

ORDINANCE NO. 2024-_____

AN ORDINANCE TO AMEND THE MUNICIPAL CODE REGARDING FENCE REQUIREMENTS AND FOR OTHER PURPOSES.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PRAIRIE GROVE, ARKANSAS, THAT:

Section One: Title. This Ordinance shall be known as the Fence Ordinance Amendment of 2024.

Section Two: The Prairie Grove Municipal Code Section 11.44.04 is amended to read as follows:

11.44.04. Design standards.

The following design standards shall apply to any new fence or replacement of any fence or wall where the length of the replacement exceeds 50 percent of the length of any straight run of fence.

- A. *Height.* Maximum height shall be eight feet above average grade.
- B. *Finished surface.* Finished surface shall face outward from the property on street-facing portions of fence. Posts and support beams may be designed to be an integral part of the finished surface when the fence is shared by two neighboring and adjoining properties and an agreement exists as to which side will remain finished.
- C. *Gates.* All fence segments abutting a public street or alley, shall provide one gate opening per lot to allow access to the area between the fence and the street pavement for maintenance and mowing. In addition, any areas such as utility or drainage easements that may be cut off from access due to the construction of the fence shall also be provided with a gated opening. An exception may be granted if the city receives a letter from a home owners association that this area is maintained by the association and not by individual homeowners.
- D. *Fence types.*
 - 1. *Razor wire.* Razor wire is prohibited in the city.
 - 2. *Barbed wire.* Barbed wire is prohibited in all residential zones, other than A-1, Agricultural zones. Barbed wire shall not be placed within five feet of a public sidewalk nor within four feet of a public street or alley right-of-way if there is no sidewalk.
 - 3. *Electric fences.* Electric fences are prohibited except in areas zoned A-1 Agricultural. Underground electric pet containment fences are allowed.
 - 4. Sheet metal, scrap wood, plywood, and other materials not normally manufactured for the purpose of construction of fences are prohibited.

Section Three: Effective Date. This Ordinance shall become effective from and after 60 days of its posting.

Section Four: Repealing Clause. Ordinances or parts thereof in force at the time that this ordinance shall take effect that are in conflict herewith, are hereby repealed.

Section Five: Saving Clause. Nothing herein shall be deemed to affect any rights or obligations existing at the time of the passage of this ordinance.

Section Six: Severability Clause. In the event any portion of this ordinance is declared inoperative or invalid as a result of a statute or judicial decision, then only that portion expressly so declared to be inoperative or invalid shall be affected thereby and all other provisions hereof shall remain in full force and effect.

Approved this 21st day of October 2024.

David Faulk, Mayor

(Attest)

Christine Kelly, City Clerk

MARKUP

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- C. *Gates.* All fence segments abutting a public street or alley, shall provide one gate opening per lot to allow access to the area between the fence and the street pavement for maintenance and mowing. In addition, any areas such as utility or drainage easements that may be cut off from access due to the construction of the fence shall also be provided with a gated opening. An exception may be granted if the city receives a letter from a home owners association that this area is maintained by the association and not by individual homeowners.
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