

## Chapter 24 SOLID WASTE<sup>1</sup>

### ARTICLE I. IN GENERAL

#### Sec. 24-1. Purpose.

#### Sec. 24-2. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Appliance* a device or pieces of equipment designed to perform a task, typically a domestic one such as an oven, refrigerator, etc.

*Brush* shrubs, tree limbs, and branches.

*Bulky items* any non-putrescible household item that will not fit inside a solid waste container when the lid on the solid waste container is closed. Only items consistent with residential use, such as household furniture and appliances, shall be considered bulky items. This term includes material that is part of routine household maintenance but does not include construction, demolition, or remodeling materials or debris (see Construction and demolition debris definition).

*The City* the City of Denton.

*Commercial* means any structure or building other than residential, including business structures, hotels, motels, rooming houses or boardinghouses and structures containing five (5) or more dwelling units.

*Construction and Demolition Debris or C&D waste* resulting from construction or demolition projects, regardless of the point of origin. This term includes all materials that are directly or indirectly by-products of

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<sup>1</sup>Editor's note(s)—Ord. No. 2005-256, § 1, adopted September 20, 2005, amended chapter 24 in its entirety to read as herein set out. Former chapter 24, §§ 24-1—24-13, 24-41, 24-42, 24-66—24-71, 24-72—24-74, pertained to similar provisions, and derived from §§ 12-1, 12-2, 12-4—12-6, 12-8, 12-9(b), (c), 12-10, 12-12, 12-14(a)—(d), 12-15, 12-16(b), (c), 12-17(c), 12-17(e), (f), 12-18(a), (b), 12-19—12-23 of the 1966 Code; Ord. No. 89-032, § I, 2-21-89; Ord. No. 90-003, § I, 1-2-90; Ord. No 91-066, § I, III, V—VIII, 4-30-91; Ord. No 98-299, § I—IV, 9-15-98; Ord. No 00-042, § 1, 2, 2-1-00; Ord. No 00-045, §§ 1, 3, 2-1-99.

Cross reference(s)—Disposal of manure, § 6-15; housing generally, Ch. 15; junk dealers and dealers in secondhand merchandise, § 16-26 et seq.; automotive wrecking and salvage yards, § 16-126 et seq.; grass and weeds creating nuisances, § 20-71 et seq.; littering generally, § 21-5; construction and building debris on streets, § 25-8; refuse and garbage handling in mobile home or recreational vehicle parks, § 32-90; insect and rodent control in mobile home and recreational vehicle parks, § 32-91.

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construction work, including remodeling, or that result from the demolition of any structures and may include, but are not limited to, paper, cartons, gypsum board, wood, excelsior, rubber, and plastics.

*Container* any receptacle designed for the specific purpose to hold solid waste or recyclable materials, which can be lifted or emptied manually or by use of a special vehicle.

*Contamination* non-program materials in any container set for recycling and/or diversion from ultimate disposal.

*Decals* an adhesive permit issued by the City and to be affixed to a vehicle for use in special waste and recyclable materials collection and transportation services.

*Director* The City of Denton's Solid Waste Director who is the City official responsible for managing the permitting and regulation of all waste and recycling services provided within the City. This definition includes the director's authorized designee(s).

*Excess accumulations* any accumulation of MSW or recyclables/divertible material outside of the container. This does not include residential yard waste, bulky items, or other waste specifically identified for unique placement outside a traditional residential garbage or recycling container.

*Hazardous waste* as defined in the federal Solid Waste Disposal Act 42 U.S.C. 6901.

*Municipal Solid Waste (MSW)* solid waste resulting from or incidental to residential, municipal, commercial, institutional, and recreational activities, including garbage, rubbish, ashes, street cleanings, construction and demolition materials, not separated at the point of collection for delivery to another location for processing for reuse, and all other solid waste other than special wastes and recyclable materials. *Owner* any person or entity shown as the property owner on the latest property tax assessment rolls or any person having any legal or equitable interest in the property, including any agent who is responsible for managing, leasing, or operating the property including any tenant.

*Pay bag* a bag sold by the City or its designee to customers for additional material to be collected outside of their normal carted collection. A pre-paid additional waste solution.

*Private containers* are containers used, or intended for use, in disposal or collection of MSW or recyclable materials and that are not issued by the City or permitted consistent with Section **24-72. – Annual permit required for special waste and recyclables haulers** and include, but are not limited to, roll-off containers and self-contained compactors.

*Putrescible waste* waste that is capable of being decomposed by micro-organisms with sufficient rapidity as to cause nuisances because of odors, gases, or other offensive conditions, and include materials such as food wastes, offal, and dead animals.

*Program materials* recyclable materials as defined in this Chapter.

*Recyclable materials* materials defined by the contract between the City of Denton and any contracted recycling processor that are not special waste and have been separated from other waste at the point of collection for delivery to another location for processing and reuse. These materials include paper, cardboard, plastics containers displaying a resin identification number (RIN) of 1 through 7, steel and aluminum cans, and glass bottles.

*Residential* means a structure, house or building occupied as a dwelling only, and which contains no more than four (4) dwelling units.

*Residential garbage* consists of all normal household waste that fits in the garbage containers issued to said customer.

*Solid waste* consistent with 30 TAC 330.3, garbage, rubbish, refuse, sludge from a wastewater treatment plant, water supply treatment plant, or air pollution control facility, and other discarded material, including solid,

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liquid, semi-solid, or contained gaseous material resulting from industrial, municipal, commercial, mining, and agricultural operations and from community and institutional activities.

