

**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.  
Act 540 of the Regular Session**

1 State of Arkansas  
2 85th General Assembly  
3 Regular Session, 2005  
4

# A Bill

HOUSE BILL 1334

5 By: Representatives Bond, S. Prater  
6 By: Senator Capps  
7

## For An Act To Be Entitled

10 AN ACT TO AMEND LAND USE RESTRICTIONS CONCERNING  
11 PROPERTY NEAR A MILITARY INSTALLATION; AND FOR  
12 OTHER PURPOSES.  
13

### Subtitle

14 AN ACT TO AMEND LAND USE RESTRICTIONS  
15 CONCERNING PROPERTY NEAR A MILITARY  
16 INSTALLATION.  
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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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22 SECTION 1. Arkansas Code § 14-56-426 is amended to read as follows:

23 14-56-426. Control of property use - Proximity to military  
24 installation.

25 (a) Any city of the first class in this state within which there lies  
26 in whole or in part an active-duty United States Air Force military  
27 installation shall enact a city ordinance specifying that within five (5)  
28 miles of the corporate limits future uses on property which might be  
29 hazardous to aircraft operation shall be restricted or prohibited.

30 (b) The ordinance shall restrict or prohibit future uses within the  
31 five-mile area:

32 (1) Which release into the air any substance which would impair  
33 visibility or otherwise interfere with the operation of aircraft, i.e. steam,  
34 dust, or smoke;

35 (2) Which produce light emissions, either direct or indirect,



1 reflective, which would interfere with pilot vision;

2 (3) Which produce electrical emissions which would interfere  
3 with aircraft communications systems or navigational equipment;

4 (4) Which would attract birds or waterfowl, including, but not  
5 limited to, operation of sanitary landfills, maintenance of feeding stations,  
6 or the growing of certain vegetation;

7 (5) Which provide for structures within ten feet (10') of  
8 aircraft approach, departure, or transitional surfaces; or

9 (6) Which expose persons to noise greater than ~~seventy-five (75)~~  
10 sixty-five (65) decibels.

11 (c) The ordinance shall restrict or prohibit future uses within the  
12 five-mile area which violate the height restriction criteria of Federal  
13 Aviation Regulation, part 77, subpart C.

14 (d)(1) The ordinance shall be consistent with recommendations or  
15 studies made by the United States Air Force entitled Air Installation  
16 Compatible Use Zone Study, Volumes I, II, and III, dated ~~October 1992~~ April  
17 2003.

18 (2) Interpretations of such ordinance shall take into account  
19 such recommendations or studies with a view to protection of the public and  
20 maintenance of safe aircraft operations.

21 (e) The ordinance shall not prohibit single-family residential use on  
22 tracts an acre or more in area, provided that future construction shall  
23 comply with Guidelines for the Sound Insulation of Residences Exposed to  
24 Aircraft Operations, Wyle Research Report WR 89-7, which construction shall  
25 be regulated and inspected by the city's existing building permit and  
26 inspection ordinances and procedures.

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29 **APPROVED: 3/03/2005**  
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