



A Brief Summary of Municipal
Incorporation Procedures by
State

The following is a list of some of the key incorporation procedures for all 50 states.

Alabama

- Apply to the judge of probate of the county in which the territory is situated
- “A petition in writing signed by not less than 15 percent of the qualified electors residing within the limits of the proposed municipality and by the persons, firms, or corporations owning at least 60 percent of the acreage of the platted or unplatted land of the proposed”
- Election; certification of election results to probate judge
- Certification of election result to probate judge; census enumeration of inhabitants; issuance, recordation, and filing of order of incorporation; filing fee

<http://codes.lp.findlaw.com/alcode/11/2/41/1#sthash.RAQZ85Cv.dpuf>

Alaska

- Among the standards for incorporation is the requirement to show the need for a new city. If the proposed city is within an organized borough, the need for a new city is more difficult to show
- The law does not allow the creation of a new city within an organized borough if essential city services can be provided more efficiently or more effectively by an existing organized borough on an areawide basis, non-areawide basis, or through an existing borough service area
- There are three types of city government in Alaska (second class, first class, and home rule)
- The powers and duties of a city, particularly a home-rule or first class city, are greatly affected by whether it is inside or outside an organized borough. For example, state law requires each home rule and first class city outside an organized borough to operate a city school
- In contrast, no city within a borough may operate a school district
- Each home rule and first class city outside an organized borough must exercise the powers of planning, platting, and land use regulation. In comparison, cities within boroughs may exercise planning, platting, and land use regulation powers if the borough delegates those powers to the city
- It is important to note that incorporation of a home rule city requires petitioners to prepare a charter, which is the equivalent of a local government constitution
- A city government is customarily created by a petition to the Local Boundary Commission (LBC) from voters within a bona fide community. Although the state can create city governments on its own initiative, it has never done so.
- State law requires that a community must have at least 400 permanent residents to incorporate as a home rule or first class city.
- A petition to incorporate a home rule or first class city must be signed by at least 50 resident voters, or 15% of the number of voters who voted in the area during the last

general election, whichever is greater.

- There is no minimum population requirement for incorporation of a second class city; however, the incorporation petition must be signed by at least 25 resident voters, or 15% of the number of voters who voted in the area during the last general election, whichever is greater.
- Once petition is completed and signatures have been gathered, the petition is filed with the Local Boundary Commission; the process for review of the proposal by the LBC typically takes one year or longer. If the commission approves the petition, the state will conduct a local election on the matter

<https://www.commerce.alaska.gov/web/dcra/LocalGovernmentOnline/MunicipalGovernment/CityIncorporation.aspx>

Arizona

- The State Legislature has established the legal, geographic and population requirements for incorporation
- Acting under this state law authority, the county board of supervisors has been designated as the administrative agency which actually grants the final incorporation
- The board acts only after the people in the community have clearly expressed their opinion about incorporation either through direct petition or an election
- Community considering incorporation must have a population of at least 1,500 people
- A community with a population of less than 3,000 incorporates with the status of a "town". A community also has the option to incorporate with a status of "city" if it has a population of 3,000 or more
- The second basic legal requirement necessary for incorporation is that the area must be a "community". A community is defined in state law as "a locality in which a body of people resides in more or less proximity having common interests in such services as public health, public protection, fire protection and water which bind together the people of the area, and where the people are acquainted and mingle in business, social, educational and recreational activities."
- State law stipulates that an area considering incorporation: "shall not include large areas of uninhabited, rural or farm lands, but it shall be urban in nature."
- the county board of supervisors may determine that a community exists which is urban in nature, but this determination is subject to review by Arizona courts
- Petition without election: This method of incorporation requires the signatures of two-thirds of the qualified electors (registered voters) residing within the area proposed for incorporation on a petition addressed to the county board of supervisors
- Petition with election: requires that ten percent of the qualified electors residing within the area proposed for incorporation petition the board of supervisors to call an election on the question of incorporation. Again, the petition must be filed with the clerk of the board. If the supervisors are satisfied that ten percent of the qualified electors residing within the area at the time completed petitions are filed have signed the petition and the

area meets the legal requirements of population and community, then the board, within sixty days after the filing of the petition, calls an election on the question of incorporation

<http://www.azleague.org/ArchiveCenter/ViewFile/Item/129>

Arkansas

- An Arkansas community may incorporate by a written petition that describes the geographic area seeking to incorporate and identifying the persons authorized to act on behalf of the petitioners
- petition must be signed by at least 200 or a majority of the qualified electors, whichever is greater, and presented to the county court (county judge)
- The county court (county judge) shall set a date for a hearing and after the hearing the court will either approve or reject the incorporation
- If approved, the incorporation is filed with the Secretary of State and notice of election of officers for the newly incorporated municipality is posted
- Arkansas law also allows for an election procedure as an alternative for the incorporation of new municipalities having a population of at least 4,000
- New cities or towns cannot incorporate if they are within five (5) miles of the boundaries of another incorporated city or town unless the governing body of that city or town has “by written resolution affirmatively consented to said incorporation” or a natural barrier exists making the area to be incorporated inaccessible to the existing municipality

<http://www.celdf.org/downloads/Arkansas%20-%20Guidebook%20for%20Municipal%20Officials%2007.pdf>

California

- Incorporations usually start with a group of residents forming a committee to explore the possible incorporation of their community
- An incorporation committee defines and articulates incorporation goals, raises funds, collects signatures, assembles application materials, works with LAFCO staff and consultants, testifies at hearings and negotiates changes in the proposal
- LAFCO = Local Agency Formation Commissions
- May require at least a year of formal review. The purpose of such a process is to ensure that any proposed incorporation is economically feasible, in the best interests of the community and environmentally and logically sound. The procedures for incorporation should be followed carefully to avoid delays and to reduce the risk of potential litigation
- Stages:
 - 1) Initiating the incorporation process;

- 2) Application to LAFCO;
- 3) LAFCO staff review;
- 4) LAFCO Commission hearing;
- 5) Election and the first year

- Incorporation can be initiated in one of three ways--by resolution of a public agency, by petition of registered voters or by petition of landowners

http://opr.ca.gov/docs/LAFCO_Appendices_Final.pdf

Colorado

- Residents of unincorporated areas may form a municipal corporation under the authority of state statutes. Municipalities formed under these laws, called statutory cities and towns, are limited to exercising powers specifically granted to them by state law
- Residents in areas with 2,000 or fewer persons may form a statutory town, and residents in areas with more than 2,000 persons may form a statutory city
- Residents must first file a petition for incorporation with the district court of the county in which the municipality is to be located
- Petition must be signed by at least 150 registered electors who are landowners and residents of the area to be incorporated. However, if the area is located in a county with a population of less than 25,000, 40 signatures are required
- The court reviews the petition to determine whether the proposed municipality satisfies statutory requirements
- The court will order an incorporation election after it determines that the proposed area for incorporation satisfies statutory requirements. Incorporation occurs if a majority of the registered electors vote to approve the incorporation

<https://www.colorado.gov/pacific/sites/default/files/13%20Local%20Gov%20Handbook%20for%20posting.pdf>

