

**CITY of ALBUQUERQUE
TWENTY FOURTH COUNCIL**

COUNCIL BILL NO. O-20-37 ENACTMENT NO. _____

SPONSORED BY: Isaac Benton, by request

ORDINANCE

AMENDING SECTIONS 9-10-1-3, 9-10-1-6(E)(2), 9-10-1-8(C)(4), 9-10-1-8(D)(5), 9-10-1-8(F), 9-10-1-8(F)(2), 9-10-1-9(B), 9-10-1-10(B)(1), 9-10-1-10(B)(4), 9-10-1-11(A), 9-10-1-11(B), 9-10-1-11(H), Section 2, Section 3, AND Section 4, ROA 1994 OF THE MUNICIPAL SOLID WASTE ORDINANCE, TO UPDATE EFFECTIVE DATE OF RATE CHANGE; AMENDING RATE TABLE APPENDIX TO INCORPORATE RESIDENTIAL RATE INCREASE IN THE RATE APPENDIX; AND AMENDING RATE TABLE TO INCORPORATE THE FY21 RATE INCREASE IN THE RATE APPENDIX.

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

SECTION 1. Section 9-10-1-3, ROA 1994, DEFINITIONS, *INFECTIOUS WASTE*, is amended as follows:

INFECTIOUS WASTE. [A] ~~S~~[s]olid waste that carries a probable risk of transmitting disease to humans, including but not limited to:

SECTION 2. Section 9-10-1-3, ROA 1994, DEFINITIONS, *RUBBISH*, is amended as follows:

RUBBISH. Includes but is not limited to all nonputrescible solid wastes (excluding ashes), such as vehicle bodies and ~~solid~~ both combustible and noncombustible solid wastes such as paper, cardboard, cans, wood, yard clippings, leaves, dirt, glass, bedding, crockery, and similar materials.

SECTION 3. Section 9-10-1-6(E)(2), ROA 1994, PRECOLLECTION PRACTICES, *Residential Refuse and Recyclable Material Containers*, is

amended as follows:

[Bracketed/Underscored Material] - New
[Bracketed/Strikethrough Material] - Deletion

[Bracketed/Underscored Material] - New
[Bracketed/Strikethrough Material] - Deletion

1 (2) Residential refuse and recyclable [material] [carts] shall be placed out
2 for pick up no later than 7:00 a.m., on the regularly scheduled day but no
3 sooner than 12 hours prior to pick up unless otherwise specified by the Mayor.
4 Residents who put their refuse and/or recyclable [materials] [carts] out after
5 the truck has been there, or have had their solid waste blocked or hidden from
6 view by any object such as a vehicle, shall be responsible for storing their
7 refuse and/or recyclable material until their next regular day of pick up, or pay
8 an additional fee as determined by the Mayor for requested curbside collection
9 service or disposing of it at an approved disposal facility unless otherwise
10 specified by the Mayor.

11 SECTION 4. Section 9-10-1-8(C)(4), ROA 1994, COLLECTION PRACTICES,
12 *Special Solid Waste Disposal*, is amended as follows:

13 (4) Tires. Commercial businesses shall dispose of tires in a container
14 designated for tire disposal only. Any commercial business that places tires in
15 a container designated for residential or commercial refuse will be assessed
16 an additional fee. Containers designated for tire pick up by the city must be
17 compatible with city equipment. Separate tire disposal containers must not
18 contain any solid waste or a penalty will be assessed. See §§ 9-10-1-98 and 9-
19 10-1-99 below. The city shall not be responsible for procuring or maintaining
20 containers for the disposal of tires. Tire disposal fees will apply. [See the
21 Collections and Disposal Rates Appendix attached to this ordinance.]

22 SECTION 5. Section 9-10-1-8(D)(5), ROA 1994, COLLECTION PRACTICES,
23 *Collection by Actual Commercial Producers*, is amended as follows:

24 (5) Refuse and Recyclable Material Property of City. Ownership of refuse
25 and/or recyclable material [placed in container, or] set out for collection or
26 disposed of in the City Sanitary Landfill shall be vested in the city upon
27 collection or disposal.

28 SECTION 6. Section 9-10-1-8(F), ROA 1994, COLLECTION PRACTICES,
29 *Automated Collection Cart Changes*, is amended as follows:

30 (F) Automated Collection Cart ~~[Changes]~~ [Charges].

[Bracketed/Underscored Material] - New
[Bracketed/Strikethrough Material] - Deletion

1 SECTION 7. Section 9-10-1-8(F)(2), ROA 1994, COLLECTION PRACTICES,
2 *Automated Collection Cart Changes*, is amended as follows:

3 (2) A monthly per cart fee will be charged for the use of each additional,
4 [95] [96] gallon, automated collection cart. See the Collections and Disposal
5 Rates Appendix attached to this article which includes the applicable effective
6 dates. Additional cart charges will be assessed for a period of no less than six
7 months.

