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MADISON COUNTY CODE OF ORDINANCES
Chapter 1 - General

Chapter 1: GENERAL PROVISIONS

§ 14-14-903(d). Record of proceedings.

(d) CODIFICATION OF ORDINANCES. No later than 1980 and at five-year intervals thereafter, all county ordinances enacted in each of the several counties shall be compiled into a uniform code and published.

§ 14-14-906. Penalties for violation of ordinances.

(a) AUTHORITY TO ESTABLISH.

(1) (A) A county quorum court may fix penalties for the violation of any ordinance, and these penalties may be enforced by the imposition of fines, forfeitures, and penalties on any person offending against or violating the ordinance.

(B) The fine, forfeiture or penalty shall be prescribed in each particular ordinance or in an ordinance prescribing fines, forfeitures, and penalties.

(2) (A) A quorum court shall have the power to provide, by ordinance, for the prosecution, recovery, and collection of the fines, forfeitures, and penalties.

(B) (i) A quorum court shall not have the power to define an offense as a felony or to impose any fine or penalty in excess of one thousand dollars (\$1,000) for any one (1) specified offense or violation, or double that sum for each repetition of the offense or violation.

(ii) If an act prohibited or rendered unlawful is, in its nature, continuous in respect to time, the fine or penalty for allowing the continuance thereof in violation of the ordinance, shall not exceed five hundred dollars (\$500.00) for each day that it may be unlawfully continued.

(b) DISPOSITION. All fines and penalties imposed for violation of any county ordinance shall be paid into the county general fund.

Section

100.00 Title of Code.

MADISON COUNTY CODE OF ORDINANCES
Chapter 1 - General

- 100.01 Chapter titles and other headings.
- 100.02 References to chapters, sections or other subparts.
- 100.03 Definitions.
- 100.04 Supplementation of, or amendments to the Code.
- 100.05 Errors and omissions.
- 100.06 Code variance from original ordinance.
- 100.07 Ordinances not affected by the Code.
- 100.08 Repealed ordinances.
- 100.09 Severability.
- 100.10 Historical notes; editor's notes.
- 100.11 Prior offenses or rights.
- 100.99 Penalty.

§ 100.00 TITLE OF CODE.

This Codification of Ordinances, set forth by Madison County, Arkansas, shall be designated and known as the Code of Madison County and may be cited as such.

§ 100.01 CHAPTER TITLES AND OTHER HEADINGS.

Any heading, caption or other subpart designation used in this Code other than chapter titles, article titles and subtitles, and section titles shall not be considered a part of the text of any section and are used for reference purposes only for the ease of use for the reader.

§ 100.02 REFERENCES TO CHAPTERS, SECTION OR OTHER SUBPARTS.

All references in the Code to chapters, sections or other subparts, are to this Code, unless otherwise specified and cited.

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§ 100.03 DEFINITIONS.

- 1) Words and phrases shall be taken in their plain and ordinary meaning with the exception of technical words and phrases which have a specific and peculiar meaning. These words and phrases shall be taken in accordance with their technical meaning.

- 2) The following definitions shall be applied throughout this Code, unless the context clearly indicates another meaning be used.

A.C.A. Shall mean the Arkansas Code of 1987 Annotated, as amended.

CODE, THIS CODE. Shall mean the Code of Madison County, Arkansas.

COUNTY. Madison County, Arkansas.

GENDER. Any reference to gender, whether specifically or in terms of gender neutrality, shall be construed to include both male and female.

MAY. The act referred to is permissive.

MONTH. A calendar month.

OATH. An affirmation in all cases which, by law, an affirmation may be substituted for an oath and such cases where the words “swear” and “sworn” shall be equivalent to the words “affirm” or “affirmed”.

OFFICE, OFFICER, DEPARTMENT(S), BOARD(S), EMPLOYEE(S) OR COMMISSION. Any reference to an office, officer, department, board, employee, commission or any other representative shall be construed to be of this County unless otherwise indicated in the text.

OFFICIAL TIME. Whenever specific hours are referenced in this Code, they shall mean central standard or central daylight savings time based upon the current time measure in use in the County.

PERSON. Includes person, persons, firm, corporation, partnership or co-partnership, association, organization, trustee or any other group or person acting as either a unit or on behalf of another.

SHALL. The act referred to is mandatory.

SIGNATURE OR SUBSCRIPTION. Will include a mark when the person is unable to write.

STATE. The State of Arkansas.

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WRITTEN OR WRITING. Includes any representation of words, letters or symbols including printing.

YEAR. A calendar year.

§ 100.04 SUPPLEMENTATION OF, OR AMENDMENTS TO THE CODE.

Supplements and amendments to this Code shall be prepared when authorized by the Quorum Court. Each supplement or amendment will contain all substantive law laid out in the ordinances passed during the period covered by the supplement or amendment. The supplementary pages shall be so numbered as to fit properly into the Code as it exists. The pages will replace pages which have become outdated based on the new ordinances, when applicable.

§ 100.05 ERRORS AND OMISSIONS.

Any manifest error which consists of the misspelling of any word, the omission of any word(s) necessary to adequately express the intention of the ordinance, the use of a word(s) to which no reasoning can be attached or the use of a word(s) when another word obviously was meant in its stead; the spelling should be corrected, the word(s) inserted or replaced with the word intended. The ordinance or section of Code should be construed as though the error had not occurred and as though the correct spelling or word(s) was included in the original publishing of the Code. If there is any question as to what the intent is of the text then no alteration shall be made.

§ 100.06 CODE VARIANCE FROM ORIGINAL ORDINANCE.

In the effort to create a code of ordinances that is consistent in style and formatting, which employs proper spelling, punctuation, and grammar and which eliminates redundant language which is not necessary to express the full intent of the ordinance as written, changes have been made to the original ordinances. As a consequence of these stylistic changes, the Code may not read verbatim to the original ordinance and the section names or numbers may be different in the Code than they were laid out in the original ordinance.

§ 100.07 ORDINANCES NOT AFFECTED BY THE CODE.

Neither this Code, nor the ordinance adopting this Code, shall be construed to affect any ordinance in one or more of the following categories:

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- 1) Levying taxes;
- 2) Appropriating funds;
- 3) Annexing or detaching territory;
- 4) Establishing franchises;
- 5) Granting special rights to persons;
- 6) Authorizing public improvements;
- 7) Authorizing the issuance of bonds or the borrowing of money;
- 8) Authorizing the purchase or sale of real or personal property;
- 9) Granting or acceptance of easements;
- 10) Platting or dedication of land to public use;
- 11) Vacating or setting boundaries on streets or other public places;
- 12) Ordinances of a temporary or special nature;
- 13) Ordinances pertaining to subjects not contained in or covered by the Code.

All ordinances covered by one of the categories above shall be considered in full force and effect to the same extent as if they had been laid out in the Code.

§ 100.08 REPEALED ORDINANCES.

- 1) From and after the effective date of this Code, all prior ordinances which pertain to the subjects covered by this Code, but are not included in this Code, shall be deemed repealed.
- 2) When an ordinance which repeals a former ordinance shall be repealed itself, this repeal shall not be construed to revive the former ordinance, in whole or in part, that was previously repealed, unless expressly provided for by the repealing ordinance.

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§ 100.09 SEVERABILITY.

If any part of this Code is held to be invalid by the decree of any court of competent jurisdiction or subsequent legislative action, such invalidity shall not affect the remaining parts of the Code which can be given effect without the invalid provision or application.

§ 100.10 HISTORICAL NOTES; EDITOR'S NOTES.

The historical notes and the editors notes contained in this Code are not intended to have any legal effect, but are intended to assist the reader of this Code by providing additional information.

§ 100.11 PRIOR OFFENSES OR RIGHTS.

The adoption of this Code, amendments to this Code, or supplements to this Code shall not affect any offense or penalty committed or incurred or any contract or right established prior to the effective date of this Code, amendment or supplement contained herein.

§ 100.99 PENALTY.

- 1) When an act is made unlawful or prohibited by this Code, or by a County ordinance, and there is no specific fine or penalty otherwise provided, the fine or penalty shall not exceed five hundred dollars (\$500.00) for any one (1) specified violation or offense nor shall the fine or penalty exceed double that amount for each repetition of the offense or violation.

- 2) When an act that is made unlawful or prohibited by this Code, or by a County ordinance, is continuous in nature, the fine or penalty for the continuance thereof shall not exceed two hundred and fifty dollars (\$250.00) for each day the act may be unlawfully continued.

MADISON COUNTY CODE OF ORDINANCES
Chapter 2 - Administration

Chapter 2: ADMINISTRATION

Article

- I. QUORUM COURT**
- II. COUNTY OFFICERS AND PERSONNEL**
- III. COUNTY ORGANIZATIONS**
- IV. COUNTY POLICIES**
- V. EMERGENCIES: PLAN, SYSTEMS, FEES**
- VI. COUNTY FUNDS AND FEES**

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the duties of a quorum court, except that more frequent meetings may be required by ordinance.

- (2) By declaration of emergency or determination that an emergency exists and the safety of the general public is at risk, the county judge may change the date, place, or time of the regular meeting of the quorum court upon twenty-four-hour notice.

. . .

(c) **SPECIAL MEETINGS OF THE QUORUM COURT.**

- (1) The county judge or a majority of the elected justices may call a special meeting of the quorum court upon at least twenty-four (24) hours' notice in such manner as may be prescribed by local ordinance.
- (2) In the absence of procedural rules, the county judge or a majority of the elected justices may call a special meeting of the quorum court upon written notification of all members not less than two (2) calendar days prior to the calendar day fixed for the time of the meeting. The notice of special meeting shall specify the subjects, date, time, and designated location of the special meeting.
- (3) (A) Notice of assembly of a county grievance committee or assembly of less than a quorum of the body, referred to under this section as a "regular committee" or "special committee", may be provided upon oral notice to the members of at least forty-eight (48) hours unless an emergency exists.

(B) If an emergency exists, written notice of at least twenty-four (24) hours stating the basis of the emergency shall be provided.

. . .

A.C.A. § 14-14-801(a). Powers Generally.

- (a) As provided by Arkansas Constitution, Amendment 55, § 1, Part (a), a county government, acting through its county quorum court, may exercise local legislative authority not expressly prohibited by the Arkansas Constitution or by law for the affairs of the county.

. . .

MADISON COUNTY CODE OF ORDINANCES
Chapter 2 - Administration

Section

- 200.00 Regular monthly meetings.
- 200.01 Pay for jurors.

§ 200.00 REGULAR MONTHLY MEETINGS.

- 1) ORGANIZATIONAL MEETING. The regular monthly meeting of the Madison County Quorum Court shall be held at the Madison County Courthouse on the 3rd Monday of each month at 6:00 p.m. If the date above falls on a legal holiday, the Quorum Court will meet on the following day after the legal holiday at the above specified time, except the first regular meeting will be convened immediately following the organizational meeting and all subsequent meetings will be held as described above.
- 2) TIME AND PLACE OF MEETING. Act 130 of the 1975 Arkansas General Assembly requires the County Quorum Court to meet monthly at a time and place specified by Ordinance. Therefore, in order to comply with the general laws of the state, the Quorum Court must immediately proceed to establish by Ordinance the time and place of the regular monthly meeting of the Quorum Court.
- 3) EMERGENCY CLAUSE. An emergency is hereby declared to exist, and this Ordinance, being necessary for the immediate preservation of the public peace, health, safety, and welfare, shall be in full force and take effect immediately upon its passage and approval. (Ord. 1977-001, passed 1-3-77; Am. Ord. 1977-029, passed 11-14-77; Am. Ord. 1999-001, passed 1-5-99; Am. Ord. 2001-001, passed 1-8-01; Am. Ord. 2003-001, passed 1-7-03; Am. Ord. 2007-001, passed 1-1-07; Am. Ord. 2009-001, passed 1-1-09; Am. Ord. 2011-001, passed 1-1-11; Am. Ord. 2013-001, passed 1-1-13; Am. Ord. 2017-001, passed 1-1-2017)

§ 200.01 PAY FOR JURORS.

- 1) LEGISLATIVE INTENT. Pursuant to the requirements of Act 1033 of 2007, codified as A.C.A. §§ 16-34-101 et seq., and in order to qualify for reimbursement from the State for a portion of said jury costs, the Quorum Court hereby establishes the following minimum requirements necessary for compensation as jurors and corresponding rates of compensation for service as jurors or prospective jurors in the County:
 - a) The person must have received official notice that he or she has been selected as a prospective juror and summoned to appear;

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- b) The person must actually appear at the location to which he or she was summoned; and
 - c) His or her attendance must be noted in writing by the Circuit Clerk.
- 2) RATES OF COMPENSATION. The following rates of compensation are established for jury service in the County:
- a) Persons who are selected and seated as a member of the jury, including alternates, shall be compensated at the rate of fifty dollars (\$50.00) per day;
 - b) Persons who are summoned and appear but who are not selected and seated as a member of the jury shall be compensated at the rate of twenty dollars (\$20.00) per day; and
 - c) Persons summoned for jury service but who fail, for any reason, to attend court shall not be entitled to receive compensation.
- 3) STATE REIMBURSEMENT PROCEDURE AND RESPONSIBILITY ASSIGNMENT. Pursuant to A.C.A. § 16-34-106, the County Clerk shall be responsible for remitting, in a timely manner, all documentation required by the Administrative Office of the Courts in order to receive reimbursement for the jury cost incurred under A.C.A. § 16-34-103(b) and division 2(b) of this section.
(Ord. 2007-008, passed 11-20-07)

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Article II. COUNTY OFFICERS AND PERSONNEL

A.C.A. § 14-14-603. Offices included.

- (a) Within the purposes of this chapter, the term “elective county office” shall mean any office created under the provisions of Arkansas Constitution, Article 7 §§ 19 and 46, as amended by Amendment 24, § 3.

- (b) The elective county offices established by these constitutional provisions are:
 - (1) One (1) sheriff who shall be ex officio collector of taxes, unless otherwise provided by law;
 - (2) One (1) collector of taxes, where established by law;
 - (3) One (1) assessor;
 - (4) One (1) coroner;
 - (5) One (1) treasurer, who shall be ex officio treasurer of the common school fund;
 - (6) One (1) surveyor;
 - (7) One (1) clerk of the circuit court, who shall be ex officio clerk of the county and probate courts and recorder, unless otherwise provided by law; and
 - (8) One (1) county clerk, where established by law.

A.C.A. § 14-14-604. Elective county officers; exclusions.

Offices expressly excluded from the provisions of this subchapter are:

- (1) The judge of the county court created pursuant to Arkansas Constitution, Article 7, § 28, such office being an “elective county office” but not deemed separable from the county court which serves as a principal element of county government and constitutional organization;
- (2) Justices of the peace who are deemed district offices; and
- (3) Constables who are deemed township offices and who are not within the provisions of Arkansas Constitution, Amendment 55 § 2, Part (b).

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A.C.A. § 14-14-902. Quorum Court administration.

(a) **SECRETARIAT.** (1) The secretariat of the county quorum court shall be the clerk of the county court of each county unless otherwise provided by county ordinance.

(2) **ALTERNATIVE DESIGNATION.** A quorum court, by ordinance, may provide for the establishment of minimum qualifications and an appropriation for the employment of a secretariat of the court. The employee so designated shall be a staff member of the county clerk or the county judge as may be specified by the ordinance. Where the separate position of secretariat is created by ordinance, all legislative duties prescribed in this chapter for a county clerk shall thereafter become the duties of the secretariat.

(3) **DUTIES OF THE COUNTY CLERK.** Unless otherwise provided for by county ordinance, the clerk or the deputy clerk shall:

(A) Attend all regular and special meetings of the court;

(B) Perform all administrative and recordkeeping duties prescribed in this chapter; and

(C) Perform all other duties as may be required by the quorum court through county ordinance.

(b) **COUNSEL.** (1) **LEGAL COUNSEL.** The prosecuting attorney or his deputy serving each county shall serve as legal counsel of the quorum court unless otherwise provided by county ordinance.

(2) **ALTERNATIVE DESIGNATION OF LEGAL COUNSEL.** A quorum court may, by ordinance, provide for the appropriation of county funds for the employment of legal counsel to serve the court.

(3) **DUTIES OF LEGAL COUNSEL.** The legal counsel of a quorum court shall:

(A) Attend all regular and special meetings of the court;

(B) Perform all duties prescribed in this chapter; and

(C) Perform all other duties as may be required by a quorum court.

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(c) OTHER ADMINISTRATIVE SERVICES. A quorum court may authorize and provide through ordinance, for the employment of any additional staff or the purchase of technical services in support of legislative affairs.

A.C.A. § 14-14-1202(a). Ethics for county government officers and employees.

(a) PUBLIC TRUST. (1) The holding of public office or employment is a public trust created by the confidence which the electorate reposes in the integrity of officers and employees of county government.

(2) An officer or employee shall carry out all duties assigned by law for the benefit of the people of the county.

(3) The officer or employee may not use his or her office, the influence created by his or her official position, or information gained by virtue of his or her position to advance his or her individual personal economic interest or that of an immediate member of his family or an associate, other than advancing strictly incidental benefits as may accrue to any of them from the enactment or administration of law affecting the public generally.

A.C.A. § 16-13-709(a)(1)(A)(i), (a)(1)(B)(i). Responsibility for collection.

(a)(1)(A)(i) The quorum court of each county of the state shall designate a county official, agency, or department, which shall be primarily responsible for the collection of fines assessed in the circuit courts of this state.

. . .

(a)(1)(B)(i) The quorum court may delegate the responsibility for the collection of delinquent fines assessed in circuit court to a private contractor.

. . .

A.C.A. §§ 25-19-101-110. Freedom of Information Act.

Section

210.00 County Clerk to solemnize marriages.

MADISON COUNTY CODE OF ORDINANCES
Chapter 2 - Administration

210.02 County Clerk; additional duties.

210.03 County Treasurer; additional duties.

210.04 County Assessor to prepare tax books.

§ 210.00 COUNTY CLERK TO SOLEMNIZE MARRIAGES.

- 1) OFFICIALS TO SOLEMNIZE MARRIAGES. Act 95 of 1977, codified as A.C.A. § 9-11-213, provides that Quorum Courts may appoint certain officials to solemnize marriages within their respective counties.
- 2) NO OFFICIAL HAS BEEN APPOINTED. No special official has been appointed by this body to solemnize marriages within the County.
- 3) COUNTY CLERK. The County Clerk of Madison County, Arkansas, is hereby appointed as a special official to solemnize marriages within Madison County, Arkansas.
- 4) EMERGENCY CLAUSE. There has been and is a need on special occasions to have a special official to solemnize marriages and heretofore Madison County has not had an official appointed for that purpose; now, therefore, an emergency is hereby declared to exist, and this section being necessary for the health, safety, and welfare of our populace and residents, it shall have full force and effect from and after its passage and approval. (Ord. 1988-002, passed 5-16-88)

§ 210.01 COUNTY CLERK; ADDITIONAL DUTIES.

- 1) In addition to all other duties required by law, the County Clerk shall be responsible for giving the public notification required by Arkansas Freedom of Information Act of regular and special meetings of the Quorum Court and committees thereof.
- 2) Committee chairpersons shall give the County Clerk notice of meetings of their respective committees in sufficient time for public notification of the meetings required by Arkansas law to be complied with.
- 3) EMERGENCY CLAUSE. 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 after its passage and approval.
- 4) The Quorum Court hereby designates the County Clerk as the County Official responsible for maintaining, by major category, an itemized listing of all fixed assets owned by or under the control of the County. All other elected officials and county department heads shall cooperate in reporting any additions or deletions of fixed assets

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Chapter 2 - Administration

for their respective offices or departments to the County Clerk so that the County Clerk will be able to maintain a current, accurate listing of all fixed assets owned by or under the control of the County.

(Ord. 1977-004, passed 1-3-77; Am. Ord. 2010-002, passed 1-19-10)

§ 210.02 COUNTY TREASURER; ADDITIONAL DUTIES.

- 1) In addition to all other duties presently required by law, the County Treasurer shall attend all regular meetings of the Quorum Court for the purpose of responding to any questions which may arise concerning the financial statement required to be submitted monthly to the Quorum Court by the County Treasurer.
- 2) In addition to all other duties presently required by law, the County Treasurer will attend any special meeting of the Quorum Court wherein the attendance is deemed necessary by members of the Quorum Court or the County Judge. Timely notice of the need for attendance shall be furnished to the County Treasurer giving the purpose for which attendance is required.
- 3) EMERGENCY CLAUSE. 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 after its passage and approval.

(Ord. 1977-003, passed 1-3-77)

§ 210.03 COUNTY ASSESSOR TO PREPARE TAX BOOKS.

- 1) To assure compliance with A.C.A. § 26-26-2001 et seq. and the Rules of the Assessment Coordination Department, it is necessary for the county to designate unto an elected county office the vital function of the preparer of the tax books for the county. The Quorum Court hereby designates the County Assessor as the preparer of the tax books to annually report the information required by A.C.A. § 26-26-2001 et seq. and the Rules.
- 2) The County Clerk, Assessor, Collector, and Treasurer shall each cooperate in the accumulation, exchange, certification, and storage of data contained in their respective offices which may be used or is requested by the preparer of the tax books in making the reports mandated by A.C.A. § 26-26-2001 et seq. and the Rules.
- 3) LEGISLATIVE INTENT. It is the intent of the Madison County Quorum Court that this Ordinance be enacted and discharged as prescribed in order to protect and preserve the state funding sources of general county aid and real property reappraisal.

