

# Municipal Annexation, Incorporation and Other Boundary Changes



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# I. State Statutes

## A. Incorporation

A.C.A. § 14-38-101—108 and 14-38-114—116 provide the procedures for the incorporation of municipalities in Arkansas.

## B. Annexation

### In General

#### A.C.A. § 14-40-101. Map required with Arkansas Geographic Information Systems Office upon annexation, consolidation, or detachment.

Before an entity undertakes an annexation, consolidation, or detachment proceeding under this chapter, the entity shall coordinate with the Arkansas Geographic Information Systems Office for preparation of legal descriptions and digital mapping for the relevant annexation, consolidation, and detachment areas.

#### A.C.A. § 14-40-102 (Act 655 of 2017). Notice to Secretary of State upon municipal boundary change -- Definitions.

(a) As used in this section:

(1)(A) “Municipal boundary change” means an incorporation, annexation, consolidation, detachment, surrender of charter, revocation of charter, or municipal disincorporation under this subchapter, § 14-38-101 et seq., or § 14-39-101 et seq.

(B) “Municipal boundary change” includes court orders, amendments, and judicial corrections of boundaries or property descriptions; and

(2) “Municipal corporation” means a city of the first class, a city of the second class, or an incorporated town.

(b)(1) Within forty-five (45) days of the effective date of any ordinance or resolution effecting a municipal boundary change under this subchapter, § 14-38-101 et seq., or § 14-39-101 et seq., the city clerk shall provide written notice, along with complete documentation, to the county clerk of each county in which the territory is affected.

(2) Within thirty (30) days of receipt from a municipality, each respective county clerk shall provide written notice to the Secretary of State of filings and records related to the municipal boundary change as required by statute or by the Secretary of State, to be kept by the county clerk, and shall provide those records with notice delivered to the Secretary of State.

(3)(A) Within fourteen (14) days of receipt of a summons, complaint, circuit court order, or court judgment concerning a municipal boundary change, each municipality shall notify in writing the Secretary of State and the respective county clerk of each county in which the territory is or may be affected.

(B) Upon receipt of notice of a court challenge, the county clerk shall provide written notice to the Secretary of State of a summons, complaint, circuit court order, or court judgment that may affect a municipal boundary change.

(c) Absent notice of a court challenge, within thirty (30) days of receipt of a notice of a municipal boundary change, the Secretary of State shall forward appropriate notice and a copy of the appropriate records to the:

(1) Arkansas Geographic Information Systems Office;

(2) Arkansas State Highway and Transportation Department; and

(3) Department of Finance and Administration.

(d) Within thirty (30) days of receipt of notice of a municipal boundary change from the Secretary of State, the Arkansas Geographic Information Systems Office shall provide notice and the appropriate electronic records to the:

(1) Tax Division of the Arkansas Public Service Commission;

(2) Arkansas State Highway and Transportation Department; and

(3) Department of Finance and Administration.

(e) Within thirty (30) days of receipt of notice from the Arkansas Geographic Information Systems Office or the Secretary of State of a municipal boundary change, the Arkansas Public Service Commission shall file and preserve the appropriate records and shall notify the entities under the commission’s jurisdiction that have property in the municipality of the annexation.

(f) The Secretary of State may prescribe documents for providing appropriate notice and may prescribe a mandatory form for providing sufficient notice.

**A.C.A. § 14-40-102 (Act 653 of 2017). Effective date of annexation, consolidation, or detachment required.**

*[At this time there are two versions of A.C.A. § 14-40-102 because of two similarly passed acts. The numbering of these sections will change during the codification process.]*

(a) (1) An annexation, consolidation, or detachment action that affects territory under this chapter shall include in its ordinance or resolution the date upon which the annexation, consolidation, or detachment is considered final.

(2) An ordinance or resolution that fails to include a specified effective date shall use the date of the municipal clerk or municipal recorder file mark or attestation, whichever is later in time, as the effective date for all purposes.

(b) (1) The date specified in the ordinance or resolution is the official effective date of the annexation, consolidation, or detachment.

(2) An amendment to the ordinance or resolution shall carry its own effective date or modification of the effective date.

(3) An amendment that fails to include a specified effective date shall use the date of the municipal clerk or municipal recorder file mark or attestation, whichever is later in time, as the effective date of the amendment for all purposes.

(c) (1) If a municipality initiates an annexation, consolidation, or detachment action under § 14-40-204 or § 14-40-501, the effective date shall be specified.

(2) An ordinance or resolution that fails to include a specified effective date shall use the date of the municipal clerk or municipal recorder file mark or attestation, whichever is later in time, as the effective date for all purposes.

(d) The effective date specified in an ordinance or resolution issued under this chapter is the official effective date to be used by any county or state official charged with recording, forwarding, maintaining, or instituting the ordinance or resolution.

(e) (1) In the event of a circuit court challenge to a county court order approving a municipal boundary change under this chapter, the final order of the circuit court shall specify a change to the effective date, if any.

(2) In the absence of a specific attestation, the municipally designated effective date is the effective date.

**A.C.A. § 14-40-206. Territory annexed with prior county permit or approval in use.**

If a county had issued a permit or approval for construction, operation, or development before a municipal annexation proceeding begins for a project in the area that the municipality intends to annex, the municipality shall honor and give full effect to county permits and approvals on lands to be annexed.

**A.C.A. § 14-40-207. Building situated or to be situated upon municipal boundary line--Option to choose municipal location.**

(a) (1) A property owner who has a building that is currently situated upon the boundary line between two [2] municipalities may choose either one [1] of the municipalities as the legal location of the building.

(2) When the expansion of a building will result in the expansion's being situated upon the boundary line between two [2] municipalities, the property owner of the building may choose either one [1] of the municipalities as the legal location of the building if the property owner has first obtained the necessary authorizations or permits for expansion of the building from the municipality upon which the building is located before the expansion or the municipality upon which the building expansion will be located.

(b) (1) The property owner shall provide written notice to the governing body of both municipalities as to which municipality is chosen under subsection (a) of this section.

(2) The written notice to the chosen municipality shall include a request for annexation into the chosen municipality.

(c) The property upon which the building is situated or will be situated after expansion and up to two [2] acres of the property owner's property surrounding the building and expansion shall be annexed into the municipality chosen by the owner under subsection (a) of this section.

(d) Within sixty [60] days of receipt of the written notice under subsection (b) of this section, the municipality chosen by the owner under subsection (a) of this section shall coordinate with the Arkansas Geographic Information Systems Office for preparation of legal descriptions and digital mapping for the relevant area.



**A.C.A. § 14-40-208. Annexation of territory under municipal territorial jurisdiction.**

(a) If a municipality states its intent by resolution or ordinance to annex a specifically defined territory, or portion of the territory, over which it is exercising territorial jurisdiction under § 14-56-413, the municipality shall initiate annexation proceedings within five [5] years of the stated intent.

(b)(1) During the five [5] years under subsection (a) of this section, the municipality may continue to exercise its territorial jurisdiction under § 14-56-413, including the defined territory specified within its intent to annex.

(2) If the municipality does not initiate annexation proceedings of the territory specified within its intent to annex within five [5] years of the effective date of the resolution or ordinance under subsection (a) of this section, the municipality is prohibited from again exercising territorial jurisdiction over the territory specified within its intent to annex for the next five [5] years.

**Election Method**

**A.C.A. § 14-40-301. Construction.**

The provisions of this subchapter shall not be construed to give any municipality the authority to annex any portion of another city or incorporated town.

**A.C.A. § 14-40-302. Authority—Exceptions.**

(a) By vote of two-thirds [2/3] of the total number of members making up its governing body, any municipality may adopt an ordinance to annex lands contiguous to the municipality if the lands are any of the following:

(1) Platted and held for sale or use as municipal lots;

(2) Whether platted or not, if the lands are held to be sold as suburban property;

(3) When the lands furnish the abode for a densely settled community or represent the actual growth of the municipality beyond its legal boundary;

(4) When the lands are needed for any proper municipal purposes such as for the extension of needed police regulation; or

(5) When they are valuable by reason of their adaptability for prospective municipal uses.

(b)(1) Contiguous lands shall not be annexed if they:

(A) At the time of the adoption of the ordinance, have a fair market value of lands used only for agricultural or horticultural purposes and the highest and best use of the lands is for agricultural or horticultural purposes;

(B) Are lands upon which a new community is to be constructed with funds guaranteed, in whole or in part, by the federal government under Title IV of the Housing and Urban Development Act of 1968 or under Title VII of the Housing and Urban Development Act of 1970;

(C) Are lands that do not include residents, except as agreed upon by the mayor and county judge; or

(D) Are lands that do not encompass the entire width of public road right-of-way or public road easements within the lands sought to be annexed, except as agreed upon by the mayor and county judge.

(2) Any person, firm, corporation, partnership or joint venturer desiring to come within this exclusion must have received from the Department of Housing and Urban Development a letter of preliminary commitment to fund the new community under one [1] of the federal acts.

(3) If any lands are annexed which are being used exclusively for agricultural purposes, the lands may continue to be used for such purposes so long as the owner desires, and the lands shall be assessed as agricultural lands.

(c) However, a municipality having a population of less than one thousand [1,000] persons shall not annex in any one [1] calendar year contiguous lands in excess of ten percent [10%] of the current land area of the municipality.

(d)(1) Whenever practicable, a city or incorporated town shall annex lands that are contiguous and in a manner that does not create enclaves.

(2) As used in this section, “enclave” means an unincorporated improved or developed area that is enclosed within and bounded on all sides by a single city or incorporated town.

**A.C.A. § 14-40-303. Annexation Ordinance—Election Procedures.**

(a) The annexation ordinance shall:

(1) Contain an accurate description of the lands desired to be annexed;

(2) Include a schedule of the services of the annexing municipality that will be extended to the area

within three [3] years after the date the annexation becomes final; and

(3) Fix the date for the election provided in this section.

(b)(1) The annexation ordinance shall not become effective until the question of annexation is submitted to the qualified electors of the annexing municipality and of the area to be annexed at the next general election or at a special election. The special election shall be called by ordinance or proclamation of the mayor of the annexing municipality in accordance with § 7-11-201 et seq.

(2)(A) If a majority of the qualified electors voting in the election vote for the annexation, no later than fifteen [15] days following the election, the county clerk shall certify the election results and record the same, along with the description and a map of the annexed area, in the county records, and file a certified copy thereof with the Secretary of State.

(B) The annexation shall be effective, and the lands annexed shall be included within the corporate limits of the annexing municipality thirty [30] days following the date of recording and filing of the description and map, as provided in this section, or in the event an action is filed with the circuit court as provided in § 14-40-304, on the date the judgment of the court becomes final.

(3) If a majority of the qualified electors voting on the issue at the election vote against the annexation, the annexation ordinance shall be null and void.

(c)(1)(A) The city clerk shall certify two [2] copies of the annexation ordinance and a plat or map of the area to be annexed and convey one [1] copy to the county clerk and one [1] copy to the county election commission at least sixty [60] days before the election.

(B) (i) No later than forty-five (45) days prior to the election, the city shall identify all persons who reside within the area proposed to be annexed, and the county clerk shall assist the city in determining the names and addresses of all qualified electors residing within that area.

(ii) The failure to identify all persons residing within the area proposed to be annexed or the failure to determine the names and addresses of all qualified electors residing within that area shall not invalidate or otherwise affect the results of the election.

(C) All of the qualified electors residing within the territory to be annexed shall be entitled to vote in the election.

(D) The city clerk shall give notice of the election by publication by at least one [1] insertion in some newspaper having a general circulation in the city.

(2)(A) The county clerk shall give notice of the voter registration deadlines at least forty (40) days before the election by ordinary mail to those persons whose names and addresses are on the list provided by the city clerk.

(B) The county clerk shall prepare a list by precinct of all those qualified electors residing within the area to be annexed who are qualified to vote in that precinct and furnish that list to the election officials at the time the ballot boxes are delivered.

(3) If the county clerk or the county election commission shall fail to perform any duties required of it, then any interested party may apply for a writ of mandamus to require the performance of the duties. The failure of the county clerk or the county election commission to perform the duties shall not void the annexation election unless a court finds that the failure to perform the duties substantially prejudiced an interested party.

(d) If the annexation is approved and becomes final, the governing body of the city shall, by ordinance, as soon as practical after the annexation, attach and incorporate such annexed territory to and in one [1] or more wards of the city lying adjacent thereto, and the territory so assigned and attached to a ward shall thereafter be considered and become a part thereof as fully as any other part of the city.

(e) From the map or plat provided by city ordinance of the wards assigned, the county clerk shall proceed to ascertain and determine the voters' proper precinct and shall enter the same upon the voter registration records of those inhabitants of the territory so annexed and give notice of that change within thirty [30] days after the adoption of the city ordinance assigning the territory to wards.

(f) (1) In the event that within thirty [30] days of the date that one [1] city calls for an annexation election, another city calls for an annexation election on all or part of the same land proposed to be annexed by the first city, then both annexation elections shall be held, provided that the second city must call for its annexation election to be held on

the next available date in accordance with § 7-11-201 et seq. before or after the holding of the first city's election.

(2)(A) If the annexation election held first is approved by the voters, the results of it shall be stayed until the second annexation election is held.

(B) (i) If only one [1] of the annexation elections is approved by the voters, then the city that called that election shall proceed with the annexation of the land.

(ii)(a) Except as provided in subdivisions (f)(2)(B)(ii)(b) and (c) of this section, if both annexation elections are approved by the voters, then a third election shall be held three [3] weeks after the second annexation election. The provisions of § 7-11-201 et seq., governing the procedures and dates on which special elections may be held shall not apply to the third annexation election provided in this subsection.

(b) If the date of the third election falls upon a legal holiday, the election shall be held four [4] weeks after the second annexation election.

(c) If the date of the election under subdivision (f)(2)(B)(ii)(b) of this section is a legal holiday, the election shall be held five [5] weeks after the second annexation election.

(iii) Notice of the third election shall be published in a newspaper circulated in the area to be annexed during the period following the second election.

(iv) Only the residents of the area proposed to be annexed by both cities shall vote in the third election.

(v) The issue on the ballot in the third election shall be into which of the two [2] cities the residents of the area want to be annexed.

(vi) The area shall be annexed into the city receiving the most votes in the third election.

(vii) In the event of a tie vote in the third election, the area shall be annexed to the city that had the highest percentage vote in favor of the annexation in the first or second election.

(3) If the city that does not get to annex the area voted on by both cities included land in its annexation election other than the land voted on by both cities, then that land shall be annexed into such city if it is still contiguous to such city after the other land is annexed to the other city, but such land shall remain part of the county if it is not so contiguous.

#### **A.C.A. § 14-40-304. Judicial Review.**

(a) If it is alleged that the area proposed to be annexed does not conform to the requirements and standards prescribed in § 14-40-302, a legal action may be filed in the circuit court of the county where the lands lie, within thirty [30] days after the election, to nullify the election and to prohibit further proceedings pursuant to the election.

(b) In any such action filed in the circuit court of the county where the lands lie, the court shall have jurisdiction and the authority to determine whether the procedures outlined in this subchapter have been complied with and whether the municipality has used the proper standards outlined in § 14-40-302 in determining the lands to be annexed.

#### **A.C.A. § 14-40-2201. Annexation and provision of scheduled services.**

(a) (1) Beginning March 1, 2014, and each successive year thereafter, the mayor or city manager of a city or incorporated town shall file annually with the city clerk or recorder, town recorder, and county clerk a written notice describing any annexation elections that have become final in the previous eight [8] years.

(2) The written notice shall include:

(A) The schedule of services to be provided to the inhabitants of the annexed portion of the city; and

(B) A statement as to whether the scheduled services have been provided to the inhabitants of the annexed portions of the city.

(b) If the scheduled services have not been provided to the new inhabitants within three [3] years after the date the annexation becomes final, the written notice reporting the status of the extension of scheduled services shall include a statement of the rights of inhabitants to seek detachment.

(c) A city or incorporated town shall not proceed with annexation elections if there are pending scheduled services that have not been provided in three [3] years as prescribed by law.

#### **A.C.A. § 14-40-2202. Inhabitants of annexed area.**

(a) In all annexations under § 14-40-303 and in accordance with § 14-40-606, after the territory declared annexed is considered part of a city or incorporated town, the inhabitants residing in the annexed portion shall:

(1) Have all the rights and privileges of the inhabitants of the annexing city or incorporated town; and

(2)(A) Be extended the scheduled services within three [3] years after the date the annexation becomes final.

(B) The mayor of the municipality shall file a report with the city clerk or recorder, town recorder, and county clerk of the extension of scheduled services.

(b) If the scheduled services have not been extended to the area and property boundaries of the new inhabitants within three [3] years after the date annexation becomes final, the written notice reporting the status of the extension of scheduled services shall:

(1) Include a written plan for completing the extension of services and estimated date of completion; and

(2) Include a statement of the rights of inhabitants to seek detachment.

(c) A city or incorporated town shall not proceed with any additional annexation elections if there are pending scheduled services that have not been extended as required under this subchapter.

### **Annexation of Lands in Adjoining County**

#### **A.C.A. § 14-40-401. Authority.**

(a) The General Assembly finds that there are areas within adjoining counties that are so necessary to the satisfactory conducting of a city's business that there is a need to annex land lying in the adjoining county into the city. This law will aid the residents to receive needed services to improve the quality of life in the unincorporated area.

(b) Any lands contiguous to a municipality having a population of seventy-five thousand (75,000) or less, although located in an adjoining county, may become annexed to the municipality in the manner provided in this chapter.

### **Ordinance Method**

#### **A.C.A. § 14-40-501. Authority—Exceptions.**

(a)(1)(A)(i) Whenever the incorporated limits of a municipality have completely surrounded an unincorporated area, the governing body of the municipality may propose an ordinance calling for the annexation of the land surrounded by the municipality.

(ii) Subdivision (a)(1)(A)(i) of this section includes situations in which the incorporated limits of a municipality have surrounded an unincorporated area on only three [3] sides because the fourth side is a boundary line with another state, a military base, a state park, a national forest, a lake, or a river.

(B) If the incorporated limits of two [2] or more municipalities have completely surrounded an unincorporated area, the governing body of the municipality with the greater distance of city limits adjoining the unincorporated area's perimeter may propose an ordinance calling for the annexation of the land surrounded by the municipalities, unless it is agreed by the adjoining municipalities that another of the adjoining municipalities should propose an ordinance calling for the annexation.

(2) The ordinance will provide a legal description of the land to be annexed and describe generally the services to be extended to the area to be annexed.

(b)(1) The unincorporated area to be annexed shall comply with the standards for lands qualifying for annexation which are set forth in § 14-40-302.

(2) Privately owned lakes exceeding six [6] acres of water surface which are used exclusively for recreational purposes and lands adjacent to them not exceeding twenty [20] acres in size which are used exclusively for recreational purposes in relation to the lake shall not qualify for annexation under the provisions of this subchapter.

#### **A.C.A. § 14-40-502. Hearing—Notice.**

(a) A public hearing shall be conducted within sixty [60] days of the proposal of the ordinance calling for annexation.

(b) At least fifteen [15] days prior to the date of the public hearing, the governing body of the municipality shall publish a legal notice setting out the legal description of the territory proposed to be annexed and notify by certified mail all the property owners within the area proposed to be annexed of their



right to appear at the public hearing to present their views on the proposed annexation.

**A.C.A. § 14-40-503. Procedure for Annexation.**

(a) (1) (A) Except as provided in subdivision (a)(1) (B) of this section, at the next regularly scheduled meeting following the public hearing, the governing body of the municipality proposing annexation may bring the proposed ordinance up for a vote.

(B) An ordinance shall not be enacted within fifty one (51) days of a scheduled election to consider annexing all or part of the area in question.

(2) If a majority of the total number of members of the governing body vote for the proposed annexation ordinance, then a prima facie case for annexation shall be established, and the city shall proceed to render services to the annexed area.

(b) The decision of the municipal council shall be final unless suit is brought in circuit court of the appropriate county within thirty [30] days after passage to review the actions of the governing body.

