

Senate Bill 89

By: Senators Adelman of the 42nd, Pearson of the 51st, Weber of the 40th, Golden of the 8th, Stoner of the 6th and others

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 the creation of townships; to provide a short title; to provide for the
3 requirements for the creation of such townships; to provide for boards of town supervisors
4 for such townships; to provide for powers, duties, and functions of such town supervisors;
5 to provide for officers, meetings, elections, and filling of vacancies for such town
6 supervisors; to provide for certain immunities; to provide that property within such townships
7 shall not be subject to municipal annexation; to provide for the enactment of ordinances; to
8 prohibit certain conflicts of interest; to provide for an audit; to provide for a transition of
9 services; to provide that counties shall continue to provide services in the township that are
10 not specifically delegated by law to the township; to conform related laws; to provide for
11 related matters; to provide for an effective date and 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 This Act shall be known and may be cited as the "Georgia Township Act."

16 **SECTION 2.**

17 Title 36 of the Official Code of Georgia Annotated, relating to local government, is amended
18 by adding a new Chapter 93 to read as follows:

19 **"CHAPTER 93**

20 36-93-1.

21 The General Assembly shall be authorized by local law to provide for the creation of
22 townships in the unincorporated areas of one or more counties in this state in accordance
23 with the provisions of this chapter.

1 36-93-2.

2 The local Act creating a township in accordance with this chapter shall contain the
3 following:

4 (1) The name by which the township shall be known which shall be in the form of the
5 'Township of _____' and shall not use any name that is currently the name of
6 an active, incorporated municipality or county in the State of Georgia;

7 (2) A description of the area to be included in the township which shall not include any
8 area that is a part of an active, incorporated municipality in the State of Georgia and
9 which shall be comprised of a single, contiguous geographical area containing at least
10 500 acres, containing an average resident population density of at least 200 persons per
11 square mile, and in which at least 10 percent of the total geographical area is used or is
12 zoned for purposes other than residential uses;

13 (3) The number of members of the board of town supervisors of the township;

14 (4) Whether members of the board of town supervisors shall be elected at large or by
15 district and, if such members are to be elected by district, a description of the district
16 boundaries;

17 (5) The initial terms of office for members of the board of town supervisors and the date
18 for the initial election of members of the board of town supervisors which shall be in
19 accordance with the provisions of Code Section 21-2-540;

20 (6) Whether elections for the board of town supervisors shall be by majority or plurality
21 vote;

22 (7) The amount and nature of compensation of the members of the board of town
23 supervisors, if any; and

24 (8) The number of members of the board of town supervisors who must be present to
25 constitute a quorum for the transaction of business by the board and the number of
26 affirmative votes necessary for the board to take official action.

27 36-93-3.

28 (a) The activities of a township created pursuant to this chapter shall be governed by a
29 board of town supervisors.

30 (b) A township shall not be a municipality under Georgia law nor shall it exercise any
31 municipal powers except as expressly provided in this chapter. A township shall not have
32 nor exercise the power of eminent domain.

33 (c) The board of town supervisors shall have the following authority, powers, and duties:

34 (1) To provide comprehensive township planning for development by zoning and to
35 provide subdivision regulation and the like as the board deems necessary and reasonable
36 to ensure a safe, healthy, and esthetically pleasing community in accordance with a

1 properly adopted zoning and land use ordinance and in accordance with the provisions
2 of Chapters 66, 67, and 67A of this title in the same manner as counties and
3 municipalities of this state presently or hereafter exercise such power;

4 (2) To adopt, amend, modify, and repeal ordinances relating to the authority, powers, and
5 duties of the township under this Code section;

6 (3) To levy an ad valorem tax for the purpose of raising revenues to defray the limited
7 costs of discharging the obligations of the township and of providing township services,
8 for the repayment of principal and interest on general obligations, and for any other
9 public purpose within the authority, powers, and duties of the board of town supervisors.
10 Such tax shall be limited to an amount not to exceed .5 mill on all taxable real and
11 personal property located within the boundaries of the township that is subject to such
12 taxation by the state and county. Such tax shall be included by the tax commissioner or
13 tax collector of the county in which such property is located on county tax bills for such
14 property and shall be collected in the same manner as county taxes by such county tax
15 commissioner or tax collector and promptly remitted to the township with the exception
16 of an amount that may be withheld by the county to cover the direct actual costs to the
17 county of collecting and remitting such tax for the township which shall not exceed the
18 direct actual costs thereof;

