

SALINE COUNTY CODE OF ORDINANCES
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Chapter 13: URBAN /RURAL DEVELOPMENT

Article

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Article I. BUILDING

Section

1300.00 Requiring all contractors, carpenters, workmen, repairmen, HVAC contractors to meet certain criteria before being authorized to perform work.

1300.01 Condemnation and removal of houses, buildings, and/or structures constituting a nuisance.

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§ 1300.00 REQUIRING ALL CONTRACTORS, CARPENTERS, WORKMEN, REPAIRMEN, HVAC CONTRACTORS TO MEET CERTAIN CRITERIA BEFORE BEING AUTHORIZED TO PERFORM WORK.

- 1) All contractors, carpenters, workmen, repairmen and HVAC contractors who DO NOT hold a current and valid builders, plumbers, or electrical license with the State of Arkansas, must register with the County prior to offering and or performing any construction, re-construction, remodeling, roofing, plumbing, electrical and mechanical work, and tree removal services for hire within the disaster area within Saline County, as designated by the County Judge.
- 2) All contractors, carpenters, workmen, repairmen and HVAC contractors who are required to register with the County as set forth in section one of this Ordinance must provide the following to be placed on the County's approved contractor list for said work:
 - a. An irrevocable letter of credit in the amount of \$10,000 made out to the County of Saline, or a \$10,000 performance bond deposited with the County, and
 - b. Proof of Arkansas Workers' Compensation insurance or equivalent thereof, and
 - c. Proof of a General Liability Insurance policy in the amount of \$500,000, or more, and
 - d. Proof of a Builder's risk policy, which insures the structure during reconstruction.

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- e. Agree that all services performed within the County of Saline for any citizen, or owner of property shall carry, as part of the contract, (whether oral or written), an implied warranty of habitability, and merchantability and fitness for owners needs for one year from the date of completion of work.
- 3) After all these requirements have been met, the County will then consider issuing permit authorizing them to provide their services in the County, within the designated disaster area.
- 4) Anyone failing to qualify, and who performs work for hire in Saline County, within the disaster area without obtaining a permit from the County shall be guilty of a misdemeanor and be subject to a daily fine of \$1,000 for each day the contractor, carpenter, workman, repairman or other person is in violation of this Ordinance.
- 5) The requirements of this Ordinance shall not apply to persons performing work on their own property or to persons authorized by the property owner to provide said services without compensation.
- 6) SEVERABILITY. Should any provision of this Ordinance be declared invalid, only that section so declared shall be void, and all other provisions of the Ordinance shall remain in full force and effect.
- 7) EMERGENCY CLAUSE. Because this Ordinance is necessary for the health and safety of the public, the County declares an emergency, and the necessity for this Ordinance, suspends the rules requiring reading on three separate meetings, and declares an emergency allowing the provisions to take effect immediately on passage.
- 8) The provisions of this Ordinance shall remain in full force and effect for 180 days following a disaster declaration by the County Judge and in the future shall automatically activate any time a disaster is declared within the County by the County Judge.
([Ord. 1997-011](#), passed 3-6-97; Am. [Ord. 1999-002](#), passed 2-2-99)

§ 1300.01 CONDEMNATION AND REMOVAL OF HOUSES, BUILDINGS AND/OR STRUCTURES CONSTITUTING A NUISANCE.

- 1) That it shall be and it is hereby declared to be unlawful for any person or persons, partnership, corporation or association, to own, keep or maintain any house, building and/or structure within the limits of Saline County, Arkansas, which constitutes a nuisance and which is found and declared to be a nuisance by Resolution of the Saline County Quorum Court.

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- 2) That any such house, building, and/or structure which is found and declared to be a nuisance by Resolution of the Quorum Court of Saline County, Arkansas will be condemned to ensure the removal thereof as herein provided.
- 3) NOTICE.
 - a. That prior to the consideration of a Resolution by the Quorum Court of Saline County, Arkansas declaring any house, building and/or structure as a nuisance, the owner(s) and any mortgagee(s) or lienholder(s), of such house, building and/or structure shall be mailed written notification of the date, time and place that the Quorum Court of Saline County, Arkansas will consider said Resolution. In addition, said notice shall inform the owner(s) and any mortgagee(s) or lienholder(s), of the right to be heard at the Quorum Court of Saline County, Arkansas meeting on the proposed Resolution declaring such house, building and/or structure to be a nuisance.
 - b. Should the owner(s) and mortgagee(s) and/or lienholder(s) of any such house, building and/or structure be unknown or their whereabouts be unknown or if they do not reside in Arkansas, then a copy of the written notice shall be posted upon said premises and the Saline County Judge or his designee shall make an affidavit setting out the fact as to unknown address, unknown whereabouts, and/or non-resident status of said owner(s), mortgagee(s), and lienholder(s). Thereupon, service of publication as now provided for by law against unknown and/or nonresident defendant(s) may be had and an attorney ad litem shall be appointed to notify such persons by registered letter addressed to their last known place(s) of residence or business.
- 4) That the Resolution of the Quorum Court of Saline County, Arkansas condemning an house, building and/or structure which constitutes a nuisance will include in said Resolution an adequate description of the house, building, and/or structure; the name(s), if known, of the owner(s) and mortgagee(s) and/or lienholder(s) thereof; and shall set forth the reason or reasons said house, building and/or structure is or has been condemned as a nuisance.
- 5) After a house, building and/or structure has been found and declared to be a nuisance and condemned by Resolution as herein provided, a true or certified copy of said Resolution will be mailed to the owner(s) and mortgagee(s) and/or lienholder(s) thereof, if the whereabouts of said owner(s) and mortgagee(s) and/or lienholder(s) thereof be known or their last known address be known, and a copy thereof shall be posted at a conspicuous place on said house, building and/or structure. Provided, that if the owner(s) and

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mortgagee(s) and/or lienholder(s) of said house, building and/or structure be unknown or if his or their whereabouts or last known address be unknown, the posting of the copy of said Resolution as hereinabove provided will suffice as notice of the condemnation.

