

CITY OF VAN BUREN, ARKANSAS
REGULAR CITY COUNCIL MEETING
MONDAY, FEBRUARY 24, 2020
MUNICIPAL COMPLEX – 5:30 PM

AGENDA

1. Invocation and Pledge of Allegiance – Ms. Cynthia Hogue, Associate Pastor New Hope Missionary Baptist Church.
2. Roll Call.
3. Minutes from the January 27, 2020 Regular City Council Meeting.
4. State of the City.
5. Resolution – Fixed Asset Removal.
6. Resolution – Adopt a Revised 2020 Budget.
7. Resolution – Setting a Public Hearing for Alleyway Abandonment.
8. Resolution – Contract for Engineering Service for the Downtown Streetscape Project.
9. Ordinance – Establishing Monthly Rates for Residential Waste Collection Service.
10. Ordinance – Amend Ord. No. 10-2015 Payment in Lieu of Sidewalk Construction.
11. Ordinance – Amend Ord No. 07-1963 Regarding Installation of Accessory Structures.
12. Ordinance – Amend Ord. No. 07-1963 Establishing Building Permit Procedures for Towers.
13. Financial Statements.
14. Boards and Commissions:
 - Housing Authority Board – Mr. Matthew Hicks.
15. Reports:
 - Police – Fire – Building Department – Public Works/Planning – Ambulance – Library.
16. Miscellaneous and General Discussion:
 - Sheriff Ron Brown - Rodeo Parade, Saturday, May 23, 2020.
17. Adjournment.

CITY OF VAN BUREN, ARKANSAS

RESOLUTION NO. ___ - ___ - 2020

BE IT ENACTED BY THE CITY COUNCIL, FOR THE CITY OF VAN BUREN, ARKANSAS,
A RESOLUTION TO BE ENTITLED:

A RESOLUTION TO AUTHORIZE THE MAYOR AND CITY CLERK TO REMOVE AND DISPOSE OF CERTAIN FIXED ASSETS FROM THE CITY OF VAN BUREN'S FIXED ASSET INVENTORY, BY SEALED BID, AUCTION OR OTHER METHODS AUTHORIZED UNDER THE LAW, AND FOR OTHER PURPOSES.

WHEREAS, the City of Van Buren has certain fixed assets on its Fixed Asset Inventory List which are obsolete, and/or beyond repair, and are no longer cost effective, so as to no longer be needed by the City; and

WHEREAS, after an inventory of fixed assets, it is therefore recommended by our State Auditor that said items or item be removed from the City's Fixed Asset Inventory and disposed of by sealed bid, auction or as otherwise authorized under A.C.A § 14-54-302.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF VAN BUREN, ARKANSAS, THAT:

SECTION 1: The Mayor and City Clerk are hereby authorized to remove the following asset or assets from the Fixed Asset Inventory and to dispose of same by sealed bid, auction or other such methods authorized under the law:

Department	Amount	Description	Control #
Police	\$1,815.68	Pro Tech 6.0 Tactical Vests S# 01462343	PD - 619
Police	\$1,815.68	Pro Tech 6.0 Tactical Vests S# 01464453	PD - 620
Police	\$1,815.68	Pro Tech 6.0 Tactical Vests S# 01462346	PD - 621
Police	\$1,815.68	Pro Tech 6.0 Tactical Vests S# 01462342	PD - 622
Police	\$1,815.68	Pro Tech 6.0 Tactical Vests S# 01462355	PD - 623
Police	\$1,815.68	Pro Tech 6.0 Tactical Vests S# 01484262	PD - 625
Police	\$1,815.68	Pro Tech 6.0 Tactical Vests S# 01484267	PD - 626
Police	\$1,815.68	Pro Tech 6.0 Tactical Vests S# 01487447	PD - 627
Police	\$1,815.68	Pro Tech 6.0 Tactical Vests S# 01484270	PD - 628
Police	\$1,815.68	Pro Tech 6.0 Tactical Vests S# 01484263	PD - 629
Police	\$1,815.68	Pro Tech 6.0 Tactical Vests S# 01501803	PD - 632

Fire	\$2,982.00	Hurst Mini Pump E002200	FD1 – 178
Street	\$5,869.00	FSHM-10 Henderson Spreader 9951	ST - 29
Street	\$2,916.00	Everfocus 16 Channel DVR – EDVR16D1/1T	ST - 256
Street	\$2,632.07	Concrete Saw & Blades S# 309912	ST - 173
Street	\$17,381.32	2001 John Deere Leaf Collector S# 1001-3304	ST - 205
Street	\$18,000.00	2012 Big Tex Utility Trailer S#16VHX2422C2817568	ST - 293

IN WITNESS WHEREOF, the City of Van Buren, Arkansas, by its City Council, did pass, approve, and adopt, by a vote of ___ for and ___ against the foregoing Resolution at its regular meeting held on the 24th day of February 2020.

