

VAN BUREN COUNTY QUORUM COURT  
ORDINANCE NO. 2003-70

BE IT ENACTED BY THE QUORUM COURT OF THE COUNTY OF VAN BUREN, STATE OF ARKANSAS, AN ORDINANCE ENTITLED:

**AN ORDINANCE TO REQUIRE DEVELOPERS OF NEW SUBDIVISIONS WITHIN UNINCORPORATED AREAS OF VAN BUREN COUNTY TO BUILD ALL ROADS TO COUNTY ROAD SPECIFICATIONS, TO WARRANTY SAID ROADS FOR ONE YEAR, TO OBTAIN A PERFORMANCE BOND, AND FOR OTHER PURPOSES.**

WHEREAS, it is the desire of the Quorum Court of Van Buren County, Arkansas to take the necessary legislative actions to help protect the health, safety, and welfare of the citizens of Van Buren County; and,

WHEREAS, A.C.A. § 14-17-205 provides that the Quorum Court shall provide for the means of enforcing the official county subdivision ordinance and shall provide penalties for violations and may seek appropriate remedies for violations; and

WHEREAS, A.C.A. §14-17-208(a) provides that the County Judge may prepare and after approval by the county Quorum Court, shall administer the ordinances establishing the county road specifications for roads, street, public rights-of-way, and easements for roads accepted into the county road system; and

WHEREAS, A.C.A. §14-17-208(d)&(e) provides that the ordinance controlling the development of land may require the installation of, or assurance of installation of, required improvements before plat approval, including the dedication of rights -of-way to the public which are in conformity with the county road specifications currently in effect; and

WHEREAS, purchasers of property in subdivisions within unincorporated areas of Van Buren County have reasonable expectations that the roads within the subdivision meet the specifications for inclusion into the county road system and that such roads have been approved by the County Judge of Van Buren County for subsequent maintenance as county roads; therefore

ARTICLE I. Section A. From and after passage of this ordinance any road developed by a developer or sub-divider will be constructed in compliance with the specifications for acceptance into the county road system as provided by Van Buren County Ordinances in effect on the date the developer or sub-divider submits the Bill of Assurance, Subdivision Plat, and/or Dedication Deed for recording by the County Clerk.

Section B. The developer or sub-divider will submit the Bill of Assurance, Subdivision Plat, and/or Dedication Deed to the County Judge for a review of the plans for the proposed roads as provided therein. The clerk will not accept the Bill of Assurance, Subdivision Plat, and/or Dedication Deed for recording, nor will the developer or sub-divider

sell or offer for sale any lots within the subdivision, until the County Judge has first reviewed and approved the plans for the proposed roads.

Section C. At any time during the construction of the roads referred to in Sections A and B of this article, the County Judge, or his designee may inspect the roads to verify that they are being constructed in compliance with the specifications for county roads. Should any of the roads so inspected fail to meet the county road specifications, the earlier approval of the road plans, as provided under Section B above, will be suspended until the road defects have been corrected.

ARTICLE II. Section A. Any acceptance of privately developed roads in subdivisions by Van Buren County shall remain as a permissive action with the decision on such acceptance residing with the County Judge. The acceptance of such privately developed roads by the County Judge commits the County to extending its maintenance capability thereto in the same degree as to existing county roads, subject to the availability of funds.

Section B. Upon completion of the construction of the subdivision roads, the County Judge, or his designee, will conduct a final on-site inspection of said roads. If this inspection shows the roads to be in compliance with the county road specifications, the County Judge may then accept them into the county road system. Should any of the roads fail this inspection, the County Judge will provide a written notice of the failure and the corrective action needed to bring those roads into compliance with county road specifications. These corrective actions must be completed and approved by the County Judge before the roads that failed the inspection will be accepted into the county system.

Section C. The developer or sub-divider will warrant the roads for one (1) year following the completion of construction and acceptance into the county system. Such a warranty will be for the purpose of protecting the County against excessive maintenance costs incurred as a result of unseen defects in the roadbed and/or sub-grade during the warranty period which will be paid by the developer or sub-divider.

