

**ORDINANCE NO. 95-6**

**AN ORDINANCE RE-ENACTING ORDINANCE NO. 92-1 PROVIDING STANDARDS FOR THE BUILDING, REBUILDING OR ALTERING OF STRUCTURES AND FENCES WITHIN THE CITY OF CAMMACK VILLAGE, ARKANSAS; PROVIDING FOR THE ISSUANCE OF A BUILDING PERMIT TO BUILD, REBUILD OR ALTER A STRUCTURE OR FENCE; PROVIDING A PENALTY FOR VIOLATION THEREOF; AND TO REPEAL ANY ORDINANCE IN CONFLICT THEREOF; DECLARING AN EMERGENCY AND FOR OTHER PURPOSES.**

*WHEREAS*, the City Council of the City of Cammack Village previously enacted Ordinance No. 92-1 providing standards for the building, rebuilding or altering of structures and fences within the City of Cammack Village, Arkansas, providing for the issuance of a building permit to build, rebuild or alter a structure or fence and providing a penalty for violation thereof; and

*WHEREAS*, the City Council of the City of Cammack Village, Arkansas desires to re-enact, revise, and replace Ordinance No. 92-1 with this Ordinance 95-6 so that it can be published and circulated to residents of the City of Cammack Village in the *Cammack Periodical*;

*NOW, THEREFORE, BE IT ORDAINED* by the Council of the City of Cammack Village, Arkansas, TO WIT:

**SECTION 1:** For the purpose of this Ordinance, "Structure" is defined as: (i) any construction, or any production or piece of work artificially built up or composed of parts joined together in some definite manner; or (ii) a combination of materials to form a construction for occupancy, use or ornamentation whether installed on, above, or below the surface of a parcel of land.

**SECTION 2:** For the purpose of this Ordinance, "Fence" is defined as: (i) a hedge, structure, or partition, erected for the purpose of inclosing a piece of land, or to divide a piece of land into distinct portions, or to separate two contiguous estates; or (ii) an enclosure especially of wood, iron or other materials, intended to prevent intrusion from without or straying from within.

**SECTION 3:** For the purpose of this Ordinance, "Altering" shall be defined as follows: To make a change in; to modify; to vary in some degree; to change some of the elements or ingredients or details without substituting an entirely new thing or destroying the identity of the thing affected.

**SECTION 4:** For the purpose of this Ordinance, "Building Restriction Line" is defined as a line established by municipal authority to secure uniformity of appearance in the streets of the city, drawn at a certain uniform distance from the curb or from the edge of the sidewalk, and parallel thereto, upon which the fronts of all buildings on that street must be placed, or beyond which they are not allowed to project.

**SECTION 5:** No structure or fence shall be built, rebuilt or altered within the City of Cammack Village, Arkansas without a Building Permit.

**SECTION 6:** The term "lot" as used herein refers to either an improved or vacant lot.

No structure shall be built, rebuilt or altered which shall encroach on the Building Restriction Line or within fifty (50) feet of the center line of the street on which the lot fronts, whichever provides the greatest setback, or within twenty-five (25) feet of the rear property line; the builder of said structure shall provide at least 10% of the front footage of the lot in question as a side yard on each side of the structure. The rear property line is defined as the property line that is opposite the public right-of-way for the lot in question as defined in the original plats.

No structure or fence shall be built, rebuilt or altered on any lot within twenty-five (25) feet of the center line of any street with which the lot in question is contiguous, either as front footage or side footage.

On any lot, no structure or fence shall be built, rebuilt or altered which is between fifty (50) feet and twenty-five (25) feet of the centerline of any street, or which is between the Building Restriction Line and twenty-five (25) feet of the centerline of a street which the lot is contiguous, whichever provides the greater height limitation setback, and which is in excess of four (4) feet in height, either as to the front or side. A fence may be up to six (6) feet in height as to front, side or rear as to that part of the fence which is built, rebuilt or altered at least fifty(50) feet from the centerline of a street or which is built, rebuilt or altered on or behind the Building Restriction Line, whichever provides the greater setback.

**SECTION 7:** Application for a Building Permit shall be made to the City of Cammack Village, Arkansas, and upon the determination of the City of Cammack Village, Arkansas, that the requirements set forth herein have been met, the City of Cammack Village, Arkansas, shall direct the Clerk to issue a Building Permit for said structure or fence.

**SECTION 8:** To defray the cost of the administration of this Ordinance, a fee in the amount of 1% of the total cost is hereby established for each structure and/or fence

built, rebuilt or altered within the City of Cammack Village, Arkansas. Total cost shall mean the total price of the built, rebuilt or altered structure or fence including materials and labor. However, in no event shall the fee be less than \$10.00, or no more than \$200.00.

**SECTION 9:** If, in certain situations, the requirements of this Ordinance would create an undue hardship or be inequitable, it is within the power of the City Council of Cammack Village, Arkansas, to waive the requirements of this Ordinance, provide a variance, and direct that the Building Permit be issued. It will, however, require a majority vote of the City Council of Cammack Village, Arkansas, 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 City Council.

**SECTION 10:** It is hereby declared a misdemeanor for any person, firm, or corporation to build, rebuild or alter any structure or fence, without complying with the provisions of this Ordinance and, upon conviction, shall be fined in an amount of not less than \$100.00 or more than \$250.00 per day. The Marshall of Cammack Village is specifically vested with the responsibility for ensuring compliance with the requirement that a Building Permit be secured prior to construction or alteration of any structure or fence, and shall issue appropriate citations for any violations.

**SECTION 11:** It is the specific responsibility of the Building Commissioner of the City of Cammack Village to insure compliance with this Ordinance, and all other Ordinances of the City of Cammack Village, prior to a Building Permit being issued, and afterwards during the construction of said structure or fence.

**SECTION 12:** Any Building Permit issued by the City of Cammack Village is valid only for a period of six (6) months from the date of issue, unless the construction period for the building, rebuilding or alteration of said structure or fence extends past this period. After the issuance of a Building Permit by the City of Cammack Village, the building, rebuilding or alteration of any structure or fence must begin within 90 days, or said Building Permit is voided, and another Building Permit must be issued by the City of Cammack Village.

**SECTION 13:** All Ordinances including Ordinance 83-1 in conflict with this Ordinance are hereby specifically repealed. Ordinance NO. 92-1 is expressly repealed and replaced by this Ordinance.


**SECTION 14:** The Council of the City of Cammack Village, Arkansas, finds and declares that the setting of certain standards for the building, rebuilding, and altering of structures and fences affects the public interest, public welfare, and maintains the

aesthetics of Cammack Village, in that delay in the effectiveness of this Ordinance could result in non-uniform compliance with the intent of this Ordinance as well as uncertainty in its applicability. The City Council of the City of Cammack Village accordingly finds and declares that an emergency does exist, and this Ordinance shall be in full force and effect from and after its passage and approval by the Council of the City of Cammack Village, Arkansas.

ADOPTED:


DATE: 11/14/95

APPROVED:

  
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HARRY A. LIGHT, MAYOR

ATTEST:

DATE: 11/14/95

  
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LOU ANN GRAY, CITY RECORDER