

- **ORDINANCE AMENDING AND RE-ENACTING TITLE 6 CHAPTER 2 – SOLID WASTE COLLECTION AND DISPOSAL, ARTICLE A – GENERAL PROVISIONS, SECTION 6-2-2, 6-2-6, AND ARTICLE C. - SOLID WASTE COLLECTION AND REMOVAL, SECTION 6-2-37(a), 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 Section 6-2-2 and 6-2-6 be amended and re-enacted as follows:

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.~~

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 Public Works of the city.

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

~~*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 cleanup 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.

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

- (a) *Prohibition.* No person shall allow any ~~junk, garbage, or solid waste~~ refuse 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, garbage, or solid waste~~ refuse or solid waste is in an approved container or enclosed within a structure which hides it from view ~~and, 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, garbage, or solid waste or cause such junk, garbage, or solid waste to be placed in a building or enclosure which hides it from view~~ such refuse or solid waste, or to cause such refuse or solid waste to be placed in a building or enclosure which hides it from view.
- € *Determination of ownership and responsibility.* The owner of such premises shall be the person in whose name the premises appear 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 certain 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 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, and ~~with~~ the cost of such removal being charged back to the owner of the ~~property premises~~.

€ Abandonment of refuse. Notwithstanding subsection (d), when the accumulation consists primarily of refuse, including but not limited to disposable cups, beverage containers, food wrappers, or other similarly disposable refuse, the violation shall be deemed an immediate public nuisance. Any such refuse which remains on the property for a period of twenty-four (24) hours after notice of violation of this section shall be subject to being removed from the property by the city without further notice, and the cost of such removal being charged back to the owner of the property.

(f) Costs of removal; lien. In accordance with Code of Virginia § 15.2-901, all costs and expenses incurred by the city in removing or disposing of any refuse pursuant to this section shall be chargeable to the owner of the premises and collectible in the same manner as taxes and levies are collected.

Chapter 2. – Solid Waste Collection And Disposal Article C. – Solid Waste Collection And Removal, Section 6-2-37(a) be amended and re-enacted as follows:

Sec. 6-2-37. - Bulk refuse collection.

(a) Bulk refuse for collection and removal from residential areas shall be placed at the back of the curb and picked up by a special collection on designated ~~Wednesdays~~ household collection days. Schedule to be determined by the director. ~~Two (2) collections per month, with a~~ A limit of five (5) units per collection, shall be provided for items that are not tree trimmings, tree limbs, vegetative matter, etc. as described in 6-2-34.

The remainder of each Section is reaffirmed and reenacted in its entirety, except as hereby modified.

These ordinance amendments shall be effective from the _____ day of _____, 2025.

Adopted and approved this _____ day of _____, 2025.

MAYOR

ATTESTE:

CITY CLERK