CH
09/10/2015
Item No.4G.

AN ORDINANCE 2015-09-10-0760

AMENDING CHAPTER 14 OF THE CITY CODE, SOLID WASTE, TO ESTABLISH AND ADD FEES FOR THE PAY AS YOU THROW SOLID WASTE COLLECTION PROGRAM TO BE IMPLEMENTED CITYWIDE

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WHEREAS, in 2010 the City Council adopted the Recycling and Resource Recovery Plan, and in 2013 the plan was amended to set a 60% residential recycling goal by 2025; and

WHEREAS, the City Council thereafter approved the Solid Waste Management Department's conversion of the Organics Recycling pilot program to a subscription fee based program available to residents in several areas of the City; 20,000 residents currently subscribe, and in the last year over 7,000 tons of organic material have been diverted from the landfills and transformed into compost; and

WHEREAS, the City Council, as part of the FY 2016 budget, has approved the elimination of the subscription program and the expansion of the organics program to all residents and the implementation of the "Pay as you throw" program for garbage collection which allow residents to choose between a large, medium or small brown garbage cart; and

WHEREAS, the changes to the organics program and the introduction of the "Pay as you throw" program require amendments to Chapter 14, entitled "Solid Waste", of the San Antonio City Code to establish procedures and provide guidelines for implementation of the programs; **NOW THEREFORE,**

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

SECTION 1. The City Code of San Antonio, Texas, Chapter 14, entitled "Solid Waste", is hereby amended by adding language that is <u>underlined</u> and ~~striking~~ deleted language to the existing text as set forth in this Ordinance. All other text remains unchanged.:

Chapter 14, is hereby amended 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:

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City shall mean the City of San Antonio.

Collection shall mean the act of removing solid waste (or recycling materials) ~~which~~ that have been placed for the purpose of collection, and transportation to a permitted solid waste disposal or processing facility.

Collection assistance service shall mean a collection service provided to a customer residence wherein there is no able-bodied person capable of setting out refuse, ~~or~~ recyclables, or organics at the public right-of-way. The director will set eligibility requirements for this service.

Collection contractor shall mean a private company that provides collection services on behalf of the city.

Collection system shall mean the collection and transportation of garbage, organics or recycling in a specially designed truck affixed with a mechanical arm assembly. Service is provided in the form of either automated (one-person crew) or semi-automated method (multiple-person crew). This system utilizes specially designed containers issued by the city.

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

Container shall mean a specially-designed wheeled container designed for use in the city's collection system. Containers for garbage are provided in ~~standard (largest) and convenience (smaller)~~ three (3) sizes: small, medium and large. Containers for recycling and organics are available in two (2) sizes: small and large.

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

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Disposal shall mean the discharge, deposit, dumping, spilling, leaking, or placing of any solid or liquid waste (whether containerized or non-containerized) into or on any land.

Downsize shall mean a customer request for a smaller size container. Customers may downsize at no charge.

Drop-off event shall mean an event sponsored by the city allowing eligible users to drop-off residential MSW materials for disposal or recycling.

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Garbage. See "Refuse."

~~Generator shall mean the person who places solid waste or recyclables in containers for collection.~~

Hazardous waste shall mean any liquid or solid waste identified or listed as a hazardous waste by the administrator of the U.S. Environmental Protection Agency (EPA) pursuant to the federal Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976.

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Parcel shall mean any tract of land that has not been subdivided into lots, but shall also include, in addition to the land within its boundaries, all land adjacent to and extending beyond the property line to the curb line of adjacent streets, and, where no curb exists, to the surface of

an adjacent public street or road. The word parcel shall also include all land lying between the property line and the center of any adjacent alley.

Pay as you throw shall mean a system wherein fees are assessed in proportion with the amount of waste generated at each residence. Fees are based on the size of the garbage (brown) container selected by the customer and provided to each customer (ratepayer) by the city. Pay as you throw will be phased-in to all customers beginning in October 2015.

Person shall mean 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.

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TxDOT shall mean the Texas Department of Transportation and its successor and predecessor agencies.

