

**CITY OF KENNESAW
GEORGIA**

ORDINANCE NO. 2013-12, 2013

**AN ORDINANCE TO AMEND THE KENNESAW CODE OF ORDINANCES
CHAPTER 74 "SOLID WASTE," ARTICLE II "COLLECTION, DISPOSAL AND
LITTER" WITH THE ADDITION OF
SECTION 74-39. – "FEE WAIVER FOR ACTIVE DUTY MILITARY"**

**BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF KENNESAW,
COBB COUNTY, GEORGIA, AS FOLLOWS:**

WHEREAS, the City wishes to temporarily waive sanitation fees for active duty military personnel for their owner-occupied residence; and

WHEREAS, the initial duration of the waiver will be 12 months or until the City is otherwise notified of a change in active status; and

WHEREAS, the following amendment to the Code of Ordinances will be to Chapter 74 "Solid Waste," Article II "Collection, Disposal and Litter" with the addition of Section 74-39 "Fee Waiver For Active Duty Military":

Sec. 74-39. – Fee waiver for active duty military.

- (a) A property owner on active duty military service in any of the Armed Forces of the United States or their dependent may make application with the utilities clerk for a temporary waiver of the monthly sanitation service fee. Such application may be made by the property owner or dependent on a form made available by the utility clerk.
- (b) At the time of application, the property owner or dependent must present a valid identification card issued by the armed forces and a copy of the original orders evidencing active duty service. In addition, if a dependent is making application, the dependent shall present a power of attorney to act on behalf of the service member.
- (c) The waiver shall commence on the billing cycle following approval of the application by the utilities clerk. The waiver shall automatically cease upon the first occurrence of the following:
 - (1) the expiration of the original active duty orders presented with the application;
 - (2) the termination of active duty status; or
 - (3) the expiration of 12 months.
- (d) The waiver may be renewed upon proper application pursuant to this Section.

- (e) Fee waivers shall not apply retroactively and the city is under no obligation to refund sanitation service fees already received.
- (f) Within 14 days of the decision by the utility clerk, the property owner or dependent aggrieved by a decision denying the waiver of the sanitation service fee may appeal that decision in writing to the public works director for a final administrative hearing and determination. The public works director shall conduct an informal administrative hearing within ten business days of the receipt of the written request for a hearing. The property owner or dependent and the city shall have the right to present sworn testimony and evidence. Upon the final administrative decision of the public works director to approve or deny the suspension under this chapter, such decision being in writing and including a notice of the decision and reasons therefore to the property owner or dependent, the applicant may appeal the decision to the Cobb County Superior Court by writ of certiorari. There shall be no suspension of the service or fee during the appeal notification period or while an appeal is pending before the public works director.

WHEREAS, the public hearing was advertised in the Marietta Daily Journal on June 7 and 14, 2013.

NOW, THEREFORE, BE IT ORDAINED the Kennesaw City Council approves the addition to Chapter 74 with the addition of Section 74-39 as stated above.

BE IT FURTHER ORDAINED that this Ordinance shall become effective from and after its adoption and execution by the Mayor, pursuant to Section 2.11 of the City Charter of the City of Kennesaw.

PASSED AND ADOPTED by the Kennesaw City Council on this 17th day of June, 2013.

ATTEST:

CITY OF KENNESAW:

Debra Taylor, City Clerk

Mark Mathews, Mayor