

COMMERCIAL/MULTI-FAMILY RECYCLING ORDINANCE

REPORT AND RECOMMENDATIONS Phase 1

Solid Waste Advisory Commission
Recycling Ordinance Reform Subcommittee

July 16, 2010

EXECUTIVE SUMMARY

The SWAC Recycling Ordinance Reform Subcommittee recommends that the 1998 Commercial Multi-family Recycling Ordinance (CMFRO) be amended to include all commercial properties within four years beginning October 1, 2012. Additionally, the Subcommittee recommends that the CMFRO be amended to establish minimum materials to be recycled.

- For multi-family properties, minimum materials would include paper, plastic container grades 1 (PETE) and 2 (HDPE), corrugated cardboard, aluminum cans, and glass.
- For commercial non-residential, minimum materials would include paper, plastic container grades 1 (PETE) and 2 (HDPE), corrugated cardboard, and aluminum cans.

Within one year after the City of Austin determines it is able to provide processing of single stream recyclables to private service providers, properties required to comply with the terms of the ordinance would also be required to increase the type of minimum materials accepted to include plastic grades 3 – 7, paperboard, tin, and steel.

For properties that are able to achieve higher diversion rates for recycling materials that are not listed among the minimum materials, the Subcommittee recommends that the Department be given the authority to establish an alternative compliance option which would allow a property to substitute one of the required materials with another recyclable material based on approval by the Director.

Properties will also be required to either self haul or use a service provider that is registered with the City. If a property opts to self-haul, the property owner is responsible for reporting their volumes semi-annually. If a property opts to contract with a registered service provider, the service provider is required to report volumes recycled by that property semi-annually.

Additionally, because certain properties posed far more difficult challenges, the Subcommittee created a two phase recommendation process. Phase 1 includes all multi-family properties (including condominiums) and commercial non-residential office and institutional properties such as day cares, religious buildings, medical facilities, and private educational facilities. Recommendations for Phase 1 are included in this report and, on the low end, will impact approximately 4,614 properties:

- 2,436 multi-family properties
 - 509 properties – 100 units and more – beginning October 1, 2012
 - 92 properties – 75 to 100 units – beginning October 1, 2012
 - 126 properties – 50 to 74 units – beginning October 1, 2013
 - 339 properties – 26 to 49 units – beginning October 1, 2014
 - 1,370 properties - 25 units and less – dependent upon City's ability to provide single stream recycling collection services.
- 2,178 commercial offices
 - 164 properties: 100,000 square feet and more – beginning October 1, 2012
 - 60 properties: 99,999 to 75,000 square feet – beginning October 1, 2013
 - 97 properties: 50,000 to 74,999 square feet – beginning October 1, 2014
 - 136 properties: 26,000 to 49,999 square feet – beginning October 1, 2015
 - 1,721 properties: less than 25,000 square feet – dependent upon the City's ability to provide single stream recycling collection services.

Phase 2 includes the food service industry (restaurants, grocers, catering, etc), retail, and manufacturing/industrial. Phase 2 discussions are expected to resume in August 2010 and will include composting food waste.

PREFACE

HISTORY

In 1998, after approximately ten years of negotiations, the City adopted amendments to City Code Chapter 15 requiring commercial properties with 100 or more employees and multi-family properties with 100 or more dwelling units to provide on-site recycling services for their tenants. This ordinance became known as the Commercial Multi-Family Recycling Ordinance (CMFRO). To implement and monitor compliance, the Solid Waste Services (SWS) Department created the Waste Reduction Assistance Program which responded to complaint calls and assisted commercial and multi-family properties in taking appropriate steps to implement recycling programs. However, recognizing a desire by the community to expand recycling requirements, in 2007, the Solid Waste Advisory Commission (SWAC) established the Recycling Ordinance Task Force to review and make recommendations that would expand the CMFRO. The Task Force's Recommendations were forwarded to the City Council with recommendations from staff that additional stakeholders should be included in the discussions. As of May 2010, 292 commercial non-residential properties and 443 multi-family properties have reported diverting a total 515,644 tons of which 481,342 tons are generated by commercial non-residential properties and 34,302 tons are generated by multi-family properties.

In 2009, the Austin City Council adopted the first Zero Waste Plan for a Texas municipality, setting a goal to achieve a 90% reduction in per capita solid waste disposal by 2040. Recognizing that achieving Zero Waste would require participation by all residents and business owners in Austin, the City Council adopted the plan and directed staff to prioritize review of City Code Chapter 15 (Resolution 20090115-50).

Council took an additional step in August 2009 and directed the SWAC to work with staff and stakeholders to review and recommend amendments to the ordinance (Resolution 20090820-041). SWAC formed the Recycling Ordinance Reform Subcommittee which included Commissioners Maydelle Fason, J.D. Porter, and Rick Cofer (Chair). With staff support, the Subcommittee invited over 150 stakeholders to participate in the process.

BACKGROUND

From September 2009 to May 2010, the Subcommittee conducted a total of 14 meetings. Their first five (5) meetings focused on laying a foundation of best practices, successes, and challenges. All stakeholders were invited to provide presentations specific to their industry and were specifically encouraged to suggest preferred recommendations to the ordinance. The latter nine (9) meetings were conducted as round table meetings to encourage open discussion between the Subcommittee and all stakeholders. Because of the varied challenges commercial non-residential properties face, the Subcommittee opted to present their recommendations in two phases:

- **Phase 1:** Applies to Multi-family, Commercial Non-residential Office Use, and Institutions, such as non-profits, religious buildings, medical facilities, private educational facilities and day cares
- **Phase 2:** Applies to Food Service (Restaurants, Caterers, Grocers, etc.), Retail, Hotel/Motel, Event Facilities, Industrial, and Manufacturing

On May 5, 2010, the Subcommittee voted on its Phase 1 recommendations (*See Appendix A*). This report serves as the Subcommittee's formal report to SWAC.¹ Phase 2 Recommendations are under way and the Subcommittee will resume discussion in August 2010.

