the next phase of the proposed development in accordance with the provisions of this ordinance.
4. A final plat shall be accepted only upon the submission of qualified evidence indicating that the applicant has the financial ability to complete the proposed improvements for all lots within the phase to be submitted.

**16.18.080 RECORDING**

The final plat shall be recorded, by the applicant, at the office of the county recorder within 1 year of final plat approval by the ALUA. The final subdivision plat shall only be recorded once the required improvements have been installed, approved by the ALUA, and all required signature blocks have been appropriately signed. If the final plat is not recorded within the required timeframe, the final subdivision approval from the ALUA shall be null and void and the applicant shall be required to submit a new preliminary subdivision application for review and consideration by the ALUA.

**CHAPTER 16.20 SUBDIVISION PLAT AND RECORD OF SURVEY REQUIREMENTS**

**16.20.010 SUBDIVISION PLAT**

A subdivision plat submitted to the city shall meet the minimum requirements of **UCA 10-20-803** in addition to the following:

- 1. a title with a unique name not used anywhere else in Garfield County, State of Utah;
- 2. signature blocks for:
  - a. surveyor’s certificate;
  - b. administrative land use authority’s certificate;
  - c. owner’s certificate;
  - d. acknowledgement; and
  - e. certificate of recording.

**16.20.020 AMENDED PLAT**

An amended subdivision plat submitted to the city shall meet the minimum requirements of **Utah Code § 10-20-803**. in addition to the following:

- 1. a title distinguishing the amended plat from the original plat (i.e., Panguitch City Subdivision, 2<sup>nd</sup> Amended, etc.); and
- 2. signature blocks for:
  - a. surveyor’s certificate;
  - b. administrative land use authority’s certificate;
  - c. owner’s certificate;
  - d. acknowledgement; and
  - e. certificate of recording.

**16.20.030 RECORD OF SURVEY**

A record of survey for an exempt subdivision submitted to the city shall meet the minimum requirements of **Utah Code § 17-73-504 et seq.** in addition to the following:

- 1. a title stating “Record of Survey for [the specific exempted subdivision]”;
  - a. (i.e., Minor Lot Subdivision, Agricultural Land Exemption, etc.)
- 2. signature blocks for:
  - a. surveyor’s certificate; and
  - b. administrative land use authority’s certificate.

**CHAPTER 16.22 EXEMPTIONS FROM PLAT REQUIREMENT**

**16.22.010 MINOR-LOT SUBDIVISIONS Utah Code § 10-20-808(1)**

Parcel(s) created from the division of unincorporated land(s) are exempt from the subdivision plat requirements of this ordinance, if:

- 1. the record of survey has been reviewed by the ALUA and certified that the proposed development qualifies as a minor-lot subdivision as set forth herein.
- 2. the parent parcel is being subdivided into five **(5) or less parcels** that all **front** an existing dedicated, accepted, and improved Panguitch City right-of-way;
- 3. each proposed parcel shall conform to minimum area, width, and land use provisions of the current zoning district. An approved zone change in conjunction to the proposed minor-lot subdivision shall be required by the City Council if the above conditions are not met. If the zone change request is denied by the City Council, the minor-lot subdivision application shall be null and void.
- 4. the applicant shall provide the following:
  - a. Will-serve letter from Panguitch City for proposed water connections; or
  - b. if a well is to be drilled, a well permit and water right number(s) with sufficient water rights approved by the State of Utah Division of Water Rights for the proposed location and use of the minor-lot subdivision;
  - c. will-serve letter from Panguitch City for proposed wastewater connections; or
  - d. a subdivision wastewater feasibility study performed by a licensed engineer and approved by the Southwest Utah Public Health Department, if applicable; and

- e. improvement plans for other utilities to be provide, if applicable.
5. a parcel created from a minor-lot subdivision may not be further subdivided within **five (5) years** of the filing and recording date of the minor-lot subdivision where the subject parcel was originally created.
6. evidence of recordable deeds for each proposed parcel in the minor-lot subdivision.
7. the record of survey shall be filed, and accompanied by appropriate deeds for each parcel to be recorded, at the office of the county recorder within 60 calendar days of final approval by the ALUA. If the record of survey is not filed and appropriate deeds are not recorded within the required timeframe, the minor-lot subdivision approval shall be null and void and the applicant shall be required to submit a new preliminary subdivision application for review and consideration by the ALUA.

### **16.22.020 SIMPLE-LOT SUBDIVISIONS**

Parcel(s) created from the division of unincorporated land(s) are exempt from the subdivision plat requirements of this ordinance, if:

1. the record of survey has been reviewed by the ALUA and certified that the proposed development qualifies as a simple lot subdivision as set forth herein.
2. the parent parcel is being subdivided into **three (3) or less parcels** that all **front** an existing dedicated, accepted, and improved Panguitch City right-of-way;
3. each proposed parcel shall conform to minimum area, width, and land use provisions of the current zoning district. An approved zone change in conjunction to the proposed minor-lot subdivision shall be required by the city council if the above conditions are not met. If the zone change request is denied by the city council, the simple-lot subdivision application shall be null and void.
4. a parcel created from a simple-lot subdivision may not be further subdivided within **five (5) years** of the filing and recording date of the minor-lot subdivision where the subject parcel was originally created.
5. evidence of recordable deeds for each proposed parcel in the simple-lot subdivision.
6. the record of survey shall be filed, and accompanied by appropriate deeds for each parcel to be recorded, at the office of the county recorder within 60 calendar days of final approval by the ALUA. If the record of survey is not filed and appropriate deeds are not recorded within the required timeframe, the simple-lot subdivision approval shall be null and void and the applicant shall be required to submit a new preliminary subdivision application for review and consideration by the ALUA.

