Regional Model Scrap Tire Ordinance

**DEFINITIONS**

 In this article:

 (1) CITY means the city of XX, Texas.

 (2) DIRECTOR means the director of the department designated by the city manager to enforce and administer this article and includes the director’s authorized representatives.

 (3) MANIFEST means a tracking mechanism to monitor the transfer of tires from the point of generation to their end-use or final destination, such as a tire storage site, scrap tire facility, permitted landfill, or land reclamation project using tires. The manifest is a five-part form whose format and content is prescribed by the Texas Commission on Environmental Quality.

 (4) MOBILE TIRE REPAIR BUSINESS means a business that repairs tires at any temporary location, including but not limited to a roadway, alley, parking lot, or residence. The term does not include a business that only changes out or replaces tires but does not make any repairs to a tire.

 (5) MOBILE TIRE REPAIR UNIT means any vehicle used in a mobile tire repair business.

 (6) SCRAP TIRE means a whole tire or any portion of a tire that:

 (A) can no longer be used for its original intended purpose; or

 (B) is being held, transported, or processed for disposal or recycling.

 (7) SCRAP TIRE GENERATOR means a fleet operator, an automotive dismantler, or a retailer, wholesaler, manufacturer, recapper, or retreader of new or used tires.

 (8) SCRAP TIRE TRANSPORTER means any business or person who transports more than six scrap tires at any one time or is loading or unloading scrap tires from or to any location within the city.

 (9) TIRE BUSINESS means any business or establishment where used tires are collected, repaired, processed, recycled, scrapped, sold, bought, or stored, including but not limited to a mobile tire repair business and a salvage yard.

 (10) TIRE RECYCLING FACILITY means a state-registered facility that processes, recycles, or conducts energy recovery with scrap tires.

 (11) VEHICLE means any motorized vehicle and any non-motorized trailer that is or may be attached to a motorized vehicle. If a trailer is attached to a motorized vehicle, both the trailer and the motorized vehicle will be considered as one vehicle.”

**Tire Business License and Mobile Tire Repair Unit Permit Required; Application; Transferability**

To obtain a tire business license, a person must submit an application on a form provided for that purpose to the director. The applicant must be the person who will own, control, or operate the tire business. The application must be signed and verified by the applicant and contain all of the following information:

 (1) The name, residential mailing address, county of residence, email address, and telephone and facsimile number of each owner and operator of the tire business.

 (2) The physical address, email address, and telephone number of the tire business.

 (3) The approximate number of tires that will be stored on site at the tire business.

 (4) If applicable, the zoning district or districts where the business is located.

 (5) The tax identification number or taxpayer identification number of each owner and operator listed in the license application.

 (6) The number and description of vehicles the applicant proposes to use as mobile tire repair units, including the year, make, model, color, vehicle identification number, and state license registration number for each vehicle, and proof that each vehicle is in compliance with state requirements for vehicle registration, vehicle inspection, and vehicle financial responsibility.

(7) The registration or license number of any Texas Commission on Environmental Quality registration or license, if applicable.”

**ISSUANCE, DENIAL, AND DISPLAY OF A LICENSE PERMIT, OR TIRE DISPOSAL RECORDS.**

 (a) The director shall issue a tire business license to the applicant, unless the director determines that the applicant:

 (1) failed to completely fill out an application;

 (2) provided false information on an application;

 (3) failed to pay a license or permit fee required under this article;

 (4) has had a tire business license revoked within the preceding 12 months; or

 (5) has failed to complete the required training.

 (b) Upon issuance of a license to an applicant, the director shall issue a permit to each vehicle to be operated by the applicant as a mobile tire repair unit.

 (c) If the director determines that an applicant should be denied a tire business license, the director shall notify the applicant in writing that the application is denied and include in the notice the reason for denial and a statement informing the applicant of the right of appeal. The director shall provide the notice within 10 business days of making the determination.

 (d) A license or permit issued under this section must be displayed in a manner and location approved by the director. A license and permit must be presented upon request to the director or to a peace officer for examination.

