

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas
89th General Assembly
Regular Session, 2013

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

HOUSE BILL 1773

By: Representatives Cozart, Scott
By: Senators Files, A. Clark

For An Act To Be Entitled

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

Subtitle

TO MODIFY THE LIMITS OF MUNICIPAL
TERRITORIAL JURISDICTION.

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 governing~~
body of a ~~city of the first class, a city of the second class, or an~~
~~incorporated town, municipality~~ for the purpose of this subchapter, ~~shall be~~
~~exclusive and shall include all land lying within five (5) miles of the~~
~~corporate limits shall not exceed the limits stated under this subsection.~~

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

/s/Cozart