

ORDINANCE NO. 23 OF 2019

AN ORDINANCE TO AMEND AND REENACT PORTIONS OF CHAPTERS 26, 74 AND 94 OF THE CODE OF ORDINANCES, CITY OF SHREVEPORT, LOUISIANA, RELATIVE TO THE SOLID WASTE COLLECTION FEE AND TO OTHERWISE PROVIDE WITH RESPECT THERETO.

BY: COUNCILMEMBER JAMES GREEN

WHEREAS, the City is a duly incorporated municipal corporation operating under a pre-1974 home rule charter pursuant to [La. Const. Art. 6, § 4](#). A home rule charter established prior to 1974 is granted broader powers than those granted to home rule charters created subsequent to the adoption of the 1974 Louisiana Constitution. As such, City retains all of the powers it had pursuant to its pre-1974 Charter, so long as those powers are not inconsistent with the Louisiana Constitution or abridge the power of the State; and

WHEREAS, pursuant to [Shreveport City Charter Section 2.01](#), the City shall have a *general grant of power* and may exercise all of the powers, rights, privileges and immunities which could be conferred upon cities of its population class by the constitution and general laws of the state; and no enumeration of particular powers in the Charter shall be taken to be exclusive but shall be held to be an addition to this general grant of power; and

WHEREAS, pursuant to [Shreveport City Charter Section 2.02](#) (c), the City shall have powers to collect fees of such nature and amount and in such manner as is now and may hereafter be authorized and provided by the constitution and general laws of the state, and to expend the same for any municipal purpose except as the proceeds of such fees are allocated by law to some specific purpose; and

WHEREAS, pursuant to [Shreveport City Charter Section 2.04](#) (a) the City shall have powers to enact and enforce all necessary ordinances and regulations pertaining to public peace, safety, morals, health and welfare and pursuant to [Shreveport City Charter Section 2.04](#) (b) the City shall have powers to enact and enforce all necessary ordinances and regulations to protect and maintain both public and private property; and

WHEREAS, pursuant to [Shreveport City Charter Section 2.03\(q\)](#) the City shall have powers to collect and dispose of garbage and refuse; to acquire, maintain, own and operate facilities for the disposal of the same within and without the City; and regulate the business of scavengers; and

WHEREAS, the City of Shreveport currently does not charge a Solid Waste Collection Fee for the service of collecting garbage for its citizens; and

WHEREAS, the City of Shreveport currently pays approximately eight million four hundred eleven thousand dollars (\approx \$8,411,000) from the General Fund each year to provide the service of collecting solid waste; and

WHEREAS, the City of Shreveport finds it essential to the proper functioning of city government that it collect this Solid Waste Collection Fee from both residential and commercial customers to provide this service.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Shreveport, Louisiana, in due, legal and regular session convened that the Code of Ordinances, City of Shreveport, Louisiana, are hereby revised to now read as follows:

Chapter 26. – FINANCE

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Article IV. – FEES

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DIVISION 2. – SERVICES

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Sec. 26-109. - Fee schedule for services rendered by the department of operational services.

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- (18) *Solid Waste Collection Fee.* A mandatory seven dollar (\$7.00) service fee for each month for all residential and commercial customers for whom the City provides solid waste collection. This shall be added to the customer's water and sewer bill.

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Chapter 74. – SOLID WASTE

Article II. – COLLECTION AND DISPOSAL

Section 74-26. – Collection

(d) Solid Waste Charges.

- (1) Effective April 1, 2019, there shall be a mandatory seven dollar (\$7.00) monthly service fee for solid waste collection for all commercial and residential customers.
- (2) Effective April 1, 2019, the fee set forth in subsection (1) shall be added to the customer's water and sewer bill.

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Chapter 94. – UTILITIES

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Article V. – Billing and Collections

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Section. 94-162.1 – Solid waste collection fee.

The solid waste collection fee established in subsection 74.26(d) shall be added to the customer’s water and sewer bill.

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Section. 94.167 – Discontinuance of services; adjustments.

- (a) If a bill for water or sewerage service, recycled product collection service, and solid waste collection service is not paid in full by the delinquent date, the City shall have the right to turn off or disconnect the water service or sewerage service after notice given in accordance with the rules established under section 94-168. The service shall not be restored or turned on until such time as all of the following amounts are paid:
 - (1) The required deposit;
 - (2) The full amount of money due and owing the City for water and sewerage service, recycled product collection service, and solid waste collection service, except for any current non-delinquent charges incurred in compliance with this chapter;
 - (3) All fees for the cost of disconnecting and restoring such service as provided in section 94-166; and
 - (4) A payment plan has been established under the direction of the director of water and sewerage.

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BE IT FURTHER ORDAINED that the Mayor of the City of Shreveport, or his designee, shall be and is hereby authorized to do any and all things and to sign any and all documents in a form acceptable to the City Attorney, or her designee, necessary to effectuate the purposes set forth herein.

BE IT FURTHER ORDAINED that if any provision or item of this Ordinance or the application thereof is held invalid, such invalidity shall not affect other provisions, items or applications of this Ordinance which can be given affect without the invalid provisions, items or applications and to this end the provisions of this Ordinance are hereby declared severable.

BE IT FURTHER ORDAINED that all Ordinances or parts thereof in conflict herewith are hereby repealed.

BE IT FURTHER ORDAINED that this Ordinance shall become effective April 1, 2019.

THUS DONE AND ORDAINED by the City Council of the City of Shreveport, Louisiana.

APPROVED AS TO LEGAL FORM:

City Attorney's Office