

**THIS IS A PROPOSED DRAFT AND WILL BE REPLACED BY THE FINAL, SIGNED ORDINANCE OR RESOLUTION ADOPTED BY THE CITY COUNCIL.**

**ORDINANCE**

**MINOR AMENDMENT TO CHAPTER 14 OF THE CITY CODE, SOLID WASTE, TO PROVIDE FOR SOLID WASTE SERVICES TO NON-TRADITIONAL RESIDENTIAL PROPERTIES**

\* \* \* \* \*

**WHEREAS**, high density single family developments have recently become very popular, but waste collection by the City was difficult to perform primarily because these developments lacked access for the City trucks resulting in a denial of waste collection services after the development was constructed, therefore the development community requested that a structure be established that can be followed during the permitting process to ensure City waste collection is provided or to opt out in favor of private commercial service; and

**WHEREAS**, this amendment reflects an Information Bulletin (IB 576) developed jointly between the Development Process Task Force, Development Services and the Solid Waste Departments, with the engagement and support of the Professional Engineers in Private Practice/American Institute of Architects focus group and private waste haulers in San Antonio; and

**WHEREAS**, this Ordinance authorizes minor amendments to Chapter 14, entitled “Solid Waste”, of the San Antonio City Code, that outlines waste collection from Non-Traditional Residential Properties, also referred to as Infill Development, providing a definition of Non-Traditional Development, as well as requirements for City provided solid waste collection services that developers must follow should they choose to have City provided services; **NOW THEREFORE**,

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO,**

**SECTION 1.** The City Code of San Antonio, Texas, Chapter 14, entitled “Solid Waste”, is hereby amended by adding language that is underlined and ~~striking~~ deleted language to the existing text as set forth in this Ordinance. All other text remains unchanged.

Chapter 14, is hereby amended as follows:

\* \* \* \* \*

**ARTICLE I. - INTRODUCTION**

**Sec. 14-1. - Definitions.**

As used in this chapter, the following terms shall have the meanings shown:

\* \* \* \*

*Collection contractor* shall mean a private company that provides collection services on behalf of the city.

*Collection system* shall mean the collection and transportation of garbage, organics or recycling in a specially designed truck affixed with a mechanical arm assembly. Service is provided in the form of either automated (one-person crew) or semi-automated method (multiple-person crew). This system utilizes specially designed containers issued by the city. Automated service is also known as mechanized collection.

*Commercial refuse* shall include any solid wastes generated as a by-product of any commercial operation but shall not include swills, slops, toxic or corrosive materials, manure, or any other material found harmful to personnel or equipment as determined by the director or his designee. Commercial refuse shall also include MSW that was not generated at the city customers CPS account address and non-residential MSW (MSW that is generated from a business) that may be collected from businesses such as law offices, community centers and pools.

\* \* \* \*

*Manual collection system* shall mean the collection and transportation of garbage or recycling by means of a system that requires a person to manually lift and load the material into the collection vehicle.

*Mechanized collection system* shall mean the collection of brush and bulky materials using trucks equipped with a boom to collect brush and bulky waste and trucks equipped with a mechanical arm to grasp, lift and empty garbage, recycling and organics containers. Mechanized collection trucks only require a one-person crew. Mechanized collection is the standard methodology used.

*Mulch* shall mean the organic product resulting from chipping of wood and woody materials.

*Multi-family Residential property* means three (3) or more dwellings, typically rented and not owner-occupied where multiple families live. Certain aspects may be shared, including parking, outdoor space and mail delivery points. Multi-family Residential property may include apartments, condominiums, and townhouses. If solid waste collection services are also shared for these properties, *Container* service from the City is not feasible for such developments and is only provided to limited multi-family residential properties meeting the conditions at section 14-43(b)(1) of this chapter.

*Municipal solid waste (MSW)* shall mean solid waste resulting from or incidental to municipal, community, commercial, institutional, and recreational activities, including

garbage, rubbish, ashes, street cleanings, dead animals, and all other solid waste other than industrial or hazardous solid waste.

*Non-compostable materials* shall mean materials not capable of undergoing biological decomposition through composting and materials that do decompose under biological conditions, but leave behind residues such as metals or toxins. Non-compostable materials include but are not limited to aluminum foil, appliance, ceramics, clothing, cooking grease or oil, construction and demolition materials, disposable mop sheets, glass, household hazardous waste, liquids, rocks, scrap metal, and Styrofoam®.

