



## Legislation Text

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**File #:** ORD-09:086, **Version:** 1

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AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF JONESBORO, ARKANSAS, CHAPTER 117, ZONING; BY MODIFYING SECTION 117-329- FENCES, TO REGULATE THE PLACEMENT OF FENCING ON PROPERTIES WITHIN THE CITY LIMITS

WHEREAS, the primary purpose and intent of the Fence Ordinance is to regulate the placement, erection, materials, type, height, composition, and location of fences on private property in the City, and

WHEREAS, the intent of these guidelines is to insure safe sight lines, to minimize the potential negative visual or physical impact, or hazards of high or unsightly fences, and

WHEREAS, reasonable regulation of fencing is necessary to protect the public health, safety and welfare.

NOW, THEREFORE BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF JONESBORO THAT:

**Sec. 117-329. Fences (Permit Required)**

Except as otherwise specifically provided in other codes and regulations, the following regulations shall apply to the construction of all fences:

**SECTION (1) *Maximum height.*** Fences shall not exceed six (6) feet in height, unless approved by the Planning Commission.

- a. Front yards. Fences that are 50% (percent) open may be erected to a maximum height of 4 feet in the front yard.
- b. Fencing in the I-1 and I-2 districts, areas abutting interstate highways, around tennis courts and other recreational amenities, and on lots or tracts containing 5-acres or more shall be exempt from the height limitation.

**SECTION (2) *Corner visibility.*** Fences shall comply with the corner visibility standards of section 117-327.

**SECTION (3) *Construction materials.*** Fences in all residential zoning districts shall be constructed so that the horizontal and vertical support posts are inside the fence area or hidden from view of those outside the fenced area. This requirement shall not apply to fences that abut nonresidential zoning districts, lots abutting interstate highways, or in situations where the owner of the lot adjacent to the fence gives written permission of a plan for placing support posts on the outside of the fence. All exposed steel, except galvanized metal, shall have a color finish coat applied to them and be preserved against rust and corrosion.

**SECTION (4) *Design and maintenance.*** All fences shall be maintained in their original upright condition. Fences designed to be painted or have other surface finishes shall be maintained in their original condition as designed. Missing boards, pickets, or posts shall be replaced in a timely manner with material of the same type and quality.

SECTION (5) *Prohibited.*

- a. Barbed wire and electrified fences shall be prohibited on all lots of less than two acres in area.
- b. Fencing shall be prohibited within any street right-of-way. Exact location of fencing shall be the sole responsibility of the property owner.
- c. Fencing shall not obstruct the passage or storage of floodwater, surface runoff, or stormwater along lot lines as regulated in Section 112-129, of Chapter 112, Stormwater Management of the Jonesboro Code of Ordinances.

SECTION (6): It is found and declared by the City Council that an emergency exists and this Ordinance, being necessary for the preservation of public peace, health and safety, shall take effect from and after its passage and approval.

SECTION (7): Conflict - If any part of this Section is found to be in conflict with any other Section of the Zoning Ordinance or with any other Ordinance, the most restrictive or highest standard shall prevail. If any part of this Section is explicitly prohibited by Federal law or state statute that part shall not be enforced.

PASSED and ADOPTED the 17<sup>th</sup> day of November, 2009.