

CITY OF GEM LAKE, RAMSEY COUNTY, MINNESOTA

ORDINANCE NO. 85

AN ORDINANCE FOR THE PURPOSE OF REGULATING HOME BUSINESSES, HOME MERCHADISE SALES AND OTHER HOME OCCUPATIONS.

THE CITY COUNCIL OF THE CITY OF GEM LAKE ORDAINS:

SECTION 1. LICENSE REQUIRED.

1.1. Home occupations shall require a Special Home Occupation license if any of the following circumstances would occur more than 30 days each year:

- a) Employment of a non-resident in the home occupation.
- b) Customers or customers' vehicles on the premises.
- c) Manufacture, assembly or processing of products or materials on the premises.
- d) More than one vehicle associated with the home occupation which is classified as a light commercial vehicle.
- e) A vehicle and/or trailer used in the home occupation, and parked on the premises, which exceeds a one ton payload capacity.
- f) If the home occupation produces any waste that should be treated or regulated.
- g) A vehicle used in a home occupation, and parked on the premises, with greater than a one ton payload capacity is needed. Parking of this vehicle shall only be allowed by the issuance of a conditional-use parking permit issued by the City of Gem Lake.

1.2 Home occupations, requiring a license, shall be subject but not limited to the following requirements:

- a) No traffic shall be generated by a home occupation in greater volumes than would normally be expected in a residential neighborhood. The need for off-street parking shall not exceed more than three off-street parking spaces for the home occupation at any given time, in addition to the parking spaces required by the residents.
- b) No more than one non-resident employee shall be allowed to work on the premises. Nonresident employees who work off the premises may be allowed to visit the premises. If an on-site employee is parking on site, off-site employees shall not leave their

vehicles on site. If there is no on-site employee vehicle parked on site, one off-site employee vehicle may be parked on site.

c) No vehicle associated with the home occupation, including customers or employees, shall be parked on the street or block sidewalks or public easements. Private vehicles used by the residents shall not be included in this subsection.

d) An area equivalent to no more than 20 percent of each level of the house, including the basement and garage, shall be used in the conduct of a home occupation.

e) There shall be no change visible off the premises in the outside appearance of the building or premises that would indicate the conduct of a home occupation, other than one nameplate sign as permitted by Section 19.6.3 of the Gem Lake Zoning Code.

f) No more than 20 percent of business income shall come from the sale of products produced off site unless approved by the City Council.

g) No equipment or process shall be used in such home occupation which creates noise, vibration, light, glare, fumes, smoke, dust, odors or electrical interference detectable to the normal senses off the premises. If electrical interference occurs, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises or causes fluctuations in line voltage off the premises.

h) There shall be no fire, safety or health hazards.

i) A home occupation shall not include the repair of internal combustion engines, body repair shops, spray painting, machine shops, welding, ammunition manufacturing or sales, the sale or manufacture of firearms or knives or other objectionable uses as determined by the city. Machine shops are defined as places where raw metal is fabricated, using machines that operate on more than 120 volts of current.

j) Any noncompliance with this subsection shall constitute grounds for the denial or revocation of the home occupation license.

k) The City Council may waive any of these requirements if the home occupation is located at least 350 feet from a residential lot line.

l) The City Council may add any additional requirements that it deems necessary to ensure that the operation of the home occupation will be compatible with nearby land uses.

SECTION 2. APPLICATION PROCEDURE. An application for a licensed home occupation shall be filed with the City Clerk. Upon submitting the application, the applicant shall also pay the license fee, which shall be set by the City Council. Other costs for mailings made to adjacent property owners and publication fees shall also be charged. The Clerk shall forward the completed license application to the Planning Commission for review and recommendation to the City Council. The City Council shall hold a public hearing on the application. Notice of the hearing shall be mailed, at least ten days prior to the date of the hearing, to the owners of all properties located within 350 feet of any lot line of the property on which the home occupation is proposed. The notice shall also be published in the official newspaper at least ten days prior to the date of hearing.

SECTION 3. YEARLY LICENSE RENEWAL. Each person holding a license to conduct a home occupation shall apply to the City Clerk each January for renewal. Prior to issuance of a license renewal, the city shall determine that all licensing conditions and city ordinances are being met.

SECTION 4. REVOCATION AND APPEAL PROCESS.

4.1 The City Clerk shall revoke a home occupation license where compliance with the licensing conditions or city ordinances cannot be obtained or where the home occupation has been discontinued. Revocation may occur at any time that compliance with license conditions or city ordinances cannot be obtained.

4.2 The holder of a home occupation license whose license has been revoked by the city clerk may appeal the decision to the City Council. To request an appeal, a written letter or request must be submitted to the City Clerk within 30 days of the license revocation. The City Council shall hold a public hearing on the appeal, using the notification procedures in section 2. After conducting the public hearing, the Council may revoke the license, allow the license to continue, or allow continuation with additional conditions upon the license. When applying additional conditions, the Council may direct that it receive a follow-up report at a time prior to the annual license renewal.

SECTION 5. TRANSFER PROHIBITED. No license granted for a home occupation shall be transferable from person to person or place to place.

SECTION 6. TRANSITION. All persons currently conducting a home occupation shall have six (6) months from the effective date of this Ordinance to apply for a license or otherwise become compliant with the terms of this Ordinance.

SECTION 7. OCCASIONAL SALES IN RESIDENTIAL DISTRICTS.

A) Personal vehicles, trailers, recreational equipment and similar items may be sold in the residential areas of the City of Gem Lake if;

- 1) The merchandise sold is the personal property of the occupant or property owner.
- 2) Sales of such personal merchandise shall be limited to no more than two (2) merchandise items per calendar year, unless approved by the City Council.
- 3) Merchandise items for sale shall not be placed in any portion of the public right-of-way, public boulevard or required front yard except in a designated improved driveway.
- 4) For Sale signs on or in the merchandise shall be limited to two (2) square feet in size.

B) Estate, garage or rummage sales may be held in residential areas of the City of Gem Lake if:

- 1) Merchandise offered for sale is the personal property of occupant or property owner.
- 2) Sales shall be limited to a maximum of four (4) consecutive days and occurring no more that two (2) times within one calendar year per property, unless approved by the City Council.
- 3) Merchandise items for sale shall not be placed in any portion of the public right-of-way, public boulevard, or required front yard except in the designated improved driveway to the site where the sale is taking place.
- 4) Signs for such events shall be governed by Section 19 of the Gem Lake Zoning Code.

SECTION 8. SEVERABILITY. Should any section, subdivision, clause or other provision of this Ordinance be held to be invalid by any court of competent jurisdiction, such decision shall not affect the validity of the Ordinance as a whole, or of any part thereof, other than the part held to be invalid

SECTION 9. EFFECTIVE DATE. This Ordinance shall take effect and be in force from and after its passage and publication.

Dated: _____

Paul Emeott, Mayor

Bill Short, City Clerk