

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.

1 State of Arkansas
2 87th General Assembly
3 Regular Session, 2009
4

A Bill

HOUSE BILL 2040

5 By: Representative King
6
7

For An Act To Be Entitled

9 AN ACT TO CLARIFY THAT A PROPERTY OWNERS'
10 ASSOCIATION IS ELIGIBLE FOR INCLUSION IN THE
11 NATIONAL FLOOD INSURANCE PROGRAM; AND FOR OTHER
12 PURPOSES.
13

Subtitle

14 TO CLARIFY THAT A PROPERTY OWNERS'
15 ASSOCIATION IS ELIGIBLE FOR INCLUSION IN
16 THE NATIONAL FLOOD INSURANCE PROGRAM.
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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 § 14-268-101 is amended to read as follows:
23 14-268-101. Legislative determination.

24 It is found and declared:

25 (1) That there are communities and areas in this state which
26 have suffered from, and are threatened by, floods and the incidents and
27 hazards of flooding;

28 (2) That flooding in the areas causes destruction of life and
29 property, contributes to the spread of disaster-related diseases, and
30 constitutes a hindrance to the economic development of this state and to the
31 health, safety, and welfare of the residents of this state;

32 (3) That flood hazards in these flood-prone areas impair their
33 economy and tax revenues;

34 (4) That insurance with federal reinsurance or other federal
35 assistance will not be available to property owners in these communities
36 unless adequate land use and control measures, consistent with federal



1 criteria, are adopted by the communities ~~prior to~~ before June 30, 1970;

2 (5) That it is the policy of this state to encourage and support
3 all appropriate actions to prevent and lessen these flood hazards and losses;

4 (6) That it is necessary to adopt state and local measures
5 which, to the maximum extent feasible, will:

6 (A) Discourage the development of land by improvements
7 which are exposed to flood damage;

8 (B) Guide the development of proposed construction away
9 from locations which are threatened by flood hazards;

10 (C) Assist in reducing damage caused by floods; and

11 (D) Otherwise improve long-range land management in, and
12 use of, flood-prone areas; and

13 (7) That the enactment of these measures by cities, towns,
14 counties, ~~or~~ the state, or property owners' associations constitutes a public
15 purpose necessary to the protection and promotion of the economic development
16 of this state and to the health, safety, and welfare of the residents of this
17 state.

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19 SECTION 2. Arkansas Code § 14-268-102 is amended to read as follows:
20 14-268-102. Definitions.

21 As used in this chapter:

22 (1) "Commission" means the Arkansas ~~Soil and Water Conservation~~
23 Natural Resources Commission;

24 (2) "Floodplain administrator" means the person designated by a
25 city, town, ~~or~~ county, or property owners' association to administer and
26 implement this chapter and other federal and state laws and local ordinances
27 and regulations relating to the management of flood-prone areas; and

28 (3) "Flood-prone areas" means areas that are subject to or are
29 exposed to flooding and flood damage.

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31 SECTION 3. Arkansas Code § 14-268-104 is amended to read as follows:
32 14-268-104. Authority to adopt measures.

33 (a) In addition to all other powers, and notwithstanding any provision
34 of any other law, each city, town, ~~or~~ county, or property owners' association
35 in this state is authorized to enact, adopt, and enforce ordinances, building
36 or zoning codes, or other appropriate measures regulating, restricting, or

1 controlling the management and use of land, structures, and other
2 developments in flood-prone areas.

3 (b) The measures, in addition to all other matters, may:

4 (1) Restrict the development and use of land which is exposed to
5 flood damage;

6 (2) To the extent possible, guide the development of proposed
7 construction away from locations threatened by flood hazards;

8 (3) Prescribe assistance in reducing flood damage;

9 (4) Require flood-proofing of structures which are permitted to
10 remain in, or are to be constructed in, flood-prone areas;

11 (5) Prescribe regulation of the types, purposes, and uses of
12 structures, buildings, developments, or fills permitted to be erected or
13 improved in flood-prone areas;

14 (6) Require drainage and ~~such~~ other action as is feasible to
15 minimize flooding; and

16 (7) Assure the adequacy of sewerage and water systems that may
17 be affected by flooding.

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19 SECTION 4. Arkansas Code § 14-268-105 is amended to read as follows:
20 14-268-105. Public nuisance – Injunction or abatement.

21 Every structure, building, fill, or development placed or maintained
22 within any flood-prone area in violation of measures enacted under the
23 authority of this chapter is a public nuisance. The creation of any of these
24 may be enjoined and the maintenance thereof may be abated by action or suit
25 of any city, town, ~~or~~ county, property owners' association, the state, or any
26 citizen of this state.

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28 SECTION 5. Arkansas Code § 14-268-106 is amended to read as follows:
29 14-268-106. Floodplain administrator.

30 (a) Each county, city, ~~or~~ town, or property owners' association
31 ~~ordinance measure~~ adopted under this chapter shall designate a person to
32 serve as the floodplain administrator to administer and implement the
33 ~~ordinance measure~~ and any local codes and regulations relating to the
34 management of flood-prone areas.

35 (b) Beginning July 1, 2004, each floodplain administrator shall become
36 accredited by the Arkansas ~~Soil and Water Conservation~~ Natural Resources

1 Commission under the commission's authority regarding flood control under §§
2 15-24-102 and 15-24-109.

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