

ORDINANCE NO.

AN ORDINANCE AMENDING

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

PART 1. Chapter 15-6, Article 3 (*Private Solid Waste Collection Service*) of the City Code is repealed and replaced with the following:

ARTICLE 3: _____

Division 1. _____

§ 15-6-41 APPLICATION.

This chapter applies to a solid waste collection service operating in the city.

§ 15-6-42 SELF HAULING PERMIT OR SOLID WASTE HAULER FRANCHISE REQUIRED.

- (A) Except as provided by Subsection (C), a commercial self-hauler may not use city streets or right-of-way to transport solid waste unless that person obtains a self hauler permit under Section _____.
- (B) Except as provided by Subsection (C), a commercial solid waste hauler may not use city streets or right-of-way to transport solid waste unless that person obtains a solid waste collection franchise under Section _____ (*Franchise Application Required*).
- (C) This section does not apply to solid waste collection service which was operated by a governmental entity.

§ 15-6-43 DEFINITIONS.

In this article:

- (1) **DIRECTOR** means the director of the departments designated by the city manager to enforce and administer this article or the director's authorized representative.

- 1 (2) FRANCHISEE means a person who has been granted a franchise
2 under this article and Article XI of the city charter to operate a solid
3 waste collection service in the city.
- 4 (3) GROSS RECEIPTS means any revenue directly or indirectly received
5 or generated from or in connection with any solid waste collection
6 service provided within the city, excluding the following amounts:
- 7 (a) annual bad debt write-off amounts on uncollectible accounts for
8 solid waste collection service, provided that the write-off
9 allowed is verified by adequate supporting documentation and
10 does not reduce the annual gross receipts by more than three
11 percent;
- 12 (b) revenues received or generated for any solid waste collection
13 service provided on behalf of the city by the franchisee pursuant
14 to a written contract with the city; and
- 15 (c) revenues directly received or generated from the hauling of
16 source-separate recyclable processing of recyclable materials.
- 17 (4) PERSON means an individual, corporation, firm, government or
18 governmental subdivision, partnership, joint venture, limited liability
19 company, or other business entity.
- 20 (5) SOLID WASTE COLLECTION SERVICE means the business of
21 collecting, removing, or transporting solid waste from any premises
22 within the city for a fee using city streets and right-of-ways.
- 23 (6) COMMERCIAL SELF-HAULER means a person who uses city
24 streets and rights-of-way to collect, remove, or transport solid waste
25 from any premise in the city has a result of other services provided by
26 that person, and for which a separate fee is not charged or assessed to
27 the business or individuals residing at the premise. Self-haulers pay a
28 permit fee of 100 dollars per year for self-hauler (construction,
29 remodeling or repair contractors, or landscape and tree service
30 contractors who generate waste at a customer's premises and haul
31 away using their own equipment).
- 32 (7) COMMERCIAL SOLID WASTE HAULER means a person who
33 uses city streets and rights-of-way in the business of collecting,
34 removing, or transporting solid waste from any location within the
35 city for a fee.

1 (8) SOLID WASTE has the meaning assigned by Chapter 361 (Solid
2 Waste Disposal Act) of the Texas Health and Safety Code.

3 **§ 15-6-44 AUTHORITY OF DIRECTOR.**

4 (A) The director shall implement and enforce this article and may, by written
5 order, promulgate such rules or regulations, not inconsistent with this article
6 or state or federal law, as the director determines are necessary to discharge
7 any duty under or to effect the policy of this article.

8 (B) The director shall have authority to impound any vehicle, dumpster, or roll-
9 off container:

10 (1) whose contents have become foul, offensive, or otherwise hazardous
11 to the public health or safety; or

12 (2) that is being used for the collection of solid waste material in violation
13 of this article.

14 (C) A vehicle, dumpster, or roll-off container impounded under Subsection (B)
15 may not be removed without the consent of the director and may not be
16 returned to service until the contents are disposed of and the vehicle
17 dumpster, or roll-off container is cleaned and brought into compliance with
18 this article

19 **Division 2. Solid Waste Collection Franchises.**

20 **§ 15-6-51 FRANCHISE AND DECAL REQUIRED.**

21 A person commits an offense if, within the city, the person:

22 (1) operates, or causes or permits the operation of, a solid waste
23 collection service without a valid solid waste collection franchise
24 granted under this article and Article XI of the city charter; or

25 (2) operates, or causes or permits the operation of, a vehicle for the
26 purpose of providing solid waste collection service in the city without
27 displaying on the vehicle a valid decal issued under this article.

