

The House Committee on State Planning and Community Affairs offers the following substitute to HB 1205:

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, municipalities, and local authorities from requiring
4 connection with or use of water supplied by a public water system except when other water
5 is unfit; to prohibit counties, municipalities, and local authorities from requiring connection
6 with or use of a public system to dispose of sewage or other waste products in certain cases;
7 to prohibit charges or fees for services made available but not used; to provide for
8 applicability; to provide for exceptions; to repeal conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

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

13 "36-34-5.

14 (a) In addition to the other powers which it may have, any municipal corporation shall
15 have 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:

22 (A) Public ~~public~~ and private persons within the territorial boundaries of the municipal
23 corporation who use the system; or

24 (B) Persons to whom the system is made available at the property owned by such
25 persons; and
26

1 (4) To prescribe, revise, and collect rates, fees, tolls, or charges for the services,
2 facilities, or commodities;

3 (A) Furnished ~~furnished~~ to persons or users; or

4 (B) Made ~~made~~ available by such systems to the property owner at such owner's
5 property. When services are available but not used, the maximum rates, fees, tolls, or
6 other charges imposed shall not exceed the minimum charge or fee imposed on a user
7 of such system.

8 (b) The provisions of subparagraphs (a)(3)(B) and (a)(4)(B) of this Code section shall
9 apply with respect to an individual residential property owner only in the case of a
10 municipality or public water or sewage system or project thereof that is exempted from the
11 provisions of subsections (a) through (c) of Code Section 36-60-17.1 pursuant to subsection
12 (d) of such Code section."

13 SECTION 2.

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

15 "36-60-17.1.

16 (a) No county, municipality, or local authority shall require an individual residential
17 property owner to connect with or use water supplied by a public water system, except
18 where necessary to preclude the use of water obtained from another source that is
19 demonstrably unfit for human consumption or other intended use; nor shall it require any
20 individual residential property owner whose water lines are not connected with such public
21 water system to pay any charge or fee for water supply services made available but not
22 used.

23 (b) No county, municipality, or local authority shall require an individual residential
24 property owner to connect with or use a public system to dispose of sewage where an
25 existing on-site sewage management system or community sewage treatment system serves
26 the premises and is in compliance with all laws, rules, and regulations governing design,
27 siting, installation, and performance of such on-site or community system; nor shall it
28 require any individual residential property owner whose premises are not connected with
29 such public sewer system to pay any charge or fee for sewage system services made
30 available but not used.

31 (c) Nothing in subsection (a) or (b) of this Code section shall preclude the repair or
32 maintenance of a private water system, on-site sewage management system, or community
33 sewage treatment system so as to meet the requirements for allowing continued use of the
34 same by an individual residential property owner without connecting to a public water
35 system or public sewage system or payment of charges or fees in accordance with
36 subsection (a) or (b) of this Code section.

- 1 (d) Subsections (a) through (c) of this Code section shall not apply to:
- 2 (1) Any public water system or public sewer system having active service connection
- 3 accounts which total more than 125,000 and average more than 200 per square mile of
- 4 total area served;
- 5 (2) A public water system or public sewer system with respect to an individual
- 6 residential property owner who has been mailed written notice to his or her address of
- 7 record on the property tax rolls by the appropriate county, municipality, or local authority
- 8 by certified mail of his or her right to opt out of connecting with such system and paying
- 9 charges or fees for system services made available but not used, if such property owner
- 10 did not notify the county, municipality, or local authority in writing on a form provided
- 11 thereby of his or her decision to exercise that option within 30 days after mailing of such
- 12 notice by the county, municipality, or local authority; or
- 13 (3) Any project of a public water system or public sewer system for which revenue bonds
- 14 have been validated, issued, and sold prior to the effective date of this paragraph."

15 **SECTION 3.**

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