

**ORDINANCE AMENDING AND RE-ENACTING
TITLE 6 CHAPTER 2 SOLID WASTE COLLECTION AND DISPOSAL -
ARTICLE A SECTIONS 6-2-1 THROUGH 6-2-3, SECTION 6-2-4(a),
SECTION 6-2-5 THROUGH 6-2-6, AND SECTION 6-2-8;
OF THE CODE OF ORDINANCES CITY OF HARRISONBURG,
VIRGINIA**

Be it ordained by the Council of the City of Harrisonburg, Virginia:

CHAPTER 2. - SOLID WASTE COLLECTION AND DISPOSAL

ARTICLE A. - GENERAL PROVISIONS

Be amended as shown:

Sec. 6-2-1. - Purpose.

It is the purpose of this chapter to accomplish refuse control throughout the city in order to control disease; to prevent blight or other environmental degradation; to promote the reduction of waste from packaging and material handling processes; to promote the reuse of products in their original form, to promote the recycling of waste products into other useful resources; ~~to promote the generation of energy and recovery of useful resources from solid waste;~~ to protect limited natural resources for the benefit of its citizens; to limit noxious odors and unsightly garbage, trash, refuse and decay; and to promote and protect the public health, safety and welfare.

Sec. 6-2-2. - Definitions.

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Approved container: A storage and collection receptacle or container issued by the city and required for the storage and collection of solid waste.

Asbestos-containing material: Any material or product which contains more than one percent by weight asbestos.

~~*Ash:* The fly ash or bottom ash residual water material produced from incineration or burning of solid waste or from any fuel combustion.~~

~~*Bottom ash:* Ash or slag remaining in a combustion unit after combustion.~~

Bulk refuse: Discarded household appliances, furniture, bedding and mattresses, leaves, lawn cuttings, tree trimmings, hedge trimmings and building debris from individual households resulting from noncommercial activities conducted by owner or occupant himself or as directed by solid waste superintendent.

Commercial waste: Rubbish, mixed refuse and ashes originating in and around commercial establishments, industrial establishments, hotels, restaurants, cafeterias and nonpublic institutions.

Construction and demolition debris: Debris from land clearing operations; tree trimmings, tree limbs, logs, stumps, brush, roots or root mat; debris from construction or demolition of any building or structure; metal wood, masonry, concrete, wire, plumbing materials; debris from land disturbing operations, including but not limited to rock, soil, reinforced concrete, fencing, large volumes or individual pieces of concrete, asphalt, stumps, metal or masonry products other than "bulk refuse."

Contaminated soil: For the purposes of this chapter, a soil that, as a result of a release of human usage, has absorbed or absorbed physical, chemical or radiological substances at concentrations above those consistent with nearby undisturbed soil or natural earth materials.

Dead animals: Animals that have died naturally or have been accidentally killed. Animals or parts of animals from slaughterhouses are not included in this category.

Department: The ~~department of sanitation~~ Department of Public Works of the city.

Director: The Director of the Department of Public Works or their designee.

Fly ash: ~~Ash particulate collected from air pollution attenuation devices on combustion units.~~

Free liquids: Liquids which readily separate from the solid portion of a waste under ambient temperature and pressure.

Garbage: Readily putrescible discarded materials composed of animal, vegetable or other organic matter.

Hazardous refuse: A "hazardous waste" as described by the Virginia Hazardous Waste Regulations (VR-672-10-1), whether or not excluded for those regulations as a hazardous waste.

Ignitable waste:

- (1) Liquids having a flash point of less than one hundred forty (140) degrees Fahrenheit (sixty (60) degrees Celsius) as determined by the methods specified in Part III of the Virginia Hazardous Waste Management Regulations;
- (2) Nonliquids liable to cause fires through friction, absorption of moisture, spontaneous chemical change or retained heat from manufacturing or liable, when ignited, to burn so vigorously and persistently as to create a hazard;
- (3) Ignitable compressed gases and/or oxidizers.

