

2006-06-29-0817

AN ORDINANCE

AMENDING CHAPTER 14 OF THE CITY CODE REGARDING THE SOLID WASTE HAULER'S PERMIT AND FEE PROGRAM BY CLARIFYING ENFORCEMENT OPTIONS, INCLUDING, BUT NOT LIMITED TO, DISCOUNTS FOR EARLY PERMIT PAYMENTS, AS WELL AS LATE FEE CHARGES; LIMITING CITY PROJECTS TO PERFORMANCE BY ONLY COMPLIANT HAULERS; AND ADJUSTING ENFORCEMENT NOTICE REQUIREMENTS; ALLOWING A ONE-TIME AMNESTY OPPORTUNITY FOR NON-COMPLIANT HAULERS; RECITING EXISTING CIVIL AND CRIMINAL PENALTIES; AND DIRECTING PUBLICATION

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SECTION 1. The City Manager or her designee is authorized to devise and promulgate all forms, documents, and protocols, and to perform all acts necessary, at her discretion, to administration of the solid waste hauler's permit and fee program described in the City Code of San Antonio, Texas, Chapter 14, Article III, LICENSES, PERMITS AND FEES.

SECTION 2. The City Council hereby consents to allow a one-time, single amnesty opportunity to persons who have operated in violation of Article III and are delinquent in permit fee payments. This opportunity will enable those persons to avoid fines, civil and criminal prosecutions, by timely curing 2005 and other years' delinquent fees and permits requirements as set forth below. To this end, the City Manager or her designee is authorized to exercise discretion to make and carry out permit and fee amnesty protocols and to perform all acts necessary to bring delinquent haulers into compliance under conditions (a) that delinquent permits are brought current in a timely and orderly manner, allowing up to six (6) months from May 1, 2006, for delinquent parties to pay past due permit fees attributable to the 2005 permit year, which permit year commenced May 1, 2005, and ended April 30, 2006, and delinquencies attributable to other years; and (b) applicant must be current and in compliance with 2006 quarterly installments or must have paid 2006 annual permit obligations in full. No applicant is eligible for an amnesty payment schedule unless he / she is current with 2006 permit and fee obligations, whether under the quarterly or annual options.

SECTION 3. The City Council finds that the permits and fees prescribed in Article III, Chapter 14 of the City Code of Ordinances, are necessary to the public health and safety. The City's infrastructure hosts two (2) regional solid waste landfills and a transfer station that serves a major landfill at Creedmore / Buda, Texas. Commercial and industrial operators generally conduct business with high regard for the public interest. Yet, the location of regional landfills within the City's jurisdiction causes wear upon infrastructure and strains regulatory resources. In exercising its local governmental functions, the City must also address and abate nuisance conditions, answer public and private service complaints, mediate among industry members, and intervene between industry and the citizenry when public sensibilities are aroused. The permits and fees provided herein will be used to address the foregoing public needs and will promote uniformity of standards among operations that engage in commercial and industrial waste hauling.

SECTION 4. The City Code of San Antonio, Texas, Chapter 14, , Article III, LICENSES, PERMITS AND FEES, is hereby amended by adding language that is underlined and ~~striking~~ deleted language as follows:

ARTICLE III. LICENSES, PERMITS AND FEES

Sec. 14-22. Licenses, permits and fees.

(a) *Residences.* Use of city garbage, brush, and refuse collection and removal and disposal service and payment of fees set out below for such service shall be mandatory except as exempted in subsection (d) below. The monthly fees for household garbage includes recycling, brush, and refuse collection shall be as follows:

(1) Residential and other sites.

<i>Type</i>	<i>(regular account for curbside garbage and recycling) Charge Per Month</i>
Single family residence on one meter	<u>\$10.16</u> 10.41
Duplex dwelling units on one meter	<u>20.32</u> 22.60
All other dwelling units, per single unit	<u>10.16</u> 10.41

<i>Type</i>	<i>(regular account for brush) Charge Per Month</i>
Single family residence on one meter	<u>2.53</u> 1.20
Duplex dwelling units on one meter	<u>5.06</u> 2.40
All other dwelling units, per single unit	<u>2.53</u> 1.20

(1) Vacant lots, or persons, entities and organizations that do not have regular accounts \$50.00 ~~12.71~~—per 8 cubic yards for collection and disposal of brush cuttings and bulky items; \$25.00 for each additional 8 cubic yards; \$50.00 minimum charge

(2) Commercial and non-city residents \$25.00 ~~3.50~~ per ton, or 4.75

disposal / recycling of brush at Bitters Road site, based on weight of brush rounded upward to the nearest twenty (20) lb. increment, yielding a minimal disposal fee based on 20 lbs.....

4.47 / per cubic yard ~~yd.~~ if scales are not available; \$25.00 minimum charge

(3) Residential, in city, non-commercial brush

\$23.50 per ton or \$4.47 per cubic yard if scales not are not available

(4) (3) Sale to the general public of finely-screened landscaping mulch from Bitters Road Brush Shredding Site, based on sales rounded upward to the nearest twenty (20) lb. increment, yielding a minimum sale of twenty (20) lbs; subject to availability.....

\$0.03 (three cents) per pound in increments of twenty (20) pounds; converted to \$12/cubic yard if scales are not available

(5) (4) Conditionally exempt small quantity generator wastes (CESQGs), as defined by the Texas Commission on Environmental Quality, Texas Natural Resources Conservation, and as per city's CESQG Program when implemented.....

The city's actual costs plus fifteen (15) percent

(b) *Environmental services fee.* All properties, residential and nonresidential, shall pay a monthly environmental services fee of one dollar and thirty cents (\$1.30) per each electrical meter account, billed and collected as provided below in section 14-24. This fee is intended to defray municipal expense necessary to cleaning up illegally dumped waste, collecting and disposing of dead animals, performing regulatory maintenance on closed landfills, and equitably sharing costs for neighborhood clean-ups benefiting residents and businesses that do not pay a monthly solid waste processing fee. Exemptions at subsection (d), recited below, do not apply to the environmental services fee.

(c) *Commercial.* The monthly fee for commercial premises including institutions, hotels, motels, and premises not specifically listed in the residential schedule shall be two dollars ~~one dollar~~ (\$2.00 ~~1.00~~) per sticker or plastic bag.

(d) *Exemptions.* Apartment houses and mobile home parks may be exempted from payment of garbage collection / solid waste fees upon furnishing of sufficient evidence assuring acceptable removal of all garbage and refuse by private means. For such exemption to be granted, written application must be submitted to and approved by the director of the environmental services department. ~~finance.~~

Single-family residences on premises not abutting public roadways, and to which access is possible only across private property, and premises abutting public roadways but on which the

dwelling is so remote from such roadway as to make city collection of garbage impractical, may be exempted from such collection service and charges.

