

Memorandum



CITY OF DALLAS

DATE September 5, 2008

TO Members of the Quality of Life Committee: Pauline Medrano, Chair; Vonciel Jones Hill, Vice Chair; Carolyn R. Davis; Angela Hunt; Sheffie Kadane, David A. Neumann; and Steve Salazar

SUBJECT Noise from Commercial Dumpster Collection

Environmental and Health Services will brief the Committee on the "Noise from Commercial Dumpster Collection" at their meeting on Monday, September 8, 2008.

Please contact me if you have questions or need additional information.

A handwritten signature in black ink, appearing to read "D.O.B." followed by a horizontal line.

David O. Brown
Interim Assistant City Manager

Attachment

c: Honorable Mayor and Members of the City Council
Mary K. Suhm, City Manager
Deborah Watkins, City Secretary
Thomas P. Perkins, Jr., City Attorney
Craig D. Kinton, City Auditor
Judge Jay E. Robinson
Ryan S. Evans, First Assistant City Manager
Ramon F. Miguez, PE, Assistant City Manager
A.C. Gonzalez, Assistant City Manager
Jill A. Jordan, PE, Assistant City Manager
David K. Cook, Chief Financial Officer

Noise From Commercial Dumpster Collection

Developing Solutions to a Disturbing Problem

Presented to the
Quality of Life Committee
On
September 8, 2008



Current Noise Ordinance

- Applicable citation
 - Chapter 30, Section 30-2
 - Paragraph (12), Prohibition; the collection of garbage, waste, or refuse between the hours of 10:00 p.m. and 7:00 a.m., on or within 300 feet of a residential use
 - Exception PD 193, Oak Lawn Development District, prohibition is within 150 feet of residential use

