AN ORDINANCE AMENDING SECTIONS 8.16.300 AND ENACTING 8.16.740 OF THE LOGAN MUNICIPAL CODE REGARDING VEHICLE AIR BRAKES IN NEIGHBORHOOD RESIDENTIAL ZONES

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, 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:

8.16.300: TERMS DEFINED:

All terminology used in this chapter, not defined below, shall be in conformance with applicable publications of the American National Standards Institute (ANSI) or its successor body.

A-WEIGHTED SOUND LEVEL: The sound pressure level in decibels as measured on a sound level meter using the A-weighting network. The level so read is designated dB(A) or dBA.

COMMERCIAL AREA: Any area zoned as a C1, C2, C3, or C4 district in the zoning ordinance.

CONSTRUCTION: Any site preparation, assembly, erection, substantial repair, alteration, or similar action, but excluding demolition, for or of public or private rights of way, structures, utilities or similar property.

DECIBEL (dB): A unit for measuring the volume of a sound, equal to twenty (20) times the logarithm to the base ten (10) of the ratio of the pressure of the sound measured to the reference pressure, which is twenty (20) micropascals.

DEMOLITION: Any dismantling, intentional destruction or removal of structures, utilities, public or private right of way surfaces, or similar property.

DYNAMIC BRAKING DEVICE (Commonly Referred To As JACOB'S BRAKE): A device used primarily on diesel trucks to release the compression generated by the engine for the purpose of braking without the use of wheel brakes.
EMERGENCY: Any occurrence or set of circumstances involving actual or imminent physical trauma or property damage which demands immediate action.

EMERGENCY WORK: Any work performed for the purpose of preventing or alleviating the physical trauma or property damage threatened or caused by an emergency.

IMPULSIVE SOUND: Sound of short duration, usually less than one second, with an abrupt onset and rapid decay. Examples of sources of impulsive sound include explosions, drop forge impacts, and the discharge of firearms.

MOTOR VEHICLE: Any vehicle which is propelled or drawn on land by a motor, such as, but not limited to, passenger cars, trucks, truck trailers, semitrailers, campers, go-carts, snowmobiles, amphibious craft on land, dune buggies, or racing vehicles, but not including motorcycles.

MOTORBOAT: Any vessel which operates on water and which is propelled by a motor, including, but not limited to, boats, barges, amphibious craft, waterski towing devices and hovercraft.

MOTORCYCLE: An unenclosed motor vehicle having a saddle for the use of the operator and two (2) or three (3) wheels in contact with the ground, including, but not limited to, motor scooters and minibikes.

MUFFLER OR SOUND DISSIPATIVE DEVICE: A device for abating the sound of escaping gases of an internal combustion engine.

NOISE: Any sound which annoys or disturbs humans or which causes or tends to cause an adverse psychological or physiological effect on humans.

NOISE DISTURBANCE: Any sound which:

A. Endangers or injures the safety or health of humans or animals; or

B. Annoys or disturbs a reasonable person of normal sensitivities; or

C. Endangers or injures personal or real property.

NOISE SENSITIVE ZONE: Any area designated to certain noise sensitive activities for the purpose of ensuring exceptional quiet. Noise sensitive activities include, but are not limited to, operations of schools, libraries, open to the public, churches, courts, hospitals and nursing homes.

PERSON: Any individual, association, partnership, corporation, or entity, public or private in nature (and includes any officer, employee, department, agency or instrumentality of a state or any political subdivision of a state).

POWERED MODEL VEHICLE: Any self-propelled airborne, waterborne, or land borne plane, vessel, or vehicle, which is not designed to carry persons, including, but not limited to, any model airplane, boat, car, or rocket.
PUBLIC RIGHT OF WAY: Any street, avenue, boulevard, highway, sidewalk or alley or similar place which is owned or controlled by a governmental entity.

PUBLIC SPACE: Any real property or structures thereon which are owned or controlled by a governmental entity.

PURE TONE: Any sound which can be distinctly heard as a single pitch or a set of single pitches. For the purposes of this chapter, a pure tone shall exist if the one-third (1/3) octave band sound pressure level in the band with the tone exceeds the arithmetic average of the sound pressure levels of the two (2) contiguous one-third (1/3) octave bands by five (5) dB for center frequencies of five hundred (500) Hz and above and by eight (8) dB for center frequencies between one hundred sixty (160) and four hundred (400) Hz and by fifteen (15) dB for center frequencies less than or equal to one hundred twenty five (125) Hz.

REAL PROPERTY BOUNDARY: An imaginary line along the ground surface, and its vertical extension, which separates the real property owned by one person from that owned by another person, but not including intrabuilding real property divisions.

