

AN ORDINANCE

BY CITY UTILITIES COMMITTEE

01-0-0237

**AN ORDINANCE TO REPEAL ORDINANCE # 00-O-1660 WHICH
WAIVES 30% OF THE CITY OF ATLANTA SOLID WASTE SERVICE
FEE FOR SENIOR CITIZENS WITH ANNUAL INCOMES OF LESS
THAN \$39,000 AND FOR OTHER PURPOSES.**

WHEREAS, Ordinance #00-O-1660, which waives 30% of the City of Atlanta solid waste service fee for senior citizens with annual incomes of less than \$39,000, was adopted by the City Council on November 20, 2000 and returned without signature of the Mayor, thus approved per Section 2-403 of the City Charter on November 29, 2000; and

WHEREAS, solid waste service fees are fees for services rendered by the City of Atlanta;
and

WHEREAS, the City Law Department has repeatedly advised over the years that the waiver of fees for services constitutes a gratuity in violation of Article 3, Section 6, Paragraph 6 of the Constitution of the State of Georgia,

**THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA HEREBY
ORDAINS AS FOLLOWS:**

Ordinance #00-O-1660 which waives 30% of the City of Atlanta solid waste service fee for taxpayers age sixty-five and over whose annual household income does not exceed \$39,000, is hereby repealed.

An Ordinance by Councilmembers Jim Maddox, Michael J. Bond, Cleta Winslow, Sherry Dorsey, "Able" Mable Thomas and Derrick Boazman
As Amended by Finance/Executive Committee

An Ordinance authorizing the City of Atlanta to waive 30% of the City of Atlanta solid waste service fees for taxpayers age sixty-five and over whose annual household income does not exceed (\$39,000) thirty nine thousand dollars.

WHEREAS, the City of Atlanta bills and collects solid waste service fees from all property owners in the City of Atlanta regardless of age and income status; and

WHEREAS, there are 10,910 property owners age 65 and over with income less than \$39,000 in the City of Atlanta who pay property taxes and solid waste service fees; and

WHEREAS, the City of Atlanta exempts all taxpayers regardless of age with income less than eight thousand dollars from paying the recycling portion of the solid waste service fee in the amount of thirty dollars; and

WHEREAS, the exemption from the recycling fee is not given to qualifying taxpayers unless application is made for the exemption to the City of Atlanta each year the exemption is sought; and

WHEREAS, many of these 10,910 property owners age 65 and over with income less than \$39,000 are finding it increasingly difficult to pay property taxes and solid waste service fees each year because of increases in property taxes and solid waste service fees;

NOW, THEREFORE BE IT ORDAINED that any property owner who has filed for and received an *average exemption, being age 65 and over and with income less than \$39,000*, be granted exemption from paying 30% of their solid waste service fees on the property for which the overage exemption was granted; and

BE IT FURTHER ORDAINED that the exemption from paying 30% of their solid waste service fee remains unchanged until such time as the ownership or exemption status changes for the property for which the overage exemption was granted; and

BE IT FURTHER ORDAINED that the City of Atlanta ease the burden on each taxpayer in this city age 65 and over with income less than \$39,000 by exemption from 30% of their solid waste service fee beginning with tax year 2001 on the property for which the overage exemption was granted.

BE IT FINALLY ORDAINED that the City of Atlanta ease the burden on any property owner who has filed for and received an *average exemption, being age 65 and over with income less than \$39,000*, by granting amnesty from paying delinquent solid waste service fees owed to the City of Atlanta for year 2000 and prior years, on property for which overage exemption was granted.

The income value in this ordinance is the resident's adjusted gross income together with the adjusted gross income of the resident's spouse who resides at such homestead, and does not exceed the maximum amount that may be received by an individual and an individual's spouse under the Federal Social Security Act.

A true copy,

Rhonda Daughin Johnson
Municipal Clerk, CMC

ADOPTED as amended by Council
RETURNED WITHOUT SIGNATURE OF THE MAYOR
APPROVED as per City Charter Section 2-403

November 20, 2000

November 29, 2000

RCS# 2419
11/20/00
3:53 PM

Atlanta City Council

Regular Session

00-0-1660

Solid Waste Service Fees do not exceed
\$39,000.00 for Seniors
ADOPT AS AMEND

YEAS: 8
NAYS: 6
ABSTENTIONS: 0
NOT VOTING: 2
EXCUSED: 0
ABSENT 0

N McCarty	Y Dorsey	N Moore	Y Thomas
Y Starnes	N Woolard	Y Martin	N Emmons
Y Bond	N Morris	Y Maddox	NV Alexander
Y Winslow	N Muller	Y Boazman	NV Pitts

00-0-1660

RCS# 3328
12/03/01
4:54 PM

Atlanta City Council

Regular Session

MULTIPLE

00-O-1105; 00-O-1662; 01-O0237;
01-O-0894
FILE

YEAS: 11
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 5
EXCUSED: 0
ABSENT 0

Y McCarty	NV Dorsey	Y Moore	Y Thomas
Y Starnes	Y Woolard	NV Martin	NV Emmons
Y Bond	Y Morris	Y Maddox	Y Alexander
NV Winslow	Y Muller	Y Boazman	NV Pitts

CORRECTED COPY

MULTIPLE

01-0-0237

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BY: CITY UTILITIES COMMITTEE

AN ORDINANCE TO REPEAL ORDINANCE # 00-0-1660 WHICH WAIVES 30% OF THE CITY OF ATLANTA SOLID WASTE SERVICE FEE FOR SENIOR CITIZENS WITH ANNUAL INCOMES OF LESS THAN \$39,000 AND FOR OTHER PURPOSES.

FILED BY CITY COUNCIL

DEC 03 2001

- CONSENT REFER
- REGULAR REPORT REFER
- ADVERTISE & REFER
- 1st ADOPT 2nd READ & REFER
- PERSONAL PAPER REFER

Date Referred 2/19/01

Referred To: City Utilities

Date Referred

Referred To:

Date Referred

Referred To:

Committee City Utilities
 Date 2-19-01
 Chair Clayton Muller
 Referred to Clayton Muller

Committee City Utilities
 Date 2-27-01
 Chair _____

Action: _____
 Fav, Adv, Hold (see rev. side)
 Other: _____

Members _____

Refer To _____

First Reading City Utilities
 Date 2-27-01
 Chair Clayton Muller

Committee City Utilities
 Date 11-27-01
 Chair Clayton Muller

Action: _____
 Fav, Adv, Hold (see rev. side)
 Other: _____

Members [Signature]
[Signature]

Refer To _____

FINAL COUNCIL ACTION
 2nd Reading
 1st & 2nd Reading
 3rd Reading
 Consent Vote
 V Vote
 RC Vote

CERTIFIED

CERTIFIED
 DEC 3 2001
 ATLANTA CITY COUNCIL PRESIDENT
[Signature]

CERTIFIED
 DEC 03 2001

[Signature]
 DEPUTY MUNICIPAL CLERK

MAYOR'S ACTION

Committee City Utilities
 Date 11/27/01
 Chair _____

Action: _____
 Fav, Adv, Hold (see rev. side)
 Other: [Signature]

Members _____

Refer To _____

Committee _____
 Date _____
 Chair _____

Action: _____
 Fav, Adv, Hold (see rev. side)
 Other: _____

Members _____

Refer To _____