# Chapter 2: ADMINISTRATION

**Article**

**I. QUORUM COURT**

**II. COUNTY OFFICERS AND PERSONNEL**

**III. COUNTY ORGANIZATIONS**

**IV. COUNTY POLICIES**

**V. EMERGENCIES: PLAN, SYSTEMS, FEES**

**VI. COUNTY FUNDS AND FEES**

# Article I. QUORUM COURT

**A.C.A. § 14-14-702. Authority to establish – restrictions.**

The county quorum court of each county may prescribe, by ordinance, the department, board structure, and organization of their respective county governments and may prescribe the functions of all offices, departments, and boards, However, no ordinance shall be enacted by a quorum court which:

(1) Divests the county court of any of its original jurisdictions granted by the Arkansas Constitution. However, where any county ordinance establishing a department or board and the assignment of functions thereof interferes with the jurisdictions of the county court, it shall be implied that the functions and acts may be performed on order of the county court or proper order of superior courts on appeal;

(2) Alters the organization of elected county officials established by the Arkansas Constitution, except through the provisions of Arkansas Constitution Amendment 55, § 2, Part (b). However, any function or duty assigned by statute may be reassigned by ordinance; or

(3) Limits any provision of state law directing or requiring a county government or any officer or employee of a county government to carry out any function or provide any service. However, nothing in this section shall be construed to prevent the reassignment of functions or services assigned by statute where Arkansas reassignment does not alter the obligation of the county to continue providing such function or service.

**A.C.A. § 14-14-904(a)-(c). Procedures Generally.**

(a) TIME AND PLACE OF QUORUM COURT ASSEMBLY.

(1) (A)(i) The justices of the peace elected in each county shall assemble and organize as a county quorum court body on the first regular meeting date after the beginning of the justices' term in office.

(ii) Alternatively, the county judge may schedule the biennial meeting date of the quorum court on a date in January other than the first regular meeting date of the quorum court after the beginning of the justices' term.

(B) Thereafter, the justices shall assemble each calendar month at a regular time and place as established by ordinance and in their respective counties to perform

the duties of a quorum court, except that more frequent meetings may be required by ordinance.

(2) By declaration of emergency or determination that an emergency exists and the safety of the general public is at risk, the county judge may change the date, place, or time of the regular meeting of the quorum court upon twenty-four-hour notice.

. . .

(c) SPECIAL MEETINGS OF THE QUORUM COURT.

(1) The county judge or a majority of the elected justices may call a special meeting of the quorum court upon at least twenty-four (24) hours' notice in such manner as may be prescribed by local ordinance.

(2) In the absence of procedural rules, the county judge or a majority of the elected justices may call a special meeting of the quorum court upon written notification of all members not less than two (2) calendar days prior to the calendar day fixed for the time of the meeting. The notice of special meeting shall specify the subjects, date, time, and designated location of the special meeting.

(3) (A) Notice of assembly of a county grievance committee or assembly of less than a quorum of the body, referred to under this section as a “regular committee” or “special committee”, may be provided upon oral notice to the members of at least forty-eight (48) hours unless an emergency exists.

(B) If an emergency exists, written notice of at least twenty-four (24) hours stating the basis of the emergency shall be provided.

. . .

**A.C.A. § 14-14-801(a). Powers Generally.**

(a) As provided by Arkansas Constitution, Amendment 55, § 1, Part (a), a county government, acting through its county quorum court, may exercise local legislative authority not expressly prohibited by the Arkansas Constitution or by law for the affairs of the county.

. . .

**Section**

200.00 Regular monthly meetings.

200.01 Pay for jurors.

## § 200.00 REGULAR MONTHLY MEETINGS.

1) ORGANIZATIONAL MEETING. The regular monthly meeting of the Madison County Quorum Court shall be held at the Madison County Courthouse on the 3rd Monday of each month at 6:00 p.m. If the date above falls on a legal holiday, the Quorum Court will meet on the following day after the legal holiday at the above specified time, except the first regular meeting will be convened immediately following the organizational meeting and all subsequent meetings will be held as described above.

2) TIME AND PLACE OF MEETING. Act 130 of the 1975 Arkansas General Assembly requires the County Quorum Court to meet monthly at a time and place specified by Ordinance. Therefore, in order to comply with the general laws of the state, the Quorum Court must immediately proceed to establish by Ordinance the time and place of the regular monthly meeting of the Quorum Court.

3) EMERGENCY CLAUSE. An emergency is hereby declared to exist, and this Ordinance, being necessary for the immediate preservation of the public peace, health, safety, and welfare, shall be in full force and take effect immediately upon its passage and approval. (Ord. 1977-001, passed 1-3-77; Am. Ord. 1977-029, passed 11-14-77; Am. Ord. 1999-001, passed 1-5-99; Am. Ord. 2001-001, passed 1-8-01; Am. Ord. 2003-001, passed 1-7-03; Am. Ord. 2007-001, passed 1-1-07; Am. Ord. 2009-001, passed 1-1-09; Am. Ord. 2011-001, passed 1-1-11; Am. Ord. 2013-001, passed 1-1-13)

## § 200.01 PAY FOR JURORS.

1) LEGISLATIVE INTENT. Pursuant to the requirements of Act 1033 of 2007, codified as A.C.A. §§ 16-34-101 et seq., and in order to qualify for reimbursement from the State for a portion of said jury costs, the Quorum Court hereby establishes the following minimum requirements necessary for compensation as jurors and corresponding rates of compensation for service as jurors or prospective jurors in the County:

   a) The person must have received official notice that he or she has been selected as a prospective juror and summoned to appear;

   b) The person must actually appear at the location to which he or she was summoned; and

c) His or her attendance must be noted in writing by the Circuit Clerk.

2) RATES OF COMPENSATION. The following rates of compensation are established for jury service in the County:

a) Persons who are selected and seated as a member of the jury, including alternates, shall be compensated at the rate of fifty dollars ($50.00) per day;

b) Persons who are summoned and appear but who are not selected and seated as a member of the jury shall be compensated at the rate of twenty dollars ($20.00) per day; and

c) Persons summoned for jury service but who fail, for any reason, to attend court shall not be entitled to receive compensation.

3) STATE REIMBURSEMENT PROCEDURE AND RESPONSIBILITY ASSIGNMENT. Pursuant to A.C.A. § 16-34-106, the County Clerk shall be responsible for remitting, in a timely manner, all documentation required by the Administrative Office of the Courts in order to receive reimbursement for the jury cost incurred under A.C.A. § 16-34-103(b) and division 2(b) of this section.
(Ord. 2007-008, passed 11-20-07)

# Article II. COUNTY OFFICERS AND PERSONNEL

**A.C.A. § 14-14-603. Offices included.**

(a) Within the purposes of this chapter, the term "elective county office" shall mean any office created under the provisions of Arkansas Constitution, Article 7 §§ 19 and 46, as amended by Amendment 24, § 3.

