



TOQUERVILLE CITY
ORDINANCE 2017.15

AN ORDINANCE AMENDING TITLE 10, CHAPTER 23 OF THE TOQUERVILLE CITY CODE TO PROHIBIT THE CITY FROM CHARGING A LICENSE FEE TO OPERATE A HOME OCCUPATION.

RECITALS

WHEREAS, Toquerville City, as municipal corporation and political subdivision of the State of Utah (“City”), has authority pursuant to its constitutionally granted police powers, to protect the health, safety and general welfare of the residents of the City; and

WHEREAS, the Toquerville City Council (“City Council”) is the governing body of the City.

WHEREAS, the City has determined there is a need to amend Title 10, Chapter 23 of the Toquerville City Code to (1) comply with the 2017 amendment to Section 10-1-203 of the Utah Code (2017) which prohibits the charging of a license fee for a home based business, and (2) make technical changes.

ORDINANCE

NOW THEREFORE, BE IT HEREBY ORDAINED by the City Council of Toquerville City, State of Utah, as follows:

1. AMENDMENT TO 10-23-4.B. Title 10, Chapter 23, Section 4.B of the Toquerville City Code is hereby amended as follows:

10-23-4: PERMIT AND LICENSES REQUIRED:

B. Business License: In addition to obtaining a home occupation permit, any person wishing to conduct a home occupation upon residential premises must also obtain and maintain a valid business license from the city, provided however that the city shall not charge any license fee for the business license.

2. AMENDMENT TO 10-23-6. Title 10, Chapter 23, Section 6 of the Toquerville City Code is hereby amended as follows:

10-23-6: FEES:

The city shall not impose any license fee in connection with the operation of a home occupation. However, the city shall charge a one-time application fee as shown on its fee schedule to cover the costs to process and review the application for a home occupation. In addition, any fees incurred by the city for professional



services associated with the review of a home occupation application, including fees for the city planner and the city engineer, shall also be assessed to the applicant and paid in full as a prerequisite to the issuance of any home occupation permit.

3. AMENDMENT TO 10-23-8. Title 10, Chapter 23, Section 8 of the Toquerville City Code is hereby amended as follows:

10-23-8: CONDITIONS REQUIRED PRIOR TO ISSUANCE OF PERMIT:

In addition to the requirements set forth in section 10-20-3 of this title, each and every one of the following conditions shall be met or agreed to be adhered to prior to the issuance of a home occupation permit:

J. The proposed home occupation will not place the residence or permitted structure out of conformity with any applicable fire, building, plumbing, electrical and health codes, as well as with any federal and state regulations and other ordinances of the city. The residential premises shall be subject to inspection by the city for compliance purposes.

4. REPEALER. This Ordinance shall repeal and supersede all prior ordinances and resolutions governing the same.
5. SAVINGS CLAUSE: If any provision or clause in this Ordinance or the application thereof to any person or entity or circumstance is held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such invalidity shall not affect other sections, provisions, clauses, or applications hereof which can be implemented without the invalid provision, clause, or application hereof, and to this end the provisions and clauses of this Ordinance are declared to be severable.
6. EFFECTIVE DATE. This Ordinance shall take effect immediately upon approved by the City Council.

PASSED AND APPROVED THIS 9TH DAY OF NOVEMBER, 2017.

Paul Heideman	Aye <u>X</u>	Nay <u> </u>	Absent <u> </u>
Keen Ellsworth	Aye <u> </u>	Nay <u>X</u>	Absent <u> </u>
Mark Fahrenkamp	Aye <u>X</u>	Nay <u> </u>	Absent <u> </u>
Brad Langston	Aye <u>X</u>	Nay <u> </u>	Absent <u> </u>
Ty Bringhurst	Aye <u> </u>	Nay <u> </u>	Absent <u>X</u>

CITY OF TOQUERVILLE
a Utah Municipal Corporation





M. Darrin LeFevre, Mayor

Date 11.15.2017



Attest: Dana McKim, City Recorder

