

OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

ORDINANCE NO. 4704

ORDINANCE AMENDING SECTION 20-0403 OF ARTICLE 20-04
OF CHAPTER 20 OF THE LAND DEVELOPMENT CODE
RELATING TO HOME OCCUPATIONS

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3 WHEREAS, the electorate of the city of Fargo has adopted a home rule charter in
4 accordance with Chapter 40-05.1 of the North Dakota Century Code; and,

5 WHEREAS, Section 40-05.1-06 of the North Dakota Century Code provides that the City
6 shall have the right to implement home rule powers by ordinance; and,

7 WHEREAS, Section 40-05.1-05 of the North Dakota Century Code provides that said home
8 rule charter and any ordinances made pursuant thereto shall supersede state laws in conflict
9 therewith and shall be liberally construed for such purposes; and,

10 WHEREAS, the Board of City Commissioners deems it necessary and appropriate to
11 implement such authority by the adoption of this ordinance;

12 NOW, THEREFORE,

13 Be It Ordained by the Board of City Commissioners of the City of Fargo:

14 Section 1. Amendment.

15 Paragraphs 2 and 5 of Subsection C of Section 20-0403, of Article 20-04 of Chapter 20 of
16 the Fargo Municipal Code (Land Development Code) are hereby amended to read as follows:

17 * * *

18 C. * * *

19 **2. Minor Home Occupations - Defined**

20 A Minor Home Occupation is one in which residents use up to 25 percent of the
21 floor area of their home as a place of work, but in which no employees come to
22 the site. Minor Home Occupations allow up to four customers per day, with a
23 maximum of 12 customers per week, only between the hours of 7:00 a.m. and
9:00 p.m. No more than one customer is permitted on the site at any given time.
Examples include, but are not limited to, artists, crafts people, writers,
professional consultants personal care and grooming services, and employees of

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1 off-site businesses who work from their home. In addition, tutors, such as piano
2 or other music teachers, who provide lessons to no more than 60 students per
3 week and do not have non-resident employees coming to the site, shall be deemed
4 minor home occupations. In addition, dog grooming services that would qualify
5 as a Minor Home Occupation as a result of percentage of floor area of the home,
6 customer activity and hours of operation may be allowed after it has been
7 reviewed and approved in accordance with Conditional Use Review procedures of
8 Sec. 20-0909. Unless otherwise expressly stated, any Conditional Use Permit for
9 such dog grooming service granted pursuant to Section 20-0909 shall
10 automatically terminate upon sale or transfer of the property.

* * *

11 **5. Prohibited Uses**

* * *

12 **d. Animal Care, Grooming, or Boarding Facilities**

13 Animal care or boarding facilities are not allowed as home occupations. This
14 includes animal hospitals, kennels, stables and all other types of animal boarding
15 and care facilities. Dog grooming services are also included as prohibited animal
16 care or boarding facilities; however, to the extent such services would otherwise
17 qualify as a Minor Home Occupation, dog grooming services may be allowed
18 upon application as provided in paragraph 2, regarding Minor Home Occupations,
19 above. In no event may dog grooming be allowed as a Major Home Occupation.

20 Section 2. Penalty.

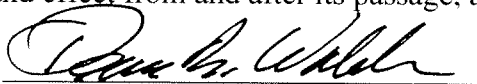
21 A person who willfully violates this ordinance is guilty of an infraction. Every person,
22 firm or corporation violating an ordinance which is punishable as an infraction shall be punished
23 by a fine not to exceed \$500.00; the court to have power to suspend said sentence and to revoke
the suspension thereof.

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1 Section 3. Effective Date.

2 This ordinance shall be in full force and effect from and after its passage, approval and
3 publication.



4 Dennis R. Walaker, Mayor

5 (SEAL)

6 Attest:


7 Steven Sprague, City Auditor

8 First Reading: 04-20-2009
9 Second Reading: 05-04-2009
10 Final Passage: 05-04-2009
11 Publication: 05-25-2009

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