

ORDINANCE NO. 514, SECOND SERIES

AN ORDINANCE OF THE CITY OF HASTINGS, MINNESOTA AMENDING CHAPTER 10, SECTION 10.12, SUBD. 2D OF THE HASTINGS CITY CODE PERTAINING TO:

HOME OCCUPATION REGULATIONS

BE IT ORDAINED by the City Council of the City of Hastings as follows:

SEC. 10.12, Subd. 2d of the Hastings City code is hereby deleted and replaced as follows:

SUBD. 2d Home Occupations pursuant to the following standards:

1. **Purpose.** The purpose of this section is to provide a means, through the establishment of specific standards and procedures, by which home occupations can be conducted in residential neighborhoods. This section recognizes that home occupations that are clearly incidental and subordinate to the primary residential use of a structure may be conducted so long as they do not negatively affect the residential character, health, safety, or general welfare of the surrounding neighborhood. In addition, this section is intended to provide a mechanism enabling a distinction between permitted home occupations and conditional or customarily "more sensitive" home occupations, so that permitted home occupations may be allowed through an administrative process rather than a quasijudicial hearing process.
2. **General Regulations:**
 - a. Exterior alterations or modifications that change the residential character or appearance of the dwelling, any accessory buildings, or the property itself for the purpose of a home occupation shall be prohibited.
 - b. Exterior display or storage of equipment or materials related to the home occupation is prohibited. No article for sale shall be visible from the street.
 - c. There shall be no indication of offensive noise, vibration, smoke dust, odors, heat, or glare at or beyond the property line.
 - d. The home occupation shall be conducted indoors and shall be clearly

incidental and subordinate to its use for residential purposes by its occupants.

- e. The use shall not generate sewage of a nature or rate greater than normally associated with a residential occupancy nor shall it generate hazardous waste or solid wastes at a rate greater than that normally associated with residential occupancy.
- f. No home occupation shall be allowed which jeopardizes the health and safety of city residents.
- g. Shipment and delivery of products, merchandise, or supplies shall be limited to between 8:00 am and 6:00 pm.
- h. No home occupation causing additional parking or traffic than would be normally expected in a residential neighborhood shall be conducted between the hours of eight o'clock (8:00) P.M and seven o'clock (7:00) A.M.
- i. Only articles or services made or originating on the premises shall be sold to customers on-site, unless such articles are incidental to a permitted home occupation.
- j. Only one (1) vehicle and one (1) trailer specifically used for a home occupation are permitted to be parked at the residence licensed for a home occupation. The parking of these vehicles must be off-street and in compliance with the Parking Regulations of the City Code.
- k. Signage may consist of not more than one single faced unlighted wall sign per home with a maximum area of two (2) square feet.

3. **Type I - Non-Licensed** home occupations may be allowed without a license if in compliance with the following regulations:

- a. Compliance with General Regulations listed in Subd. 2
- b. Persons engaged in operation of the home occupation are limited to only those members of the family residing on the premises.
- c. Traffic generated by such a permitted home occupation shall not exceed one vehicle at a time.

The Type I Non-Licensed home occupation shall remain in effect provided it meets the requirements of this subdivision. It shall be a misdemeanor to operate a Type I home occupation in violation of this subdivision. Each day a violation occurs is a separate offense and may be punished as a separate misdemeanor.