*Special waste* as defined in 30 TAC 330.3.

*Utility Rate Ordinance* the ordinance adopted annually by the City Council that establishes the utility rate schedule.

*Unsafe materials* Any material or matter deemed by the Texas Commission of Environmental Quality (TCEQ), the Environmental Protection Agency (EPA), the State Department of Health, or any other federal, state, or local governmental agency to be unsuitable or detrimental to the environment or human health when disposed of in the type of sanitary landfill operated by the City.

*Unauthorized container* a container used or intended for use in the disposal or collection of MSW or recyclable materials that is not issued by the City of Denton Solid Waste Department or one that has not been permitted for use within the City limits.

*Valet Service* special, specific, collection service provided to areas with limited space for standard dumpster collection service as identified by the Director.

*Vehicle* any wheeled device designed mainly for the conveyance or transportation of persons or property. This definition includes cars, trucks, tractors, and trailers.

*Vehicle service fee* the fee associated with permitting each vehicle for use in the collection and transportation of special waste or recyclable materials.

*Vehicle service permit* the permit required by the City for vehicles for use in special waste and recyclable materials collection and transportation services.

*Waste manifest* a document wherein the service provider must record collection points and the location of disposal of special waste, recyclable materials, and other waste as required by state and federal law and as defined by the City from time to time, such as a bill of lading.

*Yard waste* vegetative or organic material produced from the care and maintenance of landscaped areas, gardens, and lawns. This includes weeds, leaves, grass clippings, dead flowers and plants, brush, pruned branches and stems, roots, or wood shavings that can be bagged in brown paper (kraft) bags or in a City designated yard waste container.

(Ord. No. 2005-256, § 1, 9-20-05)

Cross reference(s)—Definitions and rules of construction generally, § 1-2.

### **Sec. 24-3. The City is the exclusive provider for municipal solid waste services.**

The City's solid waste department shall be the exclusive provider of municipal solid waste collection and disposal services for all premises within the City. It shall be unlawful for any person or entity to provide municipal solid waste collection or disposal services to any person or entity for compensation within the City, or to make use of the public streets for that purpose, except as provided in this chapter.

(Ord. No. 2005-256, § 1, 9-20-05)

### **Sec. 24.4. – Administration and Enforcement.**

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- (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 Director, at his discretion, may designate trained personnel to issue notices of violation and to make accompanying affidavits to support prosecution as part of the City's ongoing efforts to regulate and manage wastes for the 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 interest in solid waste regulation and management.

#### **Sec. 24.5. – Landfill Use**

***The amounts to be paid for the use of the City's landfill site shall be the amounts established in the Utility Rate Ordinance or a City Council approved contract.***

***All persons using the landfill will abide by the posted landfill rules, follow any directions given by landfill staff, and conduct themselves in a safe and professional manner.***

(1) Rules shall be posted at the landfill as follows:

#### **"City of Denton Landfill Facility Rules**

All vehicles that enter the City of Denton landfill **must** obey the following rules and procedures. These rules are in place to provide a safe and efficient environment for our employees and our customers.

1. All vehicles enter the landfill at their own risk.
2. Scavenging material is strictly prohibited.
3. **No Smoking** on Landfill property.
4. Customers must present a valid, government-issued ID at the weigh station.
5. The minimum charge applies to each individual load of chargeable waste material crossing the scales.
6. All loads entering landfill property, consistent with State and local laws, **must be secured** with a tarpaulin (tarp), net, or other means to properly secure the load and prevent litter. Unsecured or improperly secured loads will be subject to a surcharge.
7. All coverings shall remain in place and secure, including turnbuckles on commercial vehicles, until the vehicle has arrived at the unloading area. (coverings may be requested to be removed at another area for inspection).
9. Posted speed limits must be followed at all times. **The Maximum Landfill Speed Limit is 15 MPH** Incoming loads may be inspected on a random basis. Landfill staff will determine if prohibited items/materials are present. The unloading of unauthorized wastes is prohibited by State law. Landfill personnel shall have the authority to reject unauthorized loads and have unauthorized material removed by the transporter and/or assess appropriate surcharges.
10. Vehicles entering the landfill weighing over 14,000 lbs. must have tow hooks, cables, or an accessible fixed point available to pull the vehicle if needed.
11. All pets must remain inside the vehicle at all times.
12. Children under the age of 12 must remain inside the vehicle at all times.
12. **Yield the right-of-way to all landfill equipment.**
13. Users of the landfill are required to **follow all directions given by landfill staff.**
14. Customers must always stay within ten (10) feet of their vehicle while in the unloading zone.
15. Drivers must unload at the location identified by working face personnel and follow the posted separation distances between trucks when backing into their spot.

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16. There will be no horseplay, fighting, or verbal attacks/abuse allowed at the City of Denton Landfill. Report any issues to the site management."

***The Director reserves the right to refuse service or revoke landfill use privileges for any person that endangers other customers or employees, engages in physical or verbal abuse, or knowingly disposes of materials in the incorrect disposal area.***

#### **Sec. 24.6. – Disposal of garbage, trash, or rubbish only in authorized locations.**

- (a) Garbage, trash, and rubbish must be placed and disposed of as provided in this chapter or as otherwise expressly authorized by the City.
- (b) No person shall place any solid waste, bulky items, or any other material in, on, or next to the solid waste container of another, unless authorized to do so by the person or persons who pay the charge for the solid waste collection service.

