CITY OF WYNNE

ORDINANCE NUMBER 882

AN ORDINANCE AMENDING ORDINANCE NUMBER 425 AND DECLARING AN EMERGENCY

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WYNNE, ARKANSAS:

That Ordinance Number 425 titled: "AN ORDINANCE TO RE-ESTABLISH, ACQUIRE, MAINTAIN AND OPERATE A TRASH AND GARBAGE COLLECTION AND DISPOSAL SYSTEM WITHIN THE CITY OF WYNNE; PROVIDING FOR COMPULSORY RESIDENTIAL AND COMMERCIAL SUBSCRIPTION; PRESCRIBING THE SERVICES TO BE PROVIDED HEREUNDER; ESTABLISHING THE FEES TO BE CHARGED FOR SUCH SERVICES AND FOR THEIR COLLECTION; PROVIDING PENALTIES FOR VIOLATIONS, AND FOR OTHER PURPOSES" having been passed and approved August 5, 1975 is hereby amended.

WHEREAS, in order to maintain adequate, efficient, and dependable trash and garbage collection and disposal, fees paid by each commercial and residential subscriber need to be adequate to cover the cost of the city operations of said system, and said fees need to be fair and equitable to all residential and commercial subscribers, and;

WHEREAS, it is necessary that monthly trash and garbage collection fee for residential and commercial subscribers be adjusted effective on the first billing cycle after this amendment is passed (January 10, 2023).

SECTION 1: Residential Fees: Section 10 of Ordinance 425 be and is hereby amended to read as follows: The monthly trash and garbage collection fee to be paid by each residential subscriber shall be the sum of $25.00 per month for one cart and $15.00 per month for each additional cart. A rate adjustment shall be allowed for low or fixed income residential subscribers. Any subscriber desiring to avail himself of such a rate adjustment shall notify the Sanitation Committee in writing thirty (30) days after receipt of such notice. The Sanitation Committee shall hear such application for a reduced rate, and may, in its discretion, lower or waive the collection fee to be charged.

Residential service: The residential trash and garbage collection to be provided hereunder shall consist of collection one (1) day per week at the premises of each residential subscriber, with all trash and garbage required to be in container provided by the City of Wynne and placed at the curb or at the edge of a passable alley, provided that the exact location of all carts may be under the direction and control of the Department of Public Works Director. Trash carts used by residents are to be placed at the curb, edge of a passable alley, or other location as directed by the Department of Public Works Director only on scheduled pickup days.

SECTION 2: Commercial Fees: Section 8 of Ordinance Number 425 be and is hereby amended as follows: The monthly trash and garbage collection fees to be paid by each commercial subscriber shall be:

CITY OF WYNNE
ORDINANCE NUMBER 883

AN ORDINANCE REDUCING ENROLLMENT TIME FOR
MUNICIPAL HEALTH BENEFIT PROGRAM AND DECLARING AN EMERGENCY

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WYNNE, ARKANSAS:

WHEREAS, the Municipal Health Benefit Program sets out that any new enrollee shall not be covered by the Municipal Health Benefit Program until the first day of the month following sixty (60) days since their application therefore unless the City has passed an ordinance reducing said number of days, and;

WHEREAS, the City of Wynne wishes to reduce the number of days between application for coverage and said coverage taking effect.

BE IT, THEREFORE, ORDAINED by the City Council of Wynne, Arkansas, that City Employees, Department Heads, and Elected Officials shall be covered by the Municipal Health Benefit Fund effective the first day of the month following the passage thirty (30) days after their application therefore.

EMERGENCY CLAUSE: This ordinance being necessary for the immediate protection of the health, safety, and welfare of the citizens of Wynne, Arkansas, an emergency is hereby declared to exist and this ordinance shall be in full force and effect from and after its passage.

PASSED AND APPROVED on this 10th day of January, 2023.

Jennifer Hobbs, Mayor

Emily Watts, City Clerk

CITY OF WYNNE

ORDINANCE NUMBER 884

AN ORDINANCE WAIVING THE BID PROCESS FOR 15 3M SCOTT SAFETY AIR PACKS, 15 3M SCOTT SAFETY FACEPIECES AND 30 3M SCOTT SAFETY CHANGE CYLINDERS and DECLARING AN EMERGENCY.

BE IT, THEREFORE, ORDAINED by the City Council of Wynne, Arkansas, that the City of Wynne purchase 15 air packs, 15 facepieces and 30 change cylinders.

WHEREAS, Emergency Vehicle Specialists (EVS), Conway, Arkansas is a responsible and competitive vendor;

WHEREAS, the City has reason to believe that this company is a responsible and competitive vendor;

WHEREAS, the immediate purchase is critical to effectively fight fires because existing equipment is beyond warranty and the safety of firefighters is paramount;

WHEREAS, the purchase is functionally a component of other firefighting equipment that require specific interconnections that will not easily work with competing devices;

WHEREAS, the purchase will facilitate greater firefighting cooperation with neighboring communities;

NOW, THEREFORE, an emergency is declared to exist and based upon the recitals stated above, an exceptional situation exists causing the competitive bidding process found at Ark. Code Ann. § 14-58-303 to be deemed not feasible or practical. The city council hereby finds that, based on the recitals stated above, competitive bidding is not required under Ark. Code Ann. § 14-58-104(6) and (8)(A). The Mayor is hereby authorized and directed to contract with Emergency Vehicle Specialists (EVS), Conway, Arkansas for the purchase of 15 3M Scott Safety Air Packs, 15 3M Scott Safety Facepieces, and 30 3M Scott Safety Change Cylinders as specified in the attached proposal.

PASSED AND APPROVED on this 10th day of January, 2023.

Jennifer Hobbs, Mayor

Emily Watts, City Clerk

CITY OF WYNNE

ORDINANCE NUMBER 885

AN ORDINANCE WAIVING THE BID PROCESS AND PURCHASING
ONE 2023 Mack Rolloff Truck and DECLARING AN EMERGENCY

BE IT, THEREFORE, ORDAINED by the City Council of Wynne, Arkansas, that the City of Wynne purchases one 2023 Mack Rolloff Truck.

WHEREAS, River City Hydraulics, Sherwood, Arkansas, is a responsible for competitive vendor; and

WHEREAS, the City has reason to believe that this company is a responsible and competitive vendor; and

WHEREAS, currently no other vendors are offering this arrangement.

NOW, THEREFORE, an emergency is declared to exist and the taking of competitive bids is hereby waived and the Mayor is authorized and directed to contract with River City Hydraulics, Sherwood, Arkansas for the purchase of one Mack Rolloff Truck as specified in this attached proposal.

PASSED AND APPROVED on this 24th day of January 24, 2023.

Jennifer Hobbs, Mayor

Emily Watts, City Clerk

CITY OF WYNNE

ORDINANCE NUMBER 886

AN ORDINANCE WAIVING THE BID PROCESS AND LEASE THROUGH ARVEST BANK ONE New Freightliner Knuckleboom Loader and DECLARING AN EMERGENCY

BE IT, THEREFORE, ORDAINED by the City Council of Wynne, Arkansas, that the City of Wynne lease one New Freightliner Knuckleboom Loader.

WHEREAS, River City Hydraulics, Sherwood, Arkansas, is a responsible for competitive vendor; and

WHEREAS, the City has reason to believe that this company is a responsible and competitive vendor; and

WHEREAS, currently no other vendors are offering this arrangement.

NOW, THEREFORE, an emergency is declared to exist and the taking of competitive bids is hereby waived and the Mayor is authorized and directed to contract with River City Hydraulics, Sherwood, Arkansas for the lease of one New Freightliner Knuckleboom Loader as specified in this attached proposal.

PASSED AND APPROVED on this 14th day of March, 2023.

Jennifer Hobbs, Mayor

Emily Watts, City Clerk

OFFICIAL SEAL

CITY OF WYNNE

ORDINANCE NUMBER 887

AN ORDINANCE EXTENDING THE FINANCING
ONE 2021 Mack Rolloff Truck and DECLARING AN EMERGENCY

BE IT, THEREFORE, ORDAINED by the City Council of Wynne, Arkansas, that the City of Wynne is extending the financing of one 2021 Mack Rolloff Truck.

WHEREAS, River City Hydraulics, Sherwood, Arkansas, is a responsible for competitive vendor; and

WHEREAS, the City has need to extend the arrangement set forth in Ordinance 857 with River City Hydraulics and now Arvest Bank in attached proposal.

NOW, THEREFORE, an emergency is declared to exist and the taking of competitive bids is hereby waived and the Mayor is authorized and directed to contract with River City Hydraulics, Sherwood, Arkansas for the purchase of one Mack Rolloff Truck as specified in this attached proposal.

PASSED AND APPROVED on this 14th day of March, 2023.

Jennifer Hobbs, Mayor

Emily Watts, City Clerk

CITY OF WYNNE

ORDINANCE NUMBER 888

AN ORDINANCE WAIVING THE BID PROCESS
and DECLARING AN EMERGENCY

BE IT, THEREFORE, ORDAINED by the City Council of Wynne, Arkansas, that the City of Wynne contract with Desoto County Electric, Inc. to repair damage to and replace the traffic lights located in the City of Wynne that were damaged and/or destroyed by the weather event that occurred on March 31, 2023.