**A.C.A. § 14-40-504. Enclaves prohibited.**

(a) As used in this section, “enclave” means an unincorporated improved or developed area that is enclosed within and bounded on all sides by a single city or incorporated town.

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

**Petition Method**

**A.C.A. § 14-40-601. Application By Petition.**

(a) When a majority of the real estate owners of any part of a county contiguous to and adjoining any city or incorporated town desires to be annexed to the city or town, they may apply by attested petition in writing to the county court of the county in which the city or town is situated shall name the persons authorized to act on behalf of the petitioners, and may include a schedule of services of the annexing municipality that will be extended to the area within three [3] years after the date the annexation becomes final.

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

**A.C.A. § 14-40-602. Hearing on Petition.**

(a) (1) When the petition shall be presented to the county court, the clerk shall file it, and the court shall set a date for a hearing on the petition.

(2) The date for the hearing shall not be less than thirty [30] days after the filing of the petition.

(b)(1) (A) Between the time of the filing of the petition and the date of the hearing, the petitioners shall cause a notice to be published in some newspaper of general circulation in the county.

(B) The notice shall be published one [1] time a week for three [3] consecutive weeks.

(2) If there is no newspaper of general circulation in the county, notice shall be posted at some public place within the limits of the incorporated town or city for at least three [3] weeks before the date of the hearing.

(3) The notice referred to in this subsection shall contain the substance of the petition and state the time and place appointed for the hearing thereof.

(c) The hearing procedure set forth in § 14-38-103 shall be followed in the proceedings concerned in this section insofar as such procedure is not in conflict with any provision expressly set out in this subchapter.

**A.C.A. § 14-40-603. Order for Annexation.**

(a) After the hearing, if the county court shall be satisfied that the allegations of the petition were sustained by the proof, if the court shall be satisfied that the requirements for signatures under § 14-40-601 have been complied with and if the court

shall be satisfied that the limits of the territory to be annexed have been accurately described and an accurate map thereof made and filed, and that the prayer of the petitioner is right and proper, then the court shall enter its order granting the petition and annexing the territory.

(b) The order shall be recorded by the clerk of the county.

**A.C.A. § 14-40-604. Proceedings to Prevent Annexation.**

(a) (1) No further action shall be taken for a period of thirty [30] days after the order for annexation has been entered. Within that time any person interested may institute a proceeding in the circuit court to have the annexation prevented.

(2) (A) If the court or judge hearing the proceeding shall be satisfied that the requirements for annexation as set out in this subchapter have not been complied with, that the territory proposed to be annexed is unreasonably large, or that the territory is not properly described, the court or judge shall make an order restraining any further action under the order of the county court and annulling it. However, such proceeding shall not bar any subsequent petition.

(B) If the court or judge shall determine that the order of the county court was proper, then the order of the county court shall be affirmed, and the proceedings to prevent the annexation shall be dismissed.

(b) When any complaint shall be made in accordance with this section to prevent an annexation of territory, notice thereof shall be given to the city or incorporated town authorities and the agent of the petitioners.

**A.C.A. § 14-40-605. Confirmation of Annexation.**

(a) If no notice shall be given within thirty [30] days from the making of the order of annexation by the county court, the proceeding before the court shall in all things be confirmed, if the city or incorporated town council shall, by ordinance or resolution, accept the territory.

(b) (1) If the council accepts the territory, the county clerk shall duly certify one [1] copy of the plat of the annexed territory and one [1] copy of the order of the court and the resolution or ordinance of the council. The clerk shall forward a copy of each document to the Secretary of State, who shall file and preserve them. The clerk shall forward one [1] copy of the plat of the annexed territory and one [1]

copy of the order of the court to the Director of the Tax Division of the Arkansas Public Service Commission, who shall file and preserve them and shall notify all utility companies having property in the municipality of the annexation.

(2) The clerk shall forward a certified copy of the order of the court to the council.

**A.C.A. § 14-40-606. Rights and Privileges of New Inhabitants.**

As soon as the resolution or ordinance declaring the annexation has been adopted or passed, the territory shall be deemed and taken to be a part and parcel of the limits of the city or incorporated town, and the inhabitants residing therein shall have and enjoy all the rights and privileges of the inhabitants within the original limits of the city or incorporated town.

**A.C.A. § 14-40-609 (Act 567 of 2017). Annexation by one hundred percent (100%) petition.**

(a) As used in this section, “city or town” means:

- (1) A city of the first class;
- (2) A city of the second class; and
- (3) An incorporated town.

(b) (1) Individuals who own property in a county that is contiguous to a city or town may petition the governing body of the city or town to annex the property that is contiguous to the city or town.

(2) The petition under subdivision (b)(1) of this section shall:

(A) Be in writing;

(B) Contain an attestation signed before a notary or notaries by the property owner or owners of the relevant property or properties confirming the desire to be annexed;

(C) Contain an accurate description of the relevant property or properties;

(D) Contain a letter or title opinion from a certified abstractor or title company verifying that the petitioners are all owners of record of the relevant property or properties;

(E) Contain a letter or verification from a certified surveyor or engineer verifying that the relevant property or properties are contiguous with the annexing city or town and that no enclaves will be created if the property or properties are accepted by the city or town; and

(F) Include a schedule of services of the annexing city or town that will be extended to the area within three (3) years after the date the annexation becomes final.

(3) The petition shall be filed with the county assessor and the county clerk, and within fifteen (15) business days of the filing, the county assessor and the county clerk shall verify that the petition meets the requirements of subdivision (b)(2) of this section.

(c) (1) Upon completion of the requirements under subsection (b) of this section, the county clerk shall present the petition and records of the matter to the county judge who shall review the petition and records for accuracy.

(2) Within fifteen (15) days of the receipt of the petition and records, the county judge shall:

(A) Review the petition and records for completeness and accuracy;

(B) Determine that no enclaves will be created by the annexation;

(C) Confirm that the petition contains a schedule of services;

(D) Issue an order articulating the findings under subdivisions (c)(2)(A)-(C) of this section and forward the petition and order to the contiguous city or town; and

(E) Require at his or her discretion that the city or town annex dedicated public roads and rights of way abutting or traversing the property to be annexed.

(d)(1)(A) By ordinance or resolution, the city or town may grant the petition and accept the property for annexation to the city or town.

(B) The city or town is not required to grant the petition and accept the property petitioned to be annexed.

(2) The ordinance or resolution shall contain an accurate description of the property to be annexed.

(3)(A) If the governing body of the city or town accepts the contiguous property, the clerk or recorder of the city or town shall certify and send one (1) copy of the plat of the annexed property and one (1) copy of the ordinance or resolution of the governing body of the city or town to the county clerk.

(B) (i) The county clerk shall forward a copy of each document received under subdivision (D)(3) (A) of this section to the county judge.

(ii) If the county judge determines the requirements of this section have been complied with and the annexation is in all respects proper, the county judge shall enter an order confirming the annexation.

(e) Upon receipt of the order of the county judge confirming the annexation, the county clerk shall forward a copy of each document received under subdivision (D)(3) of this section to the:

(1) Secretary of State, who shall file and preserve each copy; and

(2) Director of the Tax Division of the Arkansas Public Service Commission, who shall file and preserve each copy and notify all utility companies having property in the city or town of the annexation proceedings.

(f) (1) Notwithstanding any other provisions in this chapter, thirty (30) days after passage of the ordinance or resolution by the governing body of the city or town under this section, the annexation shall be final and the property shall be within the corporate limits of the city or town.

(2) The inhabitants residing in the newly annexed property shall have and enjoy all the rights and privileges of the inhabitants within the original limits of the city or town.

(g) (1) During the thirty-day period under subdivision (f)(1) of this section, a cause of action may be filed in the circuit court of the county of the annexation by a person asserting and having an ownership right in the property objecting to the petition or by any person asserting a failure to comply with this section.

(2) After the thirty-day period, an action under subdivision (g)(1) of this section is not timely.

## C. Consolidation

### A.C.A. § 14-40-1201. Petition for consolidation.

(a)(1)(A) Beginning July 1, 1995, when the inhabitants of any city or incorporated town adjoining or contiguous to another smaller municipal corporation of any class in the same county shall desire that the city or incorporated town annex to it or consolidate with it the smaller municipal corporation, they may apply, by a petition in writing signed by a number of qualified electors from each of the municipal corporations equal to not less than fifteen percent (15%) of the total vote cast for the office of mayor in the respective city or town in the last preceding general election, to the city or town council of the larger municipal corporation.

(B) Municipal corporations separated by a river shall be deemed contiguous.

(2) The petition shall:

(A) Describe the municipal corporations to be consolidated; and

(B) Name the persons authorized to act in behalf of the petitioners presenting the petition as provided in this section.

(3)(A) Beginning July 1, 1995, the petitions shall be filed with the city clerk or town recorder of each municipal corporation, who shall determine the sufficiency of the petitions in each municipality.

(B) (i) If any petition is determined insufficient, he or she shall notify the petitioners in writing without delay, and the petitioners shall be permitted ten [10] days from the notification to solicit additional signatures or to prove any rejected signatures.

(ii) If the city clerk or town recorder of the respective municipalities decides the petitions are sufficient, he or she each shall notify the petitioners in writing and shall present the petitions to the city or town council of the larger municipal corporation.

(b)(1)(A) When the petition is presented to the council, the council shall pass an ordinance in favor of the annexation and approving and ratifying the petition.

(B) If the council fails to pass the ordinance required under subdivision (b)(1)(A) of this section, then any interested party may apply for a writ of mandamus to require the performance of the requirement.

(2) In that event, it shall be the duty of the persons named in the petition authorized to act in behalf of the petitioners to file the petition, together

with a certified copy of the ordinance, in the office of the county clerk of the county in which the municipal corporations are situated.

### A.C.A. § 14-40-1202. Special election called.

(a)(1)(A) Upon presentation of the petition to the county court by the authorized persons, the court shall at once order and call a special election, to be held in accordance with § 7-11-201 et seq., in both of the municipal corporations on the question of the annexation and the name of the proposed consolidated municipality.

(B) The court shall give thirty [30] days' notice of the election by publication one [1] time a week in some newspaper with a bona fide circulation in the territory and by notices posted in conspicuous places in the territory.

(2) The court shall appoint one [1] judge and one [1] clerk in each ward or other division of each municipal corporation, and the mayor and city council of each of the municipal corporations shall select two [2] judges and one [1] clerk for each of the wards or other divisions having the qualifications of electors, to act as judges and clerks of election within the respective wards.

(3) The court shall fix all polling places at which the voting shall take place.

(b)(1) The election shall be held and conducted in each corporation in the manner prescribed by law for holding elections for cities or incorporated towns, so far as they are applicable. Election expenses are to be paid by the larger city or incorporated town.

(2)(A) All elections held under this subchapter are made legal elections.

(B) (i) The elections shall be governed by and subject to all the laws relating to general elections so far as applicable.

(ii) All judges, clerks, and persons voting in the elections shall be subject to the penalties prescribed by the general election laws of the state for any violation of the general election laws to the same extent as though the elections were specifically included in the general election laws of the state.

(3) The returns of the elections shall be made to the court and the result thereof declared by the court.

(c) In order to provide for an orderly transition of affairs if the petition calls for a delay in the implementation of the consolidation, the consolidation shall not take effect until the date specified in the



petition, except that the consolidation shall be delayed not longer than eighteen [18] months from the date the election results are declared by the court.

**A.C.A. § 14-40-1203. Election results.**

(a) At any election held under this subchapter, all qualified electors who are residents of either municipality shall be allowed to vote on the adoption or rejection of the proposed annexation or consolidation and the name of the proposed consolidated municipality.

(b)(1)(A)(i) If a majority of the votes cast in each of the respective municipalities, considered as a separate and distinct unit and without reference to the vote cast in the other, shall be in favor of the consolidation or annexation, then the county court shall declare, by an appropriate order, the annexation or consolidation consummated unless the petition has requested a delayed date for implementation of the consolidation.

(ii) If the petition calls for a delay in the implementation of the consolidation and if a majority of the votes cast in each of the respective municipalities is in favor of the consolidation, then the county court shall order the annexation or consolidation consummated on the date specified in the petition, except that the date shall not be more than eighteen (18) months after the date election results are declared by the court.

(B)(i) If a majority of the votes cast in each of the respective municipalities, considered as a separate and distinct unit and without reference to the vote cast in the other, shall be in favor of the same name of the municipality, then the county court shall declare, by appropriate order, the name of the consolidated municipality.

(ii) If a majority of the votes cast in each of the respective municipalities, considered as a separate and distinct unit and without reference to the vote cast in the other, shall not be in favor of the same name of the municipality, then the county court shall declare, by appropriate order, the name of the consolidated municipality to be the name of the larger municipality.

(C)(i) Upon the making of the order, the smaller municipal corporation and the territory comprising it shall, in law, be deemed and be taken to be included and shall be a part of the larger municipal corporation.

(ii) The inhabitants thereof shall in all respects be citizens of the larger municipal corporation.

(2) If a majority of the votes of either municipal corporation shall be against annexation, then the city or incorporated town shall not be again permitted to attempt the consolidation for two [2] years.

**A.C.A. § 14-40-1204. Election; contest actions.**

Any elector shall have the right to test the legality and fairness of the election and the declared results in a proceeding before the circuit court without being required to give bond for costs. However, no such contest shall interfere with the consolidation until finally decided.

**A.C.A. § 14-40-1205. Effect on certain municipalities.**

(a) As soon as practicable after the annexation, the council of the larger city or incorporated town shall, by ordinance, form the territory of the smaller municipality into such number of wards as shall seem to be the best interest of the combined city or incorporated town, or shall change the number and boundaries of all the wards of the entire city or incorporated town, or any part of them, as shall seem to be to the best interests of the combined city or incorporated town. In such way, however, the wards shall have as nearly an equal population and assessed valuation of property as practicable and as, in the opinion of the council, would best subserve the true interest of the citizens and taxpayers of the combined city or incorporated town.

(b) The territory and inhabitants of the smaller municipal corporation shall receive that fair and just representation in the city council as the size, population, and assessed valuation of property demands, as compared with the representation accorded to other wards of the city or incorporated town.

(c) If inhabitants of the smaller municipal corporation feel aggrieved at the number of wards, or in any manner dissatisfied with the division of the territory into wards, upon petition of fifty (50) qualified electors, the circuit court is authorized to make changes in the number of wards as the justice of the case requires, in the manner provided in § 14-43-311, so far as applicable.

**A.C.A. § 14-40-1206 (Act 879 of 2017). Plot requirement.**

(a) The council of the larger city or incorporated town shall cause a plat to be made of the entire city or incorporated town after the annexation thereto and the division into wards of the smaller municipal corporation.

(b)(1) A certified copy of the plat shall be filed and recorded in the office of the circuit court and ex officio recorder of the county and with the Secretary of State.

(2)(A) Thereafter, the plat shall stand, be, and remain the division of the city or incorporated town into wards, and the number and boundaries thereof, until such time as it may be afterwards changed according to law.

(B) However, a change in the boundaries of the wards of the larger city or incorporated town shall not determine or affect the time of service of any previously elected council member of any ward in the larger city or incorporated town.

**A.C.A. § 14-40-1207 (Act 879 of 2017). Special election of council members or all city officials.**

(a)(1)(A) Except as provided under subdivision (a)(1)(B) of this section, the city or town council shall call a special election of council members to be held at such times and places as the council may direct pursuant to a proclamation issued by the mayor in accordance with § 7-11-101 et seq., in the wards of the smaller municipality and for the election of council members from any other new wards that may be created by the council out of territory included in the larger city or incorporated town before the annexation, as provided in this subchapter.

(B) If the petition calls for a citywide election for all officials of the new consolidated city or incorporated town, then the city or town council shall call a special election pursuant to a proclamation issued by the mayor in accordance with § 7-11-101 et seq. for all city or town officials to be held at the times and places as the city or town council may direct throughout each ward of the consolidated city or incorporated town.

(2) If the implementation of the consolidation of the cities or towns is delayed, the special election for new council members to a city or town council or all city officials shall be held at least forty-five (45) days before the effective date of the consolidation.

(b) Each ward of the consolidated city or incorporated town shall have two [2] council members,

to be elected in the same manner and for the same term as council members are elected in cities and incorporated towns.

**A.C.A. § 14-40-1208 (Act 879 of 2017). Termination of office.**

(a) The term of office of all officers, council members, and employees of the smaller municipality and all laws in force therein shall cease upon and after the consolidation.

(b)(1) Any mayor who is forced from office because of a merger of two [2] or more municipalities under this subchapter is presumed to meet the minimum service period under § 24-12-123.

(2) If the mayor who is forced from office has less than ten [10] years of actual service as mayor, then he or she is entitled to a prorated retirement benefit that is equivalent to an amount that is equal to the percentage of the mayor's actual amount of service divided by the minimum ten [10] years of service required under § 24-12-123.

**A.C.A. § 14-40-1209. Municipal property.**

All public property of the smaller municipality shall belong to the consolidation city or incorporated town.

**A.C.A. § 14-40-1210. Municipal debts.**

(a)(1) The debts of each municipality owing prior to or at the time of the consolidation shall be paid by the consolidated municipality by appropriating the revenues derived from year to year from the territory and the inhabitants of what was formerly the larger municipality to the payment of the debts of the larger municipality owing before the consolidation.

(2) In like manner, the debts of the smaller municipality owing prior to and at the time of the consolidation shall be paid by appropriating the revenues derived from what was formerly the smaller municipality in such manner as to do the least injustice to the inhabitants of each former municipality in the way of a decrease in the improving or bettering of the territory as it formerly existed.

(b) In appropriating the revenues of either municipality to pay its own debts existing prior to the consolidation, neither the territory nor inhabitants of what was formerly the larger or smaller municipality shall be discriminated against in the distribution of police protection, board of health service, fire protection, public lighting, or other like public service.

**A.C.A. § 14-40-1211. Enforcement of debts; preferences.**

(a) Creditors of either municipal corporation, on account of obligations made prior to consolidation, shall not be paid sooner or shall not be permitted to enforce the collection of their debts sooner against the consolidated city or incorporated town than the separate municipality prior to consolidation could have paid its own debts or could have been forced to do so.

(b) In any proceeding in court, by mandamus or otherwise, against a consolidated city or incorporated town to enforce the obligations created by either municipal corporation prior to consolidation, no greater part of the revenue of the consolidated city or incorporated town shall be subject to be applied by the court at the instance of the creditor to the payment of the obligations than could have been subjected against the revenues of the particular city or incorporated town creating the obligation prior to consolidation if the particular municipal corporation having so created the obligation had not been annexed.

**A.C.A. § 14-40-1212 (Act 879 of 2017). Betterments and improvements.**

(a) The wards formed out of the territory comprising the former territory of the smaller municipal corporation annexed under the provisions of this subchapter shall always receive betterments and improvements in an amount equal to the amount of revenue derived by the consolidated municipality from the territory and inhabitants of the smaller municipal corporation, after having deducted the pro rata share of the territory of the running expenses necessary to be expended in maintaining the government of the entire city or incorporated town and after having taken into consideration the amount of revenues necessarily appropriated to pay the indebtedness due by the smaller municipality before consolidation, until the indebtedness is paid. In addition, those wards shall always receive their fair and equitable proportion of the police, board of health, fire protection, and lighting service of the larger city or incorporated town. They shall in all other ways receive fair and liberal treatment and their fair proportion of the expenditure of moneys by the larger city or incorporated town.

(b) Council members representing the wards composing the territory of the smaller municipal corporation before consolidation have a right:

(1) At all times, to demand of the city or town council the benefit of the revenue collected from the wards, as provided for in this section; and

(2) On the refusal by the city or town council of the demand made under subdivision (b)(1) of this section, to enforce the revenue rights by mandamus or other appropriate proceedings.

(c) In the event the council members, or fifty [50] qualified electors of the territory annexed, feel aggrieved in reference to the amount of revenue expended on the territory or as to the other rights guaranteed in this section to the annexed municipality, they may submit the matter to the circuit court, which is authorized by appropriate orders to compel the consolidated city or incorporated town to give the former territory of the smaller municipal corporation the full benefit of its revenue as provided in this section.

