

ORDINANCE NO. 20230921-004

AN ORDINANCE AMENDING CITY CODE SECTIONS 15-6-91, 15-6-92, AND 15-6-93 RELATING TO RECYCLING AND DIVERSION OF ORGANIC MATERIALS AND APPROVING RELATED CHANGES TO AUSTIN RESOURCE RECOVERY ADMINISTRATIVE RULES CHAPTERS 8.0 AND 11.0.

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

PART 1. City Code Section 15-6-91 (*Affected Premises*) is amended to read:

§ 15-6-91 AFFECTED PREMISES.

(A) The responsible party for a premises of which all or part is used for multi-family residential use shall:

- (1) ensure that tenants and employees have access to on-site recycling services described under this article, for that portion of the premises that is multi-family residential; and
- (2) after October 1, 2024, and for premises with five or more dwelling units, ensure that tenants and employees have access to composting services described under this article, for that portion of the premises that is multi-family residential.

~~[, effective:~~

- ~~(1) immediately for premises with 75 or more dwelling units;~~
- ~~(2) October 1, 2013 for premises with 50 or more but less than 75 dwelling units;~~
- ~~(3) October 1, 2014 for premises with 25 or more but less than 50 dwelling units;~~
- ~~(4) October 1, 2015 for premises with 10 or more but less than 25 dwelling units; and~~
- ~~(5) October 1, 2016 for premises with 5 or more but less than 10 dwelling units.]~~

- (B) The responsible party for a premises of which all or part is used for office, medical office, medical facilities, religious assembly, or private educational facilities shall ensure that tenants and employees have access to on-site recycling services described under this article, for that portion of the premises that has one or more of the uses described in this Subsection (B). ~~]~~
~~effective:~~
- ~~(1) immediately for premises with more than 100,000 square feet of the non-residential uses described in this Subsection (B); and~~
- ~~(2) October 1, 2013 for premises with more than 75,000 square feet and up to 100,000 square feet of the non-residential uses described in this Subsection (B).]~~
- (C) The requirements in Subsection (D) of this section are in addition to the requirements in Subsections (A) and (B) of this section.
- (D) The responsible party for a premises of which all or part is used for non-residential use, including but not limited to those uses described in Subsection (B) of this section and also including hotels and lodging, grocery stores, and commercial businesses, shall ensure that tenants and employees have access to on-site recycling services described under this article.
~~]~~
~~effective:~~
- ~~(1) October 1, 2014 for premises with more than 50,000 square feet of any type of non-residential use;~~
- ~~(2) October 1, 2015 for premises with more than 25,000 square feet and up to 50,000 square feet of any type of non-residential use;~~
- ~~(3) October 1, 2016 for premises with more than 5,000 square feet and up to 25,000 square feet of any type of non-residential use; and~~
- ~~(4) October 1, 2017 for all non-residential premises that are not described in (D)(1)-(3) of this subsection.]~~
- (E) In addition to complying with the other requirements described in this section, the responsible party for a premises of which all or a portion has use attributable to a food enterprise that requires a food permit under Section 10-3-61 (*Permit Required*) ~~[of this Code]~~ to operate shall ensure that employees

at the food enterprise have access to on-site diversion of organic materials.
[effective:

- (1) ~~October 1, 2016 where the square footage in a certificate of occupancy, food enterprise permit, or similar document issued by a government entity for the food enterprise is 15,000 square feet or more;~~
 - (2) ~~October 1, 2017 where the square footage in a certificate of occupancy, food enterprise permit, or similar document issued by a government entity for the food enterprise is between 5,000 square feet to 14,999 square feet; and~~
 - (3) ~~October 1, 2018 for all food enterprises that hold a food enterprise permit and that are not described in (E)(1), (2) of this subsection.]~~
- (F) ~~[For purposes of determining the effective date under this section the director may verify the square footage attributable to a specific use by consulting appraisal district or other public records or by requesting a valid certificate of occupancy or approved site plan documenting the types of uses.]~~
- ~~(G)~~ A responsible party for an affected premises to which an effective date in Subsections (A) – (E) of this section applies and who begins operations after an applicable effective date shall comply with this ordinance on the date the affected premises is issued a certificate of occupancy.

PART 2. Subsection (A) of City Code Section 15-6-92 (*Diversion Requirements for Affected Premises*) is amended to read:

- (A) On-site recycling and organic material diversion services required under this article shall:
- (1) collect at least the following materials: paper (including mixed paper and office paper), plastics PETE (#1) and HDPE (#2) bottles and containers, aluminum cans, corrugated cardboard, and glass bottles and jars;
 - (2) collect organic materials, if a premises with a food enterprise is subject to Subsection (E) of Section 15-6-91 (*Affected Premises*);

(3) collect at least the following materials, if a premises is subject to Part (A)(2) of Section 15-6-91 (*Affected Premises*):

(a) food scraps (including meat, bones, and dairy);

(b) food soiled paper; and

(c) BPI certified compostable products;

(4)[(3)] provide receptacles, collection, capacity, and storage areas that comply with applicable administrative rules; and

(5)[(4)] remove the recyclable or organic materials by either:

(a) transporting the recyclable and organic materials to a materials recovery or composting facility authorized by law;

(b) contracting with a City-licensed recycling service provider to transport the recyclable and compostable materials to a materials recovery or composting facility authorized by law; or

(c) transporting recyclable or organic material, as permitted and required by City Code, to a material recovery facility, food bank, processor, material broker, urban farm, urban ranch, rural farm, rural ranch, community garden, or a facility that prioritizes the hierarchy of beneficial use as set out in Subsection (D) of this section.

