

House Bill 1321

By: Representatives Oliver of the 56th, Post 2, Henson of the 55th, Mitchell of the 61st, Post 3, Mangham of the 62nd, Williams of the 61st, Post 2, and others

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, so as to repeal a requirement that municipalities may
3 not annex in counties with populations between 625,000 and 725,000 except upon the
4 approval of the county governing authority; to provide an effective date; to repeal conflicting
5 laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Article 5 of Chapter 36 of Title 36 of the Official Code of Georgia Annotated, relating to
9 limitations on annexation, is amended by striking in its entirety Code Section 36-36-70,
10 relating to annexation procedures in counties with certain population, and inserting in lieu
11 thereof the following:

12 "36-36-70.

13 ~~(a) The government of no municipality of this state annex to the existing corporate limits~~
14 ~~of such municipality any unincorporated area in which water, sewerage, police protection,~~
15 ~~fire protection, and garbage or refuse collection is furnished or is to be furnished by the~~
16 ~~county in which such unincorporated area is situated, or where the county has included~~
17 ~~such unincorporated area in a comprehensive zoning plan of the county, without first~~
18 ~~obtaining the approval of the governing authority of the county in which such~~
19 ~~unincorporated area is situated. Such approval must be obtained by an official act of the~~
20 ~~governing authority of the county and must be duly recorded upon the minutes of such~~
21 ~~body. The owner of any real property situated in such county shall have the right to enjoin~~
22 ~~any municipality which has not obtained the required approval of the governing authority~~
23 ~~of the county from exercising any municipal powers, functions, or duties over the~~
24 ~~unincorporated area improperly sought to be annexed to the existing corporate limits by an~~
25 ~~action for injunction filed in the superior court of the county in which the territory proposed~~
26 ~~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 625,000 nor more than 725,000 according to the~~
3 ~~United States decennial census of 2000 or any future such census Reserved."~~

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.