

POINSETT COUNTY QUORUM COURT

ORDINANCE NO. 2023-14

Sponsor: Justice Randy Jones

**BE IT ENACTED BY THE QUORUM COURT OF THE COUNTY OF POINSETT, STATE OF ARKANSAS;
AN ORDINANCE TO BE ENTITLED:**

**AN ORDINANCE TO PROVIDE PENALTY PROVISIONS FOR THE PROTECTION AND
MAINTENANCE OF COUNTY ROADS AND RIGHT-OF-WAYS**

WHEREAS, the County has adopted ordinance for the regulation and maintenance of county roads and right-of-way: and

WHEREAS, the protection and maintenance of county roads and rights-of-way is essential to the safety, health and best interests of the citizens of Poinsett County, Arkansas;

**NOW THEREFORE, BE IT ORDAINED BY THE QUORUM COURT OF THE COUNTY OF POINSETT,
STATE OF ARKANSAS THAT:**

Section 1: Right-of-way of all county roads shall be 25 feet on each side of the center line of the county road.

- a. It shall be unlawful for any person, persons, or organizations utilities to place poles, lines, fences, cables, or any obstacle of any kind in said road right-of-way without written consent from the County Judge, such consent or agreements shall be placed in county court records. Failing to do so shall be deemed as no consent was given.
- b. Any obstacles placed in, over or under county road right-of-way shall be moved at the expense of the owner of said properties. In cases of road widening or improvement to roads, owners have 30 days to act on such movement of property after written request is made by the County Judge.

Section 2: It shall be unlawful for a person to throw or dump any item or items on road or right-of-way or deliberately fill in road ditches in Poinsett County, or on the right-of-way that would alter the normal flow of drainage of a county road, including, but not limited to, the dumping of leaves, tree or brush cuttings, and trash, rock, and any foreign objects.

Section 3: It shall be unlawful for a person to burn anything upon a blacktopped surface or driving surface of any county road, unless done with the written consent of the County Judge.

- Section 4: It shall be unlawful for a person to park a motor vehicle or any other large item, including, but not limited to, a trailer, mobile home, or any piece of equipment, on a county road or upon a right-of-way to a county road, EXCEPT where an emergency situation necessitates that the vehicle or other item be left there. If an emergency situation arises requiring the parking of one of the above items on said county right-of-way, it shall not be parked for a period longer than twenty-four (24) hours without the written consent of the County Judge.
- Section 5: It shall be unlawful for a person to cut, dig or deface a county road and right-of-way for any reason without first obtaining permission from the County Judge, who, where necessary, shall require the posting of a bond sufficient to cover the estimated costs of repairs or damages.
- Section 6: Violation of any of the provisions of this ordinance shall be punishable by a fine of \$100.00 for each violation. For the purposes of this ordinance, each motor vehicle or other large item parked on the county right-of-way constitutes a separate violation and each twenty-four (24) hour period that said motor vehicle or other large item is parked constitutes a separate violation.
- Section 7: Where it is possible, and in the best interest of the County as determined by the County Judge, it shall be the policy of the County to seek to have the person or persons violating any provision of this ordinance to pay the costs of repairing or correcting the damage done by their violation in lieu of payment of the fine designated above.
- Section 8: Ordinances or parts thereof in force at the time that this Ordinance shall take effect that are in conflict herewith are hereby repealed.
- Section 9: An emergency is hereby declared and this ordinance, being necessary for the health, safety, and welfare of the citizens of Poinsett County, shall take effect and shall be in force and effect from and after its passage.

Passed and approved this 14th day of August, 2023

Approved: J.C. Carter
J.C. Carter,
Poinsett County Judge

Attest: Teresa Rouse
Teresa Rouse
Poinsett County Clerk

This publication was paid for by Poinsett County General Fund/Quorum Court and the cost to publish it is \$_____.