

## Chapter 22

### REFUSE\*

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### ARTICLE I. IN GENERAL\*\*

#### Sec. 22-1. Purpose.

It is the purpose of this chapter to accomplish refuse control throughout the county in order to control disease; to prevent blight and other environmental degradation; 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. (No. 87-123, 12-8-87; No. 90-01, 1-9-90)

#### Sec. 22-2. Definitions.

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

*Apartment* shall mean any building or structure including nonresidential unit or portion of any building or structure designed or constructed for and capable of use for two (2) or more permanent residential dwelling units in which each unit is not individually owned.

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\* Cross references--Plan for adequate garbage and trash disposal required for outdoor musical or entertainment festivals, § 3-33(a)(4); revenue derived from tax on purchasers of utility services to be used for solid waste disposal, § 26-108; weeds, § 29-16 *et seq.*

State law reference--Solid waste management, Code of Virginia, § 10.1-1400 *et seq.*

\*\* Editor's note--Ordinance No. 87-123, adopted Dec. 8, 1987, amended Art. I by adding thereto a new § 22-1, amending and renumbering former §§ 22-1 and 22-2 as §§ 22-2 and 22-3 and renumbering former §§ 22-3 and 22-4 as §§ 22-145 and 22-146 of a new Art. VI.

*Authorized Agent* shall mean the individual designated by an entity to act on its behalf. This individual must have the authority and control to ensure compliance of this Chapter.

*Business* shall mean any building or structure or portion of any building or structure designed and constructed for and capable for use by commercial or industrial establishments, both retail and wholesale, including apartments and mobile home parks.

*Combined waste stream* shall mean the aggregate waste stream of all tenants and/or occupants of a business property.

*Composting* shall mean the manipulation of the natural aerobic process of decomposition of organic materials to increase the rate of decomposition to produce a stabilized organic product that can be handled, stored, or applied to the land without adversely affecting public health or the environment.

*Construction waste* shall mean solid waste which is produced or generated during construction, remodeling, or repair of pavements, houses, commercial buildings, and other structures. Construction wastes include, but are not limited to lumber, wire, sheetrock, broken brick, shingles, glass, pipes, concrete, paving materials, and metal and plastics if the metal or plastics are a part of the materials of construction or empty containers for such materials. Paints, coatings, solvents, asbestos, any liquid, compressed gases or semi-liquids and garbage are not construction wastes. (9VAC20-80-10)

*Director* shall mean the director of Prince William Public Works or Health Director or their designee unless otherwise stated.

*Disposable package or container* shall mean all packages or containers intended or used to contain solids, liquids or materials and so designated.

*District* shall mean the Prince William Sanitary District.

*Farm/Agricultural use* shall mean the occupation, business, or science of cultivating land, producing crops, plants, shrubs or trees, raising livestock, or fish hatcheries, or as defined in the Prince William County Zoning Ordinance.

*Fee* shall mean the fee assessed to the owner of any dwelling unit, business, entity or other property where solid waste is generated.

*Garbage* shall mean readily putrescible discarded materials composed of animal, vegetable or other organic matter. (9VAC20-80-10)

*Generators* shall mean any entity whose act or process produces solid waste.

*Hazardous waste* shall mean a substance or material in a form or quantity which may:

(1) Normally be generated by residences in the community that may, by itself or in combination with other solid wastes, be infectious, explosive, poisonous, caustic, or toxic, or exhibit any of the characteristics of ignitability, corrosivity, reactivity or toxicity;

(2) Pose an unreasonable risk to health, safety or property; or

(3) Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

*Health or safety menace* includes but is not limited to:

(1) Unsanitary or improper storage or disposal of trash, garbage, refuse, litter, pet feces and food, and other solid waste or hazardous waste;

(2) Rodent or insect infestation;

(3) Hazards such as open excavations, open wells, pits, trees or parts thereof in danger of falling, discarded refrigerators and freezers with doors attached, unsecured vacant structures, or habitation for rats, insects or other pests;

(4) Garbage which is not contained in a watertight, rodent proof container which is equipped with a tight fitting lid;

(5) Any other condition that may be injurious to the public health or safety.

*Household waste* shall mean any waste material, including garbage, trash and refuse, derived from households. Households include single and multiple residences, hotels and motels, bunkhouses, ranger stations, crew quarters, campgrounds, picnic grounds and day-use recreation areas. Household wastes do not include sanitary waste in septic tanks (septage) which is regulated by other state agencies. (9VAC20-80-10)

*Litter* shall mean all waste material, including but not limited to bottles, crockery, cans, glass, scrap metal, paper, plastic, rubber, garbage, rubbish, offal, waste building material at construction sites, discarded auto parts/tires, land-clearing debris, disposal packages or containers thrown or deposited as prohibited herein, but not including the properly disposed of waste of the primary processes of mining, logging, saw-milling, farming or manufacturing.

*Litter receptacle* shall mean a container with a capacity of not less than thirty (30) gallons, constructed and placed as a depository for litter, including but not limited to refuse containers designed to be mechanically lifted, "bulk containers," "refuse containers" or such other containers specifically designated as litter receptacles; and

covered or constructed for use in such a manner as to prevent or preclude blowing of litter from the receptacle.

*Live/Work Unit* shall mean a combined commercial and residential unit.

*Mixed paper* shall mean office paper (white and color), brochures, magazines, catalogs, junk mail (including envelopes with clear windows), flattened and empty non-waxed food boxes free of food residue (boxboard, no corrugated cardboard), and other clean paper products free of food residue (no pizza boxes).

*Mobile home* shall mean a residential dwelling unit of vehicular, portable design build on a permanent chassis and designed to be moved from one site to another and to be used without a permanent foundation.

*Mobile Home Park* shall mean a site, lot, field or tract of land upon which is located two (2) or more occupied mobile homes.

*Multifamily* shall mean any building or structure or portion of any building or structure not defined as a townhouse designed or constructed for and capable of use for two (2) or more permanent residential dwelling units in which each unit is individually owned.

*Multifamily dwelling* shall mean a building or portion thereof containing more than two (2) dwelling units and not classified as a one family or two family dwelling nor as a townhouse, with not more than one family occupying each dwelling unit.

*Municipal solid waste landfill (formerly referred to as "Sanitary Landfill")* shall mean a land burial unit primarily for the disposal of household waste that is so located, designed, constructed and operated to contain and isolate the waste so that it does not pose a substantial present or potential hazard to human health or the environment. A municipal solid waste landfill, depending upon its design may also be permitted to receive other types of solid wastes, such as commercial solid waste, nonhazardous sludge, and hazardous waste from conditionally exempt small quantity generators, construction demolition debris, and nonhazardous industrial solid waste. "Municipal solid waste landfills include "engineered municipal solid waste landfill" and "unlined municipal solid waste landfill."

*Nonresidential* shall mean any buildings and structures or portions of any building or structure not designed for and capable of use as a residential dwelling unit(s), including schools, churches and hospitals.