- (1) Exemptions may be granted on certain meter accounts if the number of meters serving a dwelling does not reflect the true nature of the dwelling.
- (2) New single-family residences shall be exempted from city garbage collection service and charges while under construction and after completion until initial occupancy of the structure. Initial occupancy shall be interpreted as the sale or lease of the property to a second party for occupancy, or the first electric meter account name change, whichever occurs first.

(e) *Disposal, Brush Facility, Commercial Haulers, and Special ~~special~~ Service service Program ~~program~~ fees.* Persons disposing of ~~brush~~solid wastes and rubbish ~~for recycling at a city facility~~ or ~~using~~avail themselves of special city solid waste program services shall pay a fee or fees as set out below, unless contractual arrangements specify otherwise.

- ~~(1) *Mixed loads:* Mixed loads will be charged based on the disposal facility attendant's estimate of percentage composition of waste types. If the vehicle driver agrees to the estimated percentage figure, and the load is subsequently found to be of materially different percentage, then the penalty for falsifying nature of wastes will be applied. If the vehicle driver does not agree with the estimated percentage figure, then the load will not be allowed to enter the facility.~~
- (12) *Unknown tare weight:* A vehicle for which the tare (unloaded) weight is not on the disposal facility attendant's records will be charged for the full weight of the vehicle plus trailer(s) and load. After dumping the load, the vehicle and trailer(s) will be re-weighed to determine the tare weight and the amount to be refunded at that time.
- (23) *Residential--Wastes originating within the City of San Antonio Customers:* In order for a load (either brush for recycling or household hazardous waste) to be considered Residential City of San Antonio, the material must originate from within the City of San Antonio corporate limits and must be generated by a residential, non-commercial entity. ~~At the times of the weigh in, the driver of a vehicle transporting wastes must provide proof of origination of said wastes in order to qualify for "within city" rates; otherwise, origination will be assumed to be "outside city."~~Proof of origination must include: ~~within the city must include a spoken declaration by the driver of the origin of wastes and, at least one of the following;~~
 1. Valid Texas driver's vehicle operator license; ~~showing that the driver resides within the city; or and~~
 2. A current CPS Energy bill reflecting (a) the same name as the driver's license and (b) the billing for the City of San Antonio Environmental fee. ~~Valid proof of registration or title showing that the owner or lessee of the vehicle and trailer(s) resides within the city; or~~

- ~~3. Valid disposal facility vehicle permit with the city;~~
- ~~4. Written receipt for wastes showing the name and address of the city resident or business that originated the waste.~~

~~The disposal facility attendant may, at his discretion, require that item 4. be provided even though a declaration and items 1. through 3., have also been provided.~~

(34) *Noncommercial haulers:* In order for a load to be considered noncommercial, none of the transporting vehicle(s) and/or trailer(s) can have entered a city brush disposal facility more than six (6) times during the last sixty (60) calendar days. Notwithstanding the number of visits, the disposal facility attendant may, at his discretion, require the commercial rate for any load.

~~(5) *Penalty for giving false information:* Penalty for falsifying the nature or origin of wastes will consist of:~~

- ~~a. Four hundred (400) percent of the amount due under the applicable rate(s); plus~~
- ~~b. Four hundred (400) percent of the cost of cleanup and disposal of disallowed wastes; plus~~
- ~~e. A denial of access to any city disposal facility for a period of up to three (3) years for the driver, the driver's employer and/or the owner of the vehicle that transported the wastes.~~

~~(4) *Penalty for uncovered load. Unlawful unsecured loads for both brush and solid waste. All Facilities.* All vehicles entering a city disposal, recycling, deposit, or waste management facility, whether city or privately owned, shall will be required to have sufficient load restraints to prevent so as to eliminate loss or spillage of load due to wind or motion of the vehicle on the road. Any vehicle driver who that does not comply, in the judgement of the disposal facility attendant, will be required to pay an a uncovered or inadequately secured load penalty of \$5.00 per load at the gate, in addition to any other fees, before being allowed to enter the facility. A person commits an offense if the person delivers an unsecured or uncovered load to any disposal, recycling, or waste management facility within the city's corporate limits.~~

Uncovered load penalty \$5.00 / load

~~(7) *General waste fee:* Applies to all allowable wastes except those separately defined by the City Code.~~

Commercial originating within city..... ~~-\$13.80/ton~~
or fraction thereof, minimum charge of \$13.80

Noncommercial originating within city:

The larger fee of the following:

- a. ~~Gross combined weight of vehicle, trailer(s) and load is less than or equal to 7,000 pounds.....~~ No charge
 - b. ~~Net weight of load is less than or equal to 1,500 pounds~~ No charge
 - c. ~~Net weight of load is greater than 1,500 pounds.....~~ Commercial rate
- All originating outside of city - \$16.60/ton or fraction thereof, minimum charge \$16.60

~~(8) Brush fee:~~

~~Commercial originating within city.....~~ ~~-\$3.05/cubic yard or fraction thereof or \$21.60/ton or fraction thereof where scales are available~~

~~Noncommercial originating within city:~~

~~The larger fee of the following:~~

- a. ~~Gross combined capacity of vehicle, trailer(s) and load is less than or equal to 7 cubic yards~~ ~~—No charge~~
 - b. ~~Net volume of load is less than or equal to 7 cubic yards~~ ~~—No charge~~
 - c. ~~Net volume of load is greater than 7 cubic yards~~ Commercial rate
- All originating outside of city ~~—\$3.65/cubic yard or fraction thereof, or \$25.96/ton where scales are available~~

~~(9) Tire fees:~~

All originating within city ~~—\$0.05/pound nearest 20 pounds~~

All originating outside city ~~—\$0.06/pound nearest 20 pounds~~

~~(10) Grease trap/mud swamp waste fee: _____~~

All originating within city \$13.20/ton or fraction thereof, minimum

All originating outside city charge \$13.20
_ \$15.84/ton
or fraction thereof, minimum
charge \$15.84

(511) ~~Dead animal fee:~~ Applies to all small dead animals (not requiring special handling):

Commercial originating within city \$10.00 / animal
[Veterinarian Charges]

Noncommercial originating within city _ No charge

All originating outside city \$9.60/animal

(12) ~~Asbestos Fee:~~ Applies to all loads containing any proportion of asbestos, either friable or nonfriable

All originating within city _ \$33.20/cubic
yard, charge will be based on
volume size of transportation
vehicle

All originating outside city _ \$39.90/cubic
yard, charge will be based on
volume size of transportation
vehiele

