AN ORDINANCE AMENDING SECTIONS 10.52.040(A)(9) AND 10.52.290 OF LOGAN MUNICIPAL CODE REGARDING PARKING VIOLATION CIVIL PENALTIES

WHEREAS, the state legislature has granted general welfare power to the City Council, independent, apart from, and in addition to, its specific grants of legislative authority, which enables the City of Logan to pass ordinances as are necessary and proper to provide for the safety, promote the prosperity, improve the peace and good order, comfort, and convenience of the City and its inhabitants, and for the protection of property in the City; and

WHEREAS, it is the intent of the Logan City Council that the Logan City Police Department assume the role of primary enforcement agency for all parking enforcement issues within Logan City; and

WHEREAS, the civil penalties for parking infractions have not been adjusted since 1992; and

WHEREAS, Logan City Police Department is proposing revised civil penalties for parking violations consistent with like agencies within Utah; and

WHEREAS, it is the intent of the Logan City Council that the Logan Police Department strive for revenue neutrality of parking enforcement costs and revenue generated while providing a quality and responsible service to citizens and community businesses alike; and

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:

10.52.040: REGULATION OF VEHICLE IMPOUNDING:

A. Vehicle Impoundment Without Notice: A vehicle may be impounded with or without citation and without giving prior notice to its owner only under the following circumstances:

1. The vehicle is impeding or likely to impede the normal flow of vehicular or pedestrian traffic;

2. The vehicle poses an immediate danger to the public safety;

3. The vehicle is illegally parked within fifteen feet (15') of a fire hydrant;
4. The vehicle, without a valid designated plate or placard issued under state law, is parked in a stall or space clearly marked and designated for use by disabled persons;

5. A police officer reasonably believes that the vehicle is stolen;

6. A police officer reasonably believes that the vehicle or its contents constitute evidence of an offense and such impoundment is reasonably necessary to obtain or preserve such evidence; provided, however, that nothing in this section shall be construed to authorize the seizure of a vehicle without a warrant where a warrant would otherwise be required;

7. The vehicle was in the possession of a person taken into custody by a law enforcement officer and no other reasonable disposition of the vehicle is available, or the vehicle was in the possession of a person arrested for a felony traffic violation;

8. A police officer reasonably believes that the vehicle's operator, in violation of state law, is driving while uninsured or without a valid driver's license and no other reasonable disposition of the vehicle is available; or

9. The vehicle is parked in the public rights of way or on other publicly owned or controlled property in violation of any law, ordinance, or regulation, and there are five six (56) or more parking citations issued against the vehicle that have not been responded to, either by payment of the penalty or appearance at a hearing, for at least sixty ninety (690) days from the date of the filing of the parking citation.

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:

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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 fifteen dollars ($20.00) except for violations of Section 10.52.280 for parking in a space reserved for handicapped individuals which shall be reduced by the sum of $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 10.52.01OB, 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 10.52.01OB, 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 10.52.01OB, 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.

E. Impound Immobilization Of Vehicles:

1. Parking Tickets; Cause For Impound Immobilization: A police officer or any other person designated by the chief of police may impound immobilize by the use of vehicle immobilization equipment any vehicle which is illegally parked, and for which there are five six (56) or more outstanding, unpaid, and overdue parking tickets for a period of sixty ninety (690) days.

2. Notice: When attaching vehicle immobilization equipment to a vehicle, the officer shall affix notice to the windshield or other part of the vehicle so as to be readily visible. The notice shall:

a. Warn that the vehicle has been immobilized and that any attempt to move the vehicle may result in damage to the vehicle;

b. State the total amount of civil penalties due for parking tickets which are overdue and unpaid that are attributable to such vehicle, in addition to an immobilization fee for the removal of the vehicle immobilization equipment; and

c. List the address and telephone number to be contacted to pay the charges to have the vehicle immobilization equipment removed.

3. Failure To Pay Within Twenty Four Hours: If the civil penalties and the immobilization fee are not paid, or satisfactory arrangements in lieu of payment are not
made, within twenty-four (24) hours of the attachment of the vehicle immobilization equipment the vehicle may be towed and impounded as provided in section 10.52.040 of this chapter.

4. Payment: Upon payment of all civil penalties, overdue and unpaid parking tickets, and the immobilization fee, the vehicle immobilization equipment shall be removed and released to the registered owner or any other person legally entitled to claim possession of the vehicle.