(Ord. 2007-005, passed 7-16-07)

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Chapter 2 - Administration

**§ 210.04 COLLECTION OF FINES ASSESSED IN THE CIRCUIT COURT OF
MADISON COUNTY.**

- 1) The County Official designated to be primarily responsible for the collection of fines assessed in the Circuit Court of Madison County, AR is the Madison County Circuit Clerk.

- 2) The County Department and City Official designated to be primarily responsible for the collection of fines assessed in the State District Court, Third District, is the Madison County Sheriff's Department and the Huntsville District Court Clerk.

- 3) This Ordinance supersedes any and all ordinances pertaining to the responsibility of the collection of fines in Madison County that were passed prior to the effective date of this Ordinance.

- 4) EMERGENCY CLAUSE. An emergency is therefore declared to exist and this Ordinance being necessary for the preservation of the public peace, health, and safety shall be in full force and effect from and after its passage.
(Ord. 2017-004, passed 3-20-2017)

Article III. COUNTY ORGANIZATIONS

A.C.A. § 14-14-704. Establishment of county departments.

The county quorum court of each county, by ordinance, may establish any number of departments for the conduct of county affairs and may prescribe the functions and duties of each department. This authority of a quorum court to establish county departments shall be conclusive and shall supersede any department organizations established by any elected officer:

- (1) **DIRECTION OF DEPARTMENTS.** All departments established by ordinance of the quorum court shall be under the direction and supervision of the county judge except departments assigned to other elected officers of the county. Departments established and assigned to an elected officer other than the county judge shall be under the direction and supervision of the respective county officer;
- (2) **JOINT DEPARTMENTS.** Two (2) or more county governments may provide for the establishment of joint departments for the conduct of county affairs. Joint departments so created shall be established by interlocal agreements. The direction and supervision of joint departments shall be under the combined authorities of the county judge of each respective county in a manner to be prescribed by ordinance;
- (3) **EMPLOYMENT OF DEPARTMENT ADMINISTRATOR.** An ordinance establishing a department of county government may provide for the employment of a department administrator; such ordinance may prescribe minimum qualifications for the person so employed as administrator. However, the county judge alone shall employ all county personnel, except employees of other elected county officers. Where a department is established by the quorum court and the responsibility for direction and supervision of the department is assigned to an elected county officer other than the county judge, the elected county officer so designated shall employ all personnel authorized to be employed by the ordinance;
- (4) **MANAGEMENT REPORTS.** A quorum court may require, by ordinance, reports for any purpose from any elective county office, department, board, or subordinate service district, or any administrator or employee of them.

A.C.A. § 14-14-705(1)(A), (2)(A). County advisory or administrative boards.

A county quorum court, by ordinance, may establish county advisory or administrative boards for the conduct of county affairs.

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- (1) **ADVISORY BOARDS.** (A) An advisory board may be established to assist a county office, department, or subordinate service district. The advisory board may furnish advice, gather information, make recommendations, and perform other activities as may be prescribed by ordinance. A county advisory board shall not have the power to administer programs or set policy.
- (2) **ADMINISTRATIVE BOARDS.** (A) Administrative boards may be established to exercise administrative powers granted by county ordinance, except that the board may not be authorized to pledge the credit of the county. The administrative board shall be a body politic and corporate, with power to contract and be contracted with and sue and be sued. As to actions of tort, the board shall be considered as an agency of the county government and occupy the same status as a county. No board member shall be liable in a court individually for an act performed by him as a board member unless the damages caused thereby were the results of the board member's malicious acts.

A.C.A. §§ 14-169-201-240. Housing Authorities Act.

A.C.A. §§ 14-169-301-319. Regional Housing Authorities.

A.C.A. §§ 14-137-101-123. Public Facilities Boards Act.

Section

220.00 Terminating the existing Madison County Library Board; reorganizing Library Board.

220.01 Pine Top Water Users Facilities Board.

220.02 Madison County Water Facilities Board.

**§ 220.00 TERMINATING THE EXISTING MADISON COUNTY LIBRARY BOARD;
REORGANIZING LIBRARY BOARD.**

- 1) The existing Madison County Library Board is hereby declared to be terminated and dissolved, effective on the effective date of this Ordinance, except that the Board

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shall be deemed to have the power to conduct any and all business necessary to effect an orderly transfer of authority to the new Board created by this Ordinance, provided that the transfer shall be completed prior to June 30, 1978.

- 2) The functions, duties, and jurisdiction formerly vested in the Madison County Library Board shall henceforth be vested in the Madison County Library Department and its Administrative Board, both of which are hereby created by this Ordinance, in accordance with § 107 of Act 742 of 1977, Acts of Arkansas.
- 3) The Administrative Board of the Madison County Library Department shall be empowered with all powers enumerated in §§ 2, 3, 4, 5, 6 and 13 of Act 402 of 1997, as well as with all powers normally incidental to the administration of a library department, and the Administrative Board is hereby assigned responsibility for the operation of the Library Department. The Administrative Board of the Library Department shall number seven (7) and each of those seven (7) shall be appointed by the County Judge of Madison County with each appointment requiring confirmation by the Madison County Quorum Court. The term of any Administrative Board member so appointed shall be for a term of five (5) years; provided, however, that the initial appointment of the Administrative Board shall provide for the appointment of 1 member for a 1-year term; 1 member for a 2-year term; 1 member for a 3-year term; 1 member for a 4-year term; and the remaining members for a 5-year term; thereby providing for the appointment of at least 1 member annually thereafter. No Administrative Board member shall be appointed for more than two (2) consecutive terms. Each person appointed to the Administrative Board shall be a qualified elector of Madison County, and each person so appointed shall subscribe to the oath of office within ten (10) days from the date of appointment. Evidence of said oath of office shall be filed with the County Clerk. Failure to do so shall be deemed to constitute rejection of the office, and the County Judge shall appoint another person to fill the vacancy.
- 4) The Administrative Board of the Madison County Library Department shall be empowered to contract with the appropriate bodies of Carroll County in order that the Carroll and Madison Library System may continue to function.
- 5) The County Clerk of Madison County shall maintain a register of County Administrative Board appointments and shall include therein all appointments to the Administrative Board created by this section, as well as all pertinent information incidental to the appointments, as specified by § 104 of Act 742 of 1977.
- 6) The continued operation of the Madison County Library, the Carroll and Madison Library Department is deemed essential to the citizens of Madison County, and to the peace, health, welfare, and safety of Madison County citizens, and therefore an

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emergency is declared to exist and this section shall be in full force and effect from and after its passage.

(Ord. 1978-008, passed 6-12-78; Am. Ord. 2007-002, passed 2-20-07)

§ 220.01 PINE TOP WATER USERS FACILITIES BOARD.

- 1) CREATION OF PUBLIC FACILITIES BOARD. There is hereby created a Public Facilities Board pursuant to the provisions of A.C.A. §§ 14-137-101 et seq. (1998 Repl.; Suppl. 1999) (the Act). The Board shall be known as the Pine Top Water Users Facilities Board (the Board). The Board shall have the powers provided for by the Act.
- 2) MEMBERSHIP OF THE BOARD. The Board shall consist of seven (7) members. Seven (7) members shall be appointed by the County Judge of Madison County. The terms of the members shall be as follows: Position 1, one year; Position 2, two years; Position 3, three years; Position 4, four years, Position 5, five years; Position 6, six years, Position 7, seven years. Successor members shall be elected by a majority of the Board for terms of seven (7) years each. However, the Board shall provide that the Customers of the Board shall nominate successor board members by election at an annual meeting. The annual meeting and nominating election procedures shall be established by the Board. Each member shall qualify by taking and filing with the Clerk of the County his or her oath of office in which he or she shall swear to support the Constitution of the United States and the Constitution of the State of Arkansas, and to discharge faithfully his or her duties in the manner provided by law. Each member shall serve until his or her successor is elected and qualified. In the event of a vacancy in the membership, however caused, a majority of the Board shall elect a successor member to serve the unexpired term. A member shall be eligible to succeed himself or herself.
- 3) ORGANIZATION OF THE BOARD. The members of the Board shall meet and organize by electing one of their members as chairperson and one as vice-chairperson, one as secretary, and one as treasurer; and the officers shall be elected annually thereafter in like manner. The duties of the secretary and treasurer may be performed by the same member. The Board may also appoint an Executive Director who may be a member of the Board and receive such compensation as shall be fixed by the Board. The members of the Board shall receive no compensation for their services but shall be entitled to reimbursement of expenses incurred in the performance of their duties.
- 4) GENERAL POWERS OF THE BOARD. The Board is hereby specifically empowered:
 - a) To own, acquire, construct, reconstruct, extend, equip, improve, operate, maintain, sell, lease, contract concerning, or otherwise deal in or dispose of waterworks facilities (as defined in the Act) or any interest in the facilities, including, without limitation, to provide financing for the facilities; and

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- b) To issue bonds to obtain funds and revenues for the accomplishment of any of the waterworks facilities projects herein authorized, either alone or together with other available funds and revenues thereof.
- 5) **ADDITIONAL AUTHORITY OF THE BOARD.** The Board is hereby additionally authorized and empowered:
- a) As a body politic and corporate to have perpetual succession and to adopt bylaws, not in conflict with this section of the Act, as may from time to time be amended, for the regulation of its affairs and the conduct of business;
 - b) To maintain an office at the place or places in the County as the Board may designate from time to time;
 - c) To sue and be sued in its own name;
 - d) To fix, charge, and collect rates, fees, interest, and charges for the use of any waterworks facilities and the supplying of water;
 - e) To employ and pay compensation to such employees and agents, including attorneys, consulting engineers, surveyors, accountants, financial experts, and others as it may, in its judgment, find necessary for the accomplishment of the purposes and objectives for which it has been created and to fix their compensation; and
 - f) To do any and all other acts and things to accomplish the waterworks facilities projects for which it is authorized by this Ordinance and all other acts and things authorized or required by the Act as it may from time to time be amended, except as may be specifically limited herein, and any and all other things necessary or convenient to accomplish the purposes for which the Board has been created.
- 6) **USE OF FUNDS AND REVENUES.** This Board is hereby authorized to use any available funds and revenues for the accomplishment of the waterworks facilities projects which it is authorized to own, acquire, construct, reconstruct, extend, equip, improve, operate, maintain, sell, lease, contract concerning, or otherwise deal in. Bonds may be issued by the Board in such principal amounts as shall be sufficient to pay the cost of accomplishing the waterworks facilities projects involved; the cost of issuing the bonds; the amount necessary for reserves, if deemed desirable; the amount necessary to provide for debt service on the bonds until revenues for the payment thereof are available from other sources; and any other costs and expenditures of whatever nature incidental to the accomplishment of the waterworks facilities involved and the placing of them in operation. Any net earnings of the Board (beyond that necessary for retirement of the

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indebtedness of the bonds or to implement any waterworks facilities project) shall not inure to the benefit of any person other than to the Board.

- 7) **AUTHORITY WITH RESPECT TO BONDS.** This Board shall have, with respect to the issuance of bonds authorized to be issued by it, the authority and power with respect thereto set forth and contained in the Act, which terms and provisions are hereby incorporated in this Ordinance as though herein expressly set forth word for word, except to the extent of changes required for the provisions thereof to be consistent in the context of this Ordinance, and the additional authority as may be granted in similar provisions by amendment of the Act from time to time hereafter.

All bonds of the Board shall be special obligation revenue bonds which shall be obligations only of the Board and shall not constitute an indebtedness for which the faith and credit of Madison County or any of its revenues are pledged, and the principal of and interest on the bonds shall be payable from and secured by a pledge of revenues derived from the waterworks projects financed, in whole or in part, from bond proceeds and as authorized by and in accordance with the provisions of the Act.

- 8) **MEETINGS.** The Board shall meet upon the call of its Chairperson or a majority of its members and at the times as may be specified in the bylaws for regular meetings, and a majority of its members shall constitute a quorum for the transaction of business. The affirmative vote of the majority of the members present at a meeting of the Board shall be necessary for any action taken by the Board. Any action taken by the Board may be authorized by resolution and the resolution shall take effect immediately unless a later effective date is specified in the resolution. No vacancy in the membership in the Board shall impair the right of a quorum to exercise all the rights and perform all the duties of the Board.
- 9) **RECORDS.** The Secretary shall keep a record of the proceedings of the Board and shall be custodian of all books, documents, and papers filed with the Board and of the minute book or journal of the Board and its official seal, if any shall be adopted. The Secretary may cause copies to be made of all minutes and other records and documents of the Board and may give certificates of the Board to the effect that the copies are true copies, and all personnel dealing with the Board may rely upon the certificates.
- 10) **ANNUAL REPORTS.** Within the first ninety (90) days of each calendar year, this Board shall make a written report to Madison County, Arkansas, concerning its activities for the preceding calendar year. Each such report shall set forth a complete operating and financial statement covering its operation during the year.
- 11) **AUTOMATIC AMENDMENT.** To accomplish the specific public facilities objectives set forth above, the Board shall have the additional authority and power as may, from time to

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time, hereafter be authorized for Public Facilities Boards by amendments to the Act without additional action by the Quorum Court.

(Ord. 2006-004, passed 10-16-06)

§ 220.02 MADISON COUNTY WATER FACILITIES BOARD.

- 1) CREATION OF PUBLIC FACILITIES BOARD. There is hereby created a Public Facilities Board pursuant to the provisions of A.C.A. §§ 14-137-101 *et seq.* (1998 Repl.; Suppl. 1999) (the Act). The Board shall be known as the Madison County Water Facilities Board (the Board). The Board shall have the powers provided for by the Act.

- 2) MEMBERSHIP OF THE BOARD. The Board shall consist of seven (7) members. Seven (7) members shall be appointed by the County Judge of Madison County. The terms of the members shall be as follows: Position 1, one year; Position 2, two years; Position 3, three years; Position 4, four years; Position 5, five years; Position 6, six years; and Position 7, seven years. Successor members shall be elected by a majority of the Board for terms of seven (7) years each. However, the Board shall provide that the Customers of the Board shall nominate successor board members by election at an annual meeting. The annual meeting and nominating election procedures shall be established by the Board. Each member shall qualify by taking and filing with the Clerk of the County his or her oath of office in which he or she shall swear to support the Constitution of the United States and the Constitution of the State of Arkansas, and to discharge faithfully his or her duties in the manner provided by law. Each member shall serve until his or her successor is elected and qualified. In the event of a vacancy in the membership, however caused, a majority of the Board shall elect a successor member to serve the unexpired term. A member shall be eligible to succeed himself or herself.

- 3) ORGANIZATION OF THE BOARD. The members of the Board shall meet and organize by electing one of their members as chairperson, one as vice-chairperson, one as secretary and one as treasurer, and the officers shall be elected annually thereafter in like manner. The duties of the secretary and treasurer may be performed by the same member. The Board may also appoint an Executive Director who may be a member of the Board and receive compensation as shall be fixed by the Board. The members of the Board shall receive no compensation for their services but shall be entitled to reimbursement of expenses incurred in the performance of their duties.

- 4) GENERAL POWERS OF THE BOARD. The Board is hereby specifically empowered:
 - a) To own, acquire, construct, reconstruct, extend, equip, improve, operate, maintain, sell, lease, contract concerning, or otherwise deal in or dispose of waterworks facilities (as defined in the Act) or any interest in the facilities, including, without limitation, to provide financing for the facilities; and

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- b) To issue bonds to obtain funds and revenues for the accomplishment of any of the waterworks facilities projects herein authorized, either alone or together with other available funds and revenues thereof.
- 5) **ADDITIONAL AUTHORITY OF THE BOARD.** The Board is hereby additionally authorized and empowered:
- a) As a body politic and corporate to have perpetual succession and to adopt bylaws, not in conflict with this section of the Act, as may from time to time be amended, for the regulation of its affairs and the conduct of its business;
 - b) To maintain an office at the place or places in the County as the Board may designate from time to time;
 - c) To sue and be sued in its own name;
 - d) To fix, charge, and collect rates, fees, interest, and charges for the use of any waterworks facilities and the supplying of water;
 - e) To employ and pay compensation to the employees and agents, including attorneys, consulting engineers, surveyors, accountants, financial experts, and others as it may, in its judgment, find necessary for the accomplishment of the purposes and objectives for which it has been created and to fix their compensation; and
 - f) To do any and all other acts and things to accomplish the waterworks facilities projects for which it is authorized by this section and all other acts and things authorized or required by the Act as it may from time to time be amended, except as may be specifically limited herein, and any and all other things necessary or convenient to accomplish the purposes for which the Board has been created.
- 6) **USE OF FUNDS AND REVENUES.** This Board is hereby authorized to use any available funds and revenues for the accomplishment of the waterworks facilities projects which it is authorized to own, acquire, construct, reconstruct, extend, equip, improve, operate, maintain, sell, lease, contract concerning, or otherwise deal in. Bonds may be issued by the Board in such principal amounts as shall be sufficient to pay the cost of accomplishing the waterworks facilities projects involved; the cost of issuing the bonds; the amount necessary for reserves, if deemed desirable; the amount necessary to provide for debt service on the bonds until revenues for the payment thereof are available from other sources; and any other costs and expenditures of whatever nature incidental to the accomplishment of the waterworks facilities involved and the placing of them in operation. Any net earnings of the Board (beyond that necessary for retirement of the

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indebtedness or to implement any waterworks facilities project) shall not inure to the benefit of any person other than to the Board.

- 7) **AUTHORITY WITH RESPECT TO BONDS.** This Board shall have, with respect to the issuance of bonds authorized to be issued by it, the authority and power with respect thereto set forth and contained in the Act, which terms and provision are hereby incorporated in this section as though herein expressly set forth word for word, except to the extent of changes required for the provisions thereof to be consistent in the context of this section, and the additional authority as may be granted in similar provisions by amendment of the Act from time to time hereafter.

All bonds of the Board shall be special obligation revenue bonds which shall be obligations only of the Board and shall not constitute an indebtedness for which the faith and credit of Madison County or any of its revenues are pledged, and the principal of and interest on the bonds shall be payable from and secured by a pledge of revenues derived from the waterworks projects financed, in whole or in part, from bond proceeds and as authorized by and in accordance with the provisions of the Act.

- 8) **MEETINGS.** The Board shall meet upon the call of its Chairperson, or a majority of its members, and at the times as it may be specified in the bylaws for regular meetings, and a majority of its members shall constitute a quorum for the transaction of business. The affirmative vote of the majority of the members present at a meeting of the Board shall be necessary for any action taken by the Board. Any action taken by the Board may be authorized by resolution and the resolution shall take effect immediately unless a later effective date is specified in that resolution. No vacancy in the membership in the Board shall impair the right of a quorum to exercise all the rights and perform all the duties of the Board.
- 9) **RECORDS.** The Secretary shall keep a record of the proceedings of the Board and shall be custodian of all books, documents, and papers filed with the Board and of the minute book or journal of the Board and its official seal, if any shall be adopted. The Secretary may cause copies to be made of all minutes and other records and documents of the Board and may give certificates of the Board to the effect that the copies are true copies, and all persons dealing with the Board may rely upon the certificates.
- 10) **ANNUAL REPORTS.** Within the first ninety (90) days of each calendar year, this Board shall make a written report to Madison County, Arkansas, concerning its activities for the preceding calendar year. Each such report shall set forth a complete operating and financial statement covering its operation during the year.
- 11) **AUTOMATIC AMENDMENT.** To accomplish the specific public facilities objectives set forth above, the Board shall have the additional authority and power as may, from time to

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time, hereafter be authorized for Public Facilities Boards by amendments to the Act without additional action by this Quorum Court.

(Ord. 2001-004, passed 5-21-01)

Article IV. COUNTY POLICIES.

Section

General Policies

230.00 Guidelines for capitalization of equipment purchases.

Employee / Employment Policies

Reserved.

Purchasing Policies

Reserved.

General Policies

§ 230.00 GUIDELINES FOR CAPITALIZATION OF EQUIPMENT PURCHASES.

- 1) The State Division of Legislative Audit has requested that the Quorum Court capitalize all equipment costing two thousand dollars (\$2,000.00) or more.
- 2) All single items of equipment costing two thousand dollars (\$2,000.00) or more shall be capitalized. These items shall be inventoried according to the guidelines set forth by the Division of the Legislative Audit.
- 3) Items that cost less than two thousand dollars (\$2,000.00) shall not be capitalized and shall be included as expenses. This shall include items classified as a group with an individual purchase price of less than two thousand dollars (\$2,000.00) even though the group price of the items may be more than two thousand dollars (\$2,000.00) (i.e. computer systems-monitor with a cost of \$89; disk drive costing \$160; keyboard priced at \$125, and the like.)
- 4) Any item that does not fit the above criteria shall be deleted from the county inventory.
- 5) It does hereby approve the capitalization of equipment costing two thousand dollars (\$2,000.00) or more on single purchases.
(Res. 1994-007, passed 9-19-94; Am. Ord. 2010-006, passed 12-20-10)

Employee / Employment Policies

Reserved.

Purchasing Policies

Reserved.

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Article V. EMERGENCIES: PLANS, SYSTEMS AND FEES

A.C.A. § 14-14-1107. Natural disasters.

In any county in which a natural disaster, including but not limited to a tornado or flood, results in the county being declared a disaster area by the Governor, an appropriate official of the United States Government, or the county judge of the county, is authorized to use county labor and equipment on private property to provide services which are required as a result of the natural disaster.

A.C.A. §§ 12-75-101-133. Arkansas Emergency Services Act of 1973.

Section

General

260.00 Adopting the National Incident Management System.

260.01 Service charge to finance the enhanced 9-1-1 emergency telephone system.

Flooding

270.00 Flood damage prevention program.

General

§ 260.00 ADOPTING THE NATIONAL INCIDENT MANAGEMENT SYSTEM.

