

ORDINANCE NO. 2024-003

AN ORDINANCE OF THE TOWN OF SPRINGERVILLE, APACHE COUNTY ARIZONA, AMENDING THE TOWN CODE TITLE 17 CHAPTER 17.28 SECTION 17.28.070 "WALLS AND FENCES" RELATED TO REQUIREMENT OF CONDITIONAL USE PERMITS, PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES, AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the Mayor and Council of the Town of Springerville desire to promote the public health, safety and general welfare of the citizens of Springerville; and,

WHEREAS, pursuant to Arizona Revised Statutes Section 9-462.01 the Town is authorized to regulate zoning; and,

WHEREAS, regulating the necessity of conditional use permits will help promote the public health, safety and general welfare of the Town; and,

WHEREAS, this Ordinance shall become effective thirty (30) days after its passage and adoption; and,

WHEREAS, all ordinances or parts of ordinances in conflict with the provisions of this Ordinance or any part of the Code adopted herein by reference, are hereby repealed.

NOW, THEREFORE BE IT ORDAINED BY THE MAYOR AND TOWN COUNCIL OF THE TOWN OF SPRINGERVILLE AS FOLLOWS:

Section 1: That Title 17 Chapter 17.28 Section 17.28.070 is amended to read as follows:

17.28.070 Walls and fences.

- A. Permits. A permit shall be required before a wall or fence may be constructed or erected in any zone within the Town of Springerville. An application for a wall or fence permit shall be filed with the zoning administrator on a form prescribed by the zoning administrator. The application shall include the following:
1. Sketch showing the property location, property boundaries, location of existing structures and positioning of the proposed wall or fence.
 2. Description of materials to be used and design of the wall or fence.
 3. Any other information the planning and zoning administrator might need to evaluate the wall or fence proposal.
 4. Within ten (10) business days after receipt of a complete application for a wall or fence permit, the zoning administrator shall review the plans, and, in writing, deny, approve or conditionally approve the plans, basing this decision on the conformity of the proposal with the provisions of this chapter.
- B. Materials and Design. Walls and fences in all zoning districts shall be constructed of material in new condition. Natural, recycled or other materials may [be] used at the sole discretion of the zoning

administrator. Barbed wire and low-voltage wire shall be limited to the keeping of livestock in all zoning districts.

C. Regulations Applicable to Walls and Fences in Agricultural and Residential Zones.

1. In addition to these regulations, walls or fences on a corner lot shall be subject to the provisions of Section 17.28.060.
2. Height: No wall, fence or hedge over four feet high shall be constructed or maintained nearer to the street line than the required front or street-side building setback line.
3. Rear or side yard fences facing a street and made of chain link, wire fence or similar open, non-view-obscuring material up to six (6) feet in height may be approved by the zoning administrator if they do not cause a visibility hazard or nuisance.
4. In the case of double fronting lots, a wall or fence up to six (6) feet in height may be erected in the property's rear or street-side yard, provided it does not cause a visibility hazard or nuisance.
5. Variations from these regulations, including solid walls or fences exceeding four (4) feet in height at a corner or in a front or street-facing side or rear yard, materials, or design, may be allowed by ~~conditional use permit~~ **administrative review**.

D. Regulations Applicable to Walls and Fences in Commercial and Industrial Zones.

1. Height: Walls or fences up to six (6) feet in height shall be allowed in any front, side or rear yard for the purpose of securing commercial property, subject to the provisions of Section 17.28.060.
2. Fences may be topped with barbed wire for added security, provided such wire is located not less than six (6) feet above grade and the total structure does not exceed eight (8) feet.
3. The use of barbed wire below six (6) feet in height shall be restricted to the keeping of livestock.
4. Razor wire, high-voltage electrical current or other hazardous materials or devices may be allowed by ~~conditional use permit~~ **administrative review**. **High voltage electric current fences will require a warning sign.**
5. ~~In areas where a wall or fence is required by the code for screening purposes, a conditional use permit shall not be required provided all other requirements of this chapter are fulfilled.~~

E. Exceptions.

1. Provided such walls or fences conform to all other regulations set forth in this chapter, walls or fences may exceed six (6) feet in height under the following circumstances:
 - a. Around schools and other public or quasi-public institutions when necessary for the safety or restraint of the occupants thereof;
 - b. Within industrial zoning districts;
 - c. When fences of greater heights are required by the planning and zoning commission for any reason.
2. In the case of double fronting lots, a fence up to six (6) feet in height may be erected in the property's rear yard provided the materials, height and location conform to all other regulations set forth in this chapter.
3. All swimming pools shall be enclosed by a solid wall, wood or chain link fence of not less than five (5) feet nor more than six (6) feet in height so as to prevent uninvited access.
4. Walls or fences of a material, design, height or placement other than those described herein may be allowed by ~~conditional use permit~~ **administrative review**.

Section 2: Providing for Repeal of Conflicting Ordinances. All ordinances and parts of ordinances in conflict with the provisions of this Ordinance or any part of the Code adopted herein by reference, are hereby repealed.

