AN ORDINANCE AMENDING LOGAN MUNICIPAL CODE SECTION 10.52.040, TO INCLUDE REGULATION OF BOOTING PRACTICES IN THE CITY OF LOGAN

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

SECTION I: Section 10.52.040, Abatement of nuisance vehicles—Impounding, is hereby amended to read as follows;

10.52.040. Regulations of impounding and booting practices.

A. Every police officer of the city is authorized summarily to seize and take possession of every abandoned or illegally parked or operated vehicle, which is declared to be an obstruction to traffic and a nuisance, wherever found, by removing or causing such vehicle to be removed and impounded in any authorized vehicle pound. Every police officer of the city is also further authorized to seize and take possession of any vehicle which is being operated upon the public streets of the city with improper registration, or which the officer has good reason to believe has been stolen, or on which any motor number, manufacturer's number or identification mark has been defaced, altered or obliterated, and to remove or cause such vehicle to be removed and impounded in any authorized vehicle pound. Every police officer so impounding a vehicle shall within twenty-four hours make a written report thereof to the chief of police specifying the manufacturer's trade name and model of the impounded vehicle, its license and motor number, the time and place where the vehicle was taken and impounded, and the cause of the impounding.

B. Definitions. “Booting” means to place any immobilization device upon a motor vehicle not registered to the person placing the immobilization device for purposes of parking enforcement.

C. Exceptions. This section shall not apply to any parking regulations as established by a college or university pursuant to Title 53B, Chapter 3, Utah Code Annotated.

D. It shall be unlawful for any property owner or designee to boot any motor vehicle that is trespassing or infringing upon the real property rights of that property owner without complying with this section.

1. Private parking lots which contain four (4) or more parking spaces and which use booting of vehicles for parking enforcement shall post a conspicuous sign on the property. Such signage will provide notice in large lettering with reflective background that unauthorized vehicles will be booted. At a minimum signage shall:

   a. Provide sufficient information to assist vehicle owners in the prompt recovery of any vehicle booted;
   b. Be at least 12" x 18" in size and shall be posted on the property owner's property;
2. After a boot is placed on any vehicle, the parking enforcement company shall:

   a. Provide a notice affixed to the boot or vehicle containing the name and telephone number of the firm which placed the boot on the vehicle, as well as the amount of the fee required to remove the boot;

   b. Maintain personnel authorized to remove any boot and release any vehicle to its owner or driver upon the payment of any authorized fee except as provided in subsection 3;

   c. Provide a receipt upon request of the individual making payment for removal of the boot.

3. The City of Logan or its designee may leave a boot in place until payment of parking fines issued pursuant to Logan Municipal Code Section 10.52.290.

   a. The City or its designee shall only boot a vehicle parked on public property.

   b. Booting may take place, with written warning, after the fifth citation.

E. Any parking enforcement company desiring to boot vehicles within Logan City shall (1) obtain a business license in the City of Logan, and (2) register its business name, address, telephone number, and fee schedules with the Logan City Police Department. In the event of a change in business name, address, telephone number, or fee schedules, such company shall register such information with the Logan City Police Department within ten (10) days.

1. Failure to comply with any provision of this section shall constitute grounds for suspension or revocation of the registration or business license of any company licensed or registered under this section to conduct parking enforcement service in Logan City.

2. A parking enforcement company shall not charge a fee in excess of any fee listed in the fee schedule for booting a vehicle.

3. A parking enforcement company shall not charge any fee related to the booting of a vehicle that is not listed in the fee schedule.

4. The maximum authorized fee for booting a vehicle shall be $50.00.

F. Violation of any provision of this section is a Class B Misdemeanor.

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

ADOPTED BY THE LOGAN MUNICIPAL COUNCIL THIS 18th DAY OF OCTOBER, 2000, by the following vote:

AYES: Borg, Kerr, Pearce, Allred

NAYS: S. Thompson

ABSENT: None
PRESENTATION TO MAYOR

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

Janice Pearce, Chairman

MAYOR'S APPROVAL OR DISAPPROVAL

The foregoing ordinance is hereby approved this ___ day of October, 2000.

