CITY OF LOGAN
ORDINANCE NO. 98-03

AN ORDINANCE ADDING CHAPTER 2.58 TO THE LOGAN MUNICIPAL CODE TO CHARTER THE BOARD OF APPEALS

The Municipal Council of the City of Logan, State of Utah, does hereby ordain as follows:

Section 1: The Municipal Council finds and declares:


2. The Municipal Council is empowered by State Statute to receive zoning and subdivision regulations from the Planning Commission for purposes of enacting a land development code encompassing such regulations.

3. The provisions codified in this ordinance represent the administration processes for the City as a part of the new Land Development Code.

4. The Municipal Council has long expressed concerns about appeals being decided by one individual as opposed to the collective deliberation of a committee dedicated to hearing appeals.

5. The Municipal Council finds that a Board of Appeals operating under the authority of Utah law and the Land Development Code will be the better method for providing appellate review of actions of the Planning Commission.

Section 2:
Chapter 2.58 is hereby added to the Logan Municipal Code as follows:

CHAPTER 2.58: Board of Appeals

2.56.010 Board of Appeals established

There is hereby established a Board of Appeals for purposes of hearing appeals of the decisions of the Planning Commission, Historic Preservation Commission, and Design Review Committee. The purpose of the Board of Appeals is to hear appeals of decision-makers to ensure that the actions being appealed were supported on the basis of facts within the public record and that decisions were substantiated with findings from that record.

2.56.020 Members

A. The Board of Appeals shall be comprised of three members appointed by the Mayor with the advice and consent of the Municipal Council.
1. The members shall be residents within the City of Logan.
2. A quorum of the Board of appeals shall be two members.

B. Board members shall be appointed to two year terms commencing on July 1 of each even numbered year.

3. The terms of the first members of the Board of Appeals shall be effective upon appointment by the Mayor.
4. The Mayor shall make the first appointments within thirty days of the effective date of this ordinance.
5. For the first Mayoral appointments, one member shall be appointed to a one-year term; and
6. For the first Mayoral appointments, two members shall be appointed to two year terms.
7. Any vacancy occurring on the board by reason of death, resignation, removal or disqualification shall be filed by the Mayor with the advice and consent of the Municipal Council for the unexpired term of such member. Members may be reappointed to not more than three terms of service.

C. Removal from office:
1. The Board of Appeals by two-thirds vote may recommend to the Mayor that a member of the committee be removed from office for:
   a. Three or more unexcused absences from regular Board meeting during a calendar quarter.
   b. Failure to attend four or more consecutive regular Board meetings.
   c. Violation of Board policies and procedures.
2. A member of the Board of appeals may be removed from office by the Mayor in conformance with the provisions of Utah Code Sec. 10-2-1219.5.

D. The Director of Community Development shall be the executive secretary and staff to the Board of Appeals.

2.56.030 Meetings
A. The Board shall hold scheduled training meetings to discuss changes in ordinances and legal requirements at least twice each year. One of the meetings shall be in the first calendar quarter of each year; the other meeting shall occur at such time as set by the Board in the second half of the calendar year.
1. The Board shall hold appeal hearings upon demand by submission of an appeal petition in full conformance with the provisions of this Code.
2. The Board may, at its option, establish a regular meeting date within each calendar month at which time it may hold a meeting if matters are scheduled or cancel the meeting if there are no matters scheduled.
3. The Board may hold special meetings from time to time if called by the Chair or by two members of the Board.

B. The Board may schedule continued or special public meetings, public hearings, or workshops as necessary to perform its assigned duties.
C. All meetings shall be held in locations accessible to the public with appropriate public notice as required by Utah laws.
2.56.040 Procedures
A. The Board shall adopt bylaws establishing its policies, operations and procedures. The bylaws shall be passed by majority vote (two affirmative votes) of the Board and shall be presented to the Mayor.
B. The Mayor shall either accept the Board’s bylaws, modify the bylaws, or reject the bylaws.
   1. If the Mayor accepts the Board’s bylaws, an Executive Order shall be executed implementing the bylaws.
   2. If the Mayor modifies the Board’s bylaws, the modifications shall be returned to the Board for its acceptance or comment. Following receipt of the Board acceptance or comments, the Mayor may either implement the modifications or make further changes. The Mayor shall issue an Executive Order to implement the modified bylaws.
   3. If the Mayor rejects the Board bylaws, the Mayor shall prepare the bylaws.
C. The City Attorney or designee shall be present at all appeal hearings and shall represent the interest of the Board of Appeals.
D. The Board of Appeals hearings for appeals shall be based on the requirements established in Title 17 of the Logan Municipal Code, Zoning, for appeals of matters coming before it.

2.56.050 Powers and duties
A. The Board of Appeals shall be responsible to uphold, modify, or overturn the action of the decision-makers being appealed.
B. The Board shall base its decisions on the basis of acceptable legal standards with adoption of appropriate findings of fact substantiated in the public record.
C. The Board may propose amendments to the process or procedures of hearing appeals to the Planning Commission and Municipal Council.
D. The Board shall advise the administration, commissions, committees, or the Municipal Council on matters as requested as directed.

Section 3: 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

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, Chairman
MAYOR'S APPROVAL OR DISAPPROVAL

The foregoing ordinance is hereby approved this 31st day of MARCH, 1998.

[Signature]
Douglas E. Thompson, Mayor
STATE OF UTAH
COUNTY OF CACHE.

On this 6th day of March, 1998, personally appeared before me Felicia Tepedino, 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 was published in said newspaper for one issue commencing March 6, 1998 and ending March 6, 1998.

Signed, [Signature]

Subscribed and sworn to before me, the day and year above written.

Signed, [Signature]
Notary Public


LEGAL NOTICE
SUMMARIES of ordinances amending the Logan Municipal Code, 1989, are as follows:

1. ORD. 98-03. An ordinance was adopted January 21, 1998 and approved March 3, 1998 adding Chapter 2.58 to the Logan Municipal Code to charter the Board of Appeals. Section 2.56.010 established the board for the purpose of hearing appeals of the decisions of the planning commission, Historic Preservation Commission and Design Review Committee. The purpose of the board is to hear appeals of decision-makers to ensure that the actions being appealed were supported on the basis of facts in the public record and that decisions were substantiated with findings from that record. The three-member board is appointed by the Mayor with the advice and consent of the Council.

2. ORD. 98-02. An ordinance was adopted January 21, 1998 and approved February 4, 1998 adding Chapter 12.30, Right of Way Parking, to 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 sets 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 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 by 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.