

1 State of Arkansas  
2 89th General Assembly  
3 Regular Session, 2013  
4

# A Bill

HOUSE BILL 1741

5 By: Representative Westerman  
6

## For An Act To Be Entitled

8 AN ACT TO ALLOW UNINCORPORATED AREAS OF THE COUNTY TO  
9 BE FREE FROM REGULATIONS OF CITIES ON ROAD STANDARDS  
10 AND PLANNING ORDINANCES; AND FOR OTHER PURPOSES.  
11

## Subtitle

12 TO ALLOW FOR REDUCTION OF REGULATION BY  
13 CITIES IN UNINCORPORATED AREAS OF  
14 COUNTIES.  
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18  
19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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21 SECTION 1. Arkansas Code § 14-17-203(f), concerning the creation and  
22 organization of county planning boards, is amended to read as follows:

23 (f)(1) County quorum courts may elect to assume the powers, duties,  
24 and functions of the board.

25 (2) Such determination shall be implemented by ordinance.

26 (3) A court ~~which~~ that elects to exercise this option shall not  
27 be bound by ~~the provisions of~~ this section and § 14-17-204, but may, by  
28 ordinance, establish ~~such~~ administrative changes as may be appropriate.

29 (4)(A) This subchapter does not prohibit the quorum court from  
30 establishing by ordinance county road standards or subdivision, set back, and  
31 entry control ordinances for the unincorporated areas of the county.

32 (B) As used in this subsection, "road standards" means the  
33 design, materials, and construction criteria for public roadways other than  
34 state or federal highways or interstates in the unincorporated area of a  
35 county.  
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1 SECTION 2. Arkansas Code § 14-17-206, concerning the purpose and  
2 content of a county plan by a county planning board, is amended to add an  
3 additional subsection to read as follows:

4 (e) If provided by county ordinance, ordinances establishing road  
5 standards, subdivision, setback, and entry control by the county may be  
6 exclusive and supersede and render null and void the respective city  
7 ordinances concerning road standards as defined under § 14-17-203(f) in the  
8 unincorporated areas of the county.

9  
10 SECTION 3. Arkansas Code § 14-56-414, concerning the preparation of  
11 municipal plans, is amended to add an additional subsection to read as  
12 follows:

13 (f)(1) If a county has provided by ordinance road standards,  
14 subdivision ordinances, setback and entry control ordinances to be exclusive  
15 in the unincorporated areas of the county, the county road standards as  
16 defined under § 14-17-203(f) and planning ordinances shall supersede and  
17 render null and void the respective municipal ordinances in the  
18 unincorporated areas of the county.

19 (2) In accordance with §§ 27-66-207 and 14-17-208, roads to be  
20 developed or developed as public in the unincorporated areas of the county  
21 shall be submitted for the consideration and acceptance by and at the sole  
22 discretion of the county judge as public roads for perpetual maintenance by  
23 the county.