

House Bill 374 (AS PASSED HOUSE AND SENATE)

By: Representatives Thomas of the 21<sup>st</sup>, Jasperse of the 11<sup>th</sup>, Anderson of the 10<sup>th</sup>, Carson of the 46<sup>th</sup>, Wilkerson of the 38<sup>th</sup>, and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend Titles 36 and 46 of the Official Code of Georgia Annotated, relating to local  
2 government and public utilities and public transportation, respectively, so as to prohibit  
3 certain regulations and policies concerning the use of certain equipment; to prohibit local  
4 regulations that create differing standards for or distinguish gasoline-powered leaf blowers  
5 from similar equipment; to provide for a short title; to provide for legislative findings; to  
6 prohibit governmental entities from adopting any policy that prohibits the connection or  
7 reconnection of any utility service or sales of certain fuels based upon the appliance to be  
8 used by a customer; to amend Chapter 36 of Title 36 of the Official Code of Georgia  
9 Annotated, relating to municipal annexation of territory, so as to provide for municipal  
10 deannexation of property by application of 100 percent of property owners; to provide for  
11 procedures, conditions, and limitations; to provide for ad valorem taxes; to prohibit  
12 deannexations where there is outstanding municipal bond obligations; to authorize  
13 municipalities to continue to provide services to deannexed properties in certain  
14 circumstances; to provide for related matters; to provide for an effective date; to repeal  
15 conflicting laws; and for other purposes.

16 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**SECTION 1.**

17  
18 Title 36 of the Official Code of Georgia Annotated, relating to local government, is amended  
19 by adding a new Code section to read as follows:

20 "36-60-30.

21 (a) This Code section shall be known and may be cited as the 'Landscape Equipment and  
22 Agricultural Fairness (LEAF) Act.'

23 (b) The General Assembly finds that:

24 (1) Prudent regulation of gasoline-powered leaf blowers is crucial to the welfare of  
25 Georgia's economy;

26 (2) Urban agriculture, homeowners, and landscape service professionals are sensitive to  
27 the costs and regulation of gasoline-powered leaf blowers; and

28 (3) If individual political subdivisions of the state regulate gasoline-powered leaf  
29 blowers, there exists the potential for confusing and varying regulations which could lead  
30 to unnecessary increased costs for urban agriculture, homeowners, and landscape service  
31 professionals to comply with such regulations.

32 (c) As used in this Code section, the term 'gasoline-powered leaf blowers' means any  
33 machine that is powered by a two-stroke or four-stroke engine and uses as fuel gasoline or  
34 a blend of gasoline and oil, used to blow leaves, dirt, or other debris off of sidewalks,  
35 driveways, lawns, or other surfaces.

36 (d) Any local prohibition or regulation regarding the use, disposition, or sale or any  
37 imposition of any restriction, fee imposition, or taxation at the retail, manufacturer, or  
38 distributor setting shall not create differing standards for or distinguish gasoline-powered  
39 leaf blowers from any other gasoline-powered, electric, or similar such equipment or any  
40 other type of leaf blower. Nothing in this subsection shall apply to the use of  
41 gasoline-powered leaf blowers on property owned by a county or municipality.

42 (e) Nothing in this Code section shall be construed to prohibit or limit any county or  
43 municipal program to encourage the use of alternative leaf blower equipment, such as  
44 battery powered tools."

45 **SECTION 2.**

46 Title 46 of the Official Code of Georgia Annotated, relating to public utilities and public  
47 transportation, is amended by revising Code Section 46-1-6, relating to governmental entities  
48 prohibited from restricting utility service connection or sale of fuels based on type and the  
49 ability to choose utility service, as follows:

50 "46-1-6.

51 (a) As used in this Code section, the term:

52 (1) 'Governmental entity' means any:

53 (A) Municipality, public corporation, political subdivision, instrumentality, body  
54 politic, authority, district, consolidated government, county, or any board, commission,  
55 agency, department, or board of any such entity;

56 (B) State board, commission, agency, department, or board; or

57 (C) Other form of government.

58 (2) 'Policy' means an ordinance, resolution, regulation, code, or any other requirement  
59 imposed by a governmental entity.

60 (b) No governmental entity of this state shall adopt any policy that restricts or prohibits,  
61 or has the effect of restricting or prohibiting, based on the type or source of energy or fuel  
62 to be delivered or the appliance to be used:

63 (1) The connection or reconnection of a customer to an electric utility, gas company, or  
64 natural, manufactured, or liquefied petroleum gas service;

65 (2) Sales of liquefied petroleum gas, including, but not limited to, directly to a consumer  
66 by a retail establishment; or

67 (3) Sales of other liquefied petroleum products.

