

## **Hauler Ordinance – Proposed Amendments**

### **Intent of Amendments:**

- 1) Reduce compliance requirements from quarterly to annual
- 2) Provide enhanced enforcement against non-compliant haulers
- 3) Support the reporting requirements of the Universal Recycling Ordinance
- 4) Require a physical annual safety inspection
- 5) Technical corrections

---

### **Amendments Notations:**

§ 15-6-44: Reduce reporting requirements from quarterly to annual, and specify type of information to be required.

§ 15-6-45: Technical correction to define “competent” driver as a commercially licensed driver.

§ 15-6-46: Increase time period from 10 days to 60 days for reporting of changes to company ownership.

§ 15-6-51: New requirement for annual physical inspection of vehicles.

§ 15-6-52: Reporting requirement as noted in Section 15-6-44. Deletion of claims requirement.

§ 15-6-54: Decal placement changed to side of door.

§ 15-6-55: Deleted section regarding temporary decal.

§ 15-6-56: Reduce reporting requirements from quarterly to annual.

§ 15-6-59: New Section regarding enforcement provisions.

---

### **Education**

- Web-site posting of licensed haulers
- Coordination with Development and Planning Office (building permits)
- Building and construction trade association presentations
- Hauler trade association presentations
- Staff Training to APD and State Dept of Public Safety

## **Enforcement**

- Class C Misdemeanor – Fee based fines
  - Prohibition to haul within City if not licensed
  - Code Enforcement staff – Compliance/Enforcement/Citations
  - APD Citation on stopped vehicles (authority being researched)
  - Pro-Active Enforcement = City staff (4) surveying streets and haul sites
  - Moderate Enforcement = City staff (2) surveying streets and responding to complaints
  - Passive Enforcement = City staff (1) responds only to complaints
- 

## **Current Annual Fees**

Vehicle and Containers fees are established annually through the City Council fee schedule approval process.

Current FY12 Fees are as follows:

Annual fee per collection vehicle \$100.00 /vehicle  
Monthly fee per one to ten cubic yard container (billed quarterly) \$2.85 each

---

## **Active Enforcement – Scenario A**

Pro-Active Enforcement = City staff (4) surveying streets and haul sites

Proposed Fees as recommended based on cost of service provided:

Annual fee per collection vehicle \$100.00 /vehicle  
Monthly fee per one to ten cubic yard container (billed annually) \$10.00 each

Estimated annual revenues from proposed fees:      \$610,000

Estimated annual expenses for ordinance support:

|                                       |                                    |
|---------------------------------------|------------------------------------|
| Vehicle inspections and decals:       | \$ 75,000                          |
| Accounting / Billing services:        | \$ 45,000                          |
| Education and Awareness of ordinance: | \$100,000                          |
| Enforcement of ordinance:             | \$390,000                          |
| Annual Reports Analysis & Compliance  | \$0 (no charge to hauler fee fund) |

Total Projected Annual Expenses:      \$610,000

---

### **Moderate Enforcement – Scenario B**

Moderate Enforcement = City staff (2) surveying streets and responding to complaints

Proposed Fees as recommended based on cost of service provided:

Annual fee per collection vehicle \$100.00 /vehicle

Monthly fee per one to ten cubic yard container (billed annually) \$6.00 each

Estimated annual revenues from proposed fees: \$370,000

Estimated annual expenses for ordinance support:

|   |                                    |
|---|------------------------------------|
| Vehicle inspections and decals:         | \$ 75,000                          |
| Accounting / Billing services:          | \$ 45,000                          |
| Education and Awareness of ordinance:   | \$100,000                          |
| Enforcement of ordinance:               | \$150,000                          |
| Annual Reports Analysis & Compliance    | \$0 (no charge to hauler fee fund) |
| <b>Total Projected Annual Expenses:</b> | <b>\$370,000</b>                   |

---

### **Passive Enforcement – Scenario C**

Passive Enforcement = City staff (1) responds only to complaints

Proposed Fees as recommended based on cost of service provided:

Annual fee per collection vehicle \$100.00 /vehicle

Monthly fee per one to ten cubic yard container (billed annually) \$4.00 each

Estimated annual revenues from proposed fees: \$250,000

Estimated annual expenses for ordinance support:

|   |                                    |
|---|------------------------------------|
| Vehicle inspections and decals:         | \$ 75,000                          |
| Accounting / Billing services:          | \$ 45,000                          |
| Education and Awareness of ordinance:   | \$100,000                          |
| Enforcement of ordinance:               | \$ 30,000                          |
| Annual Reports Analysis & Compliance    | \$0 (no charge to hauler fee fund) |
| <b>Total Projected Annual Expenses:</b> | <b>\$250,000</b>                   |

---

## PROPOSED ORDINANCE REVISIONS

### Proposed changes in stikeout deletions and red additions

#### § 15-6-41 APPLICABILITY.

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.*

#### § 15-6-42 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.

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

- (1) be fitted with a substantial, tight-fitting enclosure that is free of any cracks or breaks and that has side boards and head boards of not less than 24 inches in height and a tail board of not less than 18 inches in height, to prevent waste material from being scattered or thrown onto the streets;
- (2) be equipped with a closely fitting cover that must be used to prevent the escape of loose material or effluvia; and
- (3) be equipped with any other equipment required to comply with all applicable federal and state motor vehicle safety standards.