EXPANDING APPLICABILITY

According to data gathered from the Travis County Appraisal District (TCAD) and Williamson County Appraisal District (WCAD), approximately 10,211 properties located in the City of Austin will be affected by amendments to Chapter 15. Due to methods in identifying certain properties such as condominiums and undeveloped properties, the following projections should be considered low end estimates:

- 4,614 properties in Phase 1
 - 2,436 multi-family properties (Phase 1)
 - 509 properties – 100 units and more
 - 92 properties – 75 to 100 units
 - 126 properties – 50 to 74 units
 - 339 properties – 26 to 49 units
 - 1,370 properties - 25 units and less
 - 2,178 commercial offices (Phase 1)
 - 164 properties: 100,000 square feet and more
 - 60 properties: 99,999 to 75,000 square feet
 - 97 properties: 50,000 to 74,999 square feet
 - 136 properties: 26,000 to 49,999 square feet
 - 1,721 properties: less than 25,000 square feet
- 5,597 properties in Phase 2
 - 4,324 are commercial retail/restaurant/other
 - 145 properties: 100,000 square feet and more
 - 85 properties: 99,999 to 75,000 square feet
 - 133 properties: 50,000 to 74,999 square feet
 - 238 properties: 26,000 to 49,999 square feet
 - 3,723 properties: less than 25,000 square feet
 - 1,273 are industrial properties
 - 109 properties: 100,000 square feet and more
 - 59 properties: 99,999 to 75,000 square feet
 - 106 properties: 50,000 to 74,999 square feet
 - 160 properties: 26,000 to 49,999 square feet
 - 839 properties: less than 25,000 square feet

¹ From September 1, 2010 to April 30, 2010, the Subcommittee was composed of three commissioners. However, at the end of April 2010, Commissioner JD Porter resigned prior to the Subcommittee's final vote. At their final meeting regarding Phase 1 recommendations, the Subcommittee was composed of only two Commissioners, the minimum required for a quorum.

SUBCOMMITTEE RECOMMENDATIONS

MULTI-FAMILY RESIDENTIAL (APARTMENTS, CONDOMINIUMS, MIXED USE, DORMITORIES)

According to Travis County Appraisal District, there are approximately 2,436 multi-family properties in Austin, not including condominiums²:

- 509 properties – 100 units and more
- 92 properties – 75 to 100 units
- 126 properties – 50 to 74 units
- 339 properties – 26 to 49 units
- 1,370 properties - 25 units and less

Of the 509 apartment complexes with 100 units or more, 453 apartment complexes are compliant with the current CMFRO and submit regular volume reports.

Applicability. Multi-family residential properties include apartments, condominiums, dormitories, and mixed use properties with residential use.

Implementation Timeline. Applicable properties must implement recycling programs within the following time frame:

- Beginning October 1, 2012: 75 units and more;
- Beginning October 1, 2013: 50 – 74 units; and
- Beginning October 1, 2014: 26 – 49 units and more.

Multi-family properties with less than 25 units are not required to provide on-site recycling services until the City of Austin determines it is able to provide single stream recycling collection and processing services to properties with 25 units and less.³

The implementation timeline was only agreed upon if the City could assess a fee to each tenant on their utility bills and reimburse or rebate the fee to the property owners. Because the City is legally unable to assess a fee without providing service, City staff members were unable to find an amenable solution. The Austin Apartment Association (AAA), therefore, offered an alternative recommendation which essentially committed properties with 75 units and more to comply with the proposed amendments and committed the remaining properties to the agreed upon timeline once the City and the AAA could come to an agreement on the tenant fee concept or develop an alternative solution (*See Appendix B*).

Minimum Materials. In accordance with the recommended phase-in time frame, multi-family residential properties are required to provide on-site recycling services of the following material categories to their tenants:

² The numbers reflected do not account for condominium complexes. TCAD and WCAD identify each condominium unit as a separate piece of property. Therefore, the number of condominium complexes is not included in the data identified. Staff is working on gathering condominium complex data as well.

³ SWS currently provides service to properties with up to 4 dwelling units. This recommendation does not require multi-family properties of 25 units and less to use City services for recycling. This recommendation only stipulates that the ordinance will not apply to properties with 25 units and less until the City is able to provide single stream recycling service to those properties. The Commission also wished to clarify that such service should be made available by the City as soon as possible.

- Paper (including newspaper, mixed paper, office paper);
- Plastic containers (grades #1 PETE and #2 HDPE);
- Aluminum cans;
- Corrugated Cardboard;
- Glass

Additionally, within one year after the City is able to provide single stream recycling processing to service providers, an entity required to comply with the terms of this ordinance will also be required to increase the type of minimum materials to be accepted to include plastic grades 3 – 7, paperboard, tin, and steel. Additionally, the Department shall establish rules that provide for an alternative compliance option that allows a property owner/manager to request approval by the Director to substitute one of the required materials for another recyclable material.

Minimum Container Requirement. To ensure proper and adequate storage of recyclables, the Department will meet with stakeholders to develop rules that set minimum standards to properly contain recyclable materials. For its starting point, the Department shall use the 2007 Task Force Recommendation of providing a minimum of two 96 gallon carts or 1 cubic yard(s) per thirty (30) dwelling units. No change to the ordinance is required.

Proper Signage and Education. In addition to minimum requirements stipulated by the current CMFRO, multi-family property owners/managers are required to post adequate signage to identify appropriate receptacle use. Signage for recycling and garbage receptacles must meet the following minimum requirements:

- Be posted in English and Spanish
- For recycling receptacles:
 - Be clearly labeled as “Recycling”;
 - Identify the materials that should be deposited in the receptacle; and
 - Marked with the universal recycling “chasing arrows” symbol.
- For garbage receptacles, be clearly labeled “Landfill Trash”

Universal Symbols and Signage. The Department will meet with stakeholders to collaboratively develop and agree upon a universal recycling logo/symbol for Austin. Once approved and agreed upon by all stakeholders, all recycling and garbage containers shall be clearly marked with this new uniform symbol or signage. Staff shall designate funding to ensure design, production, and availability at no cost to the service provider or property owner.

Service Described and Change of Service. Property owners must either self-haul or contract with a service provider who is registered with the City of Austin. If a person changes service providers, the person is required to submit an updated plan form indicating their new service provider semi-annually.

Reporting. Semi-annual volume reports are required of applicable properties. If a person self-hauls, then the owner/manager is required to self-report volumes. If a person contracts with a private hauler, then the hauler is required to report volumes on behalf of their customer.

