

TITLE 3

CHAPTER 1

BUSINESS LICENSE PROVISIONS

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3-1-1: TITLE

This chapter shall be known as THE BUSINESS AND HOME OCCUPATION ORDINANCE OF RIVER HEIGHTS CITY, and may be so cited and pleaded. (Ord. 04-06-09, 6-8-2004)

3-1-2: PURPOSE

This chapter is designed and enacted for the purpose of allowing home occupations that are compatible with the neighborhood in which they are located. It is also intended that the home occupation shall not detract from the residential character, and promote the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of the city. (Ord. 04-06-09, 6-8-2004)

3-1-3: DEFINITIONS

As used in this chapter, the following words and terms shall have the meanings ascribed to them in this section:

BUSINESS: Means and includes all activities engaged within the city carried on for the purpose of gain or economic profit.

CANVASSER OR SOLICITOR: Any individual, whether or not a resident of this community, traveling from place to place, from house to house, or from street to street, taking or attempting to take orders for the sale of goods, service, wares and merchandise for future delivery.

This also includes services to be furnished or performed in the future. (Ord 2-2017, 3-14-17)

**CITY OR
MUNICIPALITY:**

The municipality of River Heights City.

CONTRACTOR:

Means and includes anyone defined as a "contractor" in Utah Code Annotated section 58-55-102, the Utah construction trades licensing act. A contractor operating from his residence within the city limits shall be required to obtain a license and pay the applicable fee as required in this chapter.

**ENGAGING IN
BUSINESS:**

Means and includes, but is not limited to, wholesale or retail, the manufacturing of goods or property, and rendering of personal services.

**HOME
OCCUPATION:**

A legal use or business, conducted within a dwelling or upon residential property. Business activity shall be clearly and obviously subordinate to the main purpose of the home as a residence. The owner of the business must live in the home. Conditional use of that property will become void when business owner moves from the home. (2-2017, 3-14-17)

**HOME
OCCUPATION
CONDITIONAL
USE PERMIT OR
LICENSE:**

A permit approved by the planning commission. The license or permit shall be issued by the city recorder upon application and payment of the fee set by the city council.

3-1-4: CONDITIONAL USE PERMIT REQUIRED PRIOR TO REVIEW

All business and home occupation licenses requiring a conditional use permit, must be approved by the planning commission, and adhere to the conditional use permit procedure. All home businesses requiring the use of an accessory building must have a conditional use permit. (Ord. 04-06-09, 6-8-2004)

3-1-5: FEE FOR LICENSE; EXEMPTION

- A. Fee Schedule: There shall be a business license fee schedule in such amounts as established by resolution of the city council. The license shall be effective for the calendar year in which it is issued.
- B. Renewal; Penalty: Renewals are due prior to January 1. If renewal applications are not received in the city office on or before this date, a penalty in such amount as established by the city council will be assessed.
- C. Exemption: No license fee shall be imposed on any person engaged in business for solely religious, charitable, or other types of strictly nonprofit purpose which is tax exempt in such activities under the laws of the United States and the state. (Ord. 04-06-09, 6-8-2004)

3-1-6: INSPECTIONS

- A. New Businesses: Prior to the issuance of a license to engage in a new business not heretofore licensed, the applicant shall permit inspections to be made of the prospective place of business if requested by the city or other governmental agency to ensure compliance with building, fire and health codes. No license shall be granted without the approval of all such required inspections.
- B. Existing Business Violations: Existing places of business licensed within the city may be inspected periodically by the city for compliance with building, fire and health codes. Written notice shall be given by an authorized representative of the city to a licensee upon the finding of any code infractions, which notice shall provide for a reasonable period, not to exceed sixty (60) days, in which to correct such infractions, the failure of which shall result in revocation of the license. (Ord. 04-06-09, 6-8-2004)

3-1-7: PERMITTED USES

A home occupation license is required for the following:

- A. Insurance sales, financial planning, real estate sales or broker;
- B. Consultants, lawyers, architects, engineers or other professionals;
- C. Painting (artistic), sculpturing or writing;
- D. Dressmaking, sewing and tailoring;
- E. Telephone answering or soliciting;
- F. Home crafts, such as model making, rug weaving, lapidary work;
- G. Childcare of not more than three (3) children at any one time, not members of the family;
- H. Data processing and electronic transfer of information or computer programming;
- I. Teaching of music, dance lessons or tutoring;
- J. Accounting or tax preparation services;
- K. Offices for contracting or construction trades. (Ord. 04-06-09, 6-8-2004)
- L. Online sales or brokerage (2-2017, 3-14-17)

3-1-8: PERMITTED USES REQUIRING A CONDITIONAL USE PERMIT AND LICENSE

Home occupations that have the potential of impacting the residential atmosphere of the neighborhood require an application be submitted to the planning commission for a home occupation conditional use permit and license. Some uses include, but are not limited to:

- A. One or more employees that are not residents of the household;
- B. Home occupations that receive more than six (6) customers per day;
- C. Childcare services, four (4) children or more, not members of the family at a time; any home childcare or preschool as defined in Utah Code Annotated and must comply with the childcare rules published by the state department of human services;
- D. Any home businesses, services or activities that could become disruptive to the neighborhood (1-2015, 6-23-15);
- E. Beauty salon or barber shop;
- F. Any home business requiring the use of an accessory building;
- G. Cabinet making;
- H. Direct sales or distribution of products; (Ord. 04-06-09, 6-8-2004)
- I. Body Art, as approved by the governing health department. (1-2016, 3-22-16)
- J. Outdoor Displays (2-2017, 3-14-17)

3-1-9: OCCUPATIONS NOT PERMITTED

Home occupations not permitted shall include, but are not limited to:

- A. Animal hospitals;
- B. Clinics and hospitals;
- C. Junk, storage or salvage yards;
- D. Commercial vehicle repair, defined as the repair of more than one vehicle at a time that is not owned by the owner of the residence;
- E. Any use dealing with explosive, hazardous or toxic materials;
- F. Outside storage of supplies, equipment, materials and heavy equipment such as backhoes, cranes, etc. (Ord. 04-06-09, 6-8-2004)

3-1-10: ADVERTISING

All advertising signs shall conform to the regulations of the city zoning ordinance¹. (Ord. 04-06-09, 6-8-2004)

3-1-11: REVOCATION OR DENIAL OF LICENSE

Any license issued pursuant to the provisions of this chapter or any ordinance of this city may be revoked and any application denied by the city council because of:

- A. The failure of the licensee or applicant to comply with the conditions and requirements of the chapter or any ordinance of the city.
- B. Unlawful activities conducted or permitted on the premises where the business is conducted. (Ord. 04-06-09, 6-8-2004)

3-1-12: VIOLATIONS; COMPLAINT

The city may request the city attorney file a complaint with the county sheriff's office against any person violating any of the provisions of this chapter. (Ord. 04-06-09, 6-8-2004)

3-1-13: PENALTY

Any person violating any provision of this chapter shall be guilty of a class B misdemeanor and, upon conviction, subject to penalty as provided in section 1-4-1 of this code. Each day such violation exists shall be considered a separate offense. (Ord. 04-06-09, 6-8-2004)

¹ See title 10, chapter 16 of this code