19 (4) To establish a budget and make appropriations for the support of the township, to
20 authorize the expenditure of money for any purposes authorized by this chapter, and to
21 provide for the payment of expenses of the township;

22 (5) To provide for the appointment, qualification, and selection of officers of the board
23 in addition to the chairperson and vice chairperson and provide for the duties of such
24 officers;

25 (6) To adopt, amend, and abolish bylaws and internal operating procedures that are not
26 in conflict with the provisions of this chapter for the governance of the board in carrying
27 out its authority, powers, duties, and functions;

28 (7) To employ and establish the compensation of persons to provide administrative,
29 managerial, legal, accounting, financial, and other such services related to the carrying
30 out of the authority, powers, duties, and functions of the board as the board deems
31 appropriate;

32 (8) To review the performance of, promote, discipline, and terminate the employment
33 of any employee of the township;

34 (9) To establish and provide health insurance, retirement, and other employment benefits
35 for employees of the township;

- 1 (10) To create, alter, or abolish departments, offices, and agencies of the township and
2 to confer upon such agencies the necessary and appropriate authority for carrying out all
3 the powers conferred upon or delegated to the same;
- 4 (11) To regulate the erection and construction of buildings and all other structures not
5 inconsistent with general law;
- 6 (12) To establish, amend, repeal, and collect fees for the services of the township from
7 the users of such services including, but not expressly limited to, fees for filing rezoning
8 and land use applications and other licenses;
- 9 (13) To enter into contracts and agreements with other governments and entities and with
10 private persons, firms, and corporations;
- 11 (14) To accept or refuse gifts, donations, bequests, or grants from any source for any
12 purpose related to the powers and duties of the township or of its citizens on such terms
13 and conditions as the donor or grantor may impose;
- 14 (15) To appropriate and borrow money for the payment of debts of the township on such
15 terms as the board deems appropriate;
- 16 (16) To acquire, dispose of, and hold in trust or otherwise any real, personal, or mixed
17 property, in fee simple or lesser interest, inside the property limits of the township;
- 18 (17) To provide for the preservation and protection of property and equipment of the
19 township and the administration and use of same by the public;
- 20 (18) To grant franchises or make contracts for public utilities and public services and to
21 prescribe the rates, fares, regulations, and the standards and conditions of service
22 applicable to the service to be provided by the franchise grantee or contractor, insofar as
23 not in conflict with valid regulations of the Public Service Commission; and
- 24 (19) To provide for keeping a journal of its proceedings which shall be a public record.
- 25 (d) The board of town supervisors shall hold regular meetings at such times and places as
26 prescribed by ordinance. Special meetings of the board of town supervisors may be held
27 on call of the chairperson or a majority of the members of the board of town supervisors.
28 Notice of such special meeting shall be served on all other members personally, or by
29 telephone personally, at least 48 hours in advance of the meeting. Such notice to members
30 of the board of town supervisors shall not be required if all members are present when the
31 special meeting is called. Such notice of any special meeting may be waived by a member
32 in writing before or after such a meeting, and attendance at the meeting shall also constitute
33 a waiver of notice on any business transacted in such member's presence. Only the
34 business stated in the call may be transacted at the special meeting.
- 35 (e) All meetings of the board of town supervisors and all documents in the custody of the
36 township shall be public and, available, respectively, to the extent required by Chapter 14
37 of Title 50, relating to open meetings; Article 4 of Chapter 18 of Title 50, relating to open

1 records; and other applicable law, and notice to the public of special meetings shall be
2 given as required by law.

3 36-93-4.

4 A township and its board of town supervisors and employees shall be entitled to the same
5 privileges and immunities under law as a municipality and its governing authority and
6 employees.

7 36-93-5.

8 (a) Except as provided in subsection (c) of this Code section, the area within the boundary
9 of a township shall not be subject to annexation by any municipality without the approval
10 of a majority of the members of the board of town supervisors and approval by the electors
11 of the township in a referendum.

12 (b) Upon the approval by a majority of the members of the board of town supervisors and
13 approval by the electors of the township in a referendum, a township may be converted by
14 a local Act of the General Assembly into a municipality.

