

**ORDINANCE NO. 22-19**

**AN ORDINANCE OF SOUTH OGDEN CITY, UTAH, CORRECTING 10-19-3 OF THE CITY CODE BY REMOVING THE REQUIREMENT FOR RESIDENTS TO OBTAIN A HOME OCCUPATION BUSINESS LICENSE, MAKING NECESSARY LANGUAGE CHANGES TO THE CITY CODE TO EFFECT THOSE CHANGES; AND ESTABLISHING AN EFFECTIVE DATE FOR THOSE CHANGES.**

**SECTION I - RECITALS:**

**WHEREAS**, South Ogden City (“City”) is a municipal corporation duly organized and existing under the laws of Utah; and,

**WHEREAS**, the City Council finds that in conformance with Utah Code (“UC”) §10-3-717, and UC §10-3-701, the governing body of the city may exercise all administrative and legislative powers by resolution or ordinance; and,

**WHEREAS**, in conformance with the provisions of UCA §10-9a-501 the governing body of the city may enact a zoning ordinance establishing regulations for land use and development within the city; and,

**WHEREAS**, South Ogden City has previously adopted and promulgated a city zoning ordinance; and,

**WHEREAS**, in 2018 the City Council removed the requirement for residents running a business from their home to obtain a Home Occupation Business License by amending 3-1-3 of the South Ogden City Code (SOCC); and,

**WHEREAS**, the City Council now finds that SOCC 10-19-3 was overlooked and still contained language requiring a Home Occupation Business License; and,

**WHEREAS**, the City Council now desires to correct the oversight by eliminating the language requiring a Home Occupation Business License in SOCC 10-19-3; and,

**WHEREAS**, the City Council finds that the correction should be effective upon passage of this Ordinance;

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF SOUTH OGDEN CITY, UTAH** that the City Code be changed and amended:

**AMENDED SECTION:**

Upon the adoption of this Ordinance, 10-19-3 of the South Ogden City Code is readopted with the changes set out in **Attachment "A"**, which is incorporated herein, to read as indicated.

The foregoing recitals are incorporated herein.

**SECTION II - REPEALER OF CONFLICTING ENACTMENTS:**

All orders, ordinances and resolutions regarding the changes enacted and adopted which have been adopted by the City, or parts, which conflict with this Ordinance, are, for such conflict, repealed, except this repeal shall not be construed to revive any act, order or resolution, or part, repealed.

**SECTION III - PRIOR ORDINANCES AND RESOLUTIONS:**

The body and substance of any prior Ordinances and Resolutions, with their specific provisions, where not otherwise in conflict with this Ordinance, are reaffirmed and readopted.

**SECTION IV - SAVINGS CLAUSE:**

If any provision of this Ordinance shall be held or deemed or shall be invalid, inoperative or unenforceable such reason shall not render any other provision or provisions invalid, inoperative or unenforceable to any extent whatever, this Ordinance being deemed the separate independent and severable act of the City Council of South Ogden City.

**SECTION V - DATE OF EFFECT**

This Ordinance shall be effective on the 18<sup>th</sup> day of October, 2022, and after publication or posting as required by law.

DATED this 18<sup>th</sup> day of October, 2022.

SOUTH OGDEN CITY

\_\_\_\_\_  
Russell L. Porter, Mayor

ATTEST:

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Leesa Kapetanov, CMC City Recorder

# **ATTACHMENT "A"**

## **ORDINANCE NO. 22-19**

An Ordinance Of South Ogden City, Utah, Correcting 10-19-3 Of The City Code By Removing The Requirement For Residents To Obtain A Home Occupation Business License, Making Necessary Language Changes To The City Code To Effect Those Changes; And Establishing An Effective Date For Those Changes.

18 Oct 22

### 10-19-3: Required Conditions

A home occupation must meet all of the following conditions and requirements:

1. Number Of Persons Limited: The occupation is limited to not more than two (2) persons who actually reside on the premises.
2. Alterations; Character Retained: The occupation shall not require interior or exterior alterations and shall retain the general character and appearance of a residential dwelling.
3. Square Footage Allowed: The occupation may include the use of not more than four hundred (400) square feet or over twenty five percent (25%), whichever is less, of the floor area of the home, including the basement.
4. Use Outside Dwelling: The occupation shall not use any space in an attached or unattached garage, accessory building, yard or any space on the premises outside of the dwelling.
5. Storage Of Goods: The occupation shall not include the storage on or sale from the premises of goods or commodities which are not produced on the premises. This does not apply to phone order or mail order sales with delivery direct to an off premises buyer.
- ~~6. Permit, License Required: The occupation must obtain a home occupation permit or conditional use permit and obtain an annual business license.~~
- ~~7.6.~~ Hours Open To Public: The occupation shall not be open to the public at times earlier than eight o'clock (8:00) A.M., nor later than nine o'clock (9:00) P.M. (Ord. 901, 2-18-1997)
- ~~8.7.~~ More Than One Home Occupation Permitted: More than one home occupation may be permitted in a dwelling so long as the maximum cumulative impact of all such businesses shall not exceed the impact of a single home occupation. (Ord. 13-01, 1-8-2013, eff. 1-8-2013)
- ~~9.8.~~ Multi-Family Dwelling Units:
  1. An occupation that attracts customers, clients or students to the premises for sales or services; which require the storage of goods and/or using special equipment; which requires parking or storage of trucks or special vehicles; or which serves as a gathering place for off site workers and employees shall not be allowed in multi-family dwellings units. Multi-family home occupations are limited to internet, online, mail order and similar minimal impact uses only.
  2. As part of the application process for a home occupation license under this section, where the business will be at a rental property and the applicant is not the property owner, a letter from the property owner stating he/she knows of the application and interposes no objection to the operation of the business must be provided. (Ord. 13-06, 4-16-2013, eff. 4-16-2013)
- ~~10.9.~~ Instruction: An occupation which teaches voice, dance or other instruction shall be limited to five (5) students on the premises at any time. Instruction on musical instruments shall be limited to two (2) students on the premises at any time.
- ~~11.10.~~ Selling Parties: Selling parties shall be limited to not more than ten (10) buying customers at any one time and not more than one party every three (3) months.
- ~~12.11.~~ Parking: An occupation that attracts customers, clients or students to the premises shall provide adequate off street parking as determined by the building official.

~~13.~~12. Storage, Parking: There shall be no storage or parking on the premises or on the streets in the vicinity of the premises of tractor trailers, semitrucks, or other heavy equipment in an off premises business for which the dwelling is being used as a home occupation office, except that not more than one truck of one ton capacity or less may be parked on premises during off hours at night.

~~14.~~13. Notification Of Adjacent Property Owners: Property owners within one hundred fifty feet (150') of the premises proposed for a home occupation, shall be notified of the application by the city. Names and addresses are to be furnished by the applicant at the time of application. (Ord. 901, 2-18-1997)