

ARTICLE 3. PRIVATE SOLID WASTE COLLECTION SERVICE.

Proposed Ordinance Amendments

Revised 2/7/12

Ordinance applies to “private solid waste collection service”

Intent of Amendments:

- 1) Provide enhanced enforcement against non-compliant haulers
- 2) Ensure haul vehicles are safe on city streets
- 3) Reduce compliance requirements from quarterly to bi-annual
- 4) Require documentation of a state annual vehicle inspection
- 5) Support the reporting requirements of the Universal Recycling Ordinance
- 6) Technical corrections

DEFINITIONS

Current Ordinance:

- COLLECTION SERVICE means scheduled collection and disposition of solid waste and recyclables.
- PRIVATE SOLID WASTE COLLECTION SERVICE means the business of collecting, removing, or transporting solid waste from any premises within the city limits for a fee.
- RECYCLABLE MATERIAL shall mean material that has been recovered or diverted from the nonhazardous solid waste stream for purpose of reuse, recycling or reclamation and a substantial portion of which is consistently used in the manufacture of products, which may otherwise be produced using raw or virgin materials.
- RECYCLING shall mean a process by which materials are collected, sorted, processed, or prepared into marketable commodities for manufacturing into new products.
- SOLID WASTE means rubbish, refuse, and other discarded materials.
- SOLID WASTE SERVICE means collection and disposal of solid waste, collection and processing of recyclable material, litter abatement, street cleaning, and household hazardous waste disposal.

Proposed Amendments:

No Changes.

EXEMPTIONS TO ORDINANCE REQUIREMENTS

Current Ordinance:

Current Exemptions include City employees, governmental transport of solid waste, slop or swill hauler, and single-family residences private hauler service.

Proposed Amendments:

- Metal Recycling Companies (exempt from all provisions except reporting requirements)
 - Residential home owner that hauls refuse from his/her single-family residence.
 - Vehicles that weigh less than 9,000 lbs.
 - Medical Waste, Liquid Waste, and Hazardous Waste hauls (regulated through other city code)
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VEHICLES AND EQUIPMENT

Current Ordinance:

Registration, sanitary and safety standards for solid waste collection vehicles and equipment.

Proposed Amendments:

- Documentation of Annual DOT Inspection of each vehicle through a Certified Texas Department of Public Safety inspection, to assure compliance under this section.
- Vehicles placed in service during the calendar year shall submit documentation of a certified Annual DOT Inspection within 30 days of initial use on City streets.

REPORTING REQUIREMENTS

Current Ordinance:

Provide Quarterly Report to City with list of collection containers.

Provide Bi-Annual Report to City on recycling tons collected.

Proposed Amendments:

- Reduce reporting requirements from quarterly to bi-annual .
- Change reporting requirement from “list” to “number” of collection containers.
- Reporting periods: Jan 1 – June 30 and July 1 – Dec 31.
- Specify type of information to be required, including estimated gross tons hauled of solid waste, recyclables and organics (to support Universal Recycling Ordinance diversion goals)
- Note: No requirements to provide information per site.

DRIVERS

Current Ordinance:

Must employ competent drivers to drive its solid waste collection vehicles.

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

Proposed Amendments:

Delete: Must employ competent drivers to drive its solid waste collection vehicles.

LICENSE REQUIRED

Current Ordinance:

To operate a private collection service, a person must obtain a license from the City.

Proposed Amendments:

No Changes.

LICENSE PREREQUISITES

Current Ordinance:

To acquire license, hauler must submit statement of liability claims, a certificate of insurance, and required fees.

Proposed Amendments:

- State of Texas issued DOT Inspection certification for each vehicle must be presented annually.
- Compliance with reporting requirements (noted above)

CITY LICENSE DECAL

Current Ordinance:

License decal displayed “in the upper passenger side corner of the front windshield.”

Proposed Amendments:

- Decal placement changed to both side of doors. (for purposes of enhanced enforcement)
- Container decal to be affixed to every container registered in the City.
- Provisions for temporary use containers.

TEMPORARY DECAL FOR NEW AND REPLACEMENT VEHICLES

Current Ordinance:

A licensee must obtain a 30 day temporary decal for a vehicle that is temporarily substituted for a vehicle subject to the license.

Proposed Amendments:

- A licensee must obtain a temporary decal for a new vehicle placed in service more than 30 days before the end of the calendar year.
- The director may exempt vehicles from decal requirements if placed into temporary service due to response to a local or natural emergency.

LICENSE FEES

Current Ordinance:

Licensee pays an annual operation fee set by the city council.

No additional fee for a vehicle that replaces a vehicle permitted during the same permit year.

Annual per truck fee and quarterly per container fee assessed.

Proposed Amendments:

- Reduce fee payment requirements from quarterly to bi-annual.

APPEAL

Current Ordinance:

Appeal to City Council regarding a denial of a license.

Proposed Amendments:

- First appeal to Director, Second appeal to City Manager, Third appeal to City Council.
 - Rules developed to establish appeal process.
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IMPLEMENTATION STRATEGIES

EDUCATION AND OUTREACH

- Authorized license hauler list provided to builder permit holders, and posted on City web-site.
- Education through building permit process (Development and Planning Office)
- Building and construction trade association presentations
- Partnership with support agencies (TCEQ, CAPCOG, Travis County, Williamson County)

COMPLIANCE

- City-wide field compliance inspections
- Illegal dumping investigations and camera monitoring of suspect sites
- Compliance field checks of construction sites, tire haulers, roofers, landscapers, etc.
- City contract compliance of vendors servicing city departments

ENFORCEMENT

- Enhanced Enforcement through Code Compliance Department and Austin Police Department
- Fee based fines – City Code Article 7 § 15-6-121 through § 15-6-128
- Penalties – Not less than \$100, not more than \$2,000 each offense
- Prohibition to haul within City if not licensed

CURRENT ASSESSED 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 \$2.85 each container (\$34.20 per year)

PROPOSED FEES

- Annual fee per collection vehicle \$50.00 /vehicle/six-months (\$100/year)
- Annual fee per one to forty cubic yard container \$10.00/container/six-months (\$20/year)

Estimated annual revenues from proposed fees:

- 250 Vehicles x \$50.00 bi-annual x 2: \$ 25,000
- 40,000 Containers x \$10.00 bi-annual x 2: \$800,000
- Total Projected Annual Revenues: **\$825,000***

*Based on full compliance of fee submittal and estimated total vehicles and containers

ESTIMATED COST OF SERVICE

Pro-Active Enforcement = Code Compliance staff surveying streets and haul sites

Administration = Fee collection, reporting assistance, web-posting, public education

Estimated annual expenses for ordinance support:

- Administration/Accounting/Billing services/ Enforcement Assistance: \$ 75,000
- Education and Awareness of ordinance: \$ 200,000
- Enforcement of ordinance (staff & vehicles): \$ 550,000
- Total Projected Annual Expenses: **\$ 825,000**