

**ORDINANCE NO. 20120628-012**

**AN ORDINANCE AMENDING CHAPTER 15-6 OF THE CITY CODE RELATING TO PRIVATE SOLID WASTE COLLECTION SERVICE, REPORTING, VEHICLE AND CONTAINER LICENSING, AND EDUCATION.**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**

**PART 1.** Chapter 15-6 (*Solid Waste Services*), Article 1 of the City Code (*General Provisions*, §15-6-1 (*Definitions*)) is amended to read:

**§15-6-1 DEFINITIONS.**

In this chapter:

~~[(1) COLLECTION SERVICE means scheduled collection and disposition of solid waste and recyclables.]~~

(1) CODE COMPLIANCE means the Department of Code Compliance.

(2) CODE COMPLIANCE DIRECTOR means the director of the Department of Code Compliance.

(3)[4] COLLECTION SERVICE means scheduled collection and disposition of solid waste and recyclables.

(4) CONTAINER means a permanent collection receptacle made to collect and contain solid waste.

(5)[2] DEPARTMENT means the Austin Resource Recovery Department [of ~~Solid Waste Services~~].

(6)[3] DIRECTOR means the director of the Austin Resource Recovery Department [of ~~Solid Waste Services~~].

(7) FACTORY DEMONSTRATION VEHICLE means a vehicle that meets the requirements of Section 15-6-72 and that a dealer provides to a licensee, as a prospective buyer, to operate and use for a period not to exceed 14 days.

- (8) HAZARDOUS WASTE means any solid waste identified or listed as a hazardous waste by the administrator of the United States Environmental Protection Agency in accordance with the federal Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act, 42 United States Code, §§ 6901 et seq.
- (9) LIQUID WASTE has the same meaning as the definition contained in 30 Tex. Admin. Code § 330.3
- (10) MEDICAL WASTE has the same meaning as the definition contained in 30 Tex. Admin. Code § 330.3.
- (11)[5] PRIVATE SOLID WASTE COLLECTION means the business of collecting, removing, or transporting solid waste from any premises within the city for a fee.
- (12)[6] RECYCLABLE MATERIAL shall mean material that has been recovered or diverted from the nonhazardous solid waste stream for purpose of reuse, recycling, or reclamation, and a substantial portion of which is consistently used in the manufacture of products, which may otherwise be produced using raw or virgin materials.
- (13)[7] RECYCLING shall mean a process by which materials are collected, sorted, processed, or prepared into marketable commodities for manufacturing into new products.
- (14)[8] SOLID WASTE means rubbish, refuse, and other discarded materials.
- (15)[9] SOLID WASTE SERVICE means collection and disposal of solid waste, collection and processing of recyclable material, litter abatement, street cleaning, and household hazardous waste disposal.

**PART 2.** Chapter 15-6 (*Solid Waste Services*), Article 1, of the City Code (*General Provisions*), §15-6-2 (*Department Created*) Subsection (A) is amended to read:

- (A) The Austin Resource Recovery department [~~of solid waste services~~] is created as a utility.

**PART 3.** Chapter 15-6 (*Solid Waste Services*), Article 1, of the City Code (*General Provisions*), §15-6-3 (*Administration*) Subsection (B) is amended to read:

(B) Before the director may adopt or amend a rule under this chapter, the director shall present the proposed rule to the Zero Waste Advisory Commission[.] for consideration and recommendation to City Council and the City Council will approve, modify or disapprove of the proposed rule.

**PART 4.** Chapter 15-6 (*Solid Waste Services*), Article 3, of the City Code (*Private Solid Waste Collection Service*), §15-6-41 (*Applicability*) is amended to add a new Subsection (5) to read:

(5) vehicles hauling medical waste, liquid waste, or hazardous waste.

**PART 5.** Chapter 15-6 (*Solid Waste Services*), Article 3, of the City Code (*Private Solid Waste Collection Service*), §15-6-42 (*Vehicles and Equipment*) is amended to add new Subsections (F) and (G) to read:

(F) A licensee under this article shall provide annual documentation of State of Texas vehicle inspection to Code Compliance at the time a license application is submitted to the Code Compliance Director under Section 15-6-51 (*License Required*).

(G) A licensee that places a vehicle in service during the calendar year shall submit documentation required in Subsection (F) within thirty days of using the vehicle on City streets.