(b) The elective county offices established by these constitutional provisions are:

(1) One (1) sheriff who shall be ex officio collector of taxes, unless otherwise provided by law;

(2) One (1) collector of taxes, where established by law;

(3) One (1) assessor;

(4) One (1) coroner;

(5) One (1) treasurer, who shall be ex officio treasurer of the common school fund;

(6) One (1) surveyor;

(7) One (1) clerk of the circuit court, who shall be ex officio clerk of the county and probate courts and recorder, unless otherwise provided by law; and

(8) One (1) county clerk, where established by law.

**A.C.A. § 14-14-604. Elective county officers; exclusions.**

Offices expressly excluded from the provisions of this subchapter are:

(1) The judge of the county court created pursuant to Arkansas Constitution, Article 7, § 28, such office being an "elective county office" but not deemed separable from the county court which serves as a principal element of county government and constitutional organization;

(2) Justices of the peace who are deemed district offices; and

(3) Constables who are deemed township offices and who are not within the provisions of Arkansas Constitution, Amendment 55 § 2, Part (b).

**A.C.A. § 14-14-902. Quorum Court administration.**

(a) SECRETARIAT. (1) The secretariat of the county quorum court shall be the clerk of the county court of each county unless otherwise provided by county ordinance.

(2) ALTERNATIVE DESIGNATION. A quorum court, by ordinance, may provide for the establishment of minimum qualifications and an appropriation for the employment of a secretariat of the court. The employee so designated shall be a staff member of the county clerk or the county judge as may be specified by the ordinance. Where the separate position of secretariat is created by ordinance, all legislative duties prescribed in this chapter for a county clerk shall thereafter become the duties of the secretariat.

(3) DUTIES OF THE COUNTY CLERK. Unless otherwise provided for by county ordinance, the clerk or the deputy clerk shall:

(A) Attend all regular and special meetings of the court;

(B) Perform all administrative and recordkeeping duties prescribed in this chapter; and

(C) Perform all other duties as may be required by the quorum court through county ordinance.

(b) COUNSEL. (1) LEGAL COUNSEL. The prosecuting attorney or his deputy serving each county shall serve as legal counsel of the quorum court unless otherwise provided by county ordinance.

(2) ALTERNATIVE DESIGNATION OF LEGAL COUNSEL. A quorum court may, by ordinance, provide for the appropriation of county funds for the employment of legal counsel to serve the court.

(3) DUTIES OF LEGAL COUNSEL. The legal counsel of a quorum court shall:

(A) Attend all regular and special meetings of the court;

(B) Perform all duties prescribed in this chapter; and

(C) Perform all other duties as may be required by a quorum court.

(c) OTHER ADMINISTRATIVE SERVICES. A quorum court may authorize and provide through ordinance, for the employment of any additional staff or the purchase of technical services in support of legislative affairs.

**A.C.A. § 14-14-1202(a). Ethics for county government officers and employees.**

(a) PUBLIC TRUST. (1) The holding of public office or employment is a public trust created by the confidence which the electorate reposes in the integrity of officers and employees of county government.

(2) An officer or employee shall carry out all duties assigned by law for the benefit of the people of the county.

(3) The officer or employee may not use his or her office, the influence created by his or her official position, or information gained by virtue of his or her position to advance his or her individual personal economic interest or that of an immediate member of his family or an associate, other than advancing strictly incidental benefits as may accrue to any of them from the enactment or administration of law affecting the public generally.

**A.C.A. § 16-13-709(a)(1)(A)(i), (a)(1)(B)(i). Responsibility for collection.**

(a)(1)(A)(i) The quorum court of each county of the state shall designate a county official, agency, or department, which shall be primarily responsible for the collection of fines assessed in the circuit courts of this state.

. . .

(a)(1)(B)(i) The quorum court may delegate the responsibility for the collection of delinquent fines assessed in circuit court to a private contractor.

. . .

**A.C.A. §§ 25-19-101-110. Freedom of Information Act.**

**Section**

210.00 County Clerk to solemnize marriages.

210.01 County Clerk; additional duties.

210.02 County Treasurer; additional duties.

210.03 County Assessor to prepare tax books.

## § 210.00 COUNTY CLERK TO SOLEMNIZE MARRIAGES.

1) OFFICIALS TO SOLEMNIZE MARRIAGES. Act 95 of 1977, codified as A.C.A. § 9-11-213, provides that Quorum Courts may appoint certain officials to solemnize marriages within their respective counties.

2) NO OFFICIAL HAS BEEN APPOINTED. No special official has been appointed by this body to solemnize marriages within the County.

3) COUNTY CLERK. The County Clerk of Madison County, Arkansas, is hereby appointed as a special official to solemnize marriages within Madison County, Arkansas.

4) EMERGENCY CLAUSE. There has been and is a need on special occasions to have a special official to solemnize marriages and heretofore Madison County has not had an official appointed for that purpose; now, therefore, an emergency is hereby declared to exist, and this section being necessary for the health, safety, and welfare of our populace and residents, it shall have full force and effect from and after its passage and approval. (Ord. 1988-002, passed 5-16-88)

## § 210.01 COUNTY CLERK; ADDITIONAL DUTIES.

1) In addition to all other duties required by law, the County Clerk shall be responsible for giving the public notification required by Arkansas Freedom of Information Act of regular and special meetings of the Quorum Court and committees thereof.

2) Committee chairpersons shall give the County Clerk notice of meetings of their respective committees in sufficient time for public notification of the meetings required by Arkansas law to be complied with.

3) EMERGENCY CLAUSE. An emergency is hereby declared to exist and this Ordinance, being necessary for the immediate preservation of the public peace, health, and safety, shall be in full force and effect from after its passage and approval.

4) The Quorum Court hereby designates the County Clerk as the County Official responsible for maintaining, by major category, an itemized listing of all fixed assets owned by or under the control of the County. All other elected officials and county department heads shall cooperate in reporting any additions or deletions of fixed assets for their respective offices or departments to the County Clerk so that the County Clerk will be able to maintain a current, accurate listing of all fixed assets owned by or under the control of the County.
(Ord. 1977-004, passed 1-3-77; Am. Ord. 2010-002, passed 1-19-10)

## § 210.02 COUNTY TREASURER; ADDITIONAL DUTIES.

1) In addition to all other duties presently required by law, the County Treasurer shall attend all regular meetings of the Quorum Court for the purpose of responding to any questions which may arise concerning the financial statement required to be submitted monthly to the Quorum Court by the County Treasurer.

2) In addition to all other duties presently required by law, the County Treasurer will attend any special meeting of the Quorum Court wherein the attendance is deemed necessary by members of the Quorum Court or the County Judge. Timely notice of the need for attendance shall be furnished to the County Treasurer giving the purpose for which attendance is required.

