

House Bill 799

By: Representatives Royal of the 164<sup>th</sup> and Stancil of the 16<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Article 1 of Chapter 36 of Title 36 of the Official Code of Georgia Annotated,  
2 relating to general provisions regarding annexation of unincorporated territory, so as to  
3 impose a limited moratorium on certain annexation; to provide for a definition; to provide  
4 for legislative intent; to provide for automatic repeal; to provide an effective date; to repeal  
5 conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Article 1 of Chapter 36 of Title 36 of the Official Code of Georgia Annotated, relating to  
9 general provisions regarding annexation of unincorporated territory, is amended by adding  
10 a new Code section immediately following Code Section 36-36-1, to be designated Code  
11 Section 36-36-1.1, to read as follows:

12 "36-36-1.1.

13 (a) As used in this Code section, the term 'used for residential purposes' means any lot or  
14 tract which is occupied by dwelling units at the rate of four or more dwelling units per acre.

15 (b)(1) Counties and municipalities are required to prepare comprehensive plans and  
16 service delivery strategies pursuant to Chapter 70 of this title. Counties, however, are  
17 unable to properly develop, implement, and maintain the required plans and strategies so  
18 long as municipalities are able to annex property without regard for such plans and  
19 strategies. Planning and service delivery problems are compounded in counties that are  
20 providing urban services such as water, sewer, fire, planning, and zoning. Therefore, it  
21 is the intent of the General Assembly that municipal annexation powers in urban areas  
22 be suspended for a limited period of time so that the process and purposes of annexation  
23 can be reviewed, reconsidered, and rewritten as necessary to provide for better  
24 cooperation and coordination between and among the local governments of this state and  
25 the more efficient delivery of services to the citizens of the State of Georgia.

1 (2) A municipality, as defined in paragraph (3) of this subsection, shall not be authorized  
2 to annex any property to its corporate limits until July 1, 2002, except that:

3 (A) Any municipality may annex property pursuant to this chapter upon obtaining  
4 written approval of the governing authority of the county wherein the property  
5 proposed for annexation is located; and

6 (B) Any municipality may annex property that is used for residential purposes at the  
7 time an application, petition, or resolution calling for annexation is accepted or adopted.

8 (3) The provisions of paragraph (2) of this subsection shall apply only to those  
9 municipalities that are fully or partially located within counties that are part of a  
10 metropolitan statistical area within this state as defined by the federal Office of  
11 Management and Budget as of April, 1999.

12 (c) Effective July 1, 2002, this Code section shall stand repealed in its entirety."

13 **SECTION 2.**

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

16 **SECTION 3.**

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