

WHEREAS the Universal Recycling Ordinance (URO) is a central part of Austin’s Zero Waste Master Plan, and

WHEREAS successive groups of businesses have come under the ordinance on October 1, 2012, 2013 and 2014, and

WHEREAS ARR staff reported to the Zero Waste Advisory Commission (ZWAC) in April of 2014 that fully 67% of affected businesses to that point were not in compliance with at least one requirement of the ordinance, and

WHEREAS Section 8.15.3 provides for a 12-month “Implementation Period” wherein no enforcement may be taken unless the property fails to make a “good faith effort” at compliance, and

WHEREAS “good faith effort” is never defined, and

WHEREAS the practical effect of Section 8.15.3 has been to delay compliance by a full year, and

WHEREAS enforcement of this ordinance is expensive and difficult, requiring at least two site visits prior to enforcement action from Code Compliance—at least three visits from city staff prior to enforcement action, and

WHEREAS 28% of affected businesses had failed to even file the requisite recycling plan as of April 1, 2014, and

WHEREAS there are multi-family housing complexes in the city providing valet trash service while requiring residents to cart their own recycling, and

WHEREAS San Antonio’s multi-family housing recycling ordinance has successfully required waste valet services to cover recycling as well, and

WHEREAS multi-family housing only has to provide 6.4 gallons of capacity per unit per week while ARR residential customers get 48.5 gallons per household per week, and

WHEREAS Section 8.13.12.3 says that the ARR Director reserves the right to reevaluate and change the multifamily service capacity requirements effective after October 1, 2014, and

WHEREAS ARR staff has said that they cannot begin site inspections without a complaint being filed, even if they can see that a property is in violation, and

WHEREAS Section 8.15.1 of the Administrative Rules for the Universal Recycling Ordinance says “City of Austin staff have the right to visit and inspect the premises,” Section 8.15.2 says “onsite inspection, with or without notice, may be conducted by City staff to verify compliance,” and Section 8.15.6.1 says site visits “can be triggered by staff review or by a complaint,”

THEREFORE BE IT RESOLVED that the Zero Waste Advisory Commission recommends the following changes to the administrative rules for the Universal Recycling Ordinance:

1. Section 8.15.3 should be amended from 12 months to 3 months
2. Section 8.15.7, "Second Written Notice of Non-compliance" be struck, with conforming changes made to the rest of the rules, thus requiring only a single warning before compliance action is taken
3. Failure to comply with Section 8.5 "Recycling Plans" should trigger enforcement action
4. Valet services for trash be required to collect recycling in a similar manner

BE IT FURTHER RESOLVED that the ZWAC advises the ARR Director to provide a specific definition of "good faith effort" at compliance as the Director is authorized to do in Section 8.15.3, and

BE IT FURTHER RESOLVED that the ZWAC advises the ARR Director to begin reevaluating multifamily service capacity requirements and begin increasing these capacity requirements to approach the capacity provided for residents of single-family dwellings as the Director is authorized to do in Section 8.13.12.3, and

BE IT FURTHER RESOLVED that the ZWAC advises the ARR Director to inform all department staff that, by rule, they may begin the inspection and enforcement process even without a complaint having been filed.