



ARLINGTON COUNTY, VIRGINIA

County Board Agenda Item
Meeting of December 11, 2010

SUPPLEMENTAL REPORT

DATE: December 8, 2010

SUBJECT: Amendments to the County's Garbage, Refuse and Weeds Code, Chapter 10, Article I and IV, Refuse and Recycling respectively, of the Arlington County Code.

DISCUSSION: The original report dated November 9, 2010, failed to specify the date that the code amendments would be effective. The County Manager recommendation now includes an effective date. The ordinance enacting the code amendments also includes an effective date. Section 10-31 has also been changed to include this date. Attachment A, in Section 10-31, has also been changed to include this date.

C.M. RECOMMENDATION:

Adopt the proposed amendments, as set forth in Attachment A, to Chapter 10 of the Arlington County Code, Garbage, Refuse and Weeds, regarding refuse and recycling to become effective January 1, 2011.

County Manager:

BMD/ma

BMD/ma

County Attorney:

[Signature]

18.

Staff: Victoria Greenfield, Division Director, DES UEPD
Kristen Rannels, Solid Waste Planner, DES UEPD SWB

ATTACHMENT A

AN ORDINANCE TO AMEND, REENACT AND RECODIFY CHAPTER 10, ARTICLE I AND ARTICLE IV, OF THE CODE OF ARLINGTON COUNTY, VIRGINIA, RELATING TO REFUSE AND RECYCLING.

I. BE IT ORDAINED by the County Board of Arlington County, Virginia that Chapter 10, Article I and Article IV, of the Arlington County Code is amended, reenacted and recodified, effective January 1, 2011, to read in pertinent part, as follows:

Chapter 10

GARBAGE, REFUSE AND WEEDS

Article I. Refuse

- § 10-1. Declaration of policy.
- § 10-2. Definitions.
- § 10-3. Administration of article.
- § 10-4. Deposit at other than approved place prohibited.
- § 10-5. Participation in the county refuse collection system.
- § 10-6. Storage, removal, and maintenance.
- § 10-7. Collecting, transporting, and disposing of refuse and recycling; Permits required; Exemption from requirements.
- § 10-8. Refuse collection and disposal charges; relief from such charges.
- § 10-9. Scavenging.
- § 10-10. Use of public and private refuse receptacles.
- § 10-11. Penalties.

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Article IV. Recycling

- § 10-30. Definitions.
- § 10-31. Requirements for materials to be collected.
- § 10-32. Reporting requirements.-.
- § 10-33. ~~Adaptations for materials.~~ Education requirements.
- § 10-34. ~~Penalties.~~ Exemption from requirements.
- § 10-35. ~~Right to appeal notices and fines.~~ Penalties
- § 10-36. ~~Recycling system inspection fee.~~ Right to appeal notices and fines.
- § 10-37. Recycling system inspection fee.

ARTICLE I.

REFUSE*

* **Editors Note:** Ordinance No. 83-22, adopted July 13, 1983, repealed former Art. I, §§ 10-1--10-11, and enacted, in lieu thereof, a new Art. I as herein set forth. The repealed provisions, which also pertained to refuse, had been amended by ordinances of June 28, 1975, June 25, 1977, May 31, 1980, May 21, 1981, and Ord. No. 82-16, enacted April 24, 1982, Ord. No. 83-11, enacted April 23, 1983 and effective July 1, 1983, and Ord. No. 83-19, enacted June 18, 1983 and effective July 1, 1983.

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§ 10-2. Definitions.

The following words and phrases, when used in this Article, shall have the meanings ascribed to them in this Section, except in those instances where the context clearly indicates a different meaning:

Bundled brush. Tree branches, shrubbery trimmings, and similar plant items that are securely tied in bundles, each bundle not exceeding four (4) feet in length, twenty-four (24) inches in diameter and fifty (50) pounds in weight.

Bundled material. Lumber, cardboard or carpet that is securely tied in bundles not exceeding four (4) feet in length, twenty-four (24) inches in diameter and fifty (50) pounds in weight.

Cathode Ray Tube (CRT). A device for projecting images onto a leaded glass screen by means of electrons. The device is found in traditional televisions and computer monitors and is commonly referred to as a television tube or computer monitor display tube.

Collection point. The unpaved area between the street pavement and front property line of each dwelling which fronts on the public street. If none exists, the location shall be as near the edge of pavement as possible so as not to obstruct or impede the travel of pedestrians or vehicles or parking of cars. In those cases where service is provided along alleyways, the collection point shall be adjacent to the alley, outside of all private fences and placed so as not to impede vehicular travel.

Collector. Any person, corporation, association, firm, partnership, company, or any other legal entity engaged in the regularly-scheduled commercial collection and/or transportation of refuse, recycling, food waste, or cooking oil and grease.

Commercial establishment. Any nonresidential location including the nonresidential portion of mixed use buildings.

Commercial ~~and retail~~ container. A metal container not larger than ten (10) cubic yards, made of watertight construction with doors opening on sides (self-closing) and/or top, and constructed so that it can be emptied mechanically by a specially equipped truck.

Cooking oil and grease. Rendered animal fat or oily matter used in the cooking process.

County Manager. The County Manager of Arlington County, Virginia, or his authorized agent.

DES. Arlington County Department of Environmental Services.

Electronics. Household batteries, televisions, computer equipment, radios, calculators, video and audio equipment, phones, cameras, peripheral equipment, and similar electronic devices which contain circuit boards. Electronics do not include small appliances or other such household products with an electrical cord.

Food waste Any food substance, raw or cooked, which is discarded, or intended or required to be discarded. Food wastes are the organic residues generated by the handling, storage, sale, preparation, cooking, and serving of foods.

Front building line. The front building line is a straight line running between the two (2) corners of a building side facing the street frontage or the two (2) extreme edges of the building profile visible from the street frontage and extending to the property line.

Garbage. Animal and vegetable waste resulting from the handling, preparation, cooking, and serving of food.

Household appliance. Refrigerators, freezers, clothes washers, clothes dryers, dishwashers, trash compactors, air conditioners or any other heavy metal objects too large to entirely fit into a refuse cart.

Household container. A metal or sturdy plastic container of substantial construction which is watertight, equipped with a tightly fitting lid and carrying handles sufficient for safe and convenient handling. Such containers shall have a capacity of not less than twenty (20) gallons nor more than thirty-two (32) gallons.

Household hazardous materials (HHM). Any commercial product that contain hazardous ingredients used by residential as opposed to industrial consumers, which pose certain risks to human health and the environment when managed improperly. HHM have hazardous characteristics, such as being reactive, corrosive, ignitable, and/or toxic, that requires special handling and proper management to minimize risks when discarded by residents or is no longer usable for its intended purpose. Include but not limited to paints, stains, varnishes, solvents, pesticides, and other materials.

Leaf collection season. That time period specifically designated and promulgated by the Solid Waste Division for the collection of leaves.

Mercury thermostats. A device, as in a home heating system, a refrigerator, or an air conditioner, that automatically responds to temperature changes and activates switches controlling the equipment that contains mercury.

Metal. Discarded metal suitable for reprocessing.

