

ORD. 2026-1

IN THE CITY OF VILONIA, ARKANSAS

A ORDINANCE DEFINING AND REGULATING CARE FACILITIES IN THE CITY OF VILONIA, PERMITTING SUCH FACILITIES WITH A CONDITIONAL USE PERMIT, DECLARING AN EMERGENCY, AND OTHER PURPOSES.

WHEREAS, the City of Vilonia has the authority, responsibility, and obligation to ensure public safety which from time to time requires amendment to the rules and regulations pertaining thereto, and

WHEREAS, it has been determined that the need exists to amend Title 14, of the Vilonia Municipal Code to impart additional requirements on the definition and regulation of home care facilities; and,

WHEREAS, potential applicants of home care facilities are entitled to clear standards and procedures for applications and proper compliance with municipal requirements.

WHEREAS, an emergency is declared to exist, necessitating the need for the additional requirements to take effect immediately for the preservation of public safety by the City of Vilonia hereinafter the date affixed hereto.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VILONIA, ARKANSAS THAT:

SECTION 1: DEFINITIONS

The following definitions will be added or replaced in Title 14.04.02 of the Code of the General Ordinances of the city of Vilonia, Arkansas

- **Day Care Facility:** Any place operated as a business or service on a daily or regular basis, whereas the primary function is protection, care, and supervision of more than three human individuals which may include children, handicapped persons, or elderly individuals during the day, away from the clients' and caregivers' places of residence. All Day Care Facilities shall conform to applicable building and fire regulations and have an annual inspection completed by the Fire Department and/or Code Enforcement Officer.
- **Group Home:** A building or group of buildings on a parcel of land intended for occupancy by special groups of people who require special needs or assistance. Such groups include elderly persons, handicapped individuals, youth, or parolees. All Group Homes shall conform to applicable building and fire regulations and have an annual inspection completed by the Fire Department and/or Code Enforcement Officer.
- **Nursing Home/Assisted Living Facility:** A facility which houses multiple residents for any length of time and which provides nursing care, rehabilitation care, housekeeping, and/or food service for

three or more residents who do not have an ownership or tenant interest in the home, and who are not related to the home owner by blood or familial relation. This definition shall also include an independent living facility which also provides nursing care and/or assisted living care. Facilities treating residents for substance abuse, providing housing for parolees, treating psychiatric problems, housing for homeless, or housing of juveniles are not considered as a nursing home/assisted living use. All Nursing Home/Assisted Living Facilities shall conform to applicable building and fire regulations and have an annual inspection completed by the Fire Department and/or Code Enforcement Officer.

- **Transitional or Temporary Housing:** A residential facility which houses individuals transitionally or semi-permanently. Transitional or Temporary housing may include, as examples: a group home concurrently housing more than five (5) children or adults in foster or temporary care; assisted living for physically, mentally, or emotionally disabled adults for varying periods of time with trained caregivers; a shelter for battered women or other individuals; a homeless shelter; a home or facility for inmates placed on restrictive custodial confinement by court order during a period of supervised release from incarceration. All Transitional Housing Facilities shall conform to applicable building and fire regulations and have an annual inspection completed by the Fire Department and/or Code Enforcement Officer.
- **Home Foster Care.** This ordinance shall not apply to single-family dwellings in which the owner or lessee provides sanctioned foster care under the supervision of the Arkansas Department of Human Services.

SECTION 2: USES WITHIN DISTRICTS:

Day Care Facility, Group Home, Nursing Home/Assisted Living Facility, Transitional Housing shall be added to Conditional use under the following districts:

- **Residential Districts**
 - LDR Low Density Residential
 - MDR Medium Density Residential
 - LER Large Estate Residential
- **Mixed Use Districts**
 - TC Town Center
 - HMU Highway Mixed Use
 - VS Village

SECTION 3:

- (a) Application for conditional use approval shall be made by the property owner or authorized agent for the owner. Each application shall include a site plan. Said application may accompany a rezoning request if applicable, or by its own merit if its use is recognized in the existing zoning classification. The application shall be submitted fifteen (15) days prior to the next scheduled Planning Commission meeting, to the Enforcement Officer, who will collect the filing fee and process all applicable surveys, site plans, and other supporting information pertinent to the review process. A public hearing shall be held to consider the merits of the application.

- (b) The Planning Commission shall review the conditional use application at a scheduled public hearing, at which time interested persons may appear and offer information in support of or against the proposed conditional use. The Planning Commission shall then make one of the following recommendations to the City Council regarding final approval:
 - a. Approve the conditional use as submitted
 - b. Approve the conditional use with modifications or conditions,
 - c. Defer the conditional use;
 - d. Deny the conditional use.

SECTION 4: Applications for conditional use to permit a Care Facility as defined by this Ordinance shall be considered against various factors, including, but not limited to the following:

- (a) The proposed location and site plan of the premises, including lot size, existing or proposed zoning classification, congruence and harmony with neighboring properties, accessibility to ambulance and emergency response vehicles, availability of off-street parking; the size and integrity of the building structure and utilities;
- (b) The proposed applicant's credentials, experience, and qualifications to operate a Care Facility, as well as any prior violations, licensure suspensions, criminal acts, civil judgments, or relevant administrative determinations affecting the applicant's ability to properly operate a Care Facility;
- (c) Whether or not such operation is required to or will otherwise be regulated and supervised by other agencies such as the Arkansas Department of Human Services, or Department of Health, Department of Corrections, etc;
- (d) Relevant input and commentary from neighboring residents and landowners;
- (e) Compliance with other administrative regulations, including fire codes, building codes, and health and safety codes.

SECTION 5: Fire and Code Inspections. All facilities described and defined herein as Day Care Facilities, Group Homes, Nursing Home/Assisted Living Facilities, and Transitional Housing shall be subject to all applicable building and fire regulations as well as all applicable local, state, and federal building codes. The approval and/or renewal of Conditional Use Permits issued under this Ordinance shall be conditioned upon the passage of a physical safety compliance inspection which shall be completed by the Fire Department and/or Code Enforcement Officer at the time of application and subsequently on a yearly basis on the anniversary of the issuance of the Conditional Use Permit. The purpose and criteria for such annual inspection shall be to determine the operator's compliance with applicable local, state, and federal building codes. Failure to comply with annual inspection(s) or failure to remedy deficiencies in building codes within a reasonable

period of time shall be basis for the City Council to consider the revocation of the operator's Conditional Use Permit.

SECTION 6: CONFLICT:

All ordinances and resolutions and parts thereof in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 7: EMERGENCY CLAUSE:

This ordinance, being necessary and proper for the orderly and efficient operation of government and compliance with State Law, shall take effect immediately upon passage.

PASSED AND ADOPTED THIS 17 DAY OF February 2026.

APPROVED: _____

Mayor

ATTEST: _____

Recorder/Treasurer