RESIDENTIAL AREA: Any area zoned as a R1, R1A, R2, R2A, MH, R3 or R4 district in the zoning ordinance.

RMS SOUND PRESSURE: The square root of the time averaged square of the sound pressure, denoted Prms.

SOUND: An oscillation in pressure, particle displacement, particle velocity or other physical parameter, in a medium with internal forces that causes compression and rarefaction of that medium. The description of sound may include any characteristic of such sound, including duration, intensity and frequency.

SOUND LEVEL: The weighted sound pressure level obtained by the use of a sound level meter and frequency weighting network, such as A, B, or C as specified in American National Standards Institute specifications for sound level meters (ANSI S1.4-1985, or the latest approved revision thereof). If the frequency weighting employed is not indicated, the A-weighting shall apply.

SOUND LEVEL METER: An instrument which includes at least a microphone, amplifier, output meter, and weighting networks used to measure sound pressure levels.

SOUND PRESSURE: The instantaneous difference between the actual pressure and the average or barometric pressure at a given point in space, as produced by sound energy.

SOUND PRESSURE LEVEL: Twenty (20) times the logarithm to the base ten (10) of the ratio of the RMS sound pressure to the reference pressure of twenty (20) micropascals (20x10^-6 N/m²). The sound pressure level is denoted Lp or SPL and is expressed in decibels.

VIBRATION: An oscillatory motion of solid bodies of deterministic or random nature described by displacement, velocity, or acceleration with respect to a given reference
WEEKDAY: Any day Monday through Friday which is not a legal holiday.

8.16.740: DYNAMIC BRAKING DEVICE PROHIBITED WHERE POSTED

The operator of a motor vehicle may not operate the vehicle in a manner to cause a dynamic braking device to engage where prohibited by an official traffic control device.

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

PASSED BY THE LOGAN MUNICIPAL COUNCIL, STATE OF UTAH, THIS DAY OF FEBRUARY, 2013.

AYES:  [Signatures]
NAYS:  [Signatures]
ABSENT: [Signatures]

/s/ Holly Daines, Chair

PRESENTATION TO MAYOR

The foregoing ordinance was presented by the Logan Municipal Council to the Mayor for approval or disapproval this 19th day of February, 2013.

/s/ Holly Daines, Chair

MAYOR'S APPROVAL OR DISAPPROVAL

The foregoing ordinance is hereby approved this 19th day of February, 2013.

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

On this 26th day of February, A.D. 2013 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:
02/26/2013

Assistant to the Finance Director

Subscribed and sworn to before me on this 26th day of February, A.D. 2013

Notary Public

Commissioned in the State of Utah
My Commission expires August 1, 2015

NOTICE OF PUBLIC HEARING
Logan Municipal Council
The Municipal Council of the City of Logan, Utah will hold
public hearings to consider the following:
A proposed ordinance amending Sections of the Logan
Municipal Code regarding Itinerant or Transient Merchants,
and Mobile Food Vendors.
A proposed ordinance amending Sections 8.16.300 and
enacting 8.16.740 of the Logan Municipal Code regarding
Vehicle Engine Brakes in Neighborhood Residential Zones.
A proposed ordinance amending Sections 10.52.050(B) and
repealing 10.52.290(E)-(F) of the Logan Municipal Code
regarding Vehicle Impounding.
Said public hearings will be held Tuesday, March 5, 2013, not
before 5:30 p.m. in the Logan Municipal Council Chambers,
290 North 100 West, Logan UT.
Full texts of the ordinances are available for inspection at the
City Recorder's Office during business hours.
Teresa Harris,
City Recorder
Publication Date: February 26, 2013
Civil

PROOF OF PUBLICATION

STATE OF UTAH
COUNTY OF CACHE, ss

On this 25th day of March , A.D. 2013 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:
03/24/2013

__________________________________
Monica Christensen, Assistant to the Finance Director

Subscribed and sworn to before me on this 25th day of March , A.D. 2013

__________________________________
Amanda Marie Nye, 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

LEGAL NOTICE
LOGAN MUNICIPAL COUNCIL
SUMMARY OF AN ORDINANCE passed by the Logan Municipal Council, Logan, Utah is as follows:

ORD.13-09. An ordinance was adopted and approved
March 19, 2013 amending Sections 8.16.300 and enacting
8.16.740 of the Logan Municipal Code regarding Vehicle Air
Brakes in Neighborhood Residential Zones.

ORD.13-14. An ordinance was adopted and approved

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, 290 North 100 West, Logan,
Utah during regular business hours.

Teresa Harris, City Recorder
Publication Date: March 24, 2013