1 **§ 15-6-52 FRANCHISE APPLICATION.**

2 (A) To obtain a solid waste collection franchise, a person must submit an
3 application on a form provided by the director. The applicant must be the
4 person who will own, control, or operate the proposed solid waste collection
5 service. The application must be acknowledged by a notary public and
6 contain the following information:

- 7 (1) the applicant's name, address, an notarized signature;
- 8 (2) the name and address of the person designated for receipt of notices
9 under this article;
- 10 (3) the form of business of the applicant, and, if the business is a
11 corporation, partnership, limited liability company, joint venture, or
12 unincorporated association, a copy of the documents establishing the
13 business;
- 14 (4) a description of any past business experience of the applicant,
15 particularly in providing solid waste collection service, and an
16 identification and description of any revocation or suspension by the
17 city, or by any other governmental entity, of a solid waste collection
18 license, franchise, or similar authorization held by the applicant or
19 business before the date of filing the application;
- 20 (5) the number and description of vehicles the applicant proposes to use
21 in the operation of the solid waste collection service, including state
22 license registration number for each vehicle;
- 23 (6) a description of the proposed solid waste collection service;
- 24 (7) documentary evidence from an insurance company indicating a
25 willingness to provide liability insurance as required by the city in the
26 franchise ordinance;
- 27 (8) documentary evidence of payment of ad valorem taxes owed on the
28 real and personal property to be used in connection with the operation
29 of the proposed solid waste collection service if the business
30 establishment is located in the city; and
- 31 (9) such additional information as the applicant desires to include to aid
32 in the determination of whether the requested franchise should be
33 granted.

1 (B) The director is authorized to make any additional investigation as is
2 necessary to verify the truth of the information contained in the application
3 and to determine if the applicant meets the requirements of this article and
4 the standard franchise ordinance required by the city.

5 **§ 15-6-53 FRANCHISE GRANT.**

6 (A) If the director determines from the application that the applicant meets the
7 requirements of this article and other applicable law to hold a franchise for
8 solid waste collection service, the director shall present the application to the
9 city council and make a recommendation regarding the application. The city
10 council may grant or deny the franchise. The city council shall grant a
11 franchise by ordinance. The grant of a franchise under this article is non-
12 exclusive.

13 (B) The terms and conditions of a franchise will be set forth in the ordinance
14 granting the franchise to the applicant. By accepting the franchise, the
15 applicant agrees to comply with all of those terms and conditions.

16 **§ 15-6-54 FRANCHISE FEES.**

17 (A) A franchisee shall pay a franchise fee set by the city council in the franchise
18 ordinance. The franchise fee may not be less than four percent of the gross
19 receipts resulting from the operation of the solid waste collection service
20 within the city.

21 (B) Franchise fees must be paid to Telecommunications and Regulatory Affairs
22 Department, or successor department, of the city.

23 (C) The franchise fee must be paid on a payment schedule established by the city
24 council in the franchise ordinance. A payment received later than 10 days
25 after the due date accrues interest at the rate prescribed in Section ____ of
26 this code.

27 (D) A franchise fee payment is non-refundable.

28 **§ 15-6-55 ISSUANCE AND DISPLAY OF VEHICLE FRANCHISE DECAL;**
29 **PROOF OF FRANCHISE TO BE SHOWN UPON REQUEST.**

30 (A) Upon the granting of a solid waste collection franchise to an applicant and
31 satisfactory completion of all inspections required by this article, the director
32 shall issue a franchise decal for each vehicle to be operated by the applicant
33 under the franchise.

1 (B) A franchise decal issued under this section must be displayed on the vehicle
2 for which it was issued in the upper passenger side corner of the front
3 windshield of the vehicle or other location established by the director. A
4 copy of the franchise ordinance must be presented upon request to the
5 director or to a peace officer for examination.

6 (C) A franchise decal issued under this section is non-transferable. If a franchise
7 decal is lost, stolen, or mutilated, the director will issue a duplicate decal
8 upon request.