Upsize shall mean exchanging the container currently in possession of a customer for a larger size container. The upsize request must be made by the customer .A one-time upsize fee associated with the pay as you throw system will be assessed beginning with the second request to upsize the garbage cart. The Monthly fees corresponding with the size of the garbage container will be assessed.

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

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Secs. 14-2—14-9. - Reserved.

ARTICLE II. - RESIDENTIAL SERVICES PROVIDED FOR BY THE CITY

Sec. 14-10. - Procedures for Garbage, Recycling, and Organics Collection Service ~~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)~~ (a) Containers.

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(3) Number and size 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 of adequate capacity to contain the solid waste, recyclables, or organic materials generated at such dwelling, building, or premises from one pickup time to the next pickup time.

a. City-provided collection. CPS Energy electric meter accounts shall be the basis for provision of city-provided containers. Each such residential account shall be provided one (1) ~~standard~~ container for each service type.

b. Convenience. Containers (small~~er~~ size~~d~~) may be substituted for low-volume generators or locations with storage space constraints.

c. Additional containers. Large volume generators and locations wherein the electric meter account does not accurately reflect the residences (e.g., master meters) may be provided additional ~~standard~~ containers. ~~Additional monthly fees will apply.~~ Current garbage containers must be of large size before additional containers may be added.

d. Beginning October 1, 2015, as residential areas are converted to volume-based fees, residents of converted areas may select a a small , medium or large container for garbage. Monthly fees will be assessed in accordance with the garbage container size.

1. Container default size. If a residential customer lives at an address that has been previously serviced by the Department, the customer's address will default to the previous occupant's garbage container size. Residents are required to contact the Department to request a different container size, if desired. New customers not previously serviced by the Department that do not provide notification of their desired level of service will default to the large sized container.

2. Changing container size. Residents in areas where pay as you throw fees have been introduced may switch garbage container sizes. Residents may switch from a smaller to larger size garbage container. The customer is not assessed a fee for the first request to switch from a smaller to a larger container but will be assessed a fee for every subsequent request for a larger container. Residents may switch from a larger size to a smaller size at anytime without incurring additional fees. Any exemption must be approved by the director or his designee.

3. Convenience. Containers (small size) may be substituted for low-volume generators of recycling or organics or locations with storage space constraints.

4. Additional containers. The procedure outlined at subsection (3)c above applies.

5. New move-ins. When a new residential customer occupies an existing home, the existing size garbage container and applicable fees apply to the new residential customer until such residential customer requests a change of container size.

e. Multiple units. Owners of multiple units on a master meter must select one size and the same size of container for garbage, recycling and organics collection for their property. Any exemption must be approved by the director or his designee.

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(5) Sanitation and maintenance of containers.

a. It shall be the duty of the owner, manager, tenant, or occupant of any dwelling, building, or premises to keep all reusable containers and the location in which they are placed in a clean condition and free of fly and other insect breeding.

b. When re-usable or disposable containers are placed at a common pickup location in multifamily living units, it shall be the responsibility of the owner or manager to maintain the containers and area in a sanitary condition.

c. It shall be the duty of the city to repair or replace damaged city-owned containers. ~~Residents seeking repair or replacement of damaged container~~ Where it is determined that the resident is at fault for damage or abuse, resident may be subject to the ~~conditions~~ fees in subsection 14-30(a).

~~(c)~~ (b) Time for collection.

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~~(d)~~ (c) Collection in alleys.

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(6) Permanently closed. Alleys with refuse, organics or recycling collection may be permanently closed if one (1) or more of the conditions are met:

a. Unsafe road conditions, obstacles, or any condition that is unsafe for city collection crews.

b. Illegal dumping that blocks access or a path for collection crews.

c. Formal petition by owners or residents, or whomever pays for the service, in which fifty (50) percent of the persons abutting the alley in any given block request that collection service be discontinued.

d. Alleys that are temporarily closed for greater than one (1) year due to customer non-compliance.

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Sec. 14-11. - 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.

Sec. 14-~~11~~12. - 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. 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.

i. Single-use plastic bags bundled (soccer ball-size bundle).

(3) Recyclable jars, bottles and other food containers should be rinsed and free of contaminants.

