

1 State of Arkansas
2 80th General Assembly
3 Regular Session, 1995
4 By: Senator Webb

A Bill

SENATE BILL 606

For An Act To Be Entitled

"AN ACT TO AMEND ARKANSAS CODE § 5-39-212 REGARDING THE
UNLAWFUL FENCING OF CEMETERIES TO CHANGE THE DEFINITION OF
CEMETERIES TO ASSURE GREATER ACCESS TO AUTHORIZE COUNTY
JUDGES TO IMPROVE AND MAINTAIN ACCESS ROADS LEADING TO
CEMETERIES; AND FOR OTHER PURPOSES."

Subtitle

"TO AMEND THE ARKANSAS LAW REGARDING THE
UNLAWFUL FENCING OF CEMETERIES TO PERMIT
GREATER ACCESS AND TO ALLOW COUNTIES TO
IMPROVE CEMETERY ACCESS ROADS."

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

SECTION 1. Arkansas Code § 5-39-212 is amended to read as follows:
"5-39-212. Cemeteries - Access - Debris - Disturbance.

(a) It shall be unlawful for any person, firm, corporation,
partnership, or association to:

(1) Construct any fence on any property in such manner as to
enclose any cemetery unless suitable access by automobile to the cemetery is
provided by gate or otherwise. The word cemetery as used in this subsection
is not intended to apply to any private family burial plot which contains
less than *five* (5) commercial grave markers. Nothing in this section
prohibits the placement of a fence around any cemetery for the purpose of
defining boundaries or protection of grave sites;

(2) Place any brush, tree tops, rubbish, or other unsightly
debris on any cemetery grounds, or to disturb, damage, or carry away any
marker in a cemetery.

1 (b) Any person, firm, corporation, partnership, or association
2 violating any of the provisions of this section shall be guilty of a
3 misdemeanor and upon conviction shall be fined in any sum not less than ten
4 dollars (\$10.00) nor more than one hundred dollars (\$100), and every day that
5 the violation shall exist shall be a separate offense."
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7 *SECTION 2. The county judges of the several county governments in*
8 *Arkansas shall be authorized to improve and maintain any roads across public*
9 *or private lands used or to be used for access to a cemetery. The cemetery*
10 *access roads shall be constructed to a standard and nature to permit their*
11 *use by automobiles. A cemetery as used in this section means any burying*
12 *place for the dead, a burial plot, a graveyard, or any land, public or*
13 *private, dedicated and used for the interment of human remains, which*
14 *includes at least five (5) commercial grave markers.*
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16 *SECTION 3. All provisions of this act of general and permanent nature*
17 *are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code*
18 *Revision Commission shall incorporate the same in the Code.*
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20 *SECTION 4. If any provisions of this act or the application thereof to*
21 *any person or circumstance is held invalid, the invalidity shall not affect*
22 *other provisions or applications of the act which can be given effect without*
23 *the invalid provisions or application, and to this end the provisions of this*
24 *act are declared to be severable.*
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26 *SECTION 5. All laws and parts of laws in conflict with this act are*
27 *hereby repealed.*

28 */s/Webb*
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As Engrossed: 3/16/95 4/7/95

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