

City Services for Commercial Establishments

ORDINANCE NO.: 2024-001

AN ORDINANCE TO ESTABLISH EXCLUSIVE USE OF CITY SERVICES FOR COMMERCIAL ESTABLISHMENTS AS DEFINED HEREIN AND WITHIN THE CITY OF EASTMAN AND TO AMEND *CHAPTER 38, ARTICLE IV. SOLID WASTE COLLECTION AND DISPOSAL* OF THE EASTMAN MUNICIPAL CODE; TO PROVIDE FOR COSTS, TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the governing authority of the City of Eastman is the City Council;

WHEREAS, the governing authority of the City of Eastman desires to adopt a revised and/or additional ordinance pertaining to solid waste collection; and,

WHEREAS, the health, safety, and welfare of the citizens, commercial, governmental, institutional, business or industrial premises of Eastman, Georgia, will be positively impacted by the adoption of this Ordinance; and

WHEREAS, the City of Eastman, Georgia, has the legislative power to adopt ordinances, resolutions or regulations relating to its property, affairs and local government for which no provision has been made by general law, and which are not inconsistent with the Constitution of or any charter provision applicable thereto; and

WHEREAS, the governing authority of the City of Eastman has read and considered the proposed ordinance;

NOW THEREFORE IT IS HEREBY ORDAINED by the City Council of the City of Eastman, pursuant to the authority vested in that body under the laws of the State of Georgia that:

Section 1. Chapter 38, Article IV. Solid Waste Collection and Disposal is hereby amended with the provisions attached hereto as set forth in Exhibit A.

Section 2. The preamble of this Ordinance shall be considered to be and is hereby incorporated by reference as if fully set out herein.

Section 3. It is hereby declared to be the intention of the City Council that all sections, paragraphs, sentences, clauses and phrases of this Ordinance are or were, upon their enactment, believed by the Council to be fully valid, enforceable and constitutional.

Section 4. In the event any phrase of this Ordinance shall, for any reason, 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 Council that such invalidity, unconstitutionality or unenforceability shall, to the extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases and that all remaining phrases shall remain valid and of full force and effect.

Section 5. All ordinances and parts of ordinances in conflict herewith are hereby expressly repealed.

Section 6. The effective date of this Ordinance shall be the date of its second reading.

ORDAINED by the City Council of the City of Eastman, pursuant to the authority vested in that body under the laws of the State of Georgia:

INTRODUCED the _____ day of _____ 2024, the first reading.

ADOPTED the _____ day of _____ 2024, the second reading.

EFFECTIVE on the date of the Second Reading.

CITY OF EASTMAN

Graham Snyder, Chair

ATTEST:

April Sheffield, City Clerk

City Services for Commercial Establishments

“EXHIBIT A”

To amend Sec. 38-186 Definitions presents reads:

Garbage means house and kitchen offal, and all refuse matter composed of animal or vegetable substances.

Section 38-186 is amended to read as follows:

Garbage means house and kitchen offal, and all refuse matter composed of animal or vegetable substances **and shall include all trash, rubbish, refuse, solid waste and/or or items or materials no longer fit for their original intended use, or any form of trash coming from the premises, said premises being residential, commercial, governmental, institutional, business or industrial.**

To amend and add:

Sec. 38-196A-City to be exclusive collector of trash, rubbish, refuse, solid waste and/or or items or materials no longer fit for their original intended use, or any form of trash; mandatory waste service required for all commercial, governmental, institutional, business or industrial premises, and the collection for the costs thereof.

- A. The city shall have the exclusive right to collect and dispose of all such garbage and other solid waste as acceptable for city collection.**
- B. In order for the city to provide adequate service to commercial, governmental, institutional, business or industrial premises for the collection, removal and disposal of accumulated refuse and/or garbage, the city may enter into a contract with an independent contractor for such services.**
- C. It shall be mandatory for all owners, occupants or persons in possession, charge or control of all commercial, governmental, institutional, business or industrial premises in the City of Eastman in and from which garbage or solid waste is created, accumulated or produced, to use the solid waste collection system of the city and pay**

for the refuse collection service rendered to such commercial, governmental, institutional, business or industrial premises.

- D. The city council shall have the power and authority to contract for and provide a waste collection system employing the use of standardized front-loaded containers to facilitate the collection and hauling of garbage and solid waste in the city from all commercial, governmental, institutional, business or industrial premises in the City of Eastman.**
- E. Charges for garbage, refuse and trash collection services provided by herein shall be determined by the city council and kept on file in the office of the city clerk and shall be available for public inspection. Such fees and charges are hereby incorporated in this section as if fully set forth in length herein. Rates will be subject to periodic review and adjusted by the city council from time to time to ensure adequate cost recovery for operation of its solid waste collection systems.**
- F. Any said charges not paid when due and payable shall become a lien on such premises from the day when such charge becomes due and payable until fully paid. For any charge not paid within 45 days next succeeding the day the charge becomes due and payable, the city manager shall cause by affidavit a notice of a lien upon the premises involved to be filed in the appropriate records of the clerk of the superior court of the county. Except as otherwise expressly provided by law, this lien shall be superior to all other liens, except liens for state and county taxes and taxes levied for any and all school purposes. Said lien shall be cancelled of record and filed in the records of the clerk of the superior court upon full payment of the charge together with any and all interest which may have accrued, and any and all collection costs and fees incurred by the city.**
- G. Any entity receiving said charges may contest the amount of such charges by filing with the city manager a written protest within 45**

days next succeeding the day that notice of the charges are mailed or otherwise sent by the city to such entity. If no such written protest, is filed within the prescribed time period, then the entity shall be deemed to have waived any and all rights to contest the amount of the charges, and the charges shall become final.

- (1) Any protests submitted to the city manager shall include a summary statement of all the grounds upon which the entity relies and shall set forth with particularity the reasons for contesting the charge and all evidence of the entity contesting the charges and the city manager shall make a determination withing 30-days of receipt of said protest.**
- (2) Any person aggrieved by a decision of the city manager may be appealed within 30-days of such decision to the city council who shall hold a meeting within 30-days of receipt of said appeal, and render its decision within 30-days of its meeting. Thereafter, any aggrieved party may appeal within 30-days of the date of the city council decision to the Municipal Court of the City of Eastman.**

Section 38-196B-Reserved