



**STATE OF ARKANSAS**  
*City of Brookland*  
**Ordinance 2025-13**

**AN ORDINANCE TO ADOPT FENCE REGULATIONS, DECLARING AN EMERGENCY: AND FOR OTHER PURPOSES.**

**WHEREAS**, the City of Brookland desires to establish and clarify fencing requirements within the City of Brookland, Arkansas; and

**WHEREAS**, the City of Brookland desires to establish and clarify thresholds governing permit requirements for new and existing fence repair actions.

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

**Section 1:** This Ordinance shall be known as an Ordinance Adopting Fence Regulations.

**Section 2:** The following rules and regulations are hereby adopted for fencing in the City of Brookland, Arkansas:

- a. All fences anywhere on real property are subject to provisions of this ordinance and require a fence permit with payment of the fence permit fee of \$75.00 prior to construction.
- b. A fence application shall include a general site plan showing:
  1. A drawing of the property with actual dimensions of property lines, particularly those which are abutting public right-of-way lines.
  2. Location of the proposed fence on the property, to include height and type of construction.
  3. North arrow and scale of drawing.
- c. All fences shall comply with the following standards:
  1. Fences shall not conflict with requirements for a clear sight triangle at the intersection of a City street, roads or alleys. On corner lots at intersecting two-way streets, fences may not be erected as to impede vision.

**(See site triangle example attached.)**
  2. Fences shall always be required to be built on private property and never on a public right-of-way. It shall be the property owner's responsibility and obligation to identify the property line when proposing to construct a fence on said property line. A property survey may be required.
  3. All fences shall be constructed and maintained in a structurally sound manner. Fences may be constructed of wood, masonry, wrought iron, chain link, vinyl, brick, concrete block, wire or similar materials employed by standard building practice. Fences shall not be made of tires or similar salvage materials not originally designed as structural components of fences. Fences must be maintained

in an upright position. Damaged or missing parts of fencing shall be replaced within ninety (90) days with material of the same type and quality.

- i. A permit is required to repair or replace more than two (2) sections, or 16 feet, of preexisting fence. A permit is not required for non-structural vertical or horizontal repair actions such as replacement of existing fence planks.
  - ii. If a property owner is building or repairing a fence themselves, they are responsible for obtaining the necessary permit. However, if a contractor is hired, it is their responsibility to obtain the permit. The permit holder must comply with all City of Brookland building codes and ordinances, as well as adhere to setbacks, easements, and right-of-ways.
4. Setbacks.
  - i. Front setbacks shall follow the zoning requirements for that district.
  - ii. Interior side setbacks are not required.
  - iii. Exterior side setbacks are not required.
5. Fences designed to be painted or have other surface finishes shall be maintained in their original condition.
6. Fences in all residential zoning districts shall be constructed so that the horizontal and vertical support posts are inside the fence area or hidden from view of those outside the fenced area with finished surfaces facing outward from the property where it fronts a public way.
7. Fences may not be erected on a drainage easement.
8. No fence or similar structure may impede the flow of surface water or cross an open drainage ditch.
9. Site inspection by the City of Brookland is required prior to construction of any fence.
10. All fences shall have a minimum of one gate for emergency ingress and egress. The minimum width of such gate shall be applicable state law or ten (10) feet, whichever is larger.
11. Any free-standing property perimeter wall which is not a retaining wall shall be considered a fence. Retaining walls may be constructed to the height necessary to protect a cut-fill grade, but shall be a maximum of nine inches above finished grade on the fill side of the wall.
12. Where a retaining wall is located on a line separating lots, the retaining wall may be topped by a fence of the height permitted in the yard in which the wall is located. The allowable height of the fence shall be determined by measuring from the finished grade of the wall.
13. Where an earthen berm is required, the size shall be determined by the appropriate reviewing body. The berm may be topped by a fence, wall or hedge of the height permitted in the yard in which the berm is located. The height shall be measured from the highest finished grade of the berm.
14. The maximum fence height shall be eight (8) feet in height, unless approved by the planning commission. Fences shall not be electrified. Up to three (3) strands of barbed wire may be used on top of a fence in industrial zoned areas so long as the wire does not protrude beyond the property line. All fences containing barbed wire or similar material must be setback at

least five (5) feet from property lines and public rights-of-way. Fences constructed with razor wire, ribbon wire, sheet metal, tires or pallets are prohibited.

