

ARTICLE III. COMMERCIAL COLLECTION SERVICE¹

DIVISION 1. GENERALLY

Sec. 8-3-46. Authorization; vehicle and hauling requirements.

- (a) *Authorization.* No person shall be prohibited by this chapter from removing the accumulation of Garbage and Trash from the Premises under his control and transporting it to the City Landfill without a permit; provided, however, any person hauling or transporting any kind of Trash or Garbage shall provide for such use a motor-driven vehicle or trailer equipped as specified in subsection b.
- (b) *Vehicle requirements.* Every vehicle and trailer used for hauling Garbage, Trash or other refuse upon a public Street, Alley or other Right-of-way: shall have a bed or body of sufficient tightness to prevent the Garbage or Trash from escaping therefrom.
- (c) If the Garbage being hauled consists partly or entirely of wet, liquid, or semi-liquid material, then it shall be contained in, a waterproof metal tank or body, equipped with a flyproof covering, such as a tarpaulin or heavy duck material.
- (d) If the Trash or other refuse is a solid, then it shall be securely tied to the bed of the vehicle or trailer or covered, and the covering shall be securely tied to the bed of the vehicle or trailer.
- (e) *Offense.* It shall be unlawful for any person hauling upon a public Street, Alley or other Right-of-way any dirt, rocks, brick, broken concrete, ready-mix concrete, lumber, tree trunks, limbs or trimmings, cinders, plaster, sand or gravel, Trash, Garbage, refuse, or other similar material within the City:
 - (1) In a vehicle or trailer that does not comply with the requirements of this section; or,
 - (2) To allow, suffer or permit such material being hauled to drip, fall or be scattered upon any Street. Alley or other Public Right-of-way within the City.

(Ord. No. 7309, § 3, 1-17-2012; Ord. No. 7732, § 15, 6-19-2018)

Sec. 8-3-47. City manager authorization required.

- (a) The City Manager or his designee is authorized to grant a non-exclusive Permit to operate Commercial Collection Services in the City pursuant to the terms of this Article. A permit holder may solicit Commercial customers anywhere within the City limits and may service Commercial Customers anywhere within the City.

¹Editor's note(s)—Ord. No. 7732, § 12, adopted June 19, 2018, amended the title of Ch. 8-3, Art. III, which pertained to Private Collectors and Transporters, to be retitled Commercial Collection Service.

Editor's note(s)—Ord. No. 7309, § 3, adopted Jan. 17, 2012, amended and merged into a single section Art. III, Div. 1, § 8-3-46—8-3-49, which pertained to Art. III, private collectors and transporters, Div. 1, generally and derived from Code 1960, §§ 11-14—11-17; Ord. No. 5578, § 2, adopted Mar. 18, 1986.

A licensee may, at their option, limit their operations to any parts of the City, in order to provide more efficient operation.

- (b) Non-Exclusive Commercial Collection Permit may be granted by the City Manager pursuant to the terms of this Article provided that a Permit Agreement is executed therewith.

(Ord. No. 7732, § 16, 6-19-2018)

Secs. 8-3-48—8-3-58. Reserved.

DIVISION 2. COLLECTOR'S PERMIT

Sec. 8-3-59. Required; investigation of applicant; determination of necessity.

- (a) Unless exempted as provided by this chapter, no person except a duly authorized agent and employee of the City shall empty Garbage or Trash receptacles, or convey or transport Garbage or Trash on any Street, Alley or other Public Right-of-way of the City without a written permit granted and issued by the City Manager or his designee.
- (b) Any person who desires a permit for the collection, removal and disposal of Garbage and Trash shall make application for such permit to the Superintendent. The Superintendent shall make, or cause to be made, such investigation as he may consider necessary in order to determine whether or not public convenience and necessity require the granting of such permit and whether or not the applicant is fit and proper to conduct such business.
- (c) Specific Exemptions. Subsection (a) of this section does not apply to the following:
- (1) The collection, transportation, and reuse of repairable or cleanable discards by private charitable organizations regularly engaged in such business or activity, including but not limited to Salvation Army, Goodwill, and similar organizations.
 - (2) The collection, transportation, and reuse or recycling of separated recyclable materials or the operation of a collection center for recyclable materials by a religious, benevolent, or fraternal organization, which organization was not organized for nor is operated for any solid waste management purpose and which organization is using the activity for fundraising, including but not limited to scouting and religious organizations.
 - (3) The collection, transportation, and reuse or recycling of separated recyclable materials or the operation of a collection center for recyclable materials by for-profit businesses that primarily collect, transport, and reuse or recycle such materials.
 - (4) The transportation and disposal of Trash or Garbage by a person that generates or produces the Trash or Garbage as an incidental part of regularly carrying on the person's business or service and which business or service is not primarily solid waste management. These business and service include but are not limited to: roofing, demolition, land clearing, and construction services; janitorial services (not including primarily or solely accumulating or collecting solid wastes created, generated, or produced by a property owner or occupant); gardening, park maintenance, or landscaping services; street sweeping services; auto body recovery services; and septic tank pumping or sludge collection services.
 - (5) The transportation by a person of Trash or Garbage produced or generated by such person or by the tenants or occupants of property owned by said person, to a lawful disposal site or market.

