

ORDINANCE 2014-

**AN ORDINANCE OF NORTH OGDEN CITY AMENDING THE ZONING
ORDINANCE OF NORTH OGDEN CITY TITLE 4 BUSINESS AND LICENSE
REGULATIONS, TITLE 11 CHAPTER 10 SECTION 23 TEMPORARY CARNIVALS,
CIRCUSES, REVIVALS, RODEOS, SWAP MEETS, OUTDOOR RETAIL SALES AND
SIMILAR ACTIVITIES, AND CHAPTER 8 COMMERCIAL AND MANUFACTURING
ZONES**

WHEREAS: The City regulates temporary businesses and how they operate, and

WHEREAS: The existing ordinance language for temporary businesses need clarification, and

WHEREAS: The amendment clarifies the standards for operating a temporary business, and

WHEREAS: The amendment clarifying the standards for temporary businesses is consistent with the goals of the North Ogden City General Plan, and

WHEREAS: North Ogden City wants to provide clear and objective standards for how temporary businesses are allowed to operate within the city.

NOW THEREFORE, BE IT ORDAINED by the North Ogden City Council that the North Ogden City Code in 4-1-1 Definitions be amended.

SECTION 1: Language to be added.

4-1-1: DEFINITIONS:

TEMPORARY BUSINESS: Any sale made by a person, firm, or corporation engaging in the temporary business of selling goods, wares, or merchandise from a tent, truck, ending cart, or other area outside of a permanent structure on property owned or leased by the person, firm, or corporation on a lot for a period of no more than one hundred eighty (180) consecutive days within a single calendar year (with or without a permanent building) and which is not associated with any other business conducted on the same lot. (1987 Code § 5.04.010; amd. Ord. 2003-11, 5-27-2003)

SECTION 2: Language to be added.

11-10-23: TEMPORARY CARNIVALS, CIRCUSES, REVIVALS, RODEOS, SWAP MEETS, AND SIMILAR ACTIVITIES:

A. Applicability: The provisions of this section do not apply to garage sales. All other temporary carnivals, circuses, revivals, rodeos, swap meets, and similar activities may be permitted only in commercial and manufacturing zoning districts, subject to the restrictions of subsection B of this section.

B. Conditional Use Permit: A conditional use permit shall be obtained from the planning commission in accordance with the following:

1. The planning commission shall ensure that health and safety are considered, and shall obtain the approval of the county health department, the North View Fire Department and the Police Department prior to issuing the conditional use permit.
2. The planning commission shall ensure that land area and parking are adequate for the proposed use, and shall ensure that traffic safety is considered.
3. The planning commission shall require any measures necessary to protect surrounding property.
4. A time limit shall be established for each use conducted under the conditional use permit. This time limit shall in no case exceed seven (7) consecutive days, nor shall more than four (4) conditional use permits be issued for the same use during any calendar year.
5. Permanent structures shall not be permitted under a conditional use permit issued under this section. (Ord. 2002-05, 4-9-2002)

SECTION 3: Language to be added

11-8A-5: SPECIAL REGULATIONS:

Hereinafter specified permitted and conditional uses shall be permitted only when the following conditions are complied with:

- A. All business shall be conducted wholly within an enclosed building, except for the sale of gasoline and oil by service stations, the parking of automobiles, service to persons in automobiles, temporary businesses, Christmas tree sales, fruit and vegetable stands, fireworks stands and garden supplies;
- B. All uses shall be free of emissions such as odor, dust, smoke or noise;
- C. All products, whether primary or incidental, shall, if sold, be sold at retail on the premises. Unless a specific beer license¹ is issued by the city council, no beer shall be sold for consumption on the premises, no entertainment, except as provided by ordinance, shall be permitted in cafes, confectioneries or refreshment stands. (Ord. 2002-16, 10-8-2002)

SECTION 3: Language to be added and deleted.

11-8A-7 USES

Temporary Business including Christmas tree sales, blanket stand, fireworks stand, food vendors, fruit store or stand, vegetable store or stand and other similar uses as determined by the zoning administrator in accordance with section 4-1-9 of this code.

11-8C-2 Permitted Uses

Temporary Business including Christmas tree sales, blanket stand, fireworks stand, food vendors, vegetable store or stand, and other similar uses as determined by the zoning administrator in accordance with section 4-1-9 of this code.

SECTION 5: This ordinance shall take effect upon adoption.

PASSED and ADOPTED this th day of 2014.

North Ogden City:

Brent R. Taylor
North Ogden City Mayor

CITY COUNCIL VOTE AS RECORDED:

	Aye	Nay
Council Member Bailey:	___	___
Council Member Satterthwaite:	___	___
Council Member Stoker:	___	___
Council Member Swanson:	___	___
Council Member Urry:	___	___
(In event of a tie vote of the Council):		
Mayor Taylor	___	___

ATTEST:

S. Annette Spendlove, MMC
City Recorder