**A.C.A. § 14-40-1213. Contracts.**

No franchises, contracts, or other obligations of an extraordinary nature, or other than those necessary for the ordinary and usual running of the affairs of either municipal corporation, which have been granted, made, or created by either municipal corporation after the passage of an ordinance favoring annexation, and prior to the consummation of the annexation, shall be valid and binding against the consolidated municipality, or any part thereof, in the event that a consolidation is effected within sixty [60] days after passage of the ordinance, unless they shall be afterward ratified by the consolidated city or incorporated town.

## **D. Detachment**

For procedures to detach territory from a municipality see §§ 14-40-1801—14-40-1803, which provides for submission of the question to a vote of the people and petition to the county court. Also, §§ 14-40-1901—14-40-1903 provide that the city council may by resolution provide for the detachment from said city or town of any area which for more than ten [10] years has not been recognized by city officials and is deemed unsuitable for urban development and petition to the county court for detachment of the designated area. After a hearing upon such petition by the county court, an order may be issued excluding such territory from the corporate limits. Special rules apply to regional airports, as Act 1420 of 1999 (§ 14-362-132) exempts them from any rules, regulations, ordinances, or permit requirements of a municipality. Act 1420 of 1999 also provides that the regional airport authority may elect to de-annex from a city or town after a municipality in which the airport property is located is annexed or consolidated with another municipality. In addition, individual landowners can request that their property be detached through the procedure set out in § 14-40-608.

### **A.C.A. § 14-40-608. Right to detach certain lands after an annexation proceeding.**

(a) Within three [3] years after an annexation proceeding is completed under the provisions of this subchapter and the land remains the boundary of the city or town, the person owning all lands originally annexed into the city or town may be authorized to detach those annexed lands from the city or town under the provisions of this section, so long as the city or town has provided no utility services to those lands.

(b)(1) When a qualifying landowner notifies the municipality that he or she wishes to detach his or her land from the city or town under this section, the governing body of the municipality may pass an ordinance within thirty [30] days to detach the annexed, qualifying land from the municipality.

(2)(A) In order to notify the city or town, the landowner shall file an affidavit with the city clerk or recorder stating that:

- (i) His or her land was annexed;
- (ii) His or her land is located inside the city or town along the municipal boundary; and
- (iii) He or she desires the annexed land to be detached from the municipality.

(B) The affidavit shall be filed along with a certified copy of the plat of the annexed land he or she desires to be detached and a copy of the order of the county court approving the annexation and the resolution or ordinance of the municipal governing body accepting the annexation.

(c) If the municipal governing body approves the ordinance to detach the territory, the clerk or recorder of the municipality shall duly certify and send one [1] copy of the plat of the detached territory, one [1] copy of the ordinance detaching the territory, and one [1] copy of the qualifying affidavit to the county clerk.

(d)(1) The county clerk shall forward a copy of each document to the Secretary of State, who shall file and preserve them.

(2) The county clerk shall forward one [1] copy of the plat of the detached territory and one [1] copy of the ordinance detaching the territory to the Director of the Tax Division of the Arkansas Public Service Commission, who shall file and preserve them and shall notify all utility companies having property in the municipality of the detachment proceedings.

## **Simultaneous Detachment And Annexation**

### **A.C.A. § 14-40-2101. Simultaneous detachment and annexation by two [2] cities.**

(a) When the boundaries of two [2] municipalities are contiguous to and adjoining one another, and one [1] municipality desires to detach and annex territory in another municipality, then the governing body of the municipality desiring to detach and annex territory may propose an ordinance calling for the simultaneous detachment of the lands from the one [1] municipality and the annexation of the lands into its municipal limits. The municipality desiring to annex land in the adjoining city, after the passage of the ordinance calling for detachment and annexation, shall send the ordinance to the governing body of the city or town in which the lands are located.

(b)(1) The ordinance will provide a legal description of the lands proposing to be detached and annexed and describe generally the reasons for proposing the action.

(2) The governing body of the city or town in which the lands are located shall conduct a public hearing within sixty [60] days of the proposal of the ordinance calling for the detachment and annexation.



(3) At least fifteen [15] days prior to the date of the public hearing, the governing body of the proposing municipality shall publish a legal notice setting out the legal description of the territory proposed to be detached and annexed. Municipal officials of the proposing city or town, officials of the city or town in which the lands are located, and property owners within the area proposed to be detached and annexed may appear at the public hearing to present their views on the proposal.

(c) (1) At the next regularly scheduled meeting following the public hearing, the governing body of the municipality in which the lands are located may bring the proposed ordinance up for a vote to concur in the detachment and annexation.

(2) If a majority of the total number of members of the governing body vote for the proposed detachment and annexation ordinance, then a prima facie case for detachment and annexation shall be established, and the proposing municipality shall proceed to render services to the newly annexed area.

(d) The decision of the municipal governing bodies shall be final unless suit is brought in the chancery court of the appropriate county within thirty [30] days after passage of the ordinance to review the mutual actions of the governing bodies.

(e) (1) As soon as the ordinance proposing the detachment and annexation is final, the territory shall be deemed and taken to be a part and parcel of the limits of the city or town annexing it, and the inhabitants residing therein shall have and enjoy all the rights and privileges of the inhabitants within the original limits of the city or town.

(2) The governing body of the annexing city or town shall direct the municipal clerk or recorder to duly certify one [1] copy of the plat of the annexed territory and one [1] copy of the proposing ordinance as adopted by both governing bodies to the county clerk.

(3) The clerk shall forward a copy of each document to the Secretary of State, who shall file and preserve them.

#### **A.C.A. § 14-40-2002. Annexation into Adjoining Municipality.**

(a) (1) A landowner or group of landowners seeking additional municipal services may have its land detached from the municipality in which it is located and annexed into another municipality that borders the land.

(2) However, before annexation is allowed, the municipality in which the land is located shall have an opportunity to provide the additional services.

(b) The following procedure shall apply:

(1) The landowner or landowners shall file a statement with the municipality in which the land is located listing the additional municipal service or services being sought and stating that:

(A) The municipality is not providing services necessary to create improvements, provide employment or additional employment, subdivide, or otherwise maximize the use and value of the property;

(B) All the land in the request must compose one [1] area that is contiguous to another municipality;

(C) The additional services are available in another municipality that borders the land subject to the request; and

(D) (i) The municipality is requested to make a commitment to take substantial steps, within one hundred eighty (180) days after the statement is filed, toward providing the additional services available and within each thirty-day period thereafter to continue taking steps to demonstrate a consistent commitment to provide the service within a reasonable time, as determined by the kind of services requested.

(ii) The commitment must be made in writing to the landowner within thirty [30] calendar days of the filing of the statement, or the landowner may seek to have the land detached from the municipality and annexed into the other municipality.

(iii) The landowner must take appropriate steps to make the land accessible to the service and comply with reasonable requests of the municipality that are necessary for the service to be provided;

(2) The landowner or landowners may request the annexation of the land into the other municipality and thereby detach the land from the boundaries of the municipality in which the land is currently located, if:

(A) The municipality in which the land is located fails to execute a commitment to services within thirty [30] days after the statement is filed; or

(B) The municipality executes the commitment to services but fails to take the action required under subdivision (b)(1)(D) of this section;

(3)(A) The land shall be annexed into the other municipality if, after a request by the landowner or landowners, the governing body of the municipality into which annexation is sought indicates by ordinance, resolution, or motion its commitment to make the services available and its approval of the request for annexation.

(B) (i) The annexation shall be void and the land shall be returned to the original municipality if the annexing municipality fails to take substantial steps within one hundred eighty (180) days after the passage of the ordinance, resolution, or motion to make the services available and, within each thirty-day period thereafter, continues taking steps demonstrating a consistent commitment to make the additional service available within a reasonable time, as determined by the kind of services requested.

(ii) The landowner must have taken appropriate steps to make the land accessible to the service and complied with the reasonable requests of the municipality that are necessary for the service to be provided.

(iii) However, if the requested services are not available within twelve [12] months after the property is accepted by the annexing jurisdiction or substantial steps are not taken to make the services available within this time period, then the detachment and annexation shall be void and all property returned to its original jurisdiction; and

(4) The land shall remain in the original municipality until it is annexed into the other municipality.

(c) Land annexed pursuant to this section shall not be eligible for reannexation under this section for a period of two [2] years.

(d) This section shall apply to residential, commercial, industrial, and unimproved land.

(e) For the purposes of this section, “services” means electricity, water, sewer, fire protection, police protection, drainage and storm water management, or any other offering by the municipality that materially affects a landowner’s ability to develop, use, or expand the uses of the landowner’s property.

**A.C.A. § 14-40-2003. No Split or Island.**

(a) In no event shall the provisions of this subchapter allow a municipality to be split in half or

to have any of its land separately encircled, thereby creating an island of that city within the boundaries of another city.

(b) Any detachment and annexation occurring that creates a split or island shall be void and all properties returned to their original municipality.

**A.C.A. § 14-40-2004. Hearing in Circuit Court; Appeal.**

(a) (1) The circuit courts of the state shall have exclusive jurisdiction to hear all matters related to this subchapter.

(2) The circuit court of the county in which the municipalities are located or, in the event that the municipalities are located in different counties or judicial districts, the circuit court of the county or judicial district that has within the county’s or judicial district’s boundaries the smallest of the two [2] municipalities in population according to the latest federal decennial census, shall have exclusive jurisdiction to hear all matters related to this subchapter.

(b)(1)(A) Upon petition of either affected municipality, the landowner or group of landowners, or its representatives, the circuit judge shall hold a hearing or series of hearings related to the provisions of this subchapter.

(B) The municipalities, the landowner who requested annexation, and a landowner who began owning land after the annexation request are parties to the hearing.

(2) The circuit judge shall make findings as are necessary to determine whether there has been substantial compliance or noncompliance with the requirements of this subchapter.

(c) The petition under subdivision (b)(1) of this section shall be filed no later than twenty [20] days, after the adoption or rejection of the ordinance, resolution or motion bringing the subject property into the annexing jurisdiction.

(d) In the event an action is brought in circuit court by any party, the time period for the requested services to be available as provided in § 14-40-2002(b)(3)(B)(iii) shall be tolled until entry of a ruling by the circuit judge and the conclusion of any appeals from that court.

**A.C.A. § 14-40-2005. Filing.**

(a) All documents produced by landowners, municipalities, or others relating to detachment and annexation as enumerated in this subchapter shall be filed with the circuit clerk with copies served upon the municipality and landowners.

(b)(1) The circuit clerk shall establish a system of filing for these matters upon action's having been taken by a landowner or group of landowners pursuant to the provisions of this subchapter.

(2) The circuit clerk's file shall be considered the official record of all matters and proceedings under this subchapter.

**A.C.A. § 14-40-2006. Provision of municipal services.**

In a municipal services matter under this subchapter, if a city or incorporated town from which the inhabitants detached determines that the scheduled services are available or became available to the detaching inhabitants by the city or incorporated town to which the inhabitants were annexed into, the inhabitants shall automatically be detached and annexed back into the original city or incorporated town after the expiration of one hundred eighty (180) days following the date the schedule of services became available to the inhabitants and the inhabitants have not used the services.

II. Sample Annexation Ordinances, Petitions, Orders, Etc.

A. Election Method

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE SUBMITTING TO THE VOTERS OF THE CITY OF \_\_\_\_\_,

ARKANSAS, AND OTHER AFFECTED PERSONS, THE QUESTION OF ANNEXATION TO SAID CITY OF CERTAIN CONTIGUOUS TERRITORY; AND DECLARING AN EMERGENCY

(Use at least one of the following applicable WHEREAS clauses.)

WHEREAS, it appears to the City Council of the City of \_\_\_\_\_, Arkansas, that the annexation of certain hereinafter described territory, contiguous to the City of \_\_\_\_\_, is necessary for the orderly growth and development of the City; WHEREAS, the lands furnish the abode for a densely settled community or represent the actual growth of the municipality beyond its legal boundary; WHEREAS, the lands are platted and held for sale or use as municipal lots, or whether platted or not, the lands are held to be sold as suburban property; WHEREAS, the lands are needed for proper municipal purposes; or WHEREAS, the lands are valuable by reason of their adaptability for prospective municipal uses. NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF \_\_\_\_\_, ARKANSAS: SECTION 1. That there shall be submitted to the qualified electors of the City of and of the following described area, the question of the annexation of the following described territory to the City of :

[insert legal description of area to be annexed]

A map depicting said annexation area is attached hereto as Exhibit A and made a part hereof. SECTION 2. The question of annexation of the territory described above in Section 1 shall be submitted to the electors qualified to vote on this issue at a special election to be held on Tuesday, (month, day, year), in compliance with A.C.A. § 7-11-205. Once this ordinance takes effect, the City Clerk shall immediately notify the County Election Commission and the County Clerk by forwarding to each, a certified copy of this ordinance and the map showing the area to be annexed.

SECTION 3. If at such election a majority of the qualified electors voting in such election shall vote for such annexation, the annexation shall be effective and the territory included within the corporate limits of the City to thirty [30] days following the County Clerk's certification of the election results and recording of the same, along with the description and a map of the annexed area, in the county records, and filing a certified copy thereof with the Secretary of State; or in the event an action is filed with the Circuit Court, on the date the judgment of said Court becomes final. If a majority of the qualified electors voting on the issue at the election vote against the annexation, the annexation ordinance shall be null and void. SECTION 4. No later than forty-five (45) days prior to the election, the city shall identify all persons who reside within the area proposed to be annexed, and the county clerk shall assist the city in determining the names and addresses of all qualified electors residing within that area. SECTION 5. The city clerk shall give notice of the election by publication by at least one [1] insertion in some newspaper having a general circulation in the city. SECTION 6. If the annexation is approved and becomes final, the governing body of the city shall, by ordinance, as soon as practical after the annexation, attach and incorporate such annexed territory to and in one [1] or more wards of the city lying adjacent thereto, and the territory so assigned and attached to a ward shall thereafter be considered and become a part thereof as fully as any other part of the city. SECTION 7. If the annexation is approved and becomes final, the following services shall be extended to the area within three [3] years:

SERVICE	DATE
Police Protection	_____
Fire Protection	_____
Solid Waste Collection	_____
Public Street Maintenance	_____

The schedule of services shall be included in the annual written report required by A.C.A. § 14-40-2201. SECTION 8. The ballots used at said election on the question of annexation shall be marked as follows: [ ] FOR annexation of the territory described in Ordinance No. \_\_\_\_\_. [ ] AGAINST annexation of the territory described in Ordinance No. \_\_\_\_\_. SECTION 9. Notice. Within forty-five (45) days of the effective date of this ordinance the city clerk shall provide written notice, along with complete documentation, to the county clerk of each county in which the territory is affected.



SECTION 10. Emergency Clause. This ordinance being necessary for the immediate preservation of the public peace, health, safety, and welfare, as well as compliance with special election statutes, an emergency is hereby declared to exist and this ordinance shall be effective and in full force and effect from and after its passage and approval.

PASSED: \_\_\_\_\_

ATTEST: \_\_\_\_\_  
Clerk or Recorder

APPROVED: \_\_\_\_\_  
Mayor

#### CERTIFICATE

I, \_\_\_\_\_, City Clerk of the City of \_\_\_\_\_, hereby certify that this ordinance was duly passed and approved by a two-thirds vote of the total number of members the City Council of the City of \_\_\_\_\_, Arkansas, on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Seal

\_\_\_\_\_  
City Clerk  
City of: \_\_\_\_\_

***Important:*** The provisions of A.C.A. § 14-40-2201 concerning the provision of services, reporting, and consequences of failing to provide the services within three years should be carefully reviewed and understood by city officials. For public safety reasons and statutory compliance, police and fire protection should be supplied at the time the annexation is final. State law also requires the city to maintain public streets (A.C.A. § 14-301-101) and establish solid waste collection and disposal (A.C.A. § 8-6-211).

## B. Surrounded Lands

ORDINANCE NO. \_\_\_\_\_  
AN ORDINANCE ANNEXING  
CERTAIN LANDS THAT ARE COM-  
PLETELY SURROUNDED BY THE  
INCORPORATED LIMITS OF THE  
CITY OF \_\_\_\_\_; DECLARING AN  
EMERGENCY; AND FOR OTHER  
PURPOSES.

WHEREAS, Arkansas Code Annotated sections 14-40-501—14-40-503 provide that unincorporated islands of land that have been surrounded by the incorporated limits of a municipality may be annexed by that municipality, including situations in which the unincorporated area is surrounded on three sides by the municipal boundaries and on the fourth side by a state boundary, a military base, a state park, a national forest, a lake or a river.

WHEREAS, the City of \_\_\_\_\_ desires to annex certain lands more completely described below; and  
WHEREAS, all necessary urban services, such as fire and police protection, are to be extended to such area within a reasonable period of time; and

WHEREAS, the area to be annexed complies with the standards for lands qualifying for annexation which are set forth in A.C.A. § 14-40-302 and A.C.A. § 14-40-501; and

WHEREAS, the council finds that the territory to be annexed is [*describe how the territory is surrounded, whether (1) surrounded by the incorporated limits of a municipality or (2) on three sides by the municipal boundaries and on the fourth side by a state boundary, a military base, a state park, a national forest, a lake or a river*]; \_\_\_\_\_; and

WHEREAS, the council further finds that the territory consists of lands that are: [*describe how the lands meet one or more of the following criteria*]:

- (1) Platted and held for sale or use as municipal lots;
- (2) Whether platted or not, if the lands are held to be sold as suburban property;
- (3) When the lands furnish the abode for a densely settled community or represent the actual growth of the municipality beyond its legal boundary;
- (4) Needed for any proper municipal purposes such as for the extension of needed police regulation; or
- (5) When they are valuable by reason of their adaptability for prospective municipal uses; and

WHEREAS, a public hearing was held on (month, day, year), regarding this proposed annexation; and  
WHEREAS, on (month, day, year), a legal notice was published setting out the legal description of the territory proposed to be annexed, and all property owners within the area were notified by certified mail of their right to appear at the public hearing.

NOW, THEREFORE, BE IT ORDAINED BY  
THE CITY COUNCIL OF THE CITY OF \_\_\_\_\_,  
ARKANSAS:

SECTION 1. That the following described unincorporated area which is completely surrounded by the city limits of the City of [or, *is surrounded on three sides by the city limits of the City of and on the fourth side by a military base/state park/ national forest/lake/river*] is hereby annexed to the City of \_\_\_\_\_

\_\_\_\_\_(description of the area)

SECTION 2. All necessary urban services, such as police and fire protection, solid waste collection and disposal, and maintenance of public streets shall be extended to such area within a reasonable time.

SECTION 3. Notice. Within forty-five (45) days of the effective date of this ordinance the city clerk shall provide written notice, along with complete documentation, to the county clerk of each county in which the territory is affected.

SECTION 4. Because these areas are in need of all necessary urban services, such as police and fire protection, and this is necessary for the public peace, health, safety and welfare, an emergency is declared to exist. Therefore, this ordinance shall be in full force and effect from after the date of the passage.

PASSED: \_\_\_\_\_

ATTEST: \_\_\_\_\_  
Clerk or Recorder

APPROVED: \_\_\_\_\_  
Mayor

C. Petition Method
(by majority of landowners)

IN THE
COUNTY COURT IN THE MAT-
TER OF ANNEXING TO THE CITY
OF
ARKANSAS, CERTAIN TERRITORY
CONTIGUOUS TO THE SAID CITY
OF , ARKANSAS.

