



City of San Antonio

Agenda Memorandum

File Number:15-1808

Agenda Item Number: 11.

Agenda Date: 3/5/2015

In Control: City Council A Session

DEPARTMENT: Solid Waste Management Department

DEPARTMENT HEAD: David W. McCary

COUNCIL DISTRICTS IMPACTED: Citywide

SUBJECT:

Proposed Amendments to Chapter 14 of the City Code Dealing with Solid Waste

SUMMARY:

This item will review proposed amendments to Chapter 14 of the City Code dealing with Solid Waste to address noise issues with the collection of commercial refuse in non-central business district areas of the city and propose changes to the Solid Waste Determination Board, as outlined in Sec. 14-44. This item also will add administrative penalties for companies in violation of the Code.

BACKGROUND INFORMATION:

Chapter 14 of the City Code outlines times of day during which commercial waste may be collected by private waste haulers. Currently, in non-central business district (CBD) areas of the city, collections from a commercial property are prohibited between the hours of 12:00 am and 5:00 am.

Collection of commercial waste involves the use of heavy equipment, trucks and large metallic containers such as dumpsters which may create excessive noise in non-CBD areas. At times, this noise may create issues for residents living near a commercial property during early morning hours. Residential solid waste collection for single or multi-family homes is prohibited between the hours of 10:00 pm and 7:00 am. If residents within 200 feet of the commercial property collection location do not file a complaint with the Solid Waste Management Department (SWMD), an automatic variance is granted, allowing for collection between 12:00 am and 5:00 am, and effectively permits collection 24 hours a day.

Under the current version of the code, if a resident within 200 feet of the commercial property collection location files a complaint with SWMD, the automatic variance is revoked and the hauler must observe the

restricted collection hours between 12:00 am and 5:00 am.

Additionally, Chapter 14 outlines the Solid Waste Determination Board and its composition and actions. The current composition of the Board is the Solid Waste Management Director, Code Enforcement Director and the City Attorney. The code does not, however, include any administrative penalties for those in violation as it is currently written.

ISSUE:

The proposed changes to Chapter 14 will further clarify the hours of collection, clarify the composition of the Solid Waste Determination Board and provide a penalty for non-compliance.

Collection of waste from commercial properties within 200 feet of a residential or multi-family area will be prohibited between the hours of 10:00 pm and 7:00 am. The process for an automatic variance will remain the same, as well as the process to have the automatic variance revoked.

The Solid Waste Determination Board will consist of the Solid Waste Management Director, the Planning and Community Development Director and the Development Services and Code Enforcement Director or their designated representative.

The proposed changes to the Code also will add an administrative penalty of up to \$500.00 per violation should a commercial waste hauler violate the revoked automatic variance.

ALTERNATIVES:

The Committee could choose to keep the Code as it is, however it is outdated and not working given the multitude of mixed use development that has taken place in San Antonio.

FISCAL IMPACT:

The \$500.00 administrative penalty, if assessed and collected, would be placed into the City's Solid Waste Operating Fund. Should the administrative penalties be received in excess of the overhead cost for management of the Code, the Solid Waste Management Department would utilize these funds to improve education and outreach to private waste haulers to improve their understanding of the Code and the impact their violations have to residential properties.

RECOMMENDATION:

Staff recommends amending Chapter 14 of the City Code to address noise issues with the collection of commercial refuse in non-CBD areas; changing the composition of the Solid Waste Determination Board; and, adding administrative penalties for violation of the Code.