Connecticut

- City incorporation requires a Special Act by the Connecticut General Assembly
- Towns in Connecticut are allowed to adopt a city form of government without the need to re-incorporate as a city. Connecticut state law also makes no distinction between a consolidated town-city and a regular town.
- Incorporated cities and towns encompass all of the territory within the state of Connecticut with no portion of the state being unincorporated
- The 20 consolidated borough-town and city-towns are classified by the Census Bureau as both minor civil divisions and incorporated places, while the other 149 towns are

classified only as minor civil divisions. Some of the larger, urban towns are also classified in their entirety as census-designated place

Delaware

- there is no or little unincorporated territory left
- does not impose incorporation standards

Closest codes deal with annexation mostly: <http://delcode.delaware.gov/title22/c001/>

Florida

- No petition
- Authorize the state legislature to designate incorporation status
- Shall be adopted only by a special act of the Legislature upon determination that the standards have been met
- “A feasibility study shall be completed and submitted to the Legislature no later than the first Monday after September 1 of the year before the regular session of the Legislature during which the municipal charter would be enacted”
- Since 1974, Florida law has required that a proposed charter is prepared in bill form and submitted to the Legislature. The charter is the document by which the municipality will govern itself and operate.
- First, the charter must describe the form of government that will be used by the municipality. Second, the charter cannot prohibit the legislative body of the municipality from exercising certain taxing powers

<http://celdf.org/downloads/Florida%20-%20Overview%20of%20Municipal%20Corporations%20in%20Florida.pdf>

Hawaii

- The Census Bureau recognizes incorporated places in all States except Hawaii
- by agreement with the Office of the Governor, the Census Bureau recognizes all places as CDPs rather than as incorporated places
- Hawaii has only two levels of government (state and county); hence, it has no incorporation or annexation statutes

Idaho

- Residents of any unincorporated contiguous area (village) containing more than 125 qualified electors may present a petition signed by a majority of the said electors to the

board of commissioners of the county in which said petitioners reside, designating the name they wish to assume and the metes and bounds of the proposed city

- Sixty percent of the qualified electors must sign the petition.
- Where the proposed new city area lies within the applicable distance of one or more cities, all cities must approve the petition of incorporation
- The existing city, the petitioners, or the board of county commissioners is granted the power to petition the district court if disputes arise between any of the parties
- “The said board shall hold a public hearing upon said petition and fix a time and place therefor, not more than thirty (30) days from the filing of said petition, and cause notice thereof to be published twice prior to said hearing, in a newspaper of general circulation in said county and said board shall, on or before thirty (30) days following the date of said hearing, determine, by resolution, whether or not said proposed city may be incorporated and, in the event said board determines that the proposed city is to be incorporated, they shall enter the order of incorporation upon their records, and designate the metes and bounds thereof”
- The county board holds a public hearing about the proposed incorporation; and then they will vote by resolution whether or not the proposed city will be incorporated and enter it into their records (no election)

More about the general requirements (there are a lot):

<http://legislature.idaho.gov/idstat/Title50/T50CH1.htm>

Illinois

- The statute as written requires “two-thirds” of the members of a community to agree to the municipal incorporation
- Minimum population standards of 2,500 required for incorporation
- In Illinois, an incorporated town is one of three types of municipalities. An incorporated town is a municipality that was incorporated by a special act of the Illinois General Assembly, prior to the creation of the Illinois Municipal Code. Illinois' standard law on municipalities came into effect on July 1, 1872 and does not provide for the incorporation of municipal towns
- Since the Municipal Code provides a standard way for citizens to incorporate a new city or village, incorporated towns are far less common than city and village municipalities in Illinois
- Each town operates under its original charter, issued before the 1870 Constitution. A handful of cities and villages that incorporated prior to the early 1870s also did not adopt the general incorporation law
- Villages now can be incorporated with as few as 200 residents, depending on the size of the county. Incorporation as a city requires a population of at least 2,500. Villages elect six trustees at large. Cities elect aldermen from geographic wards.
- For cities:

- Any 200 electors residing within the area may file with the circuit clerk of the county in which the area is situated, a petition addressed to the circuit court. The petition includes:
 - (1) a definite description of the lands intended to be embraced in the proposed city, and a statement that no part of the territory lies within 1 1/2 miles of the boundary line of any existing municipality which has not consented to such incorporation,
 - (2) the number of inhabitants residing in the area,
 - (3) the name of the proposed city, and
 - (4) submit a notice to the electors residing within the limits of the proposed city, whether they will incorporate as a city under this Code
- After filing the petition, anyone living in the proposed territory can object and file objections with the circuit court
- If no objections are brought forth or proven, an election is held

<http://law.onecle.com/illinois/65ilcs5/index2.html>

Indiana

- Proceedings to incorporate a town may be instituted by filing a petition in quadruplicate with the executive of each county in which a part of the territory sought to be incorporated is located. The petition must be signed by at least fifty (50) owners of land in the territory and must state that:
 - (1) The territory is used or will, in the reasonably foreseeable future, be used generally for commercial, industrial, residential, or similar purposes;
 - (2) the territory is reasonably compact and contiguous;
 - (3) there is enough undeveloped land in the territory to permit reasonable growth of the town; and
 - (4) incorporation is in the best interests of the citizens of the territory.
- A petition for incorporation must be accompanied by the following items, to be supplied at the expense of the petitioners:
 - (1) A survey, certified by a surveyor registered under IC 25-21.5, showing the boundaries of and quantity of land contained in the territory sought to be incorporated.
 - (2) An enumeration of the territory's residents and landowners and their mailing addresses, completed not more than thirty (30) days before the time of filing of the petition and verified by the persons supplying it.
 - (3) A statement of the assessed valuation of all real property within the territory, certified by the township assessor of the township in which the territory is located, or the county assessor if there is no township assessor for the township.
 - (4) A statement of the services to be provided to the residents of the proposed town and the approximate times at which they are to be established.
 - (5) A statement of the estimated cost of the services to be provided and the

proposed tax rate for the town.

(6) The name to be given to the proposed town

- The county executive examines it to see that it meets the requirements
- Incorporation rules are quite strict—no new town may incorporate within three miles of an existing municipality without an ordinance of consent from that municipality
- Public hearing held on petition
- If proposed area meets their requirements, the county executive may adopt an ordinance incorporating the town; the ordinance requires the county election board to conduct an election in the town on the date of the next general or municipal election to be held in any precincts in the county

