

**ORDINANCE NO. 2011-03-372**

**AN ORDINANCE AMENDING THE DEFINITION OF  
HOME OCCUPATION LICENSE**

WHEREAS, the citizens of the City of Tontitown have determined that it is necessary to modify the definition of a home occupation license to resolve any ambiguities regarding the definition itself, and

WHEREAS, the City Council has determined that it is in the best interest of the City of Tontitown, Arkansas, to Amend Ordinance 2010-12-366; and Amend Code Section § 153.601.12

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF TONTITOWN, ARKANSAS, AS FOLLOWS:**

SECTION 1: Section 153.601.12 of the Code of Ordinances for the City of Tontitown, Arkansas, is hereby amended and shall provide as follows:

**§ 153.601.12 HOME OCCUPATIONS.**

Home occupations as defined herein, and may be permitted in accordance with the following provisions.

(A) Home occupations must meet the following requirements to be considered for a conditional use permit.

(1) Traffic generated by the proposed use must not negatively impact the safety, ambiance and characteristics of the residential neighborhood.

(2) The home occupation does not create noise, vibration, glare, fumes, electromagnetic interference, odors, or air pollution outside a structure.

(3) The home occupation is not primarily a retail sales operation (Incidental sales, i.e. shampoo, cosmetics, are permitted).

(4) The home occupation does not involve the storage of hazardous materials, other than substances of a type and quantity customarily associated with a home or hobby.

(5) The home occupation is solely operated by the owner(s) and occupant(s) of the dwelling. No nonresident persons are employed.

(C) *Examples of home occupations.*

(1) Activities conducted principally by telephone, computer, facsimile or mail.

(2) Studios where handicrafts or objects of art are produced.

(3) Dressmaking or apparel alterations.

(4) Independent consultant such as Mary Kay, Pampered Chef, Arbonne, Southern Living at Home, and the like.

(5) Residential child care: is defined as 1 to 4 children under the age of 18, excluding those residing in the home .

(D) *Prohibited home occupations.*

(1) Bed and breakfast.

(2) Eating and drinking establishments.

(3) Kennels.

(4) Barber or beauty shops.

(5) Commercial sales or leasing of vehicles.

(6) Rest home.

(7) Clinic, doctor or dentist office.


(8) Any use that requires a building code upgrade (i.e. from residential standards to commercial standards) to accommodate the home occupation.

(9) Any use that required employees who are not the sole owner(s) or occupant(s) of the dwelling.


(E) *Hobbies.* Hobbies conducted solely within the confines of a structure with no external impacts whatsoever, are not considered home occupations, even if occasional items are sold on the premises or transported away from the premises for sale.

PASSED AND APPROVED THIS 1<sup>st</sup> DAY OF March 2011.

APPROVED:

  
\_\_\_\_\_  
Mayor, Tommy Granata

ATTEST:

  
\_\_\_\_\_  
Recorder/Treasurer, 3-1-2011

SPONSOR:

Planning Commission

Roll Call

Shall the Ordinance Pass:

	Yea	Nay
Alderman David Bolinger	<u>✓</u>	<u>      </u> Ward 1, Position 1
Alderman Henry Piazza	<u>✓</u>	<u>      </u> Ward 1, Position 2
Alderman Arthur Penzo	<u>✓</u>	<u>      </u> Ward 2, Position 1
Alderman Bobby Pianalto	<u>✓</u>	<u>      </u> Ward 2, Position 2
Alderman Julie Bowling	<u>✓</u>	<u>      </u> Ward 3, Position 1
Alderman Mike Zulpo	<u>✓</u>	<u>      </u> Ward 3, Position 2
Mayor Tommy Granata	<u>      </u>	<u>      </u>
TOTALS	<u>6</u>	<u>0</u>

---

Roll Call

Shall the Ordinance Become Effective Immediately:

	Yea	Nay
Alderman David Bolinger	<u>      </u>	<u>      </u> Ward 1, Position 1
Alderman Henry Piazza	<u>      </u>	<u>      </u> Ward 1, Position 2
Alderman Arthur Penzo	<u>      </u>	<u>      </u> Ward 2, Position 1
Alderman Bobby Pianalto	<u>      </u>	<u>      </u> Ward 2, Position 2
Alderman Julie Bowling	<u>      </u>	<u>      </u> Ward 3, Position 1
Alderman Mike Zulpo	<u>      </u>	<u>      </u> Ward 3, Position 2
Mayor Tommy Granata	<u>      </u>	<u>      </u>