02- O -0087

BY COUNCILMEMBER CLAIR MULLER
AN ORDINANCE

AMENDING ARTICLE II, DIVISION 3 (SANITARY) RATES AND CHARGES SECTION OF THE CITY OF ATLANTA'S CODE OF ORDINANCES; AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta is charged with the responsibility of the removal of garbage and other solid waste from single-family residential units; and

WHEREAS, a Sanitary Service fee is assessed against the property owners which includes a base rate plus a per square foot of unpaved street frontage of properties; and

WHEREAS, this calculation has caused undue confusion to the rate payers as well as a hardship to some; and

WHEREAS, the development and implementation of a base rate fee only for Sanitary Service would eliminate some of the uncertainty rate payers currently have; and

WHEREAS, the removal of the "Street Sweeping" line item from the Sanitary Service Bill would further erase the uncertainty rate payers have with this charge and make paying this bill more palatable; and

WHEREAS, one of the impetus for rewriting this section of the code is to move toward a Quarterly Billing Cycle and an Environmental Bill i.e. solid waste, water and storm water included on one bill; and

WHEREAS, the legislation will also address what the Bureau of Sanitary Service will pickup routinely and what they will not pickup without a special request from the property owner/resident (i.e. white goods, large amounts of leaves, tree limbs, etc.); and

WHEREAS, the Bureau of Sanitary Services is preparing to become an Enterprise Fund and the accurate accounting of all funds is a prerequisite for this transition from General Fund to Enterprise Fund to occur.

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NOW THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA as follows:

SECTION 1: That the Rates and Charges Section of Article II, Division 3of the Code of Ordinances is deleted in its entirety and the following is inserted in lieu thereof:

SECTION 2: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

DIVISION 3. RATES AND CHARGES*

*Charter reference(s)--Solid waste collection and disposal rates authorized, app. I(27).
State law reference(s)--Rates and charges generally, O.C.G.A. § 12-8-39.

Sec. 130-76. Increase in solid waste charge or commercial and industrial surcharge.
The solid waste charge established in this division or commercial and industrial surcharge established in this division shall not be increased in any year by more than 20 percent of the charges for the preceding year without approval by the council.
(Code 1977, § 9-6126)
Sec. 130-77. Solid waste charge.
(a) Established. It is determined necessary for the protection of public health, welfare and convenience of the city to fix and collect solid waste charges upon the owner of each lot within the city.
(b) Determination of amounts. For the purposes provided in subsection (c) of this section, there is charged and assessed to the owner of each lot within the city a solid waste charge and assessment payable as provided in this subsection and in the amount determinable as follows:
(1) The solid waste charge shall be determined annually by the commissioner to provide sufficient revenue for operation of the solid waste collection and disposal system, to pay debt requirements and to provide necessary reserves for debt and improvements as set forth in the annual budget. The solid waste charge shall be made effective January 1 of each year and shall be filed with the municipal clerk by the commissioner not later than the last Council meeting of the previous year.
(2) No person disposing of waste materials at any solid waste disposal facilities or transfer stations operated by the city, either under a permit or without a permit, shall be relieved from any solid waste charge assessed by the city.
(c) Uses of proceeds. The revenue received from the collection of the charges as authorized in this section, together with all such other revenue derived from the operation of the city's solid waste collection and disposal system, shall be deposited with the chief financial officer and credited to the solid waste revenue fund and shall be used for the following purposes:
(1) The operation and maintenance of the solid waste collection and disposal system and incidental expenses connected therewith;
(2) To pay debt requirements on revenue bonds issued to provide funds for the construction, improvement or repair of the solid waste collection and disposal system facilities used in connection with the operation of the system;
(3) To purchase or lease property; and
(4) To provide funds for the necessary reserves for debt and improvements.
(Code 1977, § 9-6121)
Sec. 130-78. Commercial and industrial surcharge.
(a) Established. All owners of commercial and industrial property or occupants, tenants or lessees when not owner-occupied receiving solid waste collection service from the city shall be charged and assessed a surcharge in addition to any other solid waste service charge if the amounts of these wastes are greater than normal residential amounts.

