ORDINANCE NO. OR 13-313

ORDINANCE TO AMEND THE CODE OF ORDINANCES, CITY OF STOCKBRIDGE, GEORGIA RELATING TO GARBAGE, REFUSE, AND TRASH COLLECTION BY THE CITY SO AS TO CLARIFY THE BASIS FOR THE IMPOSITION OF FEES, TO REMOVE REFERENCES TO HOME OCCUPATIONS, AND TO SET A FEE RATE SCHEDULE; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES

THE COUNCIL OF THE CITY OF STOCKBRIDGE HEREBY ORDAINS:

SECTION 1. Ordinance. That Title 5, Chapter 5.12, Article II of the current Stockbridge Code be deleted, and a new Title 5, Chapter 5.12, Article II be added to the Code of Ordinances, City of Stockbridge, Georgia, so as to read as follows:

SECTION 5.12.200 – Only authorized personnel to remove garbage, refuse, and/or trash.

No person, except those duly authorized by the city as city collectors, shall collect, remove, or empty garbage, refuse, and/or trash cans and receptacles or collect or transport garbage, trash, or other refuse on the streets, alleys, and public thoroughfares within the corporate city limits.

SECTION 5.12.210 – Pickup charges – Classification of customers – Frequency of pickup.

A. Except as provided in subsection F of this section, every person owning, controlling, managing, operating, policing, renting, or occupying any premises where garbage, refuse, and/or trash accumulates within the corporate city limits shall be a "garbage and refuse customer" for the purposes of this chapter and shall receive garbage, refuse, and trash collection services exclusively from those persons authorized by Section 5.12.200 of this chapter.

B. Charges for garbage, refuse, and trash collection services provided by persons authorized by Section 5.12.200 of this chapter shall be fixed by the mayor and council of the city. A current copy of the rate schedule shall be maintained on file in the office of the city clerk and shall be available for public inspection. As of May 13, 2013 the city shall charge the following rates:

Residential Customers	$12.00 per month
Commercial Customers	$20.00 per month
Industrial Customers	Industrial customers must contract with private concerns for the collection and disposal of garbage and refuse.

C. Garbage and refuse customers shall be classified as either residential, commercial, or industrial.

D. Residential garbage, refuse, and trash pickup will occur once per week.

E. Commercial garbage, refuse, and trash pickup will occur twice per week.

F. Industrial customers must contract with private concerns for the collection and disposal of garbage, refuse, and trash. Waste or refuse from manufacturing, assembling, or processing operations will not be collected by the city. No building material or refuse from building operations or landscape contract work will be collected by the city. All accumulations of glass, shavings, or waste material of any kind resulting from building operations shall be removed by the contractor in charge of such building operation. The city reserves the right, after sixty (60) days notice, to require any industrial customer described in this subsection to receive garbage, refuse, and trash collection services exclusively from the city.

SECTION 5.12.220 – Pickup charges – Delinquent payment – Pickup discontinuance.

A. Each garbage and refuse collection customer, whether provided water and sewer services from the city or not, shall pay the charges assessed for garbage, refuse, and trash collection, as provided for in Section 5.12.210 of this chapter. Failure to pay the charges assessed shall constitute a violation of this chapter punishable by the municipal court of the city in accordance with Section 5.12.410 of this chapter.

B. In addition to any fine or sentence imposed by the municipal court, the city may, in its sole discretion, suspend sanitation services (garbage pickup and disposal) to any customer or property that has failed to timely pay for services provided by, or on behalf of, the city. Before services are suspended the customer shall be notified, in writing, either by certified mail, return receipt requested, or by leaving notice on the front door or main entrance to the property. Said writing shall notify the customer or resident of the delinquency, the amount owed, and that the designated services will be suspended within ten (10) days of the customer's receipt of the certified mail or within ten (10) days of the leaving of the notice at the door of the property. The notice shall further state that if the customer in good faith disputes the amount owed, he shall contact the city clerk, in person, prior to expiration of the ten (10) day period, to document the dispute. The city clerk shall have the authority to rectify any errors in customer billing.

C. In addition to any fine or sentence imposed by the municipal court, for charges assessed for sanitation services (garbage pickup and disposal) provided by, or on behalf of, the city, including penalties, a lien shall be created against the property served, including real property. The lien shall be automatically created and perfected against the property when the charges for sanitation services become due without further action by the city, and this section shall operate to notify all persons of the lien created hereby. Any assessment authorized under this section, the interest thereon, and the expense of collection shall be a lien against the property so assessed coequal with the lien of other taxes and shall be enforced in the same manner as are state and county ad valorem property taxes by issuance of a fi. fa. And levy and sale as set forth in Title 48 of the Official Code of Georgia Annotated. The lien shall run with the property and shall not be extinguished by the transfer of the liened property by sale, foreclosure, or other method. The city may, in its sole discretion, refuse water, sewer, or sanitation services to any property upon which a lien exists.

