

ARTICLE II. - WATER SYSTEM^[3]

Footnotes:

--- (3) ---

Editor's note— Res. No. 04-1326, adopted Dec. 15, 2004 amended art. II in its entirety to read as herein set out. Formerly, said article pertained to similar subject matter as enacted by Code 1983. See the Code Comparative Table for a detailed analysis of inclusion.

Cross reference— Drinking water supply, § 34-111 et seq.

Local Constitutional Amendments and Local Acts reference —Authority to provide water service, § 1-114.

DIVISION 1. - GENERALLY

Sec. 82-31. - Statement of necessity.

It is hereby determined necessary to the protection of the public health, safety, welfare, and convenience of the citizens of Fulton County, and for the orderly development of the water distribution system of the county to establish three water service districts within the county, to provide procedures for the laying of water mains, assessing the cost thereof, and fixing the service charges for the use of the facilities pursuant to the authority granted by article IX, section III of the Constitution of Georgia, as amended, the Fulton Water and Sewer System Act of 1929 (1929 Ga. Laws, page 621 et seq.), and the Fulton County Local Improvement Assessment Law of 1949 (1949 Ga. Laws, page 1423 et seq.).

(Res. No. 04-1326, 12-15-04)

Sec. 82-32. - Establishment of water service districts.

The following water service districts are hereby established:

- (1) The North Fulton County Water Service District, consisting of that portion of Fulton County lying north of the Chattahoochee River, including annexed areas of Alpharetta, Johns Creek, Milton, Roswell, and Mountain Park where the water distribution system was installed by Fulton County. (Amended 02/20/2019)
- (2) The South Fulton County Water Service District, consisting of that portion of unincorporated Fulton County lying south of the city limits of the City of Atlanta.
- (3) The Sandy Springs Water Service District, consisting of that portion of unincorporated Fulton County lying north of the city limits of the City of Atlanta and south of the Chattahoochee River.

(Res. No. 04-1326, 12-15-04)

Sec. 82-33. - Procedures for construction of main by assessing all or a part of the cost thereof against abutting landowners.

- (a) Whenever a petition to lay a water main in any public roadway, with the exception of subdivisions, at the expense, in whole or in part, of the owners of the abutting property, has been filed with the Board of Commissioners, or the Commissioners of their own motion have considered a proposal to lay such main, the Director of Public Works shall survey the route of the proposed water main and obtain an estimate of the cost of the facilities, including labor and materials. When the foregoing has been accomplished, the Board of Commissioners shall consider the matter and take such action thereon as in its judgment shall be proper. However, any extension of water mains in these water service districts will be considered by the Board of Commissioners only upon agreement of the interested property owners to pay the assessment fees applicable to their district as may be established from time to time by the Board of Commissioners.

- (b) Whenever the Board of Commissioners shall determine from a preliminary survey that the project has merit and will serve a public need, it shall set a time and place for public hearing thereon before the Board of Commissioners. Notice of the public hearing shall be given to the owners of the abutting property, in writing by regular mail, at least ten days in advance of the hearing, and by the publication of the notice, one time not less than ten days in advance of the hearing, in the newspaper in which notices of sheriff's sales for Fulton County are published. The notice shall describe generally the facility to be constructed and the route thereof and shall further state the cost to be assessed against the owners of the abutting property, and the nature of the work or improvement proposed to be made.
- (c) At the time and place fixed for the hearing and after publication of the notice, the Board of Commissioners shall proceed to hear the proposal, including objections thereto, if any, of any party at interest, and shall take any action on the proposal as in the judgment of the Board of Commissioners will best promote the public interest, either approving or disapproving the proposal or postponing decision to a later date. Such action shall be by resolution of the Board of Commissioners and may be adopted at the next meeting after its advertisement, and after having heard objections thereto, or at any subsequent meeting.
- (d) After the passage of a resolution ordering the installation of the water main, all property owners to be assessed for the cost of the main who do not, within 15 days thereafter, commence legal proceedings to prevent the assessment being made, shall be conclusively presumed to have accepted the terms of the assessment and shall have agreed that the assessment may be made.
- (e) In all cases where the proposal is approved, the Board of Commissioners shall by proper resolution, entered on the minutes of the meeting, authorize the construction of the facility in accordance with the plans and cost estimates prepared by the department of public works. The Board of Commissioners may undertake the construction with county forces and material purchased by the county, or may proceed to let a contract with an independent contractor, or with some municipality or some other governmental entity. It shall be the duty of the finance director and Director of Public Works to maintain complete and accurate records of the cost of each project, separate and apart from the records maintained on other projects.
- (f) The cost of such work shall be assessed against the owners of all property abutting the public roadways in which the main is laid and their respective properties, except on corner lots where the first 200 feet on the side, shall be exempt. The assessments shall be charged in accordance with the fee schedule prevailing at the time of approval by the Board of Commissioners.
- (g) When the work on any project authorized under the foregoing procedure shall have been completed, the Director of Public Works shall make a full report thereof to the Board of Commissioners, which report shall include the cost of the facility, a complete description thereof, and a statement of the cost, whether in whole or in part, to be assessed against the owners of the abutting property, on each side of the water main so constructed.
- (h) The Director of Public Works shall also prepare for the approval of the Board of Commissioners a resolution and assessment roll, setting forth in detail the names of the owners of the property to be assessed where the owners are known, the frontage of the property to be assessed, together with a statement of the total assessment against the individual property owner, which resolution and assessment roll shall be placed upon the minutes of the Board of Commissioners.
- (i) The cost of any improvement made pursuant to this article shall be a lien upon the respective properties from the date of the completion of the improvement and shall be enforceable in the same manner as executions for taxes, and shall have the same rank and character as liens for taxes.
- (j) The Director of Finance shall notify the owner, by regular mail, of any property assessed in the manner aforesaid and collect the assessment in full in accordance with the terms and payments as hereinafter set forth. Failure to receive the notice shall not invalidate the assessment.
- (k) Payment of an assessment may be made without interest or penalty at any time within 60 days from the date of the assessment.

