

House Bill 1323

By: Representatives O`Neal of the 146<sup>th</sup>, Keen of the 179<sup>th</sup>, Royal of the 171<sup>st</sup>, and Porter of the 143<sup>rd</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Title 36 of the Official Code of Georgia Annotated, relating to local government,  
2 so as to provide for a comprehensive program for the creation of infrastructure development  
3 districts; to provide for a short title; to provide for definitions; to provide for the powers,  
4 duties, and authority of infrastructure development districts; to provide for a board to  
5 administer infrastructure development districts; to provide for appointment or election of  
6 members of an infrastructure development district board; to provide for levying taxes, fees,  
7 and assessments; to provide for the debt of infrastructure development districts; to provide  
8 for general obligation bonds, revenue bonds, notes, and other obligations of infrastructure  
9 development districts; to provide for the form of bonds; to provide for consolidation,  
10 termination, or dissolution of infrastructure development districts; to provide for related  
11 matters; to provide a contingent effective date; to provide for automatic repeal under certain  
12 circumstances; to repeal conflicting laws; and for other purposes.

13 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

14 **SECTION 1.**

15 Title 36 of the Official Code of Georgia Annotated, relating to local government, is amended  
16 by adding a new chapter at the end thereof, to be designated as Chapter 93, to read as  
17 follows:

18 "CHAPTER 93

19 36-93-1.

20 This chapter shall be known and may be cited as the 'Georgia Smart Infrastructure Growth  
21 Act of 2006.'

22 36-93-2.

23 As used in this chapter, the term:

1 (1) 'Assessable improvements' means, without limitation, any and all public  
2 improvements, infrastructure, and community facilities that a district is empowered to  
3 provide in accordance with this chapter.

4 (2) 'Board' means the governing board of a district or, if the board has been abolished,  
5 the board, body, or commission succeeding to the principal functions of the board.

6 (3) 'Bond' means any bonds, notes, or debt obligations of a district which are authorized  
7 to be issued under the Constitution and laws of this state.

8 (4) 'Cost,' when used with reference to any project, includes, but is not limited to:

9 (A) The expense of determining the feasibility or practicability of acquisition,  
10 construction, or reconstruction;

11 (B) The cost of surveys, estimates, plans, and specifications;

12 (C) The cost of improvements;

13 (D) Engineering, fiscal, and legal expenses and charges;

14 (E) The cost of all labor, materials, machinery, and equipment;

15 (F) The cost of all lands, properties, rights, easements, and franchises acquired;

16 (G) Financing charges;

17 (H) The creation of operation and maintenance reserve funds, debt service reserve  
18 funds, repair and replacement reserve funds, and debt service funds;

19 (I) Working capital;

20 (J) Interest charges incurred or estimated to be incurred on money borrowed prior to  
21 and during construction and acquisition and for such reasonable period of time after  
22 completion of construction or acquisition as the board may determine;

23 (K) The cost of issuance of bonds pursuant to this chapter, including advertisements,  
24 printing, and credit enhancement and related interest rate swaps, hedges, or similar  
25 items, whether incurred in connection with the issuance of or after the issuance of  
26 bonds;

27 (L) The cost of any election held pursuant to this chapter;

28 (M) The discount, if any, on the sale or exchange of bonds;

29 (N) Administrative expenses;

30 (O) Such other expenses as may be necessary or incidental to the acquisition,  
31 construction, or reconstruction of any project or to the financing of any project, or to  
32 the development of any lands within a district; and

33 (P) Payments, contributions, and dedications required as a condition to receive any  
34 government approval or permit necessary to accomplish any district purpose or the  
35 exercise of any district power.

36 (5) 'Deed restrictions' means those covenants, conditions, and restrictions contained in  
37 any applicable deeds, agreements, or declarations of covenants and restrictions that

1 govern the use and operation of real property within the district and, for such covenants,  
2 conditions, and restrictions, there is no homeowners' association or property owners'  
3 association having respective enforcement powers.

4 (6) 'District' means an infrastructure development district.

5 (7) 'District roads' means highways, streets, roads, alleys, sidewalks, bridges, and  
6 thoroughfares of all kinds and descriptions within a district, including any landscaping  
7 and storm drains associated therewith.

8 (8) 'Elector' means a landowner.

9 (9) 'Government member' means a member of the board named by a local government.

10 (10) 'Infrastructure development district' means a geographic area of development  
11 created pursuant to this chapter and limited to the performance of those specialized  
12 functions authorized by this chapter; the governing body of which is a board created and  
13 authorized to function specifically as prescribed in this chapter for the delivery of projects  
14 and the formation, powers, operation, duration, accountability, requirements for  
15 disclosure, and termination of which are as required by this chapter.

16 (11) 'Landowner' means any entity or person shown as a taxpayer for one or more parcels  
17 of real estate in a district as reflected on the most recent ad valorem tax records in the  
18 county or counties that have jurisdiction over the property included in the district as  
19 certified by the tax commissioner of the county or counties.

20 (12) 'Local government' means a county, municipality, or consolidated city-county  
21 government. For purposes of this chapter, local government may be read as the singular  
22 or plural.

23 (13) 'Petitioner member' means a member of the board named by the petitioner.

24 (14) 'Petitioner' means an entity, person, or group of persons who intends to create a  
25 district.

26 (15) 'Project' means any development, improvement, property, utility, facility, works,  
27 enterprise, or service existing on January 1, 2007, or thereafter undertaken or established  
28 under this chapter.

29 (16) 'Revenues' means the proceeds of taxes, assessments, rates, fees, rentals, or other  
30 charges prescribed, fixed, established, and collected by the board for the projects  
31 furnished by the district.

32 (17) 'Sewer system' means any plant, system, facility, or property serving a district, and  
33 any additions, extensions, and improvements constructed or acquired as part of the  
34 system, useful or necessary or having the present capacity for future use in connection  
35 with the collection, treatment, purification, or disposal of sewage, including, without  
36 limitation, industrial wastes resulting from any process of industry, manufacture, trade,  
37 or business or from the development of any natural resource. Without limiting the

1       generality of the foregoing, the term 'sewer system' includes treatment plants, pumping  
 2       stations, lift stations, valves, force mains, intercepting sewers, laterals, pressure lines,  
 3       mains, and all necessary appurtenances and equipment; all sewer mains, laterals, and  
 4       other devices for the reception and collection of sewage from premises connected to the  
 5       devices; and all real and personal property and any interest in all real and personal  
 6       property, rights, easements, and franchises of any nature relating to any such system and  
 7       necessary or convenient for the operation of the system.

8       (18) 'Short-term borrowing' means a debt obligation of the district in the form of loan,  
 9       note, warrant, or other evidence with a maturity not to exceed five years.

10       (19) 'Water management and control facilities' means any lakes, canals, ditches,  
 11       reservoirs, dams, levees, sluiceways, floodways, pumping stations, or any other works,  
 12       structures, or facilities for the conservation, control, development, utilization, and  
 13       disposal of water, and any purposes appurtenant, necessary, or incidental to the facility  
 14       serving a district. The term 'water management and control facilities' includes all real and  
 15       personal property and any interest in the property, rights, easements, and franchises of  
 16       any nature relating to any such water management and control facilities necessary or  
 17       convenient for the acquisition, construction, reconstruction, operation, or maintenance  
 18       of the water management and control facilities.

