

Senate Bill 136

By: Senators Ray of the 48th, Thomas of the 10th and Balfour of the 9th**AS PASSED SENATE**

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 5 of Chapter 36 of Title 36 of the Official Code of Georgia Annotated,
2 relating to limitations on annexation in certain counties, so as to change certain provisions
3 requiring approval of a proposed annex by the governing authority of any county in this state
4 having a population of not less than 480,000 nor more than 580,000 according to the United
5 States decennial census of 1980 or any future such census; 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 Article 5 of Chapter 36 of Title 36 of the Official Code of Georgia Annotated, relating to
10 limitations on annexation in certain counties, is amended by striking Code Section 36-36-70,
11 relating to approval of proposed annexations in certain counties, and inserting in its place a
12 new Code Section 36-36-70 to read as follows:

13 "36-36-70.

14 (a) The government of no municipality of this state may annex to the existing corporate
15 limits of such municipality any unincorporated area in which water, sewerage, police
16 protection, fire protection, and garbage or refuse collection is furnished or is to be
17 furnished by the county in which such unincorporated area is situated, or where the county
18 has included such unincorporated area in a comprehensive zoning plan of the county,
19 without first obtaining the approval of the governing authority of the county in which such
20 unincorporated area is situated. Such approval must be obtained by an official act of the
21 governing authority of the county and must be duly recorded upon the minutes of such
22 body. The owner of any real property situated in such county shall have the right to enjoin
23 any municipality which has not obtained the required approval of the governing authority
24 of the county from exercising any municipal powers, functions, or duties over the
25 unincorporated area improperly sought to be annexed to the existing corporate limits by an
26 action for injunction filed in the superior court of the county in which the territory proposed
27 for annexation is situated.

1 (b) The provisions of this Code section shall apply only to those counties of this state
2 having a population of ~~not less than 480,000 and not more than 580,000~~ more than one
3 million according to the United States decennial census of 1980 or any future such census."

4 **SECTION 2.**

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

7 **SECTION 3.**

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