

AUSTIN CODE:

ARTICLE 5. - UNIVERSAL RECYCLING.

Division 1. - General Provisions.

§ 15-6-80 - APPLICABILITY.

This article applies in the City's zoning jurisdiction.

Source: 1992 Code Section 12-3-121; Ord. 031204-14; Ord. 031211-11; Ord. 20101104-018; [Ord. No. 20140612-010, Pt. 1, 6-23-14.](#)

§ 15-6-81 - RESPONSIBLE PARTY GENERAL RULE; EXCEPTION.

- (A) With the exception of Subsection (B), a responsible party shall comply with any duty that is imposed on the responsible party in this Article 5.
- (B) A tenant or lessee on a premises who contracts or arranges with a hauler for solid waste service or who self-hauls is deemed the responsible party with respect to that portion of the premises over which the tenant or lessee has care, custody, control, or possession.

Source: [Ord. No. 20140612-010, Pt. 2, 6-23-14.](#)

§ 15-6-82 - RIGHT OF ENTRY.

- (A) City staff authorized by the director or the code compliance director may enter a premises to inspect for compliance with this article.
- (B) An inspector shall present the inspector's credentials to an occupant of the premises on request.
- (C) An inspector shall make a reasonable effort to locate the responsible party and request entry to the premises.

Source: 1992 Code Section 12-3-122; Ord. 031204-14; Ord. 031211-11; Ord. 20101104-018; Ord. 20130425-007; [Ord. No. 20140612-010, Pt. 3, 6-23-14.](#)

Division 2. - Service.

§ 15-6-91 - AFFECTED PREMISES.

- (A) The responsible party for a premises of which all or part is used for multi-family residential use shall ensure that tenants and employees have access to on-site recycling services described under this article, for that portion of the premises that is multi-family residential, effective:
 - (1) immediately for premises with 75 or more dwelling units;
 - (2) October 1, 2013 for premises with 50 or more but less than 75 dwelling units;
 - (3) October 1, 2014 for premises with 25 or more but less than 50 dwelling units;
 - (4) October 1, 2015 for premises with 10 or more but less than 25 dwelling units; and
 - (5) October 1, 2016 for premises with 5 or more but less than 10 dwelling units.

- (B) The responsible party for a premises of which all or part is used for office, medical office, medical facilities, religious assembly, or private educational facilities shall ensure that tenants and employees have access to on-site recycling services described under this article, for that portion of the premises that has one or more of the uses described in this Subsection (B), effective:
- (1) immediately for premises with more than 100,000 square feet of the non-residential uses described in this Subsection (B); and
 - (2) October 1, 2013 for premises with more than 75,000 square feet and up to 100,000 square feet of the non-residential uses described in this Subsection (B).
- (C) The requirements in Subsection (D) of this section are in addition to the requirements in Subsections (A) and (B) of this section.
- (D) The responsible party for a premises of which all or part is used for non-residential use, including but not limited to those uses described in Subsection (B) of this section and also including hotels and lodging, grocery stores, and commercial businesses, shall ensure that tenants and employees have access to on-site recycling services described under this article effective:
- (1) October 1, 2014 for premises with more than 50,000 square feet of any type of non-residential use;
 - (2) October 1, 2015 for premises with more than 25,000 square feet and up to 50,000 square feet of any type of non-residential use;
 - (3) October 1, 2016 for premises with more than 5,000 square feet and up to 25,000 square feet of any type of non-residential use; and
 - (4) October 1, 2017 for all non-residential premises that are not described in (D)(1)—(3) of this subsection.
- (E) In addition to complying with the other requirements described in this section, the responsible party for a premises of which all or a portion has use attributable to a food enterprise that requires a food permit under Section 10-3-61 (*Permit Required*) of this Code to operate shall ensure that employees at the food enterprise have access to on-site diversion of organic materials effective:
- (1) October 1, 2016 where the square footage in a certificate of occupancy, food enterprise permit, or similar document issued by a government entity for the food enterprise is 15,000 square feet or more;
 - (2) October 1, 2017 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 to 14,999 square feet; and
 - (3) October 1, 2018 for all food enterprises that hold a food enterprise permit and that are not described in (E)(1), (2) of this subsection.
- (F) For purposes of determining the effective date under this section the director may verify the square footage attributable to a specific use by consulting appraisal district or other public records or by requesting a valid certificate of occupancy or approved site plan documenting the types of uses.
- (G) A responsible party for an affected premises to which an effective date in Subsections (A)—(E) of this section applies and who begins operations after an applicable effective date shall comply with this ordinance on the date the affected premises is issued a certificate of occupancy.

