

House Bill 1205

By: Representatives Purcell of the 122nd, Greene of the 134th, Morris of the 120th, Powell of the 23rd, Stephens of the 123rd, and others

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 change certain provisions relating to acquisition and construction of water and
3 sewage systems; to prohibit counties and municipalities from requiring connection with or
4 use of water supplied by a public water system except when other water is unfit; to prohibit
5 counties and municipalities from requiring connection with or use of a public system to
6 dispose of sewage or other waste products in certain cases; to prohibit charges or fees for
7 services made available but not used; to repeal conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 style="text-align:center">**SECTION 1.**

10 Title 36 of the Official Code of Georgia Annotated, relating to local government, is amended
11 striking Code Section 36-34-5, relating to acquisition and construction of water and sewage
12 systems, and inserting in lieu thereof the following:

13 "36-34-5.

14 In addition to the other powers which it may have, any municipal corporation shall have
15 the power under this chapter:

16 (1) To acquire by gift, by purchase, or by the exercise of the right of eminent domain,
17 to construct, to reconstruct, to improve, to better, and to extend any water system or
18 sewage system, or both, within the municipal corporation;

19 (2) To acquire by gift, by purchase, or by the exercise of the right of eminent domain any
20 lands, easements, rights in lands, and water rights in connection therewith;

21 (3) To operate and maintain any such systems for its own use and for public and private
22 persons within the territorial boundaries of the municipal corporation who use the system
23 ~~or to whom the system is made available at the property owned by such persons;~~ and

24 (4) To prescribe, revise, and collect rates, fees, tolls, or charges for the services,
25 facilities, or commodities furnished to persons or users ~~or made available by such systems~~
26 ~~to the property owner at such owner's property. When services are available but not used,~~

1 ~~the maximum rates, fees, tolls, or other charges imposed shall not exceed the minimum~~
2 ~~charge or fee imposed on a user of such system."~~

3 **SECTION 2.**

4 Said title is further amended by adding a new Code section to read as follows:

5 "36-60-17.1.

6 (a) No county or municipality shall require connection with or use of water supplied by
7 a public water system, except where necessary to preclude the use of water obtained from
8 another source that is demonstrably unfit for human consumption or other intended use; nor
9 shall it require any real property owner whose water lines are not connected with such
10 public water system to pay any charge or fee for water supply services made available but
11 not used.

12 (b) No county or municipality shall require connection with or use of a public system to
13 dispose of sewage where an existing on-site sewage management system or community
14 sewage treatment system serves the premises and is in compliance with all laws, rules, and
15 regulations governing design, siting, installation, and performance of such on-site or
16 community system; nor shall it require any real property owner whose premises are not
17 connected with such public sewer system to pay any charge or fee for sewage system
18 services made available but not used."

19 **SECTION 3.**

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