

Austin City Code
ARTICLE 5. UNIVERSAL RECYCLING.
Division 1. General Provisions.

§ 15-6-81 APPLICABILITY.

This article applies in the City's zoning jurisdiction.

Source: 1992 Code Section 12-3-121; Ord. 031204-14; Ord. 031211-11; Ord. 20101104-018.

§ 15-6-82 RIGHT OF ENTRY.

(A) City staff authorized by the director or the code compliance director may enter a premises to inspect for compliance with this article.

(B) An inspector shall present the inspector's credentials to an occupant of the premises on request.

(C) An inspector shall make a reasonable effort to locate ~~the owner or other person having control of the building~~ Responsible Party and request entry to the premises.

Source: 1992 Code Section 12-3-122; Ord. 031204-14; Ord. 031211-11; Ord. 20101104-018; Ord. 20130425-007.

Division 2. Service.

§ 15-6-91 AFFECTED PREMISES.

(A) ~~An owner of~~ The Responsible Party for a premises of which all or part is used for multi-family residential use shall ensure that tenants and employees have access to on-site recycling services described under this article, for that portion of the premises that is multi-family residential, effective:

- (1) immediately for premises with more than 75 dwelling units;
- (2) October 1, 2013 for premises with more than 50 dwelling units;
- (3) October 1, 2014 for premises with more than 25 ~~or more~~ dwelling units;
- (4) October 1, 2015 for premises with more than 10 ~~or more~~ dwelling units; and
- (5) October 1, 2016 for premises with more than 5 ~~or more~~ dwelling units.

(B) ~~An owner of~~ The Responsible Party 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 tenants and employees have access to on-site recycling services described under this article,

for that portion of the premises that has one or more of the uses described in this Subsection (B), effective:

(1) immediately for premises with more than 100,000 square feet of the non-residential uses described in this Subsection (B); and

(2) October 1, 2013 for premises with more than 75,000 square feet of the non-residential uses described in this Subsection (B).

(C) The requirements in Subsection (D) of this section are in addition to the requirements in Subsections (A) and (B) of this section.

(D) ~~An owner of~~ The Responsible Party for a premises of which all or part is used for non-residential use, including but not limited to those uses described in Subsection (B) of this section, shall ensure that tenants and employees have access to on-site recycling services described under this article effective:

(1) October 1, 2014 for premises with more than 50,000 square feet of any type of non-residential use;

(2) October 1, 2015 for premises with more than 25,000 square feet of any type of non-residential use;

(3) October 1, 2016 for premises with more than 5,000 square feet of any type of non-residential use; and

(4) October 1, 2017 for all non-residential premises regardless of size.

(E) In addition to complying with the other requirements described in this section, the ~~owner of~~ Responsible Party for a premises of which all or a portion has use attributable to a food enterprise that requires a food permit under Section 10-3-61 (*Permit Required*) of this Code to operate shall ensure that employees at the food enterprise have access to on-site ~~recycling of compostable~~ diversion of organic materials effective:

(1) October 1, 2016 where the square footage in a certificate of occupancy, food enterprise permit, or similar document issued by a government entity for the food enterprise exceeds 5,000 square feet; and

(2) October 1, 2017 for all food enterprises regardless of size.

(F) For purposes of determining the effective date under this section the director may verify the square footage attributable to a specific use by consulting appraisal district or other public records or by requesting a valid certificate of occupancy or approved site plan documenting the types of uses.

Source: 1992 Code Section 12-3-141; Ord. 031204-14; Ord. 031211-11; Ord. 20101104-018; Ord. 20130425-007.

§ 15-6-92 ~~RECYCLING~~ DIVERSION REQUIREMENTS FOR AFFECTED PREMISES.