(13) ~~Special waste fee:~~ Applies to loads containing proportion of wastes defined as "special wastes" by the Texas Department of Health and/or wastes defined as "Class II Wastes" by the Texas Water Commission requiring special handling (i.e. hospital waste, etc.):

Small quantities _ 110% of
General Waste Commercial
Rate

Large quantities requiring special documentation or extensive special handling _ 300% of
General Commercial Rate

Waste where disposal requires permit or permission from the Texas Department of Health By Contract Only

(614) *Special pick-up fee:*

All requests for pick-up of <u>bulky waste</u> white goods and/or out of cycle brush at a residential location	\$ 50.00 <u>15.00</u> /one item
Up to 8 cubic yards	\$ 50.00 <u>25.00</u>
Up to 16 cubic yards	\$ 75.00 <u>50.00</u>
Up to 24 cubic yards	\$ 100.00 <u>75.00</u>
Up to 32 cubic yards	\$ 125.00 <u>99.00</u>

(715) State of Texas Disposal Levy: All disposal facility customers, including residences, will be assessed their share of the state disposal levy, which will be collected at the same time as any city fees, and in addition to any city fees. As applicable per State Statute

~~(816) Commercial/industrial haulers: Any commercial and/or industrial hauler collecting, transporting, or disposing of solid wastes, regardless of characterization, within the corporate limits of the city shall be required to permit each vehicle used for transporting or hauling solid waste materials upon public streets, public alleys, or highways within the corporate limits of the city.~~

Vehicle Permit Fee (7,000 lbs. or more gross vehicular weight)	\$2,250.00 per vehicle per year; used for transporting and hauling solid waste material
Vehicle Permit Fee (6,999 lbs. or less gross vehicular weight)	\$150.00 per vehicle per year; used for transporting and hauling solid waste material

~~Any vehicle used exclusively for transporting recyclable materials to recycling facilities are not required to pay the vehicle permit fee.~~

~~The permit fee shall be effective for twelve (12) months from date of issuance. The annual permit fee is due and payable to the City of San Antonio in quarterly installments of \$375.00 (7,000 lbs. gross vehicular weight or more) or \$25.00 (6,999 lbs. gross vehicular weight or less) each on May 1, August 1, November 1, and February 1 of each calendar year, or the next business day should any of the above dates fall upon weekends or City of San Antonio Holidays. These individual quarterly Permit fee payments shall not be pro-rated for use of the vehicle during partial quarters.~~

~~Payments due to the City of San Antonio are payable no later than ten (10) days from the dates specified above. Failure to pay within the ten day period will be cause for revocation of the permit. Vehicles owned and/or leased by the City of San Antonio are exempt from paying the vehicle permit fee. The vehicle permit fee is in addition to any other city fees or charges for disposal at any city solid waste disposal or processing facility.~~

(f) *Credits/refunds. Residential.* No credit/refund shall be made for residential service unless specified in section 14-22(~~da~~), "Residences." Examples:

Example 1. *Customer has a business and takes their residential refuse to dumpster at their business.*

No credit/refund is allowed, ~~unless specified in section 14.22(a), "Residences."~~

Example 2. *Customer has a commercial establishment in a residential building and has paid residential fee and commercial disposal service charge.*

Verification must be made by the director of the environmental services department, ~~public works~~ or his / her designated representative that a business is actually at the stated address and operating as stated. ~~CPS Energy City public service~~ should verify that customer has been billed and rendered payment during disputed period and provide verification in writing that they were under contract to provide service. An alternative would be for customer to provide cancelled checks payable to commercial disposal service covering period of dispute.

Once the necessary verification has been made, a credit/refund can be granted retroactive to one year (twelve (12) months), or to date this activity started, whichever occurs first. An additional two (2) years [twenty-four (24) months] credit/refund can be granted if the customer submits the request in written form. In the event of a refund, a memo providing results of the field investigation, other information verified, and recommendation to refund should be attached to a request for payment and forwarded to fiscal programs for processing.

Example 3. *Customer is operating a small business out of a residence.*

This activity is classified as a "home occupation." A child care activity may fall into this category as long as it meets zoning requirements. ~~is a place where organized care is provided to no more than six (6) children. No signs of any kind, type, or size are permitted. Reference section 35-1041 Zoning Definitions.~~

If ~~As long as~~ the customer is operating in accordance with the above descriptions definitions, they will ~~shall~~ be charged as a residence. There shall be no credit/refund if they are not operating in accordance with the description of a home occupation above definitions.

If the customer is operating in accordance with the above descriptions, they will be charged as a residence. There shall be no credit/refund if they are not operating in accordance with the description of a home occupation ~~above definitions~~.

Example 4. *Customer has a house for sale and wants garbage fee discontinued.*

As long as the collection service is available and electric service is provided to an address the CPS Energy ~~city public service board~~ shall include in a monthly electric and gas bill the solid waste service charges prescribed in the current ordinance relative to collection fees.

Example 5. *Customer changes the type of service and requests credit/refund for previous purchase of garbage bags or stickers.*

No credit/refund shall be made.

Example 6. *Customer lives in an apartment, which has separate electric utility ~~city public service~~ (CPS Energy) meters and has therefore been billed for city solid waste collection and private collection by the apartment owner. Is the tenant entitled to a refund or credit?*

Verification must be made by solid waste personnel ~~that of facts presented as far as~~ CPS Energy meters are being used, solid waste fees paid, and private garbage service is being provided. Once the facts are determined and verified they are as presented by the customer, apartment owners should be contacted and informed of the exemption form requirement.

With verification of facts as described above, a credit/refund can be granted to the tenant retroactive up to one year (twelve (12) months) or whenever tenant moved into apartment, whichever occurs first. An additional two (2) years [twenty-four (24) months] credit/refund can be granted if the customer submits the request in written form. The credit/refund is not to exceed three (3) years [thirty-six (36) months]. A memo from the department of environmental services ~~solid waste~~ providing the information described above for verification and a request for payment for the amount to be refunded should be forwarded to fiscal programs for processing and forwarding to the finance department for payment. If the customer is agreeable, a credit can be given. The credit should be processed through the usual credit process with CPS Energy. ~~city public service~~.

(g) Refusing material for disposal, deposit, or recycling. The director of environmental services department ~~public works~~, or the director's ~~his~~ authorized representative, shall have the right to refuse acceptance of any material for disposal or deposit for recycling at in any city owned facility ~~disposal sites~~ when, in his/her opinion, such material ~~materials~~ poses by its nature a threat to the health and safety of any employee, ~~or~~ may result in pollution of the environment, pose a detriment to the site, or violate state operation permits as a result of its disposal or deposit in facility or site area. This discretionary authority pertains to any City operated facility, including, but not limited to the Bitters Brush Disposal and Recycling Facility, the City's household hazardous waste site(s), and any other fixed or temporary sites used by the City for purposes of solid waste management.