**16.22.030 AGRICULTURAL LAND EXEMPTIONS Utah Code § 10-20-808(2)**

1. A lot or parcel resulting from a division of agricultural land is exempt from the subdivision plat requirements of this chapter, if the lot(s):
  - a. qualify as land in agricultural use under Utah Code § 59-2-5 Farmland Assessment Act;
  - b. are not used and will not be used for nonagricultural purposes; and
  - c. each have a minimum area of 6 acres.
2. The boundaries of each lot or parcel that is exempted shall be graphically illustrated on a record of survey map and approved by the ALUA.
3. If the agricultural land exemption lots are created via aliquot parts or by metes and bounds descriptions, the record of survey may not be required.
4. Appropriate deeds shall be prepared to meet the requirements of this ordinance and the county recorder’s office.
5. If a lot or parcel exempted as agricultural land is used for nonagricultural purposes as defined by the Farmland Assessment Act, the city shall require the lot to comply with the related plat requirements of this ordinance.
6. Upon final approval from the ALUA, the developer shall file the record of survey with the county surveyor’s office, if applicable, and record deeds with the county recorder’s office.

**16.22.040 METES AND BOUNDS SUBDIVISIONS Utah Code § 10-20-808(3)**

1. a person may not submit a document that subdivides property by metes and bounds unless it contains written approval from the ALUA required by this ordinance. Recording a document otherwise shall be null and void.
2. the boundaries of each lot or parcel that is exempted shall be graphically illustrated on a record of survey and approved by the ALUA.

**16.22.050 PROPERTY BOUNDARY ADJUSTMENTS Utah Code § 10-20-906**

To make a property boundary adjustment (i.e., parcel boundary or lot line adjustment), a property owner shall meet the requirements of **UCA 10-20-906 et seq.**, in addition to the following:

- 1. if a parcel that is the subject of a property boundary adjustment contains a dwelling unit, the city shall require a review of the boundary line agreement to ensure required setbacks and parcel areas are conforming to the corresponding zoning district(s); and
- 2. upon review of the property boundary adjustment, the city shall send written notice of the boundary line agreement's approval to the property owner within 14 days.

**16.22.060 SUBDIVISION AMENDMENTS Utah Code § 10-20-811**

The ALUA may consider an owner's petition for a subdivision amendment if:

- 1. the petition seeks to:
  - a. join 2 or more of the petitioning fee owner's contiguous lots;
  - b. subdivide one or more of the petitioning fee owner's lots, if the subdivision will not result in a violation of this ordinance or a development condition;
  - c. adjust the lot lines of adjoining lots or between a lot and an adjoining parcel if the fee owners of each of the adjoining properties join the petition, regardless of whether the properties are located in the same subdivision;
  - d. on a lot owned by the petitioning fee owner, adjust an internal lot restriction imposed by the local political subdivision; or
  - e. alter the plat in a manner that does not change existing boundaries or other attributes of lots within the subdivision that are not:
    - i. owned by the petitioner; or
    - ii. designated as a common area.

**16.22.070 PUBLIC RIGHT-OF-WAY SUBDIVISIONS**

A parcel of land divided by a public (city, county, or state) right-of-way is exempt from the subdivision plat requirements of this ordinance and the owner of real property may legally subdivide the property, only as it is currently portrayed, by recording deeds at the office of the county recorder. Prior to recording the deeds, the exemption shall be confirmed and approved by the ALUA prior to recording of deeds.

# 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 § 10-20-101 et seq.**

### 17.04.020 AUTHORITY

This Title is adopted pursuant to **Utah Code § 10-20-501** 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 which are more restrictive than this title 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 §10-20)** 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 and shall comply with the Panguitch City fence ordinance.

### **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 § 10-20-532**.
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 PREPARATION WORK PROHIBITED**

#### **1. Residential**

- a. No excavation, grading, or other improvement shall take place on any lot 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 lot 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.

#### **17.16.090 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.

#### **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-1
Residential Medium Density	R-2
Residential High Density	R-3

**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 § 10-20-205(1)** and hold a public hearing on any proposed zoning map amendment.
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. Crop production.
4. Dogs, cats, rabbits, and poultry provided they are contained on the property and do not roam freely at large.
5. Single-family dwellings; one per parcel.

## 17.24.030 CONDITIONAL USES

1. Churches.
2. Cows, horses, nanny goats, 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, billy goats, mink, and other dangerous or nuisance animals are prohibited.
3. Home occupations.
4. Parks or playgrounds.
5. Private stable, corrals, barns, chicken coops.
6. Schools.
7. Short-term rentals, one per parcel.

## 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**

<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>
R	8,000 square feet	75 feet	25 feet	10 feet	20 feet

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

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

**17.24.070 MODIFYING REGULATIONS**

**1. Accessory Buildings**

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**

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. Accessory Buildings and Uses**

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 MEDIUM-DENSITY DISTRICT**

### **17.26.010 PURPOSE**

To provide multi-family residential developments of rural character with regulations intended to prohibit uses that would be incompatible with medium-density residential settings.

### **17.26.020 PERMITTED USES**

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

### **17.26.030 CONDITIONAL USES**

1. Churches.
2. 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, billy goats, mink, and other dangerous or nuisance animals are prohibited.
3. Home occupations.
4. Parks or playgrounds.
5. Private stable, corral, barn, chicken coops;
6. Schools.
7. Short-term rentals, one per parcel.

