

ORDINANCE 17-10

WHEREAS, on January 6, 1994, the Hyrum City Council passed and posted an ordinance adopting the "Hyrum City Municipal Code", a recodification of municipal ordinances encompassing the "Revised Ordinances of Hyrum City" and ordinances adopted through July 15, 1993: and

WHEREAS, Title 5 of the Hyrum City Municipal Code sets forth those regulations governing the issuance of business licenses, including Home Occupations; and

WHEREAS, the Hyrum City Municipal Code does not currently set licensing or regulations for food trucks doing business inside Hyrum City limits; and

WHEREAS, Utah State Law allows for City's to require a valid business license, fire safety inspections, and a current health department food truck permit; and

WHEREAS, in order to comply with Utah State Code Hyrum City's Home Occupation Business License ordinance is being amended to no longer require certain types of businesses to have a Home Occupation Business License.

NOW, THEREFORE, the Hyrum City Council hereby adopts, passes, and publishes the following:

AN ORDINANCE AMENDING CHAPTER 5.04 BUSINESS LICENSES GENERAL OF THE HYRUM CITY MUNICIPAL CODE BY ADDING SECTION 5.04.180 FOOD TRUCKS, AND AMENDING SECTION 5.04.200 HOME OCCUPATION BUSINESS LICENSE TO ALLOW CERTAIN TYPES OF HOME OCCUPATION BUSINESSES TO NOT BE LICENSED.

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

1. Section 5.04.180 of Title 5 of the Hyrum City Municipal Code is hereby added to read as follows:

**5.04.180 Food Trucks**

- A. A food truck means a fully encased food service establishment.
  - 1. On a motor vehicle or on a trailer that a motor vehicle pulls to transport; and
  - 2. From which a food truck vendor, standing within the frame of the vehicle, prepares,

cooks, sells, or serves food or beverages for immediate human consumption.

- B. A food truck is required to have the following from a political subdivision in the State of Utah: a valid business license, fire safety inspection, and a current health department food truck permit.

2. Section 5.04.200 of Title 5 of the Hyrum City Municipal Code is hereby amended to read as follows:

5.04.200 Home Occupation.

- A. Home occupation means an occupation performed wholly within a residence or the yard and accessory buildings being a part of such residence. Home occupations shall not change the character of the residence or the residential neighborhood. A business license is required for some home occupations. They shall be issued for a one-year period and are renewable. The City Council may review a license in reaction to neighbor's complaints and may revoke it if evidence warrants this action.
- B. Two levels of home occupations exist. Both ~~require the license holder~~ are required to maintain all of the standards of a home occupation business license. Because of the potential negative impact on a residential area, the following businesses are prohibited as home occupations: auto/RV repairs, salvage yards, major appliance repair, or service.
- C. Level one applicants are in occupation categories that the City Council has determined have virtually no negative impact on residential neighborhoods. ~~A list of level one occupation categories will be approved by the City Council and may be periodically revised. It will be available at the City Offices. Level one applicants will be issued a business license by the City without the requirement of meeting with the City Council. and do not require a license. Occasional businesses operated by a minor are not required to obtain a business license.~~
- D. All applicants whose home occupations ~~are not listed on the level one list~~ are identified as level two applicants. receive commercial delivery service, has signage advertising the business, performs services in view or hearing of the public, or has customers coming to the residence, are considered level two home occupations and require a license. They ~~must~~

also may be required to meet with the City Council and explain how their home occupation is in conformance with the home occupation standards. The City Council may attach limitations or conditions to their licenses.

- E. Home occupation standards:
  - 1. The exterior of the home will not be modified in any way to accommodate the home occupation (i.e. loading ramps, loading doors, etc).
  - 2. The occupation will be conducted entirely within the house, yard, and existing outbuildings.
  - 3. The home occupation license covers only residents of the home.
  - 4. No outside storage of goods or materials is permitted.
  - 5. Pedestrian and vehicular traffic will not be in excess of that normally associated with a residential neighborhood.
  - 6. One sign will be permitted on the property. It must meet the requirements of 17.72.010 Name Plate.
  - 7. The home occupation must be operated in full conformity with fire, health, building electrical, plumbing codes, and all State and City laws and ordinances.
  - 8. No noise, odor, light, vibrations or dust in excess of that normally associated with a residential neighborhood shall pass beyond the premises.
  - 9. State licenses will be required for professional Child Care. (Ord. 98-16)
- F. The City Council may, at their discretion, waive certain of the above standards for the elderly or handicapped.
- G. Total cost of code enforcement, including city staff, professional services, etc. will be paid by licensee. (Ord. 00-20; Ord. 98-07; 09-08; 09-12)

3. REPEALER. All ordinances, resolutions, and regulations of the city, or parts thereof inconsistent herewith, are hereby repealed, but only to the extent of such inconsistency. This repealer shall not be construed as reviving any law, order, resolution or ordinance or part thereof.

4. DECLARATION OF SEVERABILITY. Should any provision, clause, or paragraph of this ordinance or the application thereof to any

person or circumstance be declared by a court of competent jurisdiction to be invalid, in whole or in part, such invalidity shall not affect the other provisions or applications of this ordinance or the Hyrum City Municipal Code to which these amendments apply. The valid part of any provision, clause, or paragraph of this ordinance shall be given independence from the invalid provisions or applications and to this end the parts, sections, and subsections of this ordinance, together with the regulations contained therein, are hereby declared to be severable.

5. EFFECTIVE DATE. This ordinance shall become effective upon posting three (3) copies in three (3) public places within Hyrum City.

6. ADOPTION. This ordinance is hereby adopted and passed by the Hyrum City Council this 15<sup>th</sup> day of June, 2017.

HYRUM CITY

By: \_\_\_\_\_  
Stephanie Miller  
Mayor

ATTEST:

\_\_\_\_\_  
Stephanie Fricke  
City Recorder

Posted: \_\_\_\_\_