(Code 1960, § 11-10; Ord. No. 5578, § 2, 3-18-86; Ord. No. 7732, § 17, 6-19-2018; Ord. No. 7823, § 1, 10-8-2019)

Sec. 8-3-60. Application; term; required information.

- (a) To obtain a permit, a person must submit an application on a form provided for that purpose to the Superintendent along with a non-refundable application fee established by the City Council from time to time.
- (b) A permit is issued annually and expires at 11:59 p.m. on December 31 of the year in which it is issued.
- (c) A permit holder must submit an annual renewal application sixty (60) days prior to the expiration of the current Permit Agreement.

(Code 1960, § 11-11; Ord. No. 5578, § 2, 3-18-86; Ord. No. 7732, § 18, 6-19-2018)

Sec. 8-3-61. Permit pre-requisites.

- (a) A Permit may not be accepted or renewed under this Article unless the applicant includes the following with the application:
- (b) *Fee.* A non-refundable application as set forth in Section 8-3-60.
- (c) Insurance Certificates as set forth in Section 8-3-63.
- (d) Vehicle and Equipment requirements as set forth in Section 8-3-64.
- (e) Vehicle and Container Decal Fees as set forth in Section 8-3-70.
- (f) For Renewal Applications, an Annual Financial Report as set forth in Sec. 8-3-66.

(Code 1960, § 11-12; Ord. No. 5578, § 2, 3-18-86; Ord. No. 5807, § 1, 5-9-89; Ord. No. 7732, § 20, 6-19-2018)

Sec. 8-3-62. Term; transferability; revocation; posting.

Permits issued under this division shall be nontransferable and may be revoked and rescinded by the Superintendent at any time that, in his judgment, such action is deemed to be in the best interest of the public.

(Code 1960, § 11-13; Ord. No. 5578, § 2, 3-18-86; Ord. No. 7732, § 20, 6-19-2018)

Sec. 8-3-63. Insurance.

- (a) An applicant for a Permit under this article must file with the Superintendent a certificate of general and commercial auto liability insurance, executed by a company authorized to do business in the state and performable in Randall and Potter Counties
- (b) The insurance shall insure the general public against loss or damage that may result to any person or property from the operation of the Commercial Collection Service or from a vehicle or equipment operated by such service.
- (c) The insurance must have minimum limits of \$250,000 per individual and five hundred thousand dollars (\$500,000.00) per occurrence for bodily injury and one hundred thousand dollars (\$100,000.00) for property damage or one million dollars (\$1,000,000.00) on a combined single limit basis.
- (d) The applicant must also include a statement from the applicant's insurance company that the insurer will furnish to the City written notice of its intention to cancel a policy at least 30 days before the liability of the insurer expires.

(Ord. No. 7732, § 21, 6-19-2018)

Sec. 8-3-64. Vehicles and equipment.

