

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:

- (16) 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.

**PART 2.** City Code Sections 15-6-11 (*Collection Service*) and 15-6-13 (*Private Collection Service*) are amended to read as follows:

**§ 15-6-11 COLLECTION SERVICE.**

- (A) Except as provided in Section 15-6-13, t[F]he department shall make collection service available to all premises in the City.
- (B) Except as provided in Subsection (E) and by rule, a person in control of premises with less than five residential dwelling units shall use department collection services.
- (C) The department shall charge the fee prescribed by the city council for the service.
- (D) An individual may remove or transport solid waste generated from his or her residence in a vehicle with one ton or less carrying capacity. Removal of waste in this manner does not entitle the person to a credit on his or her City of Austin account.
- (E) A person in control of a premise that used a licensed private collection service before November 20, 2014, may continue to use a licensed private collection service.

**§ 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 premises cannot be adequately served by the City.
- (B) The owner or other person in control [~~charge~~] of premises [~~property~~] subject to this chapter may decline collection service through a written agreement

1 with the City. The department may not charge for collection service at the  
2 affected premises ~~[property]~~ while the agreement is in effect.

3 (C) The department may not charge a person who obtains licensed private  
4 collection service under this section.

5 (D) Except as provided in Subsection (F), a person in control of premises with  
6 five or more residential dwelling units shall use a licensed private collection  
7 service.

8 (E) Except as provided in Subsection (F), a person in control of a commercial  
9 premise shall use a licensed private collection service.

10 (F) A person in control of premises that used department collection services  
11 before November 20, 2014, may continue to use department collection  
12 services.

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14 **PART 3.** City Code Section 15-6-41 (*Applicability*) is amended to read as follows:

15 **§15-6-41 APPLICABILITY.**

16 This article does not apply to:

17 (1) a City employee acting within the course and scope of the person's  
18 duty as a City employee or an agent of the City;

19 (2) the operator of a vehicle owned by a governmental body and used to  
20 transport the governmental body's solid waste;

21 (3) a slop or swill hauler who complies with Section 10-5-62 (*Permit*  
22 *Required for Slop and Swill Hauler*); or

23 (4) vehicles hauling medical waste, liquid waste, or hazardous waste [a  
24 private collection service that hauls refuse from single family  
25 residences only,].

26 [~~(5) vehicles hauling medical waste, liquid waste, or hazardous waste.~~]

27 **PART 4.** City Code Section 15-6-54 (*Decal*) is amended to read as follows:

28 **§15-6-54 DECAL.**

29 (A) The code compliance director shall issue a decal to a licensee for each refuse  
30 collection vehicle ~~[, each container included in the license,]~~ and each  
31 additional vehicle approved by the code compliance director under Section  
32 15-6-42 (*Vehicles and Equipment*).

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

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

3       **PART 5.** City Code Section 15-6-56 (*License Fees*) is amended to read as follows:

4       **§15-6-56    LICENSE FEES.**

- 5           (A) The department shall charge a licensee an annual operation fee set by the  
6           city council. The department shall calculate the fee based on the number of  
7           vehicles used in the private collection service's operation. The department  
8           shall prorate the fee charged for a vehicle that is added to the service's  
9           operation during the calendar year.
- 10          (B) The department may not assess an additional fee for a vehicle that replaces a  
11          vehicle permitted during the same permit year.
- 12          (C) A licensee shall pay the annual vehicle operating fee on or before the last  
13          business day in January of each year.
- 14          (D) The department shall charge a licensee a container fee set by separate  
15          ordinance ~~[the city council]~~. The department shall calculate the monthly fee  
16          based on the number of containers placed in service during any month in the  
17          calendar year ~~[and the number of days a container is in service]~~.
- 18          (E) A licensee shall pay the monthly container fee ~~[quarterly. A licensee shall~~  
19          ~~pay the accrued container fee]~~ not later than the 30<sup>th</sup> day after the end of the  
20          calendar quarter for which the fee is due.
- 21          (F) The City may charge an additional fee to be set annually by City Council if  
22          the licensee does not pay the vehicle or container fee on or before the date it  
23          is due. A late penalty will be based on the monthly ~~[annual]~~ container fee.
- 24          (G) Containers and vehicles that are exclusively utilized and labeled for the  
25          collection of recyclables ~~[and have a blue recycling decal,]~~ are exempt from  
26          license fees.

27       **PART 6.** 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  
14

**ATTEST:** \_\_\_\_\_  
Jannette S. Goodall  
City Clerk