(4) Recyclables shall be placed in the container loosely and not bagged.

(5) At the discretion of the director or his designee, department staff may inspect recycling containers. ~~a~~ 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, in the recycling container, including but not limited to the following:

1. Refuse.

2. Appliances.

3. Clothes.

4. Dead animals.

5. Garden hoses.

6. Toys.

7. ~~Plastic bags~~. Diapers.

8. Grass clippings.

9. Bagged leaves.

~~b. Placement of household~~ 10. Household hazardous waste ~~in the recycling container~~.

(6) If a recycling container is not serviced due to the conditions detailed in subsection (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. Repeated violations may result in a service fee to empty a contaminated cart and be subject to the measures outlined at paragraph (b) below.

(b) Non-participation in city recycling program/compliance attainment. Residents not participating in the city recycling program will receive once-per-week collection of 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 removed from the city recycling program shall be notified in writing by the department when the recycling container is removed. Such residents ~~shall have the option of being~~ may be issued an additional brown cart and will be assessed additional monthly fees for a minimum of six (6) months.

(c) Containers. Residential recycling containers shall be used, distributed, maintained, and collected following the requirements established in subsection 14-10(~~b~~a).

(d) Time for collection. Residential recycling containers shall be placed at and removed from the designated points of collection following the requirements established in subsection 14-10(~~e~~b).

(e) Collection in alleys. Residential recycling collection service shall be consistent with the requirements established in subsection 14-10(~~d~~c).

(f) Additional recycling containers. Materials placed in recycling containers must only be the recyclable items as described above. Residents requesting additional recycling containers must demonstrate that they use existing containers properly before additional containers will be provided.

Sec. 14-~~12~~13. - Residential brush collection.

(a) Time for brush collection. Brush collection will take place two (2) times annually by regularly scheduled and approximately evenly spaced cycles as determined by the city. Requests for brush 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) Brush collection schedule. Residential customers receiving refuse, organics and recycling services from the city will be notified of the brush 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.

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

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Sec. 14-~~14~~15. - Out of cycle brush and bulky item waste collection.

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Sec. 14-~~15~~16. - Brush or bulky item waste set-out and collection.

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Sec. 14-~~16~~17. - 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 (1) location. Use of the green cart by any other household is forbidden.~~

~~(3) Reserved.~~

~~(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 one-year (12-month) period. Cancellations prior to twelve (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~~(a) Acceptable materials. 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:

(1) Leaves;

(2) Tree trimmings (no longer than height of cart);

(3) Yard trimmings;

(4) Brush;

(5) Food scraps;

(6) Food-soiled paper and cardboard;

(7) Other organic materials may be added to the program at the discretion of the director or his designee.

~~(d~~(b) Not accepted green container items.

(1) At the discretion of the director or his designee, ~~an organic~~ department staff may inspect organics recycling containers. An organics material container shall not be collected if one or more of the following ~~items is placed in the organic material container~~ conditions occur:

a. Contamination of the organics recycling container by depositing non-recyclable solid waste, including but not limited to:

1. ~~a.~~ Plastic bags or plastic containers of any kind including those labeled "*compostable*" or "*biodegradable*";

2. ~~b.~~ Diapers;

3. ~~c.~~ Dead animals;

4. ~~d.~~ Pet waste;

5. ~~e.~~ Cigarette butts or ashes;

6. ~~f.~~ Non-compostable materials;.

7. Household hazardous waste.

(2) If an organics container is not serviced due to the conditions detailed in subsection (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. Residents receiving notification of no service shall have the option of removing the contaminating material from the container and placing the container out for collection on the next organics collection day. Repeated violations may result in a service fee to empty contaminated cart.

~~(e~~(c) Removal from organics collection. A resident that repeatedly places unacceptable items in the organics cart may be removed from the program by the city.

~~(e~~(d) 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~~(e)Containers. Residential organic material containers shall be used, distributed, maintained, and collected following the requirements established in subsection 14-10(~~b~~a).

~~(g~~(f) 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.

(g) Residential organics containers shall be placed at and removed from the designated points of collection following the requirements established in subsection 14-10(~~e~~b).

