

1 State of Arkansas
2 89th General Assembly
3 Regular Session, 2013
4

As Engrossed: S3/20/13
A Bill

SENATE BILL 530

5 By: Senator B. Sample
6

7 **For An Act To Be Entitled**

8 AN ACT TO MODIFY THE LAW CONCERNING DETACHMENT AFTER
9 ANNEXATION IN CERTAIN CIRCUMSTANCES; TO PROHIBIT
10 ENCLAVES; AND FOR OTHER PURPOSES.
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13 **Subtitle**

14 TO MODIFY THE LAW CONCERNING DETACHMENT
15 AND ANNEXATION IN CERTAIN CIRCUMSTANCES.
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18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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20 SECTION 1. Arkansas Code Title 14, Chapter 40, Subchapter 5, is
21 amended to add an additional section to read as follows:

22 14-40-504. Enclaves prohibited.

23 (a) Whenever practicable, a city or incorporated town shall annex
24 lands that are contiguous and reasonably compact and in a manner that does
25 not create enclaves.

26 (b) As used in this section, "enclave" means an unincorporated
27 improved or developed area that is enclosed within and bounded on all sides
28 by a single city or incorporated town.
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30 SECTION 2. Arkansas Code § 14-40-601 is amended to read as follows:

31 14-40-601. Application by petition.

32 (a) ~~Whenever~~ When a majority of the real estate owners of any part of
33 a county contiguous to and adjoining any city or incorporated town ~~shall~~
34 ~~desire~~ desires to be annexed to the city or town, they may apply, by attested
35 petition in writing, to the county court of the county in which the city or
36 town is ~~situated~~ and, shall name the persons authorized to act on behalf of



1 the petitioners, and shall include a schedule of services of the annexing
2 municipality that will be extended to the area within three (3) years after
3 the date the annexation becomes final.

4 (b) The “majority of real estate owners” referred to in this section
5 ~~shall mean~~ means a majority of the total number of real estate owners in the
6 area affected, if the majority of the total number of owners ~~shall~~ own more
7 than one-half ($\frac{1}{2}$) of the acreage affected.

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9 SECTION 3. Arkansas Code § 14-40-606 is amended to read as follows:

10 14-40-606. Rights and privileges of new inhabitants.

11 (a) As soon as the resolution or ordinance declaring the annexation
12 has been adopted or passed, the territory shall be ~~deemed and taken~~
13 considered to be a part ~~and parcel~~ of the limits of the city or incorporated
14 town, and the inhabitants residing ~~therein~~ in the annexed portion shall have
15 ~~and enjoy~~ all the rights and privileges of the inhabitants within the
16 original limits of the city or incorporated town.

17 (b)(1) Within three (3) years of the adoption or passage of the
18 annexation ordinance or resolution, a city or incorporated town shall notify
19 the county judge and new inhabitants in writing of the schedule of services
20 that are provided by the city or incorporated town.

21 (2)(A)(i) The notice shall include any failure to provide a
22 scheduled service.

23 (ii) If a service is provided after the notice is
24 sent, a subsequent notice shall be sent with the information.

25 (B) The notice shall also include information on the right
26 to seek detachment under § 14-40-608.

27 (c) A city or incorporated town may not proceed with any annexation
28 proceeding whatsoever, whether voluntary or involuntary, if there are pending
29 services that have failed to be provided under any annexation proceeding that
30 becomes final on or after May 1, 2013.

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32 /s/B. Sample
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