

AN ORDINANCE

2013-01-31-0079

AMENDING CHAPTER 14 OF THE CITY CODE OF SAN ANTONIO TO ALLOW BILLING FOR THE SUBSCRIPTION-BASED ORGANICS COLLECTION FEE, AND OTHER APPLICABLE GUIDELINES AS RELATED TO THE SUBSCRIPTION-BASED ORGANICS COLLECTION PROGRAM, ESTABLISHING A PENALTY AND DIRECTING THE CITY CLERK TO PUBLISH NOTICE

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WHEREAS, consistent with the objective of the City to create a more sustainable society, the Solid Waste Management Department (SWMD) developed a community-wide Ten Year Recycling and Resource Recovery Plan for Residential and Commercial Services, "Creating a Pathway to Zero Waste", which was adopted by the San Antonio City Council on June 24, 2010 through Resolution 2010-06-24-0038R; and

WHEREAS, the strategic goals of the Ten Year Recycling and Resource Recovery Plan included providing for a new organics recycling program, which the Council approved in November 2011 as a pilot Organics Recycling Program for approximately 30,000 households; and

WHEREAS, in August 2012 Council requested a comprehensive review of the Ten Year Recycling and Resource Recovery Plan, to include the proposed expansion of the Organics Recycling Program in 2013; and

WHEREAS, as a result of this review, the Council agreed to the SWMD proposal to revise the Ten Year Recycling and Resource Recovery Plan to include adjusting the Organic Recycling Program from a mandatory to a subscription-based Organic Collection Program; this change requires an amendment to Chapter 14 of the City Code for the establishment and implementation of the subscription-based organics collection program, to authorize the SWMD to assess a residential subscription fee to customers subscribing to the Organics Collection Program and to provide guidelines for use of the green organics collection cart, similar to the guidelines in existence for the blue and brown carts; and

WHEREAS, this Ordinance approves the required amendments to Chapter 14 of the City Code to establish and implement the subscription-based organics collection program, the associated residential monthly subscription fee and guidelines for use of the green organics collection cart;
NOW THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. Chapter 14 of the City Code of San Antonio, Texas entitled "Solid Waste," is hereby amended by adding language that is underlined (added) and deleting the language that is stricken (~~deleted~~) to the existing text as set forth in this Ordinance as follows:

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ARTICLE I. - INTRODUCTION

Sec. 14-1. - Definitions.

As used in this chapter, the following terms shall have the meanings shown:

Biodegradable shall mean a substance capable of breaking down into its small constituent parts when the degradation is the result of naturally-occurring micro-organisms such as bacteria, fungi, and algae.

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Bulky waste shall include only municipal solid wastes in the forms of irregularly sized items that do not readily fit into refuse containers, which include but are not limited to, large appliances (e.g. refrigerators, water heaters, washers, and dryers), toilets and furniture, also small and medium-sized appliances, and other domestic wastes and discards which are commonly regarded by the regulated community as large non-putrescible municipal solid waste items. Bulky waste does not include household hazardous waste, hazardous or special wastes, construction and demolition waste, vehicle parts, commercial tires, brush, electronics, or products containing glass which may break during collection. Bulky waste does not include waste generated at a location other than the residence from which it is collected.

Bulky waste collection center shall mean a citizen collection station that allows drop off of bulky waste such as furniture, appliances, toys, water heaters, etc. The facility may consist of one or more storage containers to collect material that will then be transported to the landfill or recycle facility for disposal. Site operational procedures and types of MSW accepted are detailed in this Chapter.

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Business municipal waste shall mean garbage and recycling MSW similar, in both content and volume, to that generated at a residence.

Central Business District (CBD) shall mean all streets and portions of streets within the area bounded as follows: Beginning at the interchange between Cesar Chavez Boulevard (formerly Durango Boulevard) and I-H 35 Expressway; thence northward and eastward along I-H 35 Expressway to I-H 37 Expressway; thence southward on I-H 37 Expressway to ~~Durango~~ Cesar Chavez Boulevard, thence west on ~~Durango~~ Cesar Chavez Boulevard to I-H 35 Expressway, the point of beginning.

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Commercial refuse shall include any solid wastes generated as a by-product of any commercial operation but shall not include swills, slops, toxic or corrosive materials, manure, or any other material found harmful to personnel or equipment as determined by the director or his designee. Commercial refuse shall also include MSW that was not generated at the city customers CPS

account address and non-residential MSW (MSW that is generated from a business) that may be collected from businesses such as law offices, community centers, and pools.

Compostable shall mean a substance that is biodegradable and capable of breaking down without leaving a chemical trace or residue. It should decompose into humus, which provides valuable nutrients to the soil.

Composting shall mean the controlled biological decomposition of organic solid waste under aerobic conditions.

