

**CITY OF LOGAN, UTAH  
ORDINANCE NO. 14-75**

AN ORDINANCE AMENDING SECTION 1.01.010 REGARDING ADOPTION;  
AMENDING SECTION 1.01.030 REGARDING CODIFICATION AUTHORITY;  
AMENDING SECTION 2.10.110 REGARDING PUBLIC MONEY; DEPOSIT; USE;  
AMENDING SECTION 3.04.010 REGARDING SYSTEM ADOPTED; AMENDING  
SECTION 3.12.010 REGARDING GENERALLY; REPEALING CHAPTER 3.20  
REGARDING SPECIAL TAX ASSESSMENTS; AMENDING SECTION 3.28.020  
REGARDING PURPOSE; AMENDING SECTION 5.02.020 REGARDING  
DEFINITIONS; AMENDING SECTION 5.02.060(A) REGARDING APPLICATION;  
RESPONSIBILITY OF APPLICANT; CONTENTS; AMENDING SECTION 5.10.010  
REGARDING APPLICATION OF CHAPTER; AMENDING SECTION 5.10.040  
REGARDING DEFINITIONS; AMENDING SECTION 5.10.080(A) REGARDING  
EMERGENCIES; AMENDING SECTION 5.10.500 REGARDING GENERAL  
PROVISIONS; REPEALING CHAPTER 5.22 REGARDING PAWNBROKERS;  
AMENDING SECTION 5.24.020 REGARDING EXEMPTIONS; REPEALING  
SECTION 9.12.160 REGARDING LOITERING; REPEALING SECTION 9.12.270  
REGARDING FORNICATION; REPEALING SECTION 9.12.280 REGARDING  
BATHING; REPEALING SECTION 9.12.310 REGARDING SYNTHETIC  
CANNABINOIDS; PROHIBITED; REPEALING SECTION 9.16.070 REGARDING  
RECEIVING STOLEN PROPERTY; DUTIES OF PAWNBROKERS; REPEALING  
SECTION 9.20.020 REGARDING INSULTING PERSONS; REPEALING SECTION  
9.24.010 REGARDING PERSONS UNDER THE AGE OF EIGHTEEN YEARS;  
SELLING TO SECONDHAND AND JUNK STORES; REPEALING CHAPTER 10.04  
REGARDING STATUTES ADOPTED; REPEALING SECTION 10.12.070  
REGARDING AUTHORIZED EMERGENCY VEHICLES; REPEALING SECTION  
10.16.020 REGARDING AUTHORITY TO ESTABLISH PLAY STREETS;  
REPEALING SECTION 10.16.030 REGARDING PLAY STREETS; DRIVING  
REGULATIONS; AMENDING SECTION 10.52.290 REGARDING STOPPING,  
STANDING AND PARKING AND REPEALING CHAPTER 12.30 REGARDING  
RIGHT OF WAY PARKING

WHEREAS, the City Council has determined that the following ordinance is in the City's best interest;

NOW THEREFORE, BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE CITY OF LOGAN, UTAH, AS FOLLOWS:

SECTION 1:

Current section 1.01.010 "ADOPTION" is amended to read:

1.01.010: ADOPTION:

Pursuant to the provisions of Utah Municipal Code Annotated 10-6-12, there is adopted the "Logan municipal code"; ~~as compiled, edited and published by Book Publishing Company, Seattle, Washington.~~

## SECTION 2:

Current section 1.01.030 “CODIFICATION AUTHORITY” is amended to read:

### 1.01.030: CODIFICATION AUTHORITY:

This code consists of all the regulatory and penal ordinances and certain of the administrative ordinances of the city of Logan, Utah, codified pursuant to the provisions of Utah Municipal Code ~~Annotated 10-6-12~~.

## SECTION 3:

Current section 2.10.110 “PUBLIC MONEY; DEPOSIT; USE” is amended to read:

- A. The treasurer shall have custody of all money belonging to the city and shall deposit all cash received in any bank, banks or trust companies as prescribed in Utah LawCode Annotated, 1953, 51-1-1 to 51-1-8. All bank accounts shall be carried in the name of the City ~~“Logan City, a municipal corporation”~~.

## SECTION 4:

Current section 3.04.010 “SYSTEM ADOPTED” is amended to read:

Pursuant to Utah code sections ~~10-7-20~~, 10-8-2 and other pertinent provisions of the laws of the state, there is adopted and established a purchasing system for the city which shall be based on the principles set out in this chapter.

## SECTION 5:

Current section 3.12.010 “GENERALLY” is amended to read:

Every claim against the city for damages or injury alleged to have been caused by defective, unsafe or dangerous conditions of any property owned or maintained by the city or from the negligence of any city officer or employee shall be presented ~~to the municipal council, the city recorder or the city attorney in writing, within one year after the alleged damages or injury occurred as required by state law. Each claim must be signed by the claimant or some person authorized by the claimant and must state the particular time at which the injury happened, the particular place where it occurred, the circumstances of the injury and the nature and probable extent of the injury and the amount of damages claimed on account of the same. No action shall be maintained against the city for damages or injury to person or property unless it appears that the claim for which the action was brought was presented to the city as aforesaid and that the claim was not allowed within ninety (90) days thereafter.~~

## SECTION 6:

Current Chapter 3.20 “SPECIAL TAX ASSESSMENTS” is repealed in its entirety.

## SECTION 7:

Current section 3.28.020 "PURPOSE:" is amended to read:

- A. The Utah legislature authorized municipalities of the state to enact sales and use tax ordinances imposing a 58/64 of one percent (1%) tax effective July 1, 1986.
- B. It is the purpose of this chapter to levy and impose a 58/64 percent local option sales and use tax, effective July 1, 1986, to authorize and designate the Utah state tax commission as agent for the municipality to collect the tax and to conform with the requirements of the uniform local sales and use tax law of Utah, ~~Utah Code Annotated 11-9, 1953.~~

## SECTION 8:

Current section 5.02.020 "DEFINITIONS" is amended to read:

For the purposes of this title, the following terms, words and phrases and their derivations shall have the meanings prescribed in this section. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

**BUSINESS LICENSE ADMINISTRATOR OR ADMINISTRATOR:** The division manager charged with issuance, suspension and revocation of business licenses and compliance of licenses to this code or the administrator's designee.

**CITY:** The municipality of the city of Logan, Utah.

**CITY COUNCIL OR MUNICIPAL COUNCIL:** The municipal council of the city of Logan.

**CONSENT:** A written license or instrument issued by the city authorizing and empowering the grantee thereof to some act not forbidden by law but not allowable without such authority.

**CONSENTEE:** The person to whom a consent has been issued pursuant to the provisions of this chapter and whom may also be referred to under the general term "licensee".

**CONTRACTOR:** Means and includes anyone defined as a contractor in Utah ~~Code Annotated section 58-55-102(7) and as may be amended~~ law.

