

ORDINANCE 10-03

WHEREAS, the City Council of the City of North Logan, Utah, adopted and passed the Code of Revised Ordinance of the City of North Logan on March 16, 1989, which Code was published and effective on March 20, 1989; and

WHEREAS, said Code included Title 8, Regulation of Business, which includes the City's Child-care, day-care, pre-school/short term child day Ordinance; and Title 12A, Land Use, which includes the City's Child Care Services Ordinance; and

WHEREAS the City Council the City's Planning and Zoning Commission have determined there is need and good cause to amend the City's Land Use Ordinances to modify two sections of the city code regulating day-care, pre-school/short term child day care, and Child Day Care Services to coordinate it with Utah Code Title 26 Chapter 39.

NOW, THEREFORE, pursuant to Section 10-9a-205, Utah Code Un-Annotated, 2009, and after ten (10) days' notice and a public hearing as required therein, the City Council of the City of North Logan, Utah hereby adopts, passes and publishes the following regarding Title 8 and Title 12A:

BE IT ORDAINED by the City Council of the City of North Logan, Utah as follows:

SECTION I: TITLE 8. REGULATION OF BUSINESS:

The following paragraph in Title 8, Section 8-500 is hereby amended to read as follows:
(Items deleted are crossed through and new language is highlighted.)

CHAPTER 8-500. Home-Based Business.

8-505. Special Requirements for Some Home-Based Businesses. Some home-based businesses, as specified below are prohibited or will require conditional use permits, special inspections, or other special licensing requirements. Any special requirements listed below must be complied with prior to the issuance of a home-based business license. The Planning Commission may place conditions on these types of home-based businesses in order to minimize disruptions to the specific neighborhood in which a home-based business is located.

- (A) Child-care, day-care, pre-school/short term child day care for more than ~~six (6)~~ **eight (8)** children at one time shall require an inspection of the premises by the city to ensure compliance with building code requirements and any applicable state and federal regulations. A conditional use permit shall be required from the Planning Commission.

SECTION II: TITLE 12A. LAND USE - GENERAL PROVISIONS

The following paragraph in Title 12A, Section 100 is hereby amended to read as follows:
(Items deleted are crossed through and new language is highlighted.)

CHAPTER 12A-200. Definitions.

- (28) Child Care Services **or Child Pre-School.** ~~(per Utah Code 62A-2-101)~~ The continuous care and supervision **of five or more qualifying children, as defined in the Utah Child**

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Care Licensing Act, for any children under 14 years of age in lieu of care ordinarily provided by a parent parents in their the parent's home for at least four but less than 24 hours a day and for a fee direct or indirect compensation. Care for four to six five to eight qualifying children requires obtaining a state licensing as a child care provider Residential Child Care Certificate. Care for seven nine to twelve or more qualifying children requires state licensing as a child care provider, and requires the obtaining of a city group child day care license permit which may be approved, restricted, or denied based upon site inspection(s), Fire Codes, and residential impact. In the case of a home occupation providing child day care services, children living in the home as part of the family are counted if they are less than six four years of age.

- (29) — Child Pre-school/Short Term Child Day Care. The continuous care and supervision for any children under 14 years of age in lieu of care ordinarily provided by parents in their home for less than four hours a day and for a fee. May include two different sessions, each under four hours, in a day. In the case of a home occupation, children living in the home as part of the family are not counted. *Delete this definition – included in previous one.*

SECTION III: CONFLICT

To the extent of any conflict between this ordinance and any other North Logan City ordinance(s) or regulation(s), the provisions of this Ordinance shall be controlling.

SECTION IV: SEVERABILITY.

The sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable. If any such section, paragraph, sentence, clause, or phrase shall be declared invalid or unconstitutional by the valid judgment or decree of a Court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any of the remaining sections, paragraphs, sentences, clauses, or phrases of this Ordinance.

SECTION V: EFFECTIVE DATE.

In the opinion of the City Council of North Logan, it is necessary that this ordinance take effect immediately; therefore, this Ordinance shall take effect immediately upon its passage and first posting as provided by law.

ADOPTED AND PASSED by the City Council of the City of North Logan, Utah, this 5th day of May, 2010.

NORTH LOGAN CITY

By

Lloyd Berentzen, Mayor

ATTEST:

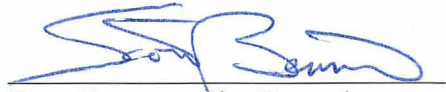
Scott Bennett, City Recorder

CERTIFICATE OF DUE POSTING

I, Scott Bennett, City Recorder of North Logan, Utah, hereby certify that I caused to be posted the foregoing Ordinance No. 10 - 03 on the 6th day of May, 2010, in the City of North Logan, Cache County, State of Utah, a copy of which is hereto attached, in each of three public places in the said City of North Logan, to-wit:

1. North Logan City Offices, 2076 North 1200 East
2. North Logan City Library, 475 East 2500 North
3. North Park Police Department, 2005 North 1200 East

WITNESS my hand this 6th day of May, 2010.



Scott Bennett, City Recorder