

House Bill 1289

By: Representatives Buckner of the 130th, Reece of the 11th, Gardner of the 57th, and Drenner of the 86th

A BILL TO BE ENTITLED
AN ACT

1 To amend Part 1 of Article 7 of Chapter 3 of Title 12 of the Official Code of Georgia
2 Annotated, relating to the Jekyll Island—State Park Authority, so as to define certain terms;
3 to require the authority to adopt and enforce certain restrictions and requirements on
4 construction of major facilities; to require the authority to impose restrictions and
5 requirements on amounts of impervious surfaces on the island; to require the authority to
6 impose certain restrictions and requirements on landscape irrigation; to impose certain height
7 restrictions on buildings; to require certain restrictions in leases or deeds for certain property
8 on Jekyll Island; to amend Part 2 of Article 1 of Chapter 2 of Title 8 of the Official Code of
9 Georgia Annotated, relating to state building, plumbing, and electrical codes, so as to change
10 certain provisions relating to adoption and continuation of state minimum standard codes and
11 enforcement thereof; to provide for enforcement of a gray water recycling systems appendix
12 to the state minimum standard plumbing code; to amend Chapter 3 of Title 31 of the Official
13 Code of Georgia Annotated, relating to county boards of health, so as to provide certain
14 conditions for use of gray water systems; to amend Code Section 43-14-2 of the Official
15 Code of Georgia Annotated, relating to definitions relative to licensing of electrical
16 contractors, plumbers, conditioned air contractors, low-voltage contractors, and utility
17 contractors, so as to change the definition of plumbing; to provide an effective date; to
18 provide that certain contracts shall not be impaired; to repeal conflicting laws; and for other
19 purposes.

20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

PART I

SECTION 1-1.

23 Part 1 of Article 7 of Chapter 3 of Title 12 of the Official Code of Georgia Annotated,
24 relating to the Jekyll Island—State Park Authority, is amended in Code Section 12-3-231,
25 relating to definitions, by adding new paragraphs to read as follows:

1 "(1.1) 'Average income' means the state-wide average wages of workers for all industries,
2 as most recently determined and reported by the Georgia Department of Labor."

3 "(3.1) 'LEED silver standard' means the United States Green Building Council
4 Leadership in Energy and Environmental Design green building rating standard referred
5 to as silver standard."

6 "(3.2) 'Lowest rates reasonable and possible' means that:

7 (A) The annual average daily rate, not including taxes, charged for at least 70 percent
8 of all rooms in all new hotels and motels on the island that are offered for rent to the
9 general public does not exceed the annual average daily rate, not including taxes,
10 charged for a lodge room of the same occupancy among all the following state parks
11 and lodges in the state park system constituted by Code Section 12-3-31: Amicalola
12 Falls, George T. Bagby, Little Ocmulgee, Red Top Mountain, and Unicoi. As used in
13 this subparagraph, the term 'all new hotels and motels' means all hotels and motels
14 constructed on or after the effective date of this paragraph, including but not limited to
15 any hotels or motels constructed to replace hotels or motels that existed previously on
16 the same site; and

17 (B) Park user fees, if any, do not exceed the highest fees charged for similar uses at
18 state parks in the state park system constituted by Code Section 12-3-31."

19 "(3.3)(A) 'Major facility project' means a construction or reconstruction project larger
20 than 5,000 gross square feet of occupied or conditioned space.

21 (B) 'Major facility project' does not include:

22 (i) Specific projects for which the authority and the project design team agree that the
23 sustainability standards are not practicable; or

24 (ii) Transmitter buildings, pumping stations, or other similar building types as
25 determined by the authority."

26 "(7) 'Sustainability standards' means the LEED silver standard or some other building
27 standards that provide environmental and sustainability standards substantially equivalent
28 to or exceeding the LEED silver standard."

29 **SECTION 1-2.**

30 Said part is further amended by adding new Code sections to read as follows:

31 "12-3-243.2.

32 (a) Not later than July 1, 2008, the authority shall approve and adopt, and may amend
33 thereafter, sustainability standards.

34 (b) On and after July 1, 2008, the authority shall not authorize the construction on Jekyll
35 Island of any new major facility the design and construction of which does not meet or
36 exceed the requirements of the sustainability standards of the authority.

1 12-3-243.3.