(A) On-site recycling and organics diversion services required under this article must:

(1) collect at least the following materials: paper (including mixed paper and office paper), plastics PETE (#1) and HDPE (#2) bottles and containers, aluminum cans, corrugated cardboard, and glass bottles and jars;

(2) collect ~~compostable~~ organic materials, if a premises with a food enterprise is subject to Subsection (E) of Section 15-6-91 (*Affected Premises*);

(3) provide receptacles, collection, capacity, and storage areas that comply with applicable administrative rules; and

(4) remove the recyclable or ~~compostable~~ organic materials by either:

(a) transporting the recyclable and ~~compostable~~ organic materials to a materials recovery or composting facility authorized by law; or

(b) contracting with a City-licensed recycling service provider to transport the recyclable and compostable materials to a materials recovery or composting facility authorized by law; or

(c) Transport recyclable or organic material, as permitted by code, to a material recovery facility, food bank, processor, material broker, urban farm, urban ranch, rural farm, rural ranch, community garden or a facility that prioritizes the hierarchy of beneficial use of scrap food. Reference (City Code Chapter 15-6, Article 3) for hauler requirements.

(B) The director may add to the list of recyclable materials required under Subsection (A)(1) of Section 15-6-92 (*Recycling Requirements for Affected Premises*) by providing notice on the City's website at least 365 continuous days before adding the additional materials.

(C) The department shall adopt rules that establish a process in which the ~~owner of~~ Responsible Party for an affected premises can request:

(1) a waiver of certain requirements in this article;

(2) approval to comply with this article by achieving the City's Zero Waste Goal through alternative means;

(3) approval to substitute another recyclable material in place of a required recyclable material listed in Subsection (A)(1) above;

(4) approval to comply with this article by sharing solid waste, recycling, or ~~composting~~ organic diversion services; or

(5) approval of a deduction of square footage under Subsection (E) of Section 15-6-91 (*Affected Premises*) if the food enterprise serves only pre-packaged food.

(D) In accordance with the requirements of the Good Faith Donor Act set forth in Chapter 76 of the Texas Civil Practice and Remedies Code, the department shall by rule encourage ~~owners of~~ the Responsible Party for affected premises to follow the hierarchy of beneficial use of scrap food which, beginning with the most beneficial, is:

- (1) feeding hungry people;
- (2) feeding animals;
- (3) providing for industrial uses; and
- (4) composting.

Source: 1992 Code Section 12-3-142; Ord. 031204-14; Ord. 031211-11; Ord. 20101104-018; Ord. 20130425-007.

§ 15-6-93 EDUCATION.

(A) ~~An owner of~~ The Responsible Party for an affected premises must provide recycling information and instructions in accordance with rules adopted by the director to:

- (1) all tenants and employees of the premises annually;
- (2) a new employee or tenant no later than the thirtieth day after the tenant occupies or the employee begins work at the premises; and
- (3) all employees or tenants not later than the 30th day after a substantive change in the recycling service offered at the premises.

(B) ~~An owner or other person required to provide recycling service to a premises~~ The Responsible Party must provide recycling information and instructions in accordance with rules adopted by the director to:

- (1) each business, tenant, or organization located at the premises annually;
- (2) a business, tenant, or organization newly located to the premises not later than the 30th day after any change in occupancy; and
- (3) all occupancies at the premises not later than the 30th day after a change in the recycling service offered.

(C) All information and documentation, including signage, required to be provided to persons or posted as public information under this article must be written in ~~English and Spanish~~ a minimum of two languages and include universal symbols as adopted by the director.

(D) Each container designated or used for collection and disposal of materials to a state-recognized landfill must be prominently marked “Landfill Trash” in ~~English and Spanish~~ a minimum of two languages and in compliance with the rules adopted by the director.

(E) Each container designated or used for collection or transport of recyclable or ~~compostable organic~~ materials shall be affixed with a sign that includes:

(1) the universal chasing arrows recycling symbol;

(2) the type of materials accepted written in ~~English and Spanish~~ a minimum of two languages; and

(3) the term “Recycling” or “~~Compostables~~ Organics”, as appropriate.

Source: 1992 Code Section 12-3-143; Ord. 031204-14; Ord. 031211-11; Ord. 20101104-018; Ord. 20130425-007.

Division 3. Reporting Requirements.

§ 15-6-101 RECYCLING PLAN.

(A) ~~An owner of~~ The Responsible Party for an affected premises shall submit a recycling plan to the department by February 1 of each year starting with the year in which requirements of this article apply to the premises.