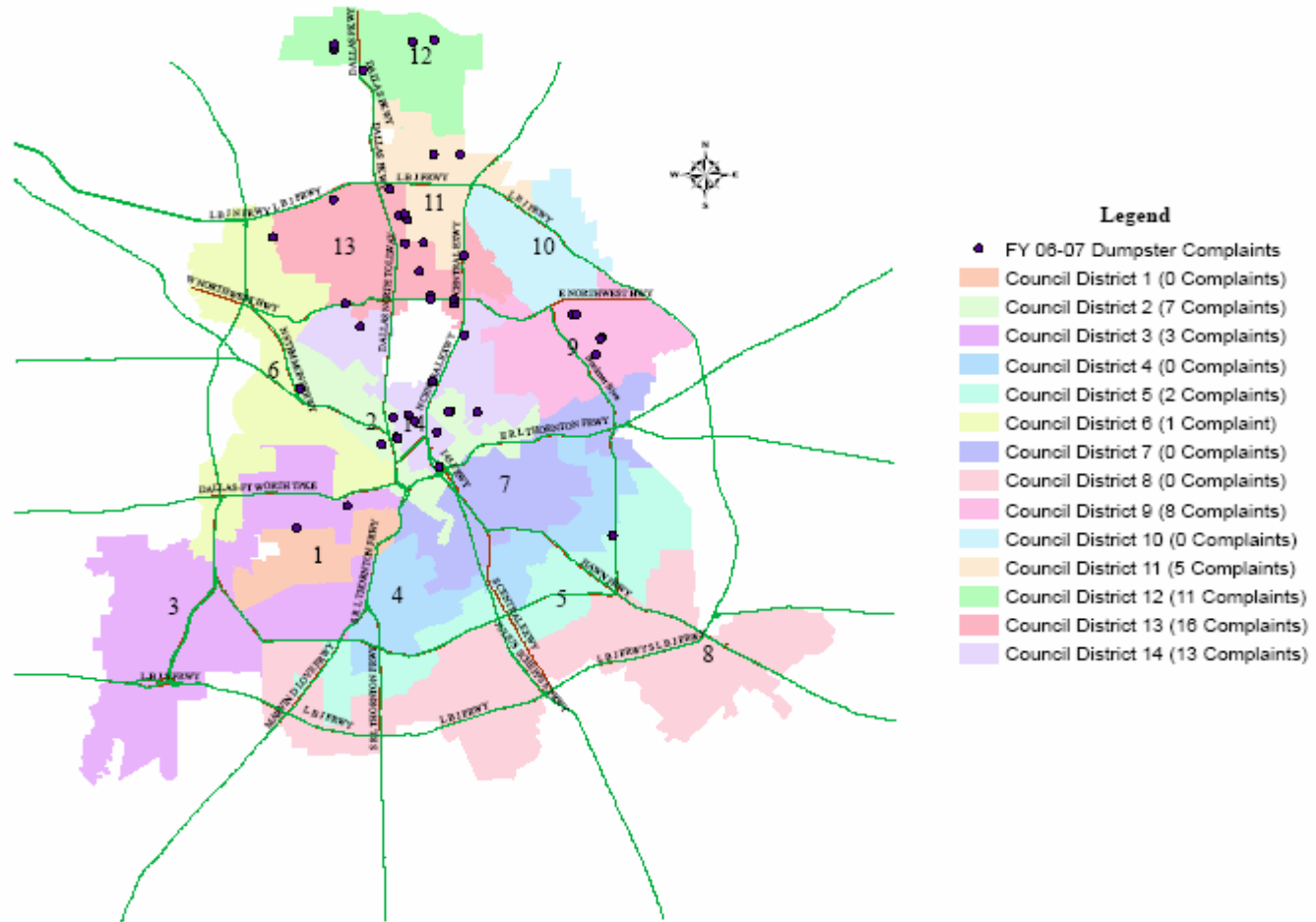
Enforcement

- Ordinance enforced by Environmental Assessment Program, seven total staff.
- City divided into four quadrants, each with an Environmental Specialist
- Primary responsibilities:
 - Mosquito disease detection and control
 - Response to noise complaints
 - Response to non-food establishment smoking complaints
 - Response to complaints about bird problems, bee issues, mold, etc.

