

ORDINANCE NO. 2019-_____

AN ORDINANCE OF THE CITY OF SOUTH SALT LAKE CITY COUNCIL REPEALING AND REPLACING TITLE 10 OF THE CITY OF SOUTH SALT LAKE MUNICIPAL CODE, TO IMPLEMENT A RECREATIONAL VEHICLE PARKING PERMIT AND MAKE OTHER NECESSARY REVISIONS, AND AMENDING CHAPTER 3.11 OF THE CITY OF SOUTH SALT LAKE MUNICIPAL CODE TO ADOPT RELEVANT FEES

WHEREAS, the City Council is authorized by state law to enact and amend ordinances to protect the health, safety, and welfare of the public;

WHEREAS, the City Council finds that the parking of recreational vehicles within the municipal boundaries of the City of South Salt Lake has the ability to negatively affect public health, safety, and welfare if not appropriately regulated;

WHEREAS, the City Council finds that the unregulated parking of recreational vehicles in the City negatively affects the aesthetics and livability of the community and residents;

WHEREAS, the City Council finds that Recreational Vehicles are often a source of illegal activity, including illegal dumping and that due to the transient nature of these vehicles it is often difficult to identify a specific offender;

WHEREAS, the City Council finds that certain changes to Title 10 are desirous to help promote public health, safety, and welfare;

WHEREAS, the City Council finds that current parking regulations are inadequate to address the concerns of parking Recreational Vehicles in the City;

WHEREAS, the City Council finds that property owners and their bona fide guests shall have the opportunity to have limited use of the streets for a finite period of time for the purpose of parking Recreational Vehicles; and

NOW THEREFORE, BE IT ORDAINED, by the City Council of the City of South Salt Lake as follows:

SECTION I. Repeal and Replace South Salt Lake Municipal Code Title 10 as follows:

Title 10 - VEHICLES AND TRAFFIC

Chapter 10.01- GENERAL PROVISIONS

10.01.010 - Definitions.

For purposes of this Title, the following terms are defined:

"Driveway" means any path used primarily for vehicles, leading from a street or road to a garage or house.

"Enforcement official" has the same definition as that in Section 8.14.100 of this code.

"Impound" means the towing and/or storing of a vehicle by a wrecker service as authorized by the city, or other lawful transport of a vehicle by the police department for temporary storage.

"Impoundment charges" includes costs for both towing and storing of the inoperable vehicle, and administrative impound fees.

"Inoperable vehicle" means a vehicle to which any of the following apply:

1. For a period of at least thirty (30) consecutive days:
 - a. The engine, wheels, tires, or other parts are removed;
 - b. The engine, wheels, tires or other parts have been altered, damaged or otherwise so treated that the vehicle is incapable of being driven under its own motor power; or
 - c. The vehicle has one or more flat tires, has one or more missing windshield or window, or has one or more windshield or window broken to the extent that visibility is limited so as to make driving the vehicle unsafe;
2. The vehicle is currently incapable of being registered, and for a period of one year either registration has not been obtained by the owner, or registration has been expired for longer than one year; or
3. The vehicle is a junked, wrecked, or salvaged vehicle.

"Large Vehicle" means a motor vehicle or other equipment that exceeds thirty-five (35) feet in total length or has more than nine wheels which touch the ground or exceeds a gross vehicle weight of thirty thousand (30,000) pounds.

"Owner" means the registered owner or owners of a vehicle as recorded with the Utah Department of Motor Vehicles or a similar agency outside the state of Utah. Where written notice is required under this chapter, notice shall be given to each registered owner.

"Public property" means any real property owned or managed by any governmental entity within the municipal limits of the city, such as highways, alleys, rights-of-way, and streets, or any property open to the public for use.

"Recreational Vehicle" means a vehicular unit primarily designed as a temporary dwelling for travel, recreational and vacation use, which is either self-propelled or is mounted on or pulled by another vehicle.

"Residential street, highway or road" means all roads or portions of roads within residential zoning districts but shall not include the following:

1. 300 East and 500 East north of 2700 South;
2. West Temple;
3. 1100 West;
4. 2100 South;
5. 2700 South;
6. 3300 South;
7. 400 East between 2100 South and Haven Avenue;
8. Wentworth Avenue between 400 East and 500 East; and
9. I-80;
10. 3900 S.

"Trailer" means any object designed to be towed or pulled behind a vehicle, and designed to travel along the ground by use of wheels, treads, runners, or slides. "Trailer" includes semi-trailers.