(B) ~~An owner of~~ The Responsible Party for an affected premises shall submit a recycling plan for a new business, building, or multi-family residential complex not later than the 30th day after receiving a certificate of occupancy or beginning operations or following any change that reduces recycling service or the types of materials collected.

(C) A plan must:

(1) be on a form prescribed by the director;

(2) list the materials to be ~~recycled~~ diverted;

(3) state the service capacities for landfill trash, recyclables, and ~~compostable~~ organic materials;

(4) state the collection method and service providers for landfill trash, recyclables, and ~~compostable~~ organic materials; and

(5) include information or documentation as required by the director to verify compliance with this article.

(D) The director may exempt a property from submitting a Recycling Plan if the property contracts with the City for solid waste and recycling services or if exempting the property is consistent with the City’s Zero Waste Goal set out in Resolution No. 20090115-050 and the Department’s Master Plan adopted in Resolution No. 20111215-047, as those resolutions may be amended from time to time.

Source: 1992 Code Section 12-3-161; Ord. 031204-14; Ord. 031211-11; Ord. 20101104-018; Ord. 20130425-007.

§ 15-6-102 BIANNUAL QUANTITY REPORT.

(A) ~~An owner of~~ The Responsible Party for an affected premises who removes landfill trash or recyclable or ~~compostable~~ organic materials shall submit a report to the department on a form prescribed by the director.

(B) The person shall submit the report semi- annually on or before the last business day in January or July of each calendar year.

(C) The report shall contain the amount in tons of landfill trash or recyclable or ~~compostable~~ organic materials that the person hauled during the reporting period as well as any other information required by the department.

Source: 1992 Code Section 12-3-162; Ord. 031204-14; Ord. 031211-11; Ord. 20101104-018; Ord. 20130425-007.

§ 15-6-103 NOTICE OF CONTRACT TERMINATION.

A person who provides recycling or organic diversion service under this article by contract with a recycling service provider shall notify the department in writing not later than the 30th day after the person terminates the contract.

Source: 1992 Code Section 12-3-163; Ord. 031204-14; Ord. 031211-11; Ord. 20130425-007.

§ 15-6-104 NOTICE OF CHANGE OF PROVIDER.

(A) ~~An owner of~~ The Responsible Party for an affected premises shall notify the department in writing if the person:

- (1) discontinues self-hauling and contracts with a recycling or organics diversion service provider; or
- (2) terminates a contract with a provider licensed under Article 3 (*Private Solid Waste Collection Service*).

(B) ~~A person~~ The Responsible Party shall submit the notice required by this section with the department in accordance with rules adopted by the director and concurrently with their required reporting under Section 15-6-102 (*Biannual Quantity Report*).

Source: 1992 Code Section 12-3-164; Ord. 031204-14; Ord. 031211-11; Ord. 20101104-018; Ord. 20130425-007.

Division 4. Registration Requirements.

§ 15-6-105 REGISTRATION OF RECYCLING AND COMPOSTING ORGANIC MATERIAL HAULERS AND RECYCLING PROVIDERS.

(A) A person who owns, operates, or provides a recycling and ~~composting~~ organic materials hauler or recycling processor business or service located within the territorial jurisdiction of the City or to any premises within the territorial jurisdiction of the City shall submit to the director in compliance with applicable rules adopted for such registration the following:

- (1) physical address of operation;
- (2) proof of insurance - annual commercial fleet policy;
- (3) drivers' licenses for company drivers, including commercial drivers' licenses, if applicable;
- (4) proof that the recycling hauler or recycling processor is using the correct vehicle to transport recyclable materials consistent with Section 15-6-42 (*Vehicles and Equipment*); and
- (5) other documentation as specified in applicable rules for such registration adopted by the director.

(B) A person who owns, operates, or provides a recycling processor business agrees as a condition of such registration to submit to a random site inspection of their property or premises upon request by the director to ensure that the processor's operations are being conducted in compliance with all applicable City Codes and regulations relating to land development, health and safety, recycling, and nuisance abatement.

Source: Ord. 20101104-018.