- (l) Should any property owner, so notified of an assessment against his property desire to pay it in installments, he shall apply to the Director of Finance, who is authorized and directed to approve payments of the total assessment on a deferred payment plan: one-fourth down within 60 days of date of notice, with the remainder in three equal annual installments. Payments made after 60 days shall draw interest from date of assessments at the rate of interest from time to being charged on unpaid state and county taxes. All deferred installments shall be evidenced by a lien upon the property so improved by the construction of the water main and abutting the same. The Director of Finance is authorized to provide suitable forms to carry out this section.
- (m) In all cases where the owner of the property assessed under this article shall fail to acknowledge the lien upon his property, pay the required cash payment, and agree to pay the remainder in installments, as provided herein, or shall fail to pay any installment when due, it shall be the duty of the Director of Finance to prepare and issue in the name of the Board of Commissioners an execution against the property and the owner thereof, if the owner is known, for the full amount of the assessment, or for the balance thereof if any portion has been paid, and file the execution with the Sheriff of Fulton County for levy upon and sale of the property so assessed in the same manner that executions for taxes due the state and county are issued, levied and collected.
- (n) The following general requirements shall apply for Installation of public water lines within areas of unpaved roads, however, the Director of Public Works may, upon written request, reduce or increase requirements as deemed appropriate. (Added 02/20/2019)
 - 1. No waterlines shall be installed along or adjacent to unpaved roads that are not within public rights of way.
 - 2. Documentation shall be provided that the jurisdiction owning the right of way is currently maintaining the roadway as a transportation thoroughfare and intends to do so for the foreseeable future.
 - 3. The waterline shall be installed as much as possible in the location with respect to the centerline of the right of way as if the roadway were paved; nominally 4-1/2 feet back of a future curb or edge of pavement location.
 - 4. The design of the waterline shall comply with all pertinent Development, Subdivision, and Utility Regulations and Standards

(Res. No. 04-1326, 12-15-04)

Sec. 82-34. - Procedure for upgrading existing service.

In cases where the Board of Commissioners should, on its own motion, and without a public petition, authorize the construction of a new water main to improve the pressure and circulation of the system, the cost of such new main shall be assessed as otherwise provided in this article. However, no assessment shall be levied against the owner of any property which has previously been assessed for and who has tapped onto the old existing water main and collection of the assessment from any other owner shall be deferred until application is made by the owner for connection to the new water main. Upon making the application for connection to the new water main the assessment shall be paid either in cash or by the deferred payment procedure provided under this article. The assessment, although deferred under this section, shall be recorded and shall constitute an inchoate lien against the property, to be perfected upon the filing of the application for connection. All assessments under this section shall be paid at the prevailing rate at the time of application.

(Res. No. 04-1326, 12-15-04)

Sec. 82-35. - Procedures for connection to a water main.

