

House Bill 1557

By: Representatives Jones of the 38th, Willard of the 40th, and Wilkinson of the 41st

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 repeal the requirements imposing a
3 minimum distance between the proposed corporate boundaries of a city to be newly
4 incorporated and the boundaries of existing municipal corporations; to provide for an
5 effective date; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Chapter 31 of Title 36 of the Official Code of Georgia Annotated, relating to incorporation
9 of municipal corporations, is amended by striking Code Section 36-31-2, relating to
10 minimum distance between the proposed corporate boundaries of a city to be newly
11 incorporated and the boundaries of existing municipal corporations, and inserting in its place
12 the following:

13 "36-31-2.

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

1 ~~(b) Any provision of subsection (a) of this Code section to the contrary, a local Act~~
2 ~~granting a municipal charter to any area comprising the former boundaries of a municipal~~
3 ~~corporation the charter of which was repealed by operation of Code Section 36-30-7.1 may~~
4 ~~be enacted at the regular 1996 or 1997 session of the General Assembly without regard to~~
5 ~~the proximity of the proposed municipal corporation to an existing municipal corporation.~~
6 Reserved."

7 **SECTION 2.**

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

10 **SECTION 3.**

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