WHEREAS, Desoto County Electric, Inc., Horn Lake, Mississippi, is a responsible for competitive vendor; and

WHEREAS, the City has reason to believe that this company is a responsible and competitive vendor; and

WHEREAS, currently no other vendors are offering this arrangement.

NOW, THEREFORE, an emergency is declared to exist and the taking of competitive bids is hereby waived and the Mayor is authorized and directed to contract with Desoto County Electric, Inc., Horn Lake, Mississippi, to repair damage to and replace the traffic lights located in the City of Wynne that were damaged and/or destroyed by the weather event that occurred on March 31, 2023.

PASSED AND APPROVED on this 2nd day of April, 2023.

Jennifer Hobbs, Mayor

Emily Watts, City Clerk

CITY OF WYNNE

ORDINANCE NUMBER 889

AN ORDINANCE AMENDING ORDINANCE 560

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WYNNE, ARKANSAS:

WHEREAS, it is necessary and desirable that the City of Wynne, Cross County, Arkansas, amend its zoning regulations, and;

WHEREAS, the City Council has determined that the immediate passage of this Ordinance is necessary for the health, safety, and welfare of the citizens of Wynne, Arkansas.

SECTION 1: The following foundation specifications shall now be required for mobile home installations within the R-3 zoning areas in the city limits of Wynne, Arkansas.

1. The mobile home steel I-beam framing must bear on a permanent, continuous cast-in-place concrete footing with minimum dimensions of 24 inches wide and 18 inches deep.
2. The footing must bear on native or compacted fill soils achieving a minimum net soil bearing capacity of 1,500 pounds per square foot. The referenced minimum net soil bearing capacity must be verified prior to concrete placement. If the soil at the footing bearing elevation does not achieve the above referenced minimum net soil bearing capacity, a Geotechnical Engineer must be contacted for further evaluation and recommendation.
3. The minimum footing reinforcing steel must consist of 3 - #4 bars, continuous, with #3 ties at 36' O.C. and resting on rebar chairs.

SECTION 2: Mobile homes shall not be installed within the R-3 zoning areas in the city limits of
Wynne, Arkansas unless they are five (5) years old or newer.

SECTION 3: Mobile homes installed within the R-3 zoning areas in the city limits of Wynne,
Arkansas must have a brick or block underpinning approved by the City of Wynne Building Inspector.

SECTION 4: CONFLICT CLAUSE: That all ordinances and resolutions and parts thereof in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 5: EMERGENCY CLAUSE: This ordinance being necessary for the immediate protection of the health, safety, and welfare of the citizens of Wynne, Arkansas, an emergency is hereby declared to exist and this ordinance shall be in full force and effect from and after its passage.

PASSED AND APPROVED on this 9th day of May, 2023.

Jennifer Hobbs, Mayor

Emily Watts, City Clerk

CITY OF WYNNE

ORDINANCE NUMBER 890

AN ORDINANCE TO DEFINE AND LIMIT CONDITIONS FOR OPEN BURNING WITHIN THE CITY LIMITS OF THE CITY OF WYNNE, ARKANSAS, AND PROVIDING FOR THE ENFORCEMENT BY THE FIRE DEPARTMENT, AND FOR OTHER PURPOSES

WHEREAS, The City of Wynne finds it necessary to enact an ordinance to define and limit conditions for open burning within the City of Wynne; and

WHEREAS, the City of Wynne, Arkansas is authorized to enact and enforce laws, ordinances, resolutions, rules, or regulations for the purpose of prohibiting burning in the open pursuant to Arkansas Code Annotated 8-4-306(b); and

WHEREAS, the City of Wynne has the authority to abate fire hazards through regulatory mechanisms deemed necessary and appropriate pursuant to Arkansas Code Annotated 8-6-1703(d).

NOW, THEREFORE, BE IT ORDAINED, by the City Council of Wynne, Arkansas that:

SECTION 1: The Wynne Code of Ordinances shall be amended to include the following, to be entitled "Open Burning."

Residential Vegetation Abatement

In accordance with Arkansas Code Annotated 8-6-1703 (d), instances of open burning of yard waste by residents are expressly discouraged within the corporate boundaries of the City of Wynne.

For the purpose of open burning, yard waste shall be defined in accordance with Arkansas Code Annotated 8-6-1701 (2) as grass clippings, leaves, and shrubbery trimmings collected by a resident or property owner from residential property.

Open burning of yard waste shall not be allowed unless the following conditions are met;

(A) Yard waste materials to be burned may be placed in a pile no larger than five (5) feet in diameter and three (3) feet in height. No more than one (1) pile may be burned at any given time by an individual resident or property owner.
(B) Burning must be at least twenty-five (25) feet from the nearest structure, and must be at least twenty-five (25) feet from the nearest property line.
(C) The fire must be attended at all times. The person attending the fire must have a charged hose and/or sufficient water supply available to completely extinguish the fire in the event that fire spread happens to occur.
(D) Burning shall not commence before one (1) hour after sunrise, and shall not extend beyond one hour before sunset.

Prohibited Acts of Burning

The following open burning practices shall be prohibited within the corporate boundaries of the City of Wynne, Arkansas:

(A) Open burning of trash, garbage, and/or rubbish by any resident or business for the purpose of incineration. Burn Barrels or other makeshift containers shall not be considered sufficient for controlling fuel-air ration mixtures and will not be allowed. In addition, in accordance with 8-9-403 section 2 paragraph "b" of the Arkansas Code, open burning of tires is strictly prohibited.
(B) Open burning of construction waste of any kind on the premises of a construction sight except as provided by 8-4-305 section 8 of the Arkansas Code.
(C) Open burning of materials resulting from remodeling, dismantling, and/or demolition of structures or buildings.
(D) Open burning of vegetation clippings generated by, or resulting from, commercial activities or establishments that provide lawn maintenance and/or grounds care services through the course of normal business activities.

Exceptions to Open Burning

Provisions of this ordinance do not pertain to the following types of open burning:

(A) Fires of a controlled and manageable nurture used in the course of food preparation that incorporate use of barbecue equipment, outdoor fireplaces, cooking grilles, or cooking pits specifically designed and created for the preparation of food. However, such fires must be attended at all times.
(B) Burning associated with road construction operations and the use of mobile and portable equipment and machinery incident thereto.
(C) Fires allowed by the Wynne Fire Department for the purpose of weed abatement or for the prevention and/or elimination of a fire hazard.
(D) Instruction of fire department employees in methods of fire fighting or for civil defense instruction.

Nuisance or Safety Hazard

Smoke emissions from permissible open burning shall not be allowed to become a nuisance or safety hazard. In the event that such emission are identified by the Wynne Fire Department to be of an offensive nature to surrounding landowners and/or is determined to be detrimental to the general safety and well being of the public, the Wynne Fire Department may require discontinuance of such open burning without recourse.

Burn Ban

That, notwithstanding any provision to the contrary, the Wynne Fire Chief has the ability to issue a burn ban. From the time said burn ban is issued, until the time said burn ban is revoked, no burning of any type is allowed unless specifically permitted by the Wynne Fire Chief.

Violation

Any person violating, or permitting the violation of this ordinance, shall upon conviction in a Court of competent jurisdiction be fined the sum of not less than $100.00 and not more than $1,000.00 and/or sentenced to imprisonment in the county jail for a period of time not to exceed thirty (30) days.

SECTION 2: All ordinances or parts of ordinances in conflict herewith are repealed to the extent of the conflict.

SECTION 3: The provisions of this ordinance are hereby declared to be severable and if any section, phrase, or provision shall be declared or held invalid, each invalidity shall not affect the remainder of the sections, phrases, or provisions.

SECTION 4: The immediate passage of this Ordinance is necessary for the health, safety, and welfare of the citizens of Wynne, THEREFORE, an emergency is hereby declared to exist and the Ordinance shall be in full force and effect from the passage and approval.

PASSED AND APPROVED on this 9th day of May, 2023.

Jennifer Hobbs, Mayor

Emily Watts, City Clerk

CITY OF WYNNE

ORDINANCE NUMBER 891

AN ORDINANCE WAIVING THE BID PROCESS AND LEASE THROUGH ARVEST BANK ONE New 2024 Mack ASL and DECLARING AN EMERGENCY

BE IT, THEREFORE, ORDAINED by the City Council of Wynne, Arkansas, that the City of Wynne lease one New Mack ASL.

WHEREAS, River City Hydraulics, Sherwood, Arkansas, is a responsible for competitive vendor; and

WHEREAS, the City has reason to believe that this company is a responsible and competitive vendor; and

WHEREAS, currently no other vendors are offering this arrangement.

NOW, THEREFORE, an emergency is declared to exist and the taking of competitive bids is hereby waived and the Mayor is authorized and directed to contract with River City Hydraulics, Sherwood, Arkansas and finance through Arvest Bank for the lease of one New Mack ASL as specified in this attached proposal.

