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ARTICLE 1. - GENERAL PROVISIONS.

§ 15-6-1 - DEFINITIONS.

In this chapter:

- (1) AVERAGE DIVERSION RATE means the percentage of all inbound commingled material over a period of time that a facility diverts for beneficial use.
- (2) AUSTIN METRO AREA means the five-county metropolitan area that surrounds the City of Austin.
- (3) BENEFICIAL USE means productive use of materials reclaimed through separation, processing, deconstruction, or other means, and made available for recycling or reuse, but does not include placement in a disposal facility, used as daily cover in a disposal facility, or used for energy recovery.
- (4) CODE COMPLIANCE means the Department of Code Compliance.
- (5) CODE COMPLIANCE DIRECTOR means the director of the Department of Code Compliance.
- (6) COLLECTION SERVICE means scheduled collection and disposition of solid waste and recyclables, or compostable materials.
- (7) COMPOSTABLE MATERIAL means organic material recovered, collected, or otherwise diverted from the nonhazardous solid waste stream, a substantial portion of which will decompose in a managed compost operation.
- (8) COMPOSTING FACILITIES means an offsite facility holding all required local, state, and federal authorizations where the organic component of municipal solid waste is decomposed under controlled conditions for purposes of beneficial reuse.
- (9) CONTAINER means a permanent collection receptacle made to collect and contain solid waste.
- (10)DECONSTRUCTION means dismantling or extracting reusable materials from a project prior to or instead of traditional demolition.
- (11) DEPARTMENT means the Austin Resource Recovery Department.
- (12) DIRECTOR means the director of the Austin Resource Recovery Department.
- (13)FACTORY DEMONSTRATION VEHICLE means a vehicle that meets the requirements of Section 15-6-72 and that a dealer provides to a licensee, as a prospective buyer, to operate and use for a period not to exceed 14 days.
- (14) HAULER has the same meaning as SERVICE PROVIDER.
- (15)HAZARDOUS WASTE means any solid waste identified or listed as a hazardous waste by the administrator of the United States Environmental Protection Agency in accordance with the federal Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act, 42 United States Code, §§ 6901 et seq.
- (16)LIQUID WASTE has the same meaning as the definition contained in 30 Tex. Admin. Code § 330.3.
- (17)MANAGER means a person who handles the day-to-day operations of a premises on behalf of an owner.
- (18)MEDICAL WASTE has the same meaning as the definition contained in 30 Tex. Admin. Code § 330.3.
- (19)PREMISES means real property and any improvements on the real property.
- (20)PRIVATE COLLECTION SERVICE means the collection, removal, or transportation of solid waste from any premises within the City for a fee.
- (21)PROCESSOR means a facility that sorts, crushes, grinds, composts, or recycles materials.





- (22)PROJECT means activities described in Subsection 25-11-39(C) (Construction and Demolition Materials Diversion Required).
- (23)PROJECT DISPOSAL RATE means the total pounds of material generated by a project and disposed per square foot of the project.
- (24)PROJECT DIVERSION RATE means the percentage of the materials generated by the project and diverted for beneficial use onsite or offsite.
- (25)QUALIFIED PROCESSOR means a facility that meets the qualifications in Division 2 of Article 9 (Construction and Demolition Materials Diversion Program).
- (26)RECYCLABLE MATERIAL means non-hazardous material, including compostable material, that has been recovered or diverted from disposal in Municipal Solid Waste (MSW) facilities for purpose of reuse, recycling or reclamation and a substantial portion of which is consistently used in the manufacture of products, which may otherwise be produced using raw or virgin materials.
- (27)RECYCLING means a process by which materials that have served their intended use or are scrapped, discarded, used, surplus, or obsolete are collected, separated, composted, or processed, and returned to use in the form of raw materials in the production of new products. The definition of recycling does not include waste-to-energy processes, placement in a disposal facility, or use as daily cover in a disposal facility.
- (28)RESPONSIBLE PARTY means: (i) the owner of a premises or an employee of the owner or (ii) the manager of a premises or an employee of the manager.
- (29)SERVICE PROVIDER means a person who is compensated for the removal or transportation of solid waste, compostable material, or recyclable material, for a fee, from any location within the City of Austin. Services that are subject to State or Federal requirements related to the transportation of medical or hazardous waste, including oil, liquids, or grease are excluded.
- (30)SOLID WASTE means rubbish, refuse, and other discarded materials.
- (31)SOLID WASTE SERVICE means collection or disposal of solid waste, collection or processing of recyclable material, litter abatement, street cleaning, or household hazardous waste disposal.
- (32)WASTE-TO-ENERGY (WTE) means a process of generating energy directly from materials through a process that yields fuel or heat. WTE is not diversion, nor is it supported by the Department's Master Plan but it is considered an alternative disposal technology that must include the life-cycle effects on the environment.

Source: 1992 Code Section 12-3-2; Ord. 031204-14; Ord. 031211-11; Ord. 20090312-014; Ord. 20101104-018; Ord. 20120628-012; Ord. 20130425-007; Ord. No. 20140612-010, Pt. 1, 6-23-14; Ord. No. 20141211-202, Pt. 1, 1-1-15; Ord. No. 20151119-098, Pt. 1, 10-1-2016. Note— Ordinance No. 20151119-098 takes effect on October 1, 2016.

§ 15-6-2 - DEPARTMENT CREATED.

- (A) The Austin Resource Recovery department is created as a utility.
- (B) The city manager shall appoint a director to manage the department.
- (C) The department shall provide solid waste service to City residents in an efficient and environmentally responsible manner.





Source: 1992 Code Section 12-3-1; Ord. 031204-14; Ord. 031211-11; Ord. 20120628-012.

§ 15-6-3 - ADMINISTRATION.

- (A) The director shall adopt rules to administer and enforce this chapter.
- (B) Before the director may adopt or amend a rule under this chapter, the director shall present the proposed rule to the Zero Waste Advisory Commission for consideration and recommendation to City Council and the City Council will approve, modify or disapprove of the proposed rule.
- (C) The department shall make a copy of the rules available to a customer on request.
- (D) Violation of a rule adopted by the director under the authority of this code is an offense of City Code and a Class C Misdemeanor punishable as an offense.

Source: 1992 Code Sections 12-3-3(A) and (B); Ord. 031204-14; Ord. 031211-11; Ord. 20101104-018; 20120126-049; Ord. 20120628-012.

§ 15-6-4 - RULES.

The director shall include in the rules adopted under this chapter:

- (1) a list of items that the department collects;
- (2) a list of public alleys where a mechanically-handled refuse container may not be placed; and
- (3) a list of items that must be recycled by a recycling service under Article 5 (Universal Recycling).

Source: 1992 Code Sections 12-3-3(C) and (D), and 12-3-4(A); Ord. 031204-14; Ord. 031211-11; Ord. 20101104-018.

§ 15-6-5 - MATERIAL COLLECTED.

- (A) To be eligible for collection under this chapter:
 - (1) for solid waste service, an item must be acceptable at a Type I municipal solid waste site in accordance with state and federal laws and regulations;
 - (2) for bulky collection service, an item must be acceptable at a Type IV municipal waste site in accordance with state and federal laws and regulations;
 - (3) for brush collection and yard trimmings collection service, an item must be compostable wood or fiber materials acceptable for use in the City's composting program; and
 - (4) for recyclable collection service, an item must be acceptable under applicable laws and regulations and the City's contracts with purchasers of recyclable materials.
- (B) The director may impose additional restrictions on items or quantities of items to be collected from the department's customers:
 - (1) to protect the safety of department personnel;
 - (2) based on the capability and capacity of the department's collection equipment; and
 - (3) based on market and pricing of recyclable materials.

