

Title 3. Business and License Regulations.

Chapter 1

Business License Procedures.

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Section 3.1.10. Definitions.

See Title 12. Definitions.

Section 3.1.20. License Required.

Unless exempted by State, Federal or local law, it shall be unlawful for any person to engage in business within the Town, whether on a temporary or permanent basis, without first procuring the license from the Town of Fairfield.

Section 3.1.30. License Application Process and Renewal.

A. Application Process for Approved Uses:

1. Fill out business license application;
2. Pay all appropriate fees;
3. One member of the Planning Commission and one member of the Building Department shall review the application for approval;
4. Fire inspection may be required;
5. Mayor signs business license, if approved (No license is valid without the Mayor's' signature);
6. Licensing Official issues approved business license to the applicant; and
7. Licensing Official mails approved permit to applicant.

- B. Application Process for Conditional Uses. See Title 10.17. Conditional Uses .
- C. Non Use. An applicant may apply for a zone change to have a use added to a particular zone. See Title 10.11.60. Rezoning.
- D. Renewal of License. All business licenses shall be renewable annually and the term shall run concurrent with the fiscal year which runs from July 1 to June 30. Licensees shall be billed by the Town Recorder.
- E. Home Occupation Business. See Title 3.5.00. Home Based Business.
- F. Fire Inspections. Fire inspections are required for all businesses who have walk-in customers, hazardous materials, or employees. Other businesses may require a fire inspection if the Building Department or the Planning Commission believe it to be appropriate. All businesses shall comply with the standards and requirements of Fairfield Town, the International Building Code, State and Federal Codes and any requirements the Building Authority and/or Fire Chief deem necessary to protect the health, safety and welfare of the public.
- G. License. All licenses shall be issued by the Licensing Official, and signed by the Mayor. The Licensing Official shall keep an alphabetical list of the licenses issued, stating the number, name of applicant, time, place and kind of business, and the amount paid, with such remarks as may be considered necessary.

Section 3.1.40. Fees.

- A. The Town Council shall, by resolution, establish the amount of license fees and the terms and conditions thereof, copies of which shall be available for public inspection at the office of the Town Recorder.
- B. Every person intending to engage in business shall, before commencing business, obtain a license and pay to the Town the minimum fee in such amount as established by the Town Council required for the type of business being conducted.
- C. An employee who is not a partner or owner shall not be required to pay for an individual license.
- D. Business license fees shall be paid in advance for the term of the license.
- E. Refunds or Rebates:
 - 1. License fees shall not be refunded because the business or activity for which the same was obtained has been discontinued for any reason: and
 - 2. No rebate shall be allowed upon any license.
- F. Changes to Business. If there is a change in the name of the business or address, or owners are different from what is shown on the Licensing Officials' records, the licensee or new business owner shall

be required to apply for a new business license and new inspections and fees shall apply. See section 3.1.60 (3).

G. Failure To Obtain License: Any person doing business without a license when a license is required, including circumstances where a license has expired, been suspended or revoked, shall, in addition to applicable criminal penalty, be required to pay double of all applicable licensing fees.

H. Failure To Pay Renewal Fee; Late Fee: If the license renewal fee is not paid on or before July 15 of the year in which the renewal license is due, there shall be a business license enforcement fee imposed. If the license renewal fee is not paid in full on or before August 15 of the year in which the renewal fee is due, the business license enforcement fee shall be increased. If the renewal license fee is not paid on or before September 1 of the year in which the renewal fee is due, the business license enforcement fee shall be increased to one hundred percent (100%) of the license fee imposed by this chapter.

I. Violation; Administrative Penalty. Any person or entity operating a business in violation of this chapter shall be assessed an administrative penalty in addition to the fee specified in subsection G of this section. See FF fee schedule

J. Civil Action. There is no right to continue a licensed activity without the payment of required fees and penalties. In addition to any criminal action, the Town may bring civil action to collect any delinquent or unpaid fee. In the event legal action is filed to collect delinquent or unpaid fees, the debtor shall pay reasonable attorney fees and costs.

Section 3.1.50. No Fee Required.

A. Businesses Exempt From License Fee: No business license fee shall be imposed under this chapter upon the following persons or businesses:

1. Any person engaged in business solely religious, charitable, humanitarian or other types of strictly non-profit purposes who is tax exempt in such activities under the laws of the United States and the State; nor shall any business license fee be imposed on any person engaged in a business specifically exempted from Municipal taxation and fees by the laws of the United States or the State; nor shall any business license fee be imposed on any non-profit corporation duly incorporated according to the provisions of the Utah Non-Profit Corporation and Cooperative Association Act;
2. Any agent, for so long as the State law exempts them;
3. Any sales of merchandise damaged by smoke or fire or bankrupt concerns, where such stocks have been acquired for merchants of the Town theretofore, regularly licensed and engaged in business; provided, however, no such stocks or merchandise shall be augmented by other goods;
4. Yard sales. Any person who sells his/her own property which has not acquired for resale, barter or exchange and who does conduct such sales or act as a participant by furnishing goods in such a sale not more than four (4) days in any one calendar month at the same residence; or
5. A business that is operated only occasionally and by an individual who is under eighteen (18) years of age.

B. Occupational, Professional Businesses Not Exempt. Occupational and professional licenses are not reciprocal business licenses. Such licensees shall also take out a Town business license and pay the required license fee.

Section 3.1.60. Term of License; Certificate Form; Non-Transferable.

A. Unless otherwise expressly provided, the following shall apply to all licenses issued pursuant to this chapter:

1. All licenses shall be issued for a period of one year, which shall extend from July 1 to June 30. New license certificates issued between July 1 and April 30 shall be valid through June 30 of the year of issuance unless revoked. New license certificates issued between May 1 and June 30 may be prorated and issued through June 30 of year following the year of issuance;
2. Every certificate of license shall specify by name of the person to whom such certificate has been issued, name of the business, type of business, term of the license with the commencement and expiration dates, and all conditions and the license number; and
3. No license shall be in any manner assignable or transferable; neither shall it authorize any licensee to do business at any other place than indicated in such license.

Section 3.1.70 Issuance of Certificate.

Upon receipt of the license fee, the Town shall issue a license certificate valid through June 30 of the fee year.

Section 3.1.80 Separate License for Each Location.

Separate license must be obtained and a separate fee paid for each place of business for where a business activity is established. Each license shall authorize the licensee to engage in only that business activity described in such license and only the location which is indicated thereon. A location shall be considered separate if it has been assigned a different mailing or street address. A business that regularly provides goods or service at various locations in the Town but has no place of business or mailing address shall still be required to obtain a business license.

Section 3.1.90. Inspections.