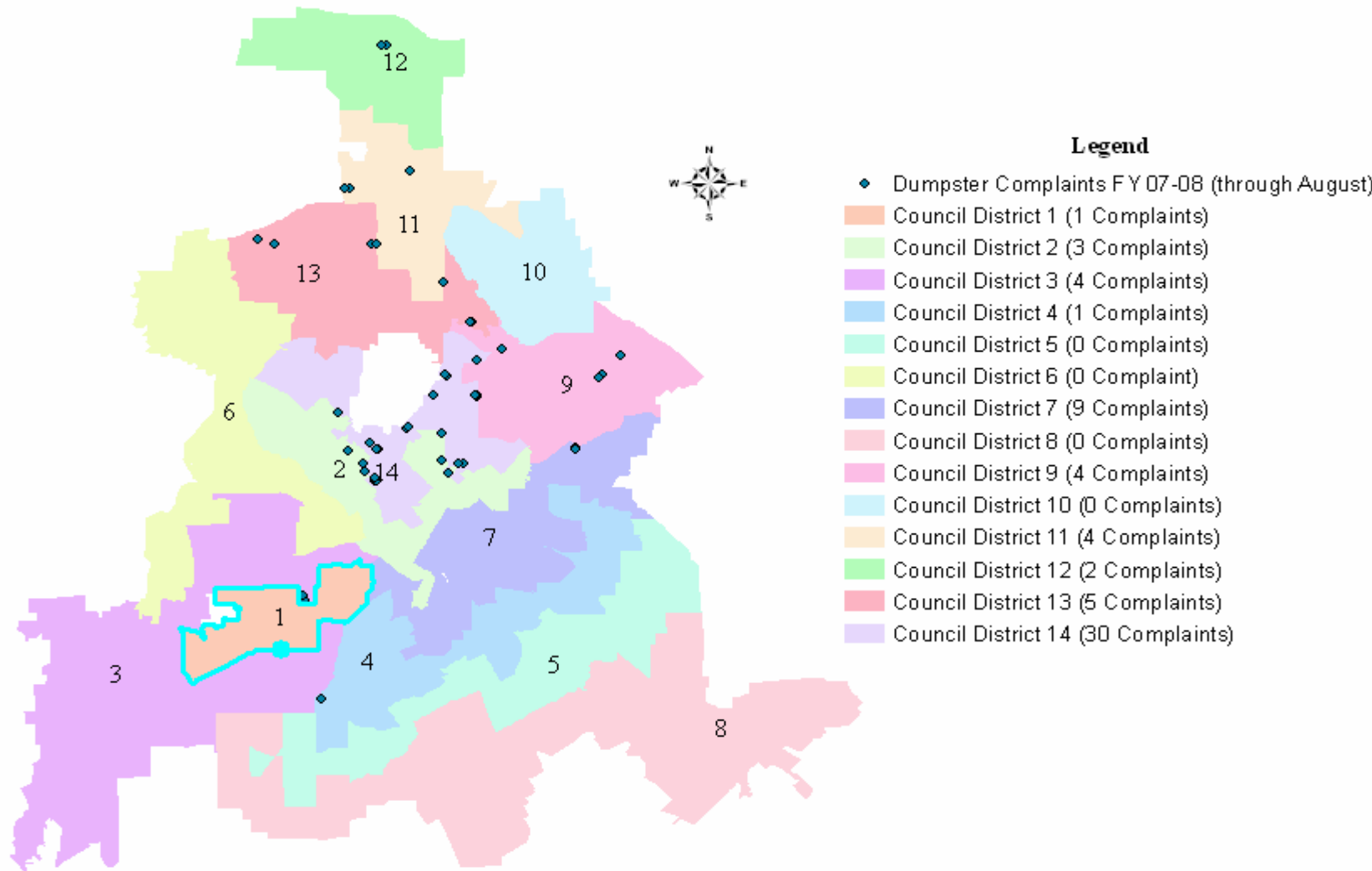
Enforcement: Defining the Problem

- Number of Complaints Received by EHS Annually, October 1 to September 30
 - 2006-75 complaints received
 - 2007-70 complaints received
 - 2008-59 complaints thru August 10
- Enforcement Actions
 - 2006- 39 Notices and 10 citations
 - 2007- 27 Notices and 15 citations
 - 2008- 39 Notices and 13 citations thru August 10

Dumpster Complaints - City of Dallas, FY 06-07 by City Council District



Dumpster Complaints - City of Dallas, FY 07-08 (Thru Aug) by City Council District



Multiple Offenders

- One hundred and twenty eight companies were franchised by the city
- Ten companies were the source of most complaints and the recipients of all enforcement action for the last three years

Repeat Locations

Location	Repeat Complaints	Year	Council District
18101 Preston	3	06/07	12 Natinsky
4205 W. Northwest Highway	5	06/07	13 Rasansky
6707 W. Northwest Highway	3	06/07	13 Rasansky
11 sites	With 2	06/07 (33)	2,3,9,12,13,14
104 S. Windomere	3	07/08	3 Neumann
3033 Fairmount.	3	07/08	14 Hunt
8543 Ferguson Rd.	3	07/08	7 Davis
8565 Ferguson Rd.	5	07/08	7 Davis
5 sites	With 2	07/08 ((24)	

Defining the Problem; Multiple Offenders

Company	Notice	Notice	Notice	Citation	Citation	Citation	
	2006	2007	2008	2006	2007	2008	Total
J.C. Duncan	4	1	9	0	0	6	20
IESI	2	2	5	3	0	4	16
Waste Management	8	5	5	0	8	1	27
Bluebonnet	2	3	3	1	0	1	10
Standard	5	5	6	1	4	0	21
Allied/Trinity	8	4	3	5	2	0	22
Champion	0	0	4	0	0	0	4
Community	7	4	2	0	1	1	15
Abitibi	3	1	1	0	0	0	5
Texas Waste	0	2	1	0	0	0	3

Complaint Response

- Complaints received via 311
 - Verify waste hauler company involved by;
 - Contacting citizen, or
 - Site visit, (daytime), may be multiple companies
 - Contact company alleged as offender
 - Issue notice to company if supported by evidence
 - Contact citizen to determine;
 - Problem solved, or
 - Problem continues, then
 - Schedule site visit to catch driver in the act, (3:00 – 7:00 a.m.)
 - Issue driver citation
 - Window fines \$200 plus costs
- Follow-up with citizen

Recommendations

- Measures requiring ordinance changes:
 - Require signs on containers with:
 - Company name
 - Company contact information
 - In case of violations call 311
 - Problem-containers are used not only in different zoned areas, but also in different cities
 - Alternatively require property owner/manager to post sign near container
 - Set minimum fine and sequential fines for repeat violations
 - Requires ordinance revision
- Additional measures
 - Instead of citing driver, file municipal court complaint against corporation.
 - Registered agent is served by the City Attorney's Office
 - Take enforcement action against owners/managers of property where containers are located