

City of Austin
Austin Resource Recovery Chapter 15-6
Administrative Rules

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8.0 UNIVERSAL RECYCLING ORDINANCE (URO) RULES

8.1 Background and Scope of Universal Recycling Ordinance (URO) Rules

8.1.1 On November 4, 2010, the Austin City Council unanimously approved the modification of the current Commercial Multi-Family Recycling Ordinance (CMFRO) passed in 1999 and established the Universal Recycling Ordinance (URO) which becomes effective October 1, 2012.

8.2 Applicability

8.2.1 These rules apply specifically to properties that are within the city limits of Austin, Texas, including those that receive collection services from the City of Austin, or a licensed private hauler, and that are affected by the Universal Recycling Ordinance.

8.2.2 The URO Rules contained within this document are intended to specify the standards and expectations for collecting recyclables at commercial and multi-family properties as authorized in the City Code Chapter 15-6, Article V.

8.2.3 In this section, Property Owner means the owner of property subject to the Universal Recycling Ordinance, or the owner's designee for the procurement of solid waste management services.

8.2.4 The URO requires that affected commercial and multi-family properties owners provide on-site recycling services and established a phase-in approach for implementation based on property type and size over time. (See "URO Phase-In Dates").

8.2.5 The size of commercial properties is based on the floor area recorded by the appraisal district.

8.3 General Principles

8.3.1 The Universal Recycling Ordinance (URO) is designed to increase access to recycling and encourage waste reduction for properties within the Austin city limits. Benefits may include on or more of the following:

8.3.1.1 Increase the life of local landfills

8.3.1.2 Decrease the trash disposal costs for businesses and multi-family properties

8.3.1.3 Reduce the impact on the environment

8.3.1.4 Help the City of Austin move towards the Zero Waste goal of reaching 75% diversion from landfills by 2020 and 90% diversion by 2040.

8.3.2 The URO requires that property owners provide reasonable and consistent access to recycling for residents, tenants, customers, and employees.

8.3.3 Participation of each individual resident, tenant, customer or employee is voluntary but should be encouraged through regular education, proper signage, and conveniently located containers.

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8.4 General Requirements

- 8.4.1 Properties required to provide recycling shall be in compliance with these Rules contained in this document unless a written waiver has been granted by the Director.
- 8.4.2 Recycling programs and compliance with the URO shall be maintained regardless of any changes in building ownership or service provider.
- 8.4.3 Affected property owners shall maintain site specific records and Recycling Plan forms as directed herein.
- 8.4.4 The City reserves the right to review, at the customer's premises, invoices for trash, composting, or recycling service contracts, hauling contracts, valet recycling contracts, scale receipts, materials management programs, recycling, waste processing, educational activities, certifications, and self-haul activities to verify compliance with these Rules.
- 8.4.5 Property owners, or their designees, shall respond within 15 days to a request from the City to review records to verify compliance with these Rules.
- 8.4.6 Property owners, or businesses, that do not receive collection services from the City, shall contract only with private collection service providers (haulers) that are registered with the City and licensed to do business within the city limits of Austin.
- 8.4.7 These URO Rules do not prohibit, limit, or restrict the ability of affected property owners, employees, or tenants to:
 - 8.4.7.1 Negotiate prices, collection schedules, or pickup locations for these services
 - 8.4.7.2 Contract collection service from any private collection hauler, provided the service provider is licensed by the City
 - 8.4.7.3 Place all recyclable materials in one container to conserve space and maximize efficiency
 - 8.4.7.4 Self-haul material to a material recovery facility, processor, or material broker
- 8.4.8 If the property owner, business, or their representatives provides compliant recycling capacity and related Universal Recycling requirements, the City will not hold the affected property owner responsible for actual or proper use of recycling by employees, tenants, customers, or residents.
- 8.4.9 The City is not responsible for any unauthorized collections, liabilities, or any other difficulties that arise between any private service provider and any property affected by these Rules.

8.5 Recycling Plans

- 8.5.1 Annual Recycling Plan Due Date –Affected property owners shall file an annual Recycling Plan form, as provided by the Department, by February 1st, each calendar year.
- 8.5.2 Affected property owners must provide a Recycling Plan on the designated form provided by the City of Austin within 30 days of beginning operations, or within

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90 days of the date established in the "URO Phase-In Dates" section of this document.