"Vehicle" means any device, in, upon, or by which any person or property may be transported or drawn upon a street or highway, propelled by a power other than human power, and designed to travel along

the ground by use of wheels, treads, runners or slides. "Vehicle" includes, without limitation, automobiles, trucks, recreational vehicles, buses, motorcycles, tractors, all-terrain vehicles and snowmobiles. "Vehicle" includes any of the above devices regardless of its source of power, including but not limited to, electric, gas or fuel-powered engines.

"Vehicle parts" means any component of a vehicle, including a vehicle frame, or any component which would normally be affixed, glued, or otherwise attached to or a part of a vehicle or its frame. It also includes pieces of any such component.

Chapter 10.02 - PARKING AND TRAVEL REGULATIONS

10.02.010 - Parking restrictions—Time limitations.

- A. All Night Parking Prohibited. No person shall park a vehicle on any street for a period longer than one hour between the hours of two a.m. and six a.m. of any night when removal of snow from the streets may be necessary. The fact that snow fell during such hours shall be prima facie evidence of the need for its removal.
- B. Parking Limited to Seventy-Two (72) Consecutive Hours. No person shall park a vehicle upon any street or alley for more than seventy-two (72) consecutive hours except as stated below.
 - 1. Recreational Vehicles may be parked up to two hundred forty (240) consecutive hours if they meet the conditions outlined in 10.02.030 and 10.02.040.
- C. Parking Time Limited on Streets.
 - 1. When appropriate signs or traffic markings are erected and put in place by proper authority, no person shall park a vehicle or permit said vehicle to remain parked for a period longer than specified, between the hours shown and upon the streets designated below.
- D. Whenever any vehicle shall have been parked in violation of any ordinance prohibiting or restricting parking, the person in whose name such vehicle is registered shall be per se responsible for such violation and subject to the penalty therefor.

10.02.020- Restricted travel for Large Vehicles.

- A. No Large Vehicle or similar apparatus may travel on any residential street, highway or road within the corporate limits of the city of South Salt Lake.
- B. The prohibition contained in 10.02.020(A) shall not apply to any of the following:
 - 1. Commercial vehicles making pickups or delivery of goods, wares or merchandise, or while providing services to a residence, including but not limited to maintenance, construction, or repair services.
 - 2. Construction vehicles for an active construction site in conformance with City approved building permit.
 - 3. Emergency or City owned vehicles.

10.02.030- Parking for Recreational Vehicles

- A. No person shall park a Recreational Vehicle on any street, highway, or road within the corporate limits of the City of South Salt Lake except as provided in this Chapter.
- B. The prohibition contained in 10.02.030(A) shall not apply to any of the following:
 - 1. Recreational Vehicles left standing as a result of a mechanical breakdown so as to allow the performance of emergency repairs on the vehicle for a period not to exceed 12 hours; and

2. Recreational Vehicles with a validly displayed Recreational Vehicle Parking Permit.

C. No person shall run electrical cords, extension cords, hoses, cables, or other items across, above or on the park strip or sidewalk from a residential or commercial property to a Recreational Vehicle.

D. Any enforcement official may move or cause to be moved and impounded a Recreational Vehicle found to be in violation of this Chapter, at the expense of the owner

10.02.040- Parking and Travel Permits

A. To park a Recreational Vehicle on a street, highway, or road within the corporate limits of the City of South Salt Lake, said vehicle must obtain a Recreational Vehicle Parking Permit through the South Salt Lake Police Department. All permits must be prominently displayed on the lower portion of the front windshield on the driver's side so that it is clearly visible from the exterior of the vehicle.

B. Application for a Recreational Vehicle Parking Permit shall be made to the Chief of Police or his designee on a form provided by the Police Department. Incomplete applications will not be accepted or considered. Proof of a valid driver's license, registration, and insurance must be provided prior to issuance of a Recreational Vehicle Parking Permit. The applicant must sign the application under penalty of perjury.

C. To be eligible to apply for a Recreational Vehicle Parking Permit the applicant must be a bona fide City property owner or tenant or be a guest of a bona fide City property owner or tenant.

D. Recreational Vehicle Parking Permits are non-transferable.

E. A recreational Vehicle Parking Permit does not relieve any person from the obligation to comply with Federal, State, or Local laws. Violations of State, Federal, or local laws will deem the Recreational Vehicle Permit void.

F. Recreational Vehicle Parking Permits are subject to a fee as set forth in the Consolidated Fee Schedule.

Chapter 10.03 - INOPERABLE VEHICLES

10.03.010 - Purpose.