A. As a condition of the issuance, continuation or renewal of a business license, the applicant shall, upon reasonable demand, permit continuing inspections of the place of business or other activity to ensure compliance with all applicable business, zoning, health, building, fire and/or safety regulations. The Town Recorder may refuse to issue a license or may suspend or revoke a license if the applicant or licensee should for any reason fail or refuse to cooperate with such an inspection. The Fire Department will inspect businesses with any type of chemicals, employees and/or customers coming onto the premises to conduct business.

B. The Building Department, Fire Department, Health Department or any one else authorized by the Town Council for code enforcement are hereby authorized and empowered to examine and inspect all places of business to verify that businesses authorized by the license issued are carried on in accordance with this chapter and other applicable laws. They must enter any building or premises during regular business hours, or, if there are no regular business hours, shall first make a reasonable effort to

locate the owner or other persons having charge or control of the building or premises and request entry. If the property owner or other responsible person refuses entry or inspection of the property, the commission or department may obtain and execute a search warrant. The commission or department shall report to the Licensing Official and the Town Attorney all persons doing business without a license and instances of conduct by any party or business other than what is covered by the license issued.

Section 3.1.100. Code Compliance.

Issuance of a business license does not excuse a licensee from compliance with applicable zoning, building, fire, health or other regulatory requirements. No license shall be issued without first obtaining, in writing, preliminary approval of the business location from the Planning Commission or a designee indicating that the proposed business complies with the Town zoning regulations.

Section 3.1.110. Records Maintained.

The Licensing Official shall maintain license registers as a permanent file. All beer licenses and general business licenses will be kept and maintained for four (4) years after being issued. Copies of annual license certificates will be maintained and retained for one year after issued. The index shall state the license number, names to whom issued, the type of license issued, time of issuance and the period covered, the place of business, the kind of business to be transacted, the amount paid and such other information as may be considered necessary.

Section 3.1.120. Display of License.

The licensee shall display every certificate of license in a conspicuous place easily viewed by the public in which the licensed business, trade, profession or calling is carried on. When such certificate of license has expired, it shall be removed from public view. A licensee without a fixed place of business shall carry a certificate of license while engaged in business. It shall be the duty of each licensee, agent and employee to show the certificate of license upon demand.

Section 3.1.130. Suspension or Revocation of License.

A. The Licensing Official may suspend or revoke a license if any of the following conditions apply:

1. The license was issued when it should not have been;
2. The business fails or refuses to permit or cooperate with an inspection;
3. The business fails to pay the required fees, Personal Property Tax or other required taxes and fees imposed by the Town, State or Federal government;
4. Continuing operation of the licensed activity that would constitute a nuisance or present danger to the health, general welfare or morals of the community; or
5. The business is violating this title or any other applicable law, including zoning, building or health regulations.

Section 3.1.140. License Denial and Appeal Process.

A. The Town may deny the application for a business license for any of the following reasons:

1. Failure to meet qualifications. The applicant does not meet the qualifications for a license as

provided in this chapter;

2. Nonpayment of fees. For a new application, nonpayment of a returned check for the required license fees at the time the application is made. For a business license renewal application, nonpayment of the required license fees, plus any penalty assessed for late payment;
3. Disapproval of the reviewing department. One of the reviewing departments or divisions of the Town provided for in this code has disapproved the application pursuant to any applicable provision of this code;
4. False Information. False or incomplete information given on the application; or
5. Noncompliance. Noncompliance with any Town, State or Federal statutes, or any health department regulations governing the applicant's proposed business.

B. If a business license is denied, suspended or revoked by the Licensing Official, or if a penalty is imposed, the applicant or licensee may appeal such action.

C. Filing of an appeal must be in written notice within ten (10) days of the date of service of notice of any denial, qualified approval, suspension, revocation or penalty. Upon receiving the notice of such appeal, a hearing shall be scheduled before the Town Council within thirty (30) days from the date of the appeal, unless such time shall be extended for good cause.

D. The Town Council shall hold a public meeting with a record of the proceedings being kept, and take such facts and evidence as necessary to determine whether the denial, qualified approval, suspension, revocation or penalty was properly under law.

E. The burden of proof shall be upon the Licensing Official.

F. After the meeting, the Town Council shall have fourteen (14) days, unless extended by good cause, to render findings of fact, conclusion of law and a recommended decision.

Title 3. Business and License Regulations.

**Chapter 3.
Sexually Oriented Business.**

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- Section 3.3.150. Additional Regulations Concerning Licensee Employees.
- Section 3.3.160. Prohibition Against Children in a Sexually Oriented Business.
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Section 3.3.10. Purpose and Findings.

A. Purpose. It is the purpose of this chapter to regulate sexually oriented businesses in order to promote the health, safety, morals, and general welfare of the citizens of the Town, and to establish reasonable and uniform regulations applicable thereto. The provisions of this chapter have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is not the intent nor effect of this chapter to restrict or deny access by adults to sexually oriented materials protected by the First Amendment to the United States Constitution, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of this chapter to condone or legitimize the distribution of obscene material. It is a purpose of this chapter to protect the citizenry from the detrimental secondary effects caused by sexually oriented businesses.

Section 3.3.20. Definitions.

It is the intent of this section to more fully set forth the meaning of certain terms and phrases utilized within the zoning ordinance in order to facilitate understanding of said terms and phrases in the sense intended by the Fairfield Town Council.

For purposes of this chapter, the following terms, phrases, words, and their derivatives shall have the meanings set forth in this section, unless the context clearly indicates that another meaning is intended.

Words used in the present tense include the future tense, words in the single number include the plural number, words in the plural number include the singular. The words “shall” and “will” are mandatory, and “may” is permissive. Words not defined shall be given their common and ordinary meaning.

For the purpose of this chapter, the following terms shall have the following meanings:

Adult Arcade. “Adult Arcade” means any place to which the public is permitted or invited in which electronically, electrically, or mechanically controlled still or motion picture machines, projectors, video or laser disc players, or other image-producing devices, whether coin-operated, slug-operated, or operated for any form of consideration, are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of specified sexual activities or specified anatomical areas.

Adult Bookstore, Adult Novelty Store or Adult Video Store. “Adult Bookstore,” “Adult Novelty Store,” or “Adult Video Store” means a commercial establishment which, as one of its principal business purposes, offers for sale or rental for any form of consideration any one or more of the following:

1. Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, dvds, video cassettes or video reproductions, slides, or other visual representations which are characterized by the depiction or description of specified sexual activities or specified anatomical areas; or instruments, devices, or paraphernalia which are designed or marketed for use in connection with specified sexual activities.
2. Commercial establishments may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing specified sexual activities or specified anatomical areas and still be categorized as an adult bookstore, adult novelty store, or adult video store. Such other business purposes will not serve to exempt such commercial establishments from being categorized as an adult bookstore, adult novelty store, or adult video store so long as one of its principal business purposes is the offering for sale or rental for consideration the specified materials which are characterized by the depiction or description of specified sexual activities or specified anatomical areas. It shall constitute a principal business purpose if the establishment has gross receipts of over 20 percent from such materials.

