

AN ORDINANCE TO AMEND TOWN CODE SECTIONS 20-120, 20-130, 20-142, 20-206, 20-403 AND 20-404 REGARDING APARTMENT AND CONDOMINIUM RECYCLING REQUIREMENTS

BE IT ORDAINED by the Council of the Town of Blacksburg:

1. That Sections 20-120, 20-130, 20-142, 20-206, 20-403 and 20-404 of the Town Code are amended and reordained as follows:

**Section 20-120. Residential solid waste fees.**

(a) There is hereby imposed, for the collection, recycling, and disposal of solid waste, for the payment of the Montgomery ~~County~~ Regional Solid Waste Authority tipping fee, and for the improvement of the general public health and environment, a solid waste collection service charge for each dwelling unit generating residential solid waste and required by section 20-200 to participate in curbside collection. The amount of the collection charge shall be established in Section 20-206.

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**Section 20-130. Violations of chapter.**

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(b) In lieu of criminal penalties, any person found to be in violation of section 20-142, section 20-301, *section 20-402* or section 20-403 shall be subject to a civil penalty of one hundred dollars (\$100.00) for the first violation. This penalty shall only be imposed after a written notice of violation has been issued, as provided by section 20-131, to the offending individual, owner, lessee, tenant or agent. Any person who continues to be in violation of either section after the appeal process has concluded or the time to file an appeal has expired shall be subject to a civil penalty of two hundred dollars (\$200.00) for each subsequent violation. No person shall be cited for a violation more than once in any ten-day period, and no person shall be fined more than a total of three thousand dollars (\$3,000.00) for all violations arising out of the same set of facts *in any calendar year*. Civil penalties shall be imposed by the issuance of a civil summons by the director of public works or the director's designated representative. Any person served with a summons shall have ten (10) days in which either to (i) pay the civil penalty fine to the director of finance or (ii) appeal the violation to the general district court. The town shall also have available to it all lawful remedies to require compliance, including, but not limited to, seeking injunctive relief.

**Section 20-142. Solid waste and recycling reports.**

(a) Each occupant of real property who contracts privately for solid waste collection and disposal (including the owner or unit owners' association of each apartment or condominium complex) shall report to the town, on forms provided by the director of public works, information to include, but not limited to, the following:

- (1) Name and address of reporting party;
- ~~(2) Volume or weight of materials collected for recycling;~~
- ~~(3) Total quantity recycled;~~
- ~~(4) Total solid waste collected, excluding amount recycled;~~
- (25) Number of units;
- (36) Total number of residents;
- (47) Names of all haulers or hauling companies contracted to provide recycling services at the property.

~~(b) As authorized by Virginia Code § 15.2-939, each company that collects or transports recyclable materials in the town shall be required to submit reports documenting the types of materials and tonnage collected from businesses and multi-family dwellings in the town, and the location where such recyclable materials were taken. Each company shall also be required to annually provide a list of its customers in the town. Forms for these reports shall be provided by the director of public works.~~

(c) *For existing properties, the reports required by this section shall be submitted twice annually, within thirty (30) days of the close of the previous six (6) months reporting period within six (6) months after the effective date of this ordinance (January 1, 2017) and each four (4) years thereafter. Properties receiving a certificate of occupancy after January 1, 2017 shall provide reports between twelve (12) and fifteen (15) months after the certificate of occupancy is issued and each four (4) years thereafter. However, the director or the director's designee may request, in writing, reports more frequently as reasonably needed to address complaints about recycling service. All reports shall be submitted to the director of public works or the director's designee.*

**Section 20-206. Collection Charges.**

There is hereby imposed, for the collection, recycling, and disposal of solid waste, for the payment of the Montgomery ~~County~~ *Regional Solid Waste Authority* tipping fee, and for the improvement of the general public health and environment, a solid waste collection service charge for each dwelling unit and commercial or residential establishment generating solid waste within the town and required by section 20-200 of this chapter to participate in the curbside collection and

curbside recycling program. The service charge for collection of Class A residential solid waste and Class II bulky rubbish shall be twenty-two dollars and twenty cents (\$22.20) per calendar month. The service charge for collection of light commercial solid waste shall be twenty-two dollars and twenty cents (\$22.20) per establishment, in both cases, for up to one solid waste container, or its equivalent, excluding recycling containers, and twenty-two dollars and twenty cents (\$22.20) for each additional unit or its equivalent, excluding recycling containers, per calendar month. The service charge for all other generators of other types of solid waste contracting with the town for curbside refuse and recycling service under this chapter shall be twenty-two dollars and twenty cents (\$22.20) per dwelling unit or per establishment as appropriate, per calendar month.