NON-RESIDENTIAL, COMMERCIAL OFFICES/INSTITUTIONAL PROPERTIES

According to Travis County Appraisal District, there are 2,178 commercial offices in Austin:

- 164 properties: 100,000 square feet and more;
- 60 properties: 99,999 to 75,000 square feet;
- 97 properties: 50,000 to 74,999 square feet;
- 136 properties: 26,000 to 49,999 square feet
- 1,721 properties: less than 25,000 square feet

Applicability. The following recommendations apply to commercial non-residential offices and institutions, such as office buildings, non-profits, religious buildings, medical facilities, private educational facilities and day cares.⁴

Implementation Timeline. Applicable properties must implement recycling programs within the following time frame:

- Beginning October 1, 2012: 100,000 square feet and more;
- Beginning October 1, 2013: 99,999 to 75,000 square feet;
- Beginning October 1, 2014: 50,000 to 74,999 square feet;
- Beginning October 1, 2015: 26,000 to 49,999 square feet

Non-residential, commercial office and institutional properties of 25,000 square feet or less are not required to provide on-site recycling services until the City of Austin determines it is able to provide said properties with single stream recycling collection and processing services.⁵

Minimum Materials. In accordance with the recommended time frame, applicable commercial non-residential properties are required to provide on-site recycling services of the following material categories to their tenants:

- Paper (including newspaper, mixed paper, office paper);
- Plastic containers (grades #1 PETE and #2 HDPE);
- Aluminum cans; and
- Corrugated Cardboard

Additionally, within one year after the City determines it is able to provide single stream recycling processing to service providers, an entity required to comply with the terms of this ordinance will also be required to increase the type of minimum materials to be accepted to include plastic grades 3 – 7, paperboard, tin, and steel. Additionally, the Department shall establish rules that provide for an alternative compliance option that allows a property owner/manager to request approval by the Director to substitute one of the required materials for another recyclable material.

⁴ Until Phase 2 recommendations are submitted and approved, for mixed use properties where office use is combined with other uses that will not be addressed until Phase 2, recycling shall be provided for the office use of the building. For example, if a property has retail and/or restaurant use on the first floor of a building and the remaining building is commercial office use, then recycling must be provided for at least the office use.

⁵ There are currently 2,100 commercial properties that are SWS customers. Of those properties 200 opt to receive single stream recycling services. The recommendations would effectively require current SWS commercial customers to recycle upon the effective date of the ordinance, regardless of size of the property.

Minimum Container Requirement. To ensure proper and adequate storage of recyclables, the Department will meet with stakeholders to develop rules, if appropriate, that set minimum standards to properly contain recyclable materials.

Proper Signage and Education. In addition to minimum requirements stipulated by the current CMFRO, applicable properties are required to post adequate signage to identify appropriate receptacle use. Signage for recycling and garbage receptacles must meet the following minimum requirements:

- Be posted in English and Spanish
- For recycling receptacles:
 - Be clearly labeled as “Recycling”;
 - Identify the materials that should be deposited in the receptacle; and
 - Marked with the universal recycling “chasing arrows” symbol.
- For garbage receptacles, be clearly labeled “Landfill Trash”

Universal Symbols and Signage. The Department will meet with stakeholders to collaboratively develop and agree upon a universal recycling logo/symbol for Austin. Once approved and agreed upon by all stakeholders, all recycling and garbage containers shall be clearly marked with this new uniform symbol or signage. Staff shall designate funding to ensure design, production, and availability at no cost to the service provider or property owner.

Service Described and Change of Service. Property owners must either self-haul or contract with a service provider who is registered with the City of Austin. If a person changes service providers, the person is required to submit an updated plan form indicating their new service provider semi-annually.

Reporting. Semi-annual volume reports are required of applicable properties. If a person self-hauls, then the owner/manager is required to self-report volumes. If a person contracts with a private hauler, then the hauler is required to report volumes on behalf of their customer.

SERVICE PROVIDERS

Service providers include recycling and composting haulers that do business within the City of Austin as well as recycling and composting processors that are located in Austin's city limits.⁶

To ensure consistency throughout the CMFRO and provide citizens and customers with reliable access to service provider information and resources, the City shall create and make available to the public a list of registered service providers.⁷

Registration of Recycling and Composting Haulers. Recycling and composting haulers must register with the City by providing:

- Physical Address of Operation
- Proof of Insurance – annual commercial fleet policy
- Driver's licenses for drivers, CDL if applicable
- Proof that they are using the correct vehicle to transport materials, consistent with standards established by Chapter 15-6, Article 3 Private Solid Waste Collection Service

The City shall waive or not assess any associated fees for registration.

Reporting Requirement of Recycling and Composting Haulers. The Department will meet with stakeholders to develop rules and appropriate forms to comply with the reporting requirements.

Registration of Processors. Recycling and composting processors in the Austin city limits will register annually with the City and submit to a random site inspection of their property to ensure that the property is complying with all elements of the City Code, especially with regards to development and nuisance issues.

Reporting Requirement of Processing Facilities. All Material Recovery Facilities (MRFs) located within the City of Austin, including existing facilities, shall be required to annually report tonnage received by material, tonnage disposed, and diversion rate.⁸ The Department will meet with stakeholders to develop rules and appropriate forms to comply with the reporting requirements.

Universal Symbols and Signage. The Department will meet with stakeholders to collaboratively develop and agree upon a universal recycling logo/symbol for Austin. Once approved and agreed upon by all stakeholders, all recycling and garbage containers shall be clearly marked with this new uniform symbol or signage. Staff shall designate funding to ensure design, production, and availability at no cost to the service provider or property owner.

Proper Handling of Recyclables. Clarify that proper handling of recyclables involves transporting materials to a material recovery facility that is recognized by the State of Texas. This standard would apply to service providers and self-haulers.

⁶ For purposes of clarification, Austin's city limits do not include Austin's extraterritorial jurisdiction (ETJ). Austin's ETJ is the unincorporated land within 5 miles of Austin's boundary that is not within the city limits or ETJ of another city. It is the territory where Austin alone is authorized to annex land. In the ETJ, no City taxes are collected in the area, and no services are provided other than land development review specific to subdivision or platting. (See "What is the ETJ" at <http://www.ci.austin.tx.us/annexation/faq.htm#t3>)

⁷ By providing a list of registered service providers, the City will not and is not endorsing any particular service provider.

⁸ For the definition of a MRF, staff shall utilize TCEQ language regarding the characteristics of a recycling facility.

