

**Perry City**  
**ORDINANCE 25-E**

**SPECIAL RESIDENTIAL FACILITIES**

**ORDINANCE 25-E, SPECIAL RESIDENTIAL FACILITIES**

**WHEREAS**, Utah Code Section 10-9a grants Perry City certain powers and duties regarding land use and zoning; and,

**WHEREAS**, the local land use codes of Perry City must conform with the Federal Fair Housing Act;

**NOW THEREFORE**, be it ordained by the City Council of Perry City, UT as follows:

**SECTION 1: Repealer.** If any provisions of the municipal code previously adopted are inconsistent herewith they are hereby repealed.

**SECTION 2: Amendment.** Section "1.03.010 " is hereby amended as follows.

...

REMAINDER: The portion of ... approval for development.

RESIDENCE: Any living unit ... street, or public rights-of-way.

RESIDENTIAL FACILITY FOR THE ELDERLY: A single-family or multi-family dwelling unit that meets the requirements of Chapter 15.08 of the Perry Municipal Code.

RESIDENTIAL FACILITY FOR PERSONES WITH A DISABILITY: A single-family or multiple family dwelling unit, consistent with existing zoning of the desired location, that is occupied on a 24-hour per day basis by eight or fewer handicapped persons in a family-type arrangement under the supervision of a house family or manager, and that conforms to all applicable standards and requirements of the Department of Social Services, and is operated by or operated under contract with that department.

RESIDENTIAL FACILITY FOR YOUTH: A residential facility that is occupied on a 24-hour basis by no more than eight (8) qualified youth in a family type arrangement that conforms with applicable standards of, and is inspected and licensed by the State Department of Human Services.

RESPONSIBLE PERSON OR ENTITY: ... of a residential solicitation:

1. Maintaining a state ... required returns or reports;

...

**SECTION 3: Amendment.** Section "15.08.010 Residential Facilities for the Elderly" is hereby amended as follows.

1. Policy. This Section is to comply with the federal Fair Housing Act for such facilities and shall be interpreted as such.

2. Administration. A residential facility for elderly persons shall not operate as a business.

a. A residential facility for elderly persons is not considered a business notwithstanding any fee is charged for food or necessary costs of operation and maintenance of the facility.

b. The owner of a residential facility for elderly persons may not charge residents administrative costs or salaries greater than fifteen (15) percent of that fee.

3. Any person charging a fee shall:

i. Keep a record of all expenses and costs related to the fee; and

c. Make that record available for inspection by any resident of the facility, the Utah Department of Human Services, and any local officials.

4. Eligibility. A residential facility for elderly persons shall:

a. Be owned by one of the residents or by an immediate family member of one of the residents, or by a charitable, or beneficial organization, including a facility for which the title has been placed in trust for a resident.

b. Be consistent with existing zoning of the desired location.

c. Not exceed 3,500 square feet in building size, be on a separate and independent lot not within 1,000 feet of a similar facility. The facility may exceed 3,500 square feet when an existing residence is to be converted to a residential facility for the elderly and where such residence has existed for more than five (5) years.

d. Provide twenty-four (24) hour supervision of not more than eight (8) elderly persons living in a family-type arrangement.

e. Conform with applicable state standards.

f. Be duly licensed and inspected by the state and any local authority.

5. Code. The facility shall meet all applicable building, safety, zoning, and health codes applicable to similar dwellings, and:

a. A minimum of one (1) off-street parking space for each adult resident person or married couple shall be provided.

b. The facility shall be designed to be residential in character and no structural or landscaping alterations shall be made that change its residential character.

c. No person being treated for alcoholism or drug abuse shall be placed in this facility.

d. Placement in this facility shall be on a strictly voluntary basis and not a part of, or in lieu of, confinement, rehabilitation, or treatment in a correctional facility.

e. The land use permit and business license granted in accordance with the provisions of this chapter, is nontransferable and terminates if the structure is devoted to a use other than a residential facility for elderly persons or if the structure fails to comply with the building, safety, health code, or other code.

f. Implement a non-discrimination policy that conforms to federal and state protected classes.



**SECTION 4: Amendment.** Section "15.08.020 Residential Facilities For Persons With A Disability" is hereby amended as follows.

1. Policy. This Section is to comply with the federal Fair Housing Act for such facilities and shall be interpreted as such.

2. Code. The facility shall meet all applicable building, safety, zoning, and health codes applicable to similar dwellings, and:

a. The operator shall provide twenty-four (24) hour supervision.

b. Not exceed 3,500 square feet in building size and be on a separate and independent lot that meets the site development standards for the Zone in which it is locations. The facility may exceed 3,500 square feet when an existing residence is to be converted to a residential facility for persons with a disability and where such residence has existed for more than five (5) years.

c. Not be located within 1,000 feet of a similar facility.

d. Conform with applicable state standards.

e. Be duly licensed and inspected by the state and local authorities.

f. A minimum of two (2) off-street parking spaces plus one (1) off-street parking space for each staff member other than the resident manager or house parents shall be provided.

g. The facility shall be designed to be residential in character and no structural or landscaping alterations shall be made that change its residential character.

h. The facility shall meet all requirements and definitions by reference to either the Federal Fair Housing Amendments Act (42 USC 3602) or its successor statutes or the Utah Fair Housing Act (UCA § 57-21-1 et seq.) or its successor statutes.

i. No person being treated for alcoholism or drug abuse shall be placed in this facility.

j. No person who is violent shall be placed in this facility.

k. Placement in this facility shall be on a strictly voluntary basis and not a part of or in lieu of, confinement, rehabilitation, or treatment in a correctional facility.

l. The land use permit granted in accordance with the provisions of this Section is nontransferable and terminates if the structure is devoted to a use other than the facility, or if the structure fails to comply with the building, safety, health code, or other code.

m. The facility shall obtain a business license from the City in addition to other required licensing.

n. No facility under this Section shall be made available to any individual whose tenancy therein would constitute a direct threat to the health or safety of other individuals or would result in substantial physical damage to the property of others.

o. Implement a non-discrimination policy that conforms to federal and state protected classes.