Multi-family dwelling. A building or portion thereof, designed for occupancy by three (3) or more families living independently of each other.

Nonprofit organization. An organization not conducted or maintained for the purpose of making a profit.

Nonresidential. Refers to property other than housing, such as office buildings, shopping centers, businesses, churches, hotels, hospitals, schools, or government buildings.

Plastic bag. A plastic container of at least thirteen (13) gallons capacity and not more than thirty-three (33) gallons capacity and made of plastic at least eighty-five hundredths (0.85) mils thick. Notwithstanding the foregoing sentence, in all events the bag must be sturdy enough to support the weight of the contents.

Recyclable material. Material that can be recovered and reprocessed to be reused as a material to make new products, such as mixed paper, metal cans, aluminum, glass, plastic, and metal items, that are identified as recyclable materials pursuant to the list administered by the Department of Environmental Services Solid Waste Bureau and posted on the County website. The County Manager will announce 90 days prior to the addition of new materials to the list.

Recycling. The act of disposing of recyclable materials.

Recycling bin. A container provided by the County specifically for the collection of recyclables at curbside.

Recycling cart. A wheeled container with a watertight lid provided by the County specifically for the collection of recyclables at curbside.

Refuse. All solid waste, including cold ashes, garbage, rubbish, bulky wastes, and construction and demolition wastes excluding hazardous and infectious materials and materials described in Section 10-6(B)(1)(g)(d) of this Chapter.

Refuse cart. A wheeled container with a watertight lid provided by the County for the collection of refuse at curbside.

Refuse station. The facility designated by the County Manager for disposal of refuse. This facility may be a transfer station, waste-to-energy or other facility designed to process municipal waste(s).

Solid Waste. Any garbage, refuse, sludge and other discarded material, including solid, liquid, semisolid or contained 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 by-product material as defined by the Federal Atomic Energy Act of 1954, as amended.

Toxic and hazardous material. All material, including herbicides and pesticides, defined as hazardous or toxic by Virginia statute or regulations adopted under Virginia state statute.

Unbundled brush. Trees, tree branches, shrubbery trimmings and similar plant material not exceeding ten (10) feet in length and eighteen (18) inches in diameter.

Yard waste. The part of solid waste composed of grass clippings, leaves, twigs, branches, and other garden refuse.
(Ord. No. 83-22, 7-13-83; Ord. No. 92-19, 7-1-92; Ord. No. 96-9, 6-29-96; Ord. No. 03-07, 3-29-03)

* * *

§ 10-5. Participation in the county refuse collection system.

(a) The owner or occupant of each one-family or two-family dwelling as defined in Section 1 of the Arlington County Zoning Ordinance ~~shall~~ must participate in the Arlington County refuse collection system. The County shall collect the refuse and recycling from each ~~building dwelling~~ participating in the Arlington County refuse collection system weekly. The owner or occupant of the ~~building dwelling~~ shall pay the fees provided for in Section 10-8 of this Chapter. All participants in the Arlington County refuse collection system are eligible for one (1) refuse and one (1) recycling cart as part of the base residential refuse and recycling collection fee. Up to two (2) additional refuse or recycling carts (for a total of ~~three (3)~~ four (4)) may be requested at a charge as set forth in Section 10-8.

(b) If County refuse truck enters a private street to collect refuse, the street must be constructed according to Arlington County Department of Environmental Services Standards and Specifications; and must be at least fourteen (14) feet wide excluding the space taken up by parked cars. Residents of lots on private streets that do not meet the County standards and specifications as of July 1, 1992, shall bring their refuse and recycling containers to the nearest designated collection point accessible to County refuse trucks to be eligible to continue to participate in the County refuse collection system.

(c) The owners of a development of town house dwellings, as defined in Section 1 of the Arlington County Zoning Ordinance, constructed after July 1, 2003 will be required to participate as a group in the Arlington County refuse collection system, provided:

- (1) Each dwelling is individually metered for water;
- (2) There is adequate space so that the refuse and recycling truck can turn around without backing onto or off of a street;
- (3) Parking is arranged so that refuse and recycling need not be carried between parked cars;
- (4) If it is necessary for the refuse and recycling truck to enter a private street, the street is constructed according to Arlington County Standards and Specifications enforced by the Arlington County Department of Public Works;
- (5) The street is at least fourteen (14) feet wide excluding the space taken up by parked cars; and
- (6) The County Manager or his designee is authorized to establish reasonable procedures that allow for exceptions based on safety or health considerations or a determination that the use of refuse and recycling carts ~~is~~ are not feasible or useable for the town house or town house development.

(d) Any nonprofit organization which places for collection six (6) or fewer household containers, or up to three (3) refuse carts and up to three (3) recycling carts, of trash and recycling per week, and not located in a multi-tenant building, may participate in the Arlington County refuse and recycling collection system. Nonprofit organizations are not eligible for special collections.

(Ord. No. 92-19, 7-1-92; Ord. No. 96-9, 6-29-96; Ord. No. 03-07, 3-29-03; Ord. No. 04-25, 10-2-04)

§ 10-6. Storage, removal, and maintenance.

(a) *Storage generally.* It shall be unlawful for any person to store any refuse or recycling within the County, except as provided in this Article.

(b) *Responsibilities of owners and occupants of dwellings required to participate in the County refuse collection system:*

(1) It shall be the responsibility of the owner, or occupant if different from the owner, or, in the occupant's absence, the owner of each building dwelling receiving County refuse and recycling service, to adhere to the following practices:

- a. Refuse and recycling shall be placed at the collection point in refuse and recycling carts, well-labeled household containers, plastic bags or be bundled. All refuse and recycling stored outside the building dwelling shall be in well-labeled household containers or refuse and recycling carts. Household containers shall be kept covered with tightly fitting lids at all times. Plastic bags shall be securely tied with the contents wrapped to prevent tearing or puncturing the bag:
 1. No amount of liquid in excess of one-half (1/2) gallon shall be placed in the refuse or recycling for any collection at any residential collection point.
 2. Ashes shall be cold to the touch prior to placement at collection point.
 3. Household containers, bundled material, bundled brush, or plastic bags shall not exceed fifty (50) pounds gross weight.
 4. Tree branches and shrubbery trimmings, lumber, ~~cardboard~~, and carpeting shall be securely tied in bundles not to exceed four (4) feet in length, twenty-four (24) inches in diameter and fifty (50) pounds in weight.
 5. Unbundled brush, household appliances, electronics, and furniture shall be placed at curbside for pickup only where arrangements for their collection have been made with the Department of Environmental Services. Collection arrangements shall be made no later than the workday prior to the regularly scheduled collection day.
- b. Place all refuse and recycling carts, household containers, bundled material, bundled brush, and plastic bags at the collection point no sooner than 5:00 p.m. the day prior to, nor later than 6:00 a.m. of the day of scheduled collection, and remove all household containers to their normal storage location within twenty-four (24) hours after emptying. Normal location shall mean a regular place of keeping not in front of the building dwelling and/or behind the front building line that faces any County street, unless there is fencing or landscaping that screens or shields the containers from general view from the street.
- c. Maintain household containers, refuse carts, and recycling ~~bins~~ carts in a serviceable and sanitary condition. These containers shall be cleaned prior to the next refuse service day upon the owner or occupant being informed by the refuse crews of the need for cleaning. If a household container is determined to be unserviceable (cracked, rusted, dented/damaged) by the County Manager or his designee, the County Manager or his designee will inform the owner or occupant by placing a decal on the refuse or recycling container. If the same container is used in the future as a refuse or recycling container, it shall be considered ~~refuse for disposal~~ and collected ~~for disposal~~ with the regular refuse or recycling.
- d. Store leaves in biodegradable paper bags or place loose leaves at curbside for collection during the designated leaf collection season. Biodegradable paper bags will be collected

only during the leaf collection season, spring yard waste, and other yard waste collection programs designated by the County Manager or his designee.

