CITY OF LOGAN, UTAH
ORDINANCE NO. 99-114

AN ORDINANCE AMENDMENT CHAPTER 8.38 OF THE
LOGAN MUNICIPAL CODE, 1989

BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE CITY OF LOGAN AS
FOLLOWS:

SECTION I: Chapter 8.38, Garbage, Refuse, Unsightly Object, is hereby amended to read
as follows:

Chapter 8.38 GARBAGE; DISPOSAL OF REFUSE, UNSIGHTLY OBJECTS

8.38.010. Definitions. The definitions described in Chapter 8.32.010 shall apply to
provisions of this chapter:

For purposes of this chapter, the following definitions shall apply:
A. "Container" means any receptacle used for the disposal and storage of solid waste:
B. "Department" means the city department of ordinance enforcement:
C. "Inoperable, junked or unused vehicles" means:
1. Any vehicle, parts of which are in a state of disrepair, or parts of which have been
removed therefrom rendering the same incapable of being safely or legally operated;
2. Any vehicle which has been wrecked or damaged in such a manner so that in its present
condition it cannot safely or legally be operated; or
3. A motor vehicle which has not been registered for any time in excess of one year:
D. "Litter" means any quantity of bottles, glass, cans plastic, metal, junk; paper, garbage, or
miscellaneous solid or semisolid waste which may be classified as trash, debris, refuse, garbage or
junk:
E. "Officer" means a city ordinance enforcement officer or his or her authorized
representative. The officer is the same as the "Inspector" as contemplated in UCA Section 10-11-
1 et seq.
F. "Owner" means any person who, alone or jointly or severally with others:
1. Shall have the legal title to any premises, dwelling or dwelling unit with or without
accompanying actual possession thereof; or
2. Shall have the charge, care or control of any premises, dwelling or dwelling unit, as legal
or equitable owner or agent of such owner:
G. "Private property" means exterior locations owned by private individuals, firms,
corporations, institutions or organizations, including but not limited to yards, grounds, driveways,
passageways, parking areas and vacant lots:
H. "Public property" means exterior locations owned by any public entity or privately owned
property dedicated to the public use, including but not limited to streets, sidewalks, strips between
streets and sidewalks, parking lots, school grounds, parks, playgrounds, and bodies of water:
(Ord. 92-55 §1 (part), 1992)
8.38.020. **Responsibility to keep property free of litter—Sanitation, litter, junked vehicles and illegal disposal, owner responsibilities**

It shall be the duty of the owner, agent, occupant and lessee to keep their private property within the city in a sanitary condition and free of litter. This requirement applies not only to removal of loose litter, but to materials that already are, or become, trapped at such locations as fence and wall bases, grassy and planted areas, borders, embankments and other lodging points.

It shall be unlawful for any person to place, deposit or allow to be placed or deposited on his premises any refuse, other than GreenWaste, unless in connection with a business enterprise lawfully situated, licensed and permitted for the same, or to engage in any other form of illegal disposal on said premises.

It is unlawful for any person to place or deposit refuse, other than GreenWaste, on another person's premises, unless in connection with a business enterprise lawfully situated, licensed and permitted for the same and with the express permission of the owner or agent of said premises, or to engage in any other form of illegal disposal on said premises. Further, it is unlawful for any person to place or deposit GreenWaste on another person's premises without the express permission of the owner or agent of said premises.

B. Owners, agents, occupants or lessees whose properties face border on municipal sidewalks, and strips between streets and sidewalks and alleyways shall be responsible for keeping those sidewalks, and strips and alleyways free of litter.

C. It is unlawful to sweep or push litter from sidewalks and steps into streets. Sidewalk and step sweepings must be picked up and put into household or commercial solid waste refuse containers.

D. Litter not removed from private property under the provisions of this chapter may be removed by the city pursuant to the provisions of this chapter with costs and expenses for such cleaning or removal to be assessed in accordance herein. (Ord. 92-55 §1 (part), 1992)

8.38.030. **Responsibility to keep property free of waste materials and inoperable, junked or unused vehicles—Exceptions**

A. It is unlawful for any person to cause or permit junk, scrap metal, scrap lumber, waste paper products, discarded building materials, machinery or machinery parts, or other waste materials to be in or upon any public or private property, unless in connection with a business enterprise lawfully situated and licensed for the same.