3) EMERGENCY CLAUSE. An emergency is hereby declared to exist, and this Ordinance, being necessary for the immediate preservation of the public peace, health, and safety, shall be in full force and effect from after its passage and approval. (Ord. 1977-003, passed 1-3-77)

## § 210.03 COUNTY ASSESSOR TO PREPARE TAX BOOKS.

1) To assure compliance with A.C.A. § 26-26-2001 et seq. and the Rules of the Assessment Coordination Department, it is necessary for the county to designate unto an elected county office the vital function of the preparer of the tax books for the county. The Quorum Court hereby designates the County Assessor as the preparer of the tax books to annually report the information required by A.C.A. § 26-26-2001 et seq. and the Rules.

2) The County Clerk, Assessor, Collector, and Treasurer shall each cooperate in the accumulation, exchange, certification, and storage of data contained in their respective offices which may be used or is requested by the preparer of the tax books in making the reports mandated by A.C.A. § 26-26-2001 et seq. and the Rules.

3) LEGISLATIVE INTENT. It is the intent of the Madison County Quorum Court that this Ordinance be enacted and discharged as prescribed in order to protect and preserve the state funding sources of general county aid and real property reappraisal. (Ord. 2007-005, passed 7-16-07)

# Article III. COUNTY ORGANIZATIONS

**A.C.A. § 14-14-704. Establishment of county departments.**

The county quorum court of each county, by ordinance, may establish any number of departments for the conduct of county affairs and may prescribe the functions and duties of each department. This authority of a quorum court to establish county departments shall be conclusive and shall supersede any department organizations established by any elected officer:

(1) DIRECTION OF DEPARTMENTS. All departments established by ordinance of the quorum court shall be under the direction and supervision of the county judge except departments assigned to other elected officers of the county. Departments established and assigned to an elected officer other than the county judge shall be under the direction and supervision of the respective county officer;

(2) JOINT DEPARTMENTS. Two (2) or more county governments may provide for the establishment of joint departments for the conduct of county affairs. Joint departments so created shall be established by interlocal agreements. The direction and supervision of joint departments shall be under the combined authorities of the county judge of each respective county in a manner to be prescribed by ordinance;

(3) EMPLOYMENT OF DEPARTMENT ADMINISTRATOR. An ordinance establishing a department of county government may provide for the employment of a department administrator; such ordinance may prescribe minimum qualifications for the person so employed as administrator. However, the county judge alone shall employ all county personnel, except employees of other elected county officers. Where a department is established by the quorum court and the responsibility for direction and supervision of the department is assigned to an elected county officer other than the county judge, the elected county officer so designated shall employ all personnel authorized to be employed by the ordinance;

(4) MANAGEMENT REPORTS. A quorum court may require, by ordinance, reports for any purpose from any elective county office, department, board, or subordinate service district, or any administrator or employee of them.

**A.C.A. § 14-14-705(1)(A), (2)(A). County advisory or administrative boards.**

A county quorum court, by ordinance, may establish county advisory or administrative boards for the conduct of county affairs.

(1) ADVISORY BOARDS. (A) An advisory board may be established to assist a county office, department, or subordinate service district. The advisory board may furnish advice, gather information, make recommendations, and perform other activities as may be prescribed by ordinance. A county advisory board shall not have the power to administer programs or set policy.

(2) ADMINISTRATIVE BOARDS. (A) Administrative boards may be established to exercise administrative powers granted by county ordinance, except that the board may not be authorized to pledge the credit of the county. The administrative board shall be a body politic and corporate, with power to contract and be contracted with and sue and be sued. As to actions of tort, the board shall be considered as an agency of the county government and occupy the same status as a county. No board member shall be liable in a court individually for an act performed by him as a board member unless the damages caused thereby were the results of the board member's malicious acts.

**A.C.A. §§ 14-169-201-240. Housing Authorities Act.**

**A.C.A. §§ 14-169-301-319. Regional Housing Authorities.**

**A.C.A. §§ 14-137-101-123. Public Facilities Boards Act.**

**Section**

220.00 Terminating the existing Madison County Library Board; reorganizing Library Board.

220.01 Pine Top Water Users Facilities Board.

220.02 Madison County Water Facilities Board.

## § 220.00 TERMINATING THE EXISTING MADISON COUNTY LIBRARY BOARD; REORGANIZING LIBRARY BOARD.

1) The existing Madison County Library Board is hereby declared to be terminated and dissolved, effective on the effective date of this Ordinance, except that the Board

shall be deemed to have the power to conduct any and all business necessary to effect an orderly transfer of authority to the new Board created by this Ordinance, provided that the transfer shall be completed prior to June 30, 1978.

2) The functions, duties, and jurisdiction formerly vested in the Madison County Library Board shall henceforth be vested in the Madison County Library Department and its Administrative Board, both of which are hereby created by this Ordinance, in accordance with § 107 of Act 742 of 1977, Acts of Arkansas.

3) The Administrative Board of the Madison County Library Department shall be empowered with all powers enumerated in §§ 2, 3, 4, 5, 6 and 13 of Act 402 of 1997, as well as with all powers normally incidental to the administration of a library department, and the Administrative Board is hereby assigned responsibility for the operation of the Library Department. The Administrative Board of the Library Department shall number seven (7) and each of those seven (7) shall be appointed by the County Judge of Madison County with each appointment requiring confirmation by the Madison County Quorum Court. The term of any Administrative Board member so appointed shall be for a term of five (5) years; provided, however, that the initial appointment of the Administrative Board shall provide for the appointment of 1 member for a 1-year term; 1 member for a 2-year term; 1 member for a 3-year term; 1 member for a 4-year term; and the remaining members for a 5-year term; thereby providing for the appointment of at least 1 member annually thereafter. No Administrative Board member shall be appointed for more than two (2) consecutive terms. Each person appointed to the Administrative Board shall be a qualified elector of Madison County, and each person so appointed shall subscribe to the oath of office within ten (10) days from the date of appointment. Evidence of said oath of office shall be filed with the County Clerk. Failure to do so shall be deemed to constitute rejection of the office, and the County Judge shall appoint another person to fill the vacancy.

4) The Administrative Board of the Madison County Library Department shall be empowered to contract with the appropriate bodies of Carroll County in order that the Carroll and Madison Library System may continue to function.

5) The County Clerk of Madison County shall maintain a register of County Administrative Board appointments and shall include therein all appointments to the Administrative Board created by this section, as well as all pertinent information incidental to the appointments, as specified by § 104 of Act 742 of 1977.

6) The continued operation of the Madison County Library, the Carroll and Madison Library Department is deemed essential to the citizens of Madison County, and to the peace, health, welfare, and safety of Madison County citizens, and therefore an

emergency is declared to exist and this section shall be in full force and effect from and after its passage.
(Ord. 1978-008, passed 6-12-78; Am. Ord. 2007-002, passed 2-20-07)

## § 220.01 PINE TOP WATER USERS FACILITIES BOARD.

1) CREATION OF PUBLIC FACILITIES BOARD. There is hereby created a Public Facilities Board pursuant to the provisions of A.C.A. §§ 14-137-101 et seq. (1998 Repl.; Suppl. 1999) (the Act). The Board shall be known as the Pine Top Water Users Facilities Board (the Board). The Board shall have the powers provided for by the Act.