- (a) Any provision of this article to the contrary notwithstanding, no person shall be allowed to tap or connect to any water main constructed pursuant to this article until the person shall have paid all sums required of him/her hereunder and/or executed the notes and lien acknowledgements provided herein, to the extent and in the amount the same are applicable; provided, further, no connection shall be allowed in any event until a tapping permit is issued by Fulton County.
- (b) Nothing herein shall permit connection to a water main until a water meter has been installed, and no water shall be taken from any main except through a water meter. Nothing herein shall operate to relieve any person from the payment of such charges for water service as the quantity of water used shall require, based upon the prevailing consumer rate in effect. (Amended 02/20/2019)
- (c) Applicants for connection to the water system in the Sandy Springs Water Service District and in the South Fulton Water Service District shall make application in advance for the City of Atlanta Water Works Department and pay for the meter installation by the city. A tapping permit must be issued by Fulton County pursuant to subsection (a) of this section before applying to the city for a meter.
- (d) Property owners desiring to connect to the water system in North Fulton County Water Service District shall make application for a water meter with Fulton County. A charge will be made for the water meter in accordance with the size meter required by the prevailing fee schedule. All meters shall be the property of Fulton County and shall not be removed or altered by any person, unless authorized by Fulton County.
- (e) Property Owners when directed by the Fire Marshal or otherwise elects to install a fire suppression system to a structure must purchase a separate meter which is an approved Underwriter approved factory mutual (UL/FM) fire rated meter from Fulton County. The owner shall not connect any fire suppression system behind any meter that is not fire rated. (Added 02/20/2019)(f) It shall be unlawful for any unauthorized person, firm, or corporation to perform any taps or connections to a water main, or remove or alter any water meter in the Fulton County Water Service District. (Amended 02/20/2019)

(Res. No. 04-1326, 12-15-04)

Sec. 82-36. - Charges for water service.

- (a) *Established.* It is hereby determined necessary for the protection of the public health, safety, welfare and convenience of the citizens of Fulton County, to repair and maintain the water system of the county and for the furnishing of the benefits of the system to the citizens of the county who are connected to the system, to fix and collect charges upon all property served by the Fulton County Water System.
- (b) *Rates.* For the purpose provided in subsection (a) of this section, there is hereby charged and assessed to each parcel of property served by connection to the Fulton County Water System, a water charge and assessment payable as hereinafter provided, and in the amount determinable as follows:
 - (1) *South Fulton and Sandy Springs Water Service Districts.* The water charge and assessments in the South Fulton and Sandy Springs Water Service Districts shall be in accordance with the regulations of the City of Atlanta Water System pursuant to the existing contracts between Fulton County and the City of Atlanta.
 - (2) *North Fulton Water Service District.* The water charge, deposit, and assessment in the North Fulton Water Service District shall be based upon the prevailing fee schedule approved by the Board of Commissioners.
 - (3) *Sprinkler system ready-to-serve charge.* There shall be charged and assessed against each connection of a fire sprinkler system, a monthly ready-to-serve charge as may be established

from time to time by the Board of Commissioners. Interest on late payments may be charged in accordance with charges established.

- (4) All sampling stations and automatic flushing stations installed within a development shall be metered and the sampling station and flushing station shall be owned and maintained by the Homeowner's Association. The Homeowner's Association will receive bills for the water usage of the sampling station and flushing station. This bill covers the water charge, deposit, and assessment for the sampling station, flushing station, and water meter. (Added 02/20/2019) (Res. No. 04-1326, 12-15-04)

Sec. 82-37. - Underwriter approved factory mutual fire line meter required on all fire service systems having fire hydrant or hydrants installed inside private property and also for fire sprinkler systems for building.) Amended 02/20/2019)

- (a) *Purpose of section.* The purpose of this section is to require the installation of a factory mutual fire line water meter on all fire service systems having fire hydrants or hydrants attached to them on private property and also for fire sprinkler systems for buildings. (Amended 02/20/2019).
- (b) *Effective date.* As of the adoption of this section, all persons making application for new fire service connections with private fire hydrant or hydrants will be required to have a factory mutual fire line meter installed as a part of the fire service system.
- (c) *Work to be performed by the department of public works forces.* Installation of meters as required by this section will be handled by the department of public works crews at the expense of the building owner or lessee.

(Res. No. 04-1326, 12-15-04)

Sec. 82-38. - Damage to county-owned material; injury to equipment of Fulton County.

