

Alternative Two

This document is an attempt to incorporate TDS' and Captain Hook's proposed amendments in one document. The current license ordinance is the base proposal. This Alternative Two would replace the current fee with a fee for each customer.

ARTICLE 3. PRIVATE SOLID WASTE COLLECTION SERVICE.

Division 1. General Provisions.

§ 15-6-40 GOALS

To ensure the health and safety of the citizens of Austin, prevent illegal dumping, reduce litter, eliminate unsafe vehicles, prevent overweight loads and provide funds for the regulation of private solid waste collection service.

§ 15-6-41A APPLICABILITY.

(A) This article applies to:

(1) a commercial solid waste hauler who is in the business of collecting removing, or transporting solid waste and recyclables from any location within the city for a fee; and

(2) a commercial self-hauler who collects, removes or transports solid waste and recyclables from any premise in the city as a result of other services provided by the self-hauler, and for which a separate fee is not charged or assessed to the business or individual arranging the services.

(B) This article does not apply to:

- (1) a City employee or agent;
- (2) the operator of a vehicle owned by a governmental body and used to transport the governmental body's solid waste;
- (3) a slop or swill hauler who complies with Section [10-5-62](#) (*Permit Required for Slop and Swill Hauler*); or
- (4) a private collection service that hauls refuse from single-family residences only.

Source: 1992 Code Section 12-3-63; Ord. 031204-14; Ord. 031211-11.

§ 15-6-41B Solid waste hauler license required.

(A) No person, except an authorized licensee or employee of the city, shall collect, convey, or transport solid waste generated by any other person on the streets, alleys, or public thoroughfares of the city, other than on federal or state highways, or dispose of any solid waste generated by someone else at a disposal facility without a license issued by the director under this article.

(B) For purposes of this article, any solid waste generated on the premises of a property owner by a tenant or lessee is considered to be solid waste generated by another person.

(C) No person, business, commercial establishment, or industrial facility, other than a residential customer, may collect, transport, or dispose of solid waste generated by the person, business, commercial establishment, or industrial facility without a written solid waste self-hauler permit issued by the director under this Article.

(D) For the purposes of this article, any solid waste generated by a construction or repair contractor or by a landscape or tree service on the premises of a customers is considered to be solid waste generated by the contractor and service provider.

§ 15-6-42 VEHICLES AND EQUIPMENT.

(A) A licensee shall keep a vehicle or equipment used in a private collection service in clean, sanitary, and safe condition. The department may inspect a licensee's vehicle or equipment at any time.

(B) A licensee may not place a mechanically-handled solid waste container on public property or a public right-of-way, except with the director's approval or the execution of a license agreement with the City.

Source: 1992 Code Section 12-3-61; Ord. 031204-14; Ord. 031211-11.

§ 15-6-43 DISPLAY OF BUSINESS INFORMATION.

(A) A licensee shall prominently display the name and telephone number of the private collection service on both sides of each vehicle used in the operation of the service.

(B) The licensee shall prominently display the name and telephone number of the private collection service on at least one side of each container used for collection, storage, or disposal of solid waste in the city.

Source: 1992 Code Sections 12-3-62(A) and (B); Ord. 031204-14; Ord. 031211-11.

§ 15-6-44 REPORTING REQUIREMENTS.

(A) A licensee shall maintain a list of the ~~containers used for the~~ the customers who receive collection, storage, or disposal services of for solid waste and recyclables that are owned or serviced by from the licensee, with the customer number and the location of each ~~container~~ customer.

(B) A licensee shall file a quarterly report of the number of ~~containers~~ customers it services in the city. A licensee shall submit the ~~container~~ fee required by this article with a report filed under this section.

(C) On or before the first day of January, April, July, and October, a licensee who provides recycling service under [Article 5](#) (*Commercial and Multi-Family Recycling*) shall file a quarterly report with the department that includes:

- (1) the amount and type of recyclable materials collected; and
- (2) other information reasonably required by the director.

Source: 1992 Code Section 12-3-83; Ord. 031204-14; Ord. 031211-11.

§ 15-6-45 DRIVERS.

(A) A licensee shall employ competent drivers to drive its solid waste collection vehicles.

(B) A driver must have in effect all motor vehicle operators licenses required by the state.

Source: 1992 Code Section 12-3-45; Ord. 031204-14; Ord. 031211-11.

Division 2. Licensing.

§ 15-6-51 LICENSE REQUIRED.

(A) To operate a private collection service, either as a commercial solid waste hauler or commercial self-hauler, a person must obtain a license.

(B) An applicant for an initial license or a renewal license must file an application with the director on a form and in the manner prescribed by the director.

