

AN ORDINANCE TO AMEND CHAPTER 38 OF THE CODE OF ORDINANCES OF TERRELL COUNTY, GEORGIA, RELATING TO SOLID WASTE IN ORDER TO PROVIDE FOR TIMELY PAYMENT OF SOLID WASTE COLLECTION SERVICE FEES THROUGH THE COUNTY'S REAL PROPERTY AD VALOREM TAX BILLING PROCESS ON AN ANNUAL BASIS; TO AUTHORIZE THE SOLID WASTE COLLECTION SERVICE FEES FOR RESIDENTIAL AND COMMERCIAL SOLID WASTE COLLECTION SERVICES TO BE BILLED AS PART OF ANNUAL COUNTY AD VALOREM TAX BILLS; TO PROVIDE FOR THE PAYMENT OF SOLID WASTE COLLECTION FEES BY THE RECORD OWNER OF REAL PROPERTY RECEIVING SOLID WASTE COLLECTION SERVICES; TO PROVIDE FOR ESTABLISHMENT OF ANNUAL SOLID WASTE COLLECTION SERVICE FEES; TO PROVIDE FOR THE COUNTY TAX COMMISSIONER TO COLLECT AND ENFORCE SUCH FEES, TO REMIT COLLECTIONS TO THE COUNTY AND TO MAKE REPORTS TO THE COUNTY REGARDING SUCH COLLECTIONS; TO PROVIDE FOR UNPAID SOLID WASTE COLLECTION FEES TO BECOME LIENS AGAINST REAL PROPERTY SERVED BY THE COUNTY'S SOLID WASTE COLLECTION SERVICE; TO PROVIDE FOR THE COLLECTION OF SUCH FEES IN THE SAME MANNER AS FOR THE COLLECTION AND PAYMENT OF TAXES, FEES, OR ASSESSMENTS; TO PROVIDE FOR AN EFFECTIVE DATE, TO PROVIDE FOR REPEAL OF CONFLICTING ORDINANCES, AND FOR OTHER PURPOSES

BE IT ORDAINED by the Board of Commissioners of Terrell County, Georgia, it is hereby ordained by authority of the same, that pursuant to the provisions of O.C.G.A. §12-8-39.3, Chapter 38 of the Code of Ordinances of Terrell County is hereby amended by adding thereto a new Chapter 38, Article II, Division 4 to be entitled "Procedures for Establishing, Billing, and Collecting Solid Waste Collection Service Fees", which shall provide as follows:

Chapter 38, Article II, Division 4

Procedures for Establishing, Billing and Collection Solid Waste Collection Service Fees

Sec. 38-80. Billing of Solid Waste Collection Services on Ad Valorem Tax Bills.

Notwithstanding any other provisions of the Code of Ordinances of Terrell County, the annual billing and collection of solid waste collection service fees for owner-occupied residential property solid waste, non-owner occupied residential property solid waste, and commercial property solid waste, shall be included as a separate line item on the annual County ad valorem tax bills, and shall be payable by the record owner of such real property, commencing with the County ad valorem tax bills mailed for the 2024 calendar year and thereafter.

Sec. 38-81. Annual establishment of solid waste collection service fees.

No later than April 10th of each year, or upon such other date as may be determined by the Board of Commissioners from year to year, the Board of Commissioners shall establish annual solid waste collection service fees by ordinance or resolution, and such fees shall be billed to the County's solid waste customers in such calendar year at the time and in the manner required by this ordinance.

Sec. 38-82. Partial Payment of solid waste collection service fees.

Partial payment of solid waste collection service fees shall not be authorized.

Sec. 38-83. Enforcement of collection of solid waste collection service fees.

In the event that solid waste collection service fees remain unpaid for more than ninety (90) days after the due date thereof, the amount of such fees shall constitute a lien against the property served with solid waste collection services. The County authorizes the collection of such fees due to the County in the same manner as authorized by law for the enforcement of the collection and payment of taxes, fees, and assessments owed to the County.

Sec. 38-84. The Tax Commissioner to collect solid waste collection fees; remittance of collections to County; reports regarding collections.

The Terrell County Tax Commissioner is charged with enforcement and collection of solid waste collection service fees as authorized by law and this Ordinance. All of such fees collected by the Tax Commissioner by the last day of a calendar month shall be remitted to Terrell County no later than the tenth (10th) day of the calendar month immediately following the month in which such collections were received by the Tax Commissioner. Upon each remittance of such fees to the County, the Tax Commissioner shall also provide to the County a written report of the total fees collected in the previous calendar month, the total such fees remaining uncollected for the current calendar year, the percentage of the total fees collected to date for the calendar year, a list of writs of *feri facias* issued during the previous calendar month and for the current calendar year, by property owner, date, and amount, and such other information regarding the collection of such fees as may be requested from time to time by the Board of Commissioners or the County Administrator or his or her designee.

Sec. 38-84. Applicability of Ordinance.

The provisions of Chapter 38, Article II, Division 4 of this Code are applicable whether the solid waste collection services are provided by the County or by a private entity under contract with the County as long as the payment of the fees for such solid waste collection services are payable to the County.

BE IT FURTHER ORDAINED that all ordinances or parts of ordinances in conflict herewith are hereby repealed.

BE IT FURTHER ORDAINED that this ordinance shall become effective upon the first day of the calendar month following the date of its adoption by the governing body of Terrell County.

SO ORDAINED, effective this 2nd day of April, 2024.

**Board of Commissioners
of Terrell County, Georgia**

By: Wilbur T. Gamble
Wilbur T. Gamble, Chairman

Attest: Sandra O'Stean
Sandra O'Stean, Clerk

ACTION TAKEN

FIRST READING: February 6, 2024
SECOND READING: March 5, 2024
DATE OF ADOPTION: April 2, 2024