

By Hudson
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ADOPTED
METROPOLITAN COUNCIL

OCT 25 2017

Casmy Cash
COUNCIL ADMINISTRATOR TREASURER

17-01453

ORDINANCE **16678**

AMENDING AND RE-ADOPTING ORDINANCE 16101, KNOWN AS THE SOLID WASTE USER FEE ORDINANCE, ADOPTED OCTOBER 28, 2015 SO AS TO AMEND SECTION III (USER FEES FOR COLLECTION AND DISPOSAL-ESTABLISHED) EFFECTIVE JANUARY 1, 2018; AND REPEALING ALL ORDINANCES IN CONFLICT HERewith AND TO PROVIDE THE EFFECT THEREOF.

BE IT ORDAINED by the Metropolitan Council of the Parish of East Baton Rouge and City of Baton Rouge that:

Section 1. Ordinance 16101, known as the Solid Waste User Fee Ordinance, adopted October 28, 2015, is hereby amended and re-enacted to read as follows:

SOLID WASTE FEE ORDINANCE

I. PURPOSE:

The purpose of this Ordinance is to establish a user fee to fund the expenses of the curbside collection and disposal of residential and multi-family generated garbage, trash and/or recyclable materials for the entire City of Baton Rouge and Parish of East Baton Rouge (excluding the Cities of Baker and Zachary).

II. DEFINITIONS:

a. Billing and Collection Agent or Agents: A water company, corporation, partnership, individual or other legal entity that has contracted with the City-Parish to provide the following services:

1. To mail or deliver each user fee bill to the correct address insofar as possible;
2. To receive and account for user fee revenues paid and remit such monies on a daily basis, as collected, for deposit on behalf of the City-Parish;
3. To maintain books and records open for inspection by the City-Parish during regular business hours at the Service

Fee Business Office and the office of the Agent as provided in the agreement between the City-Parish and the agent; and

4. To contract with the City-Parish to assist the Agent in collecting the user fee through the Service Fee Business Office established and maintained by the City-Parish, and to similarly establish other convenient places of payment such as banks and department stores, subject to the approval of the City-Parish and the Agent.

b. City-Parish: The Political Subdivision which includes the incorporated limits of the City of Baton Rouge and the unincorporated limits of the Parish of East Baton Rouge (for the purpose of this Contract, excluding the Cities of Baker and Zachary).

c. Contiguous: Touching at any point.

d. Contractor: Person authorized by the City-Parish to perform solid waste collection services on prescribed routes within the City-Parish.

e. Director: The Director of Finance of the City of Baton Rouge and the Parish of East Baton Rouge or his designated representative.

f. Garbage: Putrescible solid waste generated from residential dwellings that includes animal and vegetable matter from the handling, preparation, cooking, and serving of foods, but that does not include industrial waste or sewage sludge. Includes household debris & rubbish which will fit into Standard Containers.

g. Multi-Family Unit: The term multi-family shall refer to all residential dwelling units under a common roof of more than four (4) units, considered to be apartment houses, grouped housing

or condominiums. However, at the option exercised in accordance with the regulations of the single person or legal entity who owns five or more dwelling units on continuous pieces of property, these dwelling units may be treated as commercial units. A management group, as defined in the regulations, or other legal entity which manages the affairs of five or more dwelling units on contiguous pieces of property may apply to the director of Environmental Services and, after compliance with requirements set forth in the regulations, may opt to provide that those units be treated as commercial units not subject to the provision of this ordinance.

h. Plan of Government: The Plan of Government of the City and Parish, as now or hereafter amended, which was adopted August 12, 1947, and became effective January 1, 1949.

i. Recyclables: Those materials which are capable of being recycled and which would otherwise be processed or disposed of as garbage or trash.

j. Regulations: Rules, guidelines and procedures to be developed, coordinated, promulgated and kept up to date by the Director and referred to in Section VII hereof, for the economic and efficient administration of the provisions of this Ordinance.

