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SPONSORED BY: Isaac Benton, by request

1 ORDINANCE

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

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

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

14 *INFECTIOUS WASTE.* Solid waste that carries a probable risk of transmitting
15 disease to humans, including but not limited to:

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

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

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

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

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

16 **(4) Tires. Commercial businesses shall dispose of tires in a container**
17 **designated for tire disposal only. Any commercial business that places tires in**
18 **a container designated for residential or commercial refuse will be assessed**
19 **an additional fee. Containers designated for tire pick up by the city must be**
20 **compatible with city equipment. Separate tire disposal containers must not**
21 **contain any solid waste or a penalty will be assessed. See §§ 9-10-1-98 and 9-**
22 **10-1-99 below. The city shall not be responsible for procuring or maintaining**
23 **containers for the disposal of tires. Tire disposal fees will apply. See the**
24 **Collections and Disposal Rates Appendix attached to this ordinance.**

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

27 **(5) Refuse and Recyclable Material Property of City. Ownership of refuse**
28 **and/or recyclable material placed in container, or set out for collection or**

1 disposed of in the City Sanitary Landfill shall be vested in the city upon
2 collection or disposal.

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

5 (F) Automated Collection Cart Charges.

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

8 (2) A monthly per cart fee will be charged for the use of each additional,
9 96 gallon, automated collection cart. See the Collections and Disposal Rates
10 Appendix attached to this article which includes the applicable effective dates.
11 Additional cart charges will be assessed for a period of no less than six
12 months.

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

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

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

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

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

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

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

9 (A) Residential Collection. See the Collections and Disposal Rates
10 Appendix attached to this ordinance which includes the applicable effective
11 dates.

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

14 (B) Commercial Collection. Commercial rates can be adjusted by
15 administration not to exceed 5% within any fiscal year. See the Collections
16 and Disposal Rates Appendix attached to this ordinance which includes the
17 applicable effective dates. These fees shall reflect the actual cost of service
18 from the level in effect immediately prior to that date. Hotels, restaurants,
19 other establishments and businesses, institutions, and multiple-unit dwellings
20 receiving commercial type service shall have fees based on the type and
21 frequency of service and the volume of the refuse container required to collect
22 such refuse.

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

25 (H) Rate Appendix. All rates are set by the Solid Waste Management
26 Department, are subject to change, and are published in the Collection and
27 Disposal Rate Appendix in this ordinance.

28 SECTION 14. SEVERABILITY CLAUSE. If any section, paragraph, sentence,
29 clause, word or phrase of this ordinance is for any reason held to be invalid or

unenforceable by any court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of this ordinance and each section, paragraph, sentence, clause, word, or phrase thereof irrespective of any provision being declared unconstitutional or otherwise invalid.

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

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

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Collection Rates		
Effective:		January 1, 2021
Account Type	Refuse Code	Monthly Rate
Vacant Premise	00	
Single-Family Residential	A1	1
		96 Gal
Basic Service	A1	\$9.40
Recycling Service		\$3.58
Clean Cities Program		\$3.09
Environmental		\$0.93
		\$17.00
EXTRA CART		
Extra Cart 96 gal	A1	\$7.69
Extra Cart Recycle 96 gal	A1	\$2.33
Multi-Family residential, Mobile Home Parks and Condominiums- Eight or less units	Refuse Code	Monthly Rate
Vacant Premise	00	
Multi-Family Residential	A3	2 or more
		96 Gal
Basic Service	A3	\$9.40
Recycling Service		\$3.58
Clean Cities Program		\$3.09
Environmental		\$0.93
		\$17.00
EXTRA CART		
Extra Cart 96 gal	A3	\$7.69
Extra Cart Recycle 96 gal	A3	\$2.33

1 PASSED AND ADOPTED THIS 19th DAY OF October, 2020
2 BY A VOTE OF: 8 FOR 1 AGAINST.

3
4 Against: Sena

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10 Patrick Davis, President
11 City Council
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14 APPROVED THIS 6 DAY OF November, 2020
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17 Bill No. O-20-37
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23 Timothy M. Keller, Mayor
24 City of Albuquerque
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28 ATTEST:

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31 Ethan Watson, City Clerk
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