### **17.26.040 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.

**17.26.050 MINIMUM LAND AREA, WIDTH, AND YARD REGULATIONS**

<b>Dwelling Unit Type</b>	<b>Minimum Area</b>	<b>Minimum Width</b>	<b>Front Yard Setback</b>	<b>Side Yard Setback</b>	<b>Rear Yard Setback</b>
Single-Family Dwelling	8,000 square feet	75 feet	25 feet	10 feet	20 feet
Duplex	8,000 square feet	75 feet	25 feet	10 feet	20 feet
3-4 Family Dwelling Unit	12,000 square feet	100 feet	25 feet	10 feet	20 feet

**17.26.060 MINIMUM STRUCTURE AREA, WIDTH, AND YARD REGULATIONS**

<b>Structure</b>	<b>Maximum Square Footage</b>	<b>Setback to Structures</b>	<b>Front Yard Setback</b>	<b>Side Yard Setback</b>	<b>Rear Yard Setback</b>
Dwelling Units	N/A	10 feet	25 feet	10 feet	20 feet
Accessory Buildings	N/A	10 feet	25 feet	10 feet	10 feet

**17.26.070 MODIFYING REGULATIONS**

**1. Accessory Buildings**

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**

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. Accessory Buildings and Uses**

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.

#### **4. Stormwater and Drainage Plans**

The developer of any multi-family housing project shall submit a stormwater and drainage plan prepared by a qualified professional as part of the application. Any proposed drainage improvement shall prevent impacts to adjacent properties and public infrastructure and must be completed and approved by the city council prior to issuance of certificates of occupancy, unless properly bonded.

#### **5. Roadway Surfacing Requirements for Multi-Unit Developments**

Multi-family housing developments of four (4) or more dwelling units shall be required to install asphalt or concrete on all parking areas, and asphalt, concrete, or chip sealed surfacing on internal drive aisles, access lanes, and private roadways. Gravel or native surfaces shall not be permitted for developments of this scale.

#### **6. Parking**

A minimum of 2 ten (10) foot by twenty-foot (20) parking spaces shall be provided per each dwelling unit in a multi-family housing development. The minimum parking requirements shall be off-street and shall not include parking areas in city rights-of way.

#### **7. Garbage and Refuse Areas**

All RMD properties shall provide adequate garbage collection facilities.

a. Dumpsters and trash containers shall be:

- i. Screened on all sides from public view using fencing, masonry walls, or landscaping;
- ii. Placed on a durable, all-weather surface; and
- iii. Maintained in a clean and sanitary condition.

b. Trash containers shall not be located in required parking spaces, drive aisles, or fire access areas.

#### **8. Internal Rights-of-Way and Private Roadways**

Internal access roads shall be clearly shown on approved site plans, meet city engineering and fire access standards, and accommodate emergency vehicle access and snow removal. Where roadways are privately owned, recorded access and maintenance agreements shall be required.

All private roadways and driveways shall meet the minimum requirements of the city.

## **9. Open Space**

At least **25 percent of the total development area** shall be devoted to public open space, playgrounds, or recreational areas.

## **10. Project Completion Timeline**

All multifamily development applications shall include a project completion timeline identifying construction start, phasing (if applicable), and estimated completion dates for all required improvements. The application shall include items such as fencing, landscaping, drainage, paving, parking, sidewalks, and internal circulation in addition to the building plans.

## **11. Completion of Required Improvements Prior to Occupancy**

No certificates of occupancy shall be issued until all required improvements identified in this title are approved by the city council.

## **12. Financial Guarantees for Incomplete Improvements**

A certificate of occupancy for a fully completed unit may be issued prior to full completion only when a financial guarantee (performance bond, letter of credit, or cash escrow) has been approved by the city council. The guarantee amount should be sufficient to cover completion of remaining improvements.

## **13. Enforcement and Compliance**

Failure to complete required improvements within the approved timeline constitutes a violation of this title and may result in enforcement action, including withholding or revocation of a certificate of occupancy.

# CHAPTER 17.27 RESIDENTIAL HIGH-DENSITY DISTRICT

## 17.27.010 PURPOSE

To provide larger multi-family residential developments of rural character with regulations intended to prohibit uses that would be incompatible with high-density residential settings.

## 17.27.020 PERMITTED USES

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

## 17.27.030 CONDITIONAL USES

1. Churches.
2. 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, billy goats, mink, and other dangerous or nuisance animals are prohibited.
3. Home occupations.
4. Parks or playgrounds.
5. Private stable, corral, barn, chicken coops;
6. Schools.
7. Short-term rentals, one per parcel.

## 17.27.040 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.

**17.27.050 MINIMUM LAND AREA, WIDTH, AND YARD REGULATIONS**

<b>Dwelling Unit Type</b>	<b>Minimum Area</b>	<b>Minimum Width</b>	<b>Front Yard Setback</b>	<b>Side Yard Setback</b>	<b>Rear Yard Setback</b>
Single-Family Dwelling	5,000 square feet	75 feet	25 feet	10 feet	20 feet
Duplex	6,000 square feet	75 feet	25 feet	10 feet	20 feet
3+ Family Dwelling Unit	10,000 square feet	100 feet	25 feet	10 feet	20 feet
Multi-Story Buildings	10,000 square feet	100 feet	25 feet	10 feet	20 feet

**17.27.060 MINIMUM STRUCTURE AREA, WIDTH, AND YARD REGULATIONS**

<b>Structure</b>	<b>Maximum Square Footage</b>	<b>Setback to Structures</b>	<b>Front Yard Setback</b>	<b>Side Yard Setback</b>	<b>Rear Yard Setback</b>
Dwelling Units	N/A	10 feet	25 feet	10 feet	20 feet
Accessory Buildings	N/A	10 feet	25 feet	10 feet	10 feet

**17.27.070 MODIFYING REGULATIONS**

**1. Accessory Buildings**

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**

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. Accessory Buildings and Uses**

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.

#### **4. Stormwater and Drainage Plans**

The developer of any multi-family housing project shall submit a stormwater and drainage plan prepared by a qualified professional as part of the application. Any proposed drainage improvement shall prevent impacts to adjacent properties and public infrastructure and must be completed and approved by the city council prior to issuance of certificates of occupancy, unless properly bonded.