PART 3. Subsections (A) and (B) of City Code Section 15-6-93 (*Education*) are amended to read:

(A) The responsible party for an affected premises shall provide landfill diversion [~~recycling~~] information and instructions in accordance with rules adopted by the director to:

(1) all tenants and employees of the premises annually;

(2) a new employee or tenant no later than the thirtieth day after the tenant occupies or the employee begins work at the premises; and

- (3) all employees or tenants not later than the 30th day after a substantive change in the landfill diversion [~~recycling~~] service offered at the premises.
- (B) The responsible party shall provide landfill diversion [~~recycling~~] information and instructions in accordance with rules adopted by the director to:
- (1) each business, tenant, or organization located at the premises annually;
 - (2) a business, tenant, or organization newly located to the premises not later than the 30th day after any change in occupancy; and
 - (3) all occupancies at the premises not later than the 30th day after a change in the landfill diversion [~~recycling~~] service offered.

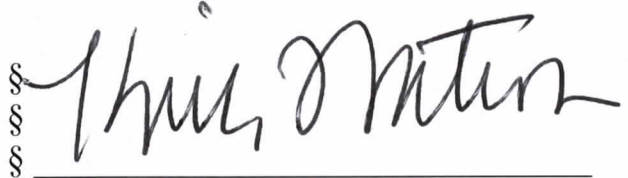
PART 4. In compliance with City Code Section 15-6-3 (*Administration*), Council approves the changes to Austin Resource Recovery Administrative Rules Chapter 8.0 (*Universal Recycling Ordinance (URO) Rules*) and Chapter 11.0 (*Definitions*) attached to this ordinance as Exhibit A.

PART 5. This ordinance takes effect on October 2, 2023.

PASSED AND APPROVED

_____, September 21, 2023

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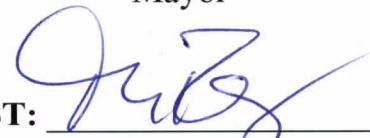
Kirk Watson
Mayor

APPROVED:



Anne L. Morgan
City Attorney

ATTEST:



Myrna Rios
City Clerk

EXHIBIT A

AUSTIN RESOURCE RECOVERY

CHAPTER 15-6 ADMINISTRATIVE RULES

8.0 – UNIVERSAL RECYCLING ORDINANCE (URO) RULES

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8.5 - Capacity and Diversion Performance Standards

- 8.5.1 A Responsible Party shall meet the performance standards of the Universal Recycling Ordinance by providing either compliant capacity or achieving a specific minimum diversion rate, as follows:

8.5.1.2 Capacity Performance Standards

- 8.5.1.1.1 Minimum recycling service capacities are established to ensure that adequate storage capacity and collection service is available for diverting recyclable and compostable materials onsite from disposal.

- 8.5.1.1.2 Multifamily properties—Beginning on October 1, 2020, Responsible Parties shall ensure that onsite recycling services are sufficient to accommodate the regular accumulation of recyclables and avoid overflowing containers by having, at a minimum, one of the following:

8.5.1.1.2.1 Twenty-four gallons of recycling capacity per dwelling unit per week; or

8.5.1.1.2.2 An equal 1:1 ratio of landfill trash to recycling capacity.

- 8.5.1.1.3 Multifamily properties – Responsible Parties shall ensure that onsite composting services are sufficient to accommodate the regular accumulation of organic materials and avoid overflowing containers by having at a minimum:

8.5.1.1.3.1 One gallon of composting capacity per dwelling unit per week.

(Existing sections should be renumbered accordingly)

...

8.8 - Exterior Collection Areas, Points, and Containers

- 8.8.1 Provision of Containers—Responsible Parties shall ensure diversion containers, compactors, and collection points are provided for the initiation and maintenance of landfill trash, recycling, and organics diversion service. Reference Section 8.4, General Requirements.

8.8.2 Convenient Access - Responsible Parties shall ensure that ~~all~~ a minimum of one recycling, ~~and when applicable,~~ organics diversion, containers, ~~compactors,~~ or other collection points ~~are~~ is located within 25 feet of a all landfill trash diversion containers, compactors, or other collection points. Reference Section 8.11, Waiver Process.

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11.0 – DEFINITIONS

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11.50 OVERFLOWING CONTAINER means a trash, recyclable, or compostable container that is too full to close the lid, is too full to place additional material in, or has material on the ground within 5 feet of a container.

(Existing sections should be renumbered accordingly)