

Stricken language would be deleted from and underlined language would be added to law as it existed prior to the 82nd General Assembly.

1 State of Arkansas
2 82nd General Assembly
3 Regular Session, 1999

A Bill

HOUSE BILL 2228

4
5 By: Representative Allison
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For An Act To Be Entitled

9 "AN ACT TO PROVIDE THAT OUTDOOR BOAT STORAGE
10 FACILITIES SHALL BE SCREENED BY NATURAL OBJECTS,
11 PLANTINGS, FENCES, OR OTHER APPROPRIATE MEANS SO AS TO
12 NOT BE VISIBLE FROM THE MAIN TRAVELED WAY OF THE
13 HIGHWAY; AND FOR OTHER PURPOSES. "

Subtitle

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16 "TO PROVIDE THAT OUTDOOR BOAT STORAGE
17 FACILITIES SHALL BE SCREENED BY NATURAL
18 OBJECTS, PLANTINGS, FENCES, OR OTHER
19 APPROPRIATE MEANS. "

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22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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24 SECTION 1. (a) The General Assembly finds and declares that the
25 establishment and use and maintenance of outdoor boat storage facilities in
26 areas adjacent to certain sections of the interstate, and primary or other
27 state highways designated by the State Highway Commission shall be controlled
28 in order to protect the public interest, to promote the public health, safety,
29 and welfare, and to preserve natural beauty.

30 (b) The General Assembly further finds that boat storage facilities
31 which do not conform to the requirements of this act are public nuisances.
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33 SECTION 2. Any person contemplating or planning the establishment of a
34 boat storage facility is charged with notice of the provisions of this act
35 with respect to screening, relocation, removal, or disposal of such facility.
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1 SECTION 3. (a) The General Assembly finds and declares that boat
2 storage facilities which do not conform to the requirements of this act are
3 public nuisances.

4 (b) Therefore, the right is conferred upon the State Highway Commission
5 to enforce the provisions of this act by means of restraining order, mandatory
6 injunction, or other appropriate remedy for the abatement of these public
7 nuisances.

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9 SECTION 4. (a) No boat storage facility shall be established,
10 operated, or maintained after January 1, 2000, any portion of which is within
11 one thousand feet (1000') of the nearest edge of the right-of-way of any
12 interstate, primary, or other state highway designated by the State Highway
13 Commission in the State of Arkansas unless the facility shall be screened by
14 natural objects, plantings, fences, or other appropriate means so as not to be
15 visible from the main-traveled way of the highway, or shall be removed from
16 sight.

17 (b) The State Highway Commission is authorized and directed to
18 promulgate rules and regulations governing the location, planting,
19 construction, and maintenance, including materials used therein, of the
20 screening and fencing required under this act.

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22 SECTION 5. Nothing contained in this act shall prohibit the
23 establishment, maintenance, and operation of boat storage facilities within
24 one thousand feet (1000') of the nearest edge of the right-of-way of
25 interstate or primary state highways:

26 (1) Within those areas which are zoned industrial under authority of
27 the laws of this state;

28 (2) Within those unzoned industrial areas which may be determined by
29 the commission; or

30 (3) Within other areas, when effectively screened as not to be visible
31 from any point on the main-traveled way of such interstate or primary state
32 highway.

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

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

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