



The Code of the City of Austin, Texas
Chapter 15-6 ▪ Solid Waste Services
Administrative Rules ▪ Section 8.0
Amendments

ADOPTED BY AUSTIN CITY COUNCIL

JUNE 12, 2014

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

- 8.1.1 On November 4, 2010, the Austin City Council approved the Universal Recycling Ordinance (URO) which becomes effective October 1, 2012.
- 8.1.2 On April 25, 2013, Austin City Council approved amendments to the Universal Recycling Ordinance to include all commercial and multi-family residential properties within the city limits of Austin, Texas. This amendment also expanded efforts to include organics diversion for any food enterprise that requires a food permit under Section 10-3-61 of City Code.
- 8.1.3 The Universal Recycling Ordinance Administrative Rules contained within this document defines standards and expectations for collecting recyclables and diverting organics at commercial and multi-family residential properties as authorized by the Universal Recycling Ordinance (City Code Chapter 15-6, Article V).

8.2 Applicability

- 8.2.1 These rules apply to properties 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 If a premises receives landfill trash and recycling collection services from the City of Austin and tenants are not directly billed by the City, the Responsible Party:
 - 8.2.2.1 Shall be considered compliant with the Universal Recycling Ordinance, with the exception of section 15-6-3 of City Code, Education; and these Administrative Rules section 8.10, Promotion and Education.
 - 8.2.2.2 Shall ensure organics diversion is fully compliant with the Universal Recycling ordinance and these Administrative Rules when a food enterprise permit is required by a property.
- 8.2.3 If a multifamily property receives landfill trash and recycling collection services from the City of Austin and tenants are directly billed by the City, the Responsible Party:
 - 8.2.3.1 Shall be considered compliant with the Universal Recycling Ordinance and these Administrative Rules
- 8.2.4 Affected premises are defined by the following effective dates for recycling:
 - 8.2.4.1 October 1, 2012
 - 8.2.4.1.1 Properties with more than 100,000 square feet used for office, medical office, medical facilities, religious assembly, or private education.
 - 8.2.4.1.2 Premises with 75 dwelling units or more.





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- 8.2.4.1.3 Commercial customers receiving both City of Austin trash and recycling collection services.
- 8.2.4.2 October 1, 2013
 - 8.2.4.2.1 Premises with more than 75,000 square feet and up to 100,000 square feet used for office, medical office, medical facilities, religious assembly, or private education.
 - 8.2.4.2.2 Premises with 50 or more but less than 75 dwelling units.
- 8.2.4.3 October 1, 2014
 - 8.2.4.3.1 Premises with more than 50,000 square feet of any type of non-residential use; including but not limited to hotels and lodging, grocery stores, commercial business, etc.
 - 8.2.4.3.2 Premises with 25 or more but less than 50 dwelling units.
- 8.2.4.4 October 1, 2015
 - 8.2.4.4.1 Premises with more than 25,000 square feet and up to 50,000 square feet of any type of non-residential use; including but not limited to hotels and lodging, grocery stores, commercial business, etc.
 - 8.2.4.4.2 Premises with 10 or more but less than 25 dwelling units.
- 8.2.4.5 October 1, 2016
 - 8.2.4.5.1 Premises with more than 5,000 square feet and up to 25,000 square feet of any type of non-residential use; including but not limited to hotels and lodging, grocery stores, commercial business, etc.
 - 8.2.4.5.2 Premises with 5 or more but less than 10 dwelling.
- 8.2.4.6 October 1, 2017
 - 8.2.4.6.1 All non-residential premises.
- 8.2.5 Affected properties are defined by the following effective dates for organics diversion:
 - 8.2.5.1 October 1, 2016
 - 8.2.5.1.1 Where the square footage in a certificate of occupancy, food enterprise permit, or similar document issued by a government entity for the food enterprise is 15,000 square feet or more.
 - 8.2.5.2 October 1, 2017





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8.2.5.2.1 Where the square footage in a certificate of occupancy, food enterprise permit, or similar document issued by a government entity for the food enterprise is between 5,000 square feet and 14,999 square feet.

8.2.5.3 October 1, 2018

8.2.5.3.1 All Food Enterprises that hold a food enterprise permit.

8.2.6 The size of premises is based on the square footage recorded by Travis Central Appraisal District, Williamson Central Appraisal District, or in a certificate of occupancy, food enterprise permit, or similar documents issued by a government entity.

8.3 General Principles

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

8.3.1.1 Aid in the City of Austin's Zero Waste goal of achieving 75% diversion from landfills by 2020 and 90% diversion by 2040 as defined in the October 2011 City Council adopted Austin Resource Recovery Master Plan.

8.3.1.2 Increase the usable life of local landfills.

8.3.1.3 Reduce long-term costs to businesses and tax payers.

8.3.1.4 Reduce harmful environmental impacts.

8.3.1.5 Boost economic development and opportunities for source reduction.

8.3.1.6 Support implementation of the hierarchy of beneficial use of scrap food.

8.4 General Requirements

8.4.1 Responsible Parties shall ensure residents, tenants, and employees have reasonable and consistent access to on-site recycling and organics diversion services and shall be in compliance with these Administrative Rules contained in this document unless a written waiver has been granted by the Director. Reference Section 8.11, Waiver Process.

8.4.2 If the Responsible Party provides reasonable and consistent access to on-site recycling and organics diversion and comply with the Universal Recycling Ordinance and these Administrative Rules, the City will not hold the Responsible Party accountable for the voluntary, actual, or proper use of recycling and organics diversion by employees, tenants, customers, or residents.

