

Submitted by: Chair of the Assembly at the
Request of the Mayor

Prepared by: Dept. of Law

For reading: March 13, 2012

CLERK'S OFFICE

APPROVED

Date: 3-21-12 **ANCHORAGE, ALASKA**
AO No. 2012-33

AN ORDINANCE AMENDING ANCHORAGE MUNICIPAL CODE SECTION 26.80.070 TO DECREASE THE RECYCLING INITIATIVES SURCHARGE AT FACILITIES WITH NO OPERATIONAL SCALES, AND TO REMOVE THE SUNSET PROVISION IMPOSED BY AO 2008-62(S).

WHEREAS, although AO 2011-120(S) omitted to use legislative drafting format in some parts to indicate the Code language for insertion and deletion, the intention for some amendments are clearly manifested in AM 687-2011(A) but other unmarked changes are not indicated in the legislative history materials or otherwise; and

WHEREAS, in AM 687-2011(A) the intent to eliminate a sunset provision was indicated but the ordinance lacked express language removing the sunset date imposed by AO 2008-62(S);

WHEREAS, the ability of the Municipal Attorney's Office to correct manifest errors does not allow correction in this instance; and

WHEREAS, to ensure fair public notice and Assembly consideration of Code changes that were implied, but not clearly indicated or manifested by AO 2011-120(S), this ordinance presents those amendments herein; now, therefore,

THE ANCHORAGE ASSEMBLY ORDAINS:

Section 1. Anchorage Municipal Code section 26.80.070 is hereby amended to read as follows (*the remainder of the section is not affected and therefore not set out*):

26.80.070 Surcharges to support community recycling initiatives.

B. The solid waste disposal utility shall collect a surcharge on all wastes delivered to solid waste transfer or disposal facilities to finance the implementation of these initiatives.

1. Each user delivering waste to a solid waste transfer or disposal facility in quantities weighing less than 1,000 pounds, and with a total volume of less than five cubic yards, shall be assessed a surcharge to the existing disposal fee of \$1.00 per visit.

2. At solid waste transfer or disposal facilities with working scales, each user delivering waste in quantities weighing more than 1,000 pounds or with a total volume greater than five cubic

yards shall be assessed a surcharge, added to the existing tipping fee, of \$1.50 per ton of waste delivered.

3. At a solid waste transfer or disposal facility with no operational scales, each user meeting the requirements of subsection B.1. shall pay a surcharge to the existing tipping fee of:

a. \$0.30 [\$0.90] per cubic yard of non-compacted solid waste, as measured by the facility attendant;

b. \$0.50 [\$1.50] per cubic yard of compacted waste as measured by the facility attendant.

(AO No. 2008-62(S), § 1, 8-1-08; AO No. 2011-120(S) § 2, 12-13-11)

Editor's note: AO No. 2008-62(S), § 1, effective August 1, 2008, amended the Code by adding provisions designated as § 26.80.060. Inasmuch as there already exist provisions so designated, AO No. 2008-62(S) have been included herein as a new § 26.80.070.

Section 2. The sunset date of August 1, 2012 imposed on AO 2008-62(S) by section 3 of said ordinance is hereby removed and repealed.

Section 3. This ordinance shall be effective on April 1, 2012, simultaneously with the effective date of AO 2011-120(S).

PASSED AND APPROVED by the Anchorage Assembly this 27th day of March, 2012.


Chair of the Assembly

ATTEST:


Municipal Clerk

CLERK'S OFFICE

APPROVED

Date: 12-13-11 **ANCHORAGE, ALASKA**
AO No. 2011-120(S)

**AN ORDINANCE OF THE ANCHORAGE MUNICIPAL ASSEMBLY AMENDING
ANCHORAGE MUNICIPAL CODE CHAPTER 26.80 TO INCREASE TIPPING FEES
FOR SOLID WASTE DISPOSAL.**

THE ANCHORAGE ASSEMBLY ORDAINS:

Section 1. Anchorage Municipal Code section 26.80.050 is hereby amended to read as follows (*the remainder of the section is not affected and therefore not set out*):

26.80.050 - Charges.

A. *Fee schedule for secured loads.* The following solid waste disposal user charges shall apply to secured loads:

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4. Except as provided in section 26.80.055 or subsection A.6 of this section, at a solid waste transfer or disposal facility that has operational scales, each user who does not meet the requirements of subsections A.1 through A.3 of this section shall have their load weighed and pay the greater of \$15.00 per load or \$56.50 [\$50.00] per ton at the solid waste disposal facility and the greater of \$20.00 per load or \$66.50 [\$60.00] per ton at a solid waste transfer facility.