PROPOSED AMENDMENTS TO THE LAND DEVELOPMENT CODE

The Subcommittee recommends that the City Council, Design Commission, and Planning Commission consider and initiate the following amendments to the Land Development Code, Design Criteria Manual, Environmental Criteria Manual, and any other appropriate code, rule, or manual:

- A. **Impervious Cover.** Allow existing properties with 99 dwelling units and less and commercial non-residential properties with 100,000 square feet or less to exceed impervious cover limitations by no more than 100 square feet if: (1) that impervious cover pad is dedicated to provide a solid space for locating recycling containers or dumpsters, (2) the applicant demonstrates that there is no feasible alternative, and (3) the Director of Planning and Development Review Department (PDRD) approves the exception. An applicant would be able to either exceed impervious cover or eliminate one parking space, or both.
- B. **Parking.** Allow existing properties with 99 dwelling units and less and commercial non-residential properties with 100,000 square feet or less, could carve out 1 parking space for recycling purposes and shall not have to make up the parking space loss, if: (1) that parking space is dedicated to provide a solid space for locating recycling containers or dumpsters, (2) the applicant demonstrates that there is no feasible alternative, and (3) the Director of PDRD approves the exception. An applicant would be able to either exceed impervious cover or eliminate one parking space, or both.
- C. **Designing Space for Recycling.**⁹ Require any new commercial, institutional, or multi-family builds or rehabs, as appropriate, to indicate at the planning and permit stage:
 - 1. Waste and recycling area(s) on-site and within close proximity of one another. Require equivalent space planning and design for recycling as is currently provided for garbage.
 - 2. Waste and recycling area(s) for each floor. For properties that do not have internal common areas, the property must provide adequate access and sufficient capacity for recycling and garbage services.

Additionally, for both existing and new properties, the Subcommittee recommends that the Design Commission and Planning Commission consider appropriate rules or code amendments to address issues of screening, location, and accessibility to recycling and landfill trash containers by both the customer and the service provider.

⁹ In general, the intent is to provide equal and easy access to recycling as currently provided for garbage.

ADDITIONAL RECOMMENDATIONS REGARDING ADMINISTRATION AND FUNDING.

The Subcommittee also makes the following recommendations regarding administration of the CMFRO which do not require amendments to the ordinance:

- **Provide Adequate Funding and Resources.** Encourage and support City funding for education and pilot programs, specifically for public education campaigns, development of universal symbols and signage, improvements to the Waste Reduction Assistance Program and WasteSmart, increasing staff levels to monitor compliance, and developing a pilot program to partner with multi-family properties to provide totes to each residential unit to make separation inside units easier.
- **Data.** Provide online report submission as well as a centralized database for property owners/managers to monitor their diversion rates.
- **Transportation/Parking Enforcement Administrative Rules.** Exempt or provide more leeway to service providers who provide recycling collection services, ensuring that the service provider has enough time to provide recycling services to their customers in a timely manner.
- **Containers in the ROW and Waiving ROW Fees.** Extensive discussion occurred regarding properties with limited space and their ability to locate recycling containers and/or dumpsters. The Subcommittee recommends that properties unable to utilize a parking space or increase impervious cover to place a dumpster should be able to lease right of way (ROW) from the City. Additionally, the Subcommittee recommends that the City Council waive ROW Lease fees if the ROW is used for the purpose of locating a recycling container.

Staff from ROW Management and SWS informed the Subcommittee that there were health, safety, and quality of life concerns regarding the placement of dumpsters in the ROW. Additionally, staff explained that the City was making significant strides in removing dumpsters from the ROW and would not support leasing ROW space or waiving fees associated with the use of ROW space because of the health and safety concerns posed by locating dumpster in the ROW. Staff will investigate other options available to coordinate bin placement at space challenged sites.

- **Market Development.** Make recruitment of recycling oriented businesses and employment a priority for the Economic Growth and Redevelopment Services Office.
- **Design Standards.** Direct SWS staff to work with AE, PDRD, and other stakeholders to develop design standards for recycling enclosures and interior spaces in new and renovated buildings.
- **Relationship with Existing Contracted Partners.** The City should continue to develop its relationship with entities such as Ecology Action if they continue to responsibly further green objectives, even if adoption and implementation of the Recycling Ordinance amendments result in the need for revision and/or re-envisioning of the performance measures applicable to such entities.
- **Future Review.** Review the ordinance and rules every two years.

APPENDIX A

SWAC Recycling Ordinance Reform Subcommittee

Amendment Tracking Sheet

RECYCLING ORDINANCE REFORM

SWAC SUBCOMMITTEE RECOMMENDATIONS: Phase 1 (Expected Effective Date: October 2012)

Item #	Issue	Subcommittee Recommendation	Action Required	Subcommittee Action	Staff Notes
	PROPERTY APPLICABILITY				
1 TF1, TF23, TF28, TF39	Apartment/Multifamily Properties Consider requiring all multi-family properties to provide recycling services either on-site or through other means. Currently, the ordinance applies to properties with 100 dwelling units or more.	Multi-family properties and condominiums, phase in approach: Year 1 (e.g. beginning October 2012): 75 units and more Year 2 (e.g. beginning October 2013): 50 units and more Year 3 (e.g. beginning October 2014): 26 units and more Multi-family properties and condominiums with 1 to 25 units, have access to COA single stream recycling as soon as possible. Recommendation shall not move forward pending resolution to issuing a tenant fee with reimbursement/rebate to property owners.	Amend Code 15-6-91 15-6-13	Subcommittee Recommendation accepted Motion: Porter 2 nd : Fason Vote: 3-0	Staff presented: Tenant fee with a reimbursement to property owners is not an option legally. Option, shift applicability dates so that: 75+ units = 2 years out 50+ units = 3 years out 26+ units = 5 years out Allows for more time education/outreach
2 TF1, TF23, TF40	Commercial Non-Residential/Offices. Consider requiring all commercial properties that do not have residential units to provide on-site recycling services. Currently, the ordinance applies to properties with 100 or more employees. Be sure to include religious institutions, non-profits, schools, medical facilities, etc. Consider a different criteria to determine compliance. No on-site management Ownership/logistical problems – example, strip centers where property owner is responsible for providing service, but each entity may contract out for their own services.	Phased in approach: Year 1 (e.g. beginning October 2012): 100K+ square feet; Year2 (e.g. beginning October 2013): 75K+ square feet; Year 3 (e.g. beginning October 2014): 50K+ square feet; Year 4 (e.g. beginning October 2015): 26K+ square feet; 25K square feet and less, have access to COA single stream Phase 1 - Commercial Non-Residential includes: <ul style="list-style-type: none"> Commercial Offices; Institutions, such as non-profits, religious buildings, medical facilities, private educational facilities and day cares. For properties with mixed use, recycling services shall be provided for the office use of the building. Therefore, if a property has a retail and/or restaurant use (for example) on the first floor of a building and the rest of the building is mainly commercial office, then recycling shall be provided at least for the office use. Staff has been asked to look into tying this to certificate of occupancy use language. Phase 2 includes: <ul style="list-style-type: none"> Food service (grocers, restaurants, catering, etc) Retail (malls, shopping centers, etc) Manufacturing/industrial 	Amend Coe 15-6-91 and Resolution to continue with Phase 2 process to address all other properties not covered by Phase 1.	Motion: Porter 2 nd : Fason Vote: 3-0	

