

House Bill 1032

By: Representatives Buckner of the 82nd, Dodson of the 84th, Post 1, and Barnes of the 84th,
Post 2

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 3 of Chapter 36 of Title 36 of the Official Code of Georgia Annotated,
2 relating to the 60 percent method of annexation, so as to provide for the making of a best
3 interest determination on the record and duly recorded in the minutes; to provide for
4 considerations when making a best interest determination; to provide for related matters; to
5 provide for an effective date and applicability; to repeal conflicting laws; and for other
6 purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Article 3 of Chapter 36 of Title 36 of the Official Code of Georgia Annotated, relating to the
10 60 percent method of annexation, is amended by striking Code Section 36-36-37, relating to
11 annexation ordinances, and inserting in its place a new Code section to read as follows:

12 "36-36-37.

13 (a) If, after the public hearing, the governing body determines that the annexation to the
14 municipal corporation of the area proposed in the application would be in the best interest
15 of the residents and property owners of the area proposed for annexation and of the citizens
16 of the municipal corporation, the area may be annexed to the municipal corporation by the
17 adoption of an annexing ordinance. In making the best interest determination, the
18 governing body must consider and make a finding on the record and duly recorded on the
19 minutes of such body as to the following: (1) the municipality's need to expand; (2)
20 whether the area sought to be annexed is reasonably within the path of growth of the
21 municipality; (3) the potential health hazards from sewage and waste disposal in the
22 annexed area; (4) the municipality's financial ability to make improvements and furnish
23 municipal services, such as fire and police protection, to the residents and property owners
24 of the area proposed for annexation while maintaining or improving the municipal services
25 provided to the citizens of the municipality; (5) the need for zoning and overall planning
26 in the area; (6) the need for municipal services and the ability of the municipality to

1 provide services to the area, with or without minimal assistance from other jurisdictions;
 2 (7) whether there are natural barriers between the municipality and the proposed annexed
 3 area; (8) the past performance and response time involved in the municipality's provision
 4 of services to its present citizens; (9) the impact of the annexation upon those who live or
 5 own property in the area proposed for annexation, including but not limited to the
 6 economic impact and the effect on the current services provided by the governing body;
 7 (10) the impact of the annexation upon the voting strength of protected minority groups;
 8 (11) whether the property owners and other inhabitants of the area sought to be annexed
 9 have in the past, and will in the future unless annexed, because of the reasonable proximity
 10 to the corporate limits of the municipality, enjoy economic and social benefits of the
 11 municipality without paying their fair share of taxes; and (12) any other factors that may
 12 suggest that the annexation is in the best interests of the residents and property owners of
 13 the area proposed for annexation and of the citizens of the municipal corporation.

14 (b) The annexing ordinance authorized by subsection (a) of this Code section shall be
 15 adopted within 60 days following validation of the signature of the applicants."

16 SECTION 2.

17 This Act shall become effective upon its approval by the Governor or upon its becoming law
 18 without such approval and shall apply with respect to annexing ordinances adopted on or
 19 after that effective date.

20 SECTION 3.

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