8.4.3 These Administrative Rules apply regardless of any changes in the Responsible Party or service provider.





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- 8.4.4 Responsible Parties shall maintain records and submit an Annual Diversion Plan form as directed herein.
- 8.4.5 Responsible Parties that do not receive collection services from the City, shall contract only with service providers that are registered with the City and licensed to do business within the city limits of Austin. Reference (City Code Chapter 15-6, Article 3).
- 8.4.6 These Universal Recycling Ordinance Administrative Rules do not prohibit, limit, or restrict the ability of the Responsible Party to:
 - 8.4.6.1 Negotiate prices, collection schedules, or pickup locations for these services
 - 8.4.6.2 Contract collection service from any private collection hauler, provided the service provider is licensed by the City
 - 8.4.6.3 Place all recyclable materials in one container to conserve space and maximize efficiency.
 - 8.4.6.4 Place all organic materials in one container to conserve space and maximize efficiency
 - 8.4.6.5 Transport recyclable or organic material, as permitted by City Code, to a material recovery facility, food bank, processor, material broker, urban farm, urban ranch, rural farm, rural ranch, community garden or any other facility that has agreed to accept the material and prioritizes the Good Faith Donor Act and the hierarchy of beneficial use. Reference (City Code Chapter 15-6, Article 3).
- 8.4.7 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 Administrative Rules.
- 8.4.8 The Responsible Party may file for approval for performing on-site recycling or organics diversion on-site. On-site recycling or organics programs shall meet all federal, state, county and municipal codes and will be considered by the Director on a case by case basis. Reference section 8.11, Waiver Process.
- 8.4.9 Third party auditors shall be approved by the Director in writing. Audits conducted by third parties not approved by Director will not be considered for review. Reference section 8.11, Waiver Process.
 - 8.4.9.1 Third party auditors shall:
 - 8.4.9.1.1 Complete an audit in accordance with ASTM D5231-92 (2008) or in a similar format approved by the Director.
 - 8.4.9.1.2 Have demonstrated experience managing or implementing waste composition studies or similar experience in the waste or materials management industry.





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8.5 Capacity and Diversion Performance Standards

- 8.5.1 A Responsible Party shall meet the performance standards of the Universal Recycling Ordinance by providing either compliant capacity or achieving a specific minimum diversion rate, as follows:
 - 8.5.1.1 Capacity Performance Standards
 - 8.5.1.1.1 Minimum recycling service capacities are established to ensure that adequate storage capacity and collection service is available for diverting recyclable and compostable materials onsite from disposal.
 - 8.5.1.1.2 Multifamily properties – Responsible Parties shall ensure that onsite recycling services have 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):
 - 8.5.1.1.2.1 One cubic yard per 32 dwelling units per week
 - 8.5.1.1.2.2 One 96-gallon cart per fifteen (15) dwelling units per week
 - 8.5.1.1.3 Commercial properties – Starting October 1, 2014, Responsible Parties shall ensure that onsite diversion service capacity for recyclable and organic materials is at least 50% of the service capacity for all materials collected at the property. In other words, the ratio of the recycling and organics diversion service capacity shall be at a minimum 1:1 ratio compared to landfill trash.
 - 8.5.1.1.4 Mixed-use properties – Responsible Parties for properties with both multifamily and commercial uses shall ensure that onsite recycling services meet the minimum recycling service capacity requirements for both multifamily and commercial properties.
 - 8.5.1.1.5 The service capacity of a container is determined by multiplying its volume times the service frequency (i.e. a four-yard container serviced four times per week equals 16 cubic yards per week service capacity).
 - 8.5.1.1.6 Compactors will be considered as a 4:1 ratio of compaction, unless otherwise verified by the City.
 - 8.5.1.1.7 A Responsible Party may claim credit on the Annual Diversion Plan toward the minimum recycling service capacity for third-party verified quantities of materials that were recovered onsite during the previous year and subsequently either:





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- 8.5.1.1.7.1 Baled or consolidated for individual sale;
- 8.5.1.1.7.2 Self-hauled or backhauled to a central distribution center;
- 8.5.1.1.7.3 Otherwise removed for feeding people or animals, reuse, recycling, or composting; or
- 8.5.1.1.7.4 Composted onsite in a well-managed operation in accordance with federal, state, county, and municipal statutes or ordinances.

8.5.1.2 Diversion Rate Performance Standards

8.5.1.2.1 Properties that are able to prove a diversion rate (through third-party audit) as indicated within the implementation dates listed, shall be considered compliant with the Universal Recycling Ordinance as specified in section, 8.5.1.2.2 of these Administrative Rules:

8.5.1.2.1.1 October 1, 2014 to December 31, 2015

8.5.1.2.1.1.1 75% Diversion Rate

8.5.1.2.1.2 January 1, 2016 to December 31, 2020

8.5.1.2.1.2.1 85% Diversion Rate

8.5.1.2.1.3 January 1, 2020 to December 31, 2030

8.5.1.2.1.3.1 90% Diversion Rate

8.5.1.2.1.4 January 1, 2031 and all dates beyond

8.5.1.2.1.4.1 95% Diversion Rate

8.5.1.2.2 Properties that have met the Diversion Rate standards verified through third party audit:

8.5.1.2.2.1 Are not limited to the recycling of additional materials.

8.5.1.2.2.2 Will be responsible for meeting all portions of these Administrative Rules with the exception of:

8.5.1.2.2.2.1 8.5, Capacity and Diversion Performance Standards.