- 1) Madison County hereby adopts the National Incident Management System established by the United States Department of Homeland Security for all emergency responses by all departments and agencies of Madison County, Arkansas.
(Res. 2005-002, passed 8-15-05)

§ 260.01 SERVICE CHARGE TO FINANCE THE ENHANCED 9-1-1 EMERGENCY TELEPHONE SYSTEM.

- 1) **RATE.** To insure that the implementation will be expedited as soon as possible, the Madison Count Quorum Court shall set the rate at twelve percent (12%) of the basic telephone tariff.

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- 2) **EMERGENCY CLAUSE.** An emergency is hereby declared to exist, and this Ordinance, being necessary for the immediate preservation of the public peace, health, and safety of the citizens of the County of Madison, Arkansas, same shall be in full force and effect from and after its passage.
(Ord. 1996-005, passed 12-23-96)

Flooding

§ 270.00 FLOOD DAMAGE PREVENTION PROGRAM.

1) **STATUTORY AUTHORIZATION, FINDING OF FACT, PURPOSE, AND METHODS.**

a) Statutory Authorization. The Legislature of the State of Arkansas has in Article 629 of Act 1969 delegated the responsibility of local government units to adopt regulations designed to minimize flood losses. Therefore, the County of Madison, State of Arkansas, does ordain as follows:

b) Findings of Fact.

- i) The flood hazard areas of Madison County are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, and extraordinary public expenditures for flood protection and relief, all of which adversely affect the public health, safety, and general welfare.
- ii) These flood losses are created by the cumulative effect of obstructions in floodplains which cause an increase in flood heights and velocities, and by the occupancy of flood hazard areas by uses vulnerable to floods and hazardous to other lands because they are inadequately elevated, flood-proofed, or otherwise protected from flood damage.

c) Statement of Purpose. It is the purpose of this Ordinance to promote the public health, safety, and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- i) Protect human life and health;
- ii) Minimize expenditure of public money for costly flood control projects;
- iii) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- iv) Minimize prolonged business interruptions;

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- v) Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone, and sewer lines, and streets and bridges located in floodplains;
- vi) Help maintain a table tax base by providing for the sound use and development of flood-prone areas in such a manner as to minimize future flood blight areas; and
- vii) Insure that potential buyers are notified that property is in a flood area.

d) Methods of Reducing Flood Losses. In order to accomplish its purposes, this Ordinance uses the following methods:

- i) Restrict or prohibit uses that are dangerous to health, safety, or property in times of flood, or cause excessive increases in flood heights or velocities;
- ii) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- iii) Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of flood waters;
- iv) Control filling, grading, dredging, and other development which may increase flood damage;
- v) Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

2) **DEFINITIONS**. Unless specifically defined below, words or phrases used in this Ordinance shall be interpreted to give them the meaning they have in common usage and to give this Ordinance its most reasonable application.

- a) Alluvial Fan Flooding – means flooding occurring on the surface of an alluvial fan or similar landform which originates at the apex and is characterized by high-velocity flows; active processes of erosion, sediment transport, and deposition; and unpredictable flow paths.
- b) Apex – means a point on an alluvial fan or similar landform below which the flow path of the major stream that formed the fan becomes unpredictable and alluvial fan flooding can occur.

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- c) Area of Shallow Flooding – means a designated AO, AH, or VO zone on a community’s Flood Insurance Rate Map (FIRM) with a one percent (1%) chance or greater annual chance of flooding to an average depth of one (1’) to three (3’) feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.
- d) Area of Special Flood Hazard – is the land in the floodplain within a community subject to a one percent (1%) or greater chance of flooding in any given year. The area may be designated as Zone A on the Flood Hazard Boundary Map (FHBM). After detailed ratemaking has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AE, AH, AO, A1-99, VO, V1-99, VE, or V.
- e) Base Flood – means the flood having a one percent (1%) or greater chance of being equaled or exceed in any given year.
- f) Basement – means any area of the building having its floor sub-grade (below ground level) on all sides.
- g) Critical Feature – means an integral and readily identifiable part of a flood protection system without which the flood protection provided by the entire system would be compromised.
- h) Development – means any man-made change in improved and unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.
- i) Elevated Building – means a non-basement buildings:
 - i) Built, in the case of a building in Zones A1-30, A, A99, AO, AH, B, C, X, and D, to have the top of the elevated floor, or in the case of a building in Zones V1-30, VE, or V, to have the bottom of the lowest horizontal structure member of the elevated floor elevated above the ground level by means of pilings, columns (posts and piers), or shear walls parallel to the floor of the water, and
 - ii) Adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood.

In the case of Zones A1-30, AE, A, A99, AO, AH, B, C, S, and D, “elevated building” also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of

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flood waters. In the case of Zones V1-30, VE, or V, “elevated building” also includes a building otherwise meeting the definition of “elevated building,” even though the lower area is enclosed by means of breakaway walls if the breakaway walls met the standards of Section 60.3(e)(5) of the National Flood Insurance Program regulations.

- j) Existing Construction – means, for the purposes of determining rates, structures for which the “start of construction” commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. “Existing construction” may also be referred to as “existing structures.”
- k) Existing Manufactured Home Park or Subdivision – means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.
- l) Expansion to an Existing Manufactured Home Park or Subdivision – means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).
- m) Flood or Flooding – means a general and temporary condition or partial or complete inundation or normally dry land areas from:
 - i) The overflow of inland or tidal waters.
 - ii) The unusual and rapid accumulation or runoff of surface waters from any source.
- n) Flood Insurance Rate Map (FIRM) – means an official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.
- o) Flood Insurance Study – is the official report provided by the Federal Emergency Management Agency. The report contains flood profiles, water surface elevation of the base flood, as well as the Flood Boundary-Floodway Map.
- p) Floodplain or Flood-Prone Area – means any land area susceptible to being inundated by water from any source (see definition of flooding).

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- q) Floodplain Management – means the operation of an overall program of corrective and preventive measures for reducing flood damage, including by not limited to emergency preparedness plans, flood control works, and floodplain management regulations.
- r) Floodplain Management Regulations – means zoning Ordinances, subdivision regulations, building codes, health regulations, special purpose Ordinances (such as a floodplain Ordinance, grading Ordinance, and erosion control Ordinance) and other applications of police power. The term describes such state or local regulation, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.
- s) Flood Protection System – means those physical structural works for which funds have been authorized, appropriated, and expended, and which have been constructed specifically to modify flooding in order to reduce the extent of the areas within a community subject to a “special flood hazard” and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees, or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.
- t) Flood-Proofing – means any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water, and sanitary facilities, structures, and their contents.
- u) Flood (Regulatory Floodway) – means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.
- v) Functionally Dependent Use – means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.
- w) Highest Adjacent Grade – means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.
- x) Historic Structure – means any structure that is:
 - i) Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined

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by the Secretary of the Interior as meeting the requirements for individual listings on the National Register;

- ii) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
 - iii) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
 - iv) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - 1. By an approved state program as determined by the Secretary of the Interior; or
 - 2. Directly by the Secretary of the Interior in states without approved programs.
- y) Levee – means a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.
- z) Levee System – means a flood protection system which consists of a levee or levees and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.
- aa) Lowest Floor – means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking or vehicles, building access, or storage in an area other than a basement area is not considered a building’s lowest floor; provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirement of Section 60.3 of the National Flood Insurance Program regulations.
- bb) Manufactured Home – means a structure transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term “manufactured home” does not include a “recreational vehicle.”
- cc) Manufactured Home Park or Subdivision – means a parcel or contiguous parcels of land divided into two (2) or more manufactured home lots for rent or sale.

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- dd) Main Sea Level – means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community’s Flood Insurance Rate Map are referenced.
- ee) New Construction – means, for the purpose of determining insurance rates, structures for which the “start of construction” commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, “new construction” means structures for which the “start of construction” commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.
- ff) New Manufactured Home Park or Subdivision – means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.
- gg) Recreational Vehicle – means a vehicle which is:
- i) Built on a single chassis;
 - ii) 400 square feet or less when measured at the largest horizontal projections;
 - iii) Designed to be self-propelled or permanently towable by a light duty truck; and
 - iv) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.
- hh) Start of Construction – for other than new construction or substantial improvements under the Coastal Barrier Resources Act (Pub. L. 97-348), which includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within one hundred and eighty (180) days of the permit date. The actual start means either the first placement of permanent construction of a structure on the site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation, or the placement of a manufactured home

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on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers, or foundations, or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

- ii) Structure – means a walled and roofed building, including a gas or liquid storage tank, which is principally above ground, as well as a manufactured home.

- jj) Substantial Damage – means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.

- kk) Substantial Improvement – means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure before “start of construction” of the improvement. This includes structures which have incurred “substantial damage,” regardless of the actual repair work performed. The term does not, however, include either:
 - i) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary conditions; or
 - ii) Any alteration of a “historic structure” provided that the alteration will not preclude the structure’s continued designation as a “historic structure.”

- ll) Variance – is a grant of relief to a person from the requirement of this Ordinance when specific enforcement would result in unnecessary hardship. A variance, therefore, permits construction or development in a manner otherwise prohibited by this Ordinance. For full requirements, see Section 60.6 of the National Flood Program regulations.

- mm) Violation – means the failure of a structure or other development to be fully compliant with the community’s floodplain management regulations. A structure development without the elevation certificate, other certifications, or other evidence of compliance required in Section 60.3(b)(5), (c)(4), (c)(10), (d)(3),

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(e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

nn) Water Surface Elevation – means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929 (or other datum, where specified) of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

3) GENERAL PROVISIONS.

a) Lands to Which this Ordinance Applies. The Ordinance shall apply to all areas of special flood hazard within the jurisdiction of Madison County, State of Arkansas.

b) Basis for Establishing the Areas of Special Flood Hazard. The areas of special flood hazard identified by the Federal Emergency Management Agency on its Flood Hazard Boundary Map (FHBM), Community Number 050449, dated 6-24-1977, and any revisions thereto are hereby adopted by referenced and declared to be a part of this Ordinance.

c) Establishment of Development Permit. A Development Permit shall be required to ensure conformance with the provisions of this Ordinance.

d) Compliance. No structure or land shall hereafter be located, altered, or have its use changed without full compliance with the terms of this Ordinance or other applicable regulations.

e) Abrogation and Greater Restrictions. This Ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Ordinance and another Ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

f) Interpretation. In the interpretation and application of this Ordinance, all provisions shall be:

i) Considered as minimum requirements;

ii) Liberally construed in favor of the governing body; and

iii) Deemed neither to limit nor repeal any other powers granted under State statutes.

g) Warning and Disclaimer of Liability. The degree of flood protection required by this Ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. On rare occasions, greater flood can and will occur and flood heights may be increased by man-made or natural causes.

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This Ordinance does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This Ordinance shall not create liability on part of the community or any official or employee thereof for any flood damages that result from reliance on this Ordinance or any administrative decision lawfully made thereunder.

4) ADMINISTRATION.

- a) Designation of the Floodplain Administration. The Madison County 9-1-1 Coordinator is hereby appointed the Floodplain Administrator to administer and implement the provisions of this Ordinance and other appropriate sections of 44 CFR (National Flood Insurance Program Regulations) pertaining to floodplain management.
- b) Duties and Responsibilities of the Floodplain Administrator. Duties and responsibilities of the Floodplain Administrator shall include, but not be limited to, the following:
 - i) Maintain and hold open for public inspection all records pertaining to the provisions of this Ordinance.
 - ii) Review permit applications to determine whether proposed building sites, including the placement of manufactured homes, will be reasonably safe from flooding.
 - iii) Review and approve or deny all applications for development permits required by adoption of this Ordinance.
 - iv) Review permits for proposed development to assure that all necessary permits have been obtained from those Federal, State, or local governmental agencies (including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. § 1334) from which prior approval is required.
 - v) Where interpretation is needed as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Floodplain Administrator shall make the necessary interpretation.
 - vi) Notify, in riverine situations, adjacent communities and the State Coordinating Agency, which is Arkansas Soil and Water Conservation Commission, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.

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- vii) Assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained. When base flood elevation data has not been provided in accordance with Article 3, Section B, the Floodplain Administrator shall obtain, review, and reasonably utilize any base flood elevation data and floodway data available from a Federal, State, or other source, in order to administer the provisions of Article 5.
- c) Permit Procedures. Application for a Development Permit shall be presented to the Floodplain Administration on forms furnished by him/her and may include, but not be limited to, plans in duplicate drawn to scale showing the location, dimensions, and elevation of proposed landscape alterations, existing and proposed structures, including the placement of manufactured homes, and the location of the foregoing in relation to areas of special flood hazard. Additionally, the following information is required:
- i) Elevation in relation to mean sea level of the lowest floor, including basement, of all new and substantially improved structures;
 - ii) Elevation in relation to mean sea level to which any nonresidential structure shall be flood-proofed;
 - iii) A certificate from a registered professional engineer or architect that the nonresidential flood-proofed structure shall meet the flood-proofing criteria of Article 5, Section B(2);
 - iv) Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development;
 - v) Maintain a record of all such information in accordance with Article 4, Section B(1).

Approval or denial of a Development Permit by the Floodplain Administrator shall be based on all of the provisions of this Ordinance and the following relevant factors:

- i) The danger to life and property due to flooding or erosion damage;
- ii) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
- iii) The danger that materials may be swept onto other lands to the injury of other;
- iv) The compatibility of the proposed use with existing and anticipated development;

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- v) The safety of access to the property in times of flood for ordinary and emergency vehicles;
- vi) The costs of providing governmental services during and after flood conditions including maintenance and repair of streets and bridges and public utilities and facilities such as sewer, gas, electrical, and water systems;
- vii) The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site;
- viii) The necessity of the facility of a waterfront location, where applicable;
- ix) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
- x) The relationship of the proposed use to the comprehensive plan for that area.

d) Variance Procedures.

- i) The Appeal Board as established by the community shall hear and render judgment on requests for variances from the requirements of this Ordinance.
- ii) The Appeal Board shall hear and render judgment on an appeal only when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement of administration of this Ordinance.
- iii) Any person or persons aggrieved by the decision of the Appeal Board may appeal such decision in the courts of competent jurisdiction.
- iv) The Floodplain Administrator shall maintain a record of all actions involving an appeal and shall report variances to the Federal Emergency Management Agency upon request.
- v) Variances may be issued for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this Ordinance.
- vi) Variances may be issued for new construction and substantial improvements to be erected on a lot of one-half (1/2) acre or less in size

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contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the relevant factors in Section C(2) of this Article have been fully considered. As the lot size increases beyond the one-half (1/2) acre, the technical justification required for issuing the variance increases.

- vii) Upon consideration of the factors noted above and the intent of this Ordinance, the Appeal Board may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of this Ordinance (Article 1, Section C).
- viii) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- ix) Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
- x) Prerequisites for granting variances:
 - 1. Variances shall only be issued upon a determination that the variance is the minimum necessary considering the flood hazard, to afford relief.
 - 2. Variances shall only be issued upon:
 - a. Showing a good and sufficient cause;
 - b. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on a victimization of the public, or conflict with existing local laws of Ordinances.
 - 3. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor elevation below the base flood elevation, and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

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xi) Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that:

1. The criteria outlined in Article 4, Section D(1)-(9) are met; and
2. The structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

5) PROVISIONS FOR FLOOD HAZARD REDUCTION.

a) General Standards. In all areas of special flood hazards, the following provisions are required for all new construction and substantial improvements:

- i) All new construction or substantial improvements shall be designed or modified and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
- ii) All new construction or substantial improvements shall be constructed by methods and practices to minimize flood damage;
- iii) All new construction or substantial improvements shall be constructed with material resistant to flood damage;
- iv) All new construction or substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
- v) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
- vi) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from the systems into flood waters; and
- vii) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

b) Specific Standards. In all areas of special flood hazards where base flood elevation data has been provided as set forth in Article 1, Section B; Article 4, Section B(8); or Article 5, Section C(3), the following provisions are required:

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- i) Residential Construction – new construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to or above the base flood elevation. A registered professional engineer, architect, or land surveyor shall submit a certification to the Floodplain Administrator that the standard of this subsection as proposed in Article 4, Section C(1)(a) is satisfied.

 - ii) Nonresidential Construction – new construction and substantial improvements of any commercial, industrial, or other nonresidential structure shall either have the lowest flood, including basement, elevated to or above the base flood level or together with attendant utility and sanitary facilities, be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall develop and/or review structural design, specifications, and plans for the construction and shall certify that the design and methods of construction are in accordance with accept standards of practice as outlined in this subsection. A record of such certification which includes the specific elevation in relation to mean sea level to which such structures are flood-proofed shall be maintained by the Floodplain Administrator.

 - iii) Manufactured Homes – require that all manufactured homes to be placed within Zone A on a community’s FHBM or FIRM shall be installed using methods and practices which minimize flood damages. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to grounds anchors. This requirement is in addition to applicable State and local anchoring requirements for resisting wind force.
- c) Standards for Subdivision Proposals.
- i) All subdivision proposals including the placement of manufactured home parks and subdivisions shall be consistent with Article 1, Sections B, C, and D of this Ordinance.

 - ii) All proposals for the development of subdivisions including the placement of manufactured home parks and subdivisions shall meet Development Permit requirements of Article 3, Section C; Article 4, Section C; and the provisions of Article 5 of this Ordinance.

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- iii) Base flood elevation data shall be generated for subdivision proposals and other proposed development including the placement of manufactured home parks and subdivisions which is greater than 50 lots or 5 acres, whichever is lesser, if not otherwise provided pursuant to Article 3, Section B, or Article 4, Section B 9 of this Ordinance.
 - iv) All subdivision proposals including the placement of manufactured home parks and subdivisions shall have adequate drainage provided to reduce exposure to flood hazards.
 - v) All subdivision proposals including the placement of manufactured home parks and subdivisions shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize or eliminate flood damage.
- 6) CERTIFICATION. It is hereby found and declared by Madison County 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 the 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.
(Ord. 2002-002, passed 11-18-02)

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Article VI. COUNTY FUNDS AND FEES

Section

- 280.00 Solid Waste Fund.
- 280.01 Drug Control Fund.
- 280.02 Jail and Facilities Upgrade Fund Established.
- 280.03 Election Equipment Upgrade Fund

§ 280.00 SOLID WASTE FUND.

- 1) That in order to comply with state law and the guidelines of the Arkansas Department of Legislative Audit, the Solid Waste Fund of Madison County, Arkansas, is hereby established as a Special Revenue Fund to be known as the Solid Waste Fund and shall be set up in accordance with the laws of the State of Arkansas and the guidelines set forth by the Department of Legislative Audit.

(Ord. 2013-002, passed 1-1-13)

§ 280.01 DRUG CONTROL FUND.

- 1) In order to comply with A.C.A. 5-64-505(i)(2) and the guidelines of the Arkansas Department of Legislative Audit, a Drug Control Fund is hereby established in Madison County as a Special Revenue Fund. The fund shall be known as the Drug Control Fund and shall be set up in accordance with A.C.A. 5-64-505(i)(2) and the guidelines set forth by the Arkansas Department of Legislative Audit and that moneys deposited into the Drug Control Fund shall only be used for law enforcement purposes as provided in A.C.A. 5-64-505(i)(2).

(Ord. 2015-006, passed 8-17-15)

§ 280.02 JAIL AND FACILITIES UPGRADE FUND ESTABLISHED.

- 1) That in order to comply with state law and guidelines set forth by the Arkansas Division of Legislative Audit, the Jail and Facilities Upgrade Fund of Madison County, Arkansas is hereby established as a Special Revenue Fund to be known as the Jail and Facilities Upgrade Fund and shall be set up in accordance with the laws of the State of Arkansas and the guidelines set forth by the Arkansas Division of Legislative Audit.

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- 2) That the sum of \$153,000.00 is hereby appropriated from the County General Fund to be transferred by the Madison County Treasurer to the Jail and Facilities Upgrade Fund in order to establish the Fund.

(Ord. 2016-004, passed 10-17-2016)

§ 280.03 ELECTION EQUIPMENT UPGRADE FUND ESTABLISHED.

- 1) That in order to comply with state law and guidelines set forth by the Arkansas Division of Legislative Audit, the Election Equipment Upgrade Fund of Madison County, Arkansas is hereby established as a Special Revenue Fund to be known as the Election Equipment Upgrade Fund and shall be set up in the accordance with the laws of the State of Arkansas and the guidelines set forth by the Arkansas Division of Legislative Audit.

- 2) That the sum of \$25,000.00 is hereby appropriated from the County General Fund to be transferred by the Madison County Treasurer to the Election Equipment Upgrade Fund in order to establish the Fund.

(Ord. 2017-006, passed 7-17-2017)

MADISON COUNTY CODE OF ORDINANCES
Chapter 3 – County Law

Chapter 3: LAW ENFORCEMENT

Article

- I. COUNTY POLICIES**
- II. COUNTY JAILS**
- III. COURT COSTS**
- IV. COUNTY LAW**

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Chapter 3 – County Law

Article I. COUNTY POLICIES

Section

Reserved.

Article II. COUNTY JAILS

A.C.A. § 12-41-502. Supervision.

The county sheriff of each county in this state shall have the custody, rule, and charge of the jail within his or her county and all prisoners committed in his or her county, and he or she may appoint a jailer for whose conduct he or she is responsible.

A.C.A § 12-41-503(a)-(b). Management of local jail populations.

