

AN ORDINANCE 2010-11-04-0955

**REPEALING CHAPTER 14, ENTITLED “SOLID WASTE”,
OF THE CITY CODE OF THE CITY OF SAN ANTONIO,
TEXAS AND ENACTING A NEW CHAPTER 14,
PROVIDING FOR A PENALTY, PUBLICATION AND AN
EFFECTIVE DATE.**

* * * * *

WHEREAS, the current version of Chapter 14 of the City of San Antonio’s municipal code, “Solid Waste”, addresses residential and commercial refuse, recycling and brush collections, and was enacted in 1990 when the Public Works Department provided solid waste services; and

WHEREAS, significant changes have occurred over the last 20 years: in 2001 the Solid Waste Management Department (then Environmental Services) became a separate department; the City has expanded recycling city-wide, closed city-operated landfills, and completed conversion to the automated collection system to all 340,000 customers serviced by the Department; the City Council adopted the 10 Year Recycling and Resource Recovery Plan in June 2010, which outlined programs to assist the City on a “Pathway to Zero Waste”; the FY 2011 budget includes improvements to the brush and bulky item collection program that require changes be codified in the City Code; the garbage and brush fees collected on the CPS Energy bill are combined into one Solid Waste fee which remains unchanged from the previous year; other revisions improve document usability, update references, removal archaic language and improve the visual layout, increasing content unity and coherence; and

WHEREAS, although periodic updates were made when warranted, the current version of Chapter 14 requires a comprehensive revision to clarify and enhance services currently provided by the Solid Waste Management Department, to assist with achieving the 60% recycling goal as adopted in the 10 Year Recycling and Resource Recovery Plan, and to bring Chapter 14 current, allowing for better enforcement and clearer understanding by customers; **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 in its entirety by replacing its provisions with a revised Chapter 14 entitled “Solid Waste”. The said revised Chapter 14 is attached hereto and incorporated herein for all purposes as **Attachment I**.

SECTION 2. Violations occurring after the effective date of this Ordinance shall be punished as provided in the revised Chapter 14. The complete amendment and replacement by this Ordinance of Chapter 14, Solid Waste, of the City Code of the City of San Antonio, Texas, does not apply to any violation committed under this Chapter before the effective date. A violation committed before the effective date is governed by that Chapter as it existed on the date the violation was committed, and the former law is continued in effect for that purpose. For purposes of this section, a violation was committed before the effective date if any element of the violation occurred before that date.

SECTION 3. Fees related to the administration of the revised Chapter 14 of the City Code of San Antonio, Texas are hereby amended or established as attached hereto or incorporated herein for all purposes in Attachment I. The Director is authorized to reduce or waiver fees provided for under section 14-15 of the revised Chapter 14.

SECTION 4. 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 5. The City Clerk is directed to publish notice of this Ordinance in accordance with 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 6. 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 format and number paragraphs to conform to the existing code.

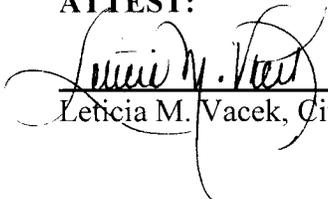
SECTION 7. This ordinance shall be effective immediately upon passage by eight or more affirmative votes; otherwise, it shall be effective on the tenth day after passage.

PASSED and APPROVED this 4th day of November, 2010.



M A Y O R
Julián Castro

ATTEST:

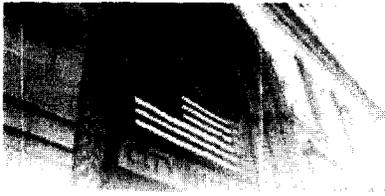


Leticia M. Vacek, City Clerk

APPROVED AS TO FORM:

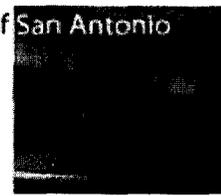


for Michael D. Bernard, City Attorney



Request for
**COUNCIL
ACTION**

City of San Antonio



Agenda Voting Results - 24

Name:	6, 7, 8, 9, 10, 12, 14, 15, 16, 17, 18, 19, 20, 23, 24, 25A, 25B, 25C, 25D, 26, 27, 29, 30, 31, 32, 33, 34, 35, 36						
Date:	11/04/2010						
Time:	10:17:14 AM						
Vote Type:	Motion to Approve						
Description:	An Ordinance repealing Chapter 14, titled "Solid Waste," of the City Code of the City of San Antonio, Texas and enacting a new Chapter 14, providing for a penalty, publication and an effective date. [Peter Zanoni, Assistant City Manager; David W. McCary, Director, Solid Waste Management]						
Result:	Passed						
Voter	Group	Not Present	Yea	Nay	Abstain	Motion	Second
Julián Castro	Mayor		x				
Mary Alice P. Cisneros	District 1		x				
Ivy R. Taylor	District 2		x				
Jennifer V. Ramos	District 3		x				
Philip A. Cortez	District 4		x				
David Medina Jr.	District 5		x				
Ray Lopez	District 6		x				
Justin Rodriguez	District 7		x				
W. Reed Williams	District 8		x				x
Elisa Chan	District 9	x					
John G. Clamp	District 10		x			x	

CODE OF ORDINANCES
CITY OF SAN ANTONIO, TEXAS
Chapter 14: SOLID WASTE

Charter Reference	General powers relative to garbage disposal, § 3, Par. 11.
Charter Reference	Junk and salvage dealers, § 16-186 et seq.; junked vehicles, § 19-356 et seq.; pollution control, § 26-1 et seq.
State Law Reference	Garbage generally, Texas Health and Safety Code, Chapter 341; Solid Waste Disposal Act
ARTICLE I	INTRODUCTION
ARTICLE II	RESIDENTIAL SERVICES PROVIDED FOR BY THE CITY OF SAN ANTONIO
ARTICLE III	FEES
ARTICLE IV	REGULATION AND LICENSING
ARTICLE V	PROHIBITIONS
ARTICLE VI	ENFORCEMENT AND PENALTIES
ARTICLE VII	LOT CLEARANCE

ARTICLE I: INTRODUCTION

Sec. 14	Definitions
Secs. 14-2 to 14-9	Reserved

Sec. 14-1: Definitions

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

Brush shall include tree branches, woody vines, shrubs, and other herbaceous and woody plants less than six (6) feet in length, excluding posts, boards, lumber or their fragments. Stumps, roots, or shrubs with root balls, loose or containerized leaves and grass clippings are unacceptable for brush collection. Brush does not include any material generated at a location other than the residence from which it is collected.

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.

Business Customer shall mean a person that produces business waste that the City has agreed to collect.

Business Services shall mean collection of business waste (brush, bulky and special bagged leaf collection not included) from business customers, provided by the City, and is limited to a maximum of five (5) container sets for each business receiving these services. Refuse and recycling collection service at such location must be feasible and within existing collection routes.

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 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 Boulevard, thence west on Durango Boulevard to I-H 35 Expressway, the point of beginning.

City shall mean the City of San Antonio.

Collection shall mean the act of removing solid waste (or recycling materials) which 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 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.

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.

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

Collection System shall mean the collection and transportation of garbage 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.

Container shall mean a specially-designed wheeled container designed for use in the City's collection system. Containers are provided in standard (largest) and convenience (smaller) sizes.

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.

Corporation shall include nonprofit corporations, professional associations created pursuant to statute, and joint stock companies.

CPS shall mean CPS Energy or its successor and predecessor. CPS Energy is the billing agent for City of San Antonio solid waste fees. CPS Energy electric meter accounts shall serve as a basis for residential service eligibility.

Dead Animal Collection Service shall mean the collection of dead animals, not including livestock, listed species, or rodents.

Dead Animal Collector shall be a collection employee who is operating a dead animal collection truck and whose chief duty it is to make dead animal collections in places other than the point of collection.

Deface shall mean and apply to writing, carving or scratching on the varnish or paint or plaster of any public refuse or recycling containers, or staining such containers with paint, or any other article which will produce a discoloration of the painting or plaster

on them.

Demolition Material shall mean sheetrock, plaster, lumber, insulation, roofing materials, and other materials generated from remodeling or demolition.

Department shall mean the Solid Waste Management Department or its successor.

Detachable Containers shall mean waste containers such as dumpsters and roll-off containers as often used by commercial waste collectors.

Director shall mean the Director of the Solid Waste Management Department or his successor or predecessor. The director may designate fully authorized representatives to act on his behalf.

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.

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

Earth and Construction Materials shall mean earth, rocks, concrete and similar materials and waste materials resulting from construction or remodeling by a building contractor or materials from an unimproved lot.

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

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.