*Nonresidential units* shall mean a business, both retail and wholesale, including apartments with more than two (2) dwelling units and a live/work unit.

*Occupant* shall include the lessee or user of land.

*Owner of Record* shall mean the owner of record of fee simple interest.

*Owner* shall mean persons holding title to any lot or land in the county; lessees, tenants and principal occupants of any land or lot in the county, or agents or persons holding title of such lands or lots, having care, custody, control or management of the land or lot, and fiduciaries holding title to or having the care, custody, control or management of land or lots in the county for others.

*Person* shall mean any natural person, corporation, partnership, association, firm, receiver, guardian, trustee, executor, administrator, fiduciary, or representative or group of individuals or entities of any kind.

*Principal recyclable material* shall mean newspaper, ferrous scrap metal, non-ferrous scrap metal, used motor oil, corrugated cardboard and kraft paper, container glass, aluminum, mixed paper, tin cans, cloth, automobile bodies, plastic and clean wood, brush, leaves, grass and other arboreal materials. Principal recyclable materials do not include large diameter tree stumps.

*Private property* shall mean property owned by any person as defined herein, including but not limited to yards, grounds, driveways, entrances and passageways, parking areas, storage areas, any body of water, vacant land, and recreation facilities.

*Property Manager* shall mean any person or entity responsible for the management of nonresidential buildings and structures, including refuse collection services.

*Public property or place* shall mean any area that is used or held out for use by the public, whether or not owned or operated by public or private interests, including but not limited to highways, streets, alleys, parks, recreation facilities, sidewalks, parking areas, medians, lakes, rivers, streams, ponds or other bodies of water.

*Recyclable materials* shall mean materials which have been source separated by any person including principal recycling material or materials separated from solid waste for the subsequent utilization in both cases as a raw material to be manufactured into a new product other than fuel or energy.

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

*Recycling center* shall mean a facility designed for the collection, separation and/or recycling of recyclable materials.

*Recycling system* shall mean the mechanism(s) which provides for source separating a recyclable material from the waste stream and ensuring its delivery to a recycling center.

*Refuse* shall mean 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, pet feces, litter, residues from clean up of spills or contamination, or other discarded materials (9VAC20-80-10) but not including human or agricultural animal body wastes.

*Refuse remover* shall mean any person engaged in removing or transporting refuse for compensation from two (2) or more residential, commercial or industrial establishments, either within or outside the county.

*Residential dwelling unit* shall mean a single unit providing complete, independent living facilities for one (1) family, including permanent provisions for living, sleeping, eating, cooking and sanitation.

*Residential units* shall mean any housing unit within the county including single-family dwellings, two-family dwellings, townhouses, multifamily dwelling units, and mobile homes. It does not include apartments or a live/work unit. Occupants of such residential units are referred to as residents.

*Residential waste* shall mean household waste. (9VAC20-80-10)

*Reused* or used material shall mean a material which is either: (9VAC20-80-10):

(1) Employed as an ingredient (including use as an intermediate) in a process to make a product, excepting those materials possessing distinct components that are recovered as separate end products; or

(2) Employed in a particular function or application as an effective substitute for a commercial product or natural resources.

*Rubbish* shall mean combustible or slowly putrescible discarded materials which include but are not limited to trees, wood, leaves, trimmings from shrubs or trees, printed matter, plastic and paper products, grass, rags and other combustible or slowly putrescible materials not included under the term "garbage."

*Single-family equivalent* shall mean the average amount of solid waste generated in a single family residential dwelling unit per year.

*Single-family* shall mean any building or structure designed or constructed for and capable of use as a residential dwelling unit and surrounded by open space or yards on the same lot. Such term does not include mobile homes.

*Solid waste*, pursuant to Code of Virginia, §§ 10.1-1400, *et seq.* "The Virginia Waste Management Act", shall mean any garbage, refuse, sludge or other discarded material, including solid, liquid, semisolid or combined gaseous material, resulting from

industrial, commercial, mining and agricultural operations, or community activities, but does not include (i) solid or dissolved material in domestic sewage, (ii) solid or dissolved material in irrigation return flows or in industrial discharges which are sources subject to a permit from the state water control board, or (iii) source, special nuclear, or byproduct material as defined by the Federal Atomic Energy Act of 1954, as amended.

*Solid waste boundary* shall mean the outermost perimeter of the solid waste (vertical projection on a horizontal plane) as it would exist at completion of the disposal activity within the facility boundary. (9VAC20-80-10)

*Solid waste disposal area* shall mean the area within the facility boundary of a landfill facility in which solid waste is buried. (9VAC20-80-10)

*Solid waste disposal facility* shall mean a solid waste management facility at which solid waste will remain after closure. (9VAC20-80-10)

*Solid waste management facility ("SWMF")* shall mean a site used for planned treating, storing, or disposing of solid waste. A facility may consist of several treatment, storage, or disposal units. (9VAC20-80-10)

*Source reduction* shall mean any action that reduces or eliminates the generation of waste at the source, usually within a process. Source reduction measures include among others, process modifications, feedstock substitutions, improvements in feedstock purity, improvements in housekeeping and management practices, increases in the efficiency of machinery, and recycling within a process.

*Source separation* shall mean separating the recyclable material from other refuse being disposed from a generator or source site.

*Storage* shall mean the holding of waste, at the end of which the waste is treated, disposed, or stored elsewhere. (9VAC20-80-10)

*Tenant* shall mean an occupant of a nonresidential unit who is not the owner of the unit.

*Townhouse* shall mean a building or structure consisting of two (2) or more closely placed, interrelated residential dwelling units generally joined to one another by a common party wall, a common floor-ceiling or garage and/or with connecting permanent and unified structures such as breezeways, carports, or walls, which structures continue the design pattern and/or materials of the façade from one (1) dwelling unit to another. Each unit has its own outside entrance and is individually owned.

*Trash* shall mean combustible and noncombustible discarded materials; this term is used interchangeably with the term "rubbish."

*Used clothing container* shall mean any receptacle used for the purpose of collection and storage of used clothing donated by the public for redistribution to the needy.

*Vehicle* shall mean every device capable of being moved upon a public highway or public waterway and in, upon, or by which any person or property may be transported upon stationary roads or tracks, and shall also include any watercraft, except devices moved by human power, or used exclusively upon stationary rails or tracks, or used exclusively for agricultural purposes and not licensed pursuant to state law, which is not operated on any public highway for purposes of other than crossing such public highway or along such highway between two (2) tracts of the owner's land.

*Water craft* shall mean any boat, ship, vessel, barge, or other floating craft. (Code 1965, §§ 10-2, 10-11, 10-40; No. 87-123, 12-8-87; No. 90-01, 1-9-90; No. 92-30, 3-3-92; No. 07-23, 4-3-07)

### **Sec. 22-3. Enforcement of chapter.**

The health department and department of public works 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. (Code 1965, § 10-1-1; No. 87-123, 12-8-87; No. 90-01, 1-9-90)

### **Sec. 22-4. Authority to promulgate rules and regulations.**

(a) Generally. The county executive, with the approval of the department of health and the department of public works, may promulgate such rules and regulations as are necessary to govern any county 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 county executive as is appropriate. A copy of the current rules and regulations shall be posted in a conspicuous place at county solid waste disposal facilities and made available to interested individuals.

