

Memorandum



CITY OF DALLAS

^{DATE} May 11, 2018

^{TO} Honorable Members of the Quality of Life, Arts & Culture Committee: Sandy Greyson (Chair), Mark Clayton (Vice Chair), Rickey D. Callahan, Jennifer S. Gates, Scot Griggs, B. Adam McGough, Omar Narvaez

^{SUBJECT} **Universal Access to Recycling: Multifamily & Commercial**

On Monday, May 14, 2018, you will be briefed on Universal Access to Recycling: Multifamily & Commercial. The briefing materials are attached for your review.

Please feel free to contact me if you have any questions or concerns.

A handwritten signature in blue ink that reads "Joey Zapata".

Joey Zapata
Assistant City Manager

c: Honorable Mayor and Members of City Council
T.C. Broadnax, City Manager
Larry Casto, City Attorney
Craig D. Kinton, City Auditor
Billierae Johnson, City Secretary (Interim)
Daniel F. Solis, Administrative Judge
Kimberly Bizer Tolbert, Chief of Staff to the City Manager
Majed A. Al-Ghafry, Assistant City Manager

Jo M. (Jody) Puckett, P.E., Assistant City Manager (Interim)
Jon Fortune, Assistant City Manager
M. Elizabeth Reich, Chief Financial Officer
Nadia Chandler Hardy, Chief of Community Services
Raquel Favela, Chief of Economic Development & Neighborhood Services
Theresa O'Donnell, Chief of Resilience
Directors and Assistant Directors

Universal Access to Recycling: Multifamily & Commercial

Quality of Life, Arts &
Culture Committee

May 14, 2018

Kelly High, Director
Sanitation Services



City of Dallas

Presentation Overview

- Background
- Recap January 22nd Committee briefing
- Discuss multifamily recycling ordinance recommendations
- Discuss considerations for a commercial recycling ordinance
- Next Steps
- Receive Committee feedback

January 22nd Committee Recap



Recap – January 22 Committee Meeting

- Provided an update on recycling participation progress based on most recent survey
 - Survey showed little progress in increasing multifamily property recycling participation
- Provided information related to multifamily recycling ordinances in other Texas cities
- Discussed recycling ordinance best practices and considerations for a Dallas ordinance

Recap – January 22 Committee Meeting

- Received Committee feedback on ordinance preferences and direction on refining the ordinance
- The Committee asked staff to bring back a refined multifamily plan with cost impacts and an implementation plan
- The Committee also directed staff to look at implementing a similar ordinance for all commercial properties concurrently or on a parallel path

Proposed Multifamily Ordinance Requirements



Multifamily Recycling Ordinance – Property Requirements

- Applies to Multifamily properties with 8 or more units
- Require materials consistent with single family residential
 - Paper, cardboard, plastics #1 - #7, aluminum containers, and metal containers, and glass
 - Potential option to consider - exempt glass and plastics #3 - #7
- Require recycling capacity equivalent to 11 gallons, per unit, per week
 - Austin and San Antonio require between 6-7 gallons
 - Ex: 150 unit complex would need one 8 CY dumpster
 - Dallas single family residents, on average, recycle approximately 18 gallons per week
 - Multifamily units, on average, recycle less than single family household.
 - 11 gallons is ~60% of the single family recycling rate

Multifamily Recycling Ordinance – Property Requirements (cont.)

- A community recycling container should be within visual distance of all garbage containers
 - Roll-carts can be used to provide access near multiple garbage container areas on a property
- If valet trash service is provided, similar recycling service should be provided
- Annual education, training, signage, and reporting
- Properties required to use permitted recycling collection services only
- Waivers and extensions may be allowed if approved by the director of Sanitation Services or director's designee

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Multifamily Recycling Ordinance – Property Requirements (cont.)

- Multifamily property annual plan required:
 - Reporting will be incorporated into the Code Compliance annual multi-tenant registration process
 - Number of property units
 - Number and size/capacity of trash and recycling containers, including collection frequency
 - List materials accepted as part of recycling collection
 - Provide information on recycling collection service provider
 - Provide affidavit that the property is complying with the recycling ordinance, including requirements related to signage, education, and container locations
 - Submit any exemption request(s) or notate an already approved exemption; annual plans still required

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Multifamily Recycling Ordinance – Recycle Collection Service Requirements

- Multifamily Recycling Collection Services must have a permit to operate in Dallas
- Recyclable materials must be transported to appropriate material recycling facility
- All containers for multifamily properties must adhere to prescribed signage and labeling requirements
- Recycling collection services shall provide annual education to property managers regarding their recycling program

Multifamily Recycling Ordinance – Recycle Collection Service Requirements (cont.)

- Annual reporting for Recycling Collection Services required by February 1 of each year:
 - Identify recycling facilities utilized during the prior year
 - Prior year tonnage delivered to recycling facilities from Dallas properties
 - Number of properties served and total recycling capacity
 - Information on contamination percentages
 - Provide affidavit that the submitter understands and is complying with the Chapter 18 ordinance, including requirements related to signage, education, and container locations

Effective Date: Multifamily Recycling

- In order to simplify the process and reduce confusion, staff recommends one compliance/implementation date for all properties - **January 1, 2020**. This allows time for:
 - Recycling collection services to procure additional equipment, contract with recycling processors and amend collection contracts
 - Multifamily properties to amend collection contracts, provide recycling container enclosures (if needed), develop outreach/education methods and material, and educate residents
 - City staff to provide outreach and education to regarding implementation
 - City staff to develop in depth recycling guides/technical guides
 - City staff to fully develop online registration and reporting tools and to permit recycling collection services

