

Senate Bill 453

By: Senators Tillery of the 19th, Gooch of the 51st, Cowser of the 46th, Kennedy of the 18th, Miller of the 49th and others

**AS PASSED SENATE**

**A BILL TO BE ENTITLED  
AN ACT**

1 To amend Title 36 of the Official Code of Georgia Annotated, relating to local government,  
2 so as to limit the distance between new municipal corporations and existing municipal  
3 corporations; to modify the requirements for active municipalities; to provide for related  
4 matters; to repeal conflicting laws; and for other purposes.

5 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

6 **SECTION 1.**

7 Title 36 of the Official Code of Georgia Annotated, relating to local government, is amended  
8 by revising paragraph (1) of subsection (b) of Code Section 36-30-7.1, relating to inactive  
9 municipalities, as follows:

10 "(1) Provides at least three of the following services as to municipal corporations in  
11 existence as of January 1, 2018, and at least five of the following services as to all other  
12 municipal corporations, either directly or by contract:"

13 **SECTION 2.**

14 Said title is further amended in Chapter 31, relating to incorporation of municipal  
15 corporations, by adding a new Code section to read as follows:

16 "36-31-13.  
17 No local Act granting a municipal charter shall be enacted wherein any part of the proposed  
18 corporate boundary is less than three miles distance from the corporate boundary of any  
19 existing municipal corporation in this state; provided, however, that, if the residents of a  
20 certain geographical area within three miles of an existing municipal corporation have been  
21 denied annexation to the municipal corporation by the people of the municipal corporation,  
22 the residents of such geographical area shall be entitled to incorporate a new municipal  
23 corporation at any time within 12 months after such denial, and a local Act granting a  
24 municipal charter may be enacted; provided, further, that the population of the area  
25 proposed to be incorporated must exceed the population of the existing municipal

26 corporation, and a certificate from the governing authority of the existing municipal  
27 corporation or from the judge of the superior court of the county, evidencing the denial of  
28 annexation and the population figures, must accompany the certificate of incorporation  
29 required by this chapter."

30 This bill shall not apply to any proposed city bill introduced prior to April 1, 2018.

31 **SECTION 3.**

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