- 6) If the house, building, and/or structure constituting a nuisance has not been torn down and removed, or said nuisance otherwise abated, within thirty (30) days after posting the true copy of the Resolution at a conspicuous place on said house, building and/or structure constituting the nuisance, it will be torn down and/or removed by the Saline County Judge or his duly designated representative.
- 7) The Saline County Judge or any other person or persons designated by him to tear down and remove any such house, building and/or structure constituting a nuisance will ensure the removal thereof and dispose of the same in such a manner as deemed appropriate in the circumstances and to that end may, if the same has a substantial value, sell said house, building and/or structure, or any saleable material thereof, by public sale to the highest bidder for cash, ten (10) days' notice thereof being first given by one publication in some newspaper having a general circulation in the County, to ensure its removal and the abatement of the nuisance.
- 8) All proceeds of the sale of any such house, building and/or structure, or the proceeds of the sale of saleable materials therefrom and all fines collected from the provisions of this Ordinance shall be paid by the person or persons collecting the same to the County Treasurer. If any such house, building and/or structure, or the saleable materials thereof, be sold for an amount which exceeds all costs incidental to the abatement of the nuisance (including the cleaning up of the premises) by the County, plus any fine or fines imposed, the balance thereof will be returned by the County Treasurer to the former owner or owners of such house, building and/or structure constituting the nuisance.
- 9) If the County has any net costs in removal of any house, building or structure, the County shall have a lien on the property for said net costs. The lien may be enforced in either one of the following manners:
 - a. The lien may be enforced at any time within eighteen (18) months after work has been done, by an action in the Circuit Court; or,
 - b. The amount of the lien herein provided may be determined at a hearing before the governing body of the County held after ninety (90) days written notice by certified mail to the owner or owners of the property, if the name and whereabouts of the owner or owners be known, and if the name of the owner or owners cannot be determined, then only after publication of notice of such

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hearing in a newspaper having a bona fide circulation in the county wherein the said property is located for one (1) insertion per week for four (4) consecutive weeks; the determination of said governing body being subject to appeal by the property owner in the Circuit Court; and the amount so determined at said hearing, plus ten percent (10%) penalty for collection, shall be by the governing body of the County certified to the Tax Collector of the County and by him placed on the tax books as delinquent taxes, and collected accordingly, and the amount, less three percent (3%) thereof, when so collected shall be paid to the County by the county tax collector.

- 10) A fine of not less than Two Hundred Fifty Dollars (\$250.00) nor more than Five Hundred Dollars (\$500.00) is hereby imposed against the owner(s) of any house, building and/or structure found and declared to be a nuisance by Resolution of the Quorum Court of Saline County, Arkansas thirty (30) days after the same has been so found and declared to be a nuisance and for each day thereafter said nuisance be not abated constitutes a separate and distinct offense punishable by a fine of Two Hundred and Fifty Dollars (\$250.00) for each said separate and distinct offense; provided the notice as herein provided in Section 5 hereof has been given within ten (10) days after said house, building and/or structure has been by Resolution found and declared to be a nuisance.
- 11) In the event it is deemed advisable by the Quorum Court of Saline County, Arkansas that a particular house, building and/or structure be judicially declared to be a nuisance by a Court having jurisdiction of such matters, the Quorum Court of Saline County, Arkansas is hereby authorized to employ an attorney to bring such an action for said purpose in the name of the County, and the only notice to be given to the owner(s) and mortgagee(s) and/or lienholder(s) of such house, building and /or structure sought to be judicially declared to be a nuisance will be that as now provided for by law in such cases in Circuit Court. When any such house, building and/or structure has been declared judicially to be a nuisance by a Court of competent jurisdiction a fine of One Hundred Dollars (\$100.00) is hereby imposed against the owner(s) thereof from the date said finding is made by the Court and for each day thereafter said nuisance be not abated constitutes a separate and distinct offense punishable by a fine of One Hundred Dollars (\$100.00) for each separate and distinct offense. In the event the owner(s) of any such house, building and/or structure judicially found to be a nuisance fails or refuses to abide by the orders of the Court, the Saline County Judge or other person or persons referred to in Section 6 of this Ordinance will take such action as provided in Section 7 hereof, and Section 8 of this Ordinance will be applicable to such owner(s). There provisions contained in the immediately preceding sentence apply independently of any action as may be taken by the Court judicially declaring the nuisance.

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12) SEVERABILITY. If, for any reason, any portion of this Ordinance be held to be invalid, such invalidity shall in no way affect the remaining portions thereof which are valid, but such valid portions shall be and remain in full force and effect.

13) REPEALER. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

14) It deemed necessary for the smooth operation of Saline County Government that this Ordinance be approved.