**DIRECTOR:** The director of the department of finance for the city, or the director's designee.

**DIVISION:** The business license division of the department of finance.

**ENGAGING IN BUSINESS OR CONDUCT OF BUSINESS:** Means and includes, but is not limited to, the sale of tangible personal property at retail or wholesale, the

manufacturing of goods or property and the rendering of services to others for a consideration by persons engaged in any profession, vocation, craft, business, occupation, enterprise, and all other kinds of activities and matters, together with all devices, machines, vehicles and appurtenances used therein, any of which are conducted for private profit, or benefit, either directly or indirectly, on any premises in this city, or anywhere else within its jurisdiction. The act of employees rendering services to employers shall not be included in such terms unless otherwise specifically prescribed. Separate licenses shall not be required for persons who engage in business with others as a partnership or corporation legally constituted.

**INSIGNIA:** "Insignia" or its singular number "insigne" is any tag, plate, badge, emblem, sticker, or any other kind of device which may be required for any use in connection with any license.

**LICENSE:** A certificate or document issued by the city evidencing permission or authority of its named holder to carry on a particular business or to pursue a particular occupation.

**LICENSEE:** The person to whom a license has been issued pursuant to the provisions of this chapter or to whom a consent, permit or registration has been granted pursuant to the provisions of this chapter when the term "licensee" is used in a general sense of this definition.

**NUMBER OF EMPLOYEES:** The average number of employees engaged in business at the place of business each regular working day during the preceding calendar year. In computing the number, each part time employee shall be counted as that fraction which is formed by using the total number of hours worked by such employee as the numerator and the total amount of hours regularly worked by a full time employee as the denominator.

**PERMIT:** A written license or instrument issued by the city authorizing and empowering the grantee thereof to some act not forbidden by law but not allowable without such authority.

**PERMITTEE:** The person to whom a permit has been issued pursuant to the provisions of this chapter and whom may also be referred to under the general term "licensee".

**PERSON:** Any individual or natural person, receiver, assignee, trustee in bankruptcy, trust, firm, partnership, joint venture, corporation, syndicate, estate, club, company, business trust, association, society or other group of individuals acting as a unit, whether mutual, cooperative, fraternal, nonprofit or otherwise; or any officers, agents, employees, factors, or any kind of personal representatives of any thereof in any capacity, acting either for himself, or for any other person, under either personal appointment or pursuant to law.

**PLACE OF BUSINESS:** A location maintained or operated within the city from which a person engages in business.

**PREMISES:** Means and includes all lands, structures, places, and also the equipment and appurtenances connected or used therewith in any business, and also any personal

property which is either affixed to, or is otherwise used in connection with any such business conducted on such premises.

REGISTRANT: The person who has registered with the city pursuant to the provisions of this chapter and who may also be referred to under the general term "licensee".

REGISTRATION: A written license or instrument issued by the city authorizing and empowering the grantee thereof to some act not forbidden by law but not allowable without such authority.

#### SECTION 9:

Current section 5.02.060(A) "APPLICATION; RESPONSIBILITY OF APPLICANT; CONTENTS:" is amended to read:

A. Form: The application form shall be issued by the division, and shall require the following information: business name, address, mailing address and telephone number; owner's and local manager's names, addresses and home telephone numbers; dates of birth; ~~social security numbers~~; driver's license numbers; emergency phone number; Utah state sales tax number, federal employer identification number, Utah employer withholding number, business name and entity registration information, Utah state regulatory license information, and other identifiers as they are required for the applicant to legally conduct the applied for business; business start date; location start date if different from business start date; and a description of the business activity(ies) to be conducted.

In the case of a corporate applicant, the above identified information shall be required for the corporation and the corporate officers in addition to any stockholder who holds at least twenty percent (20%) of the total issued and outstanding stock of the corporation. Any registered agent not also an officer of the corporation shall be required to submit personal name and contact address and phone number.

#### SECTION 10:

Current section 5.10.010 "APPLICATION OF CHAPTER" is amended to read:

The city adopts the state of Utah ~~A~~alcoholic ~~B~~beverage ~~C~~ontrol ~~A~~act, ~~title 32A, Utah Code Annotated, 1953~~ (UABC), in its entirety, as amended from time to time and supplemented by ordinance. It is the responsibility of any applicant for an alcoholic beverage license, consent or permit to be in compliance with identified conditions and requirements of state law and local ordinances prior to making application with the city for any license (including any license, consent or permit, as the specific licensing designation may be). It is the obligation of each applicant and licensee (including any licensee, consentee or permittee) to stay in compliance with state law and local ordinances regardless of changes to those laws and ordinances.

#### SECTION 11:

Current section 5.10.040 "DEFINITIONS" is amended to read:

By reference the city adopts all definitions contained in the UABC in its entirety and the changes to such, as amended from time to time, without further reference and supplemented by the more specific language as defined in the local ordinances, including:

**ADMINISTRATOR OR BUSINESS LICENSE ADMINISTRATOR:** The city of Logan business license administrator.

**BREW RESTAURANT:** A business licensed to sell beer for on premises consumption in connection with a bona fide restaurant where the revenue from the sale of beer is less than fifty percent (50%) of the gross dollar volume. A brew restaurant is also licensed to brew beer in batch sizes that provide enough beer for the sale and consumption on site in connection with the restaurant and has any licenses subject to the applicable provisions of the DABC.

**DABC:** The Utah department of alcoholic beverage control.

**DIVISION:** The city of Logan business license division.

**HOME BREW:** Means and includes all beer manufactured by individuals and not by regular licensed brewers by process of malting, brewing or fermentation and which contains alcohol in one-half of one percent or more by weight.

**LICENSE REVIEW AUTHORITIES:** Any departmental or other state, county, or city authorities assigned by the business license administrator to review each application to ascertain code compliance, including, but not limited to: chief of the police department; chief of the fire department; community development department director for zoning, planning and building code compliance; and health officials at city, county and/or state levels, and their designees.

**LOCAL CONSENT:** Application approval by the administrator based on applicant or consentee compliance with all terms and conditions under this chapter. Such approval shall be communicated to the DABC for their license application/renewal review purposes.

**OFF PREMISES BEER RETAILER:** Any business establishment which is engaged in the retail sale of beer to public patrons for consumption off the establishment's premises, and which is licensed to sell beer by the city.

**ON PREMISES BEER RETAILER/RESTAURANT:** Any business establishment licensed by the city and state to sell light beer for consumption on the retailer's premises. Beer sales may not exceed fifty percent (50%) of total sales.

**ON PREMISES BEER RETAILER/TAVERN:** Any business establishment licensed by the city to sell light beer for consumption on the tavern retailer's premises. Beer sales may exceed fifty percent (50%) of total sales.