- (a) A permit holder shall keep a vehicle or equipment used in a Commercial Collection service in clean, sanitary, and safe condition. The Superintendent may inspect any fleet vehicle or equipment utilized for Commercial Collection at any time.
- (b) A permit holder may not place a mechanically-handled solid waste container on public property or a public right-of-way, except with the Superintendent's approval or the execution of an agreement with the City.
- (c) Any vehicle used for transporting dry solid waste material within the City must:
 - (1) be fitted with a substantial, tight-fitting enclosure that is free of any cracks or breaks and that has side boards and head boards of not less than 24 inches in height and a tail board of not less than 18 inches in height, to prevent waste material from being scattered or thrown onto the streets;
 - (2) be equipped with a closely fitting cover that must be used to prevent the escape of loose material or effluvia; and
 - (3) be equipped with any other equipment required to comply with all applicable federal and state motor vehicle safety standards.
- (d) Any vehicle used for transporting wet solid waste material within the City must:
 - (1) have a tight-fitting cover to prevent spillage;
 - (2) when carrying cans to transport wet solid waste material, use only cans equipped with tight-fitting lids and holding chains so that the cans will not turn over and spill;
 - (3) not have any drain holes in the sides of the vehicle and may have drain holes in the deck of the vehicle or on containers only if they are capped to prevent spillage or leakage; and
 - (4) be equipped with any other equipment required to comply with all applicable federal and state motor vehicle safety standards.
- (e) Before any vehicle not listed in the application for a Commercial Collection Service may be placed in service, the permit holder must provide written notice to the Superintendent of the proposed use of a new or additional vehicle.
- (f) A permit holder under this article shall provide annual documentation of State of Texas vehicle inspection to Superintendent at the time an Application is submitted to the Superintendent under Section 8-3-60 (Application).
- (g) A permit holder that places a vehicle in service during the calendar year shall submit all required documentation within thirty days of placing the vehicle into service.

(Ord. No. 7732, § 22, 6-19-2018)

Sec. 8-3-65. Display of business information.

- (a) A permit holder shall prominently display the name and telephone number of the Commercial Collection Service on both sides of each vehicle used in the operation of the service.
- (b) The permit holder shall prominently display the name and telephone number of the Commercial Collection Service on at least one side of each container used for collection, storage, or disposal of Garbage and Trash in the City.

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(Ord. No. 7732, § 23, 6-19-2018)

Sec. 8-3-66. Reporting requirements.

- (a) A permit holder shall maintain a list of the containers used for the collection, storage, or disposal of Garbage and Trash that are owned or serviced by the permit holder, with the customer name, customer address, number and the location of each container.
- (b) A permit holder shall file a quarterly report of the number of containers it services in the City.
- (c) A permit holder who provides Commercial Collection Service shall file quarterly Tonnage Reports. The report shall be on a form provided by the Superintendent. The report shall be filed with the Superintendent quarterly no later than thirty (30) days after the end of each calendar quarter. The report shall contain the following information:
 - (1) the amount in tons of solid waste, recyclables, and organic materials (but excluding construction and demolition materials) hauled to:
 - a. the City Landfill or other landfill;
 - b. recycling facilities; and
 - c. organic materials processing facilities;
 - (2) the amount in tons of construction and demolition materials hauled directly to:
 - a. the City Landfill or other landfill;
 - b. recycling facilities; and
 - c. organic materials processing facilities; and
 - (3) other information required by Superintendent

(Ord. No. 7732, § 24, 6-19-2018)

Sec. 8-3-67. Drivers.

A driver must have a valid motor vehicle operator's license as required by the state.

(Ord. No. 7732, § 25, 6-19-2018)

Sec. 8-3-68. Notification of change of address or ownership.

A permit holder shall provide written notice to the Superintendent within sixty (60) days of a change in:

- (a) the address or telephone number of the Commercial Collection Service; or
- (b) the form of the business or the executive officers of the Commercial Collection Service; or
- (c) the name and address of the person designated to receive notices described in this article.

(Ord. No. 7732, § 26, 6-19-2018)

Sec. 8-3-69. Hazardous waste material.

A person providing Commercial Collection Service within the City shall comply with all City ordinances and state and federal laws regulating the handling, disposal, and transportation of hazardous waste materials.

(Ord. No. 7732, § 27, 6-19-2018)

Sec. 8-3-70. Decal; decal fees.