**Section 20-403. Apartment/multifamily dwelling recycling.**

(a) Owners, or unit owners' associations in the case of condominiums, of each apartment or condominium complex shall provide, either through contract with the town or under private contract, for a recycling program for their tenants or owners *similar to the recycling program offered to residential refuse customers who receive town curbside recycling service*. To facilitate apartment recycling, the town also may provide for the collection of recyclable materials accepted by the regional solid waste authority. This program shall provide for the collection of the same recyclable materials as the town's recycling program (curbside and centralized collection) and shall offer to the tenants or residents ~~a centralized convenient~~ and organized ~~means~~ *facilities within a walkable distance* to collect and dispose of recyclable materials. The program shall include onsite recycling facilities, ~~their safe and regular~~ sanitary maintenance, and periodic collection and lawful disposal of recyclable materials *at recycling facilities*. *Specifically, the program shall include the following:*

- (1) *An available service capacity of 12 gallons of recycling volume per bedroom per week,\**
- (2) *Collection receptacles that are designed for single-stream recycling and which minimizes exposure to the elements;*
- (3) *Clear, intuitive labeling on each recycling receptacle to minimize contamination and maximize proper diversion of recyclable materials from the refuse waste stream;*
- (4) *A resident education program to make residents aware of the location of the nearest recycling receptacles and how to properly recycle; and*
- (5) *Distributed siting of recycling receptacles throughout the complex that will maximize convenience for residents.*

*\*This level of service capacity does not need to be provided during periods of demonstrated lower service demand, such as university holidays or summer breaks.*

(b) Owners, or unit owners' associations in the case of condominiums, of each apartment or condominium complex shall also be required to establish a written recycling plan demonstrating how the property will comply with the requirements of this section. The recycling plan shall address, but not be limited to, the following components:

- (1) Name of waste and recycling hauler;
- ~~(2) Type of recycling collection; and~~
- ~~(3) Locations of recycling containers and recyclable materials.;~~

- (3) *Number of bedrooms within the development;*
- (4) *Documentation of appropriate service capacity; and*
- (5) *A copy of resident educational materials.*

*For existing apartments or condominium complexes, an initial recycling plan shall be submitted to the director of public works by July 1, 2017. The director shall develop forms, as needed, to facilitate filing recycling plans. The director or the director's designee shall review the recycling plans and determine if the requirements of this section have been met. A willful failure to comply with the requirement to submit a plan or take good faith measures for recycling plan approval shall constitute a violation of this section.*

*The approved recycling plan shall be available for inspection by town officials, tenants and owners, and it shall also be posted on any website serving the community. An approved plan shall be valid for four (4) years.*

*(c) Apartment or condominium complexes built after January 1, 2017, in addition to the requirements listed in the preceding sub-sections (a) and (b), shall be designed and built to provide recycling facilities co-located at each place where refuse is collected to maximize convenience and provide walkable access for residents. Existing complexes shall have a one year period (from January 1, 2017 to December 31, 2017) to make site changes necessary to comply with the recycling program requirements in this section.*

*(d) (i) In cases of unusual site conditions or where strict adherence to the requirements of this section would result in substantial hardship (and where the situation or level of hardship is atypical), the director of public works or the director's designated representative, as appropriate, may vary any of the provisions of this section to lessen the hardship while adhering to the intent of this section. No variance shall be granted that is illegal or that would prejudice the health and safety of citizens of the town.*

*(ii) Each request for a variance from the terms of this section shall be made in writing and state specifically (i) the provision from which the variance is requested and (ii) the reasons supporting the variance request, including all background or technical information required by the director to understand and act on the variance.*

*(iii) The director shall take action on a request for a variance within sixty (60) days after the application is filed. Any grant or denial shall be in writing, stating the reasons therefor.*

*(e) Any person aggrieved by the director's decision on a variance or a recycling plan may appeal the action to the Town Council on written application filed with the Town Clerk within fourteen (14) days from the date of the decision. The Town Council shall act by resolution to approve or deny the variance within thirty days from the receipt of the application for appeal. The decision of the Town Council in any case shall be final.*

*(f) Alternative refuse and recycling collection service, such as door-to-door valet service, may be approved as an alternative if they otherwise meet or exceed the requirements detailed in this section for convenience, appropriate service capacity and resident education.*

**Section 20-404. Apartment/multifamily dwelling charges.**

For the collection and disposal of recyclable materials at apartments, condominiums or other multifamily dwellings as described in section 20-403, *services may be obtained through the Town's contract for such services or through other recycling collection services. the charges shall be as follows:*

~~(1) — Ninety six (96) gallon containers, twenty five dollars and sixty five cents (\$25.65) per calendar month per two (2) containers.~~

~~(2) — Roll off service, one hundred eight six dollars (\$186.00) per calendar month for once a month collection One hundred thirty dollars (\$130.00) per each additional collection.~~

~~(3) — Front load service, per calendar month for two (2) containers with once a week collection:~~

<del>2-cubic yard container . . .</del>	<del>\$120.00</del>
<del>4-cubic yard container . . .</del>	<del>145.00</del>
<del>6-cubic yard container . . .</del>	<del>171.00</del>
<del>8-cubic yard container . . .</del>	<del>197.00</del>

2. That this ordinance shall be effective January 1, 2017.

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Mayor

ATTEST:

\_\_\_\_\_  
Town Clerk

1<sup>st</sup> Reading: \_\_\_\_\_

2<sup>nd</sup> Reading & Adoption: January 10, 2017

APPROVED AS TO CONTENT:

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Director of Public Works

APPROVED AS TO LEGAL SUFFICIENCY:

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Lawrence S. Spencer, Jr., Town Attorney