ARLINGTON COUNTY, VIRGINIA

County Board Agenda Item
Meeting of December 11, 2010

DATE: November 9, 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.

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.

ISSUES: The County Board is being requested to adopt amendments to Chapter 10 of the County Code. There are no outstanding issues.

SUMMARY: Staff recommends proposed 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. The proposed amendments will clarify language in specific articles of the Code to reflect current practices, expand the recycling requirements for all generators of waste in the County by increasing the materials required to be recycled, prohibit the disposal of cathode ray tubes and mercury thermostats, require that not only refuse collectors, but recycling, food waste, and cooking oil and grease collectors obtain truck collector permits, allow for exemptions from the Code requirements for collectors or businesses or multi-family dwellings when compliance would result in unnecessary hardship, and other items listed in more detail in the Discussion section of the report.

These amendments will enable County staff to perform their duties more effectively, align Arlington with surrounding jurisdictions, and move the County forward in meeting specific goals in the County's Solid Waste Management Plan adopted in June of 2004. A number of the changes that address recycling and waste reduction will also support the County's Fresh AIRE Initiative as higher levels of recycling will help the County reduce its greenhouse gas emissions while being fiscally responsible and generating revenue from recyclable materials. The specific changes that are proposed will address recycling at the curb at commercial, multi-family, school, and government facilities.

County Manager: BMD/MA

County Attorney:

18.

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

BACKGROUND: Chapter 10 of the County Code was established in 1983 to address a mandate from the state and federal governments to manage trash in a safe and effective manner. Since that time, a number of additional state mandates have been passed requiring localities to produce Solid Waste Management Plans and develop recycling programs to meet specific recycling rates established in legislation. The County developed its first Solid Waste Management plan in 1991, accompanied by a recycling implementation plan, and ultimately adopted a Recycling Ordinance in the fall of 1993 (Article IV). Since that time, minor amendments have been made to various sections of Chapter 10. In 2004, the County adopted an amended Solid Waste Management Plan that included goals and objectives for the County's recycling and waste management programs. That plan was followed by a study in 2006 of waste management in the commercial and multi-family sectors. A number of the proposed amendments are recommendations from that 2006 study. Staff also analyzed surrounding jurisdictions that recently updated their solid waste codes and some of the proposed amendments cover various policies that will align Arlington with other communities in the region.

The Solid Waste Bureau (SWB) sent a description of the code amendments requesting input, to the Arlington Economic Development distribution list of business community members who signed up to receive the "Arlington County Economic Update" newsletter. This distribution list comprises approximately 2,500 individual email addresses. Responses received were in favor of the amendments, none were in opposition. The SWB provided an overview of the code amendments to the Environment and Energy Conservation Commission (E2C2) and they wrote a letter of support to Chairman Fisette. The Arlingtonians for a Clean Environment (ACE) are writing a letter of support as well. Furthermore, the Solid Waste Committee, the Solid Waste Bureau's (SWB) citizen committee, has worked closely with the SWB for the last few years reviewing the proposed amendments and the committee recommends the proposed changes.

DISCUSSION: The proposed changes include:

Article I, Refuse:

Develop/Amend Definitions

Refuse and Recycling Collection: The existing refuse ordinance does not include definitions needed to clarify the refuse ordinance, including but not limited to, definitions for the new recycling cart, electronics, cathode ray tubes (CRT), household hazardous materials, solid waste, and recyclable materials.

> *Staff recommends*: Adding language that clarifies various SWB programs and services described in the refuse section of the code and creating definitions for the following terms: cathode ray tubes (CRTs), collector, commercial establishment, cooking oil and grease, electronics, food waste, household appliances, household hazardous materials (HHM), mercury thermostats, metal, multi-family dwelling, nonprofit organization, nonresidential, recycling, recycling cart, refuse cart, solid waste, and yard waste.

Establish New Curbside Set-Out Requirements

Material Set-outs: Arlington County's curbside collection program was recently upgraded to include recycling carts and to accept additional recyclable materials including electronic waste, however the Code has not been changed to reflect the upgraded program. The upgraded curbside collection program allows customers to set out a variety of materials ranging from every day trash and recycling to brush, metal items, electronics, furniture, and more.

Recently the Code of Virginia, 10.1-1425.26 was updated to allow localities to prohibit the disposal of thermostats containing mercury and cathode ray tubes (CRTs) in waste-to-energy (WTE) facilities. Mercury is a harmful chemical found in thermostats and CRTs. Additionally; CRTs contain lead, cadmium, and arsenic which are also harmful. WTE facilities are required to meet specific air emission regulations, and if these materials are eliminated from entering the plant the task of scrubbing emissions is lessoned. For residents receiving County provided refuse and recycling service, the County has a curbside collection program for recycling CRTs. For residents not receiving County collection services, the Household Hazardous Materials Facility provides CRT recycling for a nominal charge. For business owners, there are numerous commercial entities that offer "take-back" programs or recycle CRT's for a nominal charge. With regard to safely disposing of thermostats containing mercury, residents may dispose of them at the Household Hazardous Materials Facility.

