

House Bill 1641

By: Representative Smith of the 76<sup>th</sup>

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 certain provisions relating to a  
3 minimum distance between proposed corporate boundaries and boundaries of existing  
4 municipal corporations generally and exceptions thereto; to repeal conflicting laws; and for  
5 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 a  
10 minimum distance between proposed corporate boundaries and boundaries of existing  
11 municipal corporations generally and exceptions thereto, and inserting in lieu thereof the  
12 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, except as~~  
17 otherwise provided by subsection (b) of this Code section.

18 (b)(1) For purposes of this Code section, an existing consolidated government not within  
19 the same county as the proposed new municipal corporation shall not be considered an  
20 existing municipal corporation.

21 (2) If the residents of a certain geographical area within three miles of an existing  
22 municipal corporation have been denied annexation to the municipal corporation by the  
23 people of the municipal corporation, the residents of such geographical area shall be  
24 entitled to incorporate a new municipal corporation at any time within 12 months after  
25 such denial, and a local Act granting a municipal charter may be enacted; provided,  
26 ~~further~~ however, that the population of the area proposed to be incorporated must exceed

1 the population of the existing municipal corporation, and a certificate from the governing  
2 authority of the existing municipal corporation or from the judge of the superior court of  
3 the county, evidencing the denial of annexation and the population figures, must  
4 accompany the certificate of incorporation required by this chapter.

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7 corporation the charter of which was repealed by operation of Code Section 36-30-7.1  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

11 **SECTION 2.**

12 All laws and parts of laws in conflict with this Act are repealed.