- e. At occupant's expense, privately dispose of:
 - 1. All items weighing more than five hundred (500) pounds.
 - 2. Building material such as brick, masonry block, rock, sod, earth, sheet rock, or sand.
 - 3. Building materials not prepared in accordance with this Code and any building materials resulting from work performed by a person in the course of business.
 - 4. Trees, tree branches, shrubbery, or other plant material that exceed ten (10) feet in length ~~and~~ or eighteen (18) inches in diameter or that are the result of the clearing of multiple trees from a property.
- f. Keep dogs tied up securely or in the ~~house~~ dwelling on collection day when backdoor service (non-curbside) is provided.
- g. Reserved.
- h. Clean up any refuse, recycling, or litter remaining at the collection point which is not collected because of the failure to adhere to the above practices.

~~(2c)~~ Responsibilities of owners of commercial establishments and multi-family dwellings. It shall be the responsibility of the owners of ~~all other properties~~ commercial establishments, multi-family dwellings, and townhomes that are not part of the County refuse collection system to provide for the private collection, and disposal of all refuse at least weekly, unless given written exemption by the County Manager or designee, and adhere to the following practices:

- ~~(1)a-~~ Provide sufficient number of approved containers for the storage of refuse. Containers shall be kept covered with a tightly fitting lid at all times. All refuse containers shall be emptied frequently enough to prevent their contents from overflowing.
- ~~(2)b-~~ Maintain all containers in a sanitary and serviceable condition.
- ~~(3)e-~~ Place commercial ~~and retail~~ containers on concrete, or other similar impervious surfaces.
- ~~(d)~~ Removal of Household hazardous and infectious materials:
 - (1) Infectious material and dead animals shall not be put out for collection.
 - (2) Highly combustible material such as floor sandings, explosives, kerosene, gasoline, waste oil; any bottle, tank, or drum which previously contained or still contains any flammable, toxic, or other household hazardous material shall not be put out for collection, except that the above materials (excluding explosives) in quantities less than five (5) gallons and all containers may be disposed of by participants in the County refuse collection system by taking them to the plant chemist at the Arlington County Water Pollution Control Plant HHM Facility at 3401 South Glebe Road 530 S. 31st Street, Arlington, Virginia 22202. for disposal.
 - (3) Animal feces shall be securely sealed or wrapped in plastic or paper bags before being placed in a household, commercial, or retail container.
 - (4) Effective January 1, 2011 there is hereby a ban on items containing cathode ray tubes (CRTs) and mercury thermostats from the waste stream.
- ~~(e)d~~ Failure to adhere to the storage, removal, and maintenance provisions:

- (1) In addition to penalties provided by law, the County may, if the storage, removal, and maintenance provisions of Section 10-6 are not adhered to, have such storage, removal, and maintenance provision violations corrected by the County's agents or employees and the cost thereof shall be charged to and paid by the owner or occupant of such property in the same manner as other refuse collection charges are imposed. A charge of fifty dollars (\$50.00) will be assessed for the correction of minor violations. Minor violations are the collection of materials placed at the collection point weighing up to two hundred (200) pounds which are not eligible for collection or which are not properly prepared for collection. A charge of three hundred dollars (\$300.00) will be assessed for the collection of materials placed at the collection point weighing more than two hundred (200) pounds which are not eligible for collection or which are not properly prepared for collection. The County will not take action until the County has (i) contacted the owner or occupant to explain the nature of the problem and the corrective action required, and (ii) provided the owner or occupant with a written notice of violation informing them of the violation and providing a period of seven (7) days in which to correct the problem. The seven (7) day notification period may be waived by the County Manager or his designee when household hazardous material is disposed of inappropriately, pedestrian or vehicular traffic is impeded on a public thoroughfare, wind blown litter or debris is created, or if required for public health or safety. In the event the seven (7) day period is waived, reasonable notice under the circumstances shall be given.

(Ord. No. 83-22, 7-13-83; Ord. No. 92-19, 7-1-92; Ord. No. 96-9, 6-29-96; Ord. No. 03-07, 3-29-03)

§ 10-7. Collecting, transporting, and disposing of refuse and recycling; Permits required; Exemption from requirements.

(a) No person Collector shall commercially collect, transport, transfer, store, or dispose of any refuse, recyclables, food waste, or cooking oil and grease without having paid required permit fees and obtained from the County Manager a refuse or recycling permit covering that activity and any related facility and each related refuse or recycling vehicle or container used to transport refuse or recycling. The permit shall be renewed annually.

(b) The County Manager shall establish reasonable regulations pursuant to this Section of the County Code for the disposal of refuse that originates in Arlington County. The County Manager may designate a refuse station as the place for the disposal of refuse collected, transported or disposed of by holders of refuse permits by giving written notice to each holder of a refuse permit designating the refuse station to be used. The County Manager shall not designate any refuse station that is not owned or operated by the County unless the owner of the refuse station has contracted with the County to accept refuse that originates in the County and the tipping fee or other disposal charge payable by refuse permit holders at the refuse station has been approved by the County Board. The provisions of this paragraph shall not apply to:

- (1) 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 refuse-derived fuels for sale to a person other than an entity controlled by or under the same control as the manufacturer, miner, processor, refiner or converter of the energy or refuse-derived fuel;
- (2) Recyclable materials, which are those materials that have been source-separated by any person, or materials that have been separated from refuse by any person for utilization in both cases as a raw material to be manufactured into a new product other than fuel or energy
- (3) Construction debris to be disposed of in a landfill; or
- (4) Waste oil.

~~It shall be unlawful for any person who holds a refuse permit to dispose of refuse that he or she collects, transports or disposes of under the refuse permit at any place other than the refuse station designated by the County Manager in accordance with this Article.~~

- (c) Any person Collector desiring a permit to collect, transport, transfer, store, or dispose of any

refuse or recycling shall make application to the County Manager. Each application shall contain the name, address, and telephone number of the applicant's place of business and shall include, without limitation, a complete description of the proposed facility and operations at the facility, including the number and description of vehicles and equipment to be used.

- (1) The County Manager, before issuing any permit, shall cause an inspection to be made of the premises within the County and vehicles and equipment named and described in the application for a permit under this Article for the purpose of determining whether the premises, vehicles, and equipment comply with the provisions of this Article, including but not limited to the standards established in Section 10-7(c)(7) of this Article. If the County Manager shall be satisfied from the inspection that the premises, vehicles, and equipment are in conformity with this Chapter, the County Manager shall issue, or cause to be issued, upon payment by the applicant to the County of the fee established in this Article, a permit authorizing the applicant to collect, transport, transfer, or dispose of refuse or recycling within the County, with such conditions as he may deem necessary to comply with this Article.