19       (20) 'Water system' means a system for the provision of piped water for human  
 20       consumption within a district. Such term includes but is not limited to any collection,  
 21       treatment, storage, and distribution facilities under the control of the operator of a water  
 22       system and used primarily in connection with a water system and any collection or  
 23       pretreatment storage facilities not under such control which are used primarily in  
 24       connection with a water system. The term 'water system' includes all real and personal  
 25       property and any interest in the property, rights, easements, and franchises of any nature  
 26       relating to any such water system necessary or convenient for the acquisition,  
 27       construction, reconstruction, operation, or maintenance of the water system.

28       36-93-3.

29       (a) When a petitioner proposes to create a district, a petition requesting creation shall be  
 30       filed with the governing authority of the appropriate local government. The petition shall  
 31       be signed by a majority in value of the holders of title of the taxable land within the  
 32       proposed district, as determined by the most recent approved county ad valorem tax digest.

33       (b) The petition shall:

34       (1) Describe the boundaries of the proposed district by metes and bounds or by lot and  
 35       block number if there is a recorded map or plat and survey of the area;

1 (2) State the general nature of the proposed projects to be undertaken, the necessity for  
2 the projects, and the cost of the projects as then estimated by the petitioner;

3 (3) Include a name of the proposed district which shall be generally descriptive of the  
4 locale of the proposed district followed by the words 'Infrastructure Development  
5 District,' or if a district is located within one county, it may be designated '\_\_\_\_ County  
6 Infrastructure Development District No. \_\_\_\_\_'; provided, however, that the proposed  
7 district shall not have the same name as any other district in the same county; and

8 (4) Include a designation of four persons to be the initial private members of the board  
9 who shall serve in that office until replaced by elected members as provided in this  
10 chapter.

11 36-93-4.

12 (a) The petitioner shall submit a copy of the petition to the governing authority of the  
13 appropriate local government, the boundaries of which are contiguous with, or contain all  
14 or a portion of, the land within the external boundaries of the proposed district.

15 (b) A public hearing on the petition shall be conducted by the governing authority of the  
16 appropriate local government which has jurisdiction over the land to be included in the  
17 proposed district. The hearing shall include oral and written comments on the petition  
18 pertinent to the proposed district, including the factors specified in subsection (c) of this  
19 Code section. The hearing shall be held at an accessible location in the county or counties  
20 in which the district is to be located. The petitioner shall cause a notice of the hearing to  
21 be published in the legal organ of the county or municipality wherein the district's land lies  
22 at least once a week for the four successive weeks immediately prior to the hearing. The  
23 notice shall give the time and place for the hearing, a description of the area to be included  
24 in the district, and any other relevant information which the governing authority of the  
25 appropriate local government may require. All affected local governments and the general  
26 public shall be given an opportunity to appear at the hearing and present oral or written  
27 comments on the petition.

28 (c) The governing authority of the local government which has jurisdiction over the land  
29 to be included in the district shall consider the entire record of the applicable hearing, the  
30 transcript of the hearing, and applicable factors and shall make a determination to grant or  
31 deny the petition for the establishment of a district. Such applicable factors shall include  
32 but are not limited to:

33 (1) Whether the statements contained within the petition have been found to be true and  
34 correct;

1 (2) Whether the area of land within the proposed district is of sufficient size, sufficiently  
2 compact, and sufficiently contiguous to be developed as one functional interrelated  
3 community;

4 (3) Whether creation of the district is a reasonable alternative for delivering community  
5 infrastructure and facilities to the area that will be served by the district; and

6 (4) Whether the community infrastructure and facilities of the district will be compatible  
7 with the capacity and uses of existing local and regional community services and  
8 facilities.

9 (d) The governing authority of the appropriate local government which has jurisdiction  
10 over the land to be included in the district shall not adopt any resolution or ordinance which  
11 would expand, modify, or delete any provision of this chapter. A resolution or ordinance  
12 establishing a district shall:

13 (1) Describe the external boundaries of the district and any real property within the  
14 boundaries of the district which is to be excluded;

15 (2) Name the persons designated to be the initial members of the board as described in  
16 Code Section 36-93-5;

17 (3) Name the district; and

18 (4) Include other information required or authorized by this chapter.

19 (e) The creation of a district pursuant to this chapter and the exercise of powers by or  
20 through a district as authorized by this chapter shall not be subject to Article 2 of Chapter  
21 70 of this title. However, a summary shall be prepared by the local government within  
22 which the district is located describing the services and facilities to be provided within the  
23 district and the source of funding for such services and facilities. The summary shall be  
24 transmitted to the Department of Community Affairs on a form provided by such  
25 department. The summary shall be filed with the service delivery strategy agreement  
26 approved for the county within which the district is located. A copy of the summary shall  
27 also be transmitted to each party to the service delivery strategy agreement for information  
28 purposes.

29 36-93-5.

30 (a) The powers granted to a district pursuant to this chapter shall be exercised by the  
31 board. Except as provided in this Code section, the board shall consist of at least five  
32 members, and each member shall hold office for a term of four years and until a successor  
33 is appointed or elected and qualified. All members of the board must be at least 18 years  
34 old, a resident of this state, and a citizen of the United States. It shall not be a conflict of  
35 interest under the Constitution or any laws of this state or its political subdivisions for  
36 board members, employees, or officers of the district to be a landowner or a stockholder,

1 officer, director, partner, member, or employee of a landowner in the district. As provided  
2 in this Code section, board members may also be required to be residents of the district.

3 (b) Unless expanded pursuant to this Code section, the initial board named under the  
4 resolution or ordinance establishing the district pursuant to Code Section 36-93-4 shall be  
5 comprised of four members named by the petitioner and one member chosen by each local  
6 government that issues a resolution or ordinance creating the district. In the event that a  
7 district is created by a resolution or ordinance by more than one local government, each  
8 local government may appoint one member to the board and the petitioner may appoint one  
9 additional petitioner member per additional government member.

10 (c)(1) Members of the board shall stand for election by electors pursuant to the following  
11 schedule:

12 (A) All government members shall stand for election within six months of the sale to  
13 the general public of land representing 20 percent of the geographic area within the  
14 boundaries of the district. If any residents reside within the district at the time of the  
15 election, only a resident of the district may qualify for election to this seat;

16 (B) The first petitioner member shall stand for election within six months of the sale  
17 to the general public of land representing 50 percent of the geographic area within the  
18 boundaries of the district. If any residents reside within the district at the time of the  
19 election, only a resident of the district may qualify for election to this seat;

20 (C) The second petitioner member shall stand for election within six months of the sale  
21 to the general public of land representing 80 percent of the geographic area within the  
22 boundaries of the district. If any residents reside within the district at the time of the  
23 election, only a resident of the district may qualify for election to this seat;

24 (D) The third petitioner member shall stand for election within six months of the sale  
25 to the general public of land representing 90 percent of the geographic area within the  
26 boundaries of the district. If any residents reside within the district at the time of the  
27 election, only a resident of the district may qualify for election to this seat; and

28 (E) All remaining petitioner members shall stand for election within six months of the  
29 sale to the general public of land representing 95 percent of the geographic area within  
30 the boundaries of the district or within ten years after the effective date of the resolution  
31 or ordinance establishing the district, whichever is sooner. If any residents reside  
32 within the district at the time of the election, only a resident of the district may qualify  
33 for election to this seat.

