

ORDINANCE NO. 32-2023

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, ADDING CHAPTER 27, "SOLID WASTE," ARTICLE VI, "RECYCLABLE MATERIAL," AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING A PENALTY

WHEREAS, there are businesses within the City of Abilene which have the ability to provide recycling collection services to the citizens; and

WHEREAS, it is in the best interest of the citizens to create a non-exclusive permit process so that haulers of recyclable material may legally operate within the City of Abilene;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS

- PART 1:** That Chapter 27, Article VI, "Recyclable Materials," of the Abilene Municipal Code be added as set out in Exhibit "A", attached hereto and made a part of this ordinance for all purposes.
- PART 2:** That if the provisions of any section, subsection, paragraph, subdivision or clause of this Ordinance shall be adjudged invalid by a court of competent jurisdiction, such judgment shall not effect or invalidate the remainder of any section, subsection, paragraph, subdivision, or clause of this Ordinance.
- PART 3:** That any person, firm, or corporation violating the provisions of this Ordinance shall be deemed to have committed a misdemeanor, and upon conviction thereof shall be fined in accordance with Chapter 1 (Section 1-9) of this Code.
- PART 4:** Each day such violation shall continue, or be permitted to continue, shall be deemed a separate offense. Said ordinance, being a penal ordinance, becomes effective ten (10) days after its publication in the newspaper, as provided by Section 19 of the Charter of the City of Abilene.

PASSED ON FIRST READING this 8th day of June, 2023.

A notice of the time and place, where and when said ordinance would be given a public hearing and considered for final passage was published in the Abilene Reporter-News, a daily newspaper of general circulation in the City of Abilene, said publication being on the 18th day of June, 2023, the same being more than 24 hours prior to a public hearing being held in the Council Chamber of City Hall in Abilene, Texas, at 8:30 a.m. on the 22nd day of June, 2023, to permit the public to be heard.

PASSED ON SECOND AND FINAL READING this 22nd day of June, 2023.

ATTEST:

[Handwritten Signature]

CITY SECRETARY

Deputy



[Handwritten Signature]

MAYOR

APPROVED:

[Handwritten Signature]

CITY ATTORNEY

Exhibit "A"

ARTICLE VI. RECYCLEABLE MATERIALS

Sec. 27-33. Private haulers of recyclable materials.

The following are requirements and responsibilities of private haulers of recyclable materials:

(1) Permit Required.

It shall be unlawful for any person, company, or corporation to collect, transport, or dispose of any source-separated recyclable materials from any person, business, or member of the public, in receipt of a fee, within the city limits of the City of Abilene without first obtaining a permit to do so from the city and remaining in compliance with all requirements of this ordinance and the permit.

This section shall not prohibit any person, company, or corporation from collecting or disposing of recyclable material generated by their own household or business and transporting such material to the city-operated recycling collection center or to a TCEQ-approved recycling processing facility.

(2) Permit Application.

Each application for a permit required by this section shall be made to the director of public works and shall include:

- a. Business name, address, and phone number of the applicant recyclable hauler;
- b. Business owner's name, address, phone number, and driver's license number;
- c. List of all vehicles and trailers to be used for recyclable hauling, including year, make, model, and license plate number;
- d. Photograph of hauler logo;
- e. Proof of liability insurance;
- f. Permit fee in the amount of \$50.00 for each vehicle or trailer to be used for recyclable hauling;
- g. Copy of the business plan of the hauler, including, but not limited to, the costs of operations, advertising and marketing, and customer fees for recycling services.

(3) Term of permit

The term of the permit shall be from January 1 to December 31 of each year. The permit is required to be renewed on or before the first city working day after January 1, and the permit fee for each trailer or vehicle operated by the hauler shall be paid each time the permit is renewed. An expired permit is not valid for continued operation under this chapter.

(4) Requirements of Permit Holder

- a. Identification of Vehicles and Trailers. Any vehicle or trailer used by a hauler for the purpose of collecting and diverting recyclable materials shall have a prominently displayed permit supplied by the city and shall be marked with the hauler's logo to make it readily identifiable.
- b. Truck Covers. All vehicles or trailers used for collecting and diverting recyclable materials shall be enclosed or covered with a net, canvas, or wire to prevent the contents of the hauler from falling into the public streets or adjacent property, and it shall be an offense to operate such vehicles or trailers within the city without such covers.
- c. Customer List. A permit holder shall maintain a current list of customers. A current customer list shall be provided to the City Secretary biannually, no later than January 31st and July 31st of each year.
- d. Collection of Source-Separated Recyclable Material. A permit holder shall comply with all requirements of Section 27-34.
- e. Permit holder may not commingle solid waste with recyclable materials or otherwise transport recyclable materials as an unauthorized solid waste hauler.

(5) Renewal of permit.

Each permit may be renewed annually, and the information listed in subsection (2) of this section shall again be provided for each renewal. All information required in subsection (2)(a)-(g) shall be amended and updated in writing within 30 days of a change.

(6) Revocation of permit. The permit of a hauler may be revoked by the director of public works for the following reasons:

- a. Failing to comply with any of the requirements of this Article;
- b. Providing false or misleading information in the Permit Application;
- c. Engaging in any behavior or action that creates a health or safety hazard to the public.

(7) Appeal.

A hauler may appeal the revocation of his or her permit to the city manager within seven (7) days of the date of revocation. The appeal must be in writing. The city manager shall have the authority to uphold or reverse the revocation or set forth terms by which the permit may be restored. The decision of the city manager is final.

(8) Transferability of Permits. A permit is not transferrable. A permit shall be required for each hauler desiring to collect and divert recyclable materials.

27-34 Collection of Recyclable Material

Haulers shall only collect, transport, and store source-separated recyclable materials in accordance with the requirements of this article and State law. Haulers shall monthly submit evidence of such compliance for the prior month demonstrating, at a minimum:

- (1) Amount of recyclable materials collected;
- (2) Dates of collection; and
- (3) Receipts for materials delivered for processing and disposal.

The city has the right to inspect and audit the records of any hauler in order to ensure compliance with this section. Diversion of construction and demolition debris as recyclable material shall only be accomplished after separation of recyclable material from solid waste at the construction or project site. Commingling municipal solid waste with construction and demolition recyclable material is prohibited. The failure of a generator to source-separate any recyclable material from solid waste, which results in the hauler transporting solid waste as an unauthorized solid waste contractor, may result in the revocation of the hauler's permit.