

Ordinance #2025-08 An Ordinance to rescind Title 6.7. Cemetery District, and Title 2.1.Cemetery Board; and to establish a new ordinance, Title 6.7. Fairfield Cemetery.

Date: June 5, 2025

Created June 5, 2025

WHEREAS, the Town of Fairfield owns, maintains, and manages a 2.27-acre cemetery located at approximately 150 North and Highway 73; and

WHEREAS, cemeteries are regulated by Title 8 of the Utah State Code and allows for these changes; and

WHEREAS, the Fairfield Town Council feels that it is in the best interest of the Town to rescind Title 6.7. Cemetery District, and Title 2.1.Cemetery Board; and

WHEREAS, the Fairfield Town Council also wants to establish a new ordinance, Title 6.7. Fairfield Cemetery.

NOW, THEREFORE, BE IT ORDAINED BY THE FAIRFIELD TOWN COUNCIL AS FOLLOWS:

SECTION 1: AMENDMENT Title 6.7 Fairfield Cemetery shall be established and shall include all necessary and updated information necessary for the operation and use of the cemetery as found in Exhibit A

SECTION 2: EFFECTIVE DATE This ordinance shall become effective immediately upon passage and adoption.

Passed and Adopted this ____ day of ____ 2025.

FAIRFIELD TOWN

Hollie McKinney, Mayor

RL Panek	yes____	no____	abstain ____	absent ____
Tyler Thomas	yes____	no____	abstain ____	absent ____
Michael Weber	yes____	no____	abstain ____	absent ____
Richard Cameron	yes____	no____	abstain ____	absent ____

ATTEST:

Stephanie Shelley, Recorder

(OFFICIAL SEAL)

Exhibit A

Title 6.7 - Fairfield Town Cemetery Ordinance.

Title 6.7 – Fairfield Town Cemetery

Section 6.7.10. Name and Purpose.

The Fairfield Town Cemetery is the only cemetery managed by the Town. It is meant only for burying human remains. No burials are allowed anywhere else within town limits unless it's a state-approved cemetery.

Section 6.7.20. Definitions.

See Chapter 12 for definitions. Words not defined there will use their regular meaning.

Section 6.7.30. Cemetery Board.

A. The Cemetery Board manages the cemetery and helps ensure it serves public health and safety.

B. Members and Appointments:

1. The Board consists of 3 or 5 members who must reside in Fairfield for at least 6 months prior to appointment.
2. Members shall be recommended by the Cemetery Board and appointed by the Mayor with the advice and consent of the Town Council.
3. Terms are three (3) years and start on July 1st. Terms are staggered.
4. Members can be reappointed. Vacant spots are filled the same way, and
5. A Board member may be removed with a supermajority vote of the Board and approved by the Town Council.
6. Failure of a Cemetery Board member to attend three (3) consecutive regular meetings, or to miss more than thirty percent (30%) of regular meetings within a calendar year, shall constitute grounds for dismissal. In such cases, the Chair shall recommend the member's removal to the Town Council.
7. When a vacancy occurs on the Cemetery Board, the Town Recorder shall post public notice of the vacancy in accordance with the Town's official posting requirements.

Applications shall be accepted for a period of no fewer than fourteen (14) calendar days. Upon the close of the application period, the Cemetery Board shall review all submitted applications and may conduct interviews as deemed necessary. The Board shall vote to recommend one applicant for appointment. This recommendation shall be forwarded to the Mayor for formal appointment, subject to the advice and consent of the Town Council.

8. The terms of Cemetery Board members shall be staggered so that the term of one member expires each year. In the event of a vacancy due to death, resignation, or other cause, the Mayor—subject to the advice and consent of the Town Council—shall appoint a replacement to serve the remainder of the unexpired term. All terms shall commence on or before the first regularly scheduled Board meeting in July of each year. The Town Council may remove any member of the Cemetery Board by majority vote. Vacancies shall be promptly filled in the same manner as the original appointment and for the remainder of the unexpired term.
9. Notice of all vacancies on the Cemetery Board shall be posted at the Town Hall, published on the Town's official website, and distributed via email to all residents who have provided the Town with a valid email address. Such notice shall be posted for no fewer than fourteen (14) calendar days.

Section 6.7.40. Board Authority and Responsibilities.