8.5.1.2.2.2.2 8.7, Recyclable and Organic Materials.





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- 8.5.1.2.2.3 Director reserves the right to conduct an additional waste audit, or periodic inspections of material flows, to substantiate the findings of any third-party audit.
- 8.5.2 If no landfill trash is produced at a business or property, no recycling or organics diversion will be required to be provided. Annual Diversion Plans shall be submitted by the Responsible Party for these businesses or properties.
- 8.5.3 Reductions resulting from process or efficiency improvements can offset the recycling capacity and diversion performance standards. The City will allow Responsible Parties to request a "Reduction and Reuse Credit" for reused materials or year-over-year reductions in materials generated, if:
 - 8.5.3.1 Reduction or Reuse Credit request is made on the online Annual Diversion Report; and
 - 8.5.3.2 Reductions are not a result of economic conditions, sales, or product mix; and
 - 8.5.3.3 Improvements resulting in reduction occurred in the previous two (2) calendar years as of the date of the request; and
 - 8.5.3.4 Responsible Parties requesting a credit agree to conduct a third-party audit of the waste stream, reduction request, or reuse request if requested by the City; and
 - 8.5.3.5 Reduction and/or reuse can be carried forward for credit against the minimum required recycling capacity standards for up to five (5) years beginning on the date of the request.
- 8.5.4 A Reduction and Reuse Credit can be utilized to reduce the amount of required recycling capacity if credit is documents as required in section 8.5.3.
- 8.5.5 Federal, state, county, and municipal regulated or hazardous waste streams shall not be considered divertible material and will not be included in Capacity and Diversion Performance Standards calculations.
- 8.5.6 Temporary 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 or organics diversion container does not constitute a recycling program and will not be considered compliant with the Universal Recycling Ordinance.
 - 8.5.6.1 Temporary provision and use of open roll off containers may be eligible for a "Reduction and Reuse Credit." Reference Section 8.5, Capacity and Diversion Performance Standards.

8.6 Annual Diversion Plan

- 8.6.1 Responsible Parties shall file an Annual Diversion Plan, as provided by the Department as follows:





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- 8.6.1.1 By February 1st of each calendar year (for the previous year); and
- 8.6.1.2 Within thirty (30) days of start of operations; and
- 8.6.1.3 Within thirty (30) days of making a change that affects the information reported on Annual Diversion Plan, including change of Responsible Party or service capacity.

- 8.6.2 Responsible Parties shall report on the Annual Diversion Plan:
 - 8.6.2.1 List of materials recycled;
 - 8.6.2.2 Service capacities for landfill trash, recyclables, and organic materials;
 - 8.6.2.3 Other quantities of materials recovered onsite;
 - 8.6.2.4 Signage; and
 - 8.6.2.5 Education.

- 8.6.3 Multiple locations - Where a business covers multiple service locations, or where a company manages multiple properties or where businesses share services, the Responsible Party may submit aggregate City wide data for the multiple locations on a single Annual Diversion Plan.

8.7 Recyclable and Organic Materials

- 8.7.1 Required Recyclable Materials – Except for waivers granted by the Director, the Responsible Parties shall establish on-site recycling services for a minimum of the following five (5) materials:
 - 8.7.1.1 Paper (including mixed paper and office paper)
 - 8.7.1.2 Cardboard
 - 8.7.1.3 Aluminum cans
 - 8.7.1.4 Plastics PETE (#1) and HDPE (#2) bottles and containers
 - 8.7.1.5 Glass bottles and jars

- 8.7.2 The Director reserves the right to add additional materials with at least 365 days prior notice.

- 8.7.3 These requirements do not limit the recycling of additional materials by a Responsible Party on a voluntary basis.

- 8.7.4 In addition to other requirements described in the section, the Responsible Parties for premises of which all or a portion has use attributed to a food enterprise that requires a food enterprise permit under Section 10-3-61 of City Code, shall ensure that employees at the food enterprise have access to on-site diversion of organic materials.
 - 8.7.4.1 In accordance with the requirements of the Good Faith Donor Act and Chapter 76 of the Texas Civil Practice and Remedies Code, the Director, through these





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rules encourages following the hierarchy of beneficial use of scrap food, which beginning with most beneficial is:

- 8.7.4.1.1 Feeding hungry people
- 8.7.4.1.2 Feeding animals
- 8.7.4.1.3 Providing for industrial uses
- 8.7.4.1.4 Composting

- 8.7.5 Responsible Parties may request approval to substitute materials for one or more of the five (5) required materials or organic material, referenced in section 8.7, Recyclable and Organic Materials, should the operations of the property not generate sufficient quantities of one of the five required recyclable and organic materials to justify recycling of a material. Reference Section 8.11, Waiver Process.
- 8.7.6 The Director may grant waivers 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 five required Recyclable and Organic Materials.