Hospital Related Waste (see *special waste*) shall mean waste that is generated by a medical facility such as a hospital, medical office, dentist's office, medical laboratory, veterinarian's office, medical clinic, medical weight-loss clinic, mortuary, or other similar facility where needles, syringes, scalpels, or other sharp tools are commonly used and where human blood, fluids, or tissues have been in contact with the waste or

are a portion of the waste. Such wastes may or may not be infectious waste.

Household Hazardous Wastes shall mean any MSW in quantities and packaging intended for use by households that is toxic, corrosive, flammable and/or considered dangerous and shall include but not be limited to bleaches, herbicides, pesticides, drain cleaners, paint thinners and solvents.

Industrial Solid Waste shall mean waste determined to be of industrial origin and classified by the Texas Commission on Environmental Quality as Class I, Class II, or Class III.

Infectious Waste (see special waste) shall mean waste containing pathogens or biologically active material, which because of its type, concentration, and quantity, is capable of transmitting disease to persons exposed to the waste. This waste must be handled and processed according to TDSHS regulations before disposal.

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.

Land Clearing shall mean removal of organic matter or appurtenances from vacant, improved, or unimproved lots or tracts of land.

Lot shall have its ordinary meaning 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 existing street surface. The word lot shall also include all land lying between the property line of any lot and the center of adjacent alleys.

Manual Collection System shall mean the collection and transportation of garbage or recycling by means of a system that requires a person to manually lift and load the material into the collection vehicle.

Mulch shall mean the organic product resulting from chipping of wood and woody materials.

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.

Owner as used herein shall include, but not limited to, any equitable owner, any person having a possessory right to the land or building or the person occupying it, any part

owner, joint owner, tenant in common, tenant in partnership, joint tenant or tenant by the entirety.

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.

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.

Point of Collection shall be a convenient location at or in the public right-of-way accessible to collection trucks or equipment from a passable roadway adjacent to each residence. The point of collection for brush and bulky waste is at the curb or edge of pavement.

Private Street shall mean a non-publicly owned street, road, or driveway. City-provided services may be conditionally provided on private streets.

Prohibited Waste shall mean any waste prohibited from landfill disposal by the EPA, the City, TCEQ, or landfill-operating permit. Prohibited wastes also include wastes that may be injurious to collectors or may cause damage to collection vehicles.

Public Street shall mean a publicly owned street, roadway, or alley from which solid waste services are provided.

Public Right-of-Way shall mean a municipally owned street, roadway, or alley dedicated for public use.

Public Trash Container shall mean and include all approved waste containers or containers designed for public use and placed on the streets and sidewalks by the city or by anyone else under the direction of the City.

Putrescible Waste shall mean solid wastes which are capable of being decomposed by microorganisms with sufficient rapidity as to cause nuisances from odors or gases and capable of providing food for, or attracting, birds and disease vectors.

Recyclable Materials shall mean those solid wastes that are separated for recycling or reuse such as newspaper, mixed office paper, corrugated cardboard, kraft paper, container glass, aluminum and tin cans, magazines, steel aerosol cans, and plastic bottles and containers.

Recycling shall mean the collection, separation, recovery, and sale or reuse of metals, glass, paper, plastics, and other materials that would otherwise be disposed or processed as municipal waste.

Recycling Drop-off Center shall mean an area where an individual may deposit recyclable materials and where recyclables may be sorted.

Refuse shall mean garbage and/or municipal solid waste generated at a residence or business. Refuse does not include recycling commodities intended to be placed in recycling containers, industrial waste, hazardous waste or any other prohibited waste.

Residential Customer shall mean a person living in a residential dwelling with 5 units or less that produces residential waste that the City collects.

Rubbish shall mean nonputrescible 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, 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:

- (a) Solid or dissolved material in domestic sewage or solid or dissolved materials in irrigation return flows or industrial discharges subject to regulation.
- (b) Soil, dirt, rock, sand, and other natural or manmade inert solid materials

used to fill land if the object of the fill is to make the land suitable for the construction of surface improvements;

- (c) Waste materials that result from activities associated with the exploration, development, or production of oil or gas and are subject to control by the Railroad Commission of Texas.
- (d) Special wastes as defined by this chapter.
- (e) Hazardous wastes.

Special Waste shall mean any liquid, semi-liquid, solid waste or combination of solid wastes that because of its quantity, concentration, physical or chemical characteristics or biological properties, require special handling and disposal to protect the human health or the environment. Special wastes include, but are not limited to:

- (a) Household hazardous waste
- (b) Infectious and hospital related wastes
- (c) Municipal water and wastewater treatment plant sludges
- (d) Grease and grit trap wastes
- (e) Slaughterhouse wastes
- (f) Dead animals
- (g) Drugs, contaminated foods, or drink products, other than those contained in normal household waste
- (h) Pesticide (insecticide, herbicide, fungicide, or rodenticide) containers
- (i) Asbestos or materials containing asbestos
- (j) Contaminated soil
- (k) Tires

Special wastes may need pretreatment before they are disposed of.

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.

Tarp shall mean a solid or semi-solid cover placed and secured over open-topped vehicles and/or trailers to secure the contents and to prevent their dispersal from the vehicle or trailer.

TCEQ shall mean Texas Commission on Environmental Quality and its successor and predecessor agencies.

TDSHS shall mean Texas Department of State Health Services and its successor and predecessor agencies.

Transfer Station shall mean a fixed facility used for transferring solid waste from collection vehicles to long haul vehicles.

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

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

Vehicle shall mean any device used to transport solid wastes and include, but are not limited to cars, pickups, vans, dumps trucks, trailers, roll-off containers, tractor trailers, rear and side loading packer trucks.

Weeds shall mean all uncultivated vegetable growth or plant matter that has grown to more than twelve (12) inches in height, other than trees.

White Goods shall include household appliances.

Yard Trimmings shall mean grass, weeds, leaves, tree trimmings, plants, shrubbery prunings, and such other similar materials which are generated in the maintenance of yards, gardens, or commercial landscaping in the city and which are separated from other solid waste materials and placed in a designated container for collection.

Secs. 14-2—14-9: Reserved

ARTICLE II: RESIDENTIAL SERVICES PROVIDED FOR BY THE CITY OF SAN ANTONIO

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 Waste Collection
Sec. 14-15	Brush and Bulky Waste Set-Out Requirements
Sec. 14-16	Reserved
Sec. 14-17	Drop-Off and Recycling Sites
Sec. 14-18	Dead Animal Collection
Sec. 14-19	Commercial Services

Sec. 14-20 to Sec. 14-24 Reserved
Sec. 14-25 Other Services

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 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 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 generated at such dwelling, building, or premises from one pickup time to the next pickup time.

1. 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.

2. Convenience

Containers (smaller sized) may be substituted for low-volume generators or locations with storage space constraints.

3. 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.

(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) feet of a mailbox, parked car, or other fixed object and shall be clear of low hanging limbs and utility lines. All containers must be placed and removed from the curbside in compliance with those specification listed in 14-10 (c) and 14-10 (d).

(1) The standard location for container placement on public streets shall be at the base of the curb (where curbs exist) with wheels against the curb.

(2) Where placement at the standard location is not possible or feasible, alternate locations shall be used:

1. Streets without curbs shall be at the edge of pavement

2. High traffic streets shall be in the parkway at the top of the curb

3. Driveway apron may also be used in certain restricted locations

4. Alleys shall be on a pad specifically constructed for containers or where no pad exists, on a level surface

(3) Customers receiving collection at the street are required to maintain improvements, trees, and other vegetation in such a way as to:

1. Provide a minimum overhead clearance of fourteen (14) feet high

2. Not extend out in to the roadway in a manner that impedes upon the safe and efficient collection of solid waste

(5) Sanitation and Maintenance of Containers

1. 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.
2. 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.
3. It shall be the duty of the City to repair or replace damaged City-owned containers. Residents seeking repair or replacement of damaged container may be subject to the conditions in Section 14-30 (a).

(c) *Time for Collection*

- (1) It shall be the duty of the owner, manager, tenant or occupant of any dwelling, building or premises to place all containers at the designated point of collection no earlier than 6:00 p.m. of the day preceding scheduled collection. Containers not set out in non-CBD areas by 7:00 a.m. on the day of collection or not at the point of collection when the collection crew passes may not be serviced until the next regularly scheduled collection.
- (2) It shall be the duty of the owner, manager, tenant, or occupant of any dwelling, building or premises to remove all containers from the collection point by 10:00 p.m. on the same day as the collection except where such containers may be stored in alleys designated for collection. Containers not removed shall be declared a public nuisance and may be removed by the City.