If the County Manager shall not be so satisfied or if the applicant has refused the County Manager or designee the right to enter and inspect any premises, except the interior of any residence, and vehicles pursuant to Section 10-7(c)(3) for the purpose of enforcing the provisions of this Article, the County Manager shall deny the application.

- (2) Every permit issued pursuant to this Article shall be renewed annually, unless sooner suspended. The permittee's premises and all vehicles and equipment shall be inspected each year and the permit shall be renewed if the premises, vehicles, and equipment are in conformity with this Article. A permit shall not be transferrable to any other ~~person~~ collector.
- (3) The County Manager or designee is hereby authorized to enter and inspect any premises, except the interior of any residence, and vehicles in the County used by an applicant for a permit or a permittee in the business of collecting, transporting, transferring, storing, or disposing of refuse or recycling. Any inspection shall be made during business hours and only with the consent of such applicant or permittee for the purpose of enforcing the provisions of this Article and for no other purpose.
- (4) If the County Manager finds that the premises, vehicles, and equipment for which the permit was issued do not conform to the provisions of this Article, that a permittee has refused the County Manager or designee the right to enter and inspect such premises, except the interior of any residence, or vehicles pursuant to Section 10-7(c)(3) for the purposes of enforcing the provisions of this Article, or that a permittee or an employee or agent of a permittee has failed or neglected to comply with any of the minimum standards set forth in Section 10-7(c)(7), the County Manager may enter an order for the suspension of the permit until such time as the County Manager finds the reason for the suspension no longer exists. A copy of the order shall be sent to the permittee at his place of business by certified mail, which order shall set forth the reasons for the suspension. The suspension shall be effective ten (10) calendar days after the date it is executed by the County Manager, and the order shall state this effective date; provided, however, that if the County Manager finds that an immediate suspension is necessary to protect the health or safety of County residents, the suspension shall be effective immediately and the order shall so state. Except in cases of an immediate suspension, the order shall inform the permittee that he may dispute the suspension by written submission to the County Manager, stating the reasons why the permit should not be suspended. The order shall also inform the permittee of the date and time by which such written submission must be submitted. If the permittee does not make a timely written submission to the County Manager, the suspension shall become effective and the order shall become final on the date set forth in the order. If the permittee does make a submission, the suspension shall be stayed pending the County Manager's consideration of the submission and the issuance of a final order affirming, amending, or rescinding the earlier order. This final order shall be effective on the date it is executed by the County Manager and shall be sent to the permittee at his place of business by certified mail. The failure of a permittee to make a written or personal submission to the County Manager shall not affect the County Manager's authority to reinstate a suspended permit, pursuant to Section 10-7(c)(5), or the permittee's right to appeal a final order of

suspension, pursuant to Section 10-7(c)(6).

It shall be unlawful for any person Collector to collect, transport, transfer, store, or dispose of any refuse or recycling within the County when subject to a final order of suspension.

- (5) The County Manager may reinstate a suspended permit when no fact or condition exists which would otherwise warrant the County Manager to refuse to grant a permit under the terms of this Article.
- (6) Any applicant aggrieved by the denial of an application for a refuse permit under Section 10-7(c)(1) and any permittee aggrieved by a final suspension order under Section 10-7(c)(4) shall have the right to appeal the denial or order to the County Manager. The appeal shall be taken by filing with the County Manager, within ten (10) calendar days of the date on which the notice of the denial has been mailed to such person's place of business or of the effective date of the final order, a written statement setting forth fully the grounds for appeal. The County Manager shall schedule a hearing and shall give notice of the hearing to the appellant. The decision of the County Manager on appeal shall be final, but shall not preclude the issuance of a permit or the reinstatement of a suspended permit by the County Manager due to changed circumstances.
- (7) Any person Collector collecting, transporting, storing or disposing of refuse or recycling in the County who does not comply with the following minimum standards shall be subject to suspension of his permit, pursuant to the provisions of Section 10-7(c)(4) of this article.
 - a. The premises where vehicles, equipment, and offices are maintained shall be kept in a clean and sanitary condition and any accumulation of refuse, ashes, yard debris, or recyclable material which tends to create a health problem or nuisance shall not be permitted on such premises.
 - b. The facility in which any transfer activity takes place ("facility") shall be designed and operated in such a manner as to minimize the migration of odors outside of the building which could adversely affect public health and safety.
 - c. The facility shall be operated in compliance with all County pretreatment program requirements for the proper disposal of wastewater and floor wash water into the sanitary sewer system. No floor wash water shall at any time be pumped, conveyed, or allowed to drain into the County's stormwater drainage system.
 - d. All vehicles used in the collection, transport, transfer, or disposal of refuse or recycling shall be kept and maintained in a clean and sanitary condition and shall be so constructed and maintained as to prevent spillage of the type of ~~refuse~~ material to be collected therein.
 - e. All vehicles hauling refuse or recycling shall be watertight and completely enclosed unless exempted in writing by the County Manager or his designee.
 - f. All vehicles shall be emptied before being placed on the permittee's premises for overnight parking, except for Sunday nights only.
 - g. No vehicle shall be parked on a County street overnight.
 - h. No vehicle shall be parked in violation of the County Code relating to parking of trucks and commercial vehicles in a residential district.
 - i. All vehicles shall transport refuse in such a manner as not to create a nuisance or adversely affect public health or safety.
 - j. The route to be traveled by vehicles utilizing such a facility and driven by customers as well as employees of the facility shall be approved in advance by the County Manager.