 (e) An applicant shall keep a state-approved manifest of all tires received and transported out of its facility. A notarized audit of all tire transactions must be made available upon the request of the director, police department, city marshal, city attorney, or the city attorney’s designee. An applicant shall maintain manifest records for three years at the physical address designated on their license.

 (f) A tire business, mobile tire repair unit, or scrap tire transporter commits an offense if it allows any tire to be transported upon any public street other than by an approved and registered permit holder. Each tire business shall maintain daily records of the numbers of tires generated at each premise under his control.

**REVOCATION OF A LICENSE.**

 (a) The director shall revoke a tire business license if the licensee:

 (1) refuses to allow any agent of the city entry into and inspection of the tire business or a mobile tire repair unit;

 (2) is convicted twice within a 24-month period of any city ordinance or state or federal law regulating solid waste, litter, dumping, pollution, standing water, insect or rodent infestation, junk or salvage yards, junk motor vehicles, tires, or similar health, sanitation, or environmental concerns;

 (3) violates any provision of this article or of this code;

 (4) does not complete the required training

 (b) Any person whose license or permit has been revoked shall return the license or permit to the director, along with any identification stickers or decals issued to the licensee within 10 business days of revocation.

**REQUIRED TRAINING.**

(a) The licensee and each of the licensee’s authorized agents at each tire business location and mobile tire repair unit shall complete a two-hour training course delivered by the director prior to initial registration and annually thereafter prior to renewal.

(b) The licensee shall notify the director within 15 days of the separation of any authorized agent or the termination of the agency relationship.

(c) All new authorized agents shall complete the required training within 30 days of the establishment of the agency relationship. If the training is not completed within 30 days, the tire business license is subject to the revocation pursuant to the requirements in this ordinance.

**SCRAP TIRE GENERATOR STORAGE METHODS.**

(a) Tires stored by a tire business must be stored under a roofed structure.

(b) All used tires and scrap tires must be stored in a manner which prevents exposure to natural elements.

(c) Tires must be stored to prevent the collection of water, debris, dirt, rubbish, and other materials.

(d) Used tires and scrap tire pieces stored outside must be screened from public view.

(e) Tires must be secured to prevent unauthorized removal from the structure.

(f) Tires must be stored in compliance with the (City) Fire Code.

(g) Scrap tire generators shall implement regular prevention methods to eliminate mosquito breeding and rodent habitation.

(h) Tires stored in violation of this section will be deemed a public nuisance subject to abatement at the expense of the premises owner.

(i) Tires must be stored at each facility in accordance with all local, state, and federal laws and regulations.

(j) Scrap tire generators storing more than 500 scrap tires on the ground or more than 2,000 scrap tires in enclosed and lockable containers at a facility must obtain a scrap tire storage registration pursuant to 30 Texas Administrative Code Section 328.56.

**TIRE IDENTIFICATION.**

Scrap tires must be marked with the assigned license number of the tire business within one business day of receipt of the tire. The license number must be placed on each tire using a permanent marking system and:

(1) be at least one inch in height;

(2) be of contrasting color; and

(3) be located on at least one side of the tire.

**Transporting Scrap Tires**

 (a) A person commits an offense if he transports scrap tires in a vehicle within the city without:

 (1) displaying a valid scrap tire transporter decal in a visible and conspicuous location on the rear of the vehicle;

 (2) being listed as a transporter or authorized driver for the vehicle in the application for the vehicle’s scrap tire transporter decal that is on file with the director;

 (3) maintaining for inspection at any time a current manifest as required by Section 361.112 of the Texas Health and Safety Code, as amended;

 (4) the appropriate tire identification markings; or

(5) displaying the licensee’s name, phone number, and city registration license number on both sides of each vehicle owned and operated by the licensee and used in the transporting of scrap tires. The lettering must be permanently affixed to the vehicle, be of a contrasting color, and be at least two inches in height. For purposes of this subsection, magnetic lettering is not considered permanently affixed.

**Penalty**

 (a) An offense under this article is punishable by a fine of not less than $500 or more than $2,000.

(1) Each day that any violation continues constitutes a separate offense.

(2) Each tire transported in violation of this article constitutes a separate offense.

 That a person violating a provision of this ordinance, upon conviction, is punishable by a fine not to exceed $2,000.

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