15 (c) Provided that such areas abut the limits of the township, a township may deannex an
16 area or areas of the existing limits of the township upon the written and signed applications
17 containing a complete description of the lands to be deannexed of all of the owners, except
18 the owners of any public street, road, highway, or right of way, of all of the land proposed
19 to be deannexed. Lands to be deannexed at any one time shall be treated as one body,
20 regardless of the number of owners, and all parts shall be considered as abutting the limits
21 of the township when any one part of the entire body abuts such limits. When such
22 application is acted upon by the township and the land is, by ordinance, deannexed from
23 the township, an identification of the property so deannexed shall be filed with the
24 Department of Community Affairs and with the governing authority of the county in which
25 the property is located in accordance with Code Section 36-36-3. When so deannexed,
26 such lands shall cease to constitute a part of the lands within the corporate limits of the
27 township as completely and fully as if the limits had been marked and defined by local Act
28 of the General Assembly and shall be subject to annexation by any municipal corporation
29 in accordance with the provisions of Chapter 36 of Title 36.

30 (d)(1) As used in this subsection, the term 'contiguous area' means any area that meets
31 the following conditions at the time the annexation procedures are initiated:

32 (A) At least one-eighth of the aggregate external boundary or 50 feet of the area to be
33 annexed, whichever is less, either abuts directly on the township boundary or would
34 directly abut on the township boundary if it were not otherwise separated from the

1 township boundary by lands owned by the township or some other political subdivision,
2 by lands owned by this state, or by the definite width or length of:

3 (i) Any street or street right of way;

4 (ii) Any creek or river; or

5 (iii) Any right of way of a railroad or other public service corporation

6 which divides the township boundary and any area proposed to be annexed;

7 (B) The entire parcel or parcels of real property owned by the person seeking
8 annexation is being annexed; provided, however, that lots shall not be subdivided in an
9 effort to evade the requirements of this paragraph; and

10 (C) The private property annexed, excluding any right of way of a railroad or other
11 public service corporation, complies with the annexing township's minimum size
12 requirements, if any, to construct a building or structure occupiable by persons or
13 property under the policies or regulations of the township's development, zoning, or
14 subdivision ordinances.

15 (2) Notwithstanding the limitations of paragraph (1) of this subsection, an area may be
16 annexed by agreement between the township and the governing body of the county in
17 which the territory proposed to be annexed is located.

18 (3) If the entire area to be annexed is owned by the township to which the area is to be
19 annexed at the time annexation procedures are initiated, then the term 'contiguous area'
20 means any area which, at the time annexation procedures are initiated, abuts directly on
21 the township boundary or which would directly abut on the township boundary if it were
22 not otherwise separated from the township boundary by lands owned by the township or
23 some other political subdivision, by lands owned by this state, or by the definite width
24 or length of:

25 (A) Any street or street right of way;

26 (B) Any creek or river; or

27 (C) Any right of way of a railroad or other public service corporation

28 which divides the township boundary and any area proposed to be annexed.

29 (4) A township may annex to its existing limits unincorporated areas contiguous to the
30 existing township limits at the time of such annexation upon the written and signed
31 applications containing a complete description of the lands to be annexed of all of the
32 owners, except the owners of any public street, road, highway, or right of way, of all of
33 the land proposed to be annexed. Lands to be annexed at any one time shall be treated
34 as one body, regardless of the number of owners, and all parts shall be considered as
35 abutting the limits of the township when any one part of the entire body abuts such limits.
36 When such application is acted upon by the township and the land is, by ordinance,
37 annexed to the township, an identification of the property so annexed shall be filed with

1 the Department of Community Affairs and with the governing authority of the county in
 2 which the property is located in accordance with Code Section 36-36-3. When so
 3 annexed, such lands shall constitute a part of the lands within the corporate limits of the
 4 township as completely and fully as if the limits had been marked and defined by local
 5 Act of the General Assembly. Except as provided in subsection (c) of Code Section
 6 36-36-20, nothing in this article shall be construed to authorize annexation of the length
 7 of any public right of way except to the extent that such right of way adjoins private
 8 property otherwise annexed by the township.

9 36-93-6.

10 (a) At any township election, all persons who are qualified under the Constitution and laws
 11 of Georgia to vote for members of the General Assembly of Georgia and who are bona fide
 12 residents of a township shall be eligible to qualify as voters in the election.

13 (b) All elections shall be held and conducted in accordance with Chapter 2 of Title 21, the
 14 'Georgia Election Code,' and shall be conducted on a nonpartisan basis.

15 (c) Township general elections shall be held on the Tuesday after the first Monday in
 16 November in odd-numbered years.

17 (d) Members of the board of town supervisors of a township elected in a general election
 18 shall take office on the first day of January following the date of their election.

19 (e) Except for the initial terms of office in a newly created township, each member of the
 20 board of town supervisors shall serve a four-year term of office. The initial terms of
 21 members of the board of town supervisors for a newly created township shall be as
 22 specified in the local Act creating the township.

