



Regional Model Scrap Tire Ordinance

PURPOSE OR INTENT: The purpose of this ordinance is to identify the economic costs and benefits of diverting scrap tires from landfills within the Region and to provide consistent regulation of scrap tire management to protect public health, reduce environmental hazards, and promote responsible recycling in the LRGV region.

DEFINITIONS

In this article:

- (1) **CITY** means the **City of XXX**, Texas,
- (2) **DIRECTOR** means the director of the department designated by the city or county to enforce and administer this article and includes the director's authorized representatives,
- (3) **LRGVDC REGIONAL ALTERNATIVES:** Engage with scrap tire transporters who have end users; Engage with scrap tire processors and end users; Pursue Land Reclamation Projects Using Tires efforts; Consider adopting a model ordinance throughout the Region and supporting statewide scrap tire management legislation; Stay abreast of changes in the scrap tire industry
- (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 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 of XXX**.
- (9) **TCEQ-TEXAS ADMINISTRATIVE CODE SECTION 328.56 state Generator Requirements**, concerning the management and storage of used or scrap tires, including





registration, transportation, and documentation obligations for generators. Available at Texas Administrative Code - Section 328.56. [Home - Rules & Meetings](#)

(10) 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.

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

(12) 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 director or assigned staff shall keep an updated tire business listing within their jurisdiction, including mobile tire businesses, that will be reviewed annually for any business changes or updates.

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 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.





(8) Each permitted business shall report annually to the city/county, detailing the quantity of scrap tires generated, transported, disposed of, or recycled. Reports must specify the end-use facilities for disposal and recycling.

(9) If the **City of XXX** chooses: All tire businesses located within the **City of XXX** limits and its extraterritorial jurisdiction (ETJ) that engage in the resale of tires, or the generation of waste tires must obtain an annual permit issued by the **City of XXX** public works department. The annual permit fee shall be set by the **City of XXX**, of which **City of XXX** choice % will be allocated to support centralized processing partnerships or recycling incentives.

(10) **Mobile-only businesses that operate without a fixed address.** Mobile-only operators without a permanent address within the **City of XXX** must register their business at the local public works department and provide a physical address for inspection and recordkeeping.

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. An annual inventory summary or audit, certified by an authorized representative of the business must be made available upon the request of the director, police department,





city marshal, city attorney, or the city's attorney's designee. An applicant shall maintain manifest records for three years at the physical address designated on their license. Digital records are permitted if securely stored and accessible to the director upon request.

(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 their control.

(g) Tire businesses must dispose of or recycle scrap tires at licensed recycling facilities or participate in Land Reclamation Projects Using Tires (LRPUT) when feasible. Disposal in unauthorized locations, including illegal dumping, is strictly prohibited

(h) Priority for Recycling and LRPUT Projects: Tire businesses are required to prioritize the disposal of scrap tires at certified recycling or LRPUT facilities over landfills. The city/county may provide financial incentives for businesses that divert scrap tires to these facilities.

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/county 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 revocation pursuant to the requirements in this ordinance.

(d) Expand the training curriculum to include environmental impact awareness. Topics can include mosquito abatement, fire risk reduction, and the environmental impact of tire stockpiling and best practices in tire recycling and reuse.

(e) Training materials will be available in Spanish and other relevant languages based on community needs

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 of XXX** 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.

(k) Tire businesses must ensure that scrap tires are stored in a manner that prevents water accumulation and breeding of mosquitoes. Tires must be transported in covered vehicles to prevent spillage and ensure safe handling.





(j) Transportation Partnerships: To reduce costs and encourage recycling, tire businesses are encouraged to utilize city/county approved partnerships for regional tire processing and transport. Incentives may be available for businesses that support the city's designated recycling or LRPOT facilities.

(l) Tire businesses must comply with all Specify mosquito abatement techniques and rodent control measures for tire storage facilities, such as mandatory larvicide treatments or regular inspections by the health department.

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. Clarify if the **marking can be digital/QR-coded** for tracking. Digital identification methods may be approved by the director, provided they meet traceability requirements.

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/county 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.





(6) Specify the type of manifest system (e.g., digital manifests approved by the **City of XXX** to streamline enforcement. Include guidelines for cross-border scrap tire transportation to address unique challenges posed by the proximity to Mexico.

(7) Cross-Border Transport Addition: Scrap tire transporters operating near international borders must comply with cross-border transport protocols, including coordination with CBP and Mexican Environmental Authorities if tires are transported internationally.

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 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.

Effective Date

This ordinance shall take effect upon adoption and shall be reviewed after one year for enforcement effectiveness and regional alignment.

PASSED AND APPROVED by (board or chief official as applicable) in (**City of XXX**), TX., on this the (number/day) day of (month), (year).

(Signature of Authorized Official)

(Notary Signature)

(Typed or Printed Name)

(Type or Printed Name)

(Title)

(Commission Expires)