It shall be unlawful for any unauthorized person, firm, or corporation to tamper with, maliciously open, move, switch, mar, deface, destroy, paint, damage, or injure any fire hydrant, water main, water meter, or other appurtenances of the water distribution system of Fulton County, or any other property owned by Fulton County. Violations of this section shall be punished as a misdemeanor.

(Res. No. 04-1326, 12-15-04)

Sec. 82-39. - Meters; disconnection; testing.

- (a) Water meters may be disconnected at the owner's request received by the finance department and may be removed at the option of Fulton County for a fee as may be established from time to time by the Board of Commissioners.
- (b) Meters may be checked for misreading and obvious leaks by county personnel.
- (c) A fee, as may be established from time to time by the Board of Commissioners, shall be charged should the property owner desire to have the meter tested and the meter is recording water consumption within acceptable limits.
- (d) Any water meter or service line that is no longer required due to the redevelopment of the property shall be removed back to the main line and plugged at the main line by and at the expense of the developer and / or the property owner under the supervision of Fulton County. In no case shall the service line remain connected to the water system. (Added 02/20/2019)

(Res. No. 04-1326, 12-15-04)

Sec. 82-40. - Payment of bills.

- (a) The water service charge provided by this article shall be payable to Fulton County by all customers in the North Fulton Water Service District and to the City of Atlanta by all customers in the South Fulton and the Sandy Springs Water Service Districts.
- (b) Fulton County shall maintain properly indexed records in its office reflecting all unpaid accounts based on charges and assessments which constitute liens on real property under the provisions of this article and shall make such records available to title examiners and other members of the public for examination.

(Res. No. 04-1326, 12-15-04)

Sec. 82-41. - Liens.

- (a) All charges and assessments levied under this article shall become liens upon the property benefited from the date due and payable.
- (b) Whenever the owner of any property chargeable under this article shall fail to pay any charge or assessment when it shall become due, execution of a lien against the property shall be issued in the name of the Board of Commissioners and shall be signed by the Director of Finance or a designated representative.
- (c) Said execution shall issue in rem against the property benefited by the service, and in personam against the owner thereof, and shall include, in addition to principal and interest, a fee for the issuance of the same as may be established from time to time by the Board of Commissioners.
- (d) All executions issued against the property and the owner thereof shall immediately be recorded on the general execution docket in the office of the Clerk of the Superior Court of Fulton County. All executions issued under this article shall be subject to enforcement in the same manner as now provided for the enforcement of state and county tax fi. fas., including levy thereon and the filing and subsequent proceedings in connection with affidavits of illegality.

(Res. No. 04-1326, 12-15-04)

Sec. 82-42. - Discontinuance of service for nonpayment of bills.

Whenever the owner of any property chargeable under this article shall fail to pay any charge or assessment when the same shall become due, and is given an opportunity to pay, and does not promptly pay the same, water service to the premises shall be discontinued.

(Res. No. 04-1326, 12-15-04)

Sec. 82-43. - Theft of service.

It shall be unlawful for any person, firm, or corporation to receive water service by deception and with the intent to avoid payment for said service which is available only for compensation. When such theft of service is discovered, the appropriate law enforcement officials shall be notified and cases shall be prosecuted to the full extent of Georgia Law.

(Res. No. 04-1326, 12-15-04)

Sec. 82-44. - Violations of article; misdemeanor.

- (a) Any person who intentionally violates any provision of this article and who shall continue any violation beyond the time limit provided for the satisfactory correction, shall be guilty of a misdemeanor. Each day in which a violation shall continue shall constitute a separate offense.
- (b) Any person convicted of violating the provisions of this article shall be punished in the manner prescribed by law for misdemeanors, and shall further reimburse the county for any expenses, loss, or damage occasioned the county by reason of such violation such as the total cost incurred by the county to repair or replace facilities, e.g., damaged meters, service connections, pipelines, fire hydrants, or other appurtenances and lost revenue.
- (c) Persons designated by Fulton County are hereby authorized to issue citations or summonses, or both, charging violations under this article, returnable to the State Court of Fulton County, or to any other court having the jurisdiction of a commitment court throughout the entire county, for trial.
- (d) No provision of this section shall prevent Fulton County from prosecuting theft of service to the full extent of Georgia law.