PASSED AND APPROVED on this 13th day of June, 2023.

Jennifer Hobbs, Mayor

Emily Watts, City Clerk

CITY OF WYNNE

ORDINANCE NUMBER 892

AN ORDINANCE TO REPEAL ORDINANCE 889

WHEREAS, The City of Wynne finds it necessary to enact an ordinance repealing ordinance 889, and;

WHEREAS, it is necessary and desirable that the City of Wynne, Cross County, Arkansas, amend its zoning regulations.

SECTION 1: That Ordinance Number 889 is hereby repealed.

SECTION 2: That this ordinance being necessary for the immediate protection of the health, safety, and welfare of the citizens of Wynne, Arkansas, an emergency is hereby declared to exist and this ordinance shall be in full force and effect from and after its passage.

PASSED AND APPROVED on this 13th day of June, 2023.

Jennifer Hobbs, Mayor

Emily Watts, City Clerk

CITY OF WYNNE

ORDINANCE NUMBER 893

AN ORDINANCE AMENDING ZONING REGULATIONS FOR SINGLE FAMILY HOMES, MOBILE HOMES, AND MANUFACTURED HOMES WITHIN THE R-3 ZONING AREAS OF THE CITY LIMITS OF THE CITY OF WYNNE, ARKANSAS

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WYNNE, ARKANSAS:

WHEREAS, it is necessary and desirable that the City of Wynne, Cross County, Arkansas, amend its zoning regulations, and;

WHEREAS, the City Council has determined that the immediate passage of this Ordinance is necessary for the health, safety, and welfare of the citizens of Wynne, Arkansas.

SECTION 1: Mobile Homes, as defined in Arkansas law, shall not be placed within the City limits of Wynne, Arkansas for any purposes whatsoever. Manufactured Homes, as defined in Arkansas Law, may be placed within the R-3 zoning areas of the City of Wynne, Arkansas, and, for the purposes of this ordinance, are considered single-family dwelling units.

SECTION 2: All single-family dwelling units constructed in, or set up in, R-3 zoning areas, whether by new construction, addition to an existing unit, or placement of a multi-section manufactured home, shall have a minimum dimension on any one side of 20 feet.

SECTION 3: All single-family dwelling units constructed or set up in R-3 zoning areas constructed with a crawl space shall have continuous underpinning around the perimeter of said crawl space. Underpinning shall be of masonry or a material approved by the Fire Marshall/Building inspector.

SECTION 4: All single-family dwelling units constructed or set up in R-3 zoning areas shall have the front door and/or front porch oriented toward the front yard.

SECTION 5: All single-family dwelling units constructed or set up in R-3 zoning areas that do not have a built-in front porch as part of the structure shall have a front landing, accessible by stairs with handrails, if necessary. The landing shall be at least six feet by six feet and oriented to the front yard.

SECTION 6: All single-family dwelling units constructed in R-3 zoning areas shall have foundation systems that meet the city's building code or, in the case of a Manufactured Home, be anchored in accordance with the manufacturer's instructions or the regulations of the Arkansas Manufactured Home Commission.

SECTION 7: All single-family dwelling units moved into R-3 zoning areas from off-site shall be new and under warranty or inspected by the city's code enforcement officer, building inspector, or Fire Marshall prior to being moved on site to ensure compliance with the following standards:

1. All roofing material shall be secure without gaps or damaged shingles.
2. All windows shall be operative without broken panes or damaged trim or screening.
3. All exterior siding shall be in place and undamaged. No dented, torn, burned, loose, or mildewed siding shall be allowed.
4. All kitchen and bathroom facilities shall be fully operational and mechanical equipment in good working order.
5. Any attached gutters shall be secure and functional.
6. All cornice materials shall be in place and undamaged.
7. Paint shall be uniform and unblemished.
8. Doors shall be plumb and fully operational. No damaged screening or door fixtures shall be allowed.
9. All flooring shall be structurally undamaged, and secure. Holes in the flooring, or flooring that is missing, dented, broken, or in a state of damage or decay will not be allowed.

SECTION 8: That if any single-family dwelling is out of compliance with this ordinance, it must be brought back into compliance within thirty (30) days, or shall be subject to issuance of citations by the building inspector, fire marshal, or code enforcement officer in the amount of $10.00 per day, per item out of compliance. If a manufactured home remains out of compliance for a period greater than ninety (90) days, the manufactured home must be removed from the city limits of the City of Wynne at the owner's expense. If a manufactured home remains out of compliance for a period of one hundred twenty (120) days, the City of Wynne may move the manufactured home and then may seek damages against the owner for the costs of removing said manufactured home from the city limits.

SECTION 9: CONFLICT CLAUSE: That all ordinances and resolutions and parts thereof in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 10: EMERGENCY CLAUSE: This ordinance being necessary for the immediate protection of the health, safety, and welfare of the citizens of Wynne, Arkansas, an emergency

is hereby declared to exist, and this ordinance shall be in full force and effect from and after its passage.

PASSED AND APPROVED on this 13th day of June, 2023.

Jennifer Hobbs, Mayor

Emily Watts, City Clerk

ORDINANCE NUMBER 894

AN ORDINANCE TO AMEND ORDINANCE 551 ESTABLISHING MINIMUM HEALTH AND HOUSING STANDARDS

BE IT, THEREFORE, ORDAINED BY THE CITY COUNCIL OF THE CITY OF WYNNE, ARKANSAS:

WHEREAS, Said Ordinance No. 551 having been passed and approved February 14, 1995, is hereby amended to read as follows:

SECTION 1: Permit Fees on all building, structures or alterations requiring a building permit shall be paid based upon valuation as required at the time of filing application, in accordance with the following schedule:

RESIDENTIAL BUILDINGS

New Single Family Dwelling..... $50 + $.15 Sq Ft

New Multi-Family Dwelling..... $100 + $.15 Sq Ft

New Multi-Family (4 and above)..... $500 + $.15 Sq Ft

New Addition to Single Family Dwelling (Increase in Footprint)..... $25

Residential Plumbing..... $.05 Sq Ft

Residential HVAC..... $.05 Sq Ft

Residential Electrical..... $.05 Sq Ft

Multi-Family Plumbing..... $.06 Sq Ft

Multi-Family Electric..... $.06

Multi-Family HVAC..... $.06

Residential HVAC change out..... $75

Residential Gas..... $40

Residential Alterations..... $100

Manufactured Home Permit..... $150

Re-Roofing Permit..... $100

Swimming Pools (Above or Below Ground)..... $100

Walls ,Fences, Decks..... $100

Accessory Buildings..... $25 ($.10 Sq Ft over 140 Sq Ft)

Storm Shelters..... $50

Residential Sprinkler Permit..... $50

Demolition Permit..... $50

Inspection Fee..... $10

COMMERCIAL BUILDINGS

Commercial Building Permit (0-10,000 Sq Ft).....$500

Commercial Building Permit (10,001 or more).....$1000

Commercial Alterations (Existing Structures).....$250

State Surcharge.....Project Cost x $.0005

Commercial Plumbing.....$.07 Sq Ft

Commercial Electrical.....$.07 Sq Ft

Commercial HVAC.....$.07 Sq Ft

Commercial Gas.....$50

Commercial Sprinkler Permit.....$100

Commercial Signs (Not fixed to building).....$50

Commercial Demolition.....$100

Mobile Vending Permit.....$50

Communications/Cell Tower Permit.....Project Cost + Surcharge

Temporary Tents, Trailers, Structures.....$250

Commercial Vent Hood.....$40

Inspection Fee.....$10

SECTION 2: CONFLICT CLAUSE: That all ordinances and parts or ordinances therefore enacted which are in conflict herewith are hereby repealed to the extent of such conflict.

PASSED AND APPROVED by the City Council for the City of Wynne, Arkansas this 8th day of August, 2023.

Jennifer Hobbs, Mayor

ATTEST: Emily Watts, City Clerk

CITY OF WYNNE

ORDINANCE NUMBER 895

AN ORDINANCE TO ESTABLISH THE POSITION OF FIRE MARSHALL

WHEREAS, The City of Wynne is a City of the First Class, and;

WHEREAS, Cities of the First Class may establish the office or position of Fire Marshall pursuant to A.C.A. 14-53-112, and;

WHEREAS, it is necessary and desirable that the City of Wynne, Cross County, Arkansas, create the position of Fire Marshall.

SECTION 1: That the position of Fire Marshall is hereby created in the City of Wynne.

SECTION 2: That the Fire Marshall shall:

(1) Be responsible for the detection and prevention of arson, the enforcement of laws relating to arson and other burning, and enforcement of the city and state fire prevention codes;
(2) Have successfully completed a course of study for law enforcement officers approved by the Arkansas Commission on Law Enforcement Standards and Training;
(3) Have successfully completed an eighty-hour fire and arson investigation course offered by the National Fire Academy, or the Arkansas Fire Training Academy, or an equivalent course; and
(4) Have completed a one-week fire safety inspection class offered by the National Fire Academy or the Arkansas Fire Training Academy or an equivalent class.
(5) Be authorized and empowered to carry a weapon and to make arrests for violations of the laws relating to arson and other unlawful burning.

