

ARTICLE 3. PRIVATE SOLID WASTE COLLECTION SERVICE.
Proposed Ordinance Amendments

Revised 5/3/12

Ordinance applies to “private solid waste collection service”
Article 7 § 15 – Austin City Code

PURPOSE OF ORDINANCE

The purpose of the ordinance is to provide assurance of sanitary and safety standards for solid waste collection vehicles and containers, to support the prevention of illegal dumping, to provide for illegal dump clean-up, and to support the diversion reporting requirements of the City of Austin Universal Recycling Ordinance.

The following amendments of the current ordinance are recommended to support the purpose of the ordinance:

- 1) Provide enhanced enforcement against non-compliant haulers
 - 2) Ensure haul vehicles are safe on city streets
 - 3) Require documentation of a state annual vehicle inspection and insurance
 - 4) Support the reporting requirements of the Universal Recycling Ordinance
 - 5) Technical corrections
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DEFINITIONS

Current Ordinance:

- COLLECTION SERVICE means scheduled collection and disposition of solid waste and recyclables.
- DEPARTMENT means the Department of Solid Waste Services.
- DIRECTOR means the director of the Solid Waste Services Department.
- 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:

- CONTAINER means permanent collection receptacle intended to contain and collect solid waste and/or recyclable material.
 - DEPARTMENT means the Code Compliance Department, as related to applicable Department responsibilities.
 - DIRECTOR means the Director of the Code Compliance Department, as related to applicable Department responsibilities.
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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:

- Medical Waste, Liquid Waste, and Hazardous Waste hauls (regulated through other city codes)
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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 State Vehicle Inspection of each vehicle, to assure compliance under this section.
 - Vehicles placed in service during the license year shall submit documentation of an Annual State Vehicle Inspection prior to use on City streets.
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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:

- Semi-Annual Material / Tonnage Reporting periods: Jan 1 - Jun 30, July 1 - Dec 31.
 - Report due dates: Jan 31 & July 31 (Note: Web-based electronic reporting.)
 - 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)
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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 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 Vehicle Inspection certification for each vehicle must be presented annually.
 - Updated insurance coverage amounts in Certificate of Insurance (\$1,000,000).
 - Compliance with semi-annual reporting requirements (as noted above in this Section)
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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 the front visible face of every container registered in the City.
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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 replacement vehicle placed in service 30 days or less during the calendar year.
 - A Licensee must obtain a permanent decal for a new or replacement vehicle placed in service more than 30 days. (Fees will be prorated per month for time in service.)
 - Factory demonstration vehicles are exempt from licensing and decal requirements if utilized less than 10 days. (Must notify City 2 days in advance of deployment of factory demos.)
 - The director may exempt vehicles of current licensee from decal requirements if placed into temporary service due to response to a local or natural emergency. (Director’s Rules)
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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 Licensed during the same License year.

Annual per truck fee and quarterly per container fee assessed.

Proposed Amendments:

- Container Fee quarterly periods: Jan 1 - Mar 31, Apr 1 - Jun 30, July 1 - Sep 30, Oct 1 - Dec 31.
 - Truck Annual fee period: Jan 1 – Dec 31.
 - Fees due within 30 days after license period.
 - Late Fee Collection: Double Fee assessment if payment is 30 days late
 - Container license decals are not transferrable to another container.
 - Containers and Vehicles exclusively utilized and labeled to collect recyclables are exempt from licensing fees, but shall display blue recycling license decal.
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APPEAL

Current Ordinance:

Appeal to City Council regarding a denial of a License.

Proposed Amendments:

- First appeal to Director, Second appeal to City Manager.
 - All stakeholders have the ability to speak to City Council on their concerns regarding this ordinance.
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ENFORCEMENT

Referenced to City Code Article 7 § 15-6-121 through § 15-6-128

- Enhanced Enforcement through Code Compliance Department
 - Fee based fines and Penalties – Not less than \$100, not more than \$2,000 each offense
 - Non Compliance may result in loss of License to haul within City
 - Prohibition to load a vehicle and haul solid waste or recyclables within City if not Licensed or Exempted from Ordinance.
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COST OF SERVICE ASSESSMENT

CURRENT ASSESSED FY2012 FEES

Vehicle and Containers fees are established annually through the City Council fee schedule approval process. Current FY2012 Fees are as follows:

- Annual fee per collection vehicle \$100.00 /vehicle/year
 - Monthly fee per one to ten cubic yard container \$2.85 /container/month (\$34.20 per year)
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PROPOSED FY2013 FEES

- Annual fee per collection vehicle \$25.00 /vehicle/quarterly (\$100.00/year)
- Annual fee per one to nine cubic yard container \$ 9.00 /container/quarterly (\$36.00/year)

* Fees adjusted annually through Council adopted Budget, calculated through a Cost of Service analysis.

Estimated annual revenues from proposed fees:

- 257 Vehicles x \$25.00 quarterly x 4: \$ 25,700
- 22,000 Containers x \$9.00 quarterly x 4: \$792,000
- Total Projected Annual Revenues: **\$817,700***

*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:

- Total Projected Annual Expenses: **\$ 820,318**
 - Based on annual Cost of Service Study, submitted through City Council Budget Process
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IMPLEMENTATION STRATEGIES

EDUCATION AND OUTREACH

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

May 4th posting for ZWAC

May 4th distribution to Haulers

May 7th Hauler Stakeholder Meeting

May 9th ZWAC Meeting and recommendation

May 11th Council Posting

May 24th Council agenda for adoption