**PART 6.** Chapter 15-6 (*Solid Waste Services*), Article 3 of the City Code (*Private Solid Waste Collection Service*), §15-6-44 (*Reporting Requirements*) is amended to repeal and replace Subsection (C) to read:

(C) A licensee who provides solid waste collection service under Article 3 (*Private Solid Waste Collection Service*) or recycling service under Article 5 (*Universal Recycling*) shall file a report with Code Compliance. The report shall be on a form provided by Code Compliance. The report shall be filed with Code Compliance semi-annually on or before the last business day in January and July of each calendar year. The report shall contain the following information:

(1) the amount in tons of each of the following types of material hauled:

(a) solid waste;

(b) recyclables; and

(c) organic materials collected and transported to a receiving facility.

(2) other information required by Code Compliance.

**PART 7.** Chapter 15-6 (*Solid Waste Services*), Article 3 of the City Code (*Private Solid Waste Collection Service*), §15-6-45 (*Drivers*) is amended to repeal and replace Subsection (A) so the entire provision reads as follows:

~~[(B)]~~ A driver must have in effect all motor vehicle operators' licenses required by the State of Texas.

**PART 8.** Chapter 15-6 (*Solid Waste Services*), Article 3 of the City Code (*Private Solid Waste Collection Service*), §15-6-46 (*Notification of Change of Address or Ownership*) is amended to read:

**§15-6-46 NOTIFICATION OF CHANGE OF ADDRESS OR OWNERSHIP.**

A licensee shall provide written notice to the ~~[director]~~ Code Compliance Director within ~~[10]~~ 60 days of a change in:

- (1) the address or telephone number of the private solid waste collection service; or
- (2) the form of the business or executive officers of the private solid waste collection service; or
- (3) the name and address of the person designated to receive notices described in this article.

**PART 9.** Chapter 15-6 (*Solid Waste Services*), Article 3 of the City Code (*Private Solid Waste Collection Service*), §15-6-52 (*License Prerequisites*) is amended to repeal and replace Subsection 1, add a new Subsection 2, and renumber accordingly to read:

**§15-6-52 LICENSE PREREQUISITES.**

The Code Compliance Director ~~[director]~~ may not issue an initial or renewal license under this article ~~[to an applicant]~~ unless the applicant includes with application:

- (1) the annual State of Texas vehicle inspection certifications as required in Section 15-6-42 (*Vehicles and Equipment*);
- (2) the ~~[quarterly]~~ semi-annual tonnage report as required in Section 15-6-44 (*Reporting Requirements*);

(3)[2] a certificate of insurance that conforms to Section 15-6-53 (*Insurance*); and

(4)[3] the fee required under this article.

**PART 10.** Chapter 15-6 (*Solid Waste Services*), Article 3 of the City Code (*Private Solid Waste Collection Service*), §15-6-53 of the City Code (*Insurance*) Subsection (C) is amended to read:

(C) The insurance must have minimum limits of \$250,000 per individual and \$500,000 per occurrence for bodily injury and \$100,000 for property damage or \$~~600,000~~1,000,000 on a combined single limit basis.

**PART 11.** Chapter 15-6 (*Solid Waste Services*), Article 3 of the City Code (*Private Solid Waste Collection Service*), §15-6-54 (*Decal*) is amended to amend Subsections (A) and (B) and add a new Subsection (C) to read:

(A) The Code Compliance ~~[d]~~Director shall issue a decal to a licensee for each refuse collection vehicle, each container included in the license, and each additional vehicle approved by the Code Compliance ~~[d]~~Director under Section 15-6-42 (*Vehicles and Equipment*).

(B) A licensee shall display the vehicle decal ~~[in the upper passenger side corner of the front windshield]~~ on both the driver and passenger side doors of the vehicle.

(C) A licensee shall display the container decal on the front face of every container described in the license.

**PART 12.** Chapter 15-6, Article 3 of the City Code (*Private Solid Waste Collection Service*), §15-6-55 (*Temporary Decal*) is amended to amend the title and to add new Subsections (D), (E), (F), and (G) to read:

**§15-6-55 TEMPORARY DECAL FOR NEW AND REPLACEMENT VEHICLES.**

(D) A licensee must obtain a permanent decal for a new vehicle placed in service more than 30 days before the end of the calendar year.

(E) A factory demonstration vehicle is exempt from licensing and fee requirements if the vehicle is utilized less than 10 days, and the person provides two business days written notice to the Code Compliance Director.

- (F) The Code Compliance Director may exempt a licensee's vehicles from decal requirements in this article if the licensee places the vehicle into temporary service due to an emergency as determined by the Code Compliance Director.
- (G) The Code Compliance Director shall issue a temporary decal to an applicant who complies with this section.