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Effective Date: Multifamily Recycling

- To perform implementation with current staffing and in order to contain implementation cost, staff recommends:
 - Multifamily property plan must be submitted as part of first annual multi-tenant registration after January 1, 2020
 - Utilize electronic acceptance with no formal approval required
 - Staff will formally review any request for waiver or extension
 - Electronic or hard copies of plans must be available for on-site review after January 1, 2020
 - Recycling collection services
 - Permitted by January 1, 2020
 - Submit their first annual report by February 1, 2021

Effective Date: Multifamily Recycling

- All new multifamily properties built after
- January 1, 2020 will have to comply immediately
 - Recycling plan to be submitted with their first multifamily registration (before units are occupied)
- Sustainable Development and Construction will incorporate updates to their development and construction codes as part of their 2019 updates

Multifamily Recycling – City Responsibilities

Code Compliance

- Multi-tenant registration system will be used to receive annual recycling plans from properties
- Provide inspection and enforcement as part of Code's multi-tenant inspection program or based on registered complaints

Sustainable Development and Construction

- Update development and construction codes
 - Update codes as part of planned 2019 updates

Multifamily Recycling – City Responsibilities

Sanitation Services

- Manage recycling ordinance implementation and oversight
 - Develop online registration and reporting tools
 - Receive and process multifamily recycling annual plan submissions and extension or waiver requests
 - Permit recycle collection services
 - Manage recycle collection service annual reporting

Multifamily Recycling – City Responsibilities

Sanitation Services (cont.)

- Develop detailed recycling guides and technical material
 - Make sample graphics and other electronic outreach material available to multifamily properties
- Provide technical assistance, education and outreach to multifamily properties

Commercial Recycling Ordinance Considerations

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Commercial Recycling Ordinance

- A recycling ordinance related to all commercial properties is more complex than multifamily
- Commercial properties include a wide range of businesses, with different types of recycling opportunities. Some examples include:

Building or Property Type	
General office use	Churches
Grocery Stores	Restaurants
Convenience Stores	Entertainment Venues
Warehouses	Medical Facilities/Hospitals
General Retail	Hotels
Schools and Universities	Shopping/Mall Centers

Commercial Recycling Ordinance

- Unlike Code's multi-tenant inspection program, there is no similar inspection program for commercial properties
- Additional research and outreach is needed related to implementation of Universal Recycling Ordinance (URO) for all commercial properties
- Currently, the only major Texas city with a commercial recycling program is Austin, Texas

Commercial Recycling Example – Austin

- Commercial properties phased in by property type and size (square feet):
 - Require recycling capacity to be at least 50% of total waste and recycling service capacity
 - Convenient recycling access for tenants and employees
 - Required materials: plastics #1 & #2, mixed and office paper, aluminum cans, glass bottles and jars, and cardboard and boxboard
 - Potential substitutions allowed based on business type
 - Organics diversion for food establishments

Commercial Recycling Example – Austin

Group 1 – Office, medical office, medical facilities, religious assembly, or private educational facilities

- Year 1 – Premises over 100,000 square feet
- Year 2 – Premises with more than 75,000 square feet and up to 100,000 square feet

Group 2 – Smaller group 1 type properties and also including hotels and lodging, grocery stores, and commercial businesses

- Year 3 – Premises with more than 50,000 square feet of any type of non-residential use
- Year 4 – Premises with more than 25,000 square feet and up to 50,000 square feet
- Year 5 – Premises with more than 5,000 square feet and up to 25,000 square feet of any type of non-residential use; and
- Year 6 – All non-residential premises that are not described

Group 3 – Food establishments in year 6 and 7

- Organics diversion

Commercial Recycling Ordinance

- Additional commercial recycling research and outreach:
 - Receive input from a wide range of stakeholders and understand recycling opportunities and challenges (businesses, recycling collection services, recycling advocates)
 - Research of other cities commercial ordinances
 - Meet with staff and commercial businesses in Austin
 - Review the various needs of different businesses, versus a one size fits all approach
 - Collaborate with other Texas cities such as Houston, San Antonio and/or Fort Worth who may be considering a similar ordinance

Proposed Plan for Commercial Recycling

- Proposed timeline for research and stakeholder input
 - July - November 2018
 - Conduct research on best practices and review other cities ordinances, perform site visits in Austin, hold stakeholder meetings and/or public meetings
 - December 2018 - January 2019
 - Compile research and stakeholder input
 - Additional stakeholder input if needed
 - Develop recommendations and considerations for a URO
 - February 2019
 - Provide the Quality of Life, Arts & Culture Committee an update on recommendations and potential implementation

Next Steps

- Receive input and feedback from this Committee on the recommended multifamily recycling ordinance
- Finalize multifamily recycling ordinance and develop an agenda item scheduled for June 13, 2018, with revised ordinance, for Council consideration
- Conduct additional research related to a URO for all commercial properties
- Hold stakeholder meetings and visit other cities with commercial recycling programs
- Develop recommendations and considerations for a URO
- Provide a URO update to the Quality of Life, Arts & Culture Committee in February 2019

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Universal Access to Recycling: Multifamily & Commercial

