CITY OF LOGAN
ORDINANCE NO. 98-2 Revised

AN ORDINANCE ADDING CHAPTER 12.30, RIGHT OF WAY PARKING, TO THE
LOGAN MUNICIPAL CODE, 1989

NOW THEREFORE, BE IT ORDAINED BY THE LOGAN MUNICIPAL
COUNCIL, STATE OF UTAH, AS FOLLOWS:

SECTION 1: Title 12, Chapter 12.30, Right of Way Parking, is hereby added to read
as follows:

12.30.010. RIGHT OF WAY PARKING. Prior to December 31, 1998, all owners
of parking within the public right-of-way shall apply to the Department of Public Works for a
Right-of-Way Parking Permit, in accordance with the following procedures.

A. Inspection and Findings.
The Public Works Director shall inspect the existing parking and determine whether the
right-of-way parking is needed or can be relocated.

B. Relocation.
If the Public Works Director determines that the parking should be relocated the City
shall work with the property owner to establish a timetable for moving the parking out
of the public right-of-way. The configuration of the parking spaces within the right-of-
way will be approved by the Director of Public Works. Any construction required to
modify these parking spaces shall require a right-of-way construction permit and all
conditions of the right-of-way permit shall be met by the owner or his/her agent. Any
cost relating to the construction of the parking spaces within the right-of-way shall be
born by the owner. The right-of-way parking areas shall have signs to indicate the
spaces are for permitted parking only. Relocation of parking and reclamation of the
public right-of-way shall be at the owner's expense.

C. No Relocation.
If the Public Works Director determines that the parking cannot be relocated the
property owner shall obtain a right of way parking permit.

D. Right-of-Way Parking Permit.
The owner(s) must obtain a right-of-way parking permit from the Director of Public
Works to allow parking in the right-of-way. The cost for this permit shall be as set
forth in the schedule of fees in the office of the Director of Public Works. All fees
shall be approved by resolution of the municipal council. The right-of-way permit shall
expire upon change of use of the building.
E. Failure to Obtain a Permit.
If an application for a Right-of-Way Parking Permit is not submitted by December 31, 1998, the Public Works Director shall notify the property owner that the parking has been abandoned. The property owner shall be given notice by certified mail or personal service to remove all parking from the City Right-of-Way within the time lines set by the Public Works Director. If the property owner fails to comply, the Public Works Director is authorized to order the removal and restoration of the right-of-way and file a lien against the property to recover all actual and administrative costs.

F. Maintenance of Parking Bridges.
The permit to use the right-of-way for private parking purposes shall require that the bridge from the street to the parking area be constructed and maintained according to Public Works Standards and Specifications. The property owner is responsible for maintaining free flow of canal and drainage waters under the parking bridge portion of the parking area at all times during the year. If the canal or gutter water becomes blocked, the City may demand that the property owner clean the channel within 48 hours, or the City may perform the tasks and bill the property owner for the costs. If the Public Works Director determines that an unsafe situation may exist if action is not taken, the City, without hearing or notice may clean the covered area or, if necessary remove the parking bridge entirely, and bill the property owner for the actual and administrative cost for such actions. All parking bridges and parking areas shall be maintained to City specifications. Parking shall be designed so that the front ends of the vehicles do not block the pedestrian sidewalk. Snow shall not be removed from the parking area through placement in the traveled street or onto the sidewalk.

G. Parking Bridge and Right-of-Way Parking Standards.
Parking bridges shall be constructed of concrete to Public Works Standards and Specifications and parking areas within the right-of-way shall be paved in either concrete or asphalt as required by Public Works standards and specifications.

H. Recording Parking Permits.
All Right-of-Way Parking Permits shall be recorded at the Office of the Cache County Recorder.

I. Appeals.
Appeals of Right-of-Way Parking Permits shall be referred to the Mayor.

12.30.020. NO CITY RESPONSIBILITY FOR RIGHT-OF-WAY PARKING.
Parking in the public right-of-way and the bridge over any canal or gutter is used at the sole risk of the property owner. The City shall not be held responsible for claims, damages or costs associated with an action of a property owner, lessee, or tenant functioning under a permit issued pursuant to this chapter. The City may require that the property owner name the City as an additional insured on a general liability insurance policy covering perils associated with the parking bridge and right-of-way parking.
SECTION 2: Effective Date. This ordinance shall become effective upon publication.

PASSED BY THE LOGAN MUNICIPAL COUNCIL, STATE OF UTAH, THIS 21st DAY OF JANUARY, 1998.

Karen S. Borg, Chairman

ATTEST:
Lois Price, Recorder

PRESENTATION TO MAYOR

The foregoing ordinance was presented by the Logan Municipal Council to the Mayor for approval or disapproval on the 21st day of January, 1998.

Karen S. Borg, Chair

MAYOR'S APPROVAL OR DISAPPROVAL

The foregoing ordinance is hereby approved this 4th day of February, 1998.

Douglas E. Thompson, Mayor
PROOF OF PUBLICATION

STATE OF UTAH
COUNTY OF CACHE, ..

On this 6th day of March ........................................... A.D. 19.98.

personally appeared before me Felicia Tapedino .................. who being 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


a copy of which is hereto attached, was published in said

newspaper for One (1). Issue

commencing March 6, 1998 and ending March 6, 1998

Signed Felicia Tapedino

Subscribed and sworn to before me, the day and year

above written.

Signed Cynthia K. Solomon

Notary Public.

My Commission expires September 7, 1999

LEGAL NOTICE

SUMMARIES of ordinances amending the Logan Municipal Code, 1998 are as follows:

1. ORD. 98-03. An ordinance was adopted Jan.

ary 21, 1998 and approved March 3, 1998 a

ding Chapter 2.58 to the Logan Municipal Code.

2. ORD. 98-02. An ordinance was adopted Jan.

ary 21, 1998 and approved February 4, 1998

adding Chapter 12.3 Right of Way Parking. The Logan Municipal Code. The law requires that prior to December 31, 1998 all owners of parking within the public right-of-way shall apply to the Public Works Department for a right-of-way parking permit and se forth the procedures for applying. Permit appeals are referred to the Mayor. Section 12.30.020 explains that parking in the public right-of-way at the bridge over any canal or gutter is used at the sole risk of the property owner. The City shall not be responsible for claims, damages or costs associated with an action of a property owner, lessee, or tenant functionir under a permit issued to the City.

Full texts of these ordinances may be reviewed at the Office of the Logan City Recorder, City Hall 255 North Main.

Lois Price, Recorder

Publication Date: March 6, 1998.