68 (c) Nothing in this Code section shall limit the ability of a governmental entity to choose  
69 utility services for properties owned by such governmental entity."

70 **SECTION 3.**

71 Chapter 36 of Title 36 of the Official Code of Georgia Annotated, relating to municipal  
72 annexation of territory, is amended by adding a new article to read as follows:

73 "ARTICLE 8

74 36-36-130.

75 The procedures of this article shall apply to deannexations pursuant to this article but shall  
76 not apply to deannexations by local Acts of the General Assembly.

77 36-36-131.

78 (a) Authority is granted to the governing authority of any municipality to deannex an area  
79 or areas of the existing corporate limits thereof, in accordance with the procedures provided  
80 in this article and in Article 1 of this chapter, upon the written and signed applications of  
81 all of the owners of all of the land, except the owners of any public street, road, highway,  
82 or right of way, proposed to be deannexed, containing a complete description of the lands  
83 to be deannexed; provided, however, that no more than ten parcels of property may be  
84 deannexed in one action and only upon the adoption of a resolution by the governing  
85 authority of the county in which such property is located consenting to such deannexation.  
86 If the governing authority of the county consents to the deannexation and the deannexation  
87 conforms with the requirements of this article, the governing authority of the municipal  
88 corporation shall approve such deannexation unless it finds that the deannexation would  
89 be detrimental to the health, safety, and welfare of the residents and property owners of the  
90 area to be deannexed or to the area remaining within the municipality.

91 (b) Lands to be deannexed at any one time under this article shall be treated as one body,  
92 regardless of the number of owners, and all parts shall be considered as adjoining the limits  
93 of the municipality when any one part of the entire body abuts such limits; provided,  
94 however, that at least one-eighth of the aggregate external boundary or 50 feet of the area  
95 to be deannexed, whichever is less, either abuts directly on the municipal boundary or  
96 would directly abut on the municipal boundary if it were not otherwise separated from the  
97 municipal boundary by lands owned by the municipal corporation or some other political  
98 subdivision, by lands owned by this state, or by the definite width of:

99 (1) Any street or street right of way;

100 (2) Any creek or river; or

101 (3) Any right of way of a railroad or other public service corporation

102 which divides the municipal boundary and any area proposed to be deannexed.

103 (c) When such application is acted upon by the municipal governing authority and the land  
104 is, by ordinance, deannexed from the municipality, an identification of the property so  
105 deannexed shall be filed with the Department of Community Affairs and with the  
106 governing authority of the county in which the property is located in accordance with Code  
107 Section 36-36-3.

108 (d) When so deannexed, such lands shall cease to constitute a part of the lands within the  
109 corporate limits of the municipality as completely and fully as if the limits had been  
110 marked and defined by local Act of the General Assembly.

111 (e)(1) Except as provided in paragraph (2) of this subsection and Code  
112 Section 36-36-133, when so deannexed, the land shall be deannexed from the  
113 municipality effective for ad valorem tax purposes on December 31 of the year during  
114 which such application is submitted and for all other purposes on the first day of the next  
115 calendar quarter that begins at least one month after the month during which the  
116 requirements of this article have been met.

117 (2) Unless otherwise agreed in writing by the governing authority of the county and a  
118 municipal governing authority, where property zoned and used for commercial purposes  
119 is deannexed from a municipality with an independent school system, the effective date  
120 for the purposes of ad valorem taxes levied for educational purposes shall be  
121 December 31 of the year after the year in which the requirements of this article have been  
122 met.

123 (f) Property that has been deannexed from a municipality under this article shall not be  
124 annexed again until at least two calendar years after the effective date of such deannexation  
125 unless such annexation is accomplished by local Act of the General Assembly.

126 36-36-132.

127 There shall be no deannexation under this article that results in the formation of one or  
128 more unincorporated islands or in part of the area remaining in the municipal corporation  
129 no longer being a contiguous area of such municipal corporation.

130 36-36-133.

131 In the event that a municipality has outstanding general obligation bond or revenue bond  
132 indebtedness, property in such municipality is ineligible for deannexation pursuant to this  
133 article.

134 36-36-134.

135 In the event of a deannexation pursuant to this article, a municipality may, but is not  
136 required to, continue to provide any services to the property which it was providing  
137 immediately prior to the deannexation, provided that the county and municipality have  
138 agreed to terms and conditions for the municipality continuing to provide such services."

139 **SECTION 4.**

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

142 **SECTION 5.**

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