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Culture Committee

May 14, 2018

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Sanitation Services



City of Dallas

Appendix



Ordinance Language

- See draft ordinance attached to this briefing

Appendix – Other Information



Multifamily Properties

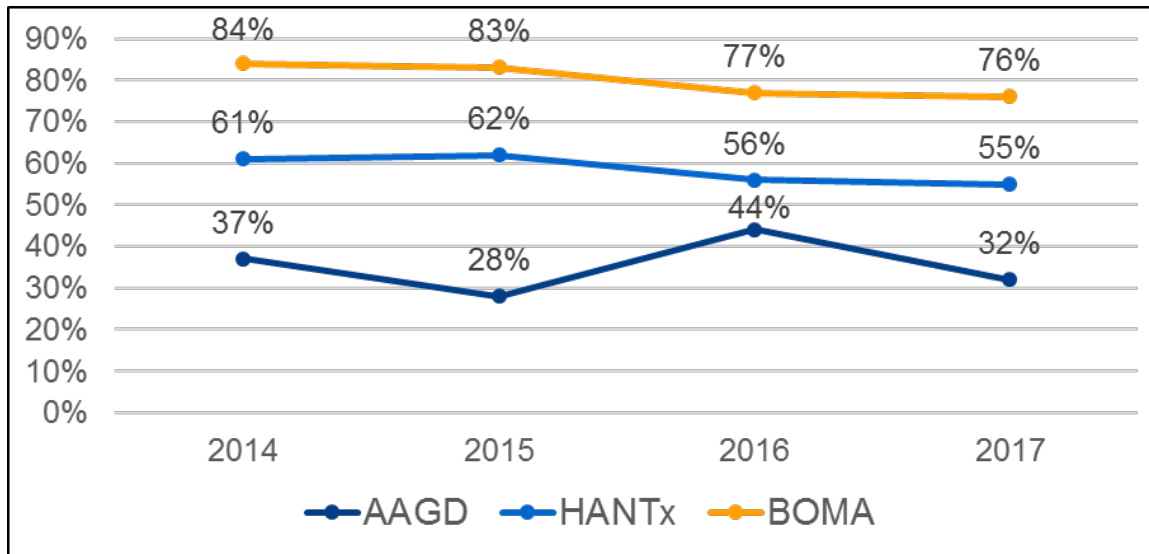
- Multifamily properties (by size)*

Number of Properties	Property Size (number of units)	Total Units	Percent of Total Units
498	8-19	5,753	2.8%
561	20-99	25,483	12.4%
344	100-199	50,132	24.4%
421	200+	124,229	60.4%
1,824	--	205,597	100%

**Based on Code Compliance multi-tenant property inspection data – October 2014 – September 2017.*

Multifamily/Commercial – Previous Surveys

- Properties providing recycling services (based on respondents)



AAGD – Apartment Association of Greater Dallas
HANTX – Hotel Association of North Texas
BOMA - Building Owners and Managers Association

Education and Signage – Properties

- **Property owners or their on-site contacts** are required on lease commencement and **annually** thereafter, or within 60 days if program changes occur, to inform tenants of the following:
 - **“This property provides access to recycling in accordance with Chapter 18 of the Dallas City Code”**
 - Location of recycling containers
 - Types of **“clean and empty materials”** accepted in recycling containers for recycling
 - Frequency of recycling collection
 - **Property contact information for overflowing containers or unkept waste/recycling areas**
 - Information on how to report waste or recycling problems to the City of Dallas utilizing 3-1-1, the 311 app or submitting an online service request

Education and Signage – Properties (cont.)

- **Property owners or their on-site contacts** offering “back of house” and valet recycling (collected by their staff or contractors hired to collect recycling) are required to assure **bi-annual** training to those collecting materials and within 30 days of a new employee start date
- Back of house and valet recycling training should include information such as:
 - Types of clean and empty materials accepted in recycling containers
 - Instruction to break down cardboard boxes before depositing into recycling containers serviced by haulers
 - Instruction to empty plastic bags (valet service) before depositing contents into recycling containers serviced by haulers. Bags should be placed into waste or garbage containers to be landfilled.
 - Instruction to place black plastic bags into waste or garbage containers to be landfilled
 - Location of recycling containers
 - Instruction for reporting overflowing containers and contamination

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Education and Signage – Properties (cont.)

- **Property owners or their on-site contacts** are required to post information (posters, flyers, or digital advertising) in suitable common areas related to on-site recycling, the types of recycling materials accepted and locations of recycling containers
 - Should include on-site contact information for additional questions

Education and Signage – Recycling Collection Services

- **Recycling Haulers** are required upon contracting and **annually** thereafter to inform customers of the following:
 - **“This company provides recycling hauling services in accordance with Chapter 18 of the Dallas City Code”**
 - Types and capacity of containers the hauler makes available for recycling use
 - Types of **“clean and empty materials”** the hauler is willing to collect from the property for transport to a material recycling facility
 - Clear disclosure of additional fees assessed to properties that exceed the hauler’s allowable contamination rate and instruction on how to reduce contamination of recyclables
 - Contact information for information or questions related to the companies recycling services, information on how to improve the properties recycling program and how to reduce recycling contamination

Education and Signage – Recycling Collection Services (cont.)

