

ORDINANCE NO. 976

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GLASGOW, MONTANA,
AMENDING HOME OCCUPATION LICENSES AND HOME OCCUPATION
REQUIREMENTS FOR HOME BASED BUSINESSES AND THEREBY AMENDING THE
CODE OF ORDINANCES OF THE CITY OF GLASGOW, MONTANA**

WHEREAS, The City of Glasgow (the “City”) is authorized by Montana law to promote the public health, safety, aesthetic appearance, and welfare of the City. Mont. Code Ann. § 7-1-4123

WHEREAS, The City is authorized by Montana law to adopt zoning, subdivision, and other land use regulations and to provide for the enforcement and administration of such regulations and otherwise provide for the orderly development of the community; and

WHEREAS, The City desires to amend the requirements for Home Occupation Licenses and establishment requirements within the city of Glasgow, Montana.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF
GLASGOW, MONTANA:**

Section 1. Action. That the Code of Ordinances of The City of Glasgow, Chapter 12, Section 12-79, 12-80, and 12-81 be inserted the Code of Ordinances of The City of Glasgow, Chapter 12 as follows:

Sec. 12-79. Home occupation License

Any home based business, otherwise known as “home occupation” shall require a Home Occupation License issued by the City of Glasgow Clerk-Treasurer's Office. Home Occupation License applications, any required inspection(s), and subsequent approval of such license, based on compliance with this article and Section 21 of the Zoning Code shall be issued by the city engineer through the Public Works Department.

Sec. 12-80. Home occupation requirements.

Home based occupations may be permitted wherein the use meets the following requirements and the requirements of Section 21 of the Zoning Code. The applicant must provide proof of said compliance:

(1) **Appearance.** The home based occupation must be conducted in a manner so as not to give an outward appearance of a commercial business, the home based occupation activity must be in keeping with the visual appearance of residential neighborhood. Nor shall the home occupation create undue amounts of traffic which would infringe upon the right of any neighboring residents to live peaceably and enjoy the occupancy of their home.

(2) **Exterior use of the property.** No exterior storage of bulk material(s), heavy or light equipment, tools, supplies, packaged commodities, repair vehicles, salvage vehicles, mechanical components, mechanical parts or anything other than supplies of residential character or quantities related to actual work occurring on the principle structure(s) on the property shall be permitted.

(3) **Vehicles.** Only one light duty truck (not to exceed one ton rated capacity), involved in the conduct of the home occupation, is permitted to be visibly parked on the premises or parked on the street in a permitted parking space is allowable. Multiple business related or fleet vehicles are not permitted to be parked on the premises of home based occupations.

(4) **Parking.** No parking of the home occupation owner's vehicles, customer's, or client's vehicles shall be permitted in a manner or frequency so as to cause a disturbance or inconvenience to neighboring residents.

(5) **Location.** Home based occupations are only permissible in locations as defined by the Zoning Code and for the permitted types of home based occupations as defined in the Zoning Codes.

(6) **Noise.** No offensive noise, vibrations, smoke, dust, odors, heat, or excessive lighting shall be produced by the home occupation activities permitted under the license. Repeated and documented complaints of excessive noise may be deemed a nuisance under other city codes.

(7) **Delivery.** No materials, supplies, or commodities, shall be delivered in bulk to or from the residence of a home based occupation which create undesirable traffic or vehicular congestion, or are contrary to what is permissible under the Chapter 18 of city codes.

(8) **Weight.** No materials, supplies, or commodities related to the operation of a home based occupation shall be placed, unloaded, or stored with a residential structure (including accessory buildings) which exceed the allowable floor loading (live load) of forty (40) pounds per square foot.

(9) **Area of use.** A Maximum of thirty-five (35) percent area (in square footage) of the dwelling may be dedicated to the use occupied by a home based occupation.

(10) **Secondary use.** All home based occupations must be incidental and secondary to the use of the dwelling unit as the business owner's abode and be their primary residence. Home based occupation spaces shall not be sublet to other businesses or business owners.

(11) **Employees.** A home based occupation conducted at the dwelling unit must be carried on by at least one (1) resident of the dwelling unit. Non-resident (not living in the dwelling unit) employees are permitted where the aggregate hours worked by those non-resident employees do not exceed forty (40) hours per week. No more than two (2) employees may be present at one time.

(12) **Sign.** No exterior, free standing sign or display shall be permitted, except for one (1) non-illuminated name plate or home occupation sign. Signs for home occupations allowed in residential areas shall be displayed indiscreetly on the residence, must not be illuminated, can be no larger than three (3) square feet in area per face and must be a minimum of twelve (12) feet from the back of the curb.

Sec. 12-81. **Issuance - revocation of Home occupation License**

(1) Applications for Home Occupation License shall include the following and be submitted to the City of Glasgow Public Works Department:

- (a) A site plan indicating what portion of the dwelling will be used for the business. Indicate on the drawing where customers or clients will park their vehicles. Also, if the proposed business will have any dedicated vehicles, indicate where they will be parked.
 - (b) A complete written description of the type of business to be conducted.
 - (c) A complete filled out, signed and dated Home Based Occupation Checklist (available from the city offices or on line at the city website: Thecityofglasgowmt.com)
- (2) A Home Occupation License applicant, or license holder, may appeal the denial or revocation of a Home Occupation License to the City of Glasgow Board of Adjustment pursuant to Section 21-14 of City Code.
- (3) Review and/or revocation of a Home Based Occupation License shall occur when:
- (a) Upon the city's receipt of a written request for revocation of license from any two (2) adjacent property owners, a hearing shall be held by the Board of Adjustment. The findings of the Board of Adjustment shall be presented to the City Council and, unless a majority of the council disagrees, shall become binding sixty (60) days after the City Council votes to revoke the license; or
 - (b) Upon verification of any violation of provisions of this chapter, the City shall review the license in question through the Public Works Department. Upon finding that the home based occupation is no longer compatible with the neighborhood, or violates the terms of the Home Occupation License, the said Home Occupation License shall be revoked.
- (4) It is unlawful for any person to operate a business, in a dwelling, within the incorporated City limits of Glasgow without a valid Home Occupation License. Any person, firm, or corporation violating any of the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished as provided in section 1-6 of this Code.

Section 2: Codification. This Ordinance shall be codified as follows: Chapter 12, Section 12-79.

Section 3: Severability. Invalidity of a section of this ordinance shall not affect the validity of the remaining sections or parts of sections.

Section 4: Conflicts with existing code sections. In the occasion a conflict exists between the regulations of this chapter and other code or ordinance sections of the Glasgow City Code, the terms and provisions of this chapter shall take precedence.

Section 5: Effective Date. This ordinance shall be in full force and effect thirty (30) days after final passage and approval.

Section 6: Editor to re-arrange Chapter. The Editor, Municipal Code Corporation, is hereby authorized to add this Ordinance to Chapter 12 as "Section 12-79, 12-80, and 12-81". Revise existing Section 12-79 numbering to begin as 12-82, remaining wording to remain the same as existing code.

FIRST PASSED AND APPROVED by the City Council of the City of Glasgow, Montana, at a regular session thereof held on the ___ day of _____, 2021.

APPROVED:

BECKY ERICKSON, Mayor

ATTEST:

STACEY AMUNDSON
City Clerk-Treasurer

FINALLY PASSED AND APPROVED by the City Council of the City of Glasgow, Mon-tana, at a regular session thereof held on the ___ day of _____, 2021.

APPROVED:

BECKY ERICKSON, Mayor

ATTEST:

STACEY AMUNDSON
City Clerk-Treasurer