RECYCLING ORDINANCE REFORM
SWAC SUBCOMMITTEE RECOMMENDATIONS: Phase 1 (Expected Effective Date: October 2012)

Item #	Issue	Subcommittee Recommendation	Action Required	Subcommittee Action	Staff Notes
4	MATERIAL APPLICABILITY Multi-family Properties and Offices More materials should be included in the types of materials required to be recycled. Currently, the ordinance requires that properties provide 4 of 8 materials at apartments and 2 of 7 materials at commercial properties. Consider changing the material categories or increasing the minimum required to be recycled.	<p>Minimum materials to recycle at multi-family properties and condominiums: paper, plastics 1 & 2, aluminum, cardboard, and glass.</p> <p>Minimum materials to recycle at commercial properties identified under Phase 1: paper, plastics 1 & 2, aluminum, and cardboard</p> <p>Within one year after coming into compliance with this ordinance, all entities required to comply with the terms of this ordinance will also be required to select one additional item from the list of approved recyclables, one of which is to be glass, posted in the rules, and add that item to the minimum list of materials they will be required to recycle under this ordinance.</p> <p><u>Within 1 year after the City is able to provide single stream recycling processing to service providers, all entities required to comply with the terms of this ordinance will also be required to increase the type of minimum materials to be accepted to include plastic grades 3 – 7; paper board; tin; and steel. Additionally, the Department shall establish rules that provide for an alternative compliance option which allows a property owner/manager to request approval by the Director to substitute one of the required materials for another recyclable material.</u></p>	Amend Code 15-6-92(3)	Original Vote: Motion: Porter 2 nd : Fason Vote: 3-0 Vote on 5/5/10: 2-0	Staff is concerned that the latter recommendation (the portion stricken during discussion on 5/5/10) will create significant administrative challenges. Staff provided a clarifying amendment, underlined in the recommendation.

RECYCLING ORDINANCE REFORM
SWAC SUBCOMMITTEE RECOMMENDATIONS: Phase 1 (Expected Effective Date: October 2012)

Item #	Issue	Subcommittee Recommendation	Action Required	Subcommittee Action	Staff Notes
	MATERIAL APPLICABILITY				
5	<p>Food Industry. Develop a mandatory food service recycling component to address composting by the food service industry.</p> <p>As soon as practical but not later than 2015, any entity that produces, manufactures, sells, or provides food must compost their food waste in accordance with rules developed to administer this ordinance. This includes, cafeterias, food manufacturers, nursing homes, groceries, restaurants, etc.</p>	Continue discussion in Phase 2 with stakeholder input.	Continue discussion in Phase 2	Motion: Porter 2 nd : Fason Vote: 3-0	
	CONTAINER REQUIREMENTS				
6 TF4 TF33	Some properties do not have enough recycling containers for their tenants. Tenants end up landfilling recyclable materials.	Consistent with recs from 2007 Task Force, set minimum requirement for containers at <u>multifamily properties</u> as promulgated in the rules. Rules will be amended to read: In order to ensure that adequate...the following minimum capacity is required: "Two 90-96 gallon carts or 1 cubic yard, one for paper and one for containers , per thirty (30) units." Delete the following sentence from the rules: "The use of other types of containers for recycling, such as dumpsters, may be approved by the Director on a case-by-case basis."	Amend Code 15-6-92 and update rules. Amend rules and work with stakeholders.	Vote: 2-0 to maintain current code and amend rules with stakeholder input.	As a note, this recommendation only applies to multi-family properties. Does the subcommittee wish to add/clarify language to ensure that recyclables at commercial properties are properly contained? Optional alternative language – do not amend the current code language and clarify via resolution that the Department will work with stakeholders to identify minimum container requirements.
7	Containers are not screened from view, which is unsightly.	Committee felt that this issue should be addressed by the design commission or is already currently addressed by other development standards. <u>Recommend to the design commission to include consideration of pads and screening for recycling and waste management.</u>	Recommend issue to the design commission	Vote: 2 - 0	
8	Containers should be secure, leak proof, and covered.	Committee felt that this issue is addressed by the rules.	No action required	Vote: 2 - 0	

RECYCLING ORDINANCE REFORM

SWAC SUBCOMMITTEE RECOMMENDATIONS: Phase 1 (Expected Effective Date: October 2012)

Item #	Issue	Subcommittee Recommendation	Action Required	Subcommittee Action	Staff Notes
	CONTAINER REQUIREMENTS				
9	Address liability issues since bar/restaurant industry experiences situations where people try to pull recyclables out of containers.	Committee felt that this issue could not be addressed.	No action required	Vote: 2 - 0	
	SPACE CONSTRAINTS/PERMITTING				
10 TF6	Existing Properties: Some properties do not have enough space outside of their buildings to accommodate dumpsters for collection of materials due to impervious cover limitations.	Amend the LDC so that <u>multi-family</u> properties with 99 units and fewer, <u>and non-residential properties with less than 100,000 sq ft</u> could exceed impervious cover limitations by no more than <u>100</u> square feet if: (1) that impervious cover pad is dedicated to provide a solid space for locating recycling containers or dumpsters, (2) the applicant demonstrates that there is no feasible alternative, and (3) the Director of Planning and Development Review approves the exception. An applicant would be able to either exceed impervious cover or eliminate one parking space, or both.	Amend Land Development Code	Vote: 2 - 0	

RECYCLING ORDINANCE REFORM
SWAC SUBCOMMITTEE RECOMMENDATIONS: Phase 1 (Expected Effective Date: October 2012)