- **Recycling Haulers** are required to provide recycling containers with required signage affixed to the front of the containers
- Recycling container signage must include:
 - Photos or images to indicating materials accepted (minimum 18” x 12”)
 - The words “RECYCLING ONLY” and the chasing arrows symbol in prominent lettering (minimum 12”)
 - The words “No Plastic Bags” in prominent lettering
 - Graphic or image indicating boxes should be broken down
 - Can be included with photo/image graphic on recyclable materials
- Recycling container signage should include the name and contact to report overflowing recycling containers and contamination

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Enforcement –

City of Dallas

- Verification of an existing multifamily site provision of access to recycling services will be conducted during required multi-tenant inspections or based on a complaint by the City's Code Compliance Department
- Failure of a property, subject to the URO, to provide access to recycling service may result in a citation and fine to the property owner for each day the property is in violation

Waiver and Exemption Process – Properties

- Properties with a demonstrated inability to comply with the ordinance may apply for an exemption
- Exemption and/or waiver requests must be submitted to the director of Sanitation Services or the director's designee in writing by the property owner (not the on-site contact), within 90 days of recycling program implementation
- A thorough evaluation of the request will be conducted and the determination communicated in writing within 60 days
- The director of Sanitation Services or the director's designee decision is final

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Appendix – Stakeholder Input



Multifamily Recycling Ordinance - Input

- After the January 22 meeting:
 - Staff held additional meetings with stakeholders, including recycling collection services to:
 - Discuss input received from the Committee
 - Receive their input on a potential ordinance and implementation schedule
 - Receive any additional input relevant to implementing a multifamily recycling ordinance and/or commercial recycling ordinance

Multifamily Properties - Input

- Concerned about contamination at multifamily properties
- Want flexibility in recyclable commodities collected
 - Prefer paper, cardboard, plastics 1 & 2, aluminum containers, and metal containers
 - Glass and plastics 3-7 have little value or are hard to sell, which can add service costs
 - Glass is abrasive to processing machinery
- Allow a grace period for implementation and phase in over 3 years
- Allow for flexibility related to parking
- Make sure to apply ordinance to new construction
- Allow properties flexibility related to container locations
- Allow restricted container access and size openings

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Recycling Collection Services - Input

- Concerned about contamination at multifamily properties
- Want flexibility in recyclable commodities collected
 - Prefer paper, cardboard, plastics 1 & 2, aluminum containers, and metal containers
 - Glass has little to no value, can contaminate paper loads and is abrasive to material recovery facility machinery
 - Plastics 3-7 becoming difficult to sell
 - Low commodity market and commodities like glass and plastics 3-7 increasing cost of service
- Education will be critical for better success
- Promote recognition programs
 - Expand and advertise the City's Green Business Program
- Consider increasing landfill fees to incentivize recycling
- Consider banning recyclables at the landfill (e.g., cardboard)

Recycling Collection Services – Input (cont.)

- More time, research and input is needed before developing a broader commercial URO
- Allow for separate collection of recyclable materials, don't require one bin (single stream)
 - Single stream and accepting all materials leads to confusion and contamination
- Multifamily doesn't generate as much recycling per unit as residential, which needs to be considered when setting capacity requirements
- Mandate needed if you want participation
- Allow for restricted access dumpsters
 - Dumpsters with restricted openings for recyclable, but not other items like mattresses, toys, furniture, etc.

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Recycling Advocates - Input

- Require compliance by January 2020
- Develop URO for both multifamily and commercial, but start implementation of multifamily first
- Keep commodities the same for multifamily and residential
- Allow exceptions to commodities for commercial properties
- Need signage requirements and restricted openings for dumpsters
- Require haulers to report load rejection rates
- Set maximum contamination rates and have City inspection program of properties

**THIS IS A PRELIMINARY WORKING DRAFT FOR DISCUSSION PURPOSES,
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5/13/18

ORDINANCE NO. _____

An ordinance amending Chapter 18, “Municipal Solid Wastes,” of the Dallas City Code, by amending Sections [list sections]; providing (description of amendment); providing a penalty not to exceed \$500; providing a saving clause; providing a severability clause; and providing an effective date.

WHEREAS, the city seeks to increase residents’ access to recycling services because recycling reduces solid waste accumulations that are harmful to human health and the environment;

WHEREAS, recyclable materials are taking up valuable space at the city’s landfill when they could more beneficially be processed at recycling facilities;

WHEREAS, the city has passed a zero-waste plan and the regulations in this ordinance are consistent with the plan and will further the goals of the plan; Now, Therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That Section 18-2, “Definitions,” of Article I, “Collection and Disposal,” of Chapter 18, “Municipal Solid Wastes,” of the Dallas City Code, is amended to read as follows:

“SEC. 18-2 DEFINITIONS.

For the purpose of this chapter, the following words and phrases have the meanings respectively ascribed to them by this section:

(1) **ALLEY.** Any public way, generally of less width than a street, used for public utility purposes and right-of-way and as an alternate secondary or emergency route for vehicular and pedestrian traffic, generally situated at the rear of or alongside a tier of lots.

(2) ~~[APARTMENT. Apartment as defined by the building code.~~

~~(3)]~~ **APARTMENT HOUSE.** Apartment house as defined by the building code.

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(3[4]) BRUSH. Cuttings or trimmings, individual pieces not exceeding six inches in diameter, from trees, shrubs, or lawns and similar materials, further categorized as:

(A) OVERSIZE BRUSH. Brush of lengths exceeding five feet.

(B) SIZED BRUSH. Brush of lengths not exceeding five feet.

(C) BUNDLED BRUSH. Sized brush tied in bundles, not exceeding 50 pounds in weight.

(D) CONTAINERIZED BRUSH. Sized brush in containers not exceeding a combined weight of 50 pounds.

(4[5]) BUILDING. A structure used or intended for supporting or sheltering any use or occupancy.

(5[6]) BUILDING CODE. The Dallas Building Code, as amended.

(6[7]) CITY. The city of Dallas, Texas.