A. The Board can:

1. Have the authority to oversee the day-to-day management and operations of the Fairfield Town Cemetery, subject to the provisions of this ordinance and all applicable state and local laws. The Board's responsibilities shall include, but are not limited to:
 - a. Recommend policies and procedures for the care, maintenance, and use of the cemetery;
 - b. Advise the Town Council on budgetary needs, capital improvements, and maintenance priorities;
 - c. Coordinate with Town staff on administrative tasks and record-keeping related to cemetery operations;
 - d. Review and make recommendations on applications for burial plots, memorials, and other cemetery-related matters; and
 - e. Ensure compliance with state statutes, health regulations, and town code governing cemetery use and operations.

B. All actions and decisions of the Cemetery Board shall be consistent with Section 6.7.30 of the Fairfield Town Code and are subject to review and approval by the Town Council when required by ordinance or statute.

Section 6.7.50. Officers and Meetings.

A. The Board shall appoint a new Chair and Co-Chair annually, the term of which shall run from July 1 through June 30.

B. Regular meetings are scheduled. The Chair or two members can call extra meetings.

C. Meetings shall follow Utah's open meeting laws.

D. Agendas are prepared by the Chair or their appointee and sent to the Town Recorder/Clerk for posting a minimum of Twenty Four (24) hours before the meeting.

E. Minutes are written for each meeting and filed at the Town Office.

F. Minutes must be approved at the following meeting.

G. The Town Recorder is responsible for posting agendas and notices, and filing all cemetery records.

Section 6.7.60. Sexton.

A. The board-appointed sexton shall:

1. Manage daily cemetery work;
2. Check ownership and verify payment for burial plots;
3. Schedule and be present for the placement of headstones, markers, or monuments to ensure they are installed in the correct location;
4. Keep everything in order and ensure rules are followed;
5. Be a Cemetery Board member;
6. Supervise burials and ensure proper interment procedures are followed;
7. Ensure compliance with all cemetery regulations outlined in the Fairfield Town Code;
8. Ensure cemetery rules regarding decorations, landscaping, and general maintenance are being followed; and

B. Compensation. The Sexton shall be compensated as determined by the Cemetery Board and approved through the Town's budget process. Compensation shall only be provided when the sexton is actively performing the duties assigned under this section. If another individual is officially designated to perform the sexton's duties for a particular service or period of time,

compensation for that work shall be directed to the individual performing the duties in place of the sexton.

Section 6.7.70. Secretary.

A. The Chair may appoint a Secretary with the Board's approval.

B. The Secretary is responsible for taking the meeting minutes and recording the audio of each meeting. The approved minutes are then filed with the recorder at the town office

C. Compensation. Compensation for the secretary shall be subject to approval by the Town Council and shall be paid from the cemetery budget according to the Town Fee Schedule.

Section 6.7.80. Volunteers or Employees.

The Mayor can assign Town staff or volunteers to help the Board.

Section 6.7.90. Maintenance.

The Board manages cemetery upkeep and follows State of Utah Code

Section 6.7.100. Meeting Space and Equipment.

The Town will provide space for meetings and equipment storage.

Section 6.7.110. Budget.

A. A draft budget shall be submitted to the Town Treasurer by March 1st each year.

1. The Cemetery Board shall prepare and submit an annual budget for inclusion in the Town's overall budget. The budget shall reflect the anticipated operational, maintenance, improvement, and personnel costs associated with the Fairfield Town Cemetery.

B.. All cemetery revenues, including plot sales, interment fees, and other cemetery-related income, shall be used exclusively for the maintenance, operation, improvement, and administration of the cemetery. This includes compensation for the cemetery sexton and any other personnel directly involved in cemetery operations.

C.. Fund Rollover: Unexpended cemetery funds shall roll over from year to year to allow for the planning and execution of more significant or long-term improvement projects.

Section 6.7.120. Record-Keeping and Reporting.

A. The Town Recorder/Clerk will maintain and update the Fairfield Town Cemetery Records, including:

1. Plot ownership records;
2. Burial certificates;

3. Interment reports;
4. Transfer requests and approvals, and
5. Submit biannual reports (January 1st and July 1st) to the Fairfield Town Recorder/Clerk for county records.

Section 6.7.130. General Information.

- A. The cemetery is in Section twenty nine (29) of the Utah County survey.
- B. Each lot has eight (8) burial plots.
- C. Plots can be bought on the Town's website.

Section 6.7.140. Buying Plots.

- A. Residents may buy one (1) burial plot at the resident price.
- B. Nonresidents pay the nonresident price.
- C. Officials who have served four (4) years or more may buy two (2) plots at a reduced rate.
- D. Buying a plot gives burial rights only, not ownership of land.
- E. You must get approval before changing anything on or around a plot or anywhere in the cemetery.