<http://codes.lp.findlaw.com/incode/36/5/1>

Iowa

- A petition for incorporation, discontinuance, or boundary adjustment may be filed with the board by a city council, a county board of supervisors, a regional planning authority, or five percent of the registered voters of a city or territory involved in the proposal
- “Notice of the filing, including a copy of the petition, must be served upon the council of each city for which a discontinuance or boundary adjustment is proposed, the board of supervisors for each county which contains a portion of a city to be discontinued or territory to be incorporated, annexed or severed, the council of a city if an incorporation includes territory within the city's urbanized area, and any regional planning authority for the area involved”
- The petition must include substantially the following information as applicable:
 - *a.* A general statement of the proposal.
 - b.* A map of the territory, city or cities involved.
 - c.* Assessed valuation of platted and unplatted land.
 - d.* Names of property owners.
 - e.* Population density.
 - f.* Description of topography.
 - g.* Plans for disposal of assets and assumption of liabilities.
 - h.* Description of existing municipal services, including but not limited to water supply, sewage disposal, and fire and police protection.
 - i.* Plans for agreements with any existing special service districts.
 - j.* In a case of annexation or incorporation, the petition must state that none of the territory is within a city.
 - k.* In a case of incorporation or consolidation, the petition must state the name of the proposed city.
 - l.* Plans shall include a formal agreement between affected municipal corporations and counties for the maintenance, improvement and traffic control of any shared roads involved in an incorporation or boundary adjustment.
- At least 14 business days before annexation, the petitioner shall make its intention known by sending a letter of intent by certified mail to the council of each city whose urbanized

area contains a portion of the territory, the board of supervisors of each county which contains a portion of the territory, the regional planning authority of the territory involved, each affected public utility, and to each property owner listed in the petition

- Petitioner holds a public meeting on the petition
- The county commissioner of elections shall conduct an election
- Registered voters of the territory or city may vote, and the proposal is authorized if a majority of those voting approves it

<https://www.legis.iowa.gov/publications/search/document?fq=id:577167&pdid=600884&q=incorporation#368.11>

Kansas

- Cities are incorporated as cities of the third class and there are statutory procedures established for changing classification as the population of the city grows
- To be eligible for incorporation, there must be either:
 - 1) 300 inhabitants or more or 250 or more platted lots, each of which is served by water and sewer lines owned by a non-profit corporation, and
 - 50 electors sign a petition for incorporation; or
 - 2) the territory has been designated a national landmark by the Congress of the United States
- Petition signed by 50 or more electors of the proposed territory and addressed to the board of county commissioners
- A map must be assigned to the petition showing the location of the proposed city within the county or counties and the more densely built-up area or areas and designating in general the platted and unplatted areas
- The county clerk examines the petition and conducts a hearing
- After the hearing, the territory shall not be incorporated except by the unanimous vote of the commissioners of each county involved

http://kansasstatutes.lesterama.com/Chapter_15/Article_1/

Kentucky

- Petition signed by two-thirds of the proposed territory's registered voters or a number of real property owners equal to the owners of at least two-thirds of the assessed value of the real property in the proposed territory
- A determination by the reviewing court that incorporation constitutes a reasonable way of providing the public services sought by voters
- A determination by the reviewing court that the interest of other areas and adjacent local governments will not be unreasonably prejudiced by the incorporation
- Petition goes to the Circuit Court

- The petition will also include:
 - the signatures and addresses of a number of registered voters equal to two-thirds of the voters in the area or a number of owners of real property equal to the owners of at least two-thirds of the assessed value of the property in the area,
 - a description of the boundaries of the area and the number of residents therein,
 - an accurate map of the area,
 - “a detailed statement of the reasons for incorporation, including the services sought from the proposed city,”
 - a description of the existing facilities and services provided within the territory, and
 - a statement of the plan of government under which the city will operate if incorporated
- Minimum population of 300 persons required for incorporation
- If the court decides in favor of the incorporation, it shall issue an order setting out
 - the name of the city;
 - a metes and bounds description of the boundaries of the city;
 - the population therein;
 - the class of city, which is dictated by the plan of government chosen by the petitioners; and
 - The names of those who shall serve as mayor and members of the legislative body until the next regular election.
- A copy of the order establishing the city shall be sent to the Office of the Secretary of State

<http://www.lrc.ky.gov/lrcpubs/ib145.pdf>

Louisiana

- Residents of any unincorporated area with a population in excess of two hundred inhabitants may propose the incorporation of the area
- Petition proposing the must contain the following:
 - A legal description of the area proposed for incorporation and the statement that all lands included in the area constitute a contiguous area.
 - A statement of the number of inhabitants residing in the unincorporated area. Such statement shall be based on the latest federal decennial census or another current population report or count which is verifiable.
 - A statement of the assessed value of the real property located in the unincorporated area.
 - A listing of the public services the municipal corporation proposes to render to the area and a plan for the provision of these services.
 - A statement of the corporate name desired for the new municipality.
 - The names of two or more chairpersons for the petition for incorporation who shall serve as agents for the petitioners in all legal matters, including the receipt of notices. Notice will be sufficient if served on any one of the chairpersons.

- Signatures of twenty-five percent of the electors residing in the area proposed for incorporation shall be required in order to file the petition
- Shall file the petition with the registrar of voters for the parish or parishes in which the unincorporated area is located
- The registrar of voters shall issue a certificate stating that twenty-five percent or more of the electors residing in the area proposed for incorporation have signed the petition. The **registrar of voters** shall forward this certificate to **the governor**
- If the governor finds that there has been compliance, he calls a special election to be held on the next possible date for special elections
- Special election determines whether the unincorporated area described in the petition shall become a municipality

<http://celdf.org/downloads/Louisiana%20Local%20Government.pdf>

Maine

- Go to circuit court, then to the Department of Administration, and then it comes back to the municipalities for a referendum
- Formation of a town can only be done by direct legislative action adopting a Private and Special act incorporating the town and fixing its boundaries
- Municipalities are local government entities created by “private and special laws” of the Maine State Legislature (i.e., acts of incorporation). Through such laws, a municipality (city and town) becomes a separate legal entity and a political subdivision of the State. Although [they are] legal corporations and political subdivisions of a State, municipalities have no inherent authority or responsibilities and derive their powers and duties solely from the State which, is the “sovereign” power
- A municipality may only exercise powers delegated to it by the laws of Maine (statutes). Most important to municipalities are the statutory and constitutional provisions providing municipalities with what is known as “Home Rule Authority”—municipal ability to self-govern in areas that are not expressly or by clear implication denied
- The process to incorporate a town from unorganized territory would be for the legislature to enact a Private and Special Law containing an act of incorporation creating and naming the municipality, describing the land to be encompassed within the municipality, and investing it with the powers of a municipality under Maine law
- Could be done at the request of the board of commissioners or one or more citizens to a legislator, or by the Legislature on its own initiative

Maryland

- At least 300 residents must be encompassed by the proposed municipal corporate limits
- Petitions must be signed by at least 20% of the persons residing within the area to be incorporated who are registered to vote in county elections and by the owners of at least 25% of the assessed valuation of the real property within the area

- Alternatively a petition may be signed by 25% of the registered voters within the area to be incorporated without any involvement of property owners
- The petition must include a detailed description of the proposed municipal boundaries, the name of the proposed municipality, and a copy of the proposed charter as a supplement to the petition
- County Commission/Council Role: full and final authority has been granted to the county in matters of incorporation
- Upon receiving the incorporation petition, the county governing body must verify that every person who signed the petition is a resident of the area proposed for incorporation and is registered to vote in county elections. The county must also confirm that the requirements for minimum percentage of qualified voter signers (and, where applicable, owners of property) are met
- If the county governing board denies the referendum petition, the reasons for rejecting the referendum request must be in writing and must be made available to the general public
- If the petition complies with the law's requirements, the county governing body passes a resolution specifying the day and hours for the election. The referendum must take place not less than 40 nor more than 60 days after the passage of the resolution
- If a majority of those voting on the question vote against incorporation, the incorporation fails and the cost of the referendum will be borne by the county