PETITION

We, as property owners of the following
described area, do hereby petition the County
Court of ,
Arkansas, to annex the following lands to the City of
, Arkansas. We further state that
the petition is signed by a majority of the real estate own-
ers owning more than one-half of the acreage in said
area, and do further by our petition appoint (person or
persons) to act on behalf of the petitioners in presenting
this matter to the court.
Description of the area to be annexed to the City of
, Arkansas:
(description of the area)

[Optional:] The following services shall
be extended to the annexed area within
three [3] years after the date the annexation
becomes final:

Signature of Property Owner Signature of Attesting Witness
Address

Signature of Property Owner Signature of Attesting Witness
Address

Signature of Property Owner Signature of Attesting Witness
Address

IN THE COUNTY COURT OF
COUNTY,
ARKANSAS IN THE MATTER OF
ANNEXING TO THE CITY OF
,
ARKANSAS, CERTAIN TERRITORY
CONTIGUOUS TO THE CITY OF
, ARKANSAS.

ORDER

On this the (month, day, year), is filed the petition of real
estate owners desiring the annexation of territory to the
City of , Arkansas, more par-
ticularly described therein, and this Court does hereby
fix (month, day, year), as the date for hearing on said peti-
tion, and , the agent named by said petitioners, shall give
notice of such hearing as provided by law, said hearing to
be held in the office of the County Judge at a.m.

County Judge

NOTICE

Notice is hereby given that there has been filed in the
County Court of , Arkansas, the petition
of and others, asking for the annexation to the City of the
following described lands situated in
County, Arkansas, and contiguous to said city, to-wit:

(description of territory)

A plat of said land proposed for annexation is on file with
said petition in the office of the Clerk of said Court, and
the undersigned has been named by the petitioners as the
person authorized to act for them.

The Court has fixed the day of at
o'clock as the date for a hearing on said petition,
and all interested persons are now notified to be present
at said Court at the time and date so fixed.
Given this (month, day, year).

IN THE COUNTY COURT OF  
\_\_\_\_\_ COUNTY, ARKANSAS  
IN THE MATTER OF ANNEXING  
TO THE CITY OF \_\_\_\_\_,  
ARKANSAS, CERTAIN TERRITORY  
CONTIGUOUS TO THE SAID CITY  
OF \_\_\_\_\_, ARKANSAS.

DECREE OF ANNEXATION

On this regular day of a regular term of the County Court of \_\_\_\_\_ County, Arkansas, there is presented to the Court by, \_\_\_\_ agent(s) of the petitioners, a petition for annexation of certain territory, hereinafter more particularly described, to the City of \_\_\_\_\_, Arkansas, and the Court being fully advised of the facts and the law, does hereby find, judge and decree as follows:

The Court finds that the petition was filed more than thirty [30] days prior to this date and that in said petition the said \_\_\_\_\_ was selected by the petitioners to act on their behalf in filing and presenting the petition.

The court further finds that notice of the hearing on this matter was published one [1] time a week for three [3] consecutive weeks as required by A.C.A. § 14-40-602.

The Court finds that a majority of the total number of real estate owners in the area affected by this petition have signed said petition and that such majority owns more than one-half of the acreage affected.

The Court further finds that the territory consists of lands that *[use one or more of the following criteria]*:

- (1) Are platted and held for sale or use as municipal lots;
- (2) Whether platted or not, are held to be sold as suburban property;
- (3) Furnish the abode for a densely settled community or represent the actual growth of the municipality beyond its legal boundary;
- (4) Are needed for any proper municipal purposes such as for the extension of needed police regulation; or
- (5) Are valuable by reason of their adaptability for prospective municipal uses.

The Court further finds that the territory sought to be annexed was accurately described in said petition and that said territory is contiguous to the boundaries of the City of \_\_\_\_\_, Arkansas.

The Court further finds that attached to and made a part of said petition is an accurate map of the territory sought to be annexed to the City of \_\_\_\_\_.

The Court further finds that the prayer of the petition is right and proper.

Therefore, the Court hereby ORDERS, JUDGES and DECREES that the following described territory be and the same is hereby annexed to and made a part of the City of \_\_\_\_\_, Arkansas, to-wit:

(description of territory)

The Court further orders that the original papers in this cause be delivered to the Clerk of \_\_\_\_\_ County, Arkansas, same to be properly recorded upon the records of \_\_\_\_\_ County, Arkansas, and the Clerk, after properly recording and filing the original papers, prepare transcripts of same; that one of the certified transcripts be delivered to the City of \_\_\_\_\_, Arkansas, one copy to the Secretary of State and one copy to the Director of the Tax Division of the Arkansas Public Service Commission.

\_\_\_\_\_  
County Judge

ORDINANCE NO. \_\_\_\_\_  
AN ORDINANCE ACCEPTING  
THE ANNEXATION OF CERTAIN  
TERRITORY TO THE CITY OF

\_\_\_\_\_,  
ARKANSAS, AND MAKING  
SAME A PART OF THE CITY OF

\_\_\_\_\_,  
AND ASSIGNING SAME TO WARDS.

WHEREAS, a petition was filed with the County Clerk of \_\_\_\_\_ County, Arkansas, by the majority of the real estate owners of the hereinafter described territory praying that said territory be annexed to, and made a part of the City of \_\_\_\_\_, Arkansas; and,

WHEREAS, on (month, day, year), the County Court of \_\_\_\_\_, Arkansas, found that the petition was signed by a majority of the real estate owners in said territory; that said territory was contiguous and adjoining the present corporate limits of the City of \_\_\_\_\_, Arkansas; that an accurate plat or map of said territory had been filed with and made a part of said petition; that proper notice had been given for the time and in the manner prescribed by law, and that all things pertaining thereto had been done in the manner prescribed by law, and that said lands and territory should be annexed to and made a part of the City of \_\_\_\_\_, Arkansas, subject to the acceptance of same by the City Council of said City at the proper time, as provided by law; and

WHEREAS, the time fixed by law for appealing from said order of annexation made by the County Court has expired and no appeal has been taken from said order.

Now, therefore, be it ordained by the city council of the City of \_\_\_\_\_, Arkansas:

SECTION 1. That the following described lands and territory contiguous and adjoining the City of \_\_\_\_\_, Arkansas, be and the same is hereby accepted as part of and annexed to and made a part of the City of \_\_\_\_\_.

(description of the area)

SECTION 2. That the above described territory shall be annexed to and made a part of Ward \_\_\_\_\_ of the City of \_\_\_\_\_, and the same shall henceforth be a part of said ward as fully as existing parts of said ward.

[To be used if the petition contained a schedule of services]: SECTION 3. That the services listed in the schedule of services contained in the petition shall be extended to the annexed area within three [3] years after the date the annexation becomes final. The scheduled services contained in the petition are:

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_ etc.

The schedule of services shall be included in the annual written report required by A.C.A. § 14-40-2201 and § 14-40-2202.

Passed and approved (month, day, year).

SECTION 4. Notice. Within forty-five (45) days of the effective date of this ordinance the city clerk shall provide written notice, along with complete documentation, to the county clerk of each county in which the territory is affected.

APPROVED: \_\_\_\_\_  
Mayor

ATTEST: \_\_\_\_\_  
Clerk or Recorder

**Important:** The provisions of A.C.A. §§ 14-40-2201 and 2202 concerning the provision of services, reporting, and consequences of failing to provide the services within three years should be carefully reviewed and understood by city officials before passing an ordinance accepting a petition containing a schedule of services.

## D. 100% Petition Method

PETITION FOR ANNEXATION  
IN THE MATTER OF ANNEXING  
TO \_\_\_\_\_  
DATE: \_\_\_\_\_ THE  
[CITY/TOWN] OF \_\_\_\_\_,  
ARKANSAS CERTAIN TERRI-  
TORY CONTIGUOUS TO SAID  
[CITY/TOWN] OF \_\_\_\_\_,  
ARKANSAS

Come now the undersigned petitioners, and state as follows:

1. That we, owning 100% of the property in the following described area, do hereby petition, pursuant to A.C.A. § 14-40-609, the [City/Town] Council of \_\_\_\_\_, Arkansas, to annex the following lands to the [City/Town] of \_\_\_\_\_, Arkansas:
2. (Description of the area to be annexed)
3. We further state that this petition is signed before a notary by one hundred percent (100%) of the real estate owners owning one hundred percent (100%) of the acreage in said area and that the area to be annexed does not contain property whose owners do not wish to have their property annexed.
4. Accompanying this petition is a title opinion verifying that the petitioners are all owners of record of the relevant properties attached hereto as Exhibit A.
5. That said property described herein is contiguous to and adjoining the present \_\_\_\_\_ [City/Town] limits, and no enclaves will be created through this annexation, as indicated by the surveyor's letter attached hereto as Exhibit B.
6. That the following schedule of services shall be extended to the area by the [City/Town] of \_\_\_\_\_ within three (3) years after the date the annexation becomes final: (Insert services that will be extended to the service area).

\_\_\_\_\_  
Signature of Property Owner      Signature of Attesting Witness

\_\_\_\_\_  
Printed Name of Owner      Printed Name of Witness

\_\_\_\_\_  
Address

\_\_\_\_\_  
Signature of Property Owner      Signature of Attesting Witness

\_\_\_\_\_  
Printed Name of Owner      Printed Name of Witness

\_\_\_\_\_  
Address

\_\_\_\_\_  
Signature of Property Owner

\_\_\_\_\_  
Signature of Attesting Witness

\_\_\_\_\_  
Printed Name of Owner

\_\_\_\_\_  
Printed Name of Witness

\_\_\_\_\_  
Address

[repeat for additional property owners]

### VERIFICATION

I, \_\_\_\_\_, County (Assessor or Clerk) of the County of \_\_\_\_\_, Arkansas, with respect to the annexation by one-hundred percent petition filed by [petitioner name(s)] on [date], do hereby verify:

1. That the identity of the petitioner(s) as listed on the petition [is / is not] accurate.
2. That all property owners included in the petition [do/ do not] wish to have their property annexed.
3. That the property or properties [are / are not] contiguous with the city or town.
4. That an enclave(s) [will / will not] be created if the petition is accepted by the city or town.
5. That the petition [does / does not] contain a schedule of services.

COMMENTS: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

SIGNED: \_\_\_\_\_  
County Assessor or County Clerk

DATE: \_\_\_\_\_

**Note:** both the County Assessor and the County Clerk must verify the listed items. The "comments" section may be used to provide additional information if desired. This form is to be presented to the county judge within fifteen days of filing by the petitioners with the County Assessor and County Clerk.



IN THE COUNTY COURT OF  
\_\_\_\_\_ COUNTY, ARKAN-  
SAS IN THE MATTER OF ANNEX-  
ING TO THE CITY OF \_\_\_\_\_,  
ARKANSAS, CERTAIN TERRITORY  
CONTIGUOUS TO THE SAID CITY  
OF \_\_\_\_\_, ARKANSAS.

ORDER CONCERNING  
ANNEXATION

On this regular day of a regular term of the County Court of \_\_\_\_\_ County, Arkansas, there is presented to the Court by [name(s)] the petition of real estate owners desiring the annexation of territory to the [City or Town] of \_\_\_\_\_, Arkansas, more particularly described therein. The court has received the verification of the county assessor and county clerk required by A.C.A. § 14-40-609. This Court being fully advised of the facts and the law, does hereby find as follows:

The Court finds that the petition and verifications are complete and accurate.

The Court further finds that no enclaves will be created by the annexation.

The Court finds that the petition contains a schedule of services.

The Court further finds that the territory consists of lands that *[use one or more of the following criteria]*:

1. Are platted and held for sale or use as municipal lots;
2. Whether platted or not, are held to be sold as suburban property;
3. Furnish the abode for a densely settled community or represent the actual growth of the municipality beyond its legal boundary;
4. Are needed for any proper municipal purposes such as the extension of needed police regulation; or
5. Are valuable by reason of their adaptability for prospective municipal uses.

Therefore, the Court hereby ORDERS that the petition and this Order be delivered to the [City or Town] of \_\_\_\_\_, Arkansas.

**Important:** While the Vestal criteria codified in A.C.A. § 14-40-302 do not explicitly apply to petition-based annexations, the Arkansas Supreme Court held that the Vestal criteria “applies regardless of whether the annexation proceeding was initiated by the city or the by the adjoining landowners.” City of Jacksonville v. City of Sherwood, 375 Ark. 107, 110 (Ark. 2008).

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE ACCEPTING THE ANNEXATION OF CERTAIN TERRITORY TO THE [CITY/TOWN] OF \_\_\_\_\_; APPROVING THE SCHEDULE OF SERVICES TO BE EXTENDED TO SAID AREA; [AND ASSIGNING SUCH TO WARDS]

WHEREAS, a petition was filed, pursuant to A.C.A. § 14-40-609, for the annexation of certain territory into the [City/Town] of \_\_\_\_\_, Arkansas; and WHEREAS, the \_\_\_\_\_ County Assessor and the \_\_\_\_\_ County Clerk have (A) Verified the identity of the petitioner(s); (B) Verified that there are no property owners included in the petition that do not wish to have their property annexed; (C) Verified that the property or properties are contiguous with the [City/Town] ; (D) Verified that no enclaves will be created if the petition is accepted by the [City/Town] ; and presented the petition and their respective verifications to the \_\_\_\_\_ County Judge; and WHEREAS, the County Judge has (A) reviewed the petition and verifications for completeness and accuracy; (B) determined that no enclaves will be created by the annexation; (C) confirmed that the petition contains a schedule of services; (D) found that the land to be annexed [specify criteria found by the judge, see Ark. Code Ann. section 14-40-302(b)] and (E) issued an order articulating these findings and forwarded the petition and order to the contiguous [City/Town] of \_\_\_\_\_ for consideration; and WHEREAS, it is the desire of the [City/Town] Council of \_\_\_\_\_ that said territory be annexed.

NOW, THEREFORE, BE IT ORDAINED BY THE [CITY/TOWN] COUNCIL OF THE [CITY/TOWN] OF \_\_\_\_\_, ARKANSAS:

SECTION 1. That the following described territory, contiguous to the [City/Town] of \_\_\_\_\_, be and the same is hereby accepted as part of, and annexed to and made a part of the [City/Town] of \_\_\_\_\_, Arkansas:

(Description of the area to be annexed)

SECTION 2. That the following schedule of services shall be extended to the area by the [City/Town] of \_\_\_\_\_ within the statutorily required three (3) year period after the date the annexation becomes final, as follows: (Insert services that will be extended to the service area).

[SECTION 3. That the above described territory shall be annexed to and made a part of Ward \_\_\_\_ of the City of \_\_\_\_\_, and the same shall henceforth be a part of said ward as fully as existing parts of said ward]. *Note: incorporated towns will omit this section.*

SECTION 4. Thirty (30) days after passage and publication or posting of this Ordinance as authorized by law, the annexation shall be final and the property shall be within the corporate limits of the [city/town], except as otherwise ordered by the Circuit Court pursuant to a cause of action filed within said thirty (30) day period.

SECTION 5. Notice. Within forty-five (45) days of the effective date of this ordinance the city clerk shall provide written notice, along with complete documentation, to the county clerk of each county in which the territory is affected.

PASSED AND APPROVED THIS \_\_\_\_\_ DAY OF 20\_\_\_\_.



## E. Notice of Annexations and Services Provided

NOTICE DESCRIBING ANNEXATION ELECTIONS, PETITIONS AND SCHEDULES OF SERVICES FOR THE CITY [TOWN] OF \_\_\_\_\_

DATE: \_\_\_\_\_ 1

This NOTICE DESCRIBING ANNEXATION ELECTIONS, PETITIONS AND SCHEDULE OF SERVICES has been prepared in compliance with Act 1502 of 2013, A.C.A. § 14-40-2201 and shall be filed with the city [or town] clerk [or recorder] and the Clerk of the County of \_\_\_\_\_. The following annexation elections containing a schedule of services became final in the previous eight [8] years, resulting in the annexation of territory to the city of \_\_\_\_\_.

A schedule of services, if applicable, and a statement concerning the provision of said services, is provided for each annexation or petition listed.

1. Annexation election held [date] \_\_\_\_\_

(a) Schedule of Services: [Insert scheduled services]

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(b) Statement of Provision of Services:<sup>2</sup>

The services listed above have been provided to the inhabitants of the annexed portion of the city.

OR

The foregoing services have not been provided to the inhabitants of the annexed portion of the city.

[If applicable, include the following:] The scheduled services have not been provided to the new inhabitants within three [3] years after the date the annexation became final. The inhabitants of the annexed territory have the right to seek detachment. A written plan for completing the extension of services is filed herewith. It is estimated that the extension of said services will be complete no later than [date] \_\_\_\_\_.

2. [Repeat above information for additional annexation elections, if any]

SIGNED: \_\_\_\_\_

Mayor or City Manager

DATE: \_\_\_\_\_

1 This Notice shall be filed by March 1, 2014, and each following year with City or Town Clerk or Recorder and the County Clerk.

2 A report should be filed at the time three [3] years have expired if services have not been extended by that time.

Stricken language would be deleted from and underlined language would be added to present law.  
Act 192 of the Regular Session

1 State of Arkansas  
2 91st General Assembly  
3 Regular Session, 2017  
4  
5 By: Representative Lundstrum  
6 By: Senator J. Hendren  
7

## A Bill

HOUSE BILL 1199

### For An Act To Be Entitled

AN ACT TO AMEND THE LAW CONCERNING ANNEXATION OF  
CITY-OWNED PARKS AND AIRPORTS; AND FOR OTHER  
PURPOSES.

### Subtitle

TO AMEND THE LAW CONCERNING ANNEXATION OF  
CITY-OWNED PARKS AND AIRPORTS.

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

SECTION 1. Arkansas Code § 14-40-204, concerning the annexation of  
city-owned parks and airports, is amended to add an additional subsection to  
read as follows:

(c) All city-owned parks with a minimum of thirty (30) acres and owned  
by cities in this state having a population of not less than fifteen thousand  
(15,000) and not more than eighteen thousand (18,000) and located in counties  
having a population of not less than two hundred twenty thousand (220,000)  
and not more than two hundred sixty thousand (260,000), according to the most  
recent federal decennial census, are annexed to the cities owning the parks.

APPROVED: 02/17/2017



Stricken language would be deleted from and underlined language would be added to present law.  
Act 536 of the Regular Session

State of Arkansas  
91st General Assembly  
Regular Session, 2017

# A Bill

HOUSE BILL 1655

By: Representative Davis

## For An Act To Be Entitled

AN ACT TO AMEND THE LAW CONCERNING ANNEXATION WITHIN  
ONE-HALF MILE OF A STATE PARK; AND FOR OTHER  
PURPOSES.

## Subtitle

TO AMEND THE LAW CONCERNING ANNEXATION  
WITHIN ONE-HALF MILE OF A STATE PARK.

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

SECTION 1. Arkansas Code § 14-40-205 is amended to read as follows:

14-40-205. Territory within one-half mile of state park.

(a) ~~None of the~~ The annexation laws of this state ~~shall have any~~  
~~application~~ do not apply in the area within one-half mile of the boundaries  
of ~~any~~ a state park located in a county with a population in excess of three  
hundred fifty thousand (350,000) ~~persons~~ unless the:

(1) The annexation is approved by a majority of the voters  
residing within ~~such the~~ the one-half mile area, ~~the;~~

(2) The area to be annexed is on the opposite side of a  
navigable river from the state park, ~~or the;~~

(3) The area to be annexed is on the opposite side of and south  
of an existing railroad right-of-way from the state park; or

(4) The area to be annexed contains a public or private school.

(b)(1) ~~Any~~ An order of the county court issued in contradiction ~~hereof~~  
of this section is void if the order is issued after August 1, 1997.

(2) ~~However, if any~~ A county court order ~~was~~ issued after August  
1, 1997, annexing an area on the opposite side of and south of an existing



1 railroad right-of-way from a state park, ~~then the county court order is~~  
2 ~~declared~~ valid and not void.

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5 **APPROVED: 03/20/2017**  
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Stricken language would be deleted from and underlined language would be added to present law.  
Act 567 of the Regular Session

State of Arkansas  
91st General Assembly  
Regular Session, 2017

# A Bill

HOUSE BILL 1841

By: Representative Johnson

## For An Act To Be Entitled

AN ACT TO AMEND THE LAW CONCERNING ANNEXATION BY ONE  
HUNDRED PERCENT (100%) PETITION; AND FOR OTHER  
PURPOSES.