#### **Sec. 24.7. – Containers for municipal solid waste and recyclable materials.**

- (a) Every owner must obtain containers of sufficient size and number from the City to hold the municipal solid waste and recyclable materials which accumulate on the premises, commercial accounts may retain non-City recycling/diversion services provided they conform to the other provisions of this chapter. The City may require certain levels of service to be provided based upon historical documentation from similar developments or on actual volumes of MSW and recyclables. Any property in the City that has any active residential utility service, or commercial utility service and issued a certificate of occupancy must also have solid waste service, as well.
- (b) Customers are responsible for maintaining the cleanliness of their issued containers.
- (c) All commercial containers and enclosures shall comply with the Denton Development Code section 7.12.
- (d) All solid waste must be placed in a manner that allows the lid of the solid waste or recycling container to be and remain completely closed with all the material contained completely within the container.
- (e) The contents of municipal solid waste receptacles shall be secured in a manner to prevent trash or any other material from escaping the receptacle, including by being blown or spilled due to exposure from weather elements or animals.
- (f) The contents of the recyclable materials container shall be secured in a manner to prevent recyclables or any other material from escaping the receptacle, including by being blown or spilled due to exposure from weather elements or animals.
- (g) Recyclable materials shall be placed directly in the recyclable materials container without bagging the materials when a City of Denton container is used.
- (h) Only program materials shall be placed in the recyclable material container when a City of Denton container is used.
- (i) The City may refuse to collect a container set out for collection that the City determines does not comply with this section.

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**Sec. 24-8. – Prohibited materials and regulations.**

- (a) Unsafe material is prohibited in the City landfill.
- (b) Unsafe material shall be disposed of in the manner provided for by law or agency regulation.
- (c) The owner and the party or parties generating unsafe material are responsible, including for the costs, for the collection, transportation, and disposal of the unsafe material.
- (d) Unsafe material may not be placed for collection by the City.
- (e) Unsafe material shall not be delivered to or disposed of at the City of Denton's landfill.
- (f) No person shall deposit into any container serviced by the solid waste and recycling department any special waste. The solid waste and recycling department shall refuse to collect, transport or dispose of special or hazardous waste or any other garbage, rubbish, trash, or other solid waste that does not comply with this chapter.
- (g) Only program materials shall be deposited in containers at City recycling drop sites.
- (h) Special waste shall be collected, removed, and disposed of only by an authorized private hauler.
- (i) Municipal Solid Waste (MSW) containing putrescibles shall be collected, at a minimum of, once weekly.
- (j) Any person collecting, transporting, or disposing of special or hazardous waste must obtain a permit issued pursuant to Article V of this chapter prior to such collection, transport, or disposal.

**Sec. 24-9. – Municipal solid waste to be drained.**

- (a) All municipal solid waste mixed with water or other liquids shall be drained before being placed in the receptacle.
- (b) The resultant liquids shall be disposed of in an acceptable manner.

**Sec. 24-10. – Preparation of yard waste, tree limbs and cuttings.**

- (a) Tree limbs, shrubs, and hedge cuttings shall:
  - (1) Not exceed four (4) feet in length
  - (2) Be stacked neatly
  - (3) Be placed so that one (1) cut end faces toward the street at the curb line

Limbs, shrubs, and hedge cuttings shall also be placed in a manner  
that will not block or otherwise impede the sidewalk.

- (4) No single piece shall weigh more than fifty (50) pounds.
- (b) Yard waste consisting of small pieces, small cuttings, and small loose material placed for collection shall be placed in approved kraft bags or City-issued container(s).
- (c) The City may refuse to collect brush or yard waste not placed for collection as provided in this section.
- (d) Charges for the collection of brush and yard waste shall be provided in the published Utility Rate Ordinance.

**Sec. 24-11. – Heavy or unusual accumulations.**

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Bulk or large quantities of MSW or construction and demolition debris in excess of four (4) cubic yards will not be collected via weekly curbside collection. Individuals needing collection of MSW or construction and demolition debris may contract with the City of Denton to provide a temporary container to dispose of the materials in an alternate manner.

**Secs. 24-12—24-40. Reserved.**

## ***ARTICLE II. RESIDENTIAL COLLECTION SERVICE***

### **Sec. 24-41. Residential solid waste services required.**

Any owner of any residential premises in the City is required to sign up for and maintain bundled solid waste and recycling service from the City of Denton and must have their municipal solid waste regularly removed by the City. If any utility service is active at a premises, then solid waste service must also be active regardless of occupancy status.

### **Sec. 24-42. Charges for residential service.**

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The charge for collecting municipal solid waste from each residential dwelling unit shall be provided in the Utility Rate Ordinance, as amended.

