

Senate Bill 476

By: Senator James of the 35th

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 36 of Title 36 of the Official Code of Georgia Annotated, relating to
2 annexation of territory to municipal corporations, so as to provide for plans for the extension
3 of municipal services to the area proposed to be annexed in all cases of annexation of
4 annexation other than annexation by Act of the General Assembly; to provide for the
5 contents and implementation of such plans; to provide that affected counties and citizens may
6 bring actions challenging the feasibility or implementation of such plans; to provide that
7 annexations shall be prohibited or defeased where such plans are not feasible or are not
8 implemented in a timely manner; to provide for related matters; to provide for an effective
9 date and applicability; to repeal conflicting laws; and for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 style="text-align:center">**SECTION 1.**

12 Chapter 36 of Title 36 of the Official Code of Georgia Annotated, relating to annexation of
13 territory to municipal corporations, is amended by adding at the end of Article 1 a new Code
14 section to read as follows:

15 "36-36-12.

16 (a) A municipal corporation exercising authority under this article shall make plans for the
17 extension of services to the area proposed to be annexed and, prior to the public hearing
18 provided for in Code Section 36-36-36, shall prepare a report setting forth its plans to
19 provide services to the area.

20 (b) The report required in subsection (a) of this Code section shall include:

21 (1) A map or maps of the municipality and adjacent territory, showing the present and
22 proposed boundaries of the municipal corporation, the present major trunk water mains
23 and sewer interceptors and outfalls, and the proposed extensions of such mains and
24 outfalls as required in paragraph (2) of subsection (c) of this Code section; and

25 (2) A statement setting forth the plans of the municipal corporation for extending to the
26 area to be annexed each major municipal service performed within the municipality at the
27 time of annexation.

28 (c) The plans required in subsection (a) of this Code section shall:

29 (1) Provide for extending police protection, fire protection, garbage collection, and street
30 maintenance services to the area to be annexed, on the date of annexation, on
31 substantially the same basis and in the same manner as such services are provided within
32 the rest of the municipal corporation prior to annexation; but if a water distribution
33 system is not available in the area to be annexed, the plans must call for reasonably
34 effective fire protection services until such time as water lines are made available in the
35 area under existing municipal policies for the extension of water lines;

36 (2) Provide for extension of major trunk water mains and sewer outfall lines into the area
37 to be annexed within 12 months of the effective date of annexation, so that when such
38 lines are constructed property owners in the area to be annexed will be able to secure
39 public water and sewer service, according to the policies in effect in such municipal
40 corporation for extending water and sewer lines to individual lots or subdivisions; and

41 (3) Set forth the methods under which the municipal corporation plans to finance
42 extension of services into the area to be annexed.

43 (d)(1) In the case of an annexation under Article 2 of this chapter, the report required in
44 subsection (a) of this Code section shall be prepared and made available to the public at
45 least 14 days prior to the date on which the municipal governing authority votes to effect
46 the annexation.

47 (2) In the case of an annexation under Article 3 of this chapter, the report required in
48 subsection (a) of this Code section shall be prepared and made available to the public at
49 least 14 days prior to the public hearing required by Code Section 36-36-36.

50 (3) In the case of an annexation under Article 4 of this chapter, the report required in
51 subsection (a) of this Code section shall be prepared and made available to the public at
52 least 14 days prior to the public hearing required by Code Section 36-36-57.

53 (e) The county in which any part of the affected property lies and any citizen affected by
54 a proposed annexation shall each have standing to bring an action in superior court
55 challenging the feasibility or implementation or both of the municipal corporation's plans
56 for the extension of services to the area proposed to be annexed. Such an action may be
57 brought prior to the effective date of the annexation or within a period of one year after the
58 effective date of the annexation. If the superior court finds that the plans are not feasible
59 or are not being implemented in a timely manner, the court shall enter an order prohibiting
60 the annexation or, if the annexation has been completed, deannexing the territory annexed.
61 The burden of proof in any such proceeding shall be on the municipal corporation."

62 **SECTION 2.**

63 Said chapter is further amended by repealing and reserving (1) Code Section 36-36-35,
64 relating to plans and report for extension of municipal services to territory to be annexed
65 upon application of owners of 60 percent of the land and 60 percent of the electors; and (2)
66 Code Section 36-36-56, relating to plans and report for extension of municipal services to
67 territory to be annexed through petition and referendum.

68 **SECTION 3.**

69 This Act shall become effective upon its approval by the Governor or upon its becoming law
70 without such approval and shall apply to any annexation where the municipal governing
71 authority's vote to effect the annexation takes place on or after the effective date of this Act.

72 **SECTION 4.**

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