

House Bill 830

By: Representatives Parent of the 81<sup>st</sup>, Oliver of the 83<sup>rd</sup>, and Mosby of the 90<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Chapter 31 of Title 36 of the Official Code of Georgia Annotated, relating to  
2 incorporation of municipal corporations, so as to provide certain requirements and standards  
3 for the incorporation of new municipal corporations; to provide for related matters; to repeal  
4 conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

7 Chapter 31 of Title 36 of the Official Code of Georgia Annotated, relating to incorporation  
8 of municipal corporations, is amended by adding a new Code section to read as follows:

9 "36-31-13.

10 (a) Any bill to incorporate a new municipality may be introduced in the General Assembly  
11 only during the regular session which is held during the first year of the term of office of  
12 members of the General Assembly. Any such bill to incorporate a new municipality may  
13 be passed by the General Assembly only during the regular session which is held during  
14 the second year of the term of office of members of the General Assembly.

15 (b) During the session in which a bill to incorporate a new municipality is introduced, the  
16 committee to which the bill is assigned shall determine the proposed boundaries of the new  
17 municipality and such boundaries shall not be changed thereafter in the second year of the  
18 term in which the bill is introduced.

19 (c) During the interim between the first and second sessions of the General Assembly, a  
20 financial viability study shall be conducted on the proposed municipality. Such study shall  
21 include, but shall not be limited to, the following issues:

22 (1) The economic viability of the proposed municipality and the amount of taxes  
23 necessary to sustain the appropriate levels of services required by the municipality to  
24 meet the needs of its inhabitants;

25 (2) The financial impact of the incorporation of the municipality on the county in which  
26 such municipality is located;

27 (3) The financial impact of the incorporation of the municipality on adjacent existing  
 28 municipalities in the same county; and

29 (4) A comparison of the estimated costs of police, fire, and sanitation services in the area  
 30 of the proposed new municipality, the county, and adjacent existing municipalities in the  
 31 same county before and after the proposed incorporation of the new municipality.

32 (d) The corporate limits of a new municipality shall not create unincorporated islands. As  
 33 used in this subsection, an 'unincorporated island' is an unincorporated area:

34 (1) With its aggregate external boundaries abutting the new municipality;

35 (2) With its aggregate external boundaries abutting any combination of the new  
 36 municipality and one or more other existing municipalities or counties, including areas  
 37 separated by the width of an interstate highway from the boundaries of the new  
 38 municipality; or

39 (3) To which the county would have no reasonable means of physical access for the  
 40 provision of services otherwise provided by the county governing authority solely to the  
 41 unincorporated area of the county.

42 (e) In the case of a new municipality being created within close proximity to existing  
 43 municipalities as provided in this subsection, no action shall be taken by the General  
 44 Assembly without the express consent of such existing municipality evidenced by a written  
 45 resolution passed by a majority of such municipality's governing authority. An existing  
 46 municipality shall be considered for the purposes of this subsection to be in close proximity  
 47 to the new municipality if it is within the same county and falls within one of the following  
 48 classifications:

49 (1) Within one-fourth mile of an existing municipality with a population of less than  
 50 5,000 persons according to the last United States decennial census;

51 (2) Within one-half mile of an existing municipality with a population of not less than  
 52 5,000 nor more than 24,999 persons according to the last United States decennial census;

53 (3) Within one mile of an existing municipality with a population of not less than 25,000  
 54 nor more than 49,999 persons according to the last United States decennial census;

55 (4) Within two miles of an existing municipality with a population of not less than  
 56 50,000 nor more than 99,999 persons according to the last United States decennial  
 57 census; or

58 (5) Within three miles of an existing municipality with a population of not less than  
 59 100,000 persons according to the last United States decennial census.

60 (f) Each committee of the General Assembly considering the bill to incorporate a new  
 61 municipality shall take testimony and evidence to determine the existence of less disruptive  
 62 and less costly alternatives to the incorporation of a new municipality to meet the needs of

63 the persons located in the area of the proposed new municipality including, but not limited  
64 to:

65 (1) Overlay zoning districts;

66 (2) Special land use districts; and

67 (3) Special tax districts.

68 The chairpersons of the House and Senate committees considering such legislation shall  
69 include with any 'do pass' recommendation a certificate that such options have been  
70 considered and, based upon the testimony and evidence before the committee, such options  
71 are not sufficient to meet the needs of the persons located in the proposed area to be  
72 incorporated and that a new municipality is the only option that will meet the needs of such  
73 citizens. Such legislation shall not be considered for passage by the full house of either  
74 house of the General Assembly unless such certification is attached to the report of the  
75 committee which is favorable to the passage of such bill."

76 **SECTION 2.**

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