(b) Determination of amounts. The rates of surcharge established in subsection (a) of this section shall be determined annually by the commissioner and shall be based on the current cost of collection and disposal. A schedule of the surcharges shall be filed with the municipal clerk by the commissioner not later than the last Council meeting of the previous year and shall be made effective January 1 of each year.
(Code 1977, § 9-6122)
Sec. 130-79. Junked automobile removal charge.
(a) Established. Any owner of a junked automobile removed by the city shall be charged and assessed a fee for the removal of the automobile.
(b) Determination of amounts. The charge established in subsection (a) of this section shall be determined annually by the commissioner based on the current cost of removal of junked automobiles. The charge for removal of automobiles shall be filed with the municipal clerk by the commissioner not later than the last Council meeting of the previous year and shall be made effective January 1 of each year.
(Code 1977, § 9-6123)
Sec. 130-80. Charges for disposal of solid waste at city facilities.
(a) Established. Any person disposing of solid waste at one of the city's solid waste disposal facilities, except those specifically exempt by section 130-57, will be charged a fee for disposal of solid waste.
(b) Determination of amounts. The charge established in subsection (a) of this section shall be determined annually by the commissioner based on the current costs of disposal of solid waste. The schedule of charges for disposal of solid waste shall be filed with the municipal clerk by the commissioner not later than the last Council meeting of the previous year. A schedule of these charges will also be posted at the city disposal facilities and shall be made effective January 1 of each year.
(Code 1977, § 9-6124)
Sec. 130-81. Reserved.
Sec. 130-82. Fees for recycling.
(a) A fee of $30.00 per year is established for the provision of recycling services for each single-family residence and for each unit of duplex, triplex and quadruplex residences.
(b) ~~All Citizens who have less than $8,000 of income per year are exempted from this fee.~~
(Code 1977, § 9-7001(V))
Sec. 130-83. Billing and collection.
(a) Solid Waste charge. The assessment and collection of sanitary service charges as set forth in this division shall be made by the city. The assessment and collection of annual charges shall be made bi-monthly with the first installment due and payable on February 28. ~~The first installment shall be based on charges established for the previous year. If the charges are revised as provided for in this division, the remaining installments will be revised to reflect the revised annual rate.~~
(b) Commercial and industrial surcharge.
(1) The assessment and collection of commercial and industrial surcharges as set forth in this division shall be made by the city. The assessment and collection of annual charges shall be made bi-monthly with the first installment due and payable on February

28. ~~The first installment shall be based on charges established for the previous year. If the charges are revised as provided for in this division, the remaining installments will be revised to reflect the revised annual rate.~~

(2) The tenant occupying or the owner of the commercial and industrial property, as the case may be, shall submit to the city on forms furnished by the city an estimate of the volume of solid waste, either bags or industrial containers with cubic yard sizes, required to be removed during a one-week period and an estimate of the number of collections per week required to remove that waste. The estimates shall be submitted to the city at least 11/2 months prior to the bi monthy billing period. The bi-monthly surcharge shall be based on the estimate so furnished.

(3) At any one time during any two-month period, if a revised estimate is received by the city on a date which is at least 17 days before the end of the two-month period, each industrial and commercial occupant or owner shall have the right to revise the estimate previously submitted to the city so as to amend, modify or change the estimate as to the type of service, the number of pickups per week or the volume of service per pickup.

(4) Solid waste collection service by the city may be instituted at any time during the two-month period upon the industrial and commercial occupant or owner submitting to the commissioner of public works the estimate as provided in this subsection and a requested date of the commencement of the service.

(5) Upon the cessation of any industrial or commercial business, by written notice, any industrial and commercial occupant or owner may discontinue solid waste collection service by the city upon giving written notice of the date the service is to be terminated, provided that the notice is received by the bureau of solid waste not later than the 15th day of the calendar month preceding the next two-month billing period. The termination date of the service must be subsequent to the date the notice is received by the city.

(6) The commissioner of public works shall from time to time, for periods of one week or longer, audit the volume of solid waste being removed from these properties and the number of pickups required for removal and shall thereafter adjust by decreasing or increasing the amount of the surcharge for the property audited so that the surcharge shall conform and be based upon the results of the audit.

(c) Junked automobile removal charge. The assessment and collection of junked automobile removal charges as set forth in this division shall be made by the city. The assessment of these charges for the removal of these automobiles shall be made when the automobile is removed by the city. Payment shall be due and payable within 14 days of the assessment.

(d) Charges for disposal of solid waste at city facilities. The assessment and collection of charges for disposal of solid waste at city facilities as set forth in this division shall be made by the city. Payment of disposal charges shall be made by coupons purchased from the city before the waste is dumped at the disposal facility.

