

**Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.**

1 State of Arkansas  
2 83rd General Assembly  
3 Regular Session, 2001  
4

*As Engrossed: H2/8/01*

# A Bill

**Act 568 of 2001**  
HOUSE BILL 1533

5 By: Representative Clemons  
6 By: *Senator Wilkins*  
7

## **For An Act To Be Entitled**

10 AN ACT TO AMEND ARKANSAS CODE 12-75-108 TO AUTHORIZE  
11 LOCAL MUNICIPAL OR COUNTY REGULATORY ORDINANCES TO BE  
12 SUSPENDED UP TO THIRTY (30) DAYS IN CASE OF A LOCAL  
13 DISASTER EMERGENCY; AND FOR OTHER PURPOSES.  
14

### **Subtitle**

15 TO AUTHORIZE THE SUSPENSION OF LOCAL  
16 MUNICIPAL OR COUNTY REGULATORY  
17 ORDINANCES DURING A LOCAL DISASTER  
18 EMERGENCY.  
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22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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24 SECTION 1. Arkansas Code 12-75-108 is amended to read as follows:  
25 12-75-108. Local disaster emergencies - Declaration.

26 (a)(1) A local disaster emergency may be declared only by the principal  
27 executive officer of a political subdivision.

28 (2) It shall not be continued or renewed for a period in excess  
29 of seven (7) days except by or with the consent of the governing body of the  
30 political subdivision.

31 (3) Any order or proclamation declaring, continuing, or  
32 terminating a local disaster emergency shall be given prompt and general  
33 publicity and shall be filed promptly with the city or county clerk, as  
34 applicable.

35 (b)(1) The effect of a declaration of a local disaster emergency is to  
36 activate the response and recovery aspects of any and all applicable local or

1 interjurisdictional disaster emergency plans and to authorize the furnishing  
2 of aid and assistance thereunder.

3 (2)(A) In addition to other powers conferred on the principal  
4 executive officer declaring a local disaster emergency, the principal  
5 executive officer may suspend the provisions of any local regulatory  
6 ordinances or regulations for up to thirty (30) days if strict compliance with  
7 the ordinance provisions would prevent, hinder, or delay necessary actions to  
8 cope with the disaster emergency.

9 (B) Local regulatory ordinances include, but are not  
10 limited to, zoning ordinances, subdivision regulations, regulations  
11 controlling the development of land, building codes, fire prevention codes,  
12 sanitation codes, sewer ordinances, historic district ordinances, and any  
13 other regulatory type ordinances.

14 (c) No interjurisdictional agency or official thereof may declare a  
15 local disaster emergency unless expressly authorized by the agreement pursuant  
16 to which the agency functions. However, an interjurisdictional disaster agency  
17 shall provide aid and services in accordance with the agreement pursuant to  
18 which it functions.

19 /s/ C lemons

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22 APPROVED: 3/5/2001  
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