

1 **State of Arkansas**
2 **79th General Assembly**
3 **Regular Session, 1993**
4 **By: Senator Malone**

A Bill

ACT 194 OF 1993
SENATE BILL 153

For An Act To Be Entitled

8 "AN ACT TO INCREASE THE NUMBER OF COMMISSIONERS ALLOWED
9 FOR HISTORIC DISTRICTS; AND FOR OTHER PURPOSES."

Subtitle

11 "TO INCREASE THE NUMBER OF COMMISSIONERS ALLOWED FOR
12 HISTORIC DISTRICTS."

14 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

16 *SECTION 1. Arkansas Code Annotated §14-172-203 is amended as follows:*
17 *"§14-172-203. Applicability.*

18 *None of the provisions of this subchapter shall be in operation until*
19 *and unless:*

20 *(1) There shall have been filed, with the clerk of the city, town or*
21 *county in which a historic district is contemplated, a petition signed by a*
22 *majority in numbers of the property owners within the proposed historic*
23 *district agreeing that their property shall be included in the historic*
24 *district; or*

25 *(2) The boundaries of the proposed historic district are identical to and*
26 *encompass the area of a National Register of Historic Places Historic District*
27 *as certified by the United States Department of the Interior."*

28
29 *SECTION 2. Arkansas Code Annotated §14-172-206(a)(1) is amended as*
30 *follows:*

31 *"(a)(1) An historic district commission shall consist of no less than*
32 *five (5) members nor more than nine (9) members. When the district is*
33 *located within the boundaries of any city or incorporated town, the commission*
34 *members shall: (i) be appointed by the mayor, subject to confirmation by the*
35 *governing body of the city; (ii) be electors of the municipality; and (iii)*
36 *hold no salaried or elective municipal office. When a district is located*

1 outside the boundaries of any city or incorporated town, the commission
2 members shall: (i) be appointed by the county judge subject to confirmation
3 by the quorum court; (ii) be electors of the county; and (iii) hold no
4 salaried or elective county office."

5

6 SECTION 3. Arkansas Code Annotated §14-172-207 is amended as follows:

7 "§14-172-207. Establishment of historic districts.

8 By ordinance adopted by vote of the governing body thereof, any city, town
9 or county may establish historic districts and may make appropriations for the
10 purpose of carrying out the provisions of this subchapter, subject to the
11 following provisions:

12 (1) (A) (i) An historic district commission, established as provided in
13 §14-172-206, shall make an investigation and report on the historic
14 significance of the buildings, structures, features, sites, or surroundings
15 included in any such proposed historic district and shall transmit copies of
16 its report to the Arkansas Historic Preservation Program, a division of the
17 Department of Arkansas Heritage, to the planning commission of the
18 municipality or county if any, and in the absence of such commission, to the
19 governing body of the municipality or county for their consideration and
20 recommendation.

21 (ii) Each such body or individual shall give its recommendation to the
22 historic district commission within sixty (60) days from the date of receipt
23 of the report.

24 (B) (i) Recommendations shall be read in full at the public hearing to
25 be held by the commission as specified in this section.

26 (ii) Failure to make recommendations within sixty (60) days after date
27 of receipt shall be taken as approval of the report of the commission.

28 (2) (A) The commission shall hold a public hearing on the establishment of
29 a proposed historic district after giving notice of the hearing by publication
30 in a newspaper of general circulation in the municipality or county once a
31 week for three (3) consecutive weeks, the first such publication to be at
32 least twenty (20) days prior to the public hearing.

33 (B) The notice shall include the time and place of the hearing, specify
34 the purpose, and describe the boundaries of the proposed historic district.

35 (3) (A) The commission shall submit a final report with its

1 recommendations and a draft of a proposed ordinance to the governing body of
2 the municipality or county within sixty (60) days after the public hearing.

3 (B) The report shall contain the following:

4 (i) A complete description of the area or areas to be included in the
5 historic district. Any single historic district may embrace noncontiguous
6 lands; (ii) A map showing the exact boundaries of the area to be
7 included within the proposed district;

8 (iii) A proposed ordinance designed to implement the provisions of this
9 subchapter; and

10 (iv) Such other matters as the commission may deem necessary and
11 advisable.

12 (4) The governing body of the municipality or county after reviewing the
13 report of the commission shall take one (1) of the following steps:

14 (A) Accept the report of the commission and enact an ordinance to carry
15 out the provisions of this subchapter;

16 (B) Return the report to the commission, with such amendments and
17 revisions thereto as it may deem advisable, for consideration by the
18 commission and a further report to the governing body of the municipality or
19 county within ninety (90) days of such return; or

20 (C) Reject the report of the commission stating its reasons therefor
21 and discharge the commission.

22 (5) The commission established under the provisions of this subchapter,
23 by following the procedures set out in subdivisions (2) to (4), inclusive, of
24 this section, may from time to time suggest proposed amendments to any
25 ordinance adopted under this section or suggest additional ordinances to be
26 adopted under this section."

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28 SECTION 4. Arkansas Code Annotated §14-172-208(a)(1) is amended to read
29 as follows:

30 "(a)(1) No building or structure, including stone walls, fences, light
31 fixtures, steps, and paving or other appurtenant fixtures, shall be erected,
32 altered, restored, moved, or demolished within an historic district until
33 after an application for a certificate of appropriateness as to exterior
34 architectural features has been submitted to and approved by the historic
35 district commission. The municipality or county shall require a certificate

1 of appropriateness to be issued by the commission prior to the issuance of a
2 building permit or other permit granted for purposes of constructing or
3 altering structures. A certificate of appropriateness shall be required
4 whether or not a building permit is required."
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6 SECTION 5. All provisions of this act of a general and permanent nature
7 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
8 Revision Commission shall incorporate the same in the Code.
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10 SECTION 6. If any provision of this act or the application thereof to
11 any person or circumstance is held invalid, such invalidity shall not affect
12 other provisions or applications of the act which can be given effect without
13 the invalid provision or application, and to this end the provisions of this
14 act are declared to be severable.
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16 SECTION 7. All laws and parts of laws in conflict with this act are
17 hereby repealed.
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19 /s/ Senator Malone
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21 APPROVED: 2/24/93
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