Joseph P. Hurst
Mayor

ATTESTED:

APPROVED AS TO FORM:

Phyllis Thomas
City Clerk/Treasurer

Candice A. Settle
City Attorney

CITY OF VAN BUREN, ARKANSAS

RESOLUTION NO. ___ - ___ - 2020

BE IT ENACTED BY THE CITY COUNCIL, FOR THE CITY OF VAN BUREN, ARKANSAS, A RESOLUTION TO BE ENTITLED:

A RESOLUTION ADOPTING A REVISED BUDGET FOR THE YEAR ENDING DECEMBER 31, 2019.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF VAN BUREN, ARKANSAS, THAT:

SECTION 1: 2019 current year's revenues of \$20,172,683.96 (Twenty Million, One Hundred Seventy-two Thousand, Six Hundred Eighty-three Dollars and Ninety-six Cents) are appropriated and a copy of said Budget is attached hereto and made a part hereof; Said revenue includes the deduction of 2018 revenues which were received in January 2019, and includes the addition of 2019 accounts receivable listings received in 2020.

SECTION 2: 2019 current year's expenditures of \$16,678,838.82 (Sixteen Million, Six Hundred Seventy-eight Thousand, Eight Hundred Thirty-eight Dollars and Eighty-two Cents) including expenditures from prior year's balances are attached hereto and made a part hereof; Said expenditures include the deduction of 2018 expenditures, and includes the addition of 2019 accounts payable listing paid in 2020.

SECTION 3: All expenditures are approved and a copy of the Revised Budget is attached hereto and made a part hereof.

IN WITNESS WHEREOF, the City of Van Buren, Arkansas, by its City Council, did pass, approve, and adopt, by a vote of ___ for and ___ against, the foregoing Resolution at its regular meeting held on the 24th day of February 2020.

Joseph P. Hurst
Mayor

ATTESTED:

APPROVED AS TO FORM:

Phyllis Thomas
City Clerk/Treasurer

Candice A. Settle
City Attorney

CITY OF VAN BUREN, ARKANSAS

RESOLUTION NO. ___ - ___ - 2020

BE IT ENACTED BY THE CITY COUNCIL, FOR THE CITY OF VAN BUREN, ARKANSAS,
A RESOLUTION TO BE ENTITLED:

**A RESOLUTION SETTING A PUBLIC HEARING DATE FOR
VACATING AN ALLEY LOCATED BETWEEN LOTS 7 THROUGH 10
AND LOTS 29 THROUGH 32 IN BLOCK 14, VISTA PLACE ADDITION;
INSIDE THE CITY OF VAN BUREN, CRAWFORD COUNTY,
ARKANSAS.**

WHEREAS, Jason Harrell and Scott Rice have petitioned the City Council of Van Buren, Arkansas to vacate and abandon the public drainage and utility easement along certain lots inside the Vista Place Subdivision more particularly described as follows:

Description of Alley

All that part of a 20.00 foot alley lying between lots 7 through 10 and lots 29 through 32 in block 14, Vista Place Subdivision to the City of Van Buren, Arkansas; and

WHEREAS, all of the property owners and adjacent property owners being affected by this easement abandonment have consented by signed petition; and

WHEREAS, the City Council of Van Buren, acting under the authority of A.C.A. 14-199-103 and A.C.A. 14-301-302, has the authority to vacate public easements, rights-of-way and alleys or segments thereof.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF
VAN BUREN, CRAWFORD COUNTY, ARKANSAS, THAT:**

SECTION 1: A Public Hearing is set for 23rd day of March, 2020, at 5:30 P.M. in the Van Buren City Council Room, at which time said Petition shall be presented to the City Council and the City Council will determine at that time if such portion of said public easement should be vacated and that all affected property owners and other persons directly interested have consented to such vacating.

SECTION 2: The City Clerk of Van Buren, Arkansas, is hereby directed to give notice by publication once a week for two consecutive weeks in some newspaper, published in Crawford County, advising the property owners and others affected, of said date and time the Council will hear said Petition.

