



CITY COUNCIL
ATLANTA, GEORGIA

AN ORDINANCE

03-O-1836

BY: COUNCILMEMBER ANNE FAUVER
(AS AMENDED BY CITY UTILITIES)

AN ORDINANCE TO REITERATE CLARIFY AND EXPAND UPON ORDINANCE 02-O-1272, AUTHORIZING THE ASSESSMENT OF PENALTIES AND INTEREST FOR UNPAID SOLID WASTE SERVICE ASSESSMENTS; AND FOR OTHER PURPOSES.

WHEREAS, Ordinance 02-O-1272, was adopted by Council and approved by the Mayor in August 2002; and

WHEREAS, ordinance 02-O-1272 required that unpaid solid waste assessments accrue interest at the rate of 1% per month from the date the charge was due until the date the charge was paid, not to exceed 12% per annum. Any period of less than one (1) month shall be considered to be one (1) month. Interest would begin accruing January 1, 2002, with the initial interest charge included on the October 2002 billing; and

WHEREAS, ordinance 02-O-1272 further required that an initial 10% penalty be assessed in the October 2002 billing on all unpaid balances that were over 90 days delinquent. Subsequent years' penalties would be assessed in the second quarter billing on all unpaid balances over 90 days delinquent; the penalty on annual accounts would be assessed on the annual bill, and

WHEREAS, numerous delinquent 2002 solid waste assessments have been returned to the City as undeliverable; and

WHEREAS, these delinquent 2002 solid waste assessments do not include penalty and interest charges; and

WHEREAS, the intent of ordinance 02-O-1272 shall be that penalty and interest will be initially assessed on all delinquent solid waste accounts without consideration.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

Section 1: All current and future delinquent solid waste assessments include penalty and interest charges, without consideration, as set forth in ordinance 02-O-1272 (Attachment A).

Section 2: All sections of ordinance 02-O-1272 remain in force and effect.

Section 3: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

A true copy,

Rhonda Daughin Johnson
Municipal Clerk, CMC

ADOPTED as amended by the Council
APPROVED by the Mayor

NOV 03, 2003
NOV 10, 2003



ATTACHMENT A

**A SUBSTITUTE ORDINANCE BY
FINANCE/EXECUTIVE COMMITTEE**

**AN ORDINANCE TO AUTHORIZE THE ASSESSMENT OF PENALTIES
AND INTEREST, AND THE LEVY OF LIENS FOR UNPAID SANITARY
SERVICE ASSESSMENTS; AND FOR OTHER PURPOSES.**

WHEREAS, Ga. L. 1953, Jan- Feb session, p.2816, §6 defines taxes as ad valorem, sanitary taxes and street taxes; and

WHEREAS, O.C.G.A. 12-8-39.3 authorizes any city which provides solid waste collection services and which levies and collects, taxes, fees, or assessments to accomplish waste collection, "to enforce by ordinance or resolution the collection of taxes, fees, or assessments due the city in the same manner as authorized by law for the enforcement of the collection and payment of state taxes, fees, or assessments." ; and

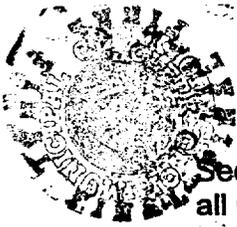
WHEREAS, O.C.G.A. 46-2-40 authorizes that taxes owed the state or any local taxing jurisdiction shall bear interest at the rate of 1 percent per month from the date the tax is due until the date the tax is paid. Additionally, this Code section allows any period of less than one month to be considered to be one month; and

WHEREAS, Section 6-103(d) of the City Charter allows the governing body to provide by ordinance for penalty for late payment of sanitary service fees "in such amounts as deemed necessary."; and

WHEREAS, O.C.G.A. 12-8-39.3, Section 1-102 (26) and Section 6-101 (f) of the City Charter authorize the placement of a lien for non-payment of sanitary service assessments. Additionally, Article I § 134-I of the City Code and City Ordinance 01-0-0532 authorizes the City to enforce the lien through sale of the property on the steps of the City.

**NOW, THEREFORE, BE IT ORDAINED BY COUNCIL OF THE CITY OF
ATLANTA, GEORGIA, as follows:**

Section 1: Unpaid sanitary service assessments shall accrue interest at the rate of 1% per month from the date the charge is due until the date the charge is paid, not to exceed 12% per annum. Any period of less than one (1) month shall be considered to be one (1) month. Interest shall begin accruing on January 1, 2002, with the initial interest charge included on the October 2002 billing.



Section 2: An initial 10% penalty will be assessed in the October 2002 billing on all unpaid balances that are over 90 days delinquent. Future years' penalties will be assessed on the second quarter billing on all unpaid balances that are over 90 days delinquent; for accounts billed annually, the penalty will be assessed on the annual bill.

Section 3: Liens for all sanitary service assessments due to the City of Atlanta shall arise as of the time said assessment become due and paid and all liens for sanitary assessments shall cover all property in which the property owner has any interests from the date the lien arises until such assessments are paid. Assessments not paid by December 31 of each year shall be subject to a lien as of June 1st of the following year.

Section 4: Liens for sanitary service shall be subject to further penalties and interest as provided by law.

Section 5: That all ordinances of parts of ordinances in conflict herewith are hereby repealed.

A true copy,

Rhonda Daughin Johnson
Municipal Clerk, CMC

ADOPTED by the Council
APPROVED by the Mayor

AUG 19, 2002
AUG 26, 2002

RCS# 5142
11/03/03
2:26 PM

Atlanta City Council

Regular Session

03-O-1836

REITERATE/CLARIFY/EXPAND ORD# 02-O-1272
ASSMNT/PENLTS/INTRST UNP'D SOILD WASTE
ADOPT AS AMEND

YEAS: 11
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 2
EXCUSED: 0
ABSENT 3

Y Smith	Y Archibong	Y Moore	Y Mitchell
B Starnes	Y Fauver	B Martin	Y Norwood
Y Young	Y Shook	Y Maddox	B Willis
Y Winslow	Y Muller	NV Boazman	NV Woolard

03-O-1836

03-0-1836
(Do Not Write Above This Line)

AN ORDINANCE

BY: COUNCILMEMBER ANNE FAUVER

AN ORDINANCE TO REITERATE CLARIFY AND EXPAND UPON ORDINANCE 02-0-1272, AUTHORIZING THE ASSESSMENT OF PENALTIES AND INTEREST FOR UNPAID SOLID WASTE SERVICE ASSESSMENTS; AND FOR OTHER PURPOSES.

ADOPTED BY

NOV 03 2003

COUNCIL

AS AMENDED

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

Date Referred 10/20/03
 Referred To: City Utilities
 Date Referred _____
 Referred To: _____
 Date Referred _____
 Referred To: _____

First Reading
 Committee _____
 Date _____
 Chair _____
 Referred To _____

Committee City Utilities
 Date 10/28/2003
 Chair Walter M. Huddell
 Action As Amended
 Fav, Adv, Hold (see rev. side) _____
 Other _____
 Members _____
 Refer To _____

Committee _____
 Date _____
 Chair _____
 Action _____
 Fav, Adv, Hold (see rev. side) _____
 Other _____
 Members _____
 Refer To _____

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

CERTIFIED
 NOV 03 2003
 ATLANTA CITY COUNCIL PRESIDENT
 Catherine M. Williams

CERTIFIED
 NOV 03 2003
 Anne Fauver
 MUNICIPAL CLERK

MAYOR'S ACTION

APPROVED
 NOV 10 2003
 Mayor's Office
 MAYOR