

**TAYLORSVILLE, UTAH**  
**ORDINANCE NO. 23-02**

**AN ORDINANCE OF THE CITY OF TAYLORSVILLE APPROVING A TEXT  
AMENDMENT TO TAYLORSVILLE MUNICIPAL CODE SECTIONS 05.06.040;  
13.07.020; 13.08.020; 13.09.030; 13.10.020; 13.11.040; 13.26.080; AND CHAPTERS 13.36;  
AND 5.54, RELATED TO HOME OCCUPATION STANDARDS**

**WHEREAS**, the Taylorsville City Council (the “Council”) met in regular session on February 15, 2023, to consider, among other things, approving a text amendment to the Taylorsville Municipal Code Sections 05.06.040; 13.07.020; 13.08.020; 13.09.030; 13.10.020; 13.11.040; 13.26.080; and Chapters 13.36; and 5.54, Related to Home Occupation Standards; and

**WHEREAS**, pursuant to TAYLORSVILLE MUNICIPAL CODE Section 13.35.040, notice of a public hearing before the City’s Planning Commission was published on the city’s official website on December 2, 2022; and

**WHEREAS**, the notice of a public hearing before the City’s Planning Commission was also published on the Utah Public Notice Website on December 2, 2022; and

**WHEREAS**, the City’s Planning Commission held a properly noticed public hearing on the proposed amendments on December 13, 2022 and January 10, 2023, during which the Planning Commission voted 6-0 to recommend that the Council approve the proposed text amendment; and

**WHEREAS**, although not required by City ordinances, the City Council heard courtesy public comment on the proposed amendments during its regularly scheduled meeting on February 15, 2023; and

**WHEREAS**, after careful consideration, the Council has determined that it is in the best interest of the health, safety, and welfare of the citizens of Taylorsville to approve the proposed amendments.

**NOW, THEREFORE, BE IT ORDAINED** by the Taylorsville City Council that the proposed text amendments to the Taylorsville Municipal Code Sections 05.06.040; 13.07.020; 13.08.020; 13.09.030; 13.10.020; 13.11.040; 13.26.080; and Chapters 13.36; and 5.54, are hereby approved, as articulated in Exhibit “A.”

This ordinance, assigned Ordinance No. 23-02, shall take effect as soon as it shall be published or posted as required by law, deposited and recorded in the office of the City Recorder, and accepted as required herein.

PASSED AND APPROVED this 15<sup>th</sup> day of February 2023.

**TAYLORSVILLE CITY COUNCIL**

By:   
Robert Knudsen, Council Chair

**VOTING:**

Meredith Harker	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>
Ernest Burgess	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>
Robert Knudsen	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>
Curt Cochran	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>
Anna Barbieri	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>

**PRESENTED** to Mayor of Taylorsville for her approval this 15th day of February 2023.

**APPROVED** this 15<sup>th</sup> day of February, 2023.

  
Mayor Kristie S. Overson

**ATTEST:**

  
Jamie Brooks, Recorder



**DEPOSITED** in the Recorder's office this 16<sup>th</sup> day of February 2023.

**POSTED** this 16<sup>th</sup> day of February 2023.

13.07.020: PERMITTED LAND USE TABLE BY THE RESIDENTIAL DISTRICTS:

E. Table Of Uses: The table below classifies land uses, zoning districts and permitting types within Residential Districts:

Land Use Category	R-1-40	R-1-30	R-1-20	R-1-15	R-1-10	R-1-8	R-1-7	R-1-6	R-1-5	R-2-10	R-2-8	RM	MH
Home occupation <sup>1</sup> (categories A, B, C, D)	ACP <sup>1</sup>	ACP <sup>1</sup>	ACP <sup>1</sup>	ACP <sup>1</sup>	ACP <sup>1</sup>	ACP <sup>1</sup>	ACP <sup>1</sup>	ACP <sup>1</sup>	ACP <sup>1</sup>	ACP <sup>1</sup>	ACP <sup>1</sup>	ACP <sup>1</sup>	ACP <sup>1</sup>
School, commercial (low impact) <sup>2</sup>	NC <sup>+</sup>	NC <sup>+</sup>	NC <sup>+</sup>	NC <sup>+</sup>	NC <sup>+</sup>	NC <sup>+</sup>	NC <sup>+</sup>	NC <sup>+</sup>	NC <sup>+</sup>	NC <sup>+</sup>	NC <sup>+</sup>	NC <sup>+</sup>	NC <sup>+</sup>

**Notes:**

1. Subject to the standards in Chapter 13.11: Special Use Standards.
2. Public service uses with maintenance facilities shall not be allowed in Residential Districts.
3. May require technical necessity exception from the Planning Commission. See wireless telecommunication facilities section of this Code.
4. Permitted in Historic Resources Overlay Zone.

<sup>1</sup> Class A, Class B, Class C, and Class D home occupation distinctions and subcategories have been replaced with new terminology and objective zoning controls. Updated use permissions to allow home occupations as a permitted use rather than requiring administrative conditional use review.

<sup>2</sup> Renamed to “residential instruction” and folded into the “home occupation” land use type, as provided in the home occupation standards.

13.08.020: PERMITTED LAND USE TABLE BY THE COMMERCIAL, OFFICE, INDUSTRIAL, MIXED USE, TRANSIT CORRIDOR, AND RESEARCH AND DEVELOPMENT DISTRICTS:

E. Table Of Uses: The table below classifies land uses, zoning districts and permitting types within the Commercial, Office, Industrial, Mixed Use, Transit Corridor, and Research and Development Districts:

Land Use Category	RC Regional Commercial	BC Boulevard Commercial	CC Community Commercial	NC Neighborhood Commercial	LC Limited Commercial	PO Professional Office	ID Industrial District	MU Mixed Use	TC Transit Corridor	RD Research and Development
Home occupation	N	N	N	N	N	N	N	ACP <sup>12</sup>	ACP <sup>12</sup>	N

**Notes:**

12. Subject to the standards in Chapter 13.11: Special Use Standards.

13.09.030: PERMITTED LAND USES BY THE INSTITUTIONAL CARE DISTRICT:

B. Table Of Uses:

LAND USES IN INSTITUTIONAL CARE DISTRICT

Uses	Institutional Care District
Home occupation ( <del>categories A, B, C, and D</del> )	N

13.10.020: PERMITTED LAND USES IN THE OPEN SPACE DISTRICT:

B. Table Of Uses:

LAND USES IN OPEN SPACE DISTRICT

Uses	Institutional Care District
Home occupation, <del>category I</del>	N
<del>Home occupation, category II</del>	<del>N</del>

Notes:

1. May require staff or planning commission review and approval. (See wireless telecommunications facilities section of this code.)