Source: 1992 Code Section 12-3-4; Ord. 031204-14; Ord. 031211-11.





ARTICLE 2. - SERVICES AND RATES.

Division 1. - Services.

§ 15-6-11 - COLLECTION SERVICE.

- (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.

Source: 1992 Code Section 12-3-21(A); Ord. 031204-14; Ord. 031211-11; Ord. No. 20141211-202, Pt. 2, 1-1-15.

§ 15-6-12 - ALTERNATIVE SERVICE.

- (A) The director may provide alternative collection service to a customer, if the director determines that the customer cannot be adequately served with standard collection service.
- (B) The director may prescribe the receptacles and removal methods to be used for alternative collection.

Source: 1992 Code Section 12-3-22; Ord. 031204-14; Ord. 031211-11.

§ 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.

Source: 1992 Code Sections 12-3-21(B) and 12-3-22; Ord. 031204-14; Ord. 031211-11; Ord. 20101104-018; Ord. No. 20141211-202, Pt. 2, 1-1-15.

§ 15-6-14 - DOWNTOWN CONTRACT SERVICE.

- (A) The director shall contract with a private collection service to provide solid waste service in the area comprised of the city blocks adjacent to Sixth Street (East) between Congress Avenue and IH-35, the city blocks adjacent to Congress Avenue between Cesar Chavez and Eleventh Street, the city blocks adjacent to West 5th Street between Guadalupe Street and Colorado Street, the city block south of West 4th Street between Lavaca Street and Colorado Street, the city block south of East 5th Street between San Jacinto Boulevard and Trinity Street, and the city block north of East 7th Street between Neches Street and Red River Street.
- (B) The department shall charge the customers for the service.
- (C) The department may provide downtown contract service using roll-out carts and sidewalk and alley cleaning service to residential customers directly or through a private collection service.

Source: 1992 Code Section 12-3-23; Ord. 031204-14; Ord. 031211-11; Ord. 20051020-063.

§ 15-6-15 - LANDFILL SERVICE.

- (A) The director shall supervise the operation and use of the City landfill.
- (B) The director shall adopt rules relating to landfill use and post the rules at the landfill.
- (C) A person may dispose of garbage, trash, rubbish, ashes, manure, or other waste only at a location permitted by Texas Commission on Environmental Quality.

Source: 1992 Code Section 12-3-24; Ord. 031204-14; Ord. 031211-11.

§ 15-6-16 - SERVICE SCHEDULE.

- (A) The director shall determine the frequency and schedule of collection service.
- (B) The department shall make the schedule available to its customers.

Source: 1992 Code 12-3-25; Ord. 031204-14; Ord. 031211-11.

§ 15-6-17 - RECEPTACLE.

(A) The director shall adopt rules prescribing the physical characteristics, use, and maintenance requirements for solid waste and recyclable receptacles.





- (B) A person shall use and maintain a receptacle for solid waste or recyclables that conforms to a rule adopted under this section.
- (C) If the department supplies a receptacle to a customer for use at the customer's premises:
 - (1) the receptacle remains City property; and
 - (2) the receptacle may be removed from the customer's premises only by a department employee or agent.
- (D) Except as provided by Subsection (E), a customer shall store a receptacle on private property.
- (E) A customer who executes a license agreement with the City may store a receptacle in a specially designated area of public property.
- (F) A customer shall deliver a receptacle to the designated collection location at a public street or alley between 8:00 p.m. on the day preceding the collection day and 6:30 a.m. on the collection day. A customer shall remove a receptacle from the collection location not later than 10:00 p.m. on the collection day.

Source: 1992 Code Section 12-3-26; Ord. 031204-14; Ord. 031211-11; Ord. 20090312-014; Ord. 20101104-018.

Division 2. - Rates.

§ 15-6-31 - RATES.

- (A) The department shall charge the rates set by the city council for service the department provides under this chapter.
- (B) The department shall bill a customer in the manner prescribed by the city council.

Source: 1992 Code Sections 12-3-41 through 12-3-43; Ord. 031204-14; Ord. 031211-11.

§ 15-6-32 - LANDFILL RATES.

- (A) The department shall charge the rate set by the city council for use of the City landfill.
- (B) Except as provided by Subsection (C), a person shall pay the rate charged for use of a City landfill before using the landfill.
- (C) The director may authorize an alternative billing method for a customer who:
 - (1) uses the landfill on a continuing basis; and
 - (2) makes a written request to the director for an alternative billing method.
- (D) A nonprofit organization that accepts used or surplus personal property regardless of its condition is exempt from landfill rates at the landfill if:
 - (1) the director grants the organization an exemption;
 - (2) the materials to be disposed of are acceptable at a Type IV landfill;
 - (3) the materials are donated used or surplus property; and
 - (4) the organization's solid waste service account for its premises is not delinquent.

Source: 1992 Code Section 12-3-44; Ord. 031204-14; Ord. 031211-11.





§ 15-6-33 - RATES FOR CLEAN COMMUNITY AND OTHER SERVICES.

- (A) This section applies to rates charged by the City for litter and nuisance abatement, street cleaning, services provided by the City under Article 5 of this chapter (Universal Recycling), and household hazardous waste disposal.
- (B) The City shall apply a residential rate to each residence where utility service is active, whether or not the residence is occupied. For a multi-family complex with a utility account serving more than one residence, the City shall multiply the residential rate by the number of residential units.
- (C) The City shall apply a commercial rate to each business property where utility service is active, whether or not the property is completely or only partially occupied. If a utility account serves more than one business, the City shall multiply the commercial rate by the number of tenants that may occupy the building.
- (D) The City Manager may apportion the proceeds from the rates charged under this section among the departments providing the services set forth in Subsection (A) above in accordance with the annual City budget.

Source: 1992 Code Section 12-3-45; Ord. 031204-14; Ord. 031211-11; Ord. 20120823-002.

ARTICLE 3. - PRIVATE SOLID WASTE COLLECTION SERVICE.

Division 1. - General Provisions.

§ 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.

Source: 1992 Code Section 12-3-63; Ord. 031204-14; Ord. 031211-11; Ord. 20120628-012; Ord. No. 20141211-202, Pt. 3, 1-1-15.

§ 15-6-42 - VEHICLES AND EQUIPMENT.

