

1 State of Arkansas
2 92nd General Assembly
3 Regular Session, 2019
4

A Bill

HOUSE BILL 1624

5 By: Representatives Coleman, Ladyman
6 By: Senator L. Eads
7

For An Act To Be Entitled

9 AN ACT TO CLARIFY THE AUTHORITY OF CITIES AND TOWNS
10 TO CONTROL BUILDING REGULATIONS; AND FOR OTHER
11 PURPOSES.
12
13

Subtitle

14 TO CLARIFY THE AUTHORITY OF CITIES AND
15 TOWNS TO CONTROL BUILDING REGULATIONS.
16
17
18

19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
20

21 SECTION 1. DO NOT CODIFY. Retroactivity.

22 This act applies retroactively to municipal actions taken concerning
23 building regulations both before the effective date of this act and pending
24 on the effective date of this act.
25

26 SECTION 2. Arkansas Code § 14-56-202 is amended to read as follows:

27 14-56-202. Additional powers of cities of the first class, cities of
28 the second class, and incorporated towns.

29 (a)(1) The following enlarged and additional powers are conferred upon
30 cities of the first class.

31 (2) ~~They shall have the power to~~ A city of the first class may:

32 (A) Regulate the building of houses;

33 (B) Provide that ~~no~~ a house or structure ~~shall not~~ be
34 erected within the city limits except upon a permit to be issued by ~~such an~~ an
35 officer ~~as the city council shall designate~~ governing body designates; and

36 (C) Provide that ~~no~~ a permit ~~shall not~~ be issued for the



1 building of any house or structure deemed to be unsafe, unsanitary,
 2 obnoxious, or detrimental to the public welfare.

3 (b) ~~However, the~~ The authority to appoint and remove department heads,
 4 including the building official, ~~shall be~~ is governed by § 14-42-110
 5 ~~regardless of~~ without regard to the classification of the city or town.

6 (c)(1) The following enlarged and additional powers are conferred upon
 7 cities of the second class and incorporated towns.

8 (2) A city of the second class and an incorporated town may:

9 (A) Enforce building and safety codes for the building and
 10 construction of houses and other structures;

11 (B) Provide that a house or structure not be erected
 12 before a building permit is issued by a building official the governing body
 13 designates; and

14 (C) Provide that a permit not be issued for the building
 15 of any house or structure deemed to be unsafe, unsanitary, obnoxious, or
 16 detrimental to the public welfare.

17 (3) The authority given to a city of the second class and an
 18 incorporated town under this subsection does not include the authority under
 19 § 14-56-416 unless the city of the second class or the incorporated town has
 20 adopted and filed a land use plan and corresponding zoning ordinances under §
 21 14-56-101 et seq.

22 (d) This section does not restrict the authority of a city of the
 23 first class, a city of the second class, or an incorporated town under other
 24 applicable law.