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Contaminated pile shall include any pile of brush or bulky items containing material not provided for (or specifically prohibited) in its respective definition. It includes piles in which the contaminating materials are commingled with, or placed on top of, the pile, or if such items are placed so close to the pile or in such large amounts that the items cannot reasonably be removed from the pile.

Contaminants shall mean materials placed in recycling or organics containers other than those listed as acceptable in the respective program.

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EPA shall mean the U.S. Environmental Protection Agency.

Food Scraps shall mean food substances that remain from meal preparation and cooking as well as leftovers and spoiled food from the refrigerator. Food scraps include all fruits and vegetables, breads, cereal, dairy products (solids only, no liquids), table scraps, coffee grounds and filters, and tea bags. Food scraps do not include entire carcasses from hunting or meal preparation.

Food-Soiled Paper shall mean paper or cardboard products that have become soiled by food residue. Food-soiled paper includes used paper towels and napkins, used paper cups and plates, paper take-out containers and cups, greasy pizza boxes, and coffee filters.

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Injure shall mean and include any and all character of physical damage, whether caused by fire or force, and which shall be done or caused willfully by any person.

KSAB shall mean Keep San Antonio Beautiful, Inc., a non-profit organization.

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Municipal solid waste (MSW) shall mean solid waste resulting from or incidental to municipal, community, commercial, institutional, and recreational activities, including garbage, rubbish, ashes, street cleanings, dead animals, and all other solid waste other than industrial or hazardous solid waste.

Non- Compostable Materials shall mean materials not capable of undergoing biological decomposition through composting and materials that do decompose under biological conditions, but leave behind residues such as metals or toxins. Non-compostable materials include but are not limited to aluminum foil, appliance, ceramics, clothing, cooking grease or oil, construction and demolition materials, disposable mop sheets, glass, household hazardous waste, liquids, rocks, scrap metal, and Styrofoam®.

Organic Material Recycling shall mean the collection, separation, recovery, and sale or reuse of organic materials from other recyclables and refuse for curbside collection in the green container that would otherwise be disposed or processed as municipal waste.

Other Organic Material shall mean other organic materials accepted in the green container such as shredded paper, sawdust, dryer lint, cotton balls, toothpicks, and wooden Popsicle® sticks.

Organics shall mean materials used as feedstock for manufacturing compost, such as leaves, grass, shrubs and tree trimmings, certain food scraps and food-soiled paper

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Residential customer shall mean a person living in a residential dwelling with five (5) units or less that produces residential waste that the city collects.

Rubbish shall mean ~~nonputrescible~~ non-putrescible solid waste, excluding ashes, consisting of both combustible and noncombustible waste materials; combustible rubbish includes paper, rags, cartons, wood, excelsior, furniture, rubber, plastics, yard trimmings, leaves, and similar materials, unless placed on property pursuant to and in compliance with other ordinances or regulations of the city; noncombustible rubbish includes glass, crockery, tin cans, aluminum cans, metal furniture, and like materials which will not burn.

Scavenging shall mean an unauthorized partial or total removal of contents of trash or recycling containers or any other item set out by a resident with the intent of collection by the city.

Solid wastes shall mean any refuse, rubbish, earth or construction materials, white goods, recyclable materials, sludge from a waste water treatment plant, water supply treatment plant or air pollution control facility, organic material, and other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from municipal, commercial, and agricultural operations, and from community and institutional activities (changes in state and federal regulations may change these definitions) but does not include:

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Storm damage shall primarily refer to organic materials generated as a result of forces of nature. In circumstances determined by the city, storm damage may also include building materials, roofing, furniture, and other bulky residential items.

Subscription services shall refer to additional services available for which additional monthly fees apply. The City determines eligibility requirements to receive such service and the additional service(s) must be requested by residential customers. Requestors of such services must comply with program requirements. Subscription services are only available to locations receiving and being billed for all other monthly (regular account) services.

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Vacuum truck shall refer to any vehicles which transport liquid and semisolid wastes to a solid waste disposal or processing site.

Valet collection shall refer to the process by which a person, firm, corporation, partnership or other entity collects recyclable material from tenants at a multi-family property and takes the recycling to a centralized location on the same multi-family property.

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ARTICLE II. - RESIDENTIAL SERVICES PROVIDED FOR BY THE CITY

- Sec. 14-10. - Residential refuse collection.
- Sec. 14-11. - Residential recycling collection.
- Sec. 14-12. - Residential brush collection.
- Sec. 14-13. - Residential bulky waste collection.
- Sec. 14-14. - Out of cycle brush and bulky item waste collection.
- Sec. 14-15. - Brush or bulky item waste set-out and collection.
- Sec. 14-16. - ~~Reserved~~ Residential organics material collection.
- Sec. 14-17. - Drop-off and recycling sites.
- Sec. 14-18. - Dead animal collection.
- Sec. 14-19. - Commercial services.
- Sec. 14-20. - Bulky waste drop-off sites
- ~~Secs. 14-20~~ 14-21-14-24. - Reserved.
- Sec. 14-25. - Other services.
- Secs. 14-26-14-29. - Reserved.

