



City of Hampton, Virginia  
Ordinance - Coded

22 Lincoln Street  
Hampton, VA  
23669  
www.hampton.gov

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File Number: 09-0232

Enactment Number: 09-0011

**Ordinance to amend and reenact Chapter 32.1 “Solid Waste”, Article I “In General” and Article II “Collections by the City” to effect necessary “housekeeping” changes and Section 32.1-22 “Refuse containers generally”, Section 32.1-30 “Certain materials not collected” and Section 32.1-33 “Collection from private streets” to clarify certain existing policies and services.**

**ARTICLE I. IN GENERAL**

Sec. 32.1-1. Definitions.

Unless otherwise expressly stated or the context clearly indicates a different intention, the following words and terms shall, for the purposes of this article, have the meanings indicated in this section:

*Bulk waste* shall mean individual items that are not suitable because of size or weight to be placed in approved refuse containers, to include but not limited to appliances, sofas, mattresses, and furniture.

*Business or commercial establishment* shall mean any person, association, partnership, or corporation engaged in manufacturing or in any business, profession or occupation subject to a license tax as set forth in Chapter 18.1 of the City Code.

*CFC's* shall mean chlorofluorocarbons used as coolants for commercial and home refrigeration.

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

*Contractor* shall mean an individual or firm that contracts to perform work.

*Department* shall mean the Department of Public Works, the Director of Public Works, the Superintendent of Public Works or their designee.

*Disposable containers* shall mean ordinary plastic bags suitable for the reception of trash due to their waterproof nature.

*Dumpster* shall mean a metal container of not less than four (4) cubic yards, made of watertight construction, designed and constructed so that it can be emptied mechanically by specially equipped trucks.

*Excess refuse or bulk waste* shall mean any refuse that will not fit into the approved refuse container or bulk waste in excess of ten (10) cubic yards per a single scheduled collection.

*Household hazardous waste* shall mean any residentially produced hazardous chemicals and products that are volatile, reactive, explosive or corrosive to include, but not limited to, paints, stains, sealers, thinners, solvents, charcoal fluids, any automotive fluids, pesticides, lawn and garden chemicals, fertilizers, swimming pool chemicals, oven cleaners, polishes, photo finishing chemicals and chemistry sets. Commercially produced hazardous wastes are not considered household hazardous wastes.

*Leased* shall mean any residential living unit that is leased or rented for occupation by a tenant other than the property owner.

*Multiple residential unit* shall mean any duplex, apartment, group of apartments or condominium used for dwelling places of more than one (1) family.

*Private property* shall mean any dwelling, house, building or other structure, designed or used, either wholly or in part, for private residential, business or other purposes.

*Recyclable* shall mean any material that could be reprocessed for reuse in the same or another form.

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

*Recycling container* shall mean a container approved by the city for use in its system of street side collection of recycling.

*Refuse* means all solid waste products having the character of solids rather than liquids and which are composed wholly or partially of materials such as garbage, trash, rubbish, litter, residues from spills, contaminations or other discarded materials.

*Refuse container* shall mean a container approved by the city for use in its system of street side collection of refuse.

*Residential living unit* shall mean any single-family or multifamily living unit which is considered safe and inhabitable under the health regulations set forth under the Code of Virginia.

*Rubbish* means combustible or slowly putrescible discarded materials which include but are not limited to printed matter, plastic and paper products, rags and other combustible or slowly putrescible materials not included under the term "garbage."

*Scavenge* means the unauthorized or uncontrolled removal of waste materials from a solid waste management facility or from material set out for collection.

*Single residential unit* shall mean a dwelling place commonly referred to as a house, occupied by one (1) family.

*Solid waste* means any discarded material as defined in the Virginia Solid Waste Management Regulations (9 VAC 20-80-140 et seq.)

*Special collection and disposal fee* shall mean an additional collection and disposal fee paid by the property owner, tenant, homeowner, or contractor in advance per truck load for collections not included in the basic collection services provided by solid waste. This fee authorizes a special collection of construction demolition waste, tree debris, or bulk trash in excess of ten (10) cubic yards per week at an individual property by solid waste.

