

1 State of Arkansas
2 91st General Assembly
3 Regular Session, 2017
4

A Bill

SENATE BILL 541

5 By: Senator Hickey
6

For An Act To Be Entitled

8 AN ACT CONCERNING MUNICIPAL INCORPORATION NEAR THE
9 BOUNDARIES OF AN EXISTING MUNICIPALITY; AND FOR OTHER
10 PURPOSES.
11

Subtitle

12 CONCERNING MUNICIPAL INCORPORATION NEAR
13 THE BOUNDARIES OF AN EXISTING
14 MUNICIPALITY.
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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21 SECTION 1. Arkansas Code § 14-38-101(b)(1), concerning a petition for
22 incorporation, is amended to read as follows:

23 (b)(1) The court shall not approve the incorporation of ~~any a~~
24 municipality if any portion of the territory proposed to be embraced in the
25 incorporated town ~~shall lie within five~~ lies within:

26 (A) Five (5) miles of an existing municipal corporation
27 ~~and within the; or~~

28 (B)(i) The area in which that existing municipal
29 corporation is exercising its planning territorial jurisdiction, unless the
30 governing body of the municipal corporation has affirmatively consented to
31 the incorporation by written resolution.

32 (ii) If the area that seeks to be incorporated
33 contains a population that equals or exceeds five thousand (5,000) persons,
34 the consent of the governing body of the existing municipal corporation is
35 not required.
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