

House Bill 136

By: Representatives Wilkinson of the 41st and Willard of the 40th

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 31 of Title 36 of the Official Code of Georgia Annotated, relating to
2 incorporation of municipal corporations, so as to change the time in which certain minimum
3 distance requirements apply; to provide an effective date; to repeal conflicting laws; and for
4 other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 style="text-align:center">**SECTION 1.**

7 Chapter 31 of Title 36 of the Official Code of Georgia Annotated, relating to incorporation
8 of municipal corporations, is amended by striking Code Section 36-31-2 thereof, relating to
9 minimum distances between corporate boundaries, and inserting in its place the following:
10 "36-31-2.

11 (a) On and after December 31, 2004, no ~~No~~ local Act granting a municipal charter shall be
12 enacted wherein any part of the proposed corporate boundary is less than three miles
13 distance from the corporate boundary of any existing municipal corporation in this state;
14 provided, however, that, if the residents of a certain geographical area within three miles
15 of an existing municipal corporation have been denied annexation to the municipal
16 corporation by the people of the municipal corporation, the residents of such geographical
17 area shall be entitled to incorporate a new municipal corporation at any time within 12
18 months after such denial, and a local Act granting a municipal charter may be enacted;
19 provided, further, that the population of the area proposed to be incorporated must exceed
20 the population of the existing municipal corporation, and a certificate from the governing
21 authority of the existing municipal corporation or from the judge of the superior court of
22 the county, evidencing the denial of annexation and the population figures, must
23 accompany the certificate of incorporation required by this chapter.

24 (b) Any provision of subsection (a) of this Code section to the contrary, a local Act
25 granting a municipal charter to any area comprising the former boundaries of a municipal
26 corporation the charter of which was repealed by operation of Code Section 36-30-7.1 may

1 be enacted at the regular 1996 or 1997 session of the General Assembly without regard to
2 the proximity of the proposed municipal corporation to an existing municipal corporation."

3 **SECTION 2.**

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

6 **SECTION 3.**

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