**PART 13.** Chapter 15-6 (*Solid Waste Services*), Article 3, of the City Code (*Private Solid Waste Collection Service*), §15-6-56 (*License Fees*) is amended to amend Subsections (C) and (E) and add new Subsections (F) and (G) to read:

- (C) A licensee shall pay the annual vehicle operating fee [~~quarterly, on or before the first day of January, April, July, and October of each year~~] on or before the last business day in January of each year.
- (E) A licensee shall pay the container fee quarterly. A licensee shall pay the accrued container fee not later than the [~~60th~~] 30<sup>th</sup> day after the end of the calendar quarter for which the fee is due.
- (F) The City may charge an additional fee to be set annually by City Council if the licensee does not pay the vehicle or container fee on or before the date it is due.
- (G) Containers and vehicles that are exclusively utilized and labeled for the collection of recyclables and have a blue recycling decal, are exempt from license fees.

**PART 14.** Chapter 15-6 (*Solid Waste Services*), Article 3, of the City Code (*Private Solid Waste Collection Service*), §15-6-58 (*License Revocation*) is repealed and replaced to read:

**§15-6-58 LICENSE REVOCATION.**

- (A) Code Compliance may revoke a license issued under this article if:
  - (1) a licensee does not timely pay a fee or file a report required under this article; or
  - (2) a licensee does not comply with this article.
- (B) Code Compliance shall provide the licensee with written notice and opportunity to protest and appeal before the license revocation[.]; such license

revocation will not be effective until 90 days after the resolution of a person's appeal under this Chapter.

**PART 15.** Chapter 15-6 (*Solid Waste Services*), Article 3, of the City Code (*Private Solid Waste Collection Service*), §15-6-59 (*Appeal*) is amended to add a new Subsection (A), amend Subsections (B), (C), (D) and (E), and renumber accordingly to read:

- (A) If Code Compliance denies the issuance of a license, revokes a license, or refuses to renew a license, Code Compliance must provide written notice of this action to the licensee with a copy of the procedures to protest and to appeal the Code Compliance decision.
- (B) ~~[(A)]~~ A person may appeal to the ~~[city council a decision by the director or the city manager to]~~ Code Compliance Director regarding the following actions:
- (1) ~~[deny]~~ denial of a license;
  - (2) ~~[revoke]~~ revocation of a license; or
  - (3) ~~[refuse]~~ refusal to renew a license.
- (C) ~~[(B)]~~ An aggrieved person must file an appeal with the ~~[city clerk]~~ Code Compliance Director not later than the ~~[10th]~~ 30th day after the decision is rendered. The person must include a written statement of the decision being appealed and the specific grounds for the appeal.
- (D) ~~[(E)]~~ Not later than the 30th day after a person files an appeal with the ~~[city clerk]~~ Code Compliance Director's office, ~~[-the city council]~~ the Code Compliance Director shall schedule a ~~[hearing]~~ meeting to consider the appeal.
- (E) ~~[(D)]~~ The ~~[city council]~~ Code Compliance Director may sustain, reverse, or modify the action appealed.
- (F) ~~[(E)]~~ The Code Compliance Director's decision may be appealed to the City Manager not later than 30 days after the decision of the Code Compliance Director.
- (G) The City Manager's decision may be appealed to the City Council not later than 60 days after the decision of the City Manager. The City Council's decision regarding this appeal shall be final.

**PART 16.** Chapter 15-6 (*Solid Waste Services*), Article 3, of the City Code (*Private Solid Waste Collection Service*), is amended to add a new §15-6-60 (*Prohibition*) to read:

**§15-6-60 PROHIBITION.**

A vehicle that is not licensed under this article is not permitted to collect and haul solid waste or recyclables from any site in the City.

**PART 17.** Chapter 15-6 (*Solid Waste Services*), Article 3, of the City Code (*Private Solid Waste Collection Service*), is amended to add a new §15-6-61 (*Education*) to read:

**§15-6-61 EDUCATION.**

The Code Compliance Director shall establish a program to educate the public and solid waste haulers about this Chapter.

**PART 18.** This ordinance takes effect on July 9, 2012.

**PASSED AND APPROVED**

\_\_\_\_\_ June 28 \_\_\_\_\_, 2012

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Lee Jeffingwell  
Mayor

**APPROVED:** \_\_\_\_\_  
Karen M. Kennard  
City Attorney

**ATTEST:** \_\_\_\_\_  
Shirley A. Gentry  
City Clerk