

REFERENCE TITLE: urbanized areas; incorporation

State of Arizona
House of Representatives
Fifty-fourth Legislature
Second Regular Session
2020

HB 2042

Introduced by
Representative Townsend

AN ACT

AMENDING SECTION 9-101.01, ARIZONA REVISED STATUTES; RELATING TO
INCORPORATION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 9-101.01, Arizona Revised Statutes, is amended
3 to read:

4 9-101.01. Incorporation; urbanized area

5 A. Notwithstanding any other law, all territory within six miles of
6 an incorporated city or town, as the same now exists or may hereafter be
7 established, having a population of five thousand or more persons, and all
8 territory within three miles of any incorporated city or town, as the same
9 now exists or may hereafter be established, having a population of less
10 than five thousand persons is declared to be an urbanized area.

11 B. ~~Through December 31, 2020,~~ If the city or town causing the
12 urbanized area to exist is in a county in which more than sixty percent of
13 the population but less than sixty-five percent of the population lives in
14 an incorporated city or town and does not approve a legal and proper
15 petition requesting annexation of the area proposed for incorporation by a
16 valid ordinance of annexation within one hundred twenty days after its
17 presentation:

18 1. Within one year after the date of the initial annexation causing
19 the urbanized area to exist, all territory within five miles of an
20 incorporated city or town, as the same now exists or may hereafter be
21 established, having a population of five thousand or more persons is
22 declared to be an urbanized area.

23 2. Within two years after the date of the initial annexation
24 causing the urbanized area to exist, all territory within four miles of an
25 incorporated city or town, as the same now exists or may hereafter be
26 established, having a population of five thousand or more persons is
27 declared to be an urbanized area.

28 3. Within three years after the date of the initial annexation
29 causing the urbanized area to exist, all territory within three miles of
30 an incorporated city or town, as the same now exists or may hereafter be
31 established, having a population of five thousand or more persons is
32 declared to be an urbanized area.

33 4. Within four years after the date of the initial annexation
34 causing the urbanized area to exist, all territory within two miles of an
35 incorporated city or town, as the same now exists or may hereafter be
36 established, having a population of five thousand or more persons is
37 declared to be an urbanized area.

38 5. Within five years after the date of the initial annexation
39 causing the urbanized area to exist, all territory within one mile of an
40 incorporated city or town, as the same now exists or may hereafter be
41 established, having a population of five thousand or more persons is
42 declared to be an urbanized area.

1 6. Within six years after the date of the initial annexation
2 causing the urbanized area to exist, no territory bordering the
3 incorporated city or town having a population of five thousand or more
4 persons may be declared to be an urbanized area.

5 C. Except as provided in subsection E or F of this section,
6 territory within an urbanized area shall not hereafter be incorporated as
7 a city or town, and the board of supervisors does not have jurisdiction to
8 take any action on a petition pursuant to section 9-101 to incorporate a
9 city or town within such area, unless either:

10 1. There is submitted with the petition for incorporation a
11 resolution adopted by the city or town causing the urbanized area to exist
12 approving the proposed incorporation.

13 2. There is filed with the board of supervisors an affidavit
14 stating that a proper and legal petition has been presented to the city or
15 town causing the urbanized area to exist requesting annexation of the area
16 proposed for incorporation and the petition has not been approved by a
17 valid ordinance of annexation within one hundred twenty days after its
18 presentation.

19 D. If a resolution or affidavit is filed with the board of
20 supervisors pursuant to subsection C of this section, the board shall take
21 action on the petition pursuant to section 9-101 to incorporate the
22 proposed area.

23 E. Through December 31, 2020, if the area proposed for
24 incorporation has a population of fifteen thousand or more persons, is in
25 a county in which more than sixty percent of the population but less than
26 sixty-five percent of the population lives in an incorporated city or town
27 and all of the area proposed for incorporation has a governing board,
28 including a planned community board of directors or a special district
29 board, the board of supervisors shall take action on the petition pursuant
30 to section 9-101 to incorporate the proposed area or proceed with
31 annexation of the area without a resolution adopted by the city or town
32 causing the urbanized area to exist approving the proposed incorporation
33 or an affidavit filed with the board of supervisors stating that a proper
34 and legal petition has been presented to the city or town causing the
35 urbanized area to exist requesting annexation of the area proposed for
36 incorporation.

37 F. If the area proposed for incorporation has a population of
38 fifteen thousand or more persons and that population is more than the
39 population of the city or town that causes the urbanized area to exist and
40 that opposes the proposed incorporation, the board of supervisors shall
41 take action on the petition pursuant to section 9-101 to incorporate the
42 proposed area without a resolution approving the proposed incorporation
43 and adopted by the city or town causing the urbanized area to exist.

1 G. Notwithstanding any other provisions of this section, a portion
2 of the territory of any city or town incorporated before June 20, 1968
3 shall not be declared to be an urbanized area. If any such city or town
4 is declared to have been unlawfully incorporated by the final judgment of
5 a court of competent jurisdiction after June 20, 1968, all or any portion
6 of the territory of the city or town may be incorporated without regard to
7 this section if petitions praying for the incorporation thereof or
8 petitions praying for the calling of an election for such purpose are
9 filed with the board of supervisors within one year after the date on
10 which the judgment becomes final.

11 H. Through December 31, 2020, subsections B, E and F of this
12 section do not apply to an area or a portion of an area covered by a
13 planned community association as defined in section 33-1802 during the
14 period of declarant control unless the declarant grants permission to the
15 party seeking to submit a petition to incorporate pursuant to subsection C
16 of this section.