**POPULATION:** Figures used shall be determined by the most recent U.S. decennial or special census or by any other population determination made by the United States government or the state or by calculating the number of residents of Logan using the

municipal population estimate provided by the governor's office of planning and adding the number of residents on Utah State University property in the city of Logan boundaries.

UABC: The state of Utah ~~A~~alcoholic ~~B~~beverage ~~C~~ontrol ~~A~~act, ~~title 32A, Utah Code Annotated, 1953,~~ in its entirety, as amended ~~from time to time~~.

#### SECTION 12:

Current section 5.10.080(A) "EMERGENCIES" is amended to read:

- A. Upon the declaration of an emergency, as defined by Utah ~~LawCode Annotated section 63-5-8, 1953, as amended,~~ all alcohol beverage licenses are automatically suspended, which suspension may be lifted by the mayor at any time.

#### SECTION 13:

Current section 5.10.500 "GENERAL PROVISIONS" is amended to read:

The city adopts UABC ~~32A-6-101~~ on this matter and requires only that the entity seeking special use permit from the state also apply for a city business license if applicable.

#### SECTION 14:

Current Chapter 5.22 "PAWNBROKERS" is repealed in its entirety.

#### SECTION 15:

Current section 5.24.020 "EXEMPTIONS" is amended to read:

Dances conducted and sponsored by private nonprofit clubs, organized, operated, regulated and bonded pursuant to Utah ~~lawCode Annotated 16-6, 1953,~~ for members and their guests only shall be exempt from the licensing provisions of this chapter.

#### SECTION 16:

Current section 9.12.160 "LOITERING" is repealed in its entirety.

#### SECTION 17:

Current Section 9.12.270 "FORNICATION" is repealed in its entirety.

#### SECTION 18:

Current Section 9.12.280 "BATHING" is repealed in its entirety.

#### SECTION 19:

Current section 9.12.310 "SYNTHETIC CANNABINOIDS; PROHIBITED" is repealed in its entirety.

SECTION 20:

Current section 9.16.070 “RECEIVING STOLEN PROPERTY; DUTIES OF PAWNBROKERS” is repealed in its entirety.

SECTION 21:

Current section 9.20.020 “INSULTING PERSONS” is repealed in its entirety.

SECTION 22:

Current section 9.24.010 “PERSONS UNDER THE AGE OF EIGHTEEN YEARS; SELLING TO SECONDHAND AND JUNK STORES” is repealed in its entirety.

SECTION 23:

Current chapter 10.04 “STATUTES ADOPTED” is repealed in its entirety.

SECTION 24:

Current section 10.12.070 “AUTHORIZED EMERGENCY VEHICLES” is repealed in its entirety.

SECTION 25:

Current section 10.16.020 “AUTHORITY TO ESTABLISH PLAY STREETS” is repealed in its entirety.

SECTION 26:

Current section 10.16.030: “PLAY STREETS; DRIVING REGULATIONS” is repealed in its entirety.

SECTION 27:

Current section 10.52.290(A), (C) and (D) “STOPPING, STANDING AND PARKING; VIOLATION; PENALTY:” is amended to read:

- A. Person Liable For Civil Penalty: Any person engaged in the unauthorized stopping, standing or parking of a vehicle within the city shall be liable for a civil penalty. Any penalty assessed herein may be in addition to such other penalties as may be provided in this title. ~~The penalty provisions of section 10.64.010 of this title shall not be applicable to this chapter.~~

C. Exceptions: Whenever a vehicle shall have been employed in the unauthorized stopping, standing or parking on the streets within the city, the person or persons in whose name such vehicle is registered shall be strictly liable for such unauthorized stopping, standing or parking and the penalty therefor. Except that the person or persons in whose name such vehicle is registered shall not be liable for a civil penalty for violations of subsection 10.52.010B, or sections 10.52.140, 10.52.220, 10.52.230, 10.52.250, and 10.52.270A of this chapter. Penalties for violations of subsection 10.52.010B, or sections 10.52.140, 10.52.220, 10.52.230, 10.52.250, and 10.52.270A of this chapter shall be imposed as provided in subsection D of this section.

D. Fine: Any person who violates any of the provisions of subsection 10.52.010B, or sections 10.52.140, 10.52.220, 10.52.230, 10.52.250, and 10.52.270A of this chapter shall, for each and every violation and compliance, be guilty of an infraction, and upon conviction thereof shall be fined a sum not to exceed fifty dollars (\$50.00) for each offense or violation.

SECTION 28:

Current Chapter 10.64 "VIOLATION; PENALTY" is repealed in its entirety.

SECTION 29:

Current Chapter 12.30 "RIGHT OF WAY PARKING" is repealed in its entirety.

SECTION 30: Effective Date. This ordinance shall become effective upon publication.

ADOPTED BY THE LOGAN MUNICIPAL COUNCIL THIS \_\_\_\_\_ DAY OF SEPTEMBER 2014, BY THE FOLLOWING VOTE:

AYES:

NAYS:

ABSENT:

\_\_\_\_\_  
/s/ Karl Ward, Chair

\_\_\_\_\_  
ATTEST:

/s/ Teresa Harris, City Recorder

PRESENTATION TO MAYOR

The foregoing ordinance was presented by the Logan Municipal Council to the Mayor for approval or disapproval this \_\_\_\_\_ day of September, 2014.

\_\_\_\_\_  
/s/ Karl Ward, Chair

MAYOR'S APPROVAL OR DISAPPROVAL

The foregoing ordinance is hereby approved this \_\_\_\_\_ day of September,  
2014.

\_\_\_\_\_  
/s/ H. Craig Peterson, Mayor

**1.01.010: ADOPTION:**

Pursuant to the provisions of Utah Code Annotated 10-6-12, there is adopted the "Logan municipal code", as compiled, edited and published by Book Publishing Company, Seattle, Washington. (Ord. 89-25 § 1, 1989)

## **1.01.030: CODIFICATION AUTHORITY:**

This code consists of all the regulatory and penal ordinances and certain of the administrative ordinances of the city of Logan, Utah, codified pursuant to the provisions of Utah Code Annotated 10-6-12. (Ord. 89-25 § 3, 1989)

**2.10.110: PUBLIC MONEY; DEPOSIT; USE:**

- A. The treasurer shall have custody of all money belonging to the city and shall deposit all cash received in any bank, banks or trust companies as prescribed in Utah Code Annotated, 1953, 51-1-1 to 51-1-8. All bank accounts shall be carried in the name of "Logan City, a municipal corporation".
- B. Whenever it shall appear to the municipal council that the treasurer is making a profit from the public money or is using the same for any purpose not authorized by law, they shall suspend the treasurer from office; and upon the treasurer's conviction for such offense, the office of treasurer shall become vacant. (Prior code § 2-9-11)