([Ord. 2002-076](#), passed 12-17-02; Am. [Ord. 2005-044](#), passed 8-16-05)

**§ 1300.02 REGULATING THE PLACEMENT, CONSTRUCTION, AND
MAINTENANCE OF ANTENNA ARRAYS AND COMMUNICAION TOWERS.**

1) Attached hereto and adopted by reference is a complete copy of this Ordinance establishing regulations regarding, construction, and maintenance of antenna arrays and communication towers in Saline County, Arkansas identified as “Exhibit A.” This complete Ordinance shall be on file and available for review and copying in the office of the County Judge and the County Clerk.

2) It is deemed necessary for the smooth operation of Saline County Government that this Ordinance be approved.

([Ord. 2003-048](#), passed 8-19-03; Am. [Ord. 2015-017](#), passed 3-17-15; Am. [Ord. 2015-073](#), passed 12-15-15; Am. [Ord. 2015-073](#), passed 12-15-15)

**§ 1300.03 REGULATING THE CONSTRUCTION AND OPERATION OF FIRING
RANGES.**

1) All firing ranges must be subject to the following conditions:

- a. No firing range, whether for modern guns and ammunition or black powder firearms, shall be constructed within one mile of any residence or business located in Saline County, Arkansas.
- b. All firing ranges shall be constructed in such a manner that a dirt berm shall be erected behind all targets on the range of sufficient height to stop all projectiles fired on the range.
- c. All firing ranges shall be constructed and operated in such a manner that they shall comply with all state, local and federal regulations concerning firing ranges.
- d. That all plans for firing ranges shall be presented to the Saline County Planning Board for its approval. The Saline County Planning Board shall, subject to final

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approval of the Saline County Quorum Court, adopt rules and regulations for the operation of all firing ranges within the unincorporated areas of Saline County, including but not limited to, hours of operation, caliber of firearms that may be discharged on the range and safety regulations.

- 2) **REPEALER.** All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.
- 3) **SEVERABILITY.** The provisions of this Ordinance shall be liberally construed to accomplish the objectives and purposes hereof. If any provision of this Ordinance is held invalid by a court of law or subsequent legislative action, such holding shall in no way affect the validity of the remaining provisions or sections of this Ordinance, which shall remain in full force and effect.
- 4) **EMERGENCY CLAUSE.** It is hereby ascertained and declared that this Ordinance must be adopted as soon as possible to regulate possible construction and operation of firing ranges before one or more such firing range is constructed and operated in such a manner that it exposes the citizens of Saline County to danger of injury or death by firearms discharged on such possible firing ranges. It is, therefore, declared that an emergency exists and this Ordinance, being necessary for the immediate preservation of the public peace, health and safety, as well as, the good order and stability of Saline County government, shall take effect and be in full force from and after its passage.
([Ord. 2006-040](#), passed 7-18-06)

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Article II. PLANNING / ZONING

A.C.A § 14-17-209. Zoning ordinance – Board of zoning adjustment.

- (a) The county planning board shall have authority to prepare, or to cause to be prepared, a zoning ordinance for all or part of the unincorporated area of the county, which ordinance shall include both a map and a text. The zoning ordinance may evaluate the location, height, bulk, number of stories, and the size of the building; open space; lot coverage; density and distribution of population; and the uses of land, buildings and structures. It may require off-street parking and loading. It may provide for districts of compatible uses, for large scale unified development, for the control and elimination of uses not in conformance with provisions of the ordinance, and for such other matters as are necessary to the health, safety, and general welfare of the county. The zoning ordinance shall designate districts or zones of such shape, size, or characteristic as deemed advisable for all, or part, of the unincorporated area of the county. The regulations imposed within each district or zone shall be uniform throughout the district or zone.

. . .

A.C.A. § 14-17-210. Jurisdiction over unincorporated areas.

The county planning board shall have the exclusive zoning and planning jurisdiction over all unincorporated areas lying within a county and along a navigable stream notwithstanding the fact that such areas may be within five (5) miles of the corporate limits of a city having a planning commission if the unincorporated areas are lands upon which a new community has been or is being developed with funds guaranteed, in whole or in part, by the federal government under Title IV of the Housing and Urban Development Act of 1968 or under Title VII of the Housing and Urban Development Act of 1970.

Section

1310.00 Property code for Hot Springs Village.

1310.01 Fees due at the time of filing an application with the County Planning Board.

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§ 1310.00 PROPERTY CODE FOR HOT SPRINGS VILLAGE.

- 1) **PURPOSE AND INTENT.** The purpose and intent of this Code is to ensure the public health, safety, and welfare insofar as they are affected by conditions and maintenance of residential structures and premises and to ensure consistent standards are applied to all residential and commercial properties.
- 2) **DEFINITIONS.**

Commercial property: includes all property used for business purposes, with the exception of residential properties used for home businesses if used in compliance with the Conditions and Regulations of Hot Springs Village.

Compliance officer: means the Director of Planning and Inspections employed by the Hot Springs Village Property Owners' Association or designated employees of that Department.

Enclosure: includes a structure or building that completely conceals its contents from public view.

Exterior property: includes open space on the premises and on adjoining property under control of the owners or tenants of such premises.

Garbage: includes animal or vegetable waste resulting from the handling, preparation, cooking, and consumption of food.

