

Ordinance No.

An Ordinance Requiring the Regulation and Licensing of all Haulers Providing Collection, Transportation, and/or Disposal of Municipal Solid Waste within

WHEREAS, _____ recognizes the significant environmental impact of organic waste disposed of in landfills, including its contribution to methane emissions, waste diversion challenges, and the depletion of natural resources;

WHEREAS, the Texas Commission on Environmental Quality (TCEQ) reported that in the North Central Texas region alone, 11.8 million tons of waste were disposed of in landfills in 2023, making it the highest out of 24 different regions, and accounting for almost 30% of the state's total waste;

WHEREAS, _____ finds that Hauler licensing programs can significantly reduce landfill waste, increase access to curbside recycling and organics services, and ensure a high level of Municipal Solid Waste collection customer service;

WHEREAS, _____ recognizes that regulating and licensing Municipal Solid Waste Haulers is necessary to protect the health, safety, and welfare of its residents;

WHEREAS, _____ is committed to promoting sustainability, resource conservation, and the reduction of Municipal Solid Waste, and believes that Hauler licensing is a critical component of achieving these goals;

NOW, THEREFORE, _____ hereby adopts the following Hauler Licensing Ordinance.

Section 1. Title and Purpose

This Ordinance shall be known as the **Hauler Licensing Ordinance**. The purpose is to establish regulations for the licensing of Municipal Solid Waste Haulers operating in _____, establish reporting requirements to obtain information for the tracking and planning of Recyclable Materials and Compostable Materials diversion, and establish procedures for enforcement to ensure compliance with this Ordinance. These services aim to reduce the amount of Municipal Solid Waste, Recyclable Materials, and Compostable Materials entering the waste stream and being disposed in landfills, ensure equitable access to recycling and composting services for residents, and protect the health, safety, and welfare of the public.

Section 2. Definitions

For the purposes of this Ordinance, the following definitions shall apply:

- **“Commercial Customer”** refers to services performed at or for any premises where a commercial, industrial, or institutional enterprise is carried on, including, but not limited to, retail establishments, restaurants, hospitals, schools, day care centers, office buildings, nursing homes, clubs, churches, and public facilities.
- **“Compostable Materials”** means organic material that has been separated from non-organic material at the point of generation for the purpose of such materials being composted or otherwise processed into soil amendment, fertilizer, mulch, sludge, biogas, fuel or electricity, provided that such materials have been designated as compostable under the Minimum Compostables List.
- **“Hauler”** means any person or entity that, for a fee or not, provides collection, transportation, or disposal services for Municipal Solid Waste.
- **“Landfill Materials”** means discarded materials from any residential source, excluding Recyclable Materials and Compostable Materials, that are collected separately for the purpose of such materials being landfilled.
- **“Minimum Compostables List”** refers to the minimum grouping of material required to be collected as part of composting collection service, as defined by _____.
- **“Minimum Recyclables List”** refers to the minimum grouping of material required to be collected as part of recycling collection service, as defined by _____.
- **“Multifamily Customer”** refers to services performed at and for residential premises with dwellings with _____ or more units.
- **“Municipal Solid Waste”** means solid waste from household, community, commercial, and industrial sources that does not contain hazardous wastes.
- **“Recyclable Materials”** means discarded materials from any residential source that are collected separately for the purpose of such materials being reused, remanufactured, reclaimed, or repurposed into new or different products or packaging materials, provided that such materials have been designated as recyclable under the Minimum Recyclables List.
- **“Residential Customers”** refers to services performed at and for residential premises, which include single-family dwelling units of _____ or fewer dwelling units.

Section 3. License Required

1. It shall be unlawful for any person to operate Municipal Solid Waste collection within the corporate limits of _____ without first obtaining a Hauler license for such activity.
2. The following persons or entities are exempt from obtaining a Hauler license:
 - a. A person who transports Municipal Solid Waste, Recyclable Materials, or Compostable Materials produced by such person.

- b. A property owner or agent thereof who transports Municipal Solid Waste, Recyclable Materials, or Compostable Materials left by a tenant upon such owner's property, so long as such property owner does not provide Municipal Solid Waste collection service for compensation for tenants on a regular or continuing basis.
 - c. A demolition or construction contractor or landscaper who produces and transports Municipal Solid Waste in the course of such occupation, where the Municipal Solid Waste produced is merely incidental to the particular demolitions or construction work being performed by such person.
 3. A copy of the Hauler license shall be kept in each licensee's vehicle while operating in
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Section 4. License Application & Administration