(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:
 1. At least 50% of customers to be serviced in the alley request through petition to receive alley collection service

2. Alley surface must be asphalt, smooth, and have a pavement condition index (PCI) of 100%. PCI refers to the physical condition of a roadway; measurement is based on numeric values ranging from 0 (poorest condition) to 100 (new or excellent pavement).
 3. Vegetation must be trimmed and clear of alleyway
 4. Alley must not have obstacles or debris stockpiles
 5. Must have clearance of fifteen (15) feet wide and fourteen (14) feet high
 6. Must have clear path through the entire alley
 7. Director or his designee must confirm that such alley satisfies the criteria
- (2) No other collections shall be performed in the alley, including brush collection, bulky collection, or special collections. Placement of any materials in the alley that are not authorized for collection from the alley is a violation of this chapter and may result in fines or penalties.
- (3) It shall be the duty of owners, tenants or occupants of the abutting properties to keep the alleyway clear of obstructions including intruding or overhanging brush and tree limbs.
- (4) There must be clearance of at least fifteen (15) feet wide by fourteen (14) feet high and be free of debris for refuse/recycling collection vehicles to pass through the alley. This shall be the responsibility of owners, tenants, or occupants.
- (5) Temporarily Closed
Alleys may be temporarily closed for construction activity (surface repair, utility repairs, or improvements), debris stockpiles, or overgrown vegetation preventing collection.
1. In the event when an alley is impassible due to debris stockpiles or overgrown vegetation, customers of the abutting property will be notified by City to take action in maintaining vegetation.
 2. Failure to comply with the Department's request for customer action may result in the alley being temporarily closed for collection of refuse and recycling containers. Residents shall be notified that the alley is

temporarily closed and that refuse and recycling containers shall be placed at the street side for collection until further notice by the Department. Once the temporarily closure is lifted, the Department shall notify customers to resume placing refuse and recycling containers in the alley for collection.

3. Alleys that are temporarily closed for greater than one year due to customer non-compliance may be permanently closed.

(6) Permanently Closed

Alleys with refuse or recycling collection may be permanently closed if one or more of the conditions are met:

1. Unsafe road conditions, obstacles, or any condition that is unsafe for City collection crews
2. Illegal dumping that blocks access or a path for collection crews
3. Formal petition by owners or residents, or whomever pays for the service, in which 50% of the persons abutting the alley in any given block request that collection service be discontinued
4. Alleys that are temporarily closed for greater than one year due to customer non-compliance

(7) Reopening a Permanently Closed Alley

An alley may be re-opened for refuse and recycling collection if the following conditions are met:

1. At least 50% of customers serviced in the alley request through petition to have the alley reopened
2. Alley surface must be asphalt, smooth, and have a pavement condition index of at least 85%
3. Vegetation must be trimmed and clear of alleyway
4. Alley must not have obstacles or debris stockpiles
5. Minimum clearance of fifteen (15) feet wide and fourteen (14) feet high

6. Must have clear path through the entire alley

7. Director or his designee must approve alley collection service

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:
 1. Newspaper
 2. Mixed Office Paper
 3. Magazines
 4. Corrugated Cardboard
 5. Kraft Paper
 6. Aluminum and Tin Cans
 7. Steel Aerosol Cans
 8. 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 bagged recyclables are allowed.
- (5) At the discretion of the Director or his designee, a recycling container shall not be collected if one or more of the following conditions occur:
 1. Contamination of the recycling container by depositing non-recyclable solid waste, including but not limited to
 - i. Refuse
 - ii. Appliances
 - iii. Clothes

- iv. Dead Animals
- v. Garden Hoses
- vi. Toys
- vii. Plastic Bags
- viii. Grass Clippings
- ix. Bagged Leaves

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

(6) If a recycling container is not serviced due to the conditions detailed in section 14-11 (a) (5) 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.

(b) *Non-Participation in City Recycling Program*

Residents not participating in the City recycling program will receive once-per-week collection of solid waste. 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 section 14-11 (a) (5). Residents that have been removed from the City recycling program will be notified in writing by the Department when the recycling container is removed.

(c) *Containers*

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

(d) *Time for Collection*

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

(e) *Collection in Alleys*

Residential recycling collection service shall be consistent with the requirements established in Section 14-10 (d).

Sec. 14-12: Residential Brush Collection

(a) *Time for Brush Collection*

Brush collection will take place two 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 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: Residential Bulky Waste Collection

(a) *Time for Bulky Item Waste Collection*

Bulky waste collection will take place once 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 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

(c) *Volume Limit for Bulky Item Waste Collection*

Bulky item waste collection shall not exceed eight (8) cubic yards. If material exceeds the eight (8) cubic yard maximum volume limit, material will not be collected.

Sec. 14-14: Out of Cycle Brush and Bulky Item Waste Collection

(a) *Out of Cycle Brush and/or Bulky Item Collection*

A person may arrange for brush and/or bulky item collection at any time. These special collections occur out of the scheduled brush and bulky item collection cycles and will be collected at the person's cost. The person may either arrange for collection

through a private commercial hauler or request an out-of-cycle service collection according to the schedule of fees set out in Section 14-30.

- (b) It shall be the duty of the person making the request to ensure that items are placed on or near curbs in accordance with subsection 14-15 (a) and (b). Failure to comply shall be deemed a public nuisance.

Sec. 14-15: Brush or Bulky Item Waste Set-Out and Collection

- (a) *It shall be the duty of the owner, manager, tenant or occupant of any dwelling, building, or premises to*

(1) Place only acceptable, non-commingled, non-contaminated, brush or bulky item waste out for collection at the curb

(2) Place acceptable, non-commingled, non-contaminated brush or bulky items in a safe and accessible location. Placement shall meet all of the following criteria:

1. Near the curb
2. Clear of overhead obstructions
3. Clear of utility appurtenances
4. Clear of fences
5. Clear of other personal property such as improvements, trees and other vegetation
6. Only upon notification by the city

(3) Remove the door or lids of all refrigerators, freezers, and similar airtight appliances for safety. Doors or lids shall be placed alongside said appliances.

- (b) *No Collection in Alleys*

It shall be unlawful for any person to place brush and/or bulky items in alleys for collection.

- (c) *Origin of Waste*

It shall be unlawful for any person to place brush and/or bulky items that did not originate at the residence from which it is being collected curbside for collection. Furthermore, all materials placed out for collection, and any additional wastes which might accumulate on or contiguous with said piles, are considered the responsibility of the owner, manager, tenant or occupant of any dwelling, building, or premises in front of which the materials are placed.

- (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 curbside in advance of one week prior to the scheduled collection week
3. Is left curbside more than one week after the scheduled collection

(e) *Penalties for Violation*

A person found in violation of this section is subject to one or more of the following:

1. A fee according to the schedule of fees set out in section 14-45 (a)
2. A citation and associated penalties

The property owner shall be primarily responsible to the City for reimbursement of any and all remediation expenses incurred by the City as a result of damage to personal or real property that may occur during any brush or bulky waste collection action (whether regularly, specially scheduled, or ordered for purposes of protecting the public health, safety, or welfare) caused by waste materials obscuring the property or impeding the City’s ability to address the waste matter. Damages to property may include damage to meters, sprinkler systems, plumbing appurtenances, fencing, mailboxes, automobiles, or any other item of personal or real property. Costs may be undertaken at the discretion of the City to repair damaged property. The City should maintain the authority to determine if damaged property must be immediately repaired or replaced in order to preserve public health or safety. Tenants and other persons shall be secondarily responsible for reimbursement to the City. The same priority for reimbursement responsibility shall apply to direct fees and payment of administrative costs for extraordinary solid waste services.

Sec. 14-16: Reserved

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

(a) *Compliance with Onsite Signs*

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 and verbal directions posted or given within any City solid waste drop-off and/or processing facilities at all times. Failure to comply will constitute a violation of this chapter and may result in denial of access to these facilities.

(b) *Covered Loads (tarps)*

All loads of materials entering a city drop-off, recycling or processing site must be secured and covered either by the containment of the vehicle or, if an open topped vehicle, by a covering (tarp). Loaded vehicles exiting city sites must also be covered

or contained. Texas state law regarding covered loads must be followed at all times by vehicles using city disposal or processing sites. It shall be the duty of the driver of the vehicle to comply with this section.