34 (2) The board shall organize district elections, which shall be held at a meeting of the  
35 electors of the district. Notice of the meeting and the election of board members shall be  
36 published once a week for two consecutive weeks in the legal organ of the county or  
37 municipality wherein the district's land lies, and the last day of such publication shall be

1 not fewer than 14 days or more than 28 days before the meeting. The electors, when  
2 assembled at a meeting held for an election, shall organize by electing by a majority of  
3 electors in attendance a chairperson who shall conduct the meeting. The chairperson may  
4 be any person present at the meeting. If the chairperson is an elector or proxy holder for  
5 an elector, he or she may nominate candidates and make and second motions.

6 (3) At a district election, each elector shall be entitled to cast one vote per acre of land  
7 owned by him or her and located within the district for each member to be elected. An  
8 elector may vote in person or by a properly executed written proxy. Each proxy must be  
9 signed by one of the landowners of the property for which the vote is cast and must  
10 contain the typed or printed name of the individual who signed the proxy; the street  
11 address, legal description of the property, or tax parcel identification number; and the  
12 number of authorized votes. If the proxy authorizes more than one vote, each property  
13 must be listed and the number of acres of each property must be included. The signature  
14 on a proxy need not be notarized. A fraction of an acre shall be treated as one acre,  
15 entitling the elector to one vote with respect thereto. Nominees for the board are elected  
16 by a majority of votes cast in accordance with this paragraph.

17 (4) On or before June 1 of each year, the board shall determine the amount of land sold  
18 within the district to the general public and the proportion of that land sold relative to the  
19 overall amount of land within the district boundary for purposes of determining whether  
20 any seats of the board shall be contested by election pursuant to this Code section. Such  
21 determination shall be made at a meeting of the board and shall become part of the  
22 official minutes of the district. Such calculation shall not consider land currently used  
23 or identified for future use of district facilities, infrastructure, or other district-specific  
24 purposes.

25 (5) Elections of board members shall be nonpartisan. Board members shall assume their  
26 office immediately upon their election.

27 (d)(1) Members of the board shall hold office for the terms for which they were elected  
28 or appointed and until their successors are chosen and qualified. If, during the term of  
29 office, a vacancy occurs, the remaining members of the board shall fill the vacancy by  
30 an appointment for the remainder of the unexpired term.

31 (2) Notwithstanding paragraph (1) of this subsection, a board may not appoint a person  
32 to fill a vacancy on the board if the person:

33 (A) Resigned from the board:

34 (i) In the two years preceding the vacancy date; or

35 (ii) On or after the vacancy date but before the vacancy is filled; or

36 (B) Was defeated in a board election held by the district in the two years preceding the  
37 vacancy date.



1 (e) A majority of the members of the board constitutes a quorum for the purposes of  
2 conducting its business and exercising its powers and for all other purposes. Action taken  
3 by the district shall be upon a vote of a majority of the members present unless general law  
4 or a rule of the district requires a greater number.

5 (f) As soon as practicable after each election or appointment, the board shall organize by  
6 electing one of its members as chairperson and by electing a secretary, who need not be a  
7 member of the board, and such other officers as the board may deem necessary.

8 (g) The board shall keep a permanent record book entitled 'Record of Proceedings of  
9 (name of district) Infrastructure Development District,' in which shall be recorded minutes  
10 of all meetings, resolutions, proceedings, certificates, and any and all corporate acts. The  
11 record book shall be open to inspection at a reasonable time and place. The record book  
12 shall be kept at the district office.

13 (h) All meetings of the board shall be open to the public and governed by the provisions  
14 of subsections (d) and (e) of Code Section 50-14-1. The board shall hold at least one  
15 annual meeting on the same date every year, such date to be published as part of the  
16 resolution or ordinance creating the district. The meeting shall address issues related to the  
17 district, including but not limited to current projects, district finances, and potential future  
18 projects.

19 (i) The district and the board shall enjoy the same rights and responsibilities of sovereign  
20 immunity as the state and its departments and agencies.

21  
22 36-93-6.

23 (a) The board shall designate a resident of the state as treasurer of the district who shall  
24 have charge of the funds of the district. Such funds shall be disbursed only upon the order,  
25 or pursuant to the resolution, of the board. The board may give the treasurer additional  
26 powers and duties as the board may deem appropriate and may fix his or her compensation.  
27 The board may require the treasurer to give a bond in such amount, on such terms, and with  
28 such sureties as may be deemed satisfactory to the board to secure the performance by the  
29 treasurer of his or her powers and duties. The financial records of the board shall be audited  
30 by an independent certified public accountant at least once a year.

31 (b) The board is authorized to select as a depository for its funds any commercial bank or  
32 trust company, mutual savings bank, savings and loan association, or building and loan  
33 association existing under the laws of this state or of the United States domiciled in this  
34 state upon such terms and conditions as to the payment of interest by such depository upon  
35 the funds so deposited as the board may deem just and reasonable.

36 (c) The treasurer shall not be a current member of the board.

1 36-93-7.

2 (a) A district board shall set its fiscal year.

3 (b) At least 60 days prior to adoption of the annual budget for the district, the board shall  
4 submit to the local government having jurisdiction over the area included in the district, for  
5 purposes of disclosure and information only, the proposed annual budget for the ensuing  
6 fiscal year and any proposed long-term financial plan or program of the district for future  
7 operations. The local governing authorities may review the proposed annual budget and  
8 any long-term financial plan or program and may submit written comments to the board  
9 for its assistance and information in adopting its annual budget and long-term financial plan  
10 or program.

11 36-93-8.

12 The district shall have, and the board may exercise, the following general powers:

13 (1) To sue and be sued in the name of the district; to adopt and use a seal and authorize  
14 the use of a facsimile thereof; to acquire, by purchase, devise, or otherwise, and to  
15 dispose of real and personal property or any estate therein, however, pursuant to the  
16 provisions of Code Section 36-93-9, the district may not acquire property through  
17 eminent domain; and to make and execute contracts and other instruments necessary or  
18 convenient to the exercise of its powers;

19 (2) To contract for the services of consultants to perform planning, engineering, legal,  
20 or other appropriate services of a professional nature. Such contracts shall not be subject  
21 to open or competitive bidding;

22 (3) To borrow money and issue bonds, bond anticipation notes, certificates, warrants,  
23 notes, or other evidence of indebtedness to fund any project or portion thereof or cost  
24 incident thereto as provided in this chapter; to levy such tax and special assessments as  
25 may be authorized; to charge, collect, and enforce fees and other user charges; to apply  
26 for and use grants or loans of money or other property from the United States, this state,  
27 a unit of local government, or any person for any district purposes and enter into  
28 agreements required in connection therewith; and to hold, use, and dispose of such  
29 moneys or property for any district purposes in accordance with the terms of the gift,  
30 grant, loan, or agreement relating thereto. The district may incur debt without regard to  
31 the requirements of Article IX, Section V of the Constitution or any other provision of  
32 law prohibiting or restricting the borrowing of money or the creation of debt by political  
33 subdivisions of this state, which debt may be backed by the full faith, credit, and taxing  
34 power of the district but shall not be an obligation of this state, the local government or  
35 governments that approved the district, or any other unit of government of this state;

