



# The Hurstbourne Herald

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City of Hurstbourne 304 Whittington Parkway Suite 100 Louisville, Kentucky 40222 Tel: 502 426 4808

## Home Occupation Ordinance



**Bob English**  
Mayor



**Dick Hays**  
Commissioner  
Code Enforcement/  
Sanitation



**Ed Dahlem**  
Commissioner  
General  
Government



**Lois Wagner**  
Commissioner  
Public Works



**Earl Hubbuch**  
Commissioner  
Public Safety

Over the last several years there has been a tremendous increase in City of Hurstbourne residents conducting businesses (home occupations) from their homes. After receiving numerous complaints, it became necessary to adopt an ordinance regulating home occupations.

The intent of the Hurstbourne City Commission was to create regulations that governed home occupations, balancing this community benefit with

protection of the health, safety and general welfare of the surrounding neighborhood. The Commission wanted assurance that a home occupation would not degrade the residential character of our beautiful neighborhood, but would allow a home occupation office for those individuals needing this option.

This ordinance became effective on January 1, 2008. Any resident with an existing home occupation has until June 30, 2008 to submit

an application for a Home Occupation License. During this period, January 2008 thru June 2008, there will be no charge for this license. After June 30, 2008 the Home Occupation License fee shall be \$100. There will be a \$25 yearly renewal fee.

Enclosed is a Home Occupation Application. Please complete and return to City Hall before June 30th, 2008 to avoid the \$100.00 fee. The following is our Home Occupation License Ordinance:

### CITY OF HURSTBOURNE

### ORDINANCE NO. 07-05

### AN ORDINANCE RELATING TO HOME OCCUPATIONS IN THE CITY OF HURSTBOURNE, AND PROVIDING FOR PENALTIES FOR THE VIOLATION THEREOF.

**WHEREAS**, the City Commission has found and determined that the portion of the Louisville Metro Land Development Code (LDC) relating to Home Occupations is not suitable for situations that exist in the City of Hurstbourne; and

**WHEREAS**, the City Commission will establish its own definitions, regulations and penalties by this separate ordinance which shall be enforceable standing alone, or as part of its revised adoption of the LDC, now therefore,

### BE IT ORDAINED BY THE CITY OF HURSTBOURNE:

#### 1. Definition.

"Home Occupation" shall be defined as a regular accessory use of a dwelling unit for gainful employment involving the provision or sales of goods and/or services, conducted entirely within the dwelling unit, carried on by a resident who lives in the dwelling. The use must clearly be incidental and secondary to the use of the dwelling for residential purposes and does not change the character thereof or adversely affect the uses permitted in the residential district in which it is a part. In general, a home occupation is an accessory use so located and conducted that the average neighbor would not be aware of its existence. This includes no advertising or any other display which will indicate from the exterior that the building is being used for any purpose other than that of a dwelling,

there shall be no retail sales on the premises, no more than 10% of the floor area (basement and second floor included, not including the garage or yard) is used, and no mechanical equipment is used except such as is permissible for purely domestic purposes.

The foregoing definition shall supersede the definition contained in the Louisville Metro Land Development Code with respect to its application to the City of Hurstbourne.

## 2. Regulations.

(Note: The following regulations shall supersede those contained in the Louisville Metro Land Development Code 4.4.5 A. through 4.4.5 K, which are hereby repealed.)

### **4.4.5. HOME OCCUPATIONS**

#### *A. Intent*

The intent of this section provides for the protection of public health, safety, and welfare by establishing limits on occupations that operate within a dwelling unit. This section allows for the establishment of certain occupations to be carried out from a dwelling unit, which is located on residentially zoned property. The home occupation can be established provided it is clearly incidental and secondary in nature to the use and does not change the character or adversely affect adjacent or nearby residents or the neighborhood as a whole.

#### *B. Employees*

Employees working or meeting at the home occupation site shall be limited to persons who reside in the dwelling unit except that two nonresident employees shall be permitted to be at the site at any one time.

#### *C. Exterior Appearance*

There shall be no change to the exterior appearance of the dwelling unit where a home occupation is or will be operating, and there shall be no evidence of a home occupation from the public-right-of-way and adjacent properties.

#### *D. Number of Customers, Clients and Pupils Permitted*

No more than two customers (non-resident, clients, pupils, children, and/or babies) shall be permitted on the site at any one time.

#### *E. Signage*

No signage associated with a home occupation shall be permitted. This includes, but is not limited to, the placement of a business sign on or near the site.