2) MEMBERSHIP OF THE BOARD. The Board shall consist of seven (7) members. Seven (7) members shall be appointed by the County Judge of Madison County. The terms of the members shall be as follows: Position 1, one year; Position 2, two years; Position 3, three years; Position 4, four years, Position 5, five years; Position 6, six years, Position 7, seven years. Successor members shall be elected by a majority of the Board for terms of seven (7) years each. However, the Board shall provide that the Customers of the Board shall nominate successor board members by election at an annual meeting. The annual meeting and nominating election procedures shall be established by the Board. Each member shall qualify by taking and filing with the Clerk of the County his or her oath of office in which he or she shall swear to support the Constitution of the United States and the Constitution of the State of Arkansas, and to discharge faithfully his or her duties in the manner provided by law. Each member shall serve until his or her successor is elected and qualified. In the event of a vacancy in the membership, however caused, a majority of the Board shall elect a successor member to serve the unexpired term. A member shall be eligible to succeed himself or herself.

3) ORGANIZATION OF THE BOARD. The members of the Board shall meet and organize by electing one of their members as chairperson and one as vice-chairperson, one as secretary, and one as treasurer; and the officers shall be elected annually thereafter in like manner. The duties of the secretary and treasurer may be performed by the same member. The Board may also appoint an Executive Director who may be a member of the Board and receive such compensation as shall be fixed by the Board. The members of the Board shall receive no compensation for their services but shall be entitled to reimbursement of expenses incurred in the performance of their duties.

4) GENERAL POWERS OF THE BOARD. The Board is hereby specifically empowered:

    a) To own, acquire, construct, reconstruct, extend, equip, improve, operate, maintain, sell, lease, contract concerning, or otherwise deal in or dispose of waterworks facilities (as defined in the Act) or any interest in the facilities, including, without limitation, to provide financing for the facilities; and

b) To issue bonds to obtain funds and revenues for the accomplishment of any of the waterworks facilities projects herein authorized, either alone or together with other available funds and revenues thereof.

5) ADDITIONAL AUTHORITY OF THE BOARD. The Board is hereby additionally authorized and empowered:

a) As a body politic and corporate to have perpetual succession and to adopt bylaws, not in conflict with this section of the Act, as may from time to time be amended, for the regulation of its affairs and the conduct of business;

b) To maintain an office at the place or places in the County as the Board may designate from time to time;

c) To sue and be sued in its own name;

d) To fix, charge, and collect rates, fees, interest, and charges for the use of any waterworks facilities and the supplying of water;

e) To employ and pay compensation to such employees and agents, including attorneys, consulting engineers, surveyors, accountants, financial experts, and others as it may, in its judgment, find necessary for the accomplishment of the purposes and objectives for which it has been created and to fix their compensation; and

f) To do any and all other acts and things to accomplish the waterworks facilities projects for which it is authorized by this Ordinance and all other acts and things authorized or required by the Act as it may from time to time be amended, except as may be specifically limited herein, and any and all other things necessary or convenient to accomplish the purposes for which the Board has been created.

6) USE OF FUNDS AND REVENUES. This Board is hereby authorized to use any available funds and revenues for the accomplishment of the waterworks facilities projects which it is authorized to own, acquire, construct, reconstruct, extend, equip, improve, operate, maintain, sell, lease, contract concerning, or otherwise deal in. Bonds may be issued by the Board in such principal amounts as shall be sufficient to pay the cost of accomplishing the waterworks facilities projects involved; the cost of issuing the bonds; the amount necessary for reserves, if deemed desirable; the amount necessary to provide for debt service on the bonds until revenues for the payment thereof are available from other sources; and any other costs and expenditures of whatever nature incidental to the accomplishment of the waterworks facilities involved and the placing of them in operation. Any net earnings of the Board (beyond that necessary for retirement of the

indebtedness of the bonds or to implement any waterworks facilities project) shall not inure to the benefit of any person other than to the Board.

7) AUTHORITY WITH RESPECT TO BONDS. This Board shall have, with respect to the issuance of bonds authorized to be issued by it, the authority and power with respect thereto set forth and contained in the Act, which terms and provisions are hereby incorporated in this Ordinance as though herein expressly set forth word for word, except to the extent of changes required for the provisions thereof to be consistent in the context of this Ordinance, and the additional authority as may be granted in similar provisions by amendment of the Act from time to time hereafter.

   All bonds of the Board shall be special obligation revenue bonds which shall be obligations only of the Board and shall not constitute an indebtedness for which the faith and credit of Madison County or any of its revenues are pledged, and the principal of and interest on the bonds shall be payable from and secured by a pledge of revenues derived from the waterworks projects financed, in whole or in part, from bond proceeds and as authorized by and in accordance with the provisions of the Act.

8) MEETINGS. The Board shall meet upon the call of its Chairperson or a majority of its members and at the times as may be specified in the bylaws for regular meetings, and a majority of its members shall constitute a quorum for the transaction of business. The affirmative vote of the majority of the members present at a meeting of the Board shall be necessary for any action taken by the Board. Any action taken by the Board may be authorized by resolution and the resolution shall take effect immediately unless a later effective date is specified in the resolution. No vacancy in the membership in the Board shall impair the right of a quorum to exercise all the rights and perform all the duties of the Board.

9) RECORDS. The Secretary shall keep a record of the proceedings of the Board and shall be custodian of all books, documents, and papers filed with the Board and of the minute book or journal of the Board and its official seal, if any shall be adopted. The Secretary may cause copies to be made of all minutes and other records and documents of the Board and may give certificates of the Board to the effect that the copies are true copies, and all personnel dealing with the Board may rely upon the certificates.

10) ANNUAL REPORTS. Within the first ninety (90) days of each calendar year, this Board shall make a written report to Madison County, Arkansas, concerning its activities for the preceding calendar year. Each such report shall set forth a complete operating and financial statement covering its operation during the year.

11) AUTOMATIC AMENDMENT. To accomplish the specific public facilities objectives set forth above, the Board shall have the additional authority and power as may, from time to

time, hereafter be authorized for Public Facilities Boards by amendments to the Act without additional action by the Quorum Court.
(Ord. 2006-004, passed 10-16-06)

## § 220.02 MADISON COUNTY WATER FACILITIES BOARD.

1) CREATION OF PUBLIC FACILITIES BOARD. There is hereby created a Public Facilities Board pursuant to the provisions of A.C.A. §§ 14-137-101 *et seq.* (1998 Repl.; Suppl. 1999) (the Act). The Board shall be known as the Madison County Water Facilities Board (the Board). The Board shall have the powers provided for by the Act.