**SECTION 5: Amendment.** Section "15.08.030 Residential Facility For Youth" is hereby amended as follows.

1. Policy. This Section is to comply with the federal Fair Housing Act for such facilities and shall be interpreted as such.

2. Requirements. The facility shall meet all applicable building, safety, zoning, and health codes applicable to similar dwellings, and:

a. Be owned or leased by the residents or an immediate family member of the residents, or by a charitable, or beneficial organization, or by the state or a licensee thereof.

b. Be consistent with existing zoning of the desired location.

c. Be occupied on a 24-hour basis by no more than eight (8) qualified youth in a family-type arrangement.

d. Not exceed 3,500 square feet in building size. The facility may exceed 3,500 square feet when an existing residence is to be converted to a residential facility for youth and where such residence has existed for more than five (5) years.

e. Conform with applicable state standards and be duly licensed and inspected by the state.

f. The facility shall be designed to be residential in character and no structural or landscaping alterations shall be made that change its residential character, and the structure shall not be used as a lock-down facility for the incarceration of any youth.

g. No facility under this Section shall be established within five (5) miles of any other facility or any facility that detains youth.

3. Youth who qualify for placement in the facility shall:

i. Be no less than ten (10) years of age and no more than eighteen (18) years of age.

ii. Not be convicted of or charged with any sexual offence, arson, or aggravated assault.

iii. Not be individuals with such severe psychiatric problems that they present a danger to themselves or others;

iv. Attend school classes and matriculate in local area schools.

h. No facility under this Section home for troubled youth shall house children whose respective ages span more than four years. For instance, if the home houses children ten years of age, the oldest child in the home can be no more than 14 years of age.

i. The land use permit granted in accordance with the provisions of this Section is nontransferable and terminates if the structure is devoted to a use other than the facility, or if the structure fails to comply with the building, safety, health code, or other code.

j. The facility shall obtain a business license from the City in addition to other required licensing.

4. The facility shall be permanently occupied by a married couple who shall serve as house parents to the youth who reside therein. The duties of the house parents include:

i. Counseling and guidance to the youth under their care.

ii. Supervise the orderly functioning of the household.

iii. Provide meals to the youth who occupy the home.

iv. Assign the duties, chores and other tasks to each of the youth who occupy the home.

v. Supervise homework and studies each of the youth is required to complete for their



education in local schools.

vi. Immediately report to the appropriate state agency any difficulties, problems, breaches of the peace, or violations of law engaged in by any of the youth under their care.

vii. Report the same conduct to the organization who employs them directly.

viii. Meet state standards and obtain all licenses, permits, or certificates required by the state before undertaking their duties as house parents.

k. Implement a non-discrimination policy that conforms to federal and state protected classes.

5. In the event that the house parents terminate their employment without first training suitable replacements, the facility must replace them with trained house parents within thirty (30) days, or cease operating.

**SECTION 6: Enactment.** Chapter "15.08 Special Residential Facilities" is hereby enacted as follows.

**SECTION 7: Severability.** If any section, subsection, sentence, clause, or phrase of this amendment is declared invalid or unconstitutional by a court of competent jurisdiction, said portion shall be severed and such declaration shall not affect the validity of the remainder of this amendment.

**SECTION 8: Effective Date.** This ordinance being necessary for the peace, health, and safety of Perry City, shall go into effect at the expiration of the 20th day after publication or posting or the 30th day after final passage as noted below or whichever of said days is the more remote from the date of passage thereof.

**\*\*Signatures On Next Page\*\***

**PASSED AND ADOPTED** by Perry City Council this **26th day of June, 2025**.



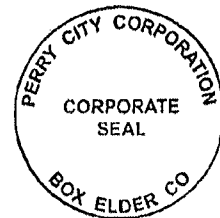
KEVIN JEPPSEN, Mayor  
Perry City

Attest:



SHANNA JOHNSON, City Recorder  
Perry City

City Council Vote as Recorded:	AYE	NAY	ABSTAIN	ABSENT
Nathan Tueller	<u>X</u>	—	—	—
Toby Wright	<u>X</u>	—	—	—
Blake Ostler	<u>X</u>	—	—	—
Ashley Young	<u>X</u>	—	—	—
Dave Walker	<u>X</u>	—	—	—



RECORDED this 27th day of June, 2025.

PUBLISHED OR POSTED this 27th day of June, 2025.

**CERTIFICATE OF PASSAGE AND PUBLICATION OR POSTING**

In accordance with Utah Code Annotated §10-3-713, 1953 as amended, I, the City Recorder of Perry City, hereby certifies that the foregoing Amendment was duly passed and published or posted at:

1. City Hall
2. Perry City Website
3. Utah Public Notice Website

on the above referenced dates.



SHANNA JOHNSON, City Recorder  
Perry City