

ORDINANCE NO. O-2014-__

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

AN ORDINANCE ADOPTING A NEW PLANNING CODE BY
REFERENCE

WHEREAS, a compilation of rules, known as "Planning and Development Ordinance of Benton County – January, 2014" has been prepared by the Benton County Planning Department and Benton County Planning Board with regard to development of property in unincorporated Benton County, and

WHEREAS, a road plan for the unincorporated areas of the County has been previously adopted, including designation of the general location, characteristics, and functions of roads, and the general location of roads to be reserved for future public acquisition, and

WHEREAS, the Legislative Committee of the Quorum Court has held exhaustive hearings on the proposed new rules including holding three public hearings around the County in cooperation with the Planning Department and Planning Board, and

WHEREAS, the Board of Directors of each school district in the County were notified by first class mail of a public hearing related to the described "Planning and Development Ordinance of Benton County – January, 2014" giving sufficient time to appear and provide comments thereon, and

WHEREAS, notice of the intent to adopt the compilation by reference shall be published after the second reading of this ordinance and prior to its final adoption, and

WHEREAS, at least one (1) copy of the compilation which is incorporated herein to be adopted by reference has been filed in the office of the county clerk and there kept available for public use, inspection, and examination for at least thirty (30) days prior to final adoption of this ordinance which incorporates the compilation by reference.

NOW, THEREFORE, BE IT ENACTED BY THE QUORUM COURT OF THE
COUNTY OF BENTON, STATE OF ARKANSAS:

ARTICLE 1. That an extensive compilation document, titled "Planning and Development Ordinance of Benton County – January, 2014" is hereby adopted by reference.

ARTICLE 2. That violations of the Planning and Development Ordinance of Benton County will be punished in accordance with § 1-9 of the Code of Ordinances of Benton County, which currently reads as follows:

Sec. 1-9. - Penalty for violations.

- (a) In this section the term "violation of this Code" means:
- (b)
 - (1) Doing an act that is prohibited or made or declared unlawful, an offense or a misdemeanor by ordinance or by rule or regulation authorized by ordinance.
 - (2) Failure to perform an act that is required to be performed by ordinance or by rule or regulation authorized by ordinance.
 - (3) Failure to perform an act if the failure is declared a misdemeanor or an offense or unlawful by ordinance or by rule or regulation authorized by ordinance.
- (c) In this section the term "violation of this Code" does not include the failure of a county officer or county employee to perform an official duty unless it is provided that failure to perform the duty is to be punished as provided in this section.
- (d) Except as otherwise provided, a person convicted of a violation of this Code shall be punished by a fine not exceeding \$500.00 or double such sum for each repetition thereof. If the violation is, in its nature, continuous in respect to time, the penalty for allowing the continuance thereof is a fine not to exceed \$250.00 for each day that the same is unlawfully continued.
- (e) If a violation of this Code is also a misdemeanor under state law, the penalty for the violation shall be as prescribed by state law for the state offense.
- (f) The imposition of a penalty does not prevent revocation or suspension of a license, permit or franchise.
- (g) Violations of this Code that are continuous with respect to time are a public nuisance and may be abated by injunctive or other equitable relief. The

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imposition of a penalty however does not prevent the simultaneous granting of equitable relief in appropriate cases.

ARTICLE 3. That the fees associated with the revised planning rules will be adopted by separate ordinance.

ARTICLE 4. That in the event any portion of the "Planning and Development Ordinance of Benton County – January, 2014" is declared unconstitutional or otherwise invalid by any court, the remaining unaffected provisions shall remain effective.

APPROVED:

ROBERT CLINARD, COUNTY JUDGE
DATE SIGNED: _____

ATTEST:

TENA O'BRIEN, COUNTY CLERK

SPONSOR: JP Tom Allen

DATE ADOPTED: _____

Votes For: _____ Against: _____

Abstain: _____ Present: _____ Absent: _____