

ORDINANCE NO. 24-05

AN ORDINANCE OF FILLMORE CITY, UTAH AMENDING THE FILLMORE CITY MUNICIPAL CODE, INCLUDING SECTIONS 10-2-1, 10-8A-3, 10-8B-3, AND 10-10-3, TO CREATE A DEFINITION FOR TATTOO OR BODY PIERCING ESTABLISHMENT, AND INCLUDE THEREIN SERVICES RELATING TO TATTOOS AND BODY PIERCINGS; REVISE THE DEFINITION OF “ADULT ORIENTED BUSINESS” TO “SEXUALLY ORIENTED BUSINESS,” AND EXCLUDE SERVICES RELATING TO TATTOOS THEREFROM; AND AMEND THE USE TABLES IN THE GENERAL COMMERCIAL, HIGHWAY COMMERCIAL, AND OFFICE RESIDENTIAL ZONES TO INCLUDE TATTOO AND BODY PIERCING ESTABLISHMENT AS AN ALLOWED USE.

The City Council of the City of Fillmore, Utah, (referred to herein as the “City Council”), states the following as the basis for enacting this ordinance:

RECITALS

A. Fillmore City previously adopted a land use ordinance, pursuant to law, which is set forth in Title 10 of the Fillmore City Municipal Code.

B. Fillmore City may enact and amend ordinances, resolutions, and rules regarding land use for the purposes outlined in Utah Code Ann. § 10-9a-102.

C. Title 10, Chapter 2, of the Fillmore City Municipal Code, contains land use definitions, including a definition for “Adult Oriented Business,” which includes the use of tattoo parlor as well as uses typically found under the definition of “Sexually Oriented Business” found in other jurisdictions.

D. Further, similar to ear piercings under Fillmore City Ordinance No. 24-04, body piercing is not expressly allowed in any zone under any defined land use under Title of the Fillmore City Municipal Code.

E. The City considered an amendment to Title 10, wherein a new use of “Tattoo or Body Piercing Establishment” would be included as a definition which would include services relating to tattoos and ear piercings; Tattoo or Body Piercing Establishment would be included as an allowed use in the Highway Commercial, General Commercial, and Office Residential Zone; and “Adult Oriented Businesses” would be redefined as “Sexually Oriented Businesses” and exclude tattooing services.

F. On February 15, 2024, the Fillmore City Planning Commission (referred to herein as the “Planning Commission”) held a public hearing to receive public comment regarding such amendment, after publishing notice as required by law, and there allowed the opportunity for public comments related to the proposed amendment.

G. After considering the matter, the Planning Commission found it appropriate and in the public interest to recommend adoption of such amendment to the City Council.

H. The City Council has now considered the matter and received public comment, after publishing notice as required by law, and has determined that the Planning Commission recommendation is appropriate and the changes should be adopted as such changes further the health, safety and welfare of Fillmore City.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Fillmore, Utah:

SECTION 1: Adoption of Recitals. The Recitals set forth above are hereby adopted and incorporated into this ordinance by reference.

SECTION 2: Amendments to Title 10, Chapter 2, Definitions, to create a definition for “Tattoo or Body Piercing Establishment” and revise the definition of “Adult Oriented Business” to “Sexually Oriented Business.” The definition of “Tattoo or Body Piercing Establishment” and “Sexually Oriented Business” shall be amended as follows:

Tattoo or Body Piercing Establishment: Any business that is engaged primarily in the practice of tattooing or body piercing. This definition does not include services for permanent facial cosmetics of the eye, brow and lip or piercings of the ear contained under the definition of “Personal Services.”

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~~**Adult Oriented Business:** Sexually Oriented Business:~~ Any or all of the following or any portion of the following: a(n) adult bookstore or adult video store, adult business, adult motion picture theater, adult theater, outcall services, seminude dancing agency, seminude entertainment business, as defined in Title 3, Chapter 11, of the Fillmore City Municipal Code, and similar uses. ~~adult bookstore, adult video store, adult novelty store, adult motion picture theater, and adult theater, and tattoo parlors. However, for the purposes of this title only, a tattoo parlor does not include services for permanent facial cosmetics of the eye, brow and lip only that are associated with a licensed clinician and in conjunction with a commercial beauty parlor or full service hair salon and not as a home occupation.~~

OFFICE, PROFESSIONAL: A place intended for the conduct of a recognized learned profession. Such uses include offices or clinics devoted to treatment and care of human illness or injury (medical, dental, chiropractic offices, massage therapist and similar uses). Other professions so defined would include, but not be limited to, accountants, architects, engineers and lawyers. Office, professional may be conducted in allowed zones of the zoning matrix and may be conducted as a home occupation, provided they meet the criteria for home occupation, under an administrative conditional use permit in zones where home occupation is allowed. Definition does not allow for in-patient care facilities or ~~sexually oriented businesses. adult-oriented businesses.~~

SECTION 3: Amendments to the Fillmore City Municipal Code to replace references to “Adult Oriented Business” with “Sexually Oriented Business.” The phrase “Adult Oriented Business” shall be stricken and replaced by “Sexually Oriented Business” in sections 10-2-1, 10-6-8, 10-7A-8, 10-7B-8, 10-7C-7, 10-8A-8, 10-9A-2, 10-9A-6, 10-9A-8, 10-10-7, and 10-14-4 of the Fillmore City Municipal Code.