Industrial waste: Any solid waste generated by industrial, manufacturing or repair processes, and commercial sales that is not a regulated hazardous waste.

Infectious waste: Solid wastes defined to be infectious by the Infectious Waste Management Regulations (VR 672-40-01) as promulgated by the Virginia Waste Management Board.

Institutional waste: All solid waste emanating from institutions such as, but not limited to, hospitals, nursing homes, orphanages, and public or private schools. It can include infectious waste from health care facilities and research facilities that must be managed as an infectious waste.

Junk: Scrap, or discarded material, or ferrous or nonferrous metals including, but not limited to, dismantled, wrecked or inoperable vehicles or farm machinery, or parts of any of the foregoing, or furniture, inoperable appliances or fixtures, where such furniture, appliances or fixtures are normally found inside a residence or building, or parts of any of the foregoing.

Lead-acid battery: For the purposes of this chapter, any wet-cell battery.

Mixed refuse: Garbage and rubbish placed and stored together in a standard refuse container or in a substitute container as required by this chapter.

Noncommercial: Activities performed by residential owners or occupants themselves without assistance from commercial businesses or contracted services.

PCB: Any chemical substance that is limited to the biphenyl molecule that has been chlorinated to varying degrees or any combination of substances which contain such substance (see section 761.3, Part 761, Title 40, Code of Federal Regulations).

Person: Any natural person, corporation, partnership, association, firm, a governmental body, a municipal corporation or any other legal entity.

Recycling: The process of separating a given waste material from the waste stream and processing it so that it may be used again as a raw material for a product which may or may not be similar to the original product.

Refuse: All solid waste products having the character of solids rather than liquids and which are composed wholly or partially of materials such as garbage, trash, rubbish, litter, junk, residues from clean up of spills or contamination, or other discarded materials.

Refuse remover: Any person engaged in removing or transporting refuse for compensation from two (2) or more residential, commercial or industrial establishments and disposing of refuse at the city or county facilities; this definition is not to include the City of Harrisonburg.

Resource recovery facility: ~~A solid waste management system which provides for collection, separation, use, reuse, or reclamation of solid wastes, recovery of energy and disposal of nonrecoverable waste residues.~~

Rubbish: ~~All cardboard, plastic, metal or glass food containers, waste paper, rags, sweepings, small pieces of wood, excelsior, rubber, leather and similar waste materials that ordinarily accumulate around a home, business or industry. It shall not include garbage, ashes, bulk refuse, dead animals, hazardous refuse, industrial waste or building waste resulting from the operations of a contractor.~~

Sludge: Any solid, semisolid or liquid waste generated from a municipal, commercial or industrial wastewater treatment plant, water supply treatment plant or air pollution control facility, exclusive of treated effluent from a wastewater treatment plant.

Solid waste: Discarded material, including solid, liquid, semisolid or contained gaseous material, resulting from any type of activity. For purposes of this chapter, a material is not a solid waste if it is regulated by state or federal statutes or regulations concerning air or water pollution control, or if it is not a regulated solid waste under the Virginia Solid Waste Management Regulations (VR 672-20-10).

Vegetative matter: Debris generated from grass clippings, tree or shrubbery, trimmings, branches, tree limbs, logs, stumps and leaves.

Sec. 6-2-3. - Enforcement of chapter.

The health department and the department ~~of sanitation~~ shall enforce the provisions of this chapter. Nothing contained in this chapter, however, shall limit the authority of any law enforcement officer having jurisdiction to issue appropriate criminal or other lawful process for violations committed in his presence or upon proper warrant.

Sec. 6-2-4. - Authority to promulgate rules and regulations; penalties for violations of chapter.

