

**ORDINANCE AMENDING AND RE-ENACTING  
TITLE 6 CHAPTER 2 SOLID WASTE COLLECTION AND DISPOSAL -  
ARTICLE C SECTIONS 6-2-26 THROUGH 6-2-35, SECTION 6-2-37(a)  
AND 6-2-38;  
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**

**Be amended as shown:**

**Sec. 6-2-26. - Refuse to be properly contained.**

No refuse shall be collected by the city unless it is placed in ~~an approved container~~proper containers~~city provided/approved containers or tied in bundles~~, as described in this article. Refuse originating outside of the corporate limits will not be collected by the city.

**Sec. 6-2-27. - Scheduled collections.**

(a) —The city will provide, once a week, ~~Monday through Friday~~ refuse collection for ~~residential householders and small businesses~~. ~~The city will provide daily collection, Monday through Friday, for residential,~~ business, commercial, and institutional and industrial establishments which cannot reasonably use private collection services due to insufficient location or area to stage containers and are forced to use curbside collection. ~~When any regularly scheduled collection day falls on a holiday or when service is interrupted by inclement weather, the collection will be cancelled~~~~cancelled, and the refuse will be collected on the next regularly scheduled workday.~~ Refuse ~~collection and recycling~~ schedules will be established by ~~city manager and~~ the department ~~of sanitation~~public works.

(~~b~~) —Refuse shall be placed for pickup no sooner than 4:00 p.m. on the day before the scheduled pickup and no later than 7:00 a.m. on the day of the scheduled pickup; ~~with the exception of the select businesses within the city's central business district, which refuse shall be placed for pickup on the date of the scheduled pickup no earlier than 6:00 a.m. and not later than 11:00 a.m.~~

(~~eb~~) The city will provide daily refuse collection for select businesses within the city's central business district. Refuse shall be placed for pickup no earlier than 6:00am and not later than 11:00am.

(c) When any regularly scheduled collection day falls on a holiday or when service is interrupted by inclement weather, the collection will be cancelled, and the refuse will be collected on the next regularly scheduled workday.

**Sec. 6-2-28. - Sufficient number of containers to be ~~provided~~provided, placement for solid waste collection.**

Every householder, whether owner or tenant, and the proprietor of every business approved for city collection shall be provided ~~suffieient~~ a containers by the city to hold all refuse which shall accumulate between collections. Additional container(s) may be requested, additional monthly fees will apply. Containers are to be placed at the owner's property line adjacent to the curb, ~~at the back of the curb/or back of sidewalk~~ so as not to impede pedestrian traffic, except that the Director may designate a more appropriate pickup location for collections in the central business district. It shall be unlawful for a property owner to place for collection, refuse on property other than his unless common collection areas for multifamily/townhouse/commercial customers have been established. Empty cans, containers and refuse not acceptable for removal shall be removed from the pickup point on the same day as collection and placed in storage out of view from the public street. Collection points for commercial accounts are to be determined by the department ~~of sanitation~~public works.

Approved containers which are provided by the City shall remain property of the City of Harrisonburg. Solid waste customers shall be solely responsible for the cost of containers, per the most current Solid Waste Fee Resolution, in the event of:

- 1) The container being damaged, to the point of replacement, due to reasons not associated with expected wear and tear,
- 2) The loss of a container
- 3) A request to replace the container with a different size container, or for other reasons where the solid waste customer requests a new container to be provided.

When a solid waste customer terminates solid waste collection services, they shall leave the container at the subject property for use by future solid waste collection customers. If a new service is requested and a container was previously provided, but no longer at the property, it shall be the responsibility of the new solid waste collection customer to pay for the cost of providing a new approved container for that property.

**Sec. 6-2-29. - General container requirements.**

- (a) All garbage, consisting of food waste and organic matter, to be collected by the city shall be placed in city provided ~~watertight containers~~approved containers, except for locations within the Central Business District that do not have the ability to store the city provided container(s) of durable construction, which shall be rust resistant, nonabsorbent, easily washable, with tight-fitting covers and handles, or properly sealed with plastic or polyethylene refuse bags, the walls of which are at least two (2) mils in thickness. Such containers shall be not less than five (5) nor more than twenty (20) gallons' capacity and of sufficient construction to keep out

~~water, to prevent disturbance by animals and entrance by insects, and to be safely handled by one collector without coming apart due to the contents or weather conditions.~~

- (b) For ~~Locations within the Central Business District that do not have the ability to store the city provided container(s) shall use watertight containers of durable construction, which shall be rust-resistant, nonabsorbent, easily washable, with tight-fitting covers and handles, or properly sealed with plastic or polyethylene refuse bags, the walls of which are at least two (2) mils in thickness. Such containers shall be not less than five (5) nor more than twenty (20) gallons' capacity and of sufficient construction to keep out water, to prevent disturbance by animals and entrance by insects, and to be safely handled by one collector without coming apart due to the contents or weather conditions.~~