(c) *Assumption of Risk*

Any person entering upon a City-operated solid waste drop-off, recycling or processing site for any purpose shall be conclusively presumed to know and appreciate the hazards and the extent of the risk which accompanies the accumulation of scrap wood, glass, nails, and solid wastes of every description and the use of trucks, vehicles and heavy machinery used to move, remove, bury and dispose of solid waste. Every person entering upon any such site shall be conclusively presumed to have assumed the risk of injury or damage connected with or resulting from such hazards and danger by his or her action in entering upon such site, and for and in consideration of the permission granted by the City to enter upon such site. Upon entering a city operated solid waste disposal, recycling or processing site, every person shall be deemed to have covenanted not to sue and to indemnify, save harmless and defend the city, its agents, officers, and employees, from and against any and all claims of any nature whatsoever for injury or damage to person or property, whether real or asserted, arising out of or resulting from the entry by such person.

(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 prove San Antonio residence may be required to pay the higher "commercial and non-resident" rate as set out in section 14-30 of this Code.

Sec. 14-18: Dead Animal Collection

(a) *Dead Animal Collection General*

The city shall collect dead animals generated at customer's residences and as may be found in the City of San Antonio's public rights-of-way. Dead animals located on freeways are the responsibility of TxDOT.

- (1) Prior to loading a dead companion animal, such as a dog or cat, into the truck for transport and disposal, the dead animal collector will visually inspect the animal for an identification tag. If a tag is visible, the collector shall determine if it can be removed in a safe, sanitary, and respectful manner. If the tag contains

information that is not legible, does not contain adequate contact information, or cannot be removed in a safe, sanitary and respectful manner, then the tag does not need to be removed and no further action is required.

- (2) The Department will not retrieve and return a dead animal once it has been collected and placed in a collection vehicle for disposal.
- (3) The City and its agents shall not be required to clean any remaining residues from the point of collection.

(b) *Dead Animal Collection from Residences*

(1) Disposal in Refuse Containers

Dead animals collected from residences must be bagged and placed in the refuse container for collection with weekly service.

- (2) Animals too large to be placed in the refuse container must be bagged and placed at the point of collection.

(c) *Dead Animal Collection Request to the City*

- (1) Residents may request collection by contacting the City's customer call center and providing the location and description of the dead animal.
- (2) Dead animals will not be retrieved from underneath buildings or in attics, drainage ditches, or private property except as outlined below. Collection of dead animals other than at the point of collection shall require mutual approval from the director or his designee and the property owner, tenant, or occupant. The City and its agents shall not be held liable for any damages to private property caused by collection activity.

Sec. 14-19: Commercial Services

(a) *City-Provided Business Municipal Solid Waste*

Businesses provided services by the City or city-contractors in non-CBD areas, shall be similar to and in conjunction with residential 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 minimum standards set out in sections 14-10 and 14-11 as applicable, in this chapter. Fees outlined in Section 14-30 (c) apply to City-provided business solid waste collection services.

- (b) Businesses receiving service from the City shall manage, classify and characterize

their wastes in accordance with applicable city, state, and federal regulations. Industrial, hazardous and other regulated wastes are prohibited from collection by the City.

- (c) City-provided collection services are provided for use by small quantity generators who generate MSW similar, in both content and volume, to that generated at a residence. A maximum of five (5) container sets will be provided at each business receiving this service. Refuse and recycling collection service at such location must be feasible and within existing collection routes.

Sec. 14-20 to 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) Residents must be eligible, enrolled, and approved for special collection assistance service.
- (2) Re-enrollment shall be required annually.
- (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) 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.

(c) *Special Services to Route Customers*

- (1) Only residential customers receiving refuse and recycling 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 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:

1. *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.

2. *Cardboard Boxes*

Cardboard boxes may be used as receptacles for collection of leaves 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) person 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.

(d) *Services to Privately-Owned Streets, Roads and Driveways*

- (1) Locations within the city limits with privately-owned streets or not abutting a public roadway desiring City collection services may be eligible for such services, provided the conditions below are met:

1. The department determines that it has safe and unimpeded access for its collection trucks and equipment.
 2. Owner, property manager, tenant association representative, or person authorized to represent the owner(s) executes a release of liability indemnity agreement, agrees that such city services shall be exclusive within the agreed area, and provides a list of addresses for each meter unit for assessment of fees by CPS Energy.
- (2) Upon satisfactory provision of the items in (1) above, all designated residents are eligible for all services listed in this chapter, must comply with provisions of this chapter, and shall be assessed fees accordingly for the term of the agreement.
- (3) In cases impacting public health and safety, where the director determines that the procedure in paragraphs (1) and (2) above are not feasible, the director may require residents to bring their wastes to the nearest point abutting a public street or roadway.

(e) Authority to Respond to and Manage Catastrophic Damage

- (1) The director shall have authority to take necessary action and prescribe requirements in response to damage resulting from storms.
- (2) The level of action taken will be in consideration of public health and safety, severity of damage, spread of impact, other departmental priorities, and parity of service entitlements. The director may determine that no extraordinary action is necessary and that any storm damage debris should be managed through normal service levels or at the expense of the resident.

ARTICLE III: FEES

Sec. 14-30	Fees
Sec. 14-31	Collection of Charges

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:

(1) 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	\$ 1.30

Description of Service	Fee
Vacant lots, or persons, entities and organizations that do not have regular accounts	Out of cycle fees apply (14-30, e, 5)
Commercial and non-city residents disposal/recycling of brush at Bitters Road site, based on weight of brush rounded upward to the nearest twenty (20) lb. increment, yielding a minimal disposal fee based on 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
Residential, in city, non-commercial brush at Bitters Road site, based on weight of brush rounded upward to the nearest twenty (20) lb. increment, yielding a minimal disposal fee based on twenty (20) lbs	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 brush shredding site, based on sales rounded upward to the nearest twenty (20) lb. increment, yielding a minimum sale of twenty (20) lbs; subject to availability	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
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)
Cart damaged or inoperable	No charge to exchange
Cart lost or stolen	First replacement cart, no charge; subsequent replacement carts, \$55.00 per cart
Additional refuse or recycling container sets	\$17.44 per month, per set

(b) *Environmental Services Fee*

All properties, residential and nonresidential, shall pay a monthly environmental services fee of one dollar and thirty cents (\$1.30) per each electrical meter account, billed and collected as provided below in section 14-31. This fee is intended to defray municipal expense necessary to cleaning up illegally dumped waste, collecting and disposing of dead animals, performing regulatory maintenance on closed landfills, and equitably sharing costs for neighborhood clean-ups benefiting residents and businesses that do not pay a monthly solid waste processing fee. Exemptions at subsection (d), recited below, do not apply to the environmental services fee.

(c) *Business Solid Waste Fee*

The monthly solid waste fee for businesses receiving refuse and recycling services only (brush, bulky, 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	\$ 17.44
Multiple units on master meter, per unit	\$ 17.44

(d) *Exemptions*

Apartment houses and mobile home parks may be exempted from payment of solid waste fees upon furnishing of sufficient evidence assuring acceptable removal of all garbage and refuse by private means. For such exemption to be granted, written application must be submitted to and approved by the director or his designee.

Single-family residences on premises not abutting public roadways, and to which access is possible only across private property, and premises abutting public roadways but on which the dwelling is so remote from such roadway as to make city collection impractical, may be exempted from such collection service and charges.

(1) Exemptions may be granted on certain meter accounts if the number of meters

serving a dwelling does not reflect the true nature of the dwelling.

- (2) New single-family residences shall be exempted from City garbage collection service and charges while under construction and after completion until initial occupancy of the structure. Initial occupancy shall be interpreted as the sale or lease of the property to a second party for occupancy or the first electric meter account name change, whichever occurs first.

(e) Disposal, Brush Facility, Commercial Haulers, and Special 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

1. Valid state ID card or driver's license
2. A current CPS Energy bill reflecting both items listed below
 - i. The same name as on the driver's license
 - ii. The 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

scalehouse, 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).

(4) Dead Animal Fee

A ten dollar (\$10.00) dead animal fee applies to all small dead animals (not requiring special handling) and dead animals from commercial businesses originating within City (veterinarian charges, per animal).

(5) Out-of Cycle Fees

All requests for pick-up of bulky waste and/or out of cycle bulky items and/or brush at a residential location will apply as follows:

One item	Fifty dollars (\$50.00)
Up to eight (8) cubic yards	\$50.00
Up to sixteen (16) cubic yards	\$75.00
Up to twenty-four (24) cubic yards	\$100.00
Up to thirty-two (32) cubic yards	\$125.00

(6) State Disposal Levy

All disposal facility customers, including residences, will be assessed their share of the state disposal levy, which will be collected at the same time as any city fees, and in addition to any city fees. Fee as applicable per state statute.

(7) Reserved

(8) Commercial/Industrial Haulers

Permit Description	Fee
Vehicle permit fee (7,000 lbs. or more gross vehicular weight), per vehicle, per year	\$ 2,250.00
Vehicle permit fee (6,999 lbs. or less gross vehicular weight), per vehicle, per year	\$ 150.00

(f) *Credits/Refunds, Residential*

No credit/refund shall be made for residential service unless exempted under section 14-30 (d).