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

- (1) have a tight-fitting cover to prevent spillage;

(2) when carrying cans to transport wet solid waste material, use only cans equipped with tight-fitting lids and holding chains so that the cans will not turn over and spill;

(3) not have any drain holes in the sides of the vehicle and may have drain holes in the deck of the vehicle or on containers only if they are capped to prevent spillage or leakage; and

(4) be equipped with any other equipment required to comply with all applicable federal and state motor vehicle safety standards.

(E) Before any vehicle not listed in the application for a private solid waste collection license may be placed in service, the licensee must provide written notice to the director of the proposed use of a new or additional vehicle.

*Source: 1992 Code Section 12-3-61; Ord. 031204-14; Ord. 031211-11; Ord. 20090312-014; Ord. 20090521-017.*

#### **§ 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 collection, storage, or disposal of solid waste that are owned or serviced by the licensee, with the customer number and the location of each container.

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

**Deleted:** a quarterly

(C) A licensee who provides recycling service under [Article 5 \(Universal Recycling\)](#) shall file an annual report with the department that includes:

**Deleted:** biannual

(1) the amount (in tons) and type of recyclable materials collected utilizing a city-issued form, based on a calendar year and submitted by January 31<sup>st</sup> of each year ; and

(2) other information required by the director.

Source: 1992 Code Section 12-3-83; Ord. 031204-14; Ord. 031211-11; Ord. 20101104-018.

#### § 15-6-45 DRIVERS.

(A) A licensee shall employ commercial vehicle licensed drivers to drive its solid waste collection vehicles.

Deleted: competent

(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.

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

A licensee shall provide written notice to the director within 60 days of a change in:

Deleted: 10

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

Source: Ord. 20090312-014.

#### § 15-6-47 HAZARDOUS WASTE MATERIAL.

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

Source: Ord. 20090312-014.

#### Division 2. Licensing.

#### § 15-6-51 LICENSE REQUIRED.

(A) To operate a private collection service, 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) Each vehicle to be licensed shall receive a physical inspection once a year, to assure compliance under this article. Inspections will be performed by City staff at a selected location every January.

**Deleted:** December

(D) A license expires at midnight on **January** 31 of the **following** year in which it is issued.

(E) Vehicles placed in service during the calendar year shall be scheduled for inspection within 30 days of initial use on City streets.

**Deleted:** D

(E) 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) annual tonnage reporting as required in Section 15-6-44;

**Deleted:** (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 and each additional vehicle approved by the director under Section [15-6-42](#).

(B) A licensee shall display the decal on the driver side door of the vehicle.

**Deleted:** in

**Deleted:** upper passenger

**Deleted:** corner of the front windshield

*Source: 1992 Code Sections 12-3-82(A) through (C) and 12-3-62(C); Ord. 031204-14; Ord. 031211-11; Ord. 20090312-014.*

#### **§ 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 not later than the 60th day after the end of the calendar year for which the fee is due.

**Deleted:** § 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.¶*

**Deleted:** quarterly

**Deleted:** on or before the first day of January, April, July, and October of each year

**Deleted:** quarter

**Deleted:** quarterly

(D) The department shall charge a licensee a container fee set by the city council. The department shall calculate the fee based on the number of containers in service and the number of days a container is in service.

(E) A licensee shall pay the container fee annually. A licensee shall pay the accrued container fee not later than the 60th day after the end of the calendar year for which the fee is due.

*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 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.

## § 15-6-59 ENFORCEMENT

A vehicle hauling solid waste and not licensed under this article shall not be permitted to collect and haul solid waste from any site within the City. Violations of this article shall be deemed as follows:

- (1) First Offence: \$xxx.00
- (2) Any subsequent Offence: \$x,xxx.00

The Director shall establish an enforcement program that includes hauler education, contractor education, and periodic inspections of hauling vehicles.

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

Deleted: 59

## § 15-6-60 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.

*Source: 1992 Code Section 12-3-87; Ord. 031204-14; Ord. 031211-11.*