## Subtitle

TO AMEND THE LAW CONCERNING ANNEXATION BY  
ONE HUNDRED PERCENT (100%) PETITION.

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

SECTION 1. Arkansas Code § 14-40-609 is amended to read as follows:

14-40-609. Annexation by one hundred percent (100%) petition =

### Definition.

(a) As used in this section, "city or town" means:

- (1) A city of the first class;
- (2) A city of the second class; and
- (3) An incorporated town.

(b)(1) ~~An individual~~ Individuals who ~~owns~~ own property in a county  
that is contiguous to a city or town may petition the governing body of the  
city or town to annex the property that is contiguous to the city or town.

(2) The petition under subdivision (b)(1) of this section shall:

(A) ~~Shall be~~ Be in writing, ~~attested by the property owner~~  
~~or owners;~~

(B) Contain an attestation signed before a notary or  
notaries by the property owner or owners of the relevant property or  
properties confirming the desire to be annexed;

~~(B)(C)~~ Shall contain Contain an accurate description of



1 the relevant property or properties; ~~and~~

2 (D) Contain a letter or title opinion from a certified  
 3 abstractor or title company verifying that the petitioners are all owners of  
 4 record of the relevant property or properties;

5 (E) Contain a letter or verification from a certified  
 6 surveyor or engineer verifying that the relevant property or properties are  
 7 contiguous with the annexing city or town and that no enclaves will be  
 8 created if the property or properties are accepted by the city or town; and

9 ~~(G)(F)~~ Include a schedule of services of the  
 10 annexing city or town that will be extended to the area within three (3)  
 11 years after the date the annexation becomes final.

12 (3) The petition shall be filed with the county assessor and the  
 13 county clerk, and within fifteen (15) business days of the filing, the county  
 14 assessor and the county clerk shall:

15 ~~(A) Verify the identity of the petitioner or petitioners;~~

16 ~~(B) Verify that there are no property owners included in~~  
 17 ~~the petition that do not wish to have their property annexed;~~

18 ~~(C) Verify that the property or properties are contiguous~~  
 19 ~~with the city or town; and~~

20 ~~(D) Verify that no enclaves will be created if the~~  
 21 ~~petition is accepted by the city or town~~ verify that the petition meets the  
 22 requirements of subdivision (b)(2) of this section.

23 (c)(1) Upon completion of the ~~verifications of the petition by the~~  
 24 ~~county assessor and the county clerk~~ requirements under subsection (b) of  
 25 this section, the county assessor and the county clerk shall present the  
 26 petition and ~~verifications~~ records of the matter to the county judge who  
 27 shall review the petition and ~~verifications~~ records for accuracy.

28 (2) Within fifteen (15) days of the receipt of the petition and  
 29 ~~verifications~~ records, the county judge shall:

30 (A) Review the petition and ~~verifications~~ records for  
 31 completeness and accuracy;

32 (B) Determine that no enclaves will be created by the  
 33 annexation;

34 (C) Confirm that the petition contains a schedule of  
 35 services; ~~and~~

36 (D) Issue an order articulating ~~these~~ the findings under

1 subdivisions (c)(2)(A)-(C) of this section and forward the petition and order  
2 to the contiguous city or town; and

3 (E) Require at his or her discretion that the city or town  
4 annex dedicated public roads and rights of way abutting or traversing the  
5 property to be annexed.

6 (d)(1)(A) By ordinance or resolution, the city or town may grant the  
7 petition and accept the property for annexation to the city or town.

8 (B) The city or town is not required to grant the petition  
9 and accept the property petitioned to be annexed.

10 (2) The ordinance or resolution shall contain an accurate  
11 description of the property to be annexed.

12 (3)(A) If the governing body of the city or town accepts the  
13 contiguous property, the clerk or recorder of the city or town shall certify  
14 and send one (1) copy of the plat of the annexed property and one (1) copy of  
15 the ordinance or resolution of the governing body of the city or town to the  
16 county clerk.

17 (B)(i) The county clerk shall forward a copy of each  
18 document received under subdivision (d)(3)(A) of this section to the county  
19 judge.

20 (ii) If the county judge determines the requirements  
21 of this section have been complied with and the annexation is in all respects  
22 proper, the county judge shall enter an order confirming the annexation.

23 (e) The Upon receipt of the order of the county judge confirming the  
24 annexation, the county clerk shall forward a copy of each document received  
25 under subdivision (d)(3) of this section to the:

26 (1) Secretary of State, who shall file and preserve each copy;  
27 and

28 (2) Director of the Tax Division of the Arkansas Public Service  
29 Commission, who shall file and preserve each copy and notify all utility  
30 companies having property in the city or town of the annexation proceedings.

31 (f)(1) Notwithstanding any other provisions in this chapter, thirty  
32 (30) days after passage of the ordinance or resolution by the governing body  
33 of the city of town under this section, the annexation shall be final and the  
34 property shall be within the corporate limits of the city or town.

35 (2) The inhabitants residing in the newly annexed property shall  
36 have and enjoy all the rights and privileges of the inhabitants within the

1 original limits of the city or town.

2 (g)(1) During the thirty-day period under subdivision (f)(1) of this  
3 section, a cause of action may be filed in the circuit court of the county of  
4 the annexation by a person asserting and having an ownership right in the  
5 property objecting to the petition or by any person asserting a failure to  
6 comply with this section.

7 (2) After the thirty-day period, an action under subdivision  
8 (g)(1) of this section is not timely.

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**APPROVED: 03/21/2017**

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Stricken language would be deleted from and underlined language would be added to present law.  
Act 653 of the Regular Session

1 State of Arkansas

*As Engrossed: H3/10/17*

2 91st General Assembly

# A Bill

3 Regular Session, 2017

HOUSE BILL 1950

4  
5 By: Representative Boyd

6 *By: Senator Files*  
7

## For An Act To Be Entitled

8  
9 AN ACT TO AMEND THE LAW CONCERNING INCORPORATION,  
10 ANNEXATION, CONSOLIDATION, AND DETACHMENT PROCEDURES  
11 FOR MUNICIPALITIES; TO REQUIRE AN EFFECTIVE DATE FOR  
12 ANY MUNICIPAL BOUNDARY CHANGE; AND FOR OTHER  
13 PURPOSES.  
14

## Subtitle

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16  
17 TO AMEND THE LAW CONCERNING THE EFFECTIVE  
18 DATE OF MUNICIPAL BOUNDARY CHANGE  
19 ACTIONS.  
20

21  
22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
23

24 SECTION 1. Arkansas Code Title 14, Chapter 38, Subchapter 1, is amended  
25 to add an additional section to read as follows:

26 14-38-117. Effective date of incorporation required.

27 (a)(1) The county court order of incorporation affecting territory  
28 under this chapter shall include the effective date upon which the petition  
29 for incorporation is granted and the municipality is considered organized.

30 (2) County court orders that fail to include a specified  
31 effective date in the order shall require using the date of the county  
32 clerk's file mark as the effective date for all purposes.

33 (b) The effective date specified in the order of incorporation issued  
34 under § 14-38-104 is the official effective date to be used by any county or  
35 state official charged with recording, forwarding, maintaining, or  
36 instituting the order of incorporation.



1       (c)(1) In the event of a circuit court challenge to the county court  
2 order of incorporation, the final order of the circuit court shall specify a  
3 change to the effective date, if any.

4       (2) In the absence of a specific attestation, the county court-  
5 ordered effective date is the effective date.

6  
7       SECTION 2. Arkansas Code Title 14, Chapter 40, Subchapter 1, is amended  
8 to add an additional section to read as follows:

9       14-40-102. Effective date of annexation, consolidation, or detachment  
10 required.

11       (a)(1) An annexation, consolidation, or detachment action that affects  
12 territory under this chapter shall include in its ordinance or resolution the  
13 date upon which the annexation, consolidation, or detachment is considered  
14 final.

15       (2) An ordinance or resolution that fails to include a specified  
16 effective date shall use the date of the municipal clerk or municipal  
17 recorder file mark or attestation, whichever is later in time, as the  
18 effective date for all purposes.

19       (b)(1) The date specified in the ordinance or resolution is the  
20 official effective date of the annexation, consolidation, or detachment.

21       (2) An amendment to the ordinance or resolution shall carry its  
22 own effective date or modification of the effective date.

23       (3) An amendment that fails to include a specified effective  
24 date shall use the date of the municipal clerk or municipal recorder file  
25 mark or attestation, whichever is later in time, as the effective date of the  
26 amendment for all purposes.

27       (c)(1) If a municipality initiates an annexation, consolidation, or  
28 detachment action under § 14-40-204 or § 14-40-501, the effective date shall  
29 be specified.

30       (2) An ordinance or resolution that fails to include a specified  
31 effective date shall use the date of the municipal clerk or municipal  
32 recorder file mark or attestation, whichever is later in time, as the  
33 effective date for all purposes.

34       (d) The effective date specified in an ordinance or resolution issued  
35 under this chapter is the official effective date to be used by any county or  
36 state official charged with recording, forwarding, maintaining, or

1 instituting the ordinance or resolution.

2 (e)(1) In the event of a circuit court challenge to a county court  
3 order approving a municipal boundary change under this chapter, the final  
4 order of the circuit court shall specify a change to the effective date, if  
5 any.

6 (2) In the absence of a specific attestation, the municipally  
7 designated effective date is the effective date.

8  
9 SECTION 3. EMERGENCY CLAUSE. It is found and determined by the General  
10 Assembly of the State of Arkansas that an urgent need exists to clarify the  
11 official effective dates of municipal boundary actions, to aid the United  
12 States Bureau of the Census in the bureau's decennial census counts, and to  
13 maintain more accurate records regarding municipal boundary changes; and that  
14 this act is immediately necessary to clarify the effective dates of municipal  
15 boundary changes. Therefore, an emergency is declared to exist, and this act  
16 being immediately necessary for the preservation of the public peace, health,  
17 and safety, shall become effective on:

18 (1) The date of its approval by the Governor;

19 (2) If the bill is neither approved nor vetoed by the Governor,  
20 the expiration of the period of time during which the Governor may veto the  
21 bill; or

22 (3) If the bill is vetoed by the Governor and the veto is  
23 overridden, the date the last house overrides the veto.

24  
25 */s/Boyd*

26  
27  
28 **APPROVED: 03/27/2017**

Stricken language would be deleted from and underlined language would be added to present law.  
Act 655 of the Regular Session

1 State of Arkansas *As Engrossed: H3/10/17*

2 91st General Assembly

## A Bill

3 Regular Session, 2017

HOUSE BILL 1949

4  
5 By: Representative Boyd

6 *By: Senator Files*

7

8

### For An Act To Be Entitled

9 AN ACT TO CLARIFY PROCEDURES FOR PROVIDING NOTICE OF  
10 MUNICIPAL BOUNDARY CHANGES TO VARIOUS OFFICES FOR  
11 PURPOSES OF RECORDKEEPING AND PROVIDING ACCURATE DATA  
12 TO THE UNITED STATES CENSUS BUREAU; TO DECLARE AN  
13 EMERGENCY; AND FOR OTHER PURPOSES.

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### Subtitle

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

23

24 SECTION 1. Arkansas Code § 14-39-101 is amended to read as follows:  
25 14-39-101. Authority generally.

26 (a) The charters, and all the amendments thereto, of all municipal  
27 corporations within this state designated as cities of the second class and  
28 incorporated towns may be surrendered, all offices held thereunto abolished,  
29 and the territory and inhabitants thereof remanded to the government of this  
30 state in the manner provided in this chapter.

31 (b) Before a municipal corporation undertakes a surrender of charter  
32 under this chapter, the municipal corporation shall coordinate with the  
33 Arkansas Geographic Information Systems Office for preparation of legal  
34 descriptions and digital mapping of the relevant territory.

35

36 SECTION 2. Arkansas Code Title 14, Chapter 40, Subchapter 1, is



1 amended to add an additional section to read as follows:

2 14-40-102. Notice to Secretary of State upon municipal boundary change  
3 – Definitions.

4 (a) As used in this section:

5 (1)(A) "Municipal boundary change" means an incorporation,  
6 annexation, consolidation, detachment, surrender of charter, revocation of  
7 charter, or municipal disincorporation under this subchapter, § 14-38-101 et  
8 seq., or § 14-39-101 et seq.

9 (B) "Municipal boundary change" includes court orders,  
10 amendments, and judicial corrections of boundaries or property descriptions;  
11 and

12 (2) "Municipal corporation" means a city of the first class, a  
13 city of the second class, or an incorporated town.

14 (b)(1) Within forty-five (45) days of the effective date of any  
15 ordinance or resolution effecting a municipal boundary change under this  
16 subchapter, § 14-38-101 et seq., or § 14-39-101 et seq., the city clerk shall  
17 provide written notice, along with complete documentation, to the county  
18 clerk of each county in which the territory is affected.

19 (2) Within thirty (30) days of receipt from a municipality, each  
20 respective county clerk shall provide written notice to the Secretary of  
21 State of filings and records related to the municipal boundary change as  
22 required by statute or by the Secretary of State, to be kept by the county  
23 clerk, and shall provide those records with notice delivered to the Secretary  
24 of State.

25 (3)(A) Within fourteen (14) days of receipt of a summons,  
26 complaint, circuit court order, or court judgment concerning a municipal  
27 boundary change, each municipality shall notify in writing the Secretary of  
28 State and the respective county clerk of each county in which the territory  
29 is or may be affected.

30 (B) Upon receipt of notice of a court challenge, the  
31 county clerk shall provide written notice to the Secretary of State of a  
32 summons, complaint, circuit court order, or court judgment that may affect a  
33 municipal boundary change.

34 (c) Absent notice of a court challenge, within thirty (30) days of  
35 receipt of a notice of a municipal boundary change, the Secretary of State  
36 shall forward appropriate notice and a copy of the appropriate records to

1 the:

- 2 (1) Arkansas Geographic Information Systems Office;  
3 (2) Tax Division of the Arkansas Public Service Commission;  
4 (3) Arkansas State Highway and Transportation Department; and  
5 (4) Department of Finance and Administration.

6 (d) Within thirty (30) days of receipt of notice of a municipal  
7 boundary change from the Secretary of State, the Arkansas Geographic  
8 Information Systems Office shall provide notice and the appropriate  
9 electronic records to the:

- 10 (1) Tax Division of the Arkansas Public Service Commission;  
11 (2) Arkansas State Highway and Transportation Department; and  
12 (3) Department of Finance and Administration.

13 (e) Within thirty (30) days of receipt of notice from the Arkansas  
14 Geographic Information Systems Office or the Secretary of State of a  
15 municipal boundary change, the Arkansas Public Service Commission shall file  
16 and preserve the appropriate records and shall notify the entities under the  
17 commission's jurisdiction that have property in the municipality of the  
18 annexation.

19 (f) The Secretary of State may prescribe documents for providing  
20 appropriate notice and may prescribe a mandatory form for providing  
21 sufficient notice.

22  
23 SECTION 3. Arkansas Code § 14-40-605 is amended to read as follows:  
24 14-40-605. Confirmation of annexation.

25 (a) If no notice ~~shall be~~ under § 14-40-604(b) is given within thirty  
26 (30) days from the making of the order of annexation by the county court, the  
27 proceeding before the court shall in all things be confirmed, if the city or  
28 incorporated town council shall accept by ordinance or resolution the  
29 territory.

30 (b)(1)(A) If the council accepts the territory, and notifies the county  
31 clerk of each county in which territory is affected, the county clerk shall  
32 ~~duly~~ certify one (1) copy of the plat of the annexed territory and one (1)  
33 copy of the order of the court and the resolution or ordinance of the  
34 council.

35 (B) The county clerk shall forward a copy of each document  
36 to the Secretary of State, who shall file and preserve ~~them~~ each copy. ~~The~~



1 ~~clerk shall forward one (1) copy of the plat of the annexed territory and one~~  
2 ~~(1) copy of the order of the court to the Director of the Tax Division of the~~  
3 ~~Arkansas Public Service Commission, who shall file and preserve them and~~  
4 ~~shall notify all utility companies having property in the municipality of the~~  
5 ~~annexation.~~

6 (2) The county clerk shall forward a certified copy of the order  
7 of the court to the council.

8  
9 SECTION 4. Arkansas Code § 14-40-609(e), concerning providing notice of  
10 annexation by one hundred percent (100%) petition, is amended to read as  
11 follows:

12 (e) The county clerk shall forward a copy of each document received  
13 under subdivision (d)(3) of this section to the+

14 ~~(1) Secretary of State, who shall file and preserve each copy,~~  
15 ~~and~~

16 ~~(2) Director of the Tax Division of the Arkansas Public Service~~  
17 ~~Commission, who shall file and preserve each copy and notify all utility~~  
18 ~~companies having property in the city or town of the annexation proceedings.~~  
19

20 SECTION 5. EMERGENCY CLAUSE. It is found and determined by the General  
21 Assembly of the State of Arkansas that municipal boundary changes shall be  
22 effective by December 31, 2017, and shall be reported to the United States  
23 Bureau of the Census by May 31, 2018, to be assured of inclusion in the 2020  
24 Federal Decennial Census; that there is a need for counties and  
25 municipalities to give timely, complete, and accurate written notice to the  
26 Secretary of State of municipal boundary changes to ensure an accurate  
27 census; and that any modification to statutes after December 31, 2018, would  
28 be ineffective in ensuring an accurate census in 2020. Therefore, an  
29 emergency is declared to exist, and this act being immediately necessary for  
30 the preservation of the public peace, health, and safety shall become  
31 effective on:

32 (1) The date of its approval by the Governor;

33 (2) If the bill is neither approved nor vetoed by the Governor,  
34 the expiration of the period of time during which the Governor may veto the  
35 bill; or

36 (3) If the bill is vetoed by the Governor and the veto is

1 overridden, the date the last house overrides the veto.

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3 /s/Boyd

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6 **APPROVED: 03/27/2017**

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Stricken language would be deleted from and underlined language would be added to present law.  
Act 878 of the Regular Session

State of Arkansas  
91st General Assembly  
Regular Session, 2017

# A Bill

HOUSE BILL 1734

By: Representative Lynch

## For An Act To Be Entitled

AN ACT TO UPDATE LOCAL GOVERNMENT TERMINOLOGY  
CONCERNING FORM OF GOVERNMENT; AND FOR OTHER  
PURPOSES.

## Subtitle

TO UPDATE LOCAL GOVERNMENT TERMINOLOGY  
CONCERNING FORM OF GOVERNMENT.

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

SECTION 1. Arkansas Code § 14-37-110 is amended to read as follows:  
14-37-110. Return of enumerators.

(a)(1) Before the enumerators shall enter upon their duties, they shall make and subscribe to an oath to well and faithfully perform their duties, and their return shall be taken as true.

(2)(A) However, the returns so made by the census enumerators shall be filed in the office of the mayor and shall be subject to examination of the public for thirty (30) days.

(B) Any correction ~~thereof~~ of the returns may be made if proper proof is made before the ~~board of aldermen to their city or town council to its~~ satisfaction authorizing the correction sought to be made.