(b) Penalties. Penalties for violation of any rule or regulation may include fines, revocation of refuse remover permits, and suspension or termination of the use of county solid waste disposal facilities. Violation of any rule or regulation is a violation of the Prince William County Code, and shall constitute a misdemeanor in addition to any civil penalty or remedy provided in the rules or regulations.

(c) Fees. The board of county supervisors shall establish the fees for the use of county solid waste disposal facilities by commercial refuse removers, commercial vehicles, residential users and noncommercial users. (No. 81-20-34, 7-7-81; No. 90-19, 2-6-90)

### **Secs. 22-5--22-15. Reserved.**

## **ARTICLE II. STORAGE**

### **Sec. 22-16. Areas to which article applicable.**

This article shall be applicable to all areas within the county. (Code 1965, § 10-41; No. 87-123, 12-8-87; 90-01, 1-9-90; No. 07-23, 4-3-07)

### **Sec. 22-17. Right of entry to enforce article.**

(a) The director of the health department, and/or his agent, after identifying himself, shall have the power to enter, at reasonable times, upon private or public property for the purpose of inspecting, investigating and correcting conditions relating to the enforcement of the provisions of this article.

(b) The director of the health department may enforce the provisions of this article by acting pursuant to the procedures set forth in sections 22-133 through 22-138, 22-140 and 22-141 of this chapter. (Code 1965, § 10-46; No. 87-123, 12-8-87; No. 90-01, 1-9-90; No. 07-23,4-3-07)

### **Sec. 22-18. Violations of article.**

Any violation of the provisions of this section shall be subject to a civil penalty not to exceed fifty dollars (\$50.00). Each business day during which the same violation is found to have existed shall constitute a separate offense. Three civil penalties imposed on the same offender for the same or similar violation within a twenty-four (24) month period shall constitute a Class 3 misdemeanor. (Code 1-65, § 10-47; No. 87-123, 12-8-87; No. 90-01, 1-9-90)

### **Sec. 22-19. Preparation for storage.**

(a) All refuse shall be drained free of liquids before being placed in the refuse containers provided for in this article. All recyclable containers such as cans, bottles or other food containers shall be free of liquids and food particles before being placed in such containers.

(b) Rubbish shall be either placed in approved containers or cut and baled, tied, bundled, stacked or packaged, so as not to exceed thirty-six (36) inches in length, width or height and fifty (50) pounds in weight. Items too large or otherwise incapable of being so stored until regular removal by refuse removers shall be deposited by the owner in the county landfill during normal operating hours or shall be removed and properly disposed of by special arrangements between the owner and a refuse remover capable of handling such items. (Code 1946, § 10-42; No. 87-123, 12-8-87; No. 90-01, 1-9-90; No. 07-23, 4-3-07)

### **Sec. 22-20. Containers--Required; specifications.**

(a) Each householder, commercial establishment or person having refuse shall provide himself with approved refuse containers adequate to contain the refuse generated at said establishment which accumulates between periods of removal from the premises and shall place and keep all refuse therein until disposal, except as provided in section 22-19 relating to handling rubbish. It shall be unlawful for any person to place refuse in any street, alley or any other public place, or upon private property, whether owned by him or not, unless such refuse is placed in an approved container, except that rubbish may be stored as provided in section 22-19. Trash may not accumulate outside of containers.

(b) Refuse containers and litter receptacles shall be made of durable, watertight, rust-resistant material and shall have close-fitting lids and handles to facilitate collection. Refuse containers for residences and commercial establishments shall be of not less than ten (10) gallons nor more than forty (40) gallons in capacity. An exception can be made for size and capacity, if containers are designed to be mechanically lifted by the collection vehicle. All containers must be kept covered until removed from the premises by refuse removers or otherwise disposed of as permitted by law.

Containers shall be kept in good repair with tight fitting lids or doors and shall be free of cracks and holes. Lids and doors shall be kept closed except when emptying.

(c) Refuse containers shall be emptied at least once every seven (7) days or as necessary to prevent overflowing or other nuisances created by prolonged containment. (Code 1965, §§ 10-43, 10-44; No. 87-123, 12-8-87; No. 90-01, 1-9-90; No. 07-23, 4-3-07)

**Sec. 22-21. Reserved.**

(Code 1965, §§ 10-43, 10-44; No. 87-123, 12-8-87; No. 90-01, 1-9-90; No. 07-23, 4-3-07)

**Sec. 22-22. Placement for collection.**

Refuse containers shall, for the purpose of collection, be placed out of the vehicle travel way, at ground level and be made readily accessible to the collector; provided, however, that householders, commercial establishments or other persons may, by contract with collectors, be permitted to place containers at agreed places upon their premises.

Containers shall be placed at the curb or agreed place and shall be placed out for no longer than 24 hours from the time of placement. (Code 1965, § 10-45; No. 87-123, 12-8-87; No. 90-01, 1-9-90; No. 07-23, 4-3-07)

**Sec. 22-23. Special requirements for used clothing containers.**

(a) A health hazard of transmitting skin diseases, ticks, mites, insects, fleas, lice, cockroaches and the like, shall exist unless the following practices are closely followed in connection with used clothing containers:

(1) Minimum pickup shall be at least two (2) times per week.

(2) A permanent placard on each container shall read "Not for refuse disposal. Do not use for garbage, candy wrappers, soft drink bottles, etc."

(3) Dry cleaning, commercial or household laundering of used clothing with detergents and, where tolerated, with hypochlorite solution ("Clorox") shall be required prior to insertion in the container and again at the used clothing center.

(4) The containers must be sealed and covered with swinging lids that automatically close. They must regularly be disinfected with quaternary ammonium compounds, hypochlorite solution or other effective germicide. (Code 1965, §§ 10-40, 10-45.1; No. 87-123, 12-8-87; No. 90-01, 1-9-90; No. 07-23, 4-3-07)

**Secs. 22-24--22-33. Reserved.**

**Sec. 22-34. Requirements for Composting.**

Composting of organic materials from and on the property of an individual residence or farm shall be permitted in the County provided it is done in a manner so as not to create a health or safety menace. Composting of any organic material other than leaves, grass and brush/mulch shall be done in a container designed for the purpose of organic composting.

**ARTICLE III. COMMERCIAL REMOVERS**

**DIVISION 1. GENERALLY**

**Sec. 22-35. Reserved.**

Editor's note--Former § 22-35, which contained a definition of the term "refuse remover" and was derived from Code 1965, § 10-11, was deleted by Ord. No. 90-01, adopted January 9, 1990. See current § 22-2.

