

State of Arkansas
87th General Assembly
Regular Session, 2009

A Bill

HOUSE BILL 2041

By: Representative King

For An Act To Be Entitled

AN ACT TO CLARIFY THAT A RURAL FIRE PROTECTION DISTRICT IS ELIGIBLE FOR INCLUSION IN THE NATIONAL FLOOD INSURANCE PROGRAM; AND FOR OTHER PURPOSES.

Subtitle

TO CLARIFY THAT A RURAL FIRE PROTECTION DISTRICT IS ELIGIBLE FOR INCLUSION IN THE NATIONAL FLOOD INSURANCE PROGRAM.

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

SECTION 1. Arkansas Code § 14-268-101 is amended to read as follows:
14-268-101. Legislative determination.

It is found and declared:

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

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

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

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



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

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

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

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

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

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

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

(7) That the enactment of these measures by cities, towns, counties, ~~or the state,~~ or rural fire protection districts constitutes a public purpose necessary to the protection and promotion of the economic development of this state and to the health, safety, and welfare of the residents of this state.

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

As used in this chapter:

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

(2) "Floodplain administrator" means the person designated by a city, town, ~~or county,~~ or rural fire protection district to administer and implement this chapter and other federal and state laws and local ordinances and regulations relating to the management of flood-prone areas; and

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

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

(a) In addition to all other powers, and notwithstanding any provision of any other law, each city, town, ~~or county,~~ or rural fire protection district in this state is authorized to enact, adopt, and enforce ordinances, building or zoning codes, or other appropriate measures regulating,

1 restricting, or controlling the management and use of land, structures, and
 2 other 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.

18
 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, rural fire protection district, the state, or
 26 any citizen of this state.

27
 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 rural fire protection district
 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

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