Adult Cabaret. “Adult Cabaret” means a nightclub, bar, restaurant, or similar commercial establishment which regularly features:

1. Persons who appear in a state of dress that covers no more than the specified anatomical areas;
2. Live performances or dancers whose attire covers no more than the specified anatomical areas; or
3. Films, motion pictures, videocassettes, slides, or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas.

Adult Motion Picture Theater. “Adult Motion Picture Theater” means a commercial establishment where, for any form of consideration, films, motion pictures, videocassettes, slides, DVDs or similar

photographic reproductions are regularly shown which are characterized by the depiction or description of specified sexual activities or specified anatomical areas.

Adult Theater. “Adult Theater” means a theater, concert hall, auditorium, or similar commercial establishment which regularly features persons who appear in a state of dress that covers no more than the specified anatomical areas, or live performances or dancers whose attire covers no more than the specified anatomical areas.

Employee. “Employee” means a person who performs any service on the premises of a sexually oriented business on a full-time, part-time, or contract basis, whether or not the person is denominated an employee, independent contractor, agent, or otherwise and whether or not the person is paid a salary, wage, or other compensation by the operator of the business. “Employee” does not include a person exclusively on the premises for repair or maintenance of the premises or equipment on the premises or for the delivery of goods to the premises.

Escort. “Escort” means a person who, for consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie or to privately perform a strip tease for another person.

Escort Agency. “Escort Agency,” also known as an “outcall service,” means a person or business association who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip, or other consideration.

Establishment. “Establishment” means and includes any of the following:

1. The opening or commencement of any sexually oriented business as a new business;
2. The conversion of an existing business, whether or not a sexually oriented business, to any sexually oriented business;
3. The addition of any sexually oriented business to any other existing sexually oriented business; or
4. The relocation of any sexually oriented business.

Licensee. “Licensee” means a person in whose name a license to operate a sexually oriented business has been issued, as well as the individual listed as an applicant on the application for a license; and in the case of an employee, a person in whose name a license has been issued authorizing employment in a sexually oriented business.

Sexually Oriented Business. “Sexually Oriented Business” includes, but is not limited to, an adult arcade, adult bookstore, adult novelty store, adult video store, adult cabaret, adult motion picture theater, adult theater, or escort agency.

Specified Anatomical Areas. “Specified Anatomical Areas” means:

1. The human male genitals in a discernibly turgid state, even if completely and opaquely

covered; or

2. Less than completely and opaquely covered human genitals, pubic region, buttocks, or a female breast below a point immediately above the top of the areola.

Specified Criminal Activity. “Specified Criminal Activity” means any offense, regardless of title, involving the following:

1. Prostitution or promotion of prostitution; dissemination of obscenity; sale, distribution or display of harmful material to a minor; sexual performance by a child; possession or distribution of child pornography; public lewdness; indecent exposure; indecency with a child; engaging in organized criminal activity; sexual assault; molestation of a child; gambling; distribution of a controlled substance; or any similar offenses to those described above under the criminal or penal code of other states or countries; for which:
 - a. Less than three years have elapsed since the date of conviction or the date of release from confinement imposed for the conviction, whichever is the later date, if the conviction is of a misdemeanor offense;
 - b. Less than five years have elapsed since the date of conviction or the date of release from confinement for the conviction, whichever is the later date, if the conviction is of a felony offense; or
 - c. Less than five years have elapsed since the date of the last conviction or the date of release from confinement for the last conviction, whichever is the later date, if the convictions are of two or more misdemeanor offenses or combination of misdemeanor offenses occurring within any 36- month period.
2. That a conviction is being appealed shall have no effect on the disqualification of the applicant or a person residing with the applicant;

Specified Sexual Activities. “Specified Sexual Activities” means any of the following offenses:

1. The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts;
2. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, masturbation, or sodomy; or
3. Excretory functions as part of or in connection with any of the activities set forth in subsections (1) and (2) of this definition.

Substantial Enlargement. “Substantial Enlargement” of a sexually oriented business means the increase in inventory or floor areas occupied by the business by more than ten percent, as the floor areas exist on the date the ordinance codified in this chapter takes effect.

Transfer of Ownership or Control. "Transfer of Ownership or Control" of a sexually oriented business means and includes any of the following:

1. The sale, lease or sublease of the business;
2. The transfer of securities which constitute a controlling interest in the business, whether by sale, exchange, or similar means; or
3. The establishment of a trust, gift or other similar legal device which transfers the ownership or control of the business, including transfer by bequest or other operation of law, upon the death of the person possessing the ownership or control.

Section 3.3.30. Classification.

A. Sexually oriented businesses are classified as follows:

1. Adult arcades;
2. Adult bookstores, adult novelty stores, or adult video stores;
3. Adult cabarets;
4. Adult motion picture theaters;
5. Adult theaters; and
6. Escort agencies.

Section 3.3.40. License Required.

A. It is unlawful:

1. For any person to operate a sexually oriented business without a valid sexually oriented business license issued by the Town pursuant to this title;
2. For any person who operates a sexually oriented business to employ a person to work for the sexually oriented business who is not licensed as a sexually oriented business employee by the Town pursuant to this chapter; or
3. For any person to obtain employment with a sexually oriented business without having secured a sexually oriented business employee license pursuant to this chapter;

B. An application for a license must be made on a form provided by the Town official.

C. All applicants must be qualified according to the provisions of this title. The application may request and the applicant shall provide such information (including fingerprints) as to enable the Town to determine whether the applicant meets the qualifications established in this title.

D. If a person who wishes to operate a sexually oriented business is an individual, the person must sign the application for a license as an applicant. If a person who wishes to operate a sexually oriented business is other than an individual, each person that has a twenty (20) percent or greater interest in the business must sign the application for a license as applicant. Each applicant must be qualified under Title 3.3.50 and each applicant shall be considered a licensee if a license is granted.

E. The completed application for a sexually oriented business license shall contain the following information and shall be accompanied by the following documents:

1. If the applicant is:

- a. An individual, the individual shall state his or her legal name and any aliases and submit proof that he or she is a minimum of 18 years of age;
- b. A partnership, the partnership shall state its complete name, and the names of all general partners, whether the partnership is general or limited; if it is a limited partnership, the principal limited partners legally or equitably holding twenty (20) percent or more of any class of interest or of the voting, capital, or income interests in the limited partnership, the name of the registered agent and the address of the registered office for service of process, and a copy of the partnership agreement, if any;
- c. A corporation, the corporation shall state its complete name, the date of its incorporation, evidence that the corporation is in good standing under the laws of its state of incorporation, the names and capacity of all officers, directors, and principal stockholders legally or equitably holding twenty (20) percent or more of any class of stock or of the voting rights in the corporation, and the name of the registered corporate agent and the address of the registered office for service of process;
- d. A limited liability company, the company shall state its complete name, the date of its organization, evidence that the company is in good standing under the laws of its state of organization, the names and capacity of all members with management authority, managers, officers, directors, and principal members legally or equitably holding twenty (20) percent or more of any class of interest or of the voting, capital, or income interests in the company, and the name of the registered agent and the address of the registered office for service of process; or
- e. If the applicant is any other form of unincorporated organization, the organization shall state its type of organization, its state of organization, complete name, the names of all associates, members, or if there are more than one hundred (100) of them, principal associates or members legally or equitably holding twenty (20) percent or more of any class of interest or of the voting, capital, or income interests in the organization, the names and capacity of all associates or members with management authority, managers, officers, directors, and fiduciaries, and the name of the registered agent and the address of the registered office for service of process, and a copy of any organizational documents.