### 13.11.040: HOME OCCUPATIONS:

A. ~~Purpose: This section is established to:~~

1. Provide an opportunity for home occupations as an accessory use when they are compatible with the neighborhoods in which they are located. ~~A home occupation shall not be construed to mean an employee working in his home in the service of an employer whose principal place of business is licensed at another location.~~
2. Provide an opportunity for a home occupation to engage in the business of childcare and other group child activities and encourage this type of home occupation to draw clients/customers from their immediate neighborhood.
3. Guide business activities which are not compatible with neighborhoods to appropriate Commercial Zones nonresidential zoning districts.
4. Safeguard peace, quiet, and domestic tranquility within all residential neighborhoods. Protect residents from the adverse effects of business uses being conducted in residential areas from noise, nuisance, traffic, fire hazards, and other possible business uses that create significant impacts on a neighborhood.
5. Provide a means to enforce and regulate the businesses that are licensable through the authority of the business license regulations of the applicable ordinances, and if necessary, terminate home occupations if violations of the ordinances regulating home occupations occur.

~~B. Administrative Conditional Use Permit And Home Occupation License: Home occupations are allowed only with approval of an administrative conditional use permit and a home occupation business license from the City.~~

~~C. Categories And Requirements Of Home Occupation Licenses: Home occupation businesses are licensable as Class A, Class B, Class C, Class D, and family childcare/home preschool Class D.~~

~~D. General Requirements: The following requirements must be met in order to have a home occupation:~~

1. ~~Obtain a home occupation administrative conditional use permit and business license from the City.~~
2. ~~Remain compliant with all applicable statutes, rules and regulations.~~
3. ~~Activity shall be clearly incidental to the dwelling or residential use.~~
4. ~~Storage of stock in trade, inventory or commodities shall not occupy more than five hundred (500) cubic feet of the area being used for the home occupation and shall not be visible outside the dwelling unit.~~
5. ~~Signage shall be limited to one nonilluminated nameplate sign that does not exceed three (3) square feet in area, and vehicles or equipment may not be used for the primary purpose of advertising the home occupation at the site of the home occupation.~~
6. ~~Employees shall be limited to bona fide resident(s) of the dwelling unit, except that an employee living outside the residence may work in the residence in a home occupation Class D family childcare/home preschool when required by State law.~~
7. ~~Activities associated with the home occupation shall not produce traffic, light, glare, noise, fumes, odor or vibration that will diminish the residential character of the neighborhood.~~
8. ~~Owners of the property or property manager where the home occupation is to be located must give written consent to the home occupation.~~

- ~~9. Home occupations are subject to review upon complaint. If a complaint is received by the City, the home occupation will be reviewed for compliance with applicable ordinances and conditions of approval.~~
- ~~10. Dwelling units and landscape areas shall be well maintained.~~
- ~~11. Alterations shall not be made to the dwelling or the yard area that will change its residential character.~~
- ~~12. Property address numbers need to be identified and maintained on the home. Address letters should be a minimum of four inches (4") in height and a contrasting color from the main building.~~
- ~~13. One vehicle only may be associated with the home occupation. Said vehicle must be parked on site in a garage or driveway and may not exceed a ten thousand (10,000) pound gross vehicle weight rating or have no more than two (2) axles.~~
- ~~14. No more than two (2) home occupation businesses shall be allowed per dwelling unit.~~

~~**E. Additional Requirements For Class A; Conducted Entirely Within A Dwelling Unit In Which No Clients Or Customers Visit The Home:** Specific operational requirements for a home occupation Class A include the following:~~

- ~~1. No clients, customers, or patrons of the home occupation business are allowed to visit the home occupation location for business purposes.~~
- ~~2. The yard of the dwelling unit and any detached accessory building(s) shall not be used in conjunction with the home occupation activity.~~

~~**F. Additional Requirements For Class B; Conducted Entirely Within A Dwelling Unit In Which No Clients Visit The Home Occupation But Produces Or Assembles A Product On A Small Scale:** Specific operational requirements for a home occupation Class B include the following:~~

- ~~1. No clients, customers, or patrons of the home occupation business are allowed to visit the home occupation location for business purposes.~~
- ~~2. The yard of the dwelling unit and any detached accessory building(s) shall not be used in conjunction with the home occupation activity.~~
- ~~3. Delivery of commodities used in connection with the home occupation shall be provided by parcel or letter carrier service only.~~

~~**G. Additional Requirements For Class C; Conducted Entirely Within A Dwelling Unit In Which Clients Or Customers Visit The Home:** Specific operational requirements for a home occupation class C include the following:~~

- ~~1. The yard of the dwelling unit and any detached accessory building(s) shall not be used in conjunction with the home occupation activity.~~
- ~~2. Delivery of commodities used in connection with the home occupation shall be provided by parcel or letter carrier service only.~~
- ~~3. A minimum of two (2) parking spaces comprising at least three hundred sixty (360) square feet of paved hard surface area shall be provided for clients, customers, or patrons of the home occupation business in addition to required residential parking. The director may waive the additional parking space requirement for home occupations located in planned unit developments, manufactured home parks, condominium developments, and apartment complexes. Required parking for a class C home occupation shall be located in the dwelling's front and/or side yard.~~

4. Required parking for the home occupation shall not detract from the residential character of the property. An appropriate amount of landscaping shall be preserved and maintained.
5. Only one class C home occupation shall be allowed per dwelling unit.
6. Hours of operation for class C home occupations will be determined through the conditional use permit process. Hours exceeding six o'clock (6:00) A.M. to eight o'clock (8:00) P.M. will be considered with documented need or justification.

