CITY OF LOGAN
ORDINANCE NO. 2000-101 Revised

AN ORDINANCE AMENDING LOGAN MUNICIPAL CODE SECTION 17.60.030,
REMEDIES AND ENFORCEMENT POWERS

BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE CITY OF LOGAN AS
FOLLOWS:

SECTION I: Logan Municipal Code Section 17.60.030, Remedies and Enforcement
Powers, is hereby amended to read as follows;

§17.60.030. Remedies and Enforcement Powers
The City shall have the following remedies and enforcement powers.

A. Mediation for resolving violations.
It shall be the policy of the Municipal Council that the Administration shall take all
reasonable steps to resolve violations in order to achieve the intent of this Title.
Prior to taking legal action, the administration may offer an opportunity for
mediation as a means of obtaining a mutually agreed upon solution to the violation.
Costs of the mediator shall be shared equally by the City and other participating
parties.

B. Withhold permits
The City may deny or withhold all permits, certificates or other forms of
authorization on any land, structure, or improvements for which there is an
uncorrected violation of the Land Development Code or of a condition of a permit,
certificate, approval or other authorization previously granted by a decision-
making body. The City may grant such authorization provided that a written
agreement has been executed to resolve the violation in a timely manner. This
enforcement provision applies regardless of whether the current owner or applicant
is responsible for the violation in question.
The City may deny or withhold all permits, certificates or other forms of
authorization on any land, structure, or improvements owned by a person who
owns, developed or otherwise caused an uncorrected violation of a provision of
the Land Development Code or of a condition or qualification of a permit,
certificate, approval or other authorization previously granted by a decision-
making body. This provision applies regardless of whether the property for which
the permit or other approval is sought is the property in violation.

C. Revoke Permits
A permit may be revoked when the Director of Community Development
determines:
1. There is departure from the plans, specifications, or conditions as required
   under terms of the permit,
2. The permits were obtained by false representation or was issued by mistake, or
3. Any of the provisions of the Land Development Code are being violated.

D. Stop Work
With or without revoking permits, the City may stop work on any structure or
improvement on any land on which there is an uncorrected violation of a provision
of the Land Development Code or of a permit or other form of authorization
issued hereunder, in accordance with its power to stop work under the building
code.

E. Revoke Approvals
When a violation of the Land Development Code involves a failure to comply with
approved plans or conditions to which the approval of such plans was made
subject, the City Council may, upon notice to the applicant and other known
parties in interest (including any holders of building permits affected) and after a
public hearing, revoke the plan or other approval, or condition its continuance on
strict compliance, the provision of security or such other conditions as the City
Council may reasonably impose.

F. Injunctive Relief
The City may seek an injunction or other equitable relief in court to stop any
violation of the Land Development Code or of a permit, certificate or other form
of authorization granted hereunder.

G. Abatement
The City may seek a court order in the nature of mandamus, abatement, injunction
or other action or proceeding to abate or remove a violation or to otherwise
restore the premises in question to the condition in which they existed prior to the
violation.

H. Penalties
The penalty for a violation of the Land Development Code shall be governed by
the Municipal Code of the City of Logan, and the City may seek such criminal or
civil penalties as are provided by Utah law.

I. Certificates of Noncompliance
Upon discovery of a lot created in violation of the provisions of the Land
Development Code, the Director of Community Development may record a
"Certificate of Noncompliance" against the title to the property improperly created.

J. Other Remedies
The City shall have such other remedies as are and as may be from time to time
provided by Utah law and municipal codes for the violation of zoning, subdivision,
sign or related land development code provisions.

K. Remedies Cumulative
The remedies and enforcement powers established in this chapter are cumulative.

§17.60.040. Enforcement Procedures
A. Non-Emergency Matters
In the case of violations of the Land Development Code that do not constitute an
emergency, the Director of Community Development or designee must give notice
of the nature of the violation to the violator(s), property owner and to any
other person who is party to the agreement and to any applicant for any
relevant permit, after which the persons receiving notice shall have 10 days
to correct the violation before further enforcement action will be taken.
Notice must be given in person, or by United States Mail, or by posting notice on
the premises. Notices of violation must state the nature of the violation, the time
period allowed for coming into compliance, the corrective steps necessary and the
nature of subsequent penalties and enforcement actions should the situation not be corrected.

