

ORDINANCE 2026-5

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

**AN EMERGENCY ORDINANCE FOR THE PROTECTION OF THE TRAVELING PUBLIC,
CONDITION AND MAINTENANCE OF THE COUNTY MAINTAINED PUBLIC ROADS IN DESHA
COUNTY AND WITHIN ITS UNINCORPORATED LIMITS; TO DECLARE AN EMERGENCY;
AND FOR OTHER PURPOSES**

WHEREAS, Desha County, Arkansas, has over 850 miles of county maintained public roads.

WHEREAS, the Quorum Court finds that the public interest is served by protecting the county maintained public roads and ability of the county road crews to be able to maintain the county maintained public roads in the county;

WHEREAS, it is necessary to adopt this ordinance to assure the county road crews are able to maintain the right-of-way, public road easement, roadway, subgrade, culverts and signage for county maintained public roads.

WHEREAS, the Quorum Court finds that the public interest is served by protecting the traveling public from the placement, creation or existence of physical and functional encroachments or obstructions to the county maintained public roads.

**THEREFORE, BE IT ORDAINED BY THE QUORUM COURT OF DESHA COUNTY, ARKANSAS,
AS FOLLOWS:**

ARTICLE 1. Purpose and Applicability

All county maintained public roads in Desha County, Arkansas, shall be free from the existence of functional and physical encroachments or obstructions. This ordinance shall provide for the penalties for violation of this ordinance.

ARTICLE 2: County Maintained Public Roads.

For purposes of this ordinance, "county maintained public road" shall mean: any road identified as a county road assigned a county road number and maintained by the county; or any road in which the county has directed construction, material, blading or grading, maintenance, mowing or repairs of the road, roadway, or right of way, road easement or bridges.

ARTICLE 3: It shall be unlawful and a violation of this ordinance for any person, persons or organization to engage in the following activities on county maintained public road, to:

- (a). throw, dump or place any item or items onto a county maintained public road or roads ,including but not limited to, the county roadway or road beds, shoulder, ditch, subgrade, right of way, easement, backslope of the ditch, any county maintained public road in the unincorporated areas of the county;
- (b). to dig, or place or situate any utilities, poles, lines, fences, cables, wires, or any item whatsoever within the easement or right of way of a county maintained public roads without first obtaining the written consent of the county judge and comply with the utility accommodation permit requirements;
- (c). Any item, items, fences, gates (whether closed, locked or unlocked), obstacles, physical or functional encroachments within the road easement or right of way of a county maintained public road shall be moved by and at the expense of the owner of the property;
- (d). Burn anything within the road easement or right-of-way of a county maintained public road without the permission of the county judge;
- (e). Park a motor vehicle, trailer, camper, mobile home, equipment, or item within the road easement or right-of-way of a county maintained public road, except during an emergency due to malfunction, in which case the

property shall be immediately removed from the roadway or driving surface to assure the safety of the traveling public. In no event shall the property remain parked on the shoulder of the roadway for over 48 hours.

ARTICLE 4: Penalties and Remedies:

- (a). Violation of this ordinance shall result in the fine of \$1,000 for a specified offense or violation, or double that sum for repetition of the offense or violation; and
- (b). If the act or violation is in its nature continuous in respect to time, the fine for allowing the continuance of the prohibited unlawful act or omission, in violation of the ordinance, shall be \$500 a day for each day that the violation is unlawfully continued.
- (c). Any item, items, fences, gates (whether closed, locked or unlocked), obstacles, physical or functional encroachments within the roadway, road easement or right of way shall be moved at the expense of the owner of the property;
- (d). The county may exercise self-help and remove any item, items, fences, gates (whether closed, locked or unlocked), obstacles, physical or functional encroachments within the roadway, road easement or right of way the county maintained public road;
- (e). The citizen or landowner with standing, and/or county judge, may pursue a declaratory and/or injunctive relief from a court of competent jurisdiction for removal of an obstruction to county maintained public road.
- (f). A.C.A. § 5-71-214 provides that: *"A person commits the criminal offense of obstructing a highway or public passage if, having no legal privilege to do so and acting alone or with another person, he or she renders a any highway or other public passage impassible to pedestrian or vehicular traffic. A.C.A. § 5-71-214(c) further prescribes that the criminal penalty for: "Obstructing a highway and other public passage is a Class A misdemeanor".* The county judge, any citizen or landowner may notify the Sheriff of the violation. The criminal penalties under A.C.A. § 5-71-214 are not in lieu of the civil penalties prescribed by this ordinance but in addition thereto.

