

**STATE OF GEORGIA  
COUNTY OF ROCKDALE**

**AN ORDINANCE BY THE ROCKDALE COUNTY BOARD OF COMMISSIONERS TO AMEND SECTION 98-39, DIVISION 1 OF ARTICLE II OF CHAPTER 98 OF THE CODE OF ORDINANCES OF ROCKDALE COUNTY, GEORGIA, ENTITLED "LANDLORD'S WATER LIABILITY", REGARDING THE ROCKDALE COUNTY WATER AND WASTEWATER SYSTEM; TO REPEAL ALL CONFLICTING ORDINANCES; TO PROVIDE FOR SEVERABILITY, AN EFFECTIVE DATE; AND FOR OTHER LAWFUL PURPOSES.**

**WHEREAS THE ROCKDALE COUNTY BOARD OF COMMISSIONERS ORDAINS**, the Board of Commissioners manages and operates the Rockdale County Water and Wastewater System and is authorized pursuant to Chapter 98 of the Code of Rockdale County, Georgia to regulate water and wastewater use within Rockdale County, Georgia; and

**WHEREAS**, following a review of those regulations, the Board of Commissioners finds that the following amendment is appropriate in order to advance the public health, safety and welfare.

**NOW, THEREFORE, THE BOARD OF COMMISSIONERS OF ROCKDALE COUNTY, GEORGIA HEREBY ORDAINS** that Chapter 98 Utilities, Section 98-39: Landlord's Water Liability, be amended, as follows:

**Section 1.**

Chapter 98 Utilities, Section 98-39: Landlord's Water Liability, of the Rockdale County Code of Ordinances is hereby repealed in its entirety and replaced with a new Section 98-39: Landlord's Water and Wastewater Liability, and shall read in full as follows:

The county shall not hold responsible any owner or landlord for indebtedness of a prior owner, prior occupant, or prior lessee. The county shall hold responsible and seek reimbursement for unpaid charges only from the person who incurred the charges. The county shall not impose a lien against real property to secure unpaid charges for water or wastewater service unless the owner of such real property is the person who incurred the charges.

The County shall hold Landlords responsible for repairing water leaks, prior to a Tenant's move-in, and applying for service instead of Tenant until leak is confirmed repaired. After water or wastewater leak repair is confirmed and Landlord has paid final water/wastewater bill, said Tenant can then apply for establishment of water/wastewater service.

**Section 2. Repeal of All Ordinances in Conflict**

All ordinances or resolutions or portions thereof in conflict with this ordinance are repealed to the extent of their conflict.

**Section 3. Severability.**

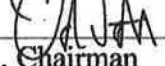
If any section, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance, and such remainder shall remain in full force and effect.


**Section 4. Effective Date**

This Ordinance shall become effective \_\_\_\_\_ (upon adoption ~~or date specific~~).

This 28 day of may, 2019.

Rockdale County, Georgia  
Board of Commissioners

By:   
Osborn Nesbitt, Sr., Chairman

By:   
Sherri L. Washington, Esq., Commissioner Post I

By:   
Dr. Doreen Williams, Commissioner Post II

Attest:

By:   
Jennifer Rutledge, County Clerk

Approved as to form:

By:   
M. Qader A. Baig, County Attorney

First reading: 5/14/2019

Second reading: 5/20/2019

**DISTRIBUTED**BOC 1-8-19  
TO JENNIFER RUTLEDGE

**Board of Commissioners  
Agenda Item Transmittal Form  
Ordinance Transmittal Form**

**Type of Request: Approve revised ordinance 98-39 for  
Landlord leak repair prior to Tenant move-in**

**County Clerk Use Only**  
Ordinance #:

<input type="checkbox"/> <b>Submission Information</b> Contact Name: Terrell Gibbs  Department: Rockdale Water Resources	<input type="checkbox"/> <b>Information</b> <b>Summary of Request:</b> There have been many instances whereas a Tenant moves unknowingly into a property that has a current water leak which ultimately turns into a financial hardship situation for Tenant. This ordinance request immediately places the liability back into the hands of Landlord who is ultimately responsible for repairing property water line leaks. (See comment section)
<input type="checkbox"/> <b>Department Director /Elected Official Signature</b> I have reviewed the attached, and it is approved as to substance. Signature:  Date: 1/8/19	<input type="checkbox"/> <b>Chief of Staff Signature</b> I have reviewed the attached, and it is approved for processing. Signature: _____ Date: _____
<input type="checkbox"/> <b>County Attorney Signature</b> I have reviewed the attached, and it is approved as to form. Signature: _____ Date: _____	<input type="checkbox"/> <b>Director of Legislative Affairs/County Clerk Signature</b> I have reviewed the attached, and it is approved for processing. Signature: _____ Date: _____

**Notes and Comments:**

**Sec. 98-40 Landlord water line leak liability (New)**

**The County shall hold Landlord responsible for repairing a current water leak on property prior to Tenant move-in by Landlord applying for service until leak is repaired.**

**Ordinance Intent**

- a. Force Landlords to be more responsive repairing leaks in a timely manner
- b. Minimize financial hardship cases for Tenants
- c. Minimize bad debt
- d. Show Financial responsibility to Stakeholders