

ORDINANCE NO. 04-01-18

AN ORDINANCE AMENDING THE SANTAQUIN CITY CODE PERTAINING TO REQUIREMENTS FOR OBTAINING A BUSINESS LICENSE FOR AND OPERATING A HOME OCCUPATION, PROVIDING SEVERABILITY AND AN EFFECTIVE DATE FOR THE ORDINANCE.

WHEREAS, the City Council has specific authority pursuant to Title 10, Chapter 9a Utah Code Ann. (1953 as amended) to adopt a zoning plan including an ordinance and map which divide the municipality into districts or zones and within such districts to regulate the erection, construction, reconstruction, alteration, repair and uses of buildings and structures and the uses of land; and

WHEREAS, the state legislature has granted general welfare power to the City Council, independent, apart from, and in addition to, its specific grants of legislative authority, which enables the city to pass ordinances which are reasonably and appropriately related to the objectives of that power, i.e. providing for the public safety, health, morals, and welfare; and

WHEREAS, the City Council desires to amend Santaquin City Code Chapter 10-12 regarding requirements for obtaining a business license for a home occupation; and

WHEREAS, the Santaquin City Planning Commission held a public hearing on February 27, 2018, which hearing was preceded by the posting of public notice in at least three public places within the City limits of Santaquin City, and which notice of public hearing was published in the Payson Chronicle Newspaper in accordance with Section 10-9a-205 of the Utah State Code; and

WHEREAS, after the noted public hearing, the Santaquin City Planning Commission forwarded a recommendation to the City Council for approval of the amendments;

NOW, THEREFORE, BE IT ORDAINED by the City Council of Santaquin City, State of Utah, as follows:

Section I. Amendments

Section 10-2-2 is amended as follows: (Underlined text is added, stricken text is deleted)

BUSINESS RELATED ACTIVITY: An activity typically conducted in connection with a business and not typically related to the use and enjoyment of residential property. Business related activity does not include the services of an employee, other than an owner or officer of the business, who is working in his/her home in the service of an employer whose principal place of business is licensed at another location (e.g., telecommuters). For purposes of this title, home occupation does not include the agricultural operations of a family farm.

BUSINESS RELATED VEHICLE: Business related vehicle means:

1. A vehicle owned or operated by resident(s) of the dwelling and other vehicles on the property which are actually used or typically used in a business related activity other than commuting, which is either: a) non-operable due to a collision or other violent act,

or because parts were removed or are missing from the vehicle; or b) are being stored on the property for the purpose of restoration or repair.

2. Any vehicle brought to the residence in connection with a home occupation on the property.
3. Any vehicle with more than two (2) axles, or more than twenty two feet (22') in length individually, or three (3) axles or thirty five feet (35') in length including attachments.

HOME OCCUPATION: An occupation or business related activity conducted as an accessory use within a dwelling or on the premises of a residential property ~~which is clearly secondary in importance to the dwelling as a home or place to live~~ and carried on by persons residing in the dwelling. Home occupation shall not be construed to mean a family farm or an employee, working in his/her home in the service of an employer whose principal place of business is licensed at another location (e.g., telecommuters). For purposes of this title, home occupation does not include the agricultural operations of family farms.

Major Home Occupation: A home occupation of the type that often causes more than minimal impact on surrounding properties and that meets the requirements of section 10-12-4 of this title; it does not meet all of the requirements of section 10-12-5 of this title.

Minor Home Occupation: A home occupation which normally has minimal impact on surrounding neighbors and complies with the requirements of sections 10-12-4 and 10-12-5 of this title.

Section 10-12-2 is amended as follows: (Underlined text is added, stricken text is deleted)

All home occupations shall be licensed in accordance with Title 3 of this code and the provisions of this chapter. Furthermore, no business related activity may be conducted in a residential zone unless the owner or occupant responsible for the business related activity has obtained a Santaquin City business license. Only the owner or official representative of a business may apply for a home occupation business license and the applicant must be a resident of the home where the business or business related activity will be conducted. ~~The authority to issue a license to conduct a home occupation shall be under the jurisdiction of the city council.~~ (Ord. 08-01-2006, 8-17-2006, eff. 8-17-2006)

Section 10-12-4D is repealed as follows: (Underlined text is added, stricken text is deleted)

~~D. Satellite Offices Not Allowed: Established or workstation business activities for an off premises employer shall not be conducted at the home of an employee by other employees of the same business who are not residents of the home.~~

