

ARTICLE V. - COMMERCIAL SOLID WASTE, LIQUID WASTE, AND RECYCLABLE MATERIALS OPERATORS

FOOTNOTE(S):

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Editor's note— Ord. No. 1895, § 12, adopted March 19, 2013, amended Art. V in its entirety to read as herein set out. Former Art. V, §§ 4-66—4-70, pertained to solid waste operators, and derived from Ord. No. 981, § 1, adopted Jan. 16, 1996; Ord. No. 1412, §§ 2, 3, adopted Sept. 16, 2003; Ord. No. 1425, § 2, adopted Dec. 2, 2003; Ord. No. 1504, §§ 1, 2, adopted June 21, 2005 and Ord. No. 1577, § 19, adopted Aug. 1, 2006.

Note— [Ord. No. 1972](#), § 3, adopted Oct. 7, 2014, changed the title of Art. V from "Commercial Solid Waste and Recyclable Materials Operators" to read as herein set out.

DIVISION 1. - GENERAL PROVISIONS

Sec. 4-66. - Definitions.

The definitions of section 3-148 of this Code apply to this article.

(Ord. No. 1895, § 12, 3-19-2013)

Sec. 4-67. - License required.

- (a) Commercial solid waste operators collecting, transporting, or disposing of commercial solid waste or temporary construction and demolition waste within the city's corporate limits for compensation must obtain a license from the city under this article.
- (b) Liquid waste operators collecting, transporting, or disposing of liquid waste within the city's corporate limits for compensation must obtain a license from the city under this article.
- (c) Recyclable materials operators collecting, transporting, or disposing of recyclable material from commercial property within the city's corporate limits for compensation must obtain a license from the city under this article.
- (d) Notwithstanding the provisions in subsection 4-72(b) of this Code, the license is valid for a term of two years, unless earlier revoked, for (i) recyclable materials operators; (ii) liquid waste operators; and (iii) commercial solid waste operators that collect, haul, transport, and dispose of temporary construction and demolition waste.

(Ord. No. 1895, § 12, 3-19-2013; Ord. No. 1933, § 6, 10-1-2013; [Ord. No. 1972](#), § 4, 10-7-2014)

Sec. 4-68. - License application requirements.

To obtain a license under this article, the application must be made on forms provided by the city for that purpose along with any application fee. The application requires that the applicant:

- (1) State the name under which the operator conducts business, the business address, and the telephone number;
- (2) State the make, model, and body style of each motor vehicle to be used in the city;
- (3) Submit proof of liability insurance for the motor vehicles in the amounts required by law;
- (4) Agree to abide by and be bound by the provisions of this article and to comply with all other federal and state laws applicable to the licensee's activities; and
- (5) Submit any other information reasonably required by the city to administer this article.

(Ord. No. 1895, § 12, 3-19-2013)

Sec. 4-69. - License regulations.

- (a) All licensees must prominently place clearly legible letters not less than five inches in height on both sides of the vehicles and equipment that the licensee operates within the city that identify the assigned number of each vehicle and the name and telephone number of the licensee.
- (b) All licensees providing collection services for recyclable materials must display recycling signage on all vehicles and equipment in legible letters not less than five inches in height.
- (c) All licensees' vehicles and equipment must be well-maintained, in good repair, clean, sanitary, and free from leaks and excessive emissions.
- (d) All licensees must contain, enclose or tie all commercial solid waste and recyclable materials in a manner that prevents spilling, leaking or blowing.
- (e) All licensees must immediately clean up all leakage, spillage and blown debris resulting from the licensees' vehicles or equipment.
- (f) All licensees must operate all vehicles and equipment in compliance with the laws and manufacturers' specifications.
- (g) All licensees must notify the city of any change in the information submitted in an application for a license, including a change in the name, address or telephone number of the licensee.
- (h) All licensees must maintain their licenses issued under this article in compliance with the city's ordinances.
- (i) The city manager or his designee may examine the books, papers, records, financial reports, equipment, and other facilities of a licensee to verify compliance with this article.
- (j) The city manager or his designee may revoke a license for a violation of this article under the uniform permit procedures in chapter 4, article I, of this Code.

(Ord. No. 1895, § 12, 3-19-2013)

DIVISION 2. - COMMERCIAL SOLID WASTE OPERATORS

Sec. 4-70. - Regulations.