k. Resident: An occupant of a residential unit.

l. Residential Unit: A dwelling within the City-Parish occupied by a person or group of persons. A residential unit shall be deemed occupied when either an active water or domestic light and power service is being provided thereto and a minimal fee, as established by the respective utility, is being charged. Mobile homes, either individually or grouped in mobile home parks shall be considered residential units and shall be counted as single units. Those units which are occupied but do not have utility

service (e.g., privately owned septic and/or water facilities) shall also be eligible for collection service and the Contractor shall be entitled to compensation. Multi-family units of 4 units or less shall also be classified as Residential Units. A residential unit shall be deemed to be occupied according to this definition for a period of up to thirty (30) days after either an active water or domestic light and power service has been discontinued.

m. Solid Waste User Fee or User Fee: The solid waste service charge levied and to be collected hereunder from each resident and multi-family unit.

n. Trash: Non-putrescible material including yard waste, wood waste, bulky recyclables, bulky waste, and wood and metal goods. Includes large debris and rubbish not included under the definition "garbage". All such materials located within the City-Parish dedicated improved street right-of-way in front of occupied or unoccupied residential housing, or in front of vacant lots are included in this definition.

o. Treasurer: The Treasurer under the City of Baton Rouge, Parish of East Baton Rouge, Louisiana under the Plan of Government.

p. Water Company: An individual corporation, partnership, or other private legal entity and the Cities of Baker and Zachary, engaged in the business of providing potable water and water system services within the Parish corporate limits.

III. USER FEES FOR COLLECTION AND DISPOSAL-ESTABLISHED.

The following monthly fees are established for the collection, removal and disposal of garbage, trash and/or recyclable materials and shall be effective January 1, 2018. Rates established under Ordinance 15591 and amendments thereto shall

remain in effect prior to that time.

- a. Participating Multi-Family:

PARTICIPATING MULTI-FAMILY UNITS

<u>CUBIC YARDS</u>	<u>RECOMMENDED RATE</u>
2	70.00
4	105.00
6	155.00
8	210.00

- b. Residential Unit Fee: \$23.00 per month.
- c. Residential Unit Fee for residents meeting eligibility requirements for the Low Income Home Energy Assistance Program: \$18.50 per month.

IV. BILLING OF USER FEE.

a. The solid waste user fee shall be included as a separate item each month on the sewer/water bills rendered by the Billing and Collection Agent. Those residents and multi-family units who do not have water service will receive a bill from the Billing and Collection Agent for the solid waste user fee only. Residents and multi-family units who have water service with a water company other than the Billing and Collection Agent will receive a separate bill for the solid waste user fee from the Service Fee Business Office or the Billing and Collection Agent.

b. Nothing herein shall prevent the City-Parish from assuming the functions of the Billing and Collection Agent.

c. The user fee will be billed in advance monthly; however, the Director is authorized to implement advance quarterly billing for those residents and multi-family units who are not billed the solid waste user fee in connection with a sewer bill.

d. If a resident or multi-family unit fails or neglects to

pay the solid waste user fee, penalties, interest, NSF charges or reconnect/disconnect charges for a period of sixty days and the arrears are equal to two or more monthly solid waste user fee billings, the Service Fee Business Office will notify the resident or multi-family unit in writing of the delinquency and shall advise them that one or more utility services will be terminated if payment is not received on or before the date given in the notice.

e. If a resident or multi-family unit has been billed for the user fee and terminates water service, a refund will be available upon request of the resident as provided in the regulations.

f. If a resident or multi-family unit vacates a premises, the outstanding fees and charges may be transferred to any other premises within the City-Parish where they have service. If the outstanding fees and charges are not paid within the time specified, services will be discontinued at the latter premises.

g. The Director may adjust the user fee bill for any resident or multi-family unit upon complaint and subsequent investigation, as provided in the Regulations.