Source: 1992 Code Section 12-3-141; Ord. 031204-14; Ord. 031211-11; Ord. 20101104-018; Ord. 20130425-007; [Ord. No. 20140612-010, Pt. 4, 6-23-14.](#)

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

- (A) On-site recycling and organic material diversion services required under this article shall:

- (1) collect at least the following materials: paper (including mixed paper and office paper), plastics PETE (#1) and HDPE (#2) bottles and containers, aluminum cans, corrugated cardboard, and glass bottles and jars;
 - (2) collect organic materials, if a premises with a food enterprise is subject to Subsection (E) of Section 15-6-91 (*Affected Premises*);
 - (3) provide receptacles, collection, capacity, and storage areas that comply with applicable administrative rules; and
 - (4) remove the recyclable or organic materials by either:
 - (a) transporting the recyclable and organic materials to a materials recovery or composting facility authorized by law;
 - (b) contracting with a City-licensed recycling service provider to transport the recyclable and compostable materials to a materials recovery or composting facility authorized by law; or
 - (c) transporting recyclable or organic material, as permitted and required by City Code, to a material recovery facility, food bank, processor, material broker, urban farm, urban ranch, rural farm, rural ranch, community garden, or a facility that prioritizes the hierarchy of beneficial use as set out in Subsection (D) of this section.
- (B) The director may add to the list of recyclable materials required under Subsection (A)(1) of Section 15-6-92 (*Recycling Requirements for Affected Premises*) by providing notice on the City's website at least 365 continuous days before adding the additional materials.
- (C) The department shall adopt rules that establish a process in which the responsible party for an affected premises can request:
- (1) a waiver of certain requirements in this article;
 - (2) approval to comply with this article by achieving the City's Zero Waste Goal through alternative means;
 - (3) approval to substitute another recyclable material in place of a required recyclable material listed in Subsection (A)(1) above;
 - (4) approval to comply with this article by sharing solid waste, recycling, or organic materials diversion services;
 - (5) approval of a deduction of square footage under Subsection (E) of Section 15-6-91 (*Affected Premises*) if the food enterprise serves only pre-packaged food; or
 - (6) approval for performing recycling or organic materials diversion on-site.
- (D) In accordance with the requirements of the Good Faith Donor Act set forth in Chapter 76 of the Texas Civil Practice and Remedies Code, the department shall by rule encourage the responsible party for affected premises to follow the hierarchy of beneficial use of scrap food which, beginning with the most beneficial, is:
- (1) feeding hungry people;
 - (2) feeding animals;
 - (3) providing for industrial uses; and
 - (4) composting.

Source: 1992 Code Section 12-3-142; Ord. 031204-14; Ord. 031211-11; Ord. 20101104-018; Ord. 20130425-007; [Ord. No. 20140612-010, Pt. 5, 6-23-14.](#)

§ 15-6-93 - EDUCATION.

- (A) The responsible party for an affected premises shall provide recycling information and instructions in accordance with rules adopted by the director to:
 - (1) all tenants and employees of the premises annually;
 - (2) a new employee or tenant no later than the thirtieth day after the tenant occupies or the employee begins work at the premises; and
 - (3) all employees or tenants not later than the 30th day after a substantive change in the recycling service offered at the premises.
- (B) The responsible party shall provide recycling information and instructions in accordance with rules adopted by the director to:
 - (1) each business, tenant, or organization located at the premises annually;
 - (2) a business, tenant, or organization newly located to the premises not later than the 30th day after any change in occupancy; and
 - (3) all occupancies at the premises not later than the 30th day after a change in the recycling service offered.
- (C) All information and documentation, including signage, required to be provided to persons or posted as public information under this article shall be written in English and Spanish and include universal symbols as adopted by the director.
- (D) Each container designated or used for collection and disposal of materials to a state-recognized landfill shall be prominently marked "Landfill Trash" in English and Spanish and in compliance with the rules adopted by the director.
- (E) Each container designated or used for collection or transport of recyclable or organic materials shall be affixed with a sign that includes:
 - (1) the universal chasing arrows recycling symbol;
 - (2) the type of materials accepted written in English and Spanish; and
 - (3) the term "Recycling" or "Compostables" or "Organics", as appropriate.

