

## ORDINANCE NUMBER 25-O-051

### AN ORDINANCE AMENDING CHAPTER 70 OF THE CODE OF THE CITY OF SUFFOLK BY THE ADDITION OF ARTICLE V “REFUSE FUND”

BE IT ORDAINED by the Council of the City of Suffolk, Virginia, that Chapter 70 of the Code of the City of Suffolk, entitled “Solid Waste”, be amended by the addition of Article V, entitled “Refuse Fund”, and is hereby amended as follows:

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#### ARTICLE V. REFUSE FUND

##### Sec. 70-170. Definitions.

The following words and terms used in this article shall have the following meanings:

- (a) “Church property” as used to classify properties for determining the categories of service fee billing, means any property with a building or structure, or group of buildings or structures, which by design and construction are primarily intended for the conducting of organized religious services and accessory uses associated therewith that is included in the Refuse Program.
- (b) “Multi-family property” “Developed multi-family residential property” as used to classify properties for determining the categories of service fee billing, means any developed multi-family residential property that is included in the Refuse Program. The dwelling units may be located vertically or stacked above the single dwelling unit footprint or attached horizontally or a separate unit located on the same parcel.
- (c) “Exempt” as used to classify properties for determining the categories of service fee billing, means any property not included in the Refuse Program. This defines as any undeveloped vacant property or a business that is located outside of the Downtown Business Overlay District.
- (d) “Owner” means any and all persons, natural or artificial, including any individual, firm, company, municipal or private corporation, partnership, co-partnership, joint stock company, trust, estate, association, society, institution, enterprise, governmental agency, Commonwealth of Virginia, the United States of America or other legal entity, or their representatives, agents or assigns. The masculine gender includes the feminine, and the singular includes the plural where indicated by context.
- (e) “Refuse Fund” means the enterprise fund created by this section to provide for the collection, removal and disposition of refuse and recycling goods to properties included in the Refuse Program.
- (f) “Refuse Program” means the collection, removal and disposition, and the coordination of the same, of refuse and recycling services, except certain classes specifically banned, from

premises in the city.

- (g) “Refuse service charge” means a charge assessed to properties included in the Refuse Program.
- (h) “Residential property”, as used to classify properties for determining the categories of service fee billing, means any property that is used primarily for residential living purposes where one (1) dwelling structure is located on a single separate parcel.
- (i) “Revenues” means all rates, fees, assessments, rentals or other charges or other income received by the fund, in connection with the management and operation of the program, including amounts received from the investment or deposit of monies in any fund or account and any amounts contributed by the city.
- (j) “Service fees” means the monthly service charges based upon the UNIT rate applied to property owners or occupants, including condominium unit owners, of developed residential property, developed multi-family residential property, as more fully described in this article.
- (k) “Undeveloped property” means any parcel which has not been altered from its natural state to disturb or alter the topography or soils on the property in a manner which substantially reduces the rate of infiltration of stormwater into the earth.
- (l) “UNIT” means the number of dwellings located on a property included in the refuse enterprise program.
- (m) “UNIT Rate” means the service fee charged to each unit, as established in the fee schedule of the annual budget ordinance.
- (n) “Vacant developed property” means any property that is unoccupied; structures exist on the property.
- (o) “Vacant undeveloped property”, means any property that has not been altered from its original state. There are no structures on the property.

#### **Sec. 70-171. Establishment of refuse fund.**

- (a) The refuse fund is established to provide for the collection, removal and disposition, and the coordination of the same, of refuse and recycling services, except certain classes specifically banned, from premises in the city.
- (b) The fund shall deposit in a separate ledger account all revenues collected pursuant to this article. The funds deposited shall be used exclusively to provide services and facilities related to the refuse fund program. The deposited revenues shall be used for the following:
  - (1) Acquisition of real or personal property, and interest therein necessary to provide refuse and recycling services;

- (2) The cost of administration of such programs, to include the establishment of reasonable operating and capital reserves to meet unanticipated or emergency requirements of the fund;
- (3) Engineering and design, debt retirement, construction costs for new facilities and enlargement or improvement of existing facilities; and
- (4) Facility maintenance.

**Sec. 70-172. Imposition of service fees.**

Adequate revenues shall be generated to provide for a balanced operating and capital improvement budget to support the collection and disposal of refuse and recycling services by setting sufficient levels of service fees. Income from the service fees shall not exceed actual costs incurred in providing the services as described in this article. Service fees shall be charges to owners of developed property in the city.