(b) The enumerators shall be entitled to and receive two and one-half cents (2½¢) per name for all names found to be authentic by the ~~board of aldermen~~ city or town council, to be paid by the ~~town or city or incorporated town.~~

SECTION 2. Arkansas Code § 14-38-113(a)(1), including the introductory



1 language of subsection (a), concerning reorganization of form of government,  
2 is amended to read as follows:

3 (a) When any municipality of this state is entitled by law to become  
4 reorganized under a different form of municipal government than that under  
5 which the municipality is operating, whether the form is the ~~aldermanic~~  
6 mayor-council form of government, the city manager form of government, or the  
7 commission form of government, upon the approval of a majority of the  
8 qualified electors of the municipality voting on the issue at an election  
9 called therefor, an election to submit the question of becoming organized  
10 under any such form of municipal government shall be called and conducted in  
11 the manner provided in this section:

12 (1) When petitions ~~shall be~~ are filed with the mayor containing  
13 the signatures of qualified electors of the municipality equal in number to  
14 fifteen percent (15%) of the aggregate number of votes cast at the preceding  
15 general municipal election of all candidates for mayor in the case of a  
16 municipality operating under the ~~aldermanic~~ mayor-council form of government  
17 or the commission form of government, and for all candidates for the office  
18 of director for the director position for which the greatest number of votes  
19 were cast in the case of a municipality operating under the manager form of  
20 government, requesting that an election be called to submit the proposition  
21 of organizing the municipality under any other form of municipal government  
22 authorized by the laws of this state, a special election shall be called by  
23 the mayor by proclamation, to be held in accordance with § 7-11-201 et seq.  
24 The proclamation shall be published one (1) time at length in a newspaper  
25 having a general circulation in the municipality, and notice of the election  
26 shall be published in the newspaper one (1) time a week for two (2) weeks,  
27 with the first publication to be not less than fifteen (15) days before the  
28 date set for the election;

29  
30 SECTION 3. Arkansas Code § 14-47-105(b), concerning governmental  
31 forms, is amended to read as follows:

32 (b) The form of government of a municipality operating under the  
33 control of a municipal council, ~~pursuant to~~ under either § 14-43-201 et seq.  
34 or § 14-44-101 et seq., is called the ~~aldermanic~~ mayor-council form of  
35 government.

SECTION 4. Arkansas Code § 14-47-107 is amended to read as follows:

14-47-107. Subsequent election on ~~aldermanic~~ mayor-council form of government.

(a)(1) After the expiration of six (6) years after the date on which the first board of directors takes office in a city organized under this chapter, a petition may be presented to the mayor. It shall be signed by electors equal in number to fifteen percent (15%) of the aggregate number of ballots cast for the position of mayor in the immediately preceding mayoral general election. Whereupon, the mayor by proclamation shall submit the question of organization of the city under the ~~aldermanic~~ mayor-council form of government at a special election to be held in accordance with § 7-11-201 et seq.

(2) The proclamation shall be published at length one (1) time in some newspaper published in the city. Notice of the election shall be published in some newspaper published in the city one (1) time a week for two (2) weeks, the first publication to be not less than fifteen (15) days before the date set for the election. No other notice of the election shall be necessary.

(b) If the plan is not adopted by a majority of the voters voting upon that issue at the special election called, the question of adopting the ~~aldermanic~~ mayor-council form of government shall not be resubmitted to the voters of the city for adoption within four (4) years thereafter. Then the question to adopt shall be resubmitted upon the presentation to the mayor of a petition signed by electors equal in number to fifteen percent (15%) of the aggregate number of votes cast for the position of mayor in the immediately preceding mayoral general election.

(c) At the special election for the submission or resubmission of the proposition, the ballots shall read:

“FOR the proposition to organize this city under the ~~aldermanic~~ mayor-council form of government .....☐

AGAINST the proposition to organize this city under the ~~aldermanic~~ mayor-council form of government .....☐

(d)(1) The election thereupon shall be conducted, the votes canvassed,

1 and the result declared in the same manner as provided by law in respect to  
2 other city elections.

3 (2)(A) The county board of election commissioners shall certify  
4 the result to the mayor.

5 (B) The result shall be conclusive and not subject to  
6 attack unless suit is brought within thirty (30) days after the certification  
7 by the county board of election commissioners in the circuit court of the  
8 county in which the city is situated to contest the certification.

9 (e) If the majority of the votes cast on the issue ~~shall be~~ are in  
10 favor thereof, the city shall thereupon proceed to the election of all of the  
11 city officials who were subject to election in the city immediately prior to  
12 the date on which the city was organized under the management form of city  
13 government.

14 (f) If no suit is brought to contest the certification of the results  
15 of the election within the thirty-day period after the certification, the  
16 mayor shall file certificates stating that the proposition was adopted with  
17 the Secretary of State and county clerk of the county in which the city is  
18 situated.

19 (g)(1) The election of the city officials shall be held at the next  
20 time provided for the election of city officials under the statutes then in  
21 effect pertaining to the ~~aldermanic~~ mayor-council form of government  
22 pertaining to the class of cities to which the particular city belongs.

23 (2)(A) All laws pertaining to the ~~aldermanic~~ mayor-council form  
24 of government for such class of cities shall apply.

25 (B)(i) On the date as prescribed by such laws when newly  
26 elected city officials take office, the term of office of all members of the  
27 board of directors shall terminate, and the transition to the ~~aldermanic~~  
28 mayor-council form of government shall be completed.

29 (ii) If, under the ~~aldermanic~~ mayor-council form of  
30 government, the terms of ~~aldermen~~ council members are staggered,  
31 determination shall be made by lot and the length of the terms fixed  
32 accordingly.

33 (h) The provisions of this section for converting to the ~~aldermanic~~  
34 mayor-council form of government shall be in addition to the right to change  
35 to the ~~aldermanic~~ mayor-council or any other form of municipal government  
36 that may exist under present law.



1           (i)(1) When a municipality elects to adopt the ~~aldermanic~~ mayor-  
 2 council form of government in the manner provided in this section, the  
 3 question of reorganizing the municipality under the manager form shall not be  
 4 submitted to the electors within a period of six (6) years, and thereafter  
 5 only in the manner provided in § 14-47-106.

6           (2) If the qualified electors of the municipality do not approve  
 7 the organization of the municipality under the manager form of government at  
 8 the election, the proposition shall not again be submitted to the electors of  
 9 the city for a period of four (4) years, and then only in the manner provided  
 10 in § 14-47-106.

11  
 12           SECTION 5. Arkansas Code § 14-47-108(a)(2)(A), concerning effect of  
 13 reorganization, is amended to read as follows:

14           (A) The office of mayor, as existing under the ~~aldermanic~~  
 15 mayor-council form of government, all memberships on the city council, and  
 16 all memberships on the board of public affairs shall become vacant, each of  
 17 these offices being abolished as to cities reorganized under this chapter;  
 18

19           SECTION 6. Arkansas Code § 14-47-120(4)(B)(i), concerning powers and  
 20 duties of a city manager, is amended to read as follows:

21           (B)(i) He or she may remove from office all officials and  
 22 employees, including, without ~~limiting the foregoing limitation,~~ members of  
 23 any board, authority, or commission who under laws, whether applicable to  
 24 cities under the ~~aldermanic~~ mayor-council or management form of government,  
 25 may be removed by the city's legislative body.  
 26

27           SECTION 7. Arkansas Code § 14-47-120(10), concerning powers of a city  
 28 manager, is amended to read as follows:

29           (10) He or she shall have all powers, except those involving the  
 30 exercise of sovereign authority, which, under statutes applicable to  
 31 municipalities under the ~~aldermanic~~ mayor-council form of government or under  
 32 ordinances and resolutions of the city in effect at the time of its  
 33 reorganization, may be vested in the mayor; and  
 34

35           SECTION 8. Arkansas Code § 14-47-133(b), concerning appointees, is  
 36 amended to read as follows:

1           (b) This section ~~shall be~~ is applicable even in respect to offices and  
2     employments which, under statutes applicable to the ~~aldermanic~~ mayor-council  
3     form of government, were held for a fixed term or on a salary basis fixed by  
4     statute.

5  
6           SECTION 9. Arkansas Code § 14-48-102(c), concerning savings  
7     provisions, is amended to read as follows:

8           (c) In cities having the commission form of government immediately  
9     preceding the adoption of the city administrator form of government, the  
10    board of directors elected under the authority of this chapter may organize  
11    or reorganize by ordinance duly adopted any municipal board, commission,  
12    authority, agency, or department ~~pursuant to the authority provided in under~~  
13    the general laws of the state for municipalities having the ~~mayor-aldermanic~~  
14    mayor-council form of government. However, no reorganization shall be lawful  
15    which impairs the validity of existing contracts.

16  
17          SECTION 10. Arkansas Code § 14-48-104(a), concerning election on  
18    governmental organization, is amended to read as follows:

19          (a) When petitions ~~shall be~~ are filed with the county clerk containing  
20    the signatures of qualified electors of a municipality equal in number to  
21    fifteen percent (15%) of the aggregate number of votes cast at the preceding  
22    general municipal election for all candidates for mayor in cases ~~where~~ in  
23    which a municipality operates under the ~~aldermanic~~ mayor-council form of  
24    government or the commission form of government and, for all candidates for  
25    the office of director, then for the director position for which the greatest  
26    number of votes were cast in the case of a municipality operating under the  
27    city manager form of government, and the petition requests that an election  
28    be called to submit the proposition of organizing the municipality under the  
29    city administrator form of municipal government authorized by this chapter,  
30    then within ten (10) days after the filing of the petition, the county clerk  
31    shall certify to the Secretary of State the number of qualified electors  
32    whose signatures appear on the petitions.

33  
34          SECTION 11. Arkansas Code § 14-48-106(a)(2)(A), concerning effect of  
35    reorganization, is amended to read as follows:

36               (A) The office of mayor and the offices of the members of

1 the city council in the case of the ~~mayer-aldermanic~~ mayor-council form of  
 2 government, the office of mayor and the offices of the other members of the  
 3 board of commissioners in the case of the commission form of government, and  
 4 the office of the mayor, the board of directors, and the city manager in the  
 5 case of the city manager form of government shall become vacant;

6  
 7 SECTION 12. Arkansas Code § 14-48-117(4), concerning powers and duties  
 8 of a city administrator, is amended to read as follows:

9 (4)(A) He or she shall nominate, subject to confirmation by the  
 10 board, persons to fill all vacancies at any time occurring in any office,  
 11 employment, board, authority, or commission to which the board's appointive  
 12 power extends.

13 (B)(i) He or she may remove from office all officials and  
 14 employees, including, ~~but not limited to~~ without limitation, members of any  
 15 board, authority, or commission who, under existing or future laws, whether  
 16 applicable to cities under the ~~aldermanic~~ mayor-council, manager, or  
 17 commission form of government, may be removed by the city's legislative body.

18 (ii)(a) Removal by the city administrator shall be  
 19 approved by the board.

20 (b) ~~Where~~ When, under the statute applicable  
 21 to any specific employment or office, the incumbent may be removed only upon  
 22 the vote of a specified majority of the city's legislative body, the removal  
 23 of the person by the city administrator may be confirmed only upon the vote  
 24 of the specified majority of the board members.

25 (C) However, ~~the provisions of this subdivision (4) shall~~  
 26 ~~have no application~~ does not apply to offices and employments controlled by  
 27 any civil service or merit plan lawfully in effect in the city;

28  
 29 SECTION 13. Arkansas Code § 14-48-117(10), concerning powers and  
 30 duties of a city administrator, is amended to read as follows:

31 (10) He or she shall have all powers except those involving the  
 32 exercise of sovereign authority, which under statutes applicable to  
 33 municipalities under the ~~aldermanic~~ mayor-council form of government or under  
 34 ordinances and resolutions of the city in effect at the time of its  
 35 reorganization may be vested in the mayor;

SECTION 14. Arkansas Code § 14-48-120(f), concerning board meetings, is amended to read as follows:

(f) All laws in effect on February 2, 1967, regarding the proceedings of the city council of a city operating under the ~~mayor-aldermanic~~ mayor-council form of government and not inconsistent with the provisions of this chapter, including those laws prescribing the procedure for the adoption, enactment, and publication of ordinances and resolutions, shall govern the proceedings of the board provided for in this section.

SECTION 15. Arkansas Code § 14-186-402 is amended to read as follows:  
14-186-402. Definitions.

As used in this subchapter, ~~unless the context otherwise requires:~~

~~(1) "Municipality" means any city of the first or second class, or any incorporated town in the State of Arkansas;~~

~~(2) "Mayor" means the mayor of municipalities having the mayor-aldermanic form of government and the presiding officer of municipalities having a commission or other form of government;~~

~~(3) "Legislative body" means the council of municipalities having the mayor-aldermanic form of government and the commission, or other governing body, of municipalities having a commission or other form of government;~~

(1) "Legislative body" means the council of municipalities having the mayor-council form of government and the commission, or other governing body, of municipalities having a commission or other form of government;

(2) "Mayor" means the mayor of municipalities having the mayor-council form of government and the presiding officer of municipalities having a commission or other form of government;

(3) "Municipality" means a city of the first class, a city of the second class, or an incorporated town in the State of Arkansas; and

(4) "Port" means ports, harbors, and river-rail barge terminals, together with wharves, docks, piers, quays, elevators, compresses, refrigeration storage plants, warehouses, landing places and basins, and other structures, and ~~any and~~ all facilities needful for the convenient use of them, including:

(A) The dredging of approaches to them and the

1 construction of belt line roads and highways and bridges and causeways on  
2 them;

3 (B) Other bridges and causeways necessary or useful in  
4 connection with them; and

5 (C) Shipyards, shipping facilities, and transportation  
6 facilities incident to them and useful or convenient for the use of them,  
7 including terminal railroads, in their entirety, or any integral part of  
8 them.

9  
10 SECTION 16. Arkansas Code § 14-234-501 is amended to read as follows:  
11 14-234-501. Definitions.

12 As used in this subchapter, ~~unless the context requires otherwise:~~

13 ~~(1) "Municipality" means any city of the first or second class~~  
14 ~~or any incorporated town in the State of Arkansas;~~

15 ~~(2) "Waterworks system" means and includes the waterworks system~~  
16 ~~in its entirety or any integral part thereof including mains, hydrants,~~  
17 ~~meters, valves, standpipes, storage tanks, pumping plants, intakes, wells,~~  
18 ~~impounding reservoirs, or purification plants;~~

19 ~~(3) "Mayor" means the mayor of municipalities having the mayor-~~  
20 ~~aldermanic form of government and the presiding officer of municipalities~~  
21 ~~having a commission or other form of government;~~

22 ~~(4) "Net revenues" means the revenues of the waterworks system~~  
23 ~~remaining after the payment of the reasonable costs of operation, repair,~~  
24 ~~maintenance, and depreciation~~

25 (1) "Mayor" means the mayor of municipalities having the mayor-  
26 council form of government and the presiding officer of municipalities having  
27 a commission or other form of government;

28 (2) "Municipality" means a city of the first class, a city of  
29 the second class, or an incorporated town in the State of Arkansas;

30 (3) "Net revenues" means the revenues of the waterworks system  
31 remaining after the payment of the reasonable costs of operation, repair,  
32 maintenance, and depreciation; and

33 (4) "Waterworks system" means and includes the waterworks system  
34 in its entirety or any integral part thereof, including mains, hydrants,  
35 meters, valves, standpipes, storage tanks, pumping plants, intakes, wells,  
36 impounding reservoirs, or purification plants.

1  
2 SECTION 17. Arkansas Code § 14-301-114(a), concerning certain deeds,  
3 is amended to read as follows:

4 (a) All deeds or conveyances of any street, alley, or public ground,  
5 or any portion of streets, alleys, or public grounds, executed by any city of  
6 the first class, city of the second class, or incorporated town in the State  
7 of Arkansas, conveying all or any portion of the street, alley, or public  
8 ground which before the making of the deed had been dedicated to public use,  
9 and made by authority of the city or town council ~~or board of aldermen~~ of the  
10 city or incorporated town named as grantor in the deed, prior to 1960, shall  
11 be validated.  
12

13 SECTION 18. Arkansas Code § 26-77-102(a), concerning license taxes, is  
14 amended to read as follows:

15 (a) Any city council, or board of commissioners, ~~or board of aldermen~~  
16 of any municipal corporation in this state shall have the power to enact by a  
17 two-thirds ~~(2/3)~~ vote of all members elected thereto ordinances requiring any  
18 person, firm, individual, or corporation ~~who~~ that shall engage in, carry on,  
19 or follow any trade, business, profession, vocation, or calling, within the  
20 corporate limits of the city or town, to pay a license fee or tax, except  
21 such persons, firms, individuals, or corporations ~~who~~ that pay a tax to the  
22 city, town, or state on gross incomes or premium incomes and except their  
23 agents.  
24

25 SECTION 19. Arkansas Code § 26-77-103(a), concerning liability, is  
26 amended to read as follows:

27 (a) In ascertaining the persons, firms, individuals, or corporations  
28 liable to pay license for the privilege of engaging in any trade, business,  
29 profession, vocation, or calling in any city or town, the city council, or  
30 board of commissioners, ~~or board of aldermen~~ may be governed by the list of  
31 persons, firms, individuals, or corporations as shown by the latest records  
32 of the county assessor of the county where the city or town is situated.  
33

34 SECTION 20. Arkansas Code § 26-77-105(a), concerning rules and  
35 regulations, is amended to read as follows:

36 (a) The city council, or board of commissioners, ~~or board of aldermen~~



1 of any city or town by ordinance shall provide all rules and regulations for  
2 the payment of a license for the privilege of engaging in any trade,  
3 business, profession, vocation, or calling in the city or town.  
4

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6 **APPROVED: 04/04/2017**  
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Stricken language would be deleted from and underlined language would be added to present law.  
Act 879 of the Regular Session

State of Arkansas

91st General Assembly

Regular Session, 2017

# A Bill

HOUSE BILL 1733

By: Representative Lynch

## For An Act To Be Entitled

AN ACT TO UPDATE LOCAL GOVERNMENT TERMINOLOGY  
CONCERNING ALDERMEN; AND FOR OTHER PURPOSES.

## Subtitle

TO UPDATE LOCAL GOVERNMENT TERMINOLOGY  
CONCERNING ALDERMEN.

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

SECTION 1. Arkansas Code § 7-5-106(f)(1), concerning runoff elections,  
is amended to read as follows:

(f)(1) As used in this section, "municipal office" means offices of  
cities of the first class and cities of the second class and incorporated  
towns and includes the offices of ~~aldermen~~ council members, members of boards  
of managers, or other elective municipal offices elected by the voters of the  
entire municipality or from wards or districts within a municipality.

SECTION 2. Arkansas Code § 7-7-304(e)(1), concerning primary election  
procedures, is amended to read as follows:

(e)(1) When there are two (2) or more nominees to be selected for the  
same office, such as state senator, state representative, justice of the  
peace, ~~alderman~~ council member, or for any other office, the proper committee  
shall require the candidates to designate in writing a particular position,  
~~i.e., Position Number 1, Position Number 2, Position Number 3~~ position number  
one, position number two, position number three, etc., at the time that a  
party pledge is required to be filed with the secretary of the committee.



SECTION 3. Arkansas Code § 14-37-109 is amended to read as follows:

14-37-109. Appointment of enumerators to take census.

(a)(1) ~~Whenever any~~ If a city or incorporated town ~~shall desire~~  
desires to be made a city of the first class or a city of the second class,  
 or if it ~~shall be~~ is deemed necessary to determine the number of inhabitants  
 within the ~~town or city~~ or incorporated town for any purpose, on petition of  
 ten (10) qualified voters of the ~~town or city~~ or incorporated town filed with  
 the recorder ~~thereof~~ of the city or incorporated town, the ~~board of aldermen~~  
~~of the town or city~~ or town council shall consider the petition at its next  
 regular meeting.

(2) If the ~~board~~ city or town council deems the prayer of  
 petitioners well founded and deems that a census of the ~~town or city or~~  
incorporated town should be taken in accordance with the prayer of the  
 petitioners, the ~~board~~ city or town council may pass a resolution authorizing  
 and directing the taking of a census of the ~~town or city or incorporated~~  
town, and the mayor shall appoint enumerators to take the census, the  
 appointees to be approved by the ~~board~~ city or town council.

(b)(1) The resolution authorizing the taking of census shall prescribe  
 the duties of the enumerators as to when and how to proceed.

(2)(A) Not more than one (1) enumerator shall be appointed for  
 each ward.

(B) However, one (1) enumerator may take more than one (1)  
 ward if the ~~board~~ city or town council deems it proper.

SECTION 4. Arkansas Code § 14-40-1206(b)(2)(B), concerning plot  
 requirements, is amended to read as follows:

(B) However, ~~no~~ a change in the boundaries of the wards of  
 the larger city or incorporated town shall not determine or affect the time  
 of service of any previously elected ~~alderman~~ council member of any ward in  
 the larger city or incorporated town.

