

ORDINANCE NO. 20141211-202

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 City Code Sections 15-6-11 (*Collection Service*) and 15-6-13 (*Private Collection Service*) are repealed and replaced to read as follows:

§15-6-11 COLLECTION SERVICES.

- (A) Except as provided in this chapter, the department shall make collection service available to all premises in the City.
- (B) The fee for department collection services will be established by separate ordinance.
- (C) Except as provided in Subsections (D) and (F) and by rule, a person in control of a premises with less than five residential dwelling units shall use department collection services.
- (D) A person in control of a premises described in Subsection (C) may use a licensed private collection service for solid waste generated in connection with construction activities occurring on that premises.
- (E) 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 solid waste in this manner does not entitle the person to a credit on his or her City of Austin account.
- (F) A person in control of a premises serviced by a licensed private collection service before January 1, 2015, may continue to use a licensed private collection service for that premises. Under this subsection, if the person in control changes, the person may continue to use a private collection service for the premises.
- (G) Collection services provided by the department or under contract with the City are not private collection services.
- (H) A person in control of a premises subject to this section may decline department collection services through a written agreement with the City.

The City may not charge for collection services at the affected premises while the agreement is in effect.

- (I) The director may require a person to obtain licensed private collection service for any premises if the director determines that the premises cannot be adequately served by the City.
- (J) The City may not charge a person who obtains a licensed private collection service under this section.

§15-6-13 PRIVATE COLLECTION SERVICE.

- (A) Except as provided in Subsection (C), a person in control of a premises with five or more residential dwelling units shall use a licensed private collection service.
- (B) Except as provided in Subsection (C), a person in control of a commercial premises shall use a licensed private collection service.
- (C) A person in control of a premises serviced by the department before January 1, 2015, may continue to use department collection services for that premises. Under this subsection, if the person in control changes, the person may continue to use department collection services for the premises.
- (D) The City may not charge a person who obtains a licensed private collection service under this section.

PART 3. 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 4. City Code Section 15-6-54 (*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 5. 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 6. This ordinance takes effect on January 1, 2015.

PASSED AND APPROVED

December 11, 2014

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Lee Leffingwell
Mayor

APPROVED: _____
Karen M. Kennard
City Attorney

ATTEST: _____
Jannette S. Goodall
City Clerk