CITY OF LOGAN, UTAH
ORDINANCE NO. 13-52

AN ORDINANCE AMENDING SECTIONS 5.17.010, 5.17.030, 5.17.040, 5.17.050, 5.17.060 AND 5.17.100 OF LOGAN MUNICIPAL CODE REGARDING LANDLORDS OF RENTAL DWELLINGS

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, pursuant to Utah Code Section 10-8-85.5, a municipality may require the owner of a rental dwelling to obtain a regulatory business license; 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:

Chapter 5.17
LANDLORDS OWNERS OF RENTAL DWELLINGS

5.17.010: DEFINITIONS:

In addition to the definitions set forth in section 5.02.020 of this title, the following words and phrases used in this chapter shall have the meanings prescribed in this section:

LANDLORDOWNER: A person who is listed as owner on records at the Cache County Recorder. A person, persons, and/or legal entity, or a landlord's agent who rents to tenants one or more legally established dwelling units.

RENTAL DWELLING: A building or portion of a building used or designated for use as a legally established dwelling unit and is arranged, designed, or built and is available to be rented, loaned, leased, or hired out for a period of one month or longer.

5.17.030: LICENSE REQUIRED:

A. It is unlawful for any owner person to keep, conduct, operate or maintain a rental dwelling within the city without a business license. An owner of person who owns multiple rental dwellings or multiple buildings containing rental dwellings is not required to obtain more than one business license for the operation and maintenance of those rental dwellings.

B. An agent of a landlord shall not perform services of a landlord unless the landlord is licensed in conformance with this chapter.

B. A business license for owners landlords is not transferable. Any owner person holding a license shall give written notice within thirty (30) days to the business license official after having transferred
or otherwise disposed of legal or equitable control of any rental dwelling. Such notice of transferred interest shall include the name, address, and information regarding the person(s) or entity succeeding to the ownership or control thereof. The new owner shall obtain a business license as required by this chapter.

C9. A business license shall not be required for a dwelling unit which is ordinarily owner occupied but is temporarily rented because:

1. The owner is placed in a hospital, nursing home, assisted living facility or other similar facility, or

2. The owner has a bona fide, temporary absence of three (3) years or less for activities such as temporary job assignments, sabbaticals, or voluntary service. Indefinite periods of absence from the dwelling shall not qualify for this exception.

3. As used in this subsection "owner occupancy" means:

a. A natural person who possesses fifty percent (50%) ownership or more in the dwelling and said dwelling is the primary residence of such person; or

b. A family trust created for the primary purpose of estate planning by one or more trustors who create the trust, place the dwelling in such trust, and whose primary residence is such dwelling.

5.17.040: LICENSE APPLICATION:

An application for a business license shall conform to the requirements of section 5.02.060 of this title and shall include the following additional information:

A. The address of each rental dwelling which is owned, operated or maintained by the applicant;

B. The occupancy status of each rental dwelling unit;

C. The number of parking spaces provided on the premises;

B9. The name, address, and both home and business telephone numbers of the owner, and if applicable, an agent, residing in the state of Utah, who is authorized by the owner for service of process;

E. The signature of the owner of the rental dwelling(s) certifying, to the best of the owner's knowledge or belief, that the use and occupancy of the rental dwelling(s) conforms to applicable ordinances.

5.17.050: LICENSE PROCEDURE:

A. A landlord business license shall be issued pursuant to the requirements of this title except as modified by this chapter.

B. An owner landlord or his the owner's agent shall declare, at the time of application, all rental dwellings and locations owned or managed by the landlord.

C. An evaluation will be conducted for each rental dwelling to determine eligibility for a landlord business license. Eligibility for a landlord business license will be determined on the basis of the following criteria:
1. Rental dwelling(s) is located within zoning districts which allow the same type of occupancy and residential uses, and

2. Any remaining rental dwelling(s) which does not meet the conditions of the criterion in subsection C1 of this section shall have been determined legally existing nonconforming (grandfathered). Those rental dwellings that are not eligible for licensing based on grandfathered status will be required to apply for grandfathered status. A temporary business license will be issued to the landlord or his agent for no longer than six (6) months while the grandfathering application is being processed. An additional extension of the temporary business license may be granted by the director of community development only if the volume of applications has not allowed city staff to make a determination on the application.

