



ORIGINAL

Ordinance No. 2025-10. An Ordinance Rescinding the Verbiage in Title 3.5. Home Based Businesses Regulations, and Replacing said Verbiage in Exhibit A.

Dated June 5, 2025

Created June 5, 2025

WHEREAS, Fairfield Town has deemed it in the best interest of Fairfield Town to amend the Town Code; and

WHEREAS, the Fairfield Town Council has reviewed the proposed amendments to the Fairfield Town Code; and

WHEREAS, the Fairfield Town has authority under Utah law to enact ordinances and desires to rescind the current verbiage in Title 3.5 Home-Based Business, replacing it with new verbiage as found in Exhibit A below.

NOW, THEREFORE, BE IT ORDAINED by the Fairfield Town Council, State of Utah, that Title 3.5. Verbiage be replaced with Exhibit A, as follows.

SECTION 1. SEVERABILITY.

If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance.

SECTION 2. EFFECTIVE DATE.

Passed and Adopted this **5th day of June, 2025.**

FAIRFIELD TOWN

Hollie McKinney, Mayor

RL Panek

yes ___ no ___ abstain ___ absent X

Tyler Thomas

yes TT no ___ abstain ___ absent ___

Michael Weber

yes MS no ___ abstain ___ absent ___

Richard Cameron

yes RSC no ___ abstain ___ absent ___



EXHIBIT A

Title 3. Business Licenses

CHAPTER 5

HOME BASED BUSINESS.

Section 3.5.10. Purpose.

Section 3.5.20. Classification of Home Based Businesses.

Section 3.5.30. Summary Table.

Section 3.5.40. Application and Approval Process.

Section 3.5.50. Standards for All Home Based Businesses.

Section 3.5.60. Prohibited Home Based Businesses.

Section 3.5.70. Special Categories.

Section 3.5.80. Licensing Renewal and Revocation.

Section 3.5.90. Appeals.

Section 3.5.100. Definitions.

Section 3.5.10. Purpose.

The purpose of this chapter is to support small-scale, locally operated businesses while preserving the rural and residential character of Fairfield. Home Based Businesses may be allowed when they are clearly incidental to the primary residential use of the property and do not adversely impact surrounding neighbors or overburden Town infrastructure. Fairfield recognizes that many rural and agricultural home based businesses—including animal husbandry, equipment storage, and equestrian operations—are compatible with residential use on large lots. This chapter regulates such uses only when their scale or impacts extend beyond the norm for rural communities.

Section 3.5.20. Classification of Home Based Businesses.

Home Based Businesses are classified as either Minor or Major, based on their scale, intensity, and potential impacts.

A. Minor Home Based Business.

A Minor Home Based Business:

1. Is conducted solely by residents of the home;
2. Operates entirely within the dwelling;
3. Does not allow customer visits or non-resident employees;
4. Has no outdoor storage or signage (except a 2 sq. ft. non-illuminated name plate); and
5. Does not generate traffic, noise, or impacts beyond typical residential use.

B. Major Home Based Business.

A Major Home Based Business:

1. May allow limited customer visits (up to three (3) per hour, 7:00 a.m.–6:00 p.m.);
2. May employ one (4) non-resident person on site;
3. May use an accessory building, subject to screening, compatibility, and setbacks;
4. May allow screened outdoor storage, painted earth tone and behind the home;
5. May have one non-illuminated sign up to four (4) sq. ft.; and
6. May require Fire Marshal inspection if hazardous materials or traffic is involved.

Section 3.5.30. Summary Table.

Feature	Minor HBB	Major HBB
Operated by Residents Only	✓	✓
Non-Resident Employee(s)	X	1 allowed
Customer Visits	X	Up to 3/hr (7 am–6 pm)
Use of Accessory Structures	X	✓ (must match residence)
Outdoor Storage	X	✓ (screened, behind home)
Outdoor Commercial Equipment Limit (5 acres and under)	X	Max 4 business use items
Outdoor Commercial Equipment Limit (Over 5 acres)	X	Max 8 business-use items
Signage Allowed	1 nameplate, 2 sq. ft.	1 sign, 4 sq. ft., unlit
Approval Required	Recorder and Mayor	Recorder and Mayor

Section 3.5.40. Application and Approval Process.

A. Application Requirements.

1. Completed Town application form.
2. Site plan showing structures, storage areas, and parking.
3. Business description;
4. Statement of compliance with this Chapter;
5. Payment of applicable fees (if off-site impact exceeds residential use); and
6. Additional documents if requested by the Town Recorder, Mayor, Building inspector or Fire Marshal.

