CITY of ALBUQUERQUE
TWENTY FOURTH COUNCIL

COUNCIL BILL NO. O-20-37 ENACTMENT NO. O-2020-041

SPONSORED BY: Isaac Benton, by request

ORDINANCE

1 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. Solid 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 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:

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

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

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

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

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

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

SECTION 7. Section 9-10-1-8(F)(2), ROA 1994, COLLECTION PRACTICES,
Automated Collection Cart Changes, is amended as follows:
(2) A monthly per cart fee will be charged for the use of each additional,
96 gallon, automated collection cart. See the Collections and Disposal Rates
Appendix attached to this article which includes the applicable effective dates.
Additional cart charges will be assessed for a period of no less than six
months.

SECTION 8. Section 9-10-1-9(B), ROA 1994, DUMPING, ACCUMULATING,
AND SCATTERING OF REFUSE; Unauthorized Accumulation, is amended as
follows:
(B) Unauthorized Accumulation. It shall be unlawful for any person to allow
any refuse to collect or accumulate on any lot or other premises within the city
of which he is the owner, tenant, lessee, manager, or occupant. Any such
unauthorized accumulation or collection is hereby declared to be a nuisance
and is prohibited. In the event such person fails or refuses to remove such
accumulation the city may cause same to be removed at the expense of such
person, and such charge shall be a lien upon the property.

SECTION 9. Section 9-10-1-10(B)(1), ROA 1994, MULTIPLE-FAMILY
DWELLING RECYCLING, Requirements for Materials to be Collected, is
amended as follows:
(1) Recyclables shall be placed at the collection point, as determined by
the Mayor.
SECTION 10. Section 9-10-1-10(B)(4), ROA 1994, MULTIPLE-FAMILY DWELLING RECYCLING, Requirements for Materials to be Collected, is amended as follows:

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

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

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

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

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

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

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

SECTION 14. SEVERABILITY CLAUSE. If any section, paragraph, sentence, 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.
<table>
<thead>
<tr>
<th>Account Type</th>
<th>Refuse Code</th>
<th>Monthly Rate</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Vacant Premise</td>
<td>00</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Single-Family Residential</td>
<td>A1</td>
<td>$9.40</td>
<td></td>
</tr>
<tr>
<td>Basic Service</td>
<td>A1</td>
<td>$3.58</td>
<td></td>
</tr>
<tr>
<td>Recycling Service</td>
<td></td>
<td>$3.09</td>
<td></td>
</tr>
<tr>
<td>Clean Cities Program</td>
<td></td>
<td>$0.93</td>
<td></td>
</tr>
<tr>
<td>Environmental</td>
<td></td>
<td>$17.00</td>
<td></td>
</tr>
<tr>
<td>Extra Cart</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Extra Cart 96 gal</td>
<td>A1</td>
<td>$7.69</td>
<td></td>
</tr>
<tr>
<td>Extra Cart Recycle 96 gal</td>
<td>A1</td>
<td>$2.33</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Account Type</th>
<th>Refuse Code</th>
<th>Monthly Rate</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Vacant Premise</td>
<td>00</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Multi-Family Residential</td>
<td>A3</td>
<td>2 or more</td>
<td></td>
</tr>
<tr>
<td>Basic Service</td>
<td>A3</td>
<td>$9.40</td>
<td></td>
</tr>
<tr>
<td>Recycling Service</td>
<td></td>
<td>$3.58</td>
<td></td>
</tr>
<tr>
<td>Clean Cities Program</td>
<td></td>
<td>$3.09</td>
<td></td>
</tr>
<tr>
<td>Environmental</td>
<td></td>
<td>$0.93</td>
<td></td>
</tr>
<tr>
<td>Extra Cart</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Extra Cart 96 gal</td>
<td>A3</td>
<td>$7.69</td>
<td></td>
</tr>
<tr>
<td>Extra Cart Recycle 96 gal</td>
<td>A3</td>
<td>$2.33</td>
<td></td>
</tr>
</tbody>
</table>
PASSED AND ADOPTED THIS 19th DAY OF October, 2020
BY A VOTE OF: 8 FOR 1 AGAINST.

Against: Sena

Patrick Davis, President
City Council

APPROVED THIS 6 DAY OF , 2020

Bill No. O-20-37

Timothy M. Keller, Mayor
City of Albuquerque

ATTEST:

Ethan Watson, City Clerk