8 SECTION 8. Section 9-10-1-9(B), ROA 1994, DUMPING, ACCUMULATING,
9 AND SCATTERING OF REFUSE, *Unauthorized Accumulation*, is amended as
10 follows:

11 (B) Unauthorized Accumulation. It shall be unlawful for any person to allow
12 any refuse to collect or accumulate on any lot or other premises within the city
13 of which he is the owner, tenant, lessee, manager, or occupant. Any such
14 unauthorized accumulation or collection is hereby declared to be a nuisance
15 and is prohibited. In the event such person fails or refuses to remove such
16 accumulation [~~or collection of refuse,~~] the city may cause same to be removed
17 at the expense of such person, and such charge shall be a lien upon the
18 property.

19 SECTION 9. Section 9-10-1-10(B)(1), ROA 1994, MULTIPLE-FAMILY
20 DWELLING RECYCLING, *Requirements for Materials to be Collected*, is
21 amended as follows:

22 (1) Recyclables shall be [~~properly bundled, packaged, and~~] placed at the
23 collection point, as determined by the Mayor.

24 SECTION 10. Section 9-10-1-10(B)(4), ROA 1994, MULTIPLE-FAMILY
25 DWELLING RECYCLING, *Requirements for Materials to be Collected*, is
26 amended as follows:

27 (4) If the commingled container is used for refuse a collection and
28 disposal fee will be charged as per the Collection and Disposal Rates
29 Appendix attached to this [article] [ordinance].

30 SECTION 11. Section 9-10-1-11(A), ROA 1994, COLLECTION FEES,
31 *Residential Collection*, is amended as follows:

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[Bracketed/Strikethrough Material] - Deletion

1 (A) Residential Collection. See the Collections and Disposal Rates
2 Appendix attached to this [artiele] [ordinance] which includes the applicable
3 effective dates.

4 SECTION 12. Section 9-10-1-11(B), ROA 1994, COLLECTION FEES,
5 *Commercial Collection*, is amended as follows:

6 (B) Commercial Collection. Commercial rates can be adjusted by
7 administration not to exceed 5% within any fiscal year. [See the Collections
8 and Disposal Rates Appendix attached to this ordinance which includes the
9 applicable effective dates. These fees shall reflect the actual cost of service
10 from the level in effect immediately prior to that date.] Hotels, restaurants,
11 other establishments and businesses, institutions, and multiple-unit dwellings
12 receiving commercial type service shall have fees based on the type and
13 frequency of service and the volume of the refuse container required to collect
14 such refuse. ~~[The fees are set where applicable, as set forth in the Collection~~
15 ~~and Disposal Rates Appendix, which includes the applicable effective dates.~~
16 ~~These fees shall reflect the actual cost of service from the level in effect~~
17 ~~immediately prior to the effective date.]~~

18 SECTION 13. Section 9-10-1-11(H), ROA 1994, COLLECTION FEES, *Rate*
19 *Appendix*, is amended as follows:

20 (H) Rate Appendix. All rates are set by the Solid Waste Management
21 Department, are subject to change, and are published in the Collection and
22 Disposal Rate Appendix [tø] [in] this [artiele] [ordinance].

23 SECTION 14. SEVERABILITY CLAUSE. If any section, paragraph, sentence,
24 clause, work or phrase of this ordinance is for any reason held to be invalid or
25 unenforceable by any court of competent jurisdiction, such decision shall not
26 affect the validity of the remaining provisions of this ordinance and each
27 section, paragraph, sentence, clause, word, or phrase thereof irrespective of
28 any provision being declared unconstitutional or otherwise invalid.

29 SECTION 15. COMPILATION. Sections 1 through 13 of this ordinance shall
30 be incorporated in and made part of the Revised Ordinance of Albuquerque,
31 New Mexico, 1994.

1 SECTION 16. EFFECTIVE DATE. This ordinance shall take effect January 1,
2 2021.

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 [Bracketed/Strikethrough Material] - Deletion

Collection Rates			
Effective:		[June 30, 2014]	[January 1, 2021]
Account Type	Refuse Code	Monthly Rate	
Vacant Premise	00		
Single-Family Residential	A1	1	1
		96 Gal	96 Gal
Basic Service	A1	[\$9.40]	[\$9.40]
Recycling Service		[\$2.33]	[\$3.48]
Clean Cities Program		[\$2.44]	[\$2.79]
Environmental		[\$0.83]	[\$0.88]
		[\$15.00]	[\$16.55]
EXTRA CART			
Extra Cart 96 gal	A1	\$7.69	\$7.69
Extra Cart Recycle 96 gal	A1	\$2.33	\$2.33
Multi-Family residential, Mobile Home Parks and Condominiums- Eight or less units	Refuse Code	Monthly Rate	Monthly Rate
Vacant Premise	00		
Multi-Family Residential	A3	2 or more	2 or more
			96 Gal
Basic Service	A3	[\$9.40]	[\$9.40]
Recycling Service		[\$2.33]	[\$3.48]
Clean Cities Program		[\$2.44]	[\$2.79]
Environmental		[\$0.83]	[\$0.88]
		[\$15.00]	[\$16.55]
EXTRA CART			
Extra Cart 96 gal	A3	\$7.69	\$7.69
Extra Cart Recycle 96 gal	A3	\$2.33	\$2.33



