CITY OF MULBERRY, ARKANSAS

ORDINANCE NO. 2022-02

AN ORDINANCE REGULATING SCREENS AND FENCES IN FRONT YARD AREAS, REPEALING CONFLICTING ORDINANCES, DECLARING AN EMERGENCY, AND FOR OTHER PURPOSES.

WHEREAS, the City Council of the City of Mulberry deems it advisable to update its ordinances regarding the rules associated with the use fences and screens in front yards;

WHEREAS, it is imperative that all house and building numbers be visible for emergency services and first responders during emergency events as well as routine maintenance and inspection;

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

SECTION 1: It shall be unlawful for any person to violate the provisions of this ordinance.

SECTION 2: No person shall erect, construct, maintain, plant, install, or otherwise permit to exist any fence, screen, or other object that is taller than 48" across the front yard area of any lot unless it does not appreciably obstruct vision into the property. There shall be a presumption that an ordinary and customary fence erected to enclose livestock shall not be a violation of this ordinance.

SECTION 3: Upon application, consideration, and review the Planning Commission by majority vote may approve permits and variances to this ordinance that will not violate the intent of the ordinance to protect the efficacy of emergency response and orderly city government operations.

SECTION 4: Fines. Except as otherwise provided, a person convicted of violating any provision of this regulation shall be punished by a fine not to exceed $1,000.00, or double such sum for each repetition thereof. If the violation is continuous in nature, the penalty for allowing the continuance thereof shall be a fine not to exceed $500.00 for each day that the violation is unlawfully continued. The judge will determine the actual fine and may, for specific offenses, establish a standardized amount that may be tendered with a guilty plea in lieu of appearing in court.

SECTION 5: Citations. The Mulberry Police Department is hereby authorized to issue citations to any person, firm or corporation in conflict with or in violation of any of the provisions of this ordinance. Citations shall be issued in accordance with the Arkansas Rules of Criminal Procedures. Crawford County District Court shall have exclusive jurisdiction over citations issued pursuant to this regulation.

SECTION 6: Criminal Appeals. Any person after being found guilty of a violation or after entering a plea of guilty or nolo contendere to a violation shall have those appellant rights granted under the Laws of the State of Arkansas, United States Constitution, and Arkansas Rules of Criminal Procedure. Any appeal of a conviction of a violation of this regulation will be heard in Crawford County Circuit Court.

SECTION 7: Administrative Appeals. Any decision of the Planning Commision may be appealed to the City Council. Any appeal to the City Council shall be given full consideration of the appeal, and may rescind, uphold, or modify the determination. Appeals to the city council shall be heard at the next regularly-scheduled meeting; when filed by the first Monday of the month. However, the appeal may be heard sooner or later by consent of the appellant. No appeal shall be heard if it is filed more than forty-five (45) days after the Planning Commission decision.

SECTION 8: The council's decision shall be final and appealable according to the rules for appealing local administrative determinations under the Arkansas Rules of Civil Procedure.

SECTION 9: Records of administrative determinations shall be subject to the Freedom of Information Act and, unless rescinded or revoked, shall be preserved for a period of not less than one year.

SECTION 10: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 11: This ordinance is deemed important for the immediate protection and preservation of the public peace, health, safety, and welfare of the citizens of Mulberry, Arkansas, because of the current hazards of obscured house numbers endangering citizens during emergencies. Therefore an emergency is hereby declared and this ordinance shall be and take effect and be in full force after its passage, approval, and publication.

PASSED AND APPROVED THIS 17 DAY OF May IN THE YEAR 2022.

APPROVED:

MAYOR

ATTESTED:

RECORDER/TREASURER