Douglas E. Thompson, Mayor
PROOF OF PUBLICATION

STATE OF UTAH
COUNTY OF CACHE

On this 2nd day of November 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

LEGAL NOTICE

shall charge a fee in excess of any fee listed in the fee schedule for booting a vehicle. Fee schedules must be filed with the Logan City Police Department. The maximum fee set for booting a vehicle shall be $50. Violation of the ordinance section is a Class B Misdemeanor. This ordinance is effective upon publication. Full text of this ordinance may be reviewed at the Office of the Logan City Recorder, City Hall, 255 North Main, Logan, UT during regular office hours.

Lois Price, Recorder
Publication Date: November 2, 2000.
CITY OF LOGAN
ORDINANCE NO. 2000-75 (Revised 11/15/00)

AN ORDINANCE AMENDING LOGAN MUNICIPAL CODE SECTION 10.52.040, TO INCLUDE REGULATION OF BOOTING PRACTICES IN THE CITY OF LOGAN

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

SECTION I: Section 10.52.040, Abatement of Nuisance Vehicles – Impounding, is hereby amended to read as follows:

10.52.040 Regulation of impounding and booting practices.

A. Every police officer of the city is authorized summarily to seize and take possession of every abandoned or illegally parked or operated vehicle, which are declared to be an obstruction to traffic and a nuisance, wherever found, by removing or causing such vehicle to be removed and impounded in any authorized vehicle pound. Every police officer of the city is also further authorized to seize and take possession of any vehicle which is being operated upon the public streets of the city with improper registration, or which the officer has good reason to believe has been stolen, or on which any motor number, manufacturer's number or identification mark has been defaced, altered or obliterated, and to remove or cause such vehicle to be removed and impounded in any authorized vehicle pound. Every police officer so impounding a vehicle shall within twenty-four hours make a written report thereof to the chief of police specifying the manufacturer's trade name and model of the impounded vehicle, its license and motor number, if available, the time and place where the vehicle was taken and impounded, and the cause of the impounding.

B. Definition:
"Booting" means to place any immobilization device upon a motor vehicle not registered to the person placing the immobilization device for purposes of parking enforcement.

C. Exceptions:
This section shall not apply to any parking regulations as established by a college or university pursuant to Title 53B, Chapter 3, Utah Code Ann.

D. It shall be unlawful for any property owner or designee to boot any motor vehicle that is trespassing or infringing upon the real property rights of that property owner without complying with this section.

1. Private parking lots which contain four (4) or more parking spaces and which use booting of vehicles for parking enforcement shall post a conspicuous sign on the landlord’s property. Such sign will provide notice, with reflective background, that unauthorized vehicles will be booted. At a minimum, signage shall:
a. provide sufficient information to assist vehicle owners in the prompt recovery of any vehicle booted;
b. be at least 12” x 18” in size.

2. After a boot is placed on any vehicle, the parking enforcement company shall:
   a. provide a notice affixed to the boot or vehicle containing the name and telephone number of the firm that placed the boot on the vehicle, as well as the amount of the fee required to remove the boot;
   b. maintain personnel authorized to remove any boot and release any vehicle to its owner or driver upon the payment of any authorized fee except as provided in subsection 3;
   c. once payment is made, provide a receipt upon request of individual making payment for removal of the boot.

3. The City of Logan or its designee may leave a boot in place until payment of parking fines issued pursuant to Logan Municipal Code Section 10.52.290 are satisfied.
   a. The City of Logan or its designee may only attach a boot in accordance with this ordinance on public property.
   b. Vehicles may only be booted by the City of Logan or its designee following (5) five written citations and a written notice for the violations.

E. Any parking enforcement company desiring to boot vehicles within Logan City shall:
   Observe a business license in the City of Logan; and register its business name, telephone number, either an address or a P.O. Box number, and fee schedules with Logan City. In the event of a change in business name, telephone number, address or P.O. Box number, or fee schedules, such company shall register such information with the Logan City Business License Department within ten (10) days.