### **3.04.010: SYSTEM ADOPTED:**

Pursuant to sections 10-7-20, 10-8-2 and other pertinent provisions of the laws of the state, there is adopted and established a purchasing system for the city which shall be based on the principles set out in this chapter. (Ord. 07-30 § 1, 2007)

**3.12.010: GENERALLY:**

Every claim against the city for damages or injury alleged to have been caused by defective, unsafe or dangerous conditions of any property owned or maintained by the city or from the negligence of any city officer or employee shall be presented to the municipal council, the city recorder or the city attorney in writing, within one year after the alleged damages or injury occurred. Each claim must be signed by the claimant or some person authorized by the claimant and must state the particular time at which the injury happened, the particular place where it occurred, the circumstances of the injury and the nature and probable extent of the injury and the amount of damages claimed on account of the same. No action shall be maintained against the city for damages or injury to person or property unless it appears that the claim for which the action was brought was presented to the city as aforesaid and that the claim was not allowed within ninety (90) days thereafter. (1989 Code)

## Chapter 3.20

# SPECIAL TAX ASSESSMENTS

### 3.20.010: STATE STATUTES ADOPTED:

Whenever the municipal council decides to finance local improvements by assessments other than from the general fund, they shall follow the provisions of the municipal improvement district act Utah Code Annotated 10-16-1 et seq., and the act is incorporated in this section by reference. (1989 Code)

**3.28.020: PURPOSE:**

- A. The Utah legislature authorized municipalities of the state to enact sales and use tax ordinances imposing a 58/64 of one percent (1%) tax effective July 1, 1986.
- B. It is the purpose of this chapter to levy and impose a 58/64 percent local option sales and use tax, effective July 1, 1986, to authorize and designate the Utah state tax commission as agent for the municipality to collect the tax and to conform with the requirements of the uniform local sales and use tax law of Utah, Utah Code Annotated 11-9, 1953. (Prior code § 3-3-2)

## **5.02.020: DEFINITIONS:**

For the purposes of this title, the following terms, words and phrases and their derivations shall have the meanings prescribed in this section. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

**BUSINESS LICENSE ADMINISTRATOR OR ADMINISTRATOR:** The division manager charged with issuance, suspension and revocation of business licenses and compliance of licenses to this code or the administrator's designee.

**CITY:** The municipality of the city of Logan, Utah.

**CITY COUNCIL OR MUNICIPAL COUNCIL:** The municipal council of the city of Logan.

**CONSENT:** A written license or instrument issued by the city authorizing and empowering the grantee thereof to some act not forbidden by law but not allowable without such authority.

**CONSENTEE:** The person to whom a consent has been issued pursuant to the provisions of this chapter and whom may also be referred to under the general term "licensee".

**CONTRACTOR:** Means and includes anyone defined as a contractor in Utah Code Annotated section 58-55-102(7) and as may be amended.

**DIRECTOR:** The director of the department of finance for the city, or the director's designee.

**DIVISION:** The business license division of the department of finance.

**ENGAGING IN BUSINESS OR CONDUCT OF BUSINESS:** Means and includes, but is not limited to, the sale of tangible personal property at retail or wholesale, the manufacturing of goods or property and the rendering of services to others for a consideration by persons engaged in any profession, vocation, craft, business, occupation, enterprise, and all other kinds of activities and matters, together with all devices, machines, vehicles and appurtenances used therein, any of which are conducted for private profit, or benefit, either directly or indirectly, on any premises in this city, or anywhere else within its jurisdiction. The act of employees rendering services to employers shall not be included in such terms unless otherwise specifically prescribed. Separate licenses shall not be required for persons who engage in business with others as a partnership or corporation legally constituted.

**INSIGNIA:** "Insignia" or its singular number "insigne" is any tag, plate, badge, emblem, sticker, or any other kind of device which may be required for any use in connection with any license.

**LICENSE:** A certificate or document issued by the city evidencing permission or authority of its named holder to carry on a particular business or to pursue a particular occupation.

**LICENSEE:** The person to whom a license has been issued pursuant to the provisions of this

chapter or to whom a consent, permit or registration has been granted pursuant to the provisions of this chapter when the term "licensee" is used in a general sense of this definition.

**NUMBER OF EMPLOYEES:** The average number of employees engaged in business at the place of business each regular working day during the preceding calendar year. In computing the number, each part time employee shall be counted as that fraction which is formed by using the total number of hours worked by such employee as the numerator and the total amount of hours regularly worked by a full time employee as the denominator.

**PERMIT:** A written license or instrument issued by the city authorizing and empowering the grantee thereof to some act not forbidden by law but not allowable without such authority.

**PERMITTEE:** The person to whom a permit has been issued pursuant to the provisions of this chapter and whom may also be referred to under the general term "licensee".

**PERSON:** Any individual or natural person, receiver, assignee, trustee in bankruptcy, trust, firm, partnership, joint venture, corporation, syndicate, estate, club, company, business trust, association, society or other group of individuals acting as a unit, whether mutual, cooperative, fraternal, nonprofit or otherwise; or any officers, agents, employees, factors, or any kind of personal representatives of any thereof in any capacity, acting either for himself, or for any other person, under either personal appointment or pursuant to law.

**PLACE OF BUSINESS:** A location maintained or operated within the city from which a person engages in business.

**PREMISES:** Means and includes all lands, structures, places, and also the equipment and appurtenances connected or used therewith in any business, and also any personal property which is either affixed to, or is otherwise used in connection with any such business conducted on such premises.

**REGISTRANT:** The person who has registered with the city pursuant to the provisions of this chapter and who may also be referred to under the general term "licensee".

**REGISTRATION:** A written license or instrument issued by the city authorizing and empowering the grantee thereof to some act not forbidden by law but not allowable without such authority. (Ord. 97-76 § 1, 1997)

## **5.02.060: APPLICATION; RESPONSIBILITY OF APPLICANT; CONTENTS:**

It shall be the responsibility of a person engaging in business within the city to voluntarily apply for and maintain in full force and effect a valid license.

- A. Form: The application form shall be issued by the division, and shall require the following information: business name, address, mailing address and telephone number; owner's and local manager's names, addresses and home telephone numbers; dates of birth; social security numbers; driver's license numbers; emergency phone number; Utah state sales tax number, federal employer identification number, Utah employer withholding number, business name and entity registration information, Utah state regulatory license information, and other identifiers as they are required for the applicant to legally conduct the applied for business; business start date; location start date if different from business start date; and a description of the business activity(ies) to be conducted.

In the case of a corporate applicant, the above identified information shall be required for the corporation and the corporate officers in addition to any stockholder who holds at least twenty percent (20%) of the total issued and outstanding stock of the corporation. Any registered agent not also an officer of the corporation shall be required to submit personal name and contact address and phone number.