IN WITNESS WHEREOF, the City of Van Buren, Arkansas, by its City Council, did pass, approve, and adopt, by a vote of ___ for and ___ against, the foregoing Resolution at its regular meeting held on the 24th day of February 2020.

Joseph P. Hurst
Mayor

ATTESTED:

APPROVED AS TO FORM:

Phyllis Thomas
City Clerk/Treasurer

Candice A. Settle
City Attorney

CITY OF VAN BUREN, ARKANSAS

RESOLUTION NO. ___ - ___ - 2020

BE IT ENACTED BY THE CITY COUNCIL, FOR THE CITY OF VAN BUREN, ARKANSAS, A RESOLUTION TO BE ENTITLED:

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT FOR ENGINEERING SERVICES FOR THE CITY OF VAN BUREN, ARKANSAS, AND FOR OTHER PURPOSES.

WHEREAS, the City of Van Buren, Arkansas has received Federal-aid Transportation Alternatives Program grant funds for a Downtown Streetscape Project; and

WHEREAS, the project requires a drainage evaluation and report for a larger area to address necessary storm water drainage improvements affecting the downtown; and

WHEREAS, the Agreement of Understanding between the City of Van Buren and the Arkansas Department of Transportation requires the City of Van Buren to employ the services of a registered professional engineer to prepare plans and specifications for the project.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF VAN BUREN, ARKANSAS, THAT:

SECTION 1: The Mayor is authorized to enter into a contract (Exhibit "A") with Hawkins-Weir Engineers, Inc. to provide engineering services for the development of plans and specifications for the Downtown Streetscape and Drainage Improvements Project shall not exceed \$109,000.00 plus subconsultant fees and reimbursable expenses.

IN WITNESS WHEREOF, the City of Van Buren, Arkansas, by its City Council, did pass, approve, and adopt, by a vote of ___ for and ___ against, the foregoing Resolution at its regular meeting held on the 24th day of February 2020.

Joseph P. Hurst
Mayor

ATTESTED:

APPROVED AS TO FORM:

Phyllis Thomas
City Clerk/Treasurer

Candice A. Settle
City Attorney

CITY OF VAN BUREN, ARKANSAS

ORDINANCE NO. ___ - 2020

BE IT ENACTED BY THE CITY COUNCIL, FOR THE CITY OF VAN BUREN, ARKANSAS, AN ORDINANCE TO BE ENTITLED:

AN ORDINANCE REPEALING ORDINANCE NO. 5-2017 AND ESTABLISHING MONTHLY RATES FOR MANDATORY RESIDENTIAL SOLID WASTE COLLECTION SERVICE FOR THE CITY OF VAN BUREN, ARKANSAS, DECLARING AN EMERGENCY.

WHEREAS, the City of Van Buren, Arkansas has implemented a mandatory residential solid waste management system and recycling program pursuant to Ordinance No. 10-2009; and

WHEREAS, it is the duty of the City Council of the City of Van Buren, Arkansas to approve rates, charges or contractual fees to be charged by residential solid waste disposal firms; and

WHEREAS, the cost of residential solid waste collection within the City of Van Buren, Arkansas has increased since the same were last established by Ordinance No. 5-2017, passed and approved May 15, 2017; and

WHEREAS, the City of Van Buren Municipal Utilities Commission, acting as agent for the City of Van Buren, Arkansas has recommended a schedule of fees and charges for the operation of the residential solid waste management program.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VAN BUREN, ARKANSAS:

THAT, Ordinance No. 5-2017 is hereby repealed; and

SECTION 1: The monthly rate to be charged for each residential unit as defined in Ordinance No. 10-2009 or hereinafter amended shall be Fifteen Dollars and Seven Cents (\$15.07). These charges shall cover, at a minimum, once per week residential solid waste and residential curbside recycling collection, the operation of a recycle drop-off facility, and residential yard waste curbside collection and drop – off facility (operated by the City of Van Buren Street Department).

SECTION 2: The billing and collection for the residential solid waste management program shall be performed by the City of Van Buren Municipal Utilities according to its customary billing and collection procedures and in accordance with the Agreement between the residential solid waste disposal firm and the City of Van Buren Municipal Utilities Commission. The City of Van Buren Municipal Utilities shall deduct the sum of One Dollar and Forty Eight Cents (\$1.48) for each customer for whom a collection was made.

