

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 84th General Assembly
3 Regular Session, 2003

A Bill

SENATE BILL 922

4
5 By: Senator Holt
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For An Act To Be Entitled

8
9 AN ACT TO ALTER CERTAIN REQUIREMENTS OF CITIES
10 FOR ESTABLISHING TERRITORIAL JURISDICTION FOR
11 PLANNING, TO REQUIRE COUNTY QUORUM COURTS TO
12 APPROVE TERRITORIAL JURISDICTIONS OF CITIES THAT
13 EXTEND INTO THE UNINCORPORATED AREA OF THE
14 COUNTY, AND TO ALLOW COUNTY QUORUM COURTS TO VETO
15 ACTIONS OF A CITY WITHIN THAT TERRITORIAL
16 JURISDICTION; AND FOR OTHER PURPOSES.
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Subtitle

18
19 TO ALTER REQUIREMENTS OF CITIES FOR
20 ESTABLISHING TERRITORIAL JURISDICTION
21 FOR PLANNING AND TO REQUIRE COUNTY
22 QUORUM COURTS TO APPROVE TERRITORIAL
23 JURISDICTIONS OF CITIES THAT ARE IN THE
24 UNINCORPORATED AREA OF THE COUNTY.
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27 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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29 SECTION 1. Arkansas Code § 14-56-413 is amended to read as follows:
30 14-56-413. Territorial jurisdiction.

31 (a)(1)(A) The territorial jurisdiction of the legislative body of the
32 city having a planning commission, for the purpose of this subchapter, ~~shall~~
33 ~~be exclusive and shall~~ may include all land lying within five (5) miles of
34 the corporate limits.

35 (B) If the corporate limits of two (2) or more
36 municipalities of the first or second class are less than ten (10) miles



1 apart, the limits of their respective territorial jurisdictions shall be a
 2 line equidistant between them, or as agreed on by the respective
 3 municipalities.

4 (C) A city may designate or alter the territorial
 5 jurisdiction of the city by ordinance of the governing body of the city.
 6 However, if the territorial jurisdiction extends beyond the corporate limits
 7 of the city into the unincorporated area of the county, the following
 8 approval is required:

9 (i) Up to one (1) mile from the corporate limits
 10 shall require approval by a simple majority vote of the county quorum court;

11 (ii) More than one (1) mile and less than three (3)
 12 miles from the corporate limits shall require approval by a three-fifths
 13 (3/5) majority vote of the county quorum court;

14 (iii) Three (3) or more miles from the corporate
 15 limits shall require approval of a two-thirds (2/3) majority vote of the
 16 county quorum court;

17 (iv) The measurements contained in this subdivision
 18 (a)(1)(C) shall be based on the furthest extension of the territorial
 19 jurisdiction into the unincorporated area of the county from the corporate
 20 limits of the city in any direction; and

21 (v) For the establishment or alteration of a
 22 territorial jurisdiction by a city, the county quorum court where the
 23 jurisdiction extends into the unincorporated area shall vote for approval on
 24 the entire area included within the jurisdiction.

25 (D) The county quorum court where the jurisdiction extends
 26 into the county shall have the power to veto any action of the city taken
 27 within the unincorporated area of the county upon a two-thirds (2/3) majority
 28 vote within ninety (90) days of the date of passage by the city.

29 (2)(A) Cities now having eight thousand (8,000) population or
 30 more and situated on navigable streams shall have the authority to administer
 31 and enforce planning and zoning ordinances outside their corporate limits as
 32 follows:

33 (i) For cities of eight thousand (8,000) to fifty
 34 thousand (50,000) population, the jurisdictional area will be one (1) mile
 35 beyond the corporate limits;

36 (ii) For cities of fifty thousand (50,000) to one

1 hundred fifty thousand (150,000) population, the jurisdictional area will be
2 two (2) miles beyond the corporate limits;

3 (iii)(a) For cities of one hundred fifty thousand
4 (150,000) population and over, the jurisdictional area will be three (3)
5 miles beyond the corporate limits.

6 (b) Upon July 3, 1989, no city with a
7 population in excess of one hundred fifty thousand (150,000) persons and
8 which is situated on a navigable stream shall exercise any zoning authority
9 outside the boundaries of the county wherein it is located without the
10 approval of the quorum court of the county wherein the city is not located
11 and the approval of the governing bodies of all other cities having zoning
12 authority over the area.

13 (B) The city populations will be based on the latest
14 available United States census data.

15 (C) The provisions of subdivision (a)(2) of this
16 section shall not restrict the powers of any city currently exercising the
17 authority authorized under this subdivision.

18 (b)(1) The planning commission shall ~~designate the area within the~~
19 ~~territorial jurisdiction for which it will prepare plans, ordinances approved~~
20 ~~by the city council, and regulations~~ prepare maps, plans, ordinances, and
21 regulations for the territorial jurisdiction to be approved by the governing
22 body of the municipality.

23 (2) A legal description and map of the boundaries of the area
24 shall be filed with the city clerk and with the county recorder.

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26 SECTION 2. Territorial jurisdictions that have been established or
27 extended since January 1, 2003, shall be retroactively subject to the
28 approval procedures of this act.
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