- B. Fee: Should it be necessary that a person be required by the administrator to make application for a license, the administrator shall charge a nonrefundable application fee based on the cost of setting up new records, distributing the application, inspecting the business site, reviewing the application for approval or denial, notifying the applicant of license status and other activities related to license setup and status determination.
- C. Application Is Not A License: Submission of an application does not constitute license approval. License approval or denial shall be determined within approximately two (2) weeks from application submission, except as indicated in subsequent chapters of this title for limited identified purposes. If circumstances do not allow completion of the application process in a timely manner, the applicant may receive a notice warning of application denial for noncompliant issues and allowing a specified time frame for resolution of such. If compliance is not possible, the application will be denied.
- D. Short Notice Application: Applications submitted with insufficient time to attend to the regular application review process prior to opening their business or submitted in response to a citation for operating a business without a license will receive expeditious review as far as possible. Until a decision for license approval is rendered by the administrator, the applicant must cease and desist all activities requiring a business license. There will be an additional fee

charged for the expeditious nonroutine handling necessary to inform the affected jurisdictional agencies and obtain the appropriate approvals. (Ord. 05-25 § 1, 2005; Ord. 97-76 § 1, 1997)

## **5.10.010: APPLICATION OF CHAPTER:**

The city adopts the state of Utah alcoholic beverage control act, title 32A, Utah Code Annotated, 1953 (UABC), in its entirety, as amended from time to time and supplemented by ordinance. It is the responsibility of any applicant for an alcoholic beverage license, consent or permit to be in compliance with identified conditions and requirements of state law and local ordinances prior to making application with the city for any license (including any license, consent or permit, as the specific licensing designation may be). It is the obligation of each applicant and licensee (including any licensee, consentee or permittee) to stay in compliance with state law and local ordinances regardless of changes to those laws and ordinances. (Ord. 96-64 § 1, 1996)

## **5.10.040: DEFINITIONS:**

By reference the city adopts all definitions contained in the UABC in its entirety and the changes to such, as amended from time to time, without further reference and supplemented by the more specific language as defined in the local ordinances, including:

**ADMINISTRATOR OR BUSINESS LICENSE ADMINISTRATOR:** The city of Logan business license administrator.

**BREW RESTAURANT:** A business licensed to sell beer for on premises consumption in connection with a bona fide restaurant where the revenue from the sale of beer is less than fifty percent (50%) of the gross dollar volume. A brew restaurant is also licensed to brew beer in batch sizes that provide enough beer for the sale and consumption on site in connection with the restaurant and has any licenses subject to the applicable provisions of the DABC.

**DABC:** The Utah department of alcoholic beverage control.

**DIVISION:** The city of Logan business license division.

**HOME BREW:** Means and includes all beer manufactured by individuals and not by regular licensed brewers by process of malting, brewing or fermentation and which contains alcohol in one-half of one percent or more by weight.

**LICENSE REVIEW AUTHORITIES:** Any departmental or other state, county, or city authorities assigned by the business license administrator to review each application to ascertain code compliance, including, but not limited to: chief of the police department; chief of the fire department; community development department director for zoning, planning and building code compliance; and health officials at city, county and/or state levels, and their designees.

**LOCAL CONSENT:** Application approval by the administrator based on applicant or consentee compliance with all terms and conditions under this chapter. Such approval shall be communicated to the DABC for their license application/renewal review purposes.

**OFF PREMISES BEER RETAILER:** Any business establishment which is engaged in the retail sale of beer to public patrons for consumption off the establishment's premises, and which is licensed to sell beer by the city.

**ON PREMISES BEER RETAILER/RESTAURANT:** Any business establishment licensed by the city and state to sell light beer for consumption on the retailer's premises. Beer sales may not exceed fifty percent (50%) of total sales.

**ON PREMISES BEER RETAILER/TAVERN:** Any business establishment licensed by the city to sell light beer for consumption on the tavern retailer's premises. Beer sales may exceed fifty percent (50%) of total sales.

**POPULATION:** Figures used shall be determined by the most recent U.S. decennial or special census or by any other population determination made by the United States government or the

state or by calculating the number of residents of Logan using the municipal population estimate provided by the governor's office of planning and adding the number of residents on Utah State University property in the city of Logan boundaries.

UABC: The state of Utah alcoholic beverage control act, title 32A, Utah Code Annotated, 1953, in its entirety, as amended from time to time. (Ord. 08-82, 2008)

## **5.10.080: EMERGENCIES:**

- A. Upon the declaration of an emergency, as defined by Utah Code Annotated section 63-5-8, 1953, as amended, all alcohol beverage licenses are automatically suspended, which suspension may be lifted by the mayor at any time.
  
- B. It is unlawful for the holder of any license issued under this chapter or the holder's agent, employee, manager or representative to sell or serve beer during the period of temporary suspension. Any violation hereof shall constitute a class B misdemeanor.
  
- C. In addition, the business license administrator, after notice and hearing, may revoke or suspend any license issued under this chapter for any violation of this section. (Ord. 96-64 § 1, 1996)

## **Article V. Special Use Permits**

### **5.10.500: GENERAL PROVISIONS:**

The city adopts UABC 32A-6-101 on this matter and requires only that the entity seeking special use permit from the state also apply for a city business license if applicable. (Ord. 96-64 § 1, 1996)

## Chapter 5.22

# PAWNBROKERS

### 5.22.010: DEFINITIONS:

In addition to the definitions set forth in section 5.02.020 of this title, the following words and phrases used in this chapter shall have the meanings prescribed in this section:

**PAWNBROKERS:** Any person engaged in the business of lending money on deposit or pledges of personal property or other valuable thing, other than securities or printed evidence of valuable things, and selling or agreeing to sell the same back to the seller at a price other than the original price of the purchase, or who sells unredeemed pledges with or without the contemporary sales of new merchandise.

**PLEDGEE:** The party to whom the goods are pledged or delivered in pledge.

**PLEDGOR:** The party pledging or delivering goods in pledge. (Prior code § 7-9-1)

### 5.22.020: LICENSE REQUIRED; FEE:

A. It is unlawful for any person to engage in the business of a pawnbroker in the city without having previously obtained a license to operate as a pawnbroker in accordance with the provisions of this chapter. Such person shall make application for a license to the division in such form as the division shall require.