(Res. No. 04-1326, 12-15-04)

State Law reference— Punishment for misdemeanors generally, O.C.G.A. § 17-10-3; maximum punishments which may be imposed for violations of county ordinances, O.C.G.A. § 36-1-20(b); theft of service, O.C.G.A § 16-8-5; Punishments for other than misdemeanors, O.C.G.A § 16-8-2 (a)(1).

Secs. 82-45—82-50. - Reserved.

DIVISION 2. - NORTH FULTON WATER SERVICE DISTRICT [\[4\]](#)

Footnotes:

--- (4) ---

Editor's note— See editor's note, Art. II.

Sec. 82-51. - Scope of division.

The revisions of this division shall apply to all connections to the system in the North Fulton Water Service District.

(Res. No. 04-1326, 12-15-04)

Sec. 82-52. - Meters and recording devices.

- (a) *Required.* Meters and indicating or recording devices of such size and kind as are required or approved by the Director of Public Works or his representative shall be attached to all premises where county water is used.
- (b) *Ownership; maintenance.* All such meters, indicating or recording devices shall be the property of the county and shall be installed according to the requirement of this article, or as provided by the current standards of the public works department. After the installation of the first meter, indicating or recording device, the county shall keep same in repair and replace with a new one when necessary, except where it has been damaged by some neglect or act of the owner or any person on the property within the consent of the owner. In such case, the cost of repairs shall be charged to the owner or tenant. Upon failure of any owner or tenant served by a meter so damaged to pay, within

30 days from date of bill, for the cost of such repairs, the water shall be shut off and service discontinued until the bill has been paid.

- (c) *Two or more premises on one service meter.* In cases where two or more premises with common ownership are supplied through one meter and one service, if at any time one or more of such premises are sold or otherwise transferred, the new owner of the transferred property shall be required to discontinue service to premises so acquired and shall have a separate meter installed.
- (d) *Obstructing or covering up meters and devices.* No person shall obstruct, cover up, or hide any water meter, or any water indicating or recording device so that the inspector or meter reader or other employee of Fulton County cannot find or reach such meter or device.
- (e) *Right of entry for inspection, meter reading and other purposes.* Authorized representatives of Fulton County shall have the right at all hours to enter upon the premises where county water is used for the purpose of inspecting the pipes; setting, reading, and repairing meters; turning off or on the water; enforcing the ordinances and rules of the county; or regulating water service in any manner necessary. If any water user, whether owner or tenant, should refuse to allow entrance upon any premises for the purposes herein stated, the water shall be shut off from such premises until the requirements of this section are complied with.
- (f) All new multi-family buildings shall be constructed so that each individual dwelling unit shall be metered in such a way that all water used by said dwelling unit can be recorded and billed.

(Res. No. 04-1326, 12-15-04; Res. No. 08-0195, 2-20-08)

Sec. 82-53. - Turning water on by person other than an authorized representative of Fulton County.

It shall be unlawful for any person other than an authorized representative of Fulton County to turn water into any service pipe.

(Res. No. 04-1326, 12-15-04)

Sec. 82-54. - Interfering with waterworks system; tapping; using water without permission.

No person shall interfere with or in any way intermeddle with any of the wells, reservoirs, basins, water mains, pipes, plugs, meters, or connection of the waterworks; nor make any connection therewith by tapping any of the mains or pipes, or otherwise, without the written permission of the department of public works; nor permit any such connections or tapping to be made on premises in his control as owner or tenant; nor use water from such unauthorized connections; nor supply water through such unauthorized connections without a permit from Fulton County for use of water.

(Res. No. 04-1326, 12-15-04)

Sec. 82-55. - Unauthorized possession of fire hydrant meter

It shall be unlawful for any person to have in his possession any unauthorized fire hydrant meter. Fire hydrant meters shall be installed by the department of public works after the requesting party makes proper application and pays applicable fees. The hydrant meter shall be installed as close as possible to the requested location.

(Res. No. 04-1326, 12-15-04)

Sec. 82-56. - Use of water without permit.

It shall be unlawful for any owner or tenant to supply water to any other property, person, or user, from the pipes or meters serving water from the system, or to use water from any such water pipe,

meter, hydrant, or other device or fixture through which county water may be drawn or used, without a permit from Fulton County. No person shall turn water off or on from any county water pipeline or related appurtenance unless the person has permission from an authorized representative of Fulton County. It shall be unlawful for any person to take or use water from any fire plug, hydrant, valve, pipe, other device or fixture, opening or connection of the system, or to open any plug, hydrant, valve, pipe, or other fixture for the purpose of taking or using the water, unless the person shall have permission from the department of public works, or is an authorized representative of Fulton County and is acting in the discharge of his duty as such. No person to whom a permit is issued for the use of water for any purpose whatever, including construction purposes, tamping, irrigating, testing, flushing, and the like, shall use or consent to the use of water not authorized by permit from Fulton County.

