

ORDINANCE NO. 2025-207

A ORDINANCE TO ESTABLISH CHAPTER 12 BOARDS, COMMISSION, AND AUTHORITIES; RELOCATING ALL BOARD AND COMMISSION CODES TO CHAPTER 12; DELETING ARTICLE 2-VIII BOARDS, COMMISSIONS AND AUTHORITIES; AND FOR OTHER PURPOSES.

WHEREAS, boards, commissions, and authorities are scattered throughout numerous chapters in the Bentonville Municipal Code; and

WHEREAS, all boards, commissions, and authorities should be codified into the same chapter of the Bentonville Municipal Code.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BENTONVILLE, ARKANSAS, THAT:

Section 1: That Bentonville Municipal Code Chapter 12 Boards, Commission, and Authorities should be and is hereby established as follows:

Art. 12-I	Generally (Reserved)
Art. 12-II	Active Transportation Advisory Board
Art. 12-III	Advertising & Promotions Commission
Art. 12-IV	Board of Adjustment
Art. 12-V	Construction Board of Appeals
Art. 12-VI	Dispute Resolution Committee
Art. 12-VII	Library Advisory Board
Art. 12-VIII	Municipal Airport Advisory Board
Art. 12-IX	Northwest Arkansas Conservation Authority
Art. 12-X	Reserved
Art. 12-XI	Ozark Transit Authority
Art. 12-XII	Parks and Recreation Advisory Board
Art. 12-XIII	Planning Commission
Art. 12-XIV	Public Art Advisory Board
Art. 12-XV	Traffic Safety and Signage Committee
Art. 12-XVI	Tree and Landscape Advisory Board
Art. 12-XVII	Utility Board

Section 2: That Bentonville Municipal Code should be and is hereby amended as follows:

- a. Codify Ord. No. 2024-145 to Art. 12-II Active Transportation Advisory Board and renumber beginning at Sec 12-200.
- b. Move Sec. 86-48 Advertising and Promotions Commission to Art. 12-III Advertising & Promotions Commission and renumber beginning at Sec 12-300.

- c. Delete Appendix A, Sec. 301.04 Board of Adjustment and adopt Art. 12-IV Board of Adjustment, as shown in Exhibit A: Board of Adjustment, three copies of which are on file with the City Clerk and which is hereby adopted by reference as though it were copied herein fully.
- d. Move Article 14-XIII Construction Board of Appeals to Art. 12-V Construction Board of Appeals and renumber beginning at Sec. 12-500.
- e. Move Division 2-VIII-2 Dispute Resolution Committee to Art. 12-VI Dispute Resolution Committee and renumber beginning at Sec. 12-600.
- f. Move Sec 54-4 Library Advisory Board to Art. 12-VII Library Advisory Board and renumber beginning at Sec. 12-700.
- g. Move Article 10-II Airport Advisory Board to Art. 12-VIII Municipal Airport Advisory Board and renumber beginning at Sec. 12-800.
- h. Move Article 34-II Northwest Arkansas Conservation Authority to Art. 12-IX NACA Board and renumber beginning at Sec. 12-900.
- i. Move Division 2-VIII-3 Ozark Transit Authority to Art. 12-XI Ozark Transit Authority and renumber beginning at Sec. 12-1100.
- j. Move Sec 62-I Parks Advisory Board to Art. 12-XII Parks and Recreation Advisory Board and renumber beginning at Sec. 12-1200.
- k. Delete Chapter 74 and Appendix A, Sec 301.02 Planning Commission and adopt Art. 12-XIII Planning Commission, as shown in Exhibit B: Planning Commission, three copies of which are on file with the City Clerk and which is hereby adopted by reference as though it were copied herein fully.
- l. Move Sec 94-1 Traffic Safety and Signage Committee to Art. 12-XV Traffic Safety and Signage Committee and renumber beginning with Sec. 12-1500.
- m. Delete Appendix B, Sec 1300.04 Establishment of a Tree and Landscape Advisory Committee and adopt Art. 12-XVI Tree and Landscape Advisory Board, as shown in Exhibit C: Tree and Landscape Advisory Board, three copies of which are on file with the City Clerk and which is hereby adopted by reference as though it were copied herein fully.
- n. Codify Ordinance No. 2019-148 to Art. 12-XVII Utility Board and renumber beginning at Sec. 12-1700.