2. If the applicant intends to operate the sexually oriented business under a name other than

that of the applicant, he or she must state the sexually oriented business's fictitious name and submit the required registration documents;

3. Whether the applicant, or a person residing with the applicant, has been convicted of a specified criminal activity as defined in this chapter, and, if so, the specified criminal activity involved, the date, place, and jurisdiction of each;
4. Whether the applicant, or a person residing with the applicant, or any person described in subsection (E)(1) of this section with respect to the applicant, has had a previous license under this title, or other similar sexually oriented business ordinances from another town or county, denied, suspended, or revoked, including the name and location of the sexually oriented business for which the permit was denied, suspended, or revoked, as well as the date of the denial, suspension or revocation, and whether the applicant or a person residing with the applicant or any person described in subsection (E)(1) of this section with respect to the applicant, has been:
 - a. A general partner or principal limited partner in a partnership or
 - b. An officer, director, or principal stockholder of a corporation or
 - c. A manager, member with management authority, officer, or principal member of a limited liability company or
 - d. An officer, director, fiduciary, associate or member with management authority, manager, or principal associate or manager of any other unincorporated organization, that is or was licensed under this title whose license has previously been denied, suspended, or revoked, including the name and location of the sexually oriented business for which the permit was denied, suspended or revoked as well as the date of the denial, suspension, or revocation.
5. Whether the applicant, or a person residing with the applicant or any person described in subsection (E)(1) of this section with respect to the applicant, holds any other licenses under this title or other similar sexually oriented business ordinance from another town or county and, if so, the names and locations of such other licensed businesses;
6. The single classification of license for which the applicant is filing;
7. The location of a proposed sexually oriented business, including a legal description of the property, street address, town, and telephone number(s), if any;
8. The applicant's mailing address and residential address and this same information with respect to any person described in subsection (E)(1) of this section with respect to the applicant;
9. A recent photograph of the applicant(s) (if individuals) and of any persons described in subsection (E)(1) of this section with respect to the applicant;
10. The applicant's driver's license number, Social Security number, and state or federally issued tax or employer identification numbers, and this same information with respect to any person

described in subsection (E)(1) of this section with respect to the applicant;

11. A sketch or diagram showing the configuration of the premises, including a statement of total floor space occupied by the business. The sketch or diagram need not be professionally prepared, but it must be drawn to a designated scale or drawn with marked dimensions of the interior of the premises to an accuracy of plus or minus six (6) inches;
 12. A current certificate and straight-line drawing prepared within 30 days prior to application by a registered land surveyor depicting the proper lines and the structures containing any existing sexually oriented businesses within two thousand five hundred (2,500) feet of the property to be certified; the property lines of any established church, religious institution, or synagogue, school, or public park or recreation area within 2,500 feet of the property to be certified. For purposes of this section, a use shall be considered existing or established if it is in existence at the time an application is submitted;
 13. If an applicant wishes to operate a sexually oriented business, which shall exhibit on the premises, in a viewing room or booth of less than one hundred fifty (150) square feet of floor space, films, videocassettes, other video reproductions, or live entertainment which depict specified sexual activities or specified anatomical areas, then the applicant shall comply with the application requirements set forth in Title 3.3.130; and
 14. If the property on which the sexually oriented business is to be located is owned by any person or entity other than the applicant, the applicant shall submit a letter, signed by the owner, stating that the applicant has fully disclosed to the owner that the business to be operated is a sexually oriented business, and that the type and nature of the inventory has also been disclosed.
- F. Before any applicant may be issued a sexually oriented business employee license, the applicant shall submit on a form, to be provided by the Town licensing official the following information:
1. The applicant's name or any other name (including "stage" names) or aliases used by the individual;
 2. Age, date, and place of birth;
 3. Height, weight, hair and eye color;
 4. Present residence address and telephone number;
 5. Present business address and telephone number;
 6. Date, issuing state, and number of driver's permit or other identification card information;
 7. Social Security number; and
 8. Proof that the individual is at least 18 years of age.

9. A background security check with the application, for all individuals listed on the application. (fees paid for by applicants)

G. Attached to the application form for a sexually oriented business employee license, as provided above, shall be the following:

1. A color photograph of the applicant clearly showing the applicant's face, and the applicant's fingerprints on a form provided by the police department. Any fees for the photographs and fingerprints shall be paid by the applicant;
2. A statement detailing the license history of the applicant for the five years immediately preceding the date of the filing of the application, including whether such applicant previously operated or is seeking to operate, in this or any other county, city, state, or country, any other sexually oriented business, has ever had a license, permit, or authorization to do business denied, revoked, or suspended, or had any professional or vocational license or permit denied, revoked, or suspended. In the event of any such denial, revocation, or suspension, state the name, the name of the issuing or denying jurisdiction, and describe in full the reason for the denial, revocation, or suspension. A copy of any order of denial, revocation, or suspension shall be attached to the application;
3. A statement whether the applicant has been convicted of a specified criminal activity and, if so, the specified criminal activity involved, the date, place and jurisdiction of each;

Section 3.3.50. Issuance of License.

A. Employee License. Upon the filing of an application for a sexually oriented business employee license, the application shall be referred to the appropriate town departments for an investigation to be made on such information as is contained on the application. The application process shall be completed within 30 days from the date the completed application is filed. After the investigation, the Town shall issue a license, unless it is determined by a preponderance of the evidence that one or more of the following findings is true:

1. The applicant has failed to provide information reasonably necessary for issuance of the license or has falsely answered a question or request for information on the application form;
2. The applicant is under the age of 18 years;
3. The applicant has been convicted of a specified criminal activity, as defined in this chapter;
4. The sexually oriented business employee license is to be used for employment in a business prohibited by local or state law, statute, rule, or regulation, or prohibited by a particular provision of this title; or
5. The applicant has had a sexually oriented business employee license revoked by the Town within three years of the date of the current application. However, if the revocation was based on a criminal conviction, no application will be accepted for five years from the termination of all probation, formal or informal, and all other sentencing conditions. Denial, suspension, or

revocation of a license issued pursuant to this subsection shall be subject to appeal as set forth in this chapter and title.