**Sec. 22-36. Violations of article.**

A violation of any provision of this article shall constitute a Class 3 misdemeanor. (No. 75-6-28, 9-10-74; No. 90-01, 1-9-90)

**Sec. 22-37. Reserved.**

Editor's note--Former § 22-37, relative to bond requirements for commercial refuse removers, as derived from Code 1965, §§ 10-24, 10-31-10-35 and Ord. No. 90-01, adopted Jan. 9, 1990, was deleted by Ord. No. 92-30, enacted March 3, 1992.

**Sec. 22-38. General vehicle requirements.**

All vehicles used by a refuse remover to transport refuse within Prince William County except those vehicles used exclusively for the collection of recyclable materials, are required to be inspected at least annually. In addition, Prince William County reserves the right to inspect any vehicle at any time throughout the year. Vehicles may not be used for collection of refuse in Prince William County if they have not passed this inspection. This inspection addresses the type of vehicle, identification of the company, fire extinguishers, tow hook/pins, state inspection status, tags, seals, and other items crucial to operating in a safe manner. Trucks shall be inspected in keeping with regulations promulgated in accordance with Sec. 22-4. (Code 1965, § 10-13; No. 75-6-28, 9-10-74; No. 90-01, 1-9-90; No. 01-46, 6-19-01, effective 7-1-01; No. 07-23, 4-3-07)

Cross reference--Motor vehicles generally, Ch. 13.

State law reference--Similar provision, Code of Virginia, § 46.2-1156.

**Sec. 22-39--22-41. Reserved.**

**Sec. 22-42. Hours and manner of refuse removal.**

(a) Refuse removed by a refuse remover shall be removed only between the hours of 5:00 a.m. and 9:00 p.m., and must be removed in a manner which does not create a nuisance or adversely affect the public health. Noise disturbance issues shall be worked out with the community and their refuse remover on a case-by-case basis. If determined by the Director of Public Works or his designee that a nuisance or noise disturbance is occurring in the community, the refuse remover shall change the hours of removal as required by the Director of Public Works or his designee.

(b) Notwithstanding the provisions of subsection (a), above, refuse may be removed from property zoned for business or industrial purposes under the zoning ordinances of Prince William County between the hours of 4:00 a.m. and 9:00 p.m., provided that the refuse collection points are not within one hundred (100) yards of any lawfully occupied residential dwelling. (Code 1965, § 10-15; No. 86-82, 6-3-86; No. 90-01, 1-9-90; No. 07-23, 4-3-07)

**Sec. 22-43. Frequency of removal.**

(a) Refuse shall be collected and removed by refuse removers not less than twice weekly in all major suburban residential areas of the county. All refuse removers serving residential units shall provide a recycling system for such units for the materials separated for collection and recycling by such units in accordance with section 22-170(a). Refuse removers may substitute recyclables collection one day per week and provide

general refuse collection on the other collection day. If closed containers are used for recyclables, then such containers shall be emptied twice a month except that more frequent collections may be required, if determined by the health department to be essential to protection of the public health.

(b) Collection and removal for hotels, motels, restaurants, schools, institutions, apartments and commercial establishments by refuse movers shall not be less than twice weekly, 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 provide recycling services to any person or business properties in accordance with sections 22-170(b) and/or 22-170(c) shall remove the recyclables from such establishments not less than once weekly. Less frequent removal of recyclables may be permitted upon approval by the director of public works. (Code 1965, § 10-20.1; No. 75-6-28, 9-10-74; No. 90-01, 1-9-90; No. 92-30, 3-3-92; Ord. No. 92-82, 9-1-92)

**Sec. 22-44. Removal of explosive, toxic, etc., materials.**

No known harmful materials, including materials which are explosive, toxic, hazardous, radioactive or highly combustible by nature or burning, shall be knowingly removed for disposal by a refuse remover. (Code 1965, § 10-38; No. 90-01, 1-9-90; No. 07-23, 4-3-07)

**Sec. 22-45. Container Placement.**

After emptying, container(s) shall be placed by the refuse hauler at the same location, with lid closed, on level ground, out of the vehicle travel way, and in such a place as not to constitute a hazard. (No. 07-23, 4-3-07)

**Sec. 22-46. Use of approved disposal site in emptying vehicles.**

No vehicle used by a refuse remover for transporting or removing refuse shall be emptied in the county on any ground or location other than an approved refuse disposal site. (Code 1965, § 10-17; No. 90-01, 1-9-90)

**Sec. 22-47. Notice of intended termination of business.**

A refuse remover who intends to terminate and discontinue his business shall notify, in writing, the department of public works and each customer of such intended termination and discontinuance, at least fifteen (15) days prior to the date of intended termination and discontinuance of business. (Code 1965, § 10-39; No. 90-01, 1-9-90; No. 07-23, 4-3-07)

**Sec. 22-48. Disposal of solid waste.**

In order to provide for more effective solid waste disposal, the board of county supervisors has adopted by resolution a solid waste management plan which includes

county ownership, operation or use of a resource recovery waste disposal facility and furthermore, pursuant to § 15.2-931, VA Code Ann., the county may require the delivery of all or any portion of solid waste generated or disposed of within the county to waste facilities located in other jurisdictions with whom the county has contracted for capacity ~~at~~ or service.

(a) All garbage, trash and refuse collected in the county under the provisions of this chapter shall be disposed of only at disposal sites designated by the department of public works.

(b) 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 public works pursuant to subsection (a) above. This provision shall not apply to the occupants of single-family residences or family farms disposing of their own solid waste if such occupants have paid the fees, rates and charges of other single-family residences and family farms in the same service areas.

(c) 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) Materials collected for the purpose of recycling.

(3) Construction waste to be disposed of in a landfill.

(4) Used oil.

(d) All garbage, trash and refuse and recyclable materials disposed of at the county recycling drop-off centers, the county sanitary landfill, or any other solid waste facility located within the county shall become the property of the county.

(e) It shall be unlawful for any person or refuse remover to salvage or otherwise remove any recyclable materials from recycling routes, county recycling drop-off centers, or any other solid waste facility owned or operated by the county without the authorization of the department of public works.