1 (4) To adopt resolutions and orders prescribing the powers, duties, and functions of the  
2 officers of the district; the conduct of the business of the district; and the maintenance of  
3 records of the district. The board may also adopt resolutions with respect to any of the  
4 projects of the district and define the area to be included therein. The board may also  
5 adopt resolutions which may be necessary for the conduct of district business;

6 (5) To maintain an office at such place or places as it may designate within a county in  
7 which the district is located, which office must be reasonably accessible to the  
8 landowners;

9 (6) To hold, control, and acquire by donation or purchase, or dispose of, any public  
10 easements, dedications to public use, platted reservations for public purposes, or any  
11 other easements, dedications, or reservations for those purposes authorized by this  
12 chapter and to make use of such easements, dedications, or reservations for any of the  
13 purposes authorized by this chapter;

14 (7) To lease as lessor or lessee to or from any person, firm, corporation, association, or  
15 body, public or private, any projects of the type that the district is authorized to undertake  
16 and facilities or property of any nature for the use of the district to carry out any of the  
17 purposes authorized by this chapter;

18 (8) To raise, by user charges or fees authorized by resolution of the board, amounts of  
19 money which are necessary for the conduct of district activities and upkeep of district  
20 facilities and to enforce their receipt and collection in the manner prescribed by resolution  
21 not inconsistent with law.

22 (A) The board is authorized to prescribe, fix, establish, and collect rates, fees, rentals,  
23 or other charges, and to revise the same from time to time, for the projects furnished by  
24 the district, including, but not limited to, recreational facilities, water management and  
25 control facilities, and water and sewer systems; to recover the costs of making  
26 connection with any district facility or system; and to provide for reasonable penalties  
27 against any user or property for any such rates, fees, rentals, or other charges that are  
28 delinquent.

29 (B) A copy of the schedule or schedules of such rates, fees, rentals, or charges shall be  
30 kept on file in the district office. The rates, fees, rentals, or charges so fixed for any  
31 class of users or property served shall be extended to cover any additional users or  
32 properties thereafter served which shall fall in the same class, without the necessity of  
33 any notice or hearing. Such rates may only be raised by the board.

34 (C) Rates, fees, rentals, and charges shall be just and equitable and uniform for users  
35 of the same class and when appropriate may be based or computed either upon the  
36 amount of service furnished, upon the number of average number of persons residing  
37 or working in or otherwise occupying the premises served, upon any other factor

1 affecting the use of the facilities furnished, or upon any combination of the foregoing  
2 factors as may be determined by the board on an equitable basis.

3 (D) The rates, fees, rentals, or other charges prescribed shall be such as will produce  
4 revenues, together with any other assessments, taxes, revenues, or funds available or  
5 pledged for such purpose, at least sufficient to provide for following:

6 (i) All expenses of, including reserves for, the operation and maintenance of projects;

7 (ii) Payment when due of all bonds and interest thereon and costs related thereto for  
8 the payment of which revenues are, or shall have been, pledged or encumbered,  
9 including reserves for such purpose; and

10 (iii) Any other funds which may be required under the resolution or resolutions  
11 authorizing the issuance of bonds pursuant to this chapter.

12 (E) The board shall have the power to enter into contracts for the use of the projects of  
13 the district and with respect to the services and facilities furnished or to be furnished  
14 by the district;

15 (9) To cooperate with, or contract with, governmental agencies as may be necessary,  
16 convenient, incidental, or proper in connection with any of the powers, duties, or  
17 purposes authorized by this chapter;

18 (10) To assess and impose upon lands in the district ad valorem taxes and assessments  
19 as provided by this chapter;

20 (11) To finance, fund, plan, establish, acquire, construct or reconstruct, enlarge or  
21 extend, equip, operate, and maintain systems, facilities, and basic infrastructures for the  
22 following:

23 (A) Water management and control facilities for the lands within the district and to  
24 connect some or any of such facilities with roads and bridges;

25 (B) Water supply, sewer, and waste-water management, reclamation, and reuse or any  
26 combination thereof, and to construct and operate connecting intercepting or outlet  
27 sewers and sewer mains and pipes and water mains, conduits, or pipelines in, along, and  
28 under any street, alley, highway, or other public place or ways; and to dispose of any  
29 effluent, residue, or other byproducts of such system or sewer system. Such sewer or  
30 sewer system shall have the same rights, duties, and obligations as publicly owned  
31 treatment works that discharge treated waste water; provided, however, that such water  
32 supply, sewer, and waste-water management, reclamation, and reuse systems shall be  
33 built to the specifications approved by this state for the local government in which such  
34 projects are located;

35 (C) Bridges or culverts that may be needed across any drain, ditch, canal, floodway,  
36 holding basin, excavation, public highway, tract, grade, fill, or cut and roadways over

1 levees and embankments; and to construct any and all of such works and improvements  
2 across, through, or over any public right of way, highway, grade, fill, or cut;

3 (D)(i) District roads equal to or exceeding the specifications of the county in which  
4 such district roads are located;

5 (ii) Street lights; and

6 (iii) Buses, trolleys, transit shelters, ridesharing facilities and services, parking  
7 improvements, and related signage;

8 (E) Investigation and remediation costs associated with the cleanup of actual or  
9 perceived environmental contamination within the district under the supervision or  
10 direction of a competent governmental authority, unless the expenditure of investigation  
11 and remediation costs benefit any person who is a landowner within the district and  
12 who caused or contributed to the contamination;

13 (F) Conservation areas, mitigation areas, and wildlife habitat, including the  
14 maintenance of any plant or animal species, and any related interest in real or personal  
15 property, including green spaces and common areas;

16 (G) Security, including, but not limited to, guardhouses, fences and gates, electronic  
17 intrusion detection systems, and patrol cars, when authorized by proper governmental  
18 agencies, except that the district may not exercise any police power, but may contract  
19 with the appropriate local government agencies for an increased level of such services  
20 within the district boundaries;

21 (H) Indoor and outdoor recreational, cultural, and educational uses; and

22 (I) Any other project within or outside the boundaries of a district consistent with the  
23 local government comprehensive plan of the local government within which the project  
24 is to be located;

25 (12) To finance, plan, establish, acquire, construct or reconstruct, enlarge or extend,  
26 equip, and maintain additional facilities for:

27 (A) Fire prevention and control, including fire stations, water mains and plugs, fire  
28 trucks, and other vehicles and equipment when authorized by the governing authority  
29 of the local government that authorized the district;

30 (B) School buildings and related structures, which may be leased, sold, or donated for  
31 use in the public educational system when authorized by the local school board;

32 (C) Control and elimination of pests of public health importance; and

33 (D) Waste collection and disposal;

34 (13) To adopt and enforce appropriate resolutions in connection with the provision of  
35 one or more services through its projects;

1 (14)(A) To impose and enforce certain deed restrictions pertaining to the use and  
 2 operation of real property within the district. The district may impose all or certain  
 3 portions of the deed restrictions that:

- 4 (i) Relate to limitations or prohibitions that apply only to external structures and are  
 5 deemed by the district to be generally beneficial for the district's landowners and for  
 6 which enforcement by the district is appropriate, as determined by the district's board;  
 7 or
- 8 (ii) Are consistent with the requirements of a development order or regulatory agency  
 9 permit.