V. PENALTIES, CHARGES, FEES; TOWING AUTHORITY.

a. To assure the solid waste user fees are paid promptly when due, the Director may levy deposits, penalties, interest and disconnect/reconnect fees as established in the Regulations. Deposits, penalties, interest and other fees and charges shall not be in excess of amounts customarily authorized for utility systems in Louisiana. NSF charges shall be authorized under this Ordinance and administered according to procedures set forth in the Regulations.

b. To provide for the disconnection of water service for

non-payment of the solid waste user fee where a vehicle is parked in such a manner as to obstruct the water meter, thereby making disconnection impossible, the Director may provide for removal as follows:

1. The Service Fee Business Office shall cause to be placed, either by a representative of that office or the water company, on the interfering vehicle a notice stating that the vehicle is interfering with access to a water meter, giving the owner ten (10) days to move the vehicle, giving a phone number of the employee of the Service Fee Business Office to inform of any special circumstances that might exist, and stating the costs that would be incurred by the resident should the vehicle have to be towed or lifted.
2. In addition to the notice, the Service Fee Business Office may order the resident to remove the interfering vehicle. Such order shall include the phone number of an employee of the Service Fee Business Office empowered to cancel any towing or moving directive upon being given reasonable cause for the failure of the resident to move the vehicle and proof that good faith efforts are being made to pay the outstanding balance of the solid waste user fee. The order shall further require compliance within ten (10) days from service, and shall provide that, should the resident choose to comply by moving the vehicle, in order to avoid a fee for requiring a visit by the tow truck, the resident must notify the Service Fee Business Office that the vehicle no longer interferes with access to the water meter. The order

shall be served upon the resident personally or by certified mail.

3. If the resident refuses to comply with the order, after an additional ten (10) days have lapsed from the service of notice and no satisfactory explanation has been received by the Director for the failure of the resident to move the vehicle, the vehicle may be either towed away or, if possible, the vehicle may be moved or lifted to permit access to the water meter, either option being at the expense of the resident. The water service of the resident may not be reconnected until all payments including the towing service have been paid.
4. The towing company responsible for the service detailed in this Section shall be selected in accordance with the Public Bid Law, R.S. 38:2211, et seq.

VI. RESPONSIBILITY FOR USER FEE.

a. All residential water service customers shall be billed and shall be responsible for payment of the user fee. Application for water service to a residential unit shall automatically be considered application for solid waste collection. The user fee for residential units not receiving water service shall be billed to the owner of the property on which such unit is located, as shown on the latest available real property tax bill.

b. All owners of participating multi-family units, as shown on the latest available real property tax bill, shall be billed and shall be responsible for payment of the user fee. Application for water service by the owner to a multi-family unit shall automatically be considered application for solid waste collection.

c. The Director may authorize the termination of solid waste collection services to a residence or multi-family unit when water service to that unit is terminated for non-payment of the solid waste user fee.

VII. REGULATIONS.

The Director is hereby empowered, authorized and directed to prepare and promulgate regulations necessary to collect and administer the user fee authorized by the Ordinance.

VIII. SERVICE FEE BUSINESS OFFICE.

The City-Parish shall maintain jointly with the Billing and Collection Agent and Service Fee Business Office for the purpose of providing services to citizens of the City-Parish. This office, under the Director, shall provide multiple services including receiving payment of fees, correcting or adjusting statements, answering questions, receiving and acting on billing complaints, sending delinquent notices and issuing termination of service orders.

IX. EXEMPTIONS FROM USER FEE.

No free services shall be provided by the Contractor to any place of residence, building, facility or other premises, and all residents shall pay the user fee provided for herein without exemption or discrimination.

X. SEVERABILITY.

If any provision or item of the Ordinance or the application thereof is held invalid, such invalidity shall not affect other provisions of this Ordinance which can be given effect without the invalid provisions and to this end the provisions of this Ordinance are hereby declared "severable".

Section 2. All ordinances or parts of ordinances

in conflict herewith are hereby repealed.