

ORDINANCE NO. 2024 – 06

**AN ORDINANCE AMENDING THE SEARCY ZONING
CODE; PROVIDING REGULATIONS FOR FENCES;
DECLARING AN EMERGENCY; AND FOR
OTHER PURPOSES**

WHEREAS, the Planning Commission for the City of Searcy, Arkansas, has, pursuant to Article 9-4-2 of the Searcy Zoning Code, conducted a public hearing upon proposed amendments to the Zoning Code text heretofore adopted by the City Council for the City of Searcy; and

WHEREAS, the Planning Commission for the City of Searcy, Arkansas, has upon conclusion of the said public hearing, made a finding of fact that the amendments to the Zoning Code text are consistent with the purposes of the Zoning Code and Plans adopted by the said Planning Commission; and

WHEREAS, upon the aforesaid finding of fact, the Planning Commission has recommended to the City Council the amendments to the Zoning Code text; and

WHEREAS, the City Council has reviewed and requested code changes.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF SEARCY, ARKANSAS:

SECTION 1. The Zoning Code text of the City of Searcy, Arkansas be amended as follows:

Amend Chapter 5 to add:

Art. 5-12: Fences:

5-12-1: General Provisions

1. Fence shall not exceed a height of six (6) feet measured from the ground;
2. Fences may not be constructed within any street right-of-way;
3. Fences shall follow the provisions of Art. 3-10 and not be constructed within front yard.
4. Lots that have Side-Street Yards, as defined in Art. 11-3, and are located along collector or arterial streets may construct fences up to the collector or arterial street right-of-way.
5. Tarpaulins, canvas, plastic, oil cloth, sheeting, and other similar materials shall not be used as a permanent material for fencing per Section 9-4-2-1 of the Code of Ordinances.

5-12-2: Permit Required

No fence, wall, or other enclosures shall be constructed unless the contractor or owner shall have first applied for and secured a building permit from the Administrative Official in accordance with these regulations. Application for a permit for the erection, alteration, or relocation of a fence or wall when allowed by this article, shall be made to the Administration Official on such form or forms as may be required to provide the information necessary to administer the provisions of this article. As a minimum, the following information is required:

1. Height of fence or wall;
2. Location of fence or wall in relation to street(s), property line(s), easements(s), buildings, and private drives.
3. Location of any property lines that may be affected by the fence or wall

5-12-3: Fees

Fees for a fence or wall permit shall be collected according to a fee schedule established by the City Council and amended from time to time.

5-12-4: Maintenance

1. All fences and walls shall be maintained in a clean, sanitary, and inoffensive condition and clear of obnoxious substances, rubbish, and weeds. Fences shall be properly maintained at all times.
2. The Enforcement Officer is hereby authorized to order the repair or removal of any fence or wall that is defective, damaged, substantially deteriorated, or presents a public hazard, as defined in the edition of the building code in force in the city.

5-12-5: Appeals

If any of these regulations cause an undue hardship due to circumstances unique to the property under consideration, the applicant may apply to the Board of Zoning Adjustment by following the procedures and requirements as outlined in Chapter 10 of this Code.

SECTION 2. The regulation and preservation of property uses and the continued utilization of lands within the City of Searcy in accordance therewith being necessary for the preservation of the public peace, health, safety, and welfare, an emergency is hereby declared, and this Ordinance shall be in full force and effect from and after its passage.

PASSED AND ADOPTED THIS 13th DAY OF FEBRUARY, 2024

/s/ Mat Faulkner

Mayor of Searcy

ATTEST:

/s/ Jerry Morris

City Clerk