(h) Unlawful to Operate a Solid Waste Vehicle Without a Permit. Public Nuisance. It is an offense for a person to collect or offer to collect, or to dispose or offer to dispose of, solid waste within the city's corporate limits unless the person has obtained and affixed a current, valid permit decal to each vehicle covered by this article. ~~Reserved.~~

Under authority of the Texas Local Government Code, Chapter 217, SUBCHAPTER C, REGULATION BY A HOME RULE MUNICIPALITY, it is further declared a public nuisance

for a person to collect or offer to collect, or to dispose or offer to dispose of, solid waste within the city's corporate limits unless the person has secured and affixed a current, valid permit decal to each vehicle covered by this Article.

(i) *Recyclables Exemption.* Any vehicle used exclusively for transporting recyclable materials to recycling facilities is not required to pay the vehicle permit fee or to possess and display a permit. Vehicles performing only deliveries to the City-owned Bitters Road Brush Recycling Facility and other duly authorized brush recycling facilities will be permit exempt only upon approval from the director of environmental services. All brush disposal and other fees apply.

(j) *Annual and Quarterly Solid Waste Hauler permits.* The annual permit shall be effective for twelve (12) months from the date of issuance, if issued and fully paid at commencement of the permit year, May 1st. Quarterly permits may be secured each on May 1, August 1, November 1, and February 1 of each calendar year, or the next business day should any of the above dates fall upon weekends or City of San Antonio Holidays. These individual quarterly Permits and quarterly fee payments shall not be pro-rated for use of the vehicle during partial quarters. Failure to pay within a ten-day grace period will result in a penalty sum to be imposed as promulgated by the City Council.

(k) *Permit fees. Timely Payment Discounts. Late Payment Penalty:*

Fee Schedule. Prior to the issuance of a solid waste hauler permit, the applicant shall pay the current permit fee for each vehicle in accordance with the vehicle permit fees schedule for commercial/industrial vehicles. Such fee schedule may be reviewed by the city annually and adjusted by the San Antonio City Council.

Proration. Applicant will be entitled to prorate annual permit fees for vehicle units added after commencement of the annual permit period. Prorations shall not be allowed on a daily or monthly basis, but will be calculated on a quarterly basis. Any portion of a quarter for which a permit fee is paid, must satisfy the entire quarterly obligation.

Early Payment Discount. Late Penalty. Early annual and quarterly payments made before the first (1st) day of the month when due will be entitled to a 10% discount. Late payments, made after a ten (10) day grace period, applicable to annual and quarterly payments, shall be subject to a 10% late fee penalty.

(l) Vehicles owned and/or leased by the City of San Antonio are exempt from paying the vehicle permit fee and from displaying a permit decal. The vehicle permit fee is in addition to any other city fees or charges for disposal at any city solid waste disposal or processing facility.

(m) ~~(i)~~ *Permits for Solid Waste Hauling Vehicles. Permit Conditions.* Persons who own or operate vehicles defined in this Article ~~All vehicles utilized to collect, transport, or dispose of solid wastes within the corporate limits of the City of San Antonio,~~ shall ~~will~~ be required to permit with the City of San Antonio in accordance with the following:

(1) *Definitions.* For the purposes of permitting within this Article subsection (i), the following words and phrases shall have the meanings respectively ascribed to them by this section unless the context requires otherwise:

a. *City:* The City of San Antonio, Texas, as represented by the official acts of the city council and council designated representatives.

b. *Department:* The City of San Antonio, Texas, department~~Department~~ of environmental services~~Public Works~~.

c. *Director:* The director~~Director~~ of environmental services department, or his / her designee~~public works~~.

d. *Hauler:* A person who owns, drives, or operates a vehicle for the purpose of collecting, transporting, or ~~and disposing~~ solid waste. ~~to a permitted or registered treatment, transfer, storage or landfill disposal site or facility.~~

e. *Permit:* The formal consent, written document, provided issued by the City of San Antonio to a person hauler which entitles the person such hauler properly, to collect, offer to collect, or transport and dispose of waste, within the corporate limits of the city, which consent is evidenced by display of a permit decal ~~dispose of (at a permitted or registered treatment, transfer, storage, or landfill disposal site or facility) solid waste refuse within the corporate city limits.~~

f. *Permittee:* A person issued a permit under this Article, subsection 14.22(h).

g. *Person:* An individual, corporation (including a government corporation), organization, governmental subdivision or agency, ~~federal agency, state,~~ political subdivision of a state, interstate agency or body, business or business trust, partnership, association, firm, company, joint stock company, commission, or any other legal entity, including, but not limited to non-profit organizations, utilities, education and special districts, and municipalities.

h. *Vehicle:* A "for-hire" or other commercial, industrial, motorized instrument of solid waste conveyance regulated under this Article, and used, designed and/or equipped to collect, movetransport, or dispose of solid waste materials ~~which is operated upon a public street, public alley or highway~~ within the corporate limits of San Antonio, Texas. For example, vehicle includes, but is not limited to, those owned or operated to haul waste generated by the owner of the vehicle, such as a demolition company, construction company, commercial or residential builder, including, but not limited to hazardous or special wastes regularly or occasionally disposed within the City's jurisdiction; and, such vehicles include those transporting liquid wastes.

i. *Shall:* The word "shall," whenever used in this article, will be interpreted in its mandatory sense; "may" is permissive.

j. *Solid waste*: Any garbage, refuse, sludge from a waste treatment plant, water supply treatment plant or air pollution control facility, and other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from industrial, municipal, commercial, mining, and agricultural operations, and from community and institutional activities, but does not include:

(i) Solid or dissolved material in domestic sewage (which material is confined within a POTW collection or treatment system), or solid or dissolved material in irrigation return flows, or industrial discharges subject to regulation by permit issued pursuant to Chapter 26, Texas Water Code;

(ii) Solid dirt, rock, sand, and other natural or manmade inert solid materials being used to fill landfill when the object of the filling activity fill is to make the land suitable for the construction of surface improvements; or

(iii) Waste materials which result from activities associated with the exploration, development, or production of oil or gas and are subject to control by the Railroad Commission of Texas.

(2) Solid waste transportation. Duties of Solid Waste Haulers. Permit Conditions. Prorations and Discounts.