**H. Additional Requirements For Class D; Provides For Care, Supervision, And/Or Home Preschool Instruction Of Children Less Than Fourteen Years Of Age Within An Occupied Dwelling And A Secure Yard:** Specific operational requirements for a home occupation class D include the following:

1. Applicants for a class D home occupation shall obtain and remain compliant with all applicable licenses/approvals from all pertinent City, county, state, and federal agencies and comply and remain compliant with all statutes, rules and regulations including obtaining, if applicable, a certificate as a residential childcare provider from the Utah state department of health.
2. Secure outdoor play areas are required for all class D home occupations.
  - a. The outdoor play area shall consist of a minimum of eighty (80) square feet in area per child.
  - b. The play area shall be located in the rear and/or side yard of the dwelling.
  - c. The outdoor play area shall be secured by an appropriate, well maintained fence not less than six feet (6') in height. The director may require a fence that exceeds six feet (6') in height as it determines necessary.
  - d. The hours of operation for the outdoor play area shall not exceed eight o'clock (8:00) A.M. to eight o'clock (8:00) P.M.
3. The dwelling unit should provide an indoor play area at a minimum of thirty five (35) square feet in area per child.
4. A minimum of two (2) parking spaces comprising at least three hundred sixty (360) square feet of paved hard surface area shall be provided for clients, customers or patrons of the class D home occupation business in addition to required residential parking. The director may waive the additional parking space requirement in planned unit developments, manufactured home parks, condominium developments, and apartment complexes. Required parking for the home occupation shall be located in the dwelling's front and/or side yard.
5. The designated number of children includes the caregiver's own children under the age of six (6) who are not yet in full day school.
6. Required parking for the home occupation shall not detract from the residential character of the property. An appropriate amount of landscaping shall be preserved and maintained.
7. Only one class D home occupation shall be allowed per dwelling.
8. Hours of operation for class D home occupations will be determined through the conditional use permit process. Hours exceeding six o'clock (6:00) A.M. to eight o'clock (8:00) P.M. will be considered with documented need or justification.
9. Home preschools shall allow no more than twelve (12) children per preschool session. Home preschool sessions shall be limited to no more than four (4) hours and preschool sessions shall be limited to two (2) per weekday. Instructor licensing and curriculum requirements shall comply with the requirements of the state of Utah.

~~10. Home daycare and home preschools shall be required to submit a scaled floor plan drawing to demonstrate compliance with the requirements of subsection H3 of this section.~~

~~1. **Conditional Use Permit Process:** A person seeking a home occupation conditional use permit shall file a written application with the community development department of the city in a form prescribed by the city.~~

~~1. Home occupation classes A, B, C, and D1, D2, D3, and D4 conditional use permit may be approved and issued by the director. Any person shall have the right to appeal the decision of the director to the planning commission within ten (10) business days of the director's decision, stating the reason for the appeal and requesting a hearing before the planning commission at the earliest possible regular meeting of the commission.~~

~~2. All home occupation conditional use permits granted by the City are subject to review upon complaint. The City may revoke a permit issued for a home occupation upon notice and hearing for violation of any governing ordinance or law of the City, State or Federal government, or for any unresolved and substantiated reason.~~

~~3. A home occupation permit granted by the City shall not be assignable or transferable to another person or another location without first being reviewed and approved by the City. (Ord. 14-02, 2-19-2014)~~

### B. Review Procedure<sup>3</sup>

1. The Director is the approval authority for a home occupation; however, if the Director determines the application is unusually complex, requires greater scrutiny or public involvement, or raises potentially unique or serious impacts on the City or the surrounding development and/or neighborhood(s), the Director may refer the application to the Planning Commission for decision in accordance with the nonadministrative conditional use procedure established in Chapter 13.33.

2. If the Director refers the application to the Planning Commission, the Director shall notify the applicant in writing and include an explanation of why the application has been referred to the Planning Commission.

3. If the Director refers the application to the Planning Commission, a notice for a public hearing shall be provided in accordance with Section 13.35.090.

### C. General Standards<sup>4</sup>

All Home occupations shall operate in accordance with the following requirements:

#### 1. Licensing and Number

a. Home occupations shall only operate after receiving a home occupation business license from the City, in accordance with Title 5: *Business Licenses and Regulations*.

b. No more than two home occupations shall be allowed per dwelling unit.

c. No more than one residential child day care, residential preschool, high-impact residential instruction, or home occupation including a business vehicle or trailer shall be allowed per lot or parcel.<sup>5</sup>

<sup>3</sup> New. The Community Development Director is the current review authority after administrative conditional use review.

<sup>4</sup> Carries forward current 13.11.040 with modifications identified in footnotes throughout. Did not carry forward the allowance for a single nonilluminated nameplate sign three square feet in size.

<sup>5</sup> Revised from the current standard that limits the number of Class D home occupations to one per dwelling. This standard is intended to limit the impacts of home occupations that include certain operational characteristics that

- d. Home occupations shall remain compliant with all applicable statutes, rules and regulations.
- e. Home occupations shall not be licensed, approved, or conducted without the written consent of the property owner.
- f. A home occupation license granted by the City shall not be assignable or transferable to another person or another location.
- g. Home occupations are subject to review upon complaint. If a complaint is received by the City, the home occupation will be reviewed for compliance with applicable ordinances and conditions of approval.

## **2. Location and Proximity<sup>6</sup>**

Residential child day cares, residential preschools, and high-impact residential instruction home occupations are subject to the following standards:

- a. Shall only be allowed in an attached or detached single-family dwelling that:
  - (1) Has a privately fenced rear yard area for the sole and exclusive use of the residents of the lot or parcel on which the home occupation is situated; and
  - (2) Fronts on a public or private street with a minimum pavement width of 25 feet that has curb, gutter, and sidewalk; and
  - (3) The minimum 25-foot pavement width and curb, gutter, and sidewalk extends from the home occupation lot or parcel to the nearest through street with those same improvements.
- b. Shall not be permitted on a flag lot.
- c. Shall not be permitted on a lot or parcel with an accessory dwelling unit (ADU).
- d. Shall not be located within 300 feet of another actively licensed:
  - (1) Residential child day care;
  - (2) Residential preschool; or
  - (3) High-impact residential instruction.

This distance shall be measured in a straight line from the nearest property line. This standard does not apply if the properties are bisected by a freeway or principal arterial street, as identified in the Taylorsville General Plan.

## **3. Operational**

- a. Home occupation activity shall be clearly incidental to the residential dwelling. No more than 50 percent of the total floor area of any dwelling unit shall be used for the home occupation.<sup>7</sup>
- b. The outside appearance and architecture of the dwelling shall not be modified to accommodate or promote a home occupation.

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exceed those typically found in a residential neighborhood. Allowing more than one of the listed home occupations on a lot or parcel would magnify the impacts and may result in degradation of neighborhood character.

<sup>6</sup> New. **REVISED:** Proximity standards are intended to minimize traffic, circulation, and access concerns associated with a residential child day care, residential preschool, and high-impact residential instruction and to avoid a concentration of uses. Expands uses to attached and detached single-family dwellings.

<sup>7</sup> New. The current code limits the area of storage associated with a home occupation; however, specific area limitations aren't included for the home occupation in its entirety. This draft introduces revised standards to help ensure the home occupation remains "accessory" to the primary dwelling.