(Res. No. 04-1326, 12-15-04)

Sec. 82-57. - Supplying county water to premises of another.

No person, whether owner or tenant, receiving water supplied from the county system shall supply any other person, family, or premises except for a common association or commercial authority such as a master metered multi-family housing complex, shopping center, etc. If any person, either as owner or tenant, shall violate or permit other persons to violate any provision of this article, the supply of water to the premises shall be shut off and service discontinued forthwith. The water shall not again be turned on until such unauthorized use of water is stopped and there shall have been paid to the county any charges as the finance director or his representative may determine to be due for water used in violation of this article and for the expense of cutting off and restoring water service.

(Res. No. 04-1326, 12-15-04)

Sec. 82-58. - Effect of fraudulent representation or unauthorized use of water.

If the supply of water shall have been turned on to any premises, and afterwards it shall be found that false representation has been made by such applicant, or that water is being used in or upon the premises for purposes not set forth in the application made for the water supply to the premises, the water shall be shut off, and shall remain shut off, until all unauthorized use of water has been stopped, and any sum of money determined due for the use has been paid to the county.

(Res. No. 04-1326, 12-15-04)

Sec. 82-59. - Waste of water.

If it is found that there is a waste of water in or about any premises to which water is supplied from the system, either by willful waste or by means of a leak in any water pipe or fixture located in or upon the premises, Fulton County may cause the water to be cut off from the premises upon 24 hours' notice to the occupant, unless special circumstances require that such waste shall be immediately stopped. Where the water supply is cut off as herein provided, the water shall not again be turned on until all water bills and the bill for the cost of cutting off and again turning on the water shall have been paid.

(Res. No. 04-1326, 12-15-04)

Sec. 82-60. - Shutting off water in case of emergency or necessity.

Fulton County may shut off the supply of water from any pipe or water main in case of emergency or for repairs or extensions as necessity may require. Reasonable notice shall be given when

practicable; however, the county, its officers, and employees shall not be held liable for any damage for shutting off the water in such cases as herein provided, or for insufficient supply of water.

(Res. No. 04-1326, 12-15-04)

Sec. 82-61. - Opening streets; protection for water pipes required.

- (a) *Generally.* Any person who may open the streets or roadways in which there are water pipes, valves or other appurtenances of the system, shall provide for the protection of these pipes where they are exposed by the opening, and the protection shall be such as to preserve the pipes and prevent them from freezing or breaking or from injury in any manner. This section shall apply to all water pipes, mains, laterals, services, connections, or other appurtenances of the water distribution system
- (b) *Cost of work.* If county resources are required to protect water pipes, valves or other appurtenances, the cost or expense to the county for this work shall be charged to and paid by the person who is responsible for the exposure of the system.

(Res. No. 04-1326, 12-15-04)

Sec. 82-62. - Connection of private water system to county system.

It shall be unlawful to connect any private water pipe, which takes water from any point, well, reservoir, or other source, to pipes which are connected with the water system of the county. Any violation of this section shall cause the permit for the connection from the county's water service to be immediately revoked, and the water shall be shut off until each connection or cross connection to the private well, pond, reuse main, or reservoir is disconnected and removed. (Amended 02/20/2019)

(Res. No. 04-1326, 12-15-04)

Sec. 82-63. - Extension of water pipes inside county by person at his own expense.

- (a) All contracts made between the County and persons who, at their own expense, desire the County to extend water pipes inside the county service area shall provide that the design shall be approved, and the cost of the extension shall be estimated by the Department of Public Works, and the amount of such estimate shall thereupon be paid into the county treasury. The work of the extension shall then be done by the county, and subsequent connections to the pipes shall be made only upon permission of the county and upon any terms as the county may, at the time, prescribe. The person requesting the extension may extend the water system using an outside contractor upon approval of the plans and payment of inspection fees. The water system shall be installed in accordance with Fulton County Standards and Specifications. A 36-month maintenance bond will be required for the owner installed water system. This person shall be required to extend the water system across their entire property frontage. No water line extension will be allowed to be installed on unpaved roads unless approved by the Director. (Amended 02/20/2019)
- (b) Fire Hydrants installed within extensions shall provide "smart" fire hydrants currently used by the County as required by the County. No "smart" hydrants will be required if only one (1) or two (2) hydrants are installed. One "smart" hydrant will be required if three (3) through ten (10) hydrants are installed in a location determined by the County. If more than ten (10) hydrants are installed, an additional "smart" hydrant will be required for every ten (10) or portion of ten (10) installed at locations determined by County. (Amended 12/17/2025)

(Res. No. 04-1326, 12-15-04)

Sec. 82-64. - Discontinuance of service.