It shall be conditions of any permit issued to a person that:

a. ~~Any any person receiving a permit using the public streets, public alleys, and/or public rights of way and highways located within the corporate limits of the City of San Antonio to haul solid waste shall have the duty to exercise reasonable, prudent and sufficient care when undertaking his / her such activity in order to preserve the health, safety and general welfare of the community. In order to engage in such activity, The permittee the transporter must obtain and maintain current~~ all the necessary legal documents required by local, state and federal authorities.

b. ~~Inin~~ the event of an unpermitted, illegal disposal, or accidental discharge of solid waste during collection or hauling, the permittee hauler shall immediately ~~telephone the San Antonio Metropolitan Health District, the City of San Antonio Department of Public Works, the Texas Department of Health, and the District 8 Office of the Texas Water Commission, with information regarding the following: time the discharge occurred; its location; the type of waste (including its concentration, volume, any known dangerous characteristics, etc.) discharged, any corrective actions taken by the hauler including diking, and any other conditions, factors or circumstances that would indicate any need for expeditious, specialized or unique response to the discharge. The hauler shall contain the impacted area and then safely recover the discharged solid waste. unless informed by one of the authorities contacted that additional personnel and/or equipment with specialized experience is necessary to safely recover or neutralize the discharge. The permitted~~ solid waste hauler shall take any and all action as may be required by local, state, or federal officials, having jurisdiction, so that the discharge will not present a public health or environmental hazard, threat, or nuisance. ~~Such action may include~~

~~diking, vacuuming, flushing, applying chemical agents or otherwise neutralizing the discharge~~

c. Failure to promptly and properly ~~notify the appropriate jurisdictional authorities and take such effective remedial action as required by said authorities necessary to public health and safety protection~~ shall constitute a violation of this Article section and a violation of the permit conditions.

~~(3) Permit requirements for the collection and disposal of solid waste refuse. A person shall be in violation of this subsection (h) if he operates or causes the operation of a vehicle utilized for the purpose of solid waste hauling upon a public street, public alley, or highway within the City of San Antonio corporate limits without first obtaining a permit from the director or his designated representative.~~

d.a. *Permit application. Representations become Permit Conditions.* In addition to complying with the proper registration or license procedures established by the agencies Texas Department of Health having jurisdiction over permittee's activities, all persons owning, operating, or driving solid waste vehicles subject to this Article intending to engage in the activity of commercially hauling solid waste refuse within the corporate limits, shall have the duty to first complete a permit application to and receive a permit from the City of San Antonio through the department Department of environmental services or its successor department. Public Works. All applicants, including those persons applicants that might be eligible for the vehicle permit fee who may claim exemption described in section 14.22(d) above, must generally supply the department with the following information and documentation in order for the department to make an informed decision. The following representations made by the applicant also become conditions of the permit:

1. Name, business address, and telephone number of the applicant solid waste hauler. If the applicant is a corporation, the names and addresses of its president, all vice-presidents and agent for service shall be provided.
2. The trade name under which the applicant hauls or intends to haul solid waste.
3. The number and type of vehicle(s) that the applicant intends to operate, together with a general physical description or manufacturer's trade description of each vehicle; (e.g. year made, model, manufacturer's rated capacity); ~~a sworn and notarized affidavit by applicant stating that the transport vehicle(s) meet the minimum specification and maintenance provisions hereinafter et forth; and a photocopy of the driver's license of all vehicle operations under the employ of the applicant.~~
4. The period of time the applicant has been engaged in the activity of hauling solid waste refuse and the daily hours of operation of his intended collection, transportation and disposal activity.
5. ~~A statement setting out any record of criminal felony convictions against the applicant, or to the best of the applicant's knowledge against anyone under his employ in~~

~~Bexar County, Texas, resulting from the unlawful operation of a vehicle used to haul solid waste refuse.~~

~~5. 6. Certificates of insurance or other documentation evidencing that the applicant has obtained the necessary insurance coverages described below required under section 14.22(h).~~

~~6. 7. No later than August 8, 2006, Within thirty (30) days of the effective date of Ordinance Number 71131, and annually thereafter during the month of April, permittees shall furnish to city a descriptive list of all vehicles engaged in providing solid waste hauling, which vehicles service that will be collecting within or using any landfill disposal or other legal disposal site within the City's jurisdiction Nelson Gardens Landfill Site for solid waste refusedisposal or deposit. Such list shall also identify any vehicles which provide service only from outside the city limits. Based upon the best available information, the solid waste hauler shall project the anticipated annual tonnage of solid waste to be disposed of by his company at the City's Nelson Gardens Landfill and the source(s) of such waste as being either generated inside the city limits or outside the city limits expressed in a percentage of the hauler's total projected annual tonnage.~~

~~7.8. Commercial concerns that are not in the business of hauling solid waste for others, but rather are hauling waste generated by themselves or their own commercial activities shall also be required to permit their vehicles in accordance with this Article. these provisions if said vehicles are to be opened upon public streets, public alleys, and highways located within the corporate limits of the City of San Antonio.~~

~~9. Where written notices are provided for in this chapter, it shall be sufficient to notify permittee by certified mail to the address furnished by permittee to city in the permit application. Notice to city is sufficient if mailed by certified mail to the director of public works, P.O. Box 839966, San Antonio, Texas 78283 3966. Where the permittee is a corporation, notice shall be personally hand delivered to the president, any vice president or agent of the corporation. In the event that the president, any vice president or registered agent cannot with reasonable diligence be found at the registered office, duplicate copies of the notice shall be sent to the Secretary of State.~~

~~8. 9. Notices. Driver Agent. Violations.~~

~~(a) For purposes of notice, where required by this Article, it shall be sufficient to notify the permittee by certified mail at the address represented in the permit application. When a violation of this Article is alleged, in contemplation of criminal or civil prosecution, certified mail, return receipt, shall be sufficient evidence of notice of violation to a permittee in whose name a permit has been issued, whether the permit is current or delinquent.~~

~~(b) When a violation of this Article is alleged, based upon a vehicle's displaying no evidence of a permit, a citation upon the driver of the vehicle shall be the same as and legally sufficient to effect notice of the violation to the owner. In which case, the driver~~

is the apparent agent of the owner, as allowed by law. Thereafter, service of process for civil or criminal prosecutions shall be conducted as prescribed by law. Where the permittee is a corporation, notice may be personally hand delivered to the president, any vice president or agent of the corporation. In the event the president, a vice president, or registered agent cannot with reasonable diligence be found at the registered office, duplicate copies of the notice shall be sent to the registered agent identified according to records of the Secretary of State by certified mail, return receipt requested. Or, in the alternative or in supplementation, any sufficient form of substituted service provided by law may be employed.