### **Sec. 24-43. Residential collection service.**

- (a) All residential containers must be placed at the curbside at a time and in a manner specified by the Director.
- (b) Residential garbage, recyclable materials, pay bags, bulk items, brush, or yard waste may not be placed at the curb earlier than 6:00 p.m. on the day prior to the scheduled collection day.
- (c) Containers must be placed for collection prior to 7:00 a.m. on the scheduled collection day.
- (d) Containers shall be placed in the street with the wheels resting against the curb, or edge of the street, with the lid opening towards the street and the lid hinge facing away from the street.
- (e) Containers shall be placed a minimum of four (4) feet away from any mailbox, vehicle, container, or another obstacle.
- (f) Bulk items, kraft bags, pay bags, brush, or yard waste must also be placed at least four (4) feet away from any mailbox, vehicle, container, or another obstacle.
- (g) Only garbage, yard waste, or recyclable materials container(s) authorized by the City will be serviced by the City. No other containers, boxes, or bags placed at the collection site will be collected except as defined by the City.
- (h) All garbage, yard waste, and recyclable materials containers shall securely contain, with lids closed, all contents and must be capable of being collected without spillage. Residential garbage and recyclable materials determined by the City to not be properly contained shall not be collected.

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- (i) Customers whose garbage or recyclables were not collected due to failure to comply with this chapter shall not be collected until the next regularly scheduled collection service.
  - (j) Garbage, yard waste or recyclable materials storage containers and residential garbage, yard waste, recyclables, or any other unaccepted materials not collected shall be removed from the collection point by the customer no later than 8:00 a.m. on the day following the scheduled collection day.
  - (k) Upon removal from the curb, unaccepted materials, garbage, recycle, and yard waste containers shall be stored in as inconspicuous location as possible, such as:
    - (1) In a garage;
    - (2) In an outdoor storage building;
    - (3) On the side of a structure on the property; or
    - (4) At the back of a structure on the property.

At no point shall a garbage, recycling, or yard waste storage container or unaccepted waste or recyclables be stored in public view or remain in public view in the front yard, on the front porch or in front of the main structure on the property, unless otherwise approved by the Director.

- (l) Customers may submit an application for special collection services to have their container(s) serviced at the point of container storage if the customer is unable to place the container at the collection point as required by this section.
- (m) The monthly rate for special collection services is the same rate charged to residential customers with similar-sized containers.
- (n) An application for special collection services must be signed by a healthcare provider.
- (o) Households that receive special service cannot contain a member that is physically able to place the containers at the collection point.
- (p) Applications for special service shall be subject to renewal every two (2) years from the date of special service initiation.
- (q) The Director may make reasonable exceptions to the foregoing location requirements, as needed, upon request of the customer, to accommodate unique circumstances.

#### **Sec. 24-44. – Weight limitations of residential containers.**

The contents of any residential garbage, yard waste, or recycle container shall not exceed 250 pounds.

#### **Secs. 24-45—24-65. Reserved.**

### ***ARTICLE III. COMMERCIAL COLLECTION SERVICE***

#### **Sec. 24-66. Commercial solid waste services required.**

- (a) Every owner of any commercial property not eligible to receive residential solid waste collection services shall set up service for solid waste and recycling collection from the City, except as otherwise expressly provided for in this chapter.



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- (b) Solid waste must be scheduled for collection a minimum of once weekly.
  - (c) Recyclables must be scheduled for collection a minimum of once every two weeks provided container volume is appropriate to support this level of service.
  - (d) Other commercial waste collection and disposal services not provided for in this chapter shall be provided only upon approval of the services by the Director.

**Sec. 24-67. – Charges for commercial service.**

- (a) The charge for commercial service shall be in an amount established by the Utility Rate Ordinance.
- (b) The service charge for other commercial waste collection and disposal services shall be in the amounts established in the Utility Rate Ordinance.

**Sec. 24-68. – General solid waste and recycling service responsibilities.**

- (a) All persons utilizing City containers at commercial facilities shall provide, at their expense, an enclosure of adequate size and materials as specified in the Denton Development Code section 7.12.
- (b) Any other items stored within solid waste or recycling enclosures must not obstruct, impair or otherwise interfere with the City's ability to service City-provided containers therein.
- (c) If a container is unable to be serviced due to being contaminated, overfilled, blocked, or otherwise obstructed, an inaccessible fee may be assessed consistent with the published Utility Rate Ordinance.
- (d) The customer is required to remove any and all contamination, overflowing material, or obstructing items and call to request return service, at a rate established by the Utility Rate Ordinance, or wait until their next scheduled service to be emptied. If this is a municipal solid waste container the follow-up collection must occur within one (1) week.

**Sec. 24-69. – Containers furnished by the City for commercial use.**

- (a) The Director may locate and place solid waste containers for use by commercial facilities in accordance with the waste storage needs of the individual facility. All facilities for which containers are so provided by the City shall place all garbage and waste materials in such container(s) and shall not place waste in any containers except those designated by the Director. It shall be unlawful for any person using such containers to leave the lid open after placing refuse material therein.
- (b) Where more than one (1) commercial establishment uses the same container, the charges shall be prorated according to use, but in no case shall the total be less than an amount established by the City Council and on file in the office of the City Secretary.
- (c) Only City issued containers will be serviced unless otherwise provided for in this chapter.