- (a) *Generally.* The city manager and the department ~~of sanitation~~ may promulgate such rules and regulations as are necessary to govern any city solid waste disposal within the purposes of this chapter. The rules and regulations so promulgated shall have the force and effect of law and may be amended, altered or repealed by the city manager as is appropriate. A copy of the current rules and regulations shall be posted in a conspicuous place at any city solid waste disposal facilities and made available, upon request, to interested individuals.

Sec. 6-2-5. - Throwing carcasses, ~~rubbish~~, broken glass, snow, ice, petroleum products, hazardous substances, etc., into streets, sidewalks or private premises prohibited.

It shall be unlawful for any person to throw, place, deposit or allow to accumulate on or in the streets, sidewalks, Black's Run, streams, stream beds, parks, public property, storm drainage system or private premises any junk, ~~rubbish~~, dead animal carcass, ashes, dirt, filth, shavings, manure, newspaper, garbage, oil, vegetables, fruit, broken glass, tin cans, bottles, snow ice, petroleum products, petroleum wastes, hazardous material as defined in section F-2303.0 of the Virginia Statewide Fire Prevention Code, as amended, construction material, debris, dumpsters, unlicensed construction equipment, or any matter, substance or thing calculated to render the streets, sidewalks, Black's Run, streams, stream beds, parks, public property, storm drainage system or private premises unclean, unsightly, or unsafe to any person or vehicle using the streets or liable to injuriously affect the health of the community. No person shall transport any garbage, trash or any other waste or refuse substance upon the streets of the city in an open or uncovered vehicle, unless such solid waste is transported in a covered container within the vehicle.

Sec. 6-2-6. - Accumulation of junk, ~~rubbish or~~ garbage, or solid waste on premises in open view.

- (a) *Prohibition.* No person shall allow any junk, ~~rubbish or~~ garbage, or solid waste to be, remain or accumulate on premises owned, used or controlled by such person or on any street, alley, right-of-way or on any other lands within the city, except when such junk, ~~rubbish or~~ garbage, or solid waste is in a structure which hides it from view, and which structure is otherwise in compliance with applicable city ordinances.

- (b) *Notice from city manager.* Any person violating the provisions of this section shall be given notice by the city manager or his duly authorized agent to remove or cause to be removed any junk, ~~rubbish or~~ garbage, or solid waste or cause such junk, ~~rubbish or~~ garbage, or solid waste to be placed in a building or enclosure which hides it from view.
- (c) *Determination of ownership and responsibility.* The owner of such premises shall be the person in whose name the premises appears on the land records in the office of the clerk of the circuit court of Rockingham County, Virginia, and the fact that such premises are rented or leased by the owner to another person shall not relieve the owner from responsibility hereunder.
- (d) *Abandonment of items.* It shall be unlawful for any person to place or leave on any property in the city any indoor furniture, dilapidated furniture, appliance, machinery, equipment, building material or other item which is either in a wholly or partially rusted, wrecked, junked, dismantled or inoperative condition and which is not completely enclosed within a building or dwelling structure which hides it from view. Any such item which remains on the property of any occupant for a period of ten (10) days after notice of violation of this section shall be presumed to be abandoned and subject to being removed from the property by the city without further notice with the cost of such removal being charged back to the owner of the premises.
- ~~(e) *Application to junk dealers.* This section shall not apply to licensed junk dealers which are regulated by section 12-1-43 of this Code.~~

Sec. 6-2-8. - Salvaging from the solid waste facilities.

All materials picked up, delivered and deposited ~~at for disposal by the city at either the city resource recovery facility or the city recycling facilities center~~ are the property of the city. All materials disposed of under this chapter in the county landfill are the property of the county. No person shall separate, collect, carry off or dispose of such materials unless authorized in writing to do so by the ~~city manager or the appropriate county official~~ Director.

This ordinance shall be effective on the 23rd day of MARCh, 2020.

ADOPTED AND APPROVED this 23rd day of March, 2020.

Deanne R Reed
MAYOR

ATTEST:

Pamela Ulmer

City Clerk