10 (B) The board may vote to adopt deed restrictions only when all of the following  
 11 conditions exist:

- 12 (i) The district's geographic area contains no homeowners' associations;
- 13 (ii) The majority of the board has been elected by electors pursuant to this chapter;  
 14 and
- 15 (iii) The declarant or other party establishing such deed restrictions has provided the  
 16 board with a written agreement that such deed restrictions may be adopted by the  
 17 district. A memorandum of the agreement shall be recorded in the public records.

18 (C) Within 60 days after such deed restrictions take effect, the district shall cause to  
 19 be recorded in the property records in the county in which the district is located the  
 20 deed restrictions, stating generally what deed restrictions were adopted and where a  
 21 copy of the deed restrictions may be obtained. Districts may impose fines for violations  
 22 of such deed restrictions and enforce such deed restrictions and fines through injunctive  
 23 relief; and

24 (15) To exercise all of the powers necessary, convenient, incidental, or proper in  
 25 connection with any of the powers, duties, or purposes authorized by this chapter,  
 26 including any power granted by the laws of this state to public or private corporations  
 27 which is not in conflict with the purposes of the district.

28 36-93-9.

29 A district formed under this chapter shall not have the power of eminent domain and  
 30 nothing in this chapter shall be construed to give a district such power.

31 36-93-10.

32 A district may adopt and enforce reasonable rules and regulations to:

- 33 (1) Secure and maintain safe, sanitary, and adequate plumbing installations, connections,  
 34 and appurtenances as subsidiary parts of its sanitary sewer system;
- 35 (2) Preserve the sanitary condition of all water controlled by the district;

- 1 (3) Prevent waste or the unauthorized use of water controlled by the district;  
2 (4) Provide and regulate a safe and adequate freshwater distribution system; and  
3 (5) Regulate activities on any land or any easement owned or controlled by the district;  
4 provided, however, the local government shall retain all zoning powers and land use  
5 control rights under this Code.

6 36-93-11.

7 (a) In addition to the other powers provided for in this chapter, and not in limitation  
8 thereof, the district shall have the power to issue from time to time notes in anticipation of  
9 such bonds as validated and to renew from time to time any such notes by the issuance of  
10 new notes, whether the notes to be renewed have or have not matured. The district may  
11 issue such bond anticipation notes only to provide funds which otherwise would be  
12 provided by the issuance of the bonds as validated. Bond anticipation notes may be  
13 authorized, sold, executed, and delivered in the same manner as bonds. As with its bonds,  
14 the district may sell notes at public or private sale. Any resolution or resolutions  
15 authorizing notes of the district or any issue thereof may contain any provisions which the  
16 district is authorized to include in any resolution or resolutions authorizing bonds of the  
17 district or any issue thereof and which the district is authorized to include in any bonds.  
18 Validations of bonds shall be a condition precedent to the issuance of notes, but it shall not  
19 be required that notes be judicially validated. Bond anticipation notes shall not be issued  
20 in an amount exceeding the par value of the bonds in anticipation of which they are to be  
21 issued.

22 (b) The district may, at any time, obtain loans for short term borrowing, in such amounts  
23 and on such terms and conditions as the board may approve for the purpose of paying any  
24 of the expenses of the district or any cost incurred or that may be incurred in connection  
25 with any of the projects of the district and related operation and maintenance costs of the  
26 projects of the district. Such loans shall bear interest as the board may determine and may  
27 be payable from and secured by a pledge of such funds, revenues, taxes, and assessments  
28 as the board may determine.

29 36-93-12.

30 (a) Bonds, notes, or other obligations issued by the district, other than general obligation  
31 bonds, shall be paid solely from revenues and other property pledged to pay such bonds,  
32 notes, or other obligations. General obligation bonds issued by the district shall constitute  
33 a general obligation of the district to the repayment of which the full faith, credit, and  
34 taxing power of the district shall be pledged. The district may issue bonds secured by both  
35 general obligation and revenue pledges.

1 (b) All bonds, notes, and other obligations of the district shall be authorized by resolution  
2 of its board.

3 (c) Bonds, notes, or other obligations shall bear such date or dates, shall mature at such  
4 time or times not more than 40 years from their respective dates, shall bear interest at such  
5 rate or rates which may be fixed or may fluctuate or otherwise change from time to time,  
6 may be subject to interest rate hedge arrangements, shall be subject to redemption on such  
7 terms, and shall contain such other terms, provisions, covenants, assignments, and  
8 conditions as the resolution authorizing the issuance of such bonds, notes, or other  
9 obligations may permit or provide. The resolution authorizing the issuance of the bonds  
10 may delegate to such officers charged with the responsibility of issuing such bonds the  
11 authority to set the final terms, conditions, and details thereof, including the interest rate  
12 or rates and maturity, within reasonable parameters established and set forth in such  
13 resolution.

14 (d) The board shall have power from time to time and whenever it deems it expedient to  
15 refund any bonds by the issuance of new bonds, whether or not the bonds to be refunded  
16 have matured. The board may issue bonds partly to refund bonds then outstanding and  
17 partly for any other purpose permitted under this chapter. The refunding bonds may be  
18 exchanged for the bonds to be refunded, with such cash adjustments as may be agreed  
19 upon, or may be sold and the proceeds applied to the purchase or redemption of the bonds  
20 to be refunded.

21 (e) There shall be no limitation upon the interest rates of any maximum interest rate or  
22 rates on any bonds, notes, or other obligations of the district; and the usury laws of this  
23 state shall not apply to bonds, notes, or other obligations of the district.

24 (f) Bonds issued by the district may be in such form, either coupon or fully registered, or  
25 both coupon and fully registered, and may be subject to such exchangeability and  
26 transferability provisions as the bond resolution authorizing the issuance of such bonds or  
27 any indenture or trust agreement may provide.

28 (g) Bonds shall bear a certificate of validation. In the case where property within the  
29 district is within multiple jurisdictions, validation shall occur in the jurisdiction within  
30 which the majority of the property lies. The signature of the treasurer of the district may  
31 be made on the certificate of validation of such bonds by facsimile or by manual execution,  
32 stating the date on which such bonds were validated; and such entry shall be original  
33 evidence in any court of this state.

34 (h) In lieu of specifying the rate or rates of interest which such bonds are to bear and the  
35 principal amount and maturities of such bonds, the notice to the district attorney, the notice  
36 to the public of the time, place, and date of the validation hearing, and the petition and  
37 complaint for validation may state that the bonds when issued will bear interest at a rate not



1 exceeding a maximum per annum rate of interest which may be fixed or may fluctuate or  
2 otherwise change from time to time, and that the principal amount will not exceed an  
3 amount specified in and the final maturity date will not be later than a date specified in  
4 such notices, petition, and complaint or may state that, in the event the bonds are to bear  
5 different rates of interest for different maturity dates, none of such rates will exceed the  
6 maximum rate so specified which may be fixed or may fluctuate or otherwise change from  
7 time to time; provided, however, that nothing in this section shall be construed as  
8 prohibiting or restricting the right of the board to sell such bonds at a discount, even if in  
9 doing so the effective interest cost resulting therefrom would exceed the maximum per  
10 annum interest rate specified in such notices and in the petition and complaint.

