

SOLID WASTE USER FEE REGULATIONS

Pursuant to East Baton Rouge Parish Ordinance 9157 passed by the Metropolitan Council on October 10, 1990, and subsequent amendments to the ordinance, the following Solid Waste User Fee Regulations are promulgated to provide for the administration, collection and deposit of the user fee authorized.

1. Amount of Solid Waste User Fee

The amount of the solid waste user fee for each resident, multi-family unit and governmental agency shall be as established in the Solid Waste Fee Ordinance.

2. Definitions

- a. Resident: The occupant of a unit generating garbage, trash and recyclable materials and requiring curbside collection and disposal of such materials. For purposes of these regulations, the term "Resident" also includes occupants of multi-family units and governmental agencies who are responsible for payment of the solid waste user fee; however, all references to collection of trash and recyclable materials may not apply to occupants of multi-family units or governmental agencies, as such services may not be available to these occupants.
- b. Service Fee Business Office: The Service Fee Business Office of the City of Baton Rouge and Parish of East Baton, Louisiana.
- c. Billing and Collection Agent or Agent: A water company, corporation, partnership, individual or other legal entity that has contracted with the City-Parish to collect user fees on behalf of the City-Parish, and to provide other services as defined in the Ordinance.

3. Change in the Service Status of Residents

- a. New residents will have their first user fee charge prorated in the next billing cycle for any partial month or quarter.
- b. If a resident has been billed for the user fee and terminates water service, a refund will be made upon request of the resident. However, no refund will be issued for partial months or for any amounts under five dollars. Refunds made under these provisions will be limited to three years plus the current year (consecutively), effective January 1, 2007.

4. Service Fee Business Office

The Service Fee Business Office is established at 4445 Plank Road, Baton Rouge, Louisiana. This office shall provide the following services to residents, including but not limited to:

- a. Receiving payment of user fee bills or arranging payment of bills through designated post office boxes;
- b. Answering questions regarding the user fee;
- c. Receiving customer inquiries on bills and taking corrective action on questionable bills;

- d. Receiving complaints on solid waste collection and disposal service and referring those complaints to the Public Works 311 Call Center for investigation and resolution;
- e. Receiving notices from the billing agents on residents who are delinquent in paying the user fee and devising procedures such as reminder notices, etc. to make delinquent residents aware of the consequences of their failure to pay the full user fees in a timely manner;
- f. Devising procedures to terminate one or more utility services to premises for which residents have failed to pay their user fees;
- g. Rendering solid waste user fee statements for those residents not billed by the billing agent; and
- h. Backbilling any residents who have been receiving solid waste collection services without having been billed for such services, except that under no circumstances shall a resident so backbilled be required to pay for more than twelve months of solid waste collection service for which the resident was not billed.
- i. Applying or directing the agent to apply payments to the appropriate fund; however, should other user fees be included in the check from the resident, the Service Fee Business Office or the agent shall not honor any preferences from the resident as to which user fee is to be paid by the check.

5. Termination of Utility Service and/or Condemnation of Premises

- a. If any resident fails to pay the solid waste user fee, penalties, interest, or other charges or fees for a period of thirty days and the arrears are equal to one or more monthly Solid Waste User Fee billings, the Service Fee Business Office will notify the resident in writing of the delinquency and shall advise them of the following:
 - 1. The amount of fees, penalties, interest or charges in arrears;
 - 2. The amount of penalties, interest, disconnection/reconnection fee and charges that will be required to be paid before service can be restored if utility service is terminated;
 - 3. If payment is not made, the date that condemnation proceedings will be instituted and/or one or more utility services will be ordered terminated, which date shall be not less than ten days after notice is mailed; and
- b. If the account is not brought current by the date given in Section 5(a) (3) above, the Service Fee Business Office, shall:
 - 1. Order the agent to terminate and discontinue one or more utilities to the designated premises on or after the date given in Section 5(a) (3); and/or
 - 2. Order the delinquent resident to show cause, at a hearing to be held at the Service Fee Business Office, why the immediate condemnation of the affected premises should not be ordered. Notice of the hearing shall be served upon the delinquent resident at their last known address, or by posting the notice at the affected premises by the Service Fee Business Office. The hearing shall be not less than two nor more than ten days from the date of service or posting of notice. Any such order of immediate condemnation issued by the Service Fee Business Office shall immediately

cause the termination or discontinuance of service of one or more utilities to the affected premises. Any appeal taken to the appropriate court shall not serve as an automatic stay of the condemnation.

- c. The Service Fee Business Office may enter into a formal installment payment agreement or other payment arrangement with a resident for the collection of past due solid waste user fees and other related fees, when it is in the best interest of the City-Parish to do so.

6. **Penalties, Interest, NSF Charges, Disconnect/Reconnect Fees, Damage Fees, Deposits.**