Infestation: includes the presence, within or contiguous to a structure or premises, of vermin, rates, or other pests.

Inoperable motor vehicle: includes any vehicle not in proper condition to be legally operated on the streets of the State of Arkansas or not capable of self-locomotion, excluding operable golf carts.

Occupant: includes any individual living or sleeping in a residential structure or having possession of space within such a structure.

Owner: includes any and all persons, firms, partnerships or corporation having a legal or equitable interest in the property.

Premises: include any developed lot, plot, or parcel of land.

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Residential structures and premises: include any dwelling unit occupied or not, owned occupied, rented leased, or unoccupied, any accessory or outbuildings, and the lot upon which such structures exist.

Rubbish: includes waste materials, including paper, rags, cartons, wood, rubber, leather, tree branches, yard trimming, cans, metals, mineral matters, glass, crockery, and other similar materials.

Tenant: includes a person, partnership, corporation, or group, whether or not the legal owner of record, occupying a building or portion thereof.

Undeveloped property: includes any lot or portion thereof that has not been developed for residential or commercial use or has not been cleared of natural tree or plant growth.

3) ADMINISTRATION.

- a. SCOPE. The provisions of this Code shall apply to all residential and commercial structures and premises and shall constitute the minimum standards and requirements for all premises for exterior maintenance and responsibilities of owners and tenants for lands, buildings, and structures located within Hot Springs Village, Arkansas.
- b. RESPONSIBILITY. It shall be the joint responsibility of the owner, any tenant, and any occupant in physical control of the property to ensure that the property is maintained in compliance with this Code.
- c. RIGHT OF ENTRY. Employees of the compliance office and any law enforcement officer duly certified by the State of Arkansas shall comply with all state and federal laws, statutes, and constitutional protections prior to entering upon the property of another to inspect said property for compliance with this Code.
- d. NOTICES AND ORDERS. The Compliance officer shall issue all necessary notices or orders to ensure compliance with this Code and shall keep official records of all business activities related to enforcement of this Code. Notice shall be given to the owner and/or occupant in physical control of the property in writing identifying the real property and including a statement of the violation or violations of this Code and the amount of time allowed to correct the violation or violations. Determination of such amounts of time shall be at the reasonable discretion of the Compliance Officer. Any law enforcement officer duly certified

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by the State of Arkansas shall issue criminal citations for failure to comply with notices and orders issued by the Compliance Officer.

- e. **PENALTIES.** Any person, firm, corporation, partnership, group, tenant, or occupant in physical control of the property upon conviction of violation of any provision of this Code shall be subject to fines and penalties not less than \$20.00 or more than \$500.00 for any first conviction and not less than \$40.00 or more than \$500.00 for all subsequent convictions.
- 4) **EXTERIOR PROPERTY.** The owner or occupant shall maintain all exterior residential and commercial property and premises in a clean, safe, and sanitary condition. In this regard, all exterior property within the Saline County portion of Hot Springs Village shall be maintained in compliance with the following requirements:
- a. **WEEDS.** All premises and exterior property shall be maintained free from weeds or plant growth in excess of ten (10) inches. Weeds are defined as all grasses, annual plants and vegetation, other than trees and shrubs; provided that this provision shall not apply to ornamental grasses, cultivated flowers or garden or to undeveloped properties.
 - b. **EXTERIOR PROPERTY AND PREMISES.** Exterior property and premises including sidewalks, driveways, and carports, porches, walkways, stairs, parking spaces, and similar areas not completely enclosed, shall be maintained free from hazardous conditions, building materials other than at active construction sites, appliances, household items, rubbish, garbage, debris and similar items.
 - c. **RODENT HARBORAGE.** All premises and exterior property shall be kept free from conditions, which might become a harborage for rodents; bird and animal feeders are exempt from this requirement.
 - d. **OUTSIDE STORAGE.** All building materials, appliances, household items and similar items not intended for outside use or storage, and inoperable motor vehicles shall be stored in a completely enclosed building or enclosure (as defined above).
 - e. **ACCESSORY STRUCTURES.** Including detached garages, fences, seawalls, docks, and walls, shall be maintained in structurally sound condition and good repair. All exposed wood surfaces other than treated or exterior-rated materials shall be covered and a protective coating.

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- f. **DEFACEMENT.** No person shall damage, mutilate, or deface any exterior surface of a structure, including accessory structures, including walls or fences, whether on private or Property Owners' Association property, by any marking, carving or graffiti. It shall be the responsibility of the owner to restore said surface on an approved state of maintenance and repair.
- 5) **EMERGENCY CLAUSE.** This Ordinance being necessary to ensure the public health, safety, and welfare insofar as they are affected by conditions and maintenance of structures and premises, an emergency is hereby declared to exist and this Ordinance shall be in full force and effect from and after its passage and publication.
([Ord. 2008-009](#), passed 2-19-08)

§ 1310.01 FEES DUE AT THE TIME OF FILING AN APPLICATION WITH THE COUNTY PLANNING BOARD.

