

1 **State of Arkansas**
2 **80th General Assembly**
3 **Regular Session, 1995**
4 **By: Representative M. Wilson**

A Bill

ACT 530 OF 1995
HOUSE BILL 1635

For An Act To Be Entitled

8 "AN ACT TO CLARIFY THE AUTHORITY OF FIRST-CLASS CITIES
9 (WHICH HAVE A USAF ACTIVE-DUTY MILITARY INSTALLATION LYING
10 WHOLLY OR PARTIALLY WITHIN THE CITY LIMITS) WITH REGARD TO
11 ITS FIVE (5) MILE PLANNING JURISDICTION; AND FOR OTHER
12 PURPOSES."

Subtitle

15 "TO CLARIFY THE AUTHORITY OF FIRST-CLASS
16 CITIES (WHICH HAVE A USAF ACTIVE-DUTY
17 MILITARY INSTALLATION LYING WHOLLY OR
18 PARTIALLY WITHIN THE CITY LIMITS) WITH
19 REGARD TO ITS 5 MILE PLANNING
20 JURISDICTION."

22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

24 SECTION 1. Any first-class city in this state within which there lies
25 in whole or part an active-duty United States Air Force military installation,
26 shall enact a city ordinance specifying that within five (5) miles of the
27 corporate limits future uses on property which might be hazardous to aircraft
28 operation shall be restricted or prohibited.

30 SECTION 2. The ordinance shall not prohibit single family residential
31 use on tracts an acre or more in area, provided that future construction shall
32 comply with "Guidelines for the Sound Insulation of Residences Exposed to
33 Aircraft Operations" Wyle Research Report WR 89-7, which construction shall be
34 regulated and inspected by the City_s existing building permit and inspection
35 ordinances and procedures.

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1 SECTION 3. The ordinance shall restrict or prohibit future uses within
2 the five (5) mile area;

3 (a) which release into the air any substance which would impair
4 visibility or otherwise interfere with the operation of aircraft (i.e. steam,
5 dust or smoke);

6 (b) which produce light emissions, either direct or indirect
7 (reflective), which would interfere with pilot vision;

8 (c) which produce electrical emissions which would interfere with
9 aircraft communications systems or navigational equipment;

10 (d) which would attract birds or waterfowl, including but not limited
11 to, operation of sanitary landfills, maintenance of feeding stations, or the
12 growing of certain vegetation;

13 (e) that provide for structures within ten (10) feet of aircraft
14 approach-departure and/or transitional surfaces;

15 (f) which expose persons to noise greater than DNL 75 db.

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17 SECTION 4. The ordinance shall restrict or prohibit future uses within
18 the five (5) mile area which violate the height restriction criteria of FAR
19 Part 77 Subpart C.

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21 SECTION 5. The ordinance shall be consistent with recommendation or
22 studies made by the United States Air Force entitled "AICUZ Study" Volumes I,
23 II, and III dated October 1992, and interpretations of such ordinance shall
24 take into account such recommendations or studies with a view to protection of
25 the public and maintenance of safe aircraft operations.

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27 SECTION 6. All provisions of this act of a general and permanent nature
28 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
29 Revision Commission shall incorporate the same in the Code.

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31 SECTION 7. If any provision of this act or the application thereof to
32 any person or circumstance is held invalid, such invalidity shall not affect
33 other provisions or applications of the act which can be given effect without
34 the invalid provision or application, and to this end the provisions of this
35 act are declared to be severable.

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SECTION 8. All laws and parts of laws in conflict with this act are hereby repealed.

SECTION 9. EMERGENCY. It is hereby found and determined by the General Assembly that there is an immediate need for Arkansas cities wherein air force facilities are located to enact land use ordinances to provide for the health and safety of the residents of the area and this act so provides and should go into effect immediately. Therefore, an emergency is hereby declared to exist and this act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after its passage and approval.

APPROVED: 3-6-95