Section 6.7.150. Transfers, Lost or Damaged Certificates, and Abandonment.

- A. Plots not used for ninety-nine (99) years go back to the Town.
- B. Lost or damaged cemetery plot certificates may be replaced by following the same process required for a plot transfer, including submission of an application, proof of identity and ownership, and payment of applicable fees.

Section 6.7.160. Permits and Fees.

- A. For Interment, you need:

1. A burial report;
2. Interment application;
3. Proof of ownership; and
4. Payment of fees.

B. Plot Transfer Requirements:

To request a transfer of a cemetery plot, the applicant shall:

1. Submit a completed plot transfer application form to the Town Recorder;
2. Provide valid government-issued photo identification;
3. Provide satisfactory proof of ownership of the plot;
4. If the plot is owned in the name of a trust, provide appropriate documentation verifying trust ownership and authority to transfer;
5. Have the application notarized;
6. Pay all applicable transfer fees as set by the resolution of the Town Council; and
7. All plot transfers are subject to approval by the Fairfield Town Cemetery Board;

C. Exhumations.

1. Submit required Town and County permits;
2. Payment of the fees for exhumations is required before the permit is issued; and
3. Disinterment shall be of the casket only. Vaults shall not be removed.

Section 6.7.170. Scheduling Burials.

A. No burials on Sundays or holidays.

B. Burials are allowed 10:00 AM – 4:00 PM on other days.

C. Schedule burials at least forty-eight (48) hours in advance or seventy-two (72) hours if there's a holiday.

Section 6.7.180. Burial.

A. Each burial plot may be used for only one (1) interment at the time of burial. The following combinations are permitted:

1. One (1) adult casket or two (2) infant caskets; or

2. Two (2) cremated remains (cremains), provided both interments occur at the same time.

B. Double-depth burials are not allowed.

Section 6.7.190. Cremation Plots.

- A. There is a separate section for cremations. Each plot is two (2) feet by two (2) feet.
- B. Plots are used in order, starting from the southeast.
- C. Two (2) cremation urns are allowed in one cremation vault.

Section 6.7.200. Vault Requirements.

- A. Burial vaults must meet strength standards.
- B. Cremation vaults must be under twelve (12) inches per side and buried at least twelve (12) inches deep from the top of the vault.
- C. No cremation burials when the ground is frozen deeper than four (4) inches.

Section 6.7.210. Headstones and Memorials.

- A. All graves shall have a marker facing east.
- B. Maximum Size Limits:
 1. Single: thirty (30) in. wide by four (4) ft. long;
 2. Double: thirty (30) in. wide by five (5) ft. long; and
 3. Height: six ft.(6) ft.
- C. Cremation plot markers: One (1) ft. x one(1) ft., placed in the center.
- D. Headstone placement must be scheduled with the Sexton.

Section 6.7.220 Cemetery Operations.

- A. Open during daylight only.
- B. No one is allowed after dark unless authorized.

Section 6.7.230. Exhumation.

- A. No exhumation shall take place without the required permits from both Utah County and the Town of Fairfield.

B. Only the casket may be removed during an exhumation; burial vaults must remain in place.

Section 6.7.240. Damaging Property.

A. It is against the law to damage anything in the cemetery.

Section 6.7.260. Severability.

A. If any part of this law is invalid, the rest still applies. The invalid part may be reinstated if the law changes.

Definitions To be added to Title 12. Definitions. Of the FF Town Code. Title 12 will have to be amended to add these or any other definitions.

~~For the purposes of this chapter, the following terms shall have the meanings set forth below:~~

Section 6.7.20. Definitions

For the purposes of this ordinance, the following terms shall have the meanings set forth below. Terms not defined herein shall have the meanings assigned in Chapter 12 of the Fairfield Town Code, and if not defined there, shall be interpreted in accordance with their commonly accepted meaning.

- **Burial:** The placement of human remains in a grave or vault, including the interment of cremated remains.
- **Casket:** A container used to hold and bury a deceased person's remains.
- **Cemetery Board:** The governing body appointed by the Mayor and approved by the Town Council to oversee the management and operation of the Fairfield Town Cemetery.
- **Cemetery Plot (or Plot):** A designated area within the cemetery intended for the burial of human remains.