- (a) Each commercial solid waste operator must keep for two consecutive calendar years all scale house tickets, receipts, invoices, manifests, and other documents evidencing the collection within the city of commercial solid waste and the facility where the commercial solid waste was delivered.
- (b) Each commercial solid waste operator must submit to the city within 30 days following each September 30, December 31, March 31, and June 30, quarterly reports:
 - (1) Detailed by month showing the total commercial solid waste tonnage collected by the commercial solid waste operator during each month of the previous quarter;
 - (2) That include the list of names and addresses of the disposal location(s) of the commercial solid waste collected within the city during the previous quarter;
 - (3) That include the total amount of commercial solid waste delivered at each disposal location each month of the previous quarter;
 - (4) That show the gross revenues earned each month within the city during the previous quarter;
 - (5) That include, in table format, the customer's name, address, number of containers serviced, container type, size, and service schedule or on-call service; and

- (6) That includes any additional reports reasonably requested by the city for the time period requested.

(Ord. No. 1895, § 12, 3-19-2013)

Sec. 4-71. - Solid waste license fee.

- (a) Each commercial solid waste operator that has been granted a license under this article must pay a license fee equal to five percent of the operator's gross revenues from the collection, hauling, or transporting of commercial and industrial solid waste collected within the city, after excluding therefrom the revenues licensee received from the collection, hauling, or transporting of recyclable material collected within the city.
- (b) Each commercial solid waste operator must pay the required license fee quarterly to the city within 30 days following each September 30, December 31, March 31, and June 30. Each quarterly payment must be computed on the revenues for the quarter preceding the quarter in which the payment is due. Each commercial solid waste operator must provide with each quarterly payment a statement of the gross revenues upon which the payment is computed, prepared according to generally accepted accounting practices, and signed by an authorized representative of the licensee. The commercial solid waste operator must pay a late penalty of 12 percent per annum, compounded daily, on any quarterly payment, or portions thereof, that is paid subsequent to the required payment date.
- (c) Each quarterly payment must also be accompanied by a listing of the location and number of commercial containers serviced by the commercial solid waste operator in the city.
- (d) The city may inspect and audit the commercial solid waste operator's records upon which payments to the city are computed and paid. If the city's inspection or audit shows that the commercial solid waste operator has underpaid an amount required to be paid under this article, the commercial solid waste operator must pay the deficiency within 60 days of the date the city gives the commercial solid waste operator written notice of the deficiency. If the deficiency is more than ten percent of the amount the commercial solid waste operator was required to pay for the quarter, the commercial solid waste operator must also pay a penalty of ten percent per annum on the deficiency and the city's reasonable cost incurred for the inspection or audit.
- (e) The city's acceptance of a payment is not deemed to be a release or an accord as satisfaction of any claim the city may have for further or additional sums payable under this article. The city is not liable to refund to the commercial solid waste operator any payment the commercial solid waste operator makes to the city that is more than the amount required to be paid by commercial solid waste operator under this article.

(Ord. No. 1895, § 12, 3-19-2013)

Sec. 4-72. - Offense.

- (a) It is unlawful for any person, other than the city, to operate or cause any other person to operate, a motor vehicle upon a public street in the city for the purpose of collecting, transporting, or disposing of commercial solid waste within the city's corporate limits for compensation unless the person that owns or controls the motor vehicle:
 - (1) From April 3, 2013 to October 1, 2013, has a valid license issued by the city under this article.
 - (2) From and after October 1, 2013:
 - a. Has an exclusive franchise with the city;
 - b. Has a valid license issued by the city under this article and is providing collection and disposal services for:
 - 1. An eligible commercial solid waste customer that has opted out of the city's exclusive franchise under section 3-160 of this Code; or

- 2. Temporary construction and demolition waste; or
 - c. Is providing commercial solid waste collection services in an area annexed by the city under a contract in effect at the time of annexation, as applicable under Section 43.056(n), Texas Local Government Code.
- (b) A commercial solid waste operator's license issued by the city on or after April 2, 2013 pursuant to this article is valid until December 31, 2013.
- (Ord. No. 1895, § 12, 3-19-2013)

DIVISION 3. - RECYCLABLE MATERIALS OPERATORS

Sec. 4-73. - License regulations.