Sections 10.03.010 et seq. are intended to promote the general health, safety and welfare of the people of the city by preventing inoperable vehicles from littering property and creating health hazards. They are also intended to protect and improve the integrity and aesthetic qualities in the city by preventing the use of private and public property as a disposal or storage area for inoperable vehicles.

10.03.020 - Storage of inoperable vehicles, scrap metal and vehicle parts prohibited—Exceptions.

A. Inoperable vehicles, scrap metal and vehicle parts which remain on property and premises are unsightly and deleterious objects.

B. It shall be unlawful for a person to cause or permit any inoperable vehicle to remain on property or premises within the corporate limits of the City of South Salt Lake unless in connection with a licensed and lawfully situated business, or as otherwise excepted or permitted by the provisions of this section.

C. Scrap metal and vehicle parts:

1. It shall be unlawful for a person to cause or permit any scrap metal or vehicle parts to remain on any property or premises within the city for more than seven days, unless in connection with a

licensed and lawfully situated business, or as otherwise excepted or permitted by the provisions of this section.

2. It is not a defense that different parts or scrap are present than the parts which were observed seven days previous to the date of citation.
 3. The presence of vehicle parts or scrap metal on both the first and seventh day of a period is prima facie evidence of the violation.
 4. The removal of vehicle parts or scrap metal for a period of less than four consecutive days during the seven-day period is not a defense to a violation of this section.
- D. It shall be unlawful to leave an inoperable vehicle, trailer, or any part thereof, on any public property or on any private property, without the property owner's, tenant's, or occupant's consent.
- E. Proof that the vehicle's odometer shows movement of no more than two-tenths of one mile during any specified period of time shall be prima facie evidence of lack of movement, but lack of movement may also be established by other evidence.
- F. Inoperable vehicles or vehicle parts may be kept within an enclosed accessory structure, such as a garage or barn, provided that such building does not impose a threat to life safety or a nuisance or health hazard, and complies with all municipal and state ordinances, building codes, and zoning codes at the time of the building's original construction. Carports are not considered "enclosed" for the purpose of this chapter.
- G. Notwithstanding any other provision, it shall be permissible for any person to keep one inoperable vehicle on his or her property, so long as: (1) the vehicle is kept behind at least a four-foot opaque fence or structure which has the effect of blocking the view of the vehicles from public or private property; (2) the vehicle is covered during periods of rain or snowfall such that precipitation does not enter the vehicle's interior; and (3) the vehicle's placement does not constitute a health or environmental hazard. Vehicles stored pursuant to this subsection must be parked on a hard surface, as required by Title 17 of this code.
- H. Notwithstanding subsection G of this section, no inoperable vehicles shall be permitted to be kept in apartment complex or condominium parking lots unless the owner meets the requirements of subsection F of this section.

Chapter 10.04- Enforcement

10.04.010 - Enforcement—Authority to remove—Administrative impound fees.

- (A) Enforcement officials have discretion to enforce the provisions of this Title under the authority of the code enforcement program, Section 8.14.010 et seq. of this code.
- (B) An order of abatement entered by a court or administrative law judge relating to an inoperable vehicle shall require the impounding of any inoperable vehicle or trailer found in violation of this chapter, and such an order shall require the owner to pay impoundment charges, regardless of whether the owner retrieves his or her vehicle from impound. For orders relating to the abatement of vehicle parts, the administrative law judge shall require the payment of all costs of abatement. The order shall assess fees equal to the city's actual costs, plus an administrative nuisance abatement fee in the amount established in the consolidated fee schedule.
- (C) Vehicles ordered removed shall be towed and impounded according to procedures established under state law.

Chapter 10.05 - MISCELLANEOUS RULES

10.05.010 - Avoiding designated intersections.

- A. Avoiding Intersection or Highway. It is unlawful for the driver of any vehicle to avoid designated intersections or highways, or the traffic regulations set forth herein, by cutting through any service station lot, parking lot, or other public or private lot.

- B. Violation and Penalty. Any person who violates or refuses to comply with any of the provisions of this section shall be guilty of a Class C misdemeanor and, upon conviction, shall be punished as defined in state law for such misdemeanors.

10.05.020 - Vehicle trespass.

