CITY OF LOGAN
ORDINANCE NO. 03-12

AN ORDINANCE AMENDING CHAPTER 8.04, FIRE PREVENTION CODE; CHAPTER 8.34, "HAZARDOUS MATERIALS EMERGENCY--RECOVERY OF EXPENSE"; AND SECTION 8.08.050, "TEMPORARY FIREWORKS STAND"
LOGAN MUNICIPAL CODE, 1989

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

SECTION 1: Chapter 8.04, "Fire Prevention Code," is hereby amended to read as follows:

8.04.010 Uniform Fire Code International Fire Code Adopted:
A. There is adopted by the City for the purpose of prescribing regulations governing conditions hazardous to life and property from fire, hazardous materials or explosion, that certain code known as the Uniform Fire Code International Fire Code, including the following appendix chapters:
1. The following appendices from the Uniform Fire Code, latest edition, are adopted by the City:
   a. Appendix I-A, sections 1.1, 2.1, 2.2, 2.4, 2.5, 6 and 7;
   b. Appendix I-C;
   c. Appendix II-A;
   d. Appendix II-B;
   e. Appendix II-E;
   f. Appendix II-F;
   g. Appendix II-G;
   h. Appendix II-H;
   i. Appendix III-C;
   j. Appendix IV-A;
   k. Appendix IV-B;
   l. Appendix VI-A;
   m. Appendix VI-B;
   n. Appendix VI-C;

2. The following appendices from the Uniform Fire Code International Fire Code, latest edition, are adopted by the City as guidelines only:
   a. Appendix III-A; A- Board of Appeals
   b. Appendix III-B; B- Fire Flow Requirements
   c. Appendix VI-C1; C- Fire Hydrants Locations and Distributions
   d. Appendix VI-C2; D- Fire Department Access Roads
   e. Appendix VI-C3; E- Hazardous Categories
   f. Appendix VI-C4; F- Hazard Ranking
   g. Appendix VI-C5. G- Cryogenic Fluids- Weights and Volume Equivalents

B. The foregoing fire code is published by the International Fire Code Council Institute, being particularly the 1997 2000 Edition thereof and the whole thereof, except such portions which are
specifically excepted by this Section, three (3) copies of which have been and are now filed in
the office of the Clerk of the City and the same are adopted and incorporated as fully as if set out
at length herein, and from the date on which the Ordinance codified in this Section shall take
effect, the provisions thereof shall be controlling within the limits of the City. (Ord. 99-4 §1,
1999: Ord. 96-14 §1, 1996: 1989 Code: prior code §6-7-1)

8.04.020 Storage of flammable or combustible liquids in outside aboveground tanks—
Where prohibited and where permitted.
The following restrictions apply to hazardous materials stored or used in Logan City:
A. Definitions. The following definitions apply to this article:
"Commercial area" refers to any building or structure that is used to sell products, either
wholesale or retail.
"Industrial areas," "commercial areas" and "residential areas" as used herein, refers to those areas
that are zoned, according to the Logan City zoning ordinances, as industrial, residential and/or
commercial zones.

B. The limits referred to in Section 7902.2 and 79.04.2.5.4.2 of the Uniform Fire Code Chapter
34, Flammable and Combustible Liquids, of the International Fire Code, in which the storage of
flammable or combustible liquids is restricted are established as follows:
1. No flammable or combustible liquids shall be stored in aboveground storage tanks in
residential areas with the following exceptions:
   Aboveground vaulted tanks or double walled tanks may be allowed in a residential area
   when required for emergency back-up fuel for public utility equipment. All tanks must be
   installed and meet all requirements of the International Fire Code, Chapter 34 and be
   approved by the Chief of the Fire Department.
2. No flammable or combustible liquids shall be stored in aboveground storage tanks in
   industrial and commercial areas unless the container thereof and the distance from any building
   complies with the standards and conditions as set forth in the Uniform Fire Code International
   Fire Code, and unless in addition the aboveground tank has been approved after application for
   and permit from the chief of the fire department.
C. No flammable or combustible liquids shall be stored in below ground flammable liquid tanks
in any residential area except for home heating fuel.
D. The limits referred to in Section 7904.4 of the Uniform Fire Code Chapter 34, Section 3406,
   of the International Fire Code, in which new bulk plants for flammable or combustible liquids
   are prohibited, are established as follows: no such plant shall be located in an area which is
closer than three hundred feet from any residential dwelling unit or a central commercial
establishment primarily retail in character, nor shall such a plant be established in any zone
where such residential or commercial establishments are permitted uses.
E. The limits referred to in Section 8204.2 of the Uniform Fire Code Chapter 38, of the
   International Fire Code, in which storage of liquefied petroleum gas is restricted, are established
   as follows:
   1. No liquid petroleum gas shall be stored in aboveground storage tanks in residential areas.
   2. No liquid petroleum gas shall be stored in aboveground storage tanks in commercial or
       industrial districts unless the container thereof and the distance from the building comply
       with the standards and conditions as set forth in the Uniform Fire Code International Fire
       Code, and unless in addition the aboveground tank has been approved after the application
for and permit from the chief of the fire department. (Ord. 96-14 §2 (part), 1996; Ord. 90-32 §1, 1990: prior code §6-7-4)