- (a) Each recyclable materials operator must keep for two consecutive calendar years:
 - (1) Customer records, including customer name, address, service level information, and routing records consisting of the licensed vehicle numbers, collection day and daily routes; and
 - (2) Scale house tickets, receipts, invoices, manifests, and other documents evidencing the collection of recyclable materials within the city and the recycling facility where the recyclable materials were delivered; and other pertinent papers in such form as the city may require.
- (b) The recyclable materials operators must submit to the city:
 - (1) Within 30 days following each September 30, December 31, March 31, and June 30, quarterly reports:
 - a. Detailed by month showing the total tonnage of recyclable materials and each material type collected by tonnage by the recyclable materials operator during each month of the previous quarter;
 - b. That include the list of names and addresses of the disposal location(s) of the recyclable materials collected within the city during the previous quarter;
 - c. That includes the total amount of recyclable materials delivered at each disposal location each month of the previous quarter listed separately by material type;
 - d. That shows the gross revenues earned each month within the city during the previous quarter; and
 - e. That includes, in table format, the customer's name, address, number of containers serviced, container type, size, and service schedule or on-call service.
 - (2) Any additional reports reasonably requested by the city for the time period requested.

(Ord. No. 1895, § 12, 3-19-2013)

Sec. 4-74. - Offense.

It is unlawful for any person, other than the city, to operate or cause any other person to operate, a motor vehicle upon a public street in the city for the purpose of collecting, transporting, or disposing of recyclable material from commercial property within the city's corporate limits for compensation unless the person that owns or controls the motor vehicle has a valid license issued by the city under this article.

(Ord. No. 1895, § 12, 3-19-2013)

Sec. 4-75. - Reserved.

DIVISION 4. - LIQUID WASTE OPERATORS

Sec. 4-76. - Definitions.

In this division:

Domestic septage means either liquid or solid material removed from a septic tank, cesspool, portable toilet, type III marine sanitation device, or similar treatment works that receives only domestic sewage. Domestic septage does not include liquid or solid material removed from a septic tank, cesspool, or similar treatment works that receives either commercial wastewater or industrial wastewater and does not include grease removed from a grease trap.

Fats, oils, and greases (FOG) means organic polar compounds derived from animal and/or plant sources that contain multiple carbon chain triglyceride molecules. These substances are detectable and measureable using analytical test procedures established in 40 CFR 136, as may be amended from time to time. All are sometimes referred to herein as "grease" or "greases."

Grease trap or interceptor means a device designed to use differences in specific gravities to separate and retain light density liquids, waterborne fats, oils, and greases prior to the wastewater entering the sanitary sewer collection system. These devices also serve to collect settleable solids, generated by and from food preparation activities, prior to the water exiting the trap and entering the sanitary sewer collection system. Grease traps and interceptors are also referred to herein as "grease traps/interceptors."

Grease trap waste means material collected in and from a grease trap/interceptor in the sanitary sewer service line of a commercial, institutional, or industrial food service or processing establishment, including the solids resulting from de-watering processes.

Grit trap means a unit/chamber that allows for the sedimentation of solids from an influent liquid stream by reducing the flow velocity of the influent liquid stream. In a grit trap, the inlet and the outlet are both located at the same vertical level, at, or very near, the top of the unit/chamber; the outlet of the grit trap is connected to a sanitary sewer system. A grit trap is not designed to separate oil and water.

Grit trap waste means waste collected in a grit trap. Grit trap waste includes waste from grit traps placed in the drains prior to entering the sewer system at maintenance and repair shops, automobile service stations, car washes, laundries, and other similar establishments. The term does not include material collected in an oil/water separator or in any other similar waste management unit designed to collect oil.

Liquid waste means:

- (1) Liquid, semi-liquid and solid wastes and wastewater removed from septic tanks used by single-family or multiple residential units, institutions or commercial establishments;
- (2) Non-hazardous spill cleanups;
- (3) Oily water;
- (4) FOG;
- (5) Grease trap waste;
- (6) Sewage sludge;
- (7) Portable toilet waste; and
- (8) Any materials collected in a septic tank, grit trap, lint trap, retention pond, utility service vault or any similar device that result from or are incidental to any process of non-hazardous industrial, manufacturing, institutional or commercial operations, including, but not limited to, restaurants, mobile or stationary car or truck washing, pavement washing, environmental testing facilities and commercial laundries or laundromats.