(7[8]) CODE. The Dallas City Code, as amended.

(8[9]) COMMERCIAL ESTABLISHMENT. Any structure intended or used for the purpose of conducting a commercial business enterprise.

(9[10]) CONTAINER. A receptacle for the deposit of solid waste, including garbage and recyclable materials (meeting the requirements of Section 18-3 for containers).

(10[11]) DESIGNATED ALLEY. An alley that is not paved to city standard with concrete or asphalt, that has a right-of-way less than 12 feet in width, that deadends, that serves a dual use as a lined drainage channel, or that involves other unusual conditions and which has been designated by the director of sanitation.

~~(12) Reserved.~~

(11[13]) DIRECTOR OF SANITATION. The head of the department of sanitation services of the city or any authorized representative.

(12[14]) DOWNTOWN AREA. The area within the Dallas city limits bounded by the west line of Houston Street, the south line of all properties on the south side of Young Street, the east line of Pearl Street, and the south line of Gaston-Pacific extension.

(13[15]) DRIVE-IN SERVICE. Service involving city sanitation service employees driving in on private property to collect garbage or recyclable materials.

(14[16]) DRY SOLID WASTE. Trash (or rubbish), as defined in this section.

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(15[17]) DUPLEX. A structure intended for the use and occupancy as two family dwelling units.

(16[18]) DWELLING UNIT. Dwelling unit has the meaning assigned in Section 51A-2.102 of the Dallas Development Code, as amended [~~as defined by the building code~~].

(17[19]) FOOD ESTABLISHMENT. Cafe, restaurant, or other similar establishment serving food or food products, including quick service drive-ins where food is prepared or served.

(18[20]) GARBAGE. Solid waste consisting of putrescible animal and vegetable waste materials resulting from the handling, preparation, cooking, and consumption of food, including waste materials from markets, storage facilities, handling and sale of produce, and other food products.

(19[21]) ILLEGALLY DUMPED SOLID WASTE. Any solid waste placed on property with or without the consent of the owner or person in control.

(20[22]) INDUSTRIAL SOLID WASTE. Solid waste resulting from or incidental to any process of industry or manufacturing, or mining or agricultural operations.

(21[23]) INSTITUTION OR INSTITUTIONAL. Any church, church building, or structure housing any charitable, philanthropic, or eleemosynary undertaking, or any school.

(22[24]) MANAGER. The person in charge of real estate used for apartment, institutional, or commercial purposes.

(23[25]) MANUAL COLLECTION. The service rendered in collecting municipal solid waste, including recyclable materials, in bags or from containers where sanitation workers pick up the bags and containers manually instead of by mechanical means.

(24[26]) MOBILE HOME PARK. Six or more mobile home type dwelling units or mobile home parking spaces that are:

- (A) all located on one lot under single ownership; and
- (B) only accessible by a private road.

(25[27]) MULCH. Cutting grass, weeds, and similar vegetation into fine particles.

(26) MULTIFAMILY SITE RECYCLING COLLECTION SERVICE. The business of removing recyclable material, for processing, from a multifamily site for compliance with Section 18-5.1 of this code.

(27) MULTIFAMILY SITE. Multifamily site means eight or more dwelling units on a lot.

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(28) MUNICIPAL SOLID WASTE. Solid waste resulting from or incidental to municipal, community, commercial, and recreational activities, including garbage, trash (or rubbish), ashes, street cleanings, dead animals, and all other solid waste other than industrial solid waste.

(29) OCCUPANT. A person living on premises or in control of premises.

(30) OWNER. A person or the person's agent, including a condominium or homeowner's association, jointly or severally, with an ownership interest in a commercial establishment, multifamily site, residence, or duplex~~[The record title holder of real property]~~.

(31) PACKOUT SERVICE. Service involving city sanitation service employees walking in on private property or walking in to a point that is not immediately adjacent to a location reasonably accessible to the standard city garbage or recycling truck by route of a public right-of-way to collect garbage or recyclable materials.

(32) PARKWAY. The area ordinarily intervening between the curb line of a street and the adjacent property line, or the sidewalk if a sidewalk exists.

(33) PERMITTEE. Any person licensed by the city of Dallas to contract to collect, remove, or dispose of solid waste.

(34) PERSON. Any individual, corporation, organization, partnership, association, or any other legal entity.

(35) PROPERTY LINE. The peripheral boundary of real estate.

(36) PUBLIC UTILITY EASEMENT. A right- of-way used or dedicated to be used by any public utility, including but not limited to services such as electricity, telephone, gas, solid waste collection, water, sewer, and drainage.

(37) PUBLIC WAY. Any street, alley, easement, or other right-of-way.

(38) RECYCLING. The process of collecting, sorting, cleansing, treating, and reconstituting recyclable materials for the purpose of using the altered form in the manufacture of a new product.

(39) RECYCLABLE MATERIAL. Any material or product designated in writing by the director of sanitation as being suitable for re-use and/or recycling.

(40) RESIDENCE. A structure intended for use and occupancy as a one family dwelling unit, including a mobile type dwelling unit that is not part of a mobile home park.

(41) ROLL CART. A plastic receptacle, which is furnished by the city for the collection of residential refuse and recyclable materials, that:

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- (A) has two wheels and a lid;
- (B) is designed to be lifted and emptied mechanically;
- (C) is too large for handling by manual means; and
- (D) is from 48 to 96 gallons.

(42) **ROLLCART SERVICE.** The service rendered in collecting municipal solid waste, including recyclable materials, by mechanical means from rollcart containers furnished by the city.

