

SPONSOR: MAYOR ROBERT A.B. REICHERT

**COMMITTEE OF THE WHOLE AMENDMENT**

**AN ORDINANCE OF THE MACON-BIBB COUNTY COMMISSION TO AMEND CERTAIN PROVISIONS OF CHAPTER 22 OF THE CODE OF ORDINANCES OF MACON-BIBB COUNTY TO CHANGE THE MANNER IN WHICH THE FEES FOR SOLID WASTE COLLECTION AND DISPOSAL ARE BILLED BY PROVIDING FOR THEIR COLLECTION ON THE PROPERTY TAX BILLS; TO PROVIDE AN EFFECTIVE DATE; AND TO PROVIDE FOR OTHER LAWFUL PURPOSES.**

**WHEREAS**, the Macon-Bibb County Tax Commissioner currently bills for the collection and disposal of solid waste on a quarterly basis; and

**WHEREAS**, the Macon-Bibb County Commission desires to amend certain provisions of the Macon-Bibb County Code of Ordinances to change the manner in which the fees for solid waste collection and disposal are billed by providing for their collection on the property tax bills; and

**WHEREAS**, providing for the collection of the fees for solid waste collection and disposal on the property tax bills will lead to improved and more consistent collection rates; and

**WHEREAS**, the Macon-Bibb County Commission finds that amending the Macon-Bibb County Code of Ordinances to provide for the collection of the fees for solid waste collection and disposal on the Macon-Bibb County property tax bills is in the best interest 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.**

Section 22-2 of Article I of Chapter 22 of the Macon-Bibb County Code of Ordinances is hereby amended by adding the following definitions:

*Business premises* means the physical location at which any person, wholly-owned corporation, individual, or sole proprietorship or other legal entity engages in, causes to be engaged in, and/or represents or holds out to the public to be engaged in any occupation or activity with the object to gain or benefit, either directly or indirectly. This definition does not include a temporary work site.

*Mobile home park* means an undivided parcel of land under single management which is used or intended to be used for rental or lease of spaces or lots and provision of services for two or more mobile homes.

*Mobile home* means a moveable or portable dwelling constructed to be towed on its own chassis, connected to utilities, and designed without a permanent foundation for year-round occupancy, which can consist of one or more components that can be retracted for towing purposes, and subsequently expanded for additional capacity, or two or more units separately towable but designed to be joined into one unit.

*Multi-Family dwelling* means a dwelling designed for or occupied by four or more persons living independently of each other.

*Residential premises* means the physical location of a structure or portion of a structure designed, occupied, or intended for occupancy as a separate living quarters, with cooking, sleeping, and/or sanitary facilities provided therein. The term residential premises shall not be deemed to include individual rooms or suites in a hotel, motel, rooming house, or hospital.

**Section 2.**

Section 22-20 of Division 1 of Article II of Chapter 22 of the Macon-Bibb County Code of Ordinances is hereby amended to read as follows:

***Sec. 22-20. Levy of Fees; payment and collection (January 1, 2016, thru September 30, 2017.)***

(a) *To pay for the collection and disposal of solid waste on a once-a-week basis, a fee is levied for the period beginning January 1, 2016, and continuing thereafter until September 30, 2017, in accordance with the following schedule:*

- (1) *Roll-out carts, including municipal solid waste, commercial solid waste and yard waste, \$240.00.*
- (2) *Two cubic yard dumpsters, \$616.32.*
- (3) *Four cubic yard dumpsters, \$842.04.*
- (4) *Eight cubic yard dumpsters, \$1,225.80.*

(b) *The fees levied for the several types of collections described in this section shall be paid in quarterly installments. Installments shall be*

*due and payable on the first day of each calendar month thereafter until a change in fees is adopted.*

- (c) *Persons desiring collection and disposal of solid waste and yard waste from two cubic yard, four cubic yard and eight cubic yard dumpsters on a more frequent basis may do so by making arrangements directly with the Macon-Bibb County contractor and paying the additional cost therefor to the contractor as follows:*