- (A) A licensee shall keep a vehicle or equipment used in a private collection service in clean, sanitary, and safe condition. The department may inspect a licensee's vehicle or equipment at any time.
- (B) A licensee may not place a mechanically-handled solid waste container on public property or a public rightof-way, except with the director's approval or the execution of a license agreement with the city.
- (C) Any vehicle used for transporting dry solid waste material within the city must:





- be fitted with a substantial, tight-fitting enclosure that is free of any cracks or breaks and that has side boards and head boards of not less than 24 inches in height and a tail board of not less than 18 inches in height, to prevent waste material from being scattered or thrown onto the streets;
- (2) be equipped with a closely fitting cover that must be used to prevent the escape of loose material or effluvia; and
- (3) be equipped with any other equipment required to comply with all applicable federal and state motor vehicle safety standards.
- (D) Any vehicle used for transporting wet solid waste material within the city must:
 - (1) have a tight-fitting cover to prevent spillage;
 - (2) when carrying cans to transport wet solid waste material, use only cans equipped with tight-fitting lids and holding chains so that the cans will not turn over and spill;
 - (3) not have any drain holes in the sides of the vehicle and may have drain holes in the deck of the vehicle or on containers only if they are capped to prevent spillage or leakage; and
 - (4) be equipped with any other equipment required to comply with all applicable federal and state motor vehicle safety standards.
- (E) Before any vehicle not listed in the application for a private solid waste collection license may be placed in service, the licensee must provide written notice to the director of the proposed use of a new or additional vehicle.
- (F) A licensee under this article shall provide annual documentation of State of Texas vehicle inspection to Code Compliance at the time a license application is submitted to the Code Compliance Director under Section 15-6-51 (License Required).
- (G) A licensee that places a vehicle in service during the calendar year shall submit documentation required in Subsection (F) within thirty days of using the vehicle on City streets.

Source: 1992 Code Section 12-3-61; Ord. 031204-14; Ord. 031211-11; Ord. 20090312-014; Ord. 20090521-017; Ord. 20120628-012.

§ 15-6-43 - DISPLAY OF BUSINESS INFORMATION.

- (A) A licensee shall prominently display the name and telephone number of the private collection service on both sides of each vehicle used in the operation of the service.
- (B) The licensee shall prominently display the name and telephone number of the private collection service on at least one side of each container used for collection, storage, or disposal of solid waste in the city.

Source: 1992 Code Sections 12-3-62(A) and (B); Ord. 031204-14; Ord. 031211-11.

§ 15-6-44 - REPORTING REQUIREMENTS.

- (A) A licensee shall maintain a list of the containers used for the collection, storage, or disposal of solid waste that are owned or serviced by the licensee, with the customer number and the location of each container.
- (B) A licensee shall file a quarterly report of the number of containers it services in the city. A licensee shall submit the container fee required by this article with a report filed under this section.





- (C) A licensee who provides solid waste collection service under Article 3 (Private Solid Waste Collection Service) or recycling service under Article 5 (Universal Recycling) shall file a report with the Austin Code Department. The report shall be on a form provided by the Austin Code Department. The report shall be filed with the Austin Code Department semi-annually on or before the last business day in January and July of each calendar year. Beginning with the report due in January, 2017, for the six-month reporting period that ends December 31, 2016, the report shall contain the following information:
 - (1) the amount in tons of solid waste, recyclables, and organic materials (but excluding construction and demolition materials) hauled to:
 - (a) landfills;
 - (b) recycling facilities; and
 - (c) organic materials processing facilities;
 - (2) the amount in tons of construction and demolition materials hauled directly to:
 - (a) landfills;
 - (b) recycling facilities; and
 - (c) organic materials processing facilities; and
 - (3) other information required by the Austin Code Department.

Source: 1992 Code Section 12-3-83; Ord. 031204-14; Ord. 031211-11; Ord. 20101104-018; Ord. 20120628-012; Ord. No. 20151119-098, Pt. 3, 10-1-16. Note — Ordinance No. 20151119-098 takes effect on October 1, 2016.

§ 15-6-45 - DRIVERS.

A driver must have in effect all motor vehicle operators' licenses required by the state.

Source: 1992 Code Section 12-3-45; Ord. 031204-14; Ord. 031211-11; Ord. 20120628-012.

§ 15-6-46 - NOTIFICATION OF CHANGE OF ADDRESS OR OWNERSHIP.

A licensee shall provide written notice to the Code Compliance Director within 60 days of a change in:

- (1) the address or telephone number of the private solid waste collection service; or
- (2) the form of the business or the executive officers of the private solid waste collection service; or
- (3) the name and address of the person designated to receive notices described in this article.

Source: Ord. 20090312-014; Ord. 20120628-012.

§ 15-6-47 - HAZARDOUS WASTE MATERIAL.

A person providing private solid waste collection service within the city shall comply with all city ordinances and state and federal laws regulating the handling, disposal, and transportation of hazardous waste materials.

Source: Ord. 20090312-014.





Division 2. - Licensing.

§ 15-6-51 - LICENSE REQUIRED.

- (A) To operate a private collection service, a person must obtain a license.
- (B) An applicant for an initial license or a renewal license must file an application with the director on a form and in the manner prescribed by the director.
- (C) A license expires at midnight on December 31 of the year in which it is issued.
- (D) A license is not transferable.

Source: 1992 Code Section 12-3-81(A) through (C); Ord. 031204-14; Ord. 031211-11.

§ 15-6-52 - LICENSE PREREQUISITES.

The Code Compliance Director may not issue an initial or renewal license under this article unless the applicant includes with the application:

- the annual State of Texas vehicle inspection certifications as required in Section 15-6-42 (Vehicles and Equipment);
- (2) the semi-annual tonnage report as required in Section 15-6-44 (Reporting Requirements);
- (3) a certificate of insurance that conforms to Section 15-6-53 (Insurance); and
- (4) the fee required under this article.

Source: 1992 Code Sections 12-3-82(A) and (B)(3) and (4); Ord. 031204-14; Ord. 031211-11; Ord. 20120628-012.

§ 15-6-53 - INSURANCE.

- (A) An applicant for a license under this article must file with the director a certificate of general and commercial auto liability insurance, executed by a company authorized to do business in the state and performable in Travis County.
- (B) The insurance shall insure the general public against loss or damage that may result to any person or property from the operation of the private collection service or from a vehicle or equipment operated by the service.
- (C) The insurance must have minimum limits of \$250,000 per individual and \$500,000 per occurrence for bodily injury and \$100,000 for property damage or \$1,000,000 on a combined single limit basis.
- (D) The applicant must also include a statement from the applicant's insurance company that the insurer will furnish to the City written notice of its intention to cancel a policy at least 30 days before the liability of the insurer expires.

Source: 1992 Code Sections 12-3-81(A) and 12-3-82(B)(1) and (2); Ord. 031204-14; Ord. 031211-11; Ord. 20120628-012.





§ 15-6-54 - DECAL.

- (A) The code compliance director shall issue a decal to a licensee for each refuse collection vehicle 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.

Source: 1992 Code Sections 12-3-82(A) through (C) and 12-3-62(C); Ord. 031204-14; Ord. 031211-11; Ord. 20090312-014; Ord. 20120628-012; Ord. No. 20141211-202, Pt. 4, 1-1-15.

§ 15-6-55 - TEMPORARY DECAL FOR NEW AND REPLACEMENT VEHICLES.

- (A) A licensee must obtain a temporary decal for a vehicle that is temporarily substituted for a vehicle subject to the license.
- (B) A temporary decal is valid for not more than 30 days after the date the licensee submits to the director a signed statement that the vehicle subject to the license is out of service for maintenance or repair.
- (C) The requirements of Sections 15-6-52 (License Prerequisites), 15-6-44 (Reporting Requirements), and 15-6-45 (Drivers) apply to an applicant for a temporary decal.
- (D) A licensee must obtain a permanent decal for a new vehicle placed in service more than 30 days before the end of the calendar year.
- (E) A factory demonstration vehicle is exempt from licensing and fee requirements if the vehicle is utilized less than 10 days, and the person provides two business days written notice to the Code Compliance Director.
- (F) The Code Compliance Director may exempt a licensee's vehicles from decal requirements in this article if the licensee places the vehicle into temporary service due to an emergency as determined by the Code Compliance Director.
- (G) The Code Compliance Director shall issue a temporary decal to an applicant who complies with this section.