B. Sexually Oriented Business License. Within thirty (30) days after receipt of a completed sexually oriented business application, the Town shall complete its investigation and shall approve or deny the issuance of a license to an applicant. The Town shall approve the issuance of a license to an applicant unless it is determined by a preponderance of the evidence that one or more of the following findings is true:

1. An applicant is under eighteen (18) years of age;
2. An applicant, or a person with whom applicant is residing, is overdue in payment to the Town of taxes, fees, fines, or penalties assessed against or imposed upon him or her in relation to any business;
3. An applicant has failed to provide information reasonably necessary for issuance of the license or has falsely answered a question or request for information on the application form;
4. An applicant or a person with whom the applicant is residing has been denied a license by the Town to operate a sexually oriented business within the preceding 12 months or whose license to operate a sexually oriented business has been revoked within the preceding 12 months;
5. An applicant or a person with whom the applicant is residing has been convicted of a specified criminal activity;
6. The premises to be used for the sexually oriented business have not been approved by the health department, fire department, and the building and zoning officials as being in compliance with applicable laws and ordinances;
7. The license fee required by this title has not been paid; or
8. An applicant of the proposed establishment is in violation of or is not in compliance with any of the provisions of the Town's ordinances, or of state law;

C. A license granted pursuant to this section shall be subject to annual renewal upon the written application of the applicant and a finding by the town that the applicant has not been convicted of any specified criminal activity or committed any act during the existence of the previous license which would be grounds to deny the initial license application. The renewal of the license shall be subject to the payment of a fee as described in this chapter.

D. The license, if granted, shall state on its face the name of the person or persons to whom it is granted, the expiration date, the address of the sexually oriented business and the classification for which the license is issued pursuant to Section 3.3.30. All licenses shall be posted in a conspicuous place at or near the entrance to the sexually oriented business so that they may be easily read at any time.

- E. The health department, fire department, and the building and zoning officials shall complete their certification that the premises is in compliance or not in compliance within 20 days of receipt of the application by the Town.
- F. A sexually oriented business license shall issue for only one classification as found in Section 3.3.30.
- G. In order to be qualified for the issuance of any license or permit under this chapter, the applicant must meet all the requirements of this title for a business license unless specifically provided otherwise in this chapter.
- H. The Town Council shall not grant a license under this chapter where the applicant, any corporation or other person that in whole or in part manages the applicant or its licensed operations, or any proprietor, officer, director, partner, limited liability company member with management authority, or managing agent of the applicant, or of any corporation or other person that manages the applicant, has been convicted of specified criminal activity.
- I. In the case of a person other than an individual, the commission of specified criminal activity or any other event (such as a license revocation) with respect to that person relevant for purposes of this chapter shall be deemed to have been committed by or occurred with respect to such person if such person itself or any partner, limited liability company member with management authority, managing agent, officer, director, or stockholder who holds at least twenty (20) percent of the total issued and outstanding stock of any class of an applicant corporation or twenty (20) percent of the voting, capital, or income interest of an applicant partnership, limited liability company, or other unincorporated business organization, has been convicted of any specified criminal activity or has had occur with respect to him or her any event relevant for purposes of this chapter.
- J. Upon the arrest of any proprietor, officer, director, partner, limited liability company member with management authority, or managing agent of a licensee or of any corporation or other person that manages the licensee, on any charge for specified criminal activity, the town may take emergency action by immediately suspending the operation of the licensee for the period during which the criminal matter is being adjudicated.
- K. If any such person is convicted of specified criminal activity subsequent to the issuance of the license, the license shall be surrendered immediately. The licensee may request a hearing on the matter, in writing and within 10 days of a conviction by a trial court. Any such hearings shall be pursuant to the provisions of Fairfield Code 3.1.140.
- L. The Town Council shall not grant a license under this chapter to any applicant where the applicant, any corporation or other person that manages the applicant, or any proprietor, officer, director, partner, limited liability company member with management authority, or managing agent of an applicant or of any corporation or other person that manages the applicant had any type of license issued under this chapter revoked within the last three years.
- M. Subsequent to the issuance of a particular license, any revocations of any type of license issued under this chapter with respect to any person described in subsection K of this section shall disqualify the holder of the particular license issued. If any person or entity to whom a license has been issued under

this chapter no longer possesses the qualifications required by this chapter for obtaining that license, the town may suspend or revoke that license.

N. If, during the term of the license after the license has been granted under this chapter, there shall be any change in the identity of any of the persons referred to in this section, the licensee shall forthwith report in writing any such changes to the license official.

O. Sexually oriented businesses may not be established within two thousand five hundred (2,500) feet of any residence, public or private school, church, public library, public playground, school playground, or park (a "restricted facility") as measured from the nearest entrance of the business premises by following the shortest route of either ordinary pedestrian traffic or, where applicable, vehicular travel along public thoroughfares, whichever is the closer to the property boundary of the restricted facility.

Section 3.3.60. Fees.

A. Every application for a sexually oriented business license, whether for a new license or for renewal of an existing license, shall be accompanied by a nonrefundable investigation fee. (see Fairfield fee schedule).

B. In addition to the application and investigation fee required above, every sexually oriented business that is granted a license (new or renewal) shall pay to the Town an annual license fee (see Fairfield Town fee schedule) within thirty (30) days of license issuance or renewal.

C. Every application for a sexually oriented business employee license, whether for a new license or for renewal of an existing license, shall be accompanied by an annual non-refundable application, investigation, and license fee. see FairfieldTown fee schedule.

D. All license applications and fees shall be submitted to the Town Licensing Official.

E. All fees required under this chapter are in addition to any other fees under this title.

Section 3.3.70. Inspection.

A. An applicant or licensee shall permit representatives of the police department, health department, fire department, license office, or other Town departments or agencies, including any officials providing these services for the Town, to inspect the premises of a sexually oriented business for the purpose of ensuring compliance with the law, at any time it is occupied or open for business.

B. A person who operates a sexually oriented business, or an agent, or an employee of said business, commits a Class B misdemeanor if he or she refuses to permit such lawful inspection of the premises at any time it is occupied or open for business.

Section 3.3.80. Expiration of license.

A. Each license under this chapter shall expire at the same time as other business licenses under this title and may be renewed only by making an application as provided in Title 3.1.60 (A). Application for renewal shall be made at least 30 days before the expiration date, and when made less than thirty (30) days before the expiration date, the expiration of the license will not be affected.

B. When the Town denies renewal of license, the applicant shall not be issued a license for one year from the date of denial. If, subsequent to denial, the Town finds that the basis for denial of the renewal license has been corrected or abated, the applicant may be granted a license if at least ninety (90) days have elapsed since the date denial became final.

Section 3.3.90. Suspension.