*Non-traditional Residential Property* refers to single-family dwellings, typically owner-occupied property located within a medium to high density development typically comprised of small lots where access to a public street is limited. Typically the ownership of the land below the dwelling and the dwelling itself is the same. These properties are also referred to as an Infill Development Zone. Non-traditional Residential property also includes multifamily dwellings with four or fewer units such as a duplex, triplex or quadplex. Non-traditional Residential Properties with four (4) or fewer dwellings that abut a City street and have enough space at the street for the City's mechanized collection service are provided City collection services. Non-traditional Residential Properties with five (5) or more units may be eligible for City services by exception if the City determines that site design meets the requirements for mechanized collection service.

*Organic material recycling* shall mean the collection, separation, recovery, and sale or reuse of organic materials from other recyclables and refuse for curbside collection in the green container that would otherwise be disposed or processed as municipal waste.

*Organics* shall mean materials used as feedstock for manufacturing compost, such as leaves, grass, shrubs and tree trimmings, certain food scraps and food-soiled paper.

*Other organic material* shall mean other organic materials accepted in the green container such as shredded paper, sawdust, dryer lint, cotton balls, toothpicks, and wooden Popsicle® sticks.

*Owner* as used herein shall include, but not limited to, any equitable owner, any person having a possessory right to the land or building or the person occupying it, any part owner, joint owner, tenant in common, tenant in partnership, joint tenant or tenant by the entirety.

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*Refuse* shall mean garbage and/or municipal solid waste generated at a residence or business. Refuse does not include recycling commodities intended to be placed in recycling containers, industrial waste, hazardous waste or any other prohibited waste.

*Residential customer* shall mean a person living in a residential dwelling with ~~five (5)~~ four (4) units or less that produces residential waste that the city collects.

*Rubbish* shall mean non-putrescible solid waste, excluding ashes, consisting of both combustible and noncombustible waste materials; combustible rubbish includes paper, rags, cartons, wood, excelsior, furniture, rubber, plastics, yard trimmings, leaves, and similar materials, unless placed on property pursuant to and in compliance with other ordinances or regulations of the city; noncombustible rubbish includes glass, crockery, tin cans, aluminum cans, metal furniture, and like materials which will not burn.

\* \* \* \*

Sec. 14-25. - Other services.

\* \* \* \*

(d) *Services to privately-owned streets, roads and driveways.*

- (1) Locations within the city limits with privately-owned streets or not abutting a public roadway desiring city collection services may be eligible for such services, provided the conditions below are met:
  - a. The department determines that it has safe and unimpeded access for its collection trucks and equipment and the development layout is compatible with the City's standard collection methodology.
  - b. Owner, property manager, tenant association representative, or person authorized to represent the owner(s) executes a release of liability indemnity agreement, agrees that such city services shall be exclusive within the agreed area, and provides a list of addresses for each meter unit for assessment of fees by CPS Energy.

\* \* \* \*

#### 14-26 Residential Services in areas with Limited Accessibility

(a) Non-traditional residential property or subdivisions with five (5) units or more may be eligible for service by exception. Upon request, the department will assess the development design layout. The development design must meet the requirements for the services outlined in 14-1 and 14-10 through 14-17 of this chapter and the requirements below:

- (1) Provides room for maneuverability of the truck and collection arm/boom

- (2) Provides eight (8) feet of space adjacent to the curb for collection of brush and bulky materials
  - (3) Provides space on the public street/private street or driveway for the containers on collection day
  - (4) Provides space inside the property for storage of containers between collections
  - (5) No structure that could impede automated collection is allowed within five (5) feet of the curb
  - (6) Private streets or driveways should be constructed to Local Type A (Conventional Street Design Standards); allow two-way traffic; be through-streets connecting to another street without dead-ends or provide a cul-de-sac or spot to turn around designed in accordance with Section and Figure D103.1 Appendix D *Fire Apparatus Access Roads*, 2018 International Fire Code, adopted at section 11-32 of the San Antonio Municipal Code; parking in the streets/driveways on Local Type A streets is allowed at all times.
  - (7) Private streets or driveways that are not constructed to Local Type A Standards may be eligible for City collection if the street/driveway on which collection is occurring meets the fire lane dimension and layout requirements outlined in the 2018 International Fire Code. This includes a minimum 25-foot wide, two-way, fire apparatus road. The fire apparatus road being used for collection should have adequate no parking signage and striping on each side of the street as required by the City of San Antonio Development Services Department however, off-street parking stalls are allowed outside of the fire lane path. Turnaround and curb radius dimensions on curves and intersections should also meet the requirements of the 2018 International Fire Code or subsequent local amendments as approved by the City of San Antonio Development Services Department. Dead ends without a turnaround meeting the requirements of the International Fire Code are not allowed.
- (b) If the non-traditional residential property or subdivision is determined to be feasible and approved, all residences in the development are required to use City-provided service and will be assessed monthly solid waste fees. In cases where private streets or driveways must be utilized for service, the streets/driveways must be maintained by the owners and the Developer/Homeowners Association/Property Manager must comply with the requirements for private streets outlined in Section 14-25 (d)(1) and (2).