23 (f) A vacancy in the office of a member of the board of town supervisors shall be filled as
 24 follows:

25 (1) If there are more than 27 months remaining in the member's term of office at the time
 26 of the vacancy, the vacancy shall be filled by a special election; or

27 (2) If there are 27 months or less remaining in the member's term of office at the time
 28 of the vacancy, the vacancy shall be filled by appointment by the remaining members of
 29 the board of town supervisors.

30 36-93-7.

31 (a) No elected official, appointed officer, or employee of the township shall knowingly:

32 (1) Engage in any business or transaction or have a financial or other personal interest,
 33 direct or indirect, which is incompatible with the proper discharge of official duties or
 34 which would tend to impair the independence of his or her judgment or action in the
 35 performance of official duties;

- 1 (2) Engage in or accept private employment or render services for private interests when
2 such employment or service is incompatible with the proper discharge of official duties
3 or would tend to impair the independence of his or her judgment or action in the
4 performance of official duties;
- 5 (3) Disclose confidential information concerning the property, government, or affairs of
6 the township without proper legal authorization or use such information to advance the
7 financial or other private interest of himself or herself or others;
- 8 (4) Accept any valuable gift, whether in the form of service, loan, object, or promise,
9 from any person, firm, or corporation which to his or her knowledge is interested, directly
10 or indirectly, in any manner whatsoever in business dealings with the township; provided,
11 however, that an elected official who is a candidate for public office may accept
12 campaign contributions and services in connection with any such campaign;
- 13 (5) Represent other private interests in any action or proceeding against the township or
14 any portion of its government; or
- 15 (6) Vote or otherwise participate in the negotiation or in the making of any contract with
16 any business or entity in which he or she has a financial interest.
- 17 (b) Any elected official, appointed officer, or employee who has any private financial
18 interest, directly or indirectly, in any contract or matter pending before or within any
19 department of the township shall disclose such private interest to the board of town
20 supervisors. Any member of the board of town supervisors of a township who has a
21 private interest in any matter pending before the board of town supervisors shall disclose
22 such private interest and such disclosure shall be entered on the records of the board, and
23 he or she shall disqualify himself or herself from participating in any decision or vote
24 relating thereto. Any elected official, appointed officer, or employee who shall have any
25 private financial interest, directly or indirectly, in any contract or matter pending before or
26 within the board of town supervisors shall disclose such private interest to the board of
27 town supervisors.
- 28 (c) No elected official, appointed officer, or employee of the township shall use property
29 owned by the township for personal benefit, convenience, or profit, except in accordance
30 with policies promulgated by the board of town supervisors.
- 31 (d) Any violation of this Code section which occurs with the knowledge, express or
32 implied, of a party to a contract or sale shall render said contract or sale voidable at the
33 option of the board of town supervisors.
- 34 (e) Except as authorized by law, no member of the board of town supervisors shall hold
35 any other elective township office or other township employment during the term for which
36 elected.

1 36-93-8.

2 There shall be an annual independent audit of all township accounts, funds, and financial
3 transactions by a certified public accountant selected by the board of town supervisors.
4 The audit shall be conducted according to generally accepted accounting principles. Any
5 audit of any funds by the state or federal government may be accepted as satisfying the
6 requirements of this chapter. Copies of all audit reports shall be available at printing cost
7 to the public.

8 36-93-9.

9 Except for the purposes expressly set forth in this chapter, the property within the
10 boundaries of a township shall remain subject to all other provisions of law and the
11 jurisdiction of the governing authority of the county in which it is located as if such area
12 were a part of the unincorporated area of the county in which such property is located, and
13 the governing authority of the county in which such property is located shall continue to
14 provide all government services, except those expressly provided for in this chapter to be
15 provided by the township, to such property.

16 36-93-10.

17 (a) Every proposed ordinance shall be introduced in writing and in the form required for
18 final adoption. No ordinance shall contain a subject which is not expressed in its title. The
19 enacting clause shall be 'The Board of Town Supervisors of the Township of
20 _____ hereby ordains...' and every ordinance shall so begin.

21 (b) An ordinance may be introduced by any member of the board of town supervisors and
22 be read at a regular or special meeting of the board. Ordinances shall be considered and
23 adopted or rejected by the board of town supervisors in accordance with the rules which
24 it shall establish; provided, however, an ordinance shall not be adopted the same day it is
25 introduced. Upon introduction of any ordinance, the board of town supervisors shall, as
26 soon as possible, distribute a copy to each member of the board of town supervisors and
27 shall file a reasonable number of copies in its offices and at such other public places as the
28 board of town supervisors may designate.