- 1) The following fees are to be charged for review of subdivision plats made prior to the start of subdivision construction. For applications made after the start of subject construction or development, the fee shall be three times the amount stated.
- a. Primary subdivisions.....\$300.00 plus \$3.00 per lot
 - b. Minor subdivisions (replats).....\$30.00
 - c. Bill of Assurance amendment.....\$30.00
 - d. Extension of preliminary plat approval\$75.00
- 2) There shall be no refunds of any portion of fees paid on applications amended or denied in the review process.
- 3) Refiling of the same, amended, completely different application, or any portion of the same property after previous action or withdrawal, shall be considered a completely new application and fees shall be charged accordingly.
- 4) **REPEALER.** Any ordinances or parts of ordinances in conflict herewith are hereby repealed.
- 5) **SEVERABILITY.** If any part or parts of this Ordinance are declared unconstitutional or void for any reasons, this shall not affect the remaining parts of this Ordinance.

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- 6) EMERGENCY CLAUSE. An emergency is hereby deemed to exist and this Ordinance is necessary to meet public emergencies affecting life, health, safety and the property of citizens of Saline County, Arkansas. This Ordinance shall be immediately in force and effective upon its passage and approval.
([Ord. 1993-054](#), passed 11-29-93)

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Article III. ECONOMIC DEVELOPMENT

A.C.A. §§ 14-173-101-105. City and County Economic Development Grant Authorization Act.

A.C.A. §§ 14-169-901-903. Subchapter intention.

It is the intention of this subchapter to permit municipal and county government in the State of Arkansas to participate fully in the Community Development Act of 1974, specifically, but not limited to, community development activities eligible for assistance in section 105 of it, and to have their governing bodies exercise any and all powers conferred on housing authorities and urban renewal agencies, including, but not limited to:

- (1) Eminent domain;
- (2) Redevelopment activities;
- (3) Housing;
- (4) Public housing;
- (5) Urban renewal; and
- (6) Community development in its broadest sense.

Section

Reserved.

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Article IV. HOUSING

A.C.A. §§ 14-54-1601-1606. The Affordable Housing Accessibility Act.

A.C.A. §§ 16-123-201-210. Arkansas Fair Housing Act.

Section

1330.00 Fair housing policy.

1330.01 Subdivision rules and regulations.

§ 1330.00 FAIR HOUSING POLICY.

- 1) **POLICY.** It is the policy of the County of Saline to provide, within constitutional limitations, for fair housing throughout its jurisdiction.
- 2) **DEFINITIONS.**
 - a. “Dwelling” means any building, structure or portion thereof which is occupied as, or designated or intended for occupancy as, a residence by one or more families, and any vacant land which is offered for sale or lease for the construction or location thereon of any such building, structure, or portion thereof.
 - b. “Family” includes a single individual.
 - c. “Person” includes one or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint-stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy, receivers, and fiduciaries.
 - d. “To rent” includes to lease, to sublease, to let and otherwise to grant for a consideration the right to occupy premises owned by the occupant.
 - e. “Discriminatory housing practice” means an act that is unlawful under Sections 4, 5, or 6.

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- 3) **UNLAWFUL PRACTICE.** Subject to the provisions of Sub-section (b) and Section 7m, the prohibitions against discrimination in the sale or rental of housing set forth in Section 4 shall apply to:
- a. All dwellings except as exempted by Sub-section (b).
 - b. Nothing in Section 4 shall apply to:
 - i. Any single-family house sold or rented by an owner: Provided, that such private individual owner does not own more than three such single-family houses at any one time: Provided further, that in the case of the sale of any such single-family house by a private individual owner not residing in such house at the time of such sale or who was not the most recent resident of such house prior to such sale, the exemption granted by this subsection shall apply only with respect to one such sale within any twenty-four month period: Provided further, that such bona fide private individual owner does not own any interest in, nor is there owned or reserved on his behalf, under any express or voluntary agreement, title to or any right to all or a portion of the proceeds from the sale or rental of, more than three such single-family houses at any one time: Provided further, that the sale or rental of any such single-family house shall be excepted from the application of this title only if such rental of such single-family house shall be excepted from the application of this title only if such house is sold or rented (A) without the use in any manner of the sales or rental facilities or the sales or rental services of any real estate broker, agent, or salesman, or of such facilities or services of any person in the business of selling or renting dwelling, or of any employee or agent of any such broker, agent, salesman, or person and (B) without the publication, posting or mailing, after notice of any advertisement or written notice in violation of Section 4 (c) of this Ordinance, but nothing in this provision shall prohibit the use of attorneys, escrow agents, abstractors, title companies, and other such professional assistance as necessary to perfect or transfer the title, or
 - ii. Rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four families living independently of each other, if the owner actually maintains and occupies one of such living quarters as his residence

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- c. For the purposes of sub-section (b), a person shall be deemed to be in the business of selling or renting dwellings if
 - i. He has, within the preceding twelve months, participated as principal in three or more transactions involving the sale or rental of any dwelling or any interest therein, or
 - ii. He has, within the preceding twelve months, participated as agent, other than in the sale of his own personal resident in providing sales or rental facilities or sales or rental services in two or more transactions involving the sale or rental of any dwelling or any interest therein, or
 - iii. He is the owner of any dwelling designed or intended for occupancy by, or occupied by, five or more families.
- 4) **DISCRIMINATION IN THE SALE OR RENTAL OF HOUSING.** As made applicable by Section 3 and except as exempted by Sections 3(b) and 7, it is unlawful:
 - a. To refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to any person because of race, color, religion, or national origin.
 - b. To discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection therewith, because of race, color, religion, or national origin.
 - c. To make, print or publish, or cause to be made, printed or published any notice, statement, or advertisement, with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination based on race, color, religion, or national origin, or an intention to make any such preference, limitation, or discrimination.
 - d. To represent to any person because of race, color, religion or national origin that any dwelling is not available for inspection, sale, or rental when such dwelling is in fact so available.
 - e. For profit, to induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, color, religion, or national origin.