- (c) Non-traditional residential property or subdivisions that do not meet the requirements listed herein are not eligible for City services and shall utilize private service providers. City solid waste fees will not be assessed.

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Secs. 14-27~~6~~—14-29. - Reserved.

### ARTICLE III. - FEES

Sec. 14-30. - Fees.

\* \* \* \*

- (d) *Exemptions.* Apartment houses and mobile home parks may be exempted from payment of solid waste fees upon furnishing of sufficient evidence assuring acceptable removal of all garbage and refuse by private means. For such exemption to be granted, written application must be submitted to and approved by the director or his designee.

Single-family residences on premises not abutting public roadways, and to which access is possible only across private property, and premises abutting public roadways but on which the dwelling is so remote from such roadway as to make city collection impractical, may be exempted from such collection service and charges.

Non-traditional residential property with single-family residences that are determined to be incompatible with the City's standard collection methodology may be exempted from such collection service and charges.

- (1) Exemptions may be granted on certain meter accounts if the number of meters serving a dwelling does not reflect the true nature of the dwelling.
- (2) New single-family residences shall be exempted from city garbage collection service and charges while under construction and after completion until initial occupancy of the structure. Initial occupancy shall be interpreted as the sale or lease of the property to a second party for occupancy or the first electric meter account name change, whichever occurs first.

\* \* \* \*

Sec. 14-43. - Multi-family recycling.

\* \* \* \*

- (b) *Requirements for owners or managers of multi-family properties.*

- (1) Owners or managers of multi-family properties shall provide a recycling plan in accordance with subsection (b)(5) and shall provide recycling collection service

in accordance with subsection (b)(6). Owners or managers of multi-family properties with four (4) ~~eight (8)~~ or less units may apply to receive and pay for the city's curbside recycling and garbage service as provided by the department in section 14-30.

- (2) Recycling collection service shall be provided in accordance with this chapter. Recycling collection service shall be required on a frequency sufficient to avoid containers which are overflowing.

\* \* \* \*

**SECTION 2.** All other provisions of the City Code of San Antonio, Texas shall remain in full force and effect, unless expressly amended by other provisions of this ordinance.

**SECTION 3.** Violations occurring after the effective date of this Ordinance shall be punished as provided in the amended Chapter 14, City Code. Violations occurring prior to the effective date of this Ordinance shall be punished under the formerly-applicable Chapter and Sections of the City Code, which shall remain in effect for that purpose.

**SECTION 4.** Should any Article, Section, Part, Paragraph, Sentence, Phrase, Clause, or Word of this Ordinance, for any reason be held illegal, inoperative, or invalid, or if any exception to or limitation upon any general provision herein contained be held to be unconstitutional or invalid or ineffective, the remainder shall, nevertheless, stand effective and valid as if it had been enacted and ordained without the portion held to be unconstitutional or invalid or ineffective.

**SECTION 5.** The publishers of the City Code of San Antonio, Texas are authorized to amend said Code to reflect the changes adopted herein and to correct typographical errors and to index, format and number paragraphs to conform to the existing Code.

**SECTION 6.** This ordinance shall be effective immediately upon passage by eight affirmative votes; otherwise it shall be effective on the tenth day after passage hereof.

**PASSED and APPROVED** this \_\_\_th day of \_\_\_\_\_, 2019.

**M A Y O R**  
Ron Nirenberg

**ATTEST:**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Leticia M. Vacek, City Clerk

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Andrew Segovia, City Attorney