15. Front yards. Fences that are 50 percent open may be erected to a maximum height of four feet in the front yard.
16. Fencing in industrial zoned districts, areas abutting interstate highways, around tennis courts and other recreational amenities, and on lots or tracts containing five acres or more shall be exempt from the height limitation.

**Section 3:** Any ordinance or part of any ordinance in conflict with this ordinance shall be held null and void.

**Section 4:** SEVERABILITY CLAUSE. In the event any portion of this Ordinance is declared to be inoperative or invalid as a result of a statute or judicial decision, then only that portion expressly so declared to be inoperative or invalid shall be affected thereby and all other provisions hereof shall remain in full force and effect.

**Section 5:** EMERGENCY CLAUSE. The City Council of Brookland, Arkansas, recognizes the City of Brookland does not have an ordinance regulating the installation of fences in any residential/commercial zone, and declares an emergency to exist, due to the growth and the number of new privacy fences being installed by contractors and homeowners and this Ordinance, being necessary for the preservation of public peace, safety and welfare of the citizens of Brookland, Arkansas shall be in full force and effect as of the date of its passage.

**Approved and adopted this 20 day of May 2025.**

  
Kenneth D. Jones, Mayor

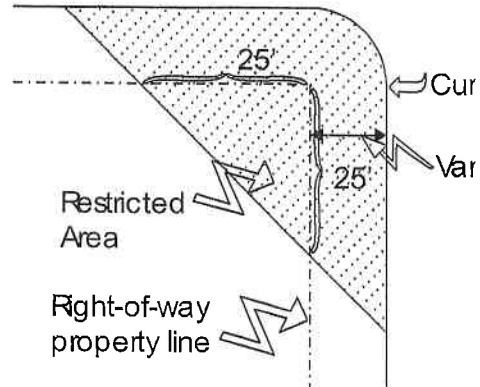
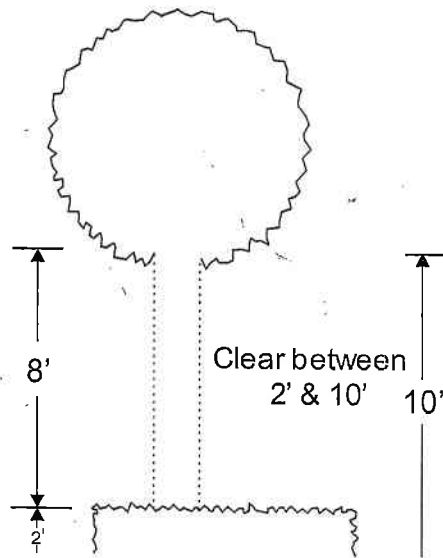
**ATTEST:**

  
Julie Thomas, Clerk/Treasurer



### Section 9.12.0. Visibility at Intersections

On a corner lot in any district, nothing shall be erected, placed, planted, or allowed to grow in a way that prevents vision of the roadway between a height of 2 feet and 10 feet within 25 feet along the property line from the property corner.



### Section 9.12.0. Wireless Communication Facilities



# Fence Permit

City of Brookland, Arkansas

## Application & Checklist

### Office Use Only:

Approved ☐ Yes ☐ No

Approved by: \_\_\_\_\_

Date: \_\_\_\_\_

Please fill out this form completely, supplying all necessary information and documentation to support your request. Your application will not be processed until the application is completed and required documentation provided. Bring the application to 613 N. Holman Street, Brookland, AR

### INSTALLER INFORMATION:

☐ Check if the fence will be installed by the owner.

