

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 15-6 OF THE CITY CODE
RELATING TO SOLID WASTE SERVICES.

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

PART 1. City Code Section 15-6-1 (*Definitions*) is amended to amend the definition of “Private Solid Waste Collection Service” to read as follows:

(11) PRIVATE [~~SOLID WASTE~~] COLLECTION SERVICE means the collection [~~business of collecting~~], removal [~~removing~~], or transportation [~~transporting~~] of solid waste from any premises within the City for a fee. An individual that removes or transports solid waste in a vehicle with one ton or less carrying capacity and the solid waste is generated from his residence is not a private collection service.

PART 2. City Code Section 15-6-11(*Collection Service*) is amended to read as follows:

§ 15-6-11 COLLECTION SERVICE.

- (A) Except as provided in Section 15-6-13(A), t[F]he department shall make collection service available to all premises in the city.
- (B) The department shall charge the fee prescribed by the city council for service.
- (C) Except as provided in Subsections 15-6-13(A), owners or occupants of residential properties with three or fewer dwelling units must use City of Austin collection services.
- (D) An individual that removes or transports solid waste from his residence is not entitled to credit on his account.
- (E) Residential properties with four or more dwelling units that do not use City of Austin’s collection services must use a licensed private collection service.
- (F) Commercial properties that do not use City of Austin’s collection services must use a licensed private collection service.

PART 3. City Code Section 15-6-13 (*Private Collection Service*) is amended to read as follows:

§15-6-13 PRIVATE COLLECTION SERVICE.

- (A) The director may arrange for or require a person to obtain licensed private collection service, if the director determines that the person or property under control of the person cannot be adequately served by the City.
- (B) The owner or other person in charge of a property subject to this chapter may decline collection service through a written agreement with the City. The department may not charge for collection service at the affected property while the agreement is in effect.
- (C) The department may not charge a person who obtains licensed private collection service.

PART 4. City Code Section 15-6-41 (*Applicability*) is amended to read as follows:

§15-6-41 APPLICABILITY.

This article does not apply to:

- (1) a City employee acting within the course and scope of the person's duty as a City employee or an agent of the city;
- (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) vehicles hauling medical waste, liquid waste, or hazardous waste [a private collection service that hauls refuse from single family residences only,].
- ~~[(5) vehicles hauling medical waste, liquid waste, or hazardous waste.]~~

PART 5. City Code Section 15-6-64 (*Decal*) is amended to read as follows:

§15-6-54 DECAL.

- (A) The code compliance director shall issue a decal to a licensee for each refuse collection vehicle [~~each container included in the license,~~] and each additional vehicle approved by the code compliance director under Section 15-6-42 (*Vehicles and Equipment*).

(B) A licensee shall display the vehicle decal, including temporary decals, on both the driver and passenger side doors of the vehicle in a location that can be seen by the public at all times.

~~[(C) A licensee shall display the container decal on the front face of every container described in the license.]~~

PART 6. City Code Section 15-6-56 (*License Fees*) is amended to read as follows:

§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 vehicle operating fee on or before the last business day in January of each year.
- (D) The department shall charge a licensee a container fee set by separate ordinance ~~[the city council]~~. The department shall calculate the monthly fee based on the number of containers placed in service during any month in the calendar year ~~[and the number of days a container is in service]~~.
- (E) A licensee shall pay the monthly container fee ~~[quarterly. A licensee shall pay the accrued container fee]~~ not later than the 30th day after the end of the calendar quarter for which the fee is due.
- (F) The City may charge an additional fee to be set annually by City Council if the licensee does not pay the vehicle or container fee on or before the date it is due. A late penalty will be based on the monthly ~~[annual]~~ container fee.
- (G) Containers and vehicles that are exclusively utilized and labeled for the collection of recyclables ~~[and have a blue recycling decal,]~~ are exempt from license fees.

PART 7. This ordinance takes effect on _____, 2014.

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2 **PASSED AND APPROVED**
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6 _____, 2014

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Lee Leffingwell
Mayor

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11 **APPROVED:** _____
12 Karen M. Kennard
13 City Attorney
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ATTEST: _____
Jannette S. Goodall
City Clerk