Item #	Issue	Subcommittee Recommendation	Action Required	Subcommittee Action	Staff Notes
	SPACE CONSTRAINTS/PERMITTING				
11 TF6	Existing Properties: Some properties do not have enough space outside of their buildings to accommodate dumpsters for collection of materials due to parking limitations.	<p>Amend the LDC so that <u>multi-family properties with 99 units and fewer, and non-residential properties with less than 100,000 sq ft</u>, could carve out 1 parking space for recycling purposes and shall not have to make up the parking space loss, if: (1) that parking space is dedicated to provide a solid space for locating recycling containers or dumpsters, (2) the applicant demonstrates that there is no feasible alternative, and (3) the Director of WPDR approves the exception.</p> <p>An applicant would be able to either exceed impervious cover or eliminate one parking space, or both.</p> <p>Because Council is the only body authorized to waive fees, the Committee recommends this language shall be used in a resolution to Council. If utilizing parking space is not an option, then property should be able to lease ROW. ROW Lease fees should be waived.</p>	<p>Amend Land Development Code and</p> <p>Resolution Language from SWAC supporting Council waiving fees for ROW lease fees.</p>	<p>Vote: 2 - 0</p>	
12 TF6	Existing Properties: Some properties do not have space inside their buildings to collect materials.	<p>Resolution to consider in future budgets. COA should develop a pilot program and support it with funding to partner with MF properties to provide totes to each residential unit to make separation in unit easier.</p>	<p>Resolution Language from SWAC supporting funding totes for multi-family properties</p>	<p>Vote: 2 - 0</p>	
13 TF6	New Builds/Remodels: Some properties do not have space on-site to manage recyclables. Or access to recycling is designed in such a way to make it more difficult to recycle than to landfill.	<p>Amend the LDC so that any new commercial, institutional, or multifamily builds or rehabs, <u>where appropriate</u>, must be required at the planning and permit stage to show a waste and recycling area on-site and within close proximity of one another.</p> <p>Require equivalent space planning and design for recycling as is currently provided for garbage.</p>	<p>Amend the Land Development Code</p>	<p>Vote: 2 - 0</p>	

RECYCLING ORDINANCE REFORM
SWAC SUBCOMMITTEE RECOMMENDATIONS: Phase 1 (Expected Effective Date: October 2012)

Item #	Issue	Subcommittee Recommendation	Action Required	Subcommittee Action	Staff Notes
	SPACE CONSTRAINTS/PERMITTING				
14 TF6	New Builds/Remodels: Some properties do not have space inside their buildings to collect materials. Or access to recycling is designed in such a way to make it more difficult to recycle than to landfill.	<p>Amend the LDC so that any new multifamily and mixed use builds or rehabs, where appropriate, must be required at the planning and permit stage to show a waste and recycling area for each floor. An exception shall be made for MF properties that do not have internal common areas.</p> <p>For commercial, institutional and MF properties that do not have internal common areas, the property must provide adequate access and sufficient capacity for recycling and garbage services.</p> <p>Intent is to provide equal and easy access to recycling as currently provided for garbage.</p>	Amend Land Development Code	Vote: 2 - 0	
	PLAN FORM REQUIREMENTS/REPORTING				
15 TF24, TF25	Due to potential back log in plan reviews as new properties must come into compliance, need to ensure that enforcement does not occur unless staff has had an opportunity to review plan.	No action needed. Committee determined that this issue no longer applies, especially since the city's primary goal will be to achieve voluntary compliance.	No action required	Vote: 2 - 0	
16 TF17, TF38	Change reporting frequency requirements. Currently, property owners are required to report quarterly.	Reduce reporting frequency to semi-annual reporting. Committee also recommends that COA provide online report submission.	Amend Code 15-6-102, and Resolution supporting online reporting	Vote: 2 - 0	
17 TF17	Property owners have a difficult time of complying with reporting requirements which also aides in inconsistency in reporting diversion rates.	<p>No Change. Reporting responsibility shall be applied to Property Owner.</p> <p>Clarification – intent is to utilize for market development, zero waste goals, etc. Not intended for enforcement.</p> <p><u>Amending the ordinance to reflect the current situation – if a property owner self hauls, then the owner must self report; if the owner/manager hires a private hauler, then the hauler reports.</u></p>	Amend Code 15-6-101 15-6-102	Vote: 2 – 0	This item created disagreement among the subcommittee. Staff recommends amending the ordinance to reflect the current situation – if a property owner self hauls, then the owner must self report; if the owner/manager hires a private hauler, then the hauler reports.

RECYCLING ORDINANCE REFORM
SWAC SUBCOMMITTEE RECOMMENDATIONS: Phase 1 (Expected Effective Date: October 2012)

Item #	Issue	Subcommittee Recommendation	Action Required	Subcommittee Action	Staff Notes
	PLAN FORM REQUIREMENTS/REPORTING				
18	New public or private MRFs should help service providers in documentation/reporting efforts.	All Material Recovery Facilities located within the City of Austin would be required to report tonnage received by material, tonnage disposed and their diversion rate annually. For the definition of a MRF, staff shall utilize TCEQ language re the characteristics of a recycling facility. Applies to existing facilities too.	Amend Code to create a new section applying to service providers such as MRFs	Vote: 2 – 0	
19	Property owners do not have an easy way to access information regarding their diversion rates.	COA should provide a centralized database for property owners/managers to monitor their diversion rates	Resolution Language	Motion: Fason 2 nd : Porter Vote: 3-0	
20	After a property submits their plan form, SWS Staff has difficulty knowing which properties may change their service. Current ordinance stipulates that a <u>property</u> must submit an update to their plan form if they change service providers.	<u>If a property changes their hauler, the property owner/manager</u> Properties should submit updates to their <u>plan forms</u> on a semi-annual basis consistent with volume reporting requirements	Amend Code 15-6-104	Vote: 2 – 0	
	EDUCATION REQUIREMENTS				
21 TF14, TF15, TF16, TF30	Change frequency of education requirement. Seems to be insufficient education among tenants of properties.	Committee determined that this issue no longer applies and suggested that the frequency not be altered.	No action required	Motion: Fason 2 nd : Porter Vote: 3-0	
22 TF2, TF5, TF11, F12, TF13, TF30	COA needs to play a larger role in helping with education.	Resolution language to encourage and support City funding for education and pilot programs.	Strike as redundant.	Motion: Fason 2 nd : Porter Vote: 3-0	

RECYCLING ORDINANCE REFORM
SWAC SUBCOMMITTEE RECOMMENDATIONS: Phase 1 (Expected Effective Date: October 2012)