#### **5. Roadway Surfacing Requirements for Multi-Unit Developments**

Multi-family housing developments of four (4) or more dwelling units shall be required to install asphalt or concrete on all parking areas, and asphalt, concrete, or chip sealed surfacing on internal drive aisles, access lanes, and private roadways. Gravel or native surfaces shall not be permitted for developments of this scale.

#### **6. Parking**

A minimum of 2 ten (10) foot by twenty-foot (20) parking spaces shall be provided per each dwelling unit in a multi-family housing development. The minimum parking requirements shall be off-street and shall not include parking areas in city rights-of way.

#### **7. Garbage and Refuse Areas**

All RMD properties shall provide adequate garbage collection facilities.

c. Dumpsters and trash containers shall be:

- i. Screened on all sides from public view using fencing, masonry walls, or landscaping;
- ii. Placed on a durable, all-weather surface; and
- iii. Maintained in a clean and sanitary condition.

d. Trash containers shall not be located in required parking spaces, drive aisles, or fire access areas.

#### **8. Internal Rights-of-Way and Private Roadways**

Internal access roads shall be clearly shown on approved site plans, meet city engineering and fire access standards, and accommodate emergency vehicle access and snow removal. Where roadways are privately owned, recorded access and maintenance agreements shall be required.

All private roadways and driveways shall meet the minimum requirements of the city.

## **9. Open Space**

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

## **10. Project Completion Timeline**

All multifamily development applications shall include a project completion timeline identifying construction start, phasing (if applicable), and estimated completion dates for all required improvements. The application shall include items such as fencing, landscaping, drainage, paving, parking, sidewalks, and internal circulation in addition to the building plans.

## **11. Completion of Required Improvements Prior to Occupancy**

No certificates of occupancy shall be issued until all required improvements identified in this title are approved by the city council.

## **12. Financial Guarantees for Incomplete Improvements**

A certificate of occupancy for a fully completed unit may be issued prior to full completion only when a financial guarantee (performance bond, letter of credit, or cash escrow) has been approved by the city council. The guarantee amount should be sufficient to cover completion of remaining improvements.

## **13. Enforcement and Compliance**

Failure to complete required improvements within the approved timeline constitutes a violation of this title and may result in enforcement action, including withholding or revocation of a certificate of occupancy.

## **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.
5. Youth services centers.

### **17.28.040 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.

**17.28.050 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>
A-1	1 acre	150 feet	25 feet	10 feet	20 feet
A-2	8,000 square feet	75 feet	25 feet	10 feet	20 feet

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

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

**17.28.070 MODIFYING REGULATIONS**

**1. Accessory Buildings**

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**

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. Accessory Buildings and Uses**

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. Permitted residential uses.
9. Professional, scientific & technical services.
10. Public administration.
11. Real estate, rental & leasing.
12. Retail trade.
13. Wholesale trade.
14. Dogs, cats, rabbits, and poultry provided they are contained on the property and do not roam freely at large.

## 17.32.030 CONDITIONAL USES

1. Multiple-family dwellings and employee housing developments.
2. Transmitting stations and towers.

## 17.32.040 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.

**17.32.050 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

**17.32.060 MINIMUM STRUCTURE AREA, WIDTH, AND YARD REGULATIONS**

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

**17.32.070 MODIFYING REGULATIONS**

**1. Accessory Buildings**

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**

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. Accessory Buildings and Uses**

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.

#### 4. Special Provisions

##### **Garbage and Refuse Areas**

All commercial properties shall provide adequate garbage collection facilities.

- a. Dumpsters and trash containers shall be:
  - i. Screened on all sides from public view using fencing, masonry walls, or landscaping;
  - ii. Placed on a durable, all-weather surface; and
  - iii. Maintained in a clean and sanitary condition.
- b. Trash containers shall not be located in required parking spaces, drive aisles, or fire access areas.

##### **Parking and Circulation**

- a. All required parking and loading areas shall be:
  - i. Clearly defined and maintained in usable condition;
  - ii. Free of debris, inoperable vehicles, and long-term storage.
- b. Parking areas shall not be used for:
  - i. Storage of equipment, materials, or inventory;
  - ii. Vehicle dismantling or repair, unless specifically permitted.
- c. Safe ingress and egress shall be maintained at all times.

##### **Fencing and Screening**

- a. Fencing used for screening shall be:
  - i. Constructed of durable materials;
  - ii. Maintained in good repair; and
  - iii. Of sufficient height and opacity to effectively screen the intended use.
- b. Chain-link fencing with slats, wood fencing, masonry walls, or similar materials may be used where appropriate.
- c. Fencing shall not:
  - i. Obstruct visibility at intersections or driveways;
  - ii. Create safety hazards.

**d. Site Maintenance**

- i. All commercial properties shall be maintained in a clean, safe, and orderly condition.
- ii. Property owners shall prevent:
  - 1. Accumulation of trash, weeds, or debris;
  - 2. Conditions that create fire hazards or public nuisances.
- iii. Landscaping, where provided, shall be maintained in a healthy and orderly condition.

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

### **17.36.030 CONDITIONAL USES**

1. 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. Roosters, pigs, billy goats, mink, and other dangerous or nuisance animals are prohibited.
2. Home occupations.
3. Public buildings and uses.
4. Parks and playgrounds.
5. Parking lots.

### **17.36.040 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.

**17.36.050 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>
MH	4,000 square feet	40 feet	10 feet	10 feet	20 feet

**17.36.060 MINIMUM STRUCTURE AREA, WIDTH, AND YARD REGULATIONS**

<b>Structure</b>	<b>Maximum Square Footage</b>	<b>Setback to Structures</b>	<b>Front Yard Setback</b>	<b>Side Yard Setback</b>	<b>Rear Yard Setback</b>
Dwelling Units	N/A	10 feet	10 feet	10 feet	20 feet
Accessory Buildings	N/A	10 feet	25 feet	10 feet	10 feet

**17.36.070 MODIFYING REGULATIONS**

**1. Accessory Buildings**

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**

ADUs shall be prohibited in a mobile home zoning district.