8.8 Exterior Collection Areas, Points, and Containers

- 8.8.1 Provision of Containers - Responsible Parties shall ensure diversion containers, compactors, and collection points are provided for the initiation and maintenance of landfill trash, recycling, and organics diversion service. Reference Section 8.4, General Requirements.
- 8.8.2 Convenient Access - Responsible Parties shall ensure that all recycling and organics diversion containers, compactors, or other collection points are located within 25 feet of a landfill trash diversion container, compactor, or other collection point. Reference Section 8.11, Waiver Process.
- 8.8.3 Exterior diversion containers shall be identified to ensure consistency of labeled containers for ease of identification.
 - 8.8.3.1 Placement and maintenance of signs, labels, and container identification will be the responsibility of the Responsible Party or service provider.
 - 8.8.3.2 Responsible Parties shall ensure that signs, labels, and container identification clearly indicate which materials are acceptable in designated containers.
 - 8.8.3.3 Signs, labels, and container identification should adhere to metal or plastic surfaces and be difficult to remove.
 - 8.8.3.4 Signs, labels, and container identification that meets or exceeds information and dimension requirements shall be considered an allowable alternative to allow reasonable private hauler branding. The Director reserves the right to review





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and reject signs, labels, and container identification for non-conformance to standards established within these rules.

8.8.3.5 All exterior diversion containers shall include signs, labels, and container identification which indicates the material to be collected within that diversion container; with the following minimum standards:

8.8.3.5.1 12" (minimum) diameter or 12"X12" (minimum) rectangular sticker or place card graphic indicating "Landfill Trash," "Recycling," or "Organics" or "Compostables."

8.8.3.5.1.1 Stickers or place cards labeled "Recycling" shall feature the universal recycling symbol or "chasing arrows" recycling symbol.

8.8.3.5.2 18"X12" (minimum) rectangular sticker or place card indicating common types of material within the identified diversion container.

8.8.3.5.3 The following colors are recommended to be prioritized in any sticker or place card design: black for "Landfill Trash," blue for "Recycling," and green for "Organics" or "Compostables."

8.8.3.6 Signs, labels, and container identification shall be labeled:

8.8.3.6.1 A minimum of English and Spanish languages are to be provided.

8.8.3.6.2 Spanish language may be substituted for an alternate language only as required and deemed appropriate by the Responsible Party or service provider.

8.8.3.6.3 The Director reserves the right to review and reject language substitutions at exterior collection areas, points, and containers.

8.8.4 A Responsible Party may request a waiver (Reference Section 8.11, Waiver Process) for the placement or servicing of landfill trash, recycling, or organics diversion containers should the placement of the diversion container(s) meet one of the following conditions:

8.8.4.1 Site plan limitations, obstructions, physical layout, or topography.

8.8.4.2 Potential violation of one or more Federal, State, County or Municipal Codes.

8.8.4.3 Vehicle parking space or impermeable cover restrictions.

8.8.4.4 Vehicle access limitations.

8.8.4.5 Diversion collection containers placed greater than 25 feet of landfill trash collection point.

8.8.5 If a property chooses to limit access to landfill trash, recycling, and organics diversion containers, with locks or other methods of restriction, the Responsible Party shall take





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proper steps to ensure access to residents, tenants, and employees during normal business hours. The Director reserves the right to address access concerns.

- 8.8.6 Responsible Parties shall ensure that diversion containers, compactors, and collection points for landfill trash, recyclables, and organics:
 - 8.8.6.1 Located outdoors shall prevent material from blowing, leaking, falling out and to protect the materials from vector populations.
 - 8.8.6.2 Are stored in such a manner to prevent vector population or odor problems that potentially pose public health and safety concerns. The City reserves the right to require the Responsible Party to remedy the problem.

8.9 Interior Collection and Containers in Common Areas

- 8.9.1 Responsible Parties are not required to provide indoor common collection areas.
 - 8.9.1.1 Indoor collection areas, points, and containers should adhere to, and not conflict with federal, state, county, or municipal code or ordinance.
- 8.9.2 Responsible Parties (with the exception of food enterprises) shall group landfill trash, recycling, and organic diversion containers and chutes in common collection areas for equal convenience to residents, tenants, and employees when common collections areas are provided.
- 8.9.3 All containers at indoor collection areas, when provided, shall be labeled or otherwise clearly identified to indicate the materials intended for each container.
 - 8.9.3.1 Container identification language and graphics should encourage proper diversion of landfill trash, recycling, and divertible organic materials.
 - 8.9.3.2 The City recommends a signs, labels, and container identification with the following minimum standards:
 - 8.9.3.3 Containers labeled "Landfill Trash," "Recycling," or "Organics" or "Compostables."
 - 8.9.3.4 Signage indicating common types of material collected in "Landfill Trash," "Recycling," or "Organics" or "Compostables" diversion containers.
 - 8.9.3.5 The following colors to be prioritized in sign or label design: black for "Landfill Trash," blue for "Recycling," and green for "Organics" or "Compostables."
 - 8.9.3.6 A minimum of English and Spanish languages to be provided.
 - 8.9.3.6.1 Spanish language may be substituted for an alternate language only as required and deemed appropriate by the Responsible Party.