SECTION 3: The sum of Two Dollars and Zero Cents (\$2.00) for each customer for whom a collection was made shall be remitted to the City of Van Buren for the operation of a residential yard waste collection and drop-off program.

SECTION 4: The remainder of charges collected shall be remitted to the residential solid waste disposal firm in accordance with the Agreement between the residential solid waste disposal firm and the City of Van Buren Municipal Utilities Commission.

SECTION 5: If any Section or part of this Ordinance shall be held to be invalid or unconstitutional, it shall not affect the remaining Sections thereof, and the Sections and parts of said Ordinance shall be treated severally.

SECTION 6: All Ordinances or parts of Ordinances in conflict herein, are hereby repealed.

SECTION 7: *Emergency Clause:* Due to the need to maintain and enforce a comprehensive, city-wide, solid waste management program, and this ordinance being necessary for the preservation of the public peace, health and safety, and as such an emergency is hereby declared, this ordinance shall be in full force and effect from April 1, 2020.

IN WITNESS WHEREOF, the City of Van Buren, Arkansas, by its City Council, did pass, approve, and adopt, by a vote of ___ for and ___ against, the foregoing Ordinance at its regular meeting held on the 24th day of February 2020.

Joseph P. Hurst
Mayor

ATTESTED:

APPROVED AS TO FORM:

Phyllis Thomas
City Clerk/Treasurer

Candice A. Settle
City Attorney

CITY OF VAN BUREN, ARKANSAS

ORDINANCE NO. ___ - 2020

BE IT ENACTED BY THE CITY COUNCIL, FOR THE CITY OF VAN BUREN, ARKANSAS, AN ORDINANCE TO BE ENTITLED:

AN ORDINANCE TO AMEND ORDINANCE NO. 10-2015, SECTION 3, AS AMENDED TO ESTABLISH THE RATE FOR DETERMINING THE PAYMENT IN LIEU OF SIDEWALK CONSTRUCTION.

WHEREAS, Ordinance No. 10-2015 established regulations to require the construction of sidewalks in new residential, commercial, and industrial construction; and

WHEREAS, Ordinance No. 20-2017 amended Ordinance No. 10-2015 establishing a provision for a fee-in-lieu of construction; and

WHEREAS, implementing a standard rate for the fee-in-lieu is necessary to establish consistent criteria for determining the fee; and

WHEREAS, notice of a Public Hearing was duly published, and a Public Hearing was conducted by the Van Buren Planning Commission to consider this amendment; and

WHEREAS, the proposed amendment herein was recommended by a unanimous vote of the entire Planning Commission.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VANBUREN, ARKANSAS, THAT:

SECTION 1: Section 3 of Ordinance No. 10-2015, as amended, is hereby amended as follows:

At the discretion of the Planning Department, applicants will submit a fee payment to the sidewalk construction fund in lieu of sidewalk construction. The payment in lieu shall be calculated at a rate of \$20.00 per linear foot. This calculated rate will be reviewed annually by the Van Buren Planning Commission and any recommended changes will be forwarded to the City Council. Should the applicant desire to appeal the Planning Departments determination of the fee-in-lieu, the appeal would be made to the city of Van Buren Planning Commission for a final determination.

Donations to the sidewalk construction fund may be accepted where;

- a) The required sidewalks are along an existing street that has no existing sidewalk network; or
- b) The Planning Department determines the construction of a sidewalk is not feasible.

When a fee payment to the sidewalk fund is accepted, the sidewalk assessment portion of the building permit fee required by Chapter 9.40 of the Van Buren Municipal Code will not be required before the initial permit on any of the individual lots within the subdivision. All subsequent permits for improvements on the individual lots will include the sidewalk assessment portion of the building permit fee.

SECTION 2: The provisions of this ordinance are hereby declared to be severable and if any section, phrase, provision, or application shall be declared or held invalid, such invalidity shall not affect the remainder of the sections, phrases, provisions, or applications.

IN WITNESS WHEREOF, the City of Van Buren, Arkansas, by its City Council, did pass, approve, and adopt, by a vote of ___ for and ___ against the foregoing Ordinance at its regular meeting held on the 24th day of February 2020.