**3. Accessory Buildings and Uses**

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. Permitted residential uses.
7. Real estate, rental & leasing.
8. Retail trade.
9. Transportation & warehousing.
10. Utilities.
11. Waste management services.
12. Wholesale trade.

### **17.40.030 CONDITIONAL USES**

1. Construction camps.
2. Multiple-family dwellings and employee housing developments.

### **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 and all employees reside at the home-based business (i.e., accountants, consultants, legal practices, remote workers, 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. (i.e., daycares, salons, instructional classes, retail, light manufacturing, mechanic shop, etc.)
2. Home Occupations shall meet the following conditions:
  - a. **Class A** Home Occupations shall be a permitted use in all zoning districts. The city may charge a fee for Class A home-based businesses pursuant with **Utah Code § 10-1-203(8)**.
  - 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 city approved business license shall be required for all Class B 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 SHORT TERM RENTALS

## 17.45.010 SHORT TITLE

This ordinance shall be known as the "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 § 10-20**) and city codes except for, in addition to, or as modified by the following:

1. **“local contact person”** means 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”** means the owner, designated agent, or representative of the owner who is responsible for compliance with this ordinance and operation of the STR.
3. **“owner”** means a person or entity that holds legal or equitable title or interest in real property.
4. **“privacy fence”** means 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”** means a residential structure, or any portion of a residential structure, that is occupied as a residence.
6. **“short-term rental”** means 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 CONDITIONAL USE PERMIT**

- 1. STRs shall be a permitted use in commercial zoning districts and a conditional use in the following zoning districts:
  - a. agricultural; and
  - b. residential.
  - 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 Panguitch City, 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.

**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**

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:

<b>Minimum Setback</b>	<b>Distance</b>
Front	25 feet
Side	10 feet
Rear	10 feet
From Primary Dwelling/Other Structures	10 feet

**6. Height**

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

**7. Parking**

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**

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

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

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 17.52 MOBILE HOMES AND MOBILE HOME PARKS

## 17.52.010 AUTHORITY AND PURPOSE

Pursuant to **Utah Code §§ 10-8-84, 10-20-102, 10-20-501, and 10-20-505**, 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”** means 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”** means 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”** means 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”** means a designated area within a mobile home park intended for the placement of a single mobile or manufactured home.
5. **“mobile home subdivision”** means 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”** means 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:

**14. Minimum Site Area**

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

**15. Density**

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

**16. Minimum Space Size**

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

**17. 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

## 18. 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.

## 19. Utilities and Services

All mobile home parks shall provide and maintain:

- a. Connection to public water and sewer systems.
- b. Underground electric and communication service lines.
- c. Storm drainage facilities designed per city standards.

## 20. Skirting and Foundation

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.

## 21. Parking

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

## 22. Open Space

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

## 23. Landscaping and Screening

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.

## 24. Management Office

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 § 10-20-511** 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:

1. **“automobile space”** means any plot of ground within a recreational vehicle park, designated and intended for the accommodation of at least 1 automobile or vehicle.
2. **“construction camp”** means the 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.
3. **“developed lot/parcel”** means any 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”.
4. **“park model recreational vehicle”** means any 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.
5. **“permanent living”** means the occurrence of 1 or more persons occupying a Recreational Vehicle for longer than 30 days in any 60-day period.
6. **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.
7. **“recreational vehicle”** means any 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.
  - a. **“park”** means any area of land where spaces are rented commercially to 1 or more owners or users of recreational vehicles.

- b. **“space”** means any plot of ground within a recreational vehicle park, designated and intended for the accommodation of at least 1 recreational vehicle.
  - c. **“site”** means any 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.
8. **“temporary living”** means the occurrence of 1 or more persons occupying a Recreational Vehicle for 30 days or in any 60-day period.
9. **“vacant lot/parcel”** means any lot or parcel without a dwelling constructed on the property.

## **17.56.030 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

1. 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.
2. 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.
3. 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.**