Sec. 14-10. - Residential refuse collection.

(a) *Acceptable materials*

- (1) Household refuse shall be placed in containers designated by the city.
- (2) The designated color for refuse containers is brown.
- (3) To maintain container sanitary and to prevent windblown litter, all material placed in refuse containers shall be contained in sealed bags.

(b) *Containers.*

- (1) *Types to use.* It shall be the duty of the owner, manager, tenant, or occupant of any dwelling, building, or premises to place household refuse, ~~and recycling, and organics~~ in authorized containers for collection by city trucks in the manner prescribed below. ~~Reusable collection containers are authorized.~~ Residents serviced by the city's collection system shall be provided reusable, wheeled containers. Use of these containers is mandatory. Only city-provided containers will be serviced. Ownership of these containers belongs to the city. All materials placed out for collection must be within the container. No materials set outside or alongside the container will be collected.
- (2) *Weight limitations.* It shall be the duty of the owner, tenant or occupant of any dwelling, building or premises to ensure that the total weight of any container and contents does not exceed the maximum weight ~~rating~~ limitation imprinted on the container.
- (3) *Number of containers.* It shall be the duty of the owner, manager, tenant, or occupant of any dwelling, building, or premises to provide for a sufficient number of containers to contain the solid waste ~~or recycling, recyclables, or organic materials~~ generated at such dwelling, building, or premises from one pickup time to the next pickup time.

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- (4) *Placement and removal of containers.* It shall be the duty of the owner, manager, tenant, or occupant of any dwelling, building, or premises, or the proprietor or manager of any place of business, either in person or by his agent, or employee to place, or cause to be placed, such containers at a place accessible to the collection truck, as may be designated by the director or his designee. Containers shall not block sidewalks or be placed within ~~five (5)~~ three (3) feet of a mailbox, parked car, or other fixed object and shall be clear of low hanging limbs and utility lines. Containers shall not be placed within three (3) feet of other collection containers. All containers must be placed and removed from the curbside in compliance with those specifications listed in subsections (c) and (d).

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(d) *Collection in alleys.*

- (1) Alley collection ~~of refuse and recycling~~ containers shall be limited to residents receiving alley collection service on and before October 1, 2010. Alleys constructed after October 1, 2010 may be serviced if the following conditions are met:
 - a. At least fifty (50) percent of customers to be serviced in the alley request through petition to receive alley collection service.
 - b. Alley surface must be asphalt or concrete, smooth, and have a pavement condition index (PCI) of one hundred (100) percent. PCI refers to the physical condition of a roadway; measurement is based on numeric values ranging from zero (0) (poorest condition) to one hundred (100) (new or excellent pavement).

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- (7) Reopening a permanently closed alley. An alley may be re-opened for refuse and recycling collection if the following conditions are met:
 - a. At least fifty (50) percent of customers serviced in the alley request through petition to have the alley reopened.
 - b. Alley surface must be asphalt or concrete, smooth, and have a pavement condition index of at least eighty-five (85) percent.

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Sec. 14-11. - Residential recycling collection.

(a) *Acceptable materials.*

- (1) Residents are provided a blue recycling container in which to place specified items defined as recyclable materials. Residents participating in the recycling program receive once-per-week collection of recyclable materials ~~and once-per-week collection of refuse~~. Specific collection days are designated by the director each week.
- (2) Acceptable recyclable materials shall be designated by the city, and include:
 - a. Newspaper.
 - b. Mixed office paper.
 - c. Magazines.
 - d. Corrugated cardboard.
 - e. Kraft paper.
 - f. Aluminum and tin cans
 - g. Steel aerosol cans.
 - h. Plastic bottles, tops and containers
- (3) Recyclable jars, bottles and other food containers should be rinsed and free of contaminants.
- (4) Recyclables shall be placed in the container loosely. ~~No and not bagged recyclables are allowed.~~
- (5) At the discretion of the director or his designee, a recycling container shall not be collected if one (1) or more of the following conditions occur:
 - a. Contamination of the recycling container by depositing non-recyclable solid waste, including but not limited to:
 1. Refuse
 2. Appliances
 3. Clothes
 4. Dead animals

5. Garden hoses
6. Toys
7. Plastic bags
8. Grass clippings
9. Bagged leaves

b. Placement of household hazardous waste in the recycling container.

(6) If a recycling container is not serviced due to the conditions detailed in subsection ~~(a)(5)~~ 14-11 (b) the department shall notify the resident to which the recycling container is assigned in writing when and for what reason the recycling container was not serviced. Customers receiving notification of no service shall have the option of removing the contaminated material from the cart and placing the cart out for collection on the next recycling collection day.