29 36-93-11.

30 (a) At the first meeting of the board of town supervisors in each calendar year, the
31 members of the board shall select from among their number a chairperson and vice
32 chairperson.

33 (b) The chairperson shall preside over all meetings of the board of town supervisors and
34 shall be entitled to vote in all matters coming before the board of town supervisors except

1 matters in which such chairperson has disqualified himself or herself as a result of a
2 conflict of interest or other cause.

3 (c) The vice chairperson shall assume the duties of the chairperson in the chairperson's
4 absence.

5 36-93-12.

6 (a) Until July 1 of the year following the election of the initial board of town supervisors
7 of a township, the county or counties in which the township is located shall continue to be
8 responsible for planning and zoning functions and the enforcement of land use provisions
9 for the property in such county in the same manner as if the township had not come into
10 existence.

11 (b) On July 1 of the year following the election of the initial board of town supervisors of
12 a township, the county or counties in which the township is located shall no longer be
13 responsible for planning and zoning functions and the enforcement of land use provisions
14 and shall not undertake to exercise any such function over property located in the
15 township."

16 **SECTION 3.**

17 Said title is further amended by revising paragraph (1) of Code Section 36-66-3, relating to
18 definitions regarding zoning procedures, to read as follows:

19 "(1) 'Local government' means any county, ~~or municipality,~~ or township which exercises
20 zoning power within its territorial boundaries."

21 **SECTION 4.**

22 Said title is further amended by revising Code Section 36-66A-1, relating to definitions
23 regarding transfer of development rights, to read as follows:

24 "36-66A-1.

25 As used in this chapter, the term:

26 (1) 'Development rights' means the maximum development that would be allowed on the
27 sending property under any general or specific plan and local zoning ordinance of a
28 municipality, ~~or county,~~ or township in effect on the date the municipality, ~~or county,~~ or
29 township adopts an ordinance pursuant to this chapter. Development rights may be
30 calculated and allocated in accordance with factors including dwelling units, area, floor
31 area, floor area ration, height limitations, traffic generation, or any other criteria that will
32 quantify a value for the development rights in a manner that will carry out the objectives
33 of this Code section.

1 (2) 'Person' means any natural person, corporation, partnership, trust, foundation,
2 nonprofit agency, or other legal entity.

3 (3) 'Receiving area' means an area identified by an ordinance as an area authorized to
4 receive development rights transferred from a sending area.

5 (4) 'Receiving property' means a lot or parcel within which development rights are
6 increased pursuant to a transfer of development rights. Receiving property shall be
7 appropriate and suitable for development and shall be sufficient to accommodate the
8 transferable development rights of the sending property without substantial adverse
9 environmental, economic, or social impact to the receiving property or to neighboring
10 property.

11 (5) 'Sending area' means an area identified by an ordinance as an area from which
12 development rights are authorized to be transferred to a receiving area.

13 (6) 'Sending property' means a lot or parcel with special characteristics, including farm
14 land; woodland; desert land; mountain land; a flood plain; natural habitats; wetlands;
15 ~~groundwater~~ ground water recharge area; marsh hammocks; recreation areas or parkland,
16 including golf course areas; or land that has unique ~~aesthetic~~ esthetic, architectural, or
17 historic value that a municipality, ~~or county,~~ or township desires to protect from future
18 development.

19 (7) 'Transfer of development rights' means the process by which development rights from
20 a sending property are affixed to one or more receiving properties."

21 SECTION 5.

22 Said title is further amended by revising Code Section 36-66A-2, relating to procedures,
23 methods, and standards for transfer of development rights, to read as follows:

24 "36-66A-2.

25 (a) Pursuant to the provisions of this Code section, the governing body of any
26 municipality, ~~or county,~~ or township by ordinance may, in order to conserve and promote
27 the public health, safety, and general welfare, establish procedures, methods, and standards
28 for the transfer of development rights within its jurisdiction.

29 (b) Any proposed transfer of development rights shall be subject to the approval and
30 consent of the property owners of both the sending and receiving property.