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- 5) **DISCRIMINATION IN THE FINANCING OF HOUSING.** It shall be unlawful for any bank, building and loan association, insurance company or other corporation, association, firm or enterprise whose business consists in whole or in part in the making of commercial real estate loans, to deny a loan or other financial assistance to a person applying therefore the purpose of purchasing, constructing, improving, repairing, or maintaining a dwelling, or to discriminate against him in the fixing of the amount, interest rate, duration, or other terms or conditions of such loan or other financial assistance, because of the race, color, religion, or national origin of such person or of any person associated with him in connection with such loan or other financial assistance for the purposes of such loan or other financial assistance, or of the present or prospective owners, lessees, tenants, or occupants of the dwelling or dwellings in relation to which such loan or other financial assistance is to be made or given: Provided that nothing contained in this section shall impair the scope or effectiveness of the exception contained in Section 3(b).
- 6) **DISCRIMINATION IN THE PROVISION OF BROKERAGE SERVICES.** It shall be unlawful to deny any person access to or membership or participation in any multiple-listing service, real estate brokers organization or other service, organization, or facility relating to the business of selling or renting dwellings, or to discriminate against him in the terms or conditions of such access, membership, or participation, on account of race, color, religion, or national origin.
- 7) **EXEMPTION.** Nothing in this Ordinance shall prohibit a religious organization, association, or society, or any nonprofit institution or organization operated, supervised or controlled by, or in conjunction with a religious organization, association, or society, from limiting the sale, rental or occupancy of dwellings which it owns or operates for other than a commercial purpose to persons of the same religion, or from giving preference to such persons, unless membership in such religion is restricted on account of race, color, or national origin. Nor shall anything in this Ordinance prohibit a private club not in fact open to the public, which as an incident to its primary purpose or purposes provides lodging which it owns or operates for other than a commercial purpose, from limiting the rental or occupancy of such lodging to its members or from giving preference to its members.
- 8) **ADMINISTRATION.**
- a. The authority and responsibility for administering this Act shall be in the Chief Executive Officer of the County of Saline.
 - b. The Chief Executive Officer may delegate any of these functions, duties, and powers to employees of the City or boards of such employees, including

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functions, duties, and powers with respect to investigating, conciliating, hearing, determining, ordering, certifying, reporting or otherwise acting as to any work, business or matter under this Ordinance. The Chief Executive Officer shall by rule prescribe such rights of appeal from the decisions of his hearing examiners to other hearing examiners or to other officers in the City/County, to boards of officers or to himself, as shall be appropriate and in accordance with law.

- c. All executive departments and agencies shall administer their programs and activities relating to housing and urban development in a manner affirmatively to further the purpose of this Ordinance and shall cooperate with the Chief Executive Officer to further such purposes.
- 9) EDUCATION AND CONCILIATION. Immediately after the enactment of this Ordinance, the Chief Executive Officer shall commence such educational and conciliatory activities as will further the purposes of this Ordinance. He shall call conferences of persons in the housing industry and other interested parties to acquaint them with the provisions of this Ordinance and his suggested means of implementing it, and shall endeavor with their advice to work out programs of voluntary compliance and of enforcement.

10) ENFORCEMENT.

- a. Any person who claims to have been injured by a discriminatory housing practice or who believes that he will be irrevocably injured by a discriminatory housing practice that is about to occur (hereafter "person aggrieved") may file a complaint with the Chief Executive Officer. Complaints shall be in writing and shall contain such information and be in such form, as the Chief Executive Officer requires. Upon receipt of such a complaint, the Chief Executive Officer shall furnish a copy of the same to the person or persons who allegedly committed or is/was about to commit the alleged discriminatory housing practice. Within thirty days after receiving a complaint, or within thirty days after the expiration of any period of reference under subsection (c), the Chief Executive Officer shall investigate the complaint and give notice in writing to the person aggrieved whether he intends to resolve it. If the Chief Executive Officer decides to resolve the complaints, he shall proceed to try to eliminate or correct the alleged discriminatory housing practice by informal methods of conference, conciliation, and persuasion. Nothing said to done in the course of such informal endeavors may be made public or used as evidence in a subsequent proceeding under this Ordinance without the written consent of the persons concerned. Any employee of the Chief Executive Officer who shall make public any information in violation of this provision shall be

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deemed guilty of a misdemeanor and upon conviction thereof shall be fined not more than \$1,000 or imprisoned not more than one year.