**Sec 24-70. – Compactor service.**

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- (a) Customers may provide their own compactor provided it meets the criteria set forth in the Denton Development Code and is compatible with the City's collection vehicles.
  - (b) Customers requesting any new compactor service shall first request a site visit from the City of Denton Solid Waste and Recycling Department to verify serviceability and adherence to the design criteria set forth in the Denton Development Code section 7.12.
  - (c) Any compactor used for municipal solid waste must be scheduled for collection at a minimum of once per week.
  - (d) If a compactor is unable to be serviced due to being overfilled, blocked or any other obstruction, an inaccessible fee may be assessed consistent with the Utility Rate Ordinance. The customer is required to remove the excess waste or other obstructions prior to requesting return service.
  - (e) The rate for such service in the Utility Rate Ordinance shall apply.
  - (f) The customer may wait until the next scheduled service for collection, except the collection of a container having any municipal solid waste must occur within one (1) week of the previous collection.
  - (g) The customer is responsible for all maintenance and repair of customer-owned compactors. Required repairs must be made in a timely manner. If the Director determines that either a compactor or its power unit are not functioning in a safe manner, the customer may be required to retain an alternate container, at the customer's expense, to handle waste material until the compactor is repaired.

**Sec. 24-71. – Valet service.**

- (a) Valet service shall be provided to areas of the City as identified by the Director. Customers in designated areas may not opt out of valet service.
- (b) Valet service level tiers will be set by the Director.
- (c) The rate for valet service in the Utility Rate Ordinance shall apply.
- (d) Large or bulky items must be called in for collection.
- (e) Contaminated containers will not be collected. The contaminating items shall be removed for the container to be serviced.

**Sec. 24-72. – Annual permit required for special waste and recyclables haulers.**

No person shall collect or remove for compensation any special waste or recyclables from any property within the City without first obtaining a special waste hauler or recyclable materials hauler's permit from the City in accordance with Articles V and VI of the chapter.

**Secs. 24-73—24-89. Reserved.**

## **ARTICLE IV— COMMERCIAL DIVERSIONARY PRACTICES**

**Sec. 24-90. – Applicability.**

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This article applies to all commercial properties in the City’s zoning jurisdiction.

**Sec. 24-91. – Services required.**

- (a) The owner of any commercial/multi-family property (commercial properties) in the City must actively engage in on-site recycling material diversion program. Commercial properties must, at a minimum, provide availability to the residents and employees of these properties the ability to recycle paper, cardboard, glass, aluminum and steel cans, and plastics. The nature of the recycling or diversion practiced must be reported in a “Diversion Plan” as described in this chapter. Commercial recycling and organics services must be provided by a permitted hauler (see Article VI of this chapter) or the City of Denton Solid Waste and Recycling Department.
- (b) The owner for a premises of which all or part is used for multi-family use shall ensure that tenants and employees have access to on-site recycling services described under this Section, for any portion of the premises that is used for multi-family, effective January 1, 2024.
- (c) The owner or manager for a premises of which all or part is used for office, medical office, medical facilities, religious assembly, or private educational facilities, shall ensure that employees have access to on-site recycling described under this article, for any portion of the premises that has one or more of uses described in this subsection (c), effective April 1, 2024.
- (d) The owner or manager of a premises of which all or part is used for non-residential use including but not limited to those uses described in subsection (c) of this section and also including hotels and lodging, grocery stores, and commercial businesses, shall ensure that guests, invitees, tenants, and employees have access to on-site recycling services described under this article effective June 1, 2024.

**Sec. 24-92. – Reporting requirements.**

- (a) The owner of every commercial property shall submit a Diversion Plan to the City that complies with this Section no later than the close of business of the first business day of October of each year in a form required by the City.
- (b) No new certificate or occupancy shall be issued without the submission of a Diversion Plan that complies with this Section.
- (c) A Diversion Plan must:
  - i. Be in a form prescribed by the Director;
  - ii. List materials to be diverted;
  - iii. State the name and contact information of the individual responsible for the Diversion Plan;
  - iv. State the name and contact information for any diversionary service(s) being utilized;
  - v. State the size and description of the diversionary container(s);
  - vi. State the frequency of the collection of the container(s);
  - vii. Plans to educate tenants or employees regarding the Diversionary Plan and how to participate including the following information:
    - a. Location of diversionary containers;
    - b. Types of materials accepted;
    - c. Information related to the use of proper recycling practices that will be implemented, such as emptying and rinsing plastic bottles, ensuring paper and cardboard products are not wet, and that cardboard boxes are broken down before being placed in the recycling container;

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- d. Onsite contact information to report overflowing recycling containers or contamination;
  - e. Provide information to individual participants such as employees or tenants on how to report waste or recycling problems to the City of Denton;
  - viii. The owner must include additional information or documentation as required by the Director at the time of submission of the Diversion Plan to verify compliance with this Section.

#### **Sec. 24-93. – Notice of change.**

- (a) The owner of a commercial property shall notify the Director of any change in the Diversion Plan.
- (b) The owner of a commercial property shall notify the Director of any change in service provider for the collection of diversionary materials.

#### **Sec. 24-94. – Education.**

- (a) The individual named in (c)(3) of Section 24-92 of this Chapter shall provide recycling/diversion information and instructions in accordance with the rules adopted by the Director to:
  - (1) All tenants and employees on site of the premises annually;
  - (2) A new employee or tenant no later than the 30th day after the tenant occupies or the employee begins work at the premises; and
  - (3) All employees or tenants within 30 days after a substantive change in the diversionary service offered at the premises.
- (b) All information and documentation, including signage, required to be provided to persons or posted as public information under this article shall be written in English and Spanish and include universal symbols as adopted by the Director.
- (c) Each container designated or used for collection or transport of recyclable or organic materials shall be affixed with a sign that includes:
  - (2) The type of materials accepted written in English and Spanish; and
  - (3) The term “Recycling” or “Compostables” or “Organics”, as appropriate.