10. Any other requested relevant information that can reasonably be provided to the department which bears a reasonable relationship to the regulation of permittees under this Article ~~subsection 14.22(h)~~ and is necessary to evaluate the permit application.

e.b. Investigation of information set out in application: The director of the environmental services department or his/her designated representative may shall conduct an investigation to determine the accuracy of information supplied by the applicant prior to the issuance of permit. Supplying false information to the department shall be grounds for refusal to grant a permit or revocation of a permit if already issued. The hauler shall at least annually update the information contained in the application to reflect any substantive changes in the information required by the initial application.

f.e. Insurance requirements: With the application, hauler must show, for ~~Prior to the issuance of a permit, the applicant seeking to permit~~ vehicles intended to carry seven thousand (7,000) pounds gross vehicular weight or more, ~~shall file with the city clerk of the City of San Antonio,~~ evidence of a commercial general (public) liability insurance policy in an amount of not less than five hundred thousand dollars (\$500,000.00) and thereafter keep same in full force and effect with an insurance company authorized to do business in the State of Texas. The policy shall insure the public against any loss or damage that may result to any person or property from the operation of the hauler's collection, transportation and disposal activities. In addition, the hauler utilizing vehicles that are intended to carry seven thousand (7,000) pounds gross vehicular weight or more shall carry business automobile liability coverage for each and every vehicle of that capacity owned or operated by hauler with combined single limits for bodily injury and property damage of not less than five hundred thousand dollars (\$500,000.00).

The policies shall contain a provision requiring that the City of San Antonio be provided with thirty (30) days advance notice, in writing, of cancellation or material change in the policies. In the event of cancellation or material change in the hauler's policies, the permit shall be suspended along with hauler's vehicular activities until such time as the hauler can again secure appropriate coverage.

~~D. Permit fees. Prior to the issuance of a solid waste hauler permit, the applicant shall pay the then current permit fee for each vehicle in accordance with the vehicle permit fees schedule for commercial/industrial vehicles engaged in the activity of collecting and transporting solid wastes as referenced in section 14.22(d) above. Such fee schedule~~

~~shall be reviewed by the city annually and adjusted if deemed appropriate by the San Antonio City Council.~~

g.e. Vehicle inspection. General Requirements. Prior to the issuance of a permit, the department may require the applicant to submit for inspection by the department at a city facility each vehicle ~~to be permitted which will be utilized to collect, transport, and dispose of solid waste.~~ Any city inspections hereunder shall be conducted by trained and qualified city inspectors carrying proper identification. In the event that the department chooses to inspect the ~~transport~~ vehicle, the department or its agents shall determine whether or not find that the vehicle(s) is constructed and equipped in accordance with the provisions of this Article section and that the vehicle(s), are generally in good repair. ~~in order to issue a permit.~~ In addition to the initial optional department inspection prior to the issuance of a permit, designated employees of the department are hereby authorized to randomly reinspect the vehicles at "off-road" locations periodically in order to observe that the vehicles are generally maintained in good repair and are likely not to constitute a public health hazard or public nuisance under the provisions of this and any other governing ordinances. These optional "off-road" department inspections may take place at a city facility to be designated by the department, ~~or~~ at a city-owned or privately owned and operated transfer or landfill facility, or at the permittee's place of business during normal business operation hours. These optional "off-road" department inspections are in no way meant to satisfy the otherwise legally mandated inspection of motor vehicle requirements of the Texas Department of Public Safety or the Texas Department of Transportation. All transport vehicles shall have a valid Department of Public Safety inspection sticker properly displayed.

h.f. Compliance Monitoring. The City will monitor disposal sites within its jurisdiction on an as needed basis and may pursue enforcement, including, but not limited to, issuance of criminal citations to drivers of non-compliant vehicles used for hauling; citations to responsible legal entities; and establishment of predicates for civil enforcement against any responsible person.

i. Payment of all undisputed taxes, fees, and debts: Prior to the issuance of any permit under this Article section 14.22(h), the applicant shall demonstrate, upon the director's request, the payment of any undisputed, previously due and outstanding, sales and/or property taxes, fees and other debts owed the city including any past due utility related accounts.

j.g. City Contracts. Contractors and subcontractors who perform City contracts and / or who participate in public projects must be in compliance with permit and fee requirements. Non-compliant haulers are not eligible to perform City contracts or to act as subcontractors to City contractors. Eligibility shall be verified by the City's various contracting departments in coordination with the environmental services department.

k. Issuance of permit: Upon the applicant's fulfilling satisfying the requirements set out ~~herein~~ in this Article, the department ~~will~~ shall issue either an annual or quarterly a permit(s) to the applicant for the qualifying vehicle(s) ~~qualifying the same.~~ The annual permit(s) shall be valid for a period of twelve (12) months from the date of issuance or

for a quarter [~~three (3) months~~], dependent on ~~makes-timely~~ payment of ~~quarterly~~ vehicle permit fees. The requirements set out herein must be satisfied prior to the reissuance of a permit.

(i) *Local Authority.* A permit issued by the City of San Antonio pursuant hereto ~~does not authorize specifically excludes and prohibits~~ the collection, transporting, discharge, or disposal of regulated hazardous solid wastes. Any transporter carrying hazardous solid waste from, within or through, the City of San Antonio shall have obtained ~~the special~~ applicable Texas Department of Health Services, Texas Commission on Environmental Quality WC or USEPA EPA permit(s), all as may be necessary, and use the appropriate hazardous solid waste transportation and disposal manifest and routing system.

(ii) *Display.* Prior to the operation of any vehicle regulated by ~~this Article section 14.22(i)~~, each ~~permittee permitted hauler~~ (a) shall ~~clearly permanently and visibly~~ display on both exterior sides of each vehicle on the door(s) or fender(s) in a color clearly contrasting with the background color, in three-inch letters or larger, the business or trade name of the hauler contained in the permit ~~application;~~ and (b) shall ~~permanently affix the permit decal for prominent display as instructed by the department of environmental services. and a San Antonio Solid Waste Hauler Vehicle Identification Number: (e.g.) SATSW 1-01.~~

The permitted solid waste hauler shall keep the vehicle permit issuance receipt, or a copy thereof, with the vehicle and/or equipment operator at all times.

(iii) *Transfer.* A permit issued under ~~this Article section 14.22(i)~~ is non-transferable from one solid waste hauler to another solid waste hauler without prior written approval of the director and submittal of proper re-registration information to the city. A permitted hauler who changes names or transfers permits by sale or other enterprise transfer, such as lease, must notify the City and pay an administrative transfer fee of \$25.00 per vehicle or as established by subsequent City budget ordinances.

