

ORDINANCE NO. 16-05

ROLL CALL

VOTING	YES	NO
MAYOR DALE R. BARNEY <i>(votes only in case of tie)</i>		
MATTHEW D. BARBER <i>Councilmember</i>	X	
PAUL M. CHRISTENSEN <i>Councilmember</i>	X	
EVERETT KELEPOLO <i>Councilmember</i>	X	
SETH V. SORENSEN <i>Councilmember</i>	ABSENT	
CHRIS C. WADSWORTH <i>Councilmember</i>	X	

I MOVE this ordinance be adopted: Councilmember Wadsworth

I SECOND the foregoing motion: Councilmember Kelepolo

ORDINANCE 16-05

AN ORDINANCE REGULATING HOME OCCUPATIONS

WHEREAS, Spanish Fork City has maintained home occupation business requirements in its zoning ordinance; and

WHEREAS, with the enactment of the new Title 15, Land Use, section of the Municipal Code, it is more appropriate to regulate home occupations under business licenses; and

WHEREAS, with the telecommunications ability of a modern society a number of people have the ability and desire to work from home including running businesses from home; and

WHEREAS, it is an economic benefit to the City to allow people to run businesses from home as long as the residential character of the neighborhood can be protected and maintained and

neighboring property values protected;

NOW THEREFORE, be it ordained and enacted by the Spanish Fork City Council as follows:

I.

Chapter 5.40 Home Occupations of the Spanish Fork Municipal Code is hereby enacted as follows:

Chapter 5.40 Home Occupations

5.40.010 Authorized

Home Occupations are allowed in all of the residential zones of the City upon strict compliance with the requirements and conditions of this chapter.

5.40.020 License Required

Any person desiring to operate a home occupation must obtain a home occupation business license, paying all applicable fees. Each distinct home occupation requires a separate business license. Compliance with all local, state, and/or federal laws pertaining to the particular home occupation is required to maintain the license.

5. 40.030 Fees

The base fee for a home occupation business license shall be \$35.00 per year, or any part thereof, plus the cost of any inspections which may be required. The license shall expire December 31st of each year. Licenses should be renewed by January 1st of each year. If not renewed by the end of January, a \$10.00 late fee shall also be paid in order to renew the license.

5.40.040 Conditions

A. The following conditions must be met in order to obtain and keep a home occupation

business license:

1. The home occupation must clearly be incidental to or secondary to the residential use of the dwelling unit;
2. The business must be conducted only by a resident or residents who reside at the dwelling;
3. The business occupies not more than 15% of the total floor space of the dwelling unit and in no event more than 300 square feet, except for day care centers and pre-schools;
4. No more than two nonresident patrons are permitted to be at the dwelling at any one time by reason of the home occupation;
5. The business has no more than ten commercial delivery vehicles per week coming to the dwelling related to the home occupation, or such other number considered excessive in the sole discretion of the City Planner;
6. The business produces no offensive noise, vibrations, smoke, dust or other particulate matter, odors, heat, humidity, glare, electrical interference, or other objectional effects beyond the boundaries of the property;
7. Vehicles or equipment may not be used for the primary purpose of advertising the business at the site of the home occupation. One name plate or identification sign no larger than 18" by 24" is allowed on site, so long as it is located within five feet of the building.
8. The business may not have exterior displays nor display goods which are visible from the outside, nor otherwise store materials, inventory, or

equipment outdoors;

9. The business may not include such uses as automotive repair, commercial welding, body shop, spray painting, industrial uses, commercial stables or kennels, repair of major appliances such as washers, refrigerators, ranges, etc., or other similar type uses which are not compatible with a residential neighborhood, as determined in the sole discretion of the City Planner.
 10. No structural alterations to the building may be made to accommodate the business, which are not customary for a residential structure.
 11. The business shall comply with all safety codes, including fire, building, plumbing, electrical, or others which may be applicable.
 12. No process can be used which is hazardous to the public health, safety, morals, or welfare.
 13. If the applicant rents or leases the property where the home occupation is intended to be conducted, the applicant must provide a letter of consent from the property owner.
 14. No visitors or traffic in conjunction with the home occupation shall be permitted between the hours of 9:00 p.m. and 7:00 a.m.
- B. An applicant may appeal the imposition or denial of any of these conditions to the City Council by filing a written notice of appeal within ten days of the imposition or denial with the City Planner.

5.40.050 Penalty

Any person operating a business in a residential zone without obtaining a business license

and complying with the requirements and conditions of this chapter is guilty of a Class C misdemeanor for a first offense. Subsequent offenses shall be a Class B misdemeanor. Each day of operations without a business license shall be considered a separate offense.

II.

This Ordinance shall become effective 20 days after passage and publication.

PASSED AND ORDERED PUBLISHED BY THE CITY COUNCIL OF SPANISH FORK,
UTAH, this 18th day of October, 2005.

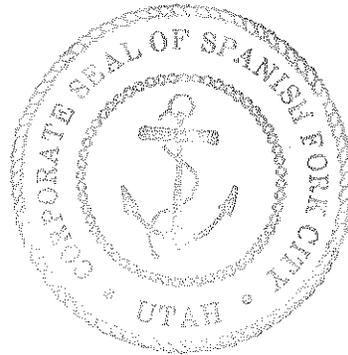


DALE R. BARNEY, Mayor

ATTEST:



KENT R. CLARK, City Recorder



required. The license shall expire December 31st of each year. Licenses should be renewed by January 1st of each year. If not renewed by the end of January, a \$10.00 late fee shall also be paid in order to renew the license.

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This Ordinance shall become effective 20 days after passage and publication.

PASSED AND ORDERED PUBLISHED BY THE CITY COUNCIL OF SPANISH FORK, UTAH, this 18th day of October, 2005.

Published in **Spanish Fork Press** on December 29, 2005.

29th day of December 2005

Proof of Publication

Lana Creer-Harris being first duly sworn according to law, disposes and says that she is the Editor of *the Spanish Fork Press*, a weekly newspaper printed and published in Spanish Fork, Utah County, Utah and of general circulation therein; that the Notice, a copy of which is hereto attached, was printed and published in said paper

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for 1 consecutive weeks,

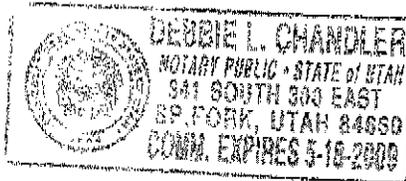
the first publication on the 29 day

of December 2005

And the last on the 29 day

of December 2005

Lana Creer Harris



Subscribe

Notary Public

9th day of December 2005

- 1. The business must be conducted only by a resident or residents who reside at the dwelling;
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