

House Bill 428

By: Representatives Jacobs of the 80<sup>th</sup> and Taylor of the 79<sup>th</sup>

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, so as to provide an additional method of annexation for certain  
3 municipalities; to provide for procedures; to provide for related matters; to provide for an  
4 effective date and automatic repeal; to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 SECTION 1.

7 Chapter 36 of Title 36 of the Official Code of Georgia Annotated, relating to annexation of  
8 territory, is amended by adding a new article to read as follows:

9 "ARTICLE 4A

10 36-36-65.

11 (a) As used in this article, the term 'contiguous area' means any area which, at the time  
12 annexation procedures are initiated, either abuts directly on the municipal boundary or is  
13 separated from the municipal boundary by a street or street right of way, a creek or river,  
14 the right of way of a railroad or other public service corporation, lands owned by the  
15 municipal corporation or some other political subdivision, or lands owned by this state.

16 (b) The governing authority of any municipality first incorporated on or after  
17 December 1, 2008, shall be authorized to extend the corporate limits of such municipality  
18 to include any unincorporated contiguous area within four miles of the corporate limits of  
19 such municipality under the conditions and procedures provided in this article and Article 1  
20 of this chapter.

21 36-36-66.

22 (a) Any municipal governing body desiring to annex territory pursuant to this article shall  
23 first pass a resolution stating the intent of the municipal corporation to consider annexation.

24 The resolution shall describe the boundaries of the area under consideration and fix a date  
25 for a public hearing on the question of annexation. The date for the public hearing shall  
26 be not less than 30 days and not more than 60 days following passage of the resolution.  
27 The notice of the public hearing shall (1) fix the date, hour, and place of a public hearing  
28 and (2) describe clearly the boundaries of the area under consideration. The notice shall  
29 be given by publication in a newspaper having general circulation in the municipality once  
30 a week for three successive weeks prior to the date of the hearing. The date of the last  
31 publication shall be not more than seven days preceding the date of public hearing. If there  
32 is no such newspaper, the municipal corporation shall post the notice in at least three public  
33 places within the municipality and in at least three public places in the area to be annexed  
34 for 30 days prior to the date of the public hearing.  
35 (b) At the public hearing, all persons resident or owning property in the territory described  
36 in the notice of public hearing and all residents of the municipality shall be given an  
37 opportunity to be heard.

38 36-36-67.

39 The municipal corporation shall issue a call for a referendum to ratify or reject the adoption  
40 of the annexation resolution. The referendum shall be held not less than 30 days nor more  
41 than 60 days after the date of the public hearing required by Code Section 36-36-66. The  
42 referendum shall be held, insofar as possible, under the procedures set forth in Chapter 2  
43 of Title 21 for special elections. Only those persons registered to vote for members of the  
44 General Assembly residing, on the date of the adoption of the resolution, in the proposed  
45 area to be annexed shall vote in the referendum. If a majority of those voting vote in favor  
46 of annexation, the area shall become a part of the corporate limits of the municipality but  
47 not otherwise.

48 36-36-68.

49 (a) Whenever the limits of a municipal corporation are enlarged in accordance with this  
50 article, it shall be the duty of the clerk, city attorney, or other person designated by the  
51 governing authority of the municipal corporation to cause an identification of the annexed  
52 territory to be filed with the Department of Community Affairs and with the governing  
53 authority of the county in which the property is located in accordance with Code  
54 Section 36-36-3.

55 (b) Any municipal corporation initiating annexations under this article is authorized to  
56 make expenditures for surveys required to describe the property under consideration or for  
57 any other purpose necessary to plan for the study and annexation of unincorporated  
58 contiguous area to the municipal corporation. In addition, following final passage of the

59 annexation ordinance, the annexing municipal corporation shall have authority to proceed  
60 with expenditures for construction of water and sewer lines and other capital facilities and  
61 for any other purpose calculated to bring services into the annexed area in an effective and  
62 expeditious manner prior to the effective date of annexation.

63 36-36-69.

64 Unless extended by Act of the General Assembly, this article shall stand repealed by  
65 operation of law on December 31, 2013."

66 **SECTION 2.**

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

69 **SECTION 3.**

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