(C) A license expires at midnight on December 31 of the year in which it is issued.

(D) A license is not transferable.

Source: 1992 Code Section 12-3-81(A) through (C); Ord. 031204-14; Ord. 031211-11.

§ 15-6-52 LICENSE PREREQUISITES.

The director may not issue an initial or renewal license under this article to an applicant unless the applicant includes with the application:

- (1) a statement listing all claims, suits, or other actions pending against the applicant for personal injuries or property damage arising out of the operation of a vehicle or equipment that the applicant proposes to use under the license, with the amount and status of the claim;
- (2) a certificate of insurance that conforms to Section [15-6-53](#) (*Insurance*); and
- (3) the fee required under this article.

Source: 1992 Code Sections 12-3-82(A) and (B)(3) and (4); Ord. 031204-14; Ord. 031211-11.

§ 15-6-53 INSURANCE.

(A) An applicant for a license under this article must file with the director a certificate of general and commercial auto liability insurance, executed by a company authorized to do business in the state and performable in Travis County.

(B) The insurance shall insure the general public against loss or damage that may result to any person or property from the operation of the private collection service or from a vehicle or equipment operated by the service.

(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 on a combined single limit basis.

(D) The applicant must also include a statement from the applicant's insurance company that the insurer will furnish to the City written notice of its intention to cancel a policy at least 30 days before the liability of the insurer expires.

Source: 1992 Code Sections 12-3-81(A) and 12-3-82(B)(1) and (2); Ord. 031204-14; Ord. 031211-11.

§ 15-6-54 DECAL.

(A) The director shall issue a decal to a licensee for each refuse collection vehicle included in the license.

(B) A licensee shall display the decal on the driver's side, either cab or door. Lettering identifying the license number will be two inches high and in contrasting color to in the upper passenger side corner of the front windshield of the vehicle.

Source: 1992 Code Sections 12-3-82(A) through (C) and 12-3-62(C); Ord. 031204-14; Ord. 031211-11.

§ 15-6-55 TEMPORARY DECAL.

(A) A licensee must obtain a temporary decal for a vehicle that is temporarily substituted for a vehicle subject to the license.

(B) A temporary decal is valid for not more than 30 days after the date the licensee submits to the director a signed statement that the vehicle subject to the license is out of service for maintenance or repair.

(C) The requirements of Sections [15-6-52](#) (*License Prerequisites*), [15-6-44](#) (*Reporting Requirements*), and [15-6-45](#) (*Drivers*) apply to an applicant for a temporary decal.

(D) The director shall issue a temporary decal to an applicant who complies with this section.

Source: 1992 Code Section 12-3-8(D); Ord. 031204-14; Ord. 031211-11.

§ 15-6-56 LICENSE FEES.

~~(A) The department shall charge a licensee an annual operation fee set by the city council. The department shall calculate the fee based on the number of vehicles used in the private collection service's operation. The department shall prorate the fee charged for a vehicle that is added to the service's operation during the calendar year.~~

~~(B) The department may not assess an additional fee for a vehicle that replaces a vehicle permitted during the same permit year.~~

~~(C) A licensee shall pay the annual operating fee quarterly, on or before the first day of January, April, July, and October of each year.~~

~~(A) The department shall charge a licensee a container monthly fee for each customer as set by the city council. Each location served by the commercial solid waste hauler and commercial self-hauler is considered a separate customer. The department shall calculate the fee based on the number of containers in service and the number of days a container is in service cost of providing the services listed in (C) below.~~

~~(B) A licensee shall pay the container fee quarterly. A licensee shall pay the accrued ~~container~~ fee not later than the 60th day after the end of the calendar quarter for which the fee is due.~~

~~(C) The City may use the fees collected under this section for costs incurred to regulate a private solid waste collection service including but not limited to:~~

~~(1) Solid Waste Services personnel used in the program;~~

~~(2) Code Enforcement personnel;~~

- (3) Police services used in enforcement;
- (4) Fire and EMS Services for response to private solid waste collection service transportation incidents;
- (5) Remediation costs of illegal dump sites created by rogue waste haulers;
- (6) Road maintenance for damage caused by private solid waste collection vehicles;
- (7) Clean-up of wind blown debris from private solid waste collection service vehicles;
- (8) Audits to measure compliance;
- (9) Waste transport vehicle inspections;
- (10) Waste container inspections;
- (11) Waste processing and disposal facility inspections;
- (12) Administrative overhead; and
- (13) Any other cost related to the enforcement of the private solid waste collection service license

Source: 1992 Code Sections 12-3-85(A) through (D); Ord. 031204-14; Ord. 031211-11.

§ 15-6-57 AUDIT.

