

**ORDINANCE AMENDING AND RE-ENACTING
TITLE 6 CHAPTER 2 SOLID WASTE COLLECTION AND DISPOSAL -
ARTICLE D. DIVISION ONE SECTIONS 6-2-49(a), SECTIONS 6-2-51
THROUGH 6-2-52 AND DELETING AND RESERVING SECTIONS 6-2-53
AND 6-2-54;
ARTICLE D DIVISION TWO DELETING AND RESERVING SECTIONS
6-2-55 THROUGH 6-2-60;
ARTICLE D DIVISION THREE SECTIONS 6-2-61 AND 6-2-62, AND
DELETING AND RESERVING SECTION 6-2-63;
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 D. - COMMERCIAL REFUSE REMOVERS

Be amended as follows:

DIVISION 1. - GENERALLY

Sec. 6-2-49. - Frequency of removal within the city.

- (a) Refuse shall be collected and removed by refuse removers as often as the nature of the refuse to be removed requires, except that more frequent collections may be required if determined by the health department to be essential to protection of the public health. All refuse haulers who provided refuse/recycling services to any person or business properties in accordance with article D of this chapter shall remove the refuse/recyclables from such establishments not less than once weekly or within twenty-four (24) hours of being filled. The director ~~of sanitation~~ may permit less frequent removal of refuse or recyclables upon written approval.

Sec. 6-2-51. - Use of approved disposal sites in emptying vehicles.

No vehicle used by a refuse remover for transporting or removing refuse shall be emptied in the city on any ground or location other than a state-approved solid waste management facility, ~~such as the city's resource recovery facility or city recycling center.~~

Sec. 6-2-52. - Notice of intended termination of business.

A refuse remover who intends to terminate and discontinue his business shall notify, in writing, the department ~~of sanitation~~ and each customer of such intended termination and discontinuance at least thirty (30) days prior to the date of intended termination and discontinuance of business.

Sec. 6-2-53. — Disposal of solid waste. RESERVED

- (a) ~~City resource recovery facility; delivery to waste facility; contract with county. In order to provide for more effective solid waste disposal, the city owns and operates a resource recovery facility, and furthermore, pursuant to section 15.1-28.01 of the Code of Virginia, 1950, as amended, the city may shall require the delivery of all or any portion of the solid waste generated or disposed of within the city to waste facilities located in other jurisdictions with whom the city has contracted for capacity at or service from such facility, and Currently, the city has entered into a contract with utilizes Rockingham County Landfill as the County of Rockingham to use their waste disposal facility or landfill.~~
- (b) ~~Disposal at designated sites only. All garbage, trash and refuse generated within the city which is intended for disposal under the provisions of this chapter shall be disposed of only at disposal sites designated by the department of sanitation. public works~~
- (c) ~~Disposal at other sites prohibited. It shall be unlawful for any person to dispose of garbage, trash or refuse in or at any other disposal site other than those designated by the department of sanitation pursuant to subsection (b) above.~~
- (d) ~~Application to certain wastes. Nothing contained in previous subsections shall be deemed applicable to:~~
 - (1) ~~Garbage, trash and refuse generated, purchased or utilized by an entity engaged in the business of manufacturing, mining, processing, refining or conversion except for an entity engaged in the production of energy or solid waste derived fuels for sale to a person other than any entity controlling, controlled by or under the same control as the manufacturer, miner, processor, refiner or converter.~~
 - (2) ~~Recyclable materials.~~
 - (3) ~~Construction debris.~~
 - (4) ~~Waste or used oil.~~
- (e) ~~Ownership of materials. All garbage, trash, and refuse and recyclable materials disposed of at the city collection point or it's recycling facilities city resource recovery facility or city recycling center shall become the property of the city. And all garbage, trash and refuse materials disposed at the county landfill shall become the property of the County of Rockingham.~~
- (f) ~~Salvage of materials. It shall be unlawful for any person or refuse remover to salvage or otherwise remove any recyclable materials from recycling routes, city recycling center, or any other solid waste facility owned or operated by the city without the authorization of the city manager or his designee.~~

- ~~(g) — *Unlawful use of city permit; suspension of permit.* It shall be unlawful for any refuse remover to use a city permit for the disposal of solid waste originating outside the city or the County of Rockingham at the a city resource recovery facility unless previously approved by the city manager or his designee. It shall also be unlawful for any refuse remover to falsely state that his refuse originated within the county, when in fact it originated within the city. Any collector or refuse remover who illegally disposes of solid waste originating outside the city or County of Rockingham at any of the aforesaid facilities (resource recovery facility, city recycling facilitiescenter or county landfill) shall be guilty of a class 1 misdemeanor and shall be subject to suspension of their permit and the use of such facilities for a period of time not to exceed one (1) year. Further, any refuse remover who falsely states the origin of the refuse shall be guilty of a class 1 misdemeanor and shall be subject to suspension of their permit and use of such facilities for a period of time not to exceed one (1) year.~~
- ~~(h) — Only materials accepted under section 6-2-17. Any unacceptable material listed under section 6-2-18 will be subject to section 6-2-4 plus charged handling and proper disposal fees.~~