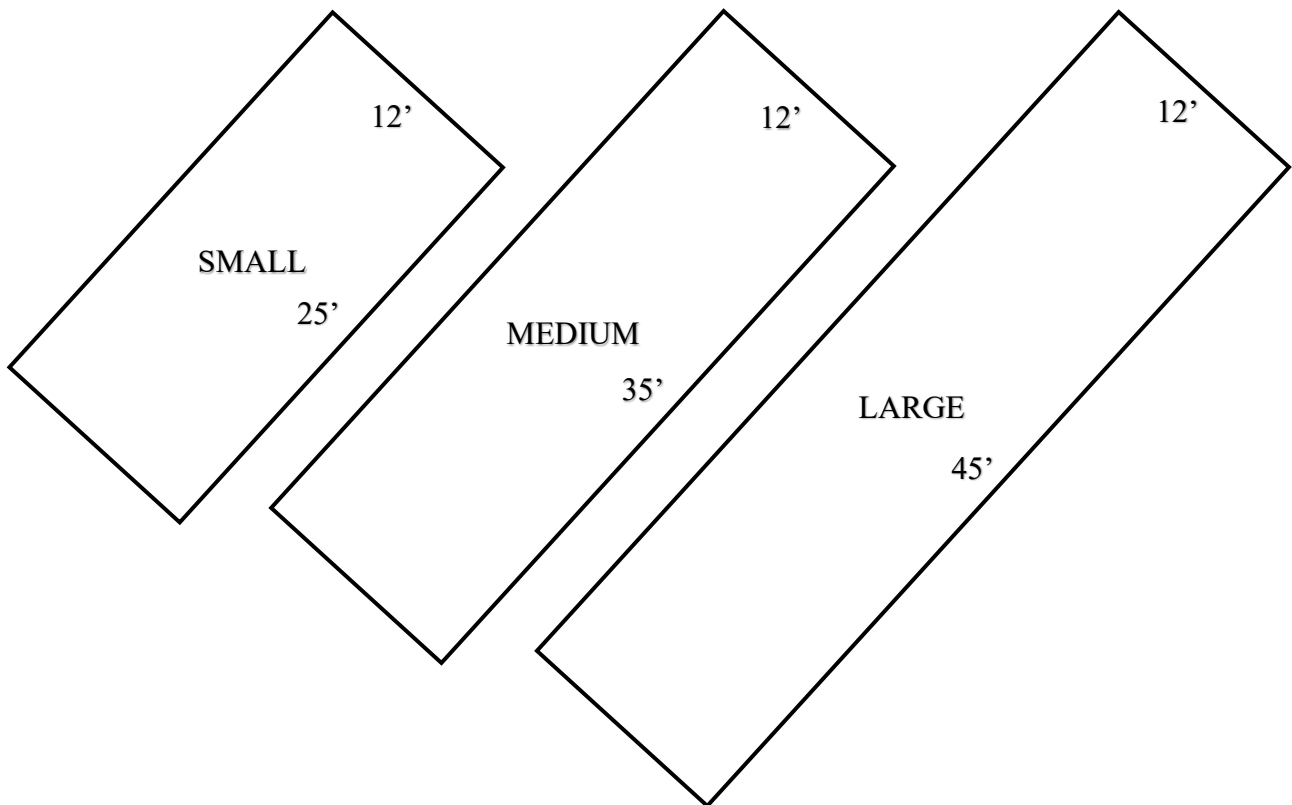
## 17.56.050 STANDARDS AND REQUIREMENTS

### 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 17.64 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**

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

### **2. Conditional Uses**

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

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

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**.

## **17.64.060 DANGEROUS AND OBJECTIONABLE ELEMENTS**

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

**1. Noise**

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

**2. Vibration**

No perceptible vibration at adjacent property lines.

**3. Glare**

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

**4. Odors**

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**

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

**6. Heat and Radiation**

Must not create unsafe conditions or interfere with neighboring uses.

**7. Hazardous Materials**

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**

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**

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 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**

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 §10-20-507**.

### **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**

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**

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 OR MODIFICATIONS**

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

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 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**

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**

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**

The purpose of this chapter is to regulate signage within Panguitch City to promote public safety, maintain community aesthetics, ensure traffic visibility, and comply with applicable state requirements, including those of the Utah Department of Transportation.

### **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**

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**

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 GENERAL STANDARDS**

All signs shall comply with the following:

**1. Permitted Signs Table**

<b>Sign Type</b>	<b>Maximum Size</b>	<b>Maximum Height*</b>	<b>Permitted Use</b>
<b>Business</b>	<b>10' x 20'</b>	<b>50 ft</b>	<b>C1-C2</b>
<b>Home Occupations</b>	<b>3' x 4'</b>	<b>—</b>	<b>—</b>
<b>Property (Sale, Lease, Rent, Trespass)</b>	<b>2' x 3'</b>	<b>6 ft</b>	<b>All Zones</b>
<b>Public Information</b>	<b>3' x 6'</b>	<b>8 ft</b>	<b>All Zones</b>
<b>Temporary</b>	<b>8' x 12'</b>	<b>16 ft</b>	<b>All Zones</b>

- a. **Maximum height is measured from the top of the sign to the ground supporting it.**

## **2. Traffic Visibility / Sight Distance Protection**

- a. Signs shall not obstruct or interfere with traffic visibility. Specifically:
- b. No sign shall be located within a required clear vision triangle at intersections.
- c. No sign shall obstruct the view of drivers entering or exiting a roadway, driveway, or alley.
- d. Signs shall not interfere with or be confused with official traffic control devices.
- e. Within a clear vision area, no portion of a sign between two (2) feet and eight (8) feet in height above grade shall obstruct visibility.

## **3. Structural Integrity**

Signs shall be designed and constructed to withstand wind, snow, and other environmental loads typical to Panguitch City.

## **4. Maintenance**

All signs shall be maintained in good repair and free of deterioration, peeling, or unsafe conditions.

## **5. Illumination Standards**

Illumination of signs shall comply with the following:

- a. Maximum Brightness
  - i. Signs shall not exceed 0.3 foot-candles above ambient light levels, measured at the property line of the nearest residential use.
- b. Glare Control
  - i. Lighting shall be shielded, directed, or diffused to prevent glare onto adjacent properties or public rights-of-way.
  - ii. No sign shall produce glare that impairs the vision of motorists.
- c. Flashing or Moving Lights Prohibited
  - i. Flashing, blinking, intermittent, or moving lights are prohibited, except for time and temperature displays or public safety signs.
- d. Digital or Electronic Signs
  - i. Shall have automatic dimming controls to adjust brightness based on ambient light conditions.

- ii. Message changes shall not occur more frequently than once every 8 seconds, with no animation or scrolling.

#### **17.80.070 UDOT COMPLIANCE REQUIRED**

All signs located adjacent to or visible from a state highway shall comply with applicable regulations of the Utah Department of Transportation, including but not limited to:

1. Outdoor advertising control requirements under Utah Code Title 72, Chapter 7.
2. Spacing, lighting, and size restrictions applicable to state highway corridors.
3. Permit requirements where applicable for outdoor advertising signs.

Where conflicts occur between this chapter and UDOT requirements, the more restrictive standard shall apply.

In addition, no sign shall be placed in a manner that creates a traffic hazard or obstructs visibility along state highways, as regulated by the Utah Department of Transportation.

