

ORDINANCE NO. 22-02

AN ORDINANCE OF SOUTH OGDEN CITY, UTAH, REVISING AND AMENDING SOUTH OGDEN CITY CODE 10-2-1 AND 10-19-2 DEFINING HOME DAYCARE AND INCREASING THE ALLOWED NUMBER OF CHILDREN FROM FIVE TO EIGHT; MAKING NECESSARY LANGUAGE CHANGES TO THE CITY CODE TO EFFECT THOSE CHANGES; AND ESTABLISHING AN EFFECTIVE DATE FOR THOSE CHANGES.

SECTION I - RECITALS:

WHEREAS, South Ogden City (“City”) is a municipal corporation duly organized and existing under the laws of Utah; and,

WHEREAS, the City Council finds that in conformance with Utah Code (“UC”) §10-3-717, and UC §10-3-701, the governing body of the city may exercise all administrative and legislative powers by resolution or ordinance; and,

WHEREAS, in conformance with the provisions of UCA §10-9a-501 the governing body of the city may enact a zoning ordinance establishing regulations for land use and development within the city; and,

WHEREAS, South Ogden City has previously adopted and promulgated a city zoning ordinance; and,

WHEREAS, the need for Child Daycare in the nation has substantially increased in the past few years; and,

WHEREAS, the State of Utah allows more than five children in a state licensed home daycare; and,

WHEREAS, the City Council finds that the Planning Commission has recommended certain changes to the city zoning ordinance in regards to the number of children allowed in a home daycare; and,

WHEREAS, the City Council finds that South Ogden City Code, Title 10 and various of its subsections should be amended by adding new language governing these changes and related regulations for the city; and,

WHEREAS, the City Council finds that the requirements should be effective upon passage of this Ordinance; and,

WHEREAS, the City Council finds that the public safety, health and welfare is at issue and requires action by the City as noted above;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF SOUTH OGDEN CITY, UTAH that the City Code be changed and amended:

Amended Section:

Upon the adoption of this Ordinance, Title 10 of the South Ogden City Code is readopted with the changes set out in **Attachment "A"**, which is incorporated herein, to read as indicated.

The foregoing recitals are incorporated herein.

SECTION II - REPEALER OF CONFLICTING ENACTMENTS:

All orders, ordinances and resolutions regarding the changes enacted and adopted which have been adopted by the City, or parts, which conflict with this Ordinance, are, for such conflict, repealed, except this repeal shall not be construed to revive any act, order or resolution, or part, repealed.

SECTION III - PRIOR ORDINANCES AND RESOLUTIONS:

The body and substance of any prior Ordinances and Resolutions, with their specific provisions, where not otherwise in conflict with this Ordinance, are reaffirmed and readopted.

SECTION IV - SAVINGS CLAUSE:

If any provision of this Ordinance shall be held or deemed or shall be invalid, inoperative or unenforceable such reason shall not render any other provision or provisions invalid, inoperative or unenforceable to any extent whatever, this Ordinance being deemed the separate independent and severable act of the City Council of South Ogden City.

SECTION V - DATE OF EFFECT

This Ordinance shall be effective on the 15th day of February 2022, and after publication or posting as required by law.

DATED this 15th day of February, 2022.

SOUTH OGDEN CITY, a municipal corporation

by: _____
Mayor Russell Porter

Attested and recorded

Leesa Kapetanov, CMC
City Recorder

ATTACHMENT "A"

ORDINANCE NO. 22-02

An Ordinance Of South Ogden City, Utah, Revising And Amending South Ogden City Code 10-2-1 And 10-19-2 Defining Home Daycare And Increasing The Allowed Number Of Children From Five To Eight; Making Necessary Language Changes To The City Code To Effect Those Changes; And Establishing An Effective Date For Those Changes.

15 Feb 22

10-2-1: DEFINITIONS:

DAYCARE CENTER: Any building or structure other than an occupied residence furnishing care, supervision and guidance for ~~five-nine (95)~~ or more children unaccompanied by parent or guardian for periods of less than twenty four (24) hours per day; ~~or as provided in chapter 19 of this title, an occupied residence which furnishes care, supervision and guidance for not more than five (5) children unaccompanied by parent or guardian for periods of less than twenty four (24) hours per day. Occupied residence shall refer to being used as a residence by a family.~~ The term "daycare center" is inclusive of kindergartens, preschools, nursery schools and all other similar facilities specializing in the education and/or care of children prior to their entrance into the first grade, other than facilities owned and/or operated by the public school system.

DAYCARE, HOME: Any occupied residence furnishing care, supervision and guidance for not more than eight (8) children unaccompanied by parent or guardian for periods less than twenty four (24) hours per day. An occupied residence shall refer to a structure being used as a residence by a family. The term "home daycare" is inclusive of kindergartens, preschools, nursery schools and all other similar facilities operating within a residential setting and specializing in the education and/or care of children prior to their entrance into the first grade, other than facilities owned and/or operated by the public school system.

KINDERGARTEN: See definition of 'Daycare Center' and 'Daycare, Home'.

PRESCHOOL: See definitions for 'Daycare Center' and 'Daycare, Home'.

CHAPTER 19

HOME OCCUPATIONS

10-19-2: USES:

- A. Permitted Uses: Home occupations shall be allowed as permitted uses in residential districts of the city as listed in the use regulations of the various districts and in accordance with the regulations and restrictions of this chapter.
- B. Allowable Uses Specified: The following uses are examples of allowable home occupations:
 1. Group instruction or motivational meetings as a forum for sales presentations not more than once every three (3) months.
 2. Musical instruction.
 3. Phone order or mail order services.

4. Barber or beautician services with not more than two (2) customers on the premises at any time. (Ord. 901, 2-18-1997)

~~5. Child daycare of not more than five (5) children unaccompanied by parent or guardian for periods less than twenty four (24) hours per day. (Ord. 901, 2-18-1997; amd. Ord. 15-06, 2-17-2015, eff. 2-17-2015)~~

Removed by Council during Feb 15 meeting

5. Home Daycare or Preschool, which is a type of home occupation that provides care for children including the caregiver's own children. A "home daycare" must follow all rules and regulations established by the State of Utah regarding licensing requirements for home child-care providers, including that the provider must maintain at least one caregiver for up to eight children in care and two caregivers for nine to 16 children in care, including the caregiver's own children under the age of four. All children under 13 years old count toward this limit. A home day care must meet the following standards:

- a. There may be a maximum of eight to 16 (applicant is requesting eight) children on premises at any time, including the caregiver's own children under the age of six and not yet in full day school.
- b. Employees shall be limited to not more than two (2) people who actually reside in the dwelling (no non-resident employees permitted).
- c. The home day care/preschool caregiver shall comply with all applicable licensing requirements.
- d. The use shall comply with all applicable traffic, parking, drop-off and noise regulations.
- e. No signs shall be allowed on the dwelling or lot except a nameplate sign.
- f. The use shall comply with all local, state and federal laws and regulations.

6. Computer information services.

7. Garage sales held not more than once every three (3) months.