

AN ORDINANCE 2009 - 11 - 19 - 0941

AMENDING CHAPTER 14 OF THE CITY CODE OF THE CITY OF SAN ANTONIO APPLICABLE TO THE CENTRAL BUSINESS DISTRICT, INCLUDING REVISIONS TO THE RECEPTACLE PLACEMENT, REMOVAL AND COLLECTION TIMES, MANDATORY RECEPTACLE IDENTIFICATION, ELIMINATING BAGS AS 'SEALED' RECEPTACLES, AND PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

* * * * *

WHEREAS, for the past several months the City has been working with stakeholders to enhance the sanitation and cleanliness of downtown sidewalks because trash left in the public right-of-way is an unsightly view for downtown visitors, workers and residents, leaking trash receptacles contribute to sidewalk pollution, and bags and receptacles often crowd pedestrian walkways and hinder accessibility; and

WHEREAS, in response to these issues, the City is proposing amendments to the Solid Waste section of the City's Municipal Code for businesses within the Central Business District, to include revisions to the receptacle placement, removal and collection times, mandatory receptacle identification, and eliminating bags as 'sealed' receptacles in response to Stakeholders concerns over trash location and collection times, cart identification and cleanliness, and dumpster loading hours; and

WHEREAS, the amendments will apply to all downtown businesses that place trash in the public right of way, businesses would be responsible for ensuring their garbage provider complies with all changes to the code, and the City will continue to provide trash collection services for public litter bins in the right of way throughout the downtown area; and

WHEREAS, these changes will become effective 30 days after approval of this ordinance, with elimination of the commercial bag program in the Central Business District effective 90 days after approval of this ordinance, and will give the City the future authority in the Central Business District to sole-source the collection of trash from the public right-of-way; **NOW THEREFORE**,

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

SECTION 1. Section 14-17 of the City Code of San Antonio, Texas, is hereby amended by deleting the language ~~strike through~~ and adding the language underlined as follows:

Sec. 14-17. Commercial refuse collection.

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:

(a) *Types of receptacles for commercial refuse collection.*

(1) *City-provided commercial refuse collection.* For the City of San Antonio to collect municipal solid waste from commercial establishments, commercial garbage and refuse shall be placed for collection by city garbage trucks only in disposable plastic bags purchased from the city, or in cardboard boxes or bundles as permitted in this section. Where cardboard boxes or bundles are placed for collection as authorized in this section, each such box or bundle shall bear a sticker purchased from the city. Other disposable receptacles may be placed for collection as approved by the director of public works or his designate. In areas serviced by the city's mechanized garbage collection system, provisions may be made by the property owner to contract garbage collection service by the city utilizing specially designed containers provided by the city. In the Central Business District, as defined in section 14.1, cardboard boxes, paper bags and plastic bags shall not be used as receptacles for any commercial refuse collection and only roll-out carts and dumpsters are acceptable types of receptacles for commercial refuse collection.

(2) *Private service 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 receptacles for any commercial refuse collection and only roll-out carts and dumpsters are acceptable types of receptacles 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 receptacles (cans), detachable receptacles (dumpsters or roll-offs), or disposable receptacles defined as follows:

- A. *Plastic bags.* Plastic bags shall meet National Sanitation Foundation criteria and shall have a minimum film thickness of one and five-tenths (1.5) mils. When placed for collection they shall be securely tied with wire, twine, tape, or ends fashioned into a knot. Broken bottles or other sharp items are not to be placed into these containers. In the Central Business District, as defined in section 14.1, plastic bags shall not be used as receptacles for any commercial refuse collection.
- B. *Paper bags.* Paper bags shall be of two-ply kraft and have a wet strength of forty (40) pounds. When placed for collection they shall be securely tied with wire, twine or tape. These containers must at all times be able to maintain their structural integrity when lifted. In the Central Business District, as defined in section 14.1, paper bags shall not be used as receptacles for any commercial refuse collection.
- C. *Cardboard boxes.* Cardboard boxes may be used as receptacles for cardboard, paper, lawn trimmings, leaves and other inoffensive wastes, provided they are securely closed to prevent blowing, spilling and scattering of the materials

contained therein, and provided that boxes used for this purpose are able to maintain their structural integrity when lifted and of a size and type that can be readily handled by one (1) man when placed in the garbage vehicle. Such boxes shall not exceed four (4) feet in greatest dimension or weigh more than a combined weight (container and its contents) of forty (40) pounds. When cardboard boxes alone are placed for collection they shall be broken, flattened and tied in bundles not exceeding four (4) feet in greatest dimension. In the Central Business District, as defined in section 14.1, cardboard boxes shall not be used as receptacles for any commercial refuse collection.