(43) **SANITARY LANDFILL.** A method of disposing of municipal solid waste on land without creating a nuisance or hazard to public health or safety by utilizing the principles of engineering to confine the solid waste to the smallest practical area, to reduce it to the smallest practical volume, and to cover it with a layer of earth at appropriate periodic intervals.

(44) **SANITATION SERVICES.** The department of the city that is responsible for the operation of the city's solid waste collection and disposal utility, including, but not limited to, the collection, removal, disposal, and processing of municipal solid waste (including recyclable materials).

(45) **STREET.** Any public roadway for the passage of vehicular and pedestrian traffic.

(46) **TRASH (OR RUBBISH).** Municipal solid wastes other than garbage and further categorized as:

(A) **BULKY TRASH.** Furniture, appliances, tree trunks, and other similar objects too large for routine placement in normal compaction-type collection vehicles.

(B) **YARD TRASH.** Leaves, grass, twigs, and other similar objects.

(C) **HOUSEHOLD TRASH.** Paper, wood, glass, metal, cans, rags, cartons, rubber, plastic, and other similar materials.

(D) **CONTAINERIZED TRASH.** Household or yard trash in containers not exceeding a combined weight of 50 pounds.

(E) **CONSTRUCTION DEBRIS.** Debris resulting from construction, demolition, roofing, destruction by fire, or clearance of vacant or improved property in preparation for construction that must be removed at the expense of the owner or developer.

(47) **UNPAVED ALLEY.** Any alley not paved with concrete or asphalt.

(48) **VEGETATION.** Any plant growth.

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(49) **VEHICLES.** Every wheeled conveyance or any other device in, or by which any property may be transported or drawn upon a public street or highway, including devices used exclusively on stationary rails or tracks.

(50) **WALKWAY.** Any area, paved or unpaved, normally used as a pedestrian right-of-way.

(51) **WET SOLID WASTE.** Any putrescible animal or vegetable waste materials, other than waterborne waste material, resulting from the handling, preparation, cooking, or consumption of food, including waste material from markets, storage facilities, or the handling or sale of produce or other food products.”

SECTION 2. That Article I, “Collection and Disposal,” of Chapter 18, “Municipal Solid Wastes,” of the Dallas City Code, is amended by adding a new Section 18-5.1, “Collection and Removal of Recyclable Materials from Multifamily Sites,” to read as follows:

**“SEC. 18-5.1 COLLECTION AND REMOVAL OF RECYCLABLE MATERIALS
FROM MULTIFAMILY SITES.**

(a) General regulations. The owner of a multifamily site shall:

(1) provide single stream, dual stream, or valet recycling through persons holding a multifamily site recycling collection service permit pursuant to Article IV-a of this chapter.

(2) provide recycling container(s) through persons holding a multifamily site recycling collection service permit pursuant to Article IV-a of this chapter.

(3) provide and place recycling containers in locations within visibility of waste containers. If valet trash service is provided, the recycling service should be of a similar nature. If trash chute rooms or trash rooms are utilized, then the recycling service should be of a similar nature or should be as convenient for the tenant, such as placing a recycling container adjacent to the trash chute, if there is adequate space.

(4) provide information (e.g. posters, signs) in suitable common areas, such as mail rooms and laundry facilities, that discusses how to recycle at the property, including information on the types of recyclable materials that are acceptable using photos or images, the chasing arrows recycling symbol, locations of recycling containers, and onsite contact information to report overflowing recycling containers and contamination. If the property utilizes valet recycling collection services, then only information regarding how to recycle and materials accepted is required.

(5) educate each tenant on recycling program implementation upon lease commencement and biannually thereafter of the following:

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(A) the multifamily site provides access to recycling in accordance with Chapter 18 of the Dallas City Code;

(B) location of recycling containers;

(C) types of recycling materials accepted;

(D) information related to proper recycling practices, including that cardboard boxes should be broken down before placed in recycling containers;

(E) onsite contact information to report overflowing recycling containers and contamination; and

(F) information on how to report waste or recycling problems to the City of Dallas, utilizing 3-1-1, the 311 app or submitting an online service request.

(6) inform each tenant within 30 days of any significant change in recycling services to the multifamily site.

(7) for multifamily sites offering back-of-house and valet recycling, provide biannual training (or within 30 days of new employee start date) to those collecting recyclable materials of the following:

(A) types of clean and empty materials accepted in recycling containers;

(B) instruction to break down cardboard boxes before depositing into recycling containers serviced by a permitted multifamily site recycling collection service business;

(C) for multifamily sites providing valet recycling, instruction to empty plastic bags before depositing contents into recycling containers serviced by permitted multifamily site recycling collection service businesses and instruction to place plastic bags into waste or garbage containers to be landfilled;

(E) location of recycling containers; and

(F) onsite contact information for reporting overflowing recycling containers and contamination.

(8) submit an annual recycling plan to the director of sanitation as set forth in Subsection (g) of this section, along with an affidavit of compliance as part of the owner's annual multi-tenant registration or on a form approved by the director of sanitation.

(b) Recyclable materials for collection. The owner of a multifamily site must provide collection for recyclable materials that are consistent with those materials accepted by the city's residential recycling program, unless otherwise exempted by the director of sanitation.

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(c) Recycling collection and capacity. The owner of a multifamily site must provide recycling container collection capacity equal to or greater than 11 gallons per unit, per week.

