

House Bill 1211

By: Representative Richardson of the 26<sup>th</sup>

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 limitation on annexation of areas furnished services or included in comprehensive  
3 zoning plans by certain counties, so as to provide that no municipality may annex property  
4 in which certain services are provided by the county or which is included in the county's  
5 comprehensive zoning plan unless the county consents; to provide for an injunction; to repeal  
6 identical provisions applicable only to certain counties, so that such provisions are applicable  
7 state wide; to repeal conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Article 5 of Chapter 36 of Title 36 of the Official Code of Georgia Annotated, relating to  
11 limitation on annexation of areas furnished services or included in comprehensive zoning  
12 plans by certain counties, is amended by repealing Code Section 36-36-70, relating to  
13 approval by the governing authority in certain counties for annexation of areas furnished  
14 services or included in comprehensive zoning plan and the right of property owners to file  
15 an action for an injunction, and inserting in its place the following:

16 "36-36-70.

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

1 unincorporated area improperly sought to be annexed to the existing corporate limits by an  
2 action for injunction filed in the superior court of the county in which the territory proposed  
3 for annexation is situated.

4 ~~(b) The provisions of this Code section shall apply only to those counties of this state~~  
5 ~~having a population of not less than 625,000 nor more than 725,000 according to the~~  
6 ~~United States decennial census of 2000 or any future such census."~~

7 **SECTION 2.**

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