Source: 1992 Code Section 12-3-8(D); Ord. 031204-14; Ord. 031211-11; Ord. 20120628-012.

§ 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 department shall calculate the monthly fee based on the number of containers placed in service during any month in the calendar year.





- (E) A licensee shall pay the monthly 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 container fee.
- (G) Containers and vehicles that are exclusively utilized and labeled for the collection of recyclables are exempt from license fees.

Source: 1992 Code Sections 12-3-85(A) through (D); Ord. 031204-14; Ord. 031211-11; Ord. 20120628-012; Ord. No. 20141211-202, Pt. 5, 1-1-15.

§ 15-6-57 - AUDIT.

- (A) At the department's request, a licensee shall provide the department access to its container and vehicle records for audit purposes annually.
- (B) City personnel may not copy or remove from the licensee's premises:
 - (1) a customer list;
 - (2) route information;
 - (3) price information; or
 - (4) other confidential business information.

Source: 1992 Code Section 12-3-8(E); Ord. 031204-14; Ord. 031211-11.

§ 15-6-58 - LICENSE REVOCATION.

- (A) Code Compliance may revoke a license issued under this article if:
 - (1) a licensee does not timely pay a fee or file a report required under this article; or
 - (2) a licensee does not comply with this article.
- (B) Code Compliance shall provide the licensee with written notice and opportunity to protest and appeal before the license revocation; such license revocation will not be effective until 90 days after the resolution of a person's appeal under this Chapter.

Source: 1992 Code Section 12-3-86; Ord. 031204-14; Ord. 031211-11; Ord. 20120628-012.

§ 15-6-59 - APPEAL.

- (A) If Code Compliance denies the issuance of a license, revokes a license, or refuses to renew a license, Code Compliance must provide written notice of this action to the licensee with a copy of the procedures to protest and to appeal the Code Compliance decision.
- (B) A person may appeal to the Code Compliance Director regarding the following actions:
 - (1) denial of a license;
 - (2) revocation of a license; or
 - (3) refusal to renew a license.

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- (C) An aggrieved person must file an appeal with the Code Compliance Director not later than the 30th day after the decision is rendered. The person must include a written statement of the decision being appealed and the specific grounds for the appeal.
- (D) Not later than the 30th day after a person files an appeal with the Code Compliance Director's office, the Code Compliance Director shall schedule a meeting to consider the appeal.
- (E) The Code Compliance Director may sustain, reverse, or modify the action appealed.
- (F) The Code Compliance Director's decision may be appealed to the City Manager not later than 30 days after the decision of the Code Compliance Director.
- (G) The City Manager's decision may be appealed to the City Council not later than 60 days after the decision of the City Manager. The City Council's decision regarding this appeal shall be final.

Source: 1992 Code Section 12-3-87; Ord. 031204-14; Ord. 031211-11; Ord. 20120628-012.

§ 15-6-60 - PROHIBITION.

A vehicle that is not licensed under this article is not permitted to collect and haul solid waste or recyclables from any site in the City.

Source: Ord. 20120628-012.

§ 15-6-61 - EDUCATION.

The Code Compliance Director shall establish a program to educate the public and solid waste haulers about this Chapter.

Source: Ord. 20120628-012.

ARTICLE 4. - PUBLIC RECEPTACLES.

§ 15-6-71 - RECEPTACLE APPROVED.

The director may approve a person's request to place a public trash receptacle on the sidewalk area of a public street as provided in this article.

Source: 1992 Code Section 12-3-101; Ord. 031204-14; Ord. 031211-11.

§ 15-6-72 - REQUIREMENTS.

- (A) To be approved as a public trash receptacle, a receptacle must:
 - (1) be attractive in appearance;
 - (2) be reasonably safe for public use; and
 - (3) comply with rules adopted under this article.





(B) A person may not use a public trash receptacle for advertising purposes. A person who sponsors a public trash receptacle may display the sponsor's name on the receptacle in accordance with rules adopted under this article.

Source: 1992 Code Section 12-3-102; Ord. 031204-14; Ord. 031211-11.

§ 15-6-73 - DONATION.

- (A) A person may donate a public trash receptacle to the City.
- (B) The donor may request the department to place the donor's name on the receptacle. The department shall place the donor's name on the receptacle in accordance with rules adopted under this article.
- (C) The department may remove a donated receptacle at any time. The department shall give the donor an opportunity to relocate a removed receptacle to another location.

Source: 1992 Code Section 12-3-103; Ord. 031204-14; Ord. 031211-11.

ARTICLE 5. - UNIVERSAL RECYCLING.

Division 1. - General Provisions.

§ 15-6-80 - APPLICABILITY.

This article applies in the City's zoning jurisdiction.

Source: 1992 Code Section 12-3-121; Ord. 031204-14; Ord. 031211-11; Ord. 20101104-018; Ord. No. 20140612-010, Pt. 1, 6-23-14.

§ 15-6-81 - RESPONSIBLE PARTY GENERAL RULE; EXCEPTION.

- (A) With the exception of Subsection (B), a responsible party shall comply with any duty that is imposed on the responsible party in this Article 5.
- (B) A tenant or lessee on a premises who contracts or arranges with a hauler for solid waste service or who selfhauls is deemed the responsible party with respect to that portion of the premises over which the tenant or lessee has care, custody, control, or possession.

Source: Ord. No. 20140612-010, Pt. 2, 6-23-14.

§ 15-6-82 - RIGHT OF ENTRY.

- (A) City staff authorized by the director or the code compliance director may enter a premises to inspect for compliance with this article.
- (B) An inspector shall present the inspector's credentials to an occupant of the premises on request.





(C) An inspector shall make a reasonable effort to locate the responsible party and request entry to the premises.

Source: 1992 Code Section 12-3-122; Ord. 031204-14; Ord. 031211-11; Ord. 20101104-018; Ord. 20130425-007; Ord. No. 20140612-010, Pt. 3, 6-23-14.

Division 2. - Service.

- § 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 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, 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

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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:

- 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.

Source: 1992 Code Section 12-3-141; Ord. 031204-14; Ord. 031211-11; Ord. 20101104-018; Ord. 20130425-007; Ord. No. 20140612-010, Pt. 4, 6-23-14.

§ 15-6-92 - DIVERSION REQUIREMENTS FOR AFFECTED PREMISES.

- (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) provide receptacles, collection, capacity, and storage areas that comply with applicable administrative rules; and
 - (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.





- (B) The director may add to the list of recyclable materials required under Subsection (A)(1) of Section 15-6-92 (Recycling Requirements for Affected Premises) by providing notice on the City's website at least 365 continuous days before adding the additional materials.
- (C) The department shall adopt rules that establish a process in which the responsible party for an affected premises can request:
 - (1) a waiver of certain requirements in this article;
 - (2) approval to comply with this article by achieving the City's Zero Waste Goal through alternative means;
 - (3) approval to substitute another recyclable material in place of a required recyclable material listed in Subsection (A)(1) above;
 - (4) approval to comply with this article by sharing solid waste, recycling, or organic materials diversion services;
 - (5) approval of a deduction of square footage under Subsection (E) of Section 15-6-91 (Affected Premises) if the food enterprise serves only pre-packaged food; or
 - (6) approval for performing recycling or organic materials diversion on-site.
- (D) In accordance with the requirements of the Good Faith Donor Act set forth in Chapter 76 of the Texas Civil Practice and Remedies Code, the department shall by rule encourage the responsible party for affected premises to follow the hierarchy of beneficial use of scrap food which, beginning with the most beneficial, is:
 - (1) feeding hungry people;
 - (2) feeding animals;
 - (3) providing for industrial uses; and
 - (4) composting.

