



# CITY OF HOUSTON

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## **COMMERCIAL SOLID WASTE OPERATOR FRANCHISE DEFINITIONS**

**Franchise required** (Chapter 39 of the Houston Code of Ordinances: Sec. 39-113) - It shall be unlawful for any commercial solid waste operator to collect, haul or transport solid waste or industrial waste from commercial properties located within the city without first having obtained a franchise for that purpose upon the consent of the city council.

**Commercial properties** (Chapter 39 of the Houston Code of Ordinances: Sec. 39-111) – land used for commercial and industrial purposes, excluding apartment and condominium complexes and land used for single-family residential dwelling as defined in section 42-1 of this Code.

**Single-family residential** (Chapter 42 of the Houston Code of Ordinances: Sec. 42-1) - shall mean the use of a lot with one building designed for and containing not more than two separate units with facilities for living, sleeping, cooking and eating therein. A lot upon which is located a free-standing building containing one dwelling unit and a detached secondary dwelling unit of not more than 900 square feet also shall be considered single-family residential. A building that contains one dwelling unit on one lot that is connected by a party wall to another building containing one dwelling unit on an adjacent lot shall be single-family residential.

**Commercial solid waste operator** (Chapter 39 of the Houston Code of Ordinances: Sec. 39-111) – any person who collects, hauls, or transports solid waste or industrial waste for a fee by use of any means, including, but not limited to, front-load dumpster trucks, roll-off trucks, or rear-load garbage trucks

**Industrial waste** (Chapter 39 of the Houston Code of Ordinances: Sec. 39-111) – has the meaning ascribed to the term “industrial solid waste” by Chapter 361 of the Texas Health and Safety Code, as may be amended from time to time<sup>1</sup>

**Industrial solid waste** (§361.003(16)) - Solid waste resulting from or incidental to any process of industry or manufacturing, or mining or agricultural operations

**Solid waste** (Chapter 39 of the Houston Code of Ordinances: Sec. 39-1) - shall mean “municipal solid waste” as that term is defined in the Texas Solid Waste Disposal Act; waste resulting from the construction or demolition of any structure; and any other type of solid waste as defined in Section 325.5 of the Texas Department of Health Municipal Solid Waste Management Regulations and any amendments thereto<sup>2</sup>

**Municipal solid waste** (30 TAC §330.3) - Solid waste resulting from or incidental to municipal, community, commercial, institutional, and recreational activities, including garbage, rubbish, ashes, street cleanings, dead animals, abandoned automobiles, and all other solid waste other than industrial solid waste.

<sup>1</sup> Available at: <http://tlo2.tlc.state.tx.us/statutes/docs/HS/content/pdf/hs.005.00.000361.00.pdf>

<sup>2</sup> Now found under 30 TAC § 330.3.

**City-regulated waste** (Chapter 47 of the Houston Code of Ordinances: Sec. 47-411) - means liquid, semi-liquid and solid wastes and wastewater removed from septic tanks used by single-family or multiple residential units, institutions or commercial establishments that primarily generate waste of a type associated with domestic use. It includes oily water, FOG, grease trap waste, sewage sludge, and portable toilet waste; as well as any materials collected in a septic tank, grit trap, lint trap, retention pond, utility service vault or any similar device, which materials result from or are incidental to any process of industrial, manufacturing, institutional or commercial operations including, but not limited to, mobile or stationary car or truck washing, pavement washing, environmental testing facilities and commercial laundries or laundromats.

**Solid waste** (30 TAC § 330.3) - Garbage, rubbish, refuse, sludge from a wastewater treatment plant, water supply treatment plant, or air pollution control facility, and other discarded material, including solid, liquid, semi-solid, or contained gaseous material resulting from industrial, municipal, commercial, mining, and agricultural operations and from community and institutional activities. The term does not include:

(A) solid or dissolved material in domestic sewage, or solid or dissolved material in irrigation return flows, or industrial discharges subject to regulation by permit issued under Texas Water Code, Chapter 26;

(B) soil, dirt, rock, sand, and other natural or man-made inert solid materials used to fill land if the object of the fill is to make the land suitable for the construction of surface improvements; or

(C) waste materials that result from activities associated with the exploration, development, or production of oil or gas or geothermal resources and other substance or material regulated by the Railroad Commission of Texas under Natural Resources Code, §91.101, unless the waste, substance, or material results from activities associated with gasoline plants, natural gas liquids processing plants, pressure maintenance plants, or repressurizing plants and is hazardous waste as defined by the administrator of the United States Environmental Protection Agency under the federal Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act, as amended (42 United States Code, §§6901 et seq.)

**Garbage** (30 TAC § 330.3) - 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

**Rubbish** (30 TAC § 330.3) - Nonputrescible solid waste (excluding ashes), consisting of both combustible and noncombustible waste materials. Combustible rubbish includes paper, rags, cartons, wood, excelsior, furniture, rubber, plastics, brush, or similar materials; noncombustible rubbish includes glass, crockery, tin cans, aluminum cans, and similar materials that will not burn at ordinary incinerator temperatures

**Refuse** (30 TAC § 330.3) - Same as rubbish

**Sludge** (30 TAC § 330.3) - Any solid, semi-solid, or liquid waste generated from a municipal, commercial, or industrial wastewater treatment plant, water-supply treatment plant, or air pollution control facility, exclusive of the treated effluent from a wastewater treatment plant

Gross Revenue includes by way of illustration and not limitation, all fees charged customers for any and all services provided by the Grantee related to its collection, hauling or transport of solid waste or industrial waste from commercial properties located within the Authorized Area, including all delivery charges, hauling charges, disposal charges and daily rental charges.