

## Georgia Law on Incorporation

The laws for incorporating a city in Georgia are codified in O.C.G.A. § 36-31-1 through O.C.G.A. § 36-31-12 and are outlined below:

- The proposed area must have a population of at least 200 persons and an average population of at least 200 persons per square mile.
- Sixty percent of the area must be developed for residential, commercial, industrial, institutional, recreational, or governmental purposes.
- The enabling legislation establishing the municipal corporation is the municipal charter.
- All municipal incorporations must be passed by local or general legislation by the General Assembly.
- The incorporating legislation may provide for a transition period of up to 24 months for the orderly transition of governmental functions from the county to the new municipal corporation.

O.C.G.A. § 36-31-11.1 specifies that the incorporating municipality may purchase county park land within the incorporated boundaries for \$100 per acre and fire stations for \$5,000 each.

**Although not part of the municipal incorporation statute, O.C.G.A. § 36-30-7.1(b)(1) requires each municipality to provide at least three (3) of the following services, either directly or by contract. There is no method by which to determine the level of the services provided.**

1. Law enforcement;
2. Fire protection (which may be furnished by a volunteer fire force) and fire safety;
3. Road and street construction or maintenance;
4. Solid waste management;
5. Water supply or distribution or both;
6. Waste-water treatment;
7. Storm-water collection and disposal;
8. Electric or gas utility services;
9. Enforcement of building, housing, plumbing, and electrical codes and other similar codes;
10. Planning and zoning; and
11. Recreational facilities.