Contractor/Owner: \_\_\_\_\_ Contact Name: \_\_\_\_\_

Phone # \_\_\_\_\_ Mobile # \_\_\_\_\_ Fax # \_\_\_\_\_

Mailing Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

E-Mail Address: \_\_\_\_\_

### PROPERTY INFORMATION:

☐ Residential OR ☐ Commercial

Address: \_\_\_\_\_ Subdivision: \_\_\_\_\_

Lot Information: ☐ Interior lot ☐ Corner lot Will the fence be installed in the front yard? ☐ Yes ☐ No

Will the fence be installed adjacent to a street or public right-of-way? ☐ Yes ☐ No

### FENCE INFORMATION:

1. Is this fence: ☐ New Construction ☐ An extension of existing fence or wall ☐ Replacement

2. Type of fence: ☐ Chain link ☐ Wood privacy ☐ Wrought iron ☐ Retaining wall ☐ Brick

☐ Other (describe) \_\_\_\_\_

(Note: Razor wire, barbed wire and electric fences are prohibited in residential zone areas.)

3. Height of fence: \_\_\_\_\_ ft.

4. Will the fence enclose a pool or hot tub? ☐ Yes ☐ No

### SUBMITTAL CHECKLIST:

- ☐ 1. Application form.
- ☐ 2. Application/Permit fee of \$75.00
- ☐ 3. Site plan. (See next page for site plan requirements.)
- ☐ 4. Cut the sheet/photo of fence style, labeling the side of the fence that is the finished surface.

A PERMIT BECOMES NULL AND VOID IF WORK OR CONSTRUCTION AUTHORIZED IS NOT COMMENCED WITHIN 6 MONTHS, OR IF CONSTRUCTION OR WORK IS SUSPENDED, OR ABANDONED FOR A PERIOD OF 6 MONTHS AT ANY TIME AFTER WORK IS STARTED.

I hereby certify that I have read and examined this document and know the same to be true and correct. All provisions of laws and ordinances governing this type of work will be complied with whether specified herein or not. I understand granting of a permit does not presume to give authority to violate or cancel the provisions or any other state or local law regulating construction or the performance of construction.

Date \_\_\_\_\_

(SIGNATURE OF OWNER, CONTRACTOR OR AUTHORIZED AGENT)

Note: Inspection of permitted work may reveal violations not discovered during plan review.

# Fence Permit Supplement

## **SITE PLAN REQUIREMENTS:**

A site plan must be submitted with the application in order to process the permit. The site plan must include the following information:

- |  |   |
|--|---|
| <input type="checkbox"/> Location of all property lines  | <input type="checkbox"/> Location of gates              |
| <input type="checkbox"/> Location of all existing structures   | <input type="checkbox"/> Location of utility easements  |
| <input type="checkbox"/> Location of existing or proposed pool/spa   | <input type="checkbox"/> Location of drainage easements |
| <input type="checkbox"/> Portions of existing fencing being replaced   | <input type="checkbox"/> Note fence height              |
| <input type="checkbox"/> Location of existing fencing on or adjacent to the property that is to remain in place. | <input type="checkbox"/> Note fencing material          |
| <input type="checkbox"/> Location of new fencing   |   |

## **FENCE REGULATIONS:**

**DISCLAIMER: FOR INFORMATIONAL PURPOSES ONLY.** In cases of discrepancy between the information presented here and the Brookland City Zoning Code / Ordinance 2025-13 on Fence Regulations will prevail, .

1. Fences must be located on private property built with the consent of property owner.
2. Fencing in front yard cannot exceed 48 inches (4 feet) in height.
3. Fences must be located at least 5 feet from the street or public right-of-way.
4. No fence may be located within a sight triangle. (determined on a case-by-case basis).
5. Fences may be in a utility easement; however, they must have a gate installed on each end the width of the easement.
6. Fences may NOT be in a platted drainage easement.
7. Fence height cannot exceed eight (8) feet above grade. .
8. Finished surfaces must face outward from the property when visible from a public right-of-way.
9. Fences used to enclose pools and spas must be a minimum of 48 inches with a maximum clearance between the bottom of the fence and the ground of no more than two (2) inches.