(h) Non-participation in ~~city's~~ the 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~~ participate in the city's organic material collection program. Such residents shall surrender their issued organics container, if any, and the city will remove it.

(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 (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 subsection 14-10(~~d~~c).

(j) Additional organics containers. Materials placed in organics containers must only be the items as described above. Residents requesting additional organics containers must demonstrate that they use existing containers properly before additional containers will be provided.

Sec. 14-~~17~~18. - Drop-off and recycling sites.

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Sec. 14-~~18~~19. - Dead animal collection.

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Sec. 14-~~19~~20. - Commercial services.

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Sec. 14-~~20~~21. - Bulky waste drop-off sites.

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Secs. 14-~~21~~22—14-24. - Reserved.

Sec. 14-25. - Other services.

(a) Drop-off events (Dial-a-Trailer, free landfill disposal, household hazardous waste). City-sponsored refuse household hazardous waste or recycling drop-off events may be conducted periodically or in accordance with an annual schedule. Drop-off events may be conducted by the city, its collection contractors or in partnership with a private disposal company or recycling processor. Users of these events shall comply with all sections of this code and any additional requirements set by the director. The city reserves the right to screen for and serve only eligible users and will accept only residential wastes at drop-off events.

(b) Collection assistance service. Residential locations wherein no able-bodied person capable of handling containers resides may be eligible for collection assistance service. On collection day(s) the collector will walk up to a mutually agreed location within the lot, retrieve, empty and return the container to the point from which it was retrieved.

(1) ~~(1)~~ Residents must be eligible, enrolled, and approved for special collection assistance service.

(2) ~~(2)~~ Re-enrollment shall be required annually.

(3) ~~(3)~~ At such time as the situation changes wherein an able-bodied resident becomes available, special collection assistance service terminates and containers must be placed at the point of collection in order to be serviced.

(4) ~~(4)~~ Upon request for this service and mutual agreement with the city on the retrieval location, resident shall provide safe and unimpeded access to the collector on collection day(s). The collector will not open any gates to reach the container. Dogs and other animals must be restrained.

(5) Default container size for customers receiving collection assistance service is small. Exceptions will be reviewed by the department.

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(f) Extra Garbage Service

(1) Residents who have excess garbage and require that their garbage container be serviced more than once on their week of collection can request an extra garbage service by calling the city. The additional collection occurs the same week in which their garbage container is serviced but on an alternate collection day. A fee applies for each excess garbage collection service. The service is limited to three (3) times per year and may not be available certain weeks of the year

Secs. 14-26—14-29. - Reserved.

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~~ organics collection shall be as follows:

Residential and Other Sites

Type (regular account for curbside garbage, ~~and~~ recycling and organics)	Charge Per Month
Single family fee per single-family residential unit	$18.69
Solid waste fee for duplex dwelling ~~with one CPSE meter~~	37.38
Solid waste fee for all other dwelling units, per unit	18.69
Environmental fee – solid waste per unit ~~CPS Energy meter~~	~~3~~2.24
Environmental fee – parks per unit	1.00

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

~~Type (subscription services)~~ The monthly fee for residential customers converted to Pay as you throw (volume-based fees)	Charge Per Month
Single-or multi-family residential unit ~~base fee~~ selecting small garbage container	$~~3.00~~18.19
Single-or multi-family residential unit ~~each additional~~ selecting medium garbage container	~~3.00~~ 18.69
Single-or multi-family residential unit selecting large garbage container	19.94
Environmental fee - solid waste per unit	2.24
Environment fee - parks per unit	1.00