- c. Home occupations shall be conducted entirely within the dwelling. Garages and accessory buildings shall not be used for home occupations except for the parking of approved business vehicles or trailers.
- d. No storage of merchandise, equipment, supplies, or materials shall occur outside of the home and shall not be visible from outside of the dwelling.<sup>8</sup> Explosive or combustible materials shall not be stored or used in association with a home occupation.
- e. Delivery of commodities used in connection with the home occupation shall be provided by parcel or letter carrier service only.
- f. Activities associated with the home occupation shall not produce traffic, light, glare, noise, fumes, odor, or vibration that will diminish the residential character of the neighborhood.
- g. Unless otherwise authorized by the decision-making authority, home occupations shall not be conducted after 08:00 P.M. or before 6:00 A.M.
- h. Employees that do not reside on-site are prohibited, except for residential child day cares which may have one nonresident employee. Off-site employees may visit the residence in accordance with §13.11.040(C)(4): *On-Site Visits*.<sup>9</sup>
- i. Property address numbers a minimum of four inches in height that are a contrasting color from the primary dwelling shall be maintained on the dwelling unit.

#### 4. Vehicles and Trailers<sup>10</sup>

- a. Only one vehicle may be used in association with a home occupation.
- b. Vehicles and trailers used in association with a home occupation must be parked in an approved off-street parking location and shall not encroach or overhang on any sidewalk or pedestrian way.<sup>11</sup>
- c. The number of off-street parking spaces must be sufficient for both the residents of the home and the vehicle and/or trailer used in association with a home occupation.<sup>12</sup>
- d. The size of a vehicle used in association with a home occupation shall not exceed a 10,000-pound gross vehicle weight rating and have no more than two axles.
- e. Tow trucks, tanker trucks, box vans, delivery vans, and similar vehicles are prohibited and shall not be parked on-site. Such vehicles may be located off-site in an approved storage location.
- f. Only one trailer with no more than two axles may be used in association with a home occupation.
- g. The maximum body length of an enclosed trailer is 20 feet. The maximum body length of an open trailer is 16 feet. For purposes of this standard, trailer length does not include the trailer tongue.<sup>13</sup>

<sup>8</sup> Did not carry forward the standard limiting the storage of materials related to the business to 500 cubic feet. This is difficult to verify and enforce.

<sup>9</sup> Last sentence is new.

<sup>10</sup> Replaces current 13.11.040(D)(13).

<sup>11</sup> Language related to encroachment or overhanging on any sidewalk or pedestrian way is new.

<sup>12</sup> New.

<sup>13</sup> New.

h. Auto transport trailers designed to transport more than one vehicle or that exceed the body length requirements are prohibited and shall not be parked on-site. Such trailers may be located off-site in an approved storage location.<sup>14</sup>

#### 5. On-Site Visits<sup>15</sup>

Clients, customers, and/or patrons may visit the home occupation in accordance with the following requirements:

- a. Direct retail sales from the residence is prohibited. Products purchased online may be picked up on-site.<sup>16</sup>
- b. The number of off-street parking spaces at the residence must be sufficient for the residents of the home and any clients, customers, patrons, or others visiting the home occupation.<sup>17</sup>
- c. Except for residential child day care, residential preschools, and residential instruction, home occupations shall have no more than two business-related visitors per hour.
- d. For residential child day care, residential preschools, and residential instruction, drop-off and pick-up shall not occur in the public right-of-way.<sup>18</sup>

#### D. Residential Child Day Care<sup>19</sup>

Residential child day care may be offered as a home occupation in accordance with the standards in this Section 13.11.040, and the following:

1. Residential child day care means a home occupation that provides care for between five and 12 qualified children at any given time, as defined in Utah Code §26-39-102. The designated number of children includes the caregiver's own children that meet the state's definition of "qualified children," at the time the home occupation is conducted.<sup>20</sup>
2. A secure outdoor play area is required for all residential child day care home occupations and shall comply with the following:
  - a. The play area shall be located in the rear and/or side yard of the dwelling.
  - b. The play area shall be secured by a well-maintained fence that is at least six feet in height with a self-latching gate.
  - c. The outdoor play area shall be maintained in good condition and be finished and landscaped to include ground covers, paving, or other surfaces that do not pose a risk to children.<sup>21</sup>
  - d. The outdoor play area shall not be used by the residential child day care before 8:00 A.M. or after 8:00 P.M.

<sup>14</sup> New.

<sup>15</sup> Replaces current 13.11.040(B), standards for a Class C home occupation.

<sup>16</sup> Last sentence is new.

<sup>17</sup> Replaces current requirement for two off-street parking spaces for visitors.

<sup>18</sup> New. **REVISED:** The limitation for allowing only 24 vehicle trips per day has been removed. Staff finds the proximity and location standards proposed for high-impact uses will minimize associated negative impacts. If vehicle trips remain a concern, staff recommends the overall number of children allowed in home occupations be reduced.

<sup>19</sup> Replaces current 13.11.040(H). Did not carry forward the standard requiring that two parking spaces be provided on-site.

<sup>20</sup> The current code limits the number of children to those six years old or younger – this standard has been revised to align with the age of "qualifying children" defined in Utah State Code §26-39-102.

<sup>21</sup> New.

#### **E. Residential Preschools**

Residential preschools may be offered as a home occupation in accordance with the standards in this Section 13.11.040, and the following:

1. A residential preschool is a home occupation providing care and instruction, whether or not for compensation, of 12 or fewer children including the caregiver's own children under the age of six and not in full day school, prior to entrance into kindergarten.
2. A maximum of 12 children per session is allowed. A single session shall not exceed four consecutive hours per day and individuals shall not attend more than one session per day.
3. Instructor licensing and curriculum requirements shall comply with the requirements of the State of Utah, as applicable.

#### **F. Residential Instruction<sup>22</sup>**

Residential instruction may be offered as a home occupation in accordance with the standards in this Section 13.11.040, and the following:

1. Residential instruction is a home occupation providing instruction (e.g., dance lessons, music lessons, martial arts lessons, or other instruction for children that is artistic in nature), whether or not for compensation, of children under the age of 18 years old. Residential instruction does not include residential child day care or residential preschools as defined in this Title.
- 2. Low-Impact Residential Instruction**  
Low-impact residential instruction is the instruction of four or fewer children at any given time.
- 3. High-Impact Residential Instruction**
  - a. High-impact residential instruction is the instruction of five or more children at any given time.
  - b. A maximum of 12 children per session is allowed. A single session shall not exceed four consecutive hours per day and individuals shall not attend more than one session per day.