B. Review Process.

1. Minor Home Based Business: approved by Town Recorder and Mayor;
2. Major Home Based Business: reviewed by Recorder and Mayor, with Fire and building inspections if required; and
3. No Planning Commission or Town Council involvement is required unless specified elsewhere in the code.

Section 3.5.50. Standards for All Home-Based Businesses.

All Home Based Businesses must meet the following criteria:

1. Residential Character – Business must be secondary to residential use and preserve aesthetics of the residential dwelling and lot;
2. Floor Area – Limited to one third ($\frac{1}{3}$) of the size of the dwelling;
3. Accessory Buildings – Must match the home in appearance and comply with setbacks;
4. Outdoor Storage – Must be screened behind the home; containers painted earth-tone;
5. Equipment Limits:
 - a. Maximum of four (4) trailers/equipment allowed on lots that are less than five (5) acres in size; and
 - b. Maximum of eight (8) trailers/equipment allowed on lots that are five (5) acres or more in size.

6. Screening – Required if business-related storage or equipment is present; fencing must be opaque and well maintained;
7. Fencing Rules – Fairfield is a “fence-in” town; removed fencing must be reinstalled within ten (10) days;
8. Traffic and Parking – All vehicles must use off-street parking; deliveries are allowed;
9. Noise, Odor, Light – Must be confined to the property and comply with lighting and nuisance codes;
10. Hazardous Materials – Prohibited unless authorized and annually inspected;
11. Signage – One unlit sign allowed per home-based business;
12. Multiple Businesses – Allowed if total use does not exceed one third ($\frac{1}{3}$) of the size of the dwelling and all standards are met;
13. Retail Sales – Incidental sales allowed; retail-only businesses prohibited;
14. Building/Fire Code Compliance – Subject to IBC/IRC and inspection; and
15. General Compatibility Clause – Any use not specifically listed or prohibited may be denied if the Town Recorder and Mayor determine that it is incompatible with Fairfield’s rural residential character.

Section 3.5.60. Prohibited Home-Based Businesses.

The following are not permitted:

1. Sexually oriented businesses;
2. Automotive service, repair, body work, or painting;
3. Junkyards, salvage yards, or auto wrecking;
4. Health care involving hazardous/medical waste;
5. Dog kennels or animal sanctuaries; and
6. Fireworks sales, storage, or manufacturing.
7. The operation of animal slaughter facilities

Section 3.5.70. Special Categories.**A. Agricultural Home Based Businesses.**

Agricultural businesses directly related to animal husbandry, livestock sales, or equestrian services may be permitted if:

1. The site is five (5) acres or larger;
2. All trailers, feed, or equipment are stored behind the home and screened;
3. All noxious odors directly related to the business shall be controlled by the property owners;
4. All run off of water or other materials shall be contained on the property; and
5. Business Area shall be fenced with a minimum of six (6) ft. non-climb fence.

B. Food Co-ops and Agricultural Sales.

Food Co-ops and Agricultural Sales may be permitted if:

1. No commercial kitchen or processing on site;
2. Sales are limited to members or customers by appointment; and
3. Parking and signage shall comply with this chapter.

C. Daycare and Preschools.

Daycare and Preschools are permitted if:

1. Licensed by the State of Utah;
2. Located on the ground floor; and
3. Compliant with fire/life safety access requirements.

Section 3.5.80. Licensing, Renewal, and Revocation.**A. Additional requirements:**

1. Licensing – All Home Based Businesses must maintain an active business license;
2. Renewals – Notices issued thirty (30) days prior to expiration; and
3. Before initiating revocation or enforcement proceedings, the Town may issue a written. Notice to Cure to any licensee or property owner found to be in violation of this ordinance. The notice shall:
 - 1) Describe the nature of the violation with reasonable specificity;
 - 2) Identify the corrective action(s) required; and
 - 3) Provide a reasonable period of time.

4. Revocation –If the violation is not cured the Town may revoke the business license.

Section 5.1.090 – Appeals.

A. Appeal decisions:

1. Decisions of the Recorder or Mayor may be appealed to the Town Council within fifteen (15) days of date of the decision; and
2. Final decisions may be appealed to the District Court within thirty (30) days of the date of decision.

Section 5.1.100 – Definitions.

See Title 12. Definitions.

(To be relocated to Title 12 upon codification)

Accessory Building or Structure. Means a building or structure that is subordinate to the primary use of a property and serves a purpose customarily incidental to the main use.

Agricultural Home-Based Business. Means a home-based business directly related to farming, animal husbandry, livestock operations, equestrian activities, or agricultural sales, conducted on a lot where agriculture is a permitted use. Includes businesses such as livestock leasing, feed sales, or seasonal greenhouse operations.

Applicant for Home based business. Means the person or persons applying for a home-based business license who must reside in the dwelling where the business is proposed.

