

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. (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 exterior of any home-based business shall maintain the appearance of a residential dwelling at all times. Conditional use of that property will become void when business owner moves from the home. (2-2017, 3-14-17) (3-2018, 8-14-18)
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: HOME OCCUPATION LICENSES**

- A. Permitted Uses Requiring a Conditional Use Permit and License
  - 1. Home occupations which have the potential of an external impact greater than the impact of a normal residential use are required to obtain a CUP and (if granted) a city business license. (A business license fee may not be required. See 3-1-6) Impacts to the neighborhood will be evaluated in the following areas: (2-2021, 6-1-21)
    - a. Employees: One or more who do not reside in the home but, report to the home for work purposes; (2-2019, 5-28-19)
    - b. Use of an accessory building;
    - c. Traffic: More than six (6) vehicles and/or two (2) deliveries per day. More than two (2) vehicles parked at a time;
    - d. Offensive Odor;

- e. Visual: Outside display associated with the home occupation or storage of supplies, equipment, materials and heavy equipment such as backhoes, cranes, etc. Posting of signage;
  - f. Excessive daytime noise;
  - g. Complaints: Neighbors or others being impacted in these or other unforeseen ways;
  - h. Safety: Activities that may create a safety concern or any use dealing with explosive, hazardous or toxic materials;
  - i. Use of public facilities: Any use that causes an additional demand of public facilities or services.
  - j. Business Location: If an owner of the business doesn't reside in the home where business is conducted. (3-2018, 8-14-18) (2-2021, 6-1-21)
2. Conditional Use Permits are reviewed by and must be approved by the Planning Commission. Applicants must adhere to the Conditional Use Permit procedure.
  3. A Conditional Use Permit becomes void if a business license hasn't been applied for by January 31 of each year, along with required fees. (3-2020, 5-19-20)
- B. No license required when operated only occasionally or by an individual under 18 years old.
  - C. Occupations not permitted; see 10-12-1:A  
(7-2017, 10-10-2017)

**3-1-5: FEE FOR LICENSE;**

- 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.
- B. Renewal: Due by January 1.
- C. Penalty: If renewal applications for a license are not received in the city office on or before January 1, a penalty in such amount as established by the City Council will be assessed.  
(7-2017, 10-10-2017)

**3-1-6: FEE EXEMPTION**

- A. A home occupation owner can apply for fee exemption if the business has no negative impacts to the neighborhood (see 3-1-4).

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. (04-06-09, 6-8-2004)

(7-2017, 10-10-2017)

**3-1-7: 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)

**3-1-8: ADVERTISING**

All advertising signs shall conform to the regulations of the city zoning ordinance<sup>1</sup>. (04-06-09, 6-8-2004)

**3-1-9: 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. 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. (04-06-09, 6-8-2004)

**3-1-10: 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. (04-06-09, 6-8-2004)

**3-1-11: 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.  
(04-06-09, 6-8-2004)

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<sup>1</sup> See title 10, chapter 16 of this code