

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

# A Bill

**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."*

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)*

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

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

8 "§14-172-207. Establishment of historic districts.

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

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

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

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

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

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

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

1           (3) (A) The commission shall submit a final report with its  
2 recommendations and a draft of a proposed ordinance to the governing body of  
3 the municipality or county within sixty (60) days after the public hearing.

4           (B) The report shall contain the following:

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

8 included within the proposed district;

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

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

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

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

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

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

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

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

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

1 district commission. The municipality or county shall require a certificate  
2 of appropriateness to be issued by the commission prior to the issuance of a  
3 building permit or other permit granted for purposes of constructing or  
4 altering structures. A certificate of appropriateness shall be required  
5 whether or not a building permit is required."

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7 SECTION 5. All provisions of this act of a general and permanent nature  
8 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code  
9 Revision Commission shall incorporate the same in the Code.

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11 SECTION 6. If any provision of this act or the application thereof to  
12 any person or circumstance is held invalid, such invalidity shall not affect  
13 other provisions or applications of the act which can be given effect without  
14 the invalid provision or application, and to this end the provisions of this  
15 act are declared to be severable.

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17 SECTION 7. All laws and parts of laws in conflict with this act are  
18 hereby repealed.

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20 /s/ Senator Malone

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