9 **§ 15-6-56 REVOCATION OF FRANCHISE; ASSESSMENT OF CIVIL**
10 **PENALTIES.**

11 (A) The director may recommend revocation of a solid waste collection
12 franchise granted under this article if:

- 13 (1) the franchisee fails or refuses to comply with any provisions of the
14 franchise ordinance, this article, or any other city ordinance or state or
15 federal law applicable to the collection or disposal of solid waste
16 material;
- 17 (2) the franchisee fails or refuses to make a franchise fee payment
18 required by this article or the franchise ordinance at the time it was
19 due; or
- 20 (3) the solid waste collection operation creates a public nuisance or a
21 serious public health or safety hazard.

22 (B) The city council, on the recommendation of the director, may revoke a
23 franchise, assess a civil penalty, or both, if the franchise:

- 24 (1) fails or refuses to comply with any provision of the franchise
25 ordinance, this article, or any other city ordinance or state or federal
26 law applicable to the collection, transportation, processing, or disposal
27 of solid waste material other than waste flow control regulations;
- 28 (2) knowingly or intentionally made a false statement or
29 misrepresentation as to a material matter in the franchise application
30 or in the negotiations for the franchise; or
- 31 (3) fails or refuses to make a franchise fee payment required by this
32 article or the franchise ordinance at the time it was due.

1 (C) Before presenting a franchise revocation or civil penalty assessment to the
2 city council under Subsection (D), the director shall notify the franchisee in
3 writing of the proposed action. The notice must include:

4 (1) the reason for the proposed revocation or civil penalty assessment;

5 (2) action the franchisee must take to prevent the revocation or civil
6 penalty assessment;

7 (3) a statement that the franchisee has 10 days to take the action to correct
8 any violation or non-compliance; and

9 (4) a statement that the franchisee has the right to appear before the city
10 council and contest the proposed revocation or civil penalty
11 assessment.

12 (D) If, within 10 days after receipt of the notice required in Subsection (C), the
13 franchisee has not taken the action necessary to correct the violation or non-
14 compliance, the director shall present the franchise revocation, civil penalty
15 assessment, or both to the city council and make a recommendation
16 regarding the proposed action. The director shall notify the franchisee in
17 writing of the date the city council will consider the proposed action. The
18 city council may formally revoke the franchise, assess the recommended
19 civil penalty, impose any other penalty or action that the city council in its
20 discretion considers appropriate, or remand the matter to the director for
21 further review and recommendation. The action of the city council is final.
22 The director shall notify the franchisee in writing of the city council's
23 decision.

24 (E) Revocation of a solid waste collection franchise constitutes termination of
25 the franchise ordinance and all accompanying rights, privileges, and
26 permissions. Revocation of a solid waste collection franchise does not
27 waive the city's right to collect civil penalties imposed under the terms of
28 the franchise ordinance prior to the revocation.

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2 (B) At the department's request, a franchisee shall provide the
3 Telecommunications and Regulatory Affairs Department other authorized
4 representatives of the city access to its revenue records for audit purposes
5 annually at a location within the city limits provided that city personnel will
6 not have the right to copy or remove a customer list, route information or
7 price information.

8 (C) A franchisee must either:

- 9 (1) provide a certified audit by a certified auditing firm acceptable to the
10 City stating the total gross revenues for solid waste services provided
11 by the franchisee within the City's full-purpose corporate City Limits,
12 and the revenues owed to the City under this franchise; or
- 13 (2) provide a copy of the franchisee's Sales and Use Tax Returns
14 submitted to the Texas Comptroller of Public Accounts, along with a
15 notarized waiver authorizing the Texas Comptroller of Public
16 Accounts to disclose to the City of Austin otherwise confidential
17 information contained on the franchisee's Sales and Use Tax returns.

18 **§ 15-6-60 FAILURE TO PAY AD VALOREM TAXES.**

19 A franchisee or an applicant for a solid waste collection franchise shall not allow
20 the payment of ad valorem taxes upon any vehicle, equipment, or other real or personal
21 property used directly or indirectly in connection with the solid waste collection service
22 to become delinquent.

23 **§ 15-6-61 NOTIFICATION OF CHANGE OF ADDRESS OR OWNERSHIP.**

24 A franchisee shall notify the director within 10 days of a change in:

- 25 (1) the address or telephone number of the solid waste collection service;
26 or
- 27 (2) the form of the business or the executive officers of the solid waste
28 collection service; or
- 29 (3) the name and address of the person designated to receive notices
30 described in this Article.