(f) It shall be illegal for any refuse remover to use a county permit for the disposal of solid waste originating outside the county at the county sanitary landfill or any energy resource recovery facility located within the county, unless previously approved by the director of the department of public works or his designee. (No. 90-01, 1-9-90; No. 07-23, 4-3-07)

**Secs. 22-49--22-55. Reserved.**

**Sec. 22-56. Permit.**

No person engaged in business as a refuse remover shall conduct any portion of such operation within the county, unless he has a current permit to do so issued by the department of public works. This permitting process and associated fees are enacted in accordance with regulations promulgated in accordance with section 22-4. (Code 1965, § 10-19; No. 90-01, 1-9-90; No. 07-23, 4-3-07)

#### **ARTICLE IV. RESERVED**

**Secs. 22-57--22-130. Reserved.**

#### **ARTICLE V. GARBAGE, TRASH, REFUSE, LITTER AND HEALTH OR SAFETY MENACES ON PUBLIC AND PRIVATE PROPERTY\***

**Sec. 22-131. Authority and purpose.**

This article is enacted pursuant to §§ 15.2-901, 15.2-1227, 15.2-1200 and 10.1-1415, VA Code Ann., in order to promote the general welfare of the county and the health, safety, comfort and welfare of its inhabitants by controlling, preventing and eliminating garbage, trash, refuse, litter and health or safety menaces. (No. 81-20-34, 7-7-81; No. 87-123, 12-8-87; No. 90-62, 5-1-90; No. 07-23, 4-3-07)

**Sec. 22-132. Reserved.**

(No. 81-20-34, 7-7-81; No. 87-123, 12-8-87; No. 90-62, 5-1-90; No. 07-23, 4-3-07)

**Sec. 22-133. Duty of owner, occupant to comply with notice to remove.**

It shall be unlawful for the owner or occupant of any property in the county, having been notified by the director to remove any and all trash, garbage, refuse, litter or other like substances or health or safety menaces which might endanger the health or safety of county residents on any land or premises extending to the curb line, to fail to remove such matter. (No. 81-20-34, 7-7-81; No. 87-123, 12-8-87; No. 90-62, 5-1-90)

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\* Editor's note--Ordinance No. 87-123, adopted Dec. 8, 1987, and Ordinance No. 90-62, adopted May 1, 1990, amended Art. V in part by adding the words "public and" and "and health or safety menaces," respectively, to the title of such article.

Cross references--Littering in parks, § 17-39; littering on public or private property, § 22-145 *et seq.*; depositing substances on streets, § 24-30.

**Sec. 22-134. Determination of offensive condition; service of notice; time for compliance.**

Upon determination by the director from reports or inspections that there exists upon any land or premises within the county any trash, garbage, refuse, litter or other like substances, or any health or safety menace, notice shall be served on the owner or his agent or occupant of the land or premises to remove or cause to be removed any and all such substances or menaces within five (5) days from the date of such notice. (No. 81-20-34, 7-7-81; No. 87-123, 12-8-87; No. 90-62, 5-1-90; No. 07-23, 4-3-07)

**Sec. 22-135 Procedure for service of notice.**

(a) Generally. Notice, as provided for in section 22-134, shall be in writing and shall contain a description of the offending substance or menace, the time within which it shall be removed, and a statement that the owner or occupant may request a hearing within five (5) days of the receipt of the notice; and shall be sent by registered or certified mail or may be served by the sheriff of the county to the last known address of the owner and to the occupant of the offending premises.

(b) Temporary abatement; extension of compliance time. If the director determines that the trash, garbage, refuse, litter or other like substance or health or safety menace cannot be removed within five (5) days, the director may order temporary abatement measures and allow a longer period of time to remove the trash, garbage, refuse, litter or other like substances or health or safety menaces.

The director may allow such longer time only upon request of the owner or occupant of the land or premises, and only upon a good faith showing that such a longer period of time is necessary.

(c) Notice by publication. If the owner or his agent or the occupant of the land or premises cannot be found, notice, as required by section 22-134, may be given by publication for three (3) consecutive days in a daily newspaper of general circulation in the county. (No. 81-20-34, 7-7-81; No. 87-123, 12-8-87; No. 90-62, 5-1-90)

**Sec. 22-136. Request for hearing.**

Any person given notice pursuant to sections 22-134 and 22-135 may request an opportunity to be heard before a panel composed of the director and/or his designee. (No. 81-20-34, 7-7-81; No. 87-123, 12-8-87; No. 90-62, 5-1-90; No. 07-23, 4-3-07)

**Sec. 22-137. Abatement by county--Generally.**

Upon the failure, neglect or refusal of any owner, agent or occupant of the land or premises upon whom notice has been served as provided in section 22-134, to remove the

trash, garbage, refuse, litter or other like substances or health or safety menaces lying or located on the property in question within the time indicated in the notice, the director shall have the right to enter the subject property and may have the requisite work done by his staff or by contract. (No. 81-20-34, 7-7-81; No. 87-123, 12-8-87; No. 90-62, 5-1-90)

**Sec. 22-138. Same--Billing and collection of charges; unpaid charges constitute lien on property.**

When the director has accomplished the removal of the trash, garbage, refuse, litter or other like substances or health or safety menaces, he shall bill the owner of the land or premises for the actual cost of removal, expenses, and the cost of publication, if any. If such bill is not paid within thirty (30) days, the director shall transmit such bill to the director of finance, who shall include such amount in the next regular tax bill of the owner of such property. Every charge authorized herein which remains unpaid shall constitute a lien against such property and may be collected as taxes and levies. (No. 81-20-34, 7-7-81; No. 87-123, 12-8-87; No. 90-62, 5-1-90)

**Sec. 22-139. Penalty for noncompliance.**

The failure, neglect or refusal of the owner, or occupant of such land or premises to comply with the terms of a notice served, as provided in section 22-134, after the expiration of time provided for in such notice, shall constitute a misdemeanor and, in addition to the remedies set forth in sections 22-137 and 22-138, shall be punishable by a fine of fifty dollars (\$50.00). Each day of willful refusal or failure to comply shall constitute a separate offense. (No. 81-20-34, 7-7-81; No. 87-123, 12-8-87; No. 90-62, 5-1-90; No. 07-23, 4-3-07)

**Sec. 22-140. Right of entry of director for enforcement purposes.**

(a) The director or his designee, after identifying himself, shall have the power to enter in a reasonable manner and at a reasonable time upon private and public property for the purpose of ascertaining the existence of trash, garbage, refuse, litter or other like substances or health or safety menaces.

(b) If the director is denied free access for the purposes of inspection or removal he may apply to the court for a warrant. (No. 81-20-34, 7-7-81; No. 87-123, 12-8-87; No. 90-62, 5-1-90; No. 07-23, 4-3-07)

**Sec. 22-141. Emergency procedures.**

Upon determination by the director from inspections that there exists upon any land or premises within the county trash, garbage, refuse, litter or other like substances or health or safety menaces which pose an immediate health danger or one of an emergency nature to the county or the residents of the county, the director shall, after notice to the owner, agent or occupant of the land or premises, proceed to immediately remove the trash, garbage, refuse, litter or other like substances or health or safety menaces pursuant

to sections 22-137 and 22-138 without providing the owner or occupant an opportunity to be heard until the substance or menace has been removed. (No. 81-20-34, 7-7-81; No. 87-123, 12-8-87; No. 90-62, 5-1-90)

**Secs. 22-142--22-144. Reserved.**

## **ARTICLE VI. LITTERING ON PUBLIC OR PRIVATE PROPERTY\***

### **Sec. 22-145. Transportation by other than commercial removers.**

(a) Each person who transports refuse in or through the county, and who is not a refuse remover regulated by Article III of this chapter and the Solid Waste Regulations, shall transport the refuse in such a manner as not to create a nuisance or adversely affect public health. A vehicle so used by such a person shall be equipped with a built-in cover or tarpaulin or equally effective cover, which shall be secured in place to prevent the escape of refuse while in transit. The refuse hauled in such a vehicle shall not be spilled, dumped or thrown onto any street, court, lane, alley, sewer inlet or vacant lot. Liquid and semiliquid refuse, when hauled in such a vehicle with a nonwatertight body, shall be carried in watertight containers.