2 On and after the effective date of this Code section, the authority shall not authorize any
3 new or additional development of any lot or parcel of land which would cause more than
4 15 percent of the area of that portion of the island that is subject to development pursuant
5 to paragraph (1) of subsection (a) of Code Section 12-3-243 to be covered by a surface that
6 is impervious to water.

7 12-3-243.4.

8 (a) The authority shall require that golf courses and commercial property in use on Jekyll
9 Island on or after three years following the effective date of this Code section shall use
10 nothing other than gray water for landscape irrigation. Such use shall comply with the
11 requirements of Code Section 31-3-5.2.

12 12-3-243.5.

13 On and after the effective date of this Code section, the authority shall not authorize the
14 construction of any new building or reconstruction or modification of any existing building
15 which would result in the highest point of such building exceeding 35 feet above the lowest
16 ground elevation at the site."

17 **SECTION 1-3.**

18 Said part is further amended by revising Code Section 12-3-244, relating to restrictions on
19 sales and leases of subdivided lots on Jekyll Island, as follows:

20 "12-3-244.

21 (a) The leasing and sale of subdivided lots shall be under restrictive limitations as to the
22 use, style, and character of the structures allowable thereon and such other limitations as
23 the authority may deem wise. Any and all such restrictions may be incorporated in the
24 leases and deeds as covenants and warranties and may, at the discretion of the authority,
25 provide for termination and forfeiture upon breach. In the event of a breach of any such
26 covenants and warranties, the authority is empowered to take such action as shall further
27 and preserve its own best interest and the best interest of the state.

28 (b) In addition to any restrictions that may be imposed under subsection (a) of this Code
29 section, all leases or deeds entered into on or after the effective date of this subsection
30 shall prohibit the construction of any new building within the following described area,
31 except to replace a building that existed within such area on such date and that has since
32 been removed: beginning at the point where the eastern right of way of Beach View
33 Drive intersects with the northern boundary of that part of Jekyll Island protected by
34 subparagraph (a)(2)(B) of Code Section 12-3-243, thence generally northward along the

1 eastern right of way of Beach View Drive to its intersection with Clam Creek Road,
 2 thence generally northward along the eastern right of way of Clam Creek Road to St.
 3 Simons Sound, thence generally northeastward along the shore of St. Simons Sound to
 4 the northernmost point of Jekyll Island, thence generally southward along the Atlantic
 5 Ocean shore of Jekyll Island to the point where such shore intersects the northern
 6 boundary of that part of Jekyll Island protected by subparagraph (a)(2)(B) of Code
 7 Section 12-3-243, thence generally westward along the northern boundary of that part of
 8 Jekyll Island protected by subparagraph (a)(2)(B) of Code Section 12-3-243 to the point
 9 of beginning, with all of said rights of way being as such existed on the effective date of
 10 this subsection. Such leases and deeds shall provide, further, that the ground level width
 11 and length of any such replacement building within such area shall not exceed those
 12 ground level dimensions of the building that was replaced. Such restrictions shall be
 13 incorporated in the leases and deeds as covenants and warranties, and the same shall
 14 provide for termination and forfeiture upon breach. In the event of a breach of such
 15 covenant and warranty, the authority shall take such action to preserve its own best
 16 interest and the best interest of the state."

17 **PART II**

18 **SECTION 2-1.**

19 Part 2 of Article 1 of Chapter 2 of Title 8 of the Official Code of Georgia Annotated, relating
 20 to state building, plumbing, and electrical codes, is amended by revising Code Section
 21 8-2-21, relating to adoption and continuation of state minimum standard codes and
 22 enforcement thereof, as follows:

23 "8-2-21.

24 (a) Except as otherwise provided in subsection (b) of this Code section, enforcement
 25 Enforcement of the state minimum standard codes provided for in divisions (9)(A)(i) and
 26 (9)(B)(i) of Code Section 8-2-20 shall not include enforcement of appendices to such codes
 27 except when:

- 28 (1) Any provision of an appendix is specifically referenced in the code text;
- 29 (2) An appendix to a code is specifically included in an administrative ordinance adopted
 30 by a municipality or county; or
- 31 (3) An appendix to a code is specifically adopted by the department with the approval
 32 of the board.