SECTION 5. Arkansas Code § 14-40-1207 is amended to read as follows:

14-40-1207. Special election of ~~aldermen~~ council members or all city  
 officials.

(a)(1)(A) Except as provided under subdivision (a)(1)(B) of this  
 section, the city or town council shall call a special election of ~~aldermen~~

1 council members, to be held at such times and places as the council may  
 2 direct pursuant to a proclamation issued by the mayor in accordance with § 7-  
 3 11-101 et seq., in the wards of the smaller municipality and for the election  
 4 of ~~aldermen~~ council members from any other new wards that may be created by  
 5 the council out of territory included in the larger city or incorporated town  
 6 before the annexation, as provided in this subchapter.

7 (B) If the petition calls for a citywide election for all  
 8 officials of the new consolidated city or incorporated town, then the city or  
 9 town council shall call a special election pursuant to a proclamation issued  
 10 by the mayor in accordance with § 7-11-101 et seq. for all city or town  
 11 officials to be held at the times and places as ~~it~~ the city or town council  
 12 may direct throughout each ward of the consolidated city or incorporated  
 13 town.

14 (2) If the implementation of the consolidation of the cities or  
 15 towns is delayed, the special election for new ~~aldermen~~ council members to a  
 16 city or town council or all city officials shall be held at least forty-five  
 17 (45) days before the effective date of the consolidation.

18 (b) Each ward of the consolidated city or incorporated town shall have  
 19 two (2) ~~aldermen~~ council members, to be elected in the same manner and for  
 20 the same term as ~~aldermen~~ council members are elected in cities and  
 21 incorporated towns.

22  
 23 SECTION 6. Arkansas Code § 14-40-1208(a), concerning existing  
 24 officers, is amended to read as follows:

25 (a) The term of office of all officers, ~~aldermen~~ council members, and  
 26 employees of the smaller municipality and all laws in force in the smaller  
 27 municipality shall cease upon and after the consolidation.

28  
 29 SECTION 7. Arkansas Code § 14-40-1212(b), concerning annexed  
 30 territory, is amended to read as follows:

31 (b) ~~(1) Aldermen~~ Council members representing the wards composing the  
 32 territory of the smaller municipal corporation before consolidation ~~shall~~  
 33 have a right;

34 (1) ~~at~~ At all times, to demand of the city or town council the  
 35 benefit of the revenue collected from the wards, as provided for in this  
 36 section; and

1           (2) On the refusal ~~of~~ by the city or town council of the demand  
 2 made under subdivision (b)(1) of this section, the aldermen shall have a  
 3 ~~right~~ to enforce the revenue rights by mandamus or other appropriate  
 4 proceedings.

5  
 6           SECTION 8. Arkansas Code § 14-40-1212(c), concerning consolidation, is  
 7 amended to read as follows:

8           (c) In the event the ~~aldermen~~ council members, or fifty (50) qualified  
 9 electors of the territory annexed, feel aggrieved in reference to the amount  
 10 of revenue expended on the territory or as to the other rights guaranteed in  
 11 this section to the annexed municipality, they may submit the matter to the  
 12 circuit court, which is authorized by appropriate orders to compel the  
 13 consolidated city or incorporated town to give the former territory of the  
 14 smaller municipal corporation the full benefit of its revenue as provided in  
 15 this section.

16  
 17           SECTION 9. Arkansas Code § 14-42-102 is amended to read as follows:  
 18           14-42-102. Corporate authority of cities.

19           The corporate authority of cities that are organized shall be vested in  
 20 one (1) principal officer, to be called the mayor, and one (1) board of  
 21 ~~aldermen~~ council members, to be called the city council, together with such  
 22 other officers as are mentioned in this subtitle or may be created under its  
 23 authority.

24  
 25           SECTION 10. Arkansas Code § 14-42-106 is amended to read as follows:  
 26           14-42-106. Oath and bond required.

27           (a) All officers elected or appointed in any municipal corporation  
 28 shall take the oath or affirmation prescribed for officers by the Arkansas  
 29 Constitution.

30           (b)(1) Except as provided in subdivision (b)(2) of this section, the  
 31 officers shall take their oaths before the Secretary of State or his or her  
 32 official designee, any justice or judge, judge of the county court, clerk of  
 33 the county court, clerk of the circuit court, or justice of the peace.

34           (2) The ~~aldermen~~ council members also may take their oaths  
 35 before the mayor of the municipality.

36           (c) The ~~aldermen or~~ council members of a municipal corporation may

1 require from the officers, as they think proper, a bond with good and  
 2 sufficient security and with a proper penalty for the faithful discharge of  
 3 their office and duty.

4 (d) The council ~~or aldermen~~ members shall have the power to declare  
 5 the office of any elected or appointed person vacant who shall fail to take  
 6 the oath of office or give the bond required in this section within ten (10)  
 7 days of the first day of January after his or her election or within ten (10)  
 8 days after he or she has been notified of his or her appointment. In such  
 9 case, the council ~~or aldermen~~ members shall proceed to appoint as in other  
 10 cases of vacancy.

11  
 12 SECTION 11. Arkansas Code § 14-42-107 is amended to read as follows:

13 14-42-107. Interest in offices or contracts prohibited.

14 (a)(1) ~~No alderman, member of any council,~~ A council member or elected  
 15 official of a municipal corporation, during the term for which he or she has  
 16 been elected or one (1) year thereafter, shall not be appointed to any  
 17 municipal office that was created or the emoluments of which have been  
 18 increased during the time for which he or she has been elected except to fill  
 19 a vacancy in the office of mayor, ~~alderman~~ council member, clerk, clerk-  
 20 treasurer, recorder, or recorder-treasurer.

21 (2) ~~No alderman or~~ A council member shall not be appointed to  
 22 any municipal office, except in cases provided for in this subtitle, during  
 23 the time for which he or she may have been elected.

24 (b)(1) ~~No A alderman,~~ council member, official, or municipal employee  
 25 shall not be interested, directly or indirectly, in the profits of any  
 26 contract for furnishing supplies, equipment, or services to the municipality  
 27 unless the governing body of the city has enacted an ordinance specifically  
 28 permitting ~~aldermen,~~ council members, officials, or municipal employees to  
 29 conduct business with the city and prescribing the extent of this authority.

30 (2) The prohibition prescribed in this subsection ~~shall~~ does not  
 31 apply to contracts for furnishing supplies, equipment, or services to be  
 32 performed for a municipality by a corporation in which no ~~alderman,~~ council  
 33 member, official, or municipal employee holds any executive or managerial  
 34 office or by a corporation in which a controlling interest is held by  
 35 stockholders who are not ~~aldermen or~~ council members.

36



SECTION 12. Arkansas Code § 14-42-201(c)(2), concerning election of officers, is amended to read as follows:

(2) In cities of the first class and cities of the second class, candidates for the position of ~~alderman~~ council member shall reside within the corporate limits and their respective wards at the time they file as candidates for ~~alderman~~ council member and when holding that office.

SECTION 13. Arkansas Code § 14-42-203(b), concerning special elections of city mayors, is amended to read as follows:

(b) In all cities there shall be a place appointed in each ward for holding elections, except in cities of the second class electing their ~~aldermen~~ council members citywide, where there may be one (1) public place only for holding elections.

SECTION 14. Arkansas Code § 14-42-206(b)(1), concerning municipal elections, is amended to read as follows:

(b)(1) Any person desiring to become an independent candidate for municipal office in cities and towns with the mayor-council form of government shall file not more than one hundred two (102) days nor less than eighty-one (81) days before the general election by 12:00 noon with the county clerk the petition of nomination in substantially the following forms:

(A) For all candidates except ~~aldermen~~ council members in cities of the first class and cities of the second class:

“PETITION OF NOMINATION

We, the undersigned qualified electors of the city (town) of \_\_\_\_\_, Arkansas, being in number not less than ten (10) for incorporated towns and cities of the second ~~(2nd)~~ class, and not less than thirty (30) for cities of the first ~~(1st)~~ class, do hereby petition that the name of \_\_\_\_\_ be placed on the ballot for the office of \_\_\_\_\_ (A candidate for ~~alderman~~ council member in an incorporated town shall identify the position for which he or she is running) at the next election of municipal officials in 20 \_\_\_\_.

Printed Name      Signature      Street Address      Date of Birth      Date of Signing”

(B) For candidates for ~~alderman~~ council member elected by

ward in cities of the first class and cities of the second class, the nominating petitions shall be signed only by qualified electors of the ward in the following manner:

“PETITION OF NOMINATION

We, the undersigned qualified electors of Ward \_\_\_\_\_ of the city of \_\_\_\_\_, Arkansas, being in number not less than ten (10) for cities of the second ~~(2nd)~~ class, and not less than thirty (30) for cities of the first ~~(1st)~~ class, do hereby petition that the name of \_\_\_\_\_ be placed on the ballot for the office of ~~Alderman~~ council member, Ward \_\_\_\_\_, position \_\_\_\_\_, of the next election of municipal officials in 20 \_\_\_\_\_.

Printed Name      Signature      Street Address      Date of Birth      Date of Signing”

(C) For at-large candidates for ~~alderman~~ council member of a ward in cities of the first class and cities of the second class, the nominating petitions shall be signed by a qualified elector of the city in the following manner:

“PETITION OF NOMINATION

We, the undersigned qualified electors of the city of \_\_\_\_\_, Arkansas, being in number not less than ten (10) for cities of the second ~~(2nd)~~ class, and not less than thirty (30) for cities of the first ~~(1st)~~ class, do hereby petition that the name of \_\_\_\_\_ be placed on the ballot for the office of ~~Alderman~~ council member, Ward \_\_\_\_\_, position \_\_\_\_\_, of the next election of municipal officials in 20 \_\_\_\_\_.

Printed      Name      Signature      Street Address      Date of Birth      Date of Signing”

SECTION 15. Arkansas Code § 14-43-303 is amended to read as follows:

14-43-303. Officials in mayor-council cities of 50,000 or more.

(a)(1)(A) In the general election in the year 1960, and every four (4) years thereafter, cities of the first class that have a population of fifty thousand (50,000) persons or more, according to the latest decennial federal census or special federal census, and that also have the mayor-council form of government shall elect the following officials:

1 (i) One (1) mayor;  
 2 (ii) One (1) city clerk; and  
 3 (iii) One (1) ~~alderman~~ council member from each ward  
 4 of the city.

5 (B) All of these officials shall hold office for a term of  
 6 four (4) years and until their successors are elected and qualified.

7 (2)(A) At the general election in the year 1962 and every four  
 8 (4) years thereafter, the city shall elect:

9 (i) One (1) city attorney;  
 10 (ii) One (1) city treasurer; and  
 11 (iii) One (1) ~~alderman~~ council member from each ward  
 12 of the city.

13 (B) All of these officials shall hold office for a term of  
 14 four (4) years and until their successors are elected and qualified.

15 (b) In all primaries or general elections, the candidates for the  
 16 office of ~~alderman~~ council member shall reside in their respective wards.  
 17 However, all qualified electors residing in these cities and entitled to vote  
 18 in the elections ~~shall have the right to~~ may vote at their several voting  
 19 precincts for each and every candidate so to be nominated or elected.

20 (c) All odd-year elections for municipal officials in the cities of  
 21 the first class that have a population of fifty thousand (50,000) or more  
 22 persons, according to the latest federal census, and that also have the  
 23 mayor-council form of government are abolished.

24 (d)(1) If a city first attains a population of fifty thousand (50,000)  
 25 as shown in a decennial federal census or special federal census completed  
 26 after January 1, 1997, and the mayor or other elected official of the city  
 27 last elected before the census was elected to a four-year term and the term  
 28 will expire two (2) years before the quadrennial general election year at  
 29 which city officials are elected as provided in subsection (a) of this  
 30 section, the terms of such officials shall be extended for a period of two  
 31 (2) years in order that the terms will coincide with the next quadrennial  
 32 general election year. At that quadrennial general election and at each  
 33 quadrennial general election thereafter, the mayor and such other municipal  
 34 officials shall be elected to terms of four (4) years as provided in this  
 35 section.

36 (2) The provisions of this subsection shall not affect in any

1 way the provisions of this section that provide for staggering the terms of  
 2 office of ~~aldermen~~ council member so that one (1) ~~alderman~~ council member  
 3 will be elected from each ward every two (2) years.

4  
 5 SECTION 16. Arkansas Code § 14-43-307 is amended to read as follows:

6 14-43-307. Election of ~~aldermen~~ council members at large or by ward.

7 (a)(1) Candidates for the office of ~~alderman~~ council member in cities  
 8 of the first class shall reside in the ward from which they seek to be  
 9 elected and shall run at large.

10 (2)(A) All of the qualified electors of these cities shall be  
 11 entitled to vote in the election.

12 (B)(i) Provisions shall be made by the election  
 13 commissioners in these cities so that the qualified electors of each ward  
 14 shall have at least one (1) voting precinct in each ward where the resident  
 15 electors thereof may cast their ballots.

16 (ii) Cities of the second class that elect their  
 17 ~~aldermen~~ council members citywide may have one (1) public place only for  
 18 holding elections.

19 (b)(1)(A) The city council of any such city or the governing body of  
 20 any city in transition to the mayor-council form of government ~~is empowered~~  
 21 ~~and authorized to provide, by ordinance, may provide by ordinance~~ that all  
 22 ~~aldermen~~ council members be elected by ward, in which event each ~~alderman~~  
 23 council member shall be voted upon by the qualified electors of the ward from  
 24 which ~~the person~~ he or she is a candidate.

25 (B)(i) When so provided by city ordinance, the name of the  
 26 candidate shall appear upon the ballot only in the ward in which he or she is  
 27 a candidate.

28 (ii) The city council of these cities may provide  
 29 for the election of one (1) ~~alderman~~ council member from each ward citywide  
 30 and the other ~~aldermen~~ council members from each ward by the voters of the  
 31 ward only.

32 (2) All such cities choosing to elect all ~~aldermen~~ council  
 33 members by wards or in part by wards shall provide, in the manner provided by  
 34 law, for the establishment of wards of substantially equal population in  
 35 order that each ~~alderman~~ council member elected from each ward shall  
 36 represent substantially the same number of people in the city.

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SECTION 17. Arkansas Code § 14-43-308 is amended to read as follows:

14-43-308. Residence qualifications of ~~aldermen~~ council members in primaries.

(a)(1) In all primaries held in any city of the first class by any organized political party, the candidates for nomination for the office of ~~alderman~~ council member shall reside in their respective wards.

(2) All qualified electors residing in these cities and entitled to vote in the primaries ~~shall have the right to~~ may vote at their several voting precincts for each and every candidate so to be nominated.

(b)(1) The city council ~~is authorized and empowered to provide, by ordinance,~~ may provide by ordinance that the candidate shall only be voted upon by qualified voters of the ward who are entitled to vote in the primary from which the person is a candidate.

(2) When ~~so provided by ordinance, any of the candidates in such a case~~ provided by ordinance, a candidate under subdivision (b)(1) of this section shall appear upon the ballot only in the ward in which he or she is a candidate.

SECTION 18. Arkansas Code § 14-43-309 is amended to read as follows:

14-43-309. Residence qualifications of ~~aldermen~~ council members in general elections.

(a)(1) In all general elections for ~~aldermen~~ council members in cities of the first class, the ~~aldermen~~ council members so elected shall reside in their respective wards, as provided by law.

(2) All qualified electors residing in these cities ~~shall have the right to~~ may vote at their several voting precincts for each ~~and every~~ alderman council member so to be elected.

(b)(1) The city council of ~~any such city is empowered and authorized to provide, by ordinance,~~ a city of the first class may provide by ordinance that ~~the aldermen~~ each council member shall only be voted upon by qualified voters of the ward from which the person is a candidate.

(2) When ~~so~~ provided by ordinance, the name of the candidate shall appear upon the ballot only in the ward in which he or she is a candidate.

1 SECTION 19. Arkansas Code § 14-43-310 is amended to read as follows:

2 14-43-310. ~~Alderman~~ Council member ceasing to reside in ward.

3 If any duly elected ~~alderman~~ council member shall cease to reside in  
4 the ward from which he or she was elected, that person shall be disqualified  
5 to hold the office and a vacancy shall exist which shall be filled as  
6 prescribed by law.

7  
8 SECTION 20. Arkansas Code § 14-43-311 is amended to read as follows:

9 14-43-311. Redistricting of wards.

10 (a)(1)(A) City councils in cities of the first class ~~shall have the~~  
11 ~~authority to~~ may redistrict the wards in their city when they determine that  
12 the people can best be served by adding wards, combining wards, or changing  
13 ward boundary lines to equalize the population in the various wards.

14 (B) ~~It shall be the duty of the council to see~~ The city  
15 council shall ensure that each ward has as nearly an equal population as  
16 would best serve the interest of the people of the city.

17 (2)(A) Within ninety (90) days after redistricting, if one  
18 hundred (100) or more qualified electors in the city are dissatisfied with  
19 the redistricting of the city into wards, ~~they shall have the authority to~~  
20 the electors may petition the circuit court.

21 (B) The court, after due hearing, ~~shall have authority to~~  
22 may redistrict the city into such wards as the court shall deem best if the  
23 court finds that the redistricting action by the city council was arbitrary  
24 and capricious.

25 (b) At the next city election held, more than twenty (20) days after  
26 the approval of redistricted wards, there shall be elected from each of the  
27 new wards two (2) ~~aldermen~~ council members who shall organize the new city  
28 council at the first council meeting in January after their election.

29 (c)(1)(A) All ~~aldermen~~ council members elected in the city prior to  
30 redistricting of wards shall give up their positions to the new ~~aldermen~~  
31 council members at the time for the organization of the new city council, as  
32 provided in subsection (b) of this section.

33 (B) From that date the terms of office of all previously  
34 elected ~~aldermen~~ council members shall cease and terminate.

35 (2)(A) It shall be lawful to increase the number of wards or  
36 continue the same number of wards without affecting the terms of office of

1 incumbent ~~aldermen~~ council members of the city.

2 (B)(i) When the wards are reapportioned so as to increase  
3 the number of wards or readjust existing wards so that ~~such~~ the wards contain  
4 nearly equal population, ~~the aldermen who remain~~ a council member who remains  
5 in ~~their~~ his or her old ward, or part thereof, shall continue in office.

6 (ii) New ~~aldermen~~ council members shall be elected  
7 only for new wards actually formed out of the territory of old wards.

8 (d)(1) All clerk's costs and other costs incurred in the proceedings  
9 authorized in this section shall be paid by the persons at whose instance the  
10 services were rendered.

11 (2)(A) In case these proceedings result in the redistricting of  
12 the city into new wards, the compensation of those individuals making the  
13 redistricting shall be fixed by the circuit judge, certified to the city  
14 council, and paid out of the city treasury.

15 (B) This compensation shall not exceed the sum of twenty-  
16 five dollars (\$25.00) each.

17

18 SECTION 21. Arkansas Code § 14-43-312 is amended to read as follows:

19 14-43-312. ~~Aldermen~~ Council members in mayor-council cities of fewer  
20 than 50,000.

21 (a)(1) On the Tuesday following the first Monday in November 1966 and  
22 every two (2) years thereafter, the qualified voters of all cities of the  
23 first class having the mayor-council form of government with fewer than fifty  
24 thousand (50,000) inhabitants shall elect two (2) ~~aldermen~~ council members  
25 from each ward for a term of two (2) years, except that by ordinance any city  
26 of the first class may refer the question to voters to elect two (2) ~~aldermen~~  
27 council members from each ward to four-year terms as more particularly set  
28 out in subdivision (a)(2)(A) of this section.

29 (2)(A) On or before February 1 of the election year when the  
30 procedure will go into effect, any city of the first class, by ordinance  
31 referred to and approved by the voters at the previous general election or at  
32 a special election called for that purpose, may elect two (2) ~~aldermen~~  
33 council members from each ward to four-year terms, except for the initial  
34 terms as provided in subdivision (a)(2)(B) of this section.

35 (B)(i) If this procedure is adopted by ordinance referred  
36 to and approved by the voters of the city, the ~~alderman~~ council member



1 representing position number one from each ward ~~will~~ shall be elected to a  
2 four-year term at the next general election.