- A. The owner or lessee of commercial property that invites the public to park or drive motor vehicles upon the property during business hours may close the property to the public during non-business hours by posting on the property a sign, clearly visible, stating the time(s) the public is prohibited to park or drive a motor vehicle upon it. It shall be unlawful for any person to park or drive a motor vehicle upon a property that has been posted closed to the public at any time when the property is so closed.
- B. The owner or lessee of commercial property may restrict access to the property during business hours by posting a sign, clearly visible, limiting access to patrons of the business. The owner or lessee may revoke a patron's permission to be on the property.
- C. It shall be a defense that: (1) the owner or lessee of the property has granted express permission to the person to park or drive upon the property; (2) the person is operating a police or other emergency vehicle; or (3) the vehicle being operated or parked upon the property is devoted to commercial or industrial purposes in connection with the property and permission for such operation is impliedly or expressly given by the property owner.
- D. Vehicle trespass is a strict liability offense.

Chapter 10.06 - NEGLIGENT DRIVING

10.06.010 - Negligent collision.

It is unlawful to operate a vehicle with such lack of due care and in such negligent manner as to cause the same to collide with any vehicle, person or object.

Chapter 10.07 - STREET USE RESTRICTIONS

10.07.010 - Restricted parking for large vehicles.

On all streets in the city, parking of large vehicles shall not be allowed.

10.07.020 - Restricted parking for trailers.

On all streets in the city, no parking shall be allowed at any time for any trailer not attached to a licensed, registered, insured, and operable vehicle.

10.07.020 - Violations and penalties.

Unless otherwise prescribed, Moving violations shall be a Class C misdemeanor and parking violations shall be an infraction.

10.07.030 - Low profile motorized vehicles.

- A. Definitions. For purposes of this section:
 - 1. "Low profile motorized vehicle" shall mean any motorized vehicle that:
 - a. Is not regulated by the state or by any other city code provision;
 - b. Is not otherwise permitted upon the highways or sidewalks; and,
 - c. Is less than thirty-six inches (36") in height when in its normal operating position, notwithstanding any flag, antenna, or other device attached, or modifications made thereto. This definition includes, but is not limited to, "pocket bikes" or miniature motorcycles, and "go-carts."

- B. It is unlawful for any person to operate a low profile motorized vehicle upon any public property within the city, including, but not limited to, streets, sidewalks, public parking lots, or parks. It is unlawful for an owner, parent or guardian to allow a minor to operate such a vehicle on public property within the city.
- C. Penalty. A violation of this section is a Class C misdemeanor and is punishable as such.

Chapter 10.08 - IDLING OF VEHICLES

10.08.010 - Purpose.

The purpose of this chapter is to educate owners and operators of vehicles of the adverse effects of vehicle idling, to protect the public health and improve the environment by reducing emissions while conserving fuel, and to enforce the provisions of this chapter after the appropriate notification has been provided to vehicle owners and operators.

10.08.020 - Definitions.

For purposes of this chapter, these definitions shall apply:

"Driver" means any person who drives, operates, or is in actual physical control of a vehicle.

"Idle" means the operation of a vehicle engine while the vehicle is stationary or not in the act of performing work or its normal function.

"Owner" means the person or persons listed on the vehicle's registration.

"Vehicle" means any self-propelled vehicle that is required to be registered and have a license plate by the Utah department of motor vehicles.

10.08.030 - Property subject to this chapter; enforcement.

- A. This chapter shall be enforceable on all public property and on private property that is open to the general public, unless the private property owner:
 - 1. Has a private business that has a drive-through service as a component of the private property owner's business operations, and posts a sign provided by or acceptable to the city informing its customers and the public of the city's time limit for idling vehicle engines; or
 - 2. Adopts an idle reduction education policy approved by the city.
- B. Law enforcement personnel shall exercise reasonable caution and utilize customary safety procedures in their enforcement of this chapter.
- C. A citation may be issued by any official designated by the city.
- D. Citations and warnings shall be given to the vehicle's driver or owner, or if the vehicle is left unattended, left in a prominent place on the vehicle such as the window or windshield.

10.08.040 - Idling restriction within city limits.

No driver, while operating a vehicle within city limits, nor any vehicle owner, who is allowing another to operate a vehicle, shall cause or permit a vehicle's engine to idle for more than two minutes, except in the following circumstances:

- A. Idling while stopped:
 - 1. At the direction of an official traffic control device or traffic control signal; or
 - 2. At the direction of a peace officer or emergency responder;
- B. Idling as needed to operate heaters or air conditioners where the temperature is below thirty-two degrees Fahrenheit (32°F) or above ninety degrees Fahrenheit (90°F), as measured at the Salt

Lake City Airport and determined by the National Weather Service, for the health or safety of a driver or passenger, including service animals;

