

Chapter 24 SOLID WASTE¹

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).

means any 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.

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) four (4) or more dwelling units.

¹Editor'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.

~~*Commercial tree trimmer* means a person who or firm that engages in and solicits the trimming, and/or cutting of trees as a regular part of the business.~~

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 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.

~~means any commercial or residential garbage, trash, rubbish or other 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 42 U.S.C. 6901 et seq., as amended.~~

~~*Infectious waste* means commercial or residential garbage, trash, rubbish, or other 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, including human and animal tissue, bandages and other material used in health care which become contaminated by pathogenic materials.~~

~~*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. is solid waste resulting from or incidental to residential, municipal, commercial, institutional, and recreational activities, including garbage, rubbish, ashes, street cleanings, construction and demolition materials, dead animals, and all other solid waste other than special wastes.~~

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)~~ ~~three (3)~~ dwelling units.

Residential garbage consists of all normal household waste that fits in the garbage containers issued to said customer. ~~consists of all normal household waste, except plant clippings, leaves, tree trimmings, ashes, metal scraps other than cans, large accumulations of boxes, demolition and remodeling debris and other material that cannot be broken down to fit in regular garbage containers.~~

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, 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.

~~means any commercial or residential garbage, trash, rubbish, hazardous waste, infectious waste, or other solid waste that because of its quantity, concentration, physical or chemical characteristics or biological properties is not collectable by the city's solid waste department.~~

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.

~~Unusual accumulations, for residential service for each regular collection, means more than one cubic yard of garbage, trash, and other municipal solid waste permitted under this chapter, and yard waste that exceeds a pile three (3) feet in height, three (3) feet in width and cut to a maximum of four-foot lengths, and heavy, bulky objects and other accumulations unusual for the average household. Unusual accumulations for commercial service means any accumulation of refuse outside of the container.~~

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, and it shall be unlawful for any other 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.

- (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. 24-4. Charges for use of city landfill.

~~The charges to be paid by persons for the use of the city's sanitary landfill site shall be in an amount established and as from time to time amended by ordinance as adopted by the city council, the ordinances and amendments thereto to be kept on file with the city secretary and to be available for public inspection during regular business hours.~~

~~(Ord. No. 2005-256, § 1, 9-20-05)~~

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).
8. Posted speed limits must be followed at all times. **The Maximum Landfill Speed Limit is 15 MPH.**
9. 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.**
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-~~65~~. Disposal of garbage, trash or rubbish only in authorized locations.

- (a) ~~It shall be unlawful for any person to dispose of g~~Garbage, trash or rubbish ~~in any~~must be placed in the city, other than as provided in this chapter or as otherwise expressly authorized by the ~~e~~City. ~~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.~~
- (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. garbage or other solid or liquid matter, residential, industrial or commercial, that possesses characteristics deemed by the Texas Commission of Environmental Quality (TCEQ), or the Environmental Protection Agency, or the State Department of Health, or any other federal, state or local agency having jurisdiction to be unsuitable or detrimental to the environment or human health when disposed of in the type of sanitary landfill operated by the city is hereby prohibited. Such material or matter shall be disposed of in the manner prescribed by the agency having jurisdiction and at the expense of the party or parties generating such material or matter. In no case shall such material or matter be placed for collection by the city nor shall it be delivered to or disposed of at the city's sanitary landfill.

(Ord. No. 2005-256, § 1, 9-20-05)

State law reference(s)—Water quality standards, V.T.C.A., Water Code § 26.124.

Sec. 24-~~67~~. Receptacles Containers for municipal solid waste and recyclable materials.

- (a) ~~(a) — Every owner, manager, agent, occupant, tenant, or lessee of any building, house, or structure within the corporate limits of the city shall provide and maintain suitable~~obtain containers ~~or receptacles~~ of sufficient size and number to hold the municipal solid waste and recyclable materials which accumulates 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) ~~It shall be unlawful to~~All solid waste must be placed solid waste in, on or near a solid waste container in a manner that ~~does not allow~~s the lid of the solid waste or recycling container to be and remain completely closed with all the ~~solid waste~~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.

(a)(i) The City may refuse to collect a container set out for collection that the City determines does not comply with this section.

~~It shall be a defense to prosecution under this section if the solid waste placed next to the container is a bulky item as defined in section 24-2, and if the bulky item is placed next to the container less than forty-eight (48) hours before the collection. The defense does not apply if the person placing the bulky item in, on or near the solid waste container was not authorized to use the solid waste container.~~

~~(c) The contents of municipal solid waste receptacles shall be secured so that neither the wind nor animals can scatter trash or rubbish over the premises or over the streets or alleys or other property within the city.~~

~~(Ord. No. 2005-256, § 1, 9-20-05)~~

~~Sec. 24-7. Weight limitations of containers.~~

~~The total weight of any garbage bag and contents and of any trash and rubbish receptacle and contents shall be fifty (50) pounds or less.~~

~~(Ord. No. 2005-256, § 1, 9-20-05)~~

~~Sec. 24-8. Removal of unauthorized containers.~~

~~All solid waste and recycling storage containers, not meeting the requirements of this chapter shall be removed and disposed of by the city and the city shall not be liable for the removal and disposal of the same.~~

~~(Ord. No. 2005-256, § 1, 9-20-05)~~

Sec. 24-~~89~~9. Prohibited materials and regulations.

