

ORDINANCE NO. 19-03

AN ORDINANCE OF THE NORTH LOGAN CITY COUNCIL ADDING A DEFINITION AND MATRIX CHANGE IN THE LAND-USE ORDINANCE CONCERNING AUTO RECYCLING

WHEREAS, the City Council of the City of North Logan, Utah, adopted and passed the Code of Revised Ordinance of the City of North Logan on March 16, 1989, which Code was published and effective on March 20, 1989; and

WHEREAS, said Code included Title 12, which is the City's Land Use Ordinance; and

WHEREAS the City Council and the City's Planning and Zoning Commission have determined there is need and good cause to amend the city's land use ordinance to add a definition:

Section I: Adding a definition for Auto Recycling to Section 12A-200, Section II: Modifying language in TITLE 10, Fire, Health and Public Safety, Section 10-403, and Section III: Adding the Auto Recycling use to TITLE 12C, Chapter 12C-1001 Permitted Conditional Uses in Zones

NOW, THEREFORE, pursuant to Section 12A-302 of Title 12 of North Logan City code and Section 10-9a-205 of Utah Code Un-annotated, 2008, and after ten (10) days' notice and a public hearing as required therein, the City Council of the City of North Logan, Utah hereby adopts, passes and publishes the following:

BE IT ORDAINED by the City Council of the City of North Logan, Utah as follows:

SECTION I: The following definition in TITLE 12A, Section 12A-200 is added to the definitions (numbering of definitions to adjust accordingly) and is to read as follows:

(15) Auto Recycling. Acquiring vehicles for the benefit of their usable parts. This does not entail destroying, scrapping, or crushing vehicles in any way as this would be related to the operation of a junk or salvage yard, which use is not permitted in North Logan City. All vehicles that are part of a licensed auto recycling business must be located inside an enclosed building (See Title 10, Section 10-403 Junked, Wrecked, Abandoned, and Inoperable Motor Vehicles).

SECTION II: The following modifications to TITLE 10, Fire, Health and Public Safety, Section 10-403 Junked, Wrecked, Abandoned, Inoperable Motor Vehicles (changes shaded) is to read as follows:

No owner or occupant of any property shall permit the outdoor storage on such property of junked, wrecked, abandoned, or **inoperable** motor vehicles whether or not such vehicles are sheltered or covered or within a carport or other partially enclosed structure, are visible from any public street, sidewalk, alley or from the ground level of abutting properties. The storage of such vehicles within a garage or other fully enclosed structure shall not be considered outdoor storage for the purposes of this provision.

- A. Definitions. The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this Section:
1. Inoperable motor vehicle shall mean any motor vehicle that does not have a current license plate and validation sticker lawfully affixed thereto or that is in a condition of being junked, wrecked, **recycled** wholly or partially dismantled, discarded, abandoned or unable to perform the functions or purpose for which it was originally constructed.

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- 2. Motor vehicle shall mean any self-propelled vehicle, which as originally built contained an engine, regardless of whether it contains an engine at any other time, including, without limitation, automobiles, trucks, buses, motor homes, motorized campers, motorcycles, motor scooters, tractors, snowmobiles, dune buggies and other off-the-road vehicles.
- 3. Unsheltered shall mean located outside a garage or other building in such a manner as to be visible to a person standing upon any public street, alley, sidewalk or right-of-way or to any person standing at ground level upon any adjoining piece of property.

B. Unsheltered storage prohibited. The unsheltered storage of an inoperable motor vehicle for ~~thirty (30)~~ **ninety (90)** days or more on any private property within the City is hereby declared to be a nuisance and dangerous to the public health, safety and welfare. ~~An inoperable motor vehicle, not located in a garage or other fully enclosed building, shall be placed behind screening of sufficient size, strength and density, such as a solid fence, trees or shrubbery, to screen it from ordinary public view and to prohibit ready access to such vehicle by children.~~

~~C. Exceptions. This Ordinance does not apply to any person who is conducting an automobile sales, storage or repair enterprise operated in compliance with existing zoning regulations when the storage is necessary to the operation of such business enterprise. These exceptions for certain lawfully conducted business enterprises are affirmative defenses to be pled and proved by the defendant in any judicial proceedings under this Ordinance.~~

D. Public nuisances not exempt. Nothing in this Ordinance shall be construed to permit exempt or sheltered storage of inoperable motor vehicles to be conducted in such manner as to constitute a public nuisance under other provisions of this Ordinance, including without limitation allowing accumulation of refuse and rubbish and growth of weeds and brush in and about the storage area, breeding of insects and rodents or direct danger to persons from broken glass, sharp metal protrusions, insecure mounting on blocks, jacks or supports or explosion hazard.

E. Removal. The owner and the occupant of the private property on which the unsheltered storage is occurring and the owner of the inoperable motor vehicle in question are jointly and severally responsible to abate the nuisance. Every person who fails, neglects or refuses to abate the nuisance is also guilty of a Class C Misdemeanor. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues. The imposition of any sentence does not exempt the offender from compliance with the requirements of this Article. No person, after abatement notification has been given, shall move the inoperable motor vehicle, in question, to any other private property upon which storage of such vehicle is not permitted or onto any public property or right-of-way.

SECTION III The matrix in TITLE 12C, Chapter 12C-1001 - Permitted and Conditional Uses in Zones, in the zoning matrix is changed to include matrix changes in the different sections to read as follows (additions in bold red):

| Land Use Description - Zone | R/S | A | RE | R1 | R2 | DT | CCA | CCC | MR8 | MR7 | MXG | SF6 | RM | PR | CC | CG | MC | M2 | RB | HOSP |
|--|-----|---|----|----|----|----|-----|-----|-----|-----|-----|-----|----|----|----|----|----|----|----|------|
| Commercial Services, Retail, & Related Uses | | | | | | | | | | | | | | | | | | | | |
| Automobile Services | | | | | | | | C | | | M | | | | | P | P | | | |

ORDINANCE NO. 19-03

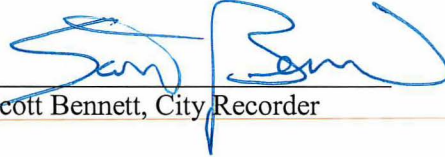
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CERTIFICATE OF DUE POSTING

I, Scott Bennett, City Recorder of North Logan, Utah, hereby certify that I caused to be posted the foregoing Ordinance No. 19 - 03 on the 17th day of January, 2019, in the City of North Logan, Cache County, State of Utah, a copy of which is hereto attached, in each of three public places in the said City of North Logan, to-wit:

1. North Logan City Offices, 2076 North 1200 East
2. North Logan City Library, 475 East 2500 North
3. North Park Police Department, 575 East 2500 North

WITNESS my hand this 17th day of January, 2019.



Scott Bennett, City Recorder