ARTICLE III. The developer or sub-divider will post a one(1) year bond with the County Judge after completion of the construction of the roads and at the time the developer or sub-divider receives the final on-site inspection for acceptance of the roads into the county road system. Said bond shall be in the amount of four hundred dollars (\$400.00) per full tenth (1/10th) mile of road accepted into the county road system. The bond requirement is to protect Van Buren County against failure by the developer or sub-divider to pay the cost of any repairs to or rebuilding of roads under the one year warranty period in Article II Section C above.

ARTICLE IV. Certain words in this ordinance are defined for the purpose hereof as follows:

a) Bill of Assurance- a statement signed by the owner before a notary public setting out the following:

(1) that he is the owner of the land described (followed by legal description of the land) with the record book and page number when originally purchased

(2) that he has ordered the land surveyed and divided into lots

(3) that he adopted a specified name for the subdivision after submittal to and approval of the subdivision name by the Assessor's Office of Van Buren County

(4) that all street names for any new streets have been submitted to and approved by the Van Buren County Office of 9-1-1 Emergency Services

(5) that all roads are to be dedicated for public use, and will be constructed in compliance with Van Buren County road specifications

b) County Road- a right-of-way with vehicular driving surface which affords the principal means of access to abutting property and which has been dedicated to public use and which has been accepted by the County Judge of Van Buren County for maintenance by the Van Buren County Road Department

c) He or His- may refer to a male or female

d) Developer or Sub-divider- any person, individual firm, partnership, association, corporation, estate or trust, or any other group or combination, acting as a unit, dividing or proposing to divide land so as to constitute a subdivision as herein defined, and such includes any agent of the sub-divider

e) Subdivision- any division of a lot, tract or parcel of land either by platting or by metes and bounds into two or more lots or parcels for the purpose of transfer of ownership, including the combination of two or more previously platted lots. The term subdivision shall apply also to any division of land involving the dedication of a road to the public provided however, that any division of land for agricultural purposes into lots or parcels of five acres or more shall not be deemed a subdivision unless road dedication is involved

  
Robert "Bogie" Bramlett, County Judge

DATE: Nov. 20, 2003

(SEAL)  
ATTEST:



Ester Bass  
Van Buren County Clerk

Sponsored by: James Kirkendoll

VAN BUREN COUNTY QUORUM COURT  
EMERGENCY ORDINANCE NO. 2003-71

BE IT ENACTED BY THE QUORUM COURT OF THE COUNTY OF VAN BUREN, STATE OF ARKANSAS, AN EMERGENCY ORDINANCE TO BE ENTITLED:

**AN EMERGENCY ORDINANCE TO DISSOLVE THE VAN BUREN COUNTY SOLID WASTE AND RECYCLING ADMINISTRATIVE BOARD, CREATING THE VAN BUREN COUNTY SOLID WASTE MANAGEMENT DEPARTMENT, DECLARING AN EMERGENCY AND FOR ALL OTHER PURPOSES.**

WHEREAS, the Quorum Court of Van Buren County, Arkansas did previously enact ordinance number 2000-18 to establish the Van Buren County Solid Waste and Recycling Administrative Board; and

WHEREAS, it is now considered to be in the best interest of Van Buren County that the Van Buren County Solid Waste and Recycling Administrative Board be dissolved.

**THEREFORE, BE IT ORDAINED:**

1. That the Quorum Court of Van Buren County, Arkansas hereby agrees to dissolve the Van Buren County Solid Waste and Recycling Administrative Board effective at 12:00 p.m. on December 31, 2003.

2. That all facilities, equipment, personnel, contracts and obligations, operations, and other matters relating to solid waste and recycling operations presently administered by the Van Buren County Solid Waste and Recycling Administrative Board shall henceforth be administered as the Van Buren County Solid Waste Management Department under the direction of the Van Buren County Judge.

3. This Ordinance being necessary for the preservation of the public peace, health, safety and welfare, it is therefore declared that an emergency exists because the health of the people of Van Buren County may be jeopardized if solid waste is not disposed of and handled in a manner that is safe and as prescribed by law, and that this Ordinance shall be in full force and effect from and after its passage.

4. General Repealer. All Ordinances and parts of Ordinances in conflict with this Ordinance are hereby repealed.

Dated: Nov. 20, 2003

APPROVED: Robert Bramlett  
Robert Bramlett, County Judge

ATTEST: Ester Bass  
Ester Bass, County Clerk