

Senate Bill 524

By: Senator Tolleson of the 20th

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 36-34-5 of the Official Code of Georgia Annotated, relating to the
2 acquisition and construction of water and sewage systems by municipal corporations, so as
3 to prohibit municipal corporations from requiring certain persons served by a private on-site
4 sewage management system to use the sewage system maintained by the municipal
5 corporation; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Code Section 36-34-5 of the Official Code of Georgia Annotated, relating to the acquisition
9 and construction of water and sewage systems by municipal corporations, is amended as
10 follows:

11 "36-34-5.

12 (a) In addition to the other powers which it may have, any municipal corporation shall
13 have the power under this chapter:

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

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

19 (3) To operate and maintain any such systems for its own use and for:

20 (A) Public and private persons within the territorial boundaries of the municipal
21 corporation who use the system; or

22 (B) Persons to whom the system is made available at the property owned by such
23 persons; and

24 (4) To prescribe, revise, and collect rates, fees, tolls, or charges for the services,
25 facilities, or commodities:

26 (A) Furnished to persons or users; or

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

31 (b) No municipal corporation shall require a single-family residential property owner or
 32 farm served by a lawfully operated private on-site sewage management system to connect
 33 with or use any sewage system supplied by such municipal corporation, nor shall a
 34 municipal corporation impose any fee or charge to such single-family residential property
 35 owner or farm for sewage system services made available but not used.

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

41 **SECTION 2.**

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