Section 10-12-5E is amended as follows: (Underlined text is added, stricken text is deleted)

E. Business Related Vehicle Restrictions: ~~Business related vehicles include those vehicles owned and or operated by residents of the dwelling, and other vehicles on the property which are actually used or normally used in a business related activity, and are either: 1) nonoperable due to: 1) a collision or other violent act; 2) or because has had parts were removed or are missing from the vehicle rendering the vehicle inoperable; or 3) 2) is are being stored on a lot for the purpose of restoration or repair. Business related vehicles shall also include any~~

~~vehicles brought to the residence by the applicant, an employee, customer, client or business related visitor for any purpose not solely related to the residential use of the property.~~
~~Business related vehicles and~~ Business related vehicles shall comply with the following:

1. There shall be no more than four (4) business related vehicles parked or being stored at the residence at any one time.

Exception: Any vehicle, operable on a road or not, that is inside a fully enclosed, permanent structure shall not be included in the maximum number of vehicles permitted at one time. Single or dual occupancy, off highway recreation vehicles (OHV) or watercraft are also excluded unless such are used as part of the business operation.

2. Business related vehicles ~~shall not exceed eight feet (8') in height~~ shall not be parked on a public street within a residential zone.

Exception: Delivery or pick up vehicles (e.g., UPS or similar package delivery vehicles) not owned or operated by the owner or employees of the licensed home occupation.

3. ~~Business related vehicles shall not exceed two (2) axles or twenty two feet (22') in length individually nor three (3) axles or thirty five feet (35') in length with attachments. No vehicle having more than two (2) axles shall travel to the residence for the purpose of delivery of merchandise, goods, or supplies for use in the home occupation.~~ Maintenance of business related vehicles shall comply with the regulations of the zone in which the business is located.

4. ~~Business related vehicles may not exceed sixteen thousand (16,000) GVW. (Ord. 02-03-2017, 2-1-2017, eff. 2-2-2017)~~

Section 10-12-6D is amended as follows: (Underlined text is added, stricken text is deleted)

D. Businesses having more than four (4) business related vehicles parked or stored at the home at one time or which utilize a commercial vehicle that exceeds the maximum height, weight or length requirements established in section 10-12-5 of this chapter, must comply with the following conditions:

1. All business related commercial vehicles are to be parked on the property and behind the front of the home when parked on the property.

2. The vehicles and attachments are to be located behind a six foot (6') tall opaque fence, or other obstruction, so as to minimize their view from the front property line.

~~3. Proof of proper CDL licensing must be provided with each license renewal.~~

4. No maintenance of vehicles exceeding sixteen thousand (16,000) GVW may occur at the home unless conducted within a fully enclosed permanent structure compliant with building codes. (Ord. 02-03-2017, 2-1-2017, eff. 2-2-2017)

Section II. Severability

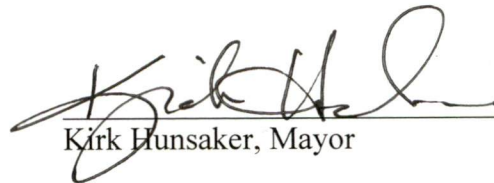
If any part of this ordinance or the application thereof to any person or circumstances shall, for any reason, be adjudged by a court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this ordinance or the application thereof to other persons and circumstances, but shall be confined to its operation to the section, subdivision, sentence or part of the section and the persons and circumstances directly involved in the controversy in which such judgment shall have been rendered. It is hereby declared to be the intent of the City Council that this section would have been adopted if such invalid section, provisions, subdivision, sentence or part of a section or application had not been included.

Section III. Posting and Effective Date

This ordinance shall become effective at 5:00 p.m. on ^{Saturday,} September 1, 2018. Prior to that time, the City Recorder shall deposit a copy of this ordinance in the official records of the City and place a copy of this ordinance in three places within the City.

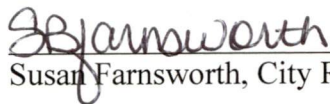
PASSED AND ADOPTED this 1st day of August 2018.




Kirk Hunsaker, Mayor

Councilmember Elizabeth Montoya	Voted	<u>Aye</u>
Councilmember Lynn Mecham	Voted	<u>Nay</u>
Councilmember Keith Broadhead	Voted	<u>Aye</u>
Councilmember Nick Miller	Voted	<u>Aye</u>
Councilmember Chelsea Rowley	Voted	<u>Aye</u>

ATTEST:


Susan Farnsworth, City Recorder