- k. The facility shall accept no biomedical or infectious wastes.
 - l. The facility shall operate in accordance with all applicable federal, state, and local regulations governing the collection, transport, transfer, storage, and disposal of refuse or recycling.
 - m. All provisions of this Article and all rules and regulations established by the County Manager pursuant to this Article shall be complied with by every permittee and by all employees and agents of the permittee.
- (d) It shall be unlawful for any ~~person~~ Collector who holds a refuse permit to dispose of refuse that he or she collects, transports, or disposes of under the refuse permit at any place other than the refuse station designated by the County Manager in accordance with this Article.
- (e) No commercial motor vehicle used to transport municipal solid waste, recycling, food waste, or cooking oil and grease shall be parked on or adjacent to the highways or streets of the County.
- (1) For the purposes of this Section, "commercial motor vehicle" shall have the meaning prescribed in VA. Code § 46.2-341.4 and "municipal solid waste" shall have the meaning prescribed by the Virginia Waste Management Board by regulation at 9 VAC 20-80-10.
 - (2) This prohibition shall not apply to temporary stops during a collection route or to emergency stops, nor shall it apply to any vehicle owned or operated by persons transporting municipal solid waste from their residences to a permitted transfer or disposal facility.
 - (3) The County Police Department may direct the removal or towing of any such vehicle found parked in violation of this Section. Violation of this Section shall constitute a traffic infraction punishable by a fine of not more than two hundred dollars (\$200.00), in addition to any towing and storage charges that may be assessed.
- (f) Collector reports. Each Collector that collects or transports refuse in Arlington County is required to submit an annual report to DES documenting the tonnage of materials it collected from commercial establishments and multi-family dwellings in Arlington County, including a written explanation describing how the tonnage was calculated. This report must be submitted by February 1st of each year for materials collected during the preceding calendar year. Notice for this report will be sent by DES to each Collector annually.
- (g) Each Collector that collects or transports solid waste in Arlington County shall itemize invoices to their customers to include the following information: container capacity; frequency of pick-up; and monthly charge for trash collection separately from recycling collection services.
- (h) Exemption from requirements.
- (1) Criteria. Limited exemptions, as set forth below, may be approved by the County Manager or his designee. Applications for an exemption from the requirements of Section 10-6(c) and 10-7(c)(7)(e) shall be submitted to the County Manager on County forms. An exemption may be allowed where compliance with the Ordinance would result in unnecessary hardship to the applicant and the need for an exemption would not be shared generally by other applicants, provided such an exemption is not contrary to the intended spirit and purpose of this Article and would result in substantial justice being done. All exemptions are to be construed as temporary, for a period not to exceed one (1) year, and shall be considered withdrawn on the first to occur of (a) a change in the condition(s) which prompted the exemption, or (b) the expiration of the time period granted in the exemption. Should an exemption be withdrawn because the time period has expired, an applicant may apply for renewal of the exemption. Application forms are available from the Solid Waste Bureau of DES. Applications are evaluated against the criteria listed below.

Applications for an exemption from the requirements of Section 10-6(c) are as follows:

- a. Incompatibility of compliance with the requirements of this Article and compliance with other Arlington County ordinances or other laws;
- b. Sealed compactor;
- c. Non-leaking container, air tight, with little to no odor; and
- d. On-site evaluation by the Solid Waste Bureau of DES.

Applications for an exemption from the requirements of Section 10-7(c)((7)(e) are as follows:

- a. Incompatibility of compliance with the requirements of this Article and compliance with other Arlington County ordinances or other laws;
- b. Sealed container;
- c. All sides covered to not allow any spillage; and
- d. Evaluation by the Solid Waste Bureau of DES.

The County Manager or his designee will consider these criteria in evaluating the application. The County Manager or his designee will direct a Solid Waste Bureau community inspector or member of the County recycling staff to make a site visit and prepare a report on the applicant's container.

- (2) Actions. After reviewing the information described in (a) above, the County Manager or his designee will take one (1) of the following actions:
 - a. Grant an exemption; or
 - b. Deny the request for an exemption.

(Ord. No. 83-22, 7-13-83; Ord. No. 85-3, 1-5-85; Ord. No. 92-19, 7-1-92; Ord. No. 94-6, 3-19-94; Ord. No. 03-17, 6-28-03)

§ 10-8. Refuse collection and disposal charges; relief from such charges.

(a) There is hereby imposed for each ~~single~~one-family residential dwelling, ~~and each unit of a duplex~~ two-family residential dwelling, and each participating town house residential dwelling an annual charge of three hundred and forty four dollars and twenty four cents (\$344.24) billed quarterly, beginning with the quarter of July 1, 2010, through September 30, 2010, for refuse, including recycling collection and disposal ~~and recycling~~ by Arlington County. This annual charge shall be assessed whether or not the dwelling is occupied.

(b) An additional charge of two dollars (\$2.00) per month per additional refuse or recycling cart will be charged.

(c) The charges in Subsection (a) and (b) shall be billed quarterly.

(1) The quarterly charges are imposed upon the owners of record of ~~the each single~~one-family residential dwelling ~~and, units of duplex~~ each two-family residential dwelling, and each town house residential dwelling as evidenced by the land records of the Office of the Clerk of the Circuit Court of Arlington County as of 12:00 p.m. (noon) local time on the first day of each quarter; however, if such record owner changes during the quarter, the charges shall be prorated as of the day of the change. Such refunds as are due as a result of the proration will be made by Arlington County.

(2) The owner or occupant, if different from owner shall be billed quarterly for the refuse collection and disposal charges and the recycling charges in the quarter to which the charges apply at the

same time that billing for water and/or sewer service to the premises occurs.

- (3) The County Manager is designated as the collection agent for the purposes of collecting the refuse and recycling collection and disposal charges ~~and the recycling charges~~.
 - (4) Charges are due and payable when the billing is rendered and charges are delinquent if payment is not received by Arlington County within thirty (30) days of the date of the billing.
 - (5) The owner of record of each dwelling, as evidenced by the land records of the Office of the Clerk of the Circuit Court of Arlington County, shall be responsible for all charges not paid by the occupant of the property, if different from the owner. Charges, if not paid before delinquency, shall become a lien against the real property in the manner provided by law.
 - (6) Charges, if not paid before delinquency, shall become a lien against the real property in the manner provided by law. A late charge of six (6) percent shall be imposed on the outstanding balance of refuse collection and disposal and recycling charges unpaid thirty (3) days after the billing date. In addition to all other enforcement procedures permitted by law, the water and/or sewer service to the premises may be terminated if the refuse collection and disposal charges and/or the recycling charges are not paid when due.
 - (7) A late charge of six percent (6%) shall be imposed on the outstanding balance of refuse and recycling collection and disposal unpaid thirty (30) days after the billing date. In addition to all other enforcement procedures permitted by law, the water and/or sewer service to the premises may be terminated if the refuse and recycling collection and disposal charges are not paid when due.
- (d) The County Board may from time to time appropriate money pursuant to Section ~~63-1-51-58.1-3210~~ of the Virginia Code of 1950, as amended, for the purpose of granting relief from these charges to homeowners who have qualified for an exemption of all or any portion of their real estate tax under Chapter 43, Real Estate Tax Relief for the Elderly. Persons qualifying for a deferral only of real estate tax shall not be granted relief from this charge. Such appropriation shall be made to the credit of the County Manager in his capacity as the constituted local board of welfare of Arlington County, Virginia, and such appropriation shall be conditioned upon the County Manager making to these homeowners grants equal to the amount of this charge levied upon them; the grants shall be in addition to the relief which the recipients receive under Chapter 43. Grants shall be payable to qualified recipients in a single amount at the beginning of each fiscal year or, at the discretion of the County Manager, can be credited quarterly during each fiscal year to the quarterly refuse and recycling collection and disposal charges ~~and recycling charges~~ made to qualified recipients.
- (e) Applicants for a refuse or recycling permit, as provided in Section 10-7, shall pay at the time of application for the permit an annual fee of seventy five dollars (\$75.00) for each refuse vehicle and an additional seven dollars and fifty cents (\$7.50) per permit for each container used to transport refuse. In addition, permit applicants for refuse transfer, storage, and similar facilities located in Arlington County shall pay an annual refuse permit fee of one thousand dollars (\$1,000.00).
- (f) ~~Homeowners Owners or occupants~~ requesting pickup and disposal of household appliances shall be charged a fee of twenty dollars (\$20.00) for the first item and ten dollars (\$10.00) for each additional item as part of the same service order at the same address, effective July 1, 1998. This fee shall be added to the ~~homeowner's owner or occupant's~~ quarterly charges described in Subsection (a) and shall be subject to all of the procedures, requirements and penalties for collection described in Subsection (c). ~~For the purposes of this Subsection, the term "household appliance" shall mean refrigerators, freezers, clothes washers, clothes dryers, dishwashers, trash compactors, air conditioners or any other heavy metal objects too large to entirely fit into a refuse cart.~~
- (g) Effective April 30, 2005 there is hereby imposed a fee for the disposal of televisions (\$20.00) and computer monitors (\$15.00) which is payable at the time of service. Other electronics products (e.g., CPU's, peripherals, accessories, VCR's, stereos, etc.) will not incur a disposal fee.

