

AN ORDINANCE AND CHARTER AMENDMENT BY COUNCILMEMBER DUSTIN HILLIS TO AMEND THE CHARTER OF THE CITY OF ATLANTA, GEORGIA, 1996 GA LAWS P. 4469 ET SEQ., ADOPTED UNDER AND BY VIRTUE OF THE AUTHORITY OF THE MUNICIPAL HOME RULE ACT OF 1965, O.C.G.A. SECTION 36-35-1 ET SEQ., AS AMENDED, BY AMENDING SECTION 1-102 OF ARTICLE 1 AND SECTION 6-101 OF ARTICLE 6, BOTH OF PART I, SUBPART A, TO AMEND THE AUTHORITY OF THE CITY TO CHARGE AND COLLECT TAXES AND ASSESSMENTS FOR SANITARY AND SOLID WASTE DISPOSAL SERVICES, AND TO ESTABLISH AND COLLECT RATES, FEES, AND CHARGES FOR THE SAME; TO AUTHORIZE THE ADOPTION OF AN ADMINISTRATIVE PROCEDURE FOR THE RESOLUTION OF DISPUTES REGARDING THE BASIS OF A SANITARY AND SOLID WASTE TAX OR ASSESSMENT AGAINST A PROPERTY; AND FOR OTHER PURPOSES.

WHEREAS, it is the stated policy of the City of Atlanta (the “City”) to protect the health, safety, and welfare of its residents; and

WHEREAS, it is determined to be necessary for the protection of public health, welfare, and convenience of the City to charge and collect sanitary and solid waste disposal service taxes, assessments, rates, fees, and charges billed upon the property owners within the City; and

WHEREAS, it is determined to be necessary to authorize the adoption of an administrative procedure for the resolution of disputes regarding the basis of a sanitary and solid waste tax or assessment against a property; and

WHEREAS, the Commissioner of Public Works desires to amend City Charter so as to amend the City’s authority to establish, charge, and collect sanitary and solid waste disposal service taxes, assessments, rates, fees, and charges, as well as to authorize the adoption of an administrative procedure for resolving disputes regarding the same; and

WHEREAS, effective and consistent ordinances and standards are necessary to ensure the proper management of solid waste within the city.

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

SECTION 1: That the following sections of Part I, Subpart A, Article 1 and Article 6 of the City of Atlanta Charter shall be amended so as to amend the authority of the City of Atlanta (the “City”) to charge and collect taxes and assessments for sanitary and solid waste disposal services, to establish and collect rates, fees, and charges for the same, to authorize the adoption of an administrative procedure for resolving disputes regarding the same, and to update certain other provisions of Part I, Subpart A, Article 1 and Article 6 of the City Charter.

SECTION 2: That Subsection (c)(3) of Section 1-102. Powers. of Part I, Subpart A, Article 1 of the City Charter be amended such that it shall read as follows (with permanent amendments in bold font and permanent deletions in strikethrough font):

(c) The city shall have all powers now vested in the city and now or hereafter granted to municipal corporations by the laws of Georgia and shall have the power to do the following:

* * *

(3) To assess, charge, and collect rentals, interests, fees, penalties, fines, and costs; to assess and collect fees, charges, and tolls for sewer and water services, under such rules and regulations prescribed by ordinance; **pursuant to Section 6-101(f) and (g), to assess, levy, impose taxes and assessments on parcels and parcel owners for sanitary and solid waste disposal purposes and to collect the same, and to establish utility rates, fees and other charges for sanitary and solid waste disposal services furnished or to be furnished and collect the same,** ~~to levy and collect garbage, trash, refuse, and rubbish collection service charges and sanitary taxes~~ under such rules and regulations as prescribed by ordinance; to collect income on investments and to accept funds, services, or property from other political subdivisions and public agencies, either local, state, or national, and from private persons, firms, or corporations.

SECTION 3: That Subsection (f) of Section 6-101. General power of taxation. of Part I, Subpart A, Article 6 of the City Charter be amended such that it shall read as follows (with permanent amendments in bold font and permanent deletions in strikeout font):

(f) The governing body **of the city** shall be authorized to assess, levy, and impose taxes **and assessments on parcel and parcel lots and lot** owners for sanitary **and solid waste disposal** purposes in such amount, ~~rates,~~ or methods of assessment and taxation, **as determined by the governing body**; provided further, the governing body shall be authorized and empowered to collect such taxes **and assessments** by execution against the **parcel lot** so **taxed or** assessed and the owner thereof and provide for the use of such proceeds **for sanitary and solid waste disposal purposes, for payment of sanitary and solid waste bond debt service and bond related expenses, for reimbursement of deficit funding of sanitary and solid waste disposal expenses from the city general fund, for sanitary and solid waste disposal education, for common good sanitary and solid waste disposal purposes, or such other solid waste collection and disposal purposes as may be determined by the governing body of the city from time to time.** The amount so **taxed or** assessed shall be a lien on **each parcel the lot** from the date of the **tax or** assessment. The governing body **of the city** shall be authorized to prescribe what should constitute a **parcel lot** for sanitary **and solid waste disposal** purposes ~~and assessment; provided, however, that assessment shall be made on vacant lots as follows: A front footage fee may be assessed in accordance with the zoned property category, residential, apartment, or commercial and no unit fee shall be assessed.~~ **Taxes may be levied on an ad valorem basis on all parcels; assessments may be levied on parcels based upon the sanitary and solid waste disposal special benefit accruing to the parcels assessed as determined by the governing body of the city, including a front footage based assessment for common good sanitary services, including but not limited to, street sweeping, dead animal removal, right-of-way mowing, sidewalk trash receptacles, lot clearing, and illegal dumping. The governing body of the city may provide full or partial exemptions from such taxes and assessments for buildings of public worship and public property, for the elderly, and for such other class of parcel owners as determined by the governing body of the city. The governing body of the city may contract with third parties for the collection and enforcement of collection of any sanitary and solid waste taxes and assessments. The governing body of the city may adopt administrative procedures for a parcel owner that disputes the basis of the tax or assessment against its parcel, absent which such claim is waived. The determination on such claims pursuant to the administrative procedures may be appealed to the governing body of the city, and the decision of the governing body of the city shall be final and dispositive of the claim.** ~~Resident lots shall not be subdivided or assessed separately except where they have two or more houses used or intended for use as separate~~

