

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 83rd General Assembly
3 Regular Session, 2001
4

As Engrossed: H3/15/01

A Bill

Act 1233 of 2001
HOUSE BILL 1740

5 By: Representatives Salmon, Hickinbotham, Scrimshire, Ledbetter
6
7

For An Act To Be Entitled

9 AN ACT TO AMEND ARKANSAS CODE 14-38-101 AND 14-
10 38-104 TO INCREASE THE NUMBER OF RESIDENTS NEEDED
11 TO PETITION *FOR THE INCORPORATION OF A CITY OR*
12 *TOWN; AND FOR OTHER PURPOSES.*

Subtitle

14 TO INCREASE THE NUMBER OF RESIDENTS
15 NEEDED ON A PETITION FOR THE
16 *INCORPORATION.*
17
18
19

20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
21

22 SECTION 1. Arkansas Code 14-38-101(a), concerning the petitions for
23 incorporating cities and towns, is amended to read as follows:

24 14-38-101. Petition for incorporation.

25 (a)(1) When the inhabitants of a part of any county not embraced within
26 the limits of any city or incorporated town shall desire to be organized into
27 a city or incorporated town, they may apply, by a petition in writing, signed
28 by ~~not fewer than seventy five (75)~~ the greater of either two hundred (200) or
29 a majority of the qualified voters residing within the described territory, to
30 the county court of the proper county.

31 (2) The petition shall:

32 (A) Describe the territory proposed to be embraced in the
33 incorporated town and have annexed to it an accurate map or plat thereof;

34 (B) State the name proposed for the incorporated town; and

35 (C) Name the persons authorized to act in behalf of the
36 petitioners in prosecuting the petition.

1
2 SECTION 2. Arkansas Code 14-38-101(b), concerning the petitions for
3 incorporating cities and towns, is amended to read as follows:

4 (b)(1) The court shall not approve the incorporation of any
5 municipality if any portion of the territory proposed to be embraced in the
6 incorporated town shall lie within five (5) miles from the corporate limits of
7 *an existing municipal corporation unless the governing body of the municipal*
8 *corporation has, by written resolution, affirmatively consented to the*
9 *incorporation.*

10 (2)(A) *The five-mile limitation shall not apply if the area*
11 *proposed to be incorporated is separated from the corporate limits of an*
12 *existing municipality by a natural barrier that makes the area to be*
13 *incorporated inaccessible to the existing municipality.*

14 (B) The five-mile limitation shall not apply if the area
15 proposed to be incorporated are lands upon which a real estate development by
16 a single developer, containing not less than ~~five thousand (5,000)~~ four
17 thousand (4,000) acres has been or is being developed under a comprehensive
18 plan for a community containing streets and other public services, parks, and
19 other recreational facilities for common use by the residents thereof,
20 churches, schools, and commercial and residential facilities, and which has
21 been subdivided into sufficient lots for residential use to accommodate a
22 projected population of not fewer than one thousand (1,000) persons, and for
23 which a statement of record has been filed with the Secretary of Housing and
24 Urban Development under the Interstate Land Sales Full Disclosure Act.

25
26 SECTION 3. Arkansas Code 14-38-104(a), concerning the order of
27 incorporation by the county court, is amended to read as follows:

28 (a) If the county court shall be satisfied, after hearing the petition,
29 that ~~at least seventy five (75) qualified voters reside therein, or within the~~
30 ~~limits described by the petition, and that the petition has been signed by~~
31 ~~them~~ the greater of either two hundred (200) or a majority of the qualified
32 voters residing within the described territory have signed the petition; that
33 the limits have been accurately described and an accurate map or plat thereof
34 made and filed; that the name proposed for the city or incorporated town is
35 proper and sufficient to distinguish it from others of like kind in the state;
36 and, moreover, that it shall be deemed right and proper, in the judgment and

1 discretion of the court, that the petition shall be granted, then the court
2 shall make out and endorse on the petition an order to the effect that the
3 city or incorporated town as named and described in the petition may be
4 organized.

5 */s/ Salmon, et al.*

6
7
8 APPROVED: 4/2/2001
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36