

1 **State of Arkansas**

2 **78th General Assembly**

3 **Regular Session, 1991**

4 **By: Representatives Davis and Wooldridge**

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For An Act To Be Entitled

8 "AN ACT TO AMEND THE FIRE PROTECTION DISTRICT LAW TO

9 REQUIRE QUORUM COURTS TO ESTABLISH FIRE PROTECTION SERVICE

10 AREAS NOT TO EXCEED A RADIUS OF FIVE (5) MILES FROM EACH

11 FIRE STATION; PROVIDING A MECHANISM FOR ANNEXING TERRITORY

12 TO A FIRE PROTECTION DISTRICT; AND FOR OTHER PURPOSES."

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

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16 SECTION 1. Arkansas Code 14-284-207 is hereby amended to read as

17 follows:

18 "14-284-207. Quorum court to establish fire protection service area -

19 Furnishing of maps.

20 (a) The quorum court of each county wherein is located a fire

21 protection district formed for fire protection purposes shall establish the

22 service area of the fire protection districts to not exceed a radius of five

23 (5) miles from each fire station.

24 (b) The quorum courts shall furnish the fire protection organizations

25 with a map indicating their service area."

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27 SECTION 2. Subchapter 2 of Chapter 284 of Title 14 of the Arkansas Code

28 is hereby amended by inserting an additional section at the end thereof to

29 read as follows:

30 "14-284-224. (a) When petitions are filed with the board of

31 commissioners of a fire protection district created pursuant to this

32 subchapter containing the signatures of at least ten percent (10%) of

33 qualified electors of a portion of the unincorporated area of the county, as

34 determined by the number of votes cast by the qualified electors of that

35 portion of the county for all candidates for Governor at the last preceding

1 general election, requesting the annexation of the territory to an existing
 2 fire protection district created under this subchapter and requesting that
 3 assessed benefits be made on the property located within the area to be
 4 annexed to help finance the operation of the district, the Board of
 5 Commissioners shall conduct a public hearing on the petition and if the Board
 6 determines the annexation to be desirable the Board shall notify the quorum
 7 court and the quorum court may at its discretion call a special election
 8 within the area of the existing fire protection district and the area proposed
 9 to be annexed to determine whether the annexation should occur. No annexation
 10 shall occur except pursuant to an election under paragraph (b) or by ordinance
 11 under paragraph (d).

12 (b) The special election called by the quorum court to submit the
 13 question of the annexation and financing of the fire protection district to
 14 the electors of the district and the area to be annexed shall be held within
 15 ninety (90) days after the quorum court received notification from the Board
 16 of Commissioners. At the election, the question of annexing the area to the
 17 district and the financing of the district shall be placed on the ballot in
 18 substantially the following form:

19 'FOR the annexation of.....(description of area to be annexed),
 20 and the levy of assessed benefits on real property within the area to be
 21 annexed to help finance the district.....[]

22 AGAINST the annexation of(description of area to be annexed), and
 23 the levy of assessed benefits on real property within the area to be annexed
 24 to help finance the district.....[]'

25 (c) If a majority of those voting at the election who reside within the
 26 area to be annexed and if a majority of those voting at the election who
 27 reside within the existing district vote in favor of the annexation, the area
 28 shall be deemed annexed and shall become a part of the fire protection
 29 district and governed accordingly.

30 (d) As an alternative to an election on the annexation issue, if the
 31 Board of Commissions of a fire protection district are in favor of the
 32 annexation, the Board may refer the petitions to the county quorum court who
 33 may then accomplish the annexation by enactment of a county ordinance
 34 providing therefor. Provided, however, that the ordinance shall not go into
 35 effect until sixty (60) days after its enactment during which time if

1 petitions calling for a referendum on the ordinance are presented to the
2 quorum court and the petitions are signed by the number prescribed in
3 subsection (a) above, the quorum court shall call a special election on the
4 issue of the annexation and such election shall be conducted as prescribed in
5 subsection (b) above, and unless at least a majority of those voting at the
6 election who reside within the area to be annexed and a majority of those
7 voting at the election who reside within the existing district vote in favor
8 of the annexation, the annexation shall not occur. If the petitions are filed
9 within sixty (60) days after enacting the ordinance, the ordinance shall not
10 go into effect until and unless the annexation is approved at the election
11 provided for herein.

12 (e) An attempt at annexation under this section, whether successful or
13 not, shall in no way reduce the bonding authority of the fire protection
14 district nor shall the failure of the attempt at annexation have any effect on
15 the existing fire protection district.

16 (f) No area shall be annexed under this section if it is located *within*
17 *the service area of another fire protection district or a nonprofit fire*
18 *protection corporation."*

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20 SECTION 3. All provisions of this Act of a general and permanent nature
21 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
22 Revision Commission shall incorporate the same in the Code.

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24 SECTION 4. If any provision of this Act or the application thereof to
25 any person or circumstance is held invalid, such invalidity shall not affect
26 other provisions or applications of the Act which can be given effect without
27 the invalid provision or application, and to this end the provisions of this
28 Act are declared to be severable.

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30 SECTION 5. All laws and parts of laws in conflict with this Act are
31 hereby repealed.

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33 /s/ M. Davis et al

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