

1 State of Arkansas
2 89th General Assembly
3 Regular Session, 2013
4

As Engrossed: H3/14/13 S4/1/13

A Bill

HOUSE BILL 1773

5 By: Representatives Cozart, Scott
6 By: Senators Files, A. Clark
7

For An Act To Be Entitled

9 AN ACT TO MODIFY THE LIMITS OF MUNICIPAL TERRITORIAL
10 JURISDICTION; AND FOR OTHER PURPOSES.
11

Subtitle

14 TO MODIFY THE LIMITS OF MUNICIPAL
15 TERRITORIAL JURISDICTION.
16
17

18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
19

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

21 14-56-413. Territorial jurisdiction.

22 (a)(1)(A) The territorial jurisdiction of the legislative governing
23 body of a city of the first class, a city of the second class, or an
24 incorporated town, municipality for the purpose of this subchapter, ~~shall be~~
25 ~~exclusive and shall include all land lying within five (5) miles of the~~
26 ~~corporate limits shall not exceed the limits stated under this subsection.~~

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

31 (2)(A) In addition to the powers under this subchapter, cities
32 now having eight thousand (8,000) population or more ~~and situated on~~
33 ~~navigable streams~~ shall have the authority to administer and enforce planning
34 and zoning ordinances outside their corporate limits as follows:

35 (i) For cities of eight thousand (8,000) to ~~fifty~~
36 ~~thousand (50,000)~~ sixty thousand (60,000) population, the jurisdictional area



1 will be one (1) mile beyond the corporate limits;

2 (ii) For cities of ~~fifty thousand (50,000)~~ sixty
3 thousand (60,000) to one hundred fifty thousand (150,000) population, the
4 jurisdictional area will be two (2) miles beyond the corporate limits; and

5 (iii)(a) For cities of one hundred fifty thousand
6 (150,000) population and over, the jurisdictional area will be three (3)
7 miles beyond the corporate limits.

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

15 (3) Cities having a population of eight thousand (8,000) persons
16 or less:

17 (A) Shall have a jurisdictional area that does not exceed
18 one (1) mile beyond the corporate limits; and

19 (B) Shall not exercise any zoning authority outside the
20 corporate limits.

21 (4) Cities now having an eight thousand (8,000) population or
22 more and situated on a navigable stream may administer and enforce zoning
23 ordinances outside their corporate limits but may not exceed the territorial
24 limits under subdivision (a)(2)(A) of this section.

25 ~~(B)(5)~~ The city populations will be based on the ~~latest~~
26 ~~available United States~~ most recent federal decennial census data.

27 ~~(C) The provisions of subdivision (a)(2) of this section~~
28 ~~shall not restrict the powers of any city currently exercising the authority~~
29 ~~authorized under this subdivision.~~

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

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

35
36 /s/Cozart