- 1 (2) the form of business of the applicant, and, if the business is a
2 corporation, partnership, limited liability company, joint venture, or
3 unincorporated association, a copy of the documents establishing the
4 business;
- 5 (3) the types of services offered that will result in the generation of solid
6 waste that must be disposed in a permitted disposal facility;
- 7 (4) a certificate of insurance that conforms to Section 15-6-____
8 (*Insurance*); and
- 9 (5) include payment of the annual fee.

10 **§ 15-6-73 SELF-HAULER PERMIT REVOCATION.**

11 The city manager may revoke a self-hauler permit issued under this article if the
12 permittee:

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

15 **§ 15-6-74 APPEAL.**

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

- 18 (1) deny a self-hauler permit;
- 19 (2) revoke a self-hauler permit; or
- 20 (3) refuse to renew a self-hauler permit.

21 (B) An aggrieved person must file an appeal with the city clerk not later than the
22 10th day after the decision is rendered. The person must include a written
23 statement of the decision being appealed and the specific grounds for the
24 appeal.

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

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

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2 **§ 15-6-75 INSURANCE.**

- 3 (A) An applicant for a self-hauler permit under this article must file with the
4 director a certificate of general and commercial auto liability insurance,
5 executed by a company authorized to do business in the state and
6 performable in Travis County.
- 7 (B) The insurance shall insure the general public against loss or damage that
8 may result to any person or property from the operation of the private
9 collection service or from a vehicle or equipment operated by the service.
- 10 (C) The insurance must have minimum limits of \$250,000 per individual and
11 \$500,000 per occurrence for bodily injury and \$100,000 for property
12 damage or \$600,000 on a combined single limit basis.
- 13 (D) The applicant must also include a statement from the applicant's insurance
14 company that the insurer will furnish to the City written notice of its
15 intention to cancel a policy at least 30 days before the liability of the insurer
16 expires.

17 **§ 15-6-76 VEHICLE DECALS.**

18 A commercial self-hauler decal must be displayed on the vehicle for which it was
19 issued in the upper passenger side corner of the front windshield of the vehicle or other
20 location established by the director.

21 **§ 15-6-77 SELF HAULER DECAL AS PROOF OF SELF HAULER PERMIT.**

22 Before any vehicle not listed in the application for a solid waste collection self -
23 hauler permit may not be placed in service, the self-hauler permittee must notify the
24 director of the proposed use of a new or additional vehicle, obtain a decal for the vehicle,
25 and display a valid decal on the vehicle as required by this article.

26 **§ 15-6-78 VEHICLE INSPECTION.**

- 27 (A) A self-hauler permittee shall keep a vehicle or equipment used in a private
28 collection service in clean, sanitary, and safe condition.
- 29 (B) A self-hauler permittee shall have each vehicle to be used in the solid waste
30 collection service inspected in a manner approved by the director before a
31 self hauler decal is issued to the vehicle and at such other times as may be
32 ordered by the director.

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2 **§ 15-6-79 DRIVERS.**

3 (A) A self-hauler permittee shall employ competent drivers to drive its solid
4 waste collection vehicles.

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

7 **Division 4. Operations.**

8 **§ 15-6-81 REQUIREMENTS FOR SOLID WASTE COLLECTION VEHICLES.**

9 (A) Any vehicle used for transporting dry solid waste material within the city
10 must:

- 11 (1) prominently display the name and telephone number of the private
12 collection service on both sides of each vehicle used in the operation
13 of the service;
- 14 (2) prominently display the name and telephone number of the private
15 collection service on at least one side of each container used for
16 collection, storage, or disposal of solid waste in the city.
- 17 (3) be fitted with a substantial, tight-fitting enclosure that is free of any
18 cracks or breaks and that has side boards and head boards of not less
19 than 24 inches in height and a tail board of not less than 18 inches in
20 height, to prevent waste material from being scattered or thrown onto
21 the streets;
- 22 (4) be equipped with a closely fitting cover that must be used to prevent
23 the escape of loose material or effluvia; and
- 24 (5) be equipped with any other equipment required to comply with all
25 applicable federal and state motor vehicle safety standards.