- **Cemetery Sexton:** A member of the Cemetery Board designated to manage day-to-day operations, including overseeing burials, verifying plot ownership, and ensuring compliance with cemetery regulations.
- **Cremains:** The ashes that remain after the cremation of a human body.
- **Cremation Vault:** A container used to hold cremated remains, designed to be buried in the cemetery's designated cremation section.
- **Double Plot:** A plot designated to accommodate two interments under specific conditions set forth in this ordinance.
- **Exhumation (Disinterment):** The authorized removal of human remains from a burial plot.
- **Headstone (or Marker):** A memorial placed at a grave to identify the person buried there, subject to size and placement regulations specified in this ordinance.
- **Interment:** The lawful act of placing human remains, including cremains, in a grave or vault within the cemetery.
- **Lot:** A subdivision of land in the cemetery containing multiple burial plots, typically up to eight (8).
- **Memorial:** Any structure or marker commemorating a deceased individual, including headstones, plaques, and monuments.
- **Nonresident:** A person who does not reside within the boundaries of the Town of Fairfield.
- **Owner:** A person who has been granted burial rights to a cemetery plot, but who does not hold title to the land.
- **Resident:** A person whose primary residence is within the boundaries of the Town of Fairfield.
- **Supermajority:** A voting requirement that exceeds a simple majority. For the purposes of this ordinance, a supermajority shall mean a vote in favor by at least two-thirds ($\frac{2}{3}$) of the total voting members of the Cemetery Board or Town Council, unless otherwise specified by law.
- **Vault:** A grave liner or container designed to encase a casket or cremation urn and prevent the collapse of soil around the burial.

25-04-01 Draft

FAIRFIELD TOWN

STATE OF UTAH)
) ss.
COUNTY OF UTAH)

I, Stephanie Shelley, Town Recorder of Fairfield Town, Utah, do hereby certify and declare that the above and foregoing is a true, full and correct copy of an ordinance passed by the Town Council of Fairfield Town, Utah, on the ____ day of _____, 2024.

Ordinance #2025-08 An Ordinance to rescind Title 6.7. Cemetery District, and Title 2.1.Cemetery Board; and to establish a new ordinance, Title 6.7. Fairfield Cemetery.

WITNESS WHEREOF, I have hereunto set my hand and affixed the Corporate Seal of Fairfield Town Utah this ____ day of _____, 20____.

_____,
Stephanie Shelley
Fairfield Town Recorder/Clerk

(SEAL)

AFFIDAVIT OF POSTING

STATE OF UTAH)
)
COUNTY OF UTAH)

I, Stephanie Shelley, Town Recorder of Fairfield Town, Utah, do hereby certify and declare that I posted in three (3) public places the following summary of the ordinance which was passed by the Fairfield Town Council on the _____ day of _____, 20____ and herein referred to as:

SUMMARY.

Ordinance #2025-08 An Ordinance Rescinding Fairfield Code Title 2.1. and 6.7. and establishing a new Ordinance, Title 6.7. Fairfield Cemetery.

The three places are as follows:

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

Stephanie Shelley
Fairfield Town Recorder/Clerk

Date of Posting _____ day of _____, 20____

Ordinance No. 2025-09 An Ordinance Rescinding the Verbiage in Title 3.1. Business License Regulations, and Replacing said Verbiage with Exhibit A Below.

Dated June 5, 2025

Document Control Changes: Created 24 June 2022; Changes 11 July 2023; Changes June 5, 2025

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

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

WHEREAS, the Fairfield Town has authority under Utah law to enact ordinances and desires to rescind the current verbiage in Title 3. Business License Regulation replacing it with new verbiage as found in exhibit A below.

NOW, THEREFORE, BE IT ORDAINED by the Fairfield Town Council, State of Utah, that Title 3.1. Verbiage be replaced with Exhibit A., as follows.

SECTION 1. SEVERABILITY.

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

SECTION 2. EFFECTIVE DATE.

Passed and Adopted this ____ day of ____ 2025

FAIRFIELD TOWN

Hollie McKinney, Mayor

RL Panek	yes____	no____	abstain ____	absent ____
Tyler Thomas	yes____	no____	abstain ____	absent ____
Michael Weber	yes____	no____	abstain ____	absent ____
Richard Cameron	yes____	no____	abstain ____	absent ____

Stephanie Shelley, Recorder

(SEAL)

EXHIBIT A

3.1.10. Purpose.

This ordinance regulates all businesses operating within Fairfield Town, whether permanent or temporary, ensuring compliance with local, state, and federal laws, protecting public health and safety, and promoting the welfare of the community.