(d) Recycling containers. A recycling container must:

(1) be a roll cart, bin, wheelie bin, dumpster, or compactor. Wheelie bins, dumpsters, and compactors larger than two yards may have restricted access to prevent gross contamination; and

(2) comply with screening and other applicable regulations in the Dallas Development Code, as amended.

(e) Parking reduction. Minimum parking required for a multifamily site may be reduced in order to provide adequate space for recycling containers.

(f) Implementation.

(1) An owner of a multifamily site shall implement a multifamily site recycling program by January 1, 2020.

(2) An owner of a multifamily site applying for a certificate of occupancy after January 1, 2020, shall immediately comply with this section upon issuance of the property's certificate of occupancy and submit a recycling plan with their initial multi-tenant registration application.

(g) Recycling plans.

(1) The owner of a multifamily site shall submit a recycling plan each year, as part of their annual multi-tenant registration application, to the city. Initial recycling plans must be submitted upon the first annual multi-tenant registration after January 1, 2020. Electronic or hard copy of the recycling plan information should be available for inspection on site after January 1, 2020. The recycling plan must include the following information:

(A) name of permitted multifamily site recycling collection service business utilized;

(B) types of materials recycled;

(C) type, size, location(s), and frequency of recycling container(s) collection;

(D) a site map of the property showing current garbage and recycling locations, unless valet recycling service is provided and no community recycling containers are available;

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(E) notation of any changes to the multifamily site recycling program in the previous calendar year, including but not limited to changes of the following: multifamily site recycling collection service business utilized or method of collection, if applicable; and

(F) any other information that the director of sanitation deems necessary, and is reasonable, to verify compliance with this ordinance or to enhance program reporting capabilities and other information.

(2) The owner of a multifamily site shall maintain records and examples of materials relevant to meeting the requirements of Section 18-5.1(a)(5) and make records available if requested by the city manager's designee, or that designee's authorized representative during an on-site inspection.

(3) The director of sanitation may reject a recycling plan if it does not contain the information specified in this section or meet the minimum requirements as defined in this section. The owner of a multifamily site shall submit a revised plan no later than 30 days from notification of the director of sanitation's determination to reject the plan.

(h) Inspection. For any multifamily site, the city manager's designee, or that designee's authorized representative, may conduct an inspection for compliance with this section and verify the site's provision of access to recycling services at any time or when an inspection under Section 27-42, of Chapter 27 of the Dallas City Code, as amended, is conducted, even if the multifamily site is not a rental property, as defined in Chapter 27 of the Dallas City Code, as amended.

(i) Exemptions and Implementation Extension.

(1) Section 18-5.1(a)(8) does not apply to multifamily sites that have a current contract with the City of Dallas to receive recycling collection services from the city.

(2) The owner of a multifamily site may submit to the director of sanitation, within 90 days of required recycling program implementation, a written request for an implementation extension and/or exemption from all or specific provisions of the regulations of this section because of the owner's inability to comply. The director of sanitation will conduct a thorough evaluation on whether the owner demonstrated an inability to comply with the ordinance. The owner will receive a determination by the director of sanitation in writing within 60 days. The director of sanitation's decision will be final."

SECTION 3. That Subsection (c) of Section 18-12.1, "Penalties for Violation," of Article IV, "Collection and Disposal," of Chapter 18, "Municipal Solid Wastes," of the Dallas City Code, is amended to read as follows:

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“(c) An offense under section 18-4(c)(1) is punishable by a fine of not more than \$500 or less than \$50. An offense under Section 18-4(e)(2) is punishable by a fine of not more than \$500 or less than \$150. An offense under Section 18-5.1(a)(1) is punishable by a fine of not more than \$500 or less than \$150. Each day’s violation shall constitute a separate offense and will be subject to the fines established in this section.”

SECTION 4. That Chapter 18, “Municipal Solid Wastes,” of the Dallas City Code, is amended by adding a new Article IV-a, “Private Recycling Collection and Removal Services,” to read as follows:

“ARTICLE IV-a.

MULTIFAMILY SITE RECYCLING COLLECTION AND REMOVAL SERVICES.

SEC. 18-52. DIRECTOR OF SANITATION’S AUTHORITY.

(a) The director of sanitation shall implement and enforce this article and may, by written order, promulgate rules or regulations consistent with this article and other applicable laws, as the director of sanitation determines are necessary to discharge any duty under this article or to achieve a purpose outlined in the scope of this chapter.

(b) The city manager’s designee, or that designee’s authorized representative may impound any vehicle or container used for the collection and removal of recyclable materials if its contents become foul, offensive, or otherwise hazardous to the public health or safety or if it is being used in violation of this chapter. A vehicle or container impounded under this subsection may not be moved without the consent of the city manager’s designee, or that designee’s authorized representative and may not be returned to service until the contents are properly disposed of and the vehicle or container is cleaned and brought into compliance with this chapter.

SEC. 18-53. MULTIFAMILY SITE RECYCLING COLLECTION SERVICE.

(a) Multifamily site recycling collection service permit.

(1) Recycling collection service permit required. A person who is in the business of collecting or removing recyclable materials from a multifamily site shall obtain a multifamily site recycling collection service permit from the city. A permit is not required for a business such as a building contracting, home repair, landscaping, roofing, or other similar business that incidentally collects or removes recyclable materials in performance of their service.

