

Senate Bill 121

By: Senators Anderson of the 24th, Ginn of the 47th, Gooch of the 51st, Kennedy of the 18th, Robertson of the 29th and others

AS PASSED

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 60 of Title 36 of the Official Code of Georgia Annotated, relating to
2 general provisions applicable to counties and municipal corporations, so as to prohibit local
3 governments from denying the drilling, servicing, or repair of new or existing water wells
4 on single-family residential and farm properties; to prohibit local governments from
5 precluding or denying the installation of new water wells on single-family residential
6 properties situated on one acre of property or more; to provide for related matters; to repeal
7 conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Chapter 60 of Title 36 of the Official Code of Georgia Annotated, relating to general
11 provisions applicable to counties and municipal corporations, is amended in Code
12 Section 36-60-17.1, relating to localities prohibited from requiring connection with or use
13 of water supplied by a public water system except when other water unfit, charges or fees for
14 services made available but not used prohibited, and applicability, by revising subsections
15 (b) and (c) and adding a new subsection to read as follows:

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16 "(b) Nothing in subsection (a) of this Code section shall preclude or authorize the denial
17 of the repair or maintenance of a well serving a single-family residence so as to meet the
18 requirements for allowing continued use of the same by a single-family residential property
19 owner or farm without connecting to a public water system or payment of charges or fees
20 in accordance with subsection (a) of this Code section. Such repairs shall be the sole
21 responsibility of such owner.

22 (c) Nothing in subsection (a) of this Code section shall preclude or authorize the denial of
23 the installation of a well serving a single-family residence situated on a parcel of one acre
24 or more so as to meet the requirements for allowing use of the same by a single-family
25 residential property owner without connecting to a public water system or payment of
26 charges or fees in accordance with subsection (a) of this Code section. Such repairs shall
27 be the sole responsibility of such owner.

28 (d) Subsections (a), ~~and~~ (b), and (c) of this Code section shall not apply to:

29 (1) Any public water system having more than a total of 70,000 active service connection
30 accounts or more than 200 such accounts per square mile of total area served;

31 (2) A public water system with respect to a single-family residential property owner or
32 farm who has been mailed written notice to his or her address of record on the property
33 tax rolls by the appropriate county, municipality, or local authority by certified mail of
34 his or her right to opt out of connecting with such system and paying charges or fees for
35 system services made available but not used, if such property owner did not notify the
36 county, municipality, or local authority in writing on a form provided thereby of his or
37 her decision to exercise that option within 45 days after mailing of such notice by the
38 county, municipality, or local authority;

39 (3) Any project of a public water system for which revenue bonds have been validated,
40 issued, and sold prior to January 1, 2008; or

41 (4) Any public water system funded primarily through a federal or state grant that
42 contains stipulations in such grant requiring the county, municipality, or local authority

43 to levy a charge or fee for water supply services made available but not used. For all
44 state grants, loans, or contracts for services issued on and after July 1, 2007, no state
45 grant, loan, or contract for services funding any project of a public water system shall
46 contain any stipulations requiring a county, municipality, or local authority to levy a
47 charge or fee for water supply services made available but not used or requiring a county,
48 municipality, or local authority to require single-family property owners or farms to
49 connect with or use water supplied by a public water system, except where necessary to
50 preclude the use of water obtained from another source that is demonstrably unfit for
51 human consumption or other intended use. For the purposes of this paragraph, a federal
52 grant is defined as money provided directly to a county or municipality. Federal money
53 provided to a revolving loan fund or to the Georgia Environmental Finance Authority or
54 such other mechanism shall not be considered a federal grant."

55 **SECTION 2.**

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