If the sums due for water service are not paid by the due date, the water may be cut off from the service to the owner or tenant of the premises. No claim for damage, therefore, shall be urged or claimed by the owner or tenant on account of discontinuance of water service. Fulton County may discontinue service to any customer found to be delinquent on any water or sewer account.

(Res. No. 04-1326, 12-15-04)

Sec. 82-65. - Water to be cut off in case of violation.

Upon the discovery of the violation of any provision of this article, any ordinance regulating the use of water, or any rule adopted by the department of public works, it shall be the duty of Fulton County to discontinue water service to the person guilty of the violation and to the property owned, occupied or controlled by him.

(Res. No. 04-1326, 12-15-04)

Sec. 82-66. - Persons responsible for violations.

Responsibility for failure to comply with the requirements of this article, or any ordinance, rule, or regulation relating to the system or the use of water therefrom, and responsibility for the violation of any provision thereof, shall be upon the owner and the tenant as well as upon the individual guilty of the violation.

(Res. No. 04-1326, 12-15-04)

Sec. 82-67. - Use of fire hydrants.

- (a) *Schedule of charges.* No person shall be allowed to use water from any fire hydrant connected to the water system owned by Fulton County, except by special permit from the department of public works; and in cases where a permit is granted, charges shall be made as follows: the department of public works shall install a hydrant meter with backflow preventer as prescribed by the department of public works and the quantity of water used shall be charged to the customer at the prevailing rates in effect in the North Fulton Water District.
- (b) *Deposits required.* A deposit, as established from time to time by the Board of Commissioners, shall be required with each application for installation of a hydrant meter. Part of the deposit may be credited against the water charge for the hydrant usage when the meter is removed. If the meter is damaged prior to removal by the county, charges against the deposit shall be applied.
- (c) *Backflow prevention.* Proper backflow prevention measures shall be incorporated as provided by the cross-connection control program referenced elsewhere in this article.

(Res. No. 04-1326, 12-15-04)

Sec. 82-68. - Temporary use of water by contractors and others.

- (a) *Charges.* Contractors and other persons may be supplied with metered water for temporary use according to the regular rates prevailing in the North Fulton Water Service District.
- (b) *Deposit.* Prior to any temporary connection, the applicant therefore shall be required to deposit an amount equal to twice that required for water meter installation under the terms of section 82-36(d) of this article. This deposit shall be held by the department of public works as a guarantee of the safety of the meter and other equipment owned by the county furnished to such persons, and to cover the cost of installation and removal of the meter and temporary service line. Upon payment of all charges and the removal and discontinuance of service through the meter, and the return of the meter to the

department of public works in good condition, one-half of the amount of the deposit shall be refunded.

- (c) *[Effect of rezoning.]* Should zoning changes occur during the time period of temporary service which requires upgrading the service; all modifications will be performed at no expense to Fulton County.

(Res. No. 04-1326, 12-15-04)

Sec. 82-69. - Charges where two or more meters supply one person.

Where two or more meters supplying one person are used in supplying one premises, the water consumption as shown by all meters may, in the director's discretion, be consolidated and the rates as fixed be charged for all water consumed.

(Res. No. 04-1326, 12-15-04)

Sec. 82-70. - Blueprints of industrial, commercial, and high-rise buildings to show proposed location and size of water mains, recommended water meter sizes, and to identify organizations assuming financial responsibility during the construction period.

