As Engrossed: 3/16/95 4/7/95

1	State of Arkansas	
2	80th General Assembly A Bill ACT 1317 OF 1995)
3	Regular Session, 1995SENATE BILL606	;
4	By: Senator Webb	
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7	For An Act To Be Entitled	
8	"AN ACT TO AMEND ARKANSAS CODE § 5-39-212 REGARDING THE	
9	UNLAWFUL FENCING OF CEMETERIES TO CHANGE THE DEFINITION OF	
10	CEMETERIES TO ASSURE GREATER ACCESS TO AUTHORIZE COUNTY	
11	JUDGES TO IMPROVE AND MAINTAIN ACCESS ROADS LEADING TO	
12	CEMETERIES; AND FOR OTHER PURPOSES."	
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14	Subtitle	
15	"TO AMEND THE ARKANSAS LAW REGARDING THE	
16	UNLAWFUL FENCING OF CEMETERIES TO PERMIT	
17	GREATER ACCESS AND TO ALLOW COUNTIES TO	
18	IMPROVE CEMETERY ACCESS ROADS."	
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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 § 5-39-212 is amended to read as follows:	
23	"5-39-212. Cemeteries - Access - Debris - Disturbance.	
24	(a) It shall be unlawful for any person, firm, corporation,	
25	partnership, or association to:	
26	(1) Construct any fence on any property in such manner as to	
27	enclose any cemetery unless suitable access by automobile to the cemetery is	
28	provided by gate or otherwise. The word _cemetery_ as used in this subsection	
29	is not intended to apply to any private family burial plot which contains less	ļ
30	than five (5) commercial grave markers. Nothing in this section prohibits the	3
31	placement of a fence around any cemetery for the purpose of defining	
32	boundaries or protection of grave sites;	
33	(2) Place any brush, tree tops, rubbish, or other unsightly	
34	debris on any cemetery grounds, or to disturb, damage, or carry away any	
35	marker in a cemetery.	
36	(b) Any person, firm, corporation, partnership, or association	

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1 violating any of the provisions of this section shall be guilty of a 2 misdemeanor and upon conviction shall be fined in any sum not less than ten 3 dollars (\$10.00) nor more than one hundred dollars (\$100), and every day that 4 the violation shall exist shall be a separate offense." 6 SECTION 2. The county judges of the several county governments in 7 Arkansas shall be authorized to improve and maintain any roads across public 8 or private lands used or to be used for access to a cemetery. The cemetery 9 access roads shall be constructed to a standard and nature to permit their use 10 by automobiles. A cemetery as used in this section means any burying place 11 for the dead, a burial plot, a graveyard, or any land, public or private, 12 dedicated and used for the interment of human remains, which includes at least 13 five (5) commercial grave markers. 14

15 SECTION 3. All provisions of this act of general and permanent nature 16 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code 17 Revision Commission shall incorporate the same in the Code.

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19 SECTION 4. If any provisions of this act or the application thereof to 20 any person or circumstance is held invalid, the invalidity shall not affect 21 other provisions or applications of the act which can be given effect without 22 the invalid provisions or application, and to this end the provisions of this 23 act are declared to be severable.

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25 SECTION 5. All laws and parts of laws in conflict with this act are 26 hereby repealed.

/s/Webb

APPROVED: 4-14-95

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