

**MAGNA  
ORDINANCE 20-02-01**

**HOME DAYCARE/PRESCHOOL AMENDMENTS**

**AN ORDINANCE OF THE MAGNA METRO TOWNSHIP COUNCIL AMENDING  
MAGNA MUNICIPAL CODE 19.04.293 TO CONFORM TO STATE HEALTH  
DEPARTMENT REGULATIONS REGARDING LICENSED HOME DAYCARE AND  
PRESCHOOL LAND USE**

**WHEREAS**, A. The Magna Metro Township (“Magna”) is a municipality pursuant to Utah Code §§ 10-2a-401 et seq.

**WHEREAS**, B. The Magna Metro Township Council (the “Council”) is the municipal legislative body for Magna pursuant to Utah Code § 10-3b-501.

**WHEREAS**, Given the demand for Licensed Home Daycare and Home Preschool, it is important for Magna to have effective and efficient land use regulation that works with caregivers pursuing licensing for their proposed home-based daycare and/or preschool.

**WHEREAS**, Upon review of Magna ordinance, state law, and Utah State Health Department Regulations R430-50 and R430-90 that regulate licensed home daycare, it was determined the existing ordinance was more restrictive, and conflicted with state law.

**WHEREAS**, The proposed amendments better conform Magna's regulation of land use to state law and home daycare/preschool licensing.

**NOW THEREFORE**, be it ordained by the Council of Magna, in the State of Utah, as follows:

**SECTION 1:**        **AMENDMENT** “19.04.293 Home Day Care/preschool” of the Magna Municipal Code is hereby *amended* as follows:

**B E F O R E   A M E N D M E N T**

19.04.293 Home Day Care/preschool

"Home day care/preschool" means the keeping for care and/or preschool instruction of twelve or less children including the caregiver's own children under the age of six and not yet in full day school within an occupied dwelling and yard. (State regulations require two caregivers if there are more than six children in a home day care and may further limit the number of children allowed in a home day care.) A home day care/preschool must meet the following standards:

- A. When allowed as a permitted use there shall be a maximum of six children without any employees not residing in the dwelling. When allowed as a conditional use there shall be a maximum of twelve children with not more than one employee at any one time not residing in the dwelling;
- B. The use shall comply with the health department noise regulations;
- C. The play yard shall not be located in the front yard and shall only be used between eight a.m. and nine p.m.;
- D. The lot shall contain one available on-site parking space not required for use of the dwelling, and an additional available on-site parking space not required for use of the dwelling for any employee not residing in the dwelling. The location of the parking shall be approved by the development services division director to insure that the parking is functional and does not change the residential character of the lot;
- E. No signs shall be allowed on the dwelling or lot except a nameplate sign;
- F. The use shall comply with all local, state and federal laws and regulations. (The Life Safety Code includes additional requirements if there are more than six children);
- G. Upon complaint that any of the requirements of this section or any other county ordinance are being violated by a home day care/preschool caregiver, the county shall review the complaint and if substantiated may institute a license revocation proceeding under Section 5.14.020; and
- H. The caregiver shall notify in writing, on a form provided by the development services division, all property owners within a three hundred foot radius of the caregiver's property concerning the licensing of a home day care/preschool at such property.

#### AFTER AMENDMENT

##### 19.04.293 Home Day Care/preschool

"Home day care/preschool" means the keeping for care and/or preschool instruction of ~~twelve or less~~ children including the caregiver's own children under the age of six and not yet in full day school within an occupied dwelling and yard. (State regulations require two caregivers if there are more than six children in a home day care and may further limit the number of children allowed in a home day care.) A home day care/preschool must meet the following standards:

- A. When allowed as a permitted use, ~~there shall be a maximum of six children without any employees not residing in the dwelling~~ caregiver and dwelling use regulations must comply with Utah Health Department Regulation R430-50 et seq. When allowed as a conditional use, ~~there shall be a maximum of twelve children with not more than one employee at any one time not residing in the dwelling~~ caregiver and dwelling use regulations must comply with Utah Health Department Regulation R430-90 et seq;
- B. The use shall comply with the health department noise regulations;
- C. The play yard shall not be located in the front yard and shall only be used between eight a.m. and nine p.m.;

- D. The lot shall contain one available on-site parking space not required for use of the dwelling, and an additional available on-site parking space not required for use of the dwelling for any employee not residing in the dwelling. The location of the parking shall be approved by the development services division director to insure that the parking is functional and does not change the residential character of the lot;
- E. No signs shall be allowed on the dwelling or lot except a nameplate sign;
- F. The use shall comply with all local, state and federal laws and regulations. (The Life Safety Code includes additional requirements if there are more than six children);
- G. Upon complaint that any of the requirements of this section or any other ~~county~~municipal ordinance are being violated by a home day care/preschool caregiver, the ~~county~~municipality shall review the complaint and if substantiated may institute a license revocation proceeding under Section 5.14.020; and
- H. The caregiver shall notify in writing, on a form provided by the development services division, all property owners within a three hundred foot radius of the caregiver's property concerning the licensing of a home day care/preschool at such property.

**SECTION 2:**        **EFFECTIVE DATE** This Ordinance shall be in full force and effect from \_\_\_\_\_ and after the required approval and publication according to law.

PASSED AND ADOPTED BY THE MAGNA COUNCIL \_\_\_\_\_.

	<b>AYE</b>	<b>NAY</b>	<b>ABSENT</b>	<b>ABSTAIN</b>
Council Member Hull	_____	_____	_____	_____
Mayor Peay	_____	_____	_____	_____
Council Member Peel	_____	_____	_____	_____
Council Member Pierce	_____	_____	_____	_____
Council Member Prokopis	_____	_____	_____	_____

Presiding Officer

Attest

\_\_\_\_\_  
Dan W. Peay, Mayor, Magna

\_\_\_\_\_  
Sherrie Swensen, County Clerk/  
Metro Township Clerk-Recorder  
Magna

APPROVAL AS TO FORM:

\_\_\_\_\_  
Paul H. Ashton, Attorney