8.04.030 Storage of compressed natural gas in aboveground containers.
The limits referred to in Section 5204.5.2 of the Uniform Fire Code Chapter 22 and Chapter 30 of the International Fire Code in which the storage of compressed natural gas storage is prohibited, are established as follows:
A. No compressed natural gas shall be stored in residential areas without the written approval after application for and written permit from the fire chief.
B. No compressed natural gas shall be stored in commercial and/or mercantile areas without the written approval after application for and written permit from the fire chief. (Chief of the Fire Department. (Ord. 96-14 §2 (part), 1996)

8.04.040 Burning at construction sites.
The limits referred to in Section 1102.3 Section 307 of the International Fire Code in which open burning is prohibited, are established as follows:
A. No contractor, subcontractor, or any employee or agent thereof shall set fire to any combustible materials on a building construction site, or set fire to combustible materials from a building construction site at any other outdoor location within Logan City.
B. All contractors shall be strictly liable, pursuant to the provisions of Section 8.04.050, for the acts of their subcontractors, employees, or agents that violate the provisions herein.
C. All subcontractors shall be strictly liable, pursuant to the provisions of Section 8.04.050, for the acts of their employees that are in violation of the provisions herein.
D. Any person shall be liable, pursuant to the provisions of Section 8.04.050, for their own acts in violation of the provisions herein. (Ord. 96-14 §2(part), 1996)

8.04.050 Violation--Penalty.
Any person who violates any of the provisions of this chapter or any of the provisions of the International Fire Code as adopted and amended herein or fails to comply herewith, or who violates or fails to comply with any order made thereunder, or who builds in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken, or who fails to comply with such an order as affirmed or modified after an appeal or by a court of competent jurisdiction, within the required time, shall severally for each and every such violation and noncompliance, respectively, be guilty of a Class B misdemeanor. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, each ten days that prohibited conditions are maintained shall constitute a separate offense. (Ord. 96-14 §2(part), 1996)

SECTION 2: Chapter 8.34, "Hazardous Materials Emergency—Recovery of Expense," is hereby amended to read as follows:

8.34.010 Definitions.
A. "Hazardous materials emergency" means a sudden and unexpected release of any substance that because of its quantity, concentration or physical, chemical, or infectious characteristics
presents a direct or immediate threat to public safety or the environment and poses an immediate threat to public safety or the environment and requires immediate action to mitigate the threat.
B. "Expenses" means actual labor costs of government and volunteer personnel, including workers' compensation benefits, fringe benefits, administrative overhead, costs of equipment, costs of equipment operations, cost of materials and the cost of any contract labor and materials.
(Ord. 90-5, 1990)

8.34.020 Recovery of Expenses.
The City shall be entitled to recover expenses it may incur in the response to, and or mitigation and or cleanup of any hazardous material incident from the person or entity who owned and/or had control over and/or caused the release of the hazardous material involved in the hazardous materials emergency. (Ord. 90-5, 1990)

SECTION 3: Chapter 8.08.050, "Temporary Fireworks Stand," is hereby amended to read as follows:

8.08.050 Temporary Fireworks Stand.
Temporary stands shall be subject to the following regulations:
A. No fireworks stand shall be within twenty-five feet of any building, structure or other fireworks stand nor within fifty feet of any gasoline pump or gasoline dispensing service or L.P.G. tank or dispensing device.
B. Fireworks stands need not comply with the provisions of the Uniform Fire Code or Uniform Building Code International Fire Code or International Building Code but shall comply with all zoning ordinances. However, all such stands shall be erected in a manner that will reasonably assure the safety of tenants and patrons.
C. Each stand up to twenty-four feet in length shall have at least two exits. Each stand in excess of twenty-four feet in length must have at least three exits. All exits shall be spaced at approximately equal distances apart.
D. Each stand shall maintain a two and one-half gallon water pressure type fire extinguisher or an ABC fire extinguisher in good working order, by each required exit.
E. All weeds and combustible material shall be cleared from the location of the stand, including a distance of at least twenty-five feet surrounding the stand.
F. Two signs, each sign bearing the message "NO SMOKING WITHIN FIFTY FEET OF THIS STAND" in letters at least three inches tall shall be displayed on each and every side of a fireworks stand.
G. A sign bearing the message "DISCHARGE OF FIREWORKS PROHIBITED WITHIN ONE HUNDRED FEET OF THIS STAND" in letters at least three inches tall shall be displayed on each and every side of the fireworks stand.
H. There shall be at least one supervisor, eighteen years of age or older, on duty at the stand at all times when the sale of fireworks is in progress. All fireworks shall be effectively kept away from any kind of self-service by the public and shall be placed in a location which is unavailable and inaccessible to members of the public.
I. Fireworks stands shall be removed within five days after retail sales shall cease.
J. Prior to the issuance of a license, each applicant shall file with the business license administrator, a cash deposit in the amount of one hundred fifty dollars for each temporary fireworks stand to be operated by the applicant. Such deposit shall assure compliance with
provisions of this section, including but not limited to, the removal of the stand and the cleaning of the site upon which it was located. In the event the licensee does not comply with the provisions of this chapter or remove the stand or clean the site, the city may do so or cause the same to be done and a reasonable cost shall be charged against the licensee and the deposit, and the balance, if any, shall be forthwith returned to the licensee.

K. No person shall sleep in a fireworks stand overnight. (Prior code §6-7A-4)

SECTION 4: Effective Date. This ordinance shall become effective upon publication.

PASSED BY THE LOGAN MUNICIPAL COUNCIL, STATE OF UTAH THIS __________ OF 2003 by the following vote:

AYES: Allied, Borg, Kerr, Pyper

NAYS: S. Thompson

ABSENT:

ATTEST:

Karen S. Borg, 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 __________ day of __________, 2003.

Karen S. Borg, Chairman

MAYOR'S APPROVAL OR DISAPPROVAL

The foregoing ordinance is hereby approved this __________ day of __________, 2003.

Douglas E. Thompson, Mayor

(Civil)

PROOF OF PUBLICATION

STATE OF UTAH
COUNTY OF CACHE, et al.

On this 21st day of March, A.D. 2003, personally appeared before me ... Rachelle S. Thomas, 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 LOGAN MUNICIPAL COUNCIL

a copy of which is hereto attached, was published in said newspaper for ... One (1) issue ... commencing ... March 20, 2003 and ending ... March 20, 2003 ... Signed ... Rachelle S. Thomas ... Subscribed and sworn to before me, the day and year above written. ... Cynthia K. Fulton, Notary Public. My Commission expires ... September 7, 2003 ...

Legal Notices

SUMMARY OF ORDINANCES amending the Logan Municipal Code, 1989, as amended by the Logan Municipal Council are as follows:


Various sections of Chapter 8.04 are amended to adopt the International Fire Code, latest edition, and certain appendices. Section 8.04.020 is amended to permit storage of flammable or combustible liquids suitable in residential areas in above ground vaulted or double walled tanks when required for emergency backup fuel for public utility equipment. Section 8.34.020 clarifies recovery of expenses by the city following cleanup of any hazardous material incident.

ORD. 03-17. An ordinance adding Chapter 2.60, "Advisory Guidelines for Constitutional Taking Issues," was adopted and approved March 5, 2003. The purpose of the chapter is to provide advisory guidelines for the City to assist in identifying actions that involved the physical taking or exaction of private real property that may have constitutional taking issues.

These ordinances are effective immediately upon publication. Full text of the ordinances may be reviewed at the Office of the Logan City Recorder, City Hall, 255 North Main, during regular business hours.

Lola Price, Recorder
Publication Date: March 20, 2003

Logan City Recorder