1. All applicants for a Hauler license shall file an application to _____ on forms to be provided by the _____. The application shall be completed in its entirety.
 - a. Each applicant will include the name and address of the local corporate office and provide the number, make, and model of trucks operating in the _____, name and address of each location material is transported to by the applicant, annual State of Texas vehicle inspection certifications, and other information as required by the _____.
 - b. *(Optional) Each shall submit as a part of the Hauler license application a written plan describing how Recyclable Materials and Compostable Materials collection services will be provided, including the manner of separation and collection and the frequency of the collection. Any changes to the plan shall be submitted to _____ prior to implementation of the change. This information may be disseminated by the _____ for public information purposes.*
2. The application shall be reviewed by _____ or his or her designee, who shall conduct such additional investigation as he or she deems necessary and shall approve, approve with conditions, or deny the Hauler license.
3. In determining whether to grant or deny a Hauler license, _____ shall take into consideration:
 - a. Any previous license violations, civil convictions, or criminal convictions.
 - b. Whether the Hauler has adequate equipment to provide the necessary services.
 - c. If the applicant has previously done business in the _____, the number of complaints received from the citizens concerning the applicant's operations.
4. Upon a determination by the _____ of whether a Hauler license shall be issued, the _____ shall provide written notice to the applicant of his or her decision thereon.
5. Upon approval of a Hauler license application, but before issuance, the Hauler shall furnish to the _____ the following:
 - a. Proof that the Hauler has obtained general and commercial auto liability insurance, executed by a company authorized to do business in the state and

- protecting the Hauler from all claims for damage to property or for bodily injury, including death, which may arise from operations under or in connection with this license and providing limits of coverage of not less than _____ for bodily injury and property damage per occurrence or in the aggregate; and
- b. Proof that each vehicle required to be identified has been registered with the U.S. Department of Transportation.
6. Haulers shall provide written notice to the _____ within 60 days of a change in the following:
- a. Address or telephone number of the Hauler; and
- b. Name and address of the person designated to receive notices described in this Ordinance.
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Section 5. License Fees

1. The _____ shall issue a Hauler license upon the applicant satisfying the requirements herein, and upon full payment of an annual license fee.
2. An annual license fee of _____ shall be payable to the _____ at the time an application for a Hauler license is approved or at the time a renewal application is approved.
3. The amount of the license fee shall be based on the actual cost of administering the Hauler licensing program.
4. The _____ shall have the authority to set and change the license fee.
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Section 6. License Terms and Renewal

1. All Hauler licenses issued shall expire on _____ after the date of issuance, unless cancelled or revoked, and may be renewed upon submission of a completed application for renewal and payment of the required license fee.
- a. All applications for renewal of a Hauler license shall be submitted no later than _____ in advance of the upcoming license year.
- b. *(Optional) The application shall include a current description of the recycling and composting program and any efforts the applicant has made to increase customer recycling and composting.*
- c. Licenses are non-transferable.
2. The renewal application shall be reviewed by _____ or his or her designee, who shall have the power to grant or deny such Hauler license renewal following the criteria established in Section 4. License Application & Administration.

Section 7. License Denial, Cancellation, Suspension, or Revocation

1. A Hauler license may be denied, cancelled, denied renewal, suspended, or revoked by _____ for failing to properly comply with provisions in this Ordinance or on the grounds that the health, safety, or welfare of the community may be endangered by the continued operation of the licensee.
 2. The licensee shall have the right to a hearing before a hearing officer appointed by _____. The _____ shall notify the applicant in writing of the time and place of the hearing. After such hearing, the _____ shall make such order in the matter as he or she deems just and proper and shall furnish a copy of such final order to the applicant.
 3. A Hauler license may be summarily suspended for no more than 30 days by _____ when required for the immediate protection of the public health, safety, and welfare. A hearing shall be scheduled as soon as may be reasonably possible.
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Section 8. Recycling Requirement (Optional)

1. *All Haulers providing Municipal Solid Waste collection services to Residential Customers shall also provide curbside recycling collection services to every Residential Customer served. A Municipal Solid Waste collection-only service for Residential Customers is not permitted.*
2. *All Haulers providing Municipal Solid Waste collection services to Commercial or Multifamily Customers shall also offer curbside recycling collection to every Commercial or Multifamily Customer served.*
3. *All licensed Haulers of Recyclable Materials operating within the _____ shall have the following duties and rights:*
 - a. *Except for materials which customers have not properly prepared for recycling, Haulers may not dispose of Recyclable Materials set out by recycling customers by any means that result in the materials not being recycled or improperly disposed of.*
 - b. *The Hauler shall establish such policies and procedures as are necessary to provide for the orderly collection of Recyclable Materials, including requirements regarding the preparation of materials for collection, the collection of Recyclable Materials and requirements for separation.*
 - c. *In the event that a Hauler elects to perform collection of Recyclable Materials through subcontractors or agents, such agency relationship shall not relieve the Hauler of responsibility for compliance with the provisions of this Ordinance.*
 - d. *All Recyclable Materials placed for collections shall be owned by and be the responsibility of the customer until the materials are collected by the Hauler. The material then shall become the property and the responsibility of the Hauler.*