- (a) County sheriffs and other keepers or administrators of jails within the State of Arkansas are responsible for managing the populations and operations of their respective facilities in compliance with the laws and the Arkansas Constitution and within the requirements of the United States Constitution.

- (b) Neither a county sheriff nor another keeper or administrator of a jail shall refuse to accept any prisoner lawfully arrested or committed within the jurisdiction of the supporting agency of the jail except as necessary to limit prisoner population in compliance with subsection (a) of this section.

A.C.A. § 12-41-506(a). Municipal prisoners; expenses.

- (a) (1) In the absence of an agreement on jail costs between a county and all municipalities having law enforcement agencies in the county, the quorum court in a county in this state may by ordinance establish a daily fee to be charged municipalities for keeping prisoners of municipalities in the county jail.

- (2) The fee shall be based upon the reasonable expenses which the county incurs in keeping such prisoners in the county jail.

Section

Reserved.

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§ 320.00 ESTABLISHING A PUBLIC SERVICE PROGRAM FOR THE MADISON COUNTY SHERIFF’S OFFICE.

- 1) The public service program established by the Madison County Sheriff’s Office is hereby approved, established, and ratified.
- 2) The Sheriff shall decide who may participate in said program. Furthermore, any Circuit or District Judge may sentence a person to said program.
- 3) The Sheriff shall promulgate rules and regulations regarding the operation of said program, which shall be reported to the Quorum Court.
- 4) The cost of participating in said program shall be set at a reasonable sum by the Sheriff, which shall be reported to the Quorum Court.
- 5) EMERGENCY CLAUSE. An emergency is therefore declared to exist and this ordinance necessary for the peace, health, and safety shall be in full force and effect from and after its passage.
(Ord. 2014-009, passed 12-16-14)

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Article III. COURT COSTS

A.C.A. § 16-10-305(a), (c)-(d). Court costs.

- (a) There shall be levied and collected the following court costs from each defendant upon conviction, each plea of guilty or nolo contendere, or each forfeiture of bond.

. . .
- (c) No county, city or town shall be liable for the payment of the costs taxed under this section in any instance where they are not collected, or in any case in which the defendant pays the costs by serving time in a jail, on a county farm, or at any other official place of detention or work.
- (d) No town, city, or county shall authorize and no district court or circuit court shall assess or collect any other court costs other than those authorized by this act, unless specifically provided by state law.

. . .

Section

340.00 Additional fine of \$20 to defray the expense of incarceration of prisoners.

§ 340.00 ADDITIONAL FINE OF \$20 TO DEFRAY THE EXPENSE OF INCARCERATION OF PRISONERS.

- 1) FINE. Pursuant to Act 209 of 2009 of the General Assembly of the State of Arkansas, an additional fine of twenty dollars (\$20.00) shall be levied and collected from each defendant who pleads guilty or no contest to, is found guilty of, or forfeits bond for any misdemeanor or traffic violation in the District Court(s) within Madison County, Arkansas.
- 2) SPECIAL FUND. The additional fine levied by the County under this Ordinance shall be deposited into a special fund within the County Treasury, and the revenues generated by the additional fine shall be used exclusively for maintenance, operation, defraying costs of incarceration of county prisoners, transportation of county prisoners, the purchase and maintenance of equipment for the county jail and training,

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salaries and certificate pay for Madison County Detention Center (Madison County Jail), and deputy sheriffs.

- 3) REVENUES. Revenues derived from the additional fines levied under this Ordinance shall not offset or reduce funding from other sources for the maintenance, operation, and capital expenditures of the Madison County Detention Center (Madison County Jail).
- 4) EMERGENCY CLAUSE. An emergency is declared to exist, and this Ordinance, being necessary for the preservation of the public safety, health, and welfare, shall be in full force and effect immediately upon its passage.
(Ord. 2003-006, passed 11-17-03; Am. Ord. 2009-003, passed 5-18-09)

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Article IV. COUNTY LAW

Section

Reserved.

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Chapter 3 – County Law

MADISON COUNTY CODE OF ORDINANCES
Chapter 4 - Taxes

Chapter 4: TAXES

Article

I. ADMINISTRATION

II. ASSESSMENT

III. COLLECTION

MADISON COUNTY CODE OF ORDINANCES
Chapter 4 - Taxes

Article I. ADMINISTRATION

Section

Reserved.

Article II. ASSESSMENT

A.C.A. §§ 26-74-201-223. Sales and use tax for capital improvements.

- (a) This subchapter is intended to supplement all constitutional provisions and other acts adopted for the acquiring, constructing and equipping of capital improvements of a public nature and the issuance of bonds for the financing of capital improvements of a public nature.
- (b) When applicable, in accordance with the provisions of this subchapter, this subchapter may be used by any county as an alternative, notwithstanding and without the necessity of compliance with any constitutional provision or any other act authorizing the county, or any commission or agency of the county, to issue bonds for the purpose of financing the acquisition, construction, and equipment of capital improvements of a public nature.
- (c) (1) This subchapter is intended to supplement and be levying authority in addition to all other statutes authorizing countywide sale and use taxes.

(2) Collections of a tax levied by this subchapter may be used to secure the payment of bonds or for any purpose for which the general fund of a municipality or county may be used, or a combination thereof, except as may be expressly limited by the ballot for the election at which the tax was approved or by the ballot for a subsequent election on the purposes for the tax.

A.C.A. § 26-73-103(a)-(b). Local governments levying taxes.

- (a) (1) In addition to all other authority of local governments to levy taxes provided by law, any county acting through its quorum court or any municipality acting through its governing body may levy any tax not otherwise prohibited by law.

(2) However, no ordinance levying an income tax authorized by this subchapter or any other tax not authorized shall be valid until adopted at a special or general election by the qualified electors of the city or in the area of the county where the tax is to be imposed, as the case may be.
- (b) A local government shall not levy a tax on fuel, tobacco, or alcoholic beverages except as authorized by law.

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Chapter 4 - Taxes

A.C.A. § 26-36-201. Dates taxes due and payable.

- (a) (1) All taxes levied on real estate and personal property for the county courts of this state, when assembled for the purpose of levying taxes, are due and payable at the county collector's office between the first business day of March and October 15 inclusive.
- (2) All taxes unpaid after October 15 are delinquent.
- (b) (1) The county collector shall extend a penalty of ten percent (10%) against all delinquent taxpayers that have not paid their taxes within the time limit specified.
- (3) The county collector shall collect the penalty provided in subdivision (b)(1)(A) of this section.
- (c) The county collector shall extend an additional penalty of ten percent (10%) upon all delinquent taxpayers if the taxpayers' delinquent personal property taxes are not satisfied or paid in full by October 15 following the purchase of a business or the assets, goods, chattels, inventory, or equipment of a business not in the ordinary course of business.
- (d) A penalty shall not be assessed against a taxpayer who is a member of the United States armed forces, reserve component of the armed forces, or the National Guard during the taxpayer's deployment plus one (1) tax year after the deployment ends.
- (e) When October 15 falls on a Saturday, Sunday, or a holiday observed by the United States Postal Service, the taxes shall become due and payable the following business day that is not a holiday observed by the United States Postal Service.

A.C.A. § 26-52-523. Rebates on local sales and use tax.

(a) As used in this section:

- (1) "Qualifying purchase" means a purchase of tangible personal property or a taxable service:
 - (A) For which the purchaser may take a business expense deduction pursuant to 26 U.S.C. § 167, as in effect on January 1, 2007;
 - (B) For which the purchaser may take a depreciation deduction pursuant to 26 U.S.C. § 167, as in effect on January 1, 2007;
 - (C) By an exempt organization under 26 U.S.C. § 501, as in effect on January 1, 2007, if the purchase would be subject to a business expense deduction

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Chapter 4 - Taxes

or depreciation deduction if the purchaser were not an exempt organization under 26 U.S.C. § 501, as in effect on January 1, 2007; or

(D) By a state or any county, city, municipality, school district, state-supported college or university, or any other political subdivision of a state, if the purchase would be subject to a business expense deduction or depreciation deduction if the purchaser were not one (1) of the entities enumerated in this subdivision (a)(1)(D);

(2) "Single Transaction" means any sale of tangible personal property or a taxable service reflected on a single invoice, receipt, or statement for which an aggregate sales or use tax amount has been reported and remitted to the state for a single local taxing jurisdiction; and

(3) "Travel trailer" means a trailer that:

(A) Provides temporary living quarters for travel, recreation, or camping;

(B) Includes a chassis having wheels and a trailer hitch or fifth wheel for towing; and

(C) Is required to be licensed for highway use under Arkansas law.

Section

General

Reserved.

Personal Property

Reserved.

Real Property

Reserved.

Local Option

Reserved.

Article III. COLLECTION

Section

Reserved.

MADISON COUNTY CODE OF ORDINANCES
Chapter 5 - Public Records

Chapter 5: PUBLIC RECORDS

Reserved.

MADISON COUNTY CODE OF ORDINANCES
Chapter 5 - Public Records

MADISON COUNTY CODE OF ORDINANCES
Chapter 6 - Agriculture and Livestock

Chapter 6: AGRICULTURE AND LIVESTOCK

Article

- I. FAIRS, SALES AND LIVESTOCK**
- II. INSPECTION AND PROTECTION**
- III. RODENT, PREDATOR, INSECT AND WEED CONTROL**

MADISON COUNTY CODE OF ORDINANCES
Chapter 6 - Agriculture and Livestock

Article I. FAIRS, SALES AND LIVESTOCK

A.C.A. § 2-36-303(a)(1). Adjoining counties; joint shows.

- (a) (1) Any two (2) or more adjoining counties in the state are authorized to enter into an agreement for and to conduct an annual joint fair and livestock show.

A.C.A. § 2-35-212. Sales within county.

- (a) Whenever any hogs, cattle, sheep, goats and other livestock are sold for slaughter by anyone within the county and whenever any carcass of any of the named animals is sold by anyone within the county, the seller must make a bill of sale of the animal in duplicate, giving the complete information as contained in § 2-35-204, retaining the duplicate, and delivering the original to the purchaser at the time of delivery of the animal or carcass.
- (b) The seller and purchaser shall keep their respective copies of the bill of sale in their permanent files, subject to inspection at all times by any police officer within the state.

A.C.A. § 2-36-304. Participation eligibility.

In the event any individual owns land in two (2) adjacent counties and the county in which he or she resides does not conduct a county livestock show, the individual shall be deemed to be eligible to participate in the county livestock show conducted in the county in which he or she owns land but does not reside.

A.C.A. § 2-36-305. Junior livestock shows.

- (a) A junior livestock show is authorized for each of the six (6) livestock show districts of the state.
- (b) Any organization desiring to establish a district junior livestock show shall make application and submit proposed organizational and operational plans for the district junior livestock show to the Arkansas Livestock and Poultry Commission.
- (c) The commission may approve only one (1) district junior livestock show in each of the six (6) livestock show districts.

MADISON COUNTY CODE OF ORDINANCES
Chapter 6 - Agriculture and Livestock

- (d) Funds appropriated to the commission for district junior livestock shows shall be distributed equally to all district junior livestock shows.

Section

Reserved.

MADISON COUNTY CODE OF ORDINANCES
Chapter 6 - Agriculture and Livestock

Article II. INSPECTION AND PROTECTION

Section

Reserved.

MADISON COUNTY CODE OF ORDINANCES
Chapter 6 - Agriculture and Livestock

Article III. RODENT, PREDATOR, INSECT AND WEED CONTROL

A.C.A. §§ 20-20-207-227. Licenses –Issuance—Categories—Regulations.

(a) (1) The State Plant Board may classify or sub-classify commercial or noncommercial licenses to be issued under this subchapter as may be necessary for the effective administration and enforcement of this subchapter. The classifications may include, but not be limited to:

- (A) Agricultural;
- (B) Right-of-way;
- (C) Forest;
- (D) Aquatic; and
- (E) Regulatory pesticide applicators.

(2) Separate sub-classifications may be specified as to ground, aerial, or manual methods used by any licensee to apply pesticides or as to the use of pesticides to control insects, plant diseases, rodents or weeds.

(b) (1) The board in promulgating regulations under this subchapter shall prescribe standards for the licensing of applicators of pesticides.

(2) The standards shall relate to the use and handling of the pesticides or to the use and handling of the pesticide or class of pesticide covered by the individual's license and shall be relative to the hazards involved.

(3) In determining standards, the board shall consider:

- (A) The characteristics of the pesticide formulation such as the acute dermal and inhalation toxicity and the persistence, mobility, and susceptibility to biological information;
- (B) The use experience which may reflect an inherent misuse or an unexpected good safety record which does not always follow laboratory toxicological information;

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Chapter 6 - Agriculture and Livestock

- (C) The relative hazards of patterns of use such as granular soil applications, ultra low volume or dust aerial applications, or air blast sprayer applications; and
 - (D) The extent of the intended use.
- (c) Further, the board is authorized to adopt standards in conformance with and at least equal to those prescribed by the Environmental Protection Agency and such additional standards as it deems necessary.

Section

Reserved.

MADISON COUNTY CODE OF ORDINANCES
Chapter 7 - Animals

Chapter 7: ANIMALS

Article

I. ANIMALS – GENERAL

II. ANIMAL CONTROL

MADISON COUNTY CODE OF ORDINANCES
Chapter 7 - Animals

Article I. ANIMALS – GENERAL

A.C.A § 5-62-125. Unlawful dog attack.

- (a) A person commits the offense of unlawful dog attack if:
 - (1) The person owns a dog that the person knows or has reason to know has a propensity to attack, cause injury, or endanger the safety of other persons without provocation;
 - (2) The person negligently allows the dog to attack another person; and
 - (3) The attack causes the death of or serious physical injury to the person attacked.
- (b) The offense of unlawful dog attack is a Class A misdemeanor.
- (c) In addition to any penalty imposed under this section, the court or jury may require the defendant to pay restitution under § 5-4-205 for any medical bills for the person attacked for injuries caused by the attack.

Section

700.00 Exotic animals; vicious or wild animals.

§ 700.00 EXOTIC ANIMALS; VICIOUS OR WILD ANIMALS.

- 1) DEFINITIONS.
 - a) **Animal-** The word animal pertains to any animal as set out in Section 1, Definitions.
 - b) **Animal Owner-** Any person having ownership or personal rights in an exotic species or wild animals to remain on or about any premises occupied by him.
 - c) **Exotic Wild Animals-** Any animal of wild, fierce, or dangerous species likely to create harm or threat of harm in any place other than zoological parks, aquariums, laboratories, circuses, or under control of the State Game and Fish Management Commissioners, Federal Wildlife Services, or U.S. Department of Agriculture.

MADISON COUNTY CODE OF ORDINANCES
Chapter 7 - Animals

- d) **Police Officer-** Shall mean any person employed or elected by the municipality, county, and state whose duty it is to preserve peace or to make arrests or to enforce the law.
- e) **Police Work Dog-** A dog trained to aid law enforcement officers actually used for police work purposes, for the protection of the public, including the investigation of crime, and the apprehension of law violators.

- 2) **PERMITTING ANIMALS TO GO AT LARGE, IMPOUNDMENT, AND RESTRAINT.** No animal owner or possessor of any animal covered by this Ordinance may at any time permit the same to be in a situation or place where it can inflict injury or be a threat of danger to any human being.

Any police officer who has reasonable grounds to believe that an animal is vicious, uncontrolled and/or unrestrained, or a threat to human safety may impound such animal at the owner's expense or kill the animal if capture poses too great a danger to the capturing officer. The owner shall have ten (10) days to pick up said animal and pay the fees accrued therein, or said animal shall become the property of the impounding facility. Furthermore, upon release, the owner shall be required to muzzle said animal and/or restrain it in any other manner consistent with Article 3.

- 3) **INVESTIGATION; RESTRAINT.** Upon a complaint that any animal covered under this Ordinance is being harbored, a police officer shall investigate such and may require the keeper or owner of said animal to restrain or dispose of such animal in a reasonable manner consistent with this Ordinance, which shall include posting of warning signs, erecting enclosures, or other protective barriers. Failure to comply with said measures shall be deemed a violation of this Ordinance, unless a court of law finds that such measures were unreasonable.
- 4) **DUTY OF INDIVIDUAL TO USE PROTECTIVE MEASURES.** Any individual who keeps any animal covered by this Ordinance shall exercise a high degree of care to protect children and the general public from danger.

Appropriate posting of warning signs, maintenance of the animal within enclosures, or chaining shall meet the standard of care if such practice reasonably precludes the possibility of inadvertent contact and probable injury in all instances where a child or unsuspecting person might be put into unintentional contact with the animal. Under the provisions of this Ordinance, any instance of inadvertent contact, injury, or harm shall constitute prima facie evidence of the animal owner's failure to exercise a sufficient degree of protective care.

When public safety requires additional protective measures by a police officer as hereinabove defined, the animal owner shall provide a protective barrier or other

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means such as a properly fitted, heavy wire, nylon or leather muzzle which the animal cannot remove, together with a strong durable chain which the animal cannot break or remove, or, where such is appropriate, a strong cage with a padlock locked in place or a strong high climb, jump over, dig under, or escape from the enclosure. In addition to the primary enclosure, there shall be a secondary fence, at least three (3) feet from the primary enclosure, a minimum of eight (8) feet in height with a three (3) foot concrete slab at least one (1) foot deep at the base of the fence with the fence centered on the concrete slab. A lean-in should be constructed atop of the fence with at least three (3) strands of barbwire attached that are separated by at least four (4) inches, but no more than five (5) inches. If these measures are deemed insufficient then said animal shall be destroyed.

- 5) **PENALTY AND ENFORCEMENT.** Any violation of this Ordinance is deemed a Class A misdemeanor. Each day that a violation exists shall be considered a separate offense. Furthermore, the County Judge or any individual may institute a civil action to compel compliance with this Ordinance and seek injunctive relief, damages, or other civil sanctions including the award of attorney's fees and costs.
- 6) **INVESTIGATION; IMPOUNDMENT.** A police officer may order an owner to keep any animal covered by this Ordinance restrained or impounded pending investigation that such animal has harmed human beings or has wounded or killed livestock or poultry.
- 7) **COMPLAINTS, INVESTIGATION, CORRECTIVE MEASURES.** If any person or groups of persons has knowledge or reasonable grounds to suspect that animal owners are maintaining dogs or exotic species in a manner inconsistent with this Ordinance, they shall have the right to complain to local law enforcement agencies or health officials and such authorities shall investigate the complaint. Such officials shall have full authority to examine complainant and other witnesses for relevant testimony and to prescribe and counsel corrective measures ordered by the health or government officials then such shall be deemed a violation of this Ordinance, unless a court of law finds that such measures were unreasonable.
- 8) **ABANDONMENT OR DUMPING.** This Ordinance also prohibits and makes it illegal for any person to dump or abandon any animal; such shall constitute a violation of this Ordinance.
- 9) **COSTS.** In the event a law enforcement agency, health official, or authorized personnel of the Human Society are required or requested to investigate a violation of this Ordinance and said complaint is substantiated, then the reasonable cost of the investigation of such shall be assessed against the owner or possessor of the animal by the Court. Furthermore, if at any time it becomes necessary to impound or destroy an animal pursuant to this Ordinance, then the cost of such shall be paid by the owner

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Chapter 7 - Animals

or possessor of said animal, and failure to do so shall constitute a violation of this Ordinance.

- 10) EXEMPTIONS. Nothing in this Ordinance shall apply in any manner whatsoever to the official use of police work dogs trained to aid law enforcement officers, if such dogs are being actively used for police work purposes, protection of the public, investigation of crime, and apprehension of law violators.

Nothing in this Ordinance precludes a dog or exotic species from “protecting his owner,” or any other person for whom he feels loyalty, from physical attack. It is acknowledged that even a dog or exotic species may defend against injury or battery. This Ordinance does not apply when an individual trespasses on an animal owner’s property. However, each dog or exotic species owner shall exercise care to make certain that no harm results to an innocent trespasser, such as children, misguided pedestrians, invitees, tradespeople, servants, business associates, social guests, and friends. It is further acknowledged pursuant to Act 393 of 1987 that any person engaged in raising or owning domesticated animals has the right to protect said animals from dogs, including the killing of such dogs, if necessary.

All political subdivisions and municipalities which have already enacted Ordinances designed to protect citizens from attack or injury inflicted by vicious or exotic wild animals shall be exempt from the application of this Ordinance.

- 11) NO ENCROACHMENT ON THE OTHER OFFICIAL DUTIES. Nothing in this Ordinance shall encroach upon the official duties of the State Game and Fish Commission, the Federal Fish and Wildlife Service, the U.S. Department of Agriculture, circuses, Zoological Parks, or aquariums, or other licensed exhibitory shows, provided all exercise an adequate degree of care.
- 12) REPEALER. All laws and parts of laws in conflict with this Ordinance are hereby repealed.
- 13) SEVERABILITY CLAUSE. If any provision of this Ordinance or this application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared severable.

(Ord. 1993-001, passed 10-18-93)

Article II. ANIMAL CONTROL

A.C.A. § 5-62-106. Disposition of animal.

(a) (1) Unless otherwise ordered by a court, for purposes of this subchapter, an animal that has been seized by a law enforcement officer or animal control officer under this subchapter shall remain at the appropriate place of custody for a period of at least fifteen (15) consecutive days, including weekends and holidays, after written notice is received by the owner.

(2) The written notice shall:

(A) Be left at the last known address of the owner; and

(B) Contain a description of the animal seized, the date seized, the name and contact information of the law enforcement or animal control officer seizing the animal, the location of the animal, and the reason for the seizure.

