

House Bill 510

By: Representatives Smith of the 113th, Crawford of the 127th, Mosley of the 178th, and Williams of the 165th

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 provide a grace period for repairs; to repeal
8 conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

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

14 "36-34-5.

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

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

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

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

25 (4) To prescribe, revise, and collect rates, fees, tolls, or charges for the services,
26 facilities, or commodities furnished to persons or users ~~or made available by such systems~~

1 ~~to the property owner at such owner's property. When services are available but not used,~~
2 ~~the maximum rates, fees, tolls, or other charges imposed shall not exceed the minimum~~
3 ~~charge or fee imposed on a user of such system."~~

4 **SECTION 2.**

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

6 "36-60-17.1.

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

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

20 (c) The owner or operator of any private or community well or sewage management
21 system which is not in compliance for purposes of this Code section shall be allowed a
22 period of 30 days in which to bring such system into compliance before requiring
23 connection of the premises served by such well or sewage system with a public water
24 system or public sewer system."

25 **SECTION 3.**

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