- 8.5.3 Multiple locations - Where a business covers multiple service locations, or where a multi-family property company manages multiple properties, the affected property owner shall submit a Recycling Plan form for each property that has a unique street address.
- 8.5.4 Termination or Changes in Service - If a property changes or discontinues recycling services, resulting in significant changes to the amounts or types of materials collected, affected property owners shall notify the City by resubmitting a Recycling Plan form within 30 days. If a change in the service provider does not result in significant changes to the recycling program, then the property may submit a new Recycling Plan form at the next reporting opportunity, typically by February 1st of the following year.
- 8.5.5 Delivery of Reports – Reports and Recycling Plans will be accepted either electronically, or through an online reporting system. All reports must be provided in a format that can be uploaded to a database (i.e. Microsoft Excel spreadsheet), or otherwise acceptable by the Director.
- 8.5.6 Any property that receives both recycling and landfill trash collection services from the City of Austin may not be required to submit an annual Recycling Plan form, unless requesting certain waivers from the City or providing notification of alternate material collection.
- 8.5.7 Any property receiving City of Austin trash and landfill trash collection services, which are not required to submit an annual Recycling Plan form, are required to comply with all other applicable sections of these Rules, the Universal Recycling Ordinances, and Austin City Code.

8.6 Recyclable Materials

- 8.6.1 Required Materials – Except for waivers granted by the Director, affected property owners shall establish on-site recycling services for the following five (5) materials:
 - 8.6.1.1 Paper (including mixed paper and office paper)
 - 8.6.1.2 Cardboard
 - 8.6.1.3 Aluminum cans
 - 8.6.1.4 Plastics PETE (#1) and HDPE (#2)
 - 8.6.1.5 Glass bottles and jars
- 8.6.2 The Director reserves the right to add additional materials with at least 365 days prior notice.
- 8.6.3 These requirements do not limit the recycling of additional materials. Properties that are able to prove a diversion rate greater than 75%, through a third-party waste audit, may be granted a waiver from providing recycling capacity for one or more of the materials required by the URO. The City reserves the right to conduct an additional waste audit, or periodic inspections of material flows, to substantiate the findings of third-party audit that results in a request for a waiver.

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8.7 Substitute and Alternate Materials

- 8.7.1 Affected property owners may request approval to substitute materials for one or more of the required materials in the following situations:
 - 8.7.1.1 Substitution of one or more of the required Recyclable Materials results in an increase in the landfill diversion rate, as calculated by City staff.
 - 8.7.1.2 The operations of the property do not generate sufficient quantities of the material to justify recycling, as determined by City staff, and a substitute material will allow recycling of five (5), or more, materials or will result in a recycling diversion rate of more than 75%.
- 8.7.2 Waivers or service credits may be granted based on the amount, in volume or weight, and type of alternate materials generated at the facility in question. Alternate materials must be of equivalent weight, volume, or value as the listed Minimum Recyclable Materials.
- 8.7.3 Materials that may be considered as substitute materials or service credits may include the following:
 - 8.7.3.1 Wood or Plastic Pallets
 - 8.7.3.2 Plastic Bags and Films
 - 8.7.3.3 Polystyrene (Styrofoam)
 - 8.7.3.4 Batteries of all Types
 - 8.7.3.5 Compact Fluorescent Lights (CFLs) and other Florescent Bulbs
 - 8.7.3.6 Electronics (E-Waste) including Televisions
 - 8.7.3.7 Beverage Cartons (gable-top containers)
 - 8.7.3.8 Foils (Aluminum, Tin, Copper)
 - 8.7.3.9 Tin, Steel, or Mixed Metals
 - 8.7.3.10 Printer or Toner Cartridges
 - 8.7.3.11 Shredded Paper
 - 8.7.3.12 Compostable Materials
 - 8.7.3.13 Tires
 - 8.7.3.14 Liquids including Fats, Oils and Greases
 - 8.7.3.15 Textiles
 - 8.7.3.16 Plastics with resin codes #3-#7
- 8.7.4 Well managed, on-site composting programs are an acceptable form of diversion and may be approved by the Director as an alternative collection method for food scraps and yard waste.
- 8.7.5 Compostable materials must be hauled by an authorized, City-licensed service provider.

8.8 Exterior Collection Areas and Containers

- 8.8.1 Provision of Containers - Dumpsters, carts, or other containers needed for the initiation and maintenance of a recycling program will be provided by the

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service provider, business owner, multi-family property owner, or owner's representative.