SECTION 3: That all ordinances and resolutions and parts thereof in conflict herewith are hereby repealed to the extent of such conflict.

PASSED AND APPROVED on this 12th day of September, 2023.

Emily Watts, City Clerk

Jennifer Hobbs, Mayor

ORDINANCE 896

BE IT ENACTED BY THE **CITY COUNCIL** OF **WYNNE**, ARKANSAS, AN ORDINANCE TO BE ENTITLED: **"AN ORDINANCE PROVIDING FOR THE ESTABLISHMENT OF A FLOOD DAMAGE PREVENTION PROGRAM FOR WYNNE, ARKANSAS AND FOR OTHER PURPOSES."**

SECTION 1. STATUTORY AUTHORITY

The Legislature of the State of Arkansas has in Ark. Code Ann. § 14-268-101 et seq., delegated the responsibility of local governmental units to adopt regulations to minimize flood losses. Therefore, the **City Council** of **Wynne**, Arkansas, does hereby ordain as follows:

SECTION 2. FINDINGS OF FACT

A. The Federal Emergency Management Agency (FEMA) has identified Special Flood Hazard Areas of Wynne, Arkansas in the current scientific and engineering report entitled "The Flood Insurance Study (FIS) for the City of Wynne," dated February 1980, with an effective Flood Insurance Rate Map (FIRM) dated August of 1980.

B. These Special Flood Hazard Areas are subject to periodic flooding events that result in loss of life and property, pose health and safety hazards, disrupt commerce and governmental services, and cause extraordinary public expenditures for flood protection and relief, all of which adversely affect the public health, safety and general welfare.

C. These periodic flooding events are exacerbated by the cumulative effect of floodplain developments which cause an increase in flood heights and velocities, and by the placement of inadequately elevated, inadequately floodproofed or otherwise unprotected structures or uses vulnerable to floods into Special Flood Hazard Areas. Such structures or uses are inherently hazardous to other lands because of their adverse impact on flooding events.

D. The Base Leve Engineering Data has also identified additional areas of flood risk within **Wynne, Arkansas** outside of the Special Flood Hazard Area that are also subject to periodic flooding events that result in loss of life and property, pose health and safety hazards, disrupt commerce and governmental services, and cause extraordinary public expenditures for flood protection and relief, all of which adversely affect the public health, safety, and general welfare.

SECTION 3. STATEMENT OF PURPOSE

The purpose of this ordinance is to promote the public health, safety and general welfare, to prevent adverse impacts from any floodplain development activities, and to minimize public and private losses due to flooding events in identified Special Flood Hazard Areas and additional areas identified in the Base Level Engineering Data. This ordinance advances the stated purpose through provisions designed to:

A. Protect human life and health;

B. Protect natural floodplains against unwise development;

C. Eliminate adverse impacts of necessary floodplain development;

D. Minimize expenditure of public monies on flood control projects;

E. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

F. Minimize prolonged business interruptions due to flooding events;

G. Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in Special Flood Hazard Areas and additional areas identified in the Base Level Engineering data;

H. Maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize flood blight areas; and

I. Provide for notice to potential buyers when property is in a Special Flood Hazard Area and additional areas identified in the Base Level Engineering data.

SECTION 4. LANDS TO WHICH THIS ORDINANCE APPLIES

The ordinance shall apply to all Special Flood Hazard Areas and additional areas identified in the Base Level Engineering data within the jurisdiction of Wynne, Arkansas.

SECTION 5. METHODS OF REDUCING FLOOD LOSSES

This ordinance uses the following methods to accomplish the stated purpose:

A. This ordinance restricts or prohibits structures or uses in Special Flood Hazard Areas and additional areas identified in the Base Level Engineering data that adversely impact health, safety or property during flooding events;

B. This ordinance requires protection against flood damage for structures or uses vulnerable to floods at the time of initial construction, or after substantial improvement of the structure, or after substantial damage has occurred;

C. This ordinance controls the alteration of natural floodplains, stream channels and natural protective barriers which are involved in the accommodation and transport of flood waters;

D. This ordinance controls floodplain development (structural development, placement of manufactured structures, clearing, grading, mining, drilling, dredging, placement of fill, excavating, watercourse alteration, drainage improvements, roadway or bridge construction, individual water or sewer installations and other activities) which may increase flood damage by increasing flood elevations, flood water velocities, or flood discharge patterns;

E. This ordinance regulates the construction of flood barriers which unnaturally divert floodwaters or which may adversely impact other lands.

SECTION 6. FLOOD DAMAGE PREVENTION CODE ADOPTED BY REFERENCE

There is hereby adopted by reference a "Flood Damage Prevention Code for Wynne, Arkansas," dated July 11, 2023. The code shall include:

ARTICLE 1 DEFINITIONS
ARTICLE 2 ADMINISTRATION
ARTICLE 3 PROVISIONS FOR FLOOD HAZARD REDUCTION

A copy of the referenced code shall be filed in the office of the **Wynne City Clerk** and shall be available for inspection and copying by any person during normal office hours.

SECTION 7. ABROGATION AND GREATER RESTRICTIONS

This ordinance does not repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. Whenever there is a conflict or overlap between this ordinance and another ordinance, easement, covenant, or deed restriction, the instrument with the more stringent restrictions applies.

SECTION 8. INTERPRETATION

In the interpretation and application of this ordinance, all provisions must:

A. Be considered as minimum requirements;

B. Be liberally construed in favor of the City Council; and

C. Be deemed to neither limit nor repeal any other powers granted under State statutes.

SECTION 9. WARNING AND DISCLAIMER OF LIABILITY

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes. Documented scientific and engineering data form the basis for these requirements. On rare occasions, flooding events greater than those considered for this ordinance will occur. In addition, flood heights may increase over time due to man-made or natural causes. This ordinance does not imply that land outside Special Flood Hazard Areas and additional areas identified in the Base Level Engineering data will be free from flooding, nor that strict adherence to this ordinance protects uses permitted within Special Flood Hazard Areas and additional areas identified in the Base Level Engineering data from all flood damages. This ordinance specifically does not create liability on the part of the community, nor any official or employee of the community, for any flood damages that result while strictly following this ordinance, or from any lawful administrative decision made under the provisions of this ordinance.

SECTION 10. COMPLIANCE

Constructing, locating, substantially altering or changing the use of any structure or land after the effective date of this ordinance requires full compliance with the provisions of this ordinance and all other applicable regulations.

SECTION 11. ENFORCEMENT, PENALTIES, AND VIOLATIONS

Any action or inaction which violates the provisions of this ordinance or permit shall be subject to the enforcement actions outlined herein. Any such action or inaction that is continuous with respect to time is deemed to be a public nuisance and may be abated by injunctive or other equitable relief. The imposition of any of the penalties described below shall not prevent such equitable relief.

A. Notice of Violation

If the Floodplain Administrator determines that an applicant or other responsible person has failed to comply with the terms and conditions of a floodplain development permit or the provisions of this ordinance, he or she shall issue by certified mail a written notice of violation to such applicant or other responsible person.

Where the person is engaged in activity covered by this ordinance without having first secured an approved floodplain development permit, the notice shall be served on the owner or the responsible person in charge of the activity being conducted on the site. The notice of violation shall contain:

(1) The name and address of the owner or the applicant or the responsible person;

(2) The address or other description of the site upon which the violation is occurring;

(3) Date of inspection that revealed the violation;

(4) Specific sections of the Flood Damage Prevention Code that are being violated;

(5) A statement specifying the nature of the violation;

(6) A description of the remedial measures necessary to bring the action or inaction into compliance with the permit or this ordinance and the date for the completion of such remedial action;

(7) A statement of the penalty or penalties that may be assessed against the person to whom the notice of violation is directed, and;

(8) A statement that the determination of violation may be appealed to the community by filing a written notice of appeal within thirty days after the notice of violation (except, that in the event the violation constitutes an immediate danger to public health or public safety, 24-hour notice shall be sufficient).

B. Penalties

In the event the remedial measures described in the notice of violation have not been completed by the date set forth for such completion in the notice of violation, any one or more of the actions or penalties listed herein may be assessed against the person to whom the notice of violation was directed.

Before taking any of these actions or imposing any of the penalties, the **building inspector / fire marshall** shall first notify the applicant or other responsible person in writing of its intended action, and shall provide reasonable opportunity, of not less than ten days (except that in the event the violation constitutes an immediate danger to public health or public safety, 24-hours' notice shall be sufficient) and no more than 45 days, to remedy such violation.

In the event the applicant or other responsible person fails to cure such violation after such notice and cure period, the **building inspector / fire marshall** may take any one or more of the following actions or impose any one or more of the following penalties:

(1) **Stop Work Order.** The **building inspector / fire marshall** may issue a stop work order, which shall be served on the applicant or other responsible person. The stop work order shall remain in effect until the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violation or violations described therein, provided the stop work order may be withdrawn or modified to enable the applicant or other responsible person to take the necessary remedial measures to cure such violation or violations.