B. Emergency Matters
In the case of violations of the Land Development Code that do constitute an emergency situation, the City may use the enforcement powers available under this chapter without prior notice, but the Director of Community Development or designee must send notice simultaneously with beginning enforcement action to the property owner.

SECTION 2: Effective Date. This ordinance shall become effective upon publication.

ADOPTED BY THE LOGAN MUNICIPAL COUNCIL THIS 20th DAY OF DECEMBER, 2000, by the following vote:
AYES: Kerr, Pearce, Allred, S. Thompson
NAYS: None
ABSENT: Borg

Janice Pearce, Chairman

Lois Price, City Recorder

PRESENTATION TO MAYOR

The foregoing ordinance was presented by the Logan Municipal Council to the Mayor for approval or disapproval on the 20th day of December, 2000.

Janice Pearce, Chairman

MAYOR’S APPROVAL OR DISAPPROVAL

The foregoing ordinance is hereby approved this 20th day of December, 2000.

Douglas E. Thompson, Mayor
(Civil)

PROOF OF PUBLICATION

STATE OF UTAH
COUNTY OF CACHE

On this 6th day of December A.D. 2000, personally appeared before me Jean Willmore, who being first duly sworn, deposes and says that she is the chief clerk of the Cache Valley Publishing Co., publishers of The Herald Journal, a daily newspaper published in Logan, City, Cache County Utah, and that the advertisement

NOTICE OF PUBLIC HEARING FOR PURPOSES OF REZONING PROPERTY

was published in said newspaper for One (1) issue commencing December 6, 2000 and ending December 6, 2000.

Signed

Subscribed and sworn to before me, the day and year above written.

Signed

Notary Public.


NOTICE OF PUBLIC HEARING FOR PURPOSES OF REZONING PROPERTY

The Logan Municipal Council will hold a public hearing to consider an amendment to the Land Development Code:


Public hearings will be held on Wednesday, December 20, 2000, not before 6:15 p.m. in the Municipal Council Chambers at Logan City Hall, 255 North Main, Logan. Interested citizens are invited to attend.

Lois Price
City Recorder
Publication Date: December 6, 2000.
PROOF OF PUBLICATION

STATE OF UTAH
COUNTY OF Cache

On this 5th day of January, 2001, personally appeared before me Jean Willmore, who being first duly sworn, deposes and says that she is the chief clerk of the Cache Valley Publishing Co., publishers of The Herald Journal, a daily newspaper published in Logan, City, Cache County, Utah, and that the advertisement

LEGAL NOTICE

a copy of which is hereto attached, was published in said newspaper for one (1) issue commencing January 5, 2001 and ending January 5, 2001

Signed Jean Willmore

Subscribed and sworn to before me, the day and year above written.

Signed Cynthia K. Fulton
Notary Public


LEGAL NOTICE

SUMMARY OF AN ORDINANCE passed by the Logan Municipal Council is as follows:

ORD. 00-101. An ordinance amending Title 17 "Land Use Code" of the Logan Municipal Code, 1989, was adopted and approved December 20, 2000, amending Section 17.60.030, Remedies and Enforcement Powers and 17.60.040, Enforcement Procedures: 17.60.030(a) "Mediation for Resolving Violations," gives the administration the opportunity to offer mediation as a means of obtaining a mutually agreed upon solution to a violation, rather than mandating mediation;

17.60.040(A) "Non-Emergency Matters" is amended to simplify violation notification requirements by the Director of Community Development or designee. Subsection (B) of that same section is also amended to simply notification requirements:

Full text of the ordinance may be reviewed at the Office of the Logan City Recorder, City Hall, 255 North Main during regular office hours.

Lois Price, Recorder
Publication Date: January 5, 2001