- 8.8.2 Convenient Access - Recycling dumpsters, carts, chutes, or other collection points shall be located within 25 feet of landfill trash collection points to provide convenient access by tenants and facility maintenance personnel.
- 8.8.3 If a property chooses to limit access to recycling or landfill trash containers, with locks or other methods of restriction, the Director reserves the right to review, approve or disapprove, a revised Recycling Plan which addresses reasonable access concerns of tenants, employees, or customers.
- 8.8.4 Placement of trash, recyclables or organics shall never be placed directly on the ground, unpaved or paved surface. All materials must be placed in secured containers.
- 8.8.5 Containers located outdoors shall be covered or otherwise secured to prevent material from blowing, leaking or falling out, being stolen, and to protect the materials from vector populations and the elements.
- 8.8.6 Periodic provision and use of open-top roll-off containers, or similar services that do not provide daily access for tenants or employees to a recycling container, does not constitute a recycling program and will not be considered compliant with the URO.
- 8.8.7 Covered containers of all types are acceptable upon agreement with service provider provided that they comply with these rules. This includes barrels, plastic box containers, and any other container that has been agreed upon with the service provider. Any container used must meet minimum volume requirements as stipulated in the Administrative Rules.
- 8.8.8 Exterior recyclables storage areas shall be established in accordance with City of Austin requirements for solid waste enclosures. Property owners shall maintain all recycling areas, including containers, in a clean, sanitary and litter-free manner.
- 8.8.9 A property owner may request a waiver on a form approved by the Director (typically as part of the Recycling Plan form) for providing exterior containers because the placement or servicing of the container meets one of the following conditions:
 - 8.8.9.1 Site plan limitations, obstructions, physical layout, or topography
 - 8.8.9.2 Violation of one or more other City Codes
 - 8.8.9.3 Vehicle parking space or impermeable cover restrictions
 - 8.8.9.4 Vehicle access limitations
- 8.8.10 If a waiver is requested through the proper process as determined by the Director, and is not responded to within 60 days (referred to as the "Waiver Review Period"), the waiver request will be deemed accepted by the Director.
- 8.8.11 A property shall not be cited for non-compliance with the Universal Recycling Ordinance during the Waiver Review Period.

8.9 Interior Collection and Containers in Common Areas

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- 8.9.1 Affected property owners shall establish indoor common-area collection or storage areas in accordance with appropriate City of Austin ordinances, permits, and building codes including all applicable fire, health, and safety requirements.
- 8.9.2 Whenever practical, affected property owners shall pair common-area recycling containers, or chutes, with landfill trash containers, or landfill collection points, for equal convenience to users. Practicality shall be determined through deliberative process amongst City staff and affected property owners.
- 8.9.3 All containers shall be labeled or otherwise clearly identified to indicate the materials intended for each container.
- 8.9.4 The City recommends using blue containers for recycling, black containers for landfill trash, and green containers for compostable materials.
- 8.10 Signs, Labels, and Container Identification**
 - 8.10.1 Affected property owners shall ensure the provision, posting, and maintenance of signs and labels indicating container location, and materials accepted, in their recycling programs.
 - 8.10.2 All signs, whether interior or exterior, shall be labeled in both English and Spanish and may include other languages as deemed appropriate by service provider or property owner.
 - 8.10.3 Exterior containers larger than one (1) cubic yard shall include two types of signs or stickers affixed to the container:
 - 8.10.3.1 18-inch round sticker or placard indicating "Landfill Trash", "Compostable" or "Recyclable" materials accepted.
 - 8.10.3.2 24-inch by 18-inch sticker or placard, provided by the Service Provider, that indicates the common types of materials accepted in each exterior collection container.
 - 8.10.3.3 Container decals, stickers or placards that meet or exceed information and container surface area requirements shall be allowable alternatives.
 - 8.10.4 Signs relating to a facility's waste diversion program that are on or near containers shall be at minimum 24-inches by 18-inches in size and shall have high-contrast colors and background.
 - 8.10.5 Signs that are designed as to adhere to surfaces, such as stickers, should adhere to metal or plastic surfaces and be difficult to remove.
 - 8.10.6 The owner of the compactor must place and maintain appropriate signs and labels on container(s) on or near to point of entry or hopper feed.
 - 8.10.7 Signs shall clearly indicate which materials are acceptable in designated containers. Graphic representation of common materials shall be illustrated on proper containers.
 - 8.10.8 Upon request, the City may provide stickers to area service providers in order to ensure consistency of labeled containers for ease of identification but proper placement and maintenance will be the responsibility of the owner or service provider.