5. Authorized Personnel To Remove Equipment: It shall be unlawful for anyone, other than authorized personnel, to remove vehicle immobilization equipment placed on a vehicle pursuant to this section. The city shall not be responsible for any damage to an immobilized illegally-parked vehicle resulting from unauthorized attempts to free or move the vehicle.

26. Charges:

a. An impound immobilization fee of fifty dollars ($50.00) shall be charged prior to release of the vehicle for the removal of the vehicle immobilization equipment.

F. Hearing On Impound Immobilization: The owner(s) or other person(s) who reasonably appears to have an interest in an immobilized impounded vehicle is entitled to request a hearing to contest the validity of the immobilization of the vehicle impound. The hearing shall follow the rules established in subsections 10.52.040E through G of this chapter.

G. Severability: If any section or portion of this section is for any reason held to be invalid or unconstitutional by a decision of a court of competent jurisdiction, the section or portion shall be deemed severable and shall not affect the validity of the remaining portions of this section.

SECTION 2: Effective Date. This ordinance shall become effective beginning July 1, 2012.

PASSED BY THE LOGAN MUNICIPAL COUNCIL, STATE OF UTAH, THIS 5 DAY OF June, 2012.

AYES: Olsen, Ward, Davis, Quayle, Jensen
NAYS: more
ABSENT: more

/s/ Dean Quayle, Chair

/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 5 day of June, 2012.

/s/ Dean Quayle
Chair

MAYOR’S APPROVAL OR DISAPPROVAL

The foregoing ordinance is hereby approved this 5 day of June, 2012.

/s/ Randy Watts
Mayor
STATE OF UTAH
COUNTY OF CACHE, ss

On this 22nd day of May, A.D. 2012 personally appeared
before me Monica Christensen who being first being duly sworn, deposes and says that
she is the Assistant to the Finance Director of the Cache Valley Publishing Co., publishers of The Herald Journal
a daily newspaper published in Logan City, Cache County Utah, and that the
Legal Notice, a copy of which is hereto attached was published in said
newspaper for 1 issue(s) and that said notice also published on utahlegals.com
on the same days(s) as publication in said newspaper

Commencing on the following days:
05/22/2012

______________________________, Assistant to the Finance Director

Subscribed and sworn to before me on this 22nd day of May, A.D. 2012

______________________________, Notary Public
Commissioned in the State of Utah

My Commission expires August 1, 2015

NOTARY PUBLIC
AMANDA MARIE NYE
600362
COMMISSION EXPIRES
AUGUST 18, 2014
STATE OF UTAH

NOTICE OF PUBLIC HEARING
Logan Municipal Council

The Municipal Council of the City of Logan, Utah will hold a
public hearing to consider a proposed ordinance amending
Sections 10.52.040(A)(9) and 10.52.280 of the Logan Municipal Code regarding Parking Violation Civil Penalties.

Said public hearing will be held Tuesday, June 5, 2012, not
before 5:30 p.m. in the Logan Municipal Council Chamber, 290
North 100 West, Logan UT.

Full texts of the resolutions are available for inspection at the
City Recorder's Office during business hours.

Teresa Harris,
City Recorder
Publication date: May 22, 2012
PROOF OF PUBLICATION

STATE OF UTAH
COUNTY OF CACHE, ss

On this 12th day of June , A.D. 2012 personally appeared
before me Monica Christensen who being first being duly sworn, deposes and says that
she is the Assistant to the Finance Director of the Cache Valley Publishing Co., publishers of The Herald Journal
a daily newspaper published in Logan City, Cache County Utah, and that the
Legal Notice, a copy of which is hereto attached was published in said
newspaper for 1 issue(s) and that said notice also published on utahlegals.com
on the same days(s) as publication in said newspaper

Commencing on the following days:
06/12/2012

______________________________, Assistant to the Finance Director

Subscribed and sworn to before me on this12th day of June , A.D. 2012

______________________________, Notary Public
Commissioned in the State of Utah

My Commission expires August 1, 2015

LEGAL NOTICE
LOGAN MUNICIPAL COUNCIL

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

ORD.12-38. An ordinance was adopted and approved June 5, 2012 amending Section 10.52.290 and Section 10.52.240 of the Logan Municipal Code regarding Parking Violation Civil Penalties.

The ordinance is effective immediately upon publication. Full text of the ordinance may be reviewed at the Office of the Logan City Recorder, City Hall, 290 North 100 West, Logan, Utah during regular business hours.

Teresa Harris
City Recorder
Publication date: June 12, 2012