4. *Frequency of collection.*
 - a. *Curbside recycling collection services shall be provided to Residential Customers on at least a _____ basis.*
 - b. *Haulers providing collection services to Commercial or Multifamily Customers shall provide services for the collection of Recyclable Materials from such customers who desire such services on such frequency as is necessary to prevent overflow of the recycling containers.*
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Section 9. Designation of Recyclable Materials (Optional)

1. *The _____ shall, periodically, after consultation with representatives of the licensed Haulers operating within the _____ and representatives of material recovery facilities in the region, determine which items shall be designated for recycling collection. The Minimum Recyclable Materials List shall be published on the _____ website.*
 2. *If market factors or other circumstances arise during a calendar year that severely impact a Hauler's ability to comply with this Ordinance, the Hauler may provide such information in writing to the _____ with a request that a particular material be removed from the list of materials designated for recycling. The Hauler requesting the change shall continue to collect the Recyclable Materials designated by the _____ until the _____ notifies all licensed Haulers that a particular item has been removed from the list of designated Recyclable Materials. A Hauler may offer collection of additional Recyclable Materials not designated by the _____ at any time, upon written notice to the _____.*
 3. *All Haulers shall be responsible for notifying their customers, no less than annually, of the items designated for recycling, how to prepare materials for recycling, and the top contaminant item(s) customers should avoid placing in their recycling collection container.*
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Section 10. Composting Requirement (Optional)

1. *All Haulers providing Municipal Solid Waste collection services to Residential Customers shall also provide curbside composting collection services to every Residential Customer served. A Municipal Solid Waste collection-only service for Residential Customers is not permitted.*
2. *All Haulers providing Municipal Solid Waste collection services to Commercial or Multifamily Customers shall also offer curbside composting collection to every Commercial or Multifamily Customer served.*
3. *All licensed Haulers of Compostable Materials operating within the _____ shall have the following duties and rights:*
 - a. *Except for materials which customers have not properly prepared for composting, Haulers may not dispose of Compostable Materials set out by composting*

- customers by any means that result in the materials not being composted or improperly disposed of.*
- b. The Hauler shall establish such policies and procedures as are necessary to provide for the orderly collection of Compostable Materials, including requirements regarding the preparation of materials for collection, the collection of Compostable Materials and requirements for separation.*
 - c. In the event that a Hauler elects to perform collection of Compostable Materials through subcontractors or agents, such agency relationship shall not relieve the Hauler of responsibility for compliance with the provisions of this Ordinance.*
 - d. All Compostable Materials placed for collections shall be owned by and be the responsibility of the customer until the materials are collected by the Hauler. The material then shall become the property and the responsibility of the Hauler.*
- 4. Frequency of collection.*
- a. Curbside composting collection services shall be provided to Residential Customers on at least a _____ basis.*
 - b. Haulers providing collection services to Commercial or Multifamily Customers shall provide services for the collection of Compostable Materials from such customers who desire such services on such frequency as is necessary to prevent overflow of the composting containers.*
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Section 11. Designation of Compostable Materials (Optional)

- 1. The _____ shall, periodically, after consultation with representatives of the licensed Haulers operating within the _____ and representatives of composting processing facilities in the region, determine which items shall be designated for composting collection. The Minimum Compostable Materials List shall be published on the _____ website.*
- 2. If market factors or other circumstances arise during a calendar year that severely impact a Hauler's ability to comply with this Ordinance, the Hauler may provide such information in writing to the _____ with a request that a particular material be removed from the list of materials designated for composting. The Hauler requesting the change shall continue to collect the Compostable Materials designated by the _____ until the _____ notifies all licensed Haulers that a particular item has been removed from the list of designated Compostable Materials. A Hauler may offer collection of additional Compostable Materials not designated by the _____ at any time, upon written notice to the _____.*
- 3. All Haulers shall be responsible for notifying their customers, no less than annually, of the items designated for composting and how to prepare materials for composting.*