~~All refuse other than that provided for in subsection (a) above or rubbish consisting of cans, bottles, rags, papers and solid waste materials to be collected by the city shall be placed in city provided containers approved containers in such a manner cans with handles, plastic or polyethylene bags, or other containers that can be safely handled without coming apart. Such containers may be of any size, not exceeding thirty five (35) gallons' capacity, that they can be handled safely by one collector and filled to such a degree and so secured that they will not spill.~~

~~(c) Ashes to be collected by the city shall be placed separately in cans or other tight, noncombustible receptacles that can be safely handled without coming apart, and of not more than twenty (20) gallons' capacity and filled not closer than two and one half (2.5) inches from the top of the container to prevent spilling.~~

(~~c~~d) Refuse shall be stored in a manner so as to preclude scattering by wind, animals, persons, or any natural cause. Litter and debris resulting from containers which have been upset or bags which have been ripped or torn is the responsibility of the resident or business which generated the trash.

#### **Sec. 6-2-30. - Garbage to be drained before placed in container.**

Before garbage to be collected by the city is placed in approved containers, all the liquid portion shall be drained off into the sanitary sewer.

#### **Sec. 6-2-31. - ~~Weight of bundles, containers and contents. Reserved.~~**

~~The total weight of any one container, including its contents of garbage, ashes or rubbish, or of any one bundle of rubbish, to be collected by the city shall not exceed seventy five (75) pounds.~~

#### **Sec. 6-2-32. - Unacceptable cans and refuse.**

(a) ~~Cans with covers which do not fit tightly or with bottoms that have rusted out or have holes to permit leakage will be tagged by the city employees as notice to the patron that the can is no longer serviceable and not acceptable for use. Any such cans still in use two (2) weeks~~

~~after being tagged will not be emptied. The owner or occupant shall be responsible for maintaining the approved container in a clean and operable condition. Any repairs or replacement of approved containers will be at the owner or occupant's expense. The Director shall have the authority to refuse collection services from unapproved, damaged or defective containers.~~

- (b) Refuse and waste which is not acceptable for removal by the city will be tagged by city employees as notice to ~~city patron~~the owner of such property and shall be removed from the pickup point pursuant to section 6-2-28. Such refuse and waste shall be removed by the responsible ~~owner of such property~~city patron from the pickup point within twenty-four (24) hours following the notification.
- (c) If the owner of such property fails to comply with the terms of such notice within the time therein prescribed, or if the whereabouts of the owner is unknown to the city manager and cannot after the exercise of reasonable diligence on his part be ascertained, the city manager, on behalf of the city, shall have such trash, garbage, refuse, litter, and other like substances removed by the city's agents or employees, in which event the costs or expenses thereof, plus fifteen (15) percent to cover the city's administrative costs, shall be chargeable to and paid by the owner~~(s)~~ of such property, and shall be collected by the city as fees and taxes are collected.

**Sec. 6-2-33. - Waste paper, ~~cartons~~cardboard, etc.**

- (a) All ~~cartons~~waste paper, cardboard, newspapers and magazines that citizens opt not to recycle at the city recycling convenience center or mobile recycling unit must be broken down and ~~placed in city provided~~an approved container for garbage removal.

~~(b) All waste paper, cartons, newspapers and magazines in bulk shall be bound in bundles not exceeding seventy five (75) pounds in weight. Bundles shall not exceed four (4) feet in length or two (2) feet wide and two (2) feet high. The string or rope used for binding shall be of sufficient strength to permit the bundle to be picked up by it.~~

**Sec. 6-2-34. - Tree trimmings, tree limbs, vegetative matter, etc. from residential and commercial locations allowed per subsection 6-2-27(a).**

Tree trimmings, tree limbs not exceeding two (2) inches in diameter, and yard and garden trimmings in bulk not exceeding four (4) feet in length shall be bound in bundles not exceeding seventy-five (75) pounds each in weight. The string, rope or used for binding shall be of sufficient strength to permit the bundle to be picked up by it. Collection schedule will coincide with Bulk Refuse Collection as identified in subsection 6-2-37(a). A single pickup shall not exceed ten (10) bundles. The city will not collect waste generated as a result of services provided to a resident by for hire/licensed contractor services.

Bio-degradable bags are required for vegetative matter and plastic bags shall not be used. City provided containers- isare also not to be used for ~~vegetative matter collection~~tree trimmings, tree limbs, or vegetative matter.