#### **G. Home Occupations Not Allowed**

The following uses are not allowed as home occupations:

1. Any use that requires or utilizes chemicals or hazardous materials in excess of volumes allowed by the International Fire Code in a residential ~~situation~~ setting.
2. Auto body or fender work.
3. Auto, truck, diesel, boat, trailer, or motorcycle repair or services at the residence.
4. Furniture or cabinet making.
5. Junkyards, storage or recycling yards.
6. Lawn mower, small engine, or motor repair or services.
7. Major appliance repair (washers, dryers, refrigerators, etc.).
8. Manufacture or sale of explosives or similar products.
9. Medical clinics and laboratories.
10. Mortuaries or crematoriums.
11. Reiki type therapy.
12. Sexually oriented businesses.

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<sup>22</sup> Replaces current 13.11.110: *Commercial Schools (Low Impact)* and 13.11.040(H).

13. Short term rental.

14. Vehicle sales or rental exceeding ~~two (2) sales per year~~ one on-site vehicle at any given time.

15. Vehicle towing or impound operations.

16. Welding or ironworks.

17. Any other use that would produce traffic, light, glare, noise, fumes, odor or vibration that will diminish the residential character of the neighborhood. (~~Ord. 15-06, 11-4-2015~~)

#### ~~K.H.~~ K.H. **Exceptions**

Notwithstanding anything herein to the contrary, a home occupation ~~conditional use permit~~ is not required for the following activities:

1. Garage and yard sales. Refer to ~~s~~Section 13.11.130 of this chapter.
2. Temporary social gathering sales that do not exceed one day, such as Tupperware parties, book parties, candle parties, etc., not to exceed four ~~(4)~~ occurrences per year. (~~Ord. 14-02, 2-19-2014~~)

#### 13.26.080: STANDARDS FOR PERMANENT SIGNS ALLOWED WITHOUT A PERMIT:

- A. **Building Identification:** Numbers which are used to denote the address of a building shall not be counted against the allowable square footage for the same building but must comply with the standards for building identification as found in the city property addressing section (13.29.050) of this title.
- B. **Flags:** Up to three (3) flags in a single-family residential district and five (5) flags in a multi-family residential, commercial or industrial district may be displayed on a lot without a sign permit issued by the city. Flagpoles shall be of a permanent construction and not exceed one hundred feet (100') in height in a commercial or industrial district, and thirty-five feet (35') in a residential district.
- ~~C. **Home Occupations:** A legally licensed business in a residence may have a single, three (3) square feet in area, nonilluminated, flat wall sign mounted to the residence.~~
- ~~D.C.~~ D.C. **Institutional Uses:** Churches, public schools, private schools, charter schools, public utility companies, libraries, governmental buildings, parks, public golf courses, etc., are allowed a single monument sign of thirty two (32) square feet per street frontage. Wall signs shall be regulated as set forth in this chapter.
- ~~E.D.~~ E.D. **Memorial Signs:** These include signs or tablets with the names of buildings and date of erection cut into any masonry surface or inlaid so as to be part of the building. Said sign shall not exceed six (6) square feet in area.
- ~~F.E.~~ F.E. **Neighborhood Identification Signs:** In any zone district, a sign, masonry wall, landscaping, and other similar materials or features may be combined to form a display for a neighborhood or planned unit development project identification provided that such signs comply with the monument sign standards herein. Provisions for perpetual maintenance of signage must be provided.
- ~~G.F.~~ G.F. **Notice Bulletin Boards:** Notice bulletin boards for institutional buildings may not exceed thirty two (32) square feet in area. Such signs must be oriented solely to the interior

of the property and not be used to direct exterior vehicular attention to the institution or its services.

**H.G. Plaques:** Plaques, nameplates, and commemorative plaques of recognized historical agencies, not exceeding two (2) square feet, may be fastened directly to a building.

**H.H. Symbols Or Insignia:** Religious symbols, identification emblems of religious orders, or historical agencies are permitted provided that such signs conform to the relevant wall or monument sign standards herein.

**H.I. Wayfinding Signs:** As set forth by all applicable standards. (Ord. 15-13, 11-18-2015; amd. Ord. 20-18, - -2020)

#### 13.36.050: "D" DEFINITIONS:

~~DAYCARE, CHILD: An establishment for the care and/or instruction, whether or not for compensation, of twelve (12) or fewer children at any one time. Child nurseries and overnight childcare are included in this definition.~~

#### 13.36.080: "G" DEFINITIONS:

~~GROUP CHILD ACTIVITIES: An establishment for the care and/or instruction, whether or not for compensation, of twelve (12) or fewer children at any one time. Child nurseries, daycare, preschools, dance schools are typical examples of a group child activity.~~

#### 13.36.090: "H" DEFINITIONS:

**HOME OCCUPATION:** A business, occupation, profession, operation, managing or carrying on of a business for the purpose of economic gain, which activity that is clearly incidental, secondary, and subordinate to the residential use of the dwelling and property ~~in a Residential Zone~~ by a bona fide resident of the dwelling. A home occupation shall not be construed to mean an employee, working in their own home in the service of an employer whose principal place of business is licensed at another location within the City or elsewhere. A home occupation shall not be construed to mean an individual making deliveries of products which were ordered in advance.

~~Home Occupation Class A: An office home occupation for phone, mail, and other general office activities conducted entirely within a dwelling unit in which no clients, customers, or patrons of the home occupation visit the home occupation location for business purposes.~~

~~Home Occupation Class B: A home occupation conducted entirely within a dwelling unit in which no clients, customers, or patrons of the home occupation visit the home occupation location for business purposes, but produces or assembles a product on a small scale (other than food preparation) such as ceramic crafts, jewelry, computer assembly, etc.~~

~~Home Occupation Class C: A home occupation conducted entirely within a dwelling unit in which clients, customers or patrons of the home occupation visit the home occupation location for business purposes, such as a photo studio, beauty salon, etc.~~

~~Home Occupation Class D Family Childcare/Home Preschool: A home occupation that provides for care, supervision and/or home preschool instruction of children under fourteen (14) years of~~

age including the caregiver's own children under the age of six (6) and not yet in full day school within an occupied dwelling and a secure yard for direct or indirect compensation. Class D home occupations are further defined as follows:

- ~~Family Childcare Class D1: A Class D home occupation that provides caregiver services for less than five (5) children. This number includes the caregiver's own children under the age of six (6) who are not yet in full day school.~~
- ~~Family Childcare Class D2: A Class D home occupation that provides caregiver services for five (5) to eight (8) children. This number includes the caregiver's own children under the age of six (6) who are not yet in full day school.~~
- ~~Family Childcare Class D3: A Class D home occupation that provides caregiver services for nine (9) to twelve (12) children with sufficient staffing required by the State of Utah Health Department. This number includes the caregiver's own children under the age of six (6) who are not yet in full day school.~~
- ~~Home Preschool Class D4: A Class D home occupation that provides instruction and care for twelve (12) or less preschool children ages six (6) or under or children not in full day school. This number includes the applicant's own children ages six (6) or under who are not yet in full day school.~~

#### 13.36.200: "S" DEFINITIONS:

**SIGN, HOME OCCUPATION:** A sign identifying a home occupation legally existing on the premises.

5.06.040: GENERAL BUSINESS LICENSE FEE SCHEDULE:

A fee schedule specifying the various fees under this title is set forth in chart 5.06.040 of this section. The fee schedule may be amended from time to time by the city council.

