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ARTICLE 1. GENERAL PROVISIONS.

§ 15-6-1 DEFINITIONS.

In this chapter:

(1) COLLECTION SERVICE means scheduled collection and disposition of solid waste and recyclables.

(2) DEPARTMENT means the Department of Solid Waste Services.

(3) DIRECTOR means the director of the Solid Waste Services Department.

(4) PERSON means an individual, corporation, firm, government or governmental subdivision, partnership, joint venture, limited liability company, or other business entity.

(5) PRIVATE SOLID WASTE COLLECTION SERVICE means the business of collecting, removing, or transporting solid waste from any premises within the city for a fee.

(6) SOLID WASTE means rubbish, refuse, and other discarded materials.

(7) SOLID WASTE SERVICE means collection and disposal of solid waste, collection and processing of recyclables, litter abatement, street cleaning, and household hazardous waste disposal.

Source: 1992 Code Section 12-3-2; Ord. 031204-14; Ord. 031211-11; Ord. 20090312-014.

§ 15-6-2 DEPARTMENT CREATED.

(A) The department of solid waste service 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.

§ 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 Solid Waste Advisory Commission.

(C) The department shall make a copy of the rules available to a customer on request.

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

§ 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 \(Commercial and Multi-Family Recycling\)](#).

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

§ 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) The department shall make collection service available to all premises in the city.
- (B) The department shall charge the fee prescribed by the city council for the service.

Source: 1992 Code Section 12-3-21(A); Ord. 031204-14; Ord. 031211-11.

§ 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) The director may require a person to obtain private collection service, if the director determines that the person cannot be adequately served by the City.
- (B) The owner or other person in charge of a business, apartment house, or other multi-family residential unit that contains at least four dwelling units may decline collection service through a written agreement with the City. The department may not charge for collection service at the affected property while the agreement is in effect.
- (C) The department may not charge a person who obtains private collection service under this section.

Source: 1992 Code Sections 12-3-21(B) and 12-3-22; Ord. 031204-14; Ord. 031211-11.

§ 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 customer 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.

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 ANTI-LITTER AND OTHER SERVICES.

(A) The department shall charge rates for litter abatement, street cleaning, and household hazardous waste disposal in accordance with this section.

(B) The department shall apply a residential rate to each residence where utility service is active, whether or not the premises is occupied. For a multi-family complex with a utility account serving more than one tenant, the department shall multiply the residential rate by the number of residential units.

(C) The department shall apply a commercial rate to each business that occupies a premises or a portion of a premises where utility service is active, whether or not the premises is occupied.

(D) The department shall apply a commercial rate to a building that houses businesses. The department shall multiply the commercial rate by the number of tenants that may occupy the building.

(E) The department shall apply the commercial rate to each business with a utility account serving more than one tenant.

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

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 slop or swill hauler who complies with Section [10-5-62](#) (*Permit Required for Slop and Swill Hauler*); or
- (4) a private collection service that hauls refuse from single-family residences only.

Source: 1992 Code Section 12-3-63; Ord. 031204-14; Ord. 031211-11.

§ 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.

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

§ 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) On or before the first day of January, April, July, and October, a licensee who provides recycling service under [Article 5 \(Commercial and Multi-Family Recycling\)](#) shall file a quarterly report with the department that includes:

- (1) the amount and type of recyclable materials collected; and
- (2) other information required by the director.

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

§ 15-6-45 DRIVERS.

(A) A licensee shall employ competent drivers to drive its solid waste collection vehicles.

(B) 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.

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

A licensee shall provide written notice to the director within 10 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.

§ 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 director may not issue an initial or renewal license under this article to an applicant unless the applicant includes with the application:

- (1) a statement listing all claims, suits, or other actions pending against the applicant for personal injuries or property damage arising out of the operation of a vehicle or equipment that the applicant proposes to use under the license, with the amount and status of the claim;
- (2) a certificate of insurance that conforms to Section [15-6-53](#) (*Insurance*); and
- (3) 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.

§ 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 \$600,000 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.

§ 15-6-54 DECAL.

(A) The director shall issue a decal to a licensee for each refuse collection vehicle included in the license and each additional vehicle approved by the director under Section [15-6-42](#).

(B) A licensee shall display the decal in the upper passenger side corner of the front windshield of the vehicle.

Source: 1992 Code Sections 12-3-82(A) through (C) and 12-3-62(C); Ord. 031204-14; Ord. 031211-11; Ord. 20090312-014.

§ 15-6-55 TEMPORARY DECAL.

(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) The 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.

§ 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 operating fee quarterly, on or before the first day of January, April, July, and October 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 60th day after the end of the calendar quarter for which the fee is due.

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

§ 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.

The city manager may revoke a license issued under this article if the licensee:

- (1) fails to timely pay a fee or file a report required under this article; or
- (2) fails to comply with this article.

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

§ 15-6-59 APPEAL.

(A) A person may appeal to the city council a decision by the director or the city manager to:

- (1) deny a license;
- (2) revoke a license; or
- (3) refuse to renew a license.

(B) An aggrieved person must file an appeal with the city clerk not later than the 10th 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.

(C) Not later than the 30th day after a person files an appeal with the city clerk, the city council shall schedule a hearing to consider the appeal.

(D) The city council may sustain, reverse, or modify the action appealed.

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

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. COMMERCIAL AND MULTI-FAMILY RECYCLING.

