



Legislation Details (With Text)

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Type: Ordinance **Status:** Passed

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Title: Creating Section 4.097 of the Madison General Ordinances to Create a Resource Recovery Special Charge.

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Indexes:

Code sections:

Attachments: 1. _Public Comment -- Agenda Item 24, Legistar 70344.pdf, 2. Resource Recovery Special Charge (final) (corrected).pdf, 3. CC_Public_Comment_70344.pdf, 4. RRSC (2022 Apportionment Policy) (Draft) (04.14.22), 5. _Public Comment -- Agenda Item 24, Legistar 70344 Addtl Comment.pdf, 6. CC_Public_Comment_2_70344.pdf, 7. Abbas amendment, 8. 220419 Common Council Registrants Report.pdf

Date	Ver.	Action By	Action	Result
4/19/2022	1	COMMON COUNCIL	Adopt the Following Amendment(s)	Fail
4/19/2022	1	COMMON COUNCIL	Adopt Alternate	Pass
4/11/2022	1	FINANCE COMMITTEE	RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER	Pass
3/29/2022	1	COMMON COUNCIL	Refer	Pass
3/2/2022	1	Attorney's Office	Referred for Introduction	

Fiscal Note

This ordinance would create a new special charge that would be imposed upon curbside recycling customers. Implementation of the special charge will occur annually by separate resolution. It is anticipated that the special charge will be collected as part of the Municipal Service Bill and that 2022 revenue will total approximately \$1,500,000, with an increase to approximately \$3,000,000 in 2023. The costs of implementing the special charge will be included in the Tyler Utility Billing project. No additional appropriation is required.

Title

Creating Section 4.097 of the Madison General Ordinances to Create a Resource Recovery Special Charge.

Body

DRAFTER'S ANALYSIS: This ordinance creates a resource recovery special charge that would be imposed against all properties that receive City curbside recycling services, consistent with the recommendation of the Common Council in the City's 2022 adopted operating budget to create a special charge to support the costs of the City's recycling program. The City's overall costs of its recycling program, including the costs of collecting, sorting and recycling, have increased over time. This special charge will allow the City to recover all or a portion of the costs of providing these services from its recycling customers. This special charge will be imposed only against those properties receiving curbside recycling services, which includes most properties with 8 or fewer residential units, along with some small commercial properties. This special charge will not be imposed against properties who use private recycling services, including larger residential parcels, most commercial properties, and all industrial properties. Following enactment, a resource recovery special charge policy will have to be approved by the City. This policy will direct how the charge is determined and imposed against parcels receiving this service. The actual amount of the special charge will be set annually

by the Common Council by separate resolution.

The Common Council of the City of Madison do hereby ordain as follows:

1. Section 4.097 entitled "Resource Recovery Special Charge" of the Madison General Ordinances is created as follows:

"4.097 RESOURCE RECOVERY SPECIAL CHARGE.

- (1) Intent and Purpose.
 - (a) The Common Council of the City of Madison hereby finds that:
 - 1. The City has been a national leader in recycling, creating the first national curbside recycling program in the United States in 1968. Recycling is required under City ordinance. The City, through its Streets Division, and consistent with City ordinances and adopted City policy, now provides curbside recycling collection for residential and some commercial properties. The City's recycling program provides a service to its customers, and is separate from the City's solid waste management (garbage collection) program.
 - 2. Over time, the City's costs to operate its recycling program, including the costs of collecting, sorting and recycling waste, have increased. It is reasonable that all or a portion of the costs incurred to provide this service be recovered from those using the service, rather than all taxpayers in the City.
 - (b) This ordinance is adopted pursuant to those powers set forth in Wis. Stat. § 66.0627 and Sec. 4.09(13), MGO, in order to recover the costs to the City to provide recycling services to the City's curbside recycling customers.
- (2) Resource Recovery Costs. For the purposes of this Section, "resource recovery costs" include those costs incurred by the City's Streets Division, under its recycling program, to provide recycling services to its customers, including the costs incurred to collect, sort and recycle curbside recycling collections. Resource recovery costs do not include the costs incurred by the City for garbage collection purposes under its solid waste management program.
- (3) Resource Recovery Special Charge. There is hereby imposed upon all real property in the City that receives curbside recycling collection services from the City an annual resource recovery special charge pursuant to Sec. 4.09(13), MGO, and Wis. Stat. § 66.0627, which special charge shall recover the resource recovery costs incurred by City.
- (4) Administering the Charge. The resource recovery special charge shall be administered by the Streets Division and the Finance Department. The proceeds from the special charge shall be used to pay for the resource recovery costs incurred by the City. The Streets Superintendent shall prepare a resource recovery special charge policy that establishes the method of calculating and apportioning the special charge. This policy shall be submitted to the Common Council for approval, and shall be updated as necessary to ensure that the special charge is properly applied.
- (5) Determining the Resource Recovery Special Charge. The Common Council shall annually approve the resource recovery special charge. As part of this approval process, the Streets Division shall prepare a report to the Common Council of the City's resource recovery costs. The report shall detail the past and future anticipated expenditures for this service. If, after approving the resource recovery special charge, the actual resource recovery costs are found to vary materially from the approved amount, the Streets Division shall submit an updated report to the Common Council for consideration to account for the actual resource recovery costs incurred by the City to provide services to its recycling customers.
- (6) Payment. Upon the Common Council's approval by resolution of the special charge or updated special charge under Subsection (5), the special charge shall be due by October 31. Payment

- may be made before that date, and any amount not paid to the City by that date will be considered delinquent and shall automatically be extended upon the current or next tax roll as a delinquent tax against that property and all proceedings in relation to the collection, return and sale of the property for delinquent real estate taxes shall apply to such special charges.
- (7) Notice. Notwithstanding the provisions of Sec. 4.09(13) regarding notice, no notice or billing is required for the resource recovery special charge except for a Class I notice under Wis. Stat. ch. 985 within twenty (20) days of the Common Council's approval by resolution of the special charge or updated special charge under Subsection (5).
- (8) Appeal. Within ten (10) days of the notice provided for under Subsection (7), a property owner may appeal the application of the resource recovery special charge and resource recovery special charge policy to their property. A property owner may not appeal the total amount of the charge approved by the Common Council under Subsection (5) or the policy itself. This appeal shall be in writing to the Streets Superintendent and shall state the specific reasons why the property owner feels that the application of the charge and/or policy to the property was erroneous and the relief being sought. If, upon review, the Streets Superintendent determines that all or part of the charge imposed is erroneous, unjust or unreasonable, the Streets Superintendent shall adjust the amount of the charge against the property. The property owner may appeal the Street Superintendent's decision to the Administrative Review Board by providing written notice to the City Clerk within ten (10) days of the mailing of the Street Superintendent's written decision on the appeal to the property owner. Upon the filing of the notice with the City Clerk, the appeal of the Street Superintendent's decision shall follow the rules and procedures set forth in Sec. 9.49, MGO."