(2) Permit application requirements. To obtain a multifamily site recycling collection service permit, a person shall submit an application, on a form or in a manner approved by the director of sanitation, and shall include the following information:

(A) the person’s name, address, and notarized signature;

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(B) the person's form of business, and if, applicable, the documents establishing the form of business, including a list of directors and officers and their contact information;

(C) a description of any past business experience in providing recycling collection and removal services as well as information related to revocation or suspension by the city, or by any other governmental entity, of a recycling permit, solid waste collection license, franchise, or similar authorization held by the applicant;

(D) the number and description of vehicles to be used for recycling collection and removal services, including year, make, model, vehicle identification number, and state license registration number for each vehicle;

(E) documentary evidence from an insurance company that the person or company has liability insurance and a commercial fleet policy;

(F) documentation that applicant is registered and authorized to do business in the state of Texas;

(G) documentary evidence, if requested, of payment of ad valorem taxes owed on the real and personal property to be used in connection with the operation of the proposed recycling collection service if the business establishment is located in the City of Dallas; and

(H) any other information that the director of sanitation deems necessary and is reasonable in determining if the person is qualified to provide recycling collection and removal services at a multifamily site in compliance with this code.

(3) Fees and annual renewal. The fee for an initial multifamily site recycling collection service permit is \$275 and is non-refundable. The recycling permit must be renewed every twelve months for a fee of \$100 and is non-refundable.

(b) Recycling containers. A multifamily site recycling collection service business shall provide color coded recycling containers to its customers. The recycling containers must display the following affixed signage:

(1) photo or images of recyclable materials accepted, minimum size of 18" x 12", must be on the front of the container, along with information or a graphic indicating that cardboard boxes should be broken down and "No Plastic Bags";

(2) the word "RECYCLING ONLY", with minimum letter size of 12 inches, and chasing arrows symbol in prominent lettering and clearly labeled on the front recycling container; and

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(3) contact information to report overflowing recycling containers and contamination.

(c) Recycling facilities. A multifamily site recycling collection service business shall transport collected recyclable materials to a recycling facility authorized to operate in the State of Texas.

(d) Reporting. A multifamily site recycling collection service business shall submit an annual report to the director of sanitation by February 1 of each year, beginning on February 1, 2021, on a form provided by the director of sanitation, and shall include the following information:

(A) multifamily site recycling collection service business's contact information;

(B) tonnage of recyclable materials collected from multifamily sites in the city of Dallas in the prior calendar year. If collection routes require comingling of material collected outside the city, tonnage should be reported on a total basis and an appropriately prorated percentage to estimate Dallas tons;

(C) for the prior fiscal year, on average, the total number of units served and total weekly recycling capacity for multifamily sites in Dallas;

(D) name and location of materials recovery facilities or other recycling processing facility utilized in the prior calendar year;

(E) load reject rate used in the prior calendar year, as reported by materials recovery or recycling processing facilities;

(F) residue percentage rate used in the prior calendar year, as reported by materials recovery facilities or recycling processing facilities;

(G) documentary evidence, if requested, of payment of ad valorem taxes owed on the real and personal property to be used in connection with the operation of the proposed multifamily site recycling collection service if the business establishment is located within the city; and

(H) any other information that may be reasonably requested by the director of sanitation regarding the recycling collection services.

(e) Customer education. A multifamily site recycling collection service business shall educate and inform each customer upon contracting and annually thereafter of the following:

(1) that the multifamily site recycling collection service business provides recycling collection services in accordance with Chapter 18 of the Dallas City Code;

(2) types and capacity of recycling containers that may be utilized;

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- (3) types of recyclable materials accepted to transport to a materials recovery facility;
- (4) disclosure of additional fees assessed to multifamily sites that exceed the multifamily site recycling collection service business's allowable contamination rate;
- (5) instruction on reducing contamination of recyclable materials; and
- (6) the multifamily site recycling collection service business's information to request an audit of recyclables collected from a multifamily site.

SEC. 18-54. INSPECTIONS, SUSPENSIONS, REVOCATIONS, AND PENALTIES.

(a) Inspections, suspensions, and revocations. A multifamily site recycling collection service business's vehicles are subject to inspections in a manner approved by the director of sanitation. If a multifamily site recycling collection service business has three violations of this chapter, then the director of sanitation may suspend or revoke the recycling permit until such time that the director of sanitation determines the business is in compliance with this chapter.

(b) Penalties. A person who violates a provision of this article, or who fails to perform a duty required of him under this article, commits an offense. A person is guilty of a separate offense for each day or part of a day during which a violation is committed, continued, or permitted. An offense under this article is punishable by a fine not more than \$500 or less than \$150.

~~[SECS. 18-52 THRU 18-54. ——— RESERVED]~~"

SECTION 5. That, unless specifically provided otherwise by this ordinance or by state law, a person violating a provision of this ordinance is, upon conviction, punishable by a fine not to exceed \$500.

SECTION 6. That Chapter 18 of the Dallas City Code shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 7. That any act done or right vested or accrued, or any proceeding, suit, or prosecution had or commenced in any action before the amendment or repeal of any ordinance, or part thereof, shall not be affected or impaired by amendment or repeal of any ordinance, or part thereof, and shall be treated as still remaining in full force and effect for all intents and purposes

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as if the amended or repealed ordinance, or part thereof, had remained in force.

SECTION 8. That the terms and provisions of this ordinance are severable and are governed by Section 1-4 of Chapter 1 of the Dallas City Code, as amended.

SECTION 9. That this ordinance shall take effect January 1, 2019, and it is accordingly so ordained.

APPROVED AS TO FORM:

LARRY E. CASTO, City Attorney

By _____
Assistant City Attorney

Passed _____

DRAFT