<http://www.mdmunicipal.org/DocumentCenter/Home/View/1677>

Massachusetts

- All municipalities have an Executive Branch that is responsible for the administration and policies of government, and a Legislative Branch, which is responsible for the passage of laws and appropriating funds for operation of government
- Municipalities incorporated as Cities in Massachusetts have a Mayor representing the Executive Branch, and a City Council representing the legislative branch
- A municipality must have at least 12,000 persons to incorporate as a city, but it is uncommon for municipalities with populations less than 40,000 to do so
- Most municipalities in Massachusetts with less than 50,000 persons have adopted the town form of government with a Board of Selectmen as the Executive Branch and Town Meeting as the Legislative Branch
- A few municipalities in Massachusetts, mostly with populations between 15,000 to 50,000 persons, have adopted an intermediate form of government. For example, the town of Barnstable has a board of Selectmen, but instead of Town Meeting, has a 12 member Town Council. In the Buzzards Bay watershed, all municipalities are incorporated as towns, except for the City of New Bedford and the City of Fall River

Michigan

- For Home Rule Incorporation: Incorporation is initiated by petition of electors
 - The proposed village must contain at least 150 inhabitants and have an average of not less than 100 inhabitants per square mile

- Under the General Law Village Act of 1895, all villages then incorporated were reincorporated and made subject to its provisions. The local acts and all previous general laws governing village incorporation were repealed
- The General Law Village Act provisions for new incorporations were superseded by the Home Rule Village Act.
- All new incorporations of villages must be accomplished under the Home Rule Village Act. Although the incorporation provisions of the General Law Village Act have been superseded, a village that incorporates as a home rule village may adopt the provisions of the General Law Village Act for its charter
- petitions proposing the incorporation of a city shall be signed by a number of persons who are qualified electors and freeholders residing within the affected territory equal to at least 5% of the population of the territory affected by the proposed new incorporation, or 100, whichever number is greater
- Petitions for incorporation shall be filed with the commission. The commission shall exercise the powers and carry out the duties of the board of supervisors, the village council, or the secretary of state in relation to incorporations
- Under 1968 PA 191, the State Boundary Commission must approve all petitions for city and village incorporation. The Boundary Commission is composed of three members appointed by the Governor. When the Commission sits in any county, the three members are joined by two county representatives (one from a township and one from a city), appointed by the probate judge.

https://www.mml.org/pdf/charter_revision/village7.pdf

Minnesota

- Petition by 100 or more property owners residing within an area
- If the incorporation proceeding is initiated by property owners, the notice of intent to incorporate must be served by the property owner or owners or designee by certified mail
- Also, the town board with jurisdiction over the land in question can pass a resolution to initiate incorporation
- The law does not require any specific amount of land to be platted. The Municipal Boundary Adjustment Unit must receive a copy of the petition or resolution for incorporation, and it must contain the following information
 - Proposed name of the city
 - names of all parties entitled to mailed notice under the law
 - the reason for incorporation
 - map showing the proposed boundaries of the area to be incorporated
- The basic procedure for incorporation includes the following steps:
 - Serving a notice of intent to incorporate.
 - The filing of the incorporation petition or resolution.
 - Notice of hearing.
 - A public hearing by the Municipal Boundary Adjustment Unit.

- Issuance of an order to authorize the incorporation.
- The incorporation is effective upon the election and qualification of city officers at a date specified by the Municipal Boundary Adjustment Unit

Mississippi

- Municipality must have the following characteristics to be incorporated: One square mile of territory;
 - Population of at least 300;
 - At least one (1) mile of hard surface streets (either existing or under construction);
 - At least six (6) streets making up the one (1) mile of hard surfaced streets;
 - A public utilities system (water and/or sewer) existing or under construction
- petition containing signatures of at least two thirds (2/3) of the qualified electors residing in the area
- the petition is filed in the Chancery Court and a date is set for the hearing by the Chancellor
- Notice of the time of the hearing must be given by publication in a newspaper, to all persons interested in, affected, or having objections
- If there is an existing municipality within three (3) miles of the area to be incorporated, process must be served on it at least 30 days prior to the hearing

http://gcd.msucare.com/sites/gcd.msucare.com/files/pdfs/municipal_govt2014book.pdf

Missouri

- A community may incorporate as a municipality upon a petition to the county court signed by 15 percent of those voting in the last gubernatorial election
- County commission then calls for an election in the unincorporated area
- A municipality is incorporated if a majority of the voters support the proposal
- Unincorporated place must have a minimum population of 500 to become incorporated, while an existing incorporated village must have a minimum of 200 people. The proposed city may be situated in more than one county

<http://extension.missouri.edu/p/DM4003-2>

Montana

- Apply by petition, signed by not less than 300 registered electors or two-thirds of the registered electors, whichever is less, who are residents of the state and residing within

the limits of the proposed city or town, to the board of county commissioners of the county in which the proposed area is situated

- The petition must describe the limits of the proposed city or town and wards of the proposed city or town. A proposed ward must contain 50 or more registered electors and must have at least 200 inhabitants for each square mile of land area
- The proposed city or town must contain a post office, contract postal unit, or other similar unit operated by or under contract with the United States postal service within the proposed area of the city or town
- Land used for production agriculture in tracts larger than 160 acres and land and facilities used for electric power generation, refining, or smelting may not be included in a proposed city or town without the written consent of the owners of the land
- The petitioners shall attach to the petition a map of the proposed area to be incorporated and state the name of the proposed city or town
- the board of county commissioners must appoint some suitable person to take a house-to-house census of the residents of the territory to be incorporated
- No municipal corporation may be formed unless:
 - (1) (a) the number of inhabitants is 300 or upwards; or
 - (b) the community was a town site owned and built by the U.S. government prior to April 3, 1981; and
 - (2) the boundary of the proposed territory to be incorporated is more than 3 miles from the boundary, measured from the nearest point between the two, of any presently incorporated city or town or there is presented to the board appropriate evidence that any presently incorporated city or town within 3 miles which legally could annex has refused to annex the proposed territory
- The county commissioners shall call an election of all the registered electors residing in the territory described in the petition

<http://leg.mt.gov/bills/mca/7/2/7-2-4104.htm>

Nebraska

- Petition to the county board of the county in which the petitioners reside
- If a majority of the taxable inhabitants of the proposed village have signed such petition and one hundred or more are actual residents of the territory described in the petition, the board shall declare the proposed village incorporated, enter the order of incorporation upon its records
- The county board will appoint five persons as trustees, who shall hold their offices and perform all the duties required of them by law until the election and qualification of their successors
- The county board shall not declare a proposed village incorporated or enter an order of incorporation if any portion of the territory of such proposed village is within five miles of a Nebraska incorporated village or city of any class