(1) Example 1

Customer has a business and takes their residential refuse to dumpster at their business. No credit/refund is allowed

(2) Example 2

Customer has a commercial establishment in a residential building and has paid residential fee and commercial disposal service charge

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

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

(3) Example 3

Customer is operating a small business out of a residence

This activity is classified as a "home occupation." A child care activity may fall into this category as long as it meets zoning requirements. If the customer is operating in accordance with the above descriptions, they will be charged as a residence. There shall be no credit/refund if they are not operating in accordance with the description of a home occupation. If the customer is operating in accordance with the above descriptions, they will be charged as a residence. There shall be no credit/refund if they are not operating in accordance with the description of a home occupation.

(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 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, credit can be given. The credit should be processed through the usual credit process with CPS Energy.

Sec. 14-31: Collection of Charges

- (a) The solid waste service charges prescribed in this chapter shall be included in the CPS Energy monthly electric and gas bill rendered to customers within the corporate limits of the city.
- (b) The charges fixed in this chapter for the removal of solid waste shall be included as a separate item on the regular utility bill and shall be paid monthly in accordance with

existing practices. Any person who shall fail or refuse to pay the charges fixed in this chapter within the time specified shall be deemed to be delinquent, and the city may, at its option, cause any or all utility service and solid waste removal service to be discontinued and such discontinuance shall be reported to the director of the Metropolitan Health District.

ARTICLE IV: REGULATION, PERMITS AND LICENSING

Sec. 14-40	Solid Waste Haulers
Sec. 14-41	Commercial Refuse Collection
Sec. 14-42	Reserved
Sec. 14-43	Reserved
Sec. 14-44	Solid Waste Determination Board Established; Composition; Actions

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 the Texas Local Government Code, Chapter 217, subchapter C, regulation by a home rule municipality, it is further declared a public nuisance for a person to collect or offer to collect, or to dispose or offer to dispose of, solid waste within the city's corporate limits unless the person has secured and affixed a current, valid permit decal to each vehicle covered by this article.

(a) *Recyclables Exemption*

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

(b) *Annual and Quarterly Solid Waste Hauler Permits*

The annual permit shall be effective for twelve (12) months from the date of issuance, if issued and fully paid at commencement of the permit year, May 1st. Quarterly permits may be secured on May 1, August 1, November 1, and February 1 of each calendar year, or the next business day should any of the above dates fall upon weekends or city holidays. These individual quarterly permits and quarterly fee payments shall not be pro-

rated for use of the vehicle during partial quarters. Failure to pay within a ten-day grace period will result in a penalty sum to be imposed as promulgated by the city council.

(c) *Permit Fees; Timely Payment Discounts; Late Payment Penalty*

(1) Fee schedule

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

(2) Proration

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

(3) Early Payment Discount; Late Payment Penalty

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

1. City owned or leased vehicles

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

(d) *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:

- (1) 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:

City means the City of San Antonio, Texas, as represented by the official acts

of the city council and council designated representatives.

Department means the City of San Antonio Solid Waste Management Department or its successor.

Director means the director of the solid waste department or his/her designee.

Hauler means a person who owns, drives, or operates a vehicle for the purpose of collecting or disposing solid waste.

Permit means the formal consent provided by the city to a person which entitles the person to collect, offer to collect, or dispose of waste within the corporate limits of the city, which consent is evidenced by display of a permit decal.

Permittee means a person issued a permit under this article.

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

Shall, whenever used in this article, will be interpreted in its mandatory sense; "may" is permissive.

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 Chapter 26, Texas Water Code

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 result from activities associated with the exploration, development, or production of oil or gas and are subject to control by the state railroad commission.

Vehicle means a "for-hire" or other commercial, industrial, motorized instrument of solid waste conveyance regulated under this article, and used, designed and/or equipped to collect, move, or dispose of solid waste materials within the corporate limits of the city. For example, vehicle includes, but is not limited to, those owned or operated to haul waste generated by the owner of the vehicle, such as a demolition company, construction company, commercial or residential builder, including, but not limited to hazardous or special wastes regularly or occasionally disposed within the city's jurisdiction, including those vehicles that transport liquid wastes.

(2) Solid Waste Transportation; Duties of Solid Waste Haulers; Permit Conditions; Prorations and Discounts.

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

1. Any person receiving a permit shall have the duty to exercise reasonable, prudent, and sufficient care when undertaking his/her activity in order to preserve the health, safety, and general welfare of the community. The permittee must obtain and maintain current all the necessary legal documents required by local, state, and federal authorities.
2. In the event of an unpermitted, illegal disposal, or accidental discharge of solid waste during collection or hauling, the permittee shall immediately contain the impacted area and safely recover the discharged solid waste. The permitted solid waste hauler shall take any and all action as may be required by local, state, or federal officials, having jurisdiction, so that the discharge will not present a public health or environmental hazard, threat, or nuisance.
3. Failure to promptly and properly take effective remedial action necessary to public health and safety protection shall constitute a violation of this article and a violation of the permit conditions.

4. Permit application; representations become permit conditions. In addition to complying with the proper registration or license procedures established by the agencies having jurisdiction over permittee's activities, all persons owning, operating, or driving solid waste vehicles subject to this article shall complete a permit application to receive a permit from the city through the Solid Waste Management Department or its successor department. All applicants, including those persons who may claim exemption, must generally supply the department with the following information and documentation in order for the department to make an informed decision. The following representations made by the applicant also become conditions of the permit:
 - i. Name, business address, and telephone number of the applicant solid waste hauler. If the applicant is a corporation, the names and addresses of its president, all vice-presidents and agent, for service shall be provided.
 - ii. The trade name under which the applicant hauls or intends to haul solid waste.
 - iii. The number and type of vehicle(s) that the applicant intends to operate, together with a general physical description or manufacturer's trade description of each vehicle (e.g., year made, model, manufacturer's rated capacity).
 - iv. The period of time the applicant has been engaged in the activity of hauling solid waste refuse and the daily hours of operation of his intended collection, transportation, and disposal activity.
 - v. Certificates of insurance or other documentation evidencing that the applicant has obtained insurance coverages described below.
 - vi. No later than August 8, 2006 and annually thereafter during the month of April, permittees shall furnish to the city a descriptive list of all vehicles engaged in solid waste hauling and list which vehicles will be collecting within or using any landfill disposal or other legal disposal site within the city's jurisdiction for solid waste disposal or deposit. Based upon the best available information, the solid waste hauler shall project the anticipated annual tonnage of solid waste to be disposed of by his company and the source(s) of such waste as being either generated inside the city limits or outside the city limits expressed in a percentage of the hauler's total projected annual tonnage.

- vii. Commercial concerns that are not in the business of hauling solid waste for others but rather are hauling waste generated by themselves or their own commercial activities, shall permit their vehicles in accordance with this article.
- viii. Notices; Driver Agent; Violations
 - A. For purposes of notice, where required by this article, it shall be sufficient to notify the permittee by certified mail at the address represented in the permit application. When a violation of this article is alleged, in contemplation of criminal or civil prosecution, certified mail, return receipt, shall be sufficient evidence of notice of violation to a permittee in whose name a permit has been issued, whether the permit is current or delinquent.
 - B. When a violation of this article is alleged, based upon a vehicle's displaying no evidence of a permit, a citation upon the driver of the vehicle shall be the same as and legally sufficient to effect notice of the violation to the owner. In which case, the driver is the apparent agent of the owner, as allowed by law. Thereafter, service of process for civil or criminal prosecutions shall be conducted as prescribed by law. Where the permittee is a corporation, notice may be personally hand delivered to the president, any vice president, or agent of the corporation. In the event the president, a vice president, or registered agent cannot with reasonable diligence be found at the registered office, duplicate copies of the notice shall be sent to the registered agent identified according to records of the secretary of state by certified mail, return receipt requested. Or, in the alternative or in supplementation, any sufficient form of substituted service provided by law may be employed.
- ix. Any other requested relevant information that can reasonably be provided to the department which bears a reasonable relationship to the regulation of permittees under this article and is necessary to evaluate the permit application.

(e) Investigation of Information Set Out in Application

The director or his designee may conduct an investigation to determine the accuracy of information supplied by the applicant prior to the issuance of a permit. Supplying false information to the department shall be grounds for refusal to grant a permit or revocation of a permit if already issued. The hauler shall at least annually update the information contained in the application to reflect any substantive changes in the information required by the initial application.