(34) *Solid waste hauling vehicle specifications and maintenance requirements.*

i. Permit Condition. It shall be the duty of the permittee to ensure that all solid waste transportation vehicles utilizing the public streets, public alleys, and highways within the corporate limits of San Antonio to transport solid waste at all operational times conform to the following minimum vehicle specifications and maintenance requirements. Failure to do so shall constitute a violation of ~~this Article section 14.22(i)~~ and permit conditions.

ii. Service Standards and Equipment. The permittee shall be required to maintain and operate its solid waste hauling vehicles and related equipment in good order to render sanitary service subject to the terms of this ordinance and the permit(s) issued pursuant hereto. The vehicles that are seven thousand (7,000) pounds gross vehicular weight or more that are used in the collection of solid waste refuse shall be all metal, watertight, and shall be equipped with closed bodies equipped with hydraulically operated devices for compacting collected garbage. Those vehicles that are seven thousand (7,000) pounds

gross vehicular weight or more shall meet all federal and state laws and regulations with the exception of brush trucks and vehicles designed to haul roll-off collection containers, which are regulated by the State Tarp Law. All vehicles shall be kept in a clean and sanitary condition and all vehicles shall be cleaned inside and outside at least once each week. The solid waste hauler shall additionally cause the vehicle exterior to be clean, vector free and relatively odor free at the beginning of each working day, and provide for intermittent wash downs of vehicle and equipment exteriors, and wash outs of container interiors as necessary to generally maintain the above conditions. Failure to comply with this section may result in revocation of a vehicle permit granted herein.

- (45) *Solid waste hauler violation; penalties.* It shall be unlawful for a person to knowingly, recklessly or with criminal negligence do or perform any act prohibited by this Article hereby and it shall be unlawful for a person to fail to knowingly, recklessly or with criminal negligence do or perform any act required hereby. ~~The director or his designated representative shall issue a written notice of any alleged violation to the solid waste hauler outlining the nature of the alleged violation. The solid waste hauler shall be allowed (10) ten full calendar days to cure or dispute the alleged violation prior to referral of the matter to the municipal court.~~ Each day's violation hereof after the ten day period shall constitute a separate offense.

Any person or permittee who is found guilty in the Municipal Court of the City of San Antonio of violating Article III ~~sections 14.22(h) or (i)~~ and/or waste hauler permit provisions shall be fined not less than five hundred dollars (\$500.00) nor more than two thousand dollars (\$2,000.00) for each offense. If the finder of fact (the court or jury) imposes a fine in excess of \$500.00, the finder of fact must also find that the violation was committed knowingly, intentionally, or recklessly. Each day on which a violation shall occur or continue shall be deemed a separate and distinct actionable offense. In addition to the penalties provided for herein, the city may seek recovery in a court of competent jurisdiction for any actual damages it might suffer. The city may also seek reasonable attorney fees, court costs, and other expenses of litigation along with all other relief, both in law and in equity, to which it might be entitled. Additional recoveries and relief in law and/or equity under existing federal or state law are not precluded by specific recoveries obtained by the city under this section.

- (56) *Falsifying information.* Any person who knowingly makes any false statements, representations or certifications in any solid waste permit application or affidavit filed with the city or required to be maintained pursuant to this Article section 14.22(i), ~~or the solid waste hauler permit~~ shall, upon conviction, be punished by a fine of not more than two thousand dollars (\$2,000.00).

Sec. 14-23. Disposable receptacles and stickers.

It shall be unlawful for any person to duplicate, simulate or counterfeit the markings of city-furnished non-disposable, disposable receptacles or stickers or use such duplicated, simulated, or counterfeited receptacles or stickers with the intent to defraud the city by inducing it to render service without paying for it.

Sec. 14-24. Collection of charges.

(a) The CPS Energy city public service board shall include in the monthly electric and gas bill rendered its customers within the corporate limits of the city the solid waste service charges prescribed in this chapter.

(b) The charges fixed in this chapter for the removal of solid waste shall be included as a separate item on the regular utility bill and shall be paid monthly in accordance with existing practices. Any person who shall fail or refuse to pay the charges fixed in this chapter within the time specified shall be deemed to be delinquent, and the city may, at its option, cause any or all utility service and solid waste removal service to be discontinued, and such discontinuance shall be reported to the director of the Metropolitan Health District.

Sec. 14-25. Unfranchised residential collection prohibited.

Except for private, residential garbage collection service which may be provided to dwellings which are exempted under section 14-22(d), it shall be unlawful for a person to provide or attempt to provide garbage collections service within the city to dwellings of the type enumerated in section 14-22(a) without first obtaining from the city a franchise to conduct such business on public streets.

Sec. 14-26. Violation; penalty.

It is an offense shall be unlawful for a person to knowingly, recklessly or with criminal negligence do or perform any act prohibited in this Chapter hereby and it is an offense shall be unlawful for a person to knowingly, recklessly or with negligence fail to do or perform any act required hereby. Each day's violation hereof shall constitute a separate offense for which the. Upon conviction, any violation hereof shall be punished by a fine not to exceed \$2,000. as provided in section 1.5 of the City Code. except that Violatorsviolators of Article III section 14.22(i) of the City Code, pertaining to waste hauling, shall be subject to the penalties recited above. punished under this section. Should the Court impose a fine in excess of \$500.00, the finder of fact must find that the offense was committed knowingly, intentionally, or recklessly.

Sec. 14-27. Civil Remedy. Additional Injunction to Temporarily or Permanently Remove Alleged Permit Offenders from Streets. Jail for Contempt.

In prosecuting permit violations, the department of environmental services will refer cases for civil and criminal prosecution and will assist the Office of the City Attorney in preparing and prosecuting petitions in courts of competent jurisdiction. The Office of the City Attorney is authorized to pursue civil relief, which may include, but is not limited to, an injunctive order, to remove vehicles belonging to offenders from streets and city property and to enjoin persons from operating vehicles in violation of this Article's permitting provisions. In such case, a petition for injunctive relief need not be preceded by a criminal conviction. The City may be entitled to its attorneys fees and costs, and may plead entitlement to delinquent permit fees, and interest on the debt and judgment as may be allowed by law. The City may plead and prove facts to uphold

issuance of a court order, the violation of which shall place the offender at risk of contempt of court and jail.

In addition to criminal prosecution, this section is cumulative, and not exclusive, of any other remedies at law and in equity to which the City may be entitled.

Sec. 14-28. Presumption of Debt.

A hauler's use of City property, streets, alleys, roads or other rights of way, without permit, shall create a presumption of debt. The City may elect to pursue debt enforcement against a hauler who uses such City property without proper permit(s). If the City elects this remedy, the City may plead the value of the service rendered to the delinquent hauler. In such case, the City may enforce a final judgment by all means at its disposal, including but not limited to recording and fixing liens, acquiring execution, foreclosure, and seizure orders from the Court, and orders from the Court directing sale of hauler's property to satisfy the judgment.

