

Bond Case Briefs

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ENVIRONMENTAL - ALASKA

Central Recycling Services, Inc. v. Municipality of Anchorage

Supreme Court of Alaska - February 10, 2017 - P.3d - 2017 WL 542467

Recycling company filed suit against municipality, seeking declaratory judgment that municipal ordinance providing for reduction in fees for disposal of solid waste residue at municipal landfill for businesses engaged in recycling of paper, plastic, glass, steel, aluminum, copper, and brass, which fees were refunded to business in form of quarterly rebate, applied to solid waste residue from recycling of concrete, asphalt, tires, and lumber.

The Superior Court entered summary judgment for municipality, and company appealed.

The Supreme Court of Alaska held that rebate program did not apply to company's solid waste residue from recycling of concrete, asphalt, tires, and lumber.

Municipal ordinance providing for reduction in fees for disposal of solid waste residue at municipal landfill for businesses engaged in recycling of paper, plastic, glass, steel, aluminum, copper, and brass, which fees were refunded to business in form of quarterly rebate, did not apply to company's recycling of concrete, asphalt, tires, and lumber, despite ambiguity in language that could be interpreted to mean that it applied to company that also engaged in recycling of enumerated materials, and defined "recycling operation" as "operation that recovers post-consumer solid waste materials for use in new consumer products" without referencing listed materials, where ordinance was amended to add enumerated items in order to limit eligibility for rebate program to residue from listed materials, and omission of other materials from express list established inference that residue from unlisted materials was ineligible for rebate program.