Source: 1992 Code Section 12-3-142; Ord. 031204-14; Ord. 031211-11; Ord. 20101104-018; Ord. 20130425-007; Ord. No. 20140612-010, Pt. 5, 6-23-14.

§ 15-6-93 - EDUCATION.

- (A) The responsible party for an affected premises shall provide recycling information and instructions in accordance with rules adopted by the director to:
 - (1) wall 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 recycling service offered at the premises.
- (B) The responsible party shall provide 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 recycling service offered.
- (C) All information and documentation, including signage, required to be provided to persons or posted as public information under this article shall be written in English and Spanish and include universal symbols as adopted by the director.
- (D) Each container designated or used for collection and disposal of materials to a state-recognized landfill shall be prominently marked "Landfill Trash" in English and Spanish and in compliance with the rules adopted by the director.
- (E) Each container designated or used for collection or transport of recyclable or organic materials shall be affixed with a sign that includes:
 - (1) the universal chasing arrows recycling symbol;
 - (2) the type of materials accepted written in English and Spanish; and
 - (3) the term "Recycling" or "Compostables" or "Organics", as appropriate.

Source: 1992 Code Section 12-3-143; Ord. 031204-14; Ord. 031211-11; Ord. 20101104-018; Ord. 20130425-007; Ord. No. 20140612-010, Pt. 6, 6-23-14.

Division 3. - Reporting Requirements.

§ 15-6-101 - ANNUAL DIVERSION PLAN.

- (A) The responsible party for an affected premises shall submit a recycling plan to the department by February 1 of each year starting with the year in which requirements of this article apply to the premises.
- (B) The responsible party for an affected premises shall submit a recycling plan for a new business, building, or multi-family residential complex not later than the 30th day after receiving a certificate of occupancy or beginning operations or following any change that reduces recycling service or the types of materials collected.
- (C) A plan must:
 - (1) be on a form prescribed by the director;
 - (2) list the materials to be diverted;
 - (3) state the service capacities for landfill trash, recyclables, and organic materials;
 - (4) state the collection method and service providers for landfill trash, recyclables, and organic materials; and
 - (5) include information or documentation as required by the director to verify compliance with this article.
- (D) The director may exempt a property from submitting a Recycling Plan if the property contracts with the City for solid waste and recycling services or if exempting the property is consistent with the City's Zero Waste Goal set out in Resolution No. 20090115-050 and the Department's Master Plan adopted in Resolution No. 20111215-047, as those resolutions may be amended from time to time.





Source: 1992 Code Section 12-3-161; Ord. 031204-14; Ord. 031211-11; Ord. 20101104-018; Ord. 20130425-007; Ord. No. 20140612-010, Pt. 7, 6-23-14.

§ 15-6-102 - RESERVED.

Editor's note— Ord. No. 20140612-010, Pt. 8, effective June 23, 2014, repealed § 15-6-102, which pertained to biannual quantity report. See the References to Ordinances for complete derivation.

§ 15-6-103 - NOTICE OF CONTRACT TERMINATION.

A person who provides recycling or organic diversion service under this article by contract with a recycling service provider shall notify the department in writing not later than the 30th day after the person terminates the contract.

Source: 1992 Code Section 12-3-163; Ord. 031204-14; Ord. 031211-11; Ord. 20130425-007; Ord. No. 20140612-010, Pt. 9, 6-23-14.

§ 15-6-104 - NOTICE OF CHANGE OF PROVIDER.

- (A) The responsible party for an affected premises shall notify the department in writing if the person:
 - (1) discontinues self-hauling and contracts with a recycling or organic materials diversion service provider; or
 - (2) terminates a contract with a provider licensed under Article 3 (Private Solid Waste Collection Service).
- (B) A responsible party shall submit the notice required by this section to the department in accordance with rules adopted by the director.

Source: 1992 Code Section 12-3-164; Ord. 031204-14; Ord. 031211-11; Ord. 20101104-018; Ord. 20130425-007; Ord. No. 20140612-010, Pt. 10, 6-23-14.

Division 4. - Registration Requirements.

§ 15-6-105 - REGISTRATION OF RECYCLING AND ORGANIC MATERIAL HAULERS AND RECYCLING PROVIDERS.

- (A) A person who owns, operates, or provides a recycling and organic material hauler or recycling processor business or service located within the territorial jurisdiction of the City or to any premises within the territorial jurisdiction of the City shall submit to the director in compliance with applicable rules adopted for such registration the following:
 - (1) physical address of operation;
 - (2) proof of insurance annual commercial fleet policy;
 - (3) drivers' licenses for company drivers, including commercial drivers' licenses, if applicable;
 - (4) proof that the recycling hauler or recycling processor is using the correct vehicle to transport recyclable materials consistent with Section 15-6-42 (Vehicles and Equipment); and
 - (5) other documentation as specified in applicable rules for such registration adopted by the director.

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(B) A person who owns, operates, or provides a recycling processor business agrees as a condition of such registration to submit to a random site inspection of their property or premises upon request by the director to ensure that the processor's operations are being conducted in compliance with all applicable City Codes and regulations relating to land development, health and safety, recycling, and nuisance abatement.

Source: Ord. 20101104-018; Ord. No. 20140612-010, Pt. 11, 6-23-14.

ARTICLE 6. - MISCELLANEOUS PROHIBITIONS.

§ 15-6-111 - RESTRICTIONS ON REMOVAL OF SOLID WASTE.

- (A) A person commits an offense if the person removes any dry or wet solid waste from any garbage or recycling container or receptacle, or in any way obstructs or interferes with any garbage or recycling container or receptacle in the city. This section does not apply to a City employee or agent acting within the scope of the employee's or agent's authority.
- (B) It is an affirmative defense to prosecution under Subsection (A) of this section that the person was:
 - (1) a licensee under this article performing solid waste collection service in compliance with the terms of this article; or
 - (2) any owner or legal occupant of the premises on which the container or receptacle is located.

Source: Ord. 20090312-014.

§ 15-6-112 - ACCUMULATIONS AND DEPOSIT OF WASTE PROHIBITED.

- (A) A person commits an offense if the person deposits, causes to be deposited, or permits to accumulate any dry or wet solid waste upon any public or private premises within the city in such a manner as to emit noxious or offensive odors or to become unsanitary or injurious to public health or safety.
- (B) A person commits an offense if the person causes or permits any private solid waste collection vehicle, dumpster, or roll-off container or the contents of such vehicle, dumpster, or roll-off container to be maintained in a condition that is foul, offensive, or otherwise hazardous to the public health or safety.

Source: Ord. 20090312-014.

§ 15-6-113 - MOVING PUBLIC TRASH RECEPTACLES PROHIBITED.

- (A) A person commits an offense if the person moves a public trash receptacle from its location on the sidewalk or other public right of way.
- (B) This section does not apply to a city employee or agent acting within the scope of the employee's or agent's authority.

Source: 1992 Code Section 12-3-183; Ord. 031204-14; Ord. 031211-11; Ord. 20090312-014.





