

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

State of Arkansas
95th General Assembly
Regular Session, 2025

A Bill

HOUSE BILL 1510

By: Representative Gonzales

By: Senator G. Stubblefield

For An Act To Be Entitled

AN ACT TO AMEND THE LAW CONCERNING TERRITORIAL
JURISDICTION OF MUNICIPALITIES; TO REPEAL THE
AUTHORITY FOR A MUNICIPALITY TO EXERCISE TERRITORIAL
JURISDICTION OVER AN UNINCORPORATED AREA OF A COUNTY;
AND FOR OTHER PURPOSES.

Subtitle

TO REPEAL THE AUTHORITY FOR A
MUNICIPALITY TO EXERCISE TERRITORIAL
JURISDICTION OVER AN UNINCORPORATED AREA
OF A COUNTY.

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

SECTION 1. Arkansas Code § 14-17-208(i), concerning subdivision, setback, and entry control ordinances for county planning boards, is repealed.

~~(i) In unincorporated areas adjoining the corporate limits of a municipality in which the authority to control the subdivision of land is vested and is being exercised in accordance with and under the provisions of §§ 14-56-401—14-56-408 and 14-56-410—14-56-425, or any amendments thereto or thereof, or other acts of a similar nature enacted by the General Assembly, the municipal authority shall have subdivision jurisdiction, but shall transmit copies of proposed plats for the areas to the county planning board and the board of directors of each affected school district for review and comment, which shall be made to the municipal authority within sixty (60) days from the time it is received by the county planning board and the board~~



~~of directors of each affected school district unless further time is allowed by the municipal authority.~~

SECTION 2. Arkansas Code § 14-17-208(1)(1), concerning subdivision, setback, and entry control ordinances for county planning boards, is amended to read as follows:

(1)(1) Following the adoption of any subdivision, setback, or entry control ordinances by the court, a plat in an unincorporated area of a county ~~not within the exercised extraterritorial jurisdiction of a municipality~~ shall not be presented for recording without the approval of the county planning board.

SECTION 3. Arkansas Code § 14-38-101(b)(1)(B), concerning limitations on a petition for incorporation, is repealed.

~~(B) The area in which that existing municipal corporation is exercising its planning territorial jurisdiction.~~

SECTION 4. Arkansas Code § 14-40-208 is repealed.

~~14-40-208. Annexation of territory under municipal territorial jurisdiction.~~

~~(a) If a municipality states its intent by resolution or ordinance to annex a specifically defined territory or portion of the territory over which it is exercising territorial jurisdiction under § 14-56-413, the municipality shall initiate annexation proceedings within five (5) years of the stated intent.~~

~~(b)(1) During the five (5) years under subsection (a) of this section, the municipality may continue to exercise its territorial jurisdiction under § 14-56-413, including the defined territory specified within its intent to annex.~~

~~(2) If the municipality does not initiate annexation proceedings of the territory specified within its intent to annex within five (5) years of the effective date of the resolution or ordinance under subsection (a) of this section, the municipality is prohibited from again exercising territorial jurisdiction over the territory specified within its intent to annex for the next five (5) years.~~

SECTION 5. Arkansas Code § 14-56-413 is repealed.

~~14-56-413. Territorial jurisdiction.~~

~~(a)(1)(A) The territorial jurisdiction of the governing body of a municipality for the purpose of this subchapter shall not exceed the limits stated under this subsection.~~

~~(B) If the territorial limits of two (2) or more municipalities conflict, the limits of their respective territorial jurisdictions shall be a line equidistant between them, or as agreed on by the respective municipalities.~~

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

~~(A) For cities of eight thousand (8,000) to sixty thousand (60,000) population, the jurisdictional area will be one (1) mile beyond the corporate limits;~~

~~(B) For cities of 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~~

~~(C)(i) For cities of one hundred fifty thousand (150,000) population and greater, the jurisdictional area will be three (3) miles beyond the corporate limits.~~

~~(ii) Upon July 3, 1989, no city with a population in excess of one hundred fifty thousand (150,000) persons 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) of this section.~~

~~(5) The city populations will be based on the most recent federal decennial census.~~

~~(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.~~

SECTION 6. Arkansas Code § 14-56-417(c), concerning the regulations to control development of land, is repealed.

~~(e) A plat within the area within which the municipality intends to exercise its territorial jurisdiction as indicated on the planning area map shall not be presented for recording without the approval of the planning commission, if a planning commission exists.~~

SECTION 7. Arkansas Code § 14-56-422(5)(B), concerning adoption of plans, ordinances, and regulations for municipal planning, is repealed.

~~(B) The city clerk shall file the plans, ordinances, and regulations as pertain to the territory beyond the corporate limits with the county recorder of the counties in which territorial jurisdiction is being exercised.~~

SECTION 8. Arkansas Code § 14-284-207(a), concerning a quorum court's establishment of a fire protection district service area, is amended to read as follows:

(a)(1) The quorum court of each county in which a fire protection district is located shall establish the service area of the fire protection district.

~~(2) The service area of a fire protection district created after January 1, 2021, shall not include any area within the territorial jurisdiction of the governing body of a municipality as established in § 14-56-413 that has adopted an ordinance to provide fire protection services to the area in accordance with § 14-53-102, unless waived by majority vote of the governing body of the municipality.~~

SECTION 9. Arkansas Code § 17-28-305(b)(3), concerning the local regulatory authority of the licensing of electricians, is repealed.

~~(3) If the city has adopted an ordinance to exercise its territorial planning jurisdiction, the city may exercise jurisdiction over the construction, installation, and inspection of electrical work within the city's territorial planning jurisdiction under § 14-56-413 if the city and county agree to the exercise of jurisdiction by the city over electrical work within the city's territorial planning jurisdiction.~~

SECTION 10. Arkansas Code § 18-15-1702(6), concerning definitions for the Private Property Protection Act, is repealed.

~~(6) "Territorial jurisdiction" means the territorial jurisdiction of a municipality as described in § 14-56-413.~~

SECTION 11. Arkansas Code § 18-15-1703(e)(15), concerning the application of takings under the Private Property Protection Act, is repealed.

~~(15) An action by a municipality unless the regulatory program has effect in the territorial jurisdiction of the municipality, excluding annexation, and that enacts or enforces a regulatory program that does not impose identical requirements or restrictions in the entire territorial jurisdiction of the municipality.~~