#### **17.80.080 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.

#### **17.80.090 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.

#### **17.80.100 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.

### **17.80.110 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.**

### **17.80.120 NONCONFORMING SIGNS**

Signs lawfully existing prior to the adoption of this chapter that do not conform may continue as legal nonconforming signs, subject to the following:

1. No enlargement or expansion.
2. Structural alterations shall require compliance with this chapter.
3. If damaged beyond fifty percent (50%) of replacement value, the sign shall be brought into compliance.

### **17.80.130 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 § 10-20-102 et seq.**

## 17.84.020 GENERAL REQUIREMENTS

### 1. Applicability

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

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

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**

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

**2. Compact Stall**

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**

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

**5. Drainage**

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**

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

**2. Motorcycle Parking**

**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 INTERPRETATION 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.

# CHAPTER 17.85 FENCING

## 17.85.010 PURPOSE

This section has been provided to create minimum and maximum fencing standards for residential and commercial areas within Panguitch City.

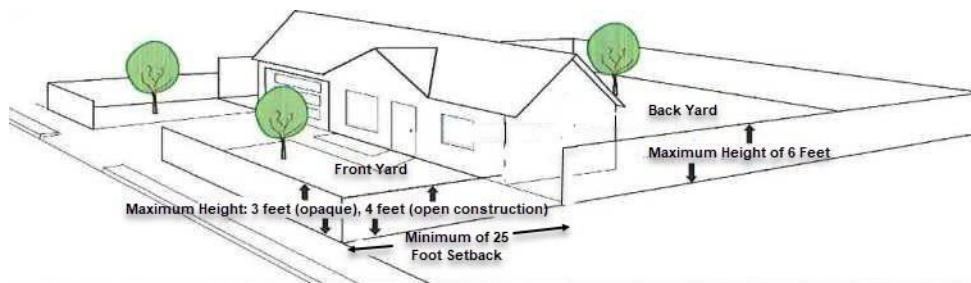
## 17.85.020 FENCING STANDARDS

### 1. Side Yards and Rear Yards

In any required side or rear yard on lots, the height of fences shall not exceed 6 feet, unless otherwise allowed herein.

### 2. Front Yards

Front yards shall match the front yard setback (minimum 25'). Fences in front yards shall be allowed provided that solid type fences shall not exceed 3 feet, and open type fences, e.g., wrought iron, shall not exceed 4 feet.

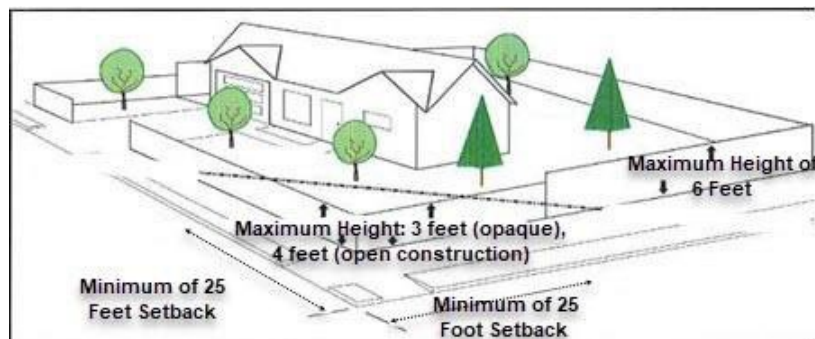


Fence Figure #1 - Interior Lot Fence Height Restrictions

### 3. Corner Lots

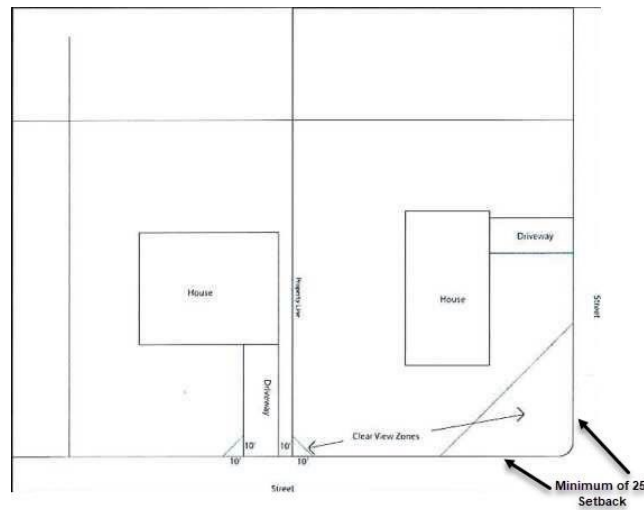
In addition to the other provisions contained in this Section, fences located on corner lots shall be subject to the following provisions:

- a. Any fence, wall, and/or hedge on the front yard setback shall not exceed 3 feet if opaque construction or 4 feet if open construction.



Fence Figure #2 – Corner Lot Height Restrictions

- b. In the side yard setback that fronts on a street, height up to 6 feet shall be allowed beyond a minimum of 25 feet or the total front yard setback if it is more than 25 feet from the intersection measured from the property line. The visual clearance triangle is defined as that area at the corner formed by measuring a distance of twenty-five (25) feet along both property lines back from the point of property line intersection. Height within the minimum of 25 feet or the total front yard setback area shall conform to the requirements of a front yard setback.



Fence Figure #3 – Driveway Clear View Zone.

**4. Driveway Clear View Zone**

A clear view zone shall be maintained free of fencing, except a see-through fence or a view obscuring fence no higher than 3 feet in height when a driveway exists on the adjacent lot within 10 feet of the shared property line. The clear view zone refers to the portion of the corner lot lying within a triangular area formed by measuring back 10 feet from the point where the interior property line shared with the adjacent lot meets the public right-of- property line along the way.