2) MEMBERSHIP OF THE BOARD. The Board shall consist of seven (7) members. Seven (7) members shall be appointed by the County Judge of Madison County. The terms of the members shall be as follows: Position 1, one year; Position 2, two years; Position 3, three years; Position 4, four years; Position 5, five years; Position 6, six years; and Position 7, seven years. Successor members shall be elected by a majority of the Board for terms of seven (7) years each. However, the Board shall provide that the Customers of the Board shall nominate successor board members by election at an annual meeting. The annual meeting and nominating election procedures shall be established by the Board. Each member shall qualify by taking and filing with the Clerk of the County his or her oath of office in which he or she shall swear to support the Constitution of the United States and the Constitution of the State of Arkansas, and to discharge faithfully his or her duties in the manner provided by law. Each member shall serve until his or her successor is elected and qualified. In the event of a vacancy in the membership, however caused, a majority of the Board shall elect a successor member to serve the unexpired term. A member shall be eligible to succeed himself or herself.

3) ORGANIZATION OF THE BOARD. The members of the Board shall meet and organize by electing one of their members as chairperson, one as vice-chairperson, one as secretary and one as treasurer, and the officers shall be elected annually thereafter in like manner. The duties of the secretary and treasurer may be performed by the same member. The Board may also appoint an Executive Director who may be a member of the Board and receive compensation as shall be fixed by the Board. The members of the Board shall receive no compensation for their services but shall be entitled to reimbursement of expenses incurred in the performance of their duties.

4) GENERAL POWERS OF THE BOARD. The Board is hereby specifically empowered:

    a) To own, acquire, construct, reconstruct, extend, equip, improve, operate, maintain, sell, lease, contract concerning, or otherwise deal in or dispose of waterworks facilities (as defined in the Act) or any interest in the facilities, including, without limitation, to provide financing for the facilities; and

b) To issue bonds to obtain funds and revenues for the accomplishment of any of the waterworks facilities projects herein authorized, either alone or together with other available funds and revenues thereof.

5) ADDITIONAL AUTHORITY OF THE BOARD. The Board is hereby additionally authorized and empowered:

a) As a body politic and corporate to have perpetual succession and to adopt bylaws, not in conflict with this section of the Act, as may from time to time be amended, for the regulation of its affairs and the conduct of its business;

b) To maintain an office at the place or places in the County as the Board may designate from time to time;

c) To sue and be sued in its own name;

d) To fix, charge, and collect rates, fees, interest, and charges for the use of any waterworks facilities and the supplying of water;

e) To employ and pay compensation to the employees and agents, including attorneys, consulting engineers, surveyors, accountants, financial experts, and others as it may, in its judgment, find necessary for the accomplishment of the purposes and objectives for which it has been created and to fix their compensation; and

f) To do any and all other acts and things to accomplish the waterworks facilities projects for which it is authorized by this section and all other acts and things authorized or required by the Act as it may from time to time be amended, except as may be specifically limited herein, and any and all other things necessary or convenient to accomplish the purposes for which the Board has been created.

6) USE OF FUNDS AND REVENUES. This Board is hereby authorized to use any available funds and revenues for the accomplishment of the waterworks facilities projects which it is authorized to own, acquire, construct, reconstruct, extend, equip, improve, operate, maintain, sell, lease, contract concerning, or otherwise deal in. Bonds may be issued by the Board in such principal amounts as shall be sufficient to pay the cost of accomplishing the waterworks facilities projects involved; the cost of issuing the bonds; the amount necessary for reserves, if deemed desirable; the amount necessary to provide for debt service on the bonds until revenues for the payment thereof are available from other sources; and any other costs and expenditures of whatever nature incidental to the accomplishment of the waterworks facilities involved and the placing of them in operation. Any net earnings of the Board (beyond that necessary for retirement of the

indebtedness or to implement any waterworks facilities project) shall not inure to the benefit of any person other than to the Board.

7) AUTHORITY WITH RESPECT TO BONDS. This Board shall have, with respect to the issuance of bonds authorized to be issued by it, the authority and power with respect thereto set forth and contained in the Act, which terms and provision are hereby incorporated in this section as though herein expressly set forth word for word, except to the extent of changes required for the provisions thereof to be consistent in the context of this section, and the additional authority as may be granted in similar provisions by amendment of the Act from time to time hereafter.

   All bonds of the Board shall be special obligation revenue bonds which shall be obligations only of the Board and shall not constitute an indebtedness for which the faith and credit of Madison County or any of its revenues are pledged, and the principal of and interest on the bonds shall be payable from and secured by a pledge of revenues derived from the waterworks projects financed, in whole or in part, from bond proceeds and as authorized by and in accordance with the provisions of the Act.

8) MEETINGS. The Board shall meet upon the call of its Chairperson, or a majority of its members, and at the times as it may be specified in the bylaws for regular meetings, and a majority of its members shall constitute a quorum for the transaction of business. The affirmative vote of the majority of the members present at a meeting of the Board shall be necessary for any action taken by the Board. Any action taken by the Board may be authorized by resolution and the resolution shall take effect immediately unless a later effective date is specified in that resolution. No vacancy in the membership in the Board shall impair the right of a quorum to exercise all the rights and perform all the duties of the Board.

9) RECORDS. The Secretary shall keep a record of the proceedings of the Board and shall be custodian of all books, documents, and papers filed with the Board and of the minute book or journal of the Board and its official seal, if any shall be adopted. The Secretary may cause copies to be made of all minutes and other records and documents of the Board and may give certificates of the Board to the effect that the copies are true copies, and all persons dealing with the Board may rely upon the certificates.

10) ANNUAL REPORTS. Within the first ninety (90) days of each calendar year, this Board shall make a written report to Madison County, Arkansas, concerning its activities for the preceding calendar year. Each such report shall set forth a complete operating and financial statement covering its operation during the year.

11) AUTOMATIC AMENDMENT. To accomplish the specific public facilities objectives set forth above, the Board shall have the additional authority and power as may, from time to

time, hereafter be authorized for Public Facilities Boards by amendments to the Act without additional action by this Quorum Court.
(Ord. 2001-004, passed 5-21-01)

# Article IV. COUNTY POLICIES.

**Section**

*General Policies*

230.00 Guidelines for capitalization of equipment purchases.

*Employee / Employment Policies*

Reserved.

*Purchasing Policies*

Reserved.

*General Policies*

## § 230.00 GUIDELINES FOR CAPITALIZATION OF EQUIPMENT PURCHASES.

1) The State Division of Legislative Audit has requested that the Quorum Court capitalize all equipment costing two thousand dollars ($2,000.00) or more.

2) All single items of equipment costing two thousand dollars ($2,000.00) or more shall be capitalized. These items shall be inventoried according to the guidelines set forth by the Division of the Legislative Audit.

3) Items that cost less than two thousand dollars ($2,000.00) shall not be capitalized and shall be included as expenses. This shall include items classified as a group with an individual purchase price of less than two thousand dollars ($2,000.00) even though the group price of the items may be more than two thousand dollars ($2,000.00) (i.e. computer systems-monitor with a cost of $89; disk drive costing $160; keyboard priced at $125, and the like.)

