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ORDINANCE

AMENDING SECTION 9-10-1-10 OF THE MUNICIPAL SOLID WASTE ORDINANCE, TO REQUIRE ALL MULTIPLE-FAMILY DWELLINGS TO PROVIDE RECYCLING SERVICE AND MAKE RECYCLING PHYSICALLY AVAILABLE TO RESIDENTS; AND ADOPTING A NEW SECTION 9-10-1-13, TITLED “RECYCLING AT CITY-OWNED AND CITY-OPERATED BUILDINGS,” TO REQUIRE RECYCLING SERVICE AT ALL CITY-OWNED AND CITY-OPERATED BUILDINGS.

13 WHEREAS, under the current Municipal Solid Waste Ordinance, ROA
14 1994, § 9-10-1-10, multiple-family dwellings with fewer than 25 units are not
15 required to provide recycling service to their residents, leaving thousands of
16 Albuquerque renters without access to curbside recycling; and

22 WHEREAS, City-owned and City-operated buildings, and the City should
23 lead by example in diverting waste from the landfill; and

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landfill, and advance the City's environmental and solid waste management goals.

BE IT ORDAINED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF ALBUQUERQUE:

SECTION 1. ROA 1994, Section 9-10-1-10, MULTIPLE-FAMILY DWELLING RECYCLING, is amended as follows:

§ 9-10-1-10. MULTIPLE-FAMILY DWELLING RECYCLING.

(A) *Requirements for Establishment of Recycling Program.*

(1) The responsible party for each multiple- family dwelling of less than 25 units ~~[may work with the city to]~~ [shall] establish ~~[and manage]~~ [collection] a recycling program in accordance with the terms listed herein ~~[unless otherwise specified by the Mayor]~~ [and shall ensure that the ability to recycle is accessible to residents].

(2) The responsible party for each multiple- family dwelling of 25 units or more shall establish and manage a recycling collection program in accordance with the terms listed herein ~~[unless otherwise specified by the Mayor]~~ [and shall ensure that the ability to recycle is accessible to residents].

[(3) Hardship Exemption for Existing Structures.]

(a) The Mayor may grant a hardship exemption from the physical container placement requirement of this section to the responsible party for a multiple-family dwelling that was in existence prior to the effective date of this ordinance.

(b) A hardship exemption may be granted upon a finding that physical or structural conditions of the property make on-site container placement infeasible. Grounds for a hardship exemption may include insufficient space for container placement, lack of accessible collection points that cannot be remedied without substantial structural modification, or lack of alley or street access for City collection vehicles. A hardship exemption shall not be granted solely on the basis of cost.

(c) A responsible party seeking a hardship exemption shall submit a written application to the Mayor within 90 days of the effective date of this ordinance. The Mayor shall review each application and issue a written determination within 60 days of receipt. Exemptions shall be reviewed every

five years and shall expire upon sale or transfer of the property, change of use, or substantial renovation of the property.

(d) A responsible party granted a hardship exemption shall:

(i) Remain responsible for payment of the recycling collection fee under subsection (D) of this section.

(ii) Provide residents with written notice of the nearest City recycling drop-off location within 15 days of the exemption being granted and no less than annually thereafter.]

~~[(3)]~~ **[(4)]** The city will be the collection agent for the recycling program. The responsible party shall work with the city to determine the appropriate level of collection service.

~~[(4)]~~ **[(5)]** The responsible party shall notify, in writing, its residents, employees and/or clients, as applicable, that recycling participation is mandatory. Written notification (i.e. letter, newsletter, email notice, etc.) shall be provided within 15 days to all new residents and employees and no less frequently than bi-annually thereafter to all existing residents and employees. The written notification shall set forth the requirements of this article and include at minimum:

(a) What materials will be recycled.

(b) How the recyclables are to be prepared.

(c) Any set-out requirements.

(d) Location of recycling containers.

(e) Prohibitions against contamination of recyclables.

(f) Any other requirements necessary.

(B) *Requirements for Materials to be Collected.*

(1) Recyclables shall be placed at the collection point, as determined by the Mayor.

(2) Recyclable material shall be placed out for pick up and be accessible no later than ~~[(6:00)]~~ **[(7:00)]** a.m., on the regularly scheduled day unless otherwise specified by the Mayor. Customers who put their recyclable materials out after the truck has been there, or have had their recyclable material blocked or hidden from view by any object such as a vehicle, shall be responsible for storing their recyclable material until their next regular day of

1 pick up, or paying an additional fee as determined by the Mayor for requested
2 collection service.

3 (3) Recyclables will be collected in commingled containers. Commingled
4 containers are the property of the City of Albuquerque. Commingled
5 containers are assigned to a property for the purposes of multi-family dwelling
6 recycling and shall be maintained and cleaned by the responsible party.
7 Commingled containers may not be painted or altered in any way. It is the
8 responsibility of the responsible party to ensure that they commingle their
9 recyclable material. If a commingled container is lost, stolen or damaged, a
10 replacement fee will be assessed.

11 (4) If the commingled container is used for refuse a collection and
12 disposal fee will be charged as per the Collection and Disposal Rates
13 Appendix attached to this article.

14 (C) *Provisions for Recycling Collection Points.* Provisions for recycling
15 collection points shall be as provided in § 9-10-1-7.

16 (D) *Collection Fees.* The monthly fee for collection will be the equivalent of
17 the residential recycling fee times the number of units regardless of
18 occupancy.

19 SECTION 2. A new ROA 1994, Section 9-10-1-13 is hereby adopted as
20 follows:

21 § 9-10-1-13. RECYCLING AT CITY-OWNED AND CITY-OPERATED BUILDINGS.

22 (A) *Recycling Required.* The Mayor shall establish and maintain recycling
23 collection service at all City-owned and City-operated buildings.

24 (B) *Container Placement.* Recycling containers shall be placed in locations
25 accessible to both employees and members of the public using each facility
26 and shall be maintained in a condition that allows for regular use.

27 SECTION 3. COMPILATION. SECTION 1 of this Ordinance shall amend, be
28 incorporated in, and be compiled as part of the Revised Ordinances of
29 Albuquerque, New Mexico, 1994. SECTION 2 of this Ordinance is to be
30 compiled as new Section 9-10-1-13 in Chapter 9, Article 10, Part 1 of the
31 Revised Ordinances of Albuquerque, New Mexico, 1994, titled "Recycling at
32 City-Owned and City-Operated Buildings."

1 **SECTION 4. EFFECTIVE DATE.** This Ordinance shall take effect five (5)
2 days after publication by title and general summary.

3 **SECTION 5. IMPLEMENTATION.**

4 **(A) The Mayor shall impletement the changes in SECTION 1. ROA 1994,**
5 **Section 9-10-1-10, MULTIPLE-FAMILY DWELLING RECYCLING by January 1,**
6 **2027.**

7 **(B) The Mayor shall implement the new requirements of SECTION 2 (ROA**
8 **1994, Section 9-10-1-13) within 180 days of the effective date of this ordinance.**
9 **Where a City-owned or City-operated building is subject to an existing**
10 **contract at the time this ordinance takes effect, the Mayor shall ensure that**
11 **recycling collection service is included upon renewal, supplementation,**
12 **replacement, or other revision of that contract.**

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