Sec. 6-2-54. — Tipping fees and monthly reporting. RESERVED

- ~~(a) — *Determination of fees by city manager.* The tipping fees charged for the acceptance of refuse collected within the city by private residents, private and commercial removers and delivered to the city resource recovery facility, recycling center or the county landfill shall be as fixed from time to time by the city council and maintained on file in the office of the city manager.~~
- ~~(b) — *Billing.* Once a month, the department of sanitation shall bill all private and commercial removers for the amount of city refuse delivered to the city resource recovery facility and the county landfill. In addition, removers of county refuse delivered to the city resource recovery facility will also be billed monthly. The department of sanitation shall bill the refuse removers at the current tipping fee rates on the same terms and conditions as other customers of city services. Further, the department of sanitation shall furnish a summary of the monthly billings to the department of finance.~~
- ~~(1) — *Billing collection.* Collection of unpaid tipping bills will be in accordance with collection practices of the city and the private or commercial mover will be banned from further tipping at the landfill and resource recovery facility until the bill is paid in full.~~
- ~~(c) — *Truth in reporting origin of refuse.* It shall be unlawful for any private or commercial refuse remover to fail to report or to falsely report the origin of city refuse delivered either to the city resource recovery facility or the county landfill. Any private or commercial refuse remover that fails to properly report city refuse delivered to any of the aforesaid facilities shall be guilty of a class 1 misdemeanor and shall be subject to revocation of its permit to operate within the city or to the use of city facilities for a period of time not to exceed one year.~~
- ~~(d) — *Refuse of mixed origin prohibited.* Loads of refuse presented for disposal shall not be mixed, i.e., the load shall be either all city-originated refuse or all county-originated refuse, unless approved by director of sanitation in which case, mixed loads if approved, will be charged at city tipping rate. City refuse shall be moved and delivered separately from county refuse.~~

~~(e) — Documentation. Refuse removers may be required to present a purchase order or other voucher to evidence the source of the refuse for the charging of tipping fees, which will be billed directly to a person, the generator of the refuse, doing business in the city.~~

~~DIVISION 2. — PERMIT RESERVED~~ **Sec. 6-2-55. — Required.**

~~No person engaged in business as a commercial refuse remover shall conduct any portion of such operation within the city or be allowed to tip at the resource recovery facility, county landfill or city facilities recycling center unless he has a current permit to do so issued under this division.~~

Sec. 6-2-56. — Application.

~~Every person desiring a permit required by this division shall apply to the department of sanitation. Such application shall state their full name, address and telephone number of the applicant and the applicant shall therein state generally the areas within the city that he proposes to serve, the frequency of collections proposed and the number of vehicles to be used, and a recycling plan in accordance with the requirements of the department of sanitation.~~

Sec. 6-2-57. — Issuance, denial and appeal.

- ~~(a) — Time limitation for issuance or denial. A permit for which an application has been filed under this division shall be issued or denied by the department of sanitation within fifteen (15) days of the receipt of such application.~~
- ~~(b) — Application and finding of compliance. The department of sanitation shall issue a permit required by this division upon receipt of a valid application and a satisfactory finding that the applicant has reasonably and substantially complied with all applicable sections of this article.~~
- ~~(c) — Reasons for denial; expiration of application. The denial of a permit for which an application has been filed under this division shall be accompanied by assigned reasons for the denial, i.e. delinquent payment, failure to report or misrepresenting origin of refuse, failure to comply with applicable provisions of this chapter. Three (3) months from the date of such denial, the application in question shall expire. Within that period of time, the department of sanitation may issue a permit upon finding that the applicant has noted the reasons for denial and substantially complied with the provisions of this article.~~
- ~~(d) — Suspension/revocation for violation of articles D and E. Violation of articles D and E of this chapter will subject the permit holder to suspension or revocation of permit, in accordance with ordinances or regulations adopted by the department of sanitation or department of finance.~~
- ~~(e) — Appeal. Upon the denial of a permit pursuant to this division or the suspension or revocation of a permit for violation of articles D and E of this chapter, any person shall have an automatic right of appeal to the city manager. The appeal shall be made in writing within fifteen (15) days from the date of the denial, suspension or revocation. The appeal hearing shall be held within fifteen (15) days of the receipt of the written notice of appeal.~~

~~Sec. 6-2-58. -- Assignment of vehicle numbers.~~

~~Upon the issuance of a permit under this division, the department of sanitation shall assign a vehicle number to each vehicle and/or container covered by such permit and the numbers so assigned shall be indicated on the permit. The permit number and tare weight shall be permanently affixed on the driver's side of the truck body or container and on the rear of the truck body or container.~~

~~Sec. 6-2-59. -- Expiration; renewal.~~

~~All permits issued under this division shall expire on the thirtieth day of June following the date of issue and shall be renewed between the first day of June and the thirtieth day of June of each year.~~

~~Sec. 6-2-60. -- Surrender upon termination of business.~~

~~When a commercial refuse remover terminates and discontinues his business, he shall surrender the permit issued under this division to the department of sanitation, as of the date of such termination and discontinuance.~~

DIVISION 3. - LICENSE

Sec. 6-2-61. - Required.

It shall be unlawful for any person to engage in business as a commercial refuse remover in the city without first having obtained an annual license under the provisions of chapter 1 of title 12 of this Code, ~~in addition to the permit required by division 2 of this article.~~

Sec. 6-2-62. - Application.

Application for a license required by this division shall be made to the commissioner of the revenue in accordance with the terms of chapter 1 of title 12 of this Code. ~~A license shall not be issued unless the applicant has obtained a permit required by division 2 of this article.~~

~~Sec. 6-2-63. -- Fee. RESERVED~~

~~In addition to the license, an annual fee to be established by the city manager shall be paid for each vehicle or container to be operated by the licensee in the removal or transportation of refuse. Such fee shall be paid at the time of the issuance of the permit provided for in division 2 of this chapter and it shall not be prorated.~~

This ordinance shall be effective on the ____ day of _____, 2020

ADOPTED AND APPROVED this ____ day of _____, 2020.

MAYOR

ATTEST:

City Clerk