§ 15-6-114 - DISPOSAL OF CERTAIN SOLID WASTE IN PUBLIC TRASH RECEPTACLE PROHIBITED. A person commits an offense if the person deposits solid waste generated from dwelling units or commercial establishments into a public trash receptacle.

Source: 1992 Code Section 12-3-184; Ord. 031204-14; Ord. 031211-11; Ord. 20090312-014.

§ 15-6-115 - REMOVING RECEPTACLE PROHIBITED.

- (A) A person commits an offense if the person removes a receptacle provided by the City for use at a customer's premises from the customer's premises.
- (B) This section does not apply to a City employee or agent acting within the scope of the employee's or agent's authority.

Source: 1992 Code Section 12-3-185; Ord. 031204-14; Ord. 031211-11; Ord. 20090312-014.

§ 15-6-116 - OFFENSES.

- (A) A person who is not registered with the director as a recycling hauler or recycling processor commits an offense if the person solicits, accepts, receives, or trades compensation of any kind in exchange for agreeing to collect or transport materials for recycling.
- (B) A person commits an offense if the person dumps, releases, abandons or buries in a location other than a state-recognized landfill or designated recyclable collection receptacle any recyclable material, whether or not the person receives compensation for such activity.

Source: Ord. 20101104-018.

ARTICLE 7. - CARRYOUT BAGS.

§ 15-6-121 - DEFINITIONS.

In this article:

- (1) BUSINESS ESTABLISHMENT means any commercial enterprise that provides carryout bags to its customers, including sole proprietorships, joint ventures, partnerships, corporations, or any other legal entity whether for profit or not for profit and includes all employees of the business and any independent contractors associated with the business.
- (2) CARRYOUT BAG means a bag provided by a business establishment to a customer typically at the point of sale for the purpose of transporting purchases.
- (3) REUSABLE CARRYOUT BAG means a carryout bag that is specifically designed and manufactured for multiple reuse, and meets the following criteria:
 - (a) displays in a highly visible manner on the bag exterior, language describing the bag's ability to be reused and recycled, as prescribed by rule;
 - (b) except as provided in subsection (d) below, has a handle;
 - (c) is constructed out of either:





- (i) Cloth, other washable fabric, or other durable materials whether woven or non-woven,
- (ii) Recyclable plastic, with a minimum thickness of 4.0 mil and containing only the types of plastic resin as prescribed by rule, or
- (iii) Recyclable paper; and
- (d) handles are not required for carryout bags constructed out of recyclable paper with a height of less than 14 inches and width of less than 8 inches.
- (4) SINGLE-USE CARRYOUT BAG means a carryout bag that is not a reusable carryout bag.

Source: Ord. 20120301-078.

§ 15-6-122 - REGULATIONS.

- (A) Beginning on the effective date of this ordinance, the City will engage in a public education campaign to inform business establishments and citizens of the requirements regarding carryout bags.
- (B) Beginning March 1, 2013, no person may provide single-use carryout bags at any City facility, City-sponsored event, or any event held on City property.
- (C) Beginning March 1, 2013, a business establishment within the City limits may not provide single-use carryout bags to its customers or to any person.
- (D) Beginning March 1, 2013, a business establishment within the City limits must provide prominently displayed signage advising customers of the benefit of reducing, reusing and recycling and of the need to use reusable carryout bags. The language and placement of signs under this Section shall be as prescribed by rule.
- (E) A business establishment within the City limits may provide or sell reusable carryout bags to its customers or any person. A person may provide or sell reusable carryout bags at any City facility, City-sponsored event, or any event held on City property.

Source: Ord. 20120301-078.

§ 15-6-123 - EXEMPTIONS.

This article does not apply to:

- (1) Laundry dry cleaning bags, door-hanger bags, newspaper bags, or packages of multiple bags intended for use as garbage, pet waste, or yard waste;
- (2) Bags provided by pharmacists or veterinarians to contain prescription drugs or other medical necessities, only if the bags are recyclable within the City of Austin residential recycling program;
- (3) Bags used by restaurants to take away prepared food, only if the bags are recyclable within the City of Austin residential recycling program; and
- (4) Bags used by a consumer inside a business establishment to:
 - (a) Contain bulk items, such as produce, nuts, grains, candy, or small hardware items,
 - (b) Contain or wrap frozen foods, meat, or fish, whether or not prepackaged,
 - (c) Contain or wrap flowers, potted plants or other items to prevent moisture damage to other purchases, or





(d) Contain unwrapped prepared foods or bakery goods; and

(5) Bags used by a non-profit corporation or other hunger relief charity to distribute food, grocery products, clothing, or other household items.

Source: Ord. 20120301-078.

§ 15-6-124 - HARDSHIP VARIANCE.

- (A) The Director may grant a variance from a requirement of this article only after determining that:
 - (1) application of this article would cause undue hardship based upon unique circumstances, or
 - (2) application of this article would deprive a person or business enterprise of a legally protected right.
- (B) The request for variance shall be submitted on a form prescribed by rule.
- (C) A variance granted under this Section must be the minimum departure necessary to address the hardship.
- (D) The Director shall prepare written findings to support the grant or denial of a variance request under this Section.

Source: Ord. 20120301-078.

ARTICLE 8. - ENFORCEMENT AND PENALTIES.

§ 15-6-125 - NOTICE.

Notice required under this Article shall be given by certified or registered mail, return receipt requested, and shall be prima facie evidence that the recipient received notice.

Source: Ord. 20090312-014; Ord. 20121018-024.

§ 15-6-126 - INVESTIGATIONS.

The City may conduct investigations into the operations of private solid waste collection services operating in the city to determine whether the services comply with this chapter and other applicable laws.

Source: Ord. 20090312-014; Ord. 20101104-018; Ord. 20121018-024.

§ 15-6-127 - ENFORCEMENT.

The City shall enforce this chapter and rules adopted under this chapter.

Source: Ord. 20090312-014; Ord. 20101104-018; Ord. 20121018-024.

§ 15-6-128 - CITATION.

(A) An authorized person may issue a citation to a person the issuer reasonably believes has engaged in conduct that violates this chapter.





- (B) A citation issued under this section must be on a form prescribed by the municipal court clerk that includes space for the following information, if known, to be indicated, as applicable:
 - (1) the name and address of the person cited;
 - (2) the type and number of a license issued to the person under this chapter, if any;
 - (3) the offense for which the person is charged;
 - (4) the date, time, and location of the offense;
 - (5) the state license plate number of the vehicle;
 - (6) the appearance date;
 - (7) a statement ordering the person receiving the citation to respond to the citation at municipal court on or before the appearance date indicated on the citation;
 - (8) a statement of the person's promise to respond to the citation by the appearance date indicated on the citation, together with a place for the person cited to provide the person's signature; and
 (2) at an information as data mained by the director.
 - (9) other information as determined by the director.
- (C) The enforcement officer shall retain the original of the citation for filing in Municipal Court, shall request the signature of the person accepting receipt, and provide a copy of the citation to that person. If the person refuses to sign or receive the citation or is not present to receive the citation, the enforcement officer shall:
 - (1) leave a copy of the citation on the vehicle in a prominent place; or
 - (2) mail a copy of the citation, as applicable, to:
 - (a) the person cited;
 - (b) the licensee under this chapter;
 - (c) the registered owner of the vehicle; or
 - (d) the holder under whose authority the vehicle is operated.