- (1) *For two-cubic-yard dumpsters, \$12.84 per pickup.*
- (2) *For four-cubic-yard dumpsters, \$17.54 per pickup.*
- (3) *For eight-cubic-yard dumpsters, \$25.54 per pickup.*

*Macon-Bibb County reserves the right to revise the amount of fees levied as costs of collection and disposal vary and as is necessary to ensure that the cost of collection and disposal are fully covered by fees.*

- (d) *The fees hereby levied in this section are levied against the owner of any developed residential premises and against the owner of any developed business premises receiving services hereunder, including mobile home courts and trailer courts.*
- (e) *The collection of such fees as prescribed in this section, and which may have been previously incurred by an owner for any prior periods of service, shall be accomplished for Macon-Bibb County by and paid into the treasury through the Tax Commissioner of Bibb County. The fees prescribed in this section shall be treated in all respects as provided by law with respect to ad valorem taxes, and uncollected fees, whether or not due, shall constitute a continuing lien against the real property served and upon the personal property of the owner until paid. Fi. fas. shall be issued by the Tax Commissioner for fees which are past due and collection of said fees may be affected as provided by law for ad valorem taxes.*

*The fees prescribed in this section for solid waste collection and disposal 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 11th 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 such rate as is from time to time currently in effect as interest collectible on ad valorem taxes. Any open disputes and/or*

*discrepancies related to amounts due for an owner having received solid waste collection and disposal services for any prior period of time shall be resolved on or before May 31, 2017. After this date, such amounts remaining due and owing may be transferred over at the discretion of the Tax Commissioner to annual billing as set forth under Section 22-21.*

### Section 3.

Section 22-21 of Division 1 of Article II of Chapter 22 of the Macon-Bibb County Code of Ordinances is hereby amended to read as follows:

**Sec. 22-21. Levy of fees; payment and collection (on and after October 1, 2017).**

(a) Developed residential premises. *Beginning on October 1, 2017, and continuing thereafter, there is assessed upon every developed residential premises a fee for providing solid waste collection and disposal services on a once-a-week basis to be levied upon the owners of each developed residential premises which fee shall be issued and become due on an annual basis prior to the date of service in the following manner:*

(1) *First annual billing will be \$300.00 for October 1, 2017 to December 31, 2018 at \$20.00 per month plus the cost of any additional services provided to a developed premises as reflected on the schedule of fees.*

(2) *Subsequent annual billings will be \$240.00 at \$20.00 per month plus the cost of any additional services provided to developed premises as reflected on the schedule of fees until amended by the Commission as authorized in Section 22-21 (d) below.*

(b) Developed business premises electing services. *Beginning on October 1, 2017, and continuing thereafter, there is assessed upon every developed business premises a fee for providing solid waste collection and disposal services on a once-a-week basis to be levied upon the owners of each developed business premises electing to receive services from Macon-Bibb County which fee shall be issued and become due on an annual basis prior to the date of service in the following manner:*

(1) *First annual billing will be \$300.00 for October 1, 2017 to December 31, 2018 at \$20.00 per month plus the cost of any additional services provided to a developed premises as reflected on the schedule of fees.*

(2) *Subsequent annual billings will be \$240.00 at \$20.00 per month plus the cost of any additional services provided to developed premises as reflected on the schedule of fees until amended by the Commission as authorized in Section 22-21 (d) below.*

(c) Costs for additional services. Persons desiring services consisting of additional collection and disposal of solid waste and yard waste from two cubic yard, four cubic yard and eight cubic yard dumpsters on a more frequent basis may do so by making arrangements directly with the Macon-Bibb County contractor and paying the additional cost therefor to the contractor as follows:

- (1) For two-cubic-yard dumpsters, \$12.84 per pickup.
- (2) For four-cubic-yard dumpsters, \$17.54 per pickup.
- (3) For eight-cubic-yard dumpsters, \$25.54 per pickup.

Macon-Bibb County reserves the right to revise the amount of fees levied as costs of collection and disposal vary and as is necessary to ensure that the cost of collection and disposal are fully covered by fees.