(b) A violation of any provision of this section shall constitute a Class 3 misdemeanor.

(Code 1965, § 10-12; No. 75-6-28, 9-10-74; No. 87-123, 12-8-87; No. 07-23, 4-3-07)

### **Sec. 22-146. Dumping or tracking on highways, rights-of-way, private or public property, etc.**

(a) No person shall drop, deposit, discard, dump, track or otherwise dispose of litter, trash, garbage, refuse, other unsightly matter, or a companion animal for the purpose of disposal on a public highway, right-of-way, property adjacent to such highway or right-of-way or on private property without the written consent of the owner thereof or his agent.

(b) When any person is arrested for a violation of this section, and the matter alleged to have been dumped or disposed of has been ejected from or tracked by a motor vehicle, or has been transported to the disposal site in a motor vehicle, the arresting officer may comply with the provisions of section 13-10 of this Code in making such arrest.

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\* Editor's note--Ordinance No. 87-123, adopted Dec. 8, 1987, amended Ch. 22 by adding thereto a new Art. VI, consisting of former §§ 22-3 and 22-4 renumbered as §§ 22-145 and 22-146, and new §§ 22-147-22-155.

Cross references--Littering in parks, § 17-39; garbage, trash, refuse and litter on public and private property, § 22-131 *et seq.*; depositing substances on streets, § 24-30.

(c) When a violation of the provisions of this section has been observed by any person, and the matter dumped or disposed of has been ejected from, tracked by or removed from a motor vehicle, the owner or operator of such motor vehicle shall be presumed to be the person ejecting, tracking, or disposing of such trash, garbage, refuse or other unsightly matter; provided, that such presumption shall be rebuttable by competent evidence.

(d) Any person violating this section shall be guilty of a misdemeanor punishable by confinement in jail for not more than twelve (12) months and a fine of not less than two hundred and fifty dollars (\$250) or more than two thousand, five hundred dollars (\$2,500), either or both. In lieu of the imposition of confinement in jail, the court may order the defendant to perform community service in litter abatement activities. (Code 1965, § 10-1; No. 87-60, 7-7-87; No. 87-123, 12-8-87; No. 95-46, 6-27-95; No. 03-47, 6-24-03, effective 7-1-03)

State law reference--Similar provisions and authority of county to adopt above section, Code of Virginia, § 33.1-346.

**Sec. 22-147. Keeping areas surrounding commercial establishments and institutions clean.**

(a) Each person who is a proprietor or operator of any business, industry or institution shall keep the adjacent and surrounding area clear and free of litter. These areas include, but are not restricted to public and private sidewalks, roads and alleys; grounds, parking lots; loading and unloading areas; and all vacant lots which are owned or leased by said establishment or institution.

(b) It shall be unlawful for any person who is the proprietor or operator of any business, industry or institution to store, accumulate or dump any litter on such premises in such quantities or in such a manner or for such period of time as to constitute a nuisance or as to be injurious or potentially injurious to the public health or safety. (No. 87-123, 12-8-87)

**Sec. 22-148. Construction and demolition sites.**

It shall be unlawful for any person in charge of a construction or demolition site to permit the accumulation of litter which is capable of being spread by wind or water. Such person shall be required to maintain on the site sufficient litter receptacles to prevent the scattering of litter. (No. 87-123, 12-8-87)

**Sec. 22-149. Vacant property.**

It shall be unlawful for any person to store, accumulate, or dump, or for the owner of such property to permit the storing, accumulation or dumping of litter on vacant property, whether improved or unimproved, in such quantities or in such a manner or for such period of time as to constitute a nuisance or as to be injurious to the health or safety

of the public. Failure to remove accumulations of litter, after issuance of a written notice to do so, shall constitute a violation of this section. (No. 87-123, 12-8-87)

**Sec. 22-150. Keeping sidewalks clean.**

(a) Each person, including owners, agents, occupants or lessees, whose property faces on the sidewalks in the county, or strips between street and sidewalk, shall be responsible for keeping said sidewalks and strips free of litter.

(b) It shall be unlawful to sweep or push litter from sidewalks into streets. Such litter shall be deposited in a proper receptacle which shall be covered to prevent scattering by wind and animal. No. 87-123, 12-8-87)

**Sec. 22-151. Other littering prohibited.**

(a) It shall be unlawful for any person to drop, deposit, discard, or otherwise dispose of litter in or on any public or private property within the county, including but not restricted to any street, sidewalk, park, body of water, vacant or occupied lot, except in public receptacles, or in authorized private receptacles provided for public use, or in an area designated by the state department of waste management as a permitted disposal site, or in bulk containers located at county disposal sites.

(b) Any article of litter bearing a person's name or address found on the private property of another, or on any public property, shall be presumed to be the property of such person whose name or address appears thereon, and that such person placed or caused to be placed such article of litter; provided, however, that such presumption shall be rebuttable by competent evidence. No. 87-123, 12-8-87)

**Sec. 22-152. Handbills and advertising material.**

It shall be unlawful for any person distributing commercial handbills, leaflets, flyers or any other advertising and information material to distribute material in such a manner that it litters either public or private property. (No. 87-123, 12-8-87)

**Sec. 22-153. Use of litter receptacles.**

It shall be unlawful to deposit any item or items, except litter, in any receptacle placed for public use as a depository for litter. Publicly placed litter receptacles shall not be used to dispose of unwanted household items, garbage or debris. (No. 87-123, 12-8-87)

**Sec. 22-154. Providing adequate litter receptacles.**

(a) It shall be the duty of any person owning or operating any establishment or public place to provide receptacles adequate to contain the litter generated at said

establishment. Such receptacles shall be located along pedestrian travel routes in the establishment, as well as in its parking or other public areas.

(b) Litter receptacles shall be emptied at least daily or as necessary to prevent overflowing and shall be provided with a plastic can liner each time they are emptied. (No. 87-123, 12-87)

**Sec. 22-155. Penalties for violation.**

(a) Any person convicted of violating sections 22-147, 22-148, 22-149, 22-150, 22-151, 22-152 and 22-153 of this article shall be subject to a fine of up to fifty dollars (\$50.00) for each violation.

(b) Any person convicted of violating section 22-154 of this article shall be subject to a fine of twenty-five dollars (\$25.00) for each day of violation. (No. 87-123, 12-8-87)

**Secs. 22-156--22-168. Reserved.**

**ARTICLE VII. RECYCLING**

**Sec. 22-169. Nonresidential and refuse removal reporting.**

(a) All nonresidential solid waste generators and companies that manage solid waste or recycle materials generated within the county shall submit an annual report of their recycling activity to the county's department of public works by February 15 for the previous calendar year.