4. **Type II - Licensed** home occupations require a license to be granted by the City Council. Type II – Licensed home occupations must comply with the following conditions:

- a. The Type II – Licensed home occupation fee shall be set by resolution of the City Council.
- b. The resident of the home must be chiefly involved in conducting the home occupation. Persons not residing in the home may be employed in the home occupation upon approval by the City Council

- c. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood. Any need for parking generated by the conduct of the home occupation shall be met off of the street in accordance with Parking Regulations of the City Code.
- d. Accessory structures and garages may be used in the operation of a home occupation upon approval by the City Council and determination that its use will not negatively affect the ability to store equipment and vehicles.
- e. The process for Council review of Type II home occupations requires the following:
 - 1. Notification of all property owners within 350' of proposed home occupation at least 10 days prior to the Planning Commission meeting at which home occupation is to be reviewed. The notice must provide date of consideration before the Planning Commission and indicate that parties may be heard to consider the application. Failure of a property owner to receive said notice shall not invalidate any such proceedings as set forth within this Code.
 - 2. A fire safety inspection shall be required prior to issuance of any home occupation license in any case where the City Council allows the home occupation to employ outside employees. The fire safety inspection shall occur prior to any license renewal.
- f. Transferability. Licenses shall not run with the land and shall not be transferable.
- g. Reconsideration. Whenever an application for a Type II home occupation license has been considered and denied by the City Council, a similar application for a license affecting substantially the same property and use shall not be considered again by the Planning Commission or City Council for at least six (6) months from the date of its denial unless a decision to reconsider such matter is made by not less than six-sevenths (6/7) vote of the full City Council.
- h. Renewal of Permits. An applicant shall not have a vested right to a permit renewal by reason of having obtained a previous permit. The previous granting or renewal of a permit shall not constitute a precedent or basis for the renewal of a license.
- i. Inspection. The City hereby reserves the right upon issuing any home occupation license to inspect the premises in which the occupation is being conducted to ensure compliance with the provisions of this Chapter or any conditions additionally imposed. The City shall only have the right of inspection in cases which the resolution of the potential violation cannot be determined from outside the bounds of the property.
- j. The license year shall run from January 1 to December 31st. The application fee and license fee shall be established by resolution of the City Council.
- k. It shall be a misdemeanor to operate a Type II home occupation in

violation of this subdivision. Each day a violation occurs is a separate offense and may be punished as a separate misdemeanor.

The Type II Licensed home occupation shall remain in effect during the license year so long as it is operated in compliance with the provisions of this subdivision. The City Council may revoke the Type II license of any individual that violated the provisions of this Subdivision. Before any Type II license is revoked the holder of the license will be given a hearing before the City Council, which hearing will be preceded by 10 days mailed notice outlining the basis for the revocation of the license. At the hearing the holder of the license will be given an opportunity to address the council regarding the alleged violations.


5. Home Day Care Centers are permitted without a license, per the requirements of Dakota/Washington County.
6. All home occupations in existence on the effective date of this ordinance shall comply with all provisions of this ordinance within 180 days from this ordinance's effective date. The City Council reserves all rights to modify this ordinance in the future as it may deem appropriate. No home occupation operator, whether Type I or Type II, shall acquire any vested rights to continue operation under any ordinance provision that has been subsequently amended.
7. **Violation is a Misdemeanor.** It shall be a misdemeanor for anyone to violate a provision of this Subdivision. Each day a violation occurs is a separate offense and may be punished as a separate misdemeanor.

Violation is a Misdemeanor

Every person who violates a section, subdivision, paragraph or provision of this Ordinance when they perform an act thereby prohibited or declared unlawful, or fails to act when such failure is thereby prohibited or declared unlawful, and upon conviction thereof shall be punished as for a misdemeanor.

ALL OTHER SECTIONS SHALL REMAIN UNCHANGED

ADOPTED by the Hastings City Council on this 16th day of August 2004.



Michael D. Werner, Mayor

ATTEST:



Melanie Mesko Lee, Administrative Assistant/ City Clerk

I HEREBY CERTIFY that the above is a true and correct copy of an ordinance presented to and adopted by the City of Hastings, County of Dakota, Minnesota, on the 16th of August, 2004, as disclosed by the records of the City of Hastings on file and of record in the office.

Melanie Mesko Lee, Administrative Assistant/ City Clerk

(SEAL)

This instrument drafted by:
City of Hastings (JWH)
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Hastings, MN 55033