#### **Sec. 24-95. – 24-99. – Reserved.**

### ***Article V. – SPECIAL WASTE COLLECTION AND TRANSPORTATION SERVICES PERMIT***

#### **Sec. 24-100. – Permit required.**

Any person engaged in the collection and transport of special waste within the City must possess a current and valid permit issued by the City prior to providing collection and transportation services for special waste.

#### **Sec. 24-101. – Exemptions.**

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- (a) The following are exempt from the permit requirements in Section 24-100.
    - (1) Any person living within the City and hauling personal materials, wastes, or other materials from their primary residence is exempt from the permitting requirements of this section.
    - (2) Any person who transports special waste no more than three (3) times per any year period.
    - (3) Any Liquid Waste Transporter permitted under the City of Denton - Code of Ordinances, Chapter 26, Division 3.
  - (b) The Director may request documentation (i.e. trip tickets, bills of lading, etc.) to ensure compliance with this section.

#### **Sec. 24-102. – Permit application.**

- (a) Any person engaged in the collection and transportation of special waste that is required to obtain a permit per Section 24-100 shall apply for a permit from the City in a manner required by the City and pay the required fee.
- (b) The application will include:
  - (1) The name and business address of the applicant;
  - (2) The name of the owner of all collection and transportation vehicles that will be used in special waste collection services located within the City;
  - (3) A description of the special waste that will be hauled by the applicant;
  - (4) The location where the special waste will be disposed of, including documentation sufficient to show the applicant is legally authorized to dispose at the specified location(s);
  - (5) A description and the license number of all vehicles to be used in collecting and transporting the special waste within the City; and
  - (6) Any other information which is reasonably necessary to administer this section as determined by the City.
- (c) By acceptance of the permit, the permittee agrees to comply with all requirements of the service agreement, carry specific types and amounts of insurance, submit reports, and pay necessary fees by the specified due dates.

#### **Sec. 24-103. – Permitting fees.**

- (a) Application fees shall be paid at the time the application is submitted to the City.
- (b) Vehicle service fees established in the Utility Rate Ordinance shall be paid no later than the due date on the invoice sent by the City.
- (c) Vehicle service fees are non-transferable between vehicles.
- (d) All fees are non-refundable, including in the event no permit is obtained.

#### **Sec. 24-104. – Granting of permit.**

- (a) A permit provided for in Section 24-100 shall be granted only where the applicant has completed the following:
  - (1) A service agreement form has been completed in full;
  - (2) The applicant has no unresolved violations of this Chapter 24, Texas Commission on Environmental Quality or U.S. Environmental Protection Agency.
- (b) The City reserves the right to revoke a granted permit at any time.
- (c) Any person whose permit is denied may:

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- (1) Resubmit a fully completed service agreement;
  - (2) Submit evidence that any violation with this Chapter 24, Texas Commission on Environmental Quality or U.S. Environmental Protection Agency has been resolved; or
  - (3) Make an appeal to the Director.

#### **Sec. 24-105. – Vehicle service permit compliance requirements.**

- (a) Special waste haulers must maintain a valid permit.
- (b) Permitted special waste service providers must submit quarterly reports:
  - (1) Reports are to be submitted quarterly on the first business days of October, January, April, and July;
  - (2) Reports should be provided by physical or electronic submission to the Director;
  - (3) Reports shall contain:
    - i. Hauler name, address, date, and quantity of material sent for diversion/disposal
    - ii. Name of facility where material was sent
  - (4) To be timely submitted, the report must be received by the City within twenty (20) calendar days of the end of the quarter.
  - (5) Incomplete reports will not be accepted for filing and will be returned. Such reports will be considered untimely if not completed and returned within the deadline specified in subsection (4).
- (c) Decals:
  - (1) Decals issued by the City shall be placed in a visible location by the permittee(s) upon each collection and transportation vehicle operating within the City;
  - (2) Decals shall be current pursuant to the schedule in Section 24-107 and valid in accordance with the requirements of this subsection;
  - (3) Decals must be clearly legible.
- (d) Waste manifests. For permitted haulers requiring waste manifests, the maintenance of these manifests by the permittee is a condition of compliance. All records may be reviewed by the City at the request of the Director for a duration of up to three (3) years.

#### **Sec. 24-106. – Permitting effective date and renewal.**

- (a) Permits are issued and renewed annually beginning December 1 preceding the next calendar year during which the permit will be effective.
- (b) The permit's effective period is January 1 through December 31 of the same calendar year.
- (c) Permit fees are not prorated.
- (d) All permits, regardless of the date of issuance, will expire on December 31 of the year in which the permit became effective.
- (e) The application process shall be initiated, and fees shall be paid by November 15 for the upcoming calendar year so that adequate time is available for review and processing of the application.
- (f) Permittees currently permitted and choosing to reapply for a permit shall renew permits for the upcoming calendar year by submitting a renewal application by November 15.
- (g) All fees shall be paid with the submission of a renewal application.
- (h) The timely submission of a complete renewal application and the relevant fees will suffice to authorize the continuance of operations beyond December 31 until such time that the City makes a final determination on the approval of a permit renewal application.

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**Sec. 24-107. – Reissuance of lost and damaged decals.**

- (a) In order to have a duplicate decal issued, the original applicant for a permit must provide all information required in Section 24-102(b).
- (b) Any applicant for a duplicate decal shall submit sufficient evidence of the damage to the decal.
- (c) No fees will be imposed for a duplicate decal.