(e) The court shall order an animal seized under this section returned to the owner if the owner:

(1) Filed a petition under subsection (a) of this section;

(2) Paid all reasonable expenses incurred in caring for the animal; and

(3) Is found not guilty of the offense of cruelty to animals, §5-62-103, or the offense of aggravated cruelty to a dog, cat, or horse, §5-62-104, or the proceedings against the owner have otherwise terminated.

Section

Reserved

MADISON COUNTY CODE OF ORDINANCES
Chapter 8 - Community Services

Chapter 8: COMMUNITY SERVICES

Article

- I. CEMETERY, BURIAL AND MEMORIAL**
- II. CONSUMER EDUCATION / PROTECTION**
- III. LIBRARIES, MUSEUMS, HISTORICAL AND NATURAL SITE SERVICES**
- IV. PARKS AND RECREATION**
- V. EDUCATION**

MADISON COUNTY CODE OF ORDINANCES
Chapter 8 - Community Services

Article I. CEMETERY, BURIAL AND MEMORIAL

A.C.A. § 14-14-812. Cemetery access roads.

- (a) A “cemetery”, as used in this section, means any burying place for the dead, a burial plot, a graveyard, or any land, public or private, dedicated and used for the interment of human remains which includes at least six (6) grave markers.

- (b) (1) The county judges of the several county governments in Arkansas shall be authorized to improve and maintain any roads across public or private lands used or to be used for access to a cemetery.

- (2) The cemetery access roads shall be constructed to a standard and nature to permit their use by automobiles.

A.C.A. § 16-66-207. Burial places.

- (a) The clerk and recorder of deeds of the proper county, when any description of the metes and bounds of a family graveyard or public burial place shall be filed in his or her office, shall make a record of the description on the record of deeds, which shall be sufficient to exempt the land or burial place, not only from taxation, but also from execution.

- (b) Not more than five (5) acres shall be so exempted under this section.

Section

Reserved.

MADISON COUNTY CODE OF ORDINANCES
Chapter 8 - Community Services

Article II. CONSUMER EDUCATION / PROTECTION

Section

Reserved.

MADISON COUNTY CODE OF ORDINANCES
Chapter 8 - Community Services

**Article III. LIBRARIES, MUSEUMS, AMUSEMENTS, ENTERTAINMENT
HALLS, HISTORICAL AND NATURAL SITE SERVICES**

A.C.A. § 13-2-401. Establishment; maintenance; operation. (Libraries)

- (a) The county quorum courts of the several counties shall have the power and authority to establish, maintain, and operate county public libraries or public library services or systems in the manner and with the functions prescribed in this subchapter, and counties may appropriate money for these purposes.
- (b) The county quorum court shall also have the power to establish in cooperation with another county or other counties a joint public library or a joint library service or system for the benefit of the cooperating counties.
- (c) (1) Establishment of county libraries or library systems shall be evidenced by an ordinance of the county quorum court or by an agreement between the governing bodies of the several counties participating in a regional library system or coordinating library services under an interlocal agreement.

(2) Appropriations for the establishment and maintenance of a county library or library system shall be in the manner prescribed by law for expenditures by counties.
- (d) In addition to county library boards created under this section, §13-2-402, and § 13-2-404, a county quorum court may by ordinance establish a county library board to conduct the affairs of the county public library or its library services or system in accordance with the law for establishing other county advisory or administrative boards found at § 14-14-705.

A.C.A. § 13-2-402. County librarian.

- (a) No person shall be appointed to the office of county librarian unless prior to appointment the person is recommended for appointment by the county library board, if the board has been created.
- (b) A county librarian shall conduct the library according to the most acceptable library methods.

A.C.A. §§ 13-2-901-907. Regional Library System Law.

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Chapter 8 - Community Services

A.C.A. §§ 13-5-501-505. Establishment; existing county museum.

- (a) The quorum courts of the respective counties of this state are authorized, by ordinance approved by a majority of the members of the quorum court, to establish a county museum, to be under the direction of a county museum commission as provided in this subchapter.

- (b) (1) The provisions of this subchapter shall not affect the county museum of any county which, on July 6, 1977, had established and was operating a county museum.

- (2) However, the quorum court of any such county may elect to place the operation of the museum under a county museum commission as authorized in this subchapter.

A.C.A. § 22-9-208. Renovation of historic sites – Legislative intent and construction.

- (a) The General Assembly finds and determines that:
 - (1) The mandatory adherence to competitive bidding of all costs in altering, repairing, or renovating historic sites and structures has resulted in increased costs due to the inability of bidders to accurately determine on the basis of only an external examination of the historic sites and structures the exact quantity of labor, materials, and supplies necessary to meet the restoration standards;

 - (2) The State of Arkansas would conserve state revenues by giving agencies charged with restoring or maintaining historic properties authority to select the contractors on the basis of the lowest responsible bid price, the bidder's experience in like work, and the techniques he or she proposes to employ, and by giving the agencies authority to reimburse contractors on an actual cost basis for those cost components which cannot be accurately predetermined before undertaking the project; and

 - (3) The procedures provided in subdivision (a)(2) of this section should be applicable for specific projects only after review and approval by the Chief Fiscal Officer of the State, the Arkansas Building Authority Council, and the Legislative Council. Provided, however, projects undertaken by public institutions of higher education exempt from review and approval of Arkansas Building Authority shall not require review and approval by the Arkansas Building Authority Council.

- (b) In the event there is a conflict between the provisions of this section and §§ 22-9-209 – 22-9-211 and the provisions of any other act insofar as the restoration of historic

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structures is concerned, the procedures set forth in this section and §§ 22-9-209—22-9-211 shall govern.

Section

Libraries

Reserved.

Museums

Reserved.

Amusements / Entertainment Halls

Reserved.

Historical and Natural Site Services

Reserved.

Libraries

Museums

Amusements / Entertainment Halls

Historical and Natural Site Services

Article IV. PARKS AND RECREATION

A.C.A. §§ 22-4-101-504. Parks and recreational areas.

A.C.A. § 22-4-110. Counties, cities, etc.; expenditures, etc.

- (a) Any county, city, or town may expend money from any funds available to aid in the purchase of land within the county which, when purchased shall become the property of the state to be cared for and administered as a part of the state parks system, but only if the State Parks, Recreation, and Travel Commission has first agreed in writing to the acceptance of the land.

- (b) Any county, city, or town may annually contribute money to the commission from any funds available to be expended in the care, improvement, and maintenance of any park within the county.

Section

Reserved.

MADISON COUNTY CODE OF ORDINANCES
Chapter 8 - Community Services

Article V. EDUCATION

A.C.A. § 6-15-101. Academic standards and expected outcomes.

By September 1, 2003, and as updates are necessary each year thereafter, the State Board of Education shall:

- (1) Define and publish academic standards and expected outcomes for students in prekindergarten through grade twelve (preK-12);
- (2) Require that the academic standards and expected outcomes be adopted by local school board of directors; and
- (3) Require that the academic standards and expected outcomes be implemented by local school districts.

A.C.A. §§ 6-15-201-215. The Quality Education Act of 2003.

Section

Reserved

MADISON COUNTY CODE OF ORDINANCES
Chapter 9 - Emergency Services

Chapter 9: EMERGENCY SERVICES

Article

I. AMBULANCE

II. OFFICE OF EMERGENCY MANAGEMENT

III. FIRE PREVENTION / PROTECTION

IV. JUVENILE SERVICES

MADISON COUNTY CODE OF ORDINANCES
Chapter 9 - Emergency Services

Article I. AMBULANCE

A.C.A. §§ 12-75-101-133. Arkansas Emergency Services Act of 1973.

A.C.A. §§ 14-282-101-117. Ambulance Service Improvement Districts.

Section

Reserved.

MADISON COUNTY CODE OF ORDINANCES
Chapter 9 - Emergency Services

Article II. OFFICE OF EMERGENCY MANAGEMENT

Section

Reserved.

MADISON COUNTY CODE OF ORDINANCES
Chapter 9 - Emergency Services

Article III. FIRE PREVENTION / PROTECTION

A.C.A. § 14-20-108(a)(1)(A)-(a)(1)(B)(i)(a), (b)-(c). Dues for volunteer fire departments.

(a) (1)(A) The quorum court of each county, upon request filed with the quorum court by one (1) or more volunteer fire departments in the county, may adopt an ordinance authorizing a designated county official to collect and remit to the volunteer fire department the annual or quarterly dues charged by the volunteer fire department in consideration of providing fire protection to unincorporated areas in the county.

(B)(i)(a) When a quorum court receives a request for the levy of volunteer fire department dues and the request has been signed by the fire chief and the chair and secretary of the board of directors, if any, of a volunteer fire department and filed with the county clerk, the quorum court by ordinance shall call for an election on the issue of the levy of the volunteer fire department dues on each residence and on each business having an occupiable structure.

(b)(1) The quorum court by majority vote may designate the geographical area that a volunteer fire department serves.

(2) Upon request by a volunteer fire department, the quorum court of each county involved may authorize a volunteer fire department to serve a geographical area to extend across the county boundary lines.

(c) The quorum court may establish its own countywide fire department, either regular or voluntary.

A.C.A. § 14-284-203. Methods of establishment. (Fire Protection Districts Outside of Cities and Towns.)

Fire protection districts may be established to serve all or any defined portion of any county in any of the following ways:

(1) By ten percent (10%) of the qualified electors in the proposed district's petitioning the quorum court to hold a public hearing and to form a district, and by the quorum court's adopting an ordinance calling for notice and a public hearing within the district;

(2) By the county court pursuant to an election of the qualified electors of the proposed district initiated, called, and conducted as provided in this subchapter; or

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Chapter 9 - Emergency Services

- (3) By the county court pursuant to a resolution of a suburban improvement district, approved by a unanimous vote of its board of commissioners, to convert to a fire protection district to be administered under this subchapter.

A.C.A. §§ 14-284-201-225. Fire protection districts outside of cities and towns.

- (a) (1) Fire protection districts established under the provisions of this subchapter shall cover only territory within the county, or within the defined district, outside the corporate limits of cities and towns.
- (2) However, if any city or town within the district does not have an organized volunteer fire department and desires to be included within the fire protection district, upon the adoption of an ordinance therefor by the governing body of the city or town, addressed to the county judge and quorum court, the area covered by the fire protection district may be extended to provide fire protection within the city limits of the city or town by ordinance adopted by the quorum court.
- (b) In order to avoid duplication of fire protection services, fire protection districts established under this subchapter shall be established for the primary purpose of providing fire protection in rural areas for buildings, structures, and other man-made improvements. In addition, fire protection districts may provide other emergency services, like hazardous and toxic material response, search and rescue services, emergency medical, ambulance, and patient transport services, and such other functions as may be assigned to or reasonably expected of a local fire services agency and which it is trained and qualified to perform.
- (3) Nothing in this subchapter shall be construed to relieve the Arkansas Forestry Commission of responsibility for providing of fire protection for forest lands.

Section

Reserved.

MADISON COUNTY CODE OF ORDINANCES
Chapter 9 - Emergency Services

Article IV. JUVENILE SERVICES

Section

Reserved.

MADISON COUNTY CODE OF ORDINANCES
Chapter 10 - Human Services

Chapter 10: HUMAN SERVICES

Article

- I. AIR / WATER POLLUTION CONTROL**
- II. CHILD, YOUTH, SENIOR CITIZEN SERVICES**
- III. PUBLIC HEALTH AND HOSPITALS**
- IV. SOCIAL AND REHABILITATION SERVICES**

MADISON COUNTY CODE OF ORDINANCES
Chapter 10 - Human Services

Article I. AIR / WATER POLLUTION CONTROL

A.C.A. § 8-4-101-316. Arkansas Water and Air Pollution Control Act.

Section

Reserved.

Article II. CHILD, YOUTH, SENIOR CITIZEN SERVICES

A.C.A. §§ 9-28-201-217. Youth Services.

The General Assembly recognizes that the state has a responsibility to provide its youth with appropriate services and programs to help decrease the number of juvenile offenders in the state and to create a better future for the state's youth and that reforms in the juvenile justice system require oversight by an organization with special expertise in the problems of juvenile offenders. Therefore, the General Assembly declares that this subchapter is necessary to create a single entity within the Department of Human Services with primary responsibility for coordinating, sponsoring, and providing services to Arkansas' youth and to create structures within state government that will be responsive to the needs of the state's youth.

A.C.A. §§ 12-41-801-809. Juvenile Detention Facilities Cooperative Development and Operations Act.

A.C.A. § 12-41-804. Regional facilities.

- (a) Local governmental units are authorized to cooperate with other localities on a basis of mutual advantage and thereby to provide services and facilities in a manner and pursuant to forms of governmental organization that will accord best with geographic, economic, populations, and other factors influencing the need and development of local governmental units.

- (b) Local governmental units may contract with the state through the Division of Youth Services of the Department of Human Services for the financing, acquisition, construction, and operation of juvenile detention facilities, in particular, in accordance with the provisions and procedures as outlined in the Interlocal Cooperation Act, § 25-20-101, et seq.

A.C.A. § 14-20-116. Student accident prevention program.

- (a) The quorum courts of the counties of Arkansas are hereby authorized by ordinance to establish a Youth Accident Prevention Program designed to educate junior and senior high school students about driving while intoxicated, seat belt safety, and injuries resulting from drinking and driving and not being belted. These programs may be conducted up to four (4) days in length, and the cost of salaries, equipment supplies, and other items related to the operation of the program shall be paid by the county.

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Chapter 10 - Human Services

- (b) The municipal courts of Arkansas are hereby authorized to allocate up to five dollars (\$5.00) of every fine, penalty, and forfeiture imposed and collected from every person convicted of a moving traffic offense for any Youth Accident Prevention Education Program created under subsection (a) of this section, and the same allocation shall pertain to any bond which is forfeited for any such offenses. These funds are to be remitted to the county treasurer and deposited into a special fund. Funds may be expended from this fund only for the purposes of this section.

Section

Reserved.

Article III. PUBLIC HEALTH, HOSPITALS AND NURSING HOMES

A.C.A. § 14-262-104. County health officer.

- (a) The office of county health officer is created in each county within the state.

- (b) The State Board of Health, upon recommendation of the county judge, shall appoint for each county in this state a health officer who shall serve a term of four (4) years and may be reappointed for additional terms.

- (c) (1) The county health officer shall be a graduate of an accredited and reputable medical or osteopathic university, shall be licensed to practice medicine in Arkansas, and shall have had at least three (3) years' experience in the practice of medicine in the state.

- (d) (1)(A) The county health officer shall serve as a key public health representative in the local community.

(B) The duties of the county health officer shall include without limitation:
 - (i) Promoting the use of local health unit services;

 - (ii) Advocating for public health policy initiatives with local and state policy makers;

 - (iii) Providing assistance to local public health education and promotion initiatives; and

 - (iv) Establishing a regular communication process with the local health unit administrator.

- (i) When performing official duties, a county health officer is immune from civil suit and liability in the same manner as officers and employees of the State of Arkansas are immune under §19-10-305 and Arkansas Constitution, Article 5, §20.

MADISON COUNTY CODE OF ORDINANCES
Chapter 10 - Human Services

A.C.A. § 14-262-106. Health departments; establishment.

- (a) Any county may, by proper order of the county court, establish and maintain a county health department.

- (b) Any two (2) or more counties may, with approval of the State Board of Health and, by order of the county court of the respective counties, establish and maintain a district health department.

. . .

- (g) No county, whether in a multiple unit or otherwise, voting “NO” regarding the establishment and maintenance of a county health department shall be forced to create a health unit.

A.C.A. §§ 12-12-1701-1722. Adult and Long-Term Care Facility Resident Maltreatment Act.

Section

Reserved

MADISON COUNTY CODE OF ORDINANCES
Chapter 10 - Human Services

Article IV. SOCIAL AND REHABILITATION SERVICES

A.C.A. § 25-10-115. County offices of human services.

- (a) The Director of the Department of Human Services shall establish a county office of human services in each county of this state. The county offices shall provide the citizens of each county access to the various services and programs provided by the Department of Human Services as well as follow-up contact and services.

- (b) In establishing a county office of human services, it is necessary that each county office be staffed to provide complete access to services and programs of the department.

A.C.A. §§ 20-79-201-216. Rehabilitation Act of Arkansas.

Section

Reserved.

MADISON COUNTY CODE OF ORDINANCES
Chapter 10 - Human Services

Chapter 11: PUBLIC WORKS

Article

- I. SOLID WASTE COLLECTION / DISPOSAL**
- II. RECYCLING**
- III. UTILITY SERVICES**
- IV. SANITARY, STORM SEWERS**
- V. SEWAGE TREATMENT SERVICES**
- VI. WATER SUPPLY AND DISTRIBUTION SERVICES**

Article I. SOLID WASTE COLLECTION / DISPOSAL

A.C.A. § 8-6-212. County solid waste management systems.

- (a) (1) Each county of the state is authorized to provide and shall provide a solid waste management system adequate to collect and dispose of all solid wastes generated or existing within the boundaries of the county and outside the corporate limits of any municipality in the county.
 - (2) By agreement or contractual arrangement, the county may assume responsibility for solid wastes generated within municipalities whether within its county or other counties.
 - (3) A county may enter into agreements with other counties, one (1) or more municipalities, a regional solid waste management district, governmental agencies, private persons, trusts, or with any combination thereof, to provide a solid waste management system for the county or any portion thereof but the agreement shall not relieve the parties to the agreement of their responsibilities under this subchapter.
- . . .
- (e) A county shall have the right to issue orders, to establish policies for, and to enact ordinances concerning all phases of the operation of a solid waste management system, including hours of operation, the character and kinds of wastes accepted at the disposal site, the separation of wastes according to type by those generating them prior to collection, the type of container for storage of wastes, the prohibition of the diverting of recyclable materials by persons other than the generator or collector of the recyclable materials, the prohibition of burning wastes, the pretreatment of wastes, and such other rules as may be necessary or appropriate, so long as such orders, policies, and ordinances are consistent with, in accordance with, and not more restrictive than, those adopted by, under, or pursuant to this subchapter or any other laws, rules regulations or orders adopted by state law or incorporated by reference from federal law, the Arkansas Pollution Control and Ecology Commission, or the regional solid waste management boards or districts, unless:
 - (1) There exists a fully implemented comprehensive area-wide zoning plan and corresponding laws or ordinances covering the entire county; or
 - (2) The county has made a request to the regional solid waste management board or district to adopt a more restrictive rule, regulation, order, or standard and no public hearing has been held within sixty (60) days or the request has not been acted upon within ninety (90) days.

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Ch. 11 - Public Works

A.C.A. § 8-6-703. Regional districts and boards.

(a) (1)(A) The eight (8) regional solid waste planning districts created by Acts 1989, No. 870, and each solid waste service area created pursuant to Acts 1989, No. 870, are renamed regional solid waste districts.

(B) Each district shall be governed by a regional solid waste management board.

. . .

A.C.A. § 19-5-1019. County Solid Waste Management System Aid Fund.

(a) (1) There is established in the State Treasury a fund to be known as the County Solid Waste Management System Aid Fund, to consist of such special or general revenues or other moneys that may be deposited in it as provided by the General Assembly, to be used for the purpose of providing financial assistance to counties in the manner provided in this section, for the establishment, expansion, maintenance, and operation of county solid waste collection and disposal systems.

. . .

Section

1100.00 Prohibiting hazardous and other solid waste disposal facilities.

§ 1100.00 PROHIBITING HAZARDOUS AND OTHER SOLID WASTE DISPOSAL FACILITIES.

- 1) No hazardous or other solid waste disposal facility as defined by Arkansas law shall be located within five (5) miles of the main water sources within Madison County, specifically including but not necessarily limited to, Lake Hindsville, White River, Kings River, War Eagle Creek, Richland Creek, Lollars Creek, Ball Creek, Clifty Creek, Lynch Creek, Pine Creek, Drakes Creek, Henderson Creek, Crosses Creek, Holman Creek, Kecks Creek, Glade Creek, Maxwell Creek, Wharton Creek, Reeds Creek, Delaney Creek, Dry Creek, Berry Branch, Town Branch, Clear Creek, Felkins Creek, Guesse Creek, and other main water sources so designated by the Quorum Court.
- 2) In addition to the assessment of any civil penalties herein, the Madison County Attorney, upon approval by the Quorum Court and County Judge, is hereby authorized to institute a

MADISON COUNTY CODE OF ORDINANCES
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civil action in any court of competent jurisdiction to restrain any violation of, and to compel compliance with, provisions of this Ordinance and of any rules, regulations, orders or permits issued pursuant to it:

- a) To require the taking of such remedial measures as may be necessary or appropriate to implement or effectuate the provisions and purposes of this Ordinance;
 - b) To recover any expenses reasonably incurred in the removing, correcting, or terminating any adverse effect resulting from a violation, including the cost of investigation, inspection, or survey establishing the violation or unlawful act;
 - c) To recover payment for any other expense or actual damages resulting therefrom;
and
 - d) To recover civil penalties assessed pursuant to this section.
- 3) EMERGENCY CLAUSE. An emergency is declared to exist and this Ordinance, being immediately necessary to meet a public emergency affecting the life, health, safety, and property of the people in Madison County, Arkansas, shall be effective immediately upon passage by the Quorum Court and approval of the County Judge.
(Ord. 1989-005, passed 10-16-89)

Article II. RECYCLING

A.C.A. § 8-6-720. Recycling centers.

(a) (1) Beginning July 1, 1992, each regional solid waste management board shall ensure that its residents have an opportunity to recycle. "Opportunity to recycle" means availability of curbside pickup or collection centers for recyclable materials at sites that are convenient for persons to use.