Joseph P. Hurst
Mayor

ATTESTED:

APPROVED AS TO FORM:

Phyllis Thomas
City Clerk/Treasurer

Candice A. Settle
City Attorney

CITY OF VAN BUREN, ARKANSAS

ORDINANCE NO. ___ - 2020

BE IT ENACTED BY THE CITY COUNCIL, FOR THE CITY OF VAN BUREN, ARKANSAS, AN ORDINANCE TO BE ENTITLED:

AN ORDINANCE TO AMEND ORDINANCE NO. 07-1963 (AS AMENDED) TO ESTABLISH PROCEDURES REGARDING PERMITS AND REGULATIONS FOR THE INSTALLATION OF ACCESSORY STRUCTURES WITHIN THE CITY OF VAN BUREN, ARKANSAS, AND DECLARING AN EMERGENCY.

WHEREAS, the City adopted Ordinance 07-1963 relating to the zoning laws of the city of Van Buren, providing definitions, general provision; provisions governing zoning districts, exceptions and modifications, enforcement, and a Board of Adjustment, as allowed by A.C.A. 14-56-401 *et. seq.*; and

WHEREAS, it has been determined by the City Council that there is a need to revise various sections of the ordinance to allow for a procedures governing the permitting and installation requirements for accessory structures; and

WHEREAS, notice of a Public Hearing was duly published, and a Public Hearing was conducted by the Van Buren Planning Commission to consider these proposed amendments; and

WHEREAS, the proposed changes herein were recommended by a majority vote of the entire Planning Commission.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED BY THE CITY COUNCIL OF THE CITY OF VAN BUREN, ARKANSAS, THAT:

SECTION 1: Article IV of Ordinance No. 07-1963, is amended to add a new Section 9 to read as follows:

SECTION 9. Accessory Structures

1. **Definition:** Accessory building or structure shall mean a building or structure that is incidental and subordinate to and serves a principal building or principal use and is located on the same site as the principal building or principal use. Accessory buildings or structures may be permanent or portable. Examples of an accessory building or a structure include site built or prefabricated buildings, shipping or cargo containers, and similar structures but does not include portable play equipment and containers or temporary buildings used on a construction project.

Buses, mobile homes, manufactured homes, RV's, motor vehicles or trailers must comply with all applicable city ordinances. The proposed conversion of one of these to an accessory structure will require a conditional use permit from the Planning Commission.

The requirements of this section do not apply to towers permitted by the commercial communication tower provisions of this ordinance.

2. Timing: No accessory building or structure shall be erected or placed on any property prior to the issuance of the building permit for the principal structure, unless the accessory structure shall have been approved by the Planning Commission as a conditional use. A building permit is required for any accessory building or structure and the minimum building permit fee shall be based on the currently approved building permit fee schedule with a minimum fee of \$20.00.
3. Height: An accessory building or structure on residential property shall not exceed the height of the principal structure or the permitted height limits of the zoning district, whichever is less. A commercial or industrial accessory building or structure shall comply with the requirements of the zoning district.
4. Setbacks: The accessory building or structure shall comply with the required minimum setbacks of the zoning district. Accessory buildings or structures cannot be located in easements. No residential accessory structure shall extend closer to a street right of way line than the principal structure.
5. Separation: Accessory buildings or structures shall be setback ten (10) feet from a principal or accessory building or structure unless this code or the Fire Code requires a greater separation.
6. Size of Accessory Structures(s): The cumulative total area of all residential accessory buildings or structures shall not exceed 90% of the covered roof area of the principal building. Accessory buildings or structures in commercial or industrial zoning districts shall comply with the lot coverage requirements of this code, the Fire Code or other applicable codes.
7. Compliance with Codes: Any electrical, mechanical or plumbing installed in an accessory building require the necessary permits and inspections to insure compliance with those respective codes.
8. Restrictive Covenants: Nothing in this Ordinance shall be construed as to allow an accessory building or structure which would otherwise violate the restrictive covenants of the subdivision, or other restrictions on use in the chain of title, of the principal structure.

SECTION 2: *Conflicts:* All Ordinances or parts of Ordinances of the City of Van Buren in conflict herewith are hereby repealed.

SECTION 3: *Severability:* various provisions and parts of this Ordinance are hereby declared to be severable, and, if any section or part of a section, or any provision or part of a provision herein, is declared to be unconstitutional, inappropriate, or invalid by any court of competent jurisdiction, such holding shall not invalidate or affect the remainder of this Ordinance and to that extent the provisions hereto are declared to be severable.

SECTION 4: *Emergency Clause:* The passage and approval of these amendments to the Van Buren Ordinance 07-1963, as amended, will protect the City and its neighborhoods by the immediate implementation of regulations governing accessory structures. Therefore, an emergency is declared to exist and this Ordinance, being necessary for the preservation of the public health, safety and/or welfare shall be in full force and take effect immediately upon after its passage.