Nebraska is one the states with the fewest standards for incorporation

Nevada

- If a committee of five qualified electors wishes to organize an incorporated city, it may file a notice to incorporate with the county clerk of the county in which the city proposed to be incorporated is located
- The notice to incorporate must include:
 - (a) A copy of the petition for incorporation which will be circulated; and
 - (b) An affidavit signed by each member of the committee
- The affidavit must include:
 - (a) A statement that the committee will be responsible for circulating and filing the petition with the county clerk;
 - (b) The names and addresses of the members of the committee; and
 - (c) The address to which written notices relating to the incorporation must be sent
- The petition for incorporation must include the following information:
 - A description of the area prepared by a professional land surveyor
 - The proposed name of the city
 - The total acreage of the area.
 - The number of persons who reside in the area.
 - The number of owners of record of real property within the area.
 - A statement of the committee's plans for providing police and fire protection, maintaining the streets, providing water and sewer services, collecting the garbage and providing administrative services in the proposed city, with an estimate of the costs and sources of revenue
 - A map or plat of the area which is prepared from the description required by paragraph
- Petition goes to the board of county commissioners
- submission of copies of petition to planning agencies, local governments and Department of Taxation
- The board shall designate a date on which the election will be held. The date of the election must not be earlier than 60 days nor later than 120 days after the board issues its opinion

<https://www.leg.state.nv.us/nrs/NRS-266.html#NRS266Sec018>

<https://www.leg.state.nv.us/nrs/NRS-266.html>

New Hampshire

- Incorporation is by special act of the State legislature
- there is no minimum population requirement

New Jersey

- 567 existing municipalities

- Evolution of New Jersey townships into full equal municipal governments has brought local stability to New Jersey

“An important principle embodied in the Home Rule Act is that there is no legal difference in the basic powers available to all 566 New Jersey municipalities, regardless of population, geographic size, or type or form of government. Also, by the simple addition of one word - - township - - to the definition of the word “municipalities,” the state placed townships, which in some states are considered lower forms of local government, on the same level as cities, boroughs, towns, and villages, and made almost every inch of New Jersey part of an incorporated municipality”

New Mexico

- Residents may petition the board of county commissioners of the county in which the greatest portion of the territory proposed to be incorporated lies to incorporate the territory as a municipality
- The petition shall:
 - be in writing;
 - state the name of the proposed municipality;
 - describe the territory proposed to be incorporated as a municipality; and
 - be signed by either:
 - not less than two hundred qualified electors, each of whom shall, on the petition: 1) swear or affirm that the qualified elector has resided within the territory proposed to be incorporated for a period of six months immediately prior to the signing of the petition; and 2) list the street address of the qualified elector's residence; or
 - (b) The owners of not less than sixty percent of the real estate within the territory proposed to be incorporated who are not delinquent in their payment of real property taxes.
- The petition will also include:
 - an accurate map or plat that shows the boundary of the territory proposed to be incorporated;
 - a municipal services and revenue plan that describes the municipal services the proposed municipality will provide and the details of how the municipality will generate sufficient revenue to cover the costs of providing those services; and
 - Money in an amount determined by the board of county commissioners to be sufficient to conduct a census in the territory proposed to be incorporated. The money shall be deposited with the county treasurer for payment of the census
- A review team shall consider the petition and the required census results, evaluate the municipal services and revenue plan and determine whether the proposed municipality meets the requirements
- If the review team finds that the proposed municipality meets the requirements of that article, it reports its findings and recommendations to the board of county commissioners
- The county commissioners then have 30 days to decide if they have complied with all of the requirements and grant incorporated status

- After the board of county commissioners has determined that all of the conditions for incorporation of the territory as a municipality have been met, the board of county commissioners shall hold an election on the question of incorporating the territory as a municipality

<http://public.nmcompcomm.us/nmpublic/gateway.dll/?f=templates&fn=default.htm>

Article 2 Section 3-2-1

New York

- ***City*** Incorporation is by special act of the State legislature; there is no minimum population requirement
- ***Village*** Minimum population requirement of 500 and must have a population density of 100 people per square mile
- One way is for a new village to be incorporated in a town which has no existing villages, with the new village having the same boundaries as the existing town. This method would comply with the prerequisites for forming a new village under Village Law
- Another method is for an existing village to use the procedures of Article 17 of the General Municipal Law to annex all of the adjacent territory in its town lying outside the village
- Another way is the State Legislature to adopt a special act creating the coterminous town-village. Since it would be for the benefit of only two municipalities, such a special act would require that the two existing governments send a “home rule request” to the Legislature to enact the bill. In the special act, the boundaries of the new municipality would be set forth, and other provisions would be written regarding governmental administration, disposition of real property and other assets and obligations of the existing municipalities
- A fourth method is for a public petition to be submitted under Article 5 of the Town Law, calling for the division of an existing town into two towns, one of which would have the same boundaries as an existing village
- A petition to form a coterminous town-village may be signed by any registered voter of the town, whether a resident of the village or not
- The petition must contain signatures totaling at least five percent of the total number of votes cast in the town for the office of Governor at the last gubernatorial election, but not less than 100 in a first-class town or less than 25 in a second-class town
- The petition must be submitted to the county legislative body, which must hold a public hearing and then make a determination whether to grant the petition
- A two-thirds vote of the county legislative body is required for the petition to be granted. If granted, there will be a referendum on the division of the town. All registered voters, including residents of the village, will be eligible to vote on the proposition to divide the town
- No general law provides authority for the incorporation of cities; there is no statutory minimum size, either in population or geographical area, which must be met for an area to become a city. Furthermore, there is no concept of progression from village to city

status. The primary difference between a city and a village is that the organization and powers of cities is set out in their own charters, while most villages are organized and governed pursuant to provisions of the Village Law. Also, unlike a city, a village is part of a town, and its residents pay town taxes and receive town services

- The State Legislature may incorporate any community of any size as a city. As a practical matter, the State Legislature does not create cities without clear evidence from a local community that its people desire incorporation.

North Carolina

- Petition signed by fifteen percent (15%) of the registered voters of the area proposed to be incorporated, but by not less than 25 registered voters of that area. The signature petition must be verified by the county board of elections
- Submitted to the Joint Commission on Municipal Incorporations at least 60 days prior to convening of the next regular session of the General Assembly
- No area may incorporate without the approval of the North Carolina General Assembly
- The Joint Commission must receive a petition from the area that wishes to incorporate signed by at least 15% of the registered voters of the area. Secondly, the proposed name of the city and a map depicting the proposed city limits must be provided. Next, a statement that the proposed city will have a budget ordinance with an ad valorem tax levy of at least five cents (5¢) on the one hundred dollar (\$100.00) valuation upon all taxable property within city limits must be submitted. Finally, the proposed municipality must deliver a statement that lists at least four public services that will be offered to the new cities residents

<http://www.ncleg.net/documentsites/legislativepublications/Bill%20Drafting%20Division/Summary%20of%20Municipal%20Incorporation%20Procedure.pdf>