Source: 1992 Code Section 12-3-143; Ord. 031204-14; Ord. 031211-11; Ord. 20101104-018; Ord. 20130425-007; [Ord. No. 20140612-010, Pt. 6, 6-23-14.](#)

Division 3. - Reporting Requirements.

§ 15-6-101 - ANNUAL DIVERSION PLAN.

- (A) The responsible party for an affected premises shall submit a recycling plan to the department by February 1 of each year starting with the year in which requirements of this article apply to the premises.
- (B) The responsible party for an affected premises shall submit a recycling plan for a new business, building, or multi-family residential complex not later than the 30th day after receiving a certificate of occupancy or beginning operations or following any change that reduces recycling service or the types of materials collected.
- (C) A plan must:
 - (1) be on a form prescribed by the director;
 - (2) list the materials to be diverted;
 - (3) state the service capacities for landfill trash, recyclables, and organic materials;

- (4) state the collection method and service providers for landfill trash, recyclables, and organic materials; and
 - (5) include information or documentation as required by the director to verify compliance with this article.
- (D) The director may exempt a property from submitting a Recycling Plan if the property contracts with the City for solid waste and recycling services or if exempting the property is consistent with the City's Zero Waste Goal set out in Resolution No. 20090115-050 and the Department's Master Plan adopted in Resolution No. 20111215-047, as those resolutions may be amended from time to time.

Source: 1992 Code Section 12-3-161; Ord. 031204-14; Ord. 031211-11; Ord. 20101104-018; Ord. 20130425-007; [Ord. No. 20140612-010, Pt. 7, 6-23-14.](#)

§ 15-6-102 - RESERVED.

Editor's note— [Ord. No. 20140612-010, Pt. 8, effective June 23, 2014](#), repealed § 15-6-102, which pertained to biannual quantity report. See the References to Ordinances for complete derivation.

§ 15-6-103 - NOTICE OF CONTRACT TERMINATION.

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

Source: 1992 Code Section 12-3-163; Ord. 031204-14; Ord. 031211-11; Ord. 20130425-007; [Ord. No. 20140612-010, Pt. 9, 6-23-14.](#)

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

- (A) The responsible party for an affected premises shall notify the department in writing if the person:
 - (1) discontinues self-hauling and contracts with a recycling or organic materials diversion service provider; or
 - (2) terminates a contract with a provider licensed under Article 3 (*Private Solid Waste Collection Service*).
- (B) A responsible party shall submit the notice required by this section to the department in accordance with rules adopted by the director.

Source: 1992 Code Section 12-3-164; Ord. 031204-14; Ord. 031211-11; Ord. 20101104-018; Ord. 20130425-007; [Ord. No. 20140612-010, Pt. 10, 6-23-14.](#)

Division 4. - Registration Requirements.

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

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

- (1) physical address of operation;
 - (2) proof of insurance - annual commercial fleet policy;
 - (3) drivers' licenses for company drivers, including commercial drivers' licenses, if applicable;
 - (4) proof that the recycling hauler or recycling processor is using the correct vehicle to transport recyclable materials consistent with Section 15-6-42 (*Vehicles and Equipment*); and
 - (5) other documentation as specified in applicable rules for such registration adopted by the director.
- (B) A person who owns, operates, or provides a recycling processor business agrees as a condition of such registration to submit to a random site inspection of their property or premises upon request by the director to ensure that the processor's operations are being conducted in compliance with all applicable City Codes and regulations relating to land development, health and safety, recycling, and nuisance abatement.

Source: Ord. 20101104-018; [Ord. No. 20140612-010, Pt. 11, 6-23-14.](#)