3.1.20. License Required.

Unless exempted by law, no person or entity may engage in business within Fairfield Town, on a temporary or permanent basis, without first obtaining a valid annual business license or, if applicable, a temporary business license.

3.1.30 Application, Fees, and Compliance.

A. Application Process:

1. Submit a completed application;
2. Pay all applicable fees;
3. Application reviewed administratively, with referral to Planning or Fire as needed;
4. For new or unlisted uses, apply for administrative interpretation or a text amendment per Utah Code §10-9a-507.5; and
5. Licensing Official (Town Recorder) issues approved licenses after compliance is confirmed.

B. Fees:

1. Set by Town Council resolution; available at the Town Recorder's office or Town website;
2. Licenses must be prepaid; no refunds or rebates; and
3. Changes in business name, ownership, or address require a new license and inspections.

C. Renewals:

1. Annual (July 1–June 30), billed by the Town Recorder;
2. Licenses issued April–June may be prorated through the next June 30; and
3. Late renewal deadlines:
 - a. After July 15: enforcement fee applies;
 - b. After August 15: fee increases; and
 - c. After September 1: fee equals one hundred percent (100%) of license cost.
 - d. Special use permits get renewed as long as they are in compliance.

D. Civil Action:

1. The Town may pursue civil action, including attorney's fees, to collect unpaid or delinquent fees.

3.1.40. Exemptions.

A. No license fee is required for:

1. Religious, charitable, or nonprofit activities properly registered under law;
2. Exempt state agents; or
3. Occasional yard sales (up to four days/month) and minor youth-run activities.

B. Occupational and professional licenses do not exempt a business from needing a Fairfield business license.

3.1.50. License Term, Certificate, and Non-Transferability.

1. One-year term (July 1–June 30), unless prorated;
2. Certificates must list name, type, term, location, and license number; and
3. Licenses are non-transferable and tied to the approved business location.

3.1.60. Issuance and Display.

A. Licenses shall be:

1. Issued after payment and approvals; and
2. Must be publicly displayed; mobile operators must carry license on person.

3.1.70. Separate Licenses.

A. Licenses shall be required for the following:

1. ~~Required for~~ Each distinct business location (different mailing/street address).
2. Mobile or non-fixed-location businesses still require a license.

3.1.80. Inspections and Code Compliance.

A. Requirements:

1. Compliance with current zoning, building, fire, health, and safety standards; ~~is mandatory;~~
2. Inspections by Building, Fire, Health, or other authorized departments;
3. Inspectors may enter during business hours or obtain a search warrant if denied entry;
4. Preliminary zoning approval required prior to license issuance; and
5. Applicants ~~for~~ new or unlisted uses may apply for administrative interpretation or ordinance amendments.

3.1.90. Recordkeeping.

A. Maintained by the Town Recorder:

1. General/beer license records: retained four years.
2. License certificates: retained one year.

3.1.100. Denial, Suspension, or Revocation of a Business License (Including Code Enforcement Officer).

A. Authority.

The Business License Official or Code Enforcement Officer, after consultation with the Planning, Building, or Fire departments as applicable, may deny, suspend, or revoke a business license.

B. Conditions and Criteria for Action:

1. Failure to comply with current local zoning regulations, the International Building Code, International Fire Code, health or safety standards, or other applicable laws;

STATE OF UTAH)
) ss.
COUNTY OF UTAH)

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

Ordinance No. 2025-09 An Ordinance Rescinding the Verbiage in Title 3.1. Business License Regulations, and Replacing said Verbiage With Exhibit A.

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

_____,
Stephanie Shelley
Fairfield Town Recorder/Clerk

(SEAL)

AFFIDAVIT OF POSTING

STATE OF UTAH)
) ss.

COUNTY OF UTAH)

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

SUMMARY.

Ordinance No. 2025-09 An Ordinance Rescinding the Verbiage in Title 3.1. Business License Regulations, and Replacing said Verbiage With Exhibit A.

The three places are as follows:

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

Stephanie Shelley
Fairfield Town Recorder/Clerk
(SEAL)

Date of Posting ____ day of _____, 2025

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

Dated June 5, 2025

Created June 5, 2025

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

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

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

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

SECTION 1. SEVERABILITY.

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

SECTION 2. EFFECTIVE DATE.

Passed and Adopted this ____ day of ____ 2025.