Section 12. Disposal of Municipal Solid Waste

1. All persons holding Hauler licenses pursuant to this Ordinance and engaged in the business of the collection of Municipal Solid Waste shall establish such policies and procedures as are necessary to provide for the orderly collection of Municipal Solid Waste, including requirements regarding the preparation of materials for collection, the collection of Municipal Solid Waste, and requirements for separation.
2. In the event that a Hauler elects to perform collection of Municipal Solid Waste through subcontractors or agents, such agency relationship shall not relieve the Hauler of responsibility for compliance with the provisions of this Ordinance.
3. All Municipal Solid Waste placed for collections shall be owned by and be the responsibility of the customer until the materials are collected by the Hauler. The material then shall become the property and the responsibility of the Hauler.
4. The Hauler shall dispose of all such Municipal Solid Waste at a state or federally approved site or facility. The disposal shall meet all federal, state, county, or laws, rules, regulations, and requirements.
5. No person shall operate any vehicle in such a manner as to deposit or litter on any public way with Municipal Solid Waste.
6. All persons holding Hauler licenses pursuant to this Ordinance are required to pick up Municipal Solid Waste properly prepared for disposal by the customer pursuant to any agreement between the Hauler and the customer.

Section 13. Volume-based Rates

1. All Haulers providing Municipal Solid Waste collection services to Residential Customers shall charge these customers for this service based on the volume capacity of the Municipal Solid Waste containers provided by the Hauler and placed for collection by each Residential Customer.
2. The amount to be charged shall include a base service rate for a container of not less than thirty-two (32) gallons, and that rate shall be used to determine the rates for all other service levels, which rates shall be increased on a pro rata basis by volume capacity of service levels offered, provided that the maximum sized container shall not exceed ninety-six (96) gallons.
 - a. Said charges shall be based upon the container size, rather than the volume of Municipal Solid Waste deposited within such containers by the Residential Customer. The charge for additional containers of the same volume capacity shall be no less than the charge for the first such container.

Section 14. Vehicle and Container Requirements

1. Haulers shall use a vehicle that is watertight with a tight cover so as to prevent offensive odors from escaping or refuse from escaping from the vehicle; and that is compliant with all local, state, and federal safety and inspection regulations.
2. Haulers shall prominently display the name and telephone number of the private collection service on both sides of each vehicle used in the operation of the service.
3. Haulers shall prominently display the name and telephone number of the private collection service on at least one side of each container used for collection, storage, or disposal of solid waste.

Section 15. Decal Requirements

1. The _____ shall issue a decal to Haulers for each collection vehicle approved by the application.
2. Haulers shall display the vehicle decal on both the driver and passenger side doors of the collection vehicle in a location that can be seen by the public at all times.

Section 16. Hours of Operation

No Hauler shall operate any vehicle for the purpose of collecting Municipal Solid Waste, *Recyclable Materials, or Compostable Materials* between the hours of _____.

Section 17. Records and Reports

1. The _____ shall establish and administer a reporting system requiring Haulers to submit records evidencing compliance with the provisions of this Ordinance.
2. All Haulers shall report to the _____ by _____ of each year an annual report for the previous year, on forms to be provided by the _____. Such records shall be subject to the Texas Public Information Act.
3. Each Hauler shall accurately and completely report to the _____ the following information:
 - a. Number of tons of Municipal Solid Waste collected in the _____ from all customer categories, reported by category of customer and the respective tons disposed at each disposal facility. The weight of Municipal Solid Waste collected shall be documented and verified based on actual load weight measurements.
 - b. *(Optional) Number of tons of Recyclables Materials and Compostables Materials collected in the _____ from all customer categories, reported by*

category of customer and the respective tons delivered to each material recovery facility or composting facility for processing.

- c. (Optional) Education and outreach activities, such as flyers, brochures, events, and other resources and efforts made by the Hauler to educate customers on proper sorting.*
 - d. Other information as required by the _____.*
- 4. (Optional) The _____ or his or her designee shall review each licensed Hauler's annual tonnage report for compliance with the recycling and composting requirements of this Ordinance.*
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Section 18. Responsibilities of Licensee

The licensee under this article shall have the sole burden and responsibility of disposing of Municipal Solid Waste collected and shall hold the _____ harmless should any claim be made regarding the collection or disposal thereof.

Section 19. Report of Changes

The licensee shall report any relocation or change in ownership to the _____ within _____ days of the change.

Section 20. Enforcement and Penalties

Violations of this Ordinance shall be punishable in accordance with _____ of the Code of Ordinances.

Section 21. Severability

1. If any article, section, paragraph, sentence, clause or phrase of this Ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The _____ hereby declares that it would have passed this Ordinance and each part or parts hereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.
2. All other ordinances or portions thereof inconsistent or conflicting with this Ordinance or any portion hereof is hereby repealed to the extent of such inconsistency or conflict.

Section 22. Effective Date

This Ordinance shall take effect on _____, with all Haulers required to comply
no later than _____.