(f) *Insurance Requirements*

With the application, hauler must show, for vehicles intended to carry seven thousand (7,000) pounds gross vehicular weight or more, evidence of a commercial general (public) liability insurance policy in an amount of no less than five hundred thousand dollars (\$500,000.00) and thereafter keep same in full force and effect with an insurance company authorized to do business in the state. The policy shall insure the public against any loss or damage that may result to any person or property from the operation of the hauler's collection, transportation, and disposal activities. In addition, the hauler utilizing vehicles that are intended to carry seven thousand (7,000) pounds gross vehicular weight or more shall carry business automobile liability coverage for each and every vehicle of that capacity owned or operated by hauler with combined single limits for bodily injury and property damage of not less than five hundred thousand dollars (\$500,000.00).

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

(g) *Vehicle Inspection: General Requirements*

Prior to the issuance of a permit, the department may require the applicant to submit for inspection by the department at a city facility each vehicle to be permitted. Any city inspections hereunder shall be conducted by trained and qualified city inspectors carrying proper identification. In the event that the department chooses to inspect the vehicle, the department or its agents shall determine whether or not the vehicle(s) is constructed and equipped in accordance with the provisions of this article and that the vehicle(s) are generally in good repair. In addition to the initial optional department inspection prior to the issuance of a permit, designated employees of the department are hereby authorized to randomly re-inspect the vehicles at "off-road" locations periodically in order to observe that the vehicles are generally maintained in good repair and are likely not to constitute a public health hazard or public nuisance under the provisions of this and any other governing ordinances. These optional "off-road" department inspections may take place at a city facility to be designated by the

department, at a city-owned or privately owned and operated transfer or landfill facility, or at the permittee's place of business during normal business operation hours. These optional "off-road" department inspections are in no way meant to satisfy the otherwise legally mandated inspection of motor vehicle requirements of the state department of public safety or the state department of transportation. All transport vehicles shall have a valid department of public safety inspection sticker properly displayed.

(h) *Compliance Monitoring*

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

(i) *Payment of all Undisputed Taxes, Fees, and Debts*

Prior to the issuance of any permit under this article, the applicant shall demonstrate, upon the director's request, the payment of any undisputed, previously due and outstanding, sales and/or property taxes, fees, and other debts owed to the City including any past due utility related accounts.

(j) *City Contracts*

Contractors and subcontractors who perform city contracts and/or who participate in public projects must be in compliance with permit and fee requirements. Non-compliant haulers are not eligible to perform city contracts or to act as subcontractors to city contractors. Eligibility shall be verified by the city's various contracting departments in coordination with the Solid Waste Management Department.

(k) *Issuance of Permit*

Upon the applicant's fulfilling the requirements set out in this article, the department will issue either an annual or quarterly permit(s) to the applicant for the qualifying vehicle(s). The annual permit(s) shall be valid for a period of twelve (12) months from the date of issuance or for a quarter [three (3) months], dependent on timely payment of vehicle permit fees. The requirements set out herein must be satisfied prior to the reissuance of a permit.

(1) *Local Authority*

A permit issued by the city pursuant hereto does not authorize the collection, transporting, discharge, or disposal of regulated hazardous solid wastes. Any transporter carrying hazardous solid waste from, within, or through, the city shall have obtained applicable state department of health services, state

commission on environmental quality, or USEPA permit(s), all as may be necessary, and use the appropriate hazardous solid waste transportation and disposal manifest and routing system.

(2) Display

Prior to the operation of any vehicle regulated by this article, each permittee

1. Shall clearly and visibly display on both exterior sides of each vehicle on the door(s) or fender(s) the business or trade name of the hauler contained in the permit application in a color clearly contrasting with the background color in three-inch letters or larger.
2. Shall permanently affix the permit decal for prominent display as instructed by the Solid Waste Management Department. The permitted solid waste hauler shall keep the vehicle permit issuance receipt, or a copy thereof, with the vehicle and/or equipment operator at all times.
3. *Transfer*

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

(3) Solid waste hauling vehicle specifications and maintenance requirements

1. *Permit Condition*

It shall be the duty of the permittee to ensure that all solid waste transportation vehicles utilizing the public streets, public alleys, and highways within the corporate limits of the city to transport solid waste at all operational times conform to the following minimum vehicle specifications and maintenance requirements. Failure to do so shall constitute a violation of this article and permit conditions.

2. *Service Standards and Equipment*

The permittee shall be required to maintain and operate its solid waste hauling vehicles and related equipment in good order to render sanitary service subject to the terms of this ordinance and the permit(s) issued pursuant hereto. The vehicles that are seven thousand (7,000) pounds

gross vehicular weight or more that are used in the collection of solid waste refuse shall be all metal, watertight, and shall be equipped with closed bodies equipped with hydraulically operated devices for compacting collected garbage. Those vehicles that are seven thousand (7,000) pounds gross vehicular weight or more shall meet all federal and state laws and regulations with the exception of brush trucks and vehicles designed to haul roll-off collection containers, which are regulated by the state tarp law. All vehicles shall be kept in a clean and sanitary condition and all vehicles shall be cleaned inside and outside at least once each week. The solid waste hauler shall additionally cause the vehicle exterior to be clean, vector free, and relatively odor free at the beginning of each working day and provide for intermittent wash downs of vehicle and equipment exteriors and wash outs of container interiors as necessary to generally maintain the above conditions. Failure to comply with this section may result in revocation of a vehicle permit granted herein.

(4) Solid Waste Hauler Violation; Penalties

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

1. Civil remedy; additional injunction to temporarily or permanently remove alleged permit offenders from streets; jail for contempt.

In prosecuting permit violations, the department will refer cases for civil and criminal prosecution and will assist the office of the city

attorney in preparing and prosecuting petitions in courts of competent jurisdiction. The office of the city attorney is authorized to pursue civil relief, which may include, but is not limited to, an injunctive order, to remove vehicles belonging to offenders from streets and city property, and to enjoin persons from operating vehicles in violation of this article's permitting provisions. In such case, a petition for injunctive relief need not be preceded by a criminal conviction. The city may be entitled to its attorneys fees and costs and may plead entitlement to delinquent permit fees, and interest on the debt and judgment as may be allowed by law. The city may plead and prove facts to uphold issuance of a court order, the violation of which shall place the offender at risk of contempt of court and jail.

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

2. Presumption of Debt

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

(4) Falsifying Information

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

Sec. 14-41: Commercial Refuse Collection

- (a) 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 carts 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:

(1) Plastic bags

Plastic bags shall be of a thickness capable of containing all materials therein and have a lifting strength of forty (40) pounds when filled. When placed for collection they shall be securely tied with wire, twine, tape, or ends fashioned into a knot. 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 containers for any commercial refuse collection.

(2) 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 containers for any commercial refuse collection.

(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:

- (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 containers and the location in which they are placed shall be kept in a clean condition and free of fly and other insect breeding.
- (6) Containers 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 containers for any commercial refuse collection. Bags are not considered "sealed containers" and all trash must be placed in sealed containers.
- (8) In the Central Business District, as defined in section 14-1, only roll-out carts and dumpsters are acceptable types of containers 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 containers for commercial refuse collection must be kept in a clean and sanitary condition. All trash inside containers must be bagged. Inspection of trash containers is part of routine health inspections.

(d) 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.

(e) Placement and Removal of Containers for Commercial Manual Curbside Collection

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

(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 carts 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 carts 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 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) 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.

(g) Commercial Collection of Special Waste Including Hospital Related Wastes and Infectious Wastes

These types of wastes will be collected in accordance with TDSHS regulations. The city reserves the right to amend this Chapter 14 to establish additional regulations for the safe handling, storage, and disposal of these types of waste. It shall be the duty of any person disposing of special waste to comply with TDSHS regulations.

(h) Noise and Public Nuisance

Collection of commercial refuse involves the use of heavy equipment, trucks, and large metallic containers such as dumpsters, which may create excessive noise in non-CBD

areas. However, in the event of a complaint from an affected citizen, the following procedure shall be followed:

- (1) Citizen shall first attempt to resolve the nuisance through contact with the commercial hauler.
- (2) If the matter is unresolved, the citizen may contact the Solid Waste Management Department and request assistance from the city to mediate between the citizen and the commercial hauler.
- (3) If the matter continues to be unresolved, the citizen may file a written complaint with the solid waste determination board and request a formal hearing.

Sec. 14-42 and 14-23: Reserved

Sec. 14-44: Solid Waste Determination Board Established; Composition; Actions

- (a) The solid waste determination board is hereby established and shall consist of the city attorney, the Solid Waste Management director, and the Code Enforcement Services director or their designated representatives. The board shall convene upon request of an individual filing a written complaint pursuant to section 14-41 (h) (3). The board shall have the power to revoke the automatic variance granted in section 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 section 14-41 (f) (5) at the location in question. The action of the solid waste determination board in revoking (or not revoking) the automatic variance shall be appealable by the commercial hauler (or the complainant) 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.