3 (ii) The ~~alderman~~ council member representing  
4 position number two from each ward ~~will~~ shall be elected to an initial two-  
5 year term at the next election, and thereafter ~~will~~ shall be elected to four-  
6 year terms, resulting in staggered terms with one (1) ~~alderman~~ council  
7 members being elected to a four-year term from each ward every two (2) years.

8 (b)(1) The ~~aldermen~~ council members shall be designated as "~~alderman~~  
9 council member number one" and "~~alderman~~ council member number two".

10 (2)(A) A candidate for the office of ~~alderman~~ council member  
11 shall designate the number of the ~~alderman's~~ council member's office which  
12 the candidate is seeking on the petition filed under § 14-42-206.

13 (B) When this designation has been made, the candidate  
14 shall not be permitted thereafter to change the designation on that petition.

15 (C) The county clerk shall not accept a petition for  
16 filing that does not designate the number of the office for ~~alderman~~ council  
17 member sought.

18 (D) Each city shall maintain in its records a document  
19 showing the name of each ~~alderman~~ council member and the number of the office  
20 which the candidate holds.

21 (c)(1)(A) The city council may refer an ordinance to voters on the  
22 question of returning a city to electing ~~aldermen~~ council members to two-year  
23 terms.

24 (B) The ordinance ~~must~~ shall be passed by a two-thirds  
25 vote of the city council before it is referred to and approved by voters at a  
26 general election.

27 (2) If the voters approve returning the city to electing  
28 ~~aldermen~~ council members to two-year terms, all ~~aldermen~~ council members  
29 shall be elected to two-year terms at the next general election and  
30 thereafter, except that those ~~aldermen~~ council members serving four-year  
31 terms shall complete their terms.

32 (3) The city council may not refer another question to voters on  
33 electing ~~aldermen~~ council members to four-year terms or on returning the city  
34 to electing ~~aldermen~~ council members to two-year terms unless at least four

35 (4) years have passed since the last election on changing the terms of  
36 ~~aldermen~~ council members.

SECTION 22. Arkansas Code § 14-43-412(a), concerning vacancies in other elected offices, is amended to read as follows:

(a) In case any office of an elected officer, except ~~aldermen~~ council members of the ward, becomes vacant before the expiration of the regular term, then the vacancy shall be filled by the city council until a successor is duly elected and qualified.

SECTION 23. Arkansas Code § 14-43-502(b)(2)(B), concerning powers of the city council, is amended to read as follows:

(B) The mayor or any three (3) ~~aldermen~~ council members of any city or town, regardless of size or classification, may call special meetings in the manner as may be provided by ordinance.

SECTION 24. Arkansas Code § 14-43-504(d)(1)(B)(ii), concerning powers and duties of mayors, is amended to read as follows:

(ii) An ordinance, an order, or a resolution or part thereof, vetoed by the mayor is invalid unless, after the written statement is laid before it, the council, by a vote of two-thirds (2/3) of all the ~~aldermen~~ council members elected thereto, passes it over the veto.

SECTION 25. Arkansas Code § 14-44-103 is amended to read as follows:

14-44-103. Election of ~~aldermen~~ council members.

(a)(1) Except as provided under subdivision (a)(3) of this section, on the Tuesday following the first Monday in November 1982, and every two (2) years thereafter, the qualified voters in cities of the second class shall elect for each of the wards of these cities two (2) ~~aldermen~~ council members, who shall compose the city council.

(2) The qualified electors of every city of the second class shall elect from each ward of the city two (2) ~~aldermen~~ council members, who shall be designated as "~~alderman~~ council member number one" and "~~alderman~~ council member number two" of the ward.

(3)(A) A candidate for the office of ~~alderman~~ council member shall designate the number of the ~~alderman's~~ council member's office that the candidate is seeking on the petition filed pursuant to § 14-42-206.

(B) When this designation has been made, the candidate

1 shall not be permitted thereafter to change the designation on that petition.

2 (C) The county clerk shall not accept a petition for  
3 filing that does not designate the number of the office of ~~alderman~~ council  
4 member sought.

5 (D) Each city shall maintain in its records a document  
6 showing the name of each ~~alderman~~ council member and the number of the office  
7 which the candidate holds.

8 (4)(A) The city council of a city of the second class may refer  
9 to voters an ordinance on the question of electing the two (2) ~~aldermen~~  
10 council members for each ward to four-year terms.

11 (B) The voters shall vote on the ordinance at a general  
12 election or at a special election called for that purpose by proclamation of  
13 the mayor in accordance with § 7-11-201 et seq. However, the election to  
14 approve the four-year election procedure shall be held no later than February  
15 1 of the year of the general election in which the procedure is proposed to  
16 be effective.

17 (5)(A) If this procedure is adopted by ordinance referred to and  
18 approved by the voters of the city, the initial term for the ~~alderman~~ council  
19 member designated as "~~alderman~~ council member number one" of each ward shall  
20 be a four-year term at the next general election.

21 (B) The initial term for the ~~alderman~~ council member  
22 designated as "~~alderman~~ council member number two" of each ward shall be a  
23 two-year term at the next general election, and thereafter shall be a four-  
24 year term, resulting in staggered terms for the ward.

25 (6)(A) The city council may refer to voters an ordinance on the  
26 question of returning the city to electing ~~aldermen~~ council members to two-  
27 year terms using the procedures of subdivisions (a)(4)-(7) of this section.

28 (B) If the voters approve returning a city to two-year  
29 terms, all ~~aldermen~~ council members shall be elected to two-year terms at the  
30 next general election and thereafter.

31 (7) The city council may not refer to voters another question on  
32 electing ~~aldermen~~ council members to four-year terms or on returning the city  
33 to electing ~~aldermen~~ council members to two-year terms unless at least four  
34 (4) years have passed since the last election on changing the ~~aldermanic~~  
35 council members' terms.

36 (b)(1)(A) A candidate for the office of ~~alderman~~ council member in a

city of the second class shall reside in the ward from which he or she seeks to be elected and shall run for election at large, except if the ~~alderman~~ council member is elected by ward under subsection (c) of this section.

(B) All of the qualified electors of the city ~~shall be~~ entitled to ~~may~~ vote in the election.

(C) Provision shall be made by the election commissioners in these cities so that the qualified electors of each ward shall have at least one (1) voting precinct in each ward where the resident electors thereof may cast their ballots.

(2) If any duly elected ~~alderman~~ council member shall cease to reside in the ward from which he or she was elected, that person shall be disqualified to hold the office and a vacancy shall exist, which shall be filled as prescribed by law.

(c)(1)(A) The city council of any such city ~~is empowered and authorized to provide, by ordinance,~~ may provide by ordinance that all ~~aldermen~~ council members be elected by ward, in which event each ~~alderman~~ council member shall be voted upon by the qualified electors of the ward from which the person is a candidate.

(B)(i) When ~~so~~ provided by city ordinance, the name of the candidate shall appear upon the ballot only in the ward in which he or she is a candidate.

(ii) The city council of these cities may provide for the election of one (1) ~~alderman~~ council member from each ward citywide and the other ~~aldermen~~ council members from each ward by the voters of the ward only.

(2) All such cities choosing to elect all ~~aldermen~~ council members by wards or part by wards shall provide, in the manner provided by law, for the establishment of wards of substantially equal population in order that each ~~alderman~~ council member elected from each ward shall represent substantially the same number of people in the city.

(d) Cities of the second class that elect their ~~aldermen~~ council members citywide may have one (1) public place only for holding elections.

SECTION 26. Arkansas Code § 14-44-104 is amended to read as follows:  
14-44-104. Vacancy in ~~alderman's~~ council member's office.

(a) ~~Whenever~~ If a vacancy occurs in the office of ~~alderman~~ council

1 member in any city of the second class, at the first regular meeting after  
 2 the occurrence of the vacancy, the city council shall proceed to elect, by a  
 3 majority vote of the council, ~~an alderman~~ a council member to serve for the  
 4 unexpired term.

5 (b) The election to fill the vacancy under subsection (a) of this  
 6 section is not subject to veto by the mayor.

7  
 8 SECTION 27. Arkansas Code § 14-44-106 is amended to read as follows:

9 14-44-106. Vacancy in mayor's office.

10 ~~Whenever~~ If a vacancy occurs in the office of mayor in any city of the  
 11 second class, at the first regular meeting after the occurrence of the  
 12 vacancy, the city council shall proceed to either elect by a majority vote of  
 13 the ~~aldermen~~ council members a mayor to serve the unexpired term or call for  
 14 a special election to be held in accordance with § 7-11-101 et seq. to fill  
 15 the vacancy. At this election, a mayor shall be elected to ~~fill out~~ serve the  
 16 unexpired term.

17  
 18 SECTION 28. Arkansas Code § 14-44-107(b)(2)(B), concerning the powers  
 19 of the mayor, is amended to read as follows:

20 (B) ~~No~~ An ordinance, resolution, or order, or part  
 21 thereof, vetoed by the mayor shall not have any force or validity unless,  
 22 after the written statement is laid before it, the council ~~shall pass~~ passes  
 23 it over the veto by a vote of two-thirds (2/3) of all the ~~aldermen~~ council  
 24 members elected thereto.

25  
 26 SECTION 29. Arkansas Code § 14-44-112 is amended to read as follows:

27 14-44-112. Vacancy in marshal's office.

28 ~~Whenever~~ If a vacancy ~~shall occur~~ occurs in the office of marshal in  
 29 any city of the second class, at the first regular meeting after the  
 30 occurrence of the vacancy, the city council shall proceed to elect by a  
 31 majority vote of all the ~~aldermen~~ council members a marshal to serve for the  
 32 unexpired term.

33  
 34 SECTION 30. Arkansas Code § 14-44-116 is amended to read as follows:

35 14-44-116. Vacancy in office of recorder, treasurer, or recorder-  
 36 treasurer.

1       ~~Whenever~~ If a vacancy occurs in the office of recorder, treasurer, or  
 2 recorder-treasurer in any city of the second class, at the first regular  
 3 meeting after the occurrence of the vacancy, the city council shall elect by  
 4 a majority vote of all the ~~aldermen~~ council members a person to serve for the  
 5 unexpired term.

6  
 7       SECTION 31. Arkansas Code § 14-45-101 is amended to read as follows:

8       14-45-101. Corporate authority.

9       (a) The corporate authority of incorporated towns shall vest in a town  
 10 council composed of the five (5) ~~aldermen~~ council members who shall be  
 11 qualified electors residing within the limits of the ~~corporation~~ incorporated  
 12 town and who shall hold office until their successors are elected and  
 13 qualified.

14       (b) A majority of the whole number of ~~aldermen~~ council members shall  
 15 constitute a quorum for the transaction of business.

16  
 17       SECTION 32. Arkansas Code § 14-45-102 is amended to read as follows:

18       14-45-102. Election of ~~aldermen~~ council members.

19       (a)(1) Except as provided in subdivision (a)(2) of this section, on  
 20 the Tuesday following the first Monday in November 1982 and every two (2)  
 21 years thereafter, the qualified voters of incorporated towns shall elect five  
 22 (5) ~~aldermen~~ council members.

23       (2)(A) The town council of an incorporated town may refer to the  
 24 voters an ordinance on the question of electing the five (5) ~~aldermen~~ council  
 25 members to four-year terms.

26       (B)(i) The voters shall vote on the ordinance at a general  
 27 election or at a special election called for that purpose.

28       (ii) The election to approve the four-year election  
 29 procedure shall be held no later than February 1 of the year of the general  
 30 election in which the procedure is proposed to be effective.

31       (C) If this procedure is adopted by an ordinance referred  
 32 to and approved by the voters of the incorporated town, the initial terms for  
 33 ~~aldermen~~ council members representing positions numbered "one", "three", and  
 34 "five" shall be four-year terms at the next general election and the initial  
 35 terms for ~~aldermen~~ council members representing positions numbered "two" and  
 36 "four" shall be two-year terms and thereafter four-year terms, resulting in

1 staggered terms.

2 (D)(i) The town council may refer to voters an ordinance  
3 on the question of returning the incorporated town to electing ~~aldermen~~  
4 council members to two-year terms using the procedures of subdivision (a)(2)  
5 of this section.

6 (ii) If the voters approve returning ~~a~~ an  
7 incorporated town to two-year terms, all ~~aldermen~~ council members shall be  
8 elected to two-year terms at the next general election and thereafter.

9 (E) The town council may not refer to voters another  
10 question on electing ~~aldermen~~ council members to four-year terms or on  
11 returning the incorporated town to electing ~~aldermen~~ council members to two-  
12 year terms unless at least four (4) years have passed since the last election  
13 on changing the terms of ~~aldermen~~ council members.

14 (b)(1) A candidate for the office of ~~alderman~~ council member shall  
15 designate the number of the office for ~~alderman~~ council member that the  
16 candidate is seeking on the petition filed pursuant to § 14-42-206.

17 (2) If there is a designation under subdivision (b)(1) of this  
18 section, the candidate shall not change the designation on that petition.

19 (3) The county clerk shall not accept a petition for filing that  
20 does not designate the number of the office for ~~alderman~~ council member  
21 sought.

22 (4) Each incorporated town shall maintain in its records a  
23 document showing the name of each ~~alderman~~ council member and the number of  
24 the office that the candidate holds.

25

26 SECTION 33. Arkansas Code § 14-45-103 is amended to read as follows:  
27 14-45-103. Vacancies.

28 (a) When a vacancy occurs in the office of ~~alderman~~ council member in  
29 an incorporated town, at the first regular meeting after the occurrence of  
30 the vacancy, the town council shall elect by a majority vote of the town  
31 council ~~an alderman~~ a council member to serve for the unexpired term.

32 (b) When a vacancy occurs in the office of mayor in an incorporated  
33 town, at the first regular meeting after the occurrence of the vacancy, the  
34 town council shall:

35 (1) Elect by a majority vote of the ~~aldermen~~ council members a  
36 mayor to serve the unexpired term; or



1           (2)(A) Call for a special election to be held in accordance with  
2 § 7-11-101 et seq. to fill the vacancy.

3           (B) At the special election, a mayor shall be elected to  
4 complete the unexpired term.

5  
6           SECTION 34. Arkansas Code § 14-45-105(b)(2)(B), concerning the powers  
7 of the mayor, is amended to read as follows:

8           (B) ~~No~~ An ordinance, resolution, or order, or part  
9 thereof, vetoed by the mayor shall not have any force or validity unless,  
10 after the written statement is laid before it, the council ~~shall pass~~ passes  
11 it over the veto by a vote of two-thirds (2/3) of all the ~~aldermen~~ council  
12 members elected thereto.

13  
14           SECTION 35. Arkansas Code § 14-55-204 is amended to read as follows:

15           14-55-204. Approval of appropriations.

16           All bylaws, ordinances, resolutions, or orders for the appropriation of  
17 money shall require for their passage or adoption the concurrence of a  
18 majority of the ~~aldermen~~ council members of any municipal corporation.

19  
20           SECTION 36. Arkansas Code § 14-88-305 is amended to read as follows:

21           14-88-305. Removal of member.

22           (a)(1) The city or town council may remove a municipal board of  
23 improvement or any member of the board by a two-thirds vote of the whole  
24 number of ~~aldermen~~ council members elected to the council.

25           (2)(A) Removal shall be for cause only, including without  
26 limitation noncompliance with state or federal law or local ordinance, and  
27 after a hearing upon sworn charges proffered in writing by a real property  
28 owner in the improvement district.

29           (B) Ten (10) days' notice of the hearing of the charges  
30 shall be given.

31           (b) The council may remove the board or any member of the board by a  
32 vote of a majority of the whole number of ~~aldermen~~ council members elected to  
33 the council, upon the written petition of fifteen percent (15%) of the owners  
34 of real property located within the improvement district stating that the  
35 petitioners believe it to be in the best interest of the improvement  
36 district, and after a mandatory hearing upon ten (10) days' notice to each

1 member of the board affected.

2

3 SECTION 37. Arkansas Code § 14-201-325 is amended to read as follows:

4 14-201-325. Disposition of profits.

5 Any profits derived by any of the boards of public utilities created  
6 under this subchapter, after there has been set aside from the earnings a sum  
7 sufficient to pay all outstanding indebtedness of the plants or sewerage  
8 systems under the control of the board and a sum sufficient to provide for  
9 expenses, extensions, and enlargements found necessary, or which may be  
10 reasonably anticipated, shall be used by the board to retire any outstanding  
11 bonds or interest thereon issued by any of the boards of improvement of the  
12 district constructing the plants under its control. In case there are no such  
13 outstanding bonds or interest or when all of such outstanding bonds and  
14 interest thereon have been paid, such profits shall be paid to the treasurer  
15 of the city or town wherein the board is created. These funds are to be used  
16 by the ~~board of aldermen of the city or town~~ council to defray any expense or  
17 pay any debt of the city or town.

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20 APPROVED: 04/04/2017

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Stricken language would be deleted from and underlined language would be added to present law.  
Act 895 of the Regular Session

State of Arkansas

As Engrossed: H3/17/17

91st General Assembly

# A Bill

Regular Session, 2017

HOUSE BILL 1829

By: Representative Lundstrum

## For An Act To Be Entitled

*AN ACT TO AMEND THE LAW CONCERNING THE PROVISION OF  
WATER SERVICE TO A MUNICIPALITY BY A RURAL WATER  
SERVICE; AND FOR OTHER PURPOSES.*

## Subtitle

*TO AMEND THE LAW CONCERNING THE PROVISION  
OF WATER SERVICE TO A MUNICIPALITY BY A  
RURAL WATER SERVICE.*

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

*SECTION 1. Arkansas Code § 14-208-102(a)(1), concerning the right to  
acquire rural water service properties, facilities, and customers, is amended  
to read as follows:*

*(a)(1)(A) Unless otherwise agreed between a municipality that owns or  
operates a water service and a rural water service, the inclusion by  
annexation of any part of the assigned service area of a rural water service  
within the boundaries of any Arkansas municipality shall not in any respect  
impair or affect the rights of the rural water service to continue operations  
and extend water service throughout any part of its assigned service area  
unless a municipality that owns or operates a water service elects to  
purchase from the rural water service all customers, distribution properties,  
and facilities located within the municipality reasonably utilized or  
reasonably necessary to serve customers of the rural water service within the  
annexed areas under this chapter, excluding water sources, treatment plants,  
and storage serving customers outside the annexed areas.*

*(B) As used in this subdivision (a)(1), "continue*



1 operations" means to continue setting meters, reading meters, and supplying  
2 water.

3 (C) Under this section, a municipality has the exclusive  
4 right with regard to water service provided by the rural water service to:

5 (i) Conduct inspections of the water system within  
6 the municipality;

7 (ii) Issue and regulate permits for the water system  
8 within the municipality; and

9 (iii) Regulate water service to property within the  
10 corporate limits of the municipality, even if the water service is part of  
11 the assigned service area of the rural water service.

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13 /s/Lundstrum

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16 **APPROVED: 04/05/2017**  
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Stricken language would be deleted from and underlined language would be added to present law.  
Act 1055 of the Regular Session

State of Arkansas

*As Engrossed: S3/16/17*

91st General Assembly

## A Bill

Regular Session, 2017

SENATE BILL 541

By: Senator Hickey

By: Representative J. Williams

### For An Act To Be Entitled

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

### Subtitle

CONCERNING MUNICIPAL INCORPORATION NEAR  
THE BOUNDARIES OF AN EXISTING  
MUNICIPALITY.

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

SECTION 1. Arkansas Code § 14-38-101(b)(1), concerning a petition for  
incorporation, is amended to read as follows:

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

(A) ~~five (5)~~ Three (3) miles of an existing municipal  
corporation and within the; or

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

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



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*/s/Hickey*

***APPROVED: 04/06/2017***











## Municipal Annexation, Incorporation and Other Boundary Changes

Arkansas Municipal League  
P.O. Box 38  
North Little Rock, AR 72115-0038

501-374-3484  
[www.arml.org](http://www.arml.org)