

1 State of Arkansas
2 81st General Assembly
3 Regular Session, 1997
4
5 By: Senator Walters

A Bill

SENATE BILL 683

For An Act To Be Entitled

"AN ACT TO PRESCRIBE THE TERRITORIAL JURISDICTION OF THE
LEGISLATIVE BODIES OF CITIES HAVING A PLANNING COMMISSION;
AND FOR OTHER PURPOSES."

Subtitle

"AN ACT TO PRESCRIBE THE TERRITORIAL
JURISDICTION OF THE LEGISLATIVE BODIES
OF CITIES HAVING A PLANNING COMMISSION."

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code 14-56-413 is amended to read as follows:

"§ 14-56-413. Territorial jurisdiction.

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

~~_____ (B) If the corporate limits of two (2) or more municipalities of the
first or second class are less than ten (10) miles apart, the limits of their
respective territorial jurisdictions shall be a line equidistant between them,
or as agreed on by the respective municipalities.~~

(a)(1) For the purposes of this subchapter and except as provided in
subdivision (2) of this subsection (a):

(A) The territorial jurisdiction of the legislative body of
a city having a planning commission and a population of five thousand (5,000)
or less shall be exclusive and shall include all land lying within one (1)
mile of the corporate limits.

(B) The territorial jurisdiction of the legislative body of

1 a city having a planning commission and a population in excess of five
 2 thousand (5,000) but no more than ten thousand (10,000) shall be exclusive and
 3 shall include all land lying within two (2) miles of the corporate limits.

4 (C) The territorial jurisdiction of the legislative body of
 5 a city having a planning commission and a population in excess of ten thousand
 6 (10,000) but no more than twenty-five thousand (25,000) shall be exclusive and
 7 shall include all land lying within three (3) miles of the corporate limits.

8 (D) The territorial jurisdiction of the legislative body of
 9 a city having a planning commission and a population in excess of twenty-five
 10 thousand (25,000) but no more than fifty thousand (50,000) shall be exclusive
 11 and shall include all land lying within four (4) miles of the corporate
 12 limits.

13 (E) The territorial jurisdiction of the legislative body of
 14 a city having a planning commission and a population in excess of fifty
 15 thousand (50,000) shall be exclusive and shall include all land lying within
 16 five (5) miles of the corporate limits.

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

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

24 (ii) For cities of fifty thousand (50,000) to one
 25 hundred fifty thousand (150,000) population, the jurisdictional area will be
 26 two (2) miles beyond the corporate limits;

27 (iii)(a) For cities of one hundred fifty thousand
 28 (150,000) population and over, the jurisdictional area will be three (3) miles
 29 beyond the corporate limits.

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

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

3 (C) The provisions of this subdivision (a)(2) shall not
4 restrict the powers of any city currently exercising the authority authorized
5 under this subdivision.

6 (b)(1) The planning commission shall designate the area within the
7 territorial jurisdiction for which it will prepare plans, ordinances, and
8 regulations.

9 (2) A description of the boundaries of the area shall be filed
10 with the city clerk and with the county recorder.

11 (c) No city identified in subsection (a) may regulate land use and
12 development in any area outside its corporate boundaries without the consent
13 of the county judge and then only in areas reasonably expected to become a
14 part of the city within the foreseeable future. Foreseeable future shall be
15 determined based upon the average life of structures being constructed in the
16 area at the time land use regulation is proposed."

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18 SECTION 2. All provisions of this act of a general and permanent nature
19 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
20 Revision Commission shall incorporate the same in the Code.

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22 SECTION 3. If any provision of this act or the application thereof to
23 any person or circumstance is held invalid, such invalidity shall not affect
24 other provisions or applications of the act which can be given effect without
25 the invalid provision or application, and to this end the provisions of this
26 act are declared to be severable.

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28 SECTION 4. All laws and parts of laws in conflict with this act are
29 hereby repealed.

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