~~tenements built upon them, in which case a sanitary assessment may be levied against the lot for each house situated thereon.~~

SECTION 4: That Subsection (g) of Section 6-101. General power of taxation. of Part I, Subpart A, Article 6 of the City Charter be amended such that it shall read as follows (with permanent amendments in bold font and permanent deletions in strikeout font):

(g) The governing body of the city, in addition to being authorized to assess, levy, and impose taxes and assessments for sanitary and solid waste disposal purposes, as set forth in subsection (f), shall be authorized to establish utility rates, fees and other charges for the sanitary and solid waste disposal services furnished or to be furnished to persons, or for all or any portion of the parcels served by the city, including impact fees for the availability of sanitary and solid waste disposal services to or for the benefit of the parcels, and for the use and benefit from sanitary and solid waste disposal utility services, including collection, removal or disposal of all forms of solid waste, or some or all of same, and ancillary services incident to such collection, removal or disposal; appliances and other bulk items removal and disposal; recycling services; industrial wastes collection and disposal services; waste recycling collection and processing services; such rates, fees, and other charges to be charged to and collected from the owners of such parcels, or, at the discretion of the governing body of the city when such parcels are not owner-occupied, from the occupants, tenants, or lessees of the parcels or both, to which solid waste services are made available. The governing body of the city may determine the amount, frequency, and applicability of such solid waste services rates, fees and other charges, which may, at the discretion of the governing body, depend upon the size, location, and available zoned use of a parcel, whether the parcel is developed or undeveloped, the amount, weight, or volume of solid waste collections from or contributed by the parcel, the pro rata share of services provided for the benefit of the parcel, the availability of solid waste service capacity maintained for the benefit of the parcel, the number or average number of persons residing or working in or otherwise connected to the parcel, the readiness to provide solid waste service to a parcel if, as and when required from time to time by the owners, occupants, tenants or lessees of such parcel, or any other factor affecting the availability or use or conservation of the solid waste facilities, vehicles, equipment, services provided, or upon any combination of the foregoing factors, as may be determined by the governing body of the city from time to time. The governing body of the city may establish, and amend from time to time, policies, procedures and regulations for the implementation of this subsection (g), including administrative procedures for parcel owner requests for abatement or adjustment of solid waste services, rates, fees and other charges in appropriate situations. The governing body of the city may contract with third parties to provide any sanitary and solid waste facilities, vehicles, equipment or services, and for the billing, collection and enforcement of collection of any rates, fees and charges against parcel owners or solid waste services recipients. The governing body of the city may withhold other city services from parcel owners or solid waste services recipients for non-payment of solid waste services rates, fees and charges until fully paid, and may assess interest, penalties and fines for non-payment or violation of any adopted policies, procedures, and regulations. Except for service availability fees and impact fees for parcels not yet receiving service but that are anticipated to receive service in the future, the governing body of the city may not collect solid waste service rates, fees and charges from parcels that can demonstrate they do not receive any solid waste services, provided any parcel owner claiming such lack of solid waste service pursuant to the administrative procedures adopted by the governing body of the city for such purposes, absent which such claim is waived. The determination on such claims pursuant to the administrative procedures may be appealed to the governing body of the city,

and the decision of the governing body of the city shall be final and dispositive of the claim.
~~The governing body of the city, in addition to being authorized to assess, levy, and impose taxes for sanitary purposes, as set forth hereinabove in subsection (f), shall be authorized to charge fees for the collection, removal or disposal, or both, of all solid waste except body wastes, ashes, street cleanings, dead animals, abandoned automobiles, and market and industrial wastes, such fees to be charged against the owners or, when not owner occupied, against the occupants, tenants, or lessees of the premises from the which the fee is collected, and from which such waste is removed or disposed of, or both, from which collection and removal services are made available. The amount of such fees may depend upon the amount, weight, or volume of collections and whether collected from residential, commercial, industrial, or other property.~~

SECTION 5: That a copy of this proposed amendment to the Charter of the City of Atlanta, Georgia 1996 Ga. L., et seq. as amended, shall be filed in the Office of the Municipal Clerk of the City of Atlanta and in the Offices of the Clerks of the Superior Courts of Fulton and DeKalb Counties and that a “Notice of Proposed Amendment to the Charter of the City of Atlanta, Georgia,” attached hereto and marked “Exhibit A” and made a part of this ordinance, be published in the official organ of the county of the legal situs of the City of Atlanta or in a newspaper of general circulation in the City of Atlanta once a week for three weeks within a period of 60 days immediately preceding its final adoption, and that a copy of said advertisement be attached to this ordinance prior to its final adoption by the Council of the City of Atlanta.

SECTION 6: That the amendments in this ordinance shall become effective immediately.

SECTION 7: Should any ordinance or part thereof be found in conflict with this ordinance or the provisions thereof, then those sections contained herein shall be deemed controlling.

SECTION 8: That the Municipal Clerk is instructed to retain all legislative history references in the codified version of the Charter, not deleting any such references, but amending them to include this ordinance.