

ORDINANCE AMENDING AND RE-ENACTING
SECTION 6-2-38
OF THE CODE OF ORDINANCES
CITY OF HARRISONBURG, VIRGINIA

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

That Section 6-2-38 – Refuse disposal for multifamily and boardinghouses within city be amended as shown:

Sec. 6-2-38. - Refuse disposal for multifamily ~~and boardinghouses~~projects.

- (a) *Defined.* For the purposes of this chapter, the term "multifamily project" means ~~any apartment or other building or buildings within the city consisting of six (6) or more dwelling units or a boardinghouse as defined in the city's zoning ordinance. Any multifamily project adding dwelling units at any time after the effective date of the ordinance from which this chapter derives shall be deemed a multifamily project for the purposes of this chapter if the additional units cause the total project units to increase from less than six (6) dwelling units to six (6) or more dwelling units. This section shall not apply to any project in which a majority of the units are occupied by the owners of the units, such as townhouses or condominiums.~~any apartment, boardinghouse, or townhouse development consisting of six (6) or more dwelling units.
- (b) *New multifamily projects.* The owner or ~~owners~~property owners' association of each multifamily project ~~or boardinghouse for which a building permit is issued after July 1, 1994, for initial construction or additional units~~ 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 ~~or boardinghouse~~ 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 ~~refuse~~ 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. 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 ~~separate~~refuse storage area for deposit of trash, garbage and recyclables by ~~the~~ residents of the project or ~~boardinghouse~~. 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. ~~The owner shall ensure that all material is properly deposited and stored in the container(s).~~ If dumpster-type containers are used, the containers shall be fully closed when not being loaded or unloaded. ~~The city shall not be required to provide collection from dumpster-type containers.~~ 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. If the owner is responsible for collection, the collections must be made at least one time per week. 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 ~~be responsible to~~ ensure that a nuisance, as defined in section 15-3-1 of this Code, shall not exist and that littering shall not result. ~~It shall be the~~

~~responsibility of the owner 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.~~

~~(e) Time limit for compliance. Unless the owner of an existing project or boardinghouse is entitled to an exemption pursuant to subsection (f) of this section, all requirements of subsections (c) and (d) applicable to the project must be complied with no later than October 1, 1994.~~

(fe) Exemptions for projects/boardinghouses in operation prior to July 1, 1994. A multifamily project ~~or boarding house~~ 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 sanitation~~ director of public works, either of the following:

- (1) That the project ~~or boardinghouse~~ 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 sanitation~~ director of public works shall issue regulations for demonstrating a hardship under subsection (2) above.

The ~~director of sanitation~~ 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 ~~or boardinghouse~~ exempt under subsection (1) above, the director shall revoke the exemption and notify the owner of the revocation in writing. The ~~project or boardinghouse shall~~ comply with the requirements of subsections ~~(b),~~ (c) and (d) within sixty (60) days after the director mails the notice of revocation.

(gf) 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.

~~(h) Collection of recyclable material. The city shall continue to collect recyclable material from all multifamily projects or boardinghouses.~~

This ordinance shall be effective on the _____ day of _____, 2017

ADOPTED AND APPROVED this _____ day of _____, 2017.

MAYOR

ATTEST:

Deputy City Clerk