Mayor Timothy M. Keller

CITY OF ALBUQUERQUE
Albuquerque, New Mexico
Office of the Mayor

INTER-OFFICE MEMORANDUM

September 24, 2020

TO: Pat Davis, President, City Council

FROM: Timothy M. Keller, Mayor 

SUBJECT: Solid Waste Municipal Ordinance Update to Residential Rates

This ordinance is amending the following sections: AMENDING SECTIONS 9-10-1-3, 9-10-1-6(E)(2), 9-10-1-8(C)(4), 9-10-1-8(D)(5), 9-10-1-8(F), 9-10-1-8(F)(2), 9-10-1-9(B), 9-10-1-10(B)(1), 9-10-1-10(B)(4), 9-10-1-11(A), 9-10-1-11(B), 9-10-1-11(H), Section 2, Section 3, AND Section 4, ROA 1994 OF THE MUNICIPAL SOLID WASTE ORDINANCE, TO UPDATE EFFECTIVE DATE OF RATE CHANGE; AMENDING RATE TABLE APPENDIX TO INCORPORATE RESIDENTIAL RATE INCREASE IN THE RATE APPENDIX; AND AMENDING RATE TABLE TO INCORPORATE THE FY21 RATE INCREASE IN THE RATE APPENDIX.


The proposed Residential rate increase effective January 1, 2021 is based on cost of service study, in order to continue funding for operations in recycling, clean city, household hazardous waste, environmental monitoring.

This is forwarded for your consideration and favorable action. Staff will be available to address any questions you may have.

Solid Waste Management Municipal Ordinance Update to Residential Rates

Approved:

Approved as to Legal Form:

 9/28/20
Sarita Nair Date
Chief Administrative Officer

DocuSigned by:
Esteban A. Aguilar, Jr. 9/25/2020 | 4:21 PM MDT
~~Esteban A. Aguilar, Jr.~~ Date
City Attorney

Recommended:

DocuSigned by:
Matthew Whelan 9/25/2020 | 3:01 PM PDT
~~Matthew Whelan, Solid Waste~~ Date
Director

Cover Analysis

1. What is it?

This Ordinance is amending a proposed Residential rate increase effective January 1, 2021 and is based on cost of service study, in order to continue funding for operations in recycling, clean city, household hazardous waste, environmental monitoring.

2. What will this piece of legislation do?

Adjust the Residential rate based on the cost of service study.

3. Why is this project needed?

To increase revenues to support solid waste operations.

4. How much will this cost?

N/A

5. Is there a revenue source associated with this contract? If so, what level of income is projected?

Residential rate adjustment

FISCAL IMPACT ANALYSIS

TITLE: Solid Waste Municipal Ordinance Update to Residential Rates

R: O:
FUND: 651

DEPT: Solid Waste Management

- No measurable fiscal impact is anticipated, i.e., no impact on fund balance over and above existing appropriations.
- (If Applicable) The estimated fiscal impact (defined as impact over and above existing appropriations) of this legislation is as follows:

		2021	Fiscal Years 2022	2023	Total
Base Salary/Wages					-
Fringe Benefits at	7.65%				-
Subtotal Personnel		-	-	-	-
Operating Expenses		1,623,360	3,246,720	3,246,720	8,116,800
Transfers		32,040	64,080	64,080	160,200
Indirect Costs	5.40%	-	-	-	-
Total Expenses		\$ 1,655,400	\$ 3,310,800	\$ 3,310,800	\$ 8,277,000
<input type="checkbox"/> Estimated revenues not affected					
<input checked="" type="checkbox"/> Estimated revenue impact					
Revenue from program		1,655,400	3,310,800	3,310,800	8,277,000
Rate Adjustment					
City Cash Match					
City Inkind Match					
City IDOH					
Total Revenue		\$ 1,655,400	\$ 3,310,800	\$ 3,310,800	\$ 8,277,000

These estimates do not include any adjustment for inflation.

* Range if not easily quantifiable.

Number of Positions created Various (part-time temporary)

COMMENTS: Rate Adjustment adds \$1.55 to the Residential Rate effective mid FY21 on Jan 1, 2021. This will be six months of revenue in FY21. FY22 & FY23 will have full 12 months each of revenue.

COMMENTS ON NON-MONETARY IMPACTS TO COMMUNITY/CITY GOVERNMENT:

PREPARED BY:

John Form
FISCAL ANALYST

APPROVED:

Mark [Signature]
DIRECTOR (date) 9/25/20

REVIEWED BY:

John [Signature]
EXECUTIVE BUDGET ANALYST

[Signature]
BUDGET OFFICER (date) 9/28/2020

Christine [Signature]
CITY ECONOMIST