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8.11 Promotion and Education

- 8.11.1 Affected property owners shall document that recycling program information has been provided to employees and tenants.
- 8.11.2 Affected property owners shall provide written education as follows:
 - 8.11.2.1 Annually to all employees, tenants, and businesses
 - 8.11.2.2 To all employees, tenants, and businesses within 90 days after an affected property's URO Effective Date and annually thereafter
 - 8.11.2.3 To a new employee, tenant, or business within seven (7) days of employment or becoming a tenant
 - 8.11.2.4 To all employees and tenants about any changes in the recycling program within 30 days of changes in materials accepted
- 8.11.3 Education shall include electronic or printed information about on-site recycling services that indicates:
 - 8.11.3.1 Materials Accepted
 - 8.11.3.2 Location of Exterior Recycling Containers
 - 8.11.3.3 Service Frequency
 - 8.11.3.4 Standard Colors for Stickers, Decals and Signs (i.e. recommend "Blue" for Recycling, "Black" for Landfill Trash, and "Green" for Compost)
- 8.11.4 The City of Austin may provide general promotional material such as posters, introductory letters, and signage. If requested, the City may also provide information, guidance, and training, for site-specific programs.

8.12 Self-Haul Semi-Annual Volume Report

- 8.12.1 Self-Hauler Semi-Annual Volume Report - Property owners who self-haul materials to a recycling facility or landfill must file a Semi-Annual Volume Report with The Department that includes information about the amount and types of recyclable materials collected in the preceding six (6) months.
- 8.12.2 Volume Reports – Due on or before January 31 (for reporting period July 1 – December 31) and July 31 (for reporting period January 1 – June 30) of each year. When the specified semi-annual report dates fall on a Saturday, Sunday or City holiday, the report is due on the next business day.
- 8.12.3 Semi-Annual Volume Report - Property owners, who procure hauling services from a third party, are responsible for ensuring that their hauler files a Semi-Annual Volume Report.
- 8.12.4 If a property owner has a written contract with terms that are compliant with the URO, and serviced by a City-licensed hauler, the property owner will be deemed compliant with the Semi-Annual Volume Report requirement for the purpose of this ordinance.

8.13 Weekly Service Capacity

- 8.13.1 Minimum recycling container capacities are established to ensure that adequate storage capacity is available for recyclable materials.

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8.13.2 Multi-Family apartment properties – Affected property owners shall ensure providing a minimum of 6.4 gallons of recycling capacity per dwelling per week. The following weekly capacity equivalencies and requirements are established for the purpose of these Rules (one (1) cubic yard equals 202 gallons):

8.13.2.1 One cubic yard per 32 dwelling units per week

8.13.2.2 One 64-gallon cart per every ten (10) dwelling units per week

8.13.2.3 The Director reserves the right to reevaluate and change the multi-family service capacity requirements effective after October 1, 2014.

8.13.3 Commercial properties – For two (2) years after the effective date (between October 1, 2012 and September 30, 2014), affected commercial property owners shall ensure that the total weekly service capacity for recyclable materials is greater than 25% of the total weekly service capacity for all materials collected at the property. In other words, the weekly capacity shall be 1:3 ratio of recycling to landfill trash capacity.

8.13.3.1 The weekly service capacity of a container is determined by multiplying its volume times the weekly service frequency (i.e. a four-yard container serviced four times per week equals 16 yards of weekly service capacity).

8.13.3.2 Compactors - Compactors will be considered as a 4:1 ratio of compaction, unless otherwise verified by the City.

8.13.3.3 Affected commercial property owners may request credit for the weekly service capacities of substitute or additional materials towards the weekly service capacity requirements.

8.13.3.4 To be considered as a credit towards the weekly service capacity requirements, the current Recycling Plan form must reflect the volumes collected by a third-party shredding company in the previous year.

8.13.3.5 For commercial properties, starting October 1, 2014 the minimum capacity requirements for recycling expands to 50% of the total materials collected or a 1:1 ratio of recycling weekly capacity to trash weekly capacity.

8.14 Waiver Process

8.14.1 The Director may grant written waivers for placement of exterior containers, service capacity, or other provisions on a case-by-case basis.

8.14.2 Affected property owners shall submit requests for waivers to the Director on the annual Recycling Plan form or other form provided by the City.

8.14.3 The Department will approve or deny a waiver request and notify the property within 45 days of receiving a completed form.