Description of Service	Fee
Vacant lots, or persons, entities and organizations that do not have regular accounts	Out of cycle fees apply (subsection 14-30(e)(5))
Commercial and non-city residents disposal/recycling of brush at a city operated brush recycling site, based on weight of brush rounded upward to the nearest twenty (20) lb. increment, yielding a minimal disposal fee based on twenty (20) lbs.	Twenty-five dollars ($25.00) per ton, or four dollars and seventy-five cents ($4.75) per cubic yard if scales are not available; twenty-five dollars ($25.00) minimum charge
Commercial disposal/recycling of wood mulch resulting from mechanically shredded, ground or chipped brush at a city operated brush recycling site, by persons having a valid tree maintenance license issued by the city under section 12-171.	No charge; subject to available capacity at the facility as determined by the director, SWMD.
Residential, in city, non-commercial brush at ~~Bitters Road~~ a brush shredding site, based on weight of brush rounded upward to the nearest 20-pound increment, yielding a minimal disposal fee based on twenty (20) pounds	Twenty-three dollars and fifty cents ($23.50) per ton or four dollars and forty-seven cents ($4.47) per cubic yard in quarter cubic yard increments if scales are not available.
Sale to the general public of finely-screened landscaping mulch from ~~Bitters Road~~ a brush shredding site, based on sales rounded upward to the nearest 20-pound increment, yielding a minimum sale of twenty (20) pounds; subject to availability	Three cents ($0.03) per pound in increments of twenty (20) pounds; converted to twelve dollars ($12.00) per cubic yard in quarter cubic yard increments if scales are not available
Coarse ground mulch from a brush shredding facility	No charge; subject to availability as determined by the director
Collection of bagged leaves. Available only to residential customers on collection system, for	Minimum twenty dollars ($20.00) per service call per residence for each eight (8) cubic

leaves only	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)
Cart damaged or inoperable	~~No charge to exchange~~ Normal wear and tear, no charge to exchange ; where resident is determined to be at fault, fifty-five dollars ($55.00) per cart
Cart lost or stolen	First replacement cart, no charge; subsequent replacement carts, fifty-five dollars ($55.00) per cart
Additional refuse ~~or recycling~~ container(s) ~~sets~~	~~Eighteen dollars and sixty-nine cents ($18.69) per month, per set~~ Fee assessed in accordance with the monthly fee schedule above. Current container(s) must be of maximum size before requesting additional container(s).
Additional organics or recycling cart	No charge
Upsize from smaller to larger volume garbage container	First upsize: no charge Subsequent upsizes: - twenty-five dollars ($25.00) per occurrence
Extra Garbage Service (Brown Cart)	Ten dollars ($10.00) per collection; limited to three (3) times per year
Non-Compliance Fee	Twenty-five dollars ($25.00) per occurrence
Automatic Charge for Container(s) at Residence	Residents who possess and use containers that are not assigned to their address will be charged the monthly fee corresponding to that size container.

(b) Environmental services fee. All properties, residential and nonresidential, shall pay a monthly environmental services fee of three dollars and twenty-four cents ($3.24) per each electrical meter account, billed and collected as provided below in section 14-31. At locations where the electrical meter does not accurately reflect the number of units, an environmental fee shall apply to each residential and non-residential unit. 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, providing environmental services to the city's park system, 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) 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:

Type (regular business account receiving city services)	Charge Per Month
Single unit on one meter	$18.69
Multiple units on master meter, per unit	18.69
Type (regular business account in area converted to pay as you throw)	Charge Per Month
Single unit on one meter and multiple units on master meter, per unit large garbage cart	$18.19
Single unit on one meter and multiple units on master meter, per unit medium garbage cart	$18.69
Single unit on one meter and multiple units on master meter, per unit large garbage cart	$19.94

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Secs. 14-32—14-39. - Reserved.

ARTICLE IV. - REGULATION, PERMITS AND LICENSING

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Sec. 14-44. - Solid waste determination board established; composition; actions.

(a)The solid waste determination board is hereby established and shall consist of the solid waste management director, the planning and community development director, and the development services and code enforcement director or their designated representatives. The board shall convene upon request of an individual filing a written complaint pursuant to subsection 14-41(h)(3). The board shall have the power to revoke the automatic variance granted in subsection 14-41(f)(5). In determining whether the collection of commercial refuse created excessive noise, the board shall cause a copy of the board's order and written complaint to be served upon the accused by certified mail, return receipt requested at least twenty (20) days before the date appointed in the order for the hearing. Where the accused is a corporation, notice shall be hand delivered to the president, any vice-president, or registered agent of the corporation at its registered office. 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 by certified mail, return receipt requested. The accused may appear in person or by counsel, or both, at the time and place named in the order, and make his defense to the same. If the complainant fails to appear, the complaint shall be dismissed. If the accused fails or refuses to appear, the board may proceed to hear and determine the charge in his absence. If the accused pleads guilty, or if upon a hearing of the charges, the board, by a vote, finds the complaint to be true, it may enter an order revoking the automatic variance granted in subsection 14-41(f)(5) at the location in question and assess an administrative penalty. The action of the solid waste determination board in revoking (or not revoking) the automatic variance and the assessment of a penalty shall be appealable by the commercial hauler (or the complainant) in a court of competent jurisdiction within 30 ~~filing a written notice of appeal with the city clerk appealing such determination to the city council. The notice of appeal shall be filed within ten (10)~~ days after the date of hearing.