Section 3: That Bentonville Municipal Code Chapter 2-VIII Boards, Commissions and Authorities should be and is hereby deleted;

Section 4 - Severability Provision: If any part of this ordinance is held invalid, the remainder of this Resolution shall continue in effect as if such invalid portion never existed; and

Section 5 - Repeal of Conflicting Provisions: All ordinances, resolutions, or orders of the City Council, or parts of the same, in conflict with this ordinance are repealed to the extent of such conflict.

PASSED and APPROVED this 9 day of December, 2025.



APPROVED:

Stephanie Orman
Stephanie Orman, Mayor

ATTEST:



Malorie Marrs, City Clerk

Exhibit A

Board of Adjustment

Chapter 12 Boards, Commissions, and Authorities

Art. 12-IV Board of Adjustment

Sec 12-400 Board of Adjustment Established

There is hereby established the board of adjustment. The mayor is authorized to provide available staff to assist the board, as approved through city budget and expenditure processes.

Sec 12-410 Composition

- (a) *Membership.* The board of adjustment shall consist of five (5) members with one (1) member appointed from the membership of the planning commission.
- (b) *Appointment.* Each board member shall be appointed by the mayor and confirmed by a majority vote of the city council.

Sec 12-420 Terms

- (a) *Term length.* Each member of the board of adjustment shall serve for five (5) years. Appointments shall be staggered.
- (b) *Term limits.* There are no term limits for board of adjustment members.
- (c) *Vacancies.* When the term of any member of the board of adjustment expires or in the event of any vacancy, the mayor shall make a nomination to fill the vacancy. The person so nominated and confirmed by the city council shall serve for the remainder of the term of the person whom he or she replaced.
- (d) *Removal.* A member of such board of adjustment, once qualified, can thereafter be removed during his/her term of office only for cause on a majority vote of the city council. In the event of the death, resignation, or removal of any such member before the expiration of his/her term, a successor shall be appointed by the Mayor and confirmed by city council to serve his/her unexpired term by resolution.

Sec 12-430 Organization

- (a) *Officers.* A chairperson, vice chairperson, and secretary shall be elected annually by the board from among its membership. The chairperson, or in his/her absence, the vice chairperson, shall preside at all meetings and decide all points of order or procedure.
- (b) *Rules and regulations to be adopted.* The board of adjustment shall adopt bylaws to establish rules necessary to the conduct of its affairs and in keeping with the provisions of this chapter and for appeals to floodplain interpretations.

Sec 12-440 Meetings

- (a) *Frequency.* Meetings shall be held on a regular schedule and at such other times as the board may determine. All meetings shall be open to the public.
- (c) *Minutes.* The board of adjustment shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or if failing to vote, indicating such fact; it shall keep records of its examinations and other official actions, all of which shall be a public record and be immediately filed in the planning office.
- (d) *Quorum.* A quorum of the board shall consist of three (3) members. The concurring vote of three (3) of the board members shall be necessary to revise any order or decision of the Community development director or to decide on any matter upon which it is required to pass under this chapter.

Sec 12-450 Powers and duties

The board of adjustment shall have all the powers and duties prescribed by law and by this chapter, which are more particularly described as follows:

- (a) *Appeal of interpretation.* To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the administrative official in the enforcement of this chapter and floodplain regulations. The board may affirm or reverse, in whole or in part, said decision of the community development director.
- (e) *Variances.* To hear and decide requests for variances from the literal provisions of the zoning ordinance in instances where strict enforcement of the ordinance would cause undue hardship due to circumstances unique to the individual property under consideration, and grant such variances only when it is demonstrated that such action will be in keeping with the spirit and intent of the provisions of the ordinance.
- (f) *Determination of zoning district boundaries.* In addition to the powers and duties specified above, the board shall also have the powers and duties to hold public hearings and interpret zoning district boundaries where uncertainty exists as to the boundaries of the zoning districts or when the street or property lines existing on the ground are at variance with those shown on the Zoning District Map.

Exhibit B

Planning Commission

Chapter 12 Boards, Commissions, and Authorities

Art. 12-XIII Planning Commission

Sec 12-1300 Planning Commission established

There is hereby established the planning commission for the purpose described in [Sec 12-1310](#). The mayor is authorized to provide available staff to assist the commission, as approved through city budget and expenditure processes.