CHART 5.06.040  
GENERAL BUSINESS LICENSE FEE SCHEDULE<sup>1</sup>

A. All business licensees are subject to the following general and temporary business license fees. The annual general business license fees levied and imposed hereunder include, but not limited to, business license application and registration process, issuance of licenses, collection of fees, monitoring records, preparing business reports, and verifications.

B. A name change request for an actively licensed business is subject to a \$25.00 fee.<sup>2</sup>

C. All new business license applications are subject to a one-time administrative fee of \$100.00, in addition to the fees listed below.<sup>3</sup>

Ordinance Reference	License Category	New Application/ Renewal Fee Amount Fee	Renewal Fee	Comment
5.06.040	General business license (excluding home occupations, temporary license, rental dwelling units, restaurants 5,000 sq. ft. or larger, and department stores 12,000 sq. ft. or larger)	\$137.00 <u>per location</u> <del>78.00</del>	<u>\$78.00</u>	Per location, new application fee Renewal fee
5.06.040 and 5.54.030	Home occupations:			-

<sup>1</sup> The table below has been reformatted for user-friendliness. Rather than including several duplicative rows in the table for new application and renewal fees, those fee amounts are listed in their corresponding columns. This update also eliminates the need for the existing “comment” column.

<sup>2</sup> Replaces the second table and associated text in current Section 5.06.040, referring to fees associated with an establishment name change and new location transfer. Current practice requires a new business license application to be submitted and applicable fees paid for relocations. The referenced sections in the deleted table (5.24.240 and 5.24.250) do not exist.

<sup>3</sup> New. Staff recommends introducing an administrative fee for all business license applications to contribute to hard costs of business license review (staff time, office materials, software maintenance, site inspections, etc.). Utah Code §10-1-203(8)(a) states: “A municipality may charge an administrative fee for a license to a home-based business owner who is otherwise exempt under Subsection (7)(b) but who requests a license from the municipality.”

Ordinance Reference	License Category	New Application/ Renewal Fee Amount Fee	Renewal Fee	Comment
	—Class A <u>General</u> <sup>4</sup>	75.00 50.00	<u>\$0.00</u>	New application fee Renewal fee
-	—Class B	75.00		New application fee
-	-	50.00		Renewal fee
-	—Class C	80.00		New application fee
-	-	50.00		Renewal fee
-	—Class D (5 or less children)	100.00		New application fee
-	-	75.00		Renewal fee
	Class D (6 or more children) <u>Residential Child Day Care</u> <sup>5</sup>	<del>100.00</del> 100.00	<u>\$200.00</u> <u>\$100.00</u>	New application fee Renewal fee

<sup>4</sup> Current code requires that all home occupations be charged a business license fee; however, state code prohibits the city from requiring a business license fee for home-based businesses that do not create impacts greater than those associated with a typical residence. Utah Code §10-1-203(7)(b) states: “A municipality may not charge any fee for a resident of the municipality to operate a home-based business, unless the combined offsite impact of the home-based business and the primary residential use materially exceeds the offsite impact of the primary residential use alone.” Home occupations would still be subject to the administrative fee described in Footnote #2.

<sup>5</sup> Staff recommends the business license fee for a new residential child day care be increased from \$100.00 to \$200.00 to capture costs associated with plan review by staff. The amendments to Title 13 allow residential home daycares as a permitted land use thereby eliminating the conditional use permit (CUP) review and associated \$250.00 CUP fee currently required. These changes would result in a net decrease of \$50.00 for a new application and no change for renewals. This same change is applicable to Residential Preschools.

Ordinance Reference	License Category	New Application/ Renewal Fee Amount Fee	Renewal Fee	Comment
	<u>Residential Preschool<sup>6</sup></u>	<u>\$200.00</u>	<u>\$100.00</u>	
	<u>Low-Impact Residential Instruction<sup>7</sup></u>	<u>\$150.00</u>	<u>\$75.00</u>	
	<u>High-Impact Residential Instruction<sup>8</sup></u>	<u>\$200.00</u>	<u>\$100.00</u>	
5.06.040 and 5.76	Rentals - dwelling units except single-family rental dwellings, family rentals, and ADU's	<u>\$90.00 per location</u> <del>85.00</del>	<u>\$85.00 per location</u>	New application fee per location Renewal fee per location
	Rentals - family rentals and ADU's	<u>\$0.00</u>	<u>\$0.00</u>	New application and renewal fee
	Single-family rental dwellings	<u>\$20.00</u> <del>20.00</del>	<u>\$20.00</u>	New application fee Renewal
5.06.040 and 5.86.100	Solicitors	<u>\$145.00</u> <del>145.00</del>	<u>\$145.00</u>	New application fee Renewal fee

<sup>6</sup> See footnote #5 above.

<sup>7</sup> Renamed from "Class D (5 or less children)." The current application and renewal fees are carried forward. The amendments to Title 13 allow low-impact residential instruction as a permitted land use thereby eliminating the conditional use permit (CUP) review and associated \$250.00 CUP fee currently required. These changes would result in a net decrease of \$200.00 for a new application and no change for renewals.

<sup>8</sup> Renamed from "Class D (6 or more children)." Staff recommends the business license fee for a new high-impact residential instruction be increased from \$100.00 to \$200.00 to capture costs associated with plan review by staff. The amendments to Title 13 allow high-impact residential instruction as a permitted land use thereby eliminating the conditional use permit (CUP) review and associated \$250.00 CUP fee currently required. These changes would result in a net decrease of \$50.00 for a new application and no change for renewals.