Secs. 14-29-14-27-14-50. Reserved.

SECTION 5. If any part, section, paragraph, sentence, phrase or word of this ordinance is for any reason held to be unconstitutional, illegal, inoperative or invalid, or if any exception to or limitation upon any general provision herein contained is held to be unconstitutional, illegal, invalid or ineffective, the remainder of this ordinance shall nevertheless stand effective and valid as if it had been enacted without the portion held to be unconstitutional, illegal, invalid or ineffective.

SECTION 6. SAVINGS PROVISIONS.

(a) The revision and amendment of Chapter 14, Article III, does not affect:

- (1) the prior operation of the provisions of Article III or any prior action taken under it;
- (2) any validation, cure, right, privilege, obligation, or liability previously acquired, accorded, or incurred under it;
- (3) any violation of Article III or any penalty, forfeiture, or punishment incurred under the Article before its amendment; or
- (4) any investigation, proceeding, or remedy concerning any privilege, obligation, liability, penalty, forfeiture, or punishment imposed, as if Article III had not been amended.

(b) If the penalty, forfeiture, or punishment for any offense is reduced by revision or amendment of Article III, the penalty, forfeiture, or punishment, if not already imposed, shall be imposed according to the amended provisions of Article III hereby.

SECTION 7. Any penalty, fine, or forfeiture imposed for a violation arising from amended provisions, shall be effective five (5) days after publication, as required by law.

SECTION 8. Financial impact on the City of San Antonio has not been identified as of the passage of this ordinance. For any future financial impact, the Director of Finance may, subject to concurrence by the City Manager or the City Manager's designee, create allocations to specific Cost Centers, WBS Elements, Internal Orders, General Ledger Accounts, and Fund Numbers as necessary to carry out the purpose of this Ordinance.

SECTION 9. The City Clerk shall publish this ordinance as required by law.

SECTION 10. This ordinance shall be effective July 9, 2006, subject to the effective date of amended provisions which carry penalties, fines, or forfeitures.

PASSED AND APPROVED this 29th day of June, 2006.

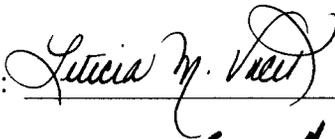


M A Y O R

PHIL HARDBERGER

Attest:

City Clerk:



Approved as to form:



City Attorney

Agenda Voting Results

Name: 9

Date: 06/29/06

Time: 04:32:02 PM

Vote Type: Multiple selection

Description: An Ordinance amending Chapter 14 of the City Code regarding the solid waste hauler's permit and fee program by clarifying enforcement options, including, but not limited to, discounts for early permit payments, as well as late fee charges; limiting city projects to performance by only compliant haulers; and adjusting enforcement notice requirements; allowing a one-time amnesty opportunity for non-compliant haulers; reciting existing civil and criminal penalties; and directing publication. [Presented by Daniel V. Cardenas, Director, Environmental Services; Frances A. Gonzalez, Assistant City Manager]

Voter	Group	Status	Yes	No	Abstain
ROGER O. FLORES	DISTRICT 1		X		
SHEILA D. MCNEIL	DISTRICT 2		X		
ROLAND GUTIERREZ	DISTRICT 3		X		
RICHARD PEREZ	DISTRICT 4		X		
PATTI RADLE	DISTRICT 5		X		
DELICIA HERRERA	DISTRICT 6		X		
ELENA K. GUAJARDO	DISTRICT 7		X		
ART A. HALL	DISTRICT 8		X		
KEVIN A. WOLFF	DISTRICT 9		X		
CHIP HAASS	DISTRICT_10		X		
MAYOR PHIL HARDBERGER	MAYOR		X		



City of Cibolo

200 S. Main Street Cibolo, Tx 78108
Office (210) 658-9900 Fax (210) 658-1687

June 27, 2006

Mayor Hardberger and City Council
City of San Antonio
P.O. Box 839966
San Antonio, Texas 78283

Dear Mayor Hardberger and the City Council:

This week's City Council agenda contains Item 9, which deals with the issue of amending Chapter 14 of the San Antonio City Code regarding solid waste hauler's permits and the related fee program by clarifying enforcement options.

It is the potential for the inequitable enforcement of this Ordinance that prompts this letter to you and our request that you treat all entities that are subject to the ordinance in a fair and equitable manner.

As you may know, the language for the ordinance amendment referenced earlier regarding fees for haulers of commercial or industrial waste reads as follows:

"Commercial/Industrial Haulers: Any commercial and/or industrial hauler collecting, transporting, or disposing of solid wastes, regardless of characterization, within the corporate limits of the City shall be required to permit each vehicle used for transporting or hauling solid waste materials upon public streets, public alleys, or highways within the corporate limits of the City."

As an independent municipality, we would like to call your attention to the vagueness of the Ordinance's language and the lack of guidance it gives the City of San Antonio regarding its enforcement efforts against independent municipalities like ours who utilize independent waste haulers as a means of providing waste hauling services to our citizens.

Under the ordinance, the City of San Antonio is the only entity specifically exempted from the obligation of paying these fees. We want to make sure that ALL public entities -- like ours -- that fall under the Ordinance are treated equally.

You could choose to exempt ALL public entities or ask that ALL public entities be made to pay the fees equally. This would include school districts and those municipalities that provide municipally-owned and operated waste hauling services to their citizens.

We are hopeful that you could expand the exemption to include ALL public entities, but if you choose not to do so, please take the measures necessary to ensure the fair and equitable enforcement of the Ordinance language as it reads today.

Thank you for your time and consideration.

Please feel free to contact me with any questions or comments.

Sincerely,



Todd Parton
City Manager



RECEIVED
CITY OF SAN ANTONIO
MAYOR'S OFFICE

2006 JUN 29 AM 10:19

June 27, 2006

The Honorable Phil Hardberger
Mayor of San Antonio
P.O. Box 839966
San Antonio, TX 78283-3966

Re: June 29, 2006 Council Agenda Item Nine

Mr. Mayor,

Specifically, the proposed amendment to Chapter 14 of the City Code as it relates to solid waste hauler's permit and fee program by clarifying the City's enforcement options.

I ask you to consider that this amendment contains language that may very well results in an inequitable degree of harm to independent household waste haulers. As written, the City of San Antonio is the only entity specifically exempted from the obligation to paying these fees. Should you sustain this path of single exemption, I ask that you consider exempting all municipalities. Or as an alternative, consider all municipalities in the fee and permitting structure.

Sincerely,

Jim Parma
Mayor