SECTION 5.12.230 – Pickup charges – Added to water bill at trailer parks.

The garbage, refuse, and trash collection fee for each trailer shall be added to the water bill at the trailer parks where the owner pays the water bill for the entire trailer park.

SECTION 5.12.240 – Collection of fees.

A. Garbage, refuse, and trash collection service charges ("sanitation service charges") accrued pursuant to this chapter shall be billed and collected in the manner and at the interval deemed most efficient by the city, and shall be payable in accordance with the rules and regulations of the city finance department as applied generally to all bills. A sanitation charge bill may be sent through the United States mail or by an alternate means notifying the customer of the amount of the bill, the date payment is due, and the past due date. Failure to receive a bill is not justification for nonpayment. Regardless of the party to whom the bill is initially directed, the owner of each parcel of developed land, as shown from public land records of Henry County, shall be ultimately obligated to pay such sanitation service charge. If a customer is under-billed or if no bill is sent, the city may back bill for a period of up to one year, but shall not assess penalties for any delinquency. A one and one-half percent (1.5%) per month late charge shall be billed based on the unpaid balance of any sanitation charge that becomes delinquent.

B. The sanitation service charges may be billed through any reasonable method as determined and published by the city council. Said methods from which the city may elect to bill a property owner include but are not limited to: on a common statement with applicable ad valorem taxes generated through Henry County taxing authority, in conjunction with other utility services provided by the city, or any other method by which the city could bill property owners.

C. The owner of each property, building, premises, lot, or house shall be obligated to pay such sanitation service charges. Any sanitation service charge or portion of a service charge not paid when due may be recovered in an action at law or equity by the city.

D. In addition to any other remedies or penalties provided by this or any other ordinance of the city, failure to pay any sanitation service charge when billed in conjunction with another utility bill may result in a discontinuance of any or all other utility services provided by the city.

E. Until such time as the city passes an ordinance or resolution amending the foregoing provisions, the city elects to bill residential customers for sanitation service charges on an annual basis beginning in November of 2009 on the ad valorem tax notices issued through the Henry County Tax Assessor. All other classification of customers described in Section 5.12.210 (B) shall be assessed beginning in 2010 by a method authorized by the city council via adoption of a resolution or ordinance.

F. For the purposes of assessment and collection of sanitation service charges, each dwelling, unit, or improved space shall be considered a separate sanitation customer or "garbage and refuse customer" if said space is heated, has plumbing, and has an entry/exit point to the exterior of the building according to the Henry County tax records.

SECTION 2. Repeal. That the existing Title 5, Chapter 5.12, Article II be repealed from the Code of Ordinances, City of Stockbridge, Georgia.

SECTION 3. Intention of the Governing Body. It is the intention of the governing body, and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of Ordinances, City of Stockbridge, Georgia, and the sections of the ordinance may be renumbered to accomplish such intention.

SECTION 4. Approval of Execution. The Mayor is hereby authorized to sign all documents necessary to effectuate this Ordinance.

SECTION 5. Attestation. The City Clerk is authorized to execute, attest to, and seal any documents which may be necessary to effectuate this ordinance, subject to approval as to form by the City Attorney.

SECTION 6. Codification and Severability.
(a) It is hereby declared to be the intention of the City Council that all sections, paragraphs, sentences, clauses and phrases of this Ordinance are and were upon their enactment believed by the City Council to be fully valid, enforceable and constitutional.

(b) It is hereby declared to be the intention of the City Council that to the greatest extent allowed by law each and every section, paragraph, sentence, clause or phrase of this ordinance is severable from every other section, paragraph, sentence, clause or phrase of this ordinance. It is hereby further declared to be the intention of the City Council that to the greatest extent allowed by law no section, paragraph, sentence, clause or phrase of this ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this ordinance.

(c) In the event that any section, paragraph, sentence, clause or phrase of this ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the City Council that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining sections, paragraphs, sentences, clauses, or phrases of the ordinance and that to the greatest extent allowed by law all remaining Sections, paragraphs, sentences, clauses, or phrases of the ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

SECTION 7. Repeal of Conflicting Provision. Except as otherwise provided herein, all ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

SECTION 8. Effective Date. This ordinance shall become effective immediately upon its adoption by the City Council and final approval as provided in Section 3.23 of the City's Charter.

SO ORDAINED this 13th day of May, 2013.

Mark A. Alarcon
MARK A. ALARCON, Mayor

ATTEST:
Rhonda A. Blackmon (SEAL)
RHONDA A. BLACKMON, City Clerk

APPROVED AS TO FORM:
William J. Linkous, III
WILLIAM J. LINKOUS, III, City Attorney
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