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8.10 Promotion and Education

- 8.10.1 Responsible Parties shall ensure signage and education informs residents, tenants, or employees , as follows:
- 8.10.1.1 On an annual basis, at minimum.
 - 8.10.1.2 Within thirty (30) days of employment or becoming a tenant.
 - 8.10.1.3 Within 30 days of changes in materials accepted.
 - 8.10.1.4 To all employees, tenants, and businesses within ninety (90) days after an affected property's URO effective date and annually thereafter.
- 8.10.2 Responsible Parties shall ensure signage and education informs residents, tenants, or employees in electronic or printed format of available on-site landfill trash, recycling, and organics diversion services that indicates:
- 8.10.2.1 Materials Accepted.
 - 8.10.2.2 Location of indoor common collection areas.
 - 8.10.2.3 Location of exterior diversion containers or collection points (only required for residents, tenants, or employees that utilize exterior diversion containers).
 - 8.10.2.4 A minimum of English and Spanish languages are to be provided.
 - 8.10.2.4.1 An alternate language for Spanish may be substituted only as required and deemed appropriate by the Responsible Party or Service Provider. The Director reserves the right to review and approve language substitutions.
- 8.10.3 Responsible Parties shall document that recycling program information has been provided to employees and tenants.
- 8.10.4 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.

8.11 Waiver Process

- 8.11.1 Responsible Parties may submit requests for waivers for the following provisions to the Director on the Annual Diversion Plan or other form provided by the City. Waivers or approvals may be granted for:
- 8.11.1.1 Capacity. Reference section 8.5, Capacity and Diversion Performance Standards.





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- 8.11.1.2 Alternative material substitution. Reference section 8.7, Recyclable and Organic Materials.
- 8.11.1.3 Lack of sufficient material quantities. Reference section 8.7, Recyclable and Organic Materials.
- 8.11.1.4 Restrictions on placement of exterior diversion containers. Reference section 8.8, Exterior Collection Areas, Points, and Containers
- 8.11.1.5 On-site recycling or organics program. Reference section 8.4, General Requirements.
- 8.11.1.6 Third Party Auditor Approval. Reference section 8.4, General Requirements.
- 8.11.1.7 Other provisions on a case by case basis as approved by the Director in writing where the Director determines good cause exists.
- 8.11.2 During a sixty (60) day waiver review period, which begins when the Department receives an accurately completed waiver request, the Department will:
 - 8.11.2.1 The City shall notify the Responsible Party, within the sixty (60) day review period, if the waiver request is denied.
 - 8.11.2.2 Not cite a Responsible Party for non-compliance with the subject of the waiver request
- 8.11.3 If the Department does not contact the Responsible Party by the end of the waiver review period, the waiver request will be deemed granted by the Director.
- 8.11.4 Affected Responsible Parties may not file for a waiver more frequently than once per calendar year.

8.12 Compliance and Enforcement

- 8.12.1 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 City Code.
- 8.12.2 Onsite inspection, with or without notice, may be conducted by City staff to verify compliance with the Code of Ordinances and these rules.
- 8.12.3 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. Reference Section 8.2, Applicability.
- 8.12.4 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.





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- 8.12.5 City staff will be available to assist Responsible Parties, by providing guidance, technical assistance, and information on request.
- 8.12.6 First Written Letter of Non-Compliance
 - 8.12.6.1 City staff performs a site visit to determine compliance. This visit can be triggered by a staff review or by a complaint.
 - 8.12.6.2 If Responsible Party 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.
 - 8.12.6.3 City staff will send notices of non-compliance to the Responsible Party.
 - 8.12.6.4 City staff may perform a follow up site visit, after the First Written Notice has expired, or at the request of the Responsible Party, to determine compliance.
- 8.12.7 Second Written Letter of Non-compliance
 - 8.12.7.1 If Responsible Party 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 Responsible Party at least 30 days to come into compliance.
 - 8.12.7.2 City staff will send notices of non-compliance to the Responsible Party.
 - 8.12.7.3 After expiration of the second notice, or at the request of the Party, City staff will perform a site visit to determine compliance.
 - 8.12.7.4 The City reserves the right after the second written notice to review at ordinance premises, invoices for landfill trash, recycling, or organics diversion; including by not limited to hauling contracts, valet recycling contracts, scale receipts, materials management programs, educational activities, certifications, and self-haul activities to verify compliance with these Rules.
 - 8.12.7.4.1 The Responsible Parties shall respond within fifteen (15) days to a request from the City to review records for compliance with these Rules.
- 8.12.8 Citation for Non-Compliance – If the Responsible Party remains non-compliant after the expiration of the Second Written Notice of non-compliance:
 - 8.12.8.1 City staff will issue a citation, or administrative fine, and may refer the case to Municipal Court.
 - 8.12.8.2 A citation provides the property owner the option to pay the fine or set a date for trial.





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- 8.12.9 Further Legal Action - If a Responsible Party remains non-compliant following citations, the case may be referred for further legal action.
- 8.12.10 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.
- 8.12.11 Fines are not to exceed \$2,000 for each violation or infraction. A Responsible Party is liable for a separate violation for each day or part of a day during which a violation is committed, continued, or permitted.

