

**SECTION 1:            AMENDMENT** “3-1-1 DEFINITIONS” of the Mona City Code is hereby *amended* as follows:

AMENDMENT

3-1-1 DEFINITIONS

Whenever used in this title, or elsewhere within any city ordinance:

**BUSINESS:** Means and includes all activities engaged in within the incorporated limits of the city, carried on for the purpose of gain or economic profit, and for the purposes of these provisions shall include nonprofit corporations, except that the acts of employees rendering service to employers shall not be included in the term "business," unless otherwise specifically prescribed.

**EMPLOYEE:** The operator, owner or manager of a place of business, and any persons employed by such person in the operation of that place of business in any capacity, and also any salesman, agent, leased employee or independent contractor engaged in the operation of that place of business in any capacity.

**ENGAGED IN BUSINESS OR ENGAGING IN BUSINESS:** Means and includes, but is not limited to, the sale of tangible personal property at retail or wholesale, the manufacturing of goods or property, and the rendering of personal services for others for a consideration by persons engaging in any profession, trade, craft, business, occupation or other calling, except the rendering of personal services by an employee to his employer under any contract of personal employment.

Home Occupation: Any use conducted entirely within a building and carried on by persons residing in the dwelling unit, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof. A business license does not automatically grant the privilege of conducting a business in a residential dwelling unit.

**LICENSE DEPARTMENT:** The license office of the city.

**LICENSE OFFICIAL:** The city council.

**NUMBER OF EMPLOYEES:** The number of employees engaged at the place of business each regular working day during the preceding calendar year. In computing such number, each regular full time employee shall be counted as one employee, and each part time employee shall be counted as one employee.

PERSON: Any individual, receiver, assignor, trustee in a bankruptcy, trust, estate, firm, partnership, limited liability company, limited liability partnership, joint venture, club, company, joint stock company, business trust, corporation, association, society or other group of individuals acting as a unit, whether mutual, cooperative, fraternal, nonprofit or otherwise.

PLACE OF BUSINESS: Any location maintained or operated by a licensee within the city, from which business activity is conducted or transacted.

**SECTION 2:** AMENDMENT “3-1-10 APPROVAL OF APPLICATION” of the Mona City Code is hereby *amended* as follows:

#### AMENDMENT

##### 3-1-10 APPROVAL OF APPLICATION

In the event the city approves a business license, the business license shall be signed by the ~~mayor~~recorder, ~~or impressed by his faesimile~~, and forwarded to the applicant.

**SECTION 3:** ADOPTION “3-5 HOME OCCUPATION LICENSE” of the Mona City Code is hereby *added* as follows:

#### ADOPTION

##### 3-5 HOME OCCUPATION LICENSE(*Added*)

##### 3-5 HOME OCCUPATION LICENSE

**SECTION 4:** ADOPTION “3-5-1 DEFINITION” of the Mona City Code is hereby *added* as follows:

#### ADOPTION

##### 3-5-1 DEFINITION(*Added*)

##### 3-5-1 DEFINITION

"Home occupation" means any use conducted entirely within a building and carried on by persons residing in the dwelling unit, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof. A business license does not automatically grant the privilege of conducting a business in a residential dwelling unit.

**SECTION 5:            ADOPTION “3-5-2 HOME OCCUPATION LICENSE REQUIRED”** of the Mona City Code is hereby *added* as follows:

ADOPTION

3-5-2 HOME OCCUPATION LICENSE REQUIRED(*Added*)

To assure compliance with provisions of this title and to protect the character of residential neighborhoods in the city, a home occupation license shall be obtained according to the procedures and standards set forth in this title and from the office of the city recorder before a dwelling unit in a residential or an agricultural zone may be used for these business purposes. Any person who fails to obtain a home occupation license, either by an act of omission or commission shall be deemed guilty of a misdemeanor and upon conviction thereof shall be liable to punishment by a fine in an amount not to exceed two hundred ninety-nine dollars or by imprisonment for a term not to exceed six months, or by both such fine and imprisonment. A home occupation license is required in addition to a business license.

**SECTION 6:            ADOPTION “3-5-3 APPLICATION FOR HOME OCCUPATION LICENSE”** of the Mona City Code is hereby *added* as follows:

ADOPTION

3-5-3 APPLICATION FOR HOME OCCUPATION LICENSE(*Added*)

Application for a home occupation license shall be made in writing to the city recorder. All licenses shall be paid in advance in legal currency of the United States.