A. The Town shall suspend a license for a period of not less than ten (10) days nor more than thirty (30) days if it determines that a licensee or an employee of a licensee has:

1. Violated or is not in compliance with any section of this title or is no longer entitled to the license under the provisions of Title 3.3.50 above; or
2. Refused to allow an inspection of the sexually oriented business premises as authorized by this chapter.

Section 3.3.100. Revocation.

A. The Town shall revoke a license if cause of suspension in Title 3.3.90 occurs and the license has been suspended within the preceding twelve (12) months.

B. The Town shall revoke a license if it determines that:

1. A licensee gave false or misleading information in the material submitted during the application Process;
2. A legally defined minor enters the premises under any conditions.
3. A licensee knew, or should have known, that possession, use, or sale of controlled substances occurred on the premises;
4. A licensee knew, or should have known, that prostitution occurred on the premises;
5. A licensee knew, or should have known, the sexually oriented business operated during a period of time when the licensee's license was suspended;
6. A licensee knew, or should have known, that any act of sexual intercourse, sodomy, oral copulation, masturbation, or other sex act occurred in or on the licensed premises;
7. A licensee knew, or should have known, that obscene materials, child pornography in any form, or any other contraband is on the licensed premises;
8. A licensee is delinquent in payment to the town, county, or state for any taxes or fees past due; or
9. A licensee is no longer entitled to the license under the provisions of Title 3.3.50.

C. When the Town revokes a license, the revocation shall continue for one year and the licensee shall not be issued a sexually oriented business license for one year from the date the revocation became effective. If, subsequent to revocation, the Town finds that there are substantial mitigating factors, or

substantial corrective measures have been employed by the licensee, the applicant may be granted a license if at least ninety (90) days have elapsed since the date the revocation became effective. An example of substantial mitigating factors would be the willful acts of an employee or customer disregarding the directions of the licensee. An example of substantial corrective measures would be the termination of an offending employee or prohibiting the return of an offending patron.

D. If any licensee has a license revoked three (3) times within any five (5) year period, the licensee will be precluded from regaining any such license.

E. After denial of an application, or denial of a renewal of an application, or suspension or revocation of any license, the applicant or licensee may appeal the decision to the Town Council. Any such appeal shall be in writing and submitted to the office of the Town's license official within ten (10) days of the decision. The Town Council may review the matter on the record or may conduct a hearing in the manner described in Title 3.1.140. The Town Council may affirm, reverse, or modify the decision. The Town Council shall issue a decision within 30 days of receiving the appeal. An appeal after that shall be to the district court for judicial review. Unless either party obtains an injunction or mandamus, the status quo ante will be maintained during the appeal process; however, additional enforcement actions will not be precluded.

Section 3.3.110. Transfer of License.

A licensee shall not transfer his or her license to another, nor shall a licensee operate a sexually oriented business under the authority of a license at any place other than the address designated in the application.

Section 3.3.120. Location of Sexually Oriented Businesses – Penalty.

It is a Class C misdemeanor for any person to operate or cause to be operated a sexually oriented business in a zoning district other than in a zone that specifically permits such use.

Section 3.3.130. Regulations Pertaining to Exhibition of Sexually Explicit Films or Videos in Viewing Rooms.

A person who operates or causes to be operated a sexually oriented business, which exhibits on the premises in a viewing room of less than one hundred fifty (150) square feet of floor space a film, videocassette, or other video reproduction which depicts specified sexual activities or specified anatomical areas, shall comply with the following requirements:

A. Upon application for a sexually oriented business license, the application shall be accompanied by a diagram of the premises specifying the location of one or more manager's stations and the location of all overhead lighting fixtures and designating any portion of the premises in which patrons will not be permitted. A manager's station may not exceed thirty two (32) square feet of floor area. The diagram shall also designate the place to which the permit will be conspicuously posted, if granted. A professionally prepared diagram in the nature of an engineer's or architect's blueprint shall not be required; however, each diagram should be oriented to the north or to some designated street or object and should be drawn to a designated scale or with marked dimensions sufficient to show the various internal dimensions of all areas of the interior of the premises to an accuracy of plus or minus six inches. The Town may waive the diagram for renewal applications if the applicant adopts a diagram that was previously submitted and certifies that the configuration of the premises has not been altered since it was prepared;

- B. The application shall be sworn to be true and correct by the applicant;
1. No alteration in the configuration or location of a manager's station may be made without the prior approval of the city;
 2. It is the duty of the licensee of the premises to ensure that at least one licensed employee is on duty and situated in each manager's station at all times that any patron is present inside the premises;
- C. The interior of the premises shall be configured in such a manner that there is an unobstructed view from a manager's station of every area of the premises to which any patron is permitted access for any purpose, excluding restrooms. Restrooms shall not contain video reproduction equipment nor shall any video be viewed from within the restrooms. If the premises has two or more manager's stations designated, then the interior of the premises shall be configured in such a manner that there is an unobstructed view of each area of the premises to which any patron is permitted access for any purpose from at least one of the manager's stations. The view required in this subsection must be by direct line of sight from the manager's station;
- D. It shall be the duty of the licensee to ensure that the view area specified in subsection (C) of this section remains unobstructed by any doors, curtains, partitions, walls, merchandise, display racks, or other materials and, at all times, to ensure that no patron is permitted access to any area of the premises which has been designated as an area in which patrons will not be permitted in the application filed pursuant to subsection (A) of this section;
- E. No viewing room may be occupied by more than one person at a time;
1. The premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place in which patrons are permitted access at an illumination of not less than five foot-candles as measured at the floor level;
 2. It shall be the duty of the licensee to ensure that the illumination described in subsection (E)(1) of this section is maintained at all times that any patron is present in the premises;
 3. No licensee shall allow openings of any kind to exist between viewing rooms or booths;
 4. No person shall make or attempt to make an opening of any kind between viewing booths or rooms;
 5. The licensee shall, during each business day, regularly inspect the walls between the viewing booths to determine if any openings or holes exist;
 6. The licensee shall cause all floor coverings in viewing booths to be nonporous, easily cleanable surfaces, without rugs or carpeting; and
 7. The licensee shall cause all floor or wall surfaces and ceiling surfaces in viewing booths to be constructed of, or permanently covered by, nonporous, easily cleanable material. No wood,

plywood, composition board, or other porous material shall be used within forty eight (48) inches of the floor.

F. It is a Class B misdemeanor for a person having a duty under subsections (A) through (F) of this section to fail to fulfill that duty.

Section 3.3.140. Additional Regulations for Escort Agencies.

A. An escort agency shall not employ any person under the age of 18 years.

B. A person commits an offense if the person acts as an escort or agrees to act as an escort for any person under the age of 18 years.

C. No activity or service by any escort shall be performed on the escort agency's premises.

D. In addition to the restrictions set forth in Title 3.3.100, applying to any escort agency's premises, the restrictions also apply to the conduct of the employee during the period of time that the escort service is provided, regardless of location.