8.14.4 Affected property owners may not file for a waiver more frequently than once per year.

8.15 Compliance and Enforcement

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- 8.15.1 In order to investigate a complaint or evaluate whether an ordinance violation has occurred, City of Austin staff have the right to visit and inspect the premises as provided in Section 15-6-82 of the Austin City Code.
- 8.15.2 Onsite inspection, with or without notice, may be conducted by City staff to verify compliance with the Code of Ordinances and these rules.
- 8.15.3 Implementation Period - In the twelve months following the commencement of Effective Dates (referred to as the "Implementation Period"), City staff will not enforce fines, unless the property fails to make a good faith effort, as determined by the Director, to comply.
- 8.15.4 Enforcement - Following conclusion of the Implementation Period, all affected properties may be subject to penalties and fines as allowed through the enforcement of this ordinance and rules.
- 8.15.5 City staff will be available to assist property owners, or onsite managers, by providing guidance, technical assistance, and information on request.
- 8.15.6 First Written Notice of Non-Compliance
 - 8.15.6.1 City staff performs a site visit to determine compliance. This visit can be triggered by a staff review or by a complaint.
 - 8.15.6.2 If property is found to be in violation of the ordinance, City staff issues first written notice of non-compliance, giving the property at least 30 days to come into compliance with the ordinance.
 - 8.15.6.3 City staff will send notices of non-compliance to the registered agent or the property owner.
 - 8.15.6.4 City staff may perform a follow up site visit, after the First Written Notice has expired, or at the request of the property owner or manager, to determine compliance.
- 8.15.7 Second Written Notice of Non-compliance
 - 8.15.7.1 If property remains in violation of the ordinance after at least 30 days of the First Written Notice, City staff issues the Second Written Notice of non-compliance, giving the business at least 30 days to come into compliance.
 - 8.15.7.2 City staff will send notices of non-compliance to the registered agent or property owner.
 - 8.15.7.3 After expiration of the second notice, or at the request of the property owner or the onsite manager, City staff will perform a site visit to determine compliance.
- 8.15.8 Sec. 15-6-128 of the Austin City Code provides in part:
 - 8.15.8.1 A person, or entity, that violates a provision of this chapter, or fails to perform a duty required of the person under this chapter, commits an offense. Each infraction is an offense for each day, or part of the day, during which a violation is committed, continued, or permitted.
 - 8.15.8.2 An offense or infraction under this chapter is punishable by a fine of not more than \$2,000 and, upon a first conviction, not less than \$100.

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- 8.15.8.3 In addition to being subject to criminal enforcement and penalties as provided in this section, a person, organization, corporation, or licensee that violates or causes or permits the violation of any of the provisions of this chapter commits a civil offense and is civilly liable to the City for an amount not to exceed \$2,000 for each violation.
- 8.15.8.4 In any instance where a person or corporation's violation of this chapter creates or exacerbates an adverse public health or safety condition related to wet or dry solid waste material accumulation, release, or dispersal, the City may immediately abate the conditions in question without notice and charge the person or licensee for any and all costs and fees incurred by City staff or any entity acting on its behalf for the abatement, cleaning, removal, or remediation of any location adversely affected by the violation of this chapter.
- 8.15.9 Citation for Non-Compliance – If the property remains non-compliant after the expiration of the Second Written Notice of non-compliance:
 - 8.15.9.1 City staff will issue a citation, or administrative fine, and may refer the case to Municipal Court.
 - 8.15.9.2 A citation provides the property owner the option to pay the fine or set a date for trial.
- 8.15.10 Further Legal Action - If a property remains non-compliant following citations, the case may be referred for further legal action.
- 8.15.11 No sooner than 30 days after a second written notice, and continuing non-compliance, will an offense be punishable by a fine not to exceed \$2,000 as described in City Code 15-6-128.
- 8.15.12 Fines are not to exceed \$2,000 for each violation or infraction. A licensee is liable for a separate violation for each day or part of a day during which a violation is committed, continued, or permitted.
- 8.16 Universal Recycling Ordinance Phase-In Dates by Property Size
 - 8.16.1 Effective October 1, 2012
 - 8.16.1.1 Commercial office properties larger than 100,000 square feet
 - 8.16.1.2 Multi-Family properties with more than 75 dwelling units
 - 8.16.1.3 Commercial customers receiving COA collection services
 - 8.16.2 Effective October 1, 2013
 - 8.16.2.1 Commercial office properties larger than 75,000 square feet \
 - 8.16.2.2 Multi-Family properties with more than 50 dwelling units\
 - 8.16.3 Effective October 1, 2014
 - 8.16.3.1 Commercial office properties larger than 50,000 square feet
 - 8.16.3.2 Multi-Family properties with more than 25 dwelling units
 - 8.16.4 Effective October 1, 2015
 - 8.16.4.1 Commercial office properties larger than 25,000 square feet

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