- (a) *Purpose of section.* The purpose of this section is to require blueprints used in applying for a building permit on commercial, industrial, and high-rise buildings contain the proposed size and location of water meters to serve these facilities; in order to determine the availability of an adequate water supply to meet domestic, industrial, and fire service requirements; and to set up a schedule of recommended water meter sizes. It is also the intention of this section to authorize billing for six-inch or larger fire line water meters during building construction to measure actual water consumption. Minimum billing for water consumption shall be not less than the minimum charge for a five-eighths inch by three-quarters inch water meter.
- (b) *Authority to determine meter size.* The department of public works shall be authorized to use its discretion in requiring the installation of water meters of adequate size in existing buildings.
- (c) *Authority to discontinue service; waive cutoff fees.* Authorized representatives of Fulton County shall be authorized to cut off water services to buildings whose owners refuse to comply with the provisions of this section upon proper notification and shall be authorized to waive cutoff fees established by other ordinances.
- (d) *Authority to render bill for actual consumption for six-inch and larger fire line water meter during building construction.* The department of finance shall be authorized to render bills for six-inch and larger fire line water meters during building construction for the amount of actual water consumption, but not less than the minimum charge for a five-eighths inch by three-quarters inch water meter, as an inducement to property owners to have the fire line meters turned on and connected to building piping as soon as possible to ensure water for firefighting purposes. After completion of the building, all six-inch and larger fire line water meters will be billed at regular rates for the size of meter actually installed.

(Res. No. 04-1326, 12-15-04)

Sec. 82-71. - Allowance for old meter when larger meter installed.

Where it is necessary to enlarge a water service by installation of a meter larger than the one in use, the department of public works is authorized to allow for service values as established from time to time by the Board of Commissioners.

(Res. No. 04-1326, 12-15-04)

Sec. 82-72. - Charges for terminating water service.

Whenever it is necessary for the county to terminate water service because of nonpayment of a bill, the department of finance is authorized to charge fines as may be established from time to time by the Board of Commissioners. All charges incurred must be fully paid before water service is restored unless Fulton County waives such charges or authorizes partial payment.

(Res. No. 04-1326, 12-15-04)

Sec. 82-73. - Penalty for having water illegally turned on.

Should the water be cut off from any premises by Fulton County for nonpayment of any bills, or any other cause, and afterwards the water is found to be on, the water meter may be removed or the water service plugged; and a fine, as may be established from time to time by the Board of Commissioners, shall be levied against the property and must be paid before the water is again turned on.

(Res. No. 04-1326, 12-15-04)

Sec. 82-74. - Penalty for illegally using water through other meter.

Whenever water service has been cut off for any reason, and it is found that the occupants are using water through another meter or service, the department of finance is authorized to terminate service and fine the responsible party; and if the bill or charge is not paid, Fulton County shall shut off and discontinue water from all meters serving the property until the bill is paid in full.

(Res. No. 04-1326, 12-15-04)

Sec. 82-75. - Using water through unauthorized connection.

- (a) *Imposition of charges.* Should any person use water through any unauthorized pipe or connection, or without the permission of Fulton County, in addition to a tampering fine, charges shall be made against the premises for the estimated quantity of water used; and the water shall be cut off and not turned on again until the bill is paid and permission given for continuance of the supply.
- (b) *Amount of charges.* If water is used from an unauthorized connection, the charges shall be in accordance with the schedule of rates then in effect, plus a penalty listed on the current fee schedule approved by the Board of Commissioners. In addition, if the unauthorized use of unmetered water is from a fire hydrant, a connection charge and a daily charge for water used, plus the necessary repairs to the fire hydrant or to the waterworks system, may be made by the department of finance for each such unauthorized connection.

(Res. No. 04-1326, 12-15-04)

Sec. 82-76. - Charges for moving water meters.

The Department of Public Works is hereby authorized to establish and collect charges for moving water meters for the convenience of the consumer in accordance with the current material, labor, and equipment charges as determined by the department of public works.

(Res. No. 04-1326, 12-15-04)

Sec. 82-77 – Replacement and Maintenance of Landscape and Hardscape Features.

The Department of Public Works will restore only sod or grass seed during the installation or repair of the water system. Only tall fescue, common Bermuda, and/or rye will be planted. The property owner or adjacent property owner if the restored area is located within the Public Right-of-Way shall be responsible for the maintenance of the sod or grass seed including watering of newly planted sod or grass seed. Any trees, shrubs, landscape or hardscape features except for pavement, curbing, and sidewalks shall be removed by the Department of Public Works and replaced by the property owner. Any features disturbed by the installation other than pavement, curbing, and sidewalk that are required to be replaced by the Department of Public Works are subject to a replacement fee payable to Fulton County before the installation is performed. No trees will be allowed to be planted within ten (10) feet of a public water main. (Added 02/20/2019)

Secs. 82-78—82-105. - Reserved.