Item #	Issue	Subcommittee Recommendation	Action Required	Subcommittee Action	Staff Notes
EDUCATION REQUIREMENTS					
23 TF5, TF11, TF12, TF13	Signage and collateral should speak to audiences of different languages.	Mandate that all collateral, including signage on recycling containers, be bilingual (English and Spanish) and include universal symbols. Additionally require that all garbage containers be clearly labeled "Landfill Trash" and all recycling receptacles be labeled with the recycling symbol and any materials that can be recycled in the receptacle. Once the city develops and receives stakeholder agreement on a universal recycling logo/symbol for Austin, all recycling containers shall be clearly marked with this new uniform symbol. Staff shall designate funding to ensure design, production, and availability of both types of signs (internal and external) at no cost.	Amend Code 15-6-93, may require a new section of the Code and Resolution language supporting universal signage	Vote: 2 – 0	May need clarification as to which "recycling containers" shall be marked. Dumpsters/outside containers, internal containers, or both?
24 TF5, TF11, TF12, TF13, TF30	Create educational material that provides training for staff on how to separate recyclables – best practices guides for properties	Resolution language to encourage and support including funding for staff to support education and compliance.	Strike as redundant	Motion: Porter 2 nd : Fason Vote: 3-0	
INCENTIVES & COSTS FOR PROPERTY OWNERS					
25	Property owners rely on tenants to recycle. Property owners should be provided with incentives to provide service and encourage tenants to utilize service to recoop costs.	Charge multi-family tenants a \$2 to \$2.50 fee on utility bills per unit, regardless as to whether or not the city provides the service to the tenant. Rebate the funding collected to the property owner on their master bill. If funding mechanism identified above is not an option, (1) potentially include in residential regulations requirements and (2) Consider a universal recycling fee to all COA customers. Committee agreed that staff should explore options for direct user billing by the City of Austin for recycling offered in multi-family properties with the goal of tenants being billed directly for recycling services.	Resolution Language. For all new fees, Council action is required.	Postpone to full SWAC. Staff is requested to meet with Apartment Association and related legal representatives.	Staff researched this option and several other combinations of options and could not find an amenable solution to achieve this recommendation legally. Does the subcommittee wish to make an alternative recommendation? Specifically is the subcommittee interested in the "universal recycling fee" to all COA customers?

RECYCLING ORDINANCE REFORM
SWAC SUBCOMMITTEE RECOMMENDATIONS: Phase 1 (Expected Effective Date: October 2012)

Item #	Issue	Subcommittee Preliminary Recommendation	Action Required	Subcommittee Action	Staff Notes
	INCENTIVES & COSTS FOR PROPERTY OWNERS				
26	Cost to provide recycling is real and can be expensive.	Committee agreed that the fees should be driven by the market.	No action required	Motion: Porter 2 nd : Fason Vote: 3-0	
	SERVICE PROVIDER ISSUES				
27	Areas with limited space, service providers have difficulty finding parking and may exceed parking allotment.	City should exempt or provide more leeway to service providers who provide recycling collection services. City should explore some type of hang tag or decal to identify service providers and give additional time to provide service to the businesses in the area. City should exempt or provide more leeway to service providers who provide recycling collection services, ensuring that the service provider has enough time to provide recycling services to their customers in a timely manner.	Resolution Language	Vote #1: Motion: Porter 2 nd : Fason Vote: 3-0 Vote #2, clarification: 2-0	Remind Subcommittee to double check language. Post vote - JD was going to work on language to show that the goal was to get the service provider in and out in a timely manner while providing recycling services to their customers.
28	Need incentives to help burgeoning companies and make sure that ordinance revisions do not inhibit their growth.	Committee agreed that the changes being made to the ordinance or programs should aid in growing green businesses and jobs.	No action required	Motion: Porter 2 nd : Fason Vote: 3-0	
29	Open up downtown contract area to allow for increased competition. Increased competition will allow for more innovation in ways to provide service.	Committee agreed that it supports the downtown district and is not ready to open the contract for open competition.	No action required	Motion: Porter 2 nd : Fason Vote: 3-0	
30	Plastic straw, Styrofoam cups and container waste	Committee agreed – not at this time.	Include in Phase 2 discussion with restaurants as an alternative compliance option	Motion: Porter 2 nd : Fason Vote: 3-0	
31	Styrofoam cups and containers	Committee agreed – not at this time.	Strike and combine with #30	Motion: Porter 2 nd : Fason Vote: 3-0	

RECYCLING ORDINANCE REFORM

Item #	Issue	Subcommittee Preliminary Recommendation	Action Required	Subcommittee Action	Staff Notes
32	<p>SERVICE PROVIDER ISSUES</p> <p>Hold processors and service providers to minimum standards to ensure materials are actually being recycled.</p>	<p>Amend Chapter 15 and Rules. Create a <u>registration certification</u> process for Recycling Processors and Haulers. No fee should be assessed upon recycling haulers.</p> <p>Certification Registration for Recycling Haulers. Upon request, recycling haulers shall submit:</p> <ul style="list-style-type: none"> Physical Address of Operation Proof of Insurance – annual commercial fleet policy Driver's licenses for drivers, CDL if applicable Proof that they are using the correct vehicle to transport materials (using elements approved by the hauler license fee) <p>Certification Registration for Recycling Processors. Upon request, recycling processors in the Austin City limits will submit to a random site inspection of their property to ensure that all elements of the City Code with regards to development, <u>and</u> nuisance issues—etc are being complied with.</p> <p>In turn, the City will list all haulers and processors that comply with the above stated rules/amendments on its website. However, in doing so, the City is not endorsing any service providers.</p> <p><u>Properties subject to this ordinance may either self haul on contract with a service provider. But the service provider must be a registered with the City.</u></p>	<p>If optional, amend rules only.</p> <p>If required, Amend Code Chapter 15</p> <p>Article 3 related to Licensing</p> <p>Article 6 related to Miscellaneous Prohibitions</p> <p>Article 7 related to Penalties</p>	<p>Vote: 2-0</p>	<p>If <u>registration certification</u> is required and businesses can only utilize certified haulers or processors, then Code amendment is required.</p> <p>If <u>registration certification</u> is optional, amend rules only to create and detail the <u>registration certification</u> program. Additionally, in order to receive the optional <u>registration certification</u> and be listed as a "<u>registered</u>" "certified" facility or service provider, the hauler must comply with the rules identified.</p> <p>Question – is this an option or a requirement?</p>
32.1	<p>Hold processors and service providers to minimum standards to ensure materials are actually being recycled.</p>	<p>Include language in enforcement portion of Code that includes proper handling of recyclables.</p> <p><u>Clarify that proper handling of recyclables involves transporting materials to a material recovery facility recognized by the state.</u></p>	<p>Amend Code Chapter 15</p>	<p>Vote: 2 – 0</p>	<p>Subcommittee discussed moving this item to Phase 2 discussion. Staff provides an alternative recommendation – to consider clarifying that proper handling of recyclables involves transporting materials to a material recovery facility recognized by the state.</p>

RECYCLING ORDINANCE REFORM
SWAC SUBCOMMITTEE RECOMMENDATIONS: Phase 1 (Expected Effective Date: October 2012)

