

ORDINANCE NO. 1074

AN ORDINANCE AMENDING TITLE TWENTY (20) ZONING, CHAPTER SIXTY-FOUR (64) HOME OCCUPATIONS, SECTION ZERO THIRTY (030) PROHIBITED ACTIVITIES, SECTION ZERO SEVENTY (070) PERMIT---ISSUANCE, AND SECTION ZERO EIGHTY (080) PERMIT---REFUSAL TO ISSUE---APPEAL TO REVISE THE PERMIT ISSUANCE AND PERMIT APPEAL PROCESS FOR HOME OCCUPATION PERMITS WITHIN THE CORPORATE LIMITS OF FAIRFIELD, IOWA

BE IT ORDAINED AND ENACTED BY THE CITY COUNCIL OF THE CITY OF FAIRFIELD, IOWA, THAT:

**Section One: Repealer.** Section 20.64.030 of the Fairfield Municipal Code is hereby repealed. Permitted home occupations shall not include:

- (1) The employment of any additional persons in the performance of such services;
- (2) The exterior display of any material associated with the operation of the home occupation;
- (3) Erection of exterior signs except as permitted by the sign regulations for residential districts and the Code of Iowa;
- (4) Any activity that creates or produces noxious matter;
- (5) Exterior storage of material or equipment associated or used with the home occupation.

**Section Two: Addition.** Section 20.64.070 of the Fairfield Municipal Code is hereby added. Permitted home occupations shall not include:

- (1) The employment of any additional persons in the performance of such services;
- (2) The exterior display of any material associated with the operation of the home occupation;
- (3) Erection of exterior signs except as permitted by the sign regulations for residential districts and the Code of Iowa;
- (4) Any activity that creates or produces noxious matter;
- (5) Exterior storage of material or equipment associated or used with the home occupation;
- (6) Transferability to any firm, individual, or other address;
- (7) Vehicular or pedestrian traffic in excess of that which is normally associated with residential uses in the same zone.

**Section Three: Repealer.** Section 20.64.070 of the Fairfield Municipal Code is hereby repealed.

No permit for a home occupation shall be issued by an officer, department, or employee of the city of Fairfield, Iowa, unless the application has been approved by the city council, city of Fairfield, Iowa.

**Section Four: Addition.** Section 20.64.070 of the Fairfield Municipal Code is hereby added. All permits for a home occupation shall be issued by the enforcement officer, department, or employee of the city of Fairfield, Iowa.

**Section Five: Repealer.** Section 20.64.080 of the Fairfield Municipal Code is hereby repealed. If, after reviewing the application for a home occupation, the city council finds that it is not in compliance with the provisions of this title, the city council shall furnish the applicant with a statement signed by the mayor, refusing to issue such permit and setting forth the reason or reasons for such refusal. The refusal by the city council to issue a permit may be appealed by the applicant to the board of adjustment in the manner provided within this title.

**Section Six: Addition.** Section 20.64.080 of the Fairfield Municipal Code is hereby added. If, after reviewing the application for a home occupation, the enforcement officer finds that it is not in compliance with the provisions of this title, the enforcement officer shall furnish the applicant with a signed statement, refusing to issue such permit and setting forth the reason or reasons for such refusal. The refusal by the enforcement officer to issue a permit may be appealed by the applicant to the board of adjustment in the manner provided within this title.

**Section Seven: Effective Date:** This Ordinance shall be in full force and effect immediately after its final passage, approval and publication as provided by law.

  
\_\_\_\_\_  
Ed Malloy, Mayor

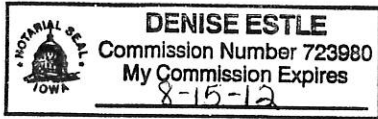
ATTEST:

  
\_\_\_\_\_  
Jeff Clawson, City Administrator

Jeff Clawson, City Administrator

**Page 3**  
**Ordinance No. 1074**

On this 10<sup>th</sup> day of October, 2011 before me, the undersigned, a Notary Public in and for Jefferson County, in the State of Iowa, personally appeared Edward Malloy, Mayor and Jeff Clawson, City Administrator to me known to be the identical persons named in and who executed the within and foregoing instrument and Ordinance, executed the within and foregoing instrument and Ordinance, and acknowledged that they executed the same as their voluntary act and deed and by the power of their offices.



*Denise Estle*

Notary Public

The foregoing ordinance was adopted by the City Council of the City of Fairfield, Iowa, at its regular meeting held on the 10<sup>th</sup> day of October, AD, 2011 upon a motion by Councilperson Halley and seconded by Councilperson Revolinski.

The vote on the foregoing ordinance was as follows:

	AYES	NAYS	ABSTAIN	ABSENT
Hamilton	<u>  X  </u>	_____	_____	_____
Adam	<u>  X  </u>	_____	_____	_____
Halley	<u>  X  </u>	_____	_____	_____
Revolinski	<u>  X  </u>	_____	_____	_____
Mottet	_____	_____	_____	<u>  X  </u>
Silvers	_____	_____	_____	<u>  X  </u>