(b) *Non-participation in city recycling program- /compliance attainment.*

Residents not participating in the city recycling program will receive once-per-week collection of ~~solid waste~~ refuse. Non-participants include the following:

- (1) Residents electing not to participate in the city recycling program; these units do not receive a recycling container.
- (2) Residents that have been removed from the city recycling program. Reasons for removal from the program include, but are not limited to repeated occurrences of contamination of the recycling container as described in subsection (a)(5). Residents ~~that have been~~ removed from the city recycling program ~~will~~ shall be notified in writing by the department when the recycling container is removed. Such residents shall have the option of being issued an additional brown cart and will be assessed additional monthly fees for a minimum of (6) six months.

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Sec. 14-13. - Residential bulky waste collection.

(a) *Time for bulky item waste collection.* Bulky waste collection will take place ~~once~~ twice annually by regularly scheduled and approximately evenly spaced cycles as determined by the city. Requests for bulky item waste collection service other than during the regularly scheduled cycles shall be considered "out of cycle brush and bulky item collection" services as established in section 14-14

(b) *Bulky item waste collection schedule.* Residential customers receiving ~~refuse and recycling collection~~ services from the city shall be notified of the bulky item waste collection schedule. It shall be the duty of any person to place items for collection only after city notification. It shall be unlawful to place any such items at or near curbside at any time that is outside the time frame noted in the collection schedule.

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Sec. 14-15. - Brush or bulky item waste set-out and collection.

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(d) *Non-compliant piles.* It shall be considered a violation of this section if a pile meets any of the following:

- (1) Contaminated (as defined in section 14-1 "definitions").
- (2) ~~Is placed~~ Placed curbside in advance of one (1) week prior to the scheduled collection week.
- (3) ~~Is left~~ Left curbside more than one (1) week after the scheduled collection.

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Sec. 14-16. -~~Reserved.~~ Residential Organics Material Collection

(a) *Subscribing to the Organics Program*

(1) The residential organics material collection program is a fee based subscription service. Residents who wish to participate will pay a monthly fee described in subsection 14-30.

(2) Once a resident subscribes to the program they will be issued a green cart. That cart is issued to a specific resident and assigned to one location. Use of the green cart by any other household is forbidden.

(4) A resident who is paying the subscription fee can only use the cart for materials generated at the resident's location.

(5) Green carts are not to be moved to a location different than the address that is paying the monthly service fee.

(b) *Removal from the Subscription Service*

(1) Once a resident subscribes to the program they are required to continue to pay the monthly service fee for an initial 1 year (12 month) period. Cancellations prior to 12 months of paid service will only be accepted if a resident, ceases to receive City garbage collection and is no longer required to pay the regular solid waste fee. Once the one year commitment expires, residents may cancel their service. However, if they sign up again, the one year commitment begins again

(2) A resident that repeatedly places unacceptable items into the green cart may be removed from the program by the City. If the City removes a resident from the program the City may require them to continue to pay the green cart fee until the resident reaches the 12 month commitment or the City may require the resident to obtain a second brown cart and pay the regular monthly fee for the brown cart that is outlined in section 14-30.

(c) Acceptable Materials

- (1) Residents are provided a green container in which to place specific items defined as organic materials. Acceptable green container materials shall be designated by the city and include the following
- a. Leaves
 - b. Tree trimmings (no longer than height of cart)
 - c. Yard trimmings
 - d. Brush
 - e. Food scraps
 - f. Food-soiled paper and cardboard
 - g. Other organic materials may be added to the program at the discretion of the Director or his designee.

(d) Not Accepted Green Container Items

- (1) At the discretion of the director or his designee, an organic material container shall not be collected if one or more of the following items is placed in the organic material container:
- a. Plastic bags or plastic containers of any kind including those labeled “compostable” or “biodegradable”
 - b. Diapers
 - c. Dead animals
 - d. Pet waste
 - e. Cigarette butts or ashes
 - f. Non-compostable materials
- (2) If an organics container is not serviced due to the conditions detailed in section 14-16 (b) the department shall notify the resident to which the container is assigned in writing when and for what reason the organics container was not serviced.

(e) Proper Placement of Organic Materials in the Green Container

Brush materials shall be placed loose in the green container or in a Kraft paper bag. Brush material must be cut into smaller pieces and not stuffed into the container. Food scraps can be wrapped in newspaper or can be placed in a paper bag. Organic materials cannot be contained in plastic bags or plastic containers of any kind including those labeled “compostable” or “biodegradable.”

(f) Containers

Residential organic material containers shall be used, distributed, maintained, and collected following the requirements established in section 14-10 (b).

(g) Time for Organic Material Collection

Residents participating in the organics program receive once-per-week collection of organics. Specific weekly collection days are designated by the director.

Residential organics containers shall be placed at and removed from the designated points of collection following the requirements established in section 14-10 (c).