B. It is unlawful for any person to cause or permit any inoperable, junked or unused vehicles to be in or upon any public or private property, unless in connection with a business enterprise lawfully situated, and licensed, and permitted for the same or as allowed in subsection C paragraph G of this section.

C. Notwithstanding any other provision it shall be permissible for any person to keep up to, but no more than, two inoperable, junked or unused vehicles on his or her property so long as the vehicles are kept behind a six-foot opaque fence or structure which has the effect of blocking the view of the vehicles from public or private property. (Ord. 92-55 §1 (part), 1992)

8.38.040. **Responsibility of distributors of handbills**

It shall be the duty of every person distributing commercial handbills, leaflets, flyers or any other advertising and information material to take whatever measures that may be necessary to keep
such materials from littering public or private property. (Ord. 92-55 §1 (part), 1992)

8.38.030 Unlawful use of specific refuse containers

A. It is unlawful for any person(s) not authorized by the responsible authority to dispose of, discard, place, put, or drop refuse into a refuse container not designated for their use. It is also unlawful for those persons to similarly deposit refuse that is not generated on a public site into a refuse container designated for public use at that site.

B. It is unlawful for any person(s) not authorized by the responsible authority to dispose of, discard, place, put, or drop refuse or other materials into a refuse container that is designated for recycled refuse or GreenWaste, as indicated by clear and appropriate labeling, container color, etc. other than that material for which it is designated.

C. It is unlawful for any person(s) to take or remove recyclable materials from refuse containers so designated, without permission from the responsible authority, or permitted owner of such container, as applicable.

8.38.040 General Landfill Standards

A. It is unlawful for any person(s) to dispose of, discard, toss, or get rid of a hazardous waste or a restricted waste at the landfill, unless specific authorization and instructions are obtained for each specified material.

B. It is unlawful for any person(s) to remove from the landfill any material without the approval of the responsible authority.

C. It is unlawful for any person to hunt within the limits of the landfill without permission from the responsible authority.

It is unlawful for any person(s), to smoke or have an open flame on the landfill except in an area officially designated by the responsible authority.

It is the responsibility of any person(s) disposing of refuse at the landfill, in addition to paying applicable fees as indicated, to place materials in specific containers or areas as instructed by landfill personnel, signs, or other clear means.

It is unlawful for any person(s) to place into containers, piles or areas clearly designated for specific materials, as indicated by signs, verbal instruction or other clear means, materials other than those so designated. (example, rocks or other debris in area designated for grass clippings or branches)

8.38.050 Vehicles transporting loose materials

A. It is unlawful for any person, firm, corporation, institution or organization to transport any loose cargo by truck or other motor vehicle unless the cargo is covered and secured in such a manner as to prevent depositing of litter on public or private property.

B. The duty and responsibility imposed by subsection A of this section shall be applicable
alike to the owner of the truck or other vehicle, the operator thereof, and the person, firm, corporation, institution or organization from whose residence or establishment the cargo originated. (Ord. 92-55 §1 (part), 1992)

8.38.060 — Violation—Penalty

Any person who violates any provision of this chapter shall be guilty of a Class C misdemeanor. (Ord. 92-55 §1 (part), 1992)

Notice of violation and corrective measures Enforcement

Person(s) violating any provision of this chapter shall be subject to enforcement and corrective actions as established in Chapter 8.32 sections 8.32.060 through 8.32.099.

A. Owners or occupants of the property upon which a violation exists shall be served a written notice stating the violation, location of violation, date of notice, corrective measures to be taken, a reasonable time period to comply, which shall be not less than ten days from the date of the service of the notice, and the department's power to cause, at the property owner's expense, the removal of any item prohibited in this chapter.

B. This written notice issued by the officer shall be deemed sufficient and complete when served upon the owner or occupant:

1. Personally by the officer or his or her representative; or

2. By mailing, postage prepaid, addressed to the owner or occupant at the last known post office address appearing on the records of the county assessor. (Ord. 92-55 §1 (part), 1992)

8.38.110 — City to remedy violation when—Costs

A. Upon the owner's or occupant's failure to remedy any violation or remove any item prohibited in this chapter in accordance with the notice issued, the department shall have the authority to cause such removal or correction, including the power to enter on the property in violation, or to authorize others to enter on such property and cause such removal or correction.