*Street side* shall mean a location adjacent to, and no more than eight (8) feet from, the curb line or edge of the pavement.

*Tree debris* shall mean decomposable materials to include, but not limited to, limbs, wood cuttings, branches, logs, vines, roots, wood chips, bark, shrubs, and tree trunks. Tree debris does not include stumps.

*Waste tire* means a tire that has been discarded because it is no longer suitable for its original intended purpose because of wear, damage or defect.

*Yard waste* means that fraction of municipal solid waste that consists of grass clippings, leaves, brush and tree prunings arising from general landscape maintenance.

### **Sec. 32.1-2. Enforcement of article.**

(a) Until otherwise directed by the city manager and except as otherwise specifically provided in this article, the department shall be responsible for collections provided for in this article and for the enforcement of the provisions of this article. The police and codes compliance departments shall assist in the enforcement of this article.

(b) The city manager shall have the right to shift the responsibility of departments under this article, by written directive, when the interests of good administration so demand.

### **Sec. 32.1-3. Violations of article.**

(a) Any person who violates provisions of this article shall be subject to the following fines:

(1) For the first offense, violators shall receive a written warning.

(2) For the second offense, violators shall be fined fifty dollars (\$50.00).

(3) For the third offense, violators shall be fined seventy-five dollars (\$75.00).

(4) For the fourth offense and subsequent offense, violators shall be fined one hundred fifty dollars (\$150.00).

(5) Each violation shall be counted as a separate violation at the location at which the violation occurs.

(b) The city, or its designee, shall serve the written warning or assessment of fine by either:

(1) Hand delivering the document to the violator or other adult occupying or employed by a business on the property where the violation occurred; or

(2) Posting the document on the front door of the primary structure and mailing, by first class U.S. mail, a copy of the document to the owner/occupant of record at the current mailing address for the property where the violation occurred.

(c) Persons who have been assessed a fine shall have the right to challenge the assessment by providing a written notice to the city manager within ten (10) days of the date of the assessment of the penalty. The city manager or his designee shall determine whether the fine was properly assessed and notify the complaining person in writing of his determination. Should the city manager or his designee determine that the fine was properly assessed, the person may challenge that determination within ten (10) calendar days of receiving the notice of determination by filing an action in court.

(d) The city manager or his designee may waive the penalty if he determines that the violation occurred due to no fault of the person.

(e) The imposition of one (1) penalty for any violation of this article shall not excuse the violation or permit it to continue. When not otherwise specified, each day that prohibited conditions are maintained or allowed to be maintained shall constitute a separate offense.

#### **Sec. 32.1-4. Disposal generally.**

(a) The purpose of this section is to safeguard life, limb, property and public health and the safety and welfare by regulating and controlling the disposal of solid waste and hazardous materials.

(b) It shall be unlawful for any person to deposit solid waste or hazardous materials within the city, without first complying with the zoning ordinance and obtaining a permit from the Virginia Department of Environmental Quality.

**Sec. 32.1-5. Littering.**

(a) It shall be unlawful for any person to dump or otherwise dispose of refuse, litter or other unsightly matter on a public highway, right-of-way, property adjacent to such highway or right-of-way or any other public property, or on private property, without the written consent of the owner thereof or his agent.

(b) When a violation of the provisions of this section has been observed by any person, and the matter dumped or disposed of has been ejected from a motor vehicle, the owner or operator of such motor vehicle shall be presumed to be the person ejecting such matter; provided, however, that such presumption shall be rebuttable by competent evidence.

**Sec. 32.1-6. Repealed.**

**Sec. 32.1-7. General responsibility of owner or occupant of premises to comply with article.**

It shall be the duty of the owner or occupant of any premises within the city to comply with the applicable provisions of this article including payment of any required fees for service or capacity, except where otherwise specifically provided or except where the occupant or owner has, by deed, contract, lease, negotiation, or agreement determined otherwise.