(h) Non-Participation in City's Organic Material Collection Program

Residents not participating in the city's organic material collection program will receive once-per-week collection of refuse and are subject to the procedures outlined in Section 14-10. Non-participants include the following:

- (1) Residents electing not to subscribe to the city's organic material collection program.
- (2) Residents that have been removed from the city's organic material program. Reasons for removal from the program include but are not limited to repeated occurrences of contamination of the organic material container as described in subsection 14-16 (b). Residents that have been removed from the city's organics materials collection program will be notified in writing by the department when the organics container is removed.

(i) Collection in Alleys

Residential organics collection services shall be consistent with the requirements established in section 14-10 (d).

Sec. 14-17. - Drop-off and Recycling Sites.

- (a) Compliance with onsite signs and site operating regulations. It shall be the duty of any person using city solid waste drop-off, recycling, and/or processing site to follow all traffic, safety, and directional signs, site operating rules and verbal directions, or directions posted or given within any city solid waste drop-off and/or processing facilities at all times. Only materials authorized for acceptance at the site are allowed. Failure to comply will constitute a violation of this chapter and may result in denial of access to these facilities.

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- (d) Identification and proof of residence. All individuals requesting to use a city drop-off, recycling or processing site may be required to provide identification and proof of city residence. Acceptable proof includes a current CPS Energy statement reflecting assessment of solid waste or environmental fees accompanied by a valid driver's license or State of Texas ID card. Those not able to provide such proof are not eligible to use the site, however, at locations where fees are assessed, those not able to prove San Antonio residence may be required to pay the higher

"commercial and non-resident" rate as set out in section 14-30.

(e) Salvaging or scavenging. Salvaging or scavenging items deposited at a site or from vehicles that are waiting to make deposits at a site is prohibited.

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Sec. 14-20 – Bulky waste drop-off sites

(a) Acceptable items. Bulky Drop-Off sites are available to City of San Antonio residents to bring acceptable materials. The Solid Waste Management Department Director or the Director's designee shall define acceptable materials. Commercial waste is not accepted at the bulky waste collection centers.

(b) Compliance with onsite signs and drop-off site operating regulations. Any person entering upon a city-operated solid waste drop-off site shall comply with the rules established in section 14-17 (a).

(c) Covered loads (tarps). All loads of materials entering a city drop-off site shall comply with the rules established in section 14-17 (c).

(d) Non-compliant materials/loads. Loads containing household hazardous waste, hazardous or special wastes, brush, electronics, liquids, dead animals, dirt, rock, waste generated at a location other than the residence from which it is collected, waste generated from land-clearing, loads delivered in commercial vehicles, or any other waste prohibited by this chapter and as further described in section 14-45 (I).

(e) Assumption of risk. Any person entering upon a city-operated solid waste drop-off site shall comply with the rules established in section 14-17 (c).

(f) Identification and proof of residence. All individuals requesting to use a city drop-off site, recycling or processing site will be required to provide identification and proof of city residence. Acceptable proof includes a current CPS Energy statement reflecting assessment of solid waste or environmental fees accompanied by a valid driver's license or State of Texas ID card.

(g) Salvaging or scavenging. Any person entering upon a city-operated solid waste drop-off shall comply with the salvaging and scavenging rules established in section 14-17(e).

Secs. ~~14-20~~ 14-21—14-24. - Reserved.

Sec. 14-25. - Other services.

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(c) Special services to route customers. Only residential customers receiving ~~refuse and recycling~~ collection services from the city may request the city to perform two (2) free of charge collections for grass clippings, leaves, and weeds. Each residential customer on the system is entitled to two (2) such service calls, per fiscal year, on request. These twice

yearly, free service calls limit total combined waste materials, per call, per residential customer, to eight (8) cubic yards that shall not exceed fifty (50) bags and/or boxes predicated upon 0.16 cubic yards per bag/box. Each bag or box must not weigh more than forty (40) pounds and must comply with specifications below. Furthermore, boxes must be made of brown bio-degradable cardboard that contains no deleterious substances. Containers for special services collection of leaves shall be in conformance with the specifications below:

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ARTICLE III. - FEES

Sec. 14-30. Fees.

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

Residential and Other Sites

Type (regular account for solid waste services)	Charge per Month
Single-family fee per single-family residential unit	\$ 17.44
Solid waste fee for duplex dwelling with one CPSE meter	\$ 34.88
Solid waste fee for all other dwelling units, per unit	\$ 17.44
Environmental fee per CPS Energy meter	\$ 1.99

(1) The monthly fee for residential customers requesting and approved for organics collection service is:

Type (subscription services)	Charge per Month
Single-family residential unit base fee	\$ 3.00
Single-family residential unit each additional container	\$ 3.00

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Description of Service	Fee
Collection of bagged leaves. Available only to residential customers on collection system, for leaves only	Minimum twenty dollars (\$20.00) per service call per residence for each eight (8) cubic yards; each eight (8) cubic yard increment; or part of an increment over eight (8) cubic yards, costs twenty dollars (\$20.00) (bags only, no boxed leaves)

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- (c) *Business solid waste fee.* The monthly solid waste fee for businesses receiving refuse and recycling services only (brush, bulky, organics and bagged leaf collection is not included) from the city, including hotels, motels, small offices, and premises not specifically listed in the residential schedule shall be as follows:

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- (e) *Disposal, brush facility, commercial haulers, and special service program fees.* Persons disposing of brush for recycling at a city facility or using special city solid waste program services shall pay a fee or fees as set out below unless contractual arrangements specify otherwise.