<b>Ordinance Reference</b>	<b>License Category</b>	<b>New Application/ Renewal Fee Amount Fee</b>	<b>Renewal Fee</b>	<b>Comment</b>
5.06.040 and 5.14.040	Temporary licenses	<u>\$113.00 per location</u>	<u>\$0.00</u>	Per location
	Fireworks	<u>\$157.00 per location</u>	<u>\$0.00</u>	Per location
5.06.040 and 5.77.030	Restaurants (5,000 sq. ft. or larger)	<u>\$225.00</u> <del>225.00</del>	<u>\$225.00</u>	New application fee Renewal fee
5.06.040 and 5.90.030	Department stores (12,000 sq. ft. or larger)	<u>\$224.00</u> <del>83.00</del>	<u>\$83.00</u>	New application fee Renewal fee

{Ord. 10-33, 11-10-2010; amd. Ord. 12-07, 4-25-2012}

In addition to the fees described above, the following businesses are subject to the additional annual fee described below for regulatory services involving registering, monitoring, reporting, and licensing:

<b>Ordinance Reference</b>	<b>License Category</b>	<b>Fee Amount</b>	<b>Comment</b>
<del>5.24.240</del>	<del>Establishment name change</del>	<del>\$25.00</del>	<del>-</del>
<del>5.24.250</del>	<del>New location transfer</del>	<del>35.00</del>	<del>-</del>

#### DISPROPORTIONATE BUSINESS LICENSE FEE SCHEDULE

In addition to the fees described above, the following businesses are subject to the additional annual fees described below for the disproportionate cost of providing police and fire services:

<b>Ordinance Reference</b>	<b>License Category</b>	<b>Fee Amount</b>	<b>Comment</b>
5.14.160	Temporary fireworks stands	\$162.00	Per location
5.24	Alcoholic product license:	250.00	Per location

<b>Ordinance Reference</b>	<b>License Category</b>	<b>Fee Amount</b>	<b>Comment</b>
5.28	Amusement halls and devices	<u>\$330.00</u>	Per location
5.97	Automotive	<u>\$414.00</u>	
5.88	Construction and manufacturing trades	<u>\$25.00</u>	
5.89	Convenience stores with gasoline	<u>\$800.00</u>	
5.90	Department stores/big box	<u>\$2,000.00</u>	
5.95	Family services	<u>\$50.00</u>	
5.36	Financial institutions	<u>\$889.00</u>	Per location
5.96	Food services	<u>\$225.00</u>	Per location
5.98	Full service grocery stores	<u>\$2,000.00</u>	
5.60	Hotel or motel	<u>\$83.00</u>	Per room
5.93	Medium retail and wholesale sales	<u>\$300.00</u>	
5.64	Mobile home parks	<u>\$0.00</u>	Per unit/pad
5.66	Movie theaters	<u>\$330.00</u>	Per location
5.70	Nursing and convalescent homes		Per business
		<u>\$20.00</u>	Per bed
	Personal services (less than 50 employees)	<u>\$25.00</u>	
	Personal services (51 to 200 employees)	<u>\$100.00</u>	
	Personal services (201 or more employees)	<u>\$250.00</u>	
5.94	Professional/business services (less than 50 employees)	<u>\$50.00</u>	
	Professional/business services (51 to 200 employees)	<u>\$100.00</u>	
	Professional/business services (201 or more employees)	<u>\$250.00</u>	
5.76	Rental dwelling units:	\$70.00	Per unit
5.77	Restaurant	<u>\$225.00</u>	Per location

<b>Ordinance Reference</b>	<b>License Category</b>	<b>Fee Amount</b>	<b>Comment</b>
5.92	Small retail and wholesale	<del>\$</del> 50.00	

~~{Ord. 10-33, 11-10-2010; amd. Ord. 20-07, 7-1-2020}~~

CHAPTER 5.54  
HOME OCCUPATIONS

5.54.010: HOME OCCUPATIONS DEFINED:<sup>9</sup>

"Home occupations" means a business, occupation, profession, operation, managing or carrying on of a business for the purpose of economic gain, which activity that is clearly incidental, secondary, and subordinate to the residential use of the dwelling and property by a bona fide resident of the dwelling. A home occupation shall not be construed to mean an employee, working in their own home in the service of an employer whose principal place of business is licensed at another location within the City or elsewhere. A home occupation shall not be construed to mean an individual making deliveries of products which were ordered in advance, business or professional activity conducted within a residential dwelling by bona fide occupants of the residence that is clearly incidental, secondary, and subordinate to the residential use of the dwelling and property and is generally for the production of income. (Ord. 10-01, 1-20-2010)

"Residential child day care" means a home occupation that provides care for between five and 12 qualified children, as defined in Utah Code §26-39-102, at any given time. The designated number of children includes the caregiver's own children that meet the state's definition of "qualified children," at the time the home occupation is conducted.

"Residential instruction" means a home occupation providing instruction (e.g., dance lessons, music lessons, martial arts lessons, or other instruction for children that is artistic in nature), whether or not for compensation, of children under the age of 18 years old. Residential instruction does not include residential child day care or residential preschools as defined in this Title. Residential instruction includes the following subcategories:

"Low-impact residential instruction" means the instruction of four or fewer children at any given time.

"High-impact residential instruction" means the instruction of five or more children at any given time.

"Residential preschool" means a home occupation providing care and preschool instruction, whether or not for compensation, of 12 or fewer children including the caregiver's own children under the age of six and not in full day school, prior to entrance into kindergarten.

5.54.020: LICENSE REQUIRED:

A. A license is required to operate or to be engaged in the operation of a home occupation.

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<sup>9</sup> Existing definitions have been revised and new definitions created to reflect the edits in Title 13.