- b. A complaint under Sub-section (a) shall be filed within one hundred and eighty days after the alleged discriminatory housing practice occurred. Complaints shall be in writing and shall state the facts upon which the allegations of a discriminatory housing practice are based. Complaints may be reasonably and fairly amended at any time. A respondent may file an answer to the complaint against him and with the leave of the Chief Executive Officer, which shall be granted whenever it would be reasonable and fair to do so, may amend his answer at any time. Both complaints and answers shall be verified.
- c. If within thirty days after a complaint is filed with the Chief Executive Officer, he/she has been unable to obtain voluntary compliance with this Ordinance, the person aggrieved may, within thirty days thereafter, file a complaint with the Secretary of the Department of Housing and Urban Development. The Chief Executive Officer will assist in filing.
- d. If the Chief Executive Officer has been unable to obtain voluntary compliance within thirty days of the complaint, the person aggrieved may, within thirty days hereafter commence a civil action in any appropriate court, against the respondent named in the complaint, to enforce the rights granted or protected by this Ordinance, insofar as such rights relate to the subject of the complaint. If the court finds that a discriminatory housing practice has occurred or is about to occur, the court may enjoin the respondent from engaging in such practice or order such affirmative action as may be appropriate.
- e. In proceedings brought pursuant to this section, the burden of proof shall be on the complainant.
- f. Whenever an action filed by an individual shall come to trial, the Chief Executive Officer shall immediately terminate all efforts to obtain voluntary compliance.

11) INVESTIGATIONS; SUBPOENAS; GIVING OF EVIDENCE.

- a. In conducting an investigation, the Chief Executive Officer shall have access at all reasonable times to premises, records, documents, individuals, and other evidence or possible sources of evidence and may examine, record, and copy such materials and take and record the testimony or statement of such persons as are reasonably necessary for the furtherance of the investigation: Provided, however,

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that the Chief Executive Officer first complies with the provisions of the Fourth Amendment relating to unreasonable searches and seizures. The Chief Executive Officer may issue subpoenas to compel his access to, or the production of such materials, or the appearance of such persons, and may issue interrogatories to a respondent, to the same extent and subject to the same limitations as would apply if the subpoenas or interrogatories were issued or served in aid of a civil action in the United States District Court for the district in which the investigation is taking place. The Chief Executive Officer may administer oaths.

- b. Upon written application to the Chief Executive Officer, a respondent shall be entitled to the issuance of a reasonable number of subpoenas by and in the name of the Chief Executive Officer to the same extent and subject to the same limitations as subpoenas issued by the Chief Executive Officer himself. Subpoenas issued at the request of a respondent shall show on the face the name and address of such respondent and shall state that they were issued at this request.
- c. Witnesses summoned by subpoena of the Chief Executive Officer shall be entitled to the same witness and mileage fees as are witnesses in a proceeding in the United States District Courts. Fees payable to a witness summoned by a subpoena issued at the request of a respondent shall be paid by him.
- d. Within five days after service of a subpoena upon any person, such person may petition the Chief Executive Officer to revoke or modify the subpoena. The Chief Executive Officer shall grant the petition if he finds that the subpoena requires appearance or attendance at an unreasonable time or place, that it requires production of evidence which does not relate to any matter under investigation, that it does not describe with sufficient particularity the evidence to be produced, that compliance would be unduly onerous, or for other good reason.
- e. In case of contumacy or refusal to obey a subpoena, the Chief Executive Officer or person at whose request it was issued may petition for enforcement in the municipal or State court for the district in which the person to whom the subpoena was addressed resides, was served, etc.
- f. Any person who willfully fails or neglects to attend and testify or to answer any lawful inquiry or to produce records, documents, or other evidence, if in his power to do so, in obedience to the subpoena or lawful order of the Chief Executive Officer shall be fined not more than \$1,000 or imprisoned not more than one year, or both. Any person who, with intent thereby to mislead the Chief

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Executive Officer, shall make or cause to be made any false entry or statement of fact in any report, account, record, or other document submitted to the Chief Executive Officer pursuant to his subpoena or other order, or shall willfully neglect or fail to make or cause to be made full, true, and correct entries in such reports, accounts, records or other documents, or shall willfully mutilate, alter, or by any other means falsify any documentary evidence, shall be fined not more than \$1,000 or imprisoned not more than one year or both.

- g. The Grantee's Attorney shall conduct all litigation in which the Chief Executive Officer participates as a party or as amicus pursuant to this Ordinance.

12) ENFORCEMENT BY PRIVATE PERSONS. The rights granted by Sections 3, 4, 5, and 6 may be enforced by civil actions in State or local courts of general jurisdiction. A civil action shall be commenced within one hundred and eighty days after the alleged discriminatory housing practice occurred: Provided, however, that the court shall continue such civil case brought pursuant to this Section or Section 10(d) from time to time before bringing it to trial if the court believes that the conciliation efforts of the Chief Executive Officer are likely to result in satisfactory settlement of the discriminatory housing practice complained of in the complaint made to the Chief Executive Officer and which practice forms the basis of the action in court: And provided, however, That any sale, encumbrance, or rental consummated prior to the issuance of any court order issued under the authority of this Ordinance, and involving a bona fide purchaser, encumbrancer, or tenant without actual notice of the existence of the filing of a complaint or civil action under the provisions of this Ordinance shall not be affected.

The court may grant relief, as it deems appropriate, any permanent or temporary injunction, temporary restraining order, or other order, and may award to the plaintiff actual damages and not more than \$1,000 punitive damages, together with court costs and reasonable attorney fees in the case of a prevailing plaintiff: Provided, That the said plaintiff in the opinion of the court is not financially able to assume said attorney's fees.

13) INTERFERENCE, COERCION, OR INTIMIDATION. It shall be unlawful to coerce, intimidate, threaten, or interfere with any person in the exercise or enjoyment of, or on account of his having exercised or enjoyed, or on account of his having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected by sections 3, 4, 5, or 6. This section may be enforced by appropriate civil action.