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ARTICLE V. - PROHIBITIONS

Sec. 14-45. - General prohibitions.

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(h) Non-compliant loads. The city shall not provide solid waste collection services if one (1) or more of these conditions occur:

(1) Loads placed for collection which do not meet requirements as set out by this chapter will not be serviced by the city and will be the responsibility of the owner, manager, tenant or occupant of any dwelling, building or premises to correct the situation immediately.

(2) It shall be unlawful for any person to place for collection by the city any earth, rock, gravel, construction and demolition materials, or other prohibited waste. Debris generated as a result of land-clearing is prohibited.

(3) It shall be unlawful for any person to place broken glass, ashes, or manure in any container without first wrapping materials securely in paper or some other type of non-combustible material. These materials must be placed in the refuse container and not the recycling container.

(4) No large metal machinery or automotive parts will be collected.

(5) It shall be unlawful for any person to place for collection by the city any liquids in containers.

(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 or organics container for collection by the city any item other than those ~~on the listing of~~ items listed as acceptable ~~recycling~~ materials for the respective program.

(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.~~ Assessment of fee in the form of a recycling or organics non-compliance fee in the amount of twenty-five dollars ($25.00) per occurrence.

(9) It shall be unlawful for any person living outside the city limits to bring garbage in to the city for collection by city crews.

(10) It shall be unlawful for any person to place at or near curbside or to allow to remain at curbside any waste, regardless of character, for collection, intended collection, or to place or allow any such waste to rest or remain at or near curbside for purposes of temporary storage, regardless of disposal intent, which material rests or remains at or near curbside in excess of any 48-hour period, inclusive of weekends and holidays. It shall be an affirmative defense to a violation of this prohibition that the responsible person placed the material at or near curbside or allowed the material to rest or remain there in response to official written notice from the city that instructed such waste placement in comportment with a designated or specially scheduled city collection event (e.g., the city's brush and bulky waste collection program).

(11) It shall be unlawful for anyone other than the person who has control of the premises who has been issued city containers to place materials in said person's containers.

(12) It shall be unlawful for anyone other than the city to remove automated containers from the address they were issued.

* * *

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

SECTION 3. 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 4. 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 5. This Ordinance shall take effect on October 1, 2015.

PASSED and APPROVED this 10th day of September, 2015.

Ivy R. Taylor

M A Y O R
Ivy R. Taylor

ATTEST:

Leticia M. Vacek

Leticia M. Vacek, City Clerk

APPROVED AS TO FORM:

for Chris J. Helmer

Martha G. Sepeda, Acting City Attorney

Agenda Item:	**4G**
Date:	09/10/2015
Time:	11:12:43 AM
Vote Type:	Motion to Approve
Description:	An Ordinance amending Chapter 14 of the City Code, Solid Waste, to establish and add fees for the Pay As You Throw Solid Waste collection program to be implemented citywide.
Result:	Passed

Voter	Group	Not Present	Yea	Nay	Abstain	Motion	Second
Ivy R. Taylor	Mayor		x				
Roberto C. Treviño	District 1		x				
Alan Warrick	District 2		x				
Rebecca Viagran	District 3		x				
Rey Saldaña	District 4		x				
Shirley Gonzales	District 5		x				
Ray Lopez	District 6		x			x	
Cris Medina	District 7		x				x
Ron Nirenberg	District 8		x				
Joe Krier	District 9		x				
Michael Gallagher	District 10		x				