(b) Annual reports required to be submitted hereunder shall be certified by a responsible official of the generator or company and shall contain: (1) the name and address of the reporting party; (2) the total quantity of solid waste recycled by the reporting party during the reporting period; (3) the total quantity (by weight or volume) of solid waste that has been the subject of source reduction or reuse; and/or (4) other information concerning waste generation, waste management and recycling requested by the department of public works.

(c) All reports required hereunder shall be based on volume or weight of each material; provided that where such measurements cannot be accurately determined, the report may be based on carefully estimated data. Where estimates are submitted, they must contain sufficient detail to reasonably describe how the estimate was prepared, including but not limited to such data as container volume, frequency of collection, percent full when container collected, and the type of material recycled, reduced or reused. Supporting documentation used in preparation of the report shall be retained for audit and clarification of reported data for a period of two years following submission of said report.

(d) Nothing hereunder shall be construed to require any party to report proprietary information. Where any party fails to report any information otherwise required hereunder based upon a determination that such information is proprietary, the party shall specify in its report the nature of the information withheld and the basis of its determination that such information is proprietary.

(e) Recycled solid waste referenced in the report shall include only solid waste generated within the county. (No. 92-30, 3-3-92; No. 07-23, 4-3-07)

**Sec. 22-170. Residential and nonresidential source separation of solid waste.**

(a) Occupants of residential dwelling units within the county shall be required to separate for collection and recycling newspapers, mixed paper, container glass, plastic bottles and metal cans. Materials required to be separated for collection by residential dwelling units may be added or deleted by the director of public works with the approval of the county executive. Residents shall be prohibited from combining these recyclable materials with other solid waste.

(b) The owners of business properties, including apartments, located in the county shall be required to establish a recycling system for the separation, collection, handling, storage and transportation of the principal recyclable material comprising the greatest percentage by weight or volume of the combined waste stream generated at each property.

(c) All persons other than occupants of residential units within the county shall be required to separate for collection and recycling the principal recyclable material comprising the greatest percentage of its waste stream by weight or volume or the principal recyclable material comprising the greatest percentage by weight or volume of the combined waste stream of the business property on which such person is located.

(d) This article [Ordinance No. 92-30] shall not affect the right of any person or entity to sell or otherwise dispose of waste material as provided in § 15.2-933, VA Code Ann., or permitted under any other law of the Commonwealth, nor shall it impose any liability upon any apartments or commercial office building owner or manager for failure of tenants to comply with any provisions of this ordinance or upon any refuse remover for failure of its customers to comply with this article.

(e) All county licensed refuse removers shall collect and separate recyclable materials from the refuse waste stream in accordance with section 22-43. As a part of the county hauler permit process, submission of a recycling plan shall be required by the county in accordance with the solid waste regulations.

(f) No person shall engage in the business of collecting recyclable materials in county as a commercial enterprise without registering the recycling business with the county in accordance with the solid waste regulations. This provision shall not apply to

employees of a nonresidential establishment, non-profit fund raisers, or any individual collecting, processing, or transporting recyclable materials generated within residential dwelling or nonresidential units. (No. 92-30, 3-3-92; Ord. No. 92-82, 9-1-92; No. 07-23, 4-3-07)

**Sec. 22-171. Penalties for noncompliance or nonparticipation.**

The intent of this article is to encourage, promote and mandate recycling to reduce the amount of refuse requiring disposal. To fulfill this intent, the penalties to residents, business and nonresidential waste generators, outlined in paragraphs (a) through (e) below, will only be assessed and enforced if the county fails to meet recycling goals stated in the most current adopted Solid Waste Management Plan for Prince William County and after the county publishes a notice of such failure in the manner set forth below.

If the county's department of public works determines that the stated goals are not met in any complete fiscal year, it shall report such finding to the board of county supervisors and shall publish that finding once a week for two (2) successive weeks in some newspaper published and having a general circulation in the county. Such notice also shall state that the penalties outlined in this section shall then be assessed and enforced in the county following the date upon which the second such notice is published.

(a) Any resident who violates any provision of the recycling requirements as given in section 22-170 or any rule or regulation adopted hereunder, shall be subject to the following civil penalties in accordance with the following procedures:

(1) Upon discovery of a violation, the department of public works shall issue a notice of violation describing the violation and the corrective action required. Residents shall have fourteen (14) days from receipt of notice to comply with violation notice. Violation notices are to be sent by certified mail.

(2) Failure or neglect to comply with the terms of the written notice shall be subject to a fine of twenty-five dollars (\$25.00). Each act of willful refusal or failure to comply shall constitute a separate offense.

(b) Any person other than occupants of residential units who violates any provision of the recycling separating requirements outlined in section 22-170, or any rule or regulation adopted hereunder, shall be subject to the following civil penalties in accordance with the following procedures:

(1) Upon discovery of a violation, the department of public works shall issue a notice of violation describing the violations and the corrective action required. Any person receiving such a notice shall have thirty (30) days from receipt of notice to comply with the violation notice. Violation notices shall be sent by certified mail.

(2) Failure or neglect to comply with the terms of the written notice shall be subject to a fine of not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00). Each day of willful refusal or failure to comply shall constitute a separate offense.

(c) Any person given a notice of violation pursuant to this section may request an opportunity to be heard by a three (3) person panel established by the director of public works. Such request shall be made within five (5) days of receipt of the notice and be submitted in writing to the Department of Public Works Solid Waste Division, Office of Recycling.

(d) After having served a notice of violation in accordance with section 22-171(a) or 22-171(b) on any person committing or permitting a violation of the provisions enumerated herein and if such violation has not ceased within such reasonable time as is specified in such notice, then upon the approval of the county attorney, the director of public works shall cause a summons to be served upon such person in any manner authorized by law for service of process.

(e) If a person charged with a violation does not elect to enter a waiver of trial and admit liability, the violation shall be tried in the general district court in the same manner and with the same right of appeal as provided by law. A finding of liability shall not be deemed a criminal conviction for any purpose.

(f) In addition to penalties set forth above, any refuse remover who violates any provision of the recycling reporting and collection requirements outlined in sections 22-169 and 22-170 or any rule or regulation adopted hereunder, shall be subject to the penalties specified under section 22-36. (No. 92-30, 3-3-92; Ord. No. 92-82, 9-1-92; No. 07-23, 4-3-07)

**Secs. 22-172--22-179. Reserved.**

## **ARTICLE VIII. SOLID WASTE DISPOSAL FEE SYSTEM\***

**Sec. 22-180. Purpose.**

A county-wide sanitary district for solid waste services, billing and rate system has been established to implement a solid waste disposal generator fee. (No. 98-80, 9-1-98)

State Code Reference--§ 21-118, Va. Code Ann.

**Sec. 22-181. Reserved.**

**Sec. 22-182. Applicability.**

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\* Ordinance 98-80, adopted by the board of county supervisors on September 1, 1998, created new Article VIII., sections 22-180 through 22-193.

