

Ordinance 2020-13

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF DAHLONEGA, GEORGIA WHICH APPEARS AT: CHAPTER 26: SOLID WASTE TO INCLUDE A NEW ARTICLE IV: RATES AND CHARGES

Short title: "An ordinance regarding solid waste rates and charges."

WHEREAS, the City Council of Dahlonega, Georgia desires to amend the current solid waste ordinance to include guidance and regulations regarding rates and charges.

NOW, THEREFORE, be it ordained, and it is so ordained by the authority of the City Council of Dahlonega, that Chapter 26 of the Code of the City of Dahlonega, be amended to include an Article IV as follows:

ARTICLE IV. - RATES AND CHARGES

Sec. 26-54. - Refuse collection rates and charges not affected by Code.

Nothing in this Code shall affect any ordinance by the city council setting fees for refuse collection or disposal currently existing or hereinafter enacted. All such ordinances are hereby recognized as having full force and effect to the same extent as if set out at length in this Code.

Sec. 26-55. - Rates.

- (a) Fees for collection of solid waste, garbage and yard debris shall be those as established by ordinance of the city council; and shall be published in the office of the city clerk and where utility bills may be paid. Fees may be included with the monthly water bill, provided said charge is separately stated. Fees shall be separately billed should there be no monthly water bill.
- (b) Rates for service will be subject to periodic review and adjusted by the city council by separate ordinance as necessary to ensure adequate cost recovery for operation of the sanitary municipal solid waste department.

Sec. 26-56. - Municipal Jurisdiction.

- (a) It shall be mandatory that all owners, occupants, tenants and lessees of residential units to include houses, apartments, condominiums, mobile homes, single family homes or any other dwelling unit, offices, businesses, industrial businesses, commercial buildings and premises shall be required to accept such collection and removal services as may be provided by the city relating to the disposal of garbage, trash, rubbish and other debris within the municipal jurisdiction of the city.
- (b) Exemptions. Businesses and other entities requiring dumpster, roll-off or industrial, medical, or hazardous waste removal services may be exempted from city solid waste service and assessed fees provided other arrangements are made for disposal through a licensed provider or through contract with the city. This exemption must be requested by petition to the city manager within the areas identified by a separate rate ordinance not part of this codification. Council affirmation of the decision of the manager at a meeting of the council is required.

Sec. 26-57. - Nonpayment of fees.

- (a) Should any owners, occupants, tenants and lessees of residential buildings and premises or business and commercial buildings and premises fail or refuse to pay the charges fixed against such owners, occupants, tenants and lessees as provided for in this article when due, the city may discontinue garbage collection services to the residential buildings and premises or business and commercial buildings and premises of such owners, occupants, tenants and lessees against such sanitary service charge or fee and charge for the collection, removal and disposal of garbage services until such fees have been paid in full.
- (b) After notification of a delinquency, if a delinquent account is not paid within five (5) days, the city or the contracted provider may cease all refuse collection for that account or individual address. Service shall be resumed thereafter only upon payment of the entire balance on the account plus all penalties, and all applicable reconnection or container resetting charges. Failure to timely remove solid waste through use of the city collection service or the city's contracted provider constitutes a nuisance. Each day constitutes a separate offense. The municipal court shall have full jurisdiction to try and dispose of all questions of nuisance pursuant to this paragraph affecting the public health or welfare and to impose fines and penalties.
- (c) If the account or bill remains unpaid after said past delinquent/due notice is mailed, then the public water supply will be turned off and will not be turned back on until said bill is paid.
- (d) Enforcement. In the event charges remain unpaid for fifteen (15) days after the bill or account for service has been rendered to the customer the unpaid balance may be collected by any means provided by law.
- (e) In addition to all other rates, charges, penalties, fees, expenses and costs otherwise provided for in this Code, the city may also collect all costs incurred for the collection of delinquent utility accounts, including, but not limited to, postage expenses, late fees as established by resolution or ordinance of the council from time to time, court filing fees, attorney's fees incurred by the city, and fees paid to third-party collection agencies. The city is authorized to use third-party collection agencies to collect delinquent utility accounts and all cost, fees and expenses of such third-party agencies shall be the responsibility of the delinquent customer.

Sec. 26-58. - Severability.

If any portion of this article or the application thereof shall be held invalid or unconstitutional, the other provisions of this article shall not be affected, and to this end the provisions of this article are declared to be severable.

Sec. 26-59. - Effective date.

The effective date of this ordinance shall be the 3RD day of August, 2020.

Adopted and Ordained this 3RD day of August, 2020.

By:

Sam Norton
Sam Norton, Mayor

Attest:

Mary Csukas
Mary Csukas, City of Dahlonega