(2) **Termination of water service, Condemnation of Structure, and/or Withholding or Revocation of Certificate of Occupancy.** The **building inspector / fire marshall** may terminate utilities, condemn the structure, and/or refuse to issue and/or revoke a certificate of occupancy for the building or other improvements and/or repairs conducted or being conducted on the site until the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violation or violations described therein.

(3) **Suspension, revocation, or modifications of permit.** The **building inspector / fire marshall** may suspend, revoke, or modify the permit authorizing the development project. A suspended, revoked, or modified permit may be reinstated after the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violations described therein, provided such permit may be reinstated (upon such conditions as the community may deem necessary) to enable the applicant or other responsible person to take the necessary remedial measures to cure such violations.

(4) **Civil penalties**. Violation of the provisions of this ordinance or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions, shall constitute a misdemeanor.

a. It is the responsibility of the **City Council** of **Wynne, Arkansas** to define and impose the penalties set herein.

b. Nothing herein contained shall prevent the **City Council** of **Wynne, Arkansas** from taking such other lawful actions as are necessary to prevent or remedy any violation.

c. Any person or business entity, whether as principal, agent, employee or otherwise, who violates any of the provisions of this ordinance shall be guilty of an infraction and upon conviction thereof shall be punishable by a fine not exceeding **$50.00** for a first violation, **$100.00** for a second violation within one year, and **$250.00** for each additional violation within one year.

d. Such person or business entity shall be deemed to be guilty of a separate offense for each and every day during any portion of which any violation of this chapter is committed, continued or permitted by such person or business entity and shall be punishable as herein provided..

e. In addition to the penalties imposed herein, the **City Council** of **Wynne, Arkansas** shall impose restitution as part of its sentence for all costs associated with the community's

abatement of a violation, restoration of the property, and enforcement of this ordinance, and any fines or penalties imposed on the city resulting from the violation.

SECTION 12. REPEALING CLAUSE

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict.

SECTION 13. SEVERABILITY

If any court of competent jurisdiction finds that any section, clause, sentence, or phrase of this ordinance is invalid or unconstitutional, that finding in no way affects the validity of the remaining portions of this ordinance.

SECTION 14. EMERGENCY CLAUSE

It is hereby found and declared by the City Council of **Wynne, Arkansas** that severe flooding has occurred in the past within its jurisdiction and will certainly occur within the future; that flooding is likely to result in infliction of serious personal injury or death, and is likely to result in substantial injury or destruction of property within its jurisdiction; in order to effectively comply with minimum standards for coverage under the National Flood Insurance Program; and in order to effectively remedy the situation described herein, it is necessary that this ordinance become effective immediately.

Therefore, an emergency is hereby declared to exist, and this ordinance, being necessary for the immediate preservation of the public peace, health and safety, shall be in full force and effect from and after its passage and approval.

APPROVED: _____
Jennifer Hobbs, Mayor

PASSED: August 8, 2023
(Date)

ATTEST: _____
Emily Watts, City Clerk

CERTIFICATION:

I, the undersigned, Emily Watts, do hereby certify that the above is a true and correct copy of an ordinance duly adopted by the **City Council** of **Wynne, Arkansas**. at a regular meeting duly convened on: August 8, 2023
(Date)

Emily Watts, City Clerk

CITY OF WYNNE

ORDINANCE NUMBER 897

AN ORDINANCE ESTABLISHING THE NUMBER OF SUBORDINATE POLICE OFFICERS FOR THE CITY OF WYNNE, ARKANSAS, AND DECLARING AN EMERGENCY

WHEREAS, Arkansas Code § 14- 52- 201 directs the City to set the number of subordinate police officers by ordinance,

WHEREAS, the City recognizes the need in its community to expand its police force,

WHEREAS, under its statutory authority and in order to preserve the health, safety, and welfare of its citizens the City of Wynne, Arkansas adopts this ordinance,

NOW, THEREFORE, BE IT ORDAINED

Section 1: The number of subordinate police officers for the City of Wynne, Arkansas is set at twenty-three (23) officers.

Section 2: All ordinances, resolutions, or orders of the Wynne City Council, or parts of ordinances, resolutions or orders of the Wynne City Council in conflict herewith are hereby repealed to the extent of such conflict.

Section 3: Emergency Declared Therefore, an emergency is hereby declared to exist, and this Ordinance being necessary for the immediate preservation of the public health, peace, safety and welfare, shall take effect and be enforced immediately upon its passage and approval.

Passed and approved this 11th day of July, 2023.

Jennifer Hobbs, Mayor

ATTEST

Emily Watts, City Clerk

CITY OF WYNNE

ORDINANCE NUMBER 898

AN ORDINANCE TO AUTHORIZE COUNCIL MEMBERS, OFFICIALS, OR MUNICIPAL EMPLOYEES OF THE CITY OF WYNNE TO CONTRACT WITH THE CITY OR ITS AGENCIES TO FURNISH SUPPLIES, EQUIPMENT, OR SERVICES TO THE MUNICIPALITY PURSUANT TO A.C.A. 14-42-107, AND DECLARING AN EMERGENCY.

WHEREAS, Arkansas Code § 14-42-107 provides that no council member, official, or municipal employee shall be interested, directly or indirectly, in the profits of any contract for furnishing supplies, equipment, or services to the municipality unless the governing body of the city has enacted an ordinance specifically permitting council members, officials, or municipal employees to conduct business with the city and prescribing the extent of its authority; and

WHEREAS, the City of Wynne from time to time needs supplies, equipment, or services, and some of those services are provided by council members, elected officials, and employees.

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

Section 1: Authorization. Pursuant to A.C.A. 14-42-107, the City of Wynne, through its City Council, specifically permits and City of Wynne official or employee to be interested, directly or indirectly, in the profits of any contract for the furnishing of any supplies, equipment, or services to the City of Wynne, provided that the official or employee are specifically named and their authorization stated in an ordinance.

Section 2: Pursuant to Section 1, the following individual is authorized to be interested, directly or indirectly, in the profits of any contract for the furnishing of any supplies, equipment, or services to the City of Wynne.

(a) Hobbs Equipment, who is affiliated by marriage with City of Wynne Mayor Jennifer Hobbs, is hereby authorized to provide sales and services for the City of Wynne for the purchase of one (1) K9 2400 24HP Heavy Duty Desal Cab UTV, Belt CVT and accessories for use by the Public Works Department at a cost not to exceed $22,300.00.

Section 3: All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict.

Section 4: That the provisions of this ordinance are hereby declared to be severable and if any section, phrase, or provision shall be declared or held invalid, such invalidity shall not affect the remainder of the sections, phrases or provisions.

Section 5: Emergency Declared Therefore, an emergency is hereby declared to exist, and this Ordinance being necessary for the immediate preservation of the public health, peace, safety and welfare, shall take effect and be enforced immediately upon its passage and approval.

Passed and approved this 11th day of July, 2023.

Jennifer Hobbs, Mayor

ATTEST

Emily Watts, City Clerk

ORDINANCE NUMBER 899

AN ORDINANCE AMENDING THE BOUNDARIES OF ZONING REGULATIONS FOR THE CITY OF WYNNE, ARKANSAS AND DECLARING AN EMERGENCY

BE IT, THEREFORE, ORDAINED BY THE CITY COUNCIL OF THE CITY OF WYNNE, ARKANSAS:

WHEREAS, pursuant to Ordinance Number 560 adopting revised zoning regulations for the City of Wynne, Arkansas, the Wynne Planning Commission has recommended certain changes and amendments to the existing zoning districts as the same apply to the following described property in Wynne, Arkansas:

A part of the Northeast Quarter of Section 17, Township 7 North, Range 3 East, Cross County, Arkansas, being more particularly described as follows:

Commencing at the Northeast Corner of the Northeast Quarter of Section 17 Aforesaid; Thence North 88°04'31" West, a Distance of 30.00 feet to a point lying on the westerly right-of-way line of Martin Luther King Street; Thence South 00°09'43" West, along said westerly right-of-way line, a distance of 661.27 feet to a point lying on the North line of Fulghum Subdivision as recorded in Plat Book 1 at Page 221, Public Records of Cross County, Arkansas; Thence South 89°55'30" West. Departing said westerly right-of-way line and along said North line, a distance of 509.69 feet to the northwest corner thereof; thence South 00°25'11" West, along the West line of said Fulghum Subdivision, a distance of 296.43 feet to a point lying on the line of the City of Wynne property as recorded in Book 2014 at Page 1413; thence North 89°01'52" West, departing said West line and along said City of Wynne property, a distance of 98.24 feet to the point of beginning; thence South 01°04'00" West, continuing along said City of Wynne Property, a distance of 687.05 feet to a point; thence South 62°12'00" West, continuing along said City of Wynne property, a distance of 120.96 feet to a point; Thence South 89°55'30" West, continuing along the City of Wynne property and the westerly extension thereof, a distance of 556.02 feet to a point; thence North 21°49'15" East, departing said westerly extension, a distance of 930.61 feet to a point; thence North 88°57'05" East, a distance of 335.21 feet to a point; thence South 01°04'00" West, a Distance of 131.70 feet to the point of beginning.

