

Senate Bill 313

By: Senator Johnson of the 1st

AS PASSED SENATE

**A BILL TO BE ENTITLED
AN ACT**

1 To amend Chapter 31 of the Official Code of Georgia Annotated, relating to incorporation
2 of municipal corporations, so as to provide for an exception to the requirement of a minimum
3 distance between the proposed corporate boundaries of a new municipal corporation and the
4 corporate boundary of an existing municipal corporation; to repeal conflicting laws; and for
5 other purposes.

6 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

7 **SECTION 1.**

8 Chapter 31 of the Official Code of Georgia Annotated, relating to incorporation of municipal
9 corporations, is amended by striking Code Section 36-31-2, relating to the requirement of a
10 minimum distance between proposed corporate boundaries and boundaries of existing
11 municipal corporations generally and the exception thereto, and inserting in its place the
12 following:

13 "36-31-2.

14 (a) No local Act granting a municipal charter shall be enacted wherein any part of the
15 proposed corporate boundary is less than three miles distance from the corporate boundary
16 of any existing municipal corporation in this state; provided, however, that, if the residents
17 of a certain geographical area within three miles of an existing municipal corporation have
18 been denied annexation to the municipal corporation by the people of the municipal
19 corporation, the residents of such geographical area shall be entitled to incorporate a new
20 municipal corporation at any time within 12 months after such denial, and a local Act
21 granting a municipal charter may be enacted; provided, further, that the population of the
22 area proposed to be incorporated must exceed the population of the existing municipal
23 corporation, and a certificate from the governing authority of the existing municipal
24 corporation or from the judge of the superior court of the county, evidencing the denial of
25 annexation and the population figures, must accompany the certificate of incorporation
26 required by this chapter.

1 (b) Any provision of subsection (a) of this Code section to the contrary, a local Act
2 granting a municipal charter to any area comprising the former boundaries of a municipal
3 corporation the charter of which was repealed by operation of Code Section 36-30-7.1 may
4 be enacted at the regular 1996 or 1997 session of the General Assembly without regard to
5 the proximity of the proposed municipal corporation to an existing municipal corporation.

6 (c) Any provision of subsection (a) of this Code section to the contrary, a local Act may
7 grant a municipal charter to any area which is an island located within three miles of the
8 corporate boundary of an existing municipality if:

9 (1) Such island is separated from the boundaries of the existing municipal corporation
10 by tidal waters;

11 (2) Such island is not connected directly to the corporate boundary of the existing
12 municipality by a bridge on the date of incorporation; and

13 (3) Such island meets all requirements of this chapter for incorporation except the
14 distance requirement of subsection (a) of this Code section."

15 **SECTION 2.**

16 All laws and parts of laws in conflict with this Act are repealed.