

ORDINANCE NO. 17 – 05

AN ORDINANCE MODIFYING HOME-BASED BUSINESS LICENSES

WHEREAS, the City Council of the City of North Logan, Utah adopted and passed the Code of Revised Ordinances 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 is the City's Business Regulation Ordinance; and

WHEREAS, pursuant to Section 10-1-203.7, Utah Code Unannotated, 2017, state law prohibits a municipality from requiring a license or charging a fee for certain home based businesses;

NOW, THEREFORE, the City Council of the City of North Logan, Utah hereby adopts, passes and publishes the following:

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

SECTION I: Title 8, Chapter 500, Paragraph 502 shall be modified to read:
(highlighted portion changed or added)

8-501. Purpose

North Logan City recognizes that there are many residents who wish to pursue business endeavors at their homes. The City further recognizes the need and value of home-based businesses in enabling the expression of creative talents and abilities of residents. The City therefore encourages home-based businesses that are compatible with the ordinances of the City and do not compromise the residential character of the neighborhood where they exist.

- A. **Applicability.** Home-based businesses must comply with zoning regulations, business licensing requirements, sign regulations and other applicable municipal ordinances. The use of a residence in the municipality for the purposes of a home-based business shall be clearly and obviously subordinate to the main purpose of the property as a residence. Home-based businesses shall involve only a minor portion of the residence. When the operation of the business uses portions of the residential property other than the residence itself, appropriate regulations shall be established by the city to minimize the impact of the business upon the residential character of the neighborhood.

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B. Exempt Status.

- 1.** Home-based businesses subject to this chapter shall be limited to those with occupational activities performed on a regular basis (for example, daily, weekly or monthly). Home-based business activities that occur only on a sporadic basis (for example, once a year or the sale of agricultural products that are for sale for two (2) or less consecutive months per year) are not considered home-based businesses for purposes of this chapter and are exempt from the requirement to license with the city as a home-based business.
- 2.** Home-based businesses that do not require a license or permit for a business include those that are operated:
 - a. only occasionally; and
 - b. by an individual who is under 18 years of age; or
 - c. the combined offsite impact of the home based business and the primary residential use does not materially exceed the offsite impact of the primary residential use alone.

SECTION IV: 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 V: SEVERABILITY

The section, 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 VI: 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 North Logan City, Utah, this 31st day of May, 2017.

North Logan City Corp.

By:


Lloyd Berentzen, Mayor

ATTEST:



Scott Bennett, City Recorder

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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. 17-05 on the 1st day of June, 2017, 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 Agency, 575 East 2500 North

WITNESS my hand this 1st day of June, 2017.



Scott Bennett, City Recorder