

**HARRISVILLE CITY
ORDINANCE 542**

HOME OCCUPATION STANDARDS AMENDMENTS

**AN ORDINANCE OF HARRISVILLE CITY, UTAH, AMENDING THE
RESIDENTIAL ZONE SPECIAL USE REGULATIONS FOR HOME
OCCUPATIONS; SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

WHEREAS, Harrisville 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 allow municipalities in the State of Utah 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, Utah Code Annotated Title 10 Chapter 9a enables municipalities to regulate land use and development;

WHEREAS, the City has adopted Residential Zone Special Use Regulations to govern land use within the City;

WHEREAS, the City desires to amend Home Occupations Standards of Harrisville City as indicated herein;

WHEREAS, after publication of the required notice the planning commission held its public hearing on August 9, 2023, to take public comment on the proposed ordinance, after which the commission gave its recommendation to _____ this Ordinance;

WHEREAS, the city council received the recommendation from the planning commission and held its public meeting on _____;

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

Section 1: 11.10.020 Residential Zone Special Use 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 crafts. The following conditions shall be met in order to obtain a home occupation:

1. Any home occupation with visiting clientele requires a conditional use permit.
2. The employees at a home occupation site are limited to those who reside at the dwelling where the home occupation occurs with the exception of a preschool and deliveries.
3. The dwelling is the primary residence and no more than twenty-five (25%) percent of the floor space of the dwelling is devoted solely to the home occupation, excepting daycare.
4. There is no outdoor storage of any materials.
5. There is no vehicle or trailer repair or body work of any kind and no parking or placement of vehicles which are being repaired.

6. All work of the home occupation occurs in an enclosed structure.
7. There is no wholesale or retail sales of products, actual product display or warehousing of product directly from the home or accessory building except those items that are created on the property or from a common trade or craft.
8. 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.
9. The home occupation is limited to hours of operation between 7 a.m. and 10 p.m.
10. Daycare is limited to a maximum of eight (8) children at any one time who do not live in the dwelling between the hours of 6 a.m. and 10 p.m.
11. Preschool in a residence that operates four (4) or less hours per day, per session, up to two (2) sessions per day, and teaches more than nine (9) children, but not more than fourteen (14) children, plus supervisory personnel. The preschool area of the home shall also conform to the applicable standards of any building code.
12. 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.
13. All home occupations shall comply with all health building and fire codes and regulations for the particular use on the property.
14. 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.
15. With compliance to Weber Morgan Health Department regulations, the use of a Permanent Makeup Machine (PMU) for use of cosmetics in addition to scar coverings.
16. Notwithstanding the provisions of this section, the following are not considered home occupations requiring a permit or license:
 1. Typical and occasional babysitting.
 2. Neighborhood yard care.
 3. Lemonade stands and similar stands operated by youth.
 4. Newspaper delivery, and other such services.
 5. Occasional garage or yard sales not to exceed four (4) times per year, per residence.

Section 2: Severability. If a court of competent jurisdiction determines that any part of this ordinance is unconstitutional or invalid, then such portion of the ordinance, or specific application of the ordinance, shall be severed from the remainder, which shall continue in full force and effect.

Section 3: Effective date. This ordinance shall be effective immediately upon posting after final passage, approval, and posting.

PASSED AND ADOPTED by the City Council on this ____ day of _____, 2023.

MICHELLE TAIT, Mayor
Harrisville City

ATTEST:

JACK FOGAL
City Recorder

RECORDED this ____ day of _____, 2023.
PUBLISHED OR POSTED this ____ day of _____, 2023.

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) City Hall, 2) Martin Henderson Harris Cabin and 3) 2150 North on the above referenced dates.

City Recorder

DATE: _____

DRAFT