



STEVE CLARK
ATTORNEY GENERAL

STATE OF ARKANSAS
OFFICE OF THE ATTORNEY GENERAL
JUSTICE BUILDING, LITTLE ROCK 72201

(501) 371-2007

OPINION NO. 85-87

March 20, 1985

Honorable Tommy E. Mitchum
State Representative
P. O. Box 2082
Batesville, Arkansas 72501

Dear Representative Mitchum:

This is in response to your inquiry whereby you submitted the following:

"The City of Heber Springs has an ordinance whereas it goes five miles outside the city limits and does the planning and zoning, charging a fee for this unjust service. My constituency in Cleburne county feels that this is a burden on them and that it is unconstitutional for this to be enforced by the City of Heber Springs."

I am enclosing copies of relevant statutes giving the cities and towns the authority to plan beyond the city limits and also permitting cities and towns to zone along navigable streams. I do not find any statutory authority for cities and towns to impose any fee for such service.

I do not have a copy of HB 419 but the synopsis in the Legislative Digest indicates that it would clearly offend Amendment 14 to the Constitution of Arkansas.

The foregoing opinion, which I hereby approve, was prepared by Chief Deputy Attorney General Rodney Parham.

Yours truly,

A handwritten signature in cursive script that reads "Steve Clark".

STEVE CLARK
Attorney General

SC:RP:lm