11 (i) The terms 'cost' and 'project,' when used in the phrases 'cost of the project' and 'cost of  
12 any project' in bond resolutions of the board, in bonds, notes, or other obligations of the  
13 district, or in notices of proceedings to validate such bonds, notes, or other obligations of  
14 the district, shall have the same meaning as provided in paragraphs (4) and (15) of Code  
15 Section 36-92-2.

16 (j) Pursuant to this chapter, all bonds issued under this chapter and interest paid and all  
17 fees, charges, and other revenues derived by the district from the projects provided by this  
18 chapter are exempt from all taxes of the state or of any political subdivision, agency, or  
19 instrumentality thereof.

20 (k) All bonds issued under this chapter shall be validated pursuant to the procedures set  
21 forth in this title.

22  
23 36-93-13.

24 Any issue of bonds may be secured by a trust agreement by and between the district and  
25 a corporate trustee or trustees, which may be any trust company or bank having the powers  
26 of a trust company within or outside the state. The resolution authorizing the issuance of  
27 the bonds or trust agreement may provide for the pledge of the revenues to be received  
28 from any projects of the district and may contain such provisions for protecting and  
29 enforcing the rights and remedies of the bondholders as the board may approve, including,  
30 without limitation, covenants setting forth the duties of the district in relation to: the  
31 acquisition, construction, reconstruction, improvement, maintenance, repair, operation, and  
32 insurance of any projects; the fixing and revising of the rates, fees, and charges; and the  
33 custody, safeguarding, and application of all moneys and for the employment of consulting  
34 engineers in connection with such acquisition, construction, reconstruction, improvement,  
35 maintenance, repair, or operation. It shall be lawful for any bank or trust company within  
36 or outside the state which may act as a depository of the proceeds of bonds or of revenues  
37 to furnish such indemnifying bonds or to pledge such securities as may be required by the

1 district. The resolution authorizing the issuance of the bonds or trust agreement may set  
2 forth the rights and remedies of the bondholders and of the trustee, if any, and may restrict  
3 the individual right of action by bondholders. The board may provide for the payment of  
4 proceeds of the sale of the bonds and the revenues of any project to such officer, board, or  
5 depository as it may designate for the custody thereof and may provide for the method of  
6 disbursement thereof with such safeguards and restrictions as it may determine. All  
7 expenses incurred in carrying out the provisions of such resolution or trust agreement may  
8 be treated as part of the cost of the project to which such trust agreement pertains.

9 36-93-14.

10 (a) The board shall have the power to levy and assess an ad valorem tax on all the taxable  
11 property in the district to construct and maintain projects; to pay the principal of, and  
12 interest on, any general obligation or revenue bonds of the district; and to provide for any  
13 sinking or other funds established in connection with any such bonds. An ad valorem tax  
14 levied by the board for operating purposes, exclusive of debt service on bonds, shall not  
15 exceed five mills. The ad valorem tax provided for by this chapter shall be in addition to  
16 all other ad valorem taxes provided for by law.

17 (b) The board may levy a maintenance special assessment to maintain and preserve the  
18 facilities and projects of the district; to pay the principal of, and interest on, any general  
19 obligation or revenue bonds of the district; and to provide for any sinking or other funds  
20 established in connection with any such bonds. This assessment may be evidenced to and  
21 certified to the appropriate tax authority of the local government by the board not later than  
22 June 15 of each year and shall be entered by the appropriate tax authority of the local  
23 government on the county tax rolls and shall be collected and enforced, and the proceeds  
24 therefrom shall be paid to the district, as provided for in this Code section. Maintenance  
25 special assessments shall be a lien on the property against which assessed until paid and  
26 shall be enforceable in like manner as county taxes. The amount of the maintenance special  
27 assessment for the exercise of the district's powers under this chapter shall be determined  
28 and assessed by the board upon such lands, which may be all of the lands within the district  
29 benefited by the maintenance thereof, apportioned between the benefited lands in  
30 proportion to the benefits received by each tract of land.

31 (c) Any tax, fee, or assessment levied pursuant to this Code section shall not exceed ten  
32 mills on each dollar of the assessed value of all such real property. Except for specially  
33 designated property as provided for in Code Section 36-93-25, the taxes, fees, and  
34 assessments levied by the board upon the properties shall be equitably apportioned among  
35 the properties according to the need for infrastructure created by the degree of density of  
36 development within the district and not for the purpose of providing infrastructure to the

1 county or municipality as a whole. Any tax, fee, or assessment so levied shall be collected  
2 by the county in which the property is located using the methods and procedures as  
3 designated by the county commission. Delinquent taxes, fees, and assessments shall bear  
4 the same interest and penalties as ad valorem taxes of the county in which the property is  
5 located and may be enforced and collected in the same manner. The county in which the  
6 property is located may retain a fee to reimburse the actual increased costs, if any, of  
7 preparing and mailing notices to collect such taxes, fees, and assessments for the board.  
8 The remaining proceeds shall be transmitted by the county to the board and shall be  
9 expended by the board only for the purposes authorized in this chapter.

10 (d) The board shall levy the taxes and assessments provided for in this Code section  
11 between January 1 and June 1 of each calendar year and shall notify in writing the  
12 appropriate tax authority of the county in which the property is located by June 15 each  
13 year so the county may include the levy on the county's regular ad valorem tax bills.

14 (e) If a parcel of real property is removed from the district or otherwise becomes  
15 nontaxable, it shall continue to bear its tax millage then extant upon such event for bonded  
16 indebtedness of the district then outstanding until any bonded indebtedness then  
17 outstanding is paid or refunded.

18 (f) Each property for which there is paid taxes, fees, or assessments levied by the board  
19 for any project shall receive a credit equal to the present value of all such taxes, fees, and  
20 assessments toward any impact fee as may be levied by the county against said property  
21 for system improvements which are in the same category as said public facility in  
22 accordance with Chapter 71 of this title, the 'Georgia Development Impact Fee Act.'

23 (g) All bonds issued according to this chapter and interest paid and all fees, charges, and  
24 other revenues derived by the district from the projects provided by this chapter are exempt  
25 from all taxes of the state or of any political subdivision, agency, or instrumentality thereof.

26 (h) With the exception of maintenance special assessments, district assessments may be  
27 made payable in no more than 40 yearly installments.

28 (i) The proceeds of taxes, fees, and assessments levied by the board shall be used only for  
29 the purpose of providing infrastructure and facilities which are or will be required by the  
30 degree of density of development within the infrastructure development district and not for  
31 the purpose of providing those infrastructure and facilities for the county or municipality  
32 as a whole.

1 36-93-15.