Source: Ord. 20090312-014; Ord. 20101104-018; Ord. 20121018-024.

§ 15-6-129 - DUTY TO RESPOND TO CITATION.

- (A) On or before the appearance date indicated on the citation, a person cited under this chapter shall submit a plea to each charge indicated on the citation. The person may enter a plea of guilty, not guilty, or no contest. The plea must be submitted to the municipal court clerk by mail, in person, or by other method acceptable to the municipal court.
- (B) A person may enter a plea of guilty or no contest to a charge on a citation issued under this chapter by paying to the municipal court the fine for and any court costs associated with the charge.

Source: Ord. 20090312-014; Ord. 20121018-024.

§ 15-6-130 - COMPLIANCE REQUIRED.

(A) A person commits an offense if the person performs an act prohibited by this chapter or fails to perform an act required by this chapter. Each instance of a violation of this chapter is a separate offense.





- (B) A person commits an offense if the person has been issued a citation under this chapter and the person fails to enter a plea to a charge indicated on the citation on or before the appearance date indicated on the citation.
- (C) A person commits an offense if the person intentionally harasses, threatens, interferes with, or gives a false or fictitious name, residence address, license, license number, vehicle registration, or date of birth to an enforcement officer at the time the enforcement officer is issuing the person a citation under this chapter.

Source: Ord. 20090312-014; Ord. 20121018-024.

§ 15-6-131 - CULPABLE MENTAL STATE.

- (A) Except as otherwise specifically required in this chapter, proof of a culpable mental state is not required for a conviction of an offense under this chapter for a fine under \$500.00.
- (B) Proof of a culpable mental state is required for a conviction of an offense under this chapter for a fine of \$501.00 to \$2,000.00.

Source: Ord. 20090312-014; Ord. 20121018-024.

§ 15-6-132 - PENALTIES FOR VIOLATIONS.

- (A) A person who violates a provision of this chapter, or who fails to perform a duty required of the person under this chapter, commits an offense. A person is guilty of a separate offense for each day or part of a day during which a violation is committed, continued, or permitted.
- (B) An offense under this chapter is punishable by a fine of not more than \$2,000 and, upon a first conviction, not less than \$100.
- (C) The minimum fine established in Subsection (B) shall be doubled for the second conviction of the same offense within any 24-month period and trebled for the third and subsequent convictions of the same offense within any 24-month period. At no time shall the minimum fine exceed the maximum fine established in Subsection (B).
- (D) In addition to being subject to criminal enforcement and penalties as provided in Subsections (A), (B), and (C) of this section, a licensee that violates or causes or permits the violation of any of the provisions of this chapter commits a civil offense and is civilly liable to the city for an amount not to exceed \$2,000 for each violation. A licensee is liable for a separate violation for each day or part of a day during which a violation is committed, continued, or permitted.
- (E) In addition to being subject to civil and criminal enforcement and penalties for violations of this chapter, in any instance where a person and/or licensee's violation of this chapter creates or exacerbates an adverse public health or safety condition related to wet or dry solid waste material accumulation, release, or dispersal, the city may immediately abate the conditions in question without notice and charge the person and/or licensee for any and all costs and/or fees incurred by the city or any entity acting on its behalf for the abatement, cleaning, removal, and/or remediation of any location adversely affected by the violation of this chapter by the person and/or licensee.





(F) The remedies provided in this chapter are cumulative and in addition to any and all other remedies available at law or in equity under applicable federal, state, and local law.

Source: Ord. 20090312-014; Ord. 20121018-024.

§ 15-6-133 - ENFORCEMENT AGAINST EMPLOYEES.

In accordance with Sections 250.003 and 250.004 of the Texas Local Government Code, an individual who is an employee of the owner of real property for which a citation for a violation of a municipal rule or ordinance is issued, or a company that manages the property on behalf of the property owner, is not personally liable for criminal or civil penalties resulting from the violation if, not later than the fifth calendar day after the date the citation is issued, the individual provides the property owner's name, current street address, and telephone number to the enforcement official who issues the citation or to the official's superior.

Source: Ord. No. 20140612-010, Pt. 12, 6-23-14.

ARTICLE 9. - CONSTRUCTION AND DEMOLITION MATERIALS DIVERSION PROGRAM

Division 1. - Program Requirements.

§ 15-6-150 - COMPLIANCE REQUIRED.

- (A) Except as provided in Section 15-6-156 (Waiver), a permittee subject to Section 25-11-39 (Construction and Demolition Materials Diversion Required) shall comply with this Article.
- (B) A permittee complies with this Article if the permittee meets or exceeds either the project disposal rate in Section 15-6-151 (Project Disposal Rates) or the project diversion rate in Section 15-6-152 (Project Diversion Rates).
- (C) In this chapter, materials includes non-hazardous materials that are directly, or indirectly, by-products of a project including, but not limited to, building components, concrete, corrugated cartons, gypsum wallboard, metal, paper, paving, plastics, and wood; but does not include excavated soil, stone, land-clearing debris, asbestos-containing materials, lead-containing materials, and similar items.
- (D) Building components include, but are not limited to, doors, windows, fixtures, structural members, architectural parts, masonry, and similar items.

Source: Ord. No. 20151119-098, Pt. 2, 10-1-2016. Note— Ordinance No. 20151119-098 takes effect on October 1, 2016.

§ 15-6-151 - PROJECT DISPOSAL RATES.

- (A) Beginning October 1, 2016, a permittee or its agents may not dispose more than 2.5 pounds of materials per square foot of the project.
- (B) Beginning October 1, 2020, subject to approval by City Council of the report required in Section 15-6-157(A), a permittee or its agents may not dispose more than 1.5 pounds of materials per square foot of the project.

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(C) Beginning October 1, 2030, subject to approval by City Council of the report required in Section 15-6-157(B), a permittee or its agents may not dispose more than 0.5 pounds of materials per square foot of the project.

Source: Ord. No. 20151119-098, Pt. 2, 10-1-2016. Note— Ordinance No. 20151119-098 takes effect on October 1, 2016.

§ 15-6-152 - PROJECT DIVERSION RATES.

- (A) Beginning October 1, 2016, a permittee or its agents shall divert a minimum of 50 percent of materials generated by the project for beneficial use.
- (B) Beginning October 1, 2020, subject to approval by City Council of the report required in Section 15-6-157(A), a permittee or its agents shall divert a minimum of 75 percent of materials generated by the project for beneficial use.
- (C) Beginning October 1, 2030, subject to approval by City Council of the report required in Section 15-6-157(B), a permittee or its agents shall divert a minimum of 95 percent of materials generated by the project for beneficial use.

Source: Ord. No. 20151119-098, Pt. 2, 10-1-2016. Note— Ordinance No. 20151119-098 takes effect on October 1, 2016.

§ 15-6-153 - PROJECT DISPOSAL AND DIVERSION REPORT.

- (A) A permittee shall provide the department the report required by subsection (B) at the same time it requests final inspections to complete the building or demolition permit requirements.
- (B) A report must include:
 - (1) the quantity of materials generated by the project and put to beneficial use onsite;
 - (2) the quantity of materials delivered to a qualified processor;
 - (3) the quantity delivered to a processor or end-user and diverted for beneficial use;
 - (4) the quantity of materials delivered to a processor or end-user and disposed;
 - (5) the quantity of materials delivered directly to a disposal facility; and
 - (6) any other information required by the department

Source: Ord. No. 20151119-098, Pt. 2, 10-1-2016. Note— Ordinance No. 20151119-098 takes effect on October 1, 2016.