4) Any item that does not fit the above criteria shall be deleted from the county inventory.

5) It does hereby approve the capitalization of equipment costing two thousand dollars ($2,000.00) or more on single purchases.
(Res. 1994-007, passed 9-19-94; Am. Ord. 2010-006, passed 12-20-10)

### *Employee / Employment Policies*

Reserved.

### *Purchasing Policies*

Reserved.

# Article V. EMERGENCIES: PLANS, SYSTEMS AND FEES

**A.C.A. § 14-14-1107. Natural disasters.**

In any county in which a natural disaster, including but not limited to a tornado or flood, results in the county being declared a disaster area by the Governor, an appropriate official of the United States Government, or the county judge of the county, is authorized to use county labor and equipment on private property to provide services which are required as a result of the natural disaster.

**A.C.A. §§ 12-75-101-133. Arkansas Emergency Services Act of 1973.**

**Section**

***General***

260.00 Service charge to finance the enhanced 9-1-1 emergency telephone system.

***Flooding***

270.00 Flood damage prevention program.

***General***

## § 260.00 SERVICE CHARGE TO FINANCE THE ENHANCED 9-1-1 EMERGENCY TELEPHONE SYSTEM.

1) RATE. To insure that the implementation will be expedited as soon as possible, the Madison Count Quorum Court shall set the rate at twelve percent (12%) of the basic telephone tariff.

2) EMERGENCY CLAUSE. An emergency is hereby declared to exist, and this Ordinance, being necessary for the immediate preservation of the public peace, health, and safety of the citizens of the County of Madison, Arkansas, same shall be in full force and effect from and after its passage.
(Ord. 1996-005, passed 12-23-96)

***Flooding***

## § 270.00 FLOOD DAMAGE PREVENTION PROGRAM.

1) STATUTORY AUTHORIZATION, FINDING OF FACT, PURPOSE, AND METHODS.

a) Statutory Authorization. The Legislature of the State of Arkansas has in Article 629 of Act 1969 delegated the responsibility of local government units to adopt regulations designed to minimize flood losses. Therefore, the County of Madison, State of Arkansas, does ordain as follows:

b) Findings of Fact.

i) The flood hazard areas of Madison County are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, and extraordinary public expenditures for flood protection and relief, all of which adversely affect the public health, safety, and general welfare.

ii) These flood losses are created by the cumulative effect of obstructions in floodplains which cause an increase in flood heights and velocities, and by the occupancy of flood hazard areas by uses vulnerable to floods and hazardous to other lands because they are inadequately elevated, flood-proofed, or otherwise protected from flood damage.

c) Statement of Purpose. It is the purpose of this Ordinance to promote the public health, safety, and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

i) Protect human life and health;

ii) Minimize expenditure of public money for costly flood control projects;

iii) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

iv) Minimize prolonged business interruptions;

v) Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone, and sewer lines, and streets and bridges located in floodplains;

vi) Help maintain a table tax base by providing for the sound use and development of flood-prone areas in such a manner as to minimize future flood blight areas; and

vii) Insure that potential buyers are notified that property is in a flood area.

d) Methods of Reducing Flood Losses. In order to accomplish its purposes, this Ordinance uses the following methods:

i) Restrict or prohibit uses that are dangerous to health, safety, or property in times of flood, or cause excessive increases in flood heights or velocities;

ii) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

iii) Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of flood waters;

iv) Control filling, grading, dredging, and other development which may increase flood damage;

v) Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

2) DEFINITIONS. Unless specifically defined blow, words or phrases used in this Ordinance shall be interpreted to give them the meaning they have in common usage and to give this Ordinance its most reasonable application.

a) Alluvial Fan Flooding – means flooding occurring on the surface of an alluvial fan or similar landform which originates at the apex and is characterized by high-velocity flows; active processes of erosion, sediment transport, and deposition; and unpredictable flow paths.

b) Apex – means a point on an alluvial fan or similar landform below which the flow path of the major stream that formed the fan becomes unpredictable and alluvial fan flooding can occur.

c) Area of Shallow Flooding – means a designated AO, AH, or VO zone on a community's Flood Insurance Rate Map (FIRM) with a one percent (1%) chance or greater annual chance of flooding to an average depth of one (1') to three (3') feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

d) Area of Special Flood Hazard – is the land in the floodplain within a community subject to a one percent (1%) or greater chance of flooding in any given year. The area may be designated as Zone A on the Flood Hazard Boundary Map (FHBM).

After detailed ratemaking has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AE, AH, AO, A1-99, VO, V1-99, VE, or V.

e) Base Flood – means the flood having a one percent (1%) or greater chance of being equaled or exceed in any given year.

f) Basement – means any area of the building having its floor sub-grade (below ground level) on all sides.

g) Critical Feature – means an integral and readily identifiable part of a flood protection system without which the flood protection provided by the entire system would be compromised.

h) Development – means any man-made change in improved and unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, pacing, excavation or drilling operations, or storage of equipment or materials.

i) Elevated Building – means a non-basement buildings:

i) Built, in the case of a building in Zones A1-30, A, A99, AO, AH, B, C, X, and D, to have the top of the elevated floor, or in the case of a building in Zones V1-30, VE, or V, to have the bottom of the lowest horizontal structure member of the elevated floor elevated above the ground level by means of pilings, columns (posts and piers), or shear walls parallel to the floor of the water, and

ii) Adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood.

In the case of Zones A1-30, AE, A, A99, AO, AH, B, C, S, and D, "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters. In the case of Zones V1-30, VE, or V, "elevated building" also includes a building otherwise meeting the definition of "elevated building," even though the lower area is enclosed by means of breakaway walls if the breakaway walls met the standards of Section 60.3(e)(5) of the National Flood Insurance Program regulations.

j) Existing Construction – means, for the purposes of determining rates, structures for which the "start of construction" commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. "Existing construction" may also be referred to as "existing structures."

k) Existing Manufactured Home Park or Subdivision – means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

l) Expansion to an Existing Manufactured Home Park or Subdivision – means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

m) Flood or Flooding – means a general and temporary condition or partial or complete inundation or normally dry land areas from:

i) The overflow of inland or tidal waters.

ii) The unusual and rapid accumulation or runoff of surface waters from any source.

n) Flood Insurance Rate Map (FIRM) – means an official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

o) Flood Insurance Study – is the official report provided by the Federal Emergency Management Agency. The report contains flood profiles, water surface elevation of the base flood, as well as the Flood Boundary-Floodway Map.

p) Floodplain or Flood-Prone Area – means any land area susceptible to being inundated by water from any source (see definition of flooding).

q) Floodplain Management – means the operation of an overall program of corrective and preventive measures for reducing flood damage, including by not limited to emergency preparedness plans, flood control works, and floodplain management regulations.