14) SEPARABILITY OF PROVISIONS. If any provision of this Ordinance or the application thereof to any person or circumstances is held invalid, the remainder of the Ordinance and the application of the provision to other persons not similarly situation or to other circumstances shall not be affected thereby.

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15) PREVENTION OF INTIMIDATION IN FAIR HOUSING CASES. Whoever, whether or not acting under color of law, by force or threat of force willfully injures, intimidates or interferes with, to attempts to injure, intimidate or interfere with:

- a. Any person because of his race, color, religion or national origin and because he is or has been selling, purchasing, renting, financing, occupying, or contracting or negotiating for the sale, purchase, rental, financing, or occupation of any dwelling, or applying for or participating in any service, organization, or facility relating to the business of selling or renting dwellings; or
- b. Any person because he is or has been, or in order to intimidate such person or any other person or any class of persons from:
 - i. Participating, without discrimination on account of race, color, religion, or national origin, in any of the activities, services, organization or facilities described in subsection 15(a); or
 - ii. Affording another person or class of persons opportunity or protection so to participate; or
- c. Any citizen because he is or has been, or in order to discourage such citizen or any other citizen from lawfully aiding or encouraging other persons to participate, without discrimination on account of race, color, religion or national origin, in any of the activities, services, organizations or facilities described in subsection 15(a), or participating lawfully in speech or peaceful assembly opposing any denial of the opportunity to so participate:

Shall be fined not more than \$1,000 or imprisoned not more than one year, or both; and if bodily injury results shall be fined not more than \$10,000, or imprisoned not more than ten years, or both; and if death results shall be subject to imprisonment for any term of years or for life.

16) EMERGENCY CLAUSE. It has been determined by the Quorum Court that the County should have in place a fair housing policy for the citizens of Saline County and that such a policy is often a requirement of certain federal and state grants. Therefore, an emergency is hereby declared to exist and this Ordinance, being necessary for the protection and preservation of the public peace, health and safety, shall be in full force and effect from and after its passage and publication.

([Ord. 2010-076](#), passed 11-16-10)

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§ 1330.01 SUBDIVISION RULES AND REGULATIONS.

- 1) Attached hereto and made a part of this Ordinance by reference is a copy of the regulations governing pocket neighborhoods as adopted by the Saline County Planning Board at its regular meeting December 11, 2014. These rules and regulations shall be on file and available for review in the office of the Saline County Judge and the Saline County Clerk.
- 2) REPEALER. Any ordinances or parts of ordinances in conflict herewith are hereby repealed.
- 3) EMERGENCY CLAUSE. This Ordinance being necessary to ensure the orderly development of property in Saline County an emergency is hereby declared to exist and this Ordinance shall be in full force and effect from and after its passage and publication.
([Ord. 1993-053](#), passed 11-29-93; Am. [Ord. 1995-040](#), passed 7-18-95; Am. [Ord. 2003-002](#), passed 1-21-03; Am. [Ord. 2007-059](#), passed 7-17-07; Am. [Ord. 2007-101](#), passed 12-18-07; Am. [Ord. 2011-054](#), passed 9-20-11; Am. [Ord. 2015-002](#), passed 1-20-15; Am. [Ord. 2016-003](#), passed 2-16-16)

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**Article V. WATERCOURSE, DRAINAGE, IRRIGATION, FLOOD
CONTROL SERVICES**

A.C.A. §§ 14-121-101-1110. Drainage Improvement Districts Generally.

A.C.A. §§ 14-117-101-427. Arkansas Irrigation, Drainage, and Watershed Improvement District Act of 1949.

A.C.A. § 14-16-112. Flood control improvements.

- (a) (1) The counties of this state are authorized and empowered to enter upon, take, and hold any lands or interest, easement or servitude therein, whether by purchase, grant, donation devise, or otherwise, that may be necessary and proper for the location, construction, operation, repair, or maintenance of any floodway, reservoir, spillway, levee or diversion, or other flood control improvements.
- (2) (A) In order to acquire such rights, easements, and servitudes, the counties are given the authority and power to condemn land or interest therein for these purposes.

(B) In the event it becomes necessary for counties to exercise the right of eminent domain, condemnation proceedings shall be instituted and conducted in the same manner as provided in §§ 18-15-304—18-15-307.
- (b) Nothing in this section shall ever be so construed or applied as to relieve the federal government of any liability or responsibility which it has assumed by the passage of the Flood Control Act of May 15, 1928, or the Flood Control Act of June 15, 1936, or any other existing law, or any law that may hereafter be passed by the Congress of the United States.

Section

1340.00 Stormwater runoff.

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§ 1340.00 STORMWATER RUNOFF.

- 1) STORMWATER ORDINANCE ADOPTED BY REFERENCE. The Stormwater Ordinance for Saline County, Arkansas is hereby adopted by reference. A copy of said Ordinance is attached hereto as “Exhibit 1” and shall be filed in the office of the County Clerk and shall be available for inspection and copying by any person during normal office hours.
- 2) EMERGENCY CLAUSE. There now exists in Saline County an immediate and pressing need to establish a stormwater ordinance for Saline County. Therefore, an emergency is hereby declared to exist and this Ordinance shall be in full force and effect upon and after its date of passage.
([Ord. 2006-082](#), passed 11-21-06; Am. [Ord. 2015-050](#), passed 8-18-15)

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