

Permit Requirement

The operation of a home occupation can be classified as either:

Minor Home Occupation

or

Major Home Occupation

Minor Home Occupations - allowed in a residential home without any permit or City approval.

Major Home Occupations - any Home Occupation that does not meet one or more criteria for a Minor Home Occupation.

Minor Home Occupation Criteria *(HZO 11.12)*

1. The occupation must be conducted primarily within a dwelling unit.
2. Not more than one volunteer and/or nonresident employee, partner, or other person engaging in the conduct of the home occupation for pay or profit shall work on the subject property.
3. The occupation must be clearly incidental and secondary to the principal use of the dwelling for dwelling purposes.
4. The operation of the home occupation shall not cause or encourage traffic not ordinarily associated with the residential area in which the home occupation is conducted.
5. Merchandise offered for sale shall be clearly incidental to the home occupation provided however, that, orders may be taken for later delivery off of the premises.

Minor Home Occupation Criteria *(Continued)*

6. There can be no evidence other than the nameplate that will indicate from the exterior that the building is being utilized in part for any other purpose other than that of a dwelling. There is no sign which is attached to the building other than a nameplate. The sign shall not be illuminated or more than one square foot in area.
7. Such occupations shall not require substantial internal or external alterations or involve construction features not customary in a dwelling. No home occupation shall require external alteration of the residence or other visible evidence of the conduct of such home occupation.
8. No toxic, explosive, flammable, combustible, corrosive, radioactive or other restricted material shall be stored on site.
9. No activity shall be conducted which would interfere with radio or television transmission in the area, nor shall there be any offensive noise, smoke, dust, odor or heat noticeable beyond the premises.

Common Home Occupation Questions:

- Q1. What do I need to open my business?
- A1. If a business can meet all nine criteria to be a Minor Home Occupation there is nothing needed from the City. Typically as long as a business is looking to operate without any structural changes and no signage beyond a one square foot nameplate it will qualify. Most common examples are: Day Cares that employ up to one additional person besides family that resides at the home day care location; Hair, Nails, etc.; Internet sales or service; home office agent; etc.
- Q2. What happens if I do not meet one or more of the Minor Home Occupation criteria?

Questions *(Continued from Q2)*

- A2. A Conditional Use Permit must be obtained to operate. The process starts with a \$250.00 application that will result in a public hearing to decide if it will be approved or denied and if any stipulations will be required. A notice will be printed in the City's legal newspaper, currently the Sioux Valley News in Canton. In addition a letter will be mailed to neighboring properties within one hundred and eighty-seven (187) feet of the application property at least ten days prior to the public hearing. Finally, a sign will be posted on the application property to notify the public at least ten days prior to the public hearing.
- Q3. What businesses are not allowed?
- A3. Any business that is not secondary in use on the property as the dwelling unit. This means that a property must be lived in by the owners of the business.
- Q4. Can I do demonstrations in another home?
- A4. Yes, the home occupation is based on the owners living address and the official location for taxes and other business requirements.
- Q5. Can I have employees at my home?
- A5. Yes, you can up to one employee/volunteer/ nonresident employee/ partner/ or other person working at the business without a Conditional Use Permit. If a second person is required that fits this description a Conditional Use Permit is required.

(more questions on the back side)

Questions (*Continued*)

- Q6. Are there any other rules I need to follow?
- A6. It depends. Being allowed by the City of Harrisburg to have a Home Occupation no matter if it is a Major or Minor does not excuse requirements by other agencies or governing bodies. For example any day care with more than twelve kids will still need to be registered and approved by the State of South Dakota. Any rules by the State of South Dakota; Department of Alcohol, Tobacco and Firearms; Internal Revenue Service; or any other agency that has jurisdiction must also be followed.
- Q7. Is this a new requirement?
- A7. The current Ordinance was adopted July 5, 2011 and became effective August 3, 2011. Prior to that any Home Occupation required a Conditional Use Permit, if a business existed prior to August 3, 2011 but did not have a Conditional Use Permit that business will not have to do anything to become legal as long as the nine criteria for a Minor Home Occupation can be met. If the criteria cannot be met the business will need to follow the requirements for a Major Home Occupation.

Please feel free to contact the City of Harrisburg with any questions that you may have at:

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Home Occupation Requirements for Residential Properties



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