33 (b) Enforcement of the state minimum standard codes provided for in division (9)(B)(i)
 34 of Code Section 8-2-20 shall include enforcement of Appendix C (Gray Water Recycling
 35 Systems) of the Standard Plumbing Code (SBCCI International Plumbing Code) 2000
 36 Edition, or such other version of a gray water recycling systems appendix adopted pursuant

1 to paragraph (3) of subsection (a) of this Code section, along with any amendments to the
 2 plumbing code which are necessary to allow for utilization of gray water recycling systems
 3 in accordance with such appendix. Use of gray water recycling systems for landscape
 4 irrigation which meet applicable design requirements of such plumbing code and appendix
 5 shall be permitted by a municipality or county, subject to the provisions of Code
 6 Section 31-3-5.1."

7 SECTION 2-2.

8 Chapter 3 of Title 31 of the Official Code of Georgia Annotated, relating to county boards
 9 of health, is amended by adding a new Code section to read as follows:

10 "31-3-5.2.

11 (a) As used in this Code section, the term 'gray water' means waste water discharged from
 12 lavatories, bathtubs, showers, clothes washers, and laundry trays.

13 (b) Direct reuse of gray water shall be lawful if the following conditions are met:

14 (1) Gray water shall be used and contained within the property boundary for household
 15 gardening, composting, lawn watering, or landscape irrigation;

16 (2) If a gray water recycling system of plumbing is used, it shall meet or exceed the
 17 requirements under subsection (b) of Code Section 8-2-21;

18 (3) Surface application of gray water shall not be used for irrigation of food plants,
 19 except for citrus and nut trees;

20 (4) The gray water shall not contain hazardous chemicals derived from activities such
 21 as cleaning car parts, washing greasy or oily rags, or disposing of chemical waste
 22 solutions;

23 (5) The application of gray water shall be managed to minimize standing water on the
 24 surface;

25 (6) Any gray water recycling system shall be sited outside of a floodway;

26 (7) Any gray water recycling system of plumbing shall be operated to maintain a
 27 minimum vertical separation distance of at least five feet from the point of gray water
 28 application to the top of the seasonally high groundwater table;

29 (8) Gray water applied by surface irrigation shall not contain water used to wash diapers
 30 or similarly soiled or infectious garments unless the gray water is disinfected before
 31 irrigation; and

32 (9) Surface irrigation by gray water shall be only by flood or drip irrigation or by hand
 33 watering using garden watering cans or similar hand-held containers.

34 (c) The following shall be prohibited:

35 (1) Use of gray water in violation of subsection (b) of this Code section;

36 (2) Use of gray water for purposes other than irrigation; and

1 (3) Spray irrigation of gray water.

2 Any violation of this subsection shall be a misdemeanor.

3 (d) County boards of health shall adopt the provisions of subsection (b) of this Code
4 section by regulation."

5 **SECTION 2-3.**

6 Code Section 43-14-2 of the Official Code of Georgia Annotated, relating to definitions
7 relative to licensing of electrical contractors, plumbers, conditioned air contractors,
8 low-voltage contractors, and utility contractors, is amended by revising paragraph (12) as
9 follows:

10 "(12) 'Plumbing' means the practice of installing, maintaining, altering, or repairing
11 piping fixtures, appliances, and appurtenances in connection with sanitary drainage or
12 storm drainage facilities, gray water recycling systems, venting systems, medical gas
13 piping systems, natural gas piping systems on the outlet side of gas meters, or public or
14 private water supply systems within or adjacent to any building, structure, or conveyance;
15 provided, however, that after July 1, 1997, only master plumbers and journeyman
16 plumbers who have been certified by the Division of Master Plumbers and Journeyman
17 Plumbers to perform such tasks shall be authorized to install, maintain, alter, or repair
18 medical gas piping systems. The term 'plumbing' also includes the practice of and
19 materials used in installing, maintaining, extending, or altering the natural gas,
20 storm-water, sewerage, gray water recycling, and water supply systems of any premises
21 to their connection with any point of public disposal or other acceptable terminal.
22 Notwithstanding any other provision of this chapter, any person who holds a valid master
23 plumbing license or any company which holds a valid utility contractor license shall be
24 qualified to construct, alter, or repair any plumbing system which extends from the
25 property line up to but not within five feet of any building, structure, or conveyance,
26 regardless of the cost or depth of any such plumbing system."

27 **PART III**

28 **SECTION 3-1.**

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

31 **SECTION 3-2.**

32 Nothing in this Act shall be applied to impair the obligation of any valid contract entered into
33 prior to the effective date of this Act; provided, however, that this Act shall apply to any
34 extension or renewal of any such contract on or after such date.

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SECTION 3-3.

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