Section 3.3.150. Additional Regulations Concerning Licensee Employees.

It is unlawful for any physical contact between employee licensees and any other person during the performance of the licensee's employment responsibilities.

Section 3.3.160. Prohibition Against Children in a Sexually Oriented Business.

A person commits a misdemeanor if the person allows another under the age of 18 years on the premises of a sexually oriented business. A licensee has an affirmative obligation to ensure that no person on the premises is under the age of 18.

Section 3.3.170. Hours of Operation.

No sexually oriented business may remain open at any time between the hours of 1:00 a.m. and 1:00 p.m.

Section 3.3.180. Injunction – Penalty.

A person who operates or causes to operate a sexually oriented business without a valid license or in violation of this code is subject to a suit for injunction as well as prosecution for criminal violations. Each day a sexually oriented business operates is a separate offense or violation. A violation of this chapter is a Class B misdemeanor and is punishable as such.

Chapter 5 Home Based Businesses.

Section 3.5.10.	Purpose.
Section 3.5.20.	What this Chapter Does.
Section 3.5.30.	Definitions.
Section 3.5.40.	Home Based Business License Required.
Section 3.5.50.	Generally Applicable Standards for All Home Businesses.
Section 3.5.60.	Prohibited Home Businesses.
Section 3.5.70.	Agricultural Uses.
Section 3.5.80.	Daycares and Preschools.
Section 3.5.90.	Appeals.
Section 3.5.100.	Renewal of Business License.
Section 3.5.110.	Noncompliance.

Section 3.5.10. Purpose.

Home businesses are encouraged as a desirable form of local economic development. Home businesses may be allowed in single-family dwellings only if the proposed use is secondary to the primary residential use of the property, the business is carried on by a bona fide resident of the dwelling and **does not** adversely impact surrounding residents, affect the residential characteristics of the neighborhood, significantly increase traffic or the demand on utilities and any outdoor business activity be primarily behind the residential home. A Home Based Business must obtain a Conditional Use Permit from Fairfield Town as part of the approval process.

Section 3.5.20. What This Chapter Does.

This chapter establishes approval licensing criteria, standards and outlines processing procedures for home businesses. In cases of conflict with Fairfield Town Code Business Licenses Procedures, this chapter shall govern all home businesses.

Section 3.5.30. Definitions.

See Title 12. Definition.

Section 3.5.40. Home Based Business License Required.

A. Business License Requirements and Exemptions. All persons within the limits of Fairfield Town who engage in, carry on, or operate a business from a residence shall obtain the appropriate business license from the Town, unless exempted through state or federal laws.

B. Section 10-1-203 7(b) of the Utah Code provides that a municipality may not charge any fee for a resident of the municipality to operate a home-based business, unless the combined offsite impact of the home-based business and the primary residential use materially exceeds the offsite impact of the primary residential use alone. Personal services rendered at home by an employee for his or her employer under any contract of personal employment do not constitute a home business.

C. Home based businesses shall be a permitted use in the residential zone if found to be in compliance with all criteria enumerated in this chapter. Town Council may approve a home business license with conditions to ensure compatibility between the proposed business and the residential use of the property or adjacent properties.

D. Applications. An application for a home business license shall be completed by the applicant on forms approved by the Planning Commission. No home business license shall be processed without the application, supporting materials, and the fee required by the current consolidated fee schedule. Incomplete applications shall not be processed under any circumstances.

E. Supporting Materials. The home business license application shall be submitted with the materials required herein. The Planning Commission or designee may determine and require that additional items not listed herein be submitted in order to evaluate the home business application. There shall be complete conformity with all other County, State and Federal licensing. Home based businesses are required to register with the State of Utah Department of Commerce.

F. Professional Licenses and Background Checks. The Town licensing official shall inform applicants if a professional license is required. When a background check is required, the applicant shall fill out the "Fairfield Authorization for a Background Check Form" that is included in the home business application packet and pay the accompanying background check fee. see the Fairfield Fee Schedule.

G. Fee. The processing fee required by the current consolidated fee schedule approved by the Town Council shall be paid in full with the submission of an application.

H. Approval process:

1. License applications shall be submitted along with a check for all required fees to the Town Recorder
2. Planning Commission shall review application;
3. Planning Commission shall hold a Public Hearing;
4. Planning Commission shall send their recommendations to the Town Council;
5. Town Council shall review and approve, approve with conditions or disapprove the application;
6. Home business licenses shall be approved by the Town Council. Any petition for a minor exception from the standards listed in Fairfield Town (A) through (F) of this section may be approved administratively at the discretion of the Planning Commission if the exception **does not** adversely impact surrounding residents or affect the residential characteristics of the neighborhood, or significantly increase traffic or the demand on utilities. Any other petition for an exception from the standards in this chapter requires approval by the Town Council before the license may be issued or renewed; and
7. Any home business currently in operation that constitutes a nuisance may also be required to go

before the Planning Commission for continued use of the license and operation of the business. If the Planning Commission denies the continued use of the license, the license shall not be renewed.

Section 3.5.50. Generally Applicable Standards for All Home Businesses.

A. All home businesses shall be in compliance with the following criteria to ensure that the **residential characteristics of neighborhoods are preserved and that utilities and infrastructure are not overburdened**. Licenses may be reviewed periodically as needed and may be revoked if the approval requirements are violated:

1. Floor Area. A home business shall not occupy more than one-third (1\3) of the total floor area of a residential dwelling. Exceptions may be granted for daycares, preschools, and businesses that offer instruction classes;
2. Employees. Home businesses shall have no more than four (4) on-premises employees who are not a member of the resident family or household. Additional employees may be increased and approved administratively at the discretion of the Planning Commission if the exception **does not** adversely impact surrounding residents or affect the residential characteristics of the neighborhood, or significantly increase traffic or the demand on utilities;
3. Parking. All business related vehicles which park at the location of the home business, including those of the applicant, employee, customers, clients, or business related visitor vehicles, must use off-street parking. This provision excludes stops made by delivery vehicles. Additional parking requirements may be required depending on the business type and number of daily vehicles utilizing the property;
4. Outdoor Storage and Screening. See 10.17.70.13
5. If more than four (4) of the following items described below (a-f) are parked or placed on the parcel of land or lot being used as a residence, and the property is of sufficient size to accommodate the number of vehicles requested, an opaque wall or fence of acceptable design is required. Such wall or fence or landscaping shall be maintained in good condition with no advertising thereon, except as permitted by the Fairfield Towns signage regulations. This includes:
 - a. Heavy-duty vehicles, specially designed for executing construction tasks, most frequently ones involving earthwork operations. They are also known as heavy machines, heavy trucks, construction equipment, engineering equipment, heavy vehicles, or heavy equipment;
 - b. Double axle trailers that are used to haul or transport heavy equipment and are used for storage of equipment or materials used for a commercial business or a home based business;
 - c. Storage of any equipment that requires a UDOT Permit number to be legally driven or transported on Utah Roads;