B. The licensing requirement includes, but is not limited to, any person who uses all or part of their residence as a tax deduction with the government. (Ord. 10-01, 1-20-2010)

5.54.030: FEES:

The annual license fee for a ~~class A, B, C, and D~~ home occupation shall be as specified in the fee schedule adopted pursuant to section 5.06.040 of this title. ~~(Ord. 10-01, 1-20-2010)~~

5.54.040: COMPLIANCE WITH REGULATIONS:

A. Home occupations are subject to compliance with the provisions of section 13.11.040 of this code.

B. The uses identified in subsection 13.11.040~~(G)~~ of this code shall not be permitted. ~~(Ord. 10-01, 1-20-2010)~~

5.54.050: PROCEDURES FOR OBTAINING ~~AND RENEWING A NEW CLASS D-HOME~~ OCCUPATION BUSINESS LICENSE ~~FOR A RESIDENTIAL CHILD DAY CARE, RESIDENTIAL PRESCHOOL, OR RESIDENTIAL INSTRUCTION:~~<sup>10</sup>

~~Each person requesting a new home occupation license or a renewal to operate a residential child day care, residential preschool, or residential instruction under this section shall submit to the department the following information in addition to all required fees, applications, and forms:~~<sup>11</sup>

~~1. BCI background check issued within 60 days of submitting the application for all applicants, owners, directors, members of the governing body, employees, additional providers of care, volunteers (except for parents of children enrolled in the programs at the home occupation), and all adults residing in a residence where childcare or instruction is provided. Applicants for a new class D home occupation, as well as owners, directors, members of the governing body, employees, additional providers of care, volunteers (except for parents of children enrolled in the programs at the class D home occupation), and all adults residing in a residence where childcare is provided shall submit to the department an FBI national criminal history check. Such background check shall be in an original form as issued by the Utah ~~d~~Division of ~~e~~Criminal ~~i~~nvestigation and ~~t~~Technical ~~s~~Services within the ~~d~~Department of ~~p~~Public ~~s~~Safety and issued within sixty (60) days of submitting the application.~~

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<sup>10</sup> ~~Consolidates current Section 5.54.050 and 5.54.060 to remove duplicative language related to obtaining a new license and renewing a license.~~

<sup>11</sup> ~~New.~~

A. Except as provided in subsection C of this section, the holder of a ~~class D~~ home occupation may not permit a person who has been convicted, has pleaded no contest, or is currently subject to a plea in abeyance or diversion agreement for any felony or misdemeanor, or who has been adjudicated in juvenile court of committing an act which if committed by an adult would be a felony or a misdemeanor, to:

1. Provide childcare or instruction at the ~~class D~~ home occupation;
2. Provide volunteer services;
3. Reside at the premises whereat of the ~~class D~~ home occupation; or
4. Function as an owner, director, or member of the governing body of ~~a class D the~~ home occupation.

B. Each person requesting a new ~~class D~~ home occupation license or a renewal under this section shall submit to the department the name, age and sex of any child age ~~twelve (12)~~ through ~~seventeen (17)~~ who resides in the residence where the childcare is provided.

C. The following convictions are exempt from subsection A of this section:

1. Any class B or C conviction under chapter 6, title 76, offenses against property, Utah criminal code;
2. Any class B or C conviction under chapter 6a, title 76, pyramid schemes, Utah criminal code;
3. Any class B or C conviction under chapter 8, title 76, offenses against the administration of government, Utah criminal code;
4. Any class B or C conviction under chapter 9, title 76, offenses against public order and decency, Utah criminal code, except for 76-9-301.8, bestiality; 76-9-702, lewdness; and 76-9-702.5, lewdness involving child;
5. Any class B or C conviction under chapter 10, title 76, offenses against public health, welfare, safety and morals, Utah criminal code, except for 76-10-1201 to 1229.5, pornographic and harmful materials and performances; 76-10-1301 to 1314, prostitution; and 76-10-2301, contributing to the delinquency of a minor; and
6. Any other conviction that is determined to be exempt to the restrictions of Utah Code Annotated section 26-39-107(3) by the Utah department of health pursuant to Utah Code Annotated section 26-39-107(4).

D. Parents of children enrolled in the programs at any ~~class D~~ home occupation who perform volunteer services at the said home occupation and have not submitted to the department an FBI national criminal history check, shall be supervised by the licensed ~~daycare~~ provider at all times while performing volunteer duties at the ~~class D~~ home occupation. ~~(Ord. 07-36, 12-5-2007)~~

5.54.060. PROCEDURE FOR RENEWING A CLASS D HOME OCCUPATION BUSINESS LICENSE:

A. Each person requesting a class D home occupation license renewal under this section shall submit to the department the following information in addition to all required fees, applications, and forms:

1. Class D1: BCI background check issued within sixty (60) days of submitting the application for renewal for all applicants, owners, directors, members of the governing body, employees, additional providers of care, volunteers (except for parents of children enrolled in the programs at the class D home occupation), and all adults residing in a residence where childcare is provided.

2. Class D2: Demonstration of current state licensing.

3. Class D3: Demonstration of current state licensing.

4. Class D4: BCI background check issued within sixty (60) days of submitting the application for renewal for all applicants, owners, directors, members of the governing body, employees, additional providers of care, volunteers (except for parents of children enrolled in the programs at the class D home occupation), and all adults residing in a residence where childcare or preschool is provided.

B. Except as provided in subsection D of this section, the holder of a class D home occupation may not permit a person who has been convicted, has pleaded no contest, or is currently subject to a plea in abeyance or diversion agreement for any felony or misdemeanor, or who has been adjudicated in juvenile court of committing an act which if committed by an adult would be a felony or a misdemeanor, to:

1. Provide childcare at the class D home occupation;

2. Provide volunteer services;

3. Reside at the premises where at the class D home occupation; or

4. Function as an owner, director, or member of the governing body of a class D home occupation.

C. Each person requesting a renewal of a class D home occupation license under this section shall submit to the department the name, age, and sex of any child age twelve (12) through seventeen (17) who resides in the residence where the childcare is provided.

D. The following convictions are exempt from subsection B of this section:

1. Any class B or C conviction under chapter 6, title 76, offenses against property, Utah criminal code;

2. Any class B or C conviction under chapter 6a, title 76, pyramid schemes, Utah criminal code;

~~—3. Any class B or C conviction under chapter 8, title 76, offenses against the administration of government, Utah criminal code;~~

~~—4. Any class B or C conviction under chapter 9, title 76, offenses against public order and decency, Utah criminal code, except for 76-9-301.8, bestiality; 76-9-702, lewdness; and 76-9-702.5, lewdness involving child; and~~

~~—5. Any class B or C conviction under chapter 10, title 76, offenses against public health, welfare, safety and morals, Utah criminal code, except for 76-10-1201 to 1229.5, pornographic and harmful materials and performances; 76-10-1301 to 1314, prostitution; and 76-10-2301, contributing to the delinquency of a minor.~~

~~—6. Any other conviction that is determined to be exempt to the restrictions of Utah Code Annotated section 26-39-107(3) by the Utah department of health pursuant to Utah Code Annotated section 26-39-107(4).~~

~~—E. Parents of children enrolled in the programs at any class D home occupation who perform volunteer services at the said home occupation and have not submitted to the department an FBI national criminal history check, shall be supervised by the licensed daycare provider at all times while performing volunteer duties at the class D home occupation. (Ord. 07-36, 12-5-2007)~~