B. The officer, upon approved completion of the work, shall prepare an itemized statement of all costs, including administrative expenses incurred by the department, plus the cost of removing the property or correcting the violation of this chapter. It is determined that the minimum fee, including administrative and other costs, which can be assessed herein is one hundred dollars. The officer shall mail a copy of such statement to the owner or occupant demanding reimbursement to the department of such costs by payment to the city treasurer within twenty days of the date of mailing. Such notice shall be deemed delivered when mailed postage prepaid; addressed to the owner or occupant at the last known address appearing on the records of the county assessor. (Ord. 92-55 §1 (part), 1992)

8.38.120 —Cost—Collection methods authorized

If, within twenty days of the date of mailing, the owner fails to make payment of the amount set forth in such statement to the city treasurer, the officer may either cause suit to be brought in an appropriate court of law, or refer the matter to the county treasurer, as provided in UCA Section 10-11-1 et seq. (Ord. 92-55 §1 (part), 1992)

8.38.130 — Property examination—Enforcement authority

The officer, and his or her delegates, are hereby authorized to make examinations and investigations of all real property in the city to determine whether the owners of such property are complying with the provisions of this chapter, and to enforce the provisions thereof. (Ord. 92-55
SECTION 2: Effective Date. This ordinance shall become effective upon publication.

PASSED BY THE LOGAN MUNICIPAL COUNCIL, STATE OF UTAH THIS 17th OF November, 1999 by the following vote:

Ayes: Borg Allred,  Redd, S. Thompson
Nays: None
Absent: Peace

Alan D. Allred, Chairman

PRESENTATION TO MAYOR

The foregoing ordinance was presented by the Logan Municipal Council to the Mayor for approval or disapproval on the 17th day of November, 1999.

Alan D. Allred, Chairman

MAYOR’S APPROVAL OR DISAPPROVAL

The foregoing ordinance is hereby approved this 18th day of November, 1999.

Douglas E. Thompson, Mayor
PROOF OF PUBLICATION

STATE OF UTAH
COUNTY OF CACHE

On this 7th day of January ......................... A.D. 2000
personally appeared before me .............. Jean Willmore, 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

LEGAL NOTICE

SUMMARIES of ordinances amending the Logan Municipal Code, 1989, are as follows:
1. ORD. 99-123. An ordinance amending the Zoning Map of Logan City was passed December 1, 1999 adopting Amendment No. 221 rezoning 1.45 acres at 670 Park Avenue, owned by Kevin and Tamara Coleman, and identified as Tax ID Nos. 02-058-0008, 0071 from SFR (Single Family Residential) to SFR-PD (Single Family Residential Planned Development Combining District).
2. ORD. 99-124. An ordinance amending the Zoning Map of Logan City was passed December 1, 1999 adopting Amendment No. 222 rezoning 1.56 acres at 600 East Mountain Road, owned by Lisa Tray and Joanne Hansen, and identified as Tax ID No. 09-097-0023 from SFR (Single Family Residential) to SFR-X (Single Family Residential Planned Development Combining District).
3. ORD. 99-127. An ordinance amending the Zoning Map of Logan City was passed December 15, 1999 adopting Amendment No. 223 rezoning 3.04 acres at 175 West 1000 North, owned by Joseph C. and Thelma Jacobsen, and identified as Tax ID Nos. 05-042-0019, 0030, 0054 from MFM (Multi-Family Medium) to CG (Commercial General).
4. ORD. 99-129. An ordinance amending the Zoning Map of Logan City was passed December 15, 1999 adopting

fill and hunting within landfills limits, unless authorized. These ordinances are effective upon publication.

Full texts of these ordinances may be reviewed at the Office of the Logan City Recorder, City Hall, 255 N. Main, Logan, Recorder Publication Date: January 7, 2000.

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

Signed, CYNTHIA K. FULTON
Notary Public.

My Commission expires September 7, 2003

Notary Public
CYNTHIA K. FULTON
320 West 1330 North
Logan, Utah 84341
My Commission Expires September 7, 2003
State of Utah