

📖 **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 or agent;
- (2) the operator of a vehicle owned by a governmental body and used to transport the governmental body's solid waste;
- (3) a sloop or swill hauler who complies with Section [10-5-62](#) (*Permit Required for Sloop and Swill Hauler*); or
- (4) a private collection service that hauls refuse from single-family residences only.
- (5) 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.

📖 **§ 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 right-of-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:

(1) 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 Code Compliance. The report shall be on a form provided by Code Compliance. The report shall be filed with Code Compliance semi-annually on or before the last business day in January and July of each calendar year. The report shall contain the following information:

(1) the amount in tons of each of the following types of material hauled;

(a) solid waste;

- (b) recyclables; and
 - (c) organic materials collected and transported to a receiving facility.
- (2) other information required by Code Compliance.

Source: 1992 Code Section 12-3-83; Ord. 031204-14; Ord. 031211-11; Ord. 20101104-018; Ord. 20120628-012.

 **§ 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:

- (1) 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, 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 on both the driver and passenger side doors of the vehicle.

(C) A licensee shall display the container decal on the front face of every container described in the license.

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.

 **§ 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 the city council. The department shall calculate the fee based on the number of containers in service and the number of days a container is in service.

(E) A licensee shall pay the 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.

(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.

Source: 1992 Code Sections 12-3-85(A) through (D); Ord. 031204-14; Ord. 031211-11; Ord. 20120628-012.

§ 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.

(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.