- (b) It shall be unlawful for any person, or his agent or employee, whose automatic variance at a specified location in non-CBD areas has been revoked, to collect commercial refuse at the specified location in non-CBD areas between the hours of 12:00 a.m. and 5:00 a.m.

ARTICLE V: PROHIBITIONS

Sec. 14-45	General Prohibitions
Sec. 14-46	Burning of Solid Waste
Sec. 14-47	Objectionable or Unsightly Matter and Dumping Declared Public Nuisances

Sec. 14-45: General Prohibitions

(a) *Violation; Penalty*

It shall be unlawful for a person to intentionally, knowingly, or recklessly do or perform any act prohibited hereby, and it is an offense for a person to fail to do or perform any act required hereby. Each day's violation hereof shall constitute a separate offense. Upon conviction, any violation hereof shall be punished as provided in City of San Antonio Code of Ordinances Chapter 1: General Provisions, section 1-5, except that any person, firm, corporation or agent or employee thereof who violates any of the provisions of section 14-46 and 14-47 shall be fined an amount not less than one hundred dollars (\$100.00) and not more than two thousand dollars (\$2,000.00). However, in the event a defendant has once previously been convicted under this article, the defendant shall be fined an amount no less than two hundred dollars (\$200.00) and shall be fined no less than three hundred dollars (\$300.00) for a third conviction and for each conviction thereafter. Should the court impose a fine in excess of five hundred dollars (\$500.00), the finder of fact must find that the offense was committed knowingly, intentionally, or recklessly.

(b) *Unfranchised Residential Collection Prohibited*

Except for private, residential garbage collection service which may be provided to dwellings which are exempted under section 14-30 (d), it shall be unlawful for a person to provide or attempt to provide garbage collections service within the city to dwellings of the type enumerated in section 14-30 (a) without first obtaining from the city a franchise to conduct such business on public streets.

(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 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 recyclables 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 five (5) feet of a recycling or refuse container on collection day.

(g) *Cul-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. Head-in cul-de-sac parking blocks refuse and recycling containers, limiting access or preventing the collection of recycling or refuse.

(h) *Non-Compliant Loads*

The City shall not provide solid waste collection services if one 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 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 residence, enforcement options available for chronic violators include, but are not limited to
 1. Non-collection with no reduction in fees
 2. Removal of recycling container, with no reduction in fees
 3. Provision of additional refuse container(s) and assessment of additional monthly fee(s)
 4. Assessment of fines
- (9) It shall be unlawful for any person living outside the city limits of San Antonio 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 forty-eight (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 compartment with a designated or specially scheduled city collection event (e.g., the city's brush and bulky waste collection program).

(i)

The director of the Solid Waste Management Department or his designee, director of Public Works, director of Code Enforcement Services, and the director of the Metropolitan Health District have authority and discretion to direct collection and disposal of otherwise impermissible waste left at or near curbside in violation of this chapter when in the respective judgment of any one of them, the public health, safety or welfare requires removal and legal disposal of such waste, and in such case the responsible party, deemed to be the owner of the property benefitted or person in control of the premises, shall pay the city its reasonable costs for loading, transport, and due disposal of the material plus an administrative fee of ten (10) percent which administrative fee is here deemed reasonable and necessary due to the small and irregular volumes of individual waste to be addressed by this provision for benefit of the health, safety, and welfare, and for which volumes economies of scale and schedule will not be possible. (This fee is separate and independent of any other fees recited in this chapter.) Any such costs may include testing and/or analysis of material necessary to its safe and legal disposal. Even if such tests show a benign character capable of disposal as municipal solid waste or household hazardous waste, the benefitted property owner or responsible person shall be responsible for such charges when in the opinion of any of the directors referenced above, such testing was necessary to verify worker safety or legal options for disposal or any other health or safety concern of the city official. Costs for such extraordinary city services may and shall attach as a lien to the benefitted property when perfected according to law under such conditions as state law may allow under authority of the Texas Health and Safety Code and as further authorized by the City Code at subsection 14-65 (b) et. seq., and section 14-64, for issuance of service to fix a lien.

(j) It is the affirmative duty of any person responsible for solid waste to ensure and perform legal disposal of solid waste. Persons responsible for solid waste are property owners, tenants/occupants, or generators. Persons alleged to be in violation of this chapter must present to the judge or trier of fact a true and credible receipt from a duly licensed and regulated landfill or disposal facility to demonstrate the waste in question has been legally and properly disposed according to its character (type of material).

(k) *No Bulky Waste Collection in Alleys*

It shall be unlawful for any person to place bulky waste 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 facility, the city's household hazardous waste site(s), and any other fixed or temporary sites used by the city for purposes of solid waste management.

- (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, 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.

Sec. 14-46: Burning of Solid Waste

It shall be unlawful for any owner, manager, tenant, and/or occupant of any dwelling unit, building, and/or premises to burn solid waste on any premise within the city, unless approval has been granted by the TCEQ and the fire department.

Sec. 14-47: Objectionable or Unsightly Matter and Dumping Declared Public Nuisances

- (a) It shall be unlawful and declared a nuisance for any person owning, claiming, occupying, or having supervision or control of any real property, occupied or unoccupied, within the corporate limits of the city or its extraterritorial jurisdiction to permit or allow any refuse, rubbish, trash, debris, filth, carrion, junk, garbage, impure or unwholesome matter of any kind, or other objectionable or unsightly matter of whatever kind to remain upon any such real property, or within any public easement on or across such real property, or upon any adjacent public street or alley right-of-way between the property line of such real property and where the paved surface of the street or alley begins, or that is visible from another's property.
- (b) It shall be unlawful and declared a nuisance for any person, entity, or an agent or employee for a person or entity to cast, throw, drop, place, sweep, deposit, accumulate, or spill refuse, rubbish, trash, debris, filth, carrion, junk, garbage, impure or unwholesome matter of any kind, or other objectionable or unsightly

matter of whatever kind in or upon any street, sidewalk, park, canal, stream, drain, sewer receiving basin, or any other public or private property within the city or its extraterritorial jurisdiction, except as provided in this chapter.

ARTICLE VI: ENFORCEMENT AND PENALTIES

Sec. 14-60 Enforcement Program

Sec. 14-60: Enforcement Program

- (a) All officials duly authorized, including but not limited to peace officers of the state, and those authorized by statute to issue citations for Class C Criminal Misdemeanors, may assist the city in enforcement of this chapter.

- (b) Additionally, the directors of the departments of Solid Waste Management, Public Works, Code Enforcement Services, and the Metropolitan Health District shall have authority, at their discretion, to designate trained personnel to issue notices of violation (NOVs) and to make accompanying affidavits to support prosecution as part of the city's ongoing efforts to regulate and manage wastes for benefit of the public health, safety, and welfare, in coordination with the office of the city attorney, the municipal courts, the police department, the Texas Commission on Environmental Quality, and any agencies with jurisdictional interests in solid waste regulation and management.

ARTICLE VII: LOT CLEARANCE

Sec. 14-61 Declaration of Public Nuisances; Areas Required to be Kept Clear;
Duty of Property Owners; Time Period to Abate

Sec. 14-62 Issuance, Service, of Notice

Sec. 14-63 Unlawful Non Compliance; Fines

Sec. 14-64 Abatement by City; Payment of Costs by Owner; Imposure of Lien
for Nonpayment; Removal of Trees for Access, Alleyway
Clearance

Sec. 14-65 Summary Abatement by the City

Sec. 14-66 Owner's Right to Hearing of Summary Abatement

Sec. 14-67 Remedies Not Exclusive

Sec. 14-61: Declaration of Public Nuisance; Areas Required to be Kept Clear; Duty of

Property Owners; Time Period to Abate.