ARTICLE 5: Severability

If any provision of this Ordinance is found to be invalid by the decision of any court of competent jurisdiction, such invalidity shall not affect the remaining sections, phrases, and provisions of this Ordinance which remain valid and enforceable.

ARTICLE 6: Emergency Clause

The Quorum Court finds that the immediate implementation of this ordinance is necessary for the preservation of the public's peace, health, safety, welfare, and property, an emergency is hereby declared to exist and that this Ordinance is to be in effect immediately after its adoption.

PASSED AND APPROVED this 16 day of June, 2026.

APPROVED: Wayne J. T. L.
COUNTY JUDGE

ATTEST: Debra D. D. D.
COUNTY CLERK

ORDINANCE 2026-6

BE IT ENACTED BY THE QUORUM COURT OF DESHA COUNTY, STATE OF ARKANSAS: AN ORDINANCE ESTABLISHING STANDARDS FOR ACCEPTING NEW ROADS INTO THE COUNTY FOR PURPOSES OF COUNTY MAINTENANCE.

WHEREAS; the Quorum Court wishes to update standards to clarify said requirements.

WHEREAS; the following will be necessary procedures establishing standards for acceptance of new county roads.

- (1) Dedication of a 50 foot right of way easement deeded to Desha County.
- (2) Comprehensive drainage plan performed by a registered professional engineer.
- (3) Road footprint to be excavated down to stable material.
- (4) Road shall be elevated with compactible select fill (95%)
- (5) Road shall have a minimum of 6 inches of compacted pre-approved road base.
- (6) Road shall have a minimum width of 22 foot with a 19 foot driving service and 18 inch shoulder on each side.
- (7) Petitioners shall provide a legal description of the proposed roadway by survey or otherwise upon submission of the petition.
- (8) All plans and specifications for road and drainage construction shall be reviewed by the County Judge.
- (9) All road and drainage construction shall be under the direction of a registered professional engineer.
- (10) After construction is finished, the person or entity requesting acceptance from the county must declare completion to the Judge. The Judge may allow a 6 month period to pass before final inspection, acceptance, or rejection. This process shall serve as to "test" the road.

WHEREAS; the Arkansas Constitution gives the County Judge the exclusive original jurisdiction over the county road and bridge system. It is therefore up to the Judge to use his or her discretion as to whether or not to accept any road for any reason. Practicality may necessitate raising or lowering standards. It is important that the requestor communicate with the Judge during planning and construction.

THEREFORE; be it ordained by the Quorum Court of Desha County that this Ordinance be established as proper procedures and standards for new roads constructed within the County of Desha.

Dated this 16th day of June, 2026.

Approved Wayne Smith
Wayne Smith, Desha County Judge

Attest Valerie Donaldson
Valerie Donaldson, Desha County Clerk

**IN THE QUORUM COURT OF DESHA COUNTY, ARKANSAS
ORDINANCE 2026-7**

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

AN ORDINANCE REQUIRING PERSONS OR ENTITIES DOING CONSTRUCTION UPON COUNTY ROADS TO OBTAIN A PERMIT; TO REQUIRE PLACEMENT OF UTILITIES TO MEET CERTAIN REQUIREMENTS; TO REQUIRE SAFETY SIGNAGE; AND FOR OTHER PURPOSES.

WHEREAS, the Desha County Quorum Court recognizes Arkansas Code Annotated § 14-14-1101 as it relates to the administration of county roads and to administer ordinances; and

WHEREAS, the Desha County Quorum Court acknowledges Arkansas Code Annotated § 14-14-1104, whereby the County Judge may establish and enforce certain administrative rules and regulations pertaining to county roads, and **WHEREAS**, the Desha County Quorum Court recognizes that requirements and regulations for the installment and placement of utilities are necessary to promote the health, safety, and welfare of the citizens of Desha County.