- (1) *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 reweighed to determine the tare weight and the amount to be refunded at that time.

- (2) *Residential city customers.* In order for a load, ~~(either brush for recycling or household hazardous waste)~~, to be considered residential city, the material must originate from within the city corporate limits and must be generated by a residential, non-commercial entity. Proof of origination must include both of the following:

- a. Valid state ID card or driver's license.
- b. ~~A e~~Current CPS Energy bill reflecting both items listed below.
 1. ~~The s~~Same name as on the driver's license.
 2. ~~The b~~Billing for the city environmental fee.

- (3) *Penalty for uncovered load (unlawful unsecured loads for both brush and solid waste, all facilities).* All vehicles entering a disposal, recycling, deposit, or waste management facility, whether city or privately owned, shall have sufficient load restraints to prevent loss or spillage of load due to wind or motion of the vehicle on the road. Any vehicle driver who does not comply, will be required to pay an uncovered or inadequately secured load penalty of five dollars (\$5.00) per load at the ~~scale~~house scale house, 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. Similarly, vehicles exiting a disposal, recycling, deposit, or waste management facility whether city or privately owned carrying brush or solid waste materials shall have sufficient load restraints to prevent loss or spillage of load. Uncovered load penalty, per load: Five dollars (\$5.00).

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- (f) *Credits/refunds, residential.* No credit/refund shall be made for residential service unless exempted under subsection (d).

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- (4) *Example 4—Customer has a house (~~occupied~~) for sale and wants solid waste fee discontinued.* As long as the collection service is available and electric service is provided to an address, CPS Energy shall include in a monthly electric and gas bill the solid waste service charges prescribed in the current ordinance relative to collection fees. No refund or credit shall be made.
- (5) *Example 5—Customer lives in an apartment that has separate electric utility 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 CPS Energy meters are being used, solid waste fees paid, and private garbage service is being provided. Once the facts are determined and verified 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 (1) 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 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 forwarded to the finance department for payment. If the customer is agreeable in agreement, credit can be given. The credit should be processed through the usual credit process with CPS Energy.

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ARTICLE IV. - REGULATION, PERMITS AND LICENSING

Sec. 14-40. - Solid Waste Haulers.

It is 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. Under authority of V.T.C.A., Local Government Code ch. 217, subch. 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.

- (1) *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 a city-owned Bitters Road~~ operated brush recycling facility and other duly authorized brush recycling facilities will be permit exempt only upon approval from the director. All brush disposal and other

fees apply.

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(4) *Permits for solid waste hauling vehicles; permit conditions.* Persons who own or operate vehicles defined in this article shall permit with the city in accordance with the following:

a. For the purposes of permitting within this article, the following words and phrases shall have the meanings respectively ascribed to them by this section unless the context requires otherwise:

* * *

Solid waste means 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 the following:

1. Solid or dissolved material in domestic sewage (i.e., material 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 V.T.C.A., Water Code ch. 26.
2. Solid dirt, rock, sand, and other natural or manmade inert solid materials being used to landfill when the object of the filling activity is to make the land suitable for the construction of surface improvements.
3. Waste materials ~~which~~ that result from activities associated with the exploration, development, or production of oil or gas and are subject to control by the state railroad commission.

* * *

Sec. 14-41. - Commercial refuse collection.

(a) *[Duty to comply.]* It shall be the duty of the owner, manager, tenant, or occupant of any business establishment or building or the agent or employee of any such person to comply with the following minimum standards.

(b) *Types of containers for commercial refuse collection.* For private service commercial collection of municipal solid waste, suitable containers must be used. Generally, the collector and their client will determine the type of container to use depending on volume and type of waste generated. The city does not specify the exact type of container but sets the following standards for containers. In the Central Business District, as defined in section 14-1, cardboard boxes, paper bags and plastic bags shall not be used as containers for any commercial refuse collection and only roll-out ~~cars~~ containers and dumpsters are acceptable types of containers for commercial refuse collection. It shall be the duty of the owner, manager, tenant or occupant of any premises or building, or the agent or employee of any such person to place waste at the designated point of collection and ensure that said waste is

contained in reusable containers (cans), detachable containers (dumpsters or roll-offs), or disposable containers defined as follows:

* * *

- (c) *Minimum standards of containers for all commercial refuse collection.* It shall be the duty of the owner, manager, tenant or occupant of any premises or building, or the agent or employee of any such person to ensure that the containers used comply with the following minimum standards:

* * *

- (8) In the Central Business District, as defined in section 14-1, only roll-out ~~earths~~ containers and dumpsters are acceptable types of containers for commercial refuse collection. All roll-out ~~earths~~ containers must be clearly marked with the user's name, address, and a contact telephone number. Identification methods must be legible, permanent, and not subject to removal. Identification via spray paint is not considered a permanent method.