- C. Idling for the minimum amount of time required for the operation of defrosters or other equipment to clear the windshield and windows to provide unobstructed views and ensure visibility while driving;
- D. Idling as needed for emergency vehicles to operate equipment;
- E. Idling as needed to ascertain that a vehicle is in safe operating condition and equipped as required by all provisions of law, and that all equipment is in good working order, either as part of the daily vehicle inspection, or as otherwise needed;
- F. Idling as needed for testing, servicing, repairing, installation, maintenance or diagnostic purposes;
- G. Idling for the period recommended by the manufacturer to warm up or cool down a turbocharged heavy duty vehicle;
- H. Idling as needed to operate auxiliary equipment for which the vehicle was primarily designed or equipped, other than transporting goods, such as: operating a transportation refrigeration unit (TRU), lift, crane, pump, drill, hoist, ready mixed equipment, except a heater or air conditioner;
- I. Idling as needed to operate a lift or other piece of equipment designed to ensure safe loading and unloading of goods or people;
- J. Idling to recharge a battery or other energy storage unit of a hybrid electric vehicle;
- K. Idling as needed for vehicles that house K-9 or other service animals; or
- L. Idling by on duty police officers as necessary for the performance of their official duties.

10.08.050 - Penalties.

Violation of this chapter is a civil offense and shall be penalized as follows:

1. First offense: A warning but no fine.
2. Subsequent offenses: A civil fine in an amount determined by the consolidated fee schedule.

SECTION II. Amend South Salt Lake Municipal Code Chapter 3.11 as follows:

Section VII. Police Department

Reports & Documents

DI-9 (crash) Reports	\$15 (provided at station)
Crash reports available at https://crashreport.utah.gov	\$9.50 (provided online)
Police Reports (includes research/redaction costs)	
<50 pages	\$10
50-100 pages	\$20
101-200 pages	\$30
201+ pages	As quoted
Dashboard/Body/Security/Other Video/Audio Recording (incl. disc, research/redaction, staff time)	\$45 per recording device

Work Cards

Work/ID Card (alcohol, sexually oriented businesses)	\$25
Duplicate Work/ID Cards	\$10

Sex Offender Registration

Sex Offender Registration Fee	\$25
DNA Collection Fee	\$125

Permits

<u>Recreational Vehicle Parking Permit</u>	<u>\$25</u>
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Section VI. Courts, City Attorney, & Recreation

Justice Court

Fines and bails	As set by Utah Administrative Office of Courts
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Filing fees	As set by Utah Code Ann. § 78A-2-301.5
Record production fees	As set by Utah R. Jud. Admin. 4-202.08
Traffic school tuition	\$50
Trust check processing fee	\$10
Fingerprinting fee	\$10
No Recreational Vehicle Parking Permit	\$100

City Attorney

Discovery in criminal cases*	
Class C/infraction-level cases	\$10
Other criminal cases	\$15
Audio/video/color copies/etc.	See Section I
Debt-collection account administrative fee	\$25

* Fees in criminal cases shall not be assessed to or collected from defendants found indigent by the court in which their case is pending; however, duplicates/replacements of materials already provided to indigent defendants shall be charged at the standard rates above.

* Fee includes cost of mailing, and will provide all reports received by the prosecution office for the case requested.

Recreation

Youth Programs (uniform, team photo, award, practices & games)	Enrollment fee*
One child	\$25
Second child in family	\$20
Third and subsequent child in family	\$15

* Scholarships covering all or part of youth program fees are available based upon income eligibility.

SECTION III. Severability. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such provision shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of this ordinance.

SECTION IV. Conflict with Existing Ordinances, Resolutions, or Policies. To the extent that any ordinances, resolutions, or policies of the City of South Salt Lake conflict with the provisions of this ordinance, this ordinance shall prevail.

SECTION V. Effective Date. This ordinance shall become effective upon transmission to the office of the Mayor, and upon either the Mayor's signature and publication, or after fifteen days of transmission to the office of the Mayor if neither approved nor disapproved by the Mayor, and thereafter, publication.

DATED this ____ day of _____ 2019.

BY THE CITY COUNCIL:

Ben Pender, Council Chair

ATTEST:

Craig D. Burton, City Recorder

City Council Vote as Recorded:

Bynum _____
deWolfe _____
Kindred _____
Mila _____
Pender _____
Siwik _____
Thomas _____

Transmitted to the Mayor's office on this ____ day of _____ 2019.

Craig D. Burton, City Recorder

MAYOR'S ACTION: _____

Dated this ____ day of _____, 2019.

Cherie Wood, Mayor

ATTEST:

Craig D. Burton, City Recorder