North Dakota

- If the territory has a population of not more than five hundred inhabitants, it may become incorporated as a city under the council or modern council form of government
- If the territory has residing therein a population of not less than five hundred inhabitants, it may become incorporated as a city under the council or modern council form of government, or as a city under the commission system of government
- The persons intending to submit the petition for incorporation shall cause a census of the resident population of the territory to be taken not more than sixty days previous to the time when the petition is submitted to the board of county commissioners
- Petition shall also be filed in the office of the county auditor

- Petition will be signed by not less than one-third of the qualified electors residing within the territory described in such petition, and by the owners of not less than fifty percent in assessed value of the property located within the
- Territory described in such petition
- Submit a survey and map of the area that is to be incorporated
- Petition will also include an incorporation plan: showing how municipal services, including fire and police protection, street construction and maintenance, sewers, water, garbage disposal, planning, zoning, accounting, assessment, financing, and legal services, will be provided
- A notice of the time and place for the hearing will be published once a week for two weeks prior to the hearing in the official county newspaper and in other newspapers as the board of county commissioners may deem appropriate
- The board of county commissioners shall make a written record of its findings on each of the assertions contained in the petition and shall provide any interested person with a copy of those findings
- If approved by the commission, an election may be held to determine the question of incorporation as requested in the petition

Ohio

- Petition signed by fifty-one per cent of the electors within the territory proposed to be incorporated, as determined by the total number of votes cast within that territory for the office of governor at the preceding general election for that office
- Petition will include:
 - (A) A full description and an accurate map of the territory within the proposed municipal corporation;
 - (B) A statement signed by the county auditor as to the total assessed valuation of the area proposed for incorporation;
 - (C) A statement that the area consists of not less than two square miles, includes a population of not less than eight hundred persons per square mile, and has an assessed valuation of real, personal, and public utility property subject, except as otherwise provided in this division, to general property taxation of at least three thousand five hundred dollars per capita.
 - (D) A statement by the secretary of state that the name proposed in the petition is not being used by any other municipal corporation in the state
 - (E) The name of a person to act as agent for the petitioners;
 - (F) A statement of whether or not the proposed municipal corporation contains and includes territory within three miles of any portion of the boundary of an existing municipal corporation.
- Petition is presented to the board of county commissioners at any session of the board, after which the board shall make it available for inspection of any interested person
- A hearing on the petition will be made public
- After the hearing on a petition to incorporate, the board of county commissioners shall enter an order on its journal allowing the incorporation to be created if it has passed all of the requirements

Oklahoma

- If the resident population is one thousand (1,000) or more, a town or community of people residing in compact form may become incorporated as a city
- If a proposed town or city is situated in two or more counties, the petition for incorporation may be presented to the board of county commissioners of any county in which any part of the proposed municipality is situated
- A petition for incorporation of a town shall be presented to the board of county commissioners of the county in which the proposed town is located
 - Signed by at least one-third (1/3) of the registered voters residing in the proposed town as shown by the preceding general election or by at least twenty-five (25) registered voters residing in the proposed town, whichever number is greater
- Survey of the land is required
- Any community which has operated as an incorporated municipality for twenty-five (25) years or more but which does not have any evidence of its articles of incorporation shall be presumed to have incorporated as the statutory form of municipal government under which it has operated
- Such community may file with the Secretary of State any historical evidence of its incorporation. Notice of said filing shall be published one time. If no action challenging the presumption of incorporation is brought within sixty (60) days after publication of the notice of filing, the presumption of incorporation shall be conclusive
- Within thirty (30) days after the petition for incorporation has been presented, the board of county commissioners shall determine, either by affidavit or by oral testimony in a hearing on the petition, whether the requirements for incorporation have been fully complied with
- If the board is satisfied with the petitioners' compliance, it shall call for an election for the purpose of submitting to the registered voters of the proposed town the question of whether or not such territory shall become an incorporated town

Oregon

- Before circulating a petition to incorporate unincorporated territory as a city, the petitioners shall file a petition for incorporation in a form prescribed by rule of the Secretary of State with:
 - (a) The county clerk of the county in which the proposed city lies; or
 - (b) If the proposed city lies in more than one county, the county clerk of the county in which the largest part of its territory lies
- The county clerk shall immediately date and time stamp the prospective petition and will authorize the circulation of the petition when the economic feasibility statement is filed with the county clerk
- The petition must include:

- Designate the name and residence address of not more than three persons as chief petitioners, who shall be electors registered within the boundaries of the proposed city.
- The petition shall contain the name of the proposed city.
- The petition shall include a proposed permanent rate limit for operating taxes that would generate operating tax revenues sufficient to support an adequate level of municipal services.
- There shall be attached to the cover sheet of the petition a map indicating the exterior boundaries of the proposed city. The map shall not exceed 14 inches by 17 inches in size and shall be used in lieu of a metes and bounds or legal description of the proposed city
- Petition is signed by 20 percent or, in a county with a population over 300,000, by 10 percent, of the electors registered in the area proposed to be incorporated before it can be filed the petition shall be filed with the county court of the county in which the proposed petition was filed
- Upon the final hearing of the petition, the court, if it approves the petition as originally presented or in an altered form, shall provide by order for the holding of an election relating to the incorporation of the proposed city

<http://www.orcities.org/Portals/17/CityResources/LOCCityHandbook.pdf>

<http://www.orcities.org/Portals/17/Premium/2007%20Incorporation%20Guide%20new%20cover%204-2012.pdf>

Pennsylvania

- When the governing body of a local government decides to create an authority, it adopts a resolution or ordinance expressing its intention
- The organizing local unit or units may specify the project or projects to be undertaken by the authority in the ordinance or resolution expressing its intention to incorporate an authority
- No other projects can be undertaken by the authority
- The resolution or ordinance of the elected governing body is then published in the local newspaper and legal periodical, along with a notice of the day the articles of incorporation of the proposed authority will be filed with the Secretary of the Commonwealth of Pennsylvania
- The articles of incorporation filed with the Secretary include the following items:
 - 1. the name of the authority;
 - 2. the name of the incorporating local unit or units;
 - 3. the names, addresses and terms of office of the first members of the board of the proposed authority;
 - 4. a listing of the authorities already organized by the incorporating local government, if any;

- 5. in the case of a business district authority, a statement that the municipal governing body retains the right to approve any authority plan for providing improvements or administrative services;
- 6. the authorized projects the authority may undertake;
- 7. the term of existence of the authority if it is other than the statutory maximum of 50 years, and
- 8. Designation of the service area for the authority.
- If the Secretary of the Commonwealth finds the articles of incorporation conform to law, a certificate of incorporation is issued and the existence of the authority begins from the date of the certificate and lasts for 50 years, but it may be extended by amendments to the articles of incorporation

Rhode Island

- Cities in Rhode Island are established by special act and exist outside the area of any town. In addition to the usual city functions, Rhode Island cities also provide services commonly assigned in other states to county governments
- There are eight city governments in Rhode Island. They are: Providence, Warwick, Cranston, Pawtucket, East Providence, Woonsocket, Newport, and Central Falls. All eight operate under a charter
- The entire area of the state is encompassed by town government except for areas within the boundaries of cities. Rhode Island towns perform services that in other states are commonly associated with county and city governments
- Incorporation is by special act of the State legislature; there is no minimum population requirement