Sec 12-1310 Purpose of the planning commission

The general purpose of the planning commission is to:

- (a) Prepare, or have prepared, a plan of the municipality;
- (b) Receive and make recommendations on public and private proposals for development;
- (c) Prepare and administer planning regulations;
- (d) Prepare and transmit to the legislative body recommended ordinances implementing plans; and
- (e) Advise and counsel the city government and other public bodies.

Sec 12-1320 Composition

- (a) *Membership.* The planning commission shall consist of seven (7) members, at least two-thirds of whom shall not hold any elective or appointive city office except membership in the board of adjustment or a joint planning agency.
- (b) *Appointment.* The members of the planning commission shall be appointed by the mayor and confirmed by a majority vote of the city council.

Sec 12-1330 Terms

- (b) *Term length.* The members of the planning commission shall serve for five-year staggered terms.
- (c) *Term limits.* No member shall serve more than two (2), five-year terms without a one-year roll-off period. After two (2) full terms have been served, the member must roll-off planning commission for at least one (1) year before being eligible for re-appointment.
- (d) *Vacancies.* When the term of any member of the planning commission expires or in the event of any vacancy, the mayor shall make a nomination to fill the vacancy. The person

nominated and confirmed by the city council shall serve for the remainder of the term of the person whom he or she replaced.

Sec 12-1340 Organization

- (a) *Election of officers.* The planning commission shall from its membership elect a chairperson, a vice-chairperson, and such other officers as it may require. The chairperson shall not hold any other city office or appointment.
- (b) *Rules and regulations to be adopted; limitation on delegation of duties to committees.*
 - (1) The planning commission shall make and adopt bylaws establishing rules and regulations for the discharge of its duties and the transaction for business and such rules and regulations shall provide for such committees within the commission as may be found necessary and advisable and the duties of such committees shall be prescribed by the commission.
 - (2) No committee established pursuant to subsection (1) of this section shall exercise duties delegated by state law or this article that are organic to the commission.
 - (3) Such rules and regulations may also provide for special meetings and the manner of calling the same.

Sec 12-1350 Meetings

- (c) *Frequency.* The planning commission shall provide for a regular meeting date of the commission at least once in each quarter of each calendar year or more often if prescribed by the commission.
- (c) *Minutes.* The planning commission shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or if failing to vote, indicating such fact; it shall keep records of its examinations and other official actions, all of which shall be a public record and be immediately filed in the planning department.
- (d) *Quorum.* A quorum of the planning commission shall be a majority of the appointive members present.
- (e) *Appropriation by council required prior to expending or encumbering funds.* The planning commission shall not expend or encumber funds without prior appropriation by the city council.

Sec 12-1360 Responsibilities and Duties

- (a) *Comprehensive study.* The planning commission shall make a comprehensive study of present conditions and future growth of the city and its neighborhood and adjacent

territory for the purpose of planning a coordinated, adjusted, and harmonious development of the city and its environs which would promote the following, in accordance with future needs:

- (1) The safety, morals, order, convenience, prosperity, and general welfare of its citizens.
- (2) Efficiency and economy in the process of development, convenience or traffic.
- (3) Safety from fires and other dangers.
- (4) Adequate light and air, healthful, and convenient distribution of population.
- (5) Provision of adequate open spaces, good civic design, and arrangement.
- (6) Wise and efficient expenditure of public funds.
- (7) Adequate provision for public utilities and for other matters pertaining to the public requirements.

(b) *Formulate plans.* The planning commission shall formulate and maintain a plan of the territory within its planning jurisdiction in accordance with state law, which plan shall at least embrace the subjects prescribed by state law and which shall be recommended by the planning commission after public hearing and notice as provided by state law and adopted by city council by resolution.

(c) *File plans.* When the city council has approved any plan, the same shall be filed in the office of the city clerk and in the office of the circuit clerk and county recorder.

(d) *Amend plans.* Whenever a plan has been adopted by the city council and filed for record, the same shall not be changed, altered, or amended except by the procedure required by state law for the adoption of an original plan.

(f) *Approve construction of streets, public utilities, and public facilities.* Whenever a plan has been so adopted, filed and become effective, no new street, square, park or other public way, ground or open space, or any public building or structure or public utility, whether publicly or privately owned, shall be constructed or authorized to be constructed in any section or district of the planning jurisdiction embraced within a plan until the location, character and extent thereof shall have been submitted to the planning commission in the manner prescribed by state law.