**Sec. 6-2-35. - Maximum amounts collected per ~~location;~~location, extra charges for additional containers.**

- (a) ~~City will provide residents and businesses receiving collection services from the department Public Works one (1) approved appropriate number of containers requested. Additional approved containers are available, but additional fees will apply. The combined number of containers or bundles of garbage, ashes and other refuse to be collected by the city at any one residential unit shall not exceed five (5) containers or bundles or at any one commercial unit shall not exceed ten (10) containers or bundles for any one collection.~~ Dumpster service provided by a licensed private hauler shall be used for amounts larger than specified unless physical site restraints prohibit placement of a dumpster. The city may provide collection service in this instance as directed by the city manager. ~~City provided recycling containers shall not be included within the above totals so long as the recycling containers contain acceptable recyclable materials.~~
- (b) Bulk pickup for special collections shall not exceed a combined total of containers, ~~bundles~~ or individual items of five (5) per pickup. ~~No limit on acceptable recyclables.~~
- (c) Pickup of additional residential approved containers ~~or bundles~~ for either regular collection or special collection will be made by the city so long as each container ~~or bundle over five (5)~~ has attached to it a City of Harrisonburg refuse sticker. The cost for each city refuse sticker shall be per section 6-2-39. Refuse stickers can be obtained at either the city treasurer's office or the city water billing office. These stickers can be purchased either in person or can be ordered by mail so long as a self-addressed stamped envelope is enclosed with the order.

**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. Schedule to be determined by the director ~~of sanitation~~. Two (2) collections per month, with a limit of five (5) units per collection, shall be provided for items ~~which cannot be composted~~that are not tree trimmings, tree limbs, vegetative matter, etc. as described in 6-2-34. Refer to section 6-2-34 for collection regulations for compostable items. Leaves shall be collected by special collection each fall.

**Sec. 6-2-38. - Refuse disposal for multifamily projects.**

- (a) *Defined.* For the purposes of this chapter, the term "multifamily project" means any apartment, ~~boardinghouse,~~ or townhouse development consisting of six (6) or more dwelling units.
- (b) *New multifamily projects.* The owner or property owners' association of each multifamily project shall provide for its own refuse collection, to take place at least once per week. The city shall not collect refuse from any such project.

- (c) *Refuse storage area requirements.* The owner or property owners' association of each multifamily project shall provide one (1) or more separate areas for storage of refuse on project grounds. Each storage area shall have a concrete pad. If a dumpster-type container is to be used, the pad shall extend from the storage area to the adjacent street or parking area and shall be of sufficient width to allow access by the refuse vehicle(s) serving the project. Each storage area shall be enclosed by opaque gates and screening made of decay-resistant wood or masonry screening walls equal to or greater than the height of the container(s) placed on the storage area in compliance with this section and shall meet any requirements of the Zoning Ordinance. ~~Landscaping as required by the zoning ordinance shall also be provided around the perimeter of the area.~~
- (d) *Refuse container requirements.* The owner or property owners' association shall also provide a container(s) in the refuse storage area for deposit of ~~trash, garbage~~ solid waste and if possible recyclables by residents of the project ~~or~~. The containers may be of any size or type, but must be watertight, durable, rust-resistant, nonabsorbent, easily washable, with tight-fitting covers or doors. Plastic bags shall not be sufficient to comply with this section. If dumpster-type containers are used, the containers shall be fully closed when not being loaded or unloaded. The owner shall provide an adequate number and size of containers to hold the refuse normally produced by the project served until it is to be collected. It shall be the responsibility of the owner or property owners' association to ensure that all trash, garbage, refuse, litter and other substances are properly stored within the provided containers and that the containers remain properly enclosed. The owner shall ensure that a nuisance, as defined in section 15-3-1 of this Code, shall not exist and that littering shall not result.
- (e) *Exemptions for projects in operation prior to July 1, 1994.* A multifamily project in operation prior to July 1, 1994, shall be exempt from the provisions of subsections (b), (c) and (d) if the owner or property owners' association demonstrates, upon application to the director ~~of public works~~, either of the following:
- (1) That the project has been in compliance with the provisions of this chapter for the most recent twenty-four (24) months; that there have been no legitimate complaints regarding refuse about the project made to the city during that time; and that no uncontained refuse has been allowed at the project or ~~boardinghouse~~ during that time; or
  - (2) That there is insufficient space to place the necessary storage area(s) and refuse container(s) on the property.

The director ~~of public works~~ shall issue regulations for demonstrating a hardship under subsection (2) above.

The director ~~of public works~~ shall investigate and determine whether the owner is entitled to an exemption. If the owner is so entitled, the director shall issue a letter granting the exemption. If a violation of the provisions of this chapter occurs at a project exempt under subsection (1) above, the director shall revoke the exemption and notify the owner of the revocation in writing. The comply with the requirements of subsections (b), (c) and (d) within sixty (60) days after the director mails the notice of revocation.

- (f) *Notice; abatement; costs.* If an owner or property owners' association fails to comply with subsection (d) of this section, the owner or property owners' association will be notified by certified mail with return receipt requested of the violation. If three (3) days after mailing of

the notice the violation persists, the director shall have the garbage, refuse, litter, trash or other substances removed. The cost and expense thereof shall be chargeable to and paid by the owner of such property and may be collected by the city as taxes and levies are collected.

This ordinance shall be effective on the \_\_\_\_ day of \_\_\_\_\_, 2020

ADOPTED AND APPROVED this \_\_\_\_ day of \_\_\_\_\_, 2020.

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MAYOR

ATTEST:

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City Clerk