**Sec. 24-108. – Violations.**

- (a) The City may issue a “No Operations” declaration and assess all applicable permit violation fees from the service provider if a service provider:
  - (1) Performs collections or transports special waste in a vehicle within the City which has not been permitted;
  - (2) Performs collections or transports special waste in any vehicle with an expired permit;
  - (3) Performs some other permit violation; or
  - (4) Does not make payment of the appropriate fees in a timely manner.
- (b) Once a service provider has been issued a “No Operations” declaration from the City, all services to be provided within the City are required to cease.
- (c) Each day and act of illegal operations during a “No Operations” period is a separate violation; any person, entity, or business engaged in the collection and transport of waste who violates the “No Operations” requirement prior to receipt of a permit or during any suspension of a permit period may be charged by the City an amount as established in the Utility Rate Ordinance per day for each day and act of violation of this ordinance.
- (d) Following the receipt of a “No Operations” declaration and prior to a service provider being reinstated to legally operate within the jurisdiction of the City, the service provider must meet with the City staff to update its application and service agreement. Once updated, the status of the permit will be determined. The City may reinstate, decline to renew, or revoke the permit. If the City agrees to reinstate the permit, the service provider must make payment of all monies owed to the City before the permit will be reinstated.

**Sec. 24-109. – 24-199. – Reserved.**

## Article VI. – COMMERCIAL RECYCLABLE MATERIALS COLLECTION AND TRANSPORTATION SERVICES PERMIT

**Sec. 24-200. – Permit required.**

- (a) Any service provider engaged in the collection and transport of recyclable materials from commercial entities and operating within the City must possess a current and valid permit issued by the City prior to providing waste collection and transportation services.
- (b) Permits for collection and transportation services are required for recyclable materials and other materials collected for purposes of recycling, including construction and demolition (C&D) debris separated at the point of collection for delivery to another location for processing for recycling.

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**Sec. 24-201. – Exemptions.**

- (a) Any person living within the City and hauling personal recyclable materials to a recycling facility from their primary living residence is exempt from the permitting requirements of this section.
- (b) Any person who collects for transportation recyclable materials no more than three (3) times per any year period is exempt from the permitting requirements of this section but must register as exempt with the permitting authority.
- (c) The City is exempt from these permitting requirements when engaged in hauling recyclable materials pursuant to Sec. 24-3 and 24-202.

**Sec. 24-202. – Reclassification and disposal of recyclable materials.**

- (a) Recyclable materials containers containing a significant amount of contamination, as determined by the City, will be considered municipal solid waste, and its collection may be considered a violation and subject to the actions and penalties provided for in Sec. 24-209 of this chapter. The Director will make the final determination of whether stored recyclable materials contain excessive contamination, which at the City's determination, shall cause the reclassification of these materials from recyclable materials to solid waste, thereby negating the ability of a service provider to transport this material within the City's jurisdiction under its recycling vehicle service permit.
- (b) The City has the authority to inspect the contents of any container located within the City's jurisdiction in order to determine the material contents of the container, so as to ensure compliance with the contamination requirements.

**Sec. 24-203. Permit application.**

- (a) Any person engaged in the collection and transport of recyclable material from commercial operations that is required to obtain a permit per Section 24-200 shall apply for a recyclable materials service permit from the City.
- (b) A person, entity, or business engaged in the collection and transport of recyclable material from commercial entities shall make application to the City on forms provided for that purpose and pay the fee required by Sec. 24-204. The application shall include the following information:
  - (1) The name and address of the applicant.
  - (2) The name of the owner of the collection and transportation vehicle for use in recyclable materials collection services located within the City.
  - (3) A description of the recyclable material to be transported.
  - (4) The location of the recycling facility to which the recyclable material will be transported, including proof, when required by the Director that the applicant is legally authorized to dispose of at the specified location.
  - (5) A description and the license number of any vehicles to be used in collecting and transporting the recyclable material within the City.
  - (6) Any other information which is reasonably necessary to administer this section as determined by the City.
- (c) By acceptance of the permit, the permittee agrees to execute and comply with all requirements of the vehicle service agreement, carry specific types and amounts of insurance, submit reports, and pay the necessary fees by the specified due date.



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**Sec. 24-204. – Permitting fees.**

- (a) Application fees and vehicle service fees shall be paid at the time of submittal of the permit application. The vehicle service fee schedule is found in the Utility Rate Ordinance.
- (b) Vehicle service fees are non-transferable between vehicles and containers.
- (c) All fees paid are non-refundable.
- (d) The permit applicant must pay the required fees and meet all permit requirements prior to the issuance of a permit.

**Sec. 24-205. – Granting of permit.**

- (a) A permit provided for in Section 24-200 shall be granted only where the applicant has completed the following:
  - (1) A service agreement form has been completed in full;
  - (2) The applicant has no unresolved violations of this Chapter 24, Texas Commission on Environmental Quality or U.S. Environmental Protection Agency.
- (b) The City reserves the right to revoke a granted permit at any time.
- (c) Any person whose permit is denied may:
  - (1) Resubmit a fully completed service agreement;
  - (2) Submit evidence that any violation with this Chapter 24, Texas Commission on Environmental Quality or U.S. Environmental Protection Agency has been resolved; or
  - (3) Make an appeal to the Director.

