

ORDINANCE NO. 2019 - 13

AN ORDINANCE PROVIDING FOR A MORATORIUM ON THE CONSTRUCTION , INSTALLATION OR ERECTION OF ANY MANUFACTURED HOME WITHIN THE CITY LIMITS OF THE CITY OF SEARCY; DECLARING AN EMERGENCY ; AND FOR OTHER PURPOSES

The City Council of the City of Searcy, Arkansas (the "City Council"), meeting in regular session, makes the following findings of fact and enacts the following provisions:

WHEREAS , the City of Searcy has adopted ordinances, regulations and other matters that relate to certain construction or placement that is composed, comprised or in that any way incorporates any pre-fabricated elements or component elements which include electrical conductors, plumbing, ducts or any other structural elements that are installed or manufactured at a site other than where said elements are to be placed for final installation and that are used, occupied or inhabited for a duration longer than one hundred twenty (120) days, but which does not include a contractor shed, trailer or other, similar structure that is for temporary offices of a contractor performing work relating to the construction of improvements (each a "Manufactured Home").

WHEREAS , the State of Arkansas has adopted revisions to the Arkansas Code that will require an examination of ordinances and zoning code applicable to Manufactured Homes.

WHEREAS, given that the City has a comprehensive plan for the regulation of the placement and other elements of a Manufactured Home, the City requires additional time in which to incorporate these changes.

WHEREAS , the City Council desires to impose a temporary moratorium on the placement , construction or erection of any Manufactured Home within the City to permit the City Council to perform additional review and investigation as to the most appropriate manner to regulate the construction, installation or erection of Manufactured Homes

WHEREAS, the City Council desires to act expeditiously and finds that its review and inquiry into the proper regulatory mechanism will take approximately one hundred eighty (180) days.

WHEREAS, the City Council determines that the need to provide for reasoned discussion and public debate regarding this issue without the prospect of the construction, placement or installation of Manufactured Homes is a compelling interest and, therefore, an emergency is declared.

Now, THEREFORE, the City Council adopts the following:

Section 1. Moratorium. A moratorium is hereby adopted on the construction, installation or erection of any Manufactured Home within the City limits of the City of Searcy.

Section 2. Duration of Moratorium. The moratorium imposed by this ordinance shall continue for one hundred eighty (180) days from and after its adoption or until legislation regulating Manufactured Homes is adopted or this moratorium is rescinded by Council, whichever first shall occur.

Section 3. Creation of Study Group. The Mayor and City Clerk are authorized and directed to take all action as may deemed by them to be appropriate, in their sole and exclusive discretion, to create a Study Group to be composed of interested members of the City Council and others as may be determined by them to be necessary to gather accurate and necessary information concerning Manufactured Homes and to determine the proper manner of regulation in the City.

Section 4. Severability. The provisions of this ordinance are separable and, upon any finding that any provision of this ordinance is unenforceable, the remaining provision shall be enforceable according to their terms.

Section 5. Emergency Clause. The City Council has determined that an emergency exists and that the immediate adoption and enforcement of this ordinance being necessary for the public peace, health, safety and welfare, the provisions hereof shall be in full force and effect from and after its passage.

Adopted this 14th day of May, 2019.

The City of Searcy, Arkansas

By: /s/ Kyle Osborne
Mayor of Searcy

Attest:

/s/ Jerry Morris
Searcy City Clerk