(Ord. No. 83-22, 7-13-83; Ord. No. 84-10, 7-1-84; Ord. No. 84-34, 10-27-84; Ord. No. 85-17, 7-1-85; Ord. No. 86-8, 7-1-86; Ord. No. 87-2, 1-24-87; Ord. No. 88-3, 2-20-88; Ord. No. 88-9, 7-1-88; Ord. No. 89-6, 7-1-89; Ord. No.

90-4, 7-1-90; Ord. No. 90-8, 7-1-90; Ord. No. 92-19, 7-1-92; Ord. No. 92-20, 7-1-92; Ord. No. 93-3, 7-1-93; Ord. No. 94-6, 3-19-94; Ord. No. 95-20, 11-18-95; Ord. No. 96-9, 6-29-96; Ord. No. 97-4, 4-12-97; Ord. No. 98-7, 7-1-98; Ord. No. 98-20, 7-1-98; Ord. No. 99-11, 4-14-99; Ord. No. 00-8, 4-13-00; Ord. No. 02-7, 4-20-02; Ord. No. 03-07, 3-29-03; Ord. No. 03-08, 4-26-03; Ord. No. 04-06, 4-24-04; Ord. No.05-03, 4-16-05, Effective 7-1-05; Ord. No. 06-05, 4-22-06, Effective 7-1-06; Ord. No. 07-02, 4-21-07, effective 7-01-07; Ord. No. 08-02, 4-19-08, effective 7-01-08)

* * *

§ 10-11. Penalties.

Unless otherwise provided herein, it shall be unlawful to violate any of the provisions of this Article and any person who violates any of them shall, upon conviction, be subject to a fine not to exceed three hundred dollars (\$300.00) for each violation.
(Ord. No. 83-22, 7-13-83; Ord. No. 87-2, 1-24-87)

* * *

ARTICLE IV.

RECYCLING

§ 10-30. Definitions.

The following words and phrases, when used in this Article, shall have the meanings ascribed to them in this Section, except in those instances where the context clearly indicates a different meaning:

~~*Business.* Any person, partnership, corporation, institution, or other entity operating in Arlington County. This definition excludes businesses with home occupation permits.~~

Commercial establishment. Any nonresidential location including the nonresidential portion of mixed use buildings.

Collection system, ~~business property~~commercial establishment. A system which includes the following components: (a) receptacles for individual employees or tenants and/or centrally located receptacles expressly for the collection and storage of recyclable materials separated by employees or tenants; (b) a contract with a ~~hauler~~ Collector for collection of the recyclable materials and transport to a recycling processor or end-user, or proof of self-haul to a recycling facility; and (c) educational materials to inform employees or tenants of how to properly use the collection receptacles.

Collection system, ~~multiple-family dwelling.~~ A system which includes the following components: (a) at-the-unit or centrally located receptacles expressly for the collection and storage of recyclable materials separated by tenants; (b) a contract with a ~~hauler~~ Collector for collection of the recyclable materials and transport to a recycling processor or end-user, or proof of self-haul to a recycling facility; and (c) educational materials to inform tenants of how to properly use the collection receptacles.

Collector. Any person, corporation, association, firm, partnership, company, or any other legal entity engaged in the regularly-scheduled commercial collection and/or transportation of refuse, recycling, food waste, or cooking oil and grease..

County Manager. The County Manager of Arlington County, Virginia, or his authorized agent.

Curbside collection program participants. The owner or occupant of each dwelling, as defined in Section 10-5, that receives weekly refuse ~~and recycling~~ collection from the County. Home occupation permitted businesses operating from such dwellings are subject to the requirements of this article for such dwellings.

DES. Arlington County Department of Environmental Services.

Glass bottles and jars. Bottles and jars of ~~clear, brown or green~~any color, with caps and lids removed. Expressly excluded are any other glass products such as window glass, mirrors, drinking glasses, and others.

Hauler. ~~Any person, partnership, corporation, or other public or private entity that collects and/or transports recyclable materials in Arlington County.~~

Material Recovery Facility (MRF). A facility where source-separated recyclables are either stored until large enough volumes are collected to be shipped to a buyer or processor, or they are processed to meet the specifications of recycling markets.

Metal. Discarded metal suitable for reprocessing.

Metal food and beverage cans. Beverage cans made entirely of aluminum, bi-metal food and beverage cans made of steel and tin bodies and aluminum tops, and food and beverage cans made of steel with an interior and/or exterior coating of tin.

Mixed paper. Recovered paper not sorted into categories such as old magazines, old newspapers, old corrugated boxes, etc.

Multiple-family dwelling. A building, or portion thereof, designed for occupancy by three (3) or more families living independently, or a townhouse development not part of the County curbside collection program individually metered for water. Home occupation permitted businesses operating from such dwellings are subject to the multiple-family requirements of this Article.

Newspaper. Newsprint-grade paper which is printed and distributed daily or weekly that contains news. For participants in the County curbside collection program this is further defined to include all insert materials provided with the newspaper.

Non-residential property. Refers to property other than housing, such as office buildings, shopping centers, businesses, churches, hotels, hospitals, schools, or government, or buildings.

~~Plastic bottles and jugs.~~ Plastic beverage, laundry and other containers with necks of narrower diameter than the bodies, and with caps removed. Expressly excluded are containers that held automotive products or toxic or hazardous materials.

~~Principal recyclable materials (PRMs).~~ As designated by the Commonwealth of Virginia: newspaper, ferrous scrap metal, nonferrous scrap metal, used motor oil, corrugated cardboard/kraft paper, container glass, aluminum, high grade office paper, tin cans, cloth, automobile bodies, plastic, clean wood, brush, leaves, grass, and other arboreal material.

Recyclable material. Material that can be recovered and reprocessed to be reused as a material to make new products, such as mixed paper, metal cans, aluminum, glass, plastic, and metal items, that are identified as recyclable materials pursuant to the list administered by the Department of Environmental Services Solid Waste Bureau and posted on the County website. The County Manager will announce 90 days prior to the addition of new materials to the list.

Recycling. The act of disposing of recyclable materials.

Recycling contract. A contract a commercial establishment or multi-family dwelling has with a private recycling company to collect the required recyclable material.

Recycling plan. A plan provided to the Department of Environmental Service Solid Waste Bureau by a multi-family or commercial establishment, which includes all the information pursuant to Section 10.32 (a).

Recycling system. The means by which recyclable materials are separated from the waste stream at the

point of generation, and may include the means of delivering source-separated materials to a recycling center or Material Recovery Facility.