(b) *Minimum standards of receptacles 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 receptacles used comply with the following minimum standards:

- (1) They must fully contain the waste. No overflow of waste out of the container shall be permitted. The container shall have a tight fitting lid or shall be fully closed (tied, taped or somehow enclosed) to prevent the scattering of the contained debris.
- (2) They shall be of sufficient strength to prevent the rupturing of the container and the subsequent scattering of the contained waste.
- (3) They shall be leak proof to prevent the spilling of any liquid wastes.
- (4) They shall be kept clean, free of odors and in good condition.
- (5) All receptacles and the location in which they are placed shall be kept in a clean condition and free of fly and other insect breeding.
- (6) Receptacles must be maintained in good repair and free of holes, cracks, rusted or decayed bottoms and splits and shall at all times be kept covered.
- (7) In the Central Business District, as defined in section 14.1, cardboard boxes, paper bags and plastic bags shall not be used as receptacles for any commercial refuse collection. Bags are not considered "sealed receptacles" and all trash must be placed in sealed receptacles.
- (8) In the Central Business District, as defined in section 14.1, only roll-out carts and dumpsters are acceptable types of receptacles for commercial refuse collection. All roll-out carts 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.
- (9) In the Central Business District, as defined in section 14.1, all acceptable types of receptacles for commercial refuse collection must be kept in a clean and sanitary

condition. All trash inside receptacles must be bagged. Inspection of trash receptacles is part of routine health inspections.

(c) *Commercial manual collection: Wastes from restaurant related activities.*

(1) 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 segregate trash generated from restaurant related activities into three (3) categories consisting of garbage/trash, grease and slop wastes.

(2) 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 make separate provisions for the proper collection of these categories and commingling of such categories is not permitted.

(3) 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 clean stains or spots resulting from the collection of these wastes immediately.

(d) *Placement and removal of receptacles (city and commercial manual curbside collection).*

(1) ~~In the event that night time collection is arranged, Roll-out cart receptacles (except for detachable containers such as dumpsters and roll-offs) in the Central Business District, as defined in section 14.1, shall be placed out for manual collection no sooner than 9:00 p.m. but no later than 3:00 a.m. 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 receptacles, either empty or containing solid waste, after 9:00 a.m. Empty roll-out carts remaining after 9:00 a.m. will be subject to issuance of a citation with a fine up to \$2,000.00 per violation. between 3:00 a.m. and 9:00 a.m.

(2) ~~In the event daytime collection is arranged, receptacles (except for detachable containers such as dumpsters and roll-offs) in the Central Business District (CBD) shall be placed out for manual collection no sooner than 9:00 a.m. but no later than 3:00 p.m. It shall be unlawful for the owner, manager, tenant or occupant of any business establishment or building, or the agent or employee or any such person to place, allow or suffer to remain receptacles containing solid waste between 3:00 p.m. and 9:00 p.m.~~

(3) (2) In other (non-CBD) areas of the city, receptacles (except for detachable containers such as dumpsters or rollofs) shall be placed out for collection no sooner than 7:00 a.m. All receptacles shall be removed from the curb by 10:00 p.m.

(4) (3) 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 after it has been emptied by the garbage collector, any receptacle for

solid waste, rubbish, or trash in, on or about any street, plaza, park, sidewalk or other public place, except in any alley in the rear or side of such premises or building.

(e) *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 dependant on the location of the receptacles being serviced:

(1) In the Central Business District (CBD) as defined in section 14-1, collection of roll-out carts (except for manual curbside collection) is permitted only between the hours of 10:00 p.m. and 5:00 a.m. at all hours except between 7:00 a.m. and 9:00 a.m. and between 3:30 p.m. and 6:00 p.m., usually the time of high traffic volume in this area. The director of Downtown Operations public works may make exceptions for fiestas, 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 carts between the hours of 5:00 a.m. and 10:00 p.m. 3:00 a.m. and 9:00 a.m. and between 3:00 p.m. and 9:00 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 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".

(5) (3) In other (non-CBD) areas of the city there will be no collection of waste between the hours of 12:00 a.m. and 5:00 a.m. (except residential collection which shall be between the hours of 7:00 a.m. and 10:00 p.m.). In the absence of complaints from affected citizens within two hundred (200) feet, an automatic variance, i.e. collection of waste between 12:00 a.m. and 5:00 a.m., is granted.

* * * * *

SECTION 2. All other provisions of Chapter 14 of the City Code remain in full force and effect

SECTION 3. The City Clerk of the City of San Antonio, Texas, is hereby directed to publish this Ordinance in a newspaper published in the City of San Antonio, Texas, as authorized by Section 17 of the Charter of the City of San Antonio. The penalty, fine or forfeiture provisions in this ordinance shall apply five days after publication.

SECTION 4. The procedural changes to receptacle placement, removal and collection times becomes effective 30 days after passage. Elimination of the commercial bag program in the

Central Business District becomes effective 90 days after passage. The requirement for plastic dumpsters within the "Target Zone", contained in section 14-17(e)(4), becomes effective 90 days after passage. All other provisions and requirements are effective on the effective date of the ordinance. If the City finds at a future date that it is in the best interest of the City for the protection of the public health, safety and welfare, and that it is warranted and feasible, the City may sole-source the collection of commercial refuse from the public right-of way in the Central Business District.

SECTION 5. This Ordinance shall be effective immediately upon passage by eight or more affirmative votes; otherwise, it shall be effective on the tenth day after passage.

PASSED AND APPROVED this 19th day of November, 2009.


M A Y O R
JULIÁN CASTRO

ATTEST:


City Clerk

APPROVED AS TO FORM:


City Attorney