

**HARRISVILLE CITY
ORDINANCE NO. 467**

HOME OCCUPATION AMENDED

**AN ORDINANCE OF HARRISVILLE CITY, UTAH, AMENDING
SECTION 11.10.020 OF THE LAND USE ORDINANCE RELATING
TO HOME OCCUPATION; MAKING TECHNICAL CHANGES;
SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

WHEREAS, Harrisville City (hereafter “City”) is a municipal corporation, duly organized and existing under the laws of the State of Utah;

WHEREAS, *Utah Code Annotated* §§ 10-8-84 and 10-8-60, 1953, as amended, allows the City to exercise certain police powers and nuisance abatement powers, including but not limited to providing for safety and preservation of health, promotion of prosperity, improve community well-being, peace and good order for the inhabitants of the City;

WHEREAS, Title 10, Chapter 9a, of the *Utah Code Annotated*, 1953, as amended, enables the City to regulate land use and development;

WHEREAS, the City finds it necessary to update its land use ordinances in order to meet the challenges presented by development and to protect public health, safety, and welfare; and,

WHEREAS, after publication of the required notice the City’s Planning Commission held its public hearing on June 11, 2014, to take public comment on this proposed ordinance, and subsequently gave its recommendation to approve this Ordinance;

WHEREAS, the City Council received the recommendation from the Planning Commission and had held its public meeting on June 24, 2014, to act upon this Ordinance;

NOW, THEREFORE, be it ordained by the City Council of Harrisville City as follows:

Section 1: Repealer. Any section, clause, word, sentence, paragraph, or phrase inconsistent with this Ordinance and any reference thereto is hereby vacated.

Section 2: Amendment. Section 11.10.020 of the Harrisville Municipal Code entitled “Special regulations” is hereby amended to read as follows:

11.10.020. Special regulations.

9. Home occupation. A home occupation is the use of a portion of a single family dwelling, and/or accessory building, for a business, office, daycare, preschool, personal services such as hair care, common trade, or ~~homemade crafts~~ or use of an accessory building to the dwelling for repair work or creation of homemade crafts. The following conditions shall be met in order to ~~have~~ obtain a home occupation:
- a. Any home occupation with visiting clientele requires a conditional use permit.
 - b. The employees at a home occupation site ~~of the business~~ are limited to those who reside at the dwelling where the home occupation occurs with the exception of a preschool and deliveries ~~with a conditional use permit.~~
 - c. The dwelling is the primary residence and no more than twenty-five (25%) percent of the floor space of the dwelling ~~is~~ shall be devoted solely to the home occupation.
 - d. There is no outdoor storage of any materials.
 - e. There is no vehicle or trailer repair or body work of any kind ~~or~~ and no parking or placement of vehicles which are being repaired ~~under the home occupation use.~~
 - f. All work of the home occupation occurs in an enclosed structure.
 - g. There is no wholesale or retail sales of products, actual product display or warehousing of product directly from the home or accessory buildings except those items that are created on the property or from a common trade or craft.
 - h. No offensive noise, vibration, smoke, dust, odor, heat, or glare shall be produced and activities shall not include any activities which create a nuisance or hazard.
 - i. The home occupation is limited to hours of operation between 7 a.m. and 10 p.m.
 - j. Daycare or preschool is limited to a maximum of eight (8) children at any one time who do ~~not~~ not live in the dwelling.
 - k. All home occupations shall comply with all acceptable state codes and licensing requirements as well as have a home occupation business license from Harrisville City.
 - l. All home occupations shall comply with all health, building, and fire codes and regulations for the particular use on the property.
 - m. No home occupation, specifically trades and crafts, shall interfere with the predominately residential purpose and uses of the residential zone where a home occupation is to be located.
 - n. Notwithstanding the provisions of this section, the following are not considered home occupations requiring a permit or license:
 - i. Minor children of the home who do babysitting.
 - ii. Neighborhood yard care.
 - iii. Lemonade stands and similar stands operated by youth.

- iv. Newspaper, delivery, and other such services ~~shall not be considered a home occupation nor need to comply with these regulations.~~
- v. Occasional garage or yard sales not to exceed four (4) time per year, per residence.

Section 3. Effective Date. This Ordinance shall take effect immediately upon posting or publication.

PASSED AND ADOPTED by the City Council on this 24th day of June, 2014.

BRUCE RICHINS, Mayor
Harrisville City

ATTEST:

JENNIE KNIGHT, City Recorder

RECORDED this ____ day of June, 2014.
PUBLISHED OR POSTED this ____ day of June, 2014.

CERTIFICATE OF PASSAGE AND PUBLICATION OR POSTING
According to the provision of U.C.A. §10-3-713, 1953 as amended, I, the municipal recorder of Harrisville City, hereby certify that foregoing ordinance was duly passed and published, or posted at: 1) 2150 North, 2) the Harrisville Cabin, and 3) City Hall on the above referenced dates.

JENNIE KNIGHT, City Recorder

DATE: _____