(2) Beginning July 1, 1993, at least one (1) recyclable materials collection center shall be available in each county of a district unless the Arkansas Pollution Control and Ecology Commission grants the district an exemption. An exemption may be granted if a county is adequately served by a recyclable materials collection center in another county.

(3) Boards shall assess the operation of existing and proposed recycling centers and materials recovery facilities to determine the adequacy of these facilities for the collection and recovery of recyclable materials. Boards shall give due consideration to existing recycling facilities in ensuring the opportunity to recycle and are encouraged to use, to the extent practicable, persons engaged in the business of recycling on March 26, 1991, whether or not the persons were operating for profit.

Section

Reserved.

Article III. UTILITY SERVICES

Section.

1120.00 Receiving utilities; 9-1-1 address required.

§ 1120.00 RECEIVING UTILITIES; 9-1-1 ADDRESS REQUIRED.

- 1) MADISON COUNTY QUORUM COURT REQUIRING ALL PERSONS TO HAVE A 9-1-1 ADDRESS. All persons, prior to obtaining utilities in Madison County, shall obtain a current 9-1-1 address and provide the address to each utility company from which he or she is requiring service. Also, all utility companies doing business in Madison County shall provide the 9-1-1 address to the Madison County 9-1-1 Emergency Coordinator.
- 2) DEFINITION. **PERSON** is defined as any individual, partnership, corporation, or legal entity, who desires to obtain the use of utilities.
(Ord. 2001-007, passed 12-03-01)

Article IV. SANITARY, STORM SEWERS

Section

Reserved.

Article V. SEWAGE TREATMENT SERVICES

A.C.A. §§ 14-238-106. Rural waterworks facilities board.

- (a) Any county is authorized to create one (1) or more rural waterworks facilities boards and to empower each board to own, acquire, construct, reconstruct, extend, equip, improve, operate, maintain, sell, lease, contract concerning, or otherwise deal in or dispose of, waterworks facilities and wastewater facilities or any interest in such facilities, including, without limitation, leasehold interests in and mortgages on such facilities.

- (b) Boards created under this subchapter are not administrative boards under the County Government Code, §14-14-101, et seq.

- (c) Any public facilities board created under the Public Facilities Boards Act, § 14-137-101, et seq., or its predecessor, for the purpose of operating a waterworks facility and/or a wastewater facility, and which is in existence on July 28,1995, may petition the quorum court which created the board to grant the board all the powers conveyed by this chapter, and if the quorum court adopts an ordinance to that effect, the powers and authority granted under this chapter shall be applicable to that public facilities board, and it shall thereafter be governed exclusively by the provisions of this chapter and none other.

Section

Reserved.

Article VI. WATER SUPPLY AND DISTRIBUTION SERVICES

Section

Reserved.

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MADISON COUNTY CODE OF ORDINANCES
Chapter 12 - Roads / Transportation

Chapter 12: ROADS / TRANSPORTATION

Article

- I. ROADS, BRIDGES, AIRPORTS, AVIATION**
- II. FERRIES, WHARVES, DOCKS, MARINE SERVICES**
- III. PARKING**
- IV. PUBLIC TRANSPORTATION**

MADISON COUNTY CODE OF ORDINANCES
Chapter 12 - Roads / Transportation

Article I. ROADS, BRIDGES, AIRPORTS, AVIATION

A.C.A. § 27-66-101. Construction, repair, maintenance contracts.

- (a) (1) The State Highway Commission is authorized and empowered to enter into contracts with as many as two (2) counties of this state under the terms of which, in consideration of the sum agreed to be paid by the particular county, the commission will be authorized, permitted, and required to assume the work of construction, repair, and maintenance of all the county roads in the particular county or part thereof that may be agreed upon in the contract.

- (2) The counties are authorized and empowered to enter into contracts with the commission.

- (b) The contracts authorized by this section may provide for the use of the machinery and equipment belonging to the county, or of the machinery and the equipment belonging to the commission, or the machinery and equipment of both, in the construction, repair, and maintenance of county roads.

- (c) No contract herein authorized shall be for a period extending beyond the end of the term for which the county judge of the contracting county was elected.

- (d) Nothing contained in this section shall have the effect of adding any county roads to the state highway system, nor shall any contracts remove from the county court of the contracting county exclusive jurisdiction over the roads within that county.

- (e) Nothing in this section shall reduce or diminish, or have any effect upon, the amount of money now paid by the state to the various counties for road purposes.

A.C.A. § 27-72-320. Provisions for advanced transfers.

- (a) (1) Advance transfers may be made to each of the several county highway funds from time to time during the fiscal year in amounts as may be requested by the several county courts and approved by the Chief Fiscal Officer of the State.

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Chapter 12 - Roads / Transportation

A.C.A. § 14-358-101. Airports authorized.

Any county in this state may acquire, own, operate, and maintain an airport or flying field in that county and may make, build, and construct all improvements at the airport or flying field as may be deemed necessary for the proper operation thereof.

Section

1200.00 Addressing system.

§ 1200.00 ADDRESSING SYSTEM.

- 1) The equal interval system will be used to assign addresses in Madison County. This system is based on creating an address from the road distance or road frontage.
- 2) NUMBERING.
 - a) The use of 5.28 increments will provide 1,000 addresses per mile, 500 on each side of the road.
 - b) Numbering will start on the west beginning point of each road and proceed eastward on east/west roads, and numbering will start on the south and proceed northward on north/south roads. (Use city system in city or continuation of a city street.)
 - c) Even numbers will be assigned on the east side of the north/south roads and on the north side of east/west roads. Odd numbers will be assigned on the west side of north/south roads and on the south side of east/west roads.
 - d) Diagonal roads will be arbitrarily called east/west or north/south.
 - e) Houses will be numbered according to the road their access is from.
- 3) FORMULA. Addresses at the beginning of each road will start with 100. Distance in feet will be measured from the beginning point of the road and an address assigned every 5.28 feet.
- 4) ROAD DESIGNATION. Roads in Madison County will be numbered using a Patterned Road Numbering System. The County Judge's office will be responsible for naming roads.

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Chapter 12 - Roads / Transportation

- 5) **APPLICABILITY.** This Ordinance shall apply to the unincorporated areas of Madison County, Arkansas, except in the growth areas of incorporated municipalities that exercise their addressing authority.
- 6) **ADDRESS ASSIGNMENT.** No person, firm, corporation, partnership, or other entity shall authorize any public utility company as defined by Arkansas law to supply any services to any new residents or businesses in Madison County until an address for such has been assigned or otherwise approved by the County Judge or his or her designee.
- 7) **NEW NUMBERS.** Upon affixing the new numbers, it shall be the duty of the owner or occupant to remove any existing or different address number. The cost of the new numbers shall be the responsibility of the owner or occupant.
- 8) **SIZE AND LOCATION OF ROAD ADDRESS NUMBERS.** Road address numbers for residences shall not be less than three inches (3") in height and shall be made of a durable and clearly visible material. Whenever a building is more than seventy-five feet (75') from the road or when the entrance of the building is not visible from the road, the numbers shall be placed along a walk, driveway, or other location so that the address number is discernible from the road. A second and third set of property numbers must be placed on both sides of a mailbox. Address numbers shall be of a contrasting color of the background on which they are mounted.
- 9) **DISPLAY OF ADDRESS NUMBERS.**
 - a) All commercial and industrial structures shall display address numbers of not less than four inches (4") in height as follows:
 - i) When possible, the numbers shall be displayed over the main entrance to the structure;
 - ii) There shall be no other wording or numbers within two feet (2') of the address number;
 - iii) Apartments, townhouses, shopping centers, or other similar groups, where only one number is assigned, shall display the number at the main entranceway; and
 - iv) Numbers for individual units or establishments within the complex shall be displayed on, above, or to the side of the main doorway of each unit or establishment.
- 10) **LOCATION OF ROAD NAME SIGNS.** A street sign of standard design, as approved by the County, shall be erected on metal poles at each intersection of public roads within the County. At least one (1) road name sign displaying the name of each road shall be

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erected and maintained. Whenever possible, road name signs shall be located in the right hand corner of the intersection on the approach side from a major thoroughfare. When this is not possible, road name signs shall be located in the next most suitable corner as determined by the County.

11) ERECTION AND FEE; PUBLIC ROADS. At the request of the developer and upon receipt of a fee sufficient to cover the cost of materials and labor, as determined by the County, the County shall fabricate, erect, and thereafter maintain road name signs at the intersection of new roads. The fee shall be paid at the time the final plat is submitted. The developer may specify that street name signs are to be erected immediately upon notification or at the time the road is accepted by the County. Should the developer request that road name signs be erected prior to the new streets being accepted by the County, the developer shall be responsible for their maintenance until the time as the streets are accepted by the County. Prior to the County accepting a new road, the County Engineer or designated agent shall make an inspection to determine that all road name signs are in a state of good maintenance. Should any road name sign be missing or in need of repair, the developer shall pay the full cost for replacement and/or repair thereof.

12) ERECTION AND FEE; PRIVATE STREETS. Erection and maintenance of road signs shall be required of the owner or majority of owners of any private street. At the request of the owner or majority of the owners of a private street and upon receipt of a fee sufficient to cover the cost of materials and labor as determined by the County, the County may fabricate, erect, and thereafter maintain a road name sign at the intersection of the private street and any public street.

(Ord. 1999-002, passed 11-18-99)

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Chapter 12 - Roads / Transportation

Article II. FERRIES, WHARVES, DOCKS, MARINE SERVICES

A.C.A. § 27-87-103. Declaration of public ferry.

- (a) Where a public road crosses any private stream which has not been meandered as a navigable stream, the bed of which may belong to any individual, if in the opinion of the county court, the public convenience will be promoted thereby, the court may make an order upon its record to that effect, declaring the crossing to be a public ferry.

- (b) And when so declared by the county court, the ferry shall be and remain a public ferry during the pleasure of the court and be subject to all the regulations and restrictions that are made by law applicable to public ferries or navigable streams.

Section

Reserved.

Article III. PARKING

A.C.A. § 14-304-101. Legislative findings. (Parking Authorities)

The General Assembly determines and declares that:

- (1) Excessive curb parking of motor vehicles on roads and streets in the cities and towns of the State of Arkansas and the lack of adequate off-street parking facilities create congestion, obstruct the free circulation of traffic, diminish property values, and endanger the health, safety and general welfare of the public;
- (2) The provision of conveniently located off-street parking facilities is therefore necessary to alleviate those conditions; and
- (3) The establishment of public off-street automobile parking facilities is deemed to be a proper public or municipal purpose.

Section

Reserved.

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Article IV. PUBLIC TRANSPORTATION

A.C.A. §§ 14-334-101-116. Public Transit System Act.

Section

Reserved.

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Chapter 13 - Urban / Rural Development

Chapter 13: URBAN /RURAL DEVELOPMENT

Article

I. BUILDING

II. PLANNING / ZONING

III. ECONOMIC DEVELOPMENT

IV. HOUSING

**V. WATERCOURSE, DRAINAGE, IRRIGATION, FLOOD
 CONTROL SERVICES**

MADISON COUNTY CODE OF ORDINANCES
Chapter 13 - Urban / Rural Development

Article I. BUILDING

Section

1300.00 Mobile homes.

§ 1300.00 MOBILE HOMES.

- 1) Madison County Quorum Court enacts regulations concerning used mobile homes and requiring permits prior to setting of used mobile home in the unincorporated areas of the County.
- 2) The Madison County Quorum Court pursuant to its power to promote the health, welfare, and safety of its residents hereby requires that prior to setting a used mobile home in the unincorporated areas of the County a permit must be obtained.
- 3) **DEFINITIONS.** For the purpose of this Ordinance, the following definitions shall apply unless the context indicates or requires a different meaning.
 - a) **MOBILE HOME.** As every house trailer or other vehicle, with or without wheels, designed for use as living quarters, either permanent or temporary, and, at the time of manufacture, capable of being towed or otherwise transported or drawn upon a highway.
 - b) **PERSON.** Any individual, partnership, corporation, or legal entity, who desires to set a used mobile home.
 - c) **USED.** As any mobile home which has previously been sold, bargained, exchanged, given away, or the title thereto transferred from the person or corporation who first took title from the manufacturer, importer, dealer, or agent of the manufacturer or importer, or that is so used as to have become what is commonly known as a secondhand or previously owned mobile home.
- 4) **REQUIREMENTS.**
 - a) Prior to any used mobile home being set in the unincorporated areas of Madison County, a permit must be obtained from the County Judge or his or her representatives or designee.
 - b) The permit shall be issued when the following requirements have been met:

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- i) The used mobile home shall be initially inspected by the county or its representative to insure that the used mobile home has a structurally sound roof and floor, and all windows, exterior doors, and siding are intact.
 - ii) The used mobile home shall meet all federal and state law requirements concerning water, plumbing, sewer or septic system, and electrical wiring, and shall supply the county or its representative evidence as shown by a certificate of inspection by a state approval inspector of the used mobile home meeting the requirements prior to the granting of the permit to set the used mobile home.
 - c) The County Judge shall establish the procedures for inspection and the issuance of the permits and shall charge a fee of \$50 to defray the costs of procedure.
 - d) The Quorum Court may raise or lower the permit costs as it deems necessary.
- 5) **APPEALS PROCESS.** The provisions of this Ordinance are appealable. The Quorum Court of Madison County has determined that if a certificate is denied or refused the applicant may appeal to the Quorum Court by notifying the County Judge in writing within 10 days of their desire to appeal after the notice of denial and asking to have the appeal heard by the Quorum Court at its next regular scheduled meeting.
- 6) **PENALTY.** The provisions of this Ordinance are enforceable. The Madison County Sheriff's Office shall enforce the provisions of this chapter. The failure to obtain a permit shall be a violation of this act and a person as defined above may be fined a minimum of one hundred dollars (\$100.00) and a maximum of one hundred dollars (\$100.00) per day for each day the mobile home is set in violation of this chapter. (Ord. 2001-006, passed 8-20-01)

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Article II. PLANNING / ZONING

A.C.A § 14-17-209. Zoning ordinance – Board of zoning adjustment.

- (a) The county planning board shall have authority to prepare, or to cause to be prepared, a zoning ordinance for all or part of the unincorporated area of the county, which ordinance shall include both a map and a text. The zoning ordinance may evaluate the location, height, bulk, number of stories, and the size of the building; open space; lot coverage; density and distribution of population; and the uses of land, buildings and structures. It may require off-street parking and loading. It may provide for districts of compatible uses, for large scale unified development, for the control and elimination of uses not in conformance with provisions of the ordinance, and for such other matters as are necessary to the health, safety, and general welfare of the county. The zoning ordinance shall designate districts or zones of such shape, size, or characteristic as deemed advisable for all, or part, of the unincorporated area of the county. The regulations imposed within each district or zone shall be uniform throughout the district or zone.

A.C.A. § 14-17-210. Jurisdiction over unincorporated areas.

The county planning board shall have the exclusive zoning and planning jurisdiction over all unincorporated areas lying within a county and along a navigable stream notwithstanding the fact that such areas may be within five (5) miles of the corporate limits of a city having a planning commission if the unincorporated areas are lands upon which a new community has been or is being developed with funds guaranteed, in whole or in part, by the federal government under Title IV of the Housing and Urban Development Act of 1968 or under Title VII of the Housing and Urban Development Act of 1970.

Section

1320.00 Land use and management plan.

1320.01 Subdivision regulations.

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§ 1320.00 LAND USE AND MANAGEMENT PLAN.

- 1) INTRODUCTION. Madison County is a County within the State of Arkansas and is governed by the Arkansas State Constitution. The Madison County government consists of the legislative branch of nine (9) elected Justices of the Peace that make up the Quorum Court; the executive branch consisting of the County Judge, County Clerk, Circuit Clerk, County Treasurer, County Assessor, Collector, Sheriff, Coroner, and Surveyor; and the judicial branch consisting of six (6) circuit judges and one (1) district judge.

The Quorum Court serves as the legislative authority of county government and is charged by law with performing all duties necessary to the full discharge of these specified and implied legislative duties.

One of the critical duties of the Quorum Court is to supervise and protect the tax base of the County. It is also charged with the duty of establishing a comprehensive land use plan outlining the present and future authorized uses for all lands in the county and to identify the county's environmental, social, and economic goals.

As the county's governing body, the Quorum Court is charged with governing Madison County in the best interest of all its citizens. The Quorum Court is well aware that the historical, overriding, and predominant goal of the county's citizens and its government has been the continuation of a lifestyle which assures quiet enjoyment of private property rights and property interests and assures the highest degree of protection of these rights. People who live in this county are reliant upon the land and its productive use. Private ownership and the incentive provided by private ownership is the driving force that supports the livelihood of all Madison County citizens.

The Quorum Court is also well aware that at this time federal and state managed lands make up a large portion of the land mass of Madison County and that there are continuing efforts to increase that amount. To a substantial degree, the county and its people are at the mercy of state and federal planning decisions, often to the detriment of local communities and citizens, and the Quorum Court is of the opinion that such circumstances are contrary to the basic principles of freedom and liberty and sound resource management.

Believing that the American concept of "...government of the people, by the people and for the people..." is best served when government affairs are conducted as close to the people as possible (i.e., at the county level), the Quorum Court, in carrying out its specified and inherent duties to operate the government of Madison County in the best interest of all its citizens and to protect and preserve the county's tax base, has

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found it necessary to expand its land use planning efforts. It is legitimately interested in fully participating in the planning process utilized by federal and state agencies for determining and implementing their land use plans for managing lands located in Madison County. The Quorum Court's interest extends to plan formulation, development, and implementation (which include monitoring and evaluating implementation).

- 2) PREAMBLE. We, the people of Madison County, State of Arkansas, accept, support, and sustain the Constitutions of the United States and of the State of Arkansas. We have demanded through our elected legislature and governor that the federal government comply with the Constitution of the United States.

Further, we reaffirm the fundamental rights of mankind as enumerated in the Declaration of Independence and acknowledge the limited nature of government as intended by the nation's founding fathers. Based on these cherished traditions, we declare that all natural resource decisions affecting Madison County shall be guided by the principals of protecting private property rights, protecting local custom and culture, maintaining traditional economic structures through self-determination, and opening new economic opportunities through reliance on free markets. Resource decisions made in this manner will enhance environmental quality.

- 3) GENERAL POLICY. Madison County Comprehensive Land Use and Management Plan is the county land use plan developed by the Madison County government to be used as a guide for the use of public lands and public resources in Madison County, Arkansas, and to protect and preserve the rights of private landowners.

Federal and state lands make up a portion of Madison County. The nature and intent of Madison County's government land use planning is to protect the culture and custom of county citizens through the protection of private property rights, the facilitation of a free market economy, and the establishment of a process to ensure self-determination by local communities and individuals. It is, therefore, necessary to develop and implement land use planning mechanisms that focus on federal and state land uses and activities. The Madison County Comprehensive Land Use and Management Plan addresses federal and state land use management issues directly and is intended to be used as a positive guide for federal and state land management agencies in their development and implementation of land use plans and management actions.

Madison County and its citizens support the continued multiple use of federal and state lands in Madison County. Therefore, it is the policy of Madison County that all federal and state agencies shall inform Madison County's local government of all pending actions affecting local communities and/or citizens and coordinate with them

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in the planning and implementation of those actions. The Madison County Quorum Court shall be consulted and coordinated with in accordance with the laws of Arkansas and the laws of the United States when affected by such actions.

Finally, in compliance with federal and state law, including but not limited to the Federal Land Management and Policy Act of 1976 and the National Forest Management Act, all federal and state agencies shall comply with the Madison County Comprehensive Land Use and Management Plan and coordinate with the Madison County Quorum Court for the purpose of planning and managing federal and/or state lands within the geographic boundaries of Madison County, Arkansas.

Federal and state agencies proposing actions that will impact the Madison County Comprehensive Land Use and Management Plan shall prepare and submit in writing in a timely manner to the Madison County Quorum Court a report(s) on the purposes, objectives, and estimated impacts of such actions, including economic impacts. This report(s) shall be provided to the Madison County Quorum Court for review and coordination prior to federal and state initiation of action.

- 4) **CUSTOM, CULTURE, AND ECONOMIC BASE OF MADISON COUNTY.** Led by hardy individuals willing to work and develop the resources of the land to bring forth a community, historically the custom and culture of Madison County is based on the timber and wildlife industries and the raising of livestock (including beef and dairy cattle), poultry, and crops. The settlement of the county is based on the beneficial use of the land at a time in history that precedes the misguided regulatory efforts which today threaten that same custom and culture.

The people of Madison County have historically and traditionally earned their livelihood from activities reliant upon natural resources. The economy of the county has always been, and is today, dependent upon and economically related to the availability and utilization of natural resources and reasonably accessible water supplies. Either directly or indirectly, the majority of the persons employed in Madison County are dependent upon poultry, livestock, crop farming, timber production, and other activities related to and reliant upon the availability of natural resources.

Some of the land which produces the natural resources critical to the economy of Madison County is either managed by federal or state agencies or is vitally affected by land managed by federal or state agencies. The economy of the county is dependent upon commercial and business activities that are operated on the federal and state managed lands. Those activities include timber cutting, livestock grazing, poultry growing, commercial operations, and other related activities. These commercial and business activities form the base for the economic stability of the

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county and are inseparably and vitally tied to the viable and effective use of private lands in the county. Viable and effective use of private land is totally dependent on a management style and technique for the federal and state managed land and water which is compatible with the commercial and business activities that form this custom and culture of the county and that provide the base for the economic stability of the county.