B. Fee payments and prorations as well as renewal billings shall be governed by sections 5.02.190, 5.02.210 and 5.02.220 of this title. (Prior code § 7-9-2)

### 5.22.030: LICENSE; DISPLAY:

Licenses shall be displayed prominently in the pawnbroker's place of business in such manner that they can be easily seen and perused by all who do business with such pawnbroker. (Prior code § 7-9-3)

## **5.22.040: BOND REQUIRED:**

Before any license is issued to a pawnbroker under the provisions of this chapter, the applicant therefor shall execute and deliver to the city a cash deposit in the amount of three hundred dollars (\$300.00) or a bond in the principal amount of one thousand dollars (\$1,000.00) executed by a corporate surety authorized to do business in the state and conditioned upon the faithful performance of the licensee of all requirements under this chapter. No bond shall be required of existing licensees until such time as the business is sold or transferred. (Prior code § 7-9-4)

## **5.22.050: DISCLOSURE PROVISIONS:**

A. In addition to the business record (pawn slip) normally required by the pawnbroker, the pawnbroker shall make out a two (2) part ticket concerning any person pawning property, in a form previously approved by the police department, which shall contain the following information concerning the pledgor:

1. The last, first and middle name;
2. The signature of the pledgor;
3. The street address, city, state, zip code;
4. Phone number;
5. Sex (male or female);
6. Date of birth;
7. Height;
8. Weight;
9. Race;
10. Scars/marks;
11. Identification used and pertinent numbers;
12. Right thumbprint;
13. The name of the person accepting the pledged property for the pawnbroker;
14. A signed statement certifying that the described property has not been obtained by an illegal means and is the pledgor's property and is free and clear of any encumbrances and that the pledgor has a legal right to sell the pledged property;

15. The date of the transaction;
  16. An accurate description of the goods, articles or things pawned, including the serial number of the article, if any, the name of the manufacturer, if available and the dimensional description, if applicable;
  17. The amount of money loaned or advanced thereon or paid therefor;
  18. The date and time of day of the pledging, purchasing and receiving such goods, articles or things and the period of time which pledge must be honored.
- B. The disposition of each two (2) part ticket shall be made as follows: Both copies shall be delivered to a representative of the city police department.
- C. All of the records required in subsections A and B of this section shall be open to the inspection of any police officer during regular business hours.
- D. It is a misdemeanor for a pawnbroker or his or her agent or employee to intentionally falsify any information on either the ledger or the two (2) part pawn ticket. (Prior code § 7-9-5)

#### **5.22.060: PROPERTY TO BE KEPT THIRTY DAYS BEFORE DISPOSITION:**

- A. It is unlawful for any dealer licensed by this chapter to sell, melt, change (except for customary testing), take apart, destroy, obliterate identification marks or dispose of any secondhand property purchased or obtained by a dealer until thirty (30) days have elapsed from the date of compliance with the reporting requirements or purchase date.
- B. The dealer shall produce pawned items at the business location within one hour of request to do so by a peace officer. Where compliance is impossible because of the close of business hours, the items shall be produced within one hour of the opening of business on the next business day.
- C. The pledgor may reclaim pawned property within thirty (30) days from date of pawn by completing his or her obligation with pawnbroker. (Prior code § 7-9-6)

### **5.22.070: OWNERSHIP OF PAWNED PROPERTY:**

It is unlawful for any pawnbroker to accept materials in pledge or pawn from other than the lawful owner thereof except with written permission of the owner. Any article pawned or pledged to a pawnbroker by other than the owner shall be surrendered to the real owner thereof upon presentation of proof of a complaint to the city police department and proof of ownership of the pawned article by the real owner. Failure of the pawnbroker to surrender such materials forthwith upon demand by the true owner through the city police department and after exhibition of proof of ownership is a misdemeanor. (Prior code § 7-9-7)

### **5.22.080: LIABILITY OF PRINCIPAL:**

The holder of a pawnbroker's license is liable for any and all acts of his employees in violation of this chapter. (Prior code § 7-9-10)

### **5.22.090: UNLAWFUL ACTS:**

- A. Receiving Stolen Property: A person commits theft if he receives, retains or disposes of the property of another having any monetary value, knowing that it has been stolen or believing that it has probably been stolen, or who conceals, sells, withholds or aids in concealing, selling or withholding any such property from the owner, knowing the property to be stolen, with a purpose to deprive the owner of the possession thereof.
  
- B. Separate Rooms: It is unlawful for any pawnbroker to contain her or his pawnbroker business in the same room, or in the same building with interconnected rooms, with any business dealing in alcoholic beverages.
  
- C. Minors: It is unlawful to accept goods or pledges from persons under the age of eighteen (18), unless the minor is married. (Prior code §§ 7-9-8, 7-9-9, 7-9-11)

## **5.24.020: EXEMPTIONS:**

Dances conducted and sponsored by private nonprofit clubs, organized, operated, regulated and bonded pursuant to Utah Code Annotated 16-6, 1953, for members and their guests only shall be exempt from the licensing provisions of this chapter. (Prior code § 12-5-5(e))

**9.12.160: LOITERING:**

- A. A person is guilty of loitering if he appears at a place or at a time under circumstances that warrant alarm for the safety of persons or property in the vicinity, and upon inquiry by a law enforcement official, such person fails to give a reasonable credible account of her or his identity, conduct or purposes.
- B. No person shall be convicted under this section if the explanation such person gave of her or his conduct and purposes was true and, if believed by the law enforcement official at the time, would have dispelled the alarm.
- C. Penalty provisions relating to violations of this code are found in chapter 1.16 of this code.  
(1989 Code: prior code § 12-8-21)

## **9.12.270: FORNICATION:**

It is unlawful to commit fornication within the limits of the city. (Prior code § 12-10-2)

**9.12.280: BATHING:**

It is unlawful for any person to bathe or swim in any of the canals, races, streams, ponds, waters or public or private swimming pools within the limits of the city unless attired in a bathing suit at such time as to prevent any indecent exposure of his or her person. (Prior code § 12-10-1)

**9.12.310: SYNTHETIC CANNABINOIDS; PROHIBITED:**

- A. Except as authorized by title 58, chapter 37 of the Utah code, as amended, it is unlawful for any person to knowingly and intentionally:
1. Produce, manufacture, dispense, or
  2. Possess with intent to produce, manufacture, or dispense, or
  3. Distribute, or agree, consent, offer, or arrange to distribute, or
  4. Possess with the intent to distribute, or
  5. Possess or use synthetic cannabinoids, more specifically identified as follows:
    - a. 1-Pentyl-3-(1-naphthoyl)indole  
some trade or other names: JWH-018;
    - b. 1-Butyl-3-(1-naphthoyl)indole  
some trade or other names: JWH-073;
    - c. N-benzylpiperazine  
some trade or other names: BZP;
    - d. 1-(3-[trifluoromethylphenyl]) piperazine  
some trade or other names: TFMPP; or
    - e. Any structurally similar analogs of the substances listed above.
- B. The terms used in this section have the same meanings as those defined by title 58, chapter 37 of the Utah code, as amended.
- C. Penalty provisions pertaining to violations of this section are found in title 1, chapter 1.16 of this code. (Ord. 10-53, 2010)

## **9.16.070: RECEIVING STOLEN PROPERTY; DUTIES OF PAWNBROKERS:**

A. Definitions: As used in this section:

**DEALER:** A person in the business of buying or selling goods.

**RECEIVES:** Acquiring possession, control or title or lending on the security of the property.

B. Knowledge Or Belief: A person commits theft if such person receives, retains or disposes of the property of another knowing that it has been stolen, or believing that it probably has been stolen, or who conceals, sells, withholds or aids in concealing, selling or withholding any such property from the owner, knowing the property to be stolen, with a purpose to deprive the owner thereof.

