

House Bill 22

By: Representative Oliver of the 82<sup>nd</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 **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 in a county in which more than 25 percent  
11 of the population of such county resides in incorporated municipalities shall not be  
12 considered by either house of the General Assembly unless:

13 (1) The corporate limits of the new municipality proposed in the bill includes all of the  
14 unincorporated area of such county; or

15 (2) The sponsor provides a plan for the remaining unincorporated area of the county to  
16 be incorporated through annexations to existing municipalities, the creation of one or  
17 more additional municipalities, or a combination of annexations and new municipalities.

18 (b) Any bill to incorporate a new municipality may be introduced in the General Assembly  
19 only during the regular session which is held during the first year of the term of office of  
20 members of the General Assembly. Any such bill to incorporate a new municipality may  
21 be passed by the General Assembly only during the regular session which is held during  
22 the second year of the term of office of members of the General Assembly.

23 (c) During the session in which a bill to incorporate a new municipality is introduced, the  
24 committee to which such bill is assigned shall determine the proposed boundaries of the  
25 new municipality, and such boundaries shall not be changed thereafter in the second year  
26 of the term in which such bill is introduced.

27 (d) During the interim between the first and second sessions of the General Assembly, a  
28 financial viability study shall be conducted on the proposed municipality and, if the  
29 provisions of subsection (a) of this Code section are applicable, on the proposed plan for  
30 the remaining unincorporated area of the county. Such study shall include, but shall not  
31 be limited to, the following issues:

32 (1) The economic viability of the proposed municipality and the proposed plan for the  
33 remaining unincorporated area of the county, if applicable, and the amount of taxes  
34 necessary to sustain the appropriate levels of services required by the municipality to  
35 meet the needs of its inhabitants;

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

38 (3) The financial impact of the incorporation of the municipality on adjacent existing  
39 municipalities in the same county;

40 (4) A comparison of the estimated costs of police, fire, and sanitation services in the area  
41 of the proposed new municipality, the county, and adjacent existing municipalities in the  
42 same county before and after the proposed incorporation of the new municipality; and

43 (5) The financial impact of the proposed plan for the remaining unincorporated area of  
44 the county, if applicable, on the county and the existing municipalities.

45 (e) The corporate limits of a new municipality shall not create unincorporated islands. As  
46 used in this subsection, the term 'unincorporated island' means an unincorporated area:

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

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

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

55 (f) In the case of a new municipality being created within close proximity to an existing  
56 municipality as provided in this subsection, no action shall be taken by the General  
57 Assembly without the express consent of such existing municipality evidenced by a written  
58 resolution passed by a majority of such municipality's governing authority. A new  
59 municipality shall be considered for the purposes of this subsection to be in close proximity  
60 to an existing municipality if it is within the same county and falls within one of the  
61 following classifications:

62 (1) Within one-fourth mile of an existing municipality with a population of less than  
63 5,000 persons according to the last United States decennial census;

64 (2) Within one-half mile of an existing municipality with a population of not less than  
65 5,000 nor more than 24,999 persons according to the last United States decennial census;  
66 (3) Within one mile of an existing municipality with a population of not less than 25,000  
67 nor more than 49,999 persons according to the last United States decennial census;  
68 (4) Within two miles of an existing municipality with a population of not less than  
69 50,000 nor more than 99,999 persons according to the last United States decennial  
70 census; or  
71 (5) Within three miles of an existing municipality with a population of not less than  
72 100,000 persons according to the last United States decennial census.  
73 (g) Each committee of the General Assembly considering the bill to incorporate a new  
74 municipality shall take testimony and evidence to determine the existence of less disruptive  
75 and less costly alternatives to the incorporation of a new municipality to meet the needs of  
76 the persons located in the area of the proposed new municipality, including, but not limited  
77 to:  
78 (1) Overlay zoning districts;  
79 (2) Special land use districts; and  
80 (3) Special tax districts.  
81 The chairpersons of the House and Senate committees considering such legislation shall  
82 include with any 'do pass' recommendation a certificate that such options have been  
83 considered and, based upon the testimony and evidence before the committee, such options  
84 are not sufficient to meet the needs of the persons located in the proposed area to be  
85 incorporated and that a new municipality is the only option that will meet the needs of such  
86 citizens. Such legislation shall not be considered for passage by the full house of either  
87 house of the General Assembly unless such certification is attached to the report of the  
88 committee which is favorable to the passage of such bill."

89 **SECTION 2.**

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