Recycling cart. A wheeled container with a watertight lid provided by the County specifically for the collection of recyclables at curbside.

Responsible party. For dwellings eligible for participation in the County Curbside Collection Program, the term "responsible party" shall mean the dwelling owner or dwelling occupant if different from the owner. For a multiple-family dwelling, the term "responsible party" shall mean the owner, manager, or agent responsible for the management and disposal of solid waste generated at that property. For a business commercial establishment, the term "responsible party" shall mean the business or property owner, manager or agent and, if different, the party responsible for the management and disposal of solid waste generated at that business commercial establishment. (Ord. No. 93-22, 11-13-93)

§ 10-31. Requirements for materials to be collected.

As of ~~September 1, 1994~~ January 1, 2011:

(a) County curbside collection program participants: The responsible party of each dwelling that is eligible for the County Curbside Collection Program must ~~establish a system to separate newspapers, glass bottles and jars, and metal food and beverage cans from refuse for collection. Plastic bottles and jugs may also be separated for collection with the other recyclable materials.~~ separate recyclable materials defined in section 10-30 and shall be subject to the recycling requirements set forth in Article 1 of this Chapter.

(b) The responsible party of each multiple-family dwelling Multi-family: Within ninety (90) days of ~~the effective date of this section or within thirty (30) days of the recycling contract renewal date, must establish a separate system from refuse collection for the collection of newspapers, glass bottles and jars, and metal food and beverage cans from all tenants of that property.~~ the responsible party of each multi-family dwelling shall provide a recycling system for its residents to separate refuse from the recyclable materials defined in section 10-30. Each ~~new multiple-family dwelling property that is occupied after September 1, 1994, is~~ are required to establish a collection system within ninety (90) days from the first date of occupancy by a tenant.

(c) The responsible party of each business must establish a separate system from refuse collection for the collection of the two (2) principal recyclable materials (PRMs) that the business generates annually in the greatest quantities. In multi-tenant commercial properties in which individual businesses do not manage their own solid waste, the two (2) PRMs are determined on the basis of the property's combined waste stream. Commercial establishment: Within ninety (90) days of the effective date of this section or within thirty (30) days of the recycling contract renewal date, the responsible party of each commercial establishment shall provide a recycling system for their tenants to separate refuse from the recyclable materials defined in section 10-30. If the commercial establishment includes both multi-family units and nonresidential properties, the multi-family tenants shall have access to a recycling system required in section 10-31(b). Each new commercial establishment business that begins operations after September 1, 1994, is required to establish a collection system within ninety (90) days after receiving an Arlington County Certificate of Occupancy. (Ord. No. 93-22, 11-13-93)

(d) It shall be the responsibility of the owners or other responsible party of all commercial establishments and multi-family dwellings to provide for the private collection and disposal of all recycling at least weekly, unless given a written exemption by the County Manager, and adhere to the following practices:

(1) Provide sufficient number of approved containers for the storage of recycling. Containers shall be kept covered with a tightly fitting lid at all times. All recycling containers shall be emptied frequently enough to prevent their contents from overflowing.

(2) Maintain all containers in a sanitary and serviceable condition.

(3) Place all containers on concrete, or other similar impervious surface.

§ 10-32. Reporting requirements.

(a) Implementation Initial recycling plans. The responsible party for each ~~multiple-family dwelling and the responsible party and business owner, if different, for each business property~~ and commercial establishment are required to submit an ~~implementation plan~~ a recycling plan to DES by ~~May 1, 1994.~~ Forms for Instructions for submitting this plan will be sent provided by DES to each multiple-family dwelling and business commercial establishment address. The responsible party for each new ~~multiple-family dwelling that is occupied after September 1, 1994,~~ is required to submit this plan within thirty (30) days from the date of first occupancy by a tenant. The responsible party ~~and business owner, if different, of each new business commercial establishment that begins operations after September 1, 1994,~~ are required to submit this plan within thirty (30) days after receipt of an Arlington County Certificate of Occupancy. The implementation initial recycling plan must be approved by DES to comply with the terms of this Article. If the implementation initial recycling plan is rejected by DES, the submitting party has thirty (30) days from notification of the rejection to submit a revised plan for approval. The following information shall be included in the initial recycling plan:

- (1) Name and address of reporting commercial establishment or multi-family property
- (2) Name and contact information of responsible party
- (3) Name and contact information of Collector servicing account for trash and recycling
- (4) Name and address of processor or disposal site for trash and recycling
- (5) Size of containers, frequency of pick-up, and cost of services with recycling costs listed separately from trash costs.
- (6) Description of educational materials and outreach activities

(b) Reports Updated recycling plans. The responsible party for each ~~multiple-family dwelling and the commercial establishment responsible party and business owner, if different, of each business property~~ are required to submit ~~a report~~ an updated recycling plan to DES by February 1st of ~~2012 and every third (3) year for recycling activities during the preceding three (3) year period. The first report is due February 1, 1997.~~ Forms for this report will be sent by DES to each multiple-family dwelling and business address thereafter as notified by the County. Instructions for submitting this report will be provided by DES to each multi-family dwelling and commercial establishment address. The updated recycling plan at a minimum shall include:

- (1) Name and address of reporting commercial establishment or multifamily property
- (2) Name and contact information of responsible party
- (3) Name and contact information of Collector servicing account for trash and recycling
- (4) Name and address of processor or disposal site for trash and recycling
- (5) Size of containers, frequency of pick-up, and cost of services with recycling listed separately from trash
- (6) Description of educational materials and outreach activities

(c) Hauler/Collector reports. Each ~~company~~ Collector that collects or transports recyclables ~~materials~~ in Arlington County is required to submit an annual report to DES documenting the tonnage of materials it collected from ~~businesses commercial establishments and multiple-family dwellings in Arlington County, including a written explanation describing how the tonnage was calculated.~~ This report must be submitted by February 1st of each year for materials collected during the preceding calendar year, ~~with the first report due February 1, 1995.~~ Forms for this report will be sent by DES to each hauler. Each hauler is required to provide a list of its Arlington customers with this report. Notice for this report will be sent by DES to each Collector annually.

(d) Each Collector that collects or transports recycling in Arlington County shall itemize invoices to their customers to include the following information: container capacity; frequency of pick-up; and monthly charge for trash collection separately from recycling collection services.

§ 10-33. ~~Adaptations for Materials.~~ Education requirements.

(a) The responsible party of each multi-family dwelling shall provide each unit or tenant with written or electronic instructions regarding use and participation in the property or building's recycling system upon tenant occupancy and annually thereafter. These instructions are in addition to the collection system requirements in Section 10-30. Instructions may include the following: community newsletters, flyers, distributed property websites, and posters. Copies of instructions shall be available to DES upon request.

(b) The responsible party of each commercial establishment shall provide employees, tenants, and/or system users with written or electronic instructions regarding use and participation in the recycling system upon occupancy and annually thereafter. In multi-tenant commercial establishments in which individual tenants do not manage their own solid waste and recyclables, the responsible party shall provide all tenants and/or system users with instructions regarding use and participation in the recycling system upon occupancy and at least once annually thereafter. Instructions are in addition to the collection system requirements in Section 10-30. Instructions may include the following: building/property newsletters, flyers or memos distributed to each tenant/employee, property/business websites, and other electronic media. Copies of instructions shall be made available to DES upon request.