The cost of the county solid waste system shall be allocated to all property owners based upon the amount of solid waste generated from their property in a year. This article applies to all developed properties in the district. (No. 98-80, 9-1-98)

**Sec. 22-183. Administration.**

The director of public works is responsible for administering this article. Subject to approval by the county executive and the director of finance, the director of public works shall have the authority to establish procedures and regulation to implement the solid waste disposal fee system. (No. 98-80, 9-1-98)

**Sec. 22-184. Establishment of solid waste disposal fee.**

(a) € The fee will be set by the board of county supervisors annually.

(b) The board of county supervisors shall budget and appropriate solid waste costs annually. (No. 98-80, 9-1-98)

**Sec. 22-185. Purpose of the fee.**

All revenue from the fee shall be used only for the purpose of funding the direct and indirect costs of the integrated solid waste management system for the district. (No. 98-80, 9-1-98)

**Sec. 22-186. Classification of property for purposes of determining the fee.**

For purposes of determining the fee, all properties in the district shall be classified into one (1) of the following classes:

(a) Residential

(1) Single family

(2) Townhouses

(3) Mobile homes

(4) Multi-family

(b) Business (including apartments) and Non-Residential (No. 98-80, 9-1-98; No. 07-23, 4-3-07)

**Sec. 22-187. Calculation of the fee.**

Each year the fee shall be determined based on the actual or estimated tons of solid waste generated by each developed property in the district. This information shall be used to calculate the number of single family equivalents (SFE) for each property within the district.

(a) Residential fees shall be determined by refuse collection data and the type of dwelling unit on the property.

(b) Business and non-residential fees shall be based on actual or estimated tons generated by each property based upon actual data obtained from business property owners or their representatives, or estimates based upon the estimated generation rate of the business' use code and square feet of building area. Based upon the actual or estimated amount of refuse generated, the number of SFE's will be calculated for each business and non-residential property located in the sanitary district.

(c) All fees will be billed to the owner of record of the property.

(d) An exemption of the solid waste fee shall be provided for any property owned and occupied as the sole dwelling of a person or persons not less than sixty-five (65) years of age or a person who is determined to be totally and permanently disabled, and who meet the financial conditions defined in section 26-46 of Article V of this code. The definitions, application and procedures for obtaining this exemption shall be the same as stated in Article V of this code. (Ord. 98-80, 9-1-98; 01-32, 5-1-01)

#### **Sec. 22-188. Adjustments to the fee.**

Adjustments to the fee shall only be made upon application of the owner of the property to the director of public works and upon certification by the director that the owner or property meets one of the criteria below. Property owners shall apply for adjustments on or before December 31 of the year for which the bill was issued. Renewals of adjustments shall not be made without reapplication. Filing an application for adjustment does not relieve the owner of the responsibility to pay the amount of the fee billed by due date.

(a) Business and non-residential property owners may request an adjustment based upon actual waste generation and disposal data to determine actual waste quantities generated from the property.

(b) All adjustments may be made for business and nonresidential properties that have not been occupied at least six (6) continuous months in a year. This will be based upon the total number of consecutive months the property remains vacant. The maximum adjustment for vacancies shall not be more than seventy (70) percent of the annual fee which was originally billed.

(c) The director of public works shall revoke an adjustment when he becomes aware that the conditions under which he gave the adjustment have changed or that the information on which the adjustment was granted is false. This revocation shall be limited to three (3) prior year bills and only if property ownership has not changed.

(d) The director shall revoke an adjustment by sending written notice by certified mail, return receipt requested, to the owner of the property.

(e) Revocations can be appealed by the property owner under section 22-192. (No. 98-80, 9-1-98; No. 07-23, 4-3-07)

**Sec. 22-189. Fee data; collection of fees.**

(a) At the time of preparation of the land book for real estate taxation purposes, the director of finance shall determine all necessary data for the billing of the fee. This data shall include the identification of the property to be charged the fee and the amount of the fee to be charged, including all adjustments. The director of finance shall cause the fee to appear on the real property tax bill for each property for which a fee is charged, as a separate line item, and shall collect the fee and deposit into the fund. At his own discretion, the director of finance may determine to send the bills for the fee separate from real property tax bills.

(b) Interest on unpaid fees shall commence on the first of the month following month of the due date, at the rate equal to the interest rate charged for delinquent real estate taxes. Unpaid fees and interest accrued shall constitute a lien against the property, ranking on a parity with liens for unpaid taxes. (§ 58.1-3916, Va. Code Ann.)

(c) All new buildings substantially completed or fit for use and occupancy prior to November 1 of the year of completion shall be charged a fee for so much of the year as the property is fit for use and occupancy. The fee shall be prorated in the same manner as real estate taxes on the property are prorated.

(d) In the event of alterations or additions to the property which alter the amount of refuse disposal, the director of public works will adjust the estimated waste generation amount for the property upon receipt of the final building inspection of the alterations or additions. The director of public works will forward this data to the director of finance so that the next year's real estate tax bill will reflect the modification of the fee. (No. 98-80, 9-1-98)

**Sec. 22-190. Reserved.**

**Sec. 22-191. Solid waste disposal generator fee appeal board.**

(a) Solid waste disposal fee appeal board ("appeal board") is established to hear appeals from determinations of the director of public works made under section 22-188. If the owner of developed non-residential real property is aggrieved by a determination of

the director on an issue listed in section 22-188, the owner may appeal that determination in accordance with this article.

(b) The appeal board shall consist of three (3) members appointed by the county executive. Members can be appointed from the citizen oversight committee, chambers of commerce and county staff. The members of the appeal board shall serve a term of one year commencing January 1, and they may be reappointed to successive terms. (No. 98-80, 9-1-98)

**Sec. 22-192. Appeals to the appeal board.**

(a) An appeal may be filed by a property owner, who has paid his fee, with the director of public works within ten (10) working days of the determination of the director on an adjustment application listed in section 22-188. The petition for appeal shall be in writing setting forth in detail the grounds upon which relief is sought. The director shall forward the petition to each member of the appeals board. The appeal board shall hear the appeal within thirty (30) days of the filing and render a decision within thirty (30) days of receipt of the appeal.

(b) The owner must comply with the rules and procedures adopted by the appeal board when submitting an appeal petition. Failure to comply with the rules and procedures shall be grounds for denial of the petition.

(c) If the owner appeals the director's determination as to the amount of waste generated from the property, the appeal board shall have authority to affirm, modify, reverse, or set aside the director's determination. In evaluating the appeal, the appeal board shall determine whether the decision of the director was consistent with the standards, policies and criteria of the solid waste disposal fee system management program.

(d) All decisions of the appeal board shall be final. (No. 98-80, 9-1-98)

**Sec. 22-193. Provisions of the article are severable.**

The provisions of this article shall be deemed severable and, if any of the provisions hereof are adjudged to be invalid or unenforceable, the remaining portions of this ordinance shall remain in full force and effect. (No. 98-80, 9-1-98)