(a) (a)

(b) Unsafe material is prohibited in the City landfill.

(c) Unsafe material shall be disposed of in the manner provided for by law or agency regulation.

(d) 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.

(e) Unsafe material may not be placed for collection by the City.

(f) Unsafe material shall not be delivered to or disposed of at the City of Denton's landfill.

(g) 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.

(h) Only program materials shall be deposited in containers at City recycling drop sites.

(i) Special waste shall be collected, removed, and disposed of only by an authorized private hauler.

(j) Municipal Solid Waste (MSW) containing putrescibles shall be collected, at a minimum of, once weekly.

(k) 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.

~~The director of solid waste shall keep a list of special waste that is not acceptable for collection and disposal by the solid waste department. The director of solid waste may also make reasonable rules regarding the collection and disposal by the solid waste department of any municipal solid waste, or other solid waste that requires special preparation or handling to meet the requirements of any state or federal law or regulation or which are otherwise necessary to safely and properly collect, transport, and provide for disposal. The list of special waste and the rules shall be written and kept on file by the director of solid waste and be available for public inspection during regular business hours.~~

~~(b) No person shall deposit in any container serviced by the solid waste department any special waste. The solid waste department may 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 or the regulations made by the director of solid waste.~~

~~(c) Each property owner shall be responsible for arranging collections with an authorized private hauler for the collection, removal, and disposal of any special waste or other garbage, trash, rubbish, or other solid waste which the city's solid waste department will not collect.~~

~~(Ord. No. 2005-256, § 1, 9-20-05)~~

Sec. 24-~~910~~. 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.

~~(a)(b)~~ The resultant liquids shall be disposed of in an acceptable manner.

~~(Ord. No. 2005-256, § 1, 9-20-05)~~

Sec. 24-~~101~~. Preparation of yard waste, tree limbs and cuttings.

(a) ~~(a)~~ Tree limbs, shrubs and hedge cuttings shall:

(1) not exceed four (4) feet in length

(2) ~~and shall be~~ stacked neatly

(3) ~~Be placed so that~~with 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 ~~unit or single~~ piece shall weigh more than fifty (50) pounds.

(b) Yard waste consisting of small pieces, small cuttings and small loose material ~~shall be 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.

~~(a)~~(d) Charges for the collection of brush and yard waste shall be provided in the published Utility Rate Ordinance.

~~(b) The director of solid waste shall provide for regular collections of yard waste which has been prepared in accordance with this section. If unusual accumulations are present, a reasonable charge shall be made for such service in addition to the regular service charge.~~

~~(c) Brush, limbs, leaves and cuttings from trees and shrubs which have been trimmed or removed by a commercial tree trimmer shall be disposed of at the expense of the owner or person controlling the same or upon payment of the actual cost of such removal plus an administrative and overhead charge.~~

~~(Ord. No. 2005-256, § 1, 9-20-05)~~

Sec. 24-1~~12~~. Heavy or unusual accumulations.

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.

~~(a) Construction and demolition materials and other accumulations as a result of construction, remodeling, repairing or destruction shall be disposed of at the expense of the owner.~~

~~(b) Household furnishings, goods and appliances, including but not limited to stoves, refrigerators, washing or drying machines, water heaters, sofas, chairs, tables, mattresses and box springs, shall be disposed of at the expense of the owner or person controlling same or, upon request and payment of a fee to recover the cost of providing these additional services, including administrative and overhead costs.~~

~~(Ord. No. 2005-256, § 1, 9-20-05)~~

Sec. 24-13. Theft of service prohibited.

~~No person shall knowingly place any solid waste, bulky items, or any other material in, on, or next to the solid waste container of another person or entity in the City of Denton, Texas.~~

~~(Ord. No. 2005-256, § 1, 9-20-05)~~

Secs. 24-~~14~~12—24-40. Reserved.

ARTICLE II. RESIDENTIAL COLLECTION SERVICE

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

~~(a) Any owner, occupant, tenant or lessee of any residential premises in the city shall have their municipal solid waste regularly removed by the city.~~

~~(b) The charges for such service shall be included on a regularly scheduled bill.~~

~~(Ord. No. 2005-256, § 1, 9-20-05)~~

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.