* * *

- (e) *Placement and removal of containers for commercial manual curbside collection.*

- (1) Roll-out ~~earth~~ containers in the Central Business District, as defined in section 14-1, shall be placed out for manual collection only between the hours of 10:00 p.m. to 3:00 a.m. and shall be immediately removed after collection. It shall be unlawful for the owner, manager, tenant or occupant of any business establishment or building, or the agent or employee of any such person to place, allow or suffer to remain any containers, either empty or containing solid waste, after 9:00 a.m. Empty roll-out ~~earths~~ containers remaining after 9:00 a.m. will be subject to issuance of a citation with a fine up to two thousand dollars (\$2,000.00) per violation.

* * *

- (f) *Time of collection.* It shall be the duty of the person hauling solid waste to comply with the time set for collection in this section. Time of collection is dependent on the location of the containers being serviced:

- (1) In the Central Business District (CBD) as defined in section 14-1, collection of roll-out ~~earths~~ containers is permitted only between the hours of 10:00 p.m. and 5:00 a.m. The director of downtown operations may make exceptions for Fiesta, parades, and other city functions.
- (2) In the Central Business District (CBD) as defined in section 14-1, there shall be no manual curbside collection of roll-out ~~earths~~ containers between the hours of 5:00 a.m. and 10:00 p.m.
- (3) In the Central Business District (CBD) as defined in section 14-1, collection for dumpsters is permitted only between the hours of 6:00 p.m. and 10:00 p.m. and

between the hours of 3:00 a.m. and 7:30 a.m.

- (4) There is a designated a "target zone" within the Central Business District (CBD), as defined in section 14-1. The "Target Zone" boundary consists of the area contained within N. St. Marys Street on the West, E. Commerce Street on the South, Losoya on the East, and Peacock Alley on the North. Within this "target zone," collection for dumpsters is permitted only between the hours of 6:00 a.m. to 7:30 a.m. and between 6:00 p.m. and 10:00 p.m. Only plastic dumpsters are allowed within the "target zone."

* * *

Sec. 14-43. - Multi-family recycling.

* * *

(c) Requirements for recycling collectors.

- (1) All recycling collectors shall register with the department prior to providing collection of recyclable materials. The department will make the registration form available in both a printed form and in an electronic format.
- (2) Recycling collectors who collect recyclable materials generated from multi-family properties within the city shall deliver those recyclable materials to a recycling facility for processing.
- (3) Recycling collectors ~~who collect recyclable materials from multi-family properties within the city~~ shall submit an annual report to the Department by March 1st of each year, beginning documenting activities that occurred in the previous calendar year. The reporting requirement will go into effect on March 1, 2013 and will include data from calendar year 2012, to the department in . Vendors who only provide valet collection and do not deliver recycling to a format prescribed by processor are exempt from the Director or his designee. Annual reports shall include the following information reporting requirement. The Department will provide a form to registered collectors for the period January 1 through December 31 of the immediately preceding 12-month period: submitting their annual data.

* * *

ARTICLE V. - PROHIBITIONS

Sec. 14-45. - General prohibitions.

* * *

(c) Tampering with and defacing containers.

- (1) It shall be unlawful for any person, other than one legally authorized by the director, to remove, displace, injure, deface, destroy, uncover, or in any manner remove, withdraw,

or disturb any part or portion of the contents.

- (2) It shall be unlawful for any person to tamper with, injure, or deface any ~~refuse or recycling~~ collection system or ~~refuse or recycling~~ collection container for solid waste in the city.
- (d) Placement of public refuse containers. It shall be unlawful for a person to place public trash containers upon the streets, plazas, parks and other public property of the city for the reception of such trash without the consent of the city given by the director.
- (e) Scavenge or salvage. It shall be unlawful for any person to scavenge or salvage ~~solid waste or refuse~~, recyclables, or organics without written consent of the director or without written consent of the generator of the solid waste or recyclables.
- (f) Placement. It shall be unlawful for the owner of a vehicle to park a vehicle within three (3) ~~five (5)~~ feet of a ~~recycling or refuse~~ collection container on collection day.
- (g) Culs-de-sacs. It shall be illegal for vehicles to be parked head-in in a cul-de-sac so as to impede ~~refuse or recycling~~ collection on collection day. Because Hhead-in cul-de-sac parking blocks refuse and recycling collection containers, limiting access or preventing collection, collection will not be provided when such is the collection case. Vehicles parked in a cul-de-sac shall be parked parallel with the flow of recycling or refuse traffic with both front and back wheels on the passenger side within 18 inches of the curb.
- (h) Non-compliant loads. The city shall not provide solid waste collection services if one (1) or more of these conditions occur:

* * *

- (6) It shall be unlawful for any person to place syringes from home health care in any refuse container without first securely enclosing them in a sealed canister or bottle. Syringes shall not be placed in recycling or organics containers.
- (7) It shall be unlawful for any person to place in a recycling container for collection by the city any item other than those on the listing of acceptable recycling materials.
- (8) After having provided notice to offending resident, enforcement options available for chronic violators of recycling and organics collection program requirements include, but are not limited to:
- a. Non-collection with no reduction in fees.
 - b. Removal of recycling or organics collection container, with no reduction in fees.
 - c. Provision of additional refuse container(s) and assessment of additional monthly fee(s).
 - d. Assessment of fines.

* * *

- (k) No ~~bulky waste~~ collection in alleys. It shall be unlawful for any person to place brush, bulky waste or any form of debris in alleys.
- (l) Refusing material for disposal, deposit, or recycling. The director or the director's authorized representative, shall have the right to refuse acceptance of any material for disposal or deposit for recycling at any city-owned facility when, in his/her opinion, such material poses by its nature a threat to the health and safety of any employee, 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 recycling facilityies, 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.
- (m) It shall be unlawful for the owner, manager, tenant or occupant of any premises or building within the city, or the agent or employee of any such person to place, allow or suffer to remain after it has been emptied by the ~~garbage collector~~ city or city's contractor, any container for solid waste, rubbish, or trash in, on, or about any street, plaza, park, sidewalk, or other public place, except in an alley in the rear of such premises.

* * *

SECTION 2. All other provisions of Chapter 14 of the City Code of San Antonio, Texas shall remain in full force and effect unless expressly amended by this Ordinance.

SECTION 3. Violations occurring after the effective date of this Ordinance shall be punished as provided in the amended Chapter 14, City Code. Violations occurring prior to the effective date of this Ordinance shall be punished under the formerly-applicable Chapter and Sections of the City Code, which shall remain in effect for that purpose.

SECTION 4. Fees related to the administration of the Subscription-Based Organics Collection Service are hereby authorized and established as incorporated herein for all purposes.

SECTION 5. Should any Article, Section, Part, Paragraph, Sentence, Phrase, Clause, or Word of this Ordinance, for any reason be held illegal, inoperative, or invalid, or if any exception to or limitation upon any general provision herein contained be held to be unconstitutional or invalid or ineffective, the remainder shall, nevertheless, stand effective and valid as if it had been enacted and ordained without the portion held to be unconstitutional or invalid or ineffective.

SECTION 6. The City Clerk is directed to promptly publish public notice of this Ordinance in accordance with Section 17 of the City Charter of San Antonio, Texas. Penalties provided for shall be effective five days after publication by the City Clerk.

SECTION 7. The publishers of the City Code of San Antonio, Texas are authorized to amend said Code to reflect the changes adopted herein and to correct typographical errors and to index, format and number paragraphs to conform to the existing Code.

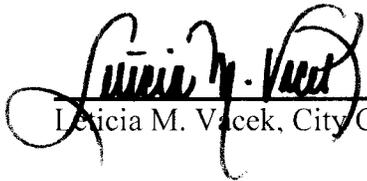
SECTION 8. This Ordinance shall become effective immediately upon passage by eight (8) or more affirmative votes or, if passed by fewer than eight (8) affirmative votes, shall be effective ten (10) days after passage.

PASSED AND APPROVED this 31st day of January, 2013.



M A Y O R
Julián Castro

ATTEST:



Leticia M. Vacek, City Clerk

APPROVED AS TO FORM:

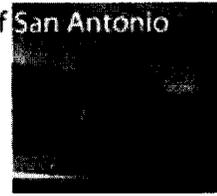


for Michael D. Bernard, City Attorney



Request for
COUNCIL
ACTION

City of San Antonio



Agenda Voting Results - 18D

Name:	18A, 18B, 18C, 18D						
Date:	01/31/2013						
Time:	10:44:37 AM						
Vote Type:	Motion to Approve						
Description:	An Ordinance amending Chapter 14 of the City Code of San Antonio to allow billing for subscription-based Organics collection, and other applicable guidelines as related to the subscription-based organics collection program, establishing a penalty and directing the City Clerk to publish notice.						
Result:	Passed						
Voter	Group	Not Present	Yea	Nay	Abstain	Motion	Second
Julián Castro	Mayor		x				
Diego Bernal	District 1		x				
Ivy R. Taylor	District 2		x				
Leticia Ozuna	District 3		x				
Rey Saldaña	District 4		x				
David Medina Jr.	District 5		x				
Ray Lopez	District 6		x				
Cris Medina	District 7	x					
W. Reed Williams	District 8		x				
Elisa Chan	District 9		x				x
Carlton Soules	District 10		x			x	