- d. Containers used to store any kind of equipment used for a business. Must comply with zoning ordinance. Containers used as a screened area, storage or parked within Fairfield Town limits must be painted in earth tone colors and blend with its surroundings or match the aesthetics of the home; or
 - e. Commercial vehicles parked on the property must remain operable and licensed at all times;
6. Removal or Impoundment. Any commercial vehicle that receives three (3) or more notices or citations for violating this section within a one hundred eighty (180) day period may be moved by a peace officer or impounded at the owner's expense;
 7. Outdoor Activity. All home business activity, except passive storage, shall be carried out within the home or an accessory building and shall not be observable by the general public or from the street in front of the residence, unless specifically approved in the home business license, (i.e., activities such as outdoor play time for preschools or daycare center.
 8. Hours of Operation. Home businesses that receive customers, clients, or students shall operate only between 7:00 a.m. and 8:00 p.m. Approval for such hours may be rescinded by the license official, or designee, if the operation of the business at such hours constitutes a nuisance or adversely impacts surrounding residents.
 9. Hazardous Materials. No home business shall use hazardous materials or generate hazardous wastes that increase the danger of fire or cause fumes or odors that may constitute a nuisance or pose a danger to neighboring residents. Home businesses are subject to yearly inspection for compliance with the International Fire Code.
 10. Noise and Light. All home businesses shall comply with Fairfield Light and Noise Ordinances. Home businesses are prohibited from generating or projecting light that is objectionable or potentially harmful to other residents.
 11. All uses must be operated so that all practical means are used to confine any noise, odor, dust, smoke, vibration, or other similar feature to the premises upon which they are located and shall not inhibit the everyday use of adjacent properties.
 12. Appearance. No home business shall alter the exterior of the home to differ from the residential use of colors, materials, construction or lighting. The property from which a home businesses is conducted must be in full compliance with all other Town laws, codes and Ordinances, including but not limited to landscaping and setback requirements.
 13. Accessory buildings or containers used for any home business shall blend in with the characteristics of the neighborhood and exterior of the home. To be considered a home based business, any storage, sales or business use shall be conducted behind the primary residents' home and follow all applicable requirements of this document. A home based business may be located in a garage or shop that has an exterior appearance that matches the residential dwelling and may be located to the side of the house as long as they meet all applicable requirements, including setbacks. The Fairfield Planning Commission may approve, deny or revoke a business license or a CUP, if landscaping, setbacks or any other requirements are not

met. All business must be conducted inside.

14. Retail Sales. Home businesses are not to be established solely for the sale of merchandise (except for agricultural products or internet and mail-order based home businesses). Service related home businesses may conduct incidental retail sales provided that the sales do not increase traffic.
15. Traffic Generation. Traffic generation for home businesses shall not exceed three (3) clients per hour during the hours from 7:00 am - 6:00 pm.
16. Multiple Home Business Licenses. More than one home business license may be issued for a residence provided that the home businesses or the accumulative effects of the home businesses that operate within the approved criteria do not utilize more than one third ($\frac{1}{3}$) of the home.
17. Conformity with Safety Codes. Fire inspections are required for all home businesses. There shall be complete conformity with fire, building, plumbing, electrical and all other Town, County, State and Federal Codes and any requirements the Building Inspector and/or Fire Chief deem necessary to protect the health, safety, and welfare of the public. The home business shall be conducted in areas of a home where the building department has conducted the building inspections and issued a permit and all home businesses shall comply with the standards and requirements of the International Building Code or the International Residential Code.
18. Fencing. All zones in the Town of Fairfield are Fence-In Zones, "NOT" Fence-Out with exceptions. If a developer or landowner removes a fence for construction or any other reason, it is the developer or landowner's responsibility to make arrangements with the adjoining landowner to contain all animals including large and small livestock. The developer or landowner must re-erect a fence within a ten (10) day period of the removal, in the exact same place, and with material equal to or superior to the quality of what was removed. The Planning Commission may extend this period at their discretion.
19. Boundary Line Agreement. The Planning Commission may require a boundary line agreement if deemed necessary to establish setbacks. It is the sole responsibility of the property owner to obtain the agreement and not the Town of Fairfield.
20. Signage. No more than one (1) sign no larger than twenty (20) sq. feet shall be allowed. All illuminated signs must comply with the Fairfield Outdoor Lighting Standards. Sign plan and design must be included in the application.
21. Preserve the quiet and peaceful enjoyment of surrounding properties.

3.5.60. Prohibited Home Businesses.

The following will not be permitted as a home business under any circumstances:

1. Sexually oriented businesses;
2. Health care businesses containing medical, hazardous, or biological waste;
3. Junk yard;
4. Auto wrecking yard;

5. Salvage yard; and.
6. Dog kennels/ animal sanctuary.

Section 3.5.70. Agricultural Uses.

The license official may approve a home business license for greenhouses with retail sales of products to the public if the property has sufficient acreage and off-street parking to accommodate the business.

Section 3.5.80. Daycares and Preschools.

The license official, or designee, may approve a home business license for daycares and preschools that are in compliance with the approval criteria of this chapter. Daycares and preschools will be treated as any other home business. Applicants for an in-home daycare shall provide evidence of any mandatory state licenses. Any daycare or preschool proposed to be established within a residence that does not have typical ground level access shall be required to comply with all ingress and egress standards determined by the International Fire Code and any requirements the Building Official and/or Fire Chief deem necessary.

Section 3.5.90. Appeals.

The Town Council may approve, approve with conditions, or deny the application of a proposed home business. Aggrieved applicants may appeal the decision of the Planning Commission to the Town Council within ten (10) days of the announced decision to deny. In all cases, the Town Council shall conduct a public hearing and review the application of the proposed business.

The Town Council may approve, approve with conditions, or deny the application of the proposed home business. Aggrieved applicants of the Town Council's decision may appeal to district court within thirty (30) days of the announced decision.

Section 3.5.100. Renewal of Business License.

The License Official or designee shall mail a statement to all licensees in the Town thirty (30) days prior to the expiration of the license held by the licensee. This statement shall identify steps needed to renew the business license. Failure to send out such notice, or the failure of the licensee to receive it, shall not excuse the licensee from the requirement to obtain a new license or a renewal of a license by the Planning Commission.

Section 3.5.110. Noncompliance.

Home businesses that fail to maintain or that violate any approval criteria or conditions of approval that were contingent upon issuing the home business license may have the license revoked by the Planning Commission. Notice shall be given to the proprietor of the home business that they have fourteen (14) days to correct a violation before the permit is revoked. Persons aggrieved by the revocation of a permit by the license official, or designee, may use the appeal process to have their grievance heard.