South Carolina

- Utilizes an incorporation election to be initiated by a petition of 15 percent of qualified electors in the area seeking incorporation
- Petition to be filed with the Secretary of State
- Evaluation by the Joint Legislative Committee on Municipal Incorporation - a seven member committee must review the petition and documentation submitted by an area seeking municipal incorporation and make a recommendation to the Secretary of State as to whether the area meets the minimum service standard incorporation requirements
- The committee consists of two Senators appointed by the President Pro Tempore of the Senate; two members of the House of Representatives appointed by the Speaker of the House of Representatives; one person appointed by the Governor; one city manager or elected city official appointed by the President Pro Tempore of the Senate from a list of three persons recommended by the Municipal Association of South Carolina; and one county council member or county manager or administrator appointed by the Speaker of

the House of Representatives from a list of three persons recommended by the South Carolina Association of Counties

- Election after committee approval

South Dakota

- No municipality shall be incorporated which contains less than one hundred legal residents or less than thirty voters
- Cannot be within three miles of any point on the perimeter of the corporate limits of any incorporated municipality
- Person making application for incorporation must include an accurate survey and map of the territory intended to be within the limits of the municipality and its boundaries
- Requires accurate census to be taken of the landowners and the resident population of the proposed municipality no more than thirty days before presenting the application to the board of county commissioners
- Petition signed by not less than twenty-five percent of the qualified voters who are either registered voters in the proposed municipality or landowners in the proposed municipality who are also registered voters of the state
- application shall identify the type of government to be formed, the number of trustees, commissioners, or wards in the municipality, the boundaries and area according to the survey, and the resident population according to the census taken
- petition and application submitted to the board of county commissioners
- if satisfied with the requirements, the board of county commissioners will declare that the proposed municipality, with the assent of the qualified voters who are either registered voters in the proposed municipality or landowners in the proposed municipality who are also registered voters of this state, be an incorporated municipality by the name specified in the application
- The vote upon the question of incorporation of a territory shall be by ballot which conforms to a ballot for a statewide question except that the statement required to be printed on the ballot shall be prepared by the state's attorney
- If majority vote in favor, the commission deems the area an incorporated municipality

<http://law.justia.com/codes/south-dakota/2006/9/9-3.html>

Tennessee

- Prepare a written petition requesting that the county election commission hold an election for the purpose of determining whether the charter shall become effective
- The petition must contain the signatures of thirty-three and one-third percent (33 1/3%) of the registered voters of the territory proposed for incorporation. The petition shall include a current list of the registered voters who live within the proposed territory.

- The petition must state in a sufficient manner the boundaries of the proposed municipal corporation, which may be done by a general reference to the boundaries then existing if there is one
- Prior to filing the petition with the election commission, a public hearing on the question of whether or not to incorporate under the charter and plan of services shall be conducted. The hearing must be advertised at least two weeks prior to the hearing in a newspaper of general circulation in the territory proposed for incorporation
- All new cities must levy a property tax that raises revenue at least equal to the annual revenues the city receives from state-shared taxes. The tax must be levied and collected before the city receives state shared taxes.
- The county continues to receive situs-based wholesale beer and local option sales tax revenue from businesses in the newly-incorporated area for 15 years in the same manner as if the territory had been annexed
- Communities incorporating under mayor-aldermanic or city manager-commission charters must have at least 1,500 residents
- No territory shall be incorporated within five miles of an existing city of 100,000 or more residents or within three miles of a city of fewer than 100,000 residents
- A new city cannot be incorporated unless it has (1) a minimum of 1,500 residents; (2) is a minimum of three miles from another city; and (3) it must be in an approved Planned Growth Area. Territories proposed for incorporation not meeting these basic requirements cannot incorporate.

[http://www.mtas.tennessee.edu/Knowledgebase.nsf/0/BE31727D417251F185256BE20069201D/\\$FILE/How%20to%20Incorporate%20a%20New%20City%20in%20Tennessee.pdf](http://www.mtas.tennessee.edu/Knowledgebase.nsf/0/BE31727D417251F185256BE20069201D/$FILE/How%20to%20Incorporate%20a%20New%20City%20in%20Tennessee.pdf)

Texas

- A town can apply to become a Type A General Law municipality if it has at least 600 residents. If the town has fewer than 2,000 residents, it must not occupy more than 2 square miles of surface area. If it has between 2,001 residents and 4,999 residents, it must be smaller than 4 square miles. If it has 5,001 to 9,999 people, it must be smaller than 9 square miles
- A town can apply to become a Type B General Law municipality if it has a population of 201 to 9,999 inhabitants. There is no size restriction for this type of municipality. A town can apply to become a Type C General Law municipality if it has between 201 and 4,999 residents. If the town has fewer than 2,000 residents, it must not occupy more than 2 square miles of surface area. If it has between 2,001 residents and 4,999 residents, it must be smaller than 4 square miles. These types must set up a city commission after incorporation
- The other type of city is a Home Rule city. There must be at least 5,000 residents in the area to do this. This requires the town to write a charter detailing all the rules that will govern the city.
- Boundaries for the town will be used in the application sent to the county judge

- How many signatures needed will be **based on the number of registered voters** living within the boundaries. For small, dense towns that fall under the Type A General Law municipality, only 50 signatures are needed. In other cases, 10 percent of the registered voters in the area must sign the petition
- **Submit a petition to the county judge** with the required number of signatures. Include the proposed town name and boundaries. The county judge will review the petition and set an election date. Home Rule cities should include the proposed charter.
- If the majority of voters approve of the incorporation, the town will be registered

Utah

- Petition is needed. Includes:
 - filing a petition to incorporate the area as a town with the clerk of the county in which the area is located
 - be signed by:
 - the owners of private real property that is located within the area proposed to be incorporated; and is equal in assessed value to more than 1/5 of the assessed value of all private real property within the area; and 1/5 of all registered voters within the area proposed to be incorporated as a town, according to the official voter registration list maintained by the county on the date the petition is filed;
 - designate as sponsors at least five of the property owners who have signed the petition, one of whom shall be designated as the contact sponsor, with the mailing address of each owner signing as a sponsor
 - be accompanied by and circulated with an accurate map or plat, prepared by a licensed surveyor
- No later than 20 days after the filing of a petition the county clerk shall: with the assistance of other county officers from whom the clerk requests assistance, determine whether the petition complies with the requirements
- if the clerk determines that the petition complies with those requirements:
 - (A) certify the petition and deliver the certified petition to the county legislative body; and
 - (B) mail or deliver written notification of the certification to:
 - (I) the contact sponsor;
 - (II) if applicable, the chair of the planning commission of each township in which any part of the area proposed for incorporation is located; and
 - (III) the Utah Population Estimates Committee; or
 - (ii) if the clerk determines that the petition fails to comply with any of those requirements, reject the petition and notify the contact sponsor in writing of the rejection and the reasons for the rejection.

