

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF THOMASVILLE, GEORGIA, BY AMENDING SECTIONS 15-57, 15-59, AND 15-61, OF ARTICLE III, CAPTIONED "GARBAGE AND TRASH," OF CHAPTER 15, CAPTIONED "SOLID WASTE MANAGEMENT," SO AS TO REMOVE RATE REFERENCES, AND PROVIDE FOR SUCH SERVICES OUTSIDE THE CORPORATE CITY LIMITS; TO APPROVE NEW RESIDENTIAL BASE COLLECTION FEES; TO PROVIDE FOR THE EFFECTIVE DATE OF THIS ORDINANCE; TO REPEAL ALL ORDINANCES IN CONFLICT HERewith; AND FOR OTHER PURPOSES.

SECTION I.

BE IT ORDAINED by the Council for the City of Thomasville, and it is hereby ordained by the authority of the same, that Chapter 15, captioned "Solid Waste Management," of the Code of the City of Thomasville, and Article III thereof, captioned "Garbage and Trash," are amended by deleting Section 15-57, captioned "Residential garbage and refuse service," in its entirety and inserting in lieu thereof the following:

Sec. 15-57. Residential garbage and refuse service/rates.

(a) Every residence shall be furnished by the city one (1) roll-out style solid waste container for use at the residence for the collection of garbage and refuse. The furnishing of one (1) such container shall be at no cost to the residence owner or occupant ("customer"). Any additional container requested by the customer and provided by the city shall be rented from the city by the customer. The customer shall be responsible for maintaining such container(s) in a sanitary condition. Each residence location, regardless of the type of residential unit, shall be charged a base collection fee regardless of the size of the container utilized by any such customer. There will be no other charge for collection or rental of containers for a residence unless, as stated above, more than one container is rented by the customer. Rates are on file at the office of the City Clerk and the administrative offices of the Utilities Department.

(b) The city shall roll out the customer's container(s) to the curbside at the front or (if appropriate) side yard of the residence, or to any appropriate alleyway, no sooner than 6:00 a.m. of the day of collection by the city. After collection, the city shall roll the container(s) back to the proper storage location(s) near the residence building, as set forth below, prior to 6:00 p.m. of the collection day. Any roll-out container that is positioned at curbside or at an alleyway by a customer before 6:00 a.m. on the day of collection or after 6:00 p.m. on the day of collection shall result in a separate, per-violation charge which shall be added to the monthly sanitation bill for the residence. The city shall provide notice to any such customer of the additional charge for violation of the roll out time requirements. In this connection, a customer may roll out the customer's container(s) to the curbside or alleyway if the customer so desires, but may not do so prior to 6:00 a.m. on the collection day.

(c) Except when a container is located at curbside or at an alleyway as contemplated in subsection (b), above, all residential solid waste containers shall be stored by the customer at a reasonable distance from the rear or side of the residential building, not to exceed five (5) feet from the building's exterior wall. The customer shall be responsible for access by city employees to the storage location. A violation of this subsection shall result in a per-violation charge which also shall be added to the monthly sanitation bill for such residence. The city shall provide notice to any such customer of any additional charge for failure to satisfy the container location requirement.

(d) Each residence location shall be assigned a pick-up day, which shall amount to collection by the city one (1) time per seven days. If a customer desires to rent an additional container(s), the customer shall request the additional container(s) on a form provided by the city, and the city shall supply an additional container(s), with an increase in charge depending upon the number and size of the container(s) rented by the customer.

(e) Customers shall not own garbage and refuse container(s) provided by the city for curbside pickup. Title to all containers provided to customers shall at all times remain in the city. Customers, therefore, are not allowed to use other containers for their garbage and refuse to be collected by the city. In the event any container furnished the customer by the city is lost or destroyed while in the possession of the customer, a charge will be made to the customer for the actual cost of replacing the container so lost or destroyed.

(f) The City may provide garbage and refuse collection service outside the corporate city limits at rates to be approved by the Council of the City of Thomasville. Rates for service outside the City limits are on file at the office of the City Clerk and the administrative offices of the Utilities Department.

SECTION II.

BE IT FURTHER ORDAINED, that Sec. 15-59, captioned "Monthly fees," is amended by deleting Sections 15-59 (a) and (c) in their entirety and by inserting in lieu thereof the following:

(a) There is hereby levied and assessed a monthly garbage and refuse collection and container rental fee to each residence, the amount of each of which is dependent upon the number and size of container(s) chosen by the residential customer. Rates are on file at the office of the City Clerk and the administrative offices of the Utilities department. The base one-container collection fee and the rental charge for more than one container or for a replacement container may be increased or decreased from time to time by the City Council as the City Council deems appropriate. Where any residential building, e.g., apartment house, complex or housing project, is comprised of more than one (1) residential dwelling unit or apartment, then the charge shall be levied separately against each residential unit or apartment; provided, however, that dwelling units or apartment units in an apartment house, complex or housing project, where garbage and refuse is deposited at a central location for pick-up by city employees, may be exempt from such charges if the owner or operator of such apartment house, complex or housing project pays for this type of garbage and refuse service according to the prescribed manner set out in this article for the collection of commercial garbage and refuse. Exemptions from the monthly collection and rental fee(s) for residential units may also be obtained only in instances where a residential unit is not occupied and where city water services have been disconnected at the request of the occupant, and if no occupant, then at the request of the non-occupying owner.