D. A business license shall be issued to the owner when all application and eligibility requirements of this chapter and other applicable ordinances have been fulfilled.

5.17.060: LICENSE FEE:

A. The fee for a landlord business license shall be as set forth in the consolidated fee schedule adopted by the municipal council.

B. The business license fee shall be paid annually in advance for one year and shall be due and payable on or before the license expiration anniversary date of owner's application for business license. A license shall be delinquent if paid after said date in the year for which it is due.

C. The city may choose to have a voluntary good landlord program where a portion of the licensing fee may be used to inform owners landlords and managers of improved management practices and to educate about city codes pertinent to rental housing. Fees will be collected by the city as set forth in the consolidated fee schedule and a designated portion may be used by the city to purchase training and materials to promote better rental practices.

5.17.100: INSPECTIONS:

Inspections of rental dwellings may be conducted as allowed by pursuant to section state law 5.02.090 of this title:

A. The city or other authorized agency shall be permitted to make an inspection of any rental dwelling unit to enforce any of this title or any other applicable statute or ordinance if the rental dwelling has a recorded and valid complaint. Complaints may be submitted by any person including a city employee.

B. Except in emergencies, as determined by the city, the business license official shall make a reasonable effort to make an appointment with the owner or other responsible person at least one week in advance of the inspection. The owner or other responsible person shall inform the occupant(s) of the rental dwelling of the appointed time of inspection. If an appointment cannot be arranged after a reasonable effort or if the appointment is not attended by the owner or other responsible person, an inspector or other authorized agent of the city may enter the building or may enter upon the premises during regular business hours if an occupant consents to the inspector entering the property.

C. No owner, occupant, or any other person having charge, care, or control of any building or premises shall fail or neglect, after proper request is made as herein provided, to properly permit entry therein by the business license official or their designee for the purpose of inspection and examination to ensure compliance with this title. If the property owner or other responsible person refuses to allow an
inspection, the business license official or their designee may obtain and execute an administrative search warrant.

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

ADOPTED BY THE LOGAN MUNICIPAL COUNCIL THIS 6 DAY OF NOVEMBER 2017, BY THE FOLLOWING VOTE:
AYES: "...
NAYS:
ABSENT:

/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 6 day of November, 2017.

/s/ Holly Daines, Chair

MAYOR'S APPROVAL OR DISAPPROVAL

The foregoing ordinance is hereby approved this 6 day of November, 2017.

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

On this 12th day of August, 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:
08/11/2013

Subscribed and sworn to before me on this 12th day of August, A.D. 2013

[Signature]
Assistant to the Finance Director

[Signature]
Notary Public

My Commission expires August 1, 2015
Civil
PROOF OF PUBLICATION

STATE OF UTAH
COUNTY OF CACHE, ss

On this 29th day of July , 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:
07/28/2013

Assistant to the Finance Director

Subscribed and sworn to before me on this 29th day of July , 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:

Consideration of a proposed resolution approving the City of
Logan Light & Power Department Rate Schedule #6 General
Service-Distribution Voltage; Consideration of a proposed
resolution approving polling locations and poll workers for the
August 13, 2013 Primary Election; Consideration of a
proposed amendment to Sections 5.17.010, 5.17.030,
5.17.040, 5.17.050, 5.17.060 and 5.17.100 of the Logan
Municipal Code regarding Landlords of Rental Dwellings;
Consideration of a proposed ordinance adding Section
5.17.086 of the Logan Municipal Code regarding the Notice of
Occupancy Limitations; Consideration of a proposed
amendment to Section 5.29.020 of the Logan Municipal Code
regarding Sexually Oriented Businesses (Legislative Update);
Consideration of a proposed amendment of the Logan
Municipal Code regarding Neighborhood Councils.

Said public hearings will be held Tuesday, August 6, 2013, not
before 5:30 p.m. in the Logan Municipal Council Chambers,
290 North 100 West, Logan UT.

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

Teresa Harris, City Recorder
Publication Date: Jul 28, 2013