(A) At the department's request, a licensee shall provide the department access to its customer ~~container~~ and vehicle records for audit purposes annually.

(B) City personnel may not copy or remove from the licensee's premises:

- (1) a customer list;
- (2) route information;
- (3) price information; or
- (4) other confidential business information.

Source: 1992 Code Section 12-3-8(E); Ord. 031204-14; Ord. 031211-11.

§ 15-6-58 LICENSE REVOCATION.

The city manager may revoke a license issued under this article if the licensee:

- (1) fails to timely pay a fee or file a report required under this article; or
- (2) fails to comply with this article.

Source: 1992 Code Section 12-3-86; Ord. 031204-14; Ord. 031211-11.

§ 15-6-59 APPEAL.

(A) A person may appeal to the city council a decision by the director or the city manager to:

- (1) deny a license;
- (2) revoke a license; or
- (3) refuse to renew a license.

(B) An aggrieved person must file an appeal with the city clerk not later than the 10th 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.

(C) Not later than the 30th day after a person files an appeal with the city clerk, the city council shall schedule a hearing to consider the appeal.

(D) The city council may sustain, reverse, or modify the action appealed.

§ 15-6-60 Contents of application

The application shall set forth:

- (1) The name and address of the applicant;
- (2) The trade name under which the applicant does or proposes to do business;
- (3) The mailing address of the business;
- (4) The office telephone number of the business;
- (5) Applicant's facsimile number;
- (6) Applicant's e-mail address;
- (7) The location the applicant parks its equipment used for servicing customers within the city;
- (8) A sworn statement that any solid waste collected or transported within the city will be disposed of at a facility that is authorized to accept the type of solid waste that the applicant has collected or transported; and
- (9) A commercial self-hauler must identify the types of waste the hauler generates, whether the waste is generated at its place of business or at the premises of its customers, and the type of activity that generates the waste.

§ 15-6-61 Enforcement

The enforcement of this ordinance will include:

- (1) One Officer from the License & Weights Division dedicated to enforcing this ordinance.
- (2) Other officers of the APD will assist in enforcing this ordinance.
- (3) Every Construction Permit will have a line which lists the licensed Austin hauler for that project.
- (4) All job site inspectors will have to take note of the licensed Austin hauler for that project.
- (5) All health inspectors will have to take note of the Licensed Austin hauler for that building.
- (6) All construction project applications will have weights and volume guidelines and litter prevention standards as a part of that application.
- (7) No temporary sidewalls will be allowed on any type of vehicle transporting refuse within the Austin City Limits.
- (8) To insure less litter and less overweight roll off trucks, the Austin Police Department and the Austin Inspections Department will institute an on site education program private collection service companies.
- (9) Any violation of this ordinance is a Class C misdemeanor, punishable by fine.

§ 15-6-62 Licensee Rights

(A) If a private collection service company has a complaint about any aspect of the Austin hauler license ordinance, the reporting of the hauler's complaint and the hauler's appeal process regarding the decisions or response of the Director of Solid Waste Services will be:

- (1) A written letter of complaint, outlining in detail, the reasons for the complaint. This letter will be directed to the Director of Solid Waste Services for the City of Austin. A written reply from the Director to that letter of complaint will be made within 7 days of receipt of complaint.
- (2) In the event that the licensed hauler is unsatisfied with the Director of Solid Waste response, the complaining party can appeal to the Solid Waste Advisory Commission. This appeal will include the letter of complaint to the Director of Solid Waste Services, the reply from the Director, and detailed reasons why that response is unsatisfactory. The Solid Waste Advisory Commission will add that appeal to the agenda items to be addressed at the next Solid Waste Advisory Commission meeting.
- (3) The Solid Waste Advisory Commission will then address the complaint in detail; the City of Austin legal staff will be present to assist in presenting a ruling in the matter and advise the complaining licensed refuse hauler of his rights to appeal further.

- (4) As a last resort, in order to expedite the complaint process, any licensed hauler can inform the Director of Solid Waste Services, that any fees the City has forthcoming will not be paid until the complaint is resolved. Such notification must be in writing and either presented with the original complaint, or filed as soon as possible.
- (B) The Director of Solid Waste Services will provide a list of Austin licensed haulers every quarter to all Austin licensed haulers. In that quarterly report to licensed haulers will be a list of the complaints received, and their resolution.
- (C) The APD License and Weights Division will provide a quarterly report, detailing how many citations have been issued for violations of this ordinance and the resolution of those citations.
- (D) The City Code Enforcement Division will detail how many citations have been issued by the City for violations of this ordinance and the resolution of those citations. This information will be provided to the Solid Waste Services Department on a quarterly basis.