Containing in all 429,907 SQ. FT. or 9.87 Acres, More or Less.

Subject to Easements, Restrictions, Reservations, and Rights-of-Ways of Record.

The Wynne Planning Commission requests that the same be rezoned from Agricultural (AG) to Residential, Multiple Dwellings (R-3).

THEREFORE BE IT ORDAINED, by the City Council of the City of Wynne, Arkansas, that the foregoing rezoning proposal and recommendation be and is hereby accepted, approved and

adopted and that the boundaries of the districts of the zoning regulations be and are hereby amended to change zoning classifications of the above described property from its present Agricultural (AG) to Residential, Multiple Dwellings (R-3).

This ordinance being necessary for the immediate protection of the health, safety and welfare of the citizens of Wynne, Arkansas, an emergency is hereby declared to exist and this ordinance shall be in full force and effect from and after its passage.

The above change in existing zoning boundaries shall be filed in the office of the City Clerk who shall cause the official zoning map to conform by noting the changes there.

PASSED AND APPROVED by the City Council for the City of Wynne, Arkansas this 11th day of July, 2023.

Jennifer Hobbs, Mayor

ATTEST: Emily Watts, City Clerk

ORDINANCE NUMBER 901

AN ORDINANCE AMENDING THE BOUNDARIES OF ZONING REGULATIONS FOR THE CITY OF WYNNE, ARKANSAS AND DECLARING AN EMERGENCY

BE IT, THEREFORE, ORDAINED BY THE CITY COUNCIL OF THE CITY OF WYNNE, ARKANSAS:

WHEREAS, pursuant to Ordinance Number 560 adopting revised zoning regulations for the City of Wynne, Arkansas, the Wynne Planning Commission has recommended certain changes and amendments to the existing zoning districts as the same apply to the following described property in Wynne, Arkansas:

A part of the Northeast Quarter of Section 17, Township 7 North, Range 3 East, Cross County, Arkansas, being more particularly described as follows:

Commencing at the Northeast Corner of the Northeast Quarter of Section 17 Aforesaid; Thence North 88°04'31" West, a Distance of 30.00 feet to a point lying on the westerly right-of-way line of Martin Luther King Street; Thence South 00°09'43" West, along said westerly right-of-way line, a distance of 661.27 feet to a point lying on the North line of Fulghum Subdivision as recorded in Plat Book 1 at Page 221, Public Records of Cross County, Arkansas; Thence South 89°55'30" West. Departing said westerly right-of-way line and along said North line, a distance of 509.69 feet to the northwest corner thereof; thence South 00°25'11" West, along the West line of said Fulghum Subdivision, a distance of 296.43 feet to a point lying on the line of the City of Wynne property as recorded in Book 2014 at Page 1413; thence North 89°01'52" West, departing said West line and along said City of Wynne property, a distance of 98.24 feet to the point of beginning; thence South 01°04'00" West, continuing along said City of Wynne Property, a distance of 687.05 feet to a point; thence South 62°12'00" West, continuing along said City of Wynne property, a distance of 120.96 feet to a point; Thence South 89°55'30" West, continuing along the City of Wynne property and the westerly extension thereof, a distance of 556.02 feet to a point; thence North 21°49'15" East, departing said westerly extension, a distance of 930.61 feet to a point; thence North 88°57'05" East, a distance of 335.21 feet to a point; thence South 01°04'00" West, a Distance of 131.70 feet to the point of beginning.

Containing in all 429,907 SQ. FT. or 9.87 Acres, More or Less.

Subject to Easements, Restrictions, Reservations, and Rights-of-Ways of Record.

The Wynne Planning Commission requests that the same be rezoned from Residential, Multiple Dwellings (R-3) to Agricultural (AG).

THEREFORE BE IT ORDAINED, by the City Council of the City of Wynne, Arkansas, that the foregoing rezoning proposal and recommendation be and is hereby accepted, approved and

adopted and that the boundaries of the districts of the zoning regulations be and are hereby amended to change zoning classifications of the above described property from its present Residential, Multiple Dwellings (R-3) to Agricultural (AG).

This ordinance being necessary for the immediate protection of the health, safety and welfare of the citizens of Wynne, Arkansas, an emergency is hereby declared to exist and this ordinance shall be in full force and effect from and after its passage.

The above change in existing zoning boundaries shall be filed in the office of the City Clerk who shall cause the official zoning map to conform by noting the changes there.

PASSED AND APPROVED by the City Council for the City of Wynne, Arkansas this 10th day of October, 2023.

Jennifer Hobbs, Mayor

ATTEST: Emily Watts, City Clerk

ORDINANCE 900

AN ORDINANCE TO AMEND THE WYNNE, ARKANSAS ZONING REGULATIONS AND DECLARING AN EMERGENCY

WHEREAS, the City of Wynne, Arkansas desires to amend its zoning regulations to identify wind generation facilities as a permitted use in areas that do not have a zoning designation, but are subject to the jurisdictional authority of the City of Wynne, to define "wind generation facilities," and to permit electrical infrastructure located underground as a use by right in districts zoned AG (Agricultural District).

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

Section 1. Section II(C) of the Wynne, Arkansas Zoning Regulations is hereby amended to add the following definition:

> "Wind generation facility" shall mean a wind energy system or other mechanical/electrical system that utilizes wind turbines, nacelles, frames, housings, blades, vanes, airfoils, rotors, towers, controls, gearboxes, arrays, devices, materials, exchangers, transformers, hardware, substations, electric transformers, energy storage facilities, telecommunications equipment, electrical cables, collection and transmission lines, roads, meteorological equipment, foundations, pads, footings, mounting structures, supports, foundations, reasonable signage, or other related or ancillary improvements and equipment, whether aboveground or belowground, necessary to the process by which the kinetic energy of blowing wind is collected, converted into another form of energy, stored, used on-site or distributed to the electrical grid.

Section 2. Section II(E) Miscellaneous Regulations of the Wynne, Arkansas Zoning Regulations is hereby amended to add the following section:

> 8. Permitted Use in Extraterritorial Jurisdiction Areas. The construction, maintenance, operation, and replacement of wind generation facilities is permitted by right in areas that do not have a zoning designation but are otherwise subject to the jurisdictional authority of the City of Wynne.

Section 3. Section II(D)(3)(a)(1) of the Wynne, Arkansas Zoning Regulations is hereby amended to add underground electrical infrastructure as a permitted use in districts zoned AG (Agricultural District) and shall read as follows:

> (1) Uses by Right: The uses listed below are permitted subject to the conditions of this district and the general provisions of this document.
>
> a) Agricultural crop land.

b) Single-family dwelling units for the owners and/or operators (tenants) of said agricultural lands.
c) Publicly owned or operated properties.
d) Public parks, public playgrounds, and open space, recreational areas, not to include permanent building facilities other than that housing sanitary facilities, operated by membership organizations for the benefit of their members and not for gain.
e) Railroad rights-of-way.
f) Underground electrical infrastructure consisting of collection lines, underground conduits, wires, cables, fixtures, or other equipment and appurtenances, and associated surface-mounted transformers, boxes, and pedestals, used for the transmission, transformation, regulation and distribution of electrical current.
g) Other accessory structures customarily appurtenant to the above uses when established in conformance with regulations of this district.

Section 4. All ordinances and resolutions or parts thereof, in conflict herewith are hereby repealed to the extent of such conflict.

Section 5. This ordinance being necessary for the immediate protection of the health, safety and welfare of the citizens of Wynne, Arkansas, an emergency is hereby declared to exist and this ordinance shall be in full force and effect from and after its passage.

PASSED and APPROVED this 11th day of July, 2023.

Mayor

ATTEST:

City Clerk

[Seal]

ORDINANCE NUMBER 902

BE IT ENACTED BY THE CITY OF WYNNE, ARKANSAS, AN ORDINANCE TO BE ENTITLED:

AN EMERGENCY ORDINANCE ADOPTING CERTAIN RULES AND REGULATIONS CONCERNING EXTERNAL NOISE ATTENUATION OF DATA CENTERS AND TO PREVENT NOISE DISTURBANCE IN THE CITY OF WYNNE; TO DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES

WHEREAS, the equipment associated with the cooling systems and generators required to operate data centers generates broadband noise and low-frequency hums that result in noise disturbance. Noise disturbance is the cause of degradation and may produce negative impacts on public health, property, and the environment.

WHEREAS, noise attenuation should be an integral part of the design and construction of data centers in order to prevent noise pollution and noise disturbance.

WHEREAS, the city finds that the public interest is served by the prevention of unreasonable noise emanating externally from the Data Centers, and the provisions of this Ordinance are enacted for the purpose of preserving and protecting the public health, safety, welfare, and property of the citizens of Wynne, Arkansas.