- (a) The Superintendent shall issue a decal to a permit holder for each Commercial Collection vehicle and each additional vehicle approved by the Superintendent under Section 8-3-64 (Vehicles and Equipment).
- (b) Decal Fees shall be charged based on the number of decals issued per year to the Commercial Collection Service. The charge per Vehicle decal is fifty dollars (\$50.00). Replacement decals for lost, damaged or stolen decals is twenty-five dollars (\$25) per decal. There is no cost for temporary decals.
- (c) A permit holder shall display the vehicle decal, including temporary decals, on both the driver and passenger side doors of the vehicle in a location that can be seen by the public at all times.
- (d) The Superintendent shall issue a decal to a permit holder for each Commercial Collection container utilized to provide commercial services to customers. Container decal fees shall be charged based on the number of decals issued per year to the Commercial Collection Service. The charge per Container decal is twenty-five dollars (\$25). Replacement decals for lost, damaged or stolen decals is fifteen dollars (\$15) per Decal. No temporary Container decals will be issued.

(Ord. No. 7732, § 28, 6-19-2018)

Sec. 8-3-71. Temporary decal for new and replacement vehicles.

- (a) A permit holder must obtain a temporary decal for a vehicle that is temporarily substituted for a vehicle subject to the license.
- (b) A temporary decal is valid for not more than thirty (30) days after the date the permit holder submits to the Superintendent a signed statement that the vehicle subject to the license is out of service for maintenance or repair.
- (c) The requirements of Sections 8-3-61 (Permit prerequisites), 8-3-66 (Reporting Requirements), and 8-3-67 (Drivers) apply to an applicant for a temporary decal.
- (d) A Permit holder must obtain a permanent decal for a new vehicle placed in service more than thirty (30) days before the end of the calendar year.
- (e) A factory demonstration vehicle is exempt from licensing and fee requirements if the vehicle is utilized less than ten (10) days, and the person provides two business days written notice to the Superintendent.
- (f) The Superintendent may exempt a permit holder's vehicles from decal requirements in this Article if the permit holder places the vehicle into temporary service due to an emergency as determined by the Superintendent.
- (g) The Superintendent shall issue a temporary decal to a permit holder who complies with this section.

(Ord. No. 7732, § 29, 6-19-2018)

Sec. 8-3-72. Permit fees.

- (a) The annual fee shall be five (5) percent of gross revenues for service provided by the permit holder in the City for all services provided to commercial customers including dumpsters, roll-off containers, compactor containers, collection in refuse vehicles or collecting and hauling refuse in open top trucks, owned or not owned by the permit holder, that is serviced by the permit holder in the City.
- (b) The calculation of gross revenues generated from operation within the City shall include all revenue, as determined in accordance with generally accepted accounting principles, which is derived, directly or indirectly, by the permit holder from or in connection with its operation within the City. Gross revenues shall include, but are not limited to revenues received from the collection and disposal of all Garbage and Trash, whether by a company bearing permit holder's name or a company owned or controlled by permit holder but operating under a different name. That portion of the annual fee attributable to subsection (a) above must be paid in a manner and on a schedule approved by the Superintendent.
- (c) The annual fee shall be paid quarterly, no later than thirty (30) days after the end of each calendar quarter. The payment shall be made to the City of Amarillo, Accounting Services Department. No refund of a fee will be made. Fee payments received after the due date shall be subject to interest at the rate of twelve (12) percent per annum until the fees are paid in full.
- (d) In addition, delinquent fees shall be subject to a late payment penalty of five (5) percent for each month or portion thereof that the fees are outstanding. In no event, however, shall the penalties exceed twenty-five (25) percent of the total delinquent fees nor shall interest charged exceed the maximum rate allowed by law.
- (e) The Permit shall be subject to annual rate adjustments set forth in this Article and shall be made at the beginning of each renewal term. The rate of increase shall be determined by the preceding twelve (12) month period in the Consumer Price Index (CPI) for the South Region as published by the U.S. Department of Labor, Bureau of Labor Statistics. The percent of change in the index shall be calculated based on the most current available information at the time of the adjustment.
- (f) Cost adjustments shall not exceed three (3) percent in any renewal year and twelve (12) percent in any four consecutive years.
- (g) Calculation of the annual CPI adjustment shall be determined by utilizing twelve (12) months prior CPI utilizing the previous year's September determination and effective January 1. In the renewal term.
- (h) *Disposal Fees.* Rates for disposal at the City Landfill shall be those as set forth in Section 8-3-94, provided however, that the Director of Public Works is authorized to reduce the permit fee by one-half (0.5) to one (1) percent for any permit holder's exclusive disposal use at City Landfill for Commercial Collection Services.

(Ord. No. 7732, § 30, 6-19-2018)

Secs. 8-3-73—8-3-75. Reserved.