- (a) As provided by V.T.C.A. Health and Safety Code, ch. 342, V.T.C.A. Local Government Code, chs. 51 and 54, and the home-rule powers of the city, the following conditions are found to be a threat to the public health, safety, and/or welfare and are hereby declared a public nuisance; the prompt abatement of which is a public necessity:
- (1) Wherever a lot or parcel contains weeds and/or brush over twelve (12) inches in height within one hundred fifty (150) feet of the curb line of adjacent streets and where no curb exists, to the edge of the street or road surface, or within one hundred fifty (150) feet of a property line belonging to another.
 - (2) All lots and parcels of land within the city shall be kept completely free and clear of garbage, trash, debris, rubbish, waste, wood and metal scrap, inoperative or abandoned appliances and furniture. Weed and grass cuttings, however, need not be removed unless they will be of such quantity as to be a hazard to pedestrians and notice is issued by the director of Code Enforcement Services ("director") or designee to the property owner, tenant or occupant.
 - (3) Bamboo growth that crosses the property line of another.
 - (4) If a tract of land is smaller than three (3) acres, the entire tract shall be kept free of weeds and brush over twelve (12) inches in height.
- (b) It is the duty and responsibility of the owner of a lot or parcel of land within the city to keep and maintain said lot or parcel of land free of public nuisances.
- (c) The owner of the lot or parcel must abate any public nuisance within seven (7) calendar days after the date the notice is mailed.

Sec. 14-62: Issuance, Service of Notice

- (a) Whenever the director receives information of the existence of any lot or parcel that contains a public nuisance as defined by this Code, the director of Code Enforcement Services or sanitarian shall cause written notice to be issued to the owner of the lot or parcel of the violation provided that notice shall not be required prior to abatement of violations described in section 14-65.
- (b) Unless specified otherwise, notice shall be provided in one of the following forms:

- (1) Personally in writing
 - (2) By letter mailed to the owner's address as recorded in the Bexar County Appraisal District records and by posting the notice on a placard attached to a stake driven into the ground on the lot or parcel to which the violation relates
 - (3) If service cannot be obtained by the above, then notice shall be given by one of the following:
 1. By publication at least once
 2. By posting the notice on or near the front door of each building on the lot or parcel to which the violation relates
 3. By posting the notice on a placard attached to a stake driven into the ground on the lot or parcel to which the violation relates, if the lot or parcel contains no buildings.
- (c) When the known owner is a corporation, notice shall be served or addressed for delivery to the president, vice-president, or registered agent of the corporation. When the corporation shall fail to appoint or maintain a registered agent, or when ever its officers or registered agent cannot with reasonable diligence be found at the registered office, duplicate copies of the notice may be served on the secretary of state by sending said duplicate copies by certified mail, return receipt requested.
- (d) Unless specified otherwise, notice under this article shall contain all of the following items:
- (1) An identification, which is not required to be a legal description, of the lot or parcel
 - (2) A description of the Code violations that occurred on the lot or parcel
 - (3) The time period, as provided in this article, in which the owner must abate the nuisance
 - (4) A statement noting that upon failure of the owner to abate the situation within such time period, the city may cause the correction and abatement work to be done on its own and charge the owner for the expense involved as set out in this article, and upon failure of the owner to pay the city for such expense, the city

may fix a lien on the lot or parcel for the expense involved.

- (d) The city may also inform the owner that if the owner commits another violation of the same kind or nature that poses a danger to the public health and safety on or before the first anniversary of the date of notice, the city, without further notice, may correct the violation at the owner's expense and assess the expense against the lot or parcel.

Sec. 14-63: Unlawful Noncompliance; Fines

- (a) It shall be unlawful for the owner of any land within the city to knowingly, recklessly, or with criminal negligence fail to have any weeds, brush, or rubbish mowed, cut, removed, or otherwise bring property into compliance with the standards set forth in section 14-61.
- (b) Upon conviction for violation hereof, the owner shall be fined an amount no less than one hundred dollars (\$100.00) and not more than two thousand dollars (\$2,000.00) provided, however, in the event a defendant has once previously been convicted under this article, the defendant shall be fined an amount no less than two hundred dollars (\$200.00) and shall be fined no less than three hundred dollars (\$300.00) for a third conviction and for each conviction thereafter. Each day a violation is permitted to exist shall constitute a separate offense.
- (c) Prosecution for offenses under this section shall not affect the right of the city to abate the nuisance in a manner provided by this article, nor shall abatement by the city be a bar to prosecution for the offenses.

Sec. 14-64: Abatement by City; Payment of Costs by Owner; Imposition of Lien for Nonpayment; Removal of Trees for Access; Alleyway Clearance

- (a) If the owner fails to comply with the terms of this article within seven (7) days of notice of a violation, the city may cause the work necessary to abate the violation to be done at the owner's expense.
- (b) Whenever the city shall abate a violation as provided by this article, the director may select a private contractor to cut the vegetation and/or clean the land to bring the lot or parcel into compliance.
- (c) Unless otherwise provided for in this article, administrative staff may conduct a review

of the abatement procedures to ensure compliance with this article.

- (d) The city shall assess costs to the owner for all work done or improvements made as is needed to bring any lot or parcel into compliance with this article, including an administrative cost of one hundred eighty dollars (\$180.00) and cause the expense hereof to be assessed on the real estate, lot or lots upon which such expense is incurred.
- (e) A statement of the costs incurred by the city shall be mailed to the owner in a manner provided for in this article. The statement shall demand payment within thirty (30) days from the date of mailing. Said statement shall serve as notice of completed abatement under this section.
- (f) If such statement has not been paid within such period, the city may file a statement of expenses incurred with the Bexar County Clerk stating the owner's name, if known, and the legal description of the lot or parcel. The statement of expenses or a certified copy of the statement shall be prima facie proof of the expenses incurred. Such statement shall be and the city shall have a privileged lien for expenditures made and interest accruing in the manner provided for in V.T.C.A. Health and Safety Code, § 342.007(c). Such liens shall be inferior only to tax liens and liens for street improvements. The city may foreclose such liens in a proceeding brought in accordance with applicable law. The remedy allowed in this subsection shall not be the city's sole remedy.
- (g) It may be necessary at times to remove trees or parts thereof in order for the city to effect entry of mowing or clearing equipment. In such cases, trees or parts thereof may be removed if there is no other reasonable means to effect such entry and shall be limited to the extent necessary to do so. Any tree which is six (6) or more inches in diameter at fifty-four (54) inches above the ground should not be removed without coordination with the city arborist. The cost of this work shall be included in the cost charged to the owner.
- (h) It shall be the duty of an owner, tenant or occupant of properties abutting an alleyway to keep the alleyway clear of obstructions caused by intruding and overhanging brush and/or tree limbs. There must be a clearance of at least fourteen (14) feet high by fifteen (15) feet wide for vehicles to enter the alley and the alley bed must be reasonably free of debris and passable to the vehicle.

Sec. 14-65: Summary Abatement by City

- (a) Any violation of section 14-61 occurring within one thousand (1,000) feet of public or private elementary school, middle school, high school, or daycare property lines is hereby declared to be a public health and safety emergency, and the city shall, without prior notice, summarily abate these violations.
- (b) Weeds within the location parameters enumerated in section 14-61 which are in excess of forty-eight (48) inches in height and are an immediate danger to the health, life, or safety of any person may, without prior notice, be abated by the City.
- (c) A second or subsequent violation of the same kind or nature that poses a danger to the public health and safety which occurs on or before the first anniversary of the date of notice of the previous violation may, without prior notice, be abated by the City.
- (d) Expenses incurred in such summary abatements shall be assessed to the owner and a lien created in the manner provided for in this article.
- (e) No later than the tenth day after the date of summary abatement, the owner of the lot or parcel shall be notified in accordance with this article. The notice shall contain the following items:
 - (1) Identification, which is not required to be a legal description, of the lot or parcel
 - (2) Description of the violations that occurred on the lot or parcel
 - (3) Statement that the city has abated the violation
 - (4) Date the city completed the abatement
 - (5) Statement that the owner will be charged for the expense involved as set out in this article, and upon failure of the owner to pay the city for such expense, a lien may be fixed on the lot or parcel for the expense involved; and
 - (6) A statement of the owner's right to request an administrative hearing to appeal the city's summary abatement actions.

Sec. 14-66: Owner's Right to Hearing of Summary Abatement.

- (a) Any affected owner may request an administrative hearing by filing a written request with the director not later than the thirtieth (30) day after the date of the summary

abatement.

- (b) The hearing shall be conducted not later than the twentieth (20) day after the date the request is filed unless otherwise waived by the owner. The owner may testify, present witnesses, or offer written information related to the city's summary abatement.
- (c) The administrative hearing shall be conducted before the city's dangerous structure determination board in accordance with its hearing rules and procedures. After taking testimony the board may uphold or reverse the determination of the director.

Sec. 14-67: Remedies Not Exclusive

The remedies set forth in this Chapter 14 are cumulative of all other remedies available to the city relating to the subject matter hereof. Specifically, the city attorney may institute any legal action to enforce this Chapter or enjoin or otherwise cause the abatement of any condition described in this Chapter, as well as for the recovery of all expenses incurred in connection therewith, including without limitation administrative and legal expenses, attorney's fees and costs, and for civil penalties as provided by law.