THEREFORE, BE IT ORDAINED BY THE CITY OF WYNNE, ARKANSAS, AS FOLLOWS:

ARTICLE 1. Purpose and Applicability

All Data Centers constructed within this jurisdiction shall be designed and built to incorporate external noise attenuation measures in order to minimize the impact of noise disturbance on the residents of Wynne, Arkansas.

This ordinance shall apply to limit the noise disturbance originating within the municipal limits of Wynne, Arkansas.

ARTICLE 2: Definitions

For the purpose of this Ordinance, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

1. *Ambient Noise*: The all-encompassing noise level associated with a given environment, being a composite of sounds from all sources, excusing the alleged offensive noise at the locations and approximate time at which comparison with the alleged offensive noise is to be made.

2. *Data Center*: A facility constructed and operated that is engaged in storage, management, processing, and transmission of digital data, including facilities used for cryptocurrency mining, which houses networked computer systems along with supporting equipment such as batteries, back-up power generators, HVAC and cooling systems.
3. *Decibel (dB)*: A unit for measuring the volume of a sound equal to twenty (20) times to the base 10 (10) of the ratio of the pressure of the sound measured to the referenced pressure, which is twenty (20) micro pascals (twenty (20) micro newtons per square meter.)
4. *Mechanical Equipment*: The networked computer systems along with supporting equipment such as batteries, backup generators, and cooling systems housed on the Data Center's property.
5. *Noise Attenuation*: The reduction of noise levels through the use of sound-absorbing material, architectural design techniques, and/or any other suitable means.
6. *Noise Disturbance* is any sound which:
    a. Endangers or injures the safety or health of humans or animals, or
    b. Annoys or disturbs a reasonable person of normal sensitivities; or
    c. Endangers or injures person or real property.
7. *Person*: An individual, association, partnership, or corporation, including any officer, employee, department, or agency.
8. *Property Line*: An imaginary line along the ground surface, and its vertical extension, which separates the real property owned by one person from that owned by another person, but not including intra-building real property divisions.
9. *Sound*: An oscillation in pressure, particle displacement, particle velocity or other physical parameter, in a medium with internal forces that causes compression and rarefaction of that medium. The description of sound may include any characteristic of such sound, including duration, intensity and frequency.
10. *Sound Level*: The weighted sound pressure level obtained by the use of a sound level meter and frequency weighting network, such as A, B, or C as specified in American National Standards Institute specifications for sound level meters (ANSI SI. 4-1971, or the latest approved revision thereof). If the frequency weighting employed is not indicated, the A-weighting shall apply.
11. *Sound Level Meter*: An instrument that includes a microphone, an amplifier, an RMS detector, an integrator or time averager, an output meter, and weighting networks used to measure sound pressure levels.

ARTICLE 3: Noise Attenuation Requirements

Before a Data Center has commenced construction or operation within this jurisdiction, the property owner and operator proposing to build a Data Center shall comply with the following:

1. *Notice Requirements*
    a. The property owner and operator must notify all residents within a half-mile radius of the parcel, including any affiliated homeowners' association operating

within the half-mile radius, that the property owner and operator intends to build and operate a Data Center on the property. The notice required in this section must be mailed to all postal addresses and homeowners' association addresses contained within a half-mile radius extending from the property line where the proposed Data Center will be built. Proof of notification shall be filed with the city clerk's office within 30 days of providing notice. The property owner and operator must notify the mayor that the property owner and operator intends to build and operate a Data Center. The notification must include the location for the proposed data center.

2. *Noise Study Requirements*
    a. The property owner of the lands upon which the Data Center is to be located shall conduct a sound study performed by a third-party acoustic engineer to document baseline sound levels in the area of the proposed Data Center, including noise levels measured at the property line in eight locations (north, south, east, west, northeast, northwest, southeast, southwest.) The report of the study must include sound mitigation recommendations based on the results of the sound study. The property owner must provide a copy of the report of the study to the mayor and file with the city clerk within 30 days of completion of the report.
3. *Noise Attenuation Plan Requirements*
    a. The property owner must consult with a third- party architectural or design firm to develop a building plan that includes necessary noise attenuation measures in order to prevent the external sound level emanating from the Data Center from exceeding the sound level limitations below which will be considered a noise disturbance. The building plan is not required to adopt any or all of the noise attenuation recommendations so long as the plan includes noise attenuation measures that the architectural or design firm deems adequate to be in compliance with this Ordinance. Noise attenuation measures may include but not limited to:
        i. Soundproofing walls, screens, panels, fences, or enclosures
        ii. Buffer yards
        iii. Other noise attenuation measures recommended by the third-party acoustic engineer
    b. Mechanical equipment must be shown on any proposed plan and must be fully screened on all sides. Mechanical equipment not screened by a facade of the building must be screened by a visually solid fence, screen wall or panel, or parapet wall and constructed with a design, materials, details, and treatment compatible with those used on the nearest facade of the building.
    c. The property owner must provide a copy of the building plan to the mayor and file with the city clerk within 30 days of completion of the plan prior to construction.
    d. Any additions, changes, or expansions of the Data Center must comply with the noise attenuation requirements of this Ordinance and must be designed and

submitted to the mayor and filed with the city clerk within 30 days of completion of the report.

4. *Post Completion Noise Study Requirements*
    a. Upon the Data Center's completion, the Data Center operator must conduct a post-construction noise study performed by a third-party acoustic engineer to document noise levels emanating from the Data Center when mechanical equipment is running at full capacity, including all HVAC units and generators necessary for peak operation. Noise levels are to be measured at the property line in the original eight locations used during the baseline study. The Data Center operator must provide a copy of the report to the mayor and file with the city clerk within 30 days of completion of the study.
    b. The Data Center shall not begin operations until the completion of the post-construction noise study and submission to the mayor and city clerk as required above. In order for the Data Center to be in compliance, the noise study results must show that its operation is in compliance with this Ordinance. If the results show that the Data Center is not in compliance with this Ordinance, the Data Center will be unable to commence operation until the required noise attenuation measures and noise limitations are met.
    c. Furthermore, the Data Center operator must conduct annual noise studies under the baseline and post-construction studies specifications in accordance with subsections (a) and (b) above. The Data Center operator must provide the results to the mayor and file with the city clerk within 30 days after the anniversary date of the first sound study report.

ARTICLE 4: Procedure for Measurement

All tests shall be conducted according to the following procedures:

1. *Complaint Driven:* When the measurement is the result of a complaint, measurements will be taken at the property line of the receiving property.
2. *Normal Monitoring:* When the measurement procedure is in the normal course of monitoring sound, the measurements will be taken at the real property line of the source of the sound.
3. *Outdoor Conditions:* No outdoor measurements must be taken while winds exceed (including gusts) 15 miles per hour, under conditions that will allow the sound level meter to become wet, or when the ambient temperature is out of range of tolerance on the sound meter.
4. *Calibration:* The sound level meter must be verified and calibrated according to the manufacturer's specifications immediately prior to taking the measurements.
5. *Meter Placement*: The sound level meter must be placed a minimum of four feet above the ground or from any reflective surface. The microphone must be pointed at the sound source.

6. *Measurements:* Measurements must include "high", "average", and "low" readings. If the sound level meter does not provide these multiple readings, a minimum of three separate measurements must be taken at a single location at varying time intervals. The average sound level reading shall be used to determine whether there has been a violation of this Ordinance.
7. *Monitoring Report:* The report for each measurement session must include:
    a. The day, date, and time of the measurements,
    b. Date and time of recent calibration,
    c. Temperature and wind speed at the time of measurement,
    d. Identification of the monitoring equipment,
    e. Location, land use, and description of the source,
    f. Location and land use of the listener and
    g. Sound level measurements.
8. *Extraneous Sounds:* If there are extraneous sound sources that are unrelated to the measurements and increase the monitored sound level, the measurement shall be postponed until these noises subside.

ARTICLE 5: Noise Limitations

It shall be unlawful for any Data Center to make, or continue to cause or permit to be made or continued, noise levels constituting a noise disturbance. For the purposes of this section, the external noise level emanating from Data Centers shall be deemed disturbing to a person, reasonably calculated to disturb the peace and unreasonably offensive and injurious to the public, or their property, if the sound level is:

1. 65 dBa or higher during the hours of 8 A.M. to 10 P.M. or 55 dBa or higher during the hours of 10 P.M. to 8 A.M. (as determined by a third-party acoustic engineer) measured at the property line of the receiving property.
2. The standard which may be considered in determining whether a violation of this Ordinance exists includes but is not limited to the following:
    a. The level or volume of the noise
    b. The time of day or night the noise occurs
    c. The duration of the noise
    d. Whether the noise is recurrent, intermittent or constant
    e. Whether proper and reasonable noise attenuation methods were followed and maintained

ARTICLE 6: Violations

1. Any or all of the following persons may be held responsible for noise violations:
    a. The person operating the equipment or creating the noise;
    b. The person who employs the person operating the equipment or creating the noise at the time of the violation;

c. The person who owns or rents the property where the violation occurs.