r) Floodplain Management Regulations – means zoning Ordinances, subdivision regulations, building codes, health regulations, special purpose Ordinances (such as a floodplain Ordinance, grading Ordinance, and erosion control Ordinance) and other applications of police power. The term describes such state or local regulation, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

s) Flood Protection System – means those physical structural works for which funds have been authorized, appropriated, and expended, and which have been constructed specifically to modify flooding in order to reduce the extent of the areas within a community subject to a "special flood hazard" and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees, or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

t) Flood-Proofing – means any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water, and sanitary facilities, structures, and their contents.

u) Flood (Regulatory Floodway) – means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

v) Functionally Dependent Use – means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

w) Highest Adjacent Grade – means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

x) Historic Structure – means any structure that is:

i) Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listings on the National Register;

ii) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

iii) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or

iv) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

1. By an approved state program as determined by the Secretary of the Interior; or

2. Directly by the Secretary of the Interior in states without approved programs.

y) Levee – means a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

z) Levee System – means a flood protection system which consists of a levee or levees and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

aa) Lowest Floor – means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking or vehicles, building access, or storage in an area other than a basement area is not considered a building's lowest floor; provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirement of Section 60.3 of the National Flood Insurance Program regulations.

bb) Manufactured Home – means a structure transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle."

cc) Manufactured Home Park or Subdivision – means a parcel or contiguous parcels of land divided into two (2) or more manufactured home lots for rent or sale.

dd) Main Sea Level – means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

ee) New Construction – means, for the purpose of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of a floodplain

management regulation adopted by a community and includes any subsequent improvements to such structures.

ff) New Manufactured Home Park or Subdivision – means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

gg) Recreational Vehicle – means a vehicle which is:

i) Built on a single chassis;

ii) 400 square feet or less when measured at the largest horizontal projections;

iii) Designed to be self-propelled or permanently towable by a light duty truck; and

iv) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

hh) Start of Construction – for other than new construction or substantial improvements under the Coastal Barrier Resources Act (Pub. L. 97-348), which includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within one hundred and eighty (180) days of the permit date. The actual start means either the first placement of permanent construction of a structure on the site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation, or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers, or foundations, or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

ii) Structure – means a walled and roofed building, including a gas or liquid storage tank, which is principally above ground, as well as a manufactured home.

jj) Substantial Damage – means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.

kk) Substantial Improvement – means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure before "start of construction" of the improvement. This includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either:

i) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary conditions; or

ii) Any alteration of a "historic structure" provided that the alteration will not preclude the structure's continued designation as a "historic structure."

ll) Variance – is a grant of relief to a person from the requirement of this Ordinance when specific enforcement would result in unnecessary hardship. A variance, therefore, permits construction or development in a manner otherwise prohibited by this Ordinance. For full requirements, see Section 60.6 of the National Flood Program regulations.

mm) Violation – means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure development without the elevation certificate, other certifications, or other evidence of compliance required in Section 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

nn) Water Surface Elevation – means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929 (or other datum, where specified) of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

3) GENERAL PROVISIONS.

a) Lands to Which this Ordinance Applies. The Ordinance shall apply to all areas of special flood hazard within the jurisdiction of Madison County, State of Arkansas.

b) Basis for Establishing the Areas of Special Flood Hazard. The areas of special flood hazard identified by the Federal Emergency Management Agency on its Flood Hazard Boundary Map (FHBM), Community Number 050449, dated 6-24-1977, and any revisions thereto are hereby adopted by referenced and declared to be a part of this Ordinance.

c) Establishment of Development Permit. A Development Permit shall be required to ensure conformance with the provisions of this Ordinance.

d) Compliance. No structure or land shall hereafter be located, altered, or have its use changed without full compliance with the terms of this Ordinance or other applicable regulations.

e) Abrogation and Greater Restrictions. This Ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Ordinance and another Ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

f) Interpretation. In the interpretation and application of this Ordinance, all provisions shall be:

i) Considered as minimum requirements;

ii) Liberally construed in favor of the governing body; and

iii) Deemed neither to limit nor repeal any other powers granted under State statutes.

g) Warning and Disclaimer of Liability. The degree of flood protection required by this Ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. On rare occasions, greater flood can and will occur and flood heights may be increased by man-made or natural causes. This Ordinance does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This Ordinance shall not create liability on part of the community or any official or employee thereof for any flood damages that result from reliance on this Ordinance or any administrative decision lawfully made thereunder.

4) ADMINISTRATION.

a) Designation of the Floodplain Administration. The Madison County 9-1-1 Coordinator is hereby appointed the Floodplain Administrator to administer and implement the provisions of this Ordinance and other appropriate sections of 44

CFR (National Flood Insurance Program Regulations) pertaining to floodplain management.

b) Duties and Responsibilities of the Floodplain Administrator. Duties and responsibilities of the Floodplain Administrator shall include, but not be limited to, the following:

i) Maintain and hold open for public inspection all records pertaining to the provisions of this Ordinance.

ii) Review permit applications to determine whether proposed building sites, including the placement of manufactured homes, will be reasonably safe from flooding.

iii) Review and approve or deny all applications for development permits required by adoption of this Ordinance.

iv) Review permits for proposed development to assure that all necessary permits have been obtained from those Federal, State, or local governmental agencies (including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. § 1334) from which prior approval is required.

v) Where interpretation is needed as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Floodplain Administrator shall make the necessary interpretation.

vi) Notify, in riverine situations, adjacent communities and the State Coordinating Agency, which is Arkansas Soil and Water Conservation Commission, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.

vii) Assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained. When base flood elevation data has not been provided in accordance with Article 3, Section B, the Floodplain Administrator shall obtain, review, and reasonably utilize any base flood elevation data and floodway data available from a Federal, State, or other source, in order to administer the provisions of Article 5.

c) Permit Procedures. Application for a Development Permit shall be presented to the Floodplain Administration on forms furnished by him/her and may include, but not be limited to, plans in duplicate drawn to scale showing the location,

dimensions, and elevation of proposed landscape alterations, existing and proposed structures, including the placement of manufactured homes, and the location of the foregoing in relation to areas of special flood hazard. Additionally, the following information is required:

i) Elevation in relation to mean sea level of the lowest floor, including basement, of all new and substantially improved structures;

ii) Elevation in relation to mean sea level to which any nonresidential structure shall be flood-proofed;

iii) A certificate from a registered professional engineer or architect that the nonresidential flood-proofed structure shall meet the flood-proofing criteria of Article 5, Section B(2);

iv) Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development;

v) Maintain a record of all such information in accordance with Article 4, Section B(1).