- a. A Late Payment Penalty may be charged to any resident who fails to pay the solid waste user fee or any other fees or charges by the date established as the “due date” on the bill. The **Late Payment Penalty** shall be five percent of any charges or fees except that an additional **Late Payment Penalty** shall not be charged on any previously charged **Late Payment Penalty**.
- b. An **NSF Fee** in the amount of fifteen dollars shall be charged to each resident whose check or draft will not clear the bank because of insufficient funds or a closed account. If an NSF check is written after a Final Notice has been sent, water, sewer, and garbage service will be terminated to the premises without further notice to the resident.
- c. A **Disconnect/Reconnect Fee** not to exceed fifty dollars shall be charged to residential accounts who have had water service terminated because of non-payment of the solid waste user fee, penalty, interest or other charges. Multi-family units and governmental agencies will pay the actual cost to the utility per visit as a **disconnect/reconnect fee** but in no case will it be less than ten dollars. This fee covers the administrative costs of processing the account for termination, costs of actually terminating the water, sewer and solid waste services, and the costs of administratively processing the account for resumption of such services.
- d. **Interest** at the rate of one and one-quarter percent per month or fractional part thereof may be charged any resident who fails to pay the solid waste user fee or any other fees or charges by the date established as the “due date” on the bill.
- e. **Additional Disconnect/Reconnect Fees** shall be charged to a resident, multi-family unit, or governmental agency who had water service terminated for failure to pay the user fee, penalties, interest, or other charges where a second trip is necessary to lock the meter and/or an additional trip is necessary to remove the meter because one or more of the following conditions exist:
 - 1. Payment has not been made after the water valve was turned off and service is still being received from a water company.
 - 2. A review of water consumption data reveals that the premises is still using water.
 - 3. A visual inspection of the water valve reveals that the valve has been turned back to an “on” position.
 - 4. The City-Parish orders the water company to either lock the water meter or remove the water meter and the water company complies with the City-parish order.

- f. Some water meters, water valves or water meter boxes will be secured by a locking device designed to prevent unauthorized reconnection of water service. Should the City-Parish discover that a locking device has been broken, the account will be charged twenty-five dollars as reimbursement for the damaged locking device and this charge must be paid before water service can be restored.
- g.
 - 1. **Deposits** may be required for all residents and multi-family units initiating water and solid waste service. **Deposits** shall be thirty-five dollars for residents. **Deposits** for multi-family units shall be seventy-five dollars or an amount equal to one month's solid waste user fee at the rates established in the Solid Waste Fee Ordinance, whichever is greater. Where a deposit is required, it shall be paid before the utility service can be turned on or initiated.
 - 2. **Deposits** will be returned to residents and multi-family units only after they have terminated water service in East Baton Rouge Parish and all fees, charges, penalties and interest due have been subtracted. Should a resident transfer from one water company to another within the parish, all deposits, balances and history will transfer with them. A new **deposit** will not be required because of a transfer nor will a **deposit** be refunded because of a transfer.
 - 3. **Deposits** shall not be required nor collected for pure governmental entities of the United States, the State of Louisiana or the City-Parish of East Baton Rouge.
- h. **Additional deposits** may be required from any multi-family unit or resident whose water service is terminated for failure to pay the solid waste user fee. The **additional deposit** shall be in the amount of twenty-five dollars for residents. The **additional deposit** for multi-family units shall be in the amount of fifty dollars or a dollar amount equal to one month's solid waste user fee, whichever is greater. The **additional deposit** must be paid, in addition to any other fees and charges, before water service can be restored.

7. **Options of Owners and Management Groups for Bin Pick-up**

- a. An owner or legal entity who owns 5 or more dwelling units on contiguous pieces of property may opt for bin or mechanized pick-up by sending notice to the Director of Public Works of their intent to exercise this option.
- b. An owner or legal entity who owns 5 or more dwelling units on contiguous pieces of property may opt to be treated as commercial units upon approval by the Director of Public Works. Commercial units are not subject to the provisions of Ordinance 9157 and subsequent amendments to the ordinance.
- c. A management group or other legal entity in charge of handling 5 or more dwelling units on contiguous pieces of property may choose to allow such dwelling units to be treated as multi-family units; however, the group or entity shall be approved by the Department of Public Works Director, indicate a willingness to assume responsibility for monthly solid waste payments, and deposit a letter of credit or other guarantee in an amount equal to 3 months projected pickup costs.

8. **Informal Adjustment to the User Fee**

- a. Any resident who believes that their user fee is incorrect must notify the Service Fee Business Office of the specific nature of their complaint, either by letter,

telephone or personal visit. The resident must pay their current bill pending a review/correction or adjustment. Should an adjustment be made, any overpayment will be credited to the resident's future bills. Adjustments made under these provisions are limited to three years plus the current year (consecutively), effective January 1, 2007.

- b. If a resident is being billed and has initiated a complaint that the dwelling is unoccupied and the water consumption has been zero (0) for any month of the three (3) most current months the solid waste portion of the bill with zero (0) consumption may be reduced to \$0. The resident may request a review of this billing every three (3) months if the dwelling continues to be unoccupied and the water consumption has been zero (0) for any month in that period. Adjustments made under these provisions will be limited to twelve months from the date of initial contact with the Service Fee Business Office.

9. Right to Appeal

If, after a resident complies with Section 8 above, they are dissatisfied with the resolution and they desire to appeal this resolution, they must continue to make timely payments of the full amount of the solid waste user fee billed and must file a protest with the Service Fee Business Office. This protest must be in writing, signed by the resident or their duly authorized agent, and shall be under oath and shall set forth the reasons therefore. After the Service Fee Business Office receives the protest, it will be reviewed, investigated and, if necessary, an on-site inspection conducted. Protest reviews shall be completed within forty-five days. Thereafter, the Service Fee Business Office may make any order confirming, modifying or vacating the amount of the fixing of the user fees. The filing of any such protest shall not abate any penalty for non-payment nor shall it stay the right of the Service Fee Business Office to order the termination of utility service and/or condemnation of premises, unless the resident shall furnish security of a kind and in an amount satisfactory to the Service Fee Business Office. Appeals of the decision of the Service Fee Business Office shall be directed to any city, state or federal court of competent jurisdiction.

10. Governmental Agencies

The City-Parish provides curbside collection and disposal of garbage, trash and/or recyclable materials for local governmental agencies. The Department of Public Works approves service and maintains a listing of agencies receiving service.

Revised on 5/15/2007