**Sec. 24-206. – Permit compliance requirements.**

- (a) Recyclables service providers must maintain a valid permit.
- (b) Service providers must submit quarterly reports
  - (1) Reports are submitted by calendar quarter.
  - (2) Reports should be provided by physical or electronic submission to the Director.
  - (3) Reports shall contain:
    - i. Service provider's name, address, date, and quantity (weight/volume) of material sent for diversion/disposal
    - ii. Name of facility where material was sent
    - iii. Name of facility where residuals were sent
- (c) Incomplete reports will not be accepted for filing and will be returned. Such reports will be considered untimely if not completed and returned within the deadline specified in subsection (4).
- (d) Decals:
  - (1) Decals issued by the City shall be placed in a visible location by the permittee(s) upon all collection and transportation vehicles operating within the City.
  - (2) Decals shall be current pursuant to the schedule in Section 24-208 and valid in accordance with the requirements of this subsection.

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- (3) Decals must be clearly legible.

**Sec. 24-207. – Permitting effective date and renewal.**

- (a) Permits are issued and renewed annually beginning December 1 preceding the next calendar year during which the permit will be effective.
- (b) The permit's effective period is January 1 through December 31 of the same calendar year.
- (c) Permit fees are not prorated.
- (d) All permits, regardless of the date of issuance, will expire on December 31 of the year in which the permit became effective.
- (e) The application process shall be initiated, and fees shall be paid by November 15 for the upcoming calendar year so that adequate time is available for review and processing of the application.
- (f) Permittees currently permitted and choosing to reapply for a permit shall renew permits for the upcoming calendar year by submitting a renewal application by November 15.
- (g) All fees shall be paid with the renewal application.
- (h) The timely submission of a complete renewal application and the relevant fees will suffice to authorize the continuance of operations beyond December 31 until such time that the City makes a final determination on the approval of a permit renewal application.

**Sec. 24-107. - Reissuance of lost and damaged decals.**

- (a) In order to have a duplicate decal issued, the original applicant for a permit must provide all information required in Section 24-203(b).
- (b) Any applicant seeking a duplicate decal shall submit sufficient evidence of the damage to the decal.
- (c) No fee will be imposed for a duplicate decal.

**Sec. 24-108. – Violations.**

- (a) The City may issue a "No Operations" declaration and assess all applicable permit violation fees from the service provider if a service provider:
  - (1) Operates a vehicle within the City which has not been permitted;
  - (2) Operates any piece of equipment with an expired permit;
  - (3) Performs some other permit violation; or
  - (4) Does not make payment of the appropriate fees in a timely manner.
- (b) Once a service provider has been issued a "No Operations" declaration from the City, all services to be provided within the City are required to cease.
- (c) Each day and act of illegal operations during a "No Operations" period is a separate violation; any person, entity, or business engaged in the collection and transport of waste who violates the "No Operations" requirement prior to receipt of a permit or during any suspension of a permit period may be charged by the City an amount as established in the Utility Rate Ordinance per day for each day and act of violation of this ordinance.
- (d) Following the receipt of a "No Operations" declaration and prior to a service provider being reinstated to legally operate within the jurisdiction of the City, the service provider must meet with the City staff to update its application and service agreement. Once updated, the status of the permit will be determined. The City may reinstate, decline to renew, or revoke the permit. If the City agrees to reinstate the permit,

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the service provider must make payment of all monies owed to the City before the permit will be reinstated.

**Sec. 24-210. – 24-299. – Reserved.**

**Article VII. POSSESSION OF OPEN GLASS CONTAINERS IN FRY STREET DISTRICT**

**Sec. 24-300. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Fry Street District* refers to the area as described in Zoning Ordinance No. 2000-045 as the Fry Street District. The Fry Street District is generally bounded by Welch Street to the east, Oak Street to the North, Ave. B to the northwest, Ave. A to the southwest, Mulberry Street to the southeast, and Hickory Street to the southwest, which is depicted in Exhibit A\* attached to Ordinance No. 2005-256 and made a part hereof by reference.

*Glass container* means any glass bottle or receptacle, closed or capable of being closed.

**Sec. 24-301. Prohibition of open glass containers.**

- (a) *Prohibitions.* No person shall possess within the Fry Street District upon or immediately adjacent to any right-of-way, street, sidewalk, pedestrian way, or parking area, any glass container which is open or has been previously opened except for use on the premises where the glass containers are acquired.
- (b) *Exemptions.* Notwithstanding any other provision of this section, nothing in this section shall prohibit the possession of the following glass containers in the Fry Street District:
  - (1) Baby bottles containing products for consumption by babies;
  - (2) Glass drug containers containing prescription drugs;
  - (3) Glass containers that are being transported in a trash bag directly to a trash or recycling container for disposal or recycling purposes;
  - (4) Glass lined vacuum picnic containers or thermos bottles, and
  - (5) Any container as permitted by Texas Alcoholic Beverage Code Ann. 28.10(b).

**Sec. 24-302. Discretion of police officer.**

Whenever any police officer shall, in the exercise of reasonable judgment, decide that the presence of any person in any public place is causing or is likely to cause any of the conditions enumerated in subsection 24-101(a), he may, if he deems it necessary for the preservation of public peace and safety, order that person to leave that place and surrender the open glass container. Any person who shall refuse to leave or surrender an open glass container after being ordered to do so by a police officer shall be in violation of this section.