(d) Fee schedule. The solid waste director shall publish and assess a fee schedule for the several types of collections described in this article. Any changes to the fee schedule for the several types of collection described in this article must be approved by resolution of the Macon-Bibb County Commission. The solid waste director shall be authorized to levy a special handling fee in accordance with the level of service provided to the developed premises. The fee schedule, as from time to time amended, shall be maintained in the clerk of commission's office and available for public inspection.

(e) Collection. The collection of such fees as prescribed in this section shall be accomplished for Macon-Bibb County by and paid into the treasury through the Tax Commissioner of Bibb County. The fees will appear as a separate line item assessment on the property owner's annual property tax bill and shall become due and payable at the same time that county ad valorem taxes are due and payable. Any solid waste fee that remains unpaid in each year shall accrue penalty, interest, and fi. fa. charges in the same manner and the same rate as delinquent county ad valorem taxes as is indicated on the annual property tax bill.

The fees prescribed in this section hereby levied for solid waste collection and Disposal Services shall be treated in all respects as provided by law with respect to ad valorem taxes, and uncollected fees, whether or not due, shall constitute a continuing lien against the real property served and upon the personal property of the owner until paid. Fi. fas. shall be issued by the Tax Commissioner for fees which are past due and collection of said fees may be affected as provided by law for ad valorem taxes.

- (f) Transitioning to first annual billing. For purposes of transitioning to the first annual billing under Sec. 22-21(a) (1) and Sec. 22-21 (b) (1), the Tax Commissioner shall have the discretion if necessary for purposes of ensuring timely billing to provide for the first annual billing to be billed independently from the ad valorem tax bill.
- (g) Exemption for mobile home parks and multi-family dwellings. In lieu of payment of this solid waste fee, an owner of a mobile home park or a multifamily dwelling may produce proof to the solid waste director, or his/her designee, clearly showing payment of a full year's fees to a private vendor or an executed contract with a private vendor to provide for on-site solid waste collection services for all dwelling units on the property for the entire service year. In order to qualify for this exemption, the owner must submit such proof to the solid waste director between January 1 and June 1 of each year. Applications for this exemption shall apply to the succeeding service year. If the contract between the property owner and the private vendor should be terminated at any time during the service year, the property owner shall give written notice to the solid waste director within three (3) business days of termination of the contract. Property owner shall have seven (7) business days from mailing such notice to obtain replacement solid waste collection and disposal service from a private vendor and to produce proof of this service to the County Administrator. Notice shall be deemed given on the date of mailing the notice. If the property owner does not obtain replacement service and produce proof of that service to the solid waste director within seven (7) business days of the notice of termination, the Tax Commissioner, upon petition of the solid waste director, shall bill the solid waste fee to the property owner on a pro-rated basis with the owner paying 1/12 of the annual fee for each of the months or parts of months remaining in that year.
- (h) Penalties. Failure of a property owner to notify the solid waste director of the termination of private solid waste collection and disposal service as required by this section shall be punishable by a fine of \$500.00.
- (i) Property tax appeals. If a property owner files an appeal concerning the amount of county ad valorem taxes under O.C.G.A. § 48-5-311, the owner shall pay the solid waste collection and disposal fee in full.
- (j) Partial year of service. If construction is begun on undeveloped premises after January 1st, the Tax Commissioner shall bill the property owner upon the issuance of a certificate of occupancy for the property if the certificate is issued prior to June 1. The solid waste fee in such an instance shall be billed on a prorated basis with the owner paying 1/12 of the annual fee for each of the months or parts of months remaining in that

*year. For certificates of occupancy issued after June 1 of a calendar year, the Tax Commissioner, upon petition by the solid waste director, or his/her designee, shall bill 1/12 of the annual fee for each of the months or parts of the months in the remaining calendar year on the following year's ad valorem tax bill.*

### **Section 4.**

Section 22-22 of Division 1 of Article II of Chapter 22 of the Macon-Bibb County Code of Ordinances is hereby amended to read as follows:

#### **Sec. 22-22. Exemptions; appeal.**

- (a) *Indigent: Any occupied or unoccupied dwelling unit owned in whole by an individual whose income falls below the federal poverty guidelines for the service year may be exempted from payment of the fee for solid waste collection and disposal services. In order to qualify for the exemption, the individual must submit an application in accordance with Section 22-22 (b) of this Article, including individuals who have previously applied for and received this exemption.*
- (b) *Application for exemption: Applications for exemptions may be obtained from the Macon-Bibb County Solid Waste Department. The solid waste director or his/her designee must receive all applications and required documentation for exemptions for the service year in question by July 1 of the service year at 5:00 p.m.; no applications will be accepted after that date.*
- (c) *Approval or denial of application for exemption: The solid waste director, in his/her sole discretion, shall approve or deny the application for exemption. All decisions will be made within fifteen (15) business days of submission of the application.*
- (d) *Appeals: A person aggrieved by the solid waste director's discretion may apply to the Macon-Bibb County Commission within 30 days of the decision of the solid waste director. The decision of the Commission shall be final. No appeal shall be considered if it is received by the Commission after the 30-day period has run.*

### **Section 5.**

Section 22-24 of Division 1 of Article II of Chapter 22 of the Macon-Bibb County Code of Ordinances is hereby amended to read as follows:

**Sec. 22-24. Use of Facilities required; notice of service termination.**

- (a) *The owner of each developed residential premises, including mobile home parks and trailer courts, shall dispose of solid waste only by the means of a collection and disposal services provided by Macon-Bibb County, which, at its option, may accomplish the same by its employees or by contract, all as set out in Section 22-10 of this Article, and no such person shall dispose of solid waste generated by or from a developed residential premises except by such means.*
- (b) *The owner of each developed business premises may elect to dispose of solid waste by the means of a collection and disposal services provided by Macon-Bibb County, which, at its option, may accomplish the same by its employees or by contract, all as set out in Section 22-10 of this Article, provided, however, that a business premises shall not be allowed to discontinue such services once it opts into receiving them from Macon-Bibb County.*
- (c) *Whenever a premises is destroyed by fire or other casualty, or is demolished or for some other similar reason no longer constitutes developed property, it is incumbent severally upon the owner of the premises to notify the Macon-Bibb County solid waste director in writing of the circumstances. The solid waste director may cause such investigation of the report as is appropriate and if he finds the same to be consistent with the provisions hereof, the premises in question shall be removed from the solid waste collection digest and the fee charge shall thereupon cease. Until such notice shall have been received by the solid waste director, however, the fee shall continue to be charged and shall continue to be collectible, notwithstanding the fact that service is not in fact rendered to the premises. Similarly, if service has been discontinued pursuant to a notice as provided in this section but is thereafter resumed based upon the issuance of a certificate of occupancy as described in section 22-21 (j), or if a premises which was previously undeveloped has been developed, it shall be incumbent upon the owner to notify the solid waste director of the need for the commencement or resumption of service. Nothing contained in this section, however, shall be deemed to preclude the Macon-Bibb County solid waste director from adding to the solid waste collection and disposal digest premises which are found, independent of any notice, to constitute a developed premises whether or not such notice has been received and to make the appropriate fee charges. Notwithstanding the foregoing, no refunds will be issued for any premises that is destroyed by fire or other casualty, or is demolished or for some other similar reason no longer constitutes developed property.*

**Section 6.**

In accordance with Sec. 1-4(c) of the Code of Ordinances of Macon-Bibb County, Georgia, it is hereby ordained that the provisions of this Ordinance shall become and be made part of the Code of Ordinances of Macon-Bibb County, Georgia, and the sections of this Ordinance may be renumbered to accomplish such intention.

**Section 7.**

The sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared illegal by the valid judgment or decree of any court of competent jurisdiction, such illegality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance.

**Section 8.**

All ordinances or parts thereof in conflict with this Ordinance are hereby repealed.

**Section 9.**

This Ordinance shall become effective immediately upon its approval by the Mayor or upon its adoption into law without such approval.