> *Staff recommends*: Amending the ordinance to reflect the changes in the new expanded curbside collection program and banning CRT's and thermostats containing mercury from the refuse disposal system.

Enhance Truck Permitting Requirements

Truck Permits: The County currently only requires collectors of refuse to obtain a truck permit.

> *Staff recommends*: Including the collectors of recyclable materials, food waste, cooking oil and grease as those collectors required to obtain a truck permit. The trucks that are hauling all forms of waste should be inspected to ensure the trucks are not leaking liquids or oils on to County streets and ensure they are not causing a public nuisance.

Article IV, Recycling:

Develop/Amend Definitions

County Curbside Program, Multi-family Dwellings, and Commercial Establishments: The existing recycling ordinance does not include several recycling definitions which need to be included in the code.

> *Staff recommends*: Adding language that will add clarity to various SWB programs and services described in the recycling section of the code. Definitions are recommended for the following terms: commercial establishment, collection system, collector, County Manager, Material Recovery Facility (MRF), metal, mixed paper, multi-family dwelling, non-residential property, recyclable material, recycling, recycling cart, recycling contract, recycling plan, recycling system, and responsible party.

Expand Recycling Material Requirements

County Curbside Recycling: The County's SWB currently services approximately 32,700 single-family, duplex, and townhome residences with a single stream recycling collection program. In April 2009 the SWB implemented a new curbside recycling program using carts and collecting in a single stream recycling system. Previously, the services provided by a contractor on a weekly basis utilized 18 gallon bins to collect/store the bottles and cans. The fiber materials were set out in paper bags or bundled, with cardboard primarily set out loose at the curb.

> *Staff recommends:* Updating the code to reflect the curbside recycling program currently in place, by expanding the list of required recycled materials to include all items listed in the curbside recycling collection contract, including mixed paper (newspapers, magazines, catalogs, phonebooks, junk mail, mixed office paper, paperboard, paper bags, and paperback books) and commingled containers (glass bottles and jars, aluminum and steel food and beverage cans, and #1-7 plastic bottles and jugs). This will allow more recyclable materials to be collected curbside and reduce the amount of trash the County has to pay to dispose of. The County currently pays approximately $82/ton to dispose of refuse. A number of surrounding localities have already moved in the direction of requiring more recycling, including the District of Columbia; City of Alexandria, VA; Fairfax County, VA; and Montgomery County, MD. Finally, this expansion is one of the recommendations included in the County's Solid Waste Management Plan.

Multi-family and Commercial Establishment Recycling: The County currently requires multi-family dwellings to recycle newspaper, glass bottles and jars, and metal food and beverage cans from all tenants of that property. In addition, the current code requires non-residential/commercial properties to recycle the two (2) principal recyclable materials (PRMs) that businesses generate annually in the greatest quantities.

> *Staff recommends:* Expanding the list of required recycled materials to include all items listed in the curbside recycling collection program, this includes residential mixed paper (newspapers, magazines, catalogs, phonebooks, junk mail, mixed office paper, paperboard, paper bags, and paperback books) and commingled containers (glass bottles and jars, aluminum and steel food and beverage cans, and plastic bottles and jugs, #1-7). This will allow more materials to be collected in the multi-family and commercial establishments, reduce trash disposal costs, increase recycling, and move the County towards a greener future. A number of surrounding localities have already moved in the direction of requiring more recycling at multi-family and commercial establishments including the District of Columbia; Montgomery County, MD; City of Alexandria, VA; and Loudoun County, VA. Finally, this expansion is one of the recommendations included in the County's Solid Waste Management Plan.

Reporting Requirements

Commercial Establishments and Multi-family Generators: Arlington's existing recycling ordinance requires commercial and multi-family generators of solid waste to submit a recycling

implementation plan within a specified amount of time from when they are granted a certificate of occupancy along with a recycling plan on a three-year cycle. The language is vague in this section and does not provide specifics regarding what should be included in these plans.

> *Staff recommends*: Amending this section so that the reporting entities will know exactly what information is required. One specific requirement will include information about trash and recycling services including the size of containers, frequency of pick-up, cost per month, and name of hauler. This recommendation comes from the Solid Waste Study as the consultant found significant price disparities for the same service in the County. If generators of waste see the amount of waste they are producing along with the costs of disposal and become educated on this issue, they should be better able to procure more reasonable pricing for these services. Additionally, this information will help the SWB staff to gauge the waste capacities of various locations.