C. Presumption: The knowledge or belief required for subsection B of this section is presumed in the case of an actor who:

1. Is found in possession or control of other property stolen on a separate occasion; or
2. Has received other stolen property within the year preceding the receiving offense charged;  
or
3. Being a dealer in property of the sort received, retained or disposed, acquires it for a consideration which such actor knows is far below its reasonable value;
4. Every pawnbroker or person who has or operates a business dealing in or collecting used or secondhand merchandise or personal property, and every agent, employee or representative of the pawnbroker or person who buys, receives or obtains property shall require the seller or person delivering the property to certify in writing, that such person has the legal rights to sell the property. If the value given for the property exceeds twenty dollars (\$20.00), the pawnbroker or person shall also require the seller or person delivering the property to obtain a legible print, preferably the right thumb, at the bottom of the certificate next to his signature or any other positive form of identification.
  - a. Every pawnbroker or person who has or operates a business dealing in or collecting used or secondhand merchandise or personal property, and every agent, employee or representative of the pawnbroker or person who fails to comply with the requirements of this subsection C4 shall be presumed to have bought, received or obtained the property knowing it to have been stolen or unlawfully obtained. This presumption may be rebutted by proof.
  - b. When in prosecution under this section it appears from the evidence that the defendant was a pawnbroker or a person who has or operates a business dealing in or collecting

**9.20.020: INSULTING PERSONS:**

It is unlawful for any person to pursue, lay hands on, molest, insult or obscenely or offensively speak to or address any other person, without such person's express or implied consent, in any street or in any other place within the limits of the city. (1989 Code: prior code § 12-8-14)

**9.24.010: PERSONS UNDER THE AGE OF EIGHTEEN YEARS; SELLING TO SECONDHAND AND JUNK STORES:**

It is unlawful for any owner or person in charge of any secondhand or junk store to purchase or receive any articles from persons under the age of eighteen (18) years without the written consent of their parents. (Prior code § 12-7-1)

## **Chapter 10.04**

# **STATUTES ADOPTED**

### **10.04.010: STATUTES ADOPTED:**

All of Utah Code Annotated 41-1, 41-2, 41-6, 41-7, 41-8, 41-12(a), 41-21 and 41-22, as amended, together with all amendments and additions that may hereafter be made, are enacted, approved and adopted as part of this section to form the traffic code for this municipality, except as hereinafter specified, and by this reference are made a part of this title to the same extent and effect as though such code were copied in this chapter in full. Three (3) copies of the laws adopted by reference shall be filed for use and examination in the office of the city recorder. (1989 Code)

**10.12.070: AUTHORIZED EMERGENCY VEHICLES:**

- A. The driver of an authorized emergency vehicle, when responding to an emergency call or when in the pursuit of an actual or suspected violator of the law or when responding to but not upon returning from a fire alarm, may exercise the privileges set forth in this section, but subject to the conditions stated in this section.
- B. The driver of an authorized emergency vehicle may:
1. Park or stand irrespective of the provisions of this title;
  2. Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation;
  3. Exceed the maximum speed limits so long as the driver does not endanger life or property;
  4. Disregard regulations governing direction of movement or turning in specified directions.
- C. The exemptions granted in this section to an authorized emergency vehicle shall apply only when the driver of any such vehicle while in motion sounds audible signal by bell, siren or exhaust whistle as may be reasonably necessary, and when the vehicle is equipped with at least one lighted lamp displaying a red light or an oscillating or flashing white light visible under normal atmospheric conditions from a distance of five hundred feet (500') to the front of such vehicle, except that an authorized emergency vehicle operated as a police vehicle need not be equipped with or display a red light visible from the front of the vehicle.
- D. The provisions of subsections A through C of this section shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall such provisions protect the driver from the consequences of an arbitrary exercise of the privileges declared in this section. (Prior code § 42-3-7)

**10.16.020: AUTHORITY TO ESTABLISH PLAY STREETS:**

The chief of police after prior approval of the municipal council shall have authority to declare any street or part thereof a play street and to place appropriate signs or devices in the roadway indicating and helping to protect the same. (Prior code § 42-4-13)

**10.16.030: PLAY STREETS; DRIVING REGULATIONS:**

Whenever authorized signs are erected indicating any street or part thereof as a play street, no person shall drive a vehicle upon any such street or portion thereof except drivers of vehicles having business or whose residences are within such closed area, and then any such driver shall exercise the greatest care in driving upon any such street or portion thereof. (Prior code § 42-4-14)

**10.52.290: STOPPING, STANDING AND PARKING; VIOLATION; PENALTY:**

A. Person Liable For Civil Penalty: Any person engaged in the unauthorized stopping, standing or parking of a vehicle within the city shall be liable for a civil penalty. Any penalty assessed herein may be in addition to such other penalties as may be provided in this title. The penalty provisions of section 10.64.010 of this title shall not be applicable to this chapter.

**B. Civil Penalties:**

1. Civil penalties shall be imposed as follows:

<b>Section</b>	<b>Penalty</b>
<u>10.52.010A1</u>	\$ 40 .00
<u>10.52.010A2</u>	45 .00
<u>10.52.010A3</u>	45 .00
<u>10.52.010A4</u>	45 .00
<u>10.52.010A5</u>	45 .00
<u>10.52.010A6</u>	45 .00
<u>10.52.010A7</u>	45 .00
<u>10.52.010A8</u>	45 .00
<u>10.52.010A9</u>	45 .00
<u>10.52.010A10</u>	45 .00
<u>10.52.010A11</u>	45 .00
<u>10.52.010A12</u>	45 .00
<u>10.52.010A13</u>	40 .00
<u>10.52.010A14</u>	40 .00
<u>10.52.010A15</u>	40 .00
<u>10.52.010A16</u>	40 .00

<u>10.52.010A17</u>	45 .00
<u>10.52.010A18</u>	45 .00
<u>10.52.010A19</u>	45 .00
<u>10.52.010A20</u>	40 .00
<u>10.52.010A21</u>	45 .00
<u>10.52.020</u>	40 .00
<u>10.52.030</u>	45 .00
<u>10.52.150</u>	45 .00
<u>10.52.160</u>	45 .00
<u>10.52.170</u>	40 .00
<u>10.52.180</u>	40 .00
<u>10.52.190</u>	45 .00
<u>10.52.210</u>	40 .00
<u>10.52.240</u>	40 .00
<u>10.52.260</u>	40 .00
<u>10.52.280</u>	200 .00
<u>17.38.080</u>	40 .00

2. Any penalties that are paid within ten (10) normal working days from the date of receipt of notice shall be reduced by the sum of twenty dollars (\$20.00) except for violations of section 10.52.280 of this chapter for parking in a space reserved for handicapped individuals which shall be reduced by the sum of seventy five dollars (\$75.00).