Item #	Issue	Subcommittee Preliminary Recommendation	Action Required	Subcommittee Action	Staff Notes
	ENFORCEMENT				
33 TF5, TF15	Education requirement is difficult to monitor and enforce.	No changes. Committee agreed to maintain current education requirements.	No action required	Motion: Porter 2 nd : Fason Vote: 3-0	
	ADDITIONAL RECOMMENDATIONS				
34 TF3, TF7 – TF9	Evaluate market development	Include in resolution language the SWAC's desire to request that Council direct the City Manager to make recruitment of recycling oriented businesses and employment a priority for EGRSO.	Resolution Language	Motion: Porter 2 nd : Fason Vote: 3-0	
35	Evaluate Ecology Action contract to minimize unintended consequence of EA's inability to meet COA contract standards as materials are recycled via contracts and less via Ecology Action's drop off point.	Include in resolution language that COA shall not reduce or diminish its relationship with Ecology Action.	Resolution Language	Motion: Porter 2 nd : Fason Vote: 3-0	
36	Evaluate funding for public education campaigns, improvements to WRAP and WasteSmart programs, staffing for enforcement, etc	SWAC and City Council supports identifying public and private funding for pilot programs, public education campaigns, improvements to WRAP and WasteSmart, staffing for compliance, etc.	Resolution Language	Motion: Porter 2 nd : Fason Vote: 3-0	
37 TF36	Consistent with 2007 Task Force Recommendations, have recycling service providers get together and come up with a design standard for recycling enclosures in new and renovated green buildings.	SWS staff shall work with Permitting/Development Review, Commercial Design Standards, Austin Energy and other related Departments and service providers to develop design standards for recycling enclosures and interior spaces in new and renovated buildings.	Resolution Language	Motion: Porter 2 nd : Fason Vote: 3-0	
38 TF27	Consistent with 2007 Task Force Recommendations, every two years review the ordinance and guidelines and make recommendations to the SWAC concerning changes or modifications that may need to be implemented to further the program goals.	SWAC and staff shall review the ordinance and rules every two years.	Resolution Language	Motion: Porter 2 nd : Fason Vote: 3-0	

RECYCLING ORDINANCE REFORM

SWAC SUBCOMMITTEE RECOMMENDATIONS: Phase 1 (Expected Effective Date: October 2012)

Item #	Issue	Subcommittee Preliminary Recommendation	Action Required	Subcommittee Action	Staff Notes
	ADDITIONAL RECOMMENDATIONS				
39 TF18 – 22, TF31, TF32, TF34, TF35,	Make grammatical and general language fixes to the rules as identified in Task Force recommendations	Make grammatical and general fixes to the rules as listed in the 2007 Task Force Recommendations.	Resolution Language and Amend Rule	Motion: Porter 2 nd : Fason Vote: 3-0	

APPENDIX B

Austin Apartment Association

Position Statement



CITY OF AUSTIN MULTIFAMILY RECYCLING ORDINANCE

AAA Amended Recycling Proposals 6/8/2010

The Austin Apartment Association is a trade association that represents the majority of apartment owners and managers in the Greater Austin metropolitan area. Members of the association have long been committed to establishing a viable recycling program for residents of multifamily communities throughout Austin.

Over the past decade, our volunteer members have worked alongside SWAC members and the City of Austin SWS department to develop and implement the current multifamily recycling ordinance standards.

We cannot stress enough how a “one size fits all approach” will not work for small multifamily properties. Without modifications to an ordinance, it would be a great burden on small property owners and managers.

The following proposals are respectfully presented for your consideration.

I. *Recycling plan for properties with less than 100 units*

1. *YEAR 1* 75 or more units included in the mandatory recycling program
2. *Below 75 units*- These properties would not enter a mandatory period until SWS studies and provides solutions to the current pricing mechanisms for recycling services.

II. *Needed requirements for multifamily recycling program ordinance to be extended to properties with less than 100 units*

1. When there is limited available space on a property the owner shall be allowed to carve out from the required number of parking spaces one space to be used for recycling receptacles and not have to make up the space elsewhere on the property.
2. If a parking space cannot be carved out to place the recycling receptacles and owner has no other option than using the city right of way, the City of Austin should waive fees associated with the lease back of such areas.
3. Fees for recycling must be included on tenants' utility bill. Residents would feel more personally responsible for their own recycling efforts if they were required to pay for it like single-family homeowners currently do.
4. A property would have an option to use the City of Austin to provide recycling services or opt out for private services, depending on limitations of the property.
5. Small multifamily properties should only be required to participate in a recycling program if it is single-stream, due to the frequent contamination of materials being recycled.



CITY OF AUSTIN MULTIFAMILY RECYCLING ORDINANCE (10/26/09)

The Austin Apartment Association is a trade association that represents the majority of apartment owners and managers in the Greater Austin metropolitan area. Members of the association have long been committed to establishing a viable recycling program for residents of multifamily communities in Austin.

Over the past decade, our volunteer members have worked alongside SWAC members and the COA to develop and implement the current multifamily recycling ordinance standards.

We cannot stress enough how a “one size fits all approach” will not work for small multifamily properties. Without modifications to an ordinance, it would be a great burden on small property owners and managers.

The following items are respectfully presented for your consideration:

I. *Phased in recycling plan for properties with less than 100 units*

1. *YEAR 1* 75 or more units included in the recycling program
2. *YEAR 2* 50 or more units included in the recycling program
3. *YEAR 3* 26 or more units included in the recycling program
4. *1-25 units* to be provided recycling services by the City of Austin SWS

II. *Incentives for multifamily recycling program compliance for 99 units or less*

1. When there is limited available space on a property the owner shall be allowed to carve out from the required number of parking spaces one space to be used for recycling receptacles and not have to make up the space elsewhere on the property.
2. If a parking space cannot be carved out to place the recycling receptacles and owner has no other option than using the city right of way, the City of Austin should waive fees associated with the lease back of such areas.
3. The fees for recycling should be included on tenants’ utility bill (\$2-\$2.50) and deducted from the properties master electric or water meter. Residents would feel more personally responsible for their own recycling efforts if they paid for it.
4. A property would have an option to use the City of Austin to provide recycling services or opt out for private services, depending on limitations of the property.

III. *Other considerations*

1. Small multifamily properties should only be required to participate in a recycling program if it is single-stream, due to the frequent contamination of materials being recycled.
2. The City of Austin should restrict the fees that haulers may charge for recycling services.
3. The city should mandate that haulers be required to pick up recycling carts wherever they are placed on the property.