- ~~(a) As used in this section, the term "individual family unit" shall mean each side of a duplex, each living unit per subdivided lot, each apartment in an apartment house, up to and including three (3) units and any unit or living space in which a single family resides.~~
- ~~(b) The charge for collecting municipal solid waste from each individual family unit shall be in an amount established and as from time to time amended by ordinance as adopted by the city council; the ordinance and amendments thereto to be kept on file with the city secretary and to be available for public inspection during regular business hours.~~
- ~~(c) Multiple dwelling units having either water or electricity billed through a single meter will be billed a single solid waste charge along with the single water or electric charge, regardless of the occupancy of such multiple dwelling unit.~~
- ~~(d) Multiple dwelling units classified as fraternities, sororities, boardinghouses and dormitories shall be charged as a commercial or institutional service. Any multiple dwelling unit which requires more than the minimum service described in this chapter is subject to having the charges increased by the director of solid waste based upon the additional required service.~~
- ~~(e) Mobility or visually impaired customers may receive special collection services. Containers may be placed in locations designated by the city. The resident receiving this special service must be mobility or visually impaired and no member of the household is physically able to place the containers at the curb. Such special services shall require approval by the director of solid waste or designee. The monthly rate for these special collection services will be the same rate as is charged those customers with no impairments.~~
- ~~(f) All residential dwelling units shall containerize their waste for collection.~~

~~(Ord. No. 2005-256, § 1, 9-20-05)~~

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) (a) All single-family residents within the city shall place their residential refuse and recyclables containers must be placed at the curbside at a time and in a manner specified by the Director as specified by the general manager of solid waste services or designee.~~
- ~~(b) (b) Residential refuse garbage, and recyclables materials, pay bags, bulk items, brush, or yard waste shall may not be placed at the curb no earlier than 6:00 p.m. on the day prior to the scheduled collection day.~~
- ~~(b)(c) To ensure collection, residential refuse and recyclables should Containers must be placed at the curb for collection prior to by 7:00 a.m. on the scheduled day of collection day.~~

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- (c) ~~Customers whose refuse or recyclables were not collected because: they were not placed at the proper location, they contained unacceptable materials, or they were not placed out for collection by the required time, shall not be collected until the next regularly scheduled collection service.~~
- (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.
- (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) Solid waste and recycling storage containers and any unaccepted waste or recyclables, 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 curb or other designated collection point by the customer no later than 8:00 a.m. on the day following the scheduled collection day.
- ~~(b)~~(k) Upon removal from the curb, unaccepted materials, garbage, recycle, and yard waste containers shall be stored in as inconspicuous a 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 ~~solid waste~~garbage, or 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, ~~except as~~unless otherwise approved by the Director, follows:

- (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.

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- ~~(1) A townhome with five (5) or more units per building.~~
- ~~(e) All solid waste and recycling storage containers shall securely contain all contents, and shall be capable of being handled without spillage. Refuse and recyclables determined by the city to not be properly contained shall not be collected.~~
- ~~(f) The general manager of solid waste services or designee may make reasonable exceptions to the foregoing location requirements, as needed, upon request of the customer, to accommodate unique circumstances.~~
- ~~(Ord. No. 2005-256, § 1, 9-20-05; Ord. No. 2007-193, § 14, 9-18-07; Ord. No. 2009-081, § 2, 4-7-09)~~

~~Sec. 24-44. Residential containerized collection service.~~

- ~~(a) Carts shall be placed at or near the curb line, a minimum of four (4) feet from any mailbox, vehicle, obstacle, or other container. The cart shall be placed in the street with its wheels against the curb. The director of solid waste or designee may make reasonable exceptions to the foregoing location requirements, as needed, upon request of the customer, to meet unique circumstances.~~
- ~~(b) Only authorized refuse and recycling container(s) (carts) provided by the city will be serviced. No other containers, boxes, or bags placed at the collection site will be collected, unless special refuse collection services have been requested.~~

~~(Ord. No. 2005-256, § 1, 9-20-05)~~

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, occupant, tenant or lessee of any business, any commercial, industrial, or institutional property, or other property not entitled eligible to receive residential solid waste collection services shall arrange, by contract with the city, for commercial set up service for solid waste and recycling collection and disposal services from the City's solid waste department, except as otherwise specified expressly provided for in this chapter.
- (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.

~~(Ord. No. 2005-256, § 1, 9-20-05)~~

Sec. 24-67. Charges for commercial, ~~industrial, or institutional~~ service.