2 All taxes and assessments of the district provided for in this chapter, together with all  
3 penalties for default in the payment of the same and all costs in collecting the same,  
4 including a reasonable attorney's fee fixed by the court and taxed as a cost in the action  
5 brought to enforce payment, shall, from January 1 for each year the property is liable to  
6 assessment and until paid, constitute a lien of equal dignity with the liens for state and  
7 county taxes and other taxes of equal dignity with state and county taxes upon all the lands  
8 against which such taxes shall be levied. A sale of any of the real property within the  
9 district for state, county, or other taxes shall not operate to relieve or release the property  
10 so sold from the lien for subsequent district taxes or installments of district taxes, which  
11 lien may be enforced against such property as though no such sale thereof had been made.

12 36-93-16.

13 (a) The district has the right to:

14 (1) Pay any delinquent state, county, district, municipal, or other tax or assessment upon  
15 lands located wholly or partially within the boundaries of the district; and

16 (2) Redeem or purchase any tax sales certificates issued or sold on account of any state,  
17 county, district, municipal, or other taxes or assessments upon lands located wholly or  
18 partially within the boundaries of the district.

19 (b) Delinquent taxes paid, or tax sales certificates redeemed or purchased, by the district,  
20 together with all penalties for the default in payment of the same and all costs in collecting  
21 the same and a reasonable attorney's fee, shall constitute a lien in favor of the district of  
22 equal dignity with the liens of state and county taxes and other taxes of equal dignity with  
23 state and county taxes upon all the real property against which the taxes were levied.

24 (c) In any sale of land, the district may certify to the clerk of the superior court of the  
25 county holding such sale the amount of taxes due to the district upon the lands sought to  
26 be sold; and the district shall share in the disbursement of the sales proceeds in accordance  
27 with the provisions of this chapter and other laws of the state.

28 36-93-17.

29 To the full extent permitted by law, the district may require all lands, buildings, premises,  
30 persons, firms, and corporations within the district to use the water management and  
31 control facilities and water and sewer facilities of the district or any other facility or service  
32 of the district when the district relies on the collection of any rates, fees, or charges to  
33 provide said facility or service or to pay principal and interest on debt obligations secured  
34 by a pledge of revenues generated by the collection of such rates, fees, and charges.

1 36-93-18.

2 In the event that any rates, fees, rentals, charges, or delinquent penalties are not paid when  
3 due and are in default for 60 days or more, the unpaid balance thereof and all interest  
4 accrued thereon, together with reasonable attorney's fees and costs, may be recovered by  
5 the district in a civil action.

6 36-93-19.

7 In the event the fees, rentals, or other charges for water and sewer services, or either of  
8 them, are not paid when due, the board shall have the power, under such reasonable rules  
9 and regulations as the board may adopt, to discontinue and shut off both water and sewer  
10 services until such fees, rentals, or other charges, including interest, penalties, and charges  
11 for the shutting off and discontinuance and the restoration of such water and sewer services  
12 or both, are fully paid; and, for such purposes, the board may enter on any lands, waters,  
13 or premises of any person, firm, corporation, or body, public or private, within the district  
14 limits. Delinquent fees, rentals, or other charges, together with interest, penalties, and  
15 charges for the shutting off and discontinuance and the restoration of services and facilities  
16 and reasonable attorney's fees and other expenses, may be recovered by the district, which  
17 may also enforce payment of delinquent fees, rentals, or other charges by any other lawful  
18 method of enforcement.

19 36-93-20.

20 The board or any aggrieved person may have recourse to such remedies in law and at  
21 equity as may be necessary to ensure compliance with the provisions of this chapter,  
22 including injunctive relief to enjoin or restrain any person from violating the provisions of  
23 this chapter or any bylaws, resolutions, regulations, rules, codes, or orders adopted under  
24 this chapter. In case any building or structure is erected, constructed, reconstructed,  
25 altered, repaired, converted, or maintained, or any building, structure, land, or water is  
26 used, in violation of this chapter or of any code, order, resolution, or other regulation made  
27 by the board under authority conferred by this chapter or under law, the board, any  
28 landowner, or any citizen residing in the district may institute any appropriate action or  
29 proceeding to prevent such unlawful erection, construction, reconstruction, alteration,  
30 repair, conversion, maintenance, or use; to restrain, correct, or prevent such violation; to  
31 prevent the occupancy of such building, structure, land, or water; and to prevent any illegal  
32 act, conduct, business, or use in or about such premises, land, or water.

1 36-93-21.

2 Any suit or action brought or maintained against the district for damages arising out of tort,  
3 including, without limitation, any claim arising from an act causing an injury or loss of  
4 property, personal injury, or death, shall be subject to the limitations provided in Code  
5 Section 50-21-29.

6 36-93-22.

7 Property, real or personal, that belongs to or is owned by the district, or in which the  
8 district has an interest, shall be exempt from levy and sale by virtue of an execution; and  
9 no execution or other judicial process shall issue against such property, nor shall any  
10 judgment against the district be a charge or lien on its property or revenues; however,  
11 nothing contained herein shall apply to or limit the rights of bondholders to pursue any  
12 remedy for the enforcement of any lien or pledge given by the district in connection with  
13 any of the bonds or obligations of the district.

14 36-93-23.

15 (a) The board may petition to contract or expand the boundaries of a district in the  
16 following manner:

17 (1) The petition to contract or expand the boundaries of a district shall contain the same  
18 information required for a petition for creation pursuant to Code Section 36-93-3. In  
19 addition, if the petitioner seeks to expand the district, the petition shall describe the  
20 proposed timetable for construction of any district projects in the area, the estimated cost  
21 of constructing the proposed projects, and the designation of the future general  
22 distribution, location, and extent of public and private uses of land proposed for the area  
23 by the future land use plan element of the local government comprehensive plan currently  
24 in force. If the petitioner seeks to contract the district, the petition shall describe what  
25 projects are currently provided by the district to the area being removed, and the  
26 designation of the future general distribution, location, and extent of public and private  
27 uses of land proposed for the area by the future land element of the adopted local  
28 government comprehensive plan; and

29 (2) A public hearing shall be held in the same manner and with the same public notice  
30 as required for creation of a new district pursuant to this chapter. The appropriate local  
31 government shall consider the record of the public hearing and the factors set forth in  
32 Code Section 36-93-3 in making its determination to grant or deny the petition.

33 (b) The district shall remain in existence unless:

34 (1) The district is merged with another district as provided by subsection (c) of this Code  
35 section;

1 (2) All of the specific community development systems, facilities, and services that it is  
2 authorized to perform have been transferred to the local government; or

3 (3) The district is dissolved as provided by subsection (e) of this Code section.

4 (c) The district may merge with other districts upon filing a petition, which shall contain  
5 the same information required for a petition for creation pursuant to Code Section 36-93-3.  
6 The new district formed by a merger involving existing districts shall assume all  
7 indebtedness of, and receive title to, all property owned by the preexisting districts. Prior  
8 to filing a petition for merger, the districts desiring to merge shall enter into a merger  
9 agreement and shall provide for the proper allocation of the indebtedness so assumed and  
10 the manner in which the assumed debt shall be retired. The approval of the merger  
11 agreement by the board of each district shall constitute consent of the landowners within  
12 the district.

13 (d) Upon the request of the board of the district, the governing authority of the appropriate  
14 county or municipality within which the district lies may adopt a resolution or ordinance  
15 providing for a plan for the transfer of a specific district service or infrastructure from a  
16 district to the local government. The plan must provide for the assumption and guarantee  
17 of the district debt that is related to the service or infrastructure by the local government.