Recognizing the critical tie between use of the land and the economic stability of the county, the Quorum Court developed the land use planning process to serve as a guide to the planning and management of the lands and resources. It will actively and positively work to maintain the traditional, historical livelihood of the county's citizens and to preserve the county's custom, culture, and economic stability. Also, the Quorum Court will actively and positively work to protect private property rights, private property interests, and investment-backed expectations, as well as facilitate a free market economy and provide a voice for individual citizens and local communities in planning the future of the county. The quorum court's purposes and goals are lofty, and they will be successfully implemented only with a vital on-going planning process. The Quorum Court initiated the process by appointing the Madison County Land Use Committee (hereinafter referred to as the Land Use Committee) and charging its members with the task of developing and recommending a land use plan to provide a general planning framework within which the quorum court's purposes and goals can be successfully pursued. The Madison County Comprehensive Land Use and Management Plan is the result, and it supersedes the Madison County Interim Land Management Plan.

- 5) **MULTIPLE USES AND COORDINATION WITH FEDERAL AND STATE AGENCIES.** This plan provides a positive guide for the land use committee and the quorum court to coordinate their efforts with federal and state land management agencies in development and implementation of land use plans and management actions which are compatible with the best interests of Madison County and its citizens. The plan is designed to facilitate continued, revitalized, and varied use of federally and state managed lands in the county.

The land use committee, the quorum court, and the citizens of Madison County recognize that federal law mandates coordinated planning with local government of federally managed lands, and they positively support varied uses of these lands and also state managed lands. Such varied use necessarily includes continued maintenance of the historic and traditional economic uses that have been made of federally-managed and state-managed lands within the county. It is, therefore, the policy of Madison County that the land use committee and the quorum court work constantly to assure that federal and state agencies shall inform the quorum court of

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all pending or proposed actions affecting local communities and citizens and coordinate with the quorum court in the planning and implementation of those actions. Federal laws governing land management mandate such coordination of planning and implementation. In accordance with these federal laws regarding land use planning and the protection of private property interests, the land use committee and the quorum court recognize that it is their duty and obligation to enter into official land use planning activities in order to participate equitably and fully with the federal management agencies in the effort to maintain and revitalize the various multiple uses of the federally managed lands. To that end, the committee has developed, and the quorum court adopted this comprehensive land use plan which includes general planning guidelines for the use of public lands and public resources in Madison County and the means to protect and preserve the rights of private landowners as well as management actions regarding the various multiple uses of federally managed lands in Madison County.

The provisions of Arkansas statutory and decisional law provide a base for the quorum court to call upon state agencies to coordinate their planning efforts with the county. It could only be for such a purpose that the Arkansas legislature established the duty of a county to conduct a comprehensive planning process designed to prepare, implement, review, and update a comprehensive general plan to include all land within the boundaries of the county and land outside the county boundaries which bears relation to its planning.

Madison County has previously developed its interim land use plan related to privately owned lands in the county. This land use plan is now directed towards management of federally and state managed lands. With adoption of this plan, the county puts in place a comprehensive plan that includes all land within the jurisdiction of the quorum court as directed by government Code Sections 65300, et seq. The statements of purpose, of duty to plan, and of legislative intent certainly indicate coordination by state agencies of their planning efforts with the local planning efforts of Madison County.

The Land Use Committee and the quorum court now call upon the federal and state management agencies to coordinate in advance with the quorum court any proposed actions which will impact either the federally and state managed lands in Madison County, the private property rights and private property interest of its citizens, including investment-backed expectations of citizens of the county, the economic stability and historically developed custom and culture of the county, or the provisions of this land use plan. Such management agencies are requested to so coordinate their actions by providing to the quorum court, in a timely manner and prior to taking official action, a report on the proposed action that includes the

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purposes, objectives, and estimated impacts of such action-including the economic impact.

In other words, the land use committee and the quorum court request no more from the federal management agencies than what is required by the federal laws governing their management processes as well as the above-mentioned executive orders and implemented guidelines prepared for all federal agencies by the Attorney General of the United States.

In exchange for compliance with federal law by the federal management agencies, the land use committee and the quorum court commits to a positive planning process through which the county will maintain its commitment to varied uses of the federally managed lands. In exchange for participation by the state management agencies consistent with the plan, the land use committee and the quorum court commit to a positive planning process through which the county will equitably consider the best interest of all the people of the State of Arkansas in the use of state managed lands.

Through the land use planning process, Madison County commits itself to attempting to assure that all natural resource decisions affecting the county shall be guided by the principles of maintaining and revitalizing various uses of federally managed and state managed lands, protection of private property rights and private property interests – including investment-backed expectations, protection of local historical custom and culture, protection of the traditional economic structures in the county that form the base for economic stability for the county, the opening of new economic opportunities through reliance on free markets, and protection of the right of the enjoyment of the natural resource and land use management decisions made in a coordinated manner by federal management agencies, state management agencies, and county officials, not only will firmly maintain and revitalize various uses of federally and state managed lands in Madison County but also will enhance environmental quality throughout the county.

The General Planning Guidelines set out in Section 6 of this plan present the standards of law, fact, and planning by which the quorum court will be guided in its official capacity as the authority of the County. The guidelines include constitutional and statutory standards for land management by which the land use committee and the quorum court will be guided.

The management actions set forth in Section 7 of this plan will contain, where appropriate, management alternatives designed to achieve maintenance and improvement of varied use. They will also contain statements of actions that may be taken by the quorum court to implement objectives set by the land use committee and the quorum court.

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This plan is only the formalization of the commencement of the planning process as to the federally and state managed lands in Madison County. The process itself is ongoing and will require the land use committee and the quorum court to become involved with analysis and evaluation of all stages of the planning cycles followed by federal and state management agencies including plan development as well as implementation which also includes monitoring and evaluation of plan implementation.

6) PRIMARY PLANNING GUIDELINES.

- a) *Community Stability.* One of the biggest problems facing local governments today is loss of tax base. In order for any community to provide needed schools, health care, police protection, and other services, industry and commerce within the community must be encouraged and strengthened. Suffocating governmental regulations are not only destroying local enterprise but also eroding the most important feature of freedom itself, the right of people to control and use their own property. A primary guideline and overriding intent of this plan is to foster cooperation and coordination with federal and state management agencies and all adjacent counties where there is a community of interests, including, but not limited to poultry, livestock, farming, timber, recreation, wildlife, and all other activities related to and reliance upon the availability of natural resources on land within their respective jurisdictions.

- b) *Constitutional Principals and Private Property.* The Land Use Committee, the quorum court, and the people of Madison County accept, support, and sustain the Constitutions of the United States and the State of Arkansas. The Constitution of the United States, Article 1, Section 8, Clauses 17 and 19, limit the authority of the federal government to owning only specific lands. We hereby reaffirm our rights that all lands in Madison County not so specifically designed in the Article 1, Section 8, Clauses 17 and 19 of the United States Constitution be managed in coordination with the land use committee, the quorum court, and thereby, the citizens of this county. Further, the land use committee, the quorum court, and the people of Madison County reaffirm the fundamental rights of mankind as enumerated in the Declaration of Independence and acknowledge the limited nature of government as intended by the nation's founding fathers. Based on these cherished traditions, we declare that all natural resource decisions affecting Madison County shall be guided by the principles of protecting private property rights, protecting local custom and culture, maintaining traditional economic structures through self-determination, opening new economic

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opportunities through reliance on free markets, and enhancing environmental quality.

- c) *Land Disposition, Acquisition, and Use Policies.* Recognizing that land is essential to local industry and residence, it shall be the policy of Madison County, that the design and development of all federal and state land dispositions and acquisitions, including land adjustment and exchanges, be carried out to the benefit of the citizens of the county to ensure the following:
- i) Land dispositions and/or acquisitions will increase opportunities for local economic development by increasing the amount of patented and non-federal land within Madison County.
 - ii) Federal land agencies will not acquire through eminent domain or condemnation proceedings any private land or rights in private lands within Madison County without first ensuring:
 - 1. That as a minimum, parity in land ownership status is maintained; and
 - 2. That private property interests are protected and enhanced.
 - iii) Federally managed lands that are difficult to manage or which lie in isolated tracts will be targeted for disposal.
 - iv) The general public, the State of Arkansas, and local communities will be notified of, consulted about, and otherwise involved in all federal and state land adjustments in Madison County. Madison County concurrence will be required prior to any such land adjustments. Further, Madison County shall be the lead planning agency in all federal and state land adjustments occurring within the county's political boundaries.
 - v) The Office of the Arkansas Commissioner of State Lands will assist Madison County in coordinating land exchanges so as to maximize patented fee simple lands.
 - vi) Madison County will determine land withdrawals for hazardous and non-hazardous waste storage as well as the types of points of origin of such waste.
 - vii) Before federal and state land agencies can change land use, adverse impact studies on uses will be conducted and mitigation measures adopted with concurrence from Madison County. Adverse impact

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studies will address community stability, local customs and culture, water rights, agricultural and livestock rights, grazing rights, flood prone areas, and access.

- d) *Water Resources and Policies.* Madison County recognizes that the protection and development of its water resources are essential to its short and long term economic and cultural viability. It is, therefore, the policy of Madison County to ensure the following:
- i) The protection of existing water rights and water uses within Madison County is of primary importance to the County's economic and cultural well-being. Therefore, transfers in water use should be carefully considered in relationship to the history, traditions, and culture of Madison County. Any federally proposed designation of Wild and Scenic Rivers and all federal policies regarding riparian management in Madison County shall be coordinated with the Madison County Quorum Court and shall comply with all county water use plans. Federal agencies managing waterways and wetlands containing threatened and endangered species shall coordinate their management activities and plans with the Madison County Quorum Court.
 - ii) Madison County will be engaged in providing opportunity for the development of water-based recreation within the county.
 - iii) Madison County will work to establish a geologic, hydrologic, and biologic database within the county. The county will acquire, develop, and synthesize alone or in coordination with other government agencies, the following: drilling information, water well testing information, flood prone information, riparian vegetation information and all other information deemed necessary for the county.
 - iv) Madison County will also develop a definition of "natural hydrologic environment" so as to assess the use of water in the county by man, vegetation, livestock, and wildlife within the context of historical use.
 - v) The Madison County government will be notified of all state, interstate, and federal actions that have any impact on the water of the county prior to such actions being initiated. In addition, such proposed actions, including federal proposed Wild and Scenic River designations, will be coordinated with the Madison County Quorum Court and the county water and land use plans prior to adoption and

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implementation. It is the intent of Madison County to assist federal and state agencies in the planning and management of the county's natural, cultural, and economic resources.

- vi) Madison County will develop its water use policy to ensure both water quantity and water quality and to ensure that such policy does not adversely impact water users outside of the county.

- e) *Agricultural Policies.* The custom and culture associated with agricultural, livestock, and poultry production in Madison County is necessary to the livelihood and wellbeing of its citizens. Therefore, it is the policy of Madison County to protect agricultural land as well as livestock and poultry production, and promote the continuation of agricultural, livestock, and poultry pursuits by protecting private property rights, relying on self-determination, and ensuring open market conditions. The land use committee and the quorum court seek to ensure all of the following:
 - i) Opportunities for grazing livestock on federal and state lands should be continued at levels consistent with custom and culture and the protection of equitable property rights.
 - ii) Federal and state government should not obstruct agricultural, livestock, or poultry opportunities on their respective lands.

- f) *Pest Control Policies.* Madison County advocates the control of predatory animals, rodents, and noxious weeds, on all land in accordance with local custom and culture, protecting bordering private lands, and within the boundaries of good husbandry practices and sound environmental restraints, not to exclude chemical control, and seeks to ensure all of the following:
 - i) The state and federal agencies will coordinate their plans with Madison County in regard to any animal damage control plan for the protection of livestock and crops.
 - ii) Government agencies will coordinate their plans with Madison County in regard to pest control actions and regulations.
 - iii) Government agencies will be required to prepare and implement plans for controlling predatory animals, rodents, and noxious weeds in accordance with proven and recognized husbandry practices.

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- iv) Madison County recognizes trapping as a historical and environmentally sound method of controlling predatory animals and reducing property damage and recognizes its legitimate use.
- v) Madison County advocates the control of disease-bearing vectors because they are a recognized threat to public health.
- g) *Timber and Wood Products Policies.* The custom and culture associated with timber and wood products production in Madison County is necessary to the livelihood and wellbeing of its citizens. Therefore, it is the policy of Madison County to protect timber resources and promote the continuation of a sustainable wood products industry by providing economic opportunity, relying on self-determination, and ensuring open market conditions. The quorum court seeks to ensure all of the following:
 - i) Madison County may promote sale sizes that provide opportunities for a wide spectrum of producers and that allow for local entrepreneurs.
 - ii) Madison County may explore market and incentive systems to reduce administrative and harvest costs on federal and state lands.
 - iii) Madison County may examine and implement programs based on market and incentive systems to increase the profitability of harvesting small-diameter timber stands.
 - iv) Opportunities for sustainable wood products industry will be continued at levels consistent with custom and culture and affected by prevailing market conditions.
- h) *Cultural Resources, Recreation, Wildlife, and Wilderness Policies.* Madison County will promote and facilitate public and private recreational and cultural wilderness and wildlife opportunities compatible with local custom and culture, and within the constraints of private property rights and local self-determination, and endorses all of the following polices:
 - i) Madison County shall comply with the regulations surrounding the management of all federal- and state-listed threatened or endangered species found in Madison County.
 - ii) Madison County Quorum Court will serve as a Madison County Wildlife Committee. Federal and state land and wildlife management and enforcement agencies will coordinate with the Quorum Court on all matters regarding wildlife.

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- iii) No additional wilderness areas will be designated and no existing wilderness area land boundaries will be extended in Madison County without the approval of the landowner and the Madison County Quorum Court.
- i) *Mineral and Natural Resources and Policies.* Madison County recognizes that the development of its abundant mineral and natural resources is desirable and necessary to the state and the nation. Any changes in state or federal policy will be coordinated with Madison County Quorum Court.
- j) *Archeological Resources.* It is the policy of Madison County that archeological studies required by the federal, state, or any other organization shall be coordinated with the county, that archeological studies shall be paid for by the agency requesting the study, and that all studies shall be done in a timely manner and the environment restored to its natural state upon completion of the archeological study.
- k) *Monitoring and Compliance.* Madison County shall develop monitoring and compliance standards to evaluate the comprehensive land use plan and to ensure consistency between federal and state actions and activities and the land use requirements enumerated herein.
 - i) Federal and state agencies will coordinate with the county in the collection of all monitoring data and in the analysis of all resource conditions.
 - ii) Madison County shall enforce compliance with this comprehensive land use plan and shall monitor consistency between federal and state actions and activities and the land use requirements enumerated herein.

7) MANAGEMENT ACTIONS.

- a) *Interagency Notification.* It is the nature and intent of Madison County government land management planning to protect the custom and culture of county citizens through protection of private property rights, the facilitation of a free market economy, and the establishment of a process to ensure self-determination by local communities and individuals. It is the policy of Madison County that federal and state agencies will inform local governments of all pending actions, both within and without the boundaries of Madison County, affecting local communities and citizens and to coordinate with them in the planning and implementation of those actions.

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The Madison County Quorum Court, when affected by such actions, will be consulted and coordinated with in accordance with the laws of Arkansas and the laws of the United States. As stated in federal and state laws, all federal and state agencies shall comply with the plan and coordinate with the quorum court for the purpose of planning and managing federal and state lands within the geographic boundaries of Madison County, Arkansas. Federal and state agencies proposing actions that impact the plan will prepare and submit in writing, and in a timely manner, a report(s) on the purposes, objectives and estimated impacts of such actions –including economic- to the Madison County Quorum Court. The report(s) shall be provided to the Madison County Land Use Committee, C/O Madison County Judge's Office, P.O. Box 37, Huntsville, Arkansas, 72740, for review and recommendation with regard to appropriate action to be taken by the county.

- 8) **THE CONTINUING PROCESS.** The land use committee and the quorum court recognize that the General Planning Guidance and the Action Alternatives set forth in this land use plan constitute the continuation of a constantly ongoing process.

At each stage of the continuing planning process, the land use committee and the Quorum Court will consider and review the Planning Guidance and Action Alternatives set forth in this document.

Further planning alternatives will be developed and added to the plan. The ongoing planning process will include consideration of all historical and current land uses in Madison County. The land use committee will consider planning guidance and action alternatives relative to all identified uses and the impact upon them of management plans for the federally and state managed lands.

The Land Use Committee Make-Up

- a) The land use committee will consist of at least nine (9) members. All members of the committee shall be registered voters of Madison County and shall not be actively employed by any federal and/or state resource management agency.
- b) Upon adoption of this Ordinance, the land use committee shall be made up of its existing membership, together with such additional members as the Quorum Court shall desire to appoint, representing areas such as beef and dairy cattle, poultry, timber, land excavation, Huntsville Chamber of Commerce, and the Quorum Court.

It shall be the responsibility of the Quorum Court to ensure that the land use committee has adequate geographic and resource interest representation. If

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feasible, someone from each justice of the peace district should serve on the committee so the people of each district have representation.

In order to fulfill its role, the land use committee, as a whole must have both the knowledge of all the resource issues in the county and a working knowledge of this specialized land use planning process.

In order to ensure continuity and to maintain its required diversity of expertise, vacancies on the land use committee shall be filled by appointees knowledgeable in those subject areas deemed essential by the land use committee to protect the broad based interest of the county and its citizens. The County Judge shall recommend prospective committee members to the Quorum Court; however, the appointment to the committee shall become effective only upon confirmation by the quorum court.

i) The land use committee shall elect a chairperson, vice-chairperson, and secretary from its membership.

9) SEVERABILITY CLAUSE. If any provision of this Ordinance or the application thereof is held invalid, such invalidity does not affect any other provision of this Ordinance which can be given effect without the invalid provision or application, and to those ends the provisions of this Ordinance are severable.

10) EFFECTIVE DATE. This Ordinance shall take effect and be in full force and effect thirty (30) days after its passage and, before the expiration of fifteen (15) days after passage of this Ordinance, it shall be published once in the *Madison County Record*, a newspaper of general circulation published in the County of Madison, State of Arkansas.

Introduced at a regular meeting of the Madison County Quorum Court held on the 15th day of November, 2004, and passed and adopted by the Quorum Court of the County of Madison, State of Arkansas, on the 15th day of November, 2004.
(Ord. 2004-002, passed 11-15-04)

§ 1320.01 SUBDIVISION REGULATIONS.

1) GENERAL PROVISIONS.

a) *Jurisdiction.*

i) These regulations shall apply to all land in the unincorporated territory of Madison County. However, in unincorporated areas adjoining the corporate limits of a municipality in which the authority to control the subdivision of land is vested and is being now or thereafter exercised, the

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municipal authority shall transmit copies of proposed plats for the jurisdiction areas to the Quorum Court thirty (30) days prior to the court's regular meeting date for review and comment. The comments and review shall be made known to the municipal authority, in writing, within thirty (30) days after the Quorum Court meets unless further time is allowed by the municipal authority.

- ii) Where this Ordinance addresses such specific street or road designs and construction criteria references herein shall refer to the road construction plan of Madison County, Arkansas.

2) DEFINITIONS.

- a) **Alley** – a minor street, road, or public way used for utility easements and vehicular service access to the back or the side of property abutting a street or road.
- b) **Building Setback Line(s)** – A line parallel to the road right-of-way and lot lines indicating the limit beyond which buildings or structures may not be erected.
- c) **Committee** – Review committee consisting of the County Judge, a member of the Quorum Court selected annually by a vote of the court, and a person knowledgeable in the areas of construction and subdivision also chosen by a vote of the Quorum Court.
- d) **County Road Ordinance** – County street/road standards set by the Madison County Road Plan.
- e) **Cul-de-sac** – A road or street having one end open to the traffic and being terminated at the other end by vehicular turnaround.
- f) **Easement** – a grant by a property owner to the public, a corporation, or persons of the use of a strip of land for a specific purpose.
- g) **Highways, Roads, and Streets** – A dedicated public right-of-way which provides vehicular and pedestrian access to adjacent properties.
 - i) **Other Principal Arterial** – U.S. highways.
 - ii) **Minor Arterial** – State highways.
 - iii) **Major Collector** – Intended to serve cities with populations of 200 to 2,000.
 - iv) **Minor Collector** – Roads rural in character.

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- v) **Local Service Street** – A non-through neighborhood street within a particular area mainly used for access to properties.
- h) **Improvements** – Street or road grading and surfacing, curbs and gutters, water mains and lines, sanitary and storm sewers, culverts and bridges, and other utilities and related items.
- i) **Lot** – A portion of a sub-division or any parcel of land intended as a unit of transfer or ownership or for development.
- j) **May** – The word “MAY” is a permissive term.
- k) **Monuments** – Iron pins and concrete markers.
- l) **Plat** – A map or drawing and accompanying material indicating the layout and design of a proposed subdivision or lot-split prepared by a developer for consideration and approval by the administrative authority. Such plats may be the preliminary plat or the final plat.
- m) **Quorum Court** – Madison County Quorum Court.
- n) **Shall** –The word “SHALL” is a mandatory term.
- o) **Street, Dead End** – A street or road similar to a cul-de-sac but providing no turnaround at its closed end.
- p) **Subdivider** – A person, firm, or corporation or other entity undertaking to develop a subdivision as defined in these regulations. “Subdivider” and “Developer” are synonymous.
- q) **Subdivision** – Any division of a lot, tract, or parcel of land, whether by platting or by metes and bounds into three (3) or more lots or parcels for the purpose of transfer of ownership or development, including the combination of three (3) or more previously platted lots. The term subdivision shall apply also to any division of land involving the dedication of a road to the public, including ingress and egress easements, provided however, that any division of land into lots or parcels of five (5) acres or more shall not be deemed a subdivision unless road, including ingress and egress easement, is involved. The following transactions are exempt:
 - i) Property inherited by will or trust;
 - ii) Family division (defined as transaction exempt under the Arkansas Real Property Transfer Act (as amended), involving transfers between a father and mother and their descendants and brothers and sisters and their

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descendants for the purpose of constructing one's own home on the parcel conveyed);

iii) Judicial action regarding division of land.