SO ORDAINED this 7 day of March, 2017.

Robert A. B. Reichert  
ROBERT A.B. REICHERT, MAYOR

ATTEST:

Janice Ross  
JANICE ROSS, CLERK OF COMMISSION



**Routing/File Form**

Document Type:  Contract  Deed  Ordinance  Resolution  Grant  Other  
 (Check one of the above document types)

**PURPOSE: AN ORDINANCE OF THE MACON-BIBB COUNTY COMMISSION TO AMEND CERTAIN PROVISIONS OF CHAPTER 22 OF THE CODE OF ORDINANCES OF MACON-BIBB COUNTY TO CHANGE THE MANNER IN WHICH THE FEES FOR SOLID WASTE COLLECTION AND DISPOSAL ARE BILLED BY PROVIDING FOR THEIR COLLECTION ON THE PROPERTY TAX BILLS; TO PROVIDE AN EFFECTIVE DATE; AND TO PROVIDE FOR OTHER LAWFUL PURPOSES.**

**Annual Cost:**

**Total Contract Amount:**

**Administering Department or Officer:**

**Contractor(s):**

**Contract Start Date:**

**Contract End Date:**

**Funding Source(s):** N/A

**Automatic Renewals:** YES NO

**Number of Renewals:**

<b><u>Reviewed By:</u></b>	<b><u>Ordinance/Resolution</u></b>		<b><u>Contracts/Other</u></b>	
	<b><u>Initials</u></b>	<b><u>Month/Day/Year</u></b>	<b><u>Initials</u></b>	<b><u>Month/Day/Year</u></b>
Assistant County Attorney				
County Attorney	<i>JZC</i>	1 / 20 / 17		
Department Head				
Finance Director				
County Manager	<i>D</i>	1 / 20 / 17		
Mayor	<i>RABE</i>	1 / 20 / 2017		
Clerk of Commission				
Grants Director				

**Commission Approval (if applicable)**      \_\_\_ / \_\_\_ / \_\_\_

**Additional comments, instructions, etc.:**

**ALL FULLY-EXECUTED CONTRACTS ARE TO BE PLACED ON FILE IN THE CLERK OF COMMISSION'S OFFICE AS SOON AS POSSIBLE AFTER EXECUTION.**

SPONSORED BY

*Robert A.B. Reichert*  
Mayor Robert A.B. Reichert



COMMITTEE REPORT

Yes No

	Yes	No

ACTION TAKEN AND DATE:

RECOMMEND

*Approved*

(Approved/Disapproved/Approved as Amended)

*January 24, 2017*  
Date

*approved - February 14, 2017*

*approved - February 28, 2017*

APPROVED AS TO FORM BY COUNTY ATTORNEY

*Judd Drake*  
Judd T. Drake  
County Attorney

AN ORDINANCE OF THE MACON-BIBB COUNTY COMMISSION TO AMEND CERTAIN PROVISIONS OF CHAPTER 22 OF THE CODE OF ORDINANCES OF MACON-BIBB COUNTY TO CHANGE THE MANNER IN WHICH THE FEES FOR SOLID WASTE COLLECTION AND DISPOSAL ARE BILLED BY PROVIDING FOR THEIR COLLECTION ON THE PROPERTY TAX BILLS; TO PROVIDE AN EFFECTIVE DATE; AND TO PROVIDE FOR OTHER LAWFUL PURPOSES.

VOTE

Yes No Abstain Absent

	Yes	No	Abstain	Absent
Bechtel	✓			
Schlesinger				✓
Lucas		✓		
Jones	✓			
Bivins		✓		
<del>Allen</del> <del>DeFore</del>	✓			
Shepherd	✓			
Watkins		✓		
Tillman	✓			
Mayor Reichert				
Total:				

O-17-0012

REPORT

Rendered *February 7, 2017* -  
and *Referred back to Committee*

*Report*  
Rendered: *March 7, 2017*  
and *approved*

*Report*  
Rendered: *February 21, 2017*  
and *referred back to Committee*