11.0 Definitions

- BENEFICIAL USE is material that is processed for recycling, or undergoes activities to repair for reuse, including extraction or separation of component materials (such as the separation of commingled recyclable materials), cleaning, grinding, or other preparation at a recycling facility to make it amenable for subsequent recycling or reuse.
- BENEFICIAL REUSE means any agricultural, horticultural, reclamation, or similar use of compost as a soil amendment, mulch, or component of a medium for plant growth, when used in accordance with generally accepted practice. Simply offering a product for use does not constitute beneficial reuse. Beneficial reuse does not include placement in a disposal facility, use as daily cover in a disposal facility, or utilization for energy recovery.
- BI-METAL CONTAINERS or DUAL-METAL CONTAINERS mean containers consisting of two or more metals (i.e. tin coated steel cans used in food packaging).
- BUSINESS CUSTOMER or COMMERCIAL CUSTOMER means a multi-family property, institution, organization, or commercial business that generates, contracts for, or arranges collection services.
- CITY or CITY OF AUSTIN or COA means staff of the City of Austin, a home-rule municipality incorporated by the State of Texas, including, but not limited to, the Solid Waste Services Department.
- CLEAN COMMUNITY FEE, previously known as the Anti-Litter Fee, is a City Council approved fee charged to property owners or residents and used for various zero waste or code compliance related activities.
- COLLECT or COLLECTION means accept, accumulate, store, process, transport, market or dispose of as required by City regulations, ordinance, county, state, and federal law.
- COLLECTION AREA means a space designated for the collection of landfill trash, recycling, or organics diversion.
- COLLECTION CONTAINER means a receptacle, including lids that protect, contain, and store trash, compostable materials, or recyclable materials.





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- **COLLECTION SERVICE** means collection and disposition of solid waste, recyclables, or compostable materials
- **COLLECTION POINT** means specific point designated for the collection of landfill trash, recycling, or organics diversion. (ie, a trash chute).
- **COMMERCIAL BUSINESS** means any entity including sole proprietorships, partnerships, corporations, for profit, non-profit, educational, and religious organizations, and any entity not defined as a single-family or multi-family residence operating within the Austin city limits.
- **COMMERCIAL RESIDENTIAL** see MULTI-FAMILY RESIDENTIAL PROPERTY
- **COMMERCIAL OFFICE PROPERTY** means a property whose predominant use (more than 50%) is not used as a dwelling, restaurant, manufacturing, or retail establishment.
- **COMMERCIAL PROPERTY** is defined as a one or more buildings or habitable property improvements on a single parcel or on a group of parcels connected and managed by the same ownership entity.
- **COMMINGLED** means mixed recyclable materials of several types that are collected together
- **COMPLIANCE** or **EFFECTIVE DATE** refers to the date that properties of difference sizes and types are obligated to comply with the Universal Recycling Ordinance (URO).
- **COMPOST** means the stabilized product of decomposition of organic materials such as food scraps, yard trimmings, or manure that is used as a soil amendment, artificial top soil, growing medium amendment, or other similar use.
- **COMPOSTABLE MATERIAL** means organic material recovered, collected, or otherwise diverted from the non-hazardous solid waste stream, a substantial portion of which will decompose in a managed compost operation.
- **COMPOSTING** is a type of diversion process that means the controlled biological decomposition of organic material in the presence of air to form a humus-like material. Controlled methods of composting include mechanical mixing and aerating, ventilating the materials by dropping them through a vertical series of aerated chambers, or placing the compost in piles or enclosed bins in the open air and mixing it or turning it periodically.
- **COMPOSTING FACILITIES** (EPA definition) means an offsite facility where the organic component of municipal solid waste is decomposed under controlled conditions
- **CONFIDENTIAL INFORMATION** means all information that is considered proprietary or confidential to the disclosing party and not subject to disclosure per the Texas Public Information Act or the Open Records Act. Confidential information shall be clearly marked as such by the disclosing party.





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- **CONTAMINANT** or **CONTAMINATION** refers to materials (landfill trash, recyclable, household hazardous wastes (HHW), or compostable materials) that are placed in a container not designated for that type of material (i.e. the presence of HHW in a landfill trash container, food in a container designated for recyclables, or plastic present in a container designated for compostable material).
- **DEPARTMENT** means the department within the City of Austin, referred to as Austin Resource Recovery (ARR), or any other name assumed by the Department.
- **DIRECTOR** means the director of Austin Resource Recovery (ARR), or any other name assumed by the Department.
- **DISPOSAL** means placing in a TCEQ-authorized municipal solid waste landfill or other City or TCEQ approved disposal facility or transfer station.
- **DIVERSION** means the act of redirecting material from disposal for a higher or best use.
- **DIVERSION CONTAINER** means an object that can be used to hold or transport something, typically constructed of plastic or metal, with the intended purpose of holding matter for the diversion to landfill, recycling, or composting, or similar facility.
- **DIVERSION RATE** means the percentage of materials diverted from traditional disposal such as landfill or incineration to be recycled, composted, or re-used.
- **DOWNTOWN SERVICE DISTRICT (DSD)** or **CENTRAL BUSINESS DISTRICT (CBD)** means the area serviced by the contract administered by City staff for refuse collection and hauling services. The contract area for the District includes the alleys of Congress Avenue (100 through 1000 blocks) and East 6th Street (100 through 700 blocks). Additional areas of the District include: 500 block of East 7th Street (north block); 300 block of West 5th Street (south block); 200 block of West 6th Street (south block). Commercial business and multi-family properties within the Downtown Service District are subject to the Universal Recycling Ordinance.
- **EMPLOYEE** means a person employed for wages, salary, or other enumeration. For purposes of citation **EMPLOYEE** means a person with supervisory authority.
- **FOOD ENTERPRISE** includes a food establishment, food process plant, certified farmers market vendor, temporary food establishment, mobile food establishment, or mobile food court that requires a food permit under Section 10-3-61 of the City Code.
- **GENERATOR** means any person, by site or location that produces solid waste to be shipped to any other person, or whose act or process produces a solid waste or first causes it to become regulated.
- **GLASS CONTAINERS** means glass bottles and jars.
- **HIGH DENSITY POLYETHYLENE (HDPE)** means opaque plastic containers labeled with the #2 code.





