

## ORDINANCE 09-04

**AN ORDINANCE TO AMEND ORDINANCE 95-6 TO MODIFY SECTION 9 THEREOF TO PROVIDE THAT THE BOARD OF ADJUSTMENT SHALL GRANT ANY WAIVER AND/OR ISSUE ANY APPLICABLE VARIANCE AS APPLICABLE UNDER THE REQUIREMENTS OF SAID ORDINANCE INSTEAD OF THE CITY COUNCIL**

WHEREAS, the City Council of the City of Cammack Village deems it necessary and appropriate to amend Ordinance 95-6 which provides among other items standards for the building, rebuilding or altering of structures and fences within the City of Cammack Village.

**NOW, THEREFORE, IT IS HEREBY ORDAINED BY THE CITY COUNCIL OF THE CITY OF CAMMACK VILLAGE, ARKANSAS:**

**Section 1: Governing Body to Hear any Waiver and/or Grant any Variance.**

Ordinance 95-6 is hereby amended to amend Section 9 in its entirety as set forth herein. Specifically, if in certain situations, the requirements of Ordinance 95-6 would create an undue hardship or be inequitable, it is within the power of the Cammack Village Board of Adjustment, to waive the requirements of said Ordinance, provide a variance and direct that the Building Permit be issued. In this regard, it will require a majority vote of the Cammack Village Board of Adjustment to waive the requirements of this Ordinance. Under no circumstances, regardless of reason, shall the requirements of this Ordinance be waived without a majority vote of the Cammack Village Board of Adjustment. In the event the party seeking such variance does not agree with the decision of the Cammack Village Board of Adjustment, said party shall have the option of appealing such decision to either the Cammack Village City Council or the appropriate Circuit Court in Pulaski County. In the event such an appeal is taken to the Cammack Village City Council from the Cammack Village Board of Adjustment, a majority vote must be obtained from the Cammack Village City Council (which shall include any deciding vote made by the Mayor of Cammack Village) to overturn any such prior decision made by the Cammack Village Board of Adjustment. In the event the party appealing to the City Council does not agree with the decision to the City Council, the party can appeal the decision of the Board of Adjustment to the appropriate Circuit Court in Pulaski County.

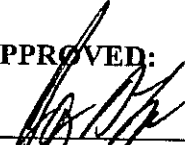
**Section 2: Repeal.** This ordinance only repeals Ordinance 95-6 to the extent such ordinance pertains to the governing body that shall initially hear and rule on whether a waiver of such applicable standards set forth under Ordinance 95-6 shall result and a forthcoming variance shall be granted.

**Section 3. Emergency Clause.** The Council for the City of Cammack Village finds and determines that questions have been raised about the enforceability of the existing appeal procedure in Ordinance No. 95-06 which has affected the ability of the City to enforce said ordinance and this amendment is essential for the orderly administration and operation of the City of Cammack Village, Arkansas and an emergency is declared to exist, and this ordinance being necessary for the preservation of the public peace, health and safety shall be in full force and effect on and after July 14, 2009.

**ADOPTED:**

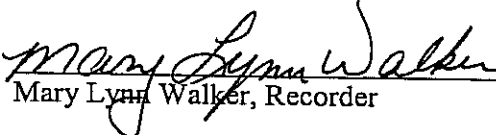
Date: 7/14/09

**APPROVED:**

  
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Harry A. Light, Mayor

**ATTEST:**

Date: 7/14/09

  
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Mary Lynn Walker, Recorder