**SECTION 7:            ADOPTION “3-5-4 PROCEDURE”** of the Mona City Code is hereby *added* as follows:

## ADOPTION

### 3-5-4 PROCEDURE(*Added*)

The mayor and/or city administrator may, upon application, grant a home occupation license which shall state the home occupation permitted, the conditions attached thereto, and any time limitations imposed thereon. The license shall not be issued unless the applicant is in compliance with each one of the conditions listed in city ordinance and state law, and that the applicant has agreed in writing to comply with all said conditions. All certificates of license shall be signed by the mayor and attested by the city recorder under the seal of the city.

**SECTION 8:**            **ADOPTION** “3-5-5 CONDITIONS” of the Mona City Code is hereby *added* as follows:

## ADOPTION

### 3-5-5 CONDITIONS(*Added*)

As a prerequisite to the issuance of a home occupation license, conditions must be observed at all times by the licensee and the licensee shall comply with the following:

- A. Only bona fide residents of the premises, as defined by the city zoning ordinance, shall be employed by the licensee.
- B. The home occupation shall not physically change the dwelling to the extent that it would alter the residential character or appearance of the dwelling or neighborhood.
- C. The home occupation shall be conducted wholly within a structure on the premises and shall not exceed twenty-five percent of the total main floor area of the residential structure; nor in the alternative, more than fifty percent of the total floor area of any attached garage wherein the license activity is conducted. The home occupation shall not involve the use of any accessory building or yard space for storage, nor shall any activities be conducted outside the building.
- D. The home occupation shall not display nor create outside the building any external evidence of the operation of the home occupation.
- E. The home occupation shall not generate pedestrian or vehicular traffic in excess of that customarily associated with the zone in which the use is located.
- F. There shall be complete conformity with fire, building, plumbing, electrical and health codes and to all state and city laws and ordinances.
- G. The home occupation shall not cause a demand for municipal or utility services or community facilities in excess of those usually and customarily provided for residential uses.
- H. The home occupation shall not be associated with, or produce odor, fumes, light, glare, color, design, materials, construction, lighting, sounds, noises, or vibrations or other

nuisances including radio and television reception that may be discernable beyond the premises or unreasonably disturb the peace and quiet of the neighborhood.

I. Any special condition established by the city council and made of record in the home occupation license, as they deem necessary to carry out the intent of this section shall be met.

J. All home occupation licenses shall expire annually on or before the last day of the month in which the license was originally issued and may be renewed annually provided there have been no reported violations, complaints, or detrimental characteristics which may, in the opinion of the city council or city zoning administrator, require termination of such occupation.

**SECTION 9:** **ADOPTION** “3-5-6 RESPONSIBILITY FOR OBTAINING LICENSE” of the Mona City Code is hereby *added* as follows:

#### ADOPTION

3-5-6 RESPONSIBILITY FOR OBTAINING LICENSE(*Added*)

It shall be the responsibility of a person engaging in home occupation within the city to voluntarily apply for and maintain in full force and effect a valid home occupation license and a valid business license from Mona City.

**SECTION 10:** **ADOPTION** “3-5-7 FEES” of the Mona City Code is hereby *added* as follows:

#### ADOPTION

3-5-7 FEES(*Added*)

A. An application fee as specified in the consolidated fee schedule shall be due and payable upon issuance of the home occupation license except as provided herein.

B. In the event the characteristic or nature of the business requires an inspection by the fire department and/or the building inspection department, an additional twenty-five-dollar fee will be assessed to cover the costs incurred.

C. METHOD OF CHANGING FEES:

1. The city council shall by resolution or ordinance fix the amount of home occupation license fees and the terms and conditions thereof, copies of which shall be available for public inspection at the office of the city recorder.

D. REFUNDS:

1. A refund, except as herein specially provided, shall not be made on any license issued in accordance with the provisions of this chapter, unless the conducting, managing or carrying on of such home occupation as provided in such license shall become unlawful, either by act of the city council or by act of some other legislative body having jurisdiction therein, or when payments have been made erroneously by the licensee.

E.

**SECTION 11:**            **ADOPTION** “3-5-8 REVOCATION” of the Mona City Code is hereby *added* as follows:

ADOPTION

3-5-8 REVOCATION(*Added*)

- A. Home occupation licenses issued under the provisions of this chapter may be revoked by action of the city council because of failure upon the part of the licensee to comply with the conditions and requirements under which said license is granted or because of illegal activities thereunder.
- B. A license issued under the provisions of this chapter shall not be revoked, nor any application for license under the provisions of this chapter be denied, except after the city council holds a public hearing on the matter.
- C. Notwithstanding the foregoing, a home occupation license is automatically revoked effective with the expiration or revocation of all business licenses issued for use at the same premises.