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- **INCIDENTAL WASTE or INCIDENTAL NON-RECYCLABLE WASTE** means non-recyclable waste that accompanies recyclable material despite reasonable efforts to maintain source-separation and that is no more than 10% by volume or scale weight of each incoming load, and averages no more than 5% of the total scale weight or volume of all materials received as substantiated by the facility's records. The practices and standards of recycling facilities of a particular type will be considered by the Department Director to allow alternative compliance with these standards on a case-by-case basis. May also referred to as **CONTAMINATION**.
- **INFRACTION** means a failure to comply with applicable City Codes, ordinances, or Administrative rules provided in writing by City staff.
- **LANDFILL TRASH** means discarded matter intended for diversion to a landfill.
- **MANAGER** means a person who handles the day-to-day operations of a premises on behalf of an owner.
- **MATERIAL RECOVERY FACILITY** means an operation that processes recyclable materials collected from residential or commercial sources by sorting, baling, crushing or granulating, for the purpose of recycling them. Facilities that accept mixed solid waste streams and attempt to recover recyclables from that stream are not congruent with Zero Waste principles.
- **MIXED PAPER** means recovered paper that is not sorted into specific categories including junk mail, magazines, box board, telephone books, wrapping paper and other paperboard products.
- **MIXED USE PROPERTIES** refers to a development that is a real estate project with planned integration of some combination of retail, office, residential, hotel, recreation or other functions.
- **MULTI-FAMILY RESIDENTIAL PROPERTY** is the use of a site for three or more dwelling units, within one or more buildings, and includes condominium residential use.
- **MULTI-FAMILY PROPERTY OWNER** means the owner, general manager, or the responsible individual or group that has controlling ownership interest in any dwelling, building, or group of buildings that contains (5) five or more dwelling units on a single tax lot (i.e. apartments, condominiums, mobile home parks).
- **MUNICIPAL RECYCLABLE MATERIAL** means material that has been diverted from the Municipal Solid Waste stream for purposes of reuse, recycling, or reclamation, of which a substantial portion is consistently used in the manufacture of products that may otherwise be produced using raw or virgin materials.
- **MUNICIPAL SOLID WASTE** means solid waste, trash or rubbish and includes putrescible materials. Municipal Solid Waste shall not include regulated hazardous waste or special waste.











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- OLD CORRUGATED CONTAINERS (OCC) means corrugated cardboard containers having liners of test, jute, or kraft.
- OLD NEWSPAPER (ONP) means newspaper and advertising supplements and other paper grades as delivered to local subscribers of newspaper distributed in the Austin area.
- ORGANICS see COMPOSTABLE MATERIAL
- OUT-OF-CYCLE COLLECTION refers to the service provided to ARR customers, for a fee, of collection of bulk items and brush outside of the standard twice a year collection times.
- OWNER means any persons, corporation, partnership, entity, or their agent (such as a condominium or homeowners association), jointly or severally, having a principal ownership interest in a Commercial property or Multi-Family property.
- PAPER means fiber products such as old newspaper, old magazines, office paper, telephone directories, old corrugated containers, and some paperboard packaging.
- PERSON means an individual, corporation, firm, subdivision, partnership, joint venture, Limited Liability Company (LLC), company, non-profit organization, or other business entity.
- PHASE-IN APPROACH means a gradual introduction of new policies or procedures, such as the process of expanding the number of commercial and multi-family facilities subject to the Universal Recycling Ordinance (URO) over time.
- PLASTICS means any of a wide range of synthetic or semi-synthetic materials typically that are non-metallic, chemo-reactive compounds molded into rigid or pliable construction materials, fabrics, or packaging such as bottles or containers made from various polymer resins including PETE, HDPE, PVC, LDPE, PP, PS (see PLASTIC RESIN CODES) and other materials labeled with #1 - #7 plastic resin codes.
- PLASTIC RESIN CODES means the following system developed by the Society of the Plastics Industry to identify the types of plastic used to manufacture various products. See the table below:

Resin Code	Definition
 PETE	1 = PETE (polyethylene terephthalate (or PET)) Commonly used to package soft drinks,



	<p>water, beer, juice, sports drinks and other beverages, as well as edible oils, salad dressing, peanut butter, various condiments and sauces, and non-food products like household cleaners and personal products.</p>
	<p>2 = HDPE (high-density polyethylene) Commonly used for milk, cider and water jugs, as well as detergent, fabric softener and bleach.</p>
	<p>3 = V (vinyl/polyvinyl chloride (PVC)) Often used for salad dressing bottles, vegetable oil bottles and mouthwash.</p>
	<p>4 = LDPE (low-density polyethylene) Used for flexible bags for dry cleaning, trash, produce, bread and shrink wrap. Recycled LDPE is often used to make grocery bags.</p>
	<p>5 = PP (polypropylene) Usually found in drinking straws, battery cases, some dairy tubs, bottle labels and caps.</p>
	<p>6 = PS (polystyrene) Commonly used for materials like packaging peanuts, plastic utensils, meat and egg trays.</p>
	<p>7 = OTHER Other plastics are often made of multiple resins or layers of different types of plastics. These may include microwavable packages, snack bags and industrial plastics</p>

- PRIMARY USE or PREDOMINATE USE refers to the use category of a property. If the use of a property accounts for more than 50% of the total building square footage, or more



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than 50% of a set of buildings on a single property tax lot as measured as a proportion of total square footage, then the property will be considered that category of property for purpose of the compliance effective date (i.e. if a mixed used property includes more than 50% residential properties then the property will be considered a residential property in terms of the compliance date).