18 (e)(1) Dissolution of the district may be allowed under the following circumstances:

19 (A) Upon the transfer of all of the community development services of the district to  
20 the local government, the district shall be dissolved in accordance with a plan of  
21 dissolution adopted by the board and filed with the clerk of the superior court;

22 (B) If, within five years after the effective date of the resolution or ordinance  
23 establishing the district, a landowner has not received a building permit authorizing  
24 construction of a building or structure within the district, then the district shall be  
25 automatically dissolved; or

26 (C) If a district has no outstanding financial obligations and no operating or  
27 maintenance responsibilities, upon the petition of the district, the district may be  
28 dissolved by a resolution or ordinance of the local government that created the district.

29 (2) Prior to any dissolution, debts and other obligations of the district must be fully paid  
30 or payment otherwise provided for.

31 36-93-24.

32 (a) The district shall take affirmative steps to provide for the full disclosure of information  
33 relating to the public financing and maintenance of improvements to real property  
34 undertaken by the district. The required information shall be made available to all existing  
35 residents, and to all prospective residents, of the district. The district shall furnish each  
36 developer of a development within the district with sufficient copies of that information to

1 provide a copy to each prospective initial purchaser of property in that development; and  
 2 any developer of a development within the district, when required by law to provide a  
 3 public offering statement, shall include a copy of information relating to the public  
 4 financing and maintenance of improvements in the public offering statement.

5 (b) Subsequent to the establishment of a district under this chapter, each contract for the  
 6 initial sale of a parcel of real property, each contract for the initial sale of a residential unit,  
 7 and each lease agreement for the rental of a residential unit within the district shall include,  
 8 immediately prior to the space reserved in the contract for the signature of the purchaser,  
 9 the following disclosure statement in boldface and conspicuous type which is larger than  
 10 the type in the remaining text of the contract: 'THE (Name of District)  
 11 INFRASTRUCTURE DEVELOPMENT DISTRICT MAY IMPOSE AND LEVY TAXES  
 12 OR ASSESSMENTS, OR BOTH TAXES AND ASSESSMENTS, ON THIS PROPERTY.  
 13 THESE TAXES AND ASSESSMENTS PAY THE CONSTRUCTION, OPERATION,  
 14 AND MAINTENANCE COSTS OF CERTAIN PUBLIC INFRASTRUCTURE OF THE  
 15 DISTRICT AND ARE SET ANNUALLY BY THE GOVERNING BOARD OF THE  
 16 DISTRICT. THESE TAXES AND ASSESSMENTS ARE IN ADDITION TO COUNTY  
 17 AND OTHER LOCAL GOVERNMENTAL TAXES AND ASSESSMENTS AND ALL  
 18 OTHER TAXES AND ASSESSMENTS PROVIDED FOR BY LAW.'

19 (c) Within 30 days after the effective date of a resolution or ordinance establishing a  
 20 district under this chapter, the district shall cause to be recorded in the property records in  
 21 the county in which it is located a 'Notice of Establishment of the \_\_\_\_\_ Infrastructure  
 22 Development District.' The notice shall, at a minimum, include the legal description of the  
 23 district and a copy of the disclosure statement specified in subsection (b) of this Code  
 24 section.

25 36-93-25.

26 (a) A district that is composed of at least 1,500 acres may define areas or designate certain  
 27 property of the district to pay for improvements, facilities, or services that primarily benefit  
 28 that designated area or property and do not generally and directly benefit the district as a  
 29 whole.

30 (b) The board shall state in its designation the physical and economic reasons, the  
 31 particular diverse local needs, or the comparative potential benefits of the defined areas or  
 32 designated property in the district that make it necessary or equitable to levy all or part of  
 33 the tax on a defined area or designated property of the district.

34 (c)(1) The board shall adopt a proposed plan that defines the particular area to be taxed  
 35 by metes and bounds or designates the property to be served, affected, and taxed.



1 (2) The board shall adopt a proposed plan for improvements in the defined area or to  
2 serve the designated property.

3 (3) The board shall adopt a proposed plan of taxation to apply to the defined area or  
4 designated property that may or may not be in addition to other taxes imposed by the  
5 district on the same area or property.

6 (d) After adoption of the plans as provided for in this Code section, the district, under the  
7 limitations of this Code section, may apply separately, differently, equitably, and  
8 specifically its taxing and assessment powers and lien authority to the defined area or  
9 designated property to provide funds to construct, administer, maintain, and operate  
10 improvements and facilities that primarily benefit the defined area or designated property.

11 (e) After adoption of the plans as provided for in this Code section, the district may issue  
12 its bonds to provide the specific projects included in the plans adopted for the defined area  
13 or to serve the designated property, and shall provide the improvements and facilities.

14 (f) The district may issue bonds that pledge only the faith and credit based on the property  
15 values in the defined area and may not pledge the full faith and credit of the district.

16 (g) In lieu of the general notice required under Code Section 36-93-24, a person who sells  
17 or conveys real property located within the defined area or designated property of the  
18 district shall provide the following prescribed notice: "THE (Name of District)  
19 INFRASTRUCTURE DEVELOPMENT DISTRICT MAY IMPOSE AND LEVY TAXES  
20 OR ASSESSMENTS, OR BOTH TAXES AND ASSESSMENTS, ON THIS PROPERTY.  
21 THE REAL PROPERTY DESCRIBED BELOW, WHICH YOU ARE ABOUT TO  
22 PURCHASE, IS LOCATED WITHIN A DESIGNATED AREA OF THE DISTRICT  
23 AND YOUR LAND WILL BE SUBJECT TO A HIGHER TAX THAN OTHER LAND  
24 WITHIN THE DISTRICT. YOUR RATE OF TAXES WILL BE HIGHER BY \$\_\_\_\_\_ ON  
25 EACH \$1,000.00 OF ASSESSED VALUATION THAN LAND NOT WITHIN THE  
26 DEFINED AREA. THESE TAXES AND ASSESSMENTS PAY THE  
27 CONSTRUCTION, OPERATION, AND MAINTENANCE COSTS OF CERTAIN  
28 PUBLIC INFRASTRUCTURE OF THE DISTRICT AND ARE SET ANNUALLY BY  
29 THE GOVERNING BOARD OF THE DISTRICT. THESE TAXES AND  
30 ASSESSMENTS ARE IN ADDITION TO COUNTY AND OTHER LOCAL  
31 GOVERNMENTAL TAXES AND ASSESSMENTS AND ALL OTHER TAXES AND  
32 ASSESSMENTS PROVIDED FOR BY LAW."

## 33 SECTION 2.

34 This Act shall become effective on January 1, 2007; provided, however, that this Act shall  
35 only become effective on January 1, 2007, upon the ratification of a resolution at the  
36 November, 2006, state-wide general election that amends the Constitution so as to authorize

1 the General assembly to provide by general law for the creation and comprehensive  
2 regulation of infrastructure development districts. If such resolution is not so ratified, this  
3 Act shall not become effective and shall stand repealed in its entirety on January 1, 2007.

4

**SECTION 3.**

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