Section 3: Zoning Considerations. In accordance with Article II, Sections 1 and 2, Constitution of Arizona, the Town Council has considered the individual property rights and personal liberties of the residents of the Town before adopting this ordinance.

Section 4: Effective Date. This ordinance shall be effective thirty (30) days after its passage and adoption.

PASSED AND ADOPTED by the Mayor and Town Council of the Town of Springerville, Arizona, this _____ day of _____, 2024.

Shelly Reidhead, Mayor

ATTEST:

APPROVED AS TO FORM:

Kelsi Miller, Town Clerk

Town Attorney
Mangum, Wall, Stoops & Warden
PLLC

I, KELSIE MILLER, TOWN CLERK, DO HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF THE ORDINANCE NO. _____ ADOPTED BY THE COMMON COUNCIL OF THE TOWN OF SPRINGERVILLE, ARIZONA, ON THE _____ DAY OF _____ 2024, WAS POSTED IN THREE PLACES ON THE _____ DAY OF _____, 2024.

Kelsi Miller, Town Clerk

ORDINANCE NO. 2024-004

AN ORDINANCE OF THE TOWN OF SPRINGERVILLE, APACHE COUNTY ARIZONA, AMENDING THE TOWN CODE TITLE 17 CHAPTER 17.28 SECTION 17.28.170 "TRAVEL TRAILERS AND RECREATIONAL VEHICLES" RELATED TO TRAVEL TRAILERS OR RECREATIONAL VEHICLES AS GUEST QUARTERS, PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES, AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the Mayor and Council of the Town of Springerville desire to promote the public health, safety and general welfare of the citizens of Springerville; and,

WHEREAS, pursuant to Arizona Revised Statutes Section 9-462.01 the Town is authorized to regulate zoning; and,

WHEREAS, regulating travel trailers or recreational vehicles as guest quarters will help promote the public health, safety and general welfare of the Town; and,

WHEREAS, this Ordinance shall become effective thirty (30) days after its passage and adoption; and,

WHEREAS, all ordinances or parts of ordinances in conflict with the provisions of this Ordinance or any part of the Code adopted herein by reference, are hereby repealed.

NOW, THEREFORE BE IT ORDAINED BY THE MAYOR AND TOWN COUNCIL OF THE TOWN OF SPRINGERVILLE AS FOLLOWS:

Section 1: That Title 17 Chapter 17.28 Section 17.28.170 is amended to read as follows:

17.28.170 TRAVEL TRAILERS AND RECREATIONAL VEHICLES

- A. Travel trailers or recreational vehicles as defined in Section 17.08.010 shall not be used as a dwelling on any lot outside an approved recreational vehicle park and shall not be connected to a sewer or septic system other than in an approved recreational vehicle park except as allowed in this section.
- B. Travel trailers and recreational vehicles shall be stored only on private property and not on any public street, alley or thoroughfare.
- C. Travel trailers and recreational vehicles shall not be used for storage purposes or as an accessory building except as allowed in this section.
- D. A travel trailer, recreational vehicle or mobilehome may be used on construction sites for temporary residence and/or storage of materials for up to twelve (12) months by conditional use permit, provided there are active permits for the construction.

E. A travel trailer or recreational vehicle may be used as guest quarters on a residential lot for up to ~~two (2) weeks without a conditional use permit~~ **fifteen (15) consecutive days, not to exceed forty-five (45) days per calendar year, with a minimum of fifteen (15) days in between uses as guest quarters. There will be a maximum allowance of two (2) visiting travel trailers or RVs per half-acre simultaneously.** The intent of this section is to allow relatives or friends to visit for a short period of time or for an immediate, but temporary, solution for hardship or emergency living quarters.

Section 2: Providing for Repeal of Conflicting Ordinances. All ordinances and parts of ordinances in conflict with the provisions of this Ordinance or any part of the Code adopted herein by reference, are hereby repealed.

Section 3: Zoning Considerations. In accordance with Article II, Sections 1 and 2, Constitution of Arizona, the Town Council has considered the individual property rights and personal liberties of the residents of the Town before adopting this ordinance.

Section 4: Effective Date. This ordinance shall be effective thirty (30) days after its passage and adoption.

PASSED AND ADOPTED by the Mayor and Town Council of the Town of Springerville, Arizona, this _____ day of _____, 2024.

Shelly Reidhead, Mayor

ATTEST:

APPROVED AS TO FORM:

Kelsi Miller, Town Clerk

Town Attorney
Mangum, Wall, Stoops & Warden
PLLC

I, KELSI MILLER, TOWN CLERK, DO HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF THE ORDINANCE NO. _____ ADOPTED BY THE COMMON COUNCIL OF THE TOWN OF SPRINGVILLE, ARIZONA, ON THE _____ DAY OF _____, 2024, WAS POSTED IN THREE PLACES ON THE _____ DAY OF _____, 2024.

Kelsi Miller, Town Clerk