Approval or denial of a Development Permit by the Floodplain Administrator shall be based on all of the provisions of this Ordinance and the following relevant factors:

i) The danger to life and property due to flooding or erosion damage;

ii) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

iii) The danger that materials may be swept onto other lands to the injury of other;

iv) The compatibility of the proposed use with existing and anticipated development;

v) The safety of access to the property in times of flood for ordinary and emergency vehicles;

vi) The costs of providing governmental services during and after flood conditions including maintenance and repair of streets and bridges and public utilities and facilities such as sewer, gas, electrical, and water systems;

vii) The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site;

viii) The necessity of the facility of a waterfront location, where applicable;

ix) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;

x) The relationship of the proposed use to the comprehensive plan for that area.

d) Variance Procedures.

i) The Appeal Board as established by the community shall hear and render judgment on requests for variances from the requirements of this Ordinance.

ii) The Appeal Board shall hear and render judgment on an appeal only when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement of administration of this Ordinance.

iii) Any person or persons aggrieved by the decision of the Appeal Board may appeal such decision in the courts of competent jurisdiction.

iv) The Floodplain Administrator shall maintain a record of all actions involving an appeal and shall report variances to the Federal Emergency Management Agency upon request.

v) Variances may be issued for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this Ordinance.

vi) Variances may be issued for new construction and substantial improvements to be erected on a lot of one-half (1/2) acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the relevant factors in Section C(2) of this Article have been fully considered. As the lot size increases beyond the one-half (1/2) acre, the technical justification required for issuing the variance increases.

vii) Upon consideration of the factors noted above and the intent of this Ordinance, the Appeal Board may attach such conditions to the granting of

variances as it deems necessary to further the purpose and objectives of this Ordinance (Article 1, Section C).

viii) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

ix) Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

x) Prerequisites for granting variances:

1. Variances shall only be issued upon a determination that the variance is the minimum necessary considering the flood hazard, to afford relief.

2. Variances shall only be issued upon:

    a. Showing a good and sufficient cause;

    b. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on a victimization of the public, or conflict with existing local laws of Ordinances.

3. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor elevation below the base flood elevation, and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

xi) Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that:

1. The criteria outlined in Article 4, Section D(1)-(9) are met; and

2. The structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

5) PROVISIONS FOR FLOOD HAZARD REDUCTION.

a) General Standards. In all areas of special flood hazards, the following provisions are required for all new construction and substantial improvements:

i) All new construction or substantial improvements shall be designed or modified and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;

ii) All new construction or substantial improvements shall be constructed by methods and practices to minimize flood damage;

iii) All new construction or substantial improvements shall be constructed with material resistant to flood damage;

iv) All new construction or substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;

v) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

vi) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from the systems into flood waters; and

vii) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

b) Specific Standards. In all areas of special flood hazards where base flood elevation data has been provided as set forth in Article 1, Section B; Article 4, Section B(8); or Article 5, Section C(3), the following provisions are required:

i) Residential Construction – new construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to or above the base flood elevation. A registered professional engineer, architect, or land surveyor shall submit a certification to the Floodplain Administrator that the standard of this subsection as proposed in Article 4, Section C(1)(a) is satisfied.

ii) Nonresidential Construction – new construction and substantial improvements of any commercial, industrial, or other nonresidential structure shall either have the lowest flood, including basement, elevated

to or above the base flood level or together with attendant utility and sanitary facilities, be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall develop and/or review structural design, specifications, and plans for the construction and shall certify that the design and methods of construction are in accordance with accept standards of practice as outlined in this subsection. A record of such certification which includes the specific elevation in relation to mean sea level to which such structures are flood-proofed shall be maintained by the Floodplain Administrator.

iii) Manufactured Homes – require that all manufactured homes to be placed within Zone A on a community's FHBM or FIRM shall be installed using methods and practices which minimize flood damages. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to grounds anchors. This requirement is in addition to applicable State and local anchoring requirements for resisting wind force.

c) Standards for Subdivision Proposals.

i) All subdivision proposals including the placement of manufactured home parks and subdivisions shall be consistent with Article 1, Sections B, C, and D of this Ordinance.

ii) All proposals for the development of subdivisions including the placement of manufactured home parks and subdivisions shall meet Development Permit requirements of Article 3, Section C; Article 4, Section C; and the provisions of Article 5 of this Ordinance.

iii) Base flood elevation data shall be generated for subdivision proposals and other proposed development including the placement of manufactured home parks and subdivisions which is greater than 50 lots or 5 acres, whichever is lesser, if not otherwise provided pursuant to Article 3, Section B, or Article 4, Section B 9 of this Ordinance.

iv) All subdivision proposals including the placement of manufactured home parks and subdivisions shall have adequate drainage provided to reduce exposure to flood hazards.

v) All subdivision proposals including the placement of manufactured home parks and subdivisions shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize or eliminate flood damage.

6) CERTIFICATION. It is hereby found and declared by Madison County that severe flooding has occurred in the past within its jurisdiction and will certainly occur within the future; that flooding is likely to result in infliction of serious personal injury or death, and is likely to result in substantial injury or destruction of property within its jurisdiction; in order to effectively comply with the minimum standards for coverage under the National Flood Insurance Program; and in order to effectively remedy the situation described herein, it is necessary that this Ordinance become effective immediately.
(Ord. 2002-002, passed 11-18-02)

# Article VI. COUNTY FUNDS AND FEES

**Section**

280.00 Solid Waste Fund.

280.01 Drug Control Fund.

280.02 Election Equipment Upgrade Fund

## § 280.00 SOLID WASTE FUND.

1) That in order to comply with state law and the guidelines of the Arkansas Department of Legislative Audit, the Solid Waste Fund of Madison County, Arkansas, is hereby established as a Special Revenue Fund to be known as the Solid Waste Fund and shall be set up in accordance with the laws of the State of Arkansas and the guidelines set forth by the Department of Legislative Audit.
(Ord. 2013-002, passed 1-1-13)

## § 280.01 DRUG CONTROL FUND.

1) In order to comply with A.C.A. 5-64-505(i)(2) and the guidelines of the Arkansas Department of Legislative Audit, a Drug Control Fund is hereby established in Madison County as a Special Revenue Fund. The fund shall be known as the Drug Control Fund and shall be set up in accordance with A.C.A. 5-64-505(i)(2) and the guidelines set forth by the Arkansas Department of Legislative Audit and that moneys deposited into the Drug Control Fund shall only be used for law enforcement purposes as provided in A.C.A. 5-64-505(i)(2).
(Ord. 2015-006, passed 8-17-15)

## § 280.02 ELECTION EQUIPMENT UPGRADE FUND.

1) That in order to comply with state law and guidelines set forth by the Arkansas Division of Legislative Audit, the Election Equipment Upgrade Fund of Madison County Arkansas is hereby established as a Special Revenue Fund to be known as the Election Equipment Upgrade Fund and shall be set up in accordance with the laws of the State of Arkansas and the guidelines set forth by the Arkansas Division of Legislative Audit.

2) That the sum of $25,000.00 is hereby appropriated from the County General Fund to be transferred by the Madison County Treasurer to the Election Equipment Upgrade Fund in

order to establish the Fund.
(Ord. 2017-006, passed 7-17-2017)