<http://le.utah.gov/UtahCode/section.jsp?code=10-2>

Vermont

- Vermont contains 246 incorporated towns and cities. Nine are cities and 237 are towns. Collectively, these 246 municipalities cover the vast majority of, but not all of, the state's territory
- There are some unincorporated areas in the sparsely populated mountainous regions of the state
- Fewer than 100 of the state's residents live in unincorporated areas
- The state legislature approved all of the city charters through special acts.
- A successful town-village merger may be achieved by following procedures set forth in the state general statutes. The current general law requires a plan to be drawn up by a merger committee that includes provisions relating to governmental structure, functional and financial responsibilities, and any special charter provisions wanted by either merger party. After notice and hearing requirements, the plan must be approved by a majority of the voters in each jurisdiction. Following approval, the plan then becomes an act of legislation, with the merger taking place after enactment and the approval of the governor. Alternatively, the merger process may proceed under a special act authorizing the merger
- **City** Incorporation is by special act of the **State legislature**; there is no minimum population requirement.
- **Village** Must contain 30 or more houses

Virginia

- Since Virginia has no civil townships, and since incorporated towns cover such a small area of the state, the county is the *de facto* municipal government for much of the state, from rural areas to densely populated unincorporated communities
- Arlington County, while entirely urbanized, has no towns at all; the county is the only general-purpose local government and is thus similar to a unitary authority
- Since 1871, all incorporated cities in Virginia have classified as independent cities. This is the most noteworthy aspect of Virginia local government relative to the other 49 states. Of the 41 independent cities in the United States, 38 are in Virginia
- Basis for Incorporation : authorizes the incorporation of a community with a minimum population of 1,000 persons
- residents of any community may initiate an action for incorporation by petition to the circuit court of a county
 - The petition must be signed by at least 100 qualified voters residing in the area to be incorporated.
 - The petition must be accompanied by a plat prepared by a registered surveyor showing the boundaries of the proposed town.
 - The petition must be served on appropriate officials of the affected county.
 - The petition must be advertised and posted in order to inform the residents of the affected area of the proposed incorporation.
- Legal Standard for Incorporation. The court must find that:

- The incorporation will be in the best interest of the inhabitants of the proposed town;
- The petition for incorporation is reasonable;
- The general good of the community will be promoted by the incorporation;
- The population of the proposed town exceeds 1,000 persons;
- The land area contained within the proposed town is not excessive;
- The population density of the affected county does not exceed 200 persons per square mile; and
- The services required by the area seeking to be incorporated cannot be provided by the establishment of a sanitary district or the extension of existing services currently provided by the county
- Election for members of the town's initial governing body
- At the session of the Virginia General Assembly following its incorporation, the town shall request that body to grant it a charter. Until the town is granted a charter, the affairs of the town shall be governed by the general law provisions of the Code of Virginia

Washington

- An area can incorporate as a city if it has a minimum of 1500 inhabitants
- If within five air miles of the boundaries of a city with a population of 15,000 or more, the area must have a minimum of 3000 inhabitants
- Basic procedure to incorporate: includes a petition requirement, review by a boundary review board or the county legislative body in counties without a board, and an election
- If the voters approve the proposed incorporation, a primary election to nominate candidates for city council (and, in mayor-council cities, a mayor) and then an election to select the city council must be held. The new city must officially incorporate, at a date set by the initial city council, within 360 days of the incorporation election
- The petition is given to the county auditor
- A petition for incorporation must be signed by registered voters resident within the limits of the proposed city or town equal in number to at least ten percent of the number of voters residing within the proposed city or town and filed with the auditor of the county in which all, or the largest portion of, the proposed city or town is located

West Virginia

- May be incorporated as a city, depending upon the population, either as a Class I, Class II or Class III city, or as a Class IV town or village, as classified in section three, article one of this chapter if the area proposed for incorporation meets the following conditions:
 - The area is not currently within any municipality urban in character;
 - (2) For areas that are more than one square mile there must be an average of not less than five hundred inhabitants or freeholders per square mile;
 - (3) For areas less than one square mile there must be at least one hundred inhabitants or freeholders;
 - (4) The total area to be incorporated must not include an amount of territory disproportionate to its number of inhabitants; and

- (5) The proponents of incorporation shall provide to **the county commission** a proposal which shall include:
 - A map or maps of the area to be incorporated showing the following information:
 - The present boundaries of nearby municipalities and the proposed boundaries of the area to be incorporated; and
 - The proposed extensions of water mains and sewer outfalls to serve the incorporated area, if such utilities are to be operated by the municipality. The water and sewer map must bear the seal of a registered professional engineer or a licensed surveyor.
 - A statement that the area to be incorporated meets the applicable requirements of this article. (there are a lot more provisions that must also be met)
- To incorporate any such city, town or village shall be initiated upon petition addressed to and filed with the county court of the county in which the territory is located
- Shall be signed by at least thirty percent of the freeholders of the territory to be incorporated
- Such petition shall be verified by at least one of the petitioners and shall be accompanied by a map made by a professional engineer registered under the laws of this state, which map shall be based upon an actual and accurate survey of the territory to be incorporated
- If court approves incorporation, election shall be held and conducted under the supervision of the commissioners and clerks of election appointed by the county commission and shall be conducted as nearly as may be in accordance with the laws of this state governing general elections

<http://www.legis.state.wv.us/WVCODE/code.cfm?chap=08&art=2>

Wisconsin

- Petition for incorporation of a village or city shall be in writing signed by 50 or more persons who are both electors and freeholders in the territory to be incorporated if the population of the proposed village or city includes 300 or more persons; otherwise by 25 or more persons who are both electors and freeholders in the territory to be incorporated
- Petition is filed with the circuit court of a county in which all or a major part of the territory to be incorporated is located
- Petition shall designate a representative of the petitioners, and an alternate, who shall be an elector or freeholder in the territory, and state that person's address; describe the territory to be incorporated with sufficient accuracy to determine its location and have attached to the petition a scale map reasonably showing the boundaries of the territory; specify the current resident population of the territory
- Circuit court has a hearing about the matters
- If the petition meets all of the necessary requirements, the board approves a referendum

<http://docs.legis.wisconsin.gov/statutes/statutes/66/II/0201>

Wyoming

- Any territory, including multiple territories within one (1) mile of each other and which are connected to a common culinary water system, not included in any incorporated city or town, having a total resident population of not less than two hundred (200) persons and containing within its boundaries an area with a density of at least seventy (70) persons per square mile, may be incorporated as a town
- Must prepare an accurate survey and map of the territory
- “Not more than forty (40) days prior to the time of presenting the application to the board of county commissioners, cause an accurate census to be taken of the resident population of the territory which shall show the name of every head of a family residing within the territory on the day the census was taken, the number of persons then belonging to every family and be accompanied by the affidavit of the census taker”
- Application for incorporation will be my petition and will be presented to the board of county commissioners
- After a public hearing, if the board is satisfied with the requirements, it will make an order appointing three (3) inspectors
- The inspectors: call an election and provide a notice of the election
- If a majority of the ballots cast at the election are in favor of incorporation, the county clerk, immediately after the report has been filed in his office, shall publish the result in a newspaper published within the county, or if there is none, the clerk shall post the result in five (5) public places within the limits of the proposed city or town

<http://law.justia.com/codes/wyoming/2011/title15/chapter>