

Senate Bill 419

By: Senators Crotts of the 17th and Paul of the 40th

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 36-36-16 of the Official Code of Georgia Annotated, relating to
2 procedures for annexation, so as to provide certain procedures for annexation; to provide for
3 a referendum by certain affected areas to approve an annexation referendum; to provide for
4 an annexation referendum; to provide limitations on the use of such annexation; to provide
5 for notice of such annexation; to provide for related matters; to provide an effective date; to
6 repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Code Section 36-36-16 of the Official Code of Georgia Annotated, relating to procedures for
10 annexation, is amended by striking the Code section in its entirety and inserting in lieu
11 thereof a new Code Section 36-36-16 to read as follows:

12 "36-36-16.

13 (a) ~~Local Acts of the General Assembly proposing~~ Municipalities may propose annexation
14 of any area comprised of more than 50 percent by acreage of property used for residential
15 purposes ~~shall be adopted pursuant to~~ in accordance with the procedures of this article.

16 (b) ~~The author of such legislation shall provide notice to the governing authority of the~~
17 ~~county as required by Code Section 36-36-6. Such bill may include a requirement for~~
18 ~~referendum approval of the annexation under such terms and conditions as specified in~~
19 ~~such local law; provided, however, if the number of residents in the area to be annexed~~
20 ~~exceeds 3 percent of the population of the municipal corporation or 500 people, whichever~~
21 ~~is less, as determined by the most recent United States decennial census, referendum~~
22 ~~approval shall be required in the area to be annexed~~ If a municipality proposes to annex
23 property pursuant to this article, the municipality shall adopt a resolution describing in
24 detail the area proposed to be annexed and calling for a referendum in the area proposed
25 to be annexed for the electors of the area proposed to be annexed to vote on the question
26 of whether an annexation referendum should be held in such area. Such referendum may

1 be held on any general primary or general election date on which members of the General
2 Assembly are nominated or elected. The election superintendent of the county shall call
3 and conduct such referendum in accordance with the provisions of Chapter 2 of Title 21
4 and shall cause the date and purpose of such referendum to be published in the legal organ
5 of the county once a week for two weeks immediately preceding the date of the
6 referendum. Only electors registered and eligible to vote for members of the General
7 Assembly and residing in the area proposed to be annexed on the date of the resolution
8 proposing the annexation shall vote on such referendum.

9 (c) If more than one-half of the votes cast are in favor of conducting an annexation
10 referendum, the municipality proposing the annexation may by resolution direct the
11 election superintendent of the county to call and conduct an annexation referendum on a
12 special election date authorized pursuant to Code Section 21-2-540 that is more than 60
13 days after the date of the resolution. The election superintendent of the county shall call
14 and conduct such annexation referendum in accordance with the provisions of Chapter 2
15 of Title 21 and shall cause the date and purpose of such annexation referendum to be
16 published in the legal organ of the county once a week for two weeks immediately
17 preceding the date of the annexation referendum. Only electors registered and eligible to
18 vote for members of the General Assembly and residing in the area proposed to be annexed
19 on the date of the adoption of the resolution proposing the annexation shall vote on such
20 annexation referendum. If more than one-half of the votes cast are in favor of annexation,
21 the municipality proposing the annexation may by ordinance annex such area into the
22 municipality.

23 (d) The cost of holding ~~the referendum~~ such referendums required by this article shall be
24 paid from funds of the municipality proposing the annexation.

25 (e) If either referendum is not approved by the electors of the area proposed to be annexed,
26 the municipality shall not propose the annexation under this article of such area or any area
27 containing substantially the same area for a period of not less than two years following the
28 date of such referendum.

29 (f) When such area is, by ordinance, annexed to the municipal corporation, an
30 identification of the property so annexed shall be filed with the Department of Community
31 Affairs and with the governing authority of the county in which the property is located in
32 accordance with Code Section 36-36-3. When so annexed, such lands shall constitute a
33 part of the lands within the corporate limits of the municipal corporation as completely and
34 fully as if the limits had been marked and defined by local Act of the General Assembly."

1 **SECTION 2.**

2 This Act shall become effective upon its approval by the Governor or upon its becoming law
3 without such approval.

4 **SECTION 3.**

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