- (a) The charge for ~~collection and removal of municipal solid waste from premises used for business, industrial, or institutional purposes shall be based upon the size, type and number of containers in use at such establishments and the frequency with which such containers are scheduled to be serviced by city collection personnel. Such charge~~ commercial service shall be in an amount established ~~and as from time to time amended by ordinance as adopted by the~~ Utility Rate Ordinance city council; ~~the ordinance and amendments thereto to be kept on file with the city secretary and to be available for public inspection during regular business hours.~~
- (b) The service charge for other commercial waste ~~disposal and collection and disposal~~ services ~~shall not be in the amounts established in the~~ Utility Rate Ordinance. ~~otherwise provided for pursuant to this section may be provided upon approval of the director of solid waste at a cost not to exceed the actual cost plus administrative and overhead costs.~~

(Ord. No. 2005-256, § 1, 9-20-05)

~~Sec. 24-68. Containers furnished by city for commercial and industrial facilities.~~

- ~~(a) The director of solid waste may locate and place containers for use by commercial, industrial, and institutional 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 refuse and waste materials in such containers and shall not place waste in any containers except those designated by the director of solid waste. 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 be less than an amount established by the city council and on file in the office of the city secretary.~~

(Ord. No. 2005-256, § 1, 9-20-05)

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 ate 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. Annual permit required for special waste and recyclables haulers.

- ~~(a) No person shall collect or remove for compensation from any property within the city any special waste or recyclables without first obtaining a special waste hauler's permit from the city.~~
 - ~~(b) The person applying for a special waste hauler's permit shall make application to the city on forms provided for that purpose, and pay the required fee. The application shall require the following information:
 - ~~(1) The name and business address of the applicant.~~
 - ~~(2) The name of the owner of the property and the address where the special waste and recyclables will be collected.~~
 - ~~(3) A description of the special waste and recyclables to be collected.~~
 - ~~(4) The location where the special waste and recyclables will be disposed, including proof, when required by the director of solid waste, that the applicant is legally authorized to dispose at the specified location.~~
 - ~~(5) A description and the license number of the motor vehicles to be used in collecting and transporting the special waste and recyclables within the city.~~
 - ~~(6) Any other information which is reasonably necessary to administer this section.~~~~
 - ~~(c) The director of solid waste shall issue the special waste and recyclables hauler's permit to the applicant if:
 - ~~(1) Proper application has been made and the fee paid.~~
 - ~~(2) The applicant will only be collecting special waste or recyclables as defined in this chapter.~~
 - ~~(3) The applicant is authorized to use the specified disposal site and the manner and place of disposal does not appear to violate any state or federal law or regulation or city ordinance.~~~~
 - ~~(d) The special waste and recyclables hauler's permit shall be valid for one year.~~
- ~~{Ord. No. 2005-256, § 1, 9-20-05}~~

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. 24-730—24-89. Reserved.

~~ARTICLE IV. RECYCLING AND PROCESSING SERVICES~~

~~Sec. 24-90. Recyclable materials.~~

- ~~(a) Nothing in this chapter shall prohibit a person from collecting, gathering, or transporting recyclable materials collected from property within the city.~~

(b) ~~Any person who transports recyclable materials collected from any property inside the city to a point outside the city, more than three times per year shall register with the city on forms provided for that purpose.~~

(c) ~~As used in this section, "recyclable materials" means glass, tin, aluminum, paper, newspaper or other discarded materials, which are not special waste and have been separated from other municipal solid waste at the point of collection for delivery to another location for processing for reuse.~~

~~(Ord. No. 2005-256, § 1, 9-20-05)~~

~~Sec. 24-91. Disposing of recyclable materials.~~

~~It shall be unlawful for a person to place any non-recyclable solid waste in any recycling receptacle or to leave any non-recyclable solid waste on a recycling site in the City of Denton, Texas.~~

~~(Ord. No. 2005-256, § 1, 9-20-05)~~

~~Secs. 24-92—24-99. Reserved.~~

~~ARTICLE V. POSSESSION OF OPEN GLASS CONTAINERS IN FRY STREET DISTRICT~~

~~Sec. 24-100. 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.~~

~~(Ord. No. 2005-256, § 1, 9-20-05)~~

~~Note(s)—*A copy of Exhibit A can be found in the city offices.~~

~~Sec. 24-101. 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).~~

~~(Ord. No. 2005-256, § 1, 9-20-05)~~

~~Sec. 24-102. 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.~~

~~(Ord. No. 2005-256, § 1, 9-20-05)~~

ARTICLE IV– COMMERCIAL DIVERSIONARY PRACTICES

Sec. 24-90. – Applicability.

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

Sec. 24-91. – Services required.

- (c) 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.
- (d) 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.
- (e) 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.
- (f) 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;
 - 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:

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- (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.

- (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:
 - (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.

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- (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.

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.

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.

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- (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.

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.
 - 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, 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-~~100~~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.

~~(Ord. No. 205-256, 5-1, 9-20-05)~~

~~Note(s) *A copy of Exhibit A can be found in the city offices.~~

Sec. 24-~~101~~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).

~~(Ord. No. 2005-256, 5-1,9-20-05)~~

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.

~~(Ord. No. 2005-256, 5-1,9-20-05)~~