(a) For purposes of determining the service fee, all properties in the city are classified into one of the following classes:

- (1) Residential property;
- (2) Multifamily property;
- (3) Church property;
- (4) Exempt

(b) The monthly service fee for a residential property included in the Refuse Program shall equal one (1) UNIT for up to three (3) receptacles; will include single-family detached dwellings, townhomes on a separate parcel, duplexes on separate parcels and condominiums with individual owners.

(c) The monthly service fee for a multi-family residential property shall be the UNIT rate multiplied by the number of residential dwellings located on the property, for up to three (3) receptacles per dwelling.

(d) The monthly service fee for a church property shall be the UNIT rate multiplied by the number of structures located on the property that are assigned a trash receptacle to include, but is not limited to, parsonages, annexes, and activity centers, for up to three (3) receptacles per structure. Church properties have the option to be exempt with proof of commercial service.

(e) The service fee for vacant developed property shall be the same as that for occupied property of the same class.

(f) Undeveloped vacant property shall be exempt from the service fee until such time it is developed.

(h) The charge defined as the UNIT rate is established from time to time by action of the City of Suffolk Council to raise revenues to cover the costs of to provide refuse and recycling services. The rate shall be part of the separate fee schedule ordinance adopted yearly by the City Council and shall be stated as follows: \$ \_\_\_\_\_ per month per UNIT based on twelve months per year.

**Sec. 70-173. Billing and payment, interest, liens.**

(a) All properties included in the Refuse Program shall be rendered bills or statements for refuse and recycling services. Such bills or statements may be combined with the Real Estate Tax Bill levied pursuant to City Code provided that all charges shall be separately stated.

(b) The bills or statements shall include a date by which payment shall be due. All bills for charges prescribed by this article shall be deemed delinquent if not paid in full to the Treasurer by the end of the business day it is due, or the next working day in the event the due date is a City recognized holiday or weekend day.

(c) Billing for the service fee shall be rendered in arrears to all chargeable persons and shall represent charges for each day of the preceding billing period of refuse and recycling service with penalties and interest added as stated on the bill. In the event charges are not paid when due, interest thereon shall commence on the due date and shall accrue at the established rate per annum until such time the overdue payment and interest are paid.

(d) Any delinquent bill shall be collected by any means available to the city. All payments and interest due may be recovered by action at law or suit in equity. Unpaid fees and interest accrued shall constitute a lien against the property, ranking on a parity with liens for unpaid taxes. Records of all unpaid fees and interest, indexed by the name of the record owner of the real estate, shall be maintained in the city Treasurer's Office.

(e) In the event charges are not paid when due, interest thereon shall commence on the due date and accrue at the rate of ten (10) percent per annum until such time as the overdue payment and interest is paid.

(f) When properties are brought into the Refuse Program, fees will be due commencing on July 1, having been prorated from the date of the occupancy permit issued and being noted as a property of record in the annual Landbook.

(g) In the event of alterations or additions to properties in the Refuse Program, which increase the number of billable units, the service fees will be adjusted upon the preparation of the annual Landbook on July 1 on a prorated basis.

(h) In the event of alterations to properties in the Refuse Program, which reduce the number of

billable units, the service fees will be adjusted on December 1 for those alterations occurring between July 1 and December 1. Alterations or adjustments occurring after December 1 shall be adjusted upon the preparation of the annual Landbook on July 1.

**Sec. 70-174. Adjustment of fees, exemptions.**

- (a) Any owner, tenant or occupant who has paid his service fees and who believes his service fees to be incorrect may submit an adjustment request to the director of public works or his designee. Adjustment requests shall be made in writing setting forth, in detail, the grounds upon which relief is sought. Response to such adjustment requests, whether providing an adjustment or denying an adjustment, shall be made to the requesting person by the director of public works or his designee within sixty (60) days of receipt of the request for adjustment.

**Sec. 70-175. Severability.**

The provisions of this article shall be deemed severable, and should any of the provisions hereof are adjudged to be either invalid or unenforceable, the remaining portions of this article shall remain in full force and effect and their validity unimpaired.

This ordinance shall become effective upon passage and shall not be published.

READ AND PASSED: MAY 21, 2025

TESTE: \_\_\_\_\_  
Erika S. Dawley, MMC, City Clerk