   1. Failure to comply with any provision of this section shall constitute grounds for suspension or revocation of the business license of any company licensed under this section to conduct parking enforcement service in Logan City.
   2. A parking enforcement company shall not charge a fee in excess of any fee listed in the fee schedule for booting a vehicle.
   3. A parking enforcement company shall not charge any fee related to the booting of a vehicle that is not listed in the fee schedule.
   4. The maximum authorized fee for booting a vehicle shall be $50.00 for up to twenty-four hours.
   5. Charges for damages to booting equipment shall not be governed by this ordinance and shall not prevent the vehicle’s release if scheduled fees are satisfied.

F. Landlords who engage a private parking enforcement company to boot illegally parked vehicles on their property shall inform their tenants of the booting practice and make available instructions on how to comply with the law.
1. A parking permit shall be provided to each tenant with instructions as to where that permit should be displayed in the automobile;
2. Tenants shall be provided with a written schedule of fees charged by the parking enforcement company;
3. Tenants shall be provided with instructions regarding visitor parking or will be informed if no visitor parking is available;
4. Tenants shall be provided with a method for replacing a lost permit; landlords/managers may charge a fee for such replacement; the replacement fee must be made known to tenants at the time they receive their parking permits.

G. Violation of any provision of this section is a Class B Misdemeanor.

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


Janice Pearce, Chairman

ATTEST: 
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 15th day of Nov., 2000.

Janice Pearce, Chairman

MAYOR’S APPROVAL OR DISAPPROVAL

The foregoing ordinance is hereby approved this 15th day of Nov., 2000.

Douglas E. Thompson
PROOF OF PUBLICATION

STATE OF UTAH
COUNTY OF Cache

On this 24th day of November, 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 appears on page 01, issue 01, commencing November 24, 2000 and ending November 24, 2000.

Signed. Jean Willmore

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

Signed. Cynthia Tellen
Notary Public.


LEGAL NOTICE

LEGAL NOTICE
SUMMARIES or ordinances adopted by the Logan Municipal Council are as follows:
1. ORD. 00-75 REVISED. An ordinance was adopted October 18, 2000 amending Logan Municipal Code, 1969 to include Section 10.52.040, "Regulation of Impounding and Booting Practices." It was amended November 15, 2000 to clarify language. Also, subsection "F" was added dealing with landlords who engage a private parking enforcement company to boot illegally parked vehicles on their property. They are required to inform tenants of the booting practice and make available instruction on how to comply with the law by providing: A. Permits and instructions as to where to display them; B. Written schedule of fees charged by parking enforcement company; C. Instructions regarding visitor parking or will be informed if none is available; D. Method of replacing lost permit.

Violation of the ordinance section is a Class B Misdemeanor.

2. ORD. 00-85. An ordinance was adopted November 1, 2000, vacating a certain right-of-way located south of Golf Course Road at 100 West and described as follows: Located in Block 3, Plat "B" of the Providence Farm Survey. The City wishes to abandon all of the "Old Field Road" right-of-way on Parcel 02-064-0014, as recorded in the Cache County Recorder's Office as Entry 498/987.

Also a part of the "Old Field Road" right-of-way that will not be used as the new 100 West Street, on Parcel 02-085-0001, as recorded in the Cache County Recorder's Office as Entry 792-624.

This ordinance is contingent on the dedication of all rights-of-way necessary for the realignment of the new West Street, including sidewalks and parallel strips to City Standards. These ordinances become effective upon publication. Full text of these ordinances may be viewed at the Office of the Logan Recorder, City Hall, North Main, Logan during regular office hours.

Lola Price, Recorder
Publication Date: November 24, 2000
TO: Municipal Council

FROM: Lois Price

RE: Booting Ordinance

DATE: November 8, 2000

On November 15, Mark Sorenson will review clarifications to the Booting Ordinance proposed by Chief Hendricks after hearing input at the October 18 meeting. Paragraph F has been added to the ordinance marked “Revised 11/15/00.” Also, some language in D(1), D(2), D(3) differs from the previous document.