~~(a) *Criteria.* Limited adaptations, as set forth below, may be approved by the County Manager or his designated agent. Applications for an adaptation from the requirements of Section 10-31 shall be submitted to the County Manager on County forms. An adaptation may be allowed where compliance with the Ordinance would result in unnecessary hardship to the applicant and the need for an adaptation would not be shared generally by other applicants, provided such an adaptation is not contrary to the intended spirit and purpose of this Article and would result in substantial justice being done. All adaptations are to be construed as temporary, for a period not to exceed one (1) year, and shall be considered withdrawn on the first to occur of (a) a change in the condition(s) which prompted the adaptation, or (b) the expiration of the time period granted in the adaptation. Should an adaptation be withdrawn because the time period has expired, an applicant may apply for renewal of the adaptation. Application forms are available from the solid waste division of DES. Applications are evaluated against the following criteria:~~

- ~~(1) Incompatibility of compliance with the requirements of this Article and compliance with other Arlington County ordinances or other laws;~~
- ~~(2) Unavailability of collectors or acceptors (defined as licensed haulers of recyclable materials or intermediate or final processors of recyclable materials) for one (1) or more of the required recyclable materials;~~
- ~~(3) Unavailability of on-site space for the preparation and temporary storage of one (1) or more of the required recyclable materials;~~
- ~~(4) Extreme disparity between the applicant's costs of recycling one (1) or more of the required materials and the costs of disposal of the same material(s); or~~
- ~~(5) Negligible generation rates of one (1) or more of the required recyclable materials.~~

~~The County Manager or his designee will consider these criteria in evaluating the application and will consider the compliance rate, implementation plans, and recycling programs of similar businesses in Arlington County. The County Manager or his designee will direct a solid waste division community inspector or member of the County recycling staff to make a site visit and prepare a report on the applicant's property.~~

~~(b) *Actions.* After reviewing the information described in (a) above, the County Manager or his designee will take one (1) of the following actions:~~

- ~~(1) Grant an adaptation that requires the applicant to recycle alternative materials identified by the DES director;~~
 - ~~(2) Grant an adaptation that reduces the number of types of materials required to be recycled; or~~
 - ~~(3) Deny the request for an adaptation~~
- (Ord. No. 93-22, 11-13-93)

§ 10-34. Penalties. Exemption from requirements.

(a) *Criteria.* Limited ~~adaptations~~exemptions, as set forth below, may be approved by the County

Manager or his designee. Applications for an adaptation exemption from the requirements of Section 10-31 shall be submitted to the County Manager on County forms. An adaptation exemption may be allowed where compliance with the Ordinance would result in unnecessary hardship to the applicant and the need for an adaptation exemption would not be shared generally by other applicants, provided such an adaptation exemption is not contrary to the intended spirit and purpose of this Article and would result in substantial justice being done. All adaptations exemptions are to be construed as temporary, for a period not to exceed one (1) year, and shall be considered withdrawn on the first to occur of (a) a change in the condition(s) which prompted the adaptation exemption, or (b) the expiration of the time period granted in the adaptation exemption. Should an adaptation exemption be withdrawn because the time period has expired, an applicant may apply for renewal of the adaptation exemption. Application forms are available from the ~~sSolid wWaste division~~ Bureau of DES. Applications are evaluated against the following criteria:

- (1) Incompatibility of compliance with the requirements of this Article and compliance with other Arlington County ordinances or other laws;
- (2) Unavailability of collectors or acceptors (defined as licensed ~~haulers~~ Collector of recyclable materials or intermediate or final processors of recyclable materials) for one (1) or more of the required recyclable materials;
- (3) Unavailability of on-site space for the preparation and temporary storage of one (1) or more of the required recyclable materials;
- (4) Extreme disparity between the applicant's costs of recycling one (1) or more of the required materials and the costs of disposal of the same material(s); or
- (5) Negligible generation rates of one (1) or more of the required recyclable materials.

Applications for an exemption from the requirements of Section 10-31(d) are as follows:

- a. Incompatibility of compliance with the requirements of this Article and compliance with other Arlington County ordinances or other laws;
- b. Sealed compactor;
- c. Non-leaking container, air tight, with little to no odor; and
- e. On-site evaluation by the Solid Waste Bureau of DES.

The County Manager or his designee will consider these criteria in evaluating the application and will consider the compliance rate, implementation plans, and recycling programs of similar businesses in Arlington County. The County Manager or his designee will direct a ~~sSolid wWaste division~~ Bureau community inspector or member of the County recycling staff to make a site visit and prepare a report on the applicant's property.

(b) *Actions.* After reviewing the information described in (a) above, the County Manager or his designee will take one (1) of the following actions:

- (1) Grant an adaptation exemption that requires the applicant to recycle alternative materials identified by the DES director;
- (2) Grant an adaptation exemption that reduces the number of types of materials required to be recycled; or
- (3) Deny the request for an adaptation exemption.

(Ord. No. 93-22, 11-13-93)

§ 10-35. ~~Right to appeal notices and fines.~~ Penalties.

Any responsible party violating any provision of this Article shall be issued a notice of violation and given thirty (30) days to correct the violation. If such violation has not been corrected within thirty (30) days the responsible party will be notified that it will be subject to a fine of up to three hundred dollars (\$300.00), such fine to become effective no earlier than December 1, 1994, by the solid waste division of the DES unless the identified violations are corrected within fifteen (15) days. If the responsible party fails to correct the violation within fifteen (15) days, the responsible party will be fined up to three hundred dollars (\$300.00) for each day such violation continues.

(Ord. No. 93-22, 11-13-93)

§ 10-36. ~~Recycling system inspection fee.~~ Right to appeal notices and fines.

Upon service of a notice of violation or fine as provided in Section 10-35~~4~~, the responsible party ~~or business owner~~ shall have the right to appeal such notice or fine and shall be granted a hearing before the County Manager or the County Manager's designee, provided that a written appeal and request for hearing is received by the County Manager within five (5) ~~working~~ business days after service of the notice. Upon receipt of such an appeal or request, the County Manager or his designee shall advise the appellant of the time and place of the hearing, shall convene the hearing, shall consider the evidence, and shall render a decision in writing and provide a copy to the appellant within fifteen (15) ~~working~~ business days following the hearing.

(Ord. No. 93-22, 11-13-93)

§10-37. Recycling system inspection fee.

Each responsible party which is required to establish a separate system from refuse for the collection of recyclable material as described in Section 10-31(b) or Section 10-31(c) and required to submit an "~~implementation~~ initial recycling plan" pursuant to Section 10-32(~~ba~~), shall on a yearly basis pay a fee of sixty six dollars (\$66.00) for each multi-family property or business location for which a plan has been submitted. Such fees shall be paid within thirty (30) days of the date of the bill for payment.

II. The remaining sections and subsections of Chapter 10 of the Code of Arlington County, Virginia not amended hereby shall remain in effect as previously enacted.