**5. Fences on the Public Right-of-Way**

No fence approved under this Chapter shall be erected beyond the property line, on the public right-of-way, without the issuance of a permit by the Panguitch City Manager. Approval of a fence on the public right-of-way shall be subject to the following conditions:

- a. No fence shall be erected within one (1) foot of an existing or future sidewalk or within three (3) foot radius of a fire hydrant.
- b. The City shall retain the right to remove any fence on the public right-of-way for any purpose it deems necessary. Removal shall be at the sole expense of the property owner.

- c. Maintenance of the area between the sidewalk and the property line shall be the responsibility of the property owner.

**6. Fences for Recreation Use**

A chain link fence may be erected to a height of twelve (12) feet for the purpose of enclosing a tennis court, swimming pool, or other court game area. Said fence may not be located within the setback area of yards abutting a front, side, or street side yard.

**7. Fences Required Around Solar Power Generation, Central**

A 100% site obscuring fence eight (8) feet high is required around the perimeter of the property inside the landscape strip. All other fence restrictions shall be met.

**8. Fences to be Required in Certain Areas**

Site-obscuring fences shall be required along the boundary line in the following cases:

**a. Commercial and Industrial Developments**

- i. On all Commercial and Industrial developments, in areas zoned accordingly, having a common lot line with property used for residential purposes shall require the construction of a 6-foot-high sight-obscuring fence.
- ii. On residential developments having a common lot line with property used for Commercial or Industrial purposes shall require the construction of a 6-foot- high sight-obscuring fence.

**b. Apartments**

Any lot with four or more dwelling units and having a common lot line with:

- i. property used for less-dense residential purposes; or
- ii. vacant property that is presently zoned for less-dense use, shall require the construction of a 6-foot-high site obscuring fence.
- iii. Said fence shall be reduced to thirty (36) inches in height inside the front yard setback area of the residential property.

**c. Conditional Uses**

In the case of a commercial development permitted by conditional use in a residential neighborhood, fencing may be addressed by written agreement between adjoining property owners. Said agreement shall be submitted to the planning commission and city council for approval and be part of the conditional use permit.

## 9. Exceptions to Height Requirements

- a. Fences, walls and similar structures exceeding six (6) feet in height may be permitted under the following circumstances and conditions.
- b. Required by Other Government Regulation - Where the additional height is required by law or other governmental regulation.
- c. Containment Barriers for Tennis Courts, Sport Courts, Batting Cages, etc. - Permanent fence type containment barriers for uses such as tennis courts, sport courts, ball diamond backstops, batting cages etc. may be erected to a height not greater than eighteen (18) feet provided:
- d. Such containment barrier does not constitute a part of a fence enclosing property.
- e. All portions of the enclosure shall be located within the rear yard area of the lot.
- f. The containment barrier shall be set back from the property line of the lot to which it is appurtenant for a distance of not less than 10 feet and will not occupy any portion of a public utility easement.
  - i. No portion of the containment barrier shall be located closer than 10 feet to the main building to which it is appurtenant.
  - ii. The fabric used for the containment barrier shall be of an open mesh type not exceeding 15 percent opacity.
  - iii. The placement of the containment barrier shall have been approved by the planning commission.

## 10. Barbed Wire Fences

Barbed wire and other security wire are allowed on fences on agricultural, commercial, industrial, business, or civic property for the purpose of maintaining livestock enclosures, security and preventing property loss, and vandalism.

## 11. Electrically Charged Fences

It shall be unlawful for any person to erect or cause to be erected or to maintain any device on a fence with an electrical charge except in zones with animal rights where large or medium animals are currently on the property. Electrical fence warning signs shall be posted along fence. Electrically charged fences must be removed within 30 days of the time when animals no longer live on the property. No electrically charged fences will be permitted between noncompatible uses, nor along any public rights-of-way.

**12. Temporary Fencing**

Fencing may be allowed on a temporary basis for the purpose of securing property prior to and during development and for special events.

**13. Construction Sites**

Temporary construction fencing shall be installed along boundaries or where required, to contain blowing refuse prior to the start of building construction as recommended by the city engineering department. The construction fence shall remain in place until the final bond release or until 90 percent of the lots are built on. Temporary fences for uses other than construction shall be subject to city planning commission approval.

**14. Fences not otherwise identified**

The planning commission shall review all requests for any type of fence not specifically identified in this chapter and may approve said fence if, in the opinion of the commission, the fence does not impair the intent and purpose of this chapter.

**15. Creation of Public Hazard Prohibited**

Code enforcement officials shall have the authority to require the removal or relocation of fences which create a hazard to the general public even when such fences comply with the provisions found in this chapter. This shall apply to all fences in all zoning districts of the City. The determination of whether or not a hazard exists shall be made by Code enforcement officials in conjunction with the city engineer using line of sight visibility safety considerations. Failure to remove or relocate a fence no later than thirty (30) days from receiving the determination that a fence must be moved or relocated constitutes a misdemeanor.

**16. Fence Permit Required**

- a. A no fee fence permit shall be obtained prior to construction of any fence that does not exceed six feet (6') in height.
- b. A no fee fence permit is required for fences and walls which exceed six feet (6') in height and will need to be approved by the Planning commission and City Council.
- c. The application for a permit must include plans identifying the location and height of the proposed fence or wall.

## 17. Violation – Fines

- a. No property owner shall cultivate or allow foliage to grow, garbage to accumulate, park vehicles or trailers, or any other circumstances to obstruct visibility on corners or intersections where visibility is necessary for the safe flow of traffic on city streets.
- b. If any property owner after receiving at least ten days written notice from Panguitch City, fails and refuses to remedy any obstruction as noted in subpart (C) of this subsection, which interferes with visibility on corners or intersections, Panguitch City officers, agents or employees may enter onto such property and remedy the situation by removing or clearing such obstruction, and in addition to any other remedy allowed by law, Panguitch City may charge such property owner for costs incurred in removing or clearing the obstruction.
- c. Violations of this chapter shall be punishable as a class C misdemeanor.