#### *F. Parking*

All parking needed to accommodate all employees and customers shall be confined to the dwelling driveway only.

#### *G. Permitted Locations and Maximum Size/Area*

1. The operation of home occupations shall be limited to ten (10) percent of the floor area of the dwelling unit, including the second floor and basement, but not including the garage or yard.
2. Activities associated with a home occupation are prohibited from occurring outside of the residence and its accessory structure.

#### *H. Home Occupation License*

A home occupation license shall be required prior to the establishment of any home occupation.

##### 1. License Procedure

- a. The license shall not be transferable and shall not run with the land; it shall terminate upon sale or transfer of the property to a new owner or tenant.
- b. The license application shall be available through the City of Hurstbourne and will be on file in the Office of the Hurstbourne City Clerk during normal business hours.
- c. Only one (1) home occupation will be granted per dwelling unit.

2. License Applications
  - a. Existing Home Occupations shall have a period of six (6) months from the adoption of this ordinance to submit a completed application.
  - b. Existing Home Occupations shall be permitted to remain open for business until their application is reviewed by the Commission.
  - c. License fees will be waived for applications submitted in the 6-month period.
3. License Fees
  - a. A one hundred dollar (\$100.00) license fee shall be paid with the initial application. **(after the 6 month grace period).**
  - b. A license renewal fee of \$25.00 shall be paid annually on or **before January 1st** of each subsequent year.
4. Abatement Procedure
  - a. It shall be unlawful for the owner, occupant, or person having control or management of any property within the City to permit an unlicensed home occupation to be operated thereon.
  - b. Whenever a violation is discovered, the authorized City official shall give five days written notice to remedy the situation. The notice shall be mailed to the last known address of the owner of property, as it appears on the tax assessment rolls and or the business operator, **person or persons in control of the premises at the location where the business exists.**
5. Criminal Penalty
  - a. Violation of the provisions of this Chapter or failure to comply with any of the requirements thereof shall constitute a misdemeanor. Any person who violates the provisions of this Chapter or fails to comply with any of the requirements thereof shall, upon conviction, be fined not less than twenty-five dollars (\$25) or more than \$100.00. Each day during which such violation continues shall be deemed a separate offense for which a separate fine may be imposed.
  - b. The owner or tenant of any building or structure, premises or part thereof, any architect, builder, contractor, agent or other person who commits, participates in, or maintains such, shall be in violation of this ordinance and suffer the penalties herein provided.
  - c. **No residence shall be issued a Home Occupation License if delinquent taxes exist on the property.**
6. Civil Penalty
  - a. Any violation of this Chapter shall subject the offender to a civil penalty in an amount equal to the minimum fine prescribed by Section H.5 of this ordinance. Such civil penalty may be recovered by the City in a civil action in the nature of a debt if the offender does not pay the penalty within twenty (20) days after the offender has been cited for the violations. The civil penalty may be used as an alternative to or in conjunction with the criminal penalties authorized in Section H.5 of this ordinance. The City is authorized to withhold the issuance of a home occupation license where the owner or applicant has failed to pay or appeal any civil penalty assessed.
7. Enforcement

This Ordinance may be enforced as a part of the Land Development Code adopted by the City, or it may be enforced as a stand alone ordinance without reference to the Land Development Code.

### Section 3. Effective Date

This ordinance shall become effective upon its adoption by the City Commission and publication as required by law. Introduced and first reading this March 13, 2007; passed and approved this 11th day of December, 2007.



*City of Hurstbourne  
304 Whittington Pkwy.  
Suite 100  
Louisville, KY 40222  
Tel: 502 426 4808  
www.hurstbourne.org*

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## Sanitation Holidays 2008

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Memorial Day, Monday May 26, 2008. There will be no collections on Memorial Day, May 26. All services for this week will be postponed by one day. Collections days for this week will be Wednesday and Saturday.

Independence Day, Friday July 4, 2008. Since this holiday falls on a Friday trash collections will be on Saturday.

Labor Day, Monday September 1, 2008. There will be no collections on Labor Day, September 1. All services for this week will be postponed by one day. The pick up days for this week will be Wednesday and Saturday.

Thanksgiving Day, Thursday, November 27, 2008. The regularly scheduled service on Tuesday will be provided. The Friday collection will be postponed a day, therefore, pickup will be on Saturday.

Christmas Day, Thursday, December 25, 2008. There will be no collections on Christmas Day, December 25. The regularly scheduled collections will be on Tuesday of this week and the Friday service will be postponed until Saturday.