FAIRFIELD TOWN

Hollie McKinney, Mayor

RL Panek	yes____	no____	abstain____	absent____
Tyler Thomas	yes____	no____	abstain____	absent____
Michael Weber	yes____	no____	abstain____	absent____
Richard Cameron	yes____	no____	abstain____	absent____

Stephanie Shelley, Recorder

(SEAL)

EXHIBIT A

Title 3. Business Licenses

CHAPTER 5

HOME BASED BUSINESS.

- Section 3.5.10. Purpose.
- Section 3.5.20. Classification of Home Based Businesses.
- Section 3.5.30. Summary Table.
- Section 3.5.40. Application and Approval Process.
- Section 3.5.50. Standards for All Home Based Businesses.
- Section 3.5.60. Prohibited Home Based Businesses.
- Section 3.5.70. Special Categories.
- Section 3.5.80. Licensing Renewal and Revocation.
- Section 3.5.90. Appeals.
- Section 3.5.100. Definitions.

Section 3.5.10. Purpose.

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

Section 3.5.20. Classification of Home Based Businesses.

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

A. Minor Home Based Business.

A Minor Home Based Business:

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

B. Major Home Based Business.

A Major Home Based Business:

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

Section 3.5.30. Summary Table.

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

Section 3.5.40. Application and Approval Process.

A. Application Requirements.

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

B. Review Process.

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

Section 3.5.50. Standards for All Home-Based Businesses.

All Home Based Businesses must meet the following criteria:

1. Residential Character – Business must be secondary to residential use and preserve aesthetics of the residential dwelling and lot;
2. Floor Area – Limited to one third ($\frac{1}{3}$) of the size of the dwelling;
3. Accessory Buildings – Must match the home in appearance and comply with setbacks;
4. Outdoor Storage – Must be screened behind the home; containers painted earth-tone;
5. Equipment Limits:
 - a. Maximum of four (4) trailers/equipment allowed on lots that are less than five (5) acres in size; and
 - b. Maximum of eight (8) trailers/equipment allowed on lots that are five (5) acres or more in size.
6. Screening – Required if business-related storage or equipment is present; fencing must be opaque and well maintained;
7. Fencing Rules – Fairfield is a “fence-in” town; removed fencing must be reinstalled within ten (10) days;

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

Section 3.5.60. Prohibited Home-Based Businesses.

The following are not permitted:

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

Section 3.5.70. Special Categories.

A. Agricultural Home Based Businesses.

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

1. The site is five (5) acres or larger;
2. All trailers, feed, or equipment are stored behind the home and screened;

3. All noxious odors directly related to the business shall be controlled by the property owners;
4. All run off of water or other materials shall be contained on the property; and
5. Business Area shall be fenced with a minimum of six (6) ft. non climb fence. ~~(or whatever you want it to be)~~

B. Food Co-ops and Agricultural Sales.

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

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

C. Daycare and Preschools.

Daycare and Preschools are permitted if:

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

Section 3.5.80. Licensing, Renewal, and Revocation.

A. Additional requirements:

1. Licensing – All Home Based Businesses must maintain an active business license;
2. Renewals – Notices issued thirty (30) days prior to expiration; and
3. Revocation – Licenses may be revoked for violations; fourteen (14) day cure period provided.

Section 5.1.090 – Appeals.

A. Appeal decisions:

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

Section 5.1.100 – Definitions.

See Title 12. Definitions.

(To be relocated to Title 12 upon codification)

Accessory Building. Means a subordinate structure located on the same lot as the principal residence, used for purposes incidental to the primary residential use, such as a detached garage, barn, shop, or storage building.

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

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

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

Dwelling. Means a building or portion thereof designed for long-term residential occupancy, providing complete independent living facilities including sleeping, cooking, and sanitation.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Unwanted Business. Means any use prohibited under Section 3.5.60 or determined by the Town Recorder and Mayor to be incompatible with the rural residential character of Fairfield due to excessive noise, traffic, odor, visual impact, or risk to public safety.

FAIRFIELD TOWN

STATE OF UTAH)
) ss.
COUNTY OF UTAH)

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

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

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

_____,
Stephanie Shelley
Fairfield Town Recorder/Clerk

(SEAL)

AFFIDAVIT OF POSTING

STATE OF UTAH)
) ss.
COUNTY OF UTAH)

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

SUMMARY.

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

The three places are as follows:

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

Stephanie Shelley
Fairfield Town Recorder/Clerk
(SEAL)

Date of Posting ____ day of _____, 2025

25-06-04 Draft