§ 15-6-154 - CALCULATIONS.

The department will establish by rule the calculations for project disposal and diversion rates.

Source: Ord. No. 20151119-098, Pt. 2, 10-1-2016. Note— Ordinance No. 20151119-098 takes effect on October 1, 2016.





§ 15-6-155 - QUALIFIED PROCESSOR.

A permittee may deliver materials to a qualified processor to meet the rates established in Section 15-6-151 (Project Disposal Rates) or Section 15-6-152 (Project Diversion Rates).

Source: Ord. No. 20151119-098, Pt. 1, 10-1-2016. Note— Ordinance No. 20151119-098 takes effect on October 1, 2016.

§ 15-6-156 - WAIVER.

- (A) A permittee may request a waiver from the disposal rates in Section 15-6-151 (Project Disposal Rates) and the diversion rates in Section 15-6-152 (Project Diversion Rates) for a project subject to this Chapter.
- (B) A permittee's request for a waiver must be submitted on a form approved by the director and include a project disposal and diversion report required by Section 15-6-153 (Project Disposal and Diversion Report).
- (C) The director may grant a waiver if the permittee shows a good faith effort to divert materials generated by the project but could not meet the disposal or diversion rate requirements because the materials are not marketable in the Austin Metro Area.

Source: Ord. No. 20151119-098, Pt. 2, 10-1-2016. Note— Ordinance No. 20151119-098 takes effect on October 1, 2016.

§ 15-6-157 - REPORTS.

- (A) The City Manager must provide a report concerning the economic impact of existing disposal and diversion rates on household affordability and an assessment of future markets for reuse of construction and demolition materials on or before April 2, 2020.
- (B) The City Manager must provide a report concerning the economic impact of existing disposal and diversion rates on household affordability and an assessment of future markets for reuse of construction and demolition materials on or before April 2, 2030.
- (C) The City Council may approve each report by resolution.

Source: Ord. No. 20151119-098, Pt. 2, 10-1-2016. Note— Ordinance No. 20151119-098 takes effect on October 1, 2016.

Division 2. - Qualified Processors.

§ 15-6-160 - REGISTRATION REQUIRED.

- (A) The department may register a facility that meets the requirements in Section 15-6-161 (Qualified Processor Requirements) as a qualified processor.
- (B) A registration is effective for two years.
- (C) To remain registered, the facility owner must submit a renewal application at least 90 days before the expiration of the registration.





Source: Ord. No. 20151119-098, Pt. 2, 10-1-2016. Note— Ordinance No. 20151119-098 takes effect on October 1, 2016.

- § 15-6-161 QUALIFIED PROCESSOR REQUIREMENTS.
 - (A) A facility is a qualified processor if it meets the following criteria:
 - (1) complies with all federal, state, and local regulations, including any permit requirements;
 - (2) weighs the items described in Subsection (B);
 - (3) provides the information described in Subsection (C);
 - (4) is located in the Austin Metro Area;
 - (5) authorizes an inspection of its facility by the department; and
 - (6) agrees to the requirements described in Section 15-6-163 (Audit Requirements).
 - (B) A qualified processor must be able to weigh:
 - (1) inbound mixed materials;
 - (2) materials reclaimed for use from mixed materials; and
 - (3) residual material disposed.
 - (C) A qualified processor must be able to provide customers with documentation that shows the date, quantity of materials, and the disposition of materials, mixed or separated, received from projects subject to this Article. Amounts may be calculated based on tons, or in a manner provided for in the Rules.
 - (D) A qualified processor must submit a report each six months to the director that includes the average diversion rate, the types of materials recovered, and the beneficial uses for the materials. The report is due no later than 30 days after the end of each six month period.
 - (E) A qualified processor must have its average diversion rate validated in accordance with Section 15-6-162 (Average Division Rate Calculation and Validation).

Source: Ord. No. 20151119-098, Pt. 2, 10-1-2016. Note— Ordinance No. 20151119-098 takes effect on October 1, 2016.

§ 15-6-162 - AVERAGE DIVERSION RATE CALCULATION AND VALIDATION.

- (A) A qualified processor's average diversion rate is calculated as the tons of materials reclaimed divided by the tons materials processed and multiplied by 100 percent.
- (B) A person is authorized to validate a qualified processor's average diversion rate if the person:
 - (1) has operational or consulting experience in waste management, building design, construction, demolition, renovation, environmental protection, or accounting;
 - (2) completes City-approved training, as may be required by the director, on construction and diversion material recycling, Zero Waste, or other related topics; and
 - (3) is approved by director.
- (C) A person qualified under this Section to validate average diversion rates may not charge fees contingent upon a City registering a facility as a qualified processor.
- (D) An employee, owner, or other agent of the qualified processor may not validate the average diversion rate for the qualified processor.





Source: Ord. No. 20151119-098, Pt. 2, 10-1-2016. Note— Ordinance No. 20151119-098 takes effect on October 1, 2016.

§ 15-6-163 - AUDIT REQUIREMENTS.

- (A) A qualified processor shall make its records available for audit by the department during regular business hours.
- (B) Failure to comply with Subsection (A) is cause to suspend the qualified processor's registration.

Source: Ord. No. 20151119-098, Pt. 2, 10-1-2016. Note— Ordinance No. 20151119-098 takes effect on October 1, 2016.

§ 15-6-164 - SUSPENSION.

- (A) The department may suspend a qualified processor's registration if the qualified processor fails to comply with the requirements in this division.
- (B) Prior to suspending a registration, a written notice of proposed suspension must be sent to the facility owner and operator.
- (C) The notice described in Subsection (B) will include the violation and a time period to correct the violation.
- (D) If the facility does not correct the violation within the time period stated in the notice, the department will notify the facility owner and operator that the facility is no longer a qualified processor.
- (E) A facility owner or operator may appeal the decision to suspend the qualified processor's registration. An appeal must be filed with the director no later than 20 days after the date the registration was suspended. The appeal must identify each alleged point of error, facts, and evidence supporting the appeal and reasons why the suspension should be set aside. The appeal must be signed by the facility owner or operator. The director must provide a written response to the appeal that affirms, reverses, or modifies the suspension within 30 days from the date the appeal is received by the director.

Source: Ord. No. 20151119-098, Pt. 2, 10-1-2016. Note— Ordinance No. 20151119-098 takes effect on October 1, 2016.

Division 3. - Enforcement.

§ 15-6-170 - ENFORCEMENT.

- (A) A permittee who fails to submit the report required in Section 15-6-153 (Project Disposal and Diversion Rate Report) commits an offense punishable as described in Section 1-1-99 (Offenses; General Penalty).
- (B) A permittee who fails to submit a substantially complete report required in Section 15-6-153 (Project Disposal and Diversion Rate Report) commits an offense punishable as described in Section 1-1-99 (Offenses; General Penalty).





- (C) A permittee who fails to meet the requirements in Section 15-6-151 (Project Disposal Rates) or Section 15-6-152 (Project Diversion Rates) commits an offense punishable as described in Section 1-1-99 (Offenses; General Penalty).
- (D) A culpable mental state is not required, and need not be proved.
- (E) Each day a permittee fails to submit a report is a separate offense.

Source: Ord. No. 20151119-098, Pt. 2, 10-1-2016. Note— Ordinance No. 20151119-098 takes effect on October 1, 2016.