26 (B) Any vehicle used for transporting wet solid waste material within the city
27 must:

- 28 (1) prominently display the name and telephone number of the private
29 collection service on at least one side of each container used for
30 collection, storage, or disposal of solid waste in the city;

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- 2 (2) be fitted with a substantial, tight-fitting enclosure, with the deck,
3 sides, and ends of the bed constructed of sheet steel so that the vehicle
4 may be easily cleaned and with the sides not less than 24 inches high
5 and the tail board not less than 18 inches high;
- 6 (3) have a tight-fitting cover to prevent spillage;
- 7 (4) when carrying cans to transport wet solid waste material, use only
8 cans equipped with tight-fitting lids and holding chains so that the
9 cans will not turn over and spill;
- 10 (5) not have any drain holes in the sides of the vehicle and must have any
11 drain holes in the deck of the vehicle capped to prevent spillage or
12 leakage;
- 13 (6) be equipped with any other equipment required to comply with all
14 applicable federal and state motor vehicle safety standards; and
- 15 (7) prominently display the name and telephone number of the hauler's
16 business.

17 **§ 15-6-82 RESPONSIBILITY OF PRODUCER OF DRY OR WET SOLID**
18 **WASTE.**

19 It is the responsibility of the producer of any dry or wet solid waste to ensure that
20 such waste material is disposed of in an approved manner at an approved disposal site. It
21 is the producer's responsibility to inform the solid waste collection service, in writing, of
22 any waste that includes any material that is hazardous by reason of its pathological,
23 radiological, explosive, toxic, or corrosive character.

24 **§ 15-6-83 HAZARDOUS WASTE MATERIAL.**

25 A person providing solid waste collection service within the city shall comply with
26 all city ordinances and state and federal laws regulating the handling, disposal, and
27 transportation of hazardous waste materials.

28 **§ 15-6-84 RESTRICTIONS ON REMOVAL OF SOLID WASTE.**

- 29 (A) A person commits an offense if the person removes from any garbage
30 container or receptacle any dry or wet solid waste, or in any way obstructs or
31 interferes with any garbage container or receptacle in the city.

1 (B) It is a defense to prosecution under Subsection (A) of this section that the
2 person was:

- 3 (1) an employee of the city in the performance of official duties;
- 4 (2) a franchisee or permittee under this article performing solid waste
5 collection service in compliance with the terms of this article and the
6 solid waste collection franchise ordinance; or
- 7 (3) any owner or occupant of the premises on which the container or
8 receptacle is located.

9 **§ 15-6-85 RESTRICTIONS ON DISPOSAL OF WASTE.**

10 A person engaged in the removal, handling, or transfer of dry or wet solid waste or
11 in any manner dealing with dry or wet solid waste commits an offense if, either in person
12 or by agent, employee, or servant, the person separates, unloads, offers for sale or trade,
13 or exchanges any part of the solid waste materials within the city, except at a place
14 designated by and in compliance with this chapter and other applicable city ordinances.

15 **§ 15-6-86 ACCUMLATIONS AND DEPOSIT OF WASTE PROHIBITED.**

- 16 (A) A person commits an offense if the person deposits, causes to be deposited,
17 or permits to accumulate any dry or wet solid waste upon any public or
18 private premises within the city in such a manner as to emit noxious or
19 offensive odors or to become unsanitary or injurious to public health or
20 safety.
- 21 (B) A person commits an offense if the person causes or permits any solid waste
22 collection vehicle, dumpster, or roll-off container or the contents of such
23 vehicle, dumpster, or roll-off container to be maintained in a condition that
24 is foul, offensive, or otherwise hazardous to the public health or safety.

25 **PART 2.** Chapter 15-6, Article 6 (*Enforcement*) of the City Code is repealed and
26 replaced with the following:

27 **ARTICLE 6. ENFORCEMENT AND PENALTIES.**

28 **§ 15-6-121 ADMINISTRATION; RULEMAKING.**

- 29 (A) The department shall administer this chapter at the direction of the city
30 manager.

- 1 (B) The department may adopt rules to administer and enforce this chapter and
2 all aspects of solid waste collection service in the city. The department shall
3 make copies of the rules available on request.

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5 **§ 15-6-122 NOTICE.**

6 Notice required under this Article shall be given by certified or registered mail,
7 return receipt requested, and shall be prima facie evidence that that the recipient received
8 notice.

9 **§ 15-6-123 INVESTIGATIONS.**

10 The city manager may conduct investigations into the operations of solid waste
11 collection services and commercial self-haulers operating in the city to determine
12 whether the services comply with this chapter and other applicable laws.

13 **§ 15-6-124 ENFORCEMENT.**

- 14 (A) The city manager may issue orders to enforce this chapter. Failure to
15 comply with an order of the department is an offense under this chapter.
- 16 (B) The city manager, the department, and the Police Department shall enforce
17 this chapter, rules adopted under this chapter, and orders issued under this
18 chapter.