Liquid waste operator means a person who is registered with and authorized by the TCEQ to transport sewage sludge, water treatment sludge, domestic septage, chemical toilet waste, grit trap waste, or grease trap waste in accordance with 30 V.T.C.A. Administrative Code § 312.142. Liquid waste operator includes a "transporter," as defined by 30 V.T.C.A. Administrative Code § 312.8(86).

Sewage sludge means solid, semi-solid, or liquid residue generated during the treatment of domestic sewage in treatment works. Sewage sludge includes, but is not limited to, domestic septage, scum, or solids removed in primary, secondary, or advanced wastewater treatment processes; and material derived from sewage sludge. Sewage sludge does not include ash generated during preliminary treatment of domestic sewage in a treatment works.

([Ord. No. 1972](#) , § 5, 10-7-2014)

Sec. 4-77. - Regulations.

- (a) Each liquid waste operator must keep for two consecutive calendar years all scale house tickets, receipts, invoices, manifests, and other documents evidencing the collection within the city of liquid waste and the facility where the liquid waste was delivered.
- (b) Each liquid waste operator must submit to the city within 30 days following each September 30, December 31, March 31, and June 30, quarterly reports:
 - (1) Detailed by month showing the total liquid waste gallons and tonnage collected by the liquid waste operator during each month of the previous quarter;
 - (2) That include the list of names and addresses of the disposal location(s) of the liquid waste collected within the city during the previous quarter;
 - (3) That include the total amount of liquid waste delivered at each disposal location each month of the previous quarter;
 - (4) That show the gross revenues earned each month within the city during the previous quarter;
 - (5) That include, in table format, the customer's name, address, number of containers serviced, container type, size, and service schedule or on-call service; and
 - (6) That includes any additional reports reasonably requested by the city for the time period requested.

([Ord. No. 1972](#) , § 5, 10-7-2014)

Sec. 4-78. - Liquid waste license fee.

- (a) Each liquid waste operator that has been granted a license under this article must pay a license fee equal to five percent of the operator's gross revenues from the collection, hauling, or transporting of liquid waste collected within the city.
- (b) Each liquid waste operator must pay the required license fee quarterly to the city within 30 days following each September 30, December 31, March 31, and June 30. Each quarterly payment must be computed on the revenues for the quarter preceding the quarter in which the payment is due. Each liquid waste operator must provide with each quarterly payment a statement of the gross revenues upon which the payment is computed, prepared according to generally accepted accounting practices, and signed by an authorized representative of the licensee. The liquid waste operator must pay a late penalty of ten percent per annum, compounded daily, on any quarterly payment, or portions thereof, that is paid subsequent to the required payment date.
- (c) Each quarterly payment must also be accompanied by a listing of the location serviced by the liquid waste operator in the city.
- (d) The city may inspect and audit the liquid waste operator's records upon which payments to the city are computed and paid. If the city's inspection or audit shows that the liquid waste operator has underpaid an amount required to be paid under this article, the liquid waste operator must pay the deficiency within 60 days of the date the city gives the liquid waste operator written notice of the

deficiency. If the deficiency is more than ten percent of the amount the liquid waste operator was required to pay for the quarter, the liquid waste operator must also pay a penalty of ten percent per annum on the deficiency and the city's reasonable cost incurred for the inspection or audit.

- (e) The city's acceptance of a payment is not deemed to be a release or an accord as satisfaction of any claim the city may have for further or additional sums payable under this article. The city is not liable to refund to the liquid waste operator any payment the liquid waste operator makes to the city that is more than the amount required to be paid by liquid waste operator under this article.

([Ord. No. 1972](#) , § 5, 10-7-2014)

Sec. 4-79. - Offense, penalty and culpable mental state.

- (a) *Penalty*. It is unlawful for:

- (1) Any person, other than the city, to operate or cause any other person to operate, a motor vehicle upon a public street in the city for the purpose of collecting, transporting, or disposing of liquid waste within the city's corporate limits for compensation unless the person that owns or controls the motor vehicle has a valid license issued by the city under this article.

- (2) A person to hire or use a non-licensed liquid waste operator to collect or transport liquid waste within the city or dispose of liquid waste from within the city.

- (b) *Culpable mental state*. A violation of this article requires a culpable mental state of "recklessness."

- (c) *Continuing violations*. Each day any violation continues constitutes a separate offense.

- (d) *Penalty*. That any person found guilty of violating this chapter will be fined not more than \$2,000.00 for each offense.

([Ord. No. 1972](#) , § 5, 10-7-2014)