Commercial Vehicle. Means any vehicle used for business purposes, including trailers, trucks, vans, or heavy equipment. This excludes personal vehicles used solely for commuting.

Dwelling. Means a structure designed for and occupied by one (1) family, including provisions for living, sleeping, eating, cooking, and sanitation. This definition does not include hotels, apartment hotels, boarding houses, rooming houses, and tourist courts.

Employee. Means an individual who works for the business either full or part-time. For the purposes of this ordinance, an employee is someone who is not a resident of the home.

Equipment, Business Use. Means any trailer, machine, form, tool, or similar item stored on the property in support of a home based business. Includes concrete forms, trenchers, welders, compressors, or livestock trailers.

Food Co-op. Means a home-based distribution point where food or farm products are shared, exchanged, or sold among members of a cooperative or small community group. Does not include on-site processing or commercial kitchens.

Home-Based Business. Means a lawful occupation or business operated from a residential dwelling or accessory building by one or more residents, which is incidental and secondary to the primary residential use of the property, and which complies with the standards set forth in this chapter.

Livestock Services. Means the care, training, sale, or leasing of livestock such as cattle, horses, or sheep, typically associated with agricultural use and conducted on large rural lots.

Home Based Business, Major. Means a business that exceeds the limitations for Minor Home Based Businesses due to customer visits, employee presence, use of accessory buildings, or outdoor storage, as defined in Section 3.5.20(B).

Home Based Business, Minor . Means a small-scale business conducted entirely by residents of the home, without outside employees, customer visits, or visible impact on the surrounding area, as defined in Section 3.5.20(A) of this code..

Nameplate Sign. Means a small, non-illuminated sign no larger than two (2) square feet that identifies the resident or business without advertising or promotional content.

Opaque Screening. Means a solid fence, wall, or landscaping barrier that visually blocks stored materials, trailers, or equipment from public view and adjacent properties. Must be earth-tone in color and well maintained.

Outdoor Storage. Means the keeping of business related equipment, vehicles, containers, or materials outside of a fully enclosed building. Outdoor storage must be screened and located behind the principal dwelling.

Principal Dwelling. Means the main residential structure on a parcel, used as the primary residence of the applicant.

Screened. Means concealed from view from the public right-of-way and adjacent properties using opaque fencing, walls, vegetation, or placement behind a structure.

Sign-Home Based Businesses. Means any device, structure, or visual representation used to identify a business. Signs allowed under this chapter are subject to size, lighting, and placement restrictions.

Trailer, Business Use. Means any flatbed, livestock, dump, or enclosed trailer used in support of a home-based business. Includes equipment haulers and similar utility trailers.

Unwanted Business. Means any use prohibited under this chapter or determined by the Town Recorder and Mayor to be incompatible with the rural residential character of Fairfield due to excessive noise, traffic, odor, visual impact, or risk to public safety.

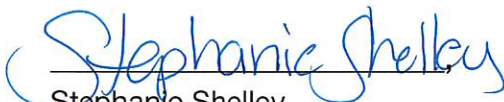
FAIRFIELD TOWN

STATE OF UTAH)
) ss.
COUNTY OF UTAH)

I, Stephanie Shelley, Town Recorder of Fairfield Town, Utah, do hereby certify and declare that the above and foregoing is a true, full, and correct copy of an ordinance passed by the Town Council of Fairfield Town, Utah, on the **5th day of June, 2025.**

Ordinance No. 2025-10. An Ordinance Rescinding the Verbiage in Title 3.5. Home Based Businesses Regulations, and Replacing said Verbiage With Exhibit A.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Corporate Seal of Fairfield Town, Utah, this **5th day of June, 2025.**


Stephanie Shelley
Fairfield Town Recorder/Clerk

(SEAL)



AFFIDAVIT OF POSTING

STATE OF UTAH)
) ss.
COUNTY OF UTAH)

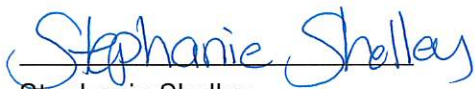
I, Stephanie Shelley, Town Recorder of Fairfield Town, Utah, do hereby certify and declare that I posted in three (3) public places the following summary of the ordinance which was passed by the Fairfield Town Council on the **5th day of June, 2025**, and herein referred to as:

SUMMARY.

Ordinance No. 2025-10. An Ordinance Rescinding the Verbiage in Title 3.5. Home Based Businesses Regulations, and Replacing said Verbiage With Exhibit A .

The three places are as follows:

1. Fairfield Town Hall
2. Fairfield Town Website
3. Utah State Public Notice Website


Stephanie Shelley
Fairfield Town Recorder/Clerk
(SEAL)

Date of Posting 7th day of June, 2025