- Section 1: For purposes of this ordinance, "County Maintained Road" shall be defined as any and all roads in Desha County, Arkansas, which Desha County has taken into the county road system or are maintained by the county. County Maintained Roads shall include all roadbeds, roadways, ditches, adjacent rights-of-way, and road easements.
- Section 2: No person, firm, corporation, or other entity shall place any line, pipeline, pole, conduit, or other type of facility, apparatus, or other matter, whether a public utility or otherwise, upon or within any County Maintained Road, any right-of-way, or road easement, without having first obtained a permit to do so from the County Judge.
- Section 3: The permit holder will protect the traveling public by use of traffic control devices, as required by the Manual on Uniform Traffic Control Devices (MUTCD), during all phases of construction.
- Section 4: The permit holder shall be responsible for all costs of moving such utilities and facilities as required for future road improvements, including widening.
- Section 5: The County Judge or his or her representative shall review each request and issue a permit accordingly. The County Judge is given discretion to require a bond in the amount of \$500 to \$50,000 as deemed appropriate by the County Judge.
- Section 6: Any utility company or other entity which has received permission to install, operate, and/or maintain utility facilities in the County Maintained Road, rights-of-way, or road easements shall place on file an accurate and complete plan, drawing, blueprint or other such rendering of the position and location of the completed facility, improvement, or construction with the County Judge's office.
- Section 7: All utility companies shall restore all county roads, ditches, and easements to the condition prior to such projects or construction.
- Section 8: Installation of all utilities on county road right-of-way must be approved and permitted by the Desha County Road Department and be installed according to the following requirements:
All utilities installed in the road ditch or crossing the road ditch must be installed at a minimum of three (3) feet below the bottom of the ditch.
All utilities installed on the shoulder of the road must be a minimum of two and a half (2 ½) feet below the shoulder.
Any culvert or drainage structure installed by the developer or property owner must conform to the County requirements. Drainage pipes and culverts must be a minimum of twenty-four (24) inches in depth and must be six (6) feet outside the shoulder of the road. Side culverts or driveway culverts must be a minimum of eighteen (18) inches in depth.
All utilities, such as power cable, telephone cable, water, sewer, and gas shall be installed within the outer five (5) feet of the right of way.
Longitudinal utilities shall have a minimum depth cover of thirty-six (36) inches measured vertically over the utility line.

- Section 9: Any variances to these requirements shall be submitted, in writing, to the County Judge for consideration and approval. If work has not started within a period of three (3) months after the variance is approved, the approval is void and new application must be made to the County Judge.
- Section 10: The utility company or other permit holder shall notify the County Judge four (4) business days prior to beginning work.
- Section 11: The County Judge reserves the right to revoke a permit for failure to comply with the provisions of this ordinance.
- Section 12: The permit holder shall notify the County Judge upon completion of work performed for a final inspection and release of the bond, as necessary.
- Section 13: The placement of utilities without a permit or in violation of this permit shall upon notice constitute an encroachment.
- Section 14: The permit holder shall upon notice be responsible for the immediate relocation and costs of relocation for placement of utilities in compliance with this permit and ordinance.
- Section 15: Utilities that failure to obtain a permit or comply with this permit and ordinance shall upon notice be violation of this ordinance.
- Section 16: Penalties and Remedies:
(a).Violations shall be cured immediately upon notice;
(b).Violation of this permit or ordinance shall result in the fine of \$500 a day for each day that the violation is unlawfully continued; and
(c).The County shall be entitled to an assessment of a reasonable award of attorney's fees and costs if enforcement of this permit or ordinance is pursued in a court of competent jurisdiction.
- Section 17: If any provision of this Ordinance is found to be invalid by the decision of any court of competent jurisdiction, such shall not affect the remaining sections, phrases, and provisions of this Ordinance which remain valid and enforceable.

PASSED AND ADOPTED THIS 16th DAY OF JUNE, 2026.

APPROVED: Wayne Smith
COUNTY JUDGE

ATTEST: Valerie O...
COUNTY CLERK

ORDINANCE NO. 2026-8

AN ORDINANCE TO AMEND ORDINANCE 2023-6.

WHEREAS; the funds deposited into the Desha County Sheriff Contribution Fund are made possible through contributions and donations from citizens and other lawful sources for the benefit of the Desha County Sheriff's Office; and

WHEREAS; monies deposited into the Desha County Sheriff Contribution Fund may be expended, upon approval of the Sheriff, for any lawful purpose that the Sheriff deems beneficial to the operation of the Sheriff's Office, including but not limited to equipment, training, supplies, employee recognition, employee support, employee welfare, and other office-related needs and expenditures.

NOW, THEREFORE BE IT ORDAINED THAT THE DESHA COUNTY QUORUM COURT AUTHORIZED THE AMENDMENT OF ORDINANCE 2023-6 AND TO MAKE IT RETROACTIVE TO ITS ORIGINAL DATE.

PASSED AND APPROVED THIS 16th DAY OF June, 2026.

APPROVED: Wayne Smith
WAYNE SMITH, DESHA COUNTY JUDGE

ATTEST: Valerie Donaldson
VALERIE DONALDSON DESHA COUNTY CLERK

6-16-24
FILED
Valerie Donaldson, Desha County Clerk
Valerie Donaldson
By: [Signature] Deputy

6-16-24
RECORD
Valerie Donaldson, Desha County Clerk
Valerie Donaldson
By: [Signature] Deputy