5. At a solid waste transfer or disposal facility that does not have operational scales, each user who does not meet the requirements of subsections A.1 through A.3 of this section shall pay \$9.00 [\$6.00] per cubic yard of non-compacted solid waste or \$18.00 [\$12.00] per cubic yard of compacted solid waste as measured by the facility attendant

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AO No. 82-224; AO No. 83-196; AO No. 83-221; AO No. 85-9; AO No. 86-203, 1-9-87; AO No. 87-19, 4-1-87; AO No. 89-2; AO No. 93-96(S), § 1, 5-11-93; AO No. 96-18(S), § 1, 4-9-96; AO No. 96-100, § 1, 1-1-96; AO No. 99-107, § 1, 8-10-99; AO No. 2003-76, § 1, 5-13-03; AO No. 2005-13, § 2, 2-15-05; AO No. 2007-146(S), § 2, 4-1-08; AO No. 2008-83, § 1, 4-1-09; AO No. 2010-81(S-1), § 34, 12-7-10, eff. 1-1-11)

Editor's note: Effective April 1, 2009, subsection A.6. of this section is deleted pursuant to AO 2008-83, § 1.

Section 2. Anchorage Municipal Code section 26.80.070 is hereby amended to read as follows (*the remainder of the section is not affected and therefore not set out*):

26.80.070 - Surcharges to support community recycling initiatives.

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B. The solid waste disposal utility shall collect a surcharge on all wastes delivered to solid waste transfer or disposal facilities to finance the implementation of these initiatives.

1. Each user delivering waste [on or after April 1, 2009] to a solid waste transfer or disposal facility in quantities weighing less than 1,000 pounds, and with a total volume of less than five cubic yards, shall be assessed a surcharge to the existing disposal fee of \$1.00 per visit.
2. At solid waste transfer or disposal facilities with working scales, each user delivering waste in quantities weighing more than 1,000 pounds or with a total volume greater than five cubic yards shall be assessed a surcharge, added to the existing tipping fee, of \$1.50 per ton of waste delivered.
3. At a solid waste transfer or disposal facility with no operational scales, each user meeting the requirements of subsection B.1. shall pay a surcharge to the existing tipping fee of:
 - a. \$0.30 per cubic yard of non-compacted solid waste, as measured by the facility attendant;
 - b. \$0.50 per cubic yard of compacted waste as measured by the facility attendant.
4. [Wastes delivered by a commercial enterprise, collected from established single family and multiple family residential can and bag collection routes, shall be exempt from this surcharge.]

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AO No. 2008-62(S), § 1, 8-1-08

Editor's note: AO No. 2008-62(S), § 1, effective August 1, 2008, amended the Code by adding provisions designated as § 26.80.060. Inasmuch as there already exist provisions so designated, AO No. 2008-62(S) have been included herein as a new § 26.80.070.

Section 3. This ordinance shall be effective on April 1, 2012.

PASSED AND APPROVED by the Anchorage Assembly this 13th day of

1 December, 2011.

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5 Debbie Ossander
6 Chair of the Assembly
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9 ATTEST:

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11 Sharon E. Brink
12 Municipal Clerk
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MUNICIPALITY OF ANCHORAGE
ASSEMBLY MEMORANDUM

No. AM 687-2011(A)

Meeting Date: December 13, 2011

From: ASSEMBLY MEMBER JOHNSTON
ASSEMBLY MEMBER FLYNN

Subject: AN ORDINANCE OF THE ANCHORAGE MUNICIPAL ASSEMBLY
AMENDING ANCHORAGE MUNICIPAL CODE CHAPTER 26.80 TO
INCREASE TIPPING FEES FOR SOLID WASTE DISPOSAL

AO 2011-120(S) incorporates Solid Waste Services' suggestion to increase tipping fees at their facilities by \$5 per ton. It also eliminates the sunset date of the existing \$3/ton recycling surcharge and converts \$1.50 of that surcharge into an added part of the tipping fee. The net effect is the same - a \$5 increase - but SWS' disposal utility receives an effective increase of \$6.50/ton while the revenue funding recycling drops to \$1.50/ton. Because there is an existing surplus of recycling surcharge dollars this will not negatively impact Anchorage-area recycling programs and will still allow for construction of drop-off facilities in underserved areas of our community. As those projects come on line demand for recycling funding will further decline. In order to minimize the frequency of overall changes to tipping fees, it is the intent of the Assembly that the recycling surcharge gradually decreases to \$1/ton with the remaining \$0.50 made available to fund landfill operations as associated costs increase. This structural change, which may occur at one time in the near future or in a series of steps over several years, will require subsequent Assembly action(s) but will not further impact ratepayers.

Respectfully submitted: Assembly Members Johnston and Flynn