3) PROCEDURE OF PLAT APPROVAL.

a) *Objective: To Establish a Uniform Procedure that Developer Shall Follow to Obtain Plat Approval.*

i) Normally the approval process involves the preparation by the developer and approval by the Quorum Court of a preliminary plat and final plat for the land proposed for development.

ii) In the event the plat as submitted by the applicant is disapproved by the three-person review committee, the applicant may petition the Quorum Court for a review of the committee's action. The Quorum Court may sustain the disapproval of the committee, refer the plat back to the committee for restudy, or overrule the committee's decision.

b) *Pre-Platting Preparation.* The developer shall consult with the committee or its representative prior to the preparation of the preliminary plat. In connection with such consultations, the developer should indicate on a pencil sketch plan his subdivision proposal and request check lists and instructions to guide him in the preparation of the plat. He should also familiarize himself with the regulations, the County Road Plan, and with other official plans and policies of the County. If a developer wants an exemption from any requirement of this Ordinance, he must submit a pencil sketch plan of the proposed change(s) and submit his exemption request in writing.

c) *Preliminary Plat Approval Procedures.* The following actions and conditions relate to the preliminary plat approval procedures:

i) Submission to Review Committee. The subdivider shall submit to the Madison County Judge's Office four (4) copies of a preliminary plat together with the pertinent supporting data no less than fifteen (15) days prior to the meeting at which the plat is to be considered. Upon approval of the plats, one copy will be dated and signed for the committee's files. The committee may require additional copies if deemed necessary.

ii) Action by the Review Committee. Within fifteen (15) days after meeting, the review committee shall indicate its approval, disapproval, or

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conditional approval of the plat. The reasons for disapproval or conditional approval shall be stated in writing.

- iii) Expiration of Approval. The approval of the preliminary plat shall lapse unless a final plat of the subdivision is submitted to the review committee within one (1) year following date of approval.
 - iv) Approval as Authorization to Install Improvements. Approval of the preliminary plat does not constitute approval for filing the plat with the Madison County Circuit Clerk. It is, however, authorization for the subdivider to proceed with the installation of improvements or to submit guarantees in lieu of improvements.
 - v) Preliminary Plat Must Show Layout of Entire Development. If the developer desires presently to develop only a portion of the entire area intended for development, a preliminary plat indicating the boundaries of the entire area, but with detailed survey information only for the section being developed, will be required in order that each part may be properly related to the total area.
- d) *Final Plat Approval Procedures.* The following actions and conditions relate to the final plat approval procedures:
- i) Submission to Madison County Quorum Court. After approval of the preliminary plat, and after the required improvements have been installed or provisions for their installation have been made, the developer shall submit, not less than fifteen (15) days prior to a regularly scheduled Quorum Court meeting, ten (10) copies of a final plat together with certification and other supporting information to include, but not be limited to, signatures from appropriate health department and utility company officials.
 - ii) Action by Madison County Quorum Court. Within forty-five (45) days after its submission, the Quorum Court shall approve, disapprove, or conditionally approve the plat. If disapproved, the reasons shall be recorded in the Quorum Court minutes and transmitted in writing to the subdivider.
 - iii) Final Plat for a Portion of a Subdivision. If a subdivider desires to develop only a portion of the area for which the preliminary plat has been approved, the Quorum Court may approve a final plat for a portion of the preliminary plat.

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- iv) Acceptance of Public Streets and Public Spaces. The County Judge shall have the authority to approve or disapprove the acceptance of said streets or roads. Should the County Judge disapprove the streets/roads, the subdivider shall place a sign or signs in a readily visible place or places stating such. Further, the subdivider shall be responsible for making sure that the sign(s) remain erected at all times until (if ever) the streets or roads are accepted.

- v) Recording of the Final Plat. A copy of the approved final plat with evidence of approval of the final plat by the Quorum Court and evidence of approval or disapproval of streets/roads by the County Judge shall be filed with the Madison County Circuit Clerk. The Circuit Clerk shall not accept any plat for record without evidence of approval of both the Quorum Court and the County Judge's approval or disapproval of the streets/roads. Evidence of approval shall be the signatures on the plat of both the Quorum Court members and the County Judge. At the same time the final plat is recorded, any restrictive covenants also shall be filed with the Circuit Court.

4) PLAT REQUIREMENTS.

- a) *Objective.* To set forth the minimum information that is needed on a subdivision plat and accompanying the plat for the review committee to determine if the subdivision complies with the land development regulations and meets the legal requirements for filing and recording purposes.

- b) *Plat Size and Scale.* The scale of the preliminary plat shall be not less than that one inch (1") equals fifty feet (50'). The final plat shall be prepared on sheets 18x24". One copy of the final plat will be on a non-fade type paper (Mylar) of the same size.

- c) *Right of Survey.* The review committee may have a survey made of the boundary of the subdivision to determine if said description is correct; in the event there is an error in said description, the subdivider shall pay for said survey and correct the boundary description to the satisfaction of the committee.

- d) *Plat Information.* Whenever the letter X is opposite an item, that information shall be shown on the plat at the time the plat is presented to the review committee. At the time the preliminary plat is submitted, any restrictive covenants shall also be presented to the review committee for their approval.

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		Preliminary Plat	Final
Name of Subdivision, Including City, County and State.		X	X
Names and Addresses of the Owners, Developers, and the Engineer and/or Surveyor Preparing the Plat and the Engineer's and/or Surveyor's Seal.		X	X
Boundary, Legal Description and Acreage of Tract Signed by a Certified Surveyor or Registered Engineer.		X	X
Names of Adjacent Subdivisions.		X	X
Total Acreage and Individual Tract Acreage.		X	X
Date, Graphic and State Scale, and North Arrow on All Sheets.		X	X
Vicinity Map Showing the Location of All Abutting Roads and Such Further Information as to Surrounding Territory as may be Required by the Quorum Court.		X	X
Contour Lines at Intervals Which the Review Committee Deems Sufficient.		X	
Location of all Roads and Streets (Names or Numbers, Alleys, and Easements) Within and Bordering Tract.		X	X
Dimensions of Streets, Alleys, Easements, Blocks and Lots Numbered or Lettered.		X	X
Bearings of All Lot, Block, or Street Lines Which Are Not 90 Degree Angles.			X
Location of Monuments Including Both Lot Corners and Changes in Directions as Defined in Section 2, DEFINITIONS.		X	X
Location of Building Lines.		X	X
Location and Dimensions of Any Nonresidential Property.		X	X
Certifications	Approval of Review Committee	X	X
	Approval of Quorum Court		X
	Approval of Streets by County Judge		X
	Ownership and Dedication		X
	Accuracy by Registered Engineer and/or Licensed Surveyor as Required by Law		X
	Actual Monumentations of Lot Corners		X
	Review and Approval of Street Names and Addresses by the		X

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	Madison County 9-1-1 Coordinator		
Accompanying Information	Approval of Water and Sewer by State Health Department		X
	Certification of Improvements		X
	Notice of Restrictive Covenants		X
	Location and Description of all Underground Utilities	X	X
	Certification by Abstractor as to Ownership of Lands Involved		X

5) DESIGN AND LAYOUT.

- a) *Objective.* To identify those physical features that affect the internal arrangements of subdivisions and to set forth design and layout standards that will assure the development of safe, attractive, efficient, and economical residential areas.
- b) *Special Conditions.* Whenever the tract to be subdivided is of such unusual size, shape, or topography, or is surrounded by such development or conditions that the provisions of these regulations shall result in substantial hardship on the subdivider, the review committee may vary or modify such requirements to the end that the subdivision may be developed consistent with public welfare and safety. Such a variance may be granted only by the affirmative vote of the majority of the review committee.
- c) *Streets.*
 - i) Projection of Major Streets. Major streets in a subdivision shall conform to the general and be a continuation or approximate projection of existing major streets in surrounding areas.
 - ii) Local Service Streets. Minor streets shall be laid out in a manner that will discourage through traffic.
 - iii) Street Intersections. Streets shall be laid out as to intersect as nearly as possible at angles, and no street shall intersect another street at an angle of less than sixty degrees (60°). To assure adequate sight distance, anything, including shrubs which obstruct view, shall not be permitted within twenty feet (20') of the intersection.
 - iv) Dead-End Streets. Dead-end streets, designed to be so permanently, shall be provided at the closed end with a turnaround having a property line diameter of at least eighty feet (80').

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- v) Street Width. Street right-of-way widths and pavement shall be as stated in the Madison County Road Plan.
 - vi) Curbs and Gutters. If curbs and gutters are installed, the curb shall be six inches (6") high and six inches (6") wide and the gutter eighteen inches (18") wide and six inches (6") deep. Both shall be constructed of concrete.
 - vii) Street Surfaces. Street surfaces must comply with the minimum requirements of the Madison County Road Plan and be accepted by the County Judge.
 - viii) Street Grades. Street grades shall be in accordance with the Madison County Road Plan.
 - ix) Street Jogs. Street jogs with centerline offsets of less than one hundred and twenty-five feet (125') shall be avoided.
 - x) Street Curves. Curves in streets shall have a radius adequate to insure distances sufficient to permit a driver to stop safely.
 - xi) Subdivision with Major Streets. Where a subdivision abuts or contains a major street, the review committee may require such improvements as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic. These improvements may include, but not necessarily be limited to, marginal access streets, reverse frontage with screen planting contained in a non-access reservation along the rear property line, and deep lots with rear service alleys.
 - xii) Half Streets. Half streets shall be prohibited except where essential to the reasonable development of the subdivision in conformity with other requirements of these regulations and where the review committee finds it will be practical to require the dedication of the other half when the adjoining property is subdivided. Wherever a half street is adjacent to a tract to be subdivided, the other half of the street shall be platted within such tract.
 - xiii) Street Names or Numbers. Names or numbers of existing streets shall not be used for new streets, and there shall be only one name for each street. Street names shall be subject to the approval of the 9-1-1 supervisor.
- d) *Blocks.*

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- i) Length, Width, and Shape. The length, width, and shape of blocks shall be determined with due regard to:
 - 1. Adequate building sites suitable to the type of use contemplated.
 - 2. Need for convenient access, circulations, control, and safety of street traffic.
 - 3. Topography.
 - ii) Blocks Shall be Large Enough to Accommodate Two Tiers of Lots and Shall be at Least Two Times the Width in Length. When a block exceeds six hundred feet (600') in length, the review committee may require a dedicated easement no less than fifteen feet (15') in width and a paved crosswalk of not less than four feet (4') in width, to provide pedestrian access across the block.
- e) *Lots.*
- i) Lot Size and Shape. Lot size, width, depth, shape, orientation, and the minimum building setback lines shall be appropriate for the location of the subdivision and for the type of development and use contemplated.
 - ii) Lot Dimensions. Lot dimensions shall be as follows:
 - 1. Residential lots where served by public sewer shall be not less than seventy-five feet (75') wide at the building setback line or ten thousand square feet (10,000 ft²) in area.
 - 2. Widths and areas of residential lots not served by public sewer shall be determined with respect to soil conditions and state and local health regulations and standards.
 - iii) Corner Lots. Such lots shall have an extra width to permit appropriate setback from and orientation to both streets.
 - iv) Street Access. Each lot shall be provided satisfactory access to a public local-service street or other road.
 - v) Building Setback Lines. Building setback lines shall be a minimum of twenty-five feet (25') on the front, fifteen feet (15') on each side, and twenty feet (20') on back of each lot.
- f) *Easements and Public Dedication.*

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- i) Utilities. Easements across lots or centered on rear or side lot lines shall be provided where necessary and shall be at least ten feet (10') wide.
- ii) Drainage. Easements adequate in width shall be provided where necessary for water courses and storm water drainage and shall include at least twenty feet (20') on both sides of the centerline of the water course.
- iii) Public Dedication. All land held for public use shall be dedicated as provided by law.

g) *Grades and Profiles.*

i) Utilities.

- 1. Profile sheets indicating the grades for storm and sanitary sewers shall be submitted when installation of the same is required.

h) *Topography and Natural Features.*

i) Topography Map.

- 1. The review committee may require a topographic map of the subdivision with a contour interval of such specification which is deemed sufficient for conveying the appropriate and needed topographic information, the subdivider also may be required to indicate natural features such as drainage ways (creeks, etc.), ponds, trees, etc., on the topographic map.

- 6) IMPROVEMENTS. In order to protect new land owners and to reduce maintenance costs in Madison County, the subdivider shall provide for the installation of the following improvements at his own expense in accordance with standards and specifications adopted by the Quorum Court.

a) *Procedural Requirements Relative to Improvements.*

- i) Sketch Plat. No information concerning actual improvements is required.
- ii) Plat Preparation. At the time of plat preparation, the subdivider shall prepare the necessary information required in respect to improvements.
- iii) Preliminary Approval. Preliminary approval shall be given when plans meeting the requirements for improvements are improved.
- iv) Final Plat Approval. Final approval shall be given when the following have been met:

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1. Evidence of installation of improvements in the form of certificate containing the signatures of the proper officials as to compliance.
 2. A deposit with the County of Madison of an amount equal to one and one-fourth times the estimated cost of the improvements which the developer may be permitted to draw on upon completion of various stages of his improvements.
 3. A one-year warranty bond based on value of fifty percent (50%) of the actual cost of the improvements.
 4. Certification from the Madison County Tax Collector's Office that there are no delinquent taxes or special assessments currently due or payable on any of the land in the plat including dedicated for public.
 5. Engineer's and/or surveyor's certificate certifying that said improvements meet the standards as set forth in the subdivision Ordinance.
 6. If the subdivision is adjacent to and/or connected to any state or federal highway, a statement from the Arkansas State Highway Department that the plat is coordinated with state and federal highways, existing or planned.
- v) The appropriate county officials shall be responsible for certifying proper installations of required improvements.
- b) *Required Improvements.*
- i) Water Distribution System. Where it is determined by the review committee that public water is available to the subdivision, each lot in the subdivision shall be served with an adequate supply of water from the public water system.
 - ii) Sanitary Sewer System. Where it is determined by the review committee that a sanitary sewer system is available to the subdivision, each lot in the subdivision shall be provided with sanitary sewer service.
 - iii) Sanitation. Where it is determined by the review committee that a public water supply and/or sanitary sewer system is not available, then evidence shall be shown by the subdivider that an alternate water supply will be provided by the buyer.

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- iv) Storm Water Drainage. Where it is determined by the review committee that an underground storm water drainage system is available and that connection thereto is feasible, then the entire subdivision shall be provided with underground storm water drainage facilities and connected with the existing system. Where an underground storm water drainage system is installed, emergency surface drainage overflows shall be provided to prevent possible flooding in the event of failure of the underground drainage system. Where an underground storm water drainage system is not available, then adequate surface storm water drainage shall be installed and connected to existing surface drainage facilities.
 - 1. Diversion of storm water flow shall be avoided if at all possible. If storm water is to be diverted from its natural course, the plat shall show the locations of the existing waterway and the location of the proposed channel. Provisions shall be made for the sodding or paving of open waterways to prevent erosion or silting.
 - v) Streets. Streets shall be installed and surfaced in accordance with the Madison County Road Plan.
 - vi) Sidewalks. When sidewalks are required, they shall be a minimum width of forty-two inches (42") and shall be located within the street right-of-way at a distance of one foot (1') from the property line.
 - vii) Monuments. Concrete monuments four inches (4") in diameter or square and three feet (3') long with one half inch (1/2") metal reinforcing rod running the length of the monument shall be placed with the top flush to the ground at all quarter section points within or on the boundary of the subdivision and at all angle points of the subdivision boundary.
 - 1. Metal rods, five-eighths inch (5/8") in diameter and twenty-four inches (24") long, shall be placed within the top flush to the ground at each corner of every block, or portion of a block, at points of curvature and points of tangency on street lines, and at all corners.
 - 2. In situations where conditions prohibit the placing of markers in the locations prescribed, off-set markers shall be permitted.
- c) *Standards for Improvements and Approval of Plans for Improvements.* The standards for water and sanitary sewers shall be the minimum as required by the appropriate agency.

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7) GENERAL.

- a) *Severability.* If any section, paragraph, clause, phrase, or part of these subdivision regulations is for any reason invalid, such shall not affect the validity of the remaining provisions of these regulations and the applications of these provisions to any persons or circumstances shall not be affected thereby.
- b) *Amendments.* On any proposed amendments to these regulations, the review committee shall hold a public hearing for which fifteen (15) days advance notice in a local newspaper of general distribution has been published. Following such hearing, the Quorum Court may adopt the amendment or amendments as recommended by the review committee.
- c) *Fees.* For each preliminary plat submitted (does not mean copies of same plat), the fee shall be fifteen dollars (\$15.00) plus fifty cents (.50¢) for each lot.
 - i) For each final plat submitted (does not mean copies of same plat), the fee shall be fifteen dollars (\$15.00) plus fifty cents (.50¢) for each lot. All fees shall be paid to the Madison County Treasurer who will report to the Quorum Court that said fees were paid.
- d) *Building Permits.* Building permits and certificates of approval of water supply and disposal of sanitary wastes from the County Health Officer, State Health Inspector, or person designated by the review committee shall be required for all new dwellings.
- e) *Enforcement.* In order to carry out the purpose of these regulations and to assure an orderly program of land development after the effective date of these regulations:
 - i) No subdivision final plat within the unincorporated area of Madison County, Arkansas, shall be accepted by the Madison County Recorder for filing or recording unless said final plat has been approved by the Madison County Quorum Court.
 - ii) No dedication of streets or roads shall, by itself, be accepted by the administrative authority unless usage of the adjoining affected land is shown. If the purpose of opening the street or road is to make the affected land available for sale as a subdivision, the street or road may not be accepted until accompanied by the required plat.
- f) *Penalty.* Any person, firm, corporation, or other entity that violates any provision of these regulations or amendments thereto shall be fined not less than one

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hundred dollars (\$100.00) and not more than one thousand dollars (\$1,000.00). In addition to this provision, a fine of a minimum of one hundred dollars (\$100.00) and a maximum of one thousand dollars (\$1,000.00), the specific amount to be determined by the Quorum Court, shall be levied each day that any violation of these regulations is in effect.

- 8) REPEALER. All Ordinances, laws, or parts of Ordinances or laws in conflict with this Ordinance, or inconsistent with the provision for these regulations, are hereby repealed to the extent necessary to give this Ordinance full force and effect.

- 9) EFFECTIVE DATE. This Ordinance shall take effect and be in full force and effect thirty (30) days after its passage, and before the expiration of fifteen (15) days after passage of this Ordinance, it shall be published once in *The Madison County Record*, a newspaper of general circulation published in the County of Madison, State of Arkansas.
(Ord. 2005-002, passed 5-16-05)

Article III. ECONOMIC DEVELOPMENT

A.C.A. §§ 14-173-101-105. City and County Economic Development Grant Authorization Act.

A.C.A. §§ 14-169-901-903. Subchapter intention.

It is the intention of this subchapter to permit municipal and county government in the State of Arkansas to participate fully in the Community Development Act of 1974, specifically, but not limited to, community development activities eligible for assistance in section 105 of it, and to have their governing bodies exercise any and all powers conferred on housing authorities and urban renewal agencies, including, but not limited to:

- (1) Eminent domain;
- (2) Redevelopment activities;
- (3) Housing;
- (4) Public housing;
- (5) Urban renewal; and
- (6) Community development in its broadest sense.

Section

Reserved.

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Article IV. HOUSING

A.C.A. §§ 14-54-1601-1606. The Affordable Housing Accessibility Act.

A.C.A. §§ 16-123-201-210. Arkansas Fair Housing Act.

Section

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**Article V. WATERCOURSE, DRAINAGE, IRRIGATION, FLOOD
CONTROL SERVICES**

A.C.A. §§ 14-121-101-1110. Drainage Improvement Districts Generally.

**A.C.A. §§ 14-117-101-427. Arkansas Irrigation, Drainage, and Watershed Improvement
District Act of 1949.**

A.C.A. § 14-16-112. Flood control improvements.

- (a) (1) The counties of this state are authorized and empowered to enter upon, take, and hold any lands or interest, easement or servitude therein, whether by purchase, grant, donation devise, or otherwise, that may be necessary and proper for the location, construction, operation, repair, or maintenance of any floodway, reservoir, spillway, levee or diversion, or other flood control improvements.

- (2) (A) In order to acquire such rights, easements, and servitudes, the counties are given the authority and power to condemn land or interest therein for these purposes.

(B) In the event it becomes necessary for counties to exercise the right of eminent domain, condemnation proceedings shall be instituted and conducted in the same manner as provided in §§ 18-15-304—18-15-307.

- (b) Nothing in this section shall ever be so construed or applied as to relieve the federal government of any liability or responsibility which it has assumed by the passage of the Flood Control Act of May 15, 1928, or the Flood Control Act of June 15, 1936, or any other existing law, or any law that may hereafter be passed by the Congress of the United States.

Section

Reserved.

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Chapter 14 - Other County Services

Chapter 14: OTHER COUNTY SERVICES

Section

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