House Bill 1321 (AS PASSED HOUSE AND SENATE)

By: Representatives Oliver of the 56th, Post 2, Henson of the 55th, Mitchell of the 61st, Post 3, Mangham of the 62nd, Williams of the 61st, Post 2, and others

A BILL TO BE ENTITLED

AN ACT

To amend Article 5 of Chapter 36 of Title 36 of the Official Code of Georgia Annotated, relating to limitations on annexation, so as to repeal a requirement that municipalities may not annex in counties with populations between 625,000 and 725,000 except upon the approval of the county governing authority; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 5 of Chapter 36 of Title 36 of the Official Code of Georgia Annotated, relating to limitations on annexation, is amended by striking in its entirety Code Section 36-36-70, relating to annexation procedures in counties with certain population, and inserting in lieu thereof the following:

"36-36-70.

~~(a) The government of no municipality of this state annex to the existing corporate limits of such municipality any unincorporated area in which water, sewerage, police protection, fire protection, and garbage or refuse collection is furnished or is to be furnished by the county in which such unincorporated area is situated, or where the county has included such unincorporated area in a comprehensive zoning plan of the county, without first obtaining the approval of the governing authority of the county in which such unincorporated area is situated. Such approval must be obtained by an official act of the governing authority of the county and must be duly recorded upon the minutes of such body. The owner of any real property situated in such county shall have the right to enjoin any municipality which has not obtained the required approval of the governing authority of the county from exercising any municipal powers, functions, or duties over the unincorporated area improperly sought to be annexed to the existing corporate limits by an action for injunction filed in the superior court of the county in which the territory proposed for annexation is situated.~~

~~(b) The provisions of this Code section shall apply only to those counties of this state having a population of not less than 625,000 nor more than 725,000 according to the United States decennial census of 2000 or any future such census~~ Reserved."

SECTION 2.

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

SECTION 3.

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