

SPONSOR: MAYOR ROBERT A.B. REICHERT

**AN ORDINANCE OF THE MACON-BIBB COUNTY COMMISSION, TO REVISE CHAPTER 22, SEC. 22-27 OF THE INAUGURAL CODE OF ORDINANCES FOR MACON-BIBB COUNTY TO CONTINUE THE 1% PER MONTH, 12% PER ANNUM INTEREST RATE ON DELINQUENT SOLID WASTE FEES; TO PROVIDE AN ADOPTION AND EFFECTIVE DATE; AND TO PROVIDE FOR OTHER LAWFUL PURPOSES.**

**WHEREAS**, by virtue of Article IX, Section III, Paragraph II of the Constitution of Georgia, Ga. Law 2012, page 5595 and Ga. Laws 2013, pages 3501, 3942, and by virtue of the will of the people in a referendum held on July 31, 2012 there is to be a consolidated local government known as "Macon-Bibb County"; and

**WHEREAS**, the Macon-Bibb County Tax Commissioner currently sends solid waste bills to every Macon-Bibb County property on a quarterly basis; and

**WHEREAS**, the Macon-Bibb County Tax Commissioner is also responsible for filing of a lien against each Macon-Bibb County property that has past due solid fees; and

**WHEREAS**, the solid waste bills reflect a user fee – not a tax- for solid waste collection, disposal and recycling for the residents of Macon-Bibb County; and

**WHEREAS**, HB 960, which is effective July 1, 2016 concerns penalties and interest on delinquent taxes, which would not include solid waste fees; and

**WHEREAS**, as Sec. 22-27 is currently written, HB 960 would have the unintended effect of being applicable to said solid waste fees as those fees are currently treated in all respects as provided by law with respect to ad valorem taxes; and

**WHEREAS**, in order to provide clarification in the Macon-Bibb County Code of Ordinances so as to indicate that HB 960 will not impact the interest rate in reference to delinquent solid waste fees it is necessary to amend Sec. 22-27 to reflect that the interest rate with regard to delinquent solid waste fees will continue to accrue at the rate of 1% per month/12% annually; and

**WHEREAS**, the ordinance contained herein would benefit and promote the health, safety, morals and welfare of the citizens of Macon-Bibb County.

**NOW, THEREFORE, BE IT ORDAINED** by the Macon-Bibb County Commission and it is hereby so ordained by the authority of the same that:

**Section 1.**

Chapter 22, Division 2 – General Solid Waste Collection and Disposal District; of the Inaugural Code of Ordinances for Macon-Bibb County is hereby amended by revising Sec. 22-27 to read as follows:

**Sec. 22-27 Levy and lien.**

*Sec. 22-27.*

*The fees hereby levied for the years above specified in the amounts shown are levied severally against the owner and occupant of the residential premises, including mobile home courts and trailer courts. The collection of such fees shall be accomplished for Macon-Bibb County by, and paid into the treasury through, the Tax Commissioner of Macon-Bibb County. The fees for solid waste collection hereby levied shall be due and payable on the last day of each calendar quarter, and if the same are not paid within ten days thereafter, there is hereby levied a late charge equal to five percent of the amount due for the previous calendar quarter, or \$1.00, whichever is greater.*

*If, on the 11<sup>th</sup> day following the end of the fiscal year of Macon-Bibb County which ends on June 30 in each year, there are due any sums as principal or late charges on fees theretofore accruing, the same shall, beginning with July 11 in each year, bear interest on the aggregate of fees and late charges due at the rate of 1% per month, 12% per annum. Uncollected fees, whether or not due, shall constitute a continuing lien against the real property served and upon the personal property of the occupant until paid. Fi. fas. may be issued by the tax commissioner for fees which are past due and collection may be effected as provided by law for ad valorem taxes.*

**Section 2.**

It is the intention of the Macon-Bibb County Commission that nothing herein shall be interpreted as amending, altering, abolishing, discharging, or in any manner affecting any advisory committees, fines, fees, charges, assessments, and/or hearing procedures previously established or adopted by Bibb County or the City of Macon regarding solid waste interest and liens in Bibb County, the City of Macon, and/or Macon-Bibb County, and that any such advisory committees, taxes, fees, charges, assessments and/or procedures shall continue in full force and effect in Macon-Bibb County consistent with the provisions of the Macon-Bibb County Charter, Ga. Law 2012, page 5595 and Ga. Laws 2013, pages 3501, 3942.

**Section 3.**

The preamble of this Ordinance shall be considered to be and is hereby incorporated by reference as if fully set out herein.

**Section 4.**

This Ordinance, to the extent necessary, shall be codified in a manner consistent with the laws of the State of Georgia and Macon-Bibb County.

### **Section 5.**

(a) It is hereby declared to be the intention of the Macon-Bibb County Commission that all sections, paragraphs, sentences, clauses, and phrases of this Ordinance are and were, upon their enactment, believed by the Macon-Bibb County Commission to be fully valid, enforceable, and constitutional.

(b) It is hereby declared to be the intention of the Macon-Bibb County Commission that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Chapter is severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. It is hereby further declared to be the intention of the Macon-Bibb County Commission that, to the greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this Ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this Ordinance.

(c) In the event that any phrase, clause, sentence, paragraph or section of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Macon-Bibb County Commission that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of the Ordinance and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs, and sections of the Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

### **Section 6.**

All Ordinances or parts of Ordinances in conflict with this Ordinance are, to the extent of such conflict, hereby repealed or set aside.

Section 7.

This Ordinance shall become effective July 1, 2016.

SO ORDERED AND ORDAINED this 21 day of June, 2016.

*Robert A. B. Reichert*

ROBERT A.B. REICHERT, MAYOR

ATTEST:

*Janice S. Ross*

JANICE S. ROSS, CLERK OF COMMISSION