SECTION 4: Amendment to Title 3, Chapter 10 the Fillmore City Municipal Code. Title 3, Chapter 10, of the Fillmore City Municipal Code shall be amended in its entirety as shown on the attached and incorporated Exhibit A.

SECTION 5: Amendment to Title 10, Chapter 8, Article A, Section 2 of the Fillmore City Municipal Code. Title 10, Chapter 8, Article A, Section 2 of the Fillmore City Municipal Code, Use Table of the General Commercial District shall be amended in its entirety as follows:

10-8A-2: USE TABLE:

If a use is not specifically designated then it is prohibited.

TABLE 10-8A-2

USES

Type	Allowed	Administrative Conditional Use	Conditional Use	Business License
Accessory structure, unoccupied	X			
Apartment hotel			X	X
Apartment house			X	X
Athletic club	X			X
Auto self-service station	X			X
Auto service station	X			X
Auto truck, RV sales and rental	X			X
Automotive body/paint repair establishment			X	X
Automotive repair establishment	X			X
Banking - financial services	X			X
Bar, tavern, lounge			X	X
Bed and breakfast	X			X
Childcare for business:				
Center		X		X
Facility		X		X
Church	X			
Cinema, indoor	X			X
Civic club	X			
Convenience goods-sales	X			X
Cultural, civic services	X			X
Dry cleaning establishment			X	X
Dwelling, single-family			X	
Farm animals/livestock	X			
Fence, electric		X		
Fence, razor		X		
Fence, wildlife/large animal		X		
Fireworks sales/stands		X		X
General merchandise sales and service	X			X
Healthcare center	X			X
Heavy/farm equipment sales			X	X

Home occupation		X		X
Hospital	X			X
Hotel	X			X
Household pets	X			
Intermittent commercial use		X		X
Laundromat	X			X
Laundry establishment	X			X
Light industry			X	X
Liquor store	X			X
Lumber sales/storage			X	X
Manufactured home			X	
Master planned development			X	
Mental health center			X	X
Military surplus store			X	X
Modular home			X	
Mortuary	X			X
Motel	X			X
Nursery	X			X
Office, business, government	X			
Office, professional	X			X
Outdoor rec-park-play	X			X
Pawnshops	X			X
Personal services	X			X
Pet grooming	X			X
Preschools		X		X
Public rights-of-way	X			
Public services	X			
Public utility stations-except sewer		X		
Recreational vehicle park			X	X
Repair services, small appliance	X			X
Restaurant-cafe	X			X
Restaurant-fast food	X			X
School, public	X			
Schools, private, quasi-public	X			X
Shopping center-community			X	X
Short-Term Rental	X			X
Skating-roller board park			X	X
Small engine repair			X	X
Stable-private	X			
Subdivisions (must meet subdivision requirements of chapter 18 of this title)	X			
Surplus, secondhand store	X			X
Swap meets		X		X
Tattoo or Body Piercing Establishment	X			X

Telecommunications facility <35' in height		X		X
Temporary outdoor use		X		X
Theater, concert hall	X			X
Warehouse storage units-commercial only			X	X
Welding machine shop			X	X

SECTION 6: Amendment to Title 10, Chapter 8, Article B, Section 2 of the Fillmore City Municipal Code. Title 10, Chapter 8, Article B, Section 2 of the Fillmore City Municipal Code, Use Table of the Highway Commercial District shall be amended in its entirety as follows:

10-8B-2: USE TABLE:

If a use is not specifically designated then it is prohibited.