- PRIVATE SOLID WASTE COLLECTION SERVICE or PRIVATE SOLID WASTE SERVICE PROVIDER or PRIVATE HAULER means an entity in the business of collecting, removing, or transporting solid waste from any premises within City of Austin for a fee, and excludes any governmental entity.
- PUTRESCIBLE MATERIALS means organic materials, such as plant or animal wastes, including wet trash, wastewater sludge, and grease trap waste, that can decompose rapidly enough to cause odors or gases, or to attract birds, insects, or other animals.
- REASONABLE ACCESS refers to the ability for employees, tenants, and customers to readily access recycling or trash containers for the purpose of centralizing materials prior to collection.
- RECOVERY RATE means the percentage of usable recycled materials that have been removed from the total amount of municipal solid waste generated in a specific area, property, or by a specific business.
- RECYCLABLE MATERIAL means non-hazardous material that has been recovered or diverted from disposal in Municipal Solid Waste (MSW) facilities for purpose of reuse, recycling or reclamation and a substantial portion of which is consistently used in the manufacture of products, which may otherwise be produced using raw or virgin materials.
- RECYCLE means minimizing waste generation by recovering and reprocessing usable products that might otherwise become waste and diverting the material to a beneficial use (i.e. recycling of aluminum cans, paper, and bottles).
- RECYCLING means a process by which materials that have served their intended use or are scrapped, discarded, used, surplus, or obsolete are collected, separated, or processed and returned to use in the form of raw materials in the production of new products. The definition of recycling does not include waste-to-energy processes, placement in a disposal facility, or use as daily cover in a disposal facility.
- RECYCLING PLAN FORM or RESOURCE MANAGEMENT PLAN means a City-provide form, the online form provided by the City of Austin on which a Customer makes a commitment to comply with the City's recycling requirement, specifying which materials they will recycle and who will collect the recyclables.
- RESIDENT means a person who lives somewhere permanently or on a long-term basis.
- RESIDENTIAL PROPERTIES are defined as single family homes or properties with three or fewer dwelling units.





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- RESIDUAL means the quantity of non-recyclable material left over at the end of a recycling process; often expressed as a percentage (i.e. amount of material remaining after the resource recovery process, divided by the total amount of materials processed).
- RESPONSIBLE PARTY means (i) the owner of premises or an employee of the owner or (ii) the manager of a premises or an employee of the manager.
- REUSE means using a product or component of municipal solid waste in its original form more than once; e.g., refilling a glass bottle that has been returned or using a coffee can to hold nuts and bolts
- SELF-HAUL or SELF-HAULER means a property subject to this ordinance that collects and transports landfill trash, recyclable, or compostable materials rather than hiring a third-party service provider to perform this function.
- SERVICE PROVIDER or HAULER means a person, firm or corporation that is compensated for the removal or transportation of solid waste, compostable material, or recyclable material from any location within the City of Austin. Services that are subject to State or Federal requirements related to the transportation of medical or hazardous waste, including oil, liquids, or grease, are excluded.
- SINGLE-STREAM RECYCLING, also known as “commingled” or “single-sort recycling,” means a system in which all paper fibers, metals, glass, and plastic are mixed together in a collection truck, instead of being sorted into separate commodities. In a single stream recycling system, both the collection and processing systems are designed to handle this fully commingled mixture of recyclables.
- SOLID WASTE means rubbish, refuse, and other discarded materials.
- SOLID WASTE SERVICE means collection and disposal of solid waste, collection and processing of recyclable material, litter abatement, street cleaning, and household hazardous waste disposal.
- SOURCE SEPARATION means a process that separates the reusable, compostable, or recyclable products, commodities or materials from mixed solid waste streams prior to collection for the purpose of reuse, composting, or recycling such materials.
- TENANT means a person who occupies land or property rented from a landlord over thirty-one (31) calendar days.
- VALET RECYCLING means a service that collects material at a particular building or property, often providing door-to-door service, as a method to increase recycling by tenants or to make trash or recycling collection easy for tenants. Materials are not hauled off-site by the Valet, but may be sorted or otherwise collected for pick-up by a registered hauler.





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- VECTOR POPULATION means an organism, many times an insect or rodent, which transmits a disease or parasite from one animal or plant to another.
- WASTE AUDIT - A waste audit is a process of sorting, weighing, and documenting the amounts and types of waste being generated by an organization or property over a specific period of time.
- WASTE-to-ENERGY (WTE) means a process of generating energy directly from materials through a process that yields fuel or heat. WTE is not diversion, nor is it supported by the Austin Resource Recovery's Master Plan, but is considered an alternative disposal technology that must consider the life-cycle effects on the environment.
- WELL MANAGED means administered or controlled in a competent or successful manner
- ZERO WASTE (ZW) is a goal that is ethical, economical, efficient, and visionary to guide people in changing their lifestyles and practices to emulate sustainable natural cycles where all wasted materials are designed to become resources for others to use. Zero Waste means designing and managing products and processes to systematically avoid and eliminate the volume and toxicity of waste and materials, conserve and recover all resources, and not burn or bury them. Implementing Zero Waste will eliminate all discharges to land, water or air that are a threat to planetary, human, animal or plant health (as defined by the Zero Waste International Alliance).