19 **§ 15-6-125 CITATION.**

- 20 (A) An enforcement officer may issue a citation to a person the officer
21 reasonably believes has engaged in conduct that violates this chapter.
- 22 (B) A citation issued under this section must be on a form prescribed by the
23 municipal court clerk that includes the following information:
- 24 (1) the name and address of the person cited;
 - 25 (2) the type and number of a permit issued to the person under this
26 chapter, if any;
 - 27 (3) the offense for which the person is charged;
 - 28 (4) the date, time, and location of the offense;
 - 29 (5) the state license plat number of the vehicle;
 - 30 (6) the appearance date;

- 1 (7) a statement ordering the person receiving the citation to respond to the
2 citation at municipal court on or before the appearance date indicated
3 on the citation;
- 4 (8) a statement of the person's promise to respond to the citation by the
5 appearance date indicated on the citation, together with a place for the
6 person cited to provide the person's signature; and
- 7 (9) other information as determined by the director.

8 (C) The enforcement officer shall sign the original of the citation, request the
9 signature of the person, and give a copy of the citation to the person cited. If
10 the person cited refuses the citation or is not present to receive the citation,
11 the enforcement officer shall:

- 12 (1) leave a copy of the citation on the vehicle in a prominent place; or
- 13 (2) mail a copy of the citation to:
- 14 (a) the person cited;
- 15 (b) the registered owner of the vehicle; or
- 16 (c) the holder under whose authority the vehicle is operated.

17 **§ 15-6-126 DUTY TO RESPOND TO CITATION.**

- 18 (A) On or before the appearance date indicated on the citation, a person cited
19 under this division shall submit a plea to each charge indicated on the
20 citation. The person may enter a plea of guilty, not guilty, or no contest.
21 The plea must be submitted by mail, in person, or by other method
22 acceptable to the municipal court.
- 23 (B) A person may enter a plea of guilty or no contest to a charge on a citation
24 issued under this division by paying the fine for the charge.

25 **§ 15-6-127 COMPLIANCE REQUIRED.**

- 26 (A) A person commits an offense if the person performs an act prohibited by this
27 chapter or fails to perform an act required by this chapter. Each instance of
28 a violation of this chapter is a separate offense.
- 29 (B) A person commits an offense if the person has been issued a citation under
30 this division and the person fails to enter a plea to a charge indicated on the
31 citation on or before the appearance date indicated on the citation.

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- 2 (C) A person commits an offense if the person intentionally gives a false or
3 fictitious name, residence address, permit, permit number, vehicle
4 registration, or date of birth to an enforcement officer at the time the
5 enforcement officer is issuing the person a citation under this division.

6 **§ 15-6-128 CULPABLE MENTAL STATE.**

- 7 (A) Proof of a culpable mental state is not required for a conviction of an offense
8 under this chapter for a fine under \$500.00.
- 9 (B) Proof of a culpable mental state is required for a conviction of an offense
10 under this chapter for a fine over \$500.00.

11 **§ 15-6-129 PENALTIES FOR VIOLATIONS.**

- 12 (A) A person who violates a provision of this chapter, or who fails to perform a
13 duty required of him under this chapter, commits an offense. A person is
14 guilty of a separate offense for each day or part of a day during which a
15 violation is committed, continued, or permitted.
- 16 (B) An offense under this chapter is punishable by a fine of not more than
17 \$2,000 and, upon a first conviction, not less than \$100.
- 18 (C) The minimum fine established in Subsection (B) shall be doubled for the
19 second conviction of the same offense within any 24- month period and
20 trebled for the third and subsequent convictions of the same offense within
21 any 24- month period. At no time shall the minimum fine exceed the
22 maximum fine established in Subsection (B).
- 23 (D) In addition to being subject to criminal enforcement and penalties as
24 provided in Subsections (A) and (C) of this section, a franchisee that violates
25 or causes or permits the violation of any of the terms or conditions of the
26 franchise ordinance is liable for a civil penalty in the amount prescribed by
27 the city council in the franchise ordinance. A civil penalty under the
28 franchise ordinance may not exceed \$2,000 for each violation. A franchisee
29 is liable for a separate violation for each day or part of a day during which a
30 violation is committed, continued, or permitted.