TABLE 10-8B-2

USES

Type	Allowed	Administrative Conditional Use	Conditional Use	Business License
Type	Allowed	Administrative Conditional Use	Conditional Use	Business License
Accessory structure, unoccupied	X			
Agricultural industry			X	X
Apartment hotel			X	X
Apartment house			X	X
Athletic club	X			X
Auto self-service station	X			X
Auto service station	X			X
Auto truck, RV sales and rental	X			X
Automotive body/paint repair establishment			X	X
Automotive repair establishment	X			X
Banking - financial services	X			X
Bar, tavern, lounge			X	X
Bed and breakfast	X			X
Church	X			
Cinema, indoor	X			X
Civic club	X			
Convenience goods-sales	X			X
Dry cleaning establishment			X	X
Farm animals/livestock			X	
Fence, electric		X		
Fence, razor		X		
Fence, wildlife/large animal		X		
Fireworks sales/stands		X		X
General merchandise sales and service			X	X

Healthcare center	X		X
Heavy/farm equipment sales		X	X
Hospital	X		X
Hotel	X		X
Household pets	X		
Intermittent commercial use		X	X
Laundromat	X		X
Laundry establishment	X		X
Light industry		X	X
Lumber sales/storage		X	X
Master planned development		X	
Mental health center	X		X
Military surplus store		X	X
Mortuary	X		X
Motel	X		X
Nursery	X		X
Office, business, government	X		
Office, professional	X		X
Pawnshops	X		X
Personal services	X		X
Pet grooming	X		X
Public rights-of-way	X		
Public services	X		
Public utility stations-except sewer		X	
Recreational vehicle park		X	X
Repair services, small appliances	X		X
Restaurant-cafe	X		X
Restaurant-fast food	X		X
School, public	X		
Schools, private, quasi-public	X		X
Shopping center-community		X	X
Short-term rental	X		X
Skating-roller board park		X	X
Small engine repair	X		X
Storage containers			
Subdivisions (must meet subdivision requirements of chapter 18 of this title)	X	X	
Surplus, secondhand store	X		X
Swap meets		X	X
Tattoo or Body Piercing Establishment	X		X
Telecommunications facility <35' in height		X	X
Temporary outdoor use		X	X
Theater, concert hall	X		X

Warehouse storage units-commercial only	X	X
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SECTION 7: Amendment to Title 10, Chapter 10, Section 2 of the Fillmore City Municipal Code.
Title 10, Chapter 10, Section 2 of the Fillmore City Municipal Code, Use Table of the Office Residential District shall be amended in its entirety as follows:

10-10-2: USE TABLE:

If a use is not specifically designated then it is prohibited.

TABLE 10-10-2

USES

Type	Allowed	Administrative Conditional Use	Conditional Use	Business License
Accessory structure, unoccupied	X			
Agriculture	X			
Apartment house			X	X
Childcare for business:				
Center		X		X
Facility		X		X
Church	X			
Civic club	X			X
Dwelling, single-family	X			
Dwelling, two-family	X			
Farm animals/livestock	X			
Fence, electric		X		
Fence, wildlife/large animal		X		
General merchandise sales and service			X	X
Group home:				
Assisted living facility			X	X
Disabled			X	X
Elderly			X	X
Healthcare center	X			X
Home occupation		X		X
Hospital	X			X
Household pets	X			
Intermittent commercial use		X		X
Manufactured home	X			
Mental health center			X	X
Modular home	X			
Office, business, government	X			
Office, professional	X			X
Outdoor rec-park-play	X			X
Personal services	X			X
Preschools		X		X
Public rights-of-way	X			

Public services		X	
Repair services, small appliances	X		X
Schools, private	X		X
Schools, public	X		
Short-term rental	X		X
Stable, private	X		
Subdivisions (must meet subdivision requirements of chapter 18 of this title)	X		
Tattoo or Body Piercing Establishment	X		X
Temporary outdoor use		X	X

SECTION 5: Effective Date. This ordinance shall become effective upon publication.

SECTION 6: Publication. This ordinance or a summary thereof is ordered published in accordance with Utah Code Ann. § 10-3-711, as a class A notice under Section 63G-30-102.

SECTION 7: Severability. If any provision of this ordinance less than the entire ordinance is held invalid by a court of competent jurisdiction, this ordinance shall be deemed severable, and such finding of invalidity shall not affect the remaining portions of this ordinance.

SECTION 8: Conflicting Ordinances. To the extent that any ordinances, resolutions, or policies of the City of Fillmore conflict with the provisions of this ordinance, they are hereby amended to be in accordance with the provisions hereof.

PASSED AND ADOPTED this ____ day of _____ 2024.

CITY OF FILLMORE, UTAH:

By: _____
MICHAEL D. HOLT, Mayor

Attest: _____
KEVIN ORTON, City Recorder

VOTING:

Dennis Alldredge	___ Yea	___ Nay	___ Absent	___ Abstain
Curt Hare	___ Yea	___ Nay	___ Absent	___ Abstain
Gene Larsen	___ Yea	___ Nay	___ Absent	___ Abstain
Kyle Stevens	___ Yea	___ Nay	___ Absent	___ Abstain
Michael Winget	___ Yea	___ Nay	___ Absent	___ Abstain