(g) *Adopt rules governing subdivision of land.* Following adoption and filing of a master street plan, the planning commission may prepare and shall administer, after approval of the legislative body, regulations controlling the development of land pursuant to A.C.A. 14-56-417.

(h) *Cooperate with other planning bodies.* The planning commission shall have the authority to cooperate with official and unofficial planning bodies for the purpose of coordinating the preparation of plans for the city and its adjacent territory.

EXHIBIT C

Tree and Landscape Advisory Board

Chapter 12 Boards, Commissions, and Authorities

Art. 12-XVI Tree and Landscape Advisory Board

Sec. 12-1600 Tree and Landscape Advisory Board Established

The city council hereby establishes the Tree and Landscape Advisory Board (TLAB). The mayor is authorized to provide available staff to assist the board, as approved through city budget and expenditure processes.

Sec 12-1610 Composition

- (a) *Membership.* The TLAB shall consist of seven (7) voting members. The members shall consist of at least three (3) persons professionally trained in fields such as forestry, botany, horticulture, and/or landscape architecture.
- (b) *Appointment.* The members of the board shall be appointed by the Mayor and confirmed by city council.
- (c) *Ex-officio.* One member of city council, as appointed by the mayor and approved by the city council, may serve as ex-officio.
- (d) *Compensation.* All appointed members shall serve without compensation.

Sec 12-1620 Terms

- (a) *Term length.* One term shall be limited to three (3) years, with terms to be alternated so that a maximum of three (3) appointments expire in one (1) year. Said members shall serve until their successors are duly appointed by the Mayor and approved by city council
- (b) *Term limits.* No member shall serve more than two (2) consecutive full terms. Past members are eligible to serve again one (1) year after the date their last term expired.
- (c) *Vacancies.* Vacancies shall be filled for the unexpired term in the same manner as original appointments are made.

Sec 12-1630 Removal

Any board member appointed by the city council may be removed at any time by a majority of the elected members of the city council. The mayor may also remove from office any board member upon approval by the city council.

Sec 12-1640 Organization

- (a) *Bylaws.* The TLAB shall adopt bylaws and rules of order.
- (b) *Officers.* The officers of the board shall be a chairperson and vice chairperson. Officers shall serve two (2)-year terms and may serve a maximum of two (2) consecutive terms in

a single office. Officers are elected by the voting TLAB members. The TLAB may establish officer responsibilities and rules along with procedures for elections and vacancies through adoption of bylaws.

Sec 12-1650 Meetings

- (a) *Frequency.* The TLAB will meet at least quarterly, or as frequently as monthly when there is business to review.
- (b) *Open meetings.* All requirements of the laws of the State of Arkansas concerning open meetings and notice shall be met.
- (c) *Quorum.* A quorum shall exist when a majority of the voting members of the board are present. Ex-officio members or staff support shall not be counted in arriving at a quorum. In absence of a quorum, no business shall be conducted by the board, except rescheduling the meeting.
- (d) *Minutes.* Written minutes shall be made for all board meetings. The minutes shall be posted to the city website when the agenda for the upcoming meeting is posted. The minutes of each meeting shall be approved by the board at its next meeting.

Sec 12-1660 Responsibilities and Duties

The TLAB serves in an advisory capacity to:

- (a) Advise and consult the Community Development Director on issues pertaining to the Tree Preservation Ordinance and its enforcement.
- (b) Organize and administer an ongoing program of public education designed to increase public awareness of trees, their needs, and proper care.
- (c) Assist in the dissemination of news and information regarding the protection, maintenance, removal, and planting of trees in the City of Bentonville.
- (d) Monitor the needs of the City of Bentonville with regard to its tree planting and preservation program.
- (e) Organize and manage Tree Giveaways.

Sec 12-1670 Limitations of authority

The authority of the board is expressly limited to the specific responsibilities and duties contained herein and nothing herein shall be construed or interpreted to:

- (a) Grant the board authority over the operation of any department, division, office, officer, or employee of the city except as may be requested by the mayor or city council in special circumstances.
- (b) Diminish the responsibility of the mayor in resolving conflicts which may arise over what specific items may be within the scope of authority of the board.

- (c) Diminish the authority of the city council over funding, operations, fixed assets, indebtedness, budget, and other areas as applicable under Arkansas law.
- (d) Create a commission under any state law regarding the creation of autonomous committees or commissions.