31 (c) Prior to any transfer of development rights, a municipality, ~~or county,~~ or township shall
32 adopt an ordinance providing for:

33 (1) The issuance and recordation of the instruments necessary to sever development
34 rights from the sending property and to affix development rights to the receiving
35 property. These instruments shall be executed by the affected property owners and
36 lienholders;

- 1 (2) The preservation of the character of the sending property and assurance that the
2 prohibitions against the use and development of the sending property shall bind the
3 landowner and every successor in interest to the landowner;
- 4 (3) The severance of transferable development rights from the sending property and the
5 delayed transfer of development rights to a receiving property;
- 6 (4) The purchase, sale, exchange, or other conveyance of transferable development rights
7 prior to the rights being affixed to a receiving property;
- 8 (5) A system for monitoring the severance, ownership, assignment, and transfer of
9 transferable development rights;
- 10 (6) The right of a municipality, ~~or county,~~ or township to purchase development rights
11 and to hold them for conservation purposes or resale;
- 12 (7) The right of a person to purchase development rights and to hold them for
13 conservation purposes or resale;
- 14 (8) Development rights made transferable pursuant to this Code section shall be interests
15 in real property and shall be considered as such for purposes of conveyancing and
16 taxation. Once a deed of transferable development rights created pursuant to this Code
17 section has been sold, conveyed, or otherwise transferred by the owner of the parcel from
18 which the development rights were derived, the transfer of development rights shall vest
19 in the grantee and become freely alienable. For the purposes of ad valorem real property
20 taxation, the value of a transferable development right shall be deemed appurtenant to the
21 sending property until the transferable development right is registered as a distinct
22 interest in real property with the appropriate tax assessor or the transferable development
23 right is used at a receiving property and becomes appurtenant thereto;
- 24 (9) A map or other description of areas designated as sending and receiving areas for the
25 transfer of development rights between properties; and
- 26 (10) Such other provisions as the municipality, ~~county,~~ or township deems necessary to
27 aid in the implementation of the provisions of this chapter.
- 28 (d)(1) Prior to the enactment of an ordinance as provided in subsection (c) of this Code
29 section, the local governing authority shall provide for a hearing on the proposed
30 ordinance. At least 15 but not more than 45 days prior to the date of the hearing, the local
31 governing authority shall cause to be published in a newspaper of general circulation
32 within the territorial boundaries of the political subdivision a notice of the hearing. The
33 notice shall state the time, place, and purpose of the hearing.
- 34 (2) Prior to any changes in an area designated in an ordinance as a sending or receiving
35 area, the local governing authority shall provide for notice and a hearing as provided in
36 paragraph (1) of this subsection.

1 (e) Proposed transfers of development rights shall become effective upon the recording of
 2 the conveyance with the appropriate deed-recording authorities and the filing of a certified
 3 copy of such recording with the local governing authority of each political subdivision in
 4 which a sending or receiving area is located in whole or in part.

5 (f) Municipalities ~~and counties,~~ counties, and townships which are jointly affected by
 6 development are authorized to enter ~~in to~~ into intergovernmental agreements for the
 7 purpose of enacting interdependent ordinances providing for the transfer of development
 8 rights between or among such jurisdictions, provided that such agreements otherwise
 9 comply with applicable laws. Any ordinances enacted pursuant to this subsection may
 10 provide for additional notice and hearing and signage requirements applicable to properties
 11 within the sending and receiving areas in each participating political subdivision."

12 **SECTION 6.**

13 Said title is further amended by revising Code Section 36-67-1, relating to applicability and
 14 definitions relating to zoning proposal review procedures, to read as follows:

15 "36-67-1.

16 This article shall apply only to those counties which have a population of 625,000 or more
 17 according to the United States decennial census of 2000 or any future such census and to
 18 those municipalities and townships wholly or partially located within such counties which
 19 have a population of 100,000 or more according to the United States decennial census of
 20 1980 or any future such census. As used in this article, the term 'local government' means
 21 those counties, townships, and municipalities subject to this article; and the term 'governing
 22 authority' means the governing authority of each such county, township, and municipality."

23 **SECTION 7.**

24 Said title is further amended by revising paragraph (4) of Code Section 36-67A-1, relating
 25 to definitions relating to conflicts of interest in zoning actions, to read as follows:

26 "(4) 'Local government' means any county, township, or municipality of this state."

27 **SECTION 8.**

28 This Act shall become effective on January 1, 2009, provided that an amendment to the state
 29 Constitution is passed by the General Assembly and ratified by the voters at the 2008 general
 30 election providing for the creation of townships and the exercise of zoning powers by such
 31 townships. If such an amendment is not passed and ratified, then this Act shall stand
 32 repealed by operation of law on January 1, 2009.

1 **SECTION 9.**

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