

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 85th General Assembly
3 Regular Session, 2005
4

As Engrossed: S3/16/05

A Bill

SENATE BILL 1039

5 By: Senator Bryles
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For An Act To Be Entitled

9 AN ACT TO PROVIDE FOR THE ENFORCEMENT OF LAWS
10 REGULATING JUNKYARDS THAT ARE VISIBLE FROM THE
11 MAIN-TRAVELED WAY OF ANY INTERSTATE OR PRIMARY
12 STATE HIGHWAY; AND FOR OTHER PURPOSES.
13

Subtitle

14 TO PROVIDE FOR THE ENFORCEMENT OF LAWS
15 REGULATING JUNKYARDS THAT ARE VISIBLE
16 FROM THE MAIN-TRAVELED WAY OF ANY
17 INTERSTATE OR PRIMARY STATE HIGHWAY.
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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23 SECTION 1. Arkansas Code § 27-74-402 is amended to read as follows:
24 27-74-402. Definitions.

25 As used in this subchapter, unless the context otherwise requires:

26 (1) "Junk" means old or scrap copper, brass, rope, rags,
27 batteries, paper, trash, rubber debris, and waste, or junked, dismantled, or
28 wrecked automobiles, or parts thereof, or iron, steel, and other old or scrap
29 ferrous or nonferrous materials;

30 (2) "Automobile graveyard" means any establishment or place of
31 business which is maintained, used, or operated for storing, keeping, buying,
32 or selling, of five (5) ~~of~~ or more wrecked, scrapped, ruined, or dismantled
33 motor vehicles;

34 (3) "Junkyard" means an establishment or place of business which
35 is maintained, used, or operated for storing, keeping, buying, or selling
36 junk, or for the maintenance or operation of an automobile graveyard. The



1 term shall also include garbage dumps and sanitary fills~~r~~; and

2 (4) "County prosecuting attorney or city attorney" means a
3 county prosecuting attorney or city attorney with the lawful authority for
4 prosecution on behalf of the county or city where the violation under this
5 subchapter occurs.

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7 SECTION 2. Arkansas Code § 27-74-404 is amended to read as follows:
8 27-74-404. Enforcement.

9 (a) The General Assembly finds and declares that junkyards and
10 automobile graveyards which do not conform to the requirements of this
11 subchapter are public nuisances.

12 (b) Therefore, the right is conferred upon the commission, the county
13 prosecuting attorney, or the city attorney to enforce the provisions of this
14 subchapter by means of restraining order, mandatory injunction, or other
15 appropriate remedy for the abatement of these public nuisances.

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17 SECTION 3. Arkansas Code § 27-74-407 is amended to read as follows:
18 27-74-407. Screening and removal - Compensation.

19 (a) The commission, the county prosecuting attorney, or the city
20 attorney is authorized and empowered to require the screening of any junkyard
21 by natural objects, plantings, fences, or other appropriate means, so as not
22 to be visible from the main-traveled way of any interstate or primary state
23 highway. The commission or the county prosecuting attorney or city attorney
24 is also authorized and empowered to require the removal from sight of any
25 junkyard not so screened which is so visible from the main-traveled way of
26 the interstate or primary state highway.

27 (b) When the commission determines that the topography of the land
28 will not permit adequate screening or that the screening would not be
29 economically feasible, then just compensation shall be paid for the
30 relocation, removal, or disposal of the following junkyards:

31 (1) Those lawfully in existence on October 22, 1965;

32 (2) Those lawfully along any highway in this state made a part
33 of the state highway system on or after October 22, 1965, and before June 29,
34 1967; and

35 (3) Those lawfully established on or after June 29, 1967.

36 (c) The commission, the county prosecuting attorney, or the city

1 attorney *is* given the option of relocation, removal, or disposal of affected
2 junkyards and the commission is also authorized to make such payments when in
3 the best interests of the state.

4 (d) No compensation shall be paid for the relocation, removal, or
5 disposal of any junkyards except those enumerated in this section.

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7 SECTION 4. Arkansas Code Title 27, Chapter 74, Subchapter 4 is amended
8 to add an additional section to read as follows:

9 27-74-409. Grants.

10 (a) There is created the "Highway Clean-up Grant Program" to be
11 administered by the State Highway Commission.

12 (b) The Highway Clean-up Grant Program shall provide grants to cities
13 and counties to assist local law enforcement, county prosecuting attorneys,
14 and city attorneys with the enforcement of this section.

15 (c)(1) The commission shall promulgate the rules necessary for the
16 implementation of the Highway Clean-up Grant Program.

17 (2) The rules shall include:

18 (A) The procedure for making an application for a grant;

19 (B) The selection criteria for a grant;

20 (C) The limitations on use of grant money; and

21 (D) A procedure to provide for accountability of grant
22 recipients and the monitoring of expenditures by grant recipients.

23 (d) This section shall be contingent on the appropriation and
24 availability of funding for the Highway Clean-up Grant Program.

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26 /s/ Bryles
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