

ORDINANCE NO. _____

1 AN ORDINANCE amending Section 8.32.150 of the Lincoln Municipal Code to
2 clarify that recyclables destined for a licensed Materials Recovery Facility are not subject to the
3 occupation tax imposed on refuse haulers; and repealing Section 8.32.150 of the Lincoln Municipal
4 Code as hitherto existing.

5 BE IT ORDAINED by the City Council of the City of Lincoln, Nebraska:

6 Section 1. That Section 8.32.150 of the Lincoln Municipal Code be amended to read
7 as follows:

8 **8.32.150 Occupation Tax.**

9 (a) There is hereby imposed an occupation tax of \$9.00 on each ton of refuse collected
10 by a refuse hauler within the corporate limits of the City of Lincoln, and a tax of \$9.00 on each ton
11 of refuse collected by a refuse hauler outside the corporate limits of the City of Lincoln and
12 deposited in the public sanitary landfills as designated in Section 8.32.040 of the Lincoln Municipal
13 Code. The occupation taxes authorized herein shall be used exclusively for funding solid waste
14 management programs, including the payment of principal and interest on revenue bonds issued by
15 the City of Lincoln.

16 (b) Each refuse hauler shall remit to the Public Works and Utilities Department payment
17 of occupation taxes due and owing from the previous calendar month, together with a complete and
18 detailed statement of (1) the tonnage of refuse collected within the corporate limits of the City of
19 Lincoln, and (2) the tonnage of refuse collected outside of the corporate limits of the City of Lincoln
20 and deposited in the public sanitary landfills during that period. The statement shall identify any

1 tonnage claimed to fall under an exemption to the occupation tax set forth in subparagraph (d)
2 hereof. Such statement shall be duly verified and sworn to by the officer or officers in charge of the
3 business. All such businesses shall at all reasonable times during business hours permit the City,
4 through its officers, agents, or representatives, to inspect the books and records of any such business
5 for the purpose of verifying such report or reports.

6 (c) All refuse collected by refuse haulers within the corporate limits, whether destined
7 for deposit in the public sanitary landfills as designated in Section 8.32.040 or for deposit elsewhere,
8 shall, before leaving the corporate limits of the City of Lincoln, be weighed at the scales located at
9 the public sanitary landfill at 56th Street and Bluff Road or at such other scales approved by the
10 Director of Public Works and Utilities. The refuse hauler shall, at that time, advise the sanitary
11 landfill operator or his designated representative of the amount of such tonnage destined for deposit
12 outside the State of Nebraska. Any refuse not being deposited at the public sanitary landfills
13 designated under Section 8.32.040, whether destined for deposit inside or outside the State of
14 Nebraska, shall be weighed and the driver of the vehicle shall be provided a certificate of weight
15 which shall be displayed upon demand to any police officer of the City of Lincoln.

16 (d) The occupation tax provided herein shall not be imposed upon (1) refuse destined for
17 deposit at any location outside the State of Nebraska; ~~or~~ (2) building rubbish or demolition debris
18 lawfully being deposited in the 48th Street public sanitary landfill; ~~or~~ (3) liquid waste, as defined
19 in Section 8.32.080 herein; or (4) recyclables, including recyclables mixed with refuse, destined for
20 a materials recovery facility licensed by the Nebraska Department of Environmental Quality per
21 Title 132 or the Federal Resource Conservation and Recovery Act.

22 Section 2. That Section 8.32.150 of the Lincoln Municipal Code as hitherto existing
23 be and the same is hereby repealed.

1 Section 3. That this ordinance shall take effect and be in force from and after passage
2 and publication in one issue of a daily or weekly newspaper of general circulation in the City,
3 according to law.

Introduced by:

Approved as to Form & Legality:

City Attorney

Approved this ___ day of _____, 2012:

Mayor