3. As used in this section, "receipt of notice" means the affixing of a notice to the vehicle alleged to have been employed in such unauthorized stopping, standing or parking or by delivery of such notice to the owner or driver thereof.

C. Exceptions: Whenever a vehicle shall have been employed in the unauthorized stopping, standing or parking on the streets within the city, the person or persons in whose name such vehicle is registered shall be strictly liable for such unauthorized stopping, standing or parking and the penalty therefor. Except that the person or persons in whose name such vehicle is registered shall not be liable for a civil penalty for violations of subsection 10.52.010B, or sections 10.52.140, 10.52.220, 10.52.230, 10.52.250, and 10.52.270 of this chapter. Penalties for violations of subsection 10.52.010B, or sections 10.52.140, 10.52.220, 10.52.230,

10.52.250, and 10.52.270 of this chapter shall be imposed as provided in subsection D of this section.

D. Fine: Any person who violates any of the provisions of subsection 10.52.010B, or sections 10.52.140, 10.52.220, 10.52.230, 10.52.250, and 10.52.270 of this chapter shall, for each and every violation and compliance, be guilty of an infraction, and upon conviction thereof shall be fined a sum not to exceed fifty dollars (\$50.00) for each offense or violation. (Ord. 13-10, 2013: Ord. 13-02, 2013: Ord. 12-38, 2012)

## **Chapter 10.64**

# **VIOLATION; PENALTY**

### **10.64.010: VIOLATION; PENALTY:**

- A. Any person violating any provision of chapters 10.04 through 10.60 of this title, except where another penalty is provided, shall for each and every such violation be guilty of a misdemeanor and upon conviction thereof shall be fined a sum not to exceed three hundred dollars (\$300.00), or by imprisonment for a term not to exceed thirty (30) days, or by both such fine and imprisonment.
- B. Any person who shall fail to comply with any order made by the court under any provision of chapters 10.04 through 10.60 of this title shall for each and every noncompliance, be guilty of a misdemeanor and upon conviction thereof, shall be fined a sum not to exceed five hundred dollars (\$500.00) or by imprisonment for a term not to exceed thirty (30) days, or by both such fine and imprisonment. (Prior code § 42-17-1)

### **10.64.020: PRISON LABOR AND FINES:**

When a defendant pleads guilty or is convicted, the court must render judgment that such person be punished by a fine or imprisonment, or by both, with or without costs. A judgment for the payment of a fine, or of a fine and costs, may also direct that the defendant be imprisoned at hard labor until such fine, or such fine and costs, are paid, in the proportion of one day's imprisonment for every two dollars (\$2.00) of the fine and costs. "Hard labor" is defined as such labor as the defendant's strength will permit not exceeding eight (8) hours in each working day. (Prior code § 42-17-2)

## **Chapter 12.30**

# **RIGHT OF WAY PARKING**

### **12.30.010: REGULATIONS:**

Prior to December 31, 1998, all owners of parking within the public right of way shall apply to the department of public works for a right of way parking permit, in accordance with the following procedures.

- A. **Inspection And Findings:** The public works director shall inspect the existing parking and determine whether the right of way parking is needed or can be relocated.
  
- B. **Relocation:** If the public works director determines that the parking should be relocated the city shall work with the property owner to establish a timetable for moving the parking out of the public right of way. The configuration of the parking spaces within the right of way will be approved by the director of public works. Any construction required to modify these parking spaces shall require a right of way construction permit and all conditions of the right of way permit shall be met by the owner or his/her agent. Any cost relating to the construction of the parking spaces within the right of way shall be borne by the owner. The right of way parking areas shall have signs to indicate the spaces are for permitted parking only. Relocation of parking and reclamation of the public right of way shall be at the owner's expense.
  
- C. **No Relocation:** If the public works director determines that the parking cannot be relocated the property owner shall obtain a right of way parking permit.
  
- D. **Right Of Way Parking Permit:** The owner(s) must obtain a right of way parking permit from the director of public works to allow parking in the right of way. The cost for this permit shall be as set forth in the schedule of fees in the office of the director of public works. All fees shall be approved by resolution of the municipal council. The right of way permit shall expire upon change of use of the building.
  
- E. **Failure To Obtain A Permit:** If an application for a right of way permit is not submitted by December 31, 1998, the public works director shall notify the property owner that the parking has been abandoned. The property owner shall be given notice by certified mail or personal service to remove all parking from the city right of way within the time lines set by the public

works director. If the property owner fails to comply, the public works director is authorized to order the removal and restoration of the right of way and file a lien against the property to recover all actual and administrative costs.

- F. **Maintenance Of Parking Bridges:** The permit to use the right of way for private parking purposes shall require that the bridge from the street to the parking area be constructed and maintained according to public works standards and specifications. The property owner is responsible for maintain free flow of canal and drainage waters under the parking portion of the parking area at all times during the year. If the canal or gutter water becomes blocked, the city may demand that the property owner clean the channel within forty eight (48) hours, or the city may perform the tasks and bill the property owner for the costs. If the public works director determines that an unsafe situation may exist if action is not taken, the city, without hearing or notice may clean the covered area or, if necessary remove the parking bridge entirely, and bill the property owner for the actual and administrative cost for such actions. All parking bridges and parking areas shall be maintained to city specifications. Parking shall be designed so that the front ends of the vehicles do not block the pedestrian sidewalk. Snow shall not be removed from the parking area through placement in the traveled street or onto the sidewalk.
- G. **Parking Bridge And Right Of Way Parking Standards:** Parking bridges shall be constructed of concrete to public work standards and specifications and parking areas within the right of way shall be paved in either concrete or asphalt as required by public works standards and specifications.
- H. **Recording Parking Permits:** All right of way parking permits shall be recorded at the office of the Cache County recorder.
- I. **Appeals:** Appeals of right of way parking permits shall be referred to the mayor. (Ord. 98-2 § 1, 1998)

### **12.30.020: NO CITY RESPONSIBILITY FOR RIGHT OF WAY PARKING:**

Parking in the public right of way and the bridge over any canal or gutter is used at the sole risk of the property owner. The city shall not be held responsible for claims, damages or costs associated with an action of a property owner, lessee, or tenant functioning under a permit issued pursuant to this chapter. The city may require that the property owner name the city as an additional insured on a general liability insurance policy covering perils associated with the parking bridge and right of way parking. (Ord. 98-2 § 1, 1998)