(c) There is hereby levied and assessed a monthly yard debris collection fee against each single-family residential dwelling unit, for the collection and disposal of yard debris from such residential dwelling unit. This base fee shall provide for the collection of one (1) pick-up during a period not to exceed every fourteen (14) days. Where any building, apartment house, complex or housing project is comprised of more than one (1) residential dwelling unit or apartment, then the charge shall be levied separately against each such residential unit or apartment, within the corporate limits of the city. However, any family dwelling unit or apartment unit in an apartment complex, housing project, or homeowner's association for condominium or townhouse development, where yard debris is deposited at a central location for pickup by city employees, may be exempt from such charge, if the owner or operator of such complex, whether individual, corporation or association, pays for this type of yard debris service according to the prescribed manner set out in Section 15.61(e) of this article for the collection of commercial yard debris. Notwithstanding any such apartment complex, housing project, or homeowners association for condominium or townhouse developments, shall elect to receive commercial yard debris service if the monthly charge is not paid on an individual dwelling unit basis. Exemptions from the monthly fee for residential units shall be made only in instances where the residential unit is not occupied and where city water services have been disconnected at the request of the occupant.

### SECTION III

BE IT FURTHER ORDAINED, that subparagraph (c) of Sec. 15-61, captioned "Monthly fees," is amended by deleting said subparagraph (c) in its entirety and by inserting in lieu thereof the following:

(c) There is hereby established and imposed upon each and every firm or person receiving such commercial service a waste disposal charge according to schedules on file at the offices of the City Clerk and the administrative offices of the Utilities Department.

(1) An individual business that generates sufficient refuse to warrant a commercial Dumpster may be provided privately owned container service. Each Dumpster shall be furnished by the business and the fee for such privately owned container service shall be as established in Schedule I, on file as specified in subparagraph (c) above.

(2) In commercially developed areas where there exists three (3) or more businesses and due to limited space it is impractical for each business to have a commercial container of its own, at the discretion of the City Manager, the City will provide a container to be shared. There is hereby levied a charge as established in Schedule II, on file as specified in subparagraph (c) above.

(3) Small individual businesses that are not in close proximity to a shared container or that do not generate enough refuse to warrant a commercial Dumpster may be provided with commercial barrel service, at the discretion of the City Manager. The City shall provide containers (barrels) for use in this type of service. The fee for such service provided to small individual businesses shall be as established in Schedule III, on file as specified in subparagraph (c) above.

(d) The City designates the Thomasville Housing Authority as a residential refuse customer with a special commercial service rate and shall establish a rate for such service exclusive of yard debris collection. The City shall provide containers for such service and charges for the service shall be on file as specified in subparagraph (c) above.

(e) Any family dwelling unit or apartment unit in an apartment complex or housing project, or commercial business where yard debris is deposited at a central location for pickup by City employees, may

contract for the separate collection of yard debris with fees based on the area of the improved grounds being maintained. Biweekly pickup of yard debris shall be charged at monthly rates on file as specified in subparagraph (c) above.

(f) The City Utilities department shall act as billing and collection agency for commercial service. All money so collected shall pass directly to the City Treasurer for deposit to the City. The charges shall be billed with other utilities and all billing and collection provisions applicable to other utilities shall apply to commercial service charges. If the commercial service charge becomes delinquent, the Utilities department shall discontinue all utility service until such charges are paid in full.

(g) The City may provide commercial garbage, refuse, and yard debris collection services outside the corporate City limits at rates to be approved by the City Council. Rates for services outside the City limits are on file at the offices of the City Clerk and the administrative offices of the Utilities department.

#### SECTION IV

BE IT FURTHER ORDAINED that new residential garbage collection rates be approved as follows:

Base Collection Fee (including one (1) 96 gallon container)-one pickup per week	\$10.00
Additional 96 gallon container - one pick-up/week	\$ 9.25

#### SECTION V

BE IT FURTHER ORDAINED that all ordinances of the City of Thomasville in conflict herewith be and the same hereby are repealed for purposes of this ordinance only.

#### SECTION VI

BE IT FURTHER ORDAINED that the provisions of this ordinance shall be made a part of the official codified ordinances of the City of Thomasville, with the exception of specific rate schedules, which shall be maintained on file at the office of the City Clerk and the administrative office of the Utilities department as specified in the ordinances.

#### SECTION VII.

BE IT FURTHER ORDAINED that the effective date of the foregoing ordinance is January 1, 2005.

#### SECTION VIII

This ordinance was read the first and second times in lawful meeting of the Council of the City of Thomasville held this the 22<sup>nd</sup> day of December, 2004, in accordance with the resolution adopted previously declaring an emergency requiring first and second readings at this one meeting, passed, and adopted after proper vote.