IN WITNESS WHEREOF, the City of Van Buren, Arkansas, by its City Council, did pass, approve, and adopt, by a vote of ____ for and ____ against, the foregoing Ordinance at its regular meeting held on the 24th of February 2020.

Joseph P. Hurst
Mayor

ATTESTED:

APPROVED AS TO FORM:

Phyllis Thomas
City Clerk/Treasurer

Candice A. Settle
City Attorney

CITY OF VAN BUREN, ARKANSAS

ORDINANCE NO. ___ - 2020

BE IT ENACTED BY THE CITY COUNCIL, FOR THE CITY OF VAN BUREN, ARKANSAS, AN ORDINANCE TO BE ENTITLED:

AN ORDINANCE TO AMEND ORDINANCE NO. 07-1963 (AS AMENDED) TO ESTABLISH PROCEDURES REGARDING BUILDING PERMITS FOR TOWERS WITHIN THE CITY OF VAN BUREN, ARKANSAS, AND DECLARING AN EMERGENCY.

WHEREAS, the City adopted Ordinance No. 07-1963 relating to the zoning laws of the city of Van Buren, providing definitions, general provision; provisions governing zoning districts, exceptions and modifications, enforcement, and a Board of Adjustment, as allowed by A.C.A. 14-56-401 *et. seq.*; and

WHEREAS, the City adopted Ordinance No. 16-1999 amending Ordinance No.07-1963 establishing regulations for commercial communication towers; and

WHEREAS, the current Ordinances of the City do not have a permit requirement for towers and in accordance with A.C.A. 14-56-416 zoning ordinances are observed through building permits; and

WHEREAS, notice of a Public Hearing was duly published, and a Public Hearing was conducted by the Van Buren Planning Commission to consider these proposed amendments; and

WHEREAS, the proposed changes herein were recommended by a majority vote of the entire Planning Commission.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED BY THE CITY COUNCIL OF THE CITY OF VAN BUREN, ARKANSAS, THAT:

SECTION 1: Paragraphs K and L of the Commercial Communication Tower provisions of Ordinance No. 07-1963, are amended to read as follows:

K. APPLICATION (SUBMITTAL) REQUIREMENTS: A building permit is required for any new tower construction, tower addition, tower alteration, and the addition or relocation of any antenna equipment on a tower. The building permit fee shall be \$250.00. Prior to commencing development of any proposed work to the tower site, construction plans shall be submitted to the City's Building Department in accordance with the City's building permit review procedures and the requirements of this Ordinance.

L. EXEMPTION: An antenna and tower for the following uses are exempt from these requirements:

- (1) Ham radios;
- (2) Citizen band radios;
- (3) Non-Commercial Radio, Television Receiving and Broadcasting.

These are permitted uses in any zoning district if accessory to a permitted use and comply with the applicable regulations of the zoning district in which they are situated and must be located on the same lot as the principal building or use. A building permit is required for accessory towers. The building permit fee for a residential accessory tower is \$20.00. An antenna and tower that is not an accessory must comply with all the provisions of this ordinance including permits and fees.

SECTION 2: *Severability:* Various provisions and parts of this Ordinance are hereby declared to be severable, and, if any section or part of a section, or any provision or part of a provision herein, is declared to be unconstitutional, inappropriate, or invalid by any court of competent jurisdiction, such holding shall not invalidate or affect the remainder of this Ordinance and to that extent the provisions hereto are declared to be severable.

SECTION 3: *Emergency Clause:* The passage and approval of these amendments to the Van Buren Ordinance 07-1963, as amended, is necessary to protect the City and its citizens by implementing a permit requirement for towers so that the zoning laws of the City can be enforced. Therefore, an emergency is declared to exist and this Ordinance, being necessary for the preservation of the public health, safety and/or welfare shall be in full force and take effect immediately upon after its passage.

IN WITNESS WHEREOF, the City of Van Buren, Arkansas, by its City Council, did pass, approve, and adopt, by a vote of ____ for and ____ against, the foregoing Ordinance at its regular meeting held on the 24th of February 2020.

Joseph P. Hurst
Mayor

ATTESTED:

APPROVED AS TO FORM:

Phyllis Thomas
City Clerk/Treasurer

Candice A. Settle
City Attorney