Division 1. General Provisions.

§ 15-6-81 APPLICABILITY.

(A) This article applies in the City's zoning jurisdiction.

(B) This article does not apply to City of Austin Solid Waste Services customers.

Source: 1992 Code Section 12-3-121; Ord. 031204-14; Ord. 031211-11.

§ 15-6-82 RIGHT OF ENTRY.

(A) A department inspector may enter the premises of a business, building, or multi-family residential complex that is required to provide on-site recycling under this article 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 owner or other person having control of the building and request entry to the premises.

Source: 1992 Code Section 12-3-122; Ord. 031204-14; Ord. 031211-11.

Division 2. Service.

§ 15-6-91 REQUIRED SERVICE PROVIDERS.

The owner or other person in control of the following premises shall provide on-site recycling service under this article:

- (1) a business with 100 or more employees;
- (2) a building housing businesses with an aggregate of at least 100 employees, if the building owner or manager provides a single garbage collection service; and
- (3) a multi-family residential complex with more than 100 units.

Source: 1992 Code Section 12-3-141; Ord. 031204-14; Ord. 031211-11.

§ 15-6-92 SERVICE DESCRIBED.

- (A) A person required to provide recycling service under this article must:
- (1) provide the service at least two times each month;
 - (2) collect at least two recyclable materials listed in rules adopted under this article from a business or building to which the article applies;
 - (3) collect at least four recyclables materials listed in rules adopted under this article from a multi-family residential complex to which the article applies; and
 - (4) include recycling receptacles and recycling collection and storage areas that comply with applicable rules.

(B) A person required to provide service under this article may provide the service personally or by contract with a recycling service provider.

Source: 1992 Code Section 12-3-142; Ord. 031204-14; Ord. 031211-11.

§ 15-6-93 EDUCATION.

(A) An owner or other person required to provide recycling service to a business must provide recycling information and instructions to:

- (1) its employees annually;
- (2) a new employee no later than the seventh day after the employee begins work; and
- (3) all employees not later than the 30th day after a change in the service offered.

(B) An owner or other person required to provide recycling service to a building must provide recycling information and instructions to:

- (1) each business housed in the building annually;
- (2) a new business not later than the 30th day after occupancy; and
- (3) all businesses housed in the building not later than the 30th day after a change in the service offered.

(C) An owner or other person required to provide recycling service to a multi-family residential complex must provide recycling information and instructions to:

- (1) all tenants annually;
- (2) a new tenant not later than the 30th day after occupancy; and
- (3) all tenants not later than the 30th day after a change in the service offered.

Source: 1992 Code Section 12-3-143; Ord. 031204-14; Ord. 031211-11.

Division 3. Reporting Requirements.

§ 15-6-101 RECYCLING PLAN.

(A) A person required to provide recycling service under this article shall file a recycling plan with the department.

(B) A person shall file a recycling plan for a new business, building, or multi-family residential complex not later than the 14th day after beginning operations.

(C) A plan must:

(1) be on a form prescribed by the director;

(2) list the materials to be recycled; and

(3) state whether the person will provide the service by self-hauling or by contract with a recycling service provider.

Source: 1992 Code Section 12-3-161; Ord. 031204-14; Ord. 031211-11.

§ 15-6-102 QUARTERLY VOLUME REPORT.

(A) A person who contracts with a recycling service provider that is not licensed under [Article 3](#) (*Private Solid Waste Collection Service*) shall file a volume report with the department on or before the first day of January, April, July, and October of each year.

(B) A volume report must include:

(1) the volume and type of recyclable materials collected in the preceding quarter, and

(2) other documentation required by the director.

Source: 1992 Code Section 12-3-162; Ord. 031204-14; Ord. 031211-11.

§ 15-6-103 NOTICE OF CONTRACT TERMINATION.

A person who provides recycling service under this article by contract with a recycling service provider shall notify the department in writing not later the 14th day after the person terminates the contract.

Source: 1992 Code Section 12-3-163; Ord. 031204-14; Ord. 031211-11.

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

(A) A person required to provide recycling service shall notify the department in writing if the person:

(1) discontinues self-hauling and contracts with a recycling service provider;

(2) terminates a contract with a provider licensed under [Article 3](#) (*Private Solid Waste Collection Service*) and enters a contract with a service provider that is not licensed under [Article 3](#) (*Private Solid Waste Collection Service*); or

(3) terminates a contract with a service provider that is not licensed under [Article 3](#) (*Private Solid Waste Collection Service*) and enters a contract with a service provider that is licensed under [Article 3](#) (*Private Solid Waste Collection Service*).

(B) A person shall file the notice required by this section with the department not later than the 30th day after a contract is executed.

Source: 1992 Code Section 12-3-164; Ord. 031204-14; Ord. 031211-11.

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.

ARTICLE 7. ENFORCEMENT AND PENALTIES.

§ 15-6-121 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.

§ 15-6-122 INVESTIGATIONS.

The department and the Police Department 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.

§ 15-6-123 ENFORCEMENT.

The department and the Police Department shall enforce this chapter and rules adopted under this chapter.

Source: Ord. 20090312-014.

§ 15-6-124 CITATION.

(A) An enforcement officer may issue a citation to a person the officer 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
- (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.

§ 15-6-125 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.

§ 15-6-126 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.

§ 15-6-127 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 \$2000.00.

Source: Ord. 20090312-014.

§ 15-6-128 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.