Recycling Education Requirements

Commercial Establishments and Multi-family Dwellings: In accordance with state law, Arlington County's existing ordinance requires all businesses and multi-family dwellings to have a recycling system in place that includes education of their tenants and/or employees. There is no additional language clarifying the type of outreach materials or how often they should be distributed.

> *Staff recommends*: Developing a new section in Chapter 10, Article IV entitled "Education Requirements," that clarifies what is required. The language will provide examples of what the outreach may entail (i.e. brochure, poster, website, newsletter, welcome packet, etc.) along with a required frequency (at move in and at least one time per year thereafter).

Recycling Haulers/Collectors: There are very few recycling requirements for haulers in the ordinance, other than a requirement to submit annual recycling tonnage reports about their collections in the County. A recently completed study of waste management in the commercial sector has made a number of recommendations related to this sector. Specifically, the study recommends that haulers should itemize their invoices to include the exact pricing for trash services separate from recycling services along with the frequency of the service, size of the containers, and overall capacity of those containers. This will equip commercial entities with exact knowledge of their services so that they can compare to other haulers in order to get the best price.

> *Staff recommends*: Developing a requirement for haulers to itemize their 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 and incorporate them into the new education section of the recycling ordinance.

Articles I and IV:

Collection Frequency Requirements

Refuse and Recycling Compactors: Compactor technology has advanced with odor-control and leak resistant components which allow sealed compactors to sit longer before needing to be emptied. Since the increased recycling in buildings has moved more material out of the trash compactors and into the recycling containers, this shift in materials means the trash compactors do not fill up as quickly as they previously did and therefore do not need to be collected as frequently. Companies have invested in compactors for their collection system and in order to recognize a cost savings by increased recycling, the required collection frequency needs to be lowered to when the compactor is full. Modern refuse compaction equipment allows the on-site storage of refuse over a longer period without creating health hazards or creating a public nuisance.

> *Staff recommends*: Allowing properties to request a special one-year exemption from the Code requirement of emptying all trash and recycling containers a minimum of once a week. A SWB inspector will visit each property and evaluate the site to verify the compactor meets the technical standards put forth by the County before granting an exemption to the property owner to decrease collection frequency. These technical standards are in development by the SWB and will be posted on the SWB website.

Reporting Requirements

Collectors: Arlington's existing recycling ordinance requires companies that collect and transport recyclable materials in Arlington County to submit an annual report to DES detailing the tonnage collected from properties in Arlington County. This report however does not provide specifics on how the hauler companies obtained the tonnage data. Additionally, there is no existing requirement for refuse collectors to submit similar reports. Section 9VAC 20-130-165 D of the Virginia Waste Regulations establishes that every city, county, and town in the Commonwealth, shall submit to the Department of Environmental Quality by April 30 of each year, the data and calculations required in 9 VAC 20-130-120 B&C for the preceding calendar year. The County needs to gather the information from collectors to comply with this required report.

> *Staff recommends*: Amending this section to require hauler companies to submit a written explanation describing how the tonnage number was calculated along with the tonnage totals collected in the County.

FISCAL IMPACT: There is no fiscal impact in FY 2011. If the County Code is updated to recognize the changes in the recycling requirements for the County, there could be approximately $10,000 generated in FY 2012 due to the new truck permitting requirement. This revenue would be included in the development of the FY 2012 budget. This action is an update to the County Code to recognize changes in the recycling requirements for County curbside recycling, multi-family dwellings, and commercial establishments' requirements.

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.

(~~2~~c) *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)~~c.~~ Place commercial ~~and retail~~ containers on concrete, or other similar impervious surfaces.

(d~~e~~) ~~*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, ~~I~~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)

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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, multi~~ple~~-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.

Multi~~ple~~-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 multi~~ple~~-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 c~~C~~urbside c~~C~~ollection p~~P~~rogram, the term "responsible party" shall mean the dwelling owner or dwelling occupant if different from the owner. For a multi~~ple~~-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~~commerical 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 c~~C~~urbside c~~C~~ollection p~~P~~rogram 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 n~~New multi~~ple~~-family dwelling properties~~y~~ ~~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 multi~~ple~~-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 multi~~ple~~-family dwelling and ~~business~~ commercial establishment address. The responsible party for each new multi~~ple~~-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 multi~~ple~~-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 multi~~ple~~-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 adapation~~
~~(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 ~~s~~Solid ~~w~~Waste ~~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 ~~s~~Solid ~~w~~Waste ~~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 10-354, 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(~~b~~a), 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.