**Sec. 32.1-8. Storage of garbage and refuse on premises.**

It shall be unlawful for refuse to be placed, deposited or allowed to remain on any premises unless placed or kept in metal or plastic containers or dumpsters with tight-fitting covers; and such covers shall be kept on the containers at all times. Plastic or polyethylene bags, if used for on-premise storage of refuse, shall be used as liners in metal or plastic containers with tight-fitting covers; and such covers shall be kept on the containers at all times. This temporary storage of refuse shall be used only until the refuse can be transferred to the approved refuse container by the resident for street-side collection.

**Secs. 32.1-9--32.1-20. Reserved.**

**ARTICLE II. COLLECTIONS BY THE CITY**

**Sec. 32.1-21. Frequency and maximum amount of collections.**

Except as otherwise provided in this article, and except in the case of emergency arising from an act of God or under circumstances over which the department has no control, the department shall collect, or have collected, remove and dispose of all household refuse from premises for which it provides service once weekly and recycling every other week with conditions as set forth below:

(1) In residential sections of the city, the collections shall not exceed the contents of any approved refuse container. No extra bags of refuse will be collected without the approval of the department.

(2) Collection of regular refuse from commercial establishments using approved refuse containers, multiple residential units of less than five (5) separate units, and trailer courts using approved refuse containers shall be made weekly and shall not exceed the contents of any approved refuse container. No extra bags of refuse will be collected without the approval of the department.

(3) A holiday collection schedule shall be announced by the department for those holidays that fall on a regularly scheduled collection day.

**Sec. 32.1-22. Refuse containers generally.**

(a) Approved refuse containers issued by the city shall remain the property of the city and shall not be removed from the property they were assigned to without approval by the department.

(b) One (1) approved refuse container shall be provided by the city at no cost to a homeowner occupied residential living unit or a multiple residential unit or trailer court of less than five (5) separate units. For a leased residential unit the landlord or tenant shall purchase all approved refuse containers for the property. The maximum number of approved refuse containers allowed at any homeowner occupied residential living unit or a multiple residential unit or trailer court of less than five (5) separate units shall be two (2). All approved refuse containers for a business or commercial establishment that receives city collection service shall be purchased by the owner of the property. The maximum number of approved refuse collection containers allowed at a business or commercial establishment shall be four (4).

(c) Additional approved refuse containers, not to exceed the maximum number allowed, may be purchased from the city at the current replacement cost as established by the department.

**Sec. 32.1-23. Maintenance of refuse containers.**

It shall be the responsibility of the owner or occupant of the premises to maintain all approved refuse containers in their possession in clean condition and good repair. Each approved refuse container shall be equipped with a proper fitting lid. All approved containers used for the deposit of refuse under the provisions of this article shall be cleaned or disinfected by the resident of the dwelling to whom the approved container is assigned as often as may be needed.

**Sec. 32.1-24. Replacement of lost, stolen or defective refuse containers.**

(a) The department shall have the authority to require the replacement of any approved refuse container that is unserviceable or damaged as to hinder the effective street-side collection process. Failure to replace an unserviceable

approved refuse container within ten (10) days after notification by the department will be justifiable cause to cease providing refuse collection service.

(b) Any approved refuse container that is damaged or destroyed through the negligence or misuse of the city or through normal wear and tear shall be replaced at the expense of the city. The department shall have the authority to determine, in each case of damage, whether the damage is sufficient to require replacement or repair.

(c) In cases of loss or damage of the approved refuse container due to the negligence of the resident or by a third party, replacement shall be the responsibility of the homeowner. In cases of hardship, the city manager or his designee shall have the authority to waive the fee for replacement. In determining hardship, the city manager shall be assisted by the department of Human Services.

**Sec. 32.1-25. Placement for collection generally.**

(a) All refuse and recyclables shall be placed in an approved container for collection. The approved refuse and recycling container, yard waste, bulk waste and tree debris shall be placed at street-side for collection purposes. The collection schedule for the city shall be announced by the department. If the approved refuse or recycling container, yard waste, bulk waste, or tree debris is not street-side at collection time, this will indicate no service is needed on that date. Yard waste prepared for collection, as