2. The following acts and the causing thereof are declared to be in violation of this Ordinance:
    a. The sound level emanating from the Data Center exceeds 65 dBa or higher during the hours of 8 A.M. to 10 P.M. or 55 dBa or higher during the hours of 10 P.M. to 8 A.M. measured at the property line of the receiving property.
    b. The noise attenuation measures provided in the design plan to the mayor are not incorporated in the construction of the Data Center.
    c. Any of the required sound study results are not filed with the mayor and the city clerk within 30 days of completion of the report.
    d. The building plan is not filed with the mayor and the city clerk within 30 days of completion of the plan prior to construction.
    e. Failure to act in accordance with any other provision of this Ordinance.
3. All data centers shall be in compliance with the requirements of this Ordinance before commencing operation; failure to do so will be deemed in violation of this Ordinance and result in an injunction and/or a stay in commencing operation.

ARTICLE 7: Penalties

(1) Any person(s), firm, corporation, partnership, association, owner, occupant, agent or anyone having ownership in the subject property or supervision or control over the Data Center that violates or fails to comply with any provision of this Ordinance, shall be guilty of a misdemeanor.

(2) Upon conviction of such violation, any offending party shall be punished by fine of $1,000 for any one specified offense or violation, or double that sum for repetition of the offense or violation. If the act prohibited is continuous in time, the fine or penalty for allowing the continuance thereof, in violation of this Ordinance, shall be $500 for each day that it may unlawfully continue. If the prohibited act continues after conviction of violation, an injunction in court of proper jurisdiction to abate the nuisance and violation of the Ordinance may be sought and awarded.

(3) The city or any citizen shall be entitled to pursue all legal and equitable remedies available under the law in order to abate the nuisance and compel compliance with this Ordinance, including injunctive relief and any civil damages the court deems appropriate.

(4) Until the Data Center is in compliance with this Ordinance and required noise attenuation measures are implemented and noise limitations met, the data center shall cease operations.

ARTICLE 8: Severability

If any provision of this Ordinance is found to be invalid by the decision of any court of competent jurisdiction, such invalidity shall not affect the remaining sections, phrases, and provisions of this Ordinance which remain valid and enforceable.

ARTICLE 9: Emergency Clause

The City of Wynne finds that the immediate implementation of this ordinance is necessary for the preservation of the public's peace, health, safety, welfare, and property, an emergency is hereby declared to exist and that this Ordinance is to be in effect immediately after its adoption.

PASSED AND APPROVED this 14th day of Nov, 2023.

APPROVED: _____
Jennifer Hobbs, MAYOR

ATTEST: _____
Emily Watts, CITY CLERK

ORDINANCE NUMBER 903

AN ORDINANCE AMENDING THE BOUNDARIES OF ZONING REGULATIONS FOR THE CITY OF WYNNE, ARKANSAS AND DECLARING AN EMERGENCY

BE IT, THEREFORE, ORDAINED BY THE CITY COUNCIL OF THE CITY OF WYNNE, ARKANSAS:

WHEREAS, pursuant to Ordinance Number 560 adopting revised zoning regulations for the City of Wynne, Arkansas, the Wynne Planning Commission has recommended certain changes and amendments to the existing zoning districts as the same apply to the following described property in Wynne, Arkansas:

A part of Section Nine (9), Township Seven (7) North, Range Three (3) East, lying West of State Highway NO. 1 and North of Murray Road, more particularly described as follows: Commence at the one-quarter (1/4) section corner between Sections Nine (9) and Sixteen (16), said Township and Range; thence North 89 degrees 05 minutes East 217.4 Feet to the West right-of-way line of State Highway No. 1; thence Northerly along said right-of-way line 2,511.03 feet, thence South 89 degrees 21 minutes West 696.2 feet to the Southwest corner of the 2.09 acre tract described in Deed to Trustees of the First Apostolic Church, recorded in Book 182, Page 346, to the point of beginning of the tract hereby described; thence continue South 89 degrees 21 minutes West 60 feet to the Southeast corner of the 1.35 acre tract described in Deed to Don L. Taegtmeyer, et ux, recorded in Book 326, Page 220; thence North 9 degrees 30 minutes East 588 89 feet; thence South 89 degrees 21 minutes West 100 feet; thence South 9 degrees 30 minutes West 588.89 feet to the Southwest corner of said 1.35 acre tract; thence South 89 degrees 21 minutes West to the East line of the ten (10) acre tract, to the Northeast corner of said ten (10) acre tract, a distance of 1,694.52 feet; thence South 50 degrees 43 minutes East to a point on the West line of the four (4) acre tract described in Deed to Newell Taylor, et ux, recorded in Book 159, Page 258, thence South along the West line of said four (4) acre tract and along the West line of a 2 (two) acre tract described in Deed to Newell Tay-lor, et ux, recorded in Book 152, Page 242, to the North line of the 2.09 acre tract described in Deed to the Trustees of the First Apostolic Church, recorded in Book 182, Page 346; thence West along said North line to the Northwest corner of said 2.09 acre tract, a distance of 150 feet, thence South 9 degrees 30 minutes West along the West line of said 2.09 tract to the point of beginning, a distance of 588.89 feet, SUBJECT, HOW-EVER, to easements, rights of way for roads, utilities and drains. 332357z

The Wynne Planning Commission requests that the same be rezoned from Agricultural (AG) to Commercial (C-2).

THEREFORE BE IT ORDAINED, by the City Council of the City of Wynne, Arkansas, that the foregoing rezoning proposal and recommendation be and is hereby accepted, approved and adopted and that the boundaries of the districts of the zoning regulations be and are hereby

amended to change zoning classifications of the above described property from its present Agricultural (AG) to Commercial (C-2).

This ordinance being necessary for the immediate protection of the health, safety and welfare of the citizens of Wynne, Arkansas, an emergency is hereby declared to exist and this ordinance shall be in full force and effect from and after its passage.

The above change in existing zoning boundaries shall be filed in the office of the City Clerk who shall cause the official zoning map to conform by noting the changes there.

PASSED AND APPROVED by the City Council for the City of Wynne, Arkansas this 14th day of November, 2023.

Jennifer Hobbs, Mayor

ATTEST: Emily Watts, City Clerk

ORDINANCE NUMBER 904

AN ORDINANCE AMENDING THE BOUNDARIES OF ZONING REGULATIONS FOR THE CITY OF WYNNE, ARKANSAS AND DECLARING AN EMERGENCY

BE IT, THEREFORE, ORDAINED BY THE CITY COUNCIL OF THE CITY OF WYNNE, ARKANSAS:

WHEREAS, pursuant to Ordinance Number 560 adopting revised zoning regulations for the City of Wynne, Arkansas, the Wynne Planning Commission has recommended certain changes and amendments to the existing zoning districts as the same apply to the following described property in Wynne, Arkansas:

Cross County Parcel Nos.: 900-01063-000; 900-01064-000; 900-01065-000; 900-01066-000; 900-01067-000; 900-01068-000; 900-01173-000; 900-01174-000; 900-01175-000; 900-01176-000; 900-01211-000; 900-01212-000; 900-01213-000; 900-01214-000; 900-01215-000.

The Wynne Planning Commission requests that the same be rezoned from Residential (R-1) to Residential (R-2).

THEREFORE BE IT ORDAINED, by the City Council of the City of Wynne, Arkansas, that the foregoing rezoning proposal and recommendation be and is hereby accepted, approved and adopted and that the boundaries of the districts of the zoning regulations be and are hereby amended to change zoning classifications of the above described property from its present Residential (R-1) to Residential (R-2).

This ordinance being necessary for the immediate protection of the health, safety and welfare of the citizens of Wynne, Arkansas, an emergency is hereby declared to exist and this ordinance shall be in full force and effect from and after its passage.

The above change in existing zoning boundaries shall be filed in the office of the City Clerk who shall cause the official zoning map to conform by noting the changes there.

PASSED AND APPROVED by the City Council for the City of Wynne, Arkansas this 12th day of December, 2023.

Jennifer Hobbs, Mayor

ATTEST: Emily Watts, City Clerk

PICK UPS PER WEEK:	4YD	6YD	8YD
1	$160	$190	$220
2	$225	$285	$345
3	$290	$380	$470
4	$355	$470	$495
5	$420	$570	$720
6	$485	$665	$845

BINS that are shared by two (2) or more customers will be divided among the customers using the shared BIN.

Commercial customers that do not use a BIN, but have cart service, shall be charged the new cart rate of $25.00 per month for each cart. Commercial customers are limited to two (2) carts per commercial customer.

CONFLICT CLAUSE: That all ordinances and resolutions and parts thereof in conflict herewith are hereby repealed to the extent of such conflict.

EMERGENCY CLAUSE: This ordinance being necessary for the immediate protection of the health, safety, and welfare of the citizens of Wynne, Arkansas, an emergency is hereby declared to exist and this ordinance shall be in full force and effect from and after its passage.

PASSED AND APPROVED on this 10th day of January, 2023.

Jennifer Hobbs, Mayor

Emily Watts, City Clerk