(Code 1977, § 9-6125)

Sec. 130-84. Rates and charges.

The following rates and charges are hereby established for solid waste collection:

(1) Residential rate: $300 per year; $50 per bi-monthly billing period

(2) Duplex or triplex rate: As above for each residence~~, plus $208.59 per year for each separate living unit in excess of one.~~

(3) Apartments, condominiums, townhouse, public housing or any other multiple-family units (apartments) rates: ~~$1.63 per foot of paved street frontage, and to cover rubbish collection costs for unpaved frontage, $0.67 per foot of unpaved street frontage plus one of the following charges, as appropriate.~~

a. $208.59 per year, for each dwelling unit where the garbage from apartments, condominiums, townhomes, public housing or any other multiple-family units collected from individual containers, garbage cans or bags:

b. $183.37 per year for each dwelling unit where the garbage from apartments, condominiums, townhomes, public housing or any other multiple-family units is collected from industrial containers;

c. Where the dwelling units or apartments are located in building structures with incinerator[s], duly installed and operating therein in accordance with all laws and regulations applicable to incinerators, depositing only incinerator refuse, and if the collection is from industrial containers grouped together, as hereinafter defined, the amount shall be $53.82 per year for each dwelling unit; if such containers are not grouped together, then the amount shall be $122.79 per year for each dwelling unit; for the purposes of this section, industrial containers are grouped together when such containers are located physically adjacent with only sufficient space between such containers to permit access and pickup by the city collection equipment without the movement or shifting of any of said containers in order to gain access to any other of said containers;

d. $54.87 per year for each dwelling unit to which collection and removal services are made available to collect garbage from apartments, condominiums, townhouse, public housing or any other multiple-family units.

(4) Residential back yard removal: $962.21 per year.

(5) Mobile home parks:

a. Individual garbage cans: $193.35 per year.

b. Installed industrial containers: $479.42 per year. See [subsection] (7).

(6) Commercial and industrial rates:

a. ~~$7.60 per foot of street frontage property located in all areas receiving street cleaning at a frequency of three to six times per week;~~

~~b. $3.70 per foot of street frontage for property for located in all areas receiving special thoroughfare street cleaning (at least once a week) in addition to street cleaning at the same frequency as residential service (once per three weeks);~~

~~c. $2.89 per foot of three [street] frontage for all other commercial and industrial property receiving street cleaning at the same frequency as residential (once per three weeks);~~

~~d. $0.67 per foot of unpaved street frontage for commercial and industrial property abutting unpaved streets to cover rubbish collection cost.~~

(7) Public property charge for services which have been contracted: A flat charge of $479.42 per year for each parcel ~~in lieu of the frontage charge.~~ For public housing charges, see subsection (3) a.--d. For government buildings garbage collection, see surcharges, subsection (6).

(8) Vacant parcels: A charge based upon ~~street frontage to cover street cleaning and rubbish collection based on the zoning class of the property; residential to be charged as in subsection (1), apartments to be charged as in subsection (3)d., and commercial/industrial to be charged as in subsection (6).~~

(9) Building of public worship rate: $300 per year, $50 per bi-monthly billing.~~One dollar and twenty-six cents per foot of paved street frontage to cover street cleaning and rubbish collection costs; $0.52 per foot of unpaved street frontage for rubbish collection costs. In addition to the front footage levy listed above, there shall be a charge of $208.59 per year for solid waste collection from individual containers, garbage cans or bags, or a charge of $183.37 per year if the solid waste collection is from industrial containers~~

(10) [Minimum; private landfill site and transfer station operations:] A minimum of $1.10 per ton payable to the city by all private landfill site operations and transfer station operations located within the city for refuse disposed, collected, handled, processed or reclaimed within the jurisdiction of the city. Fees must correspond with tonnage handled and will be payable quarterly and prior to issuance of annual permits.

As required by O.C.G.A. § 12-8-39, all user fees collected in accordance with this subsection shall be deposited in a local restricted account and used solely for solid waste management purposes.

(11) ~~Corner lots: Properties located on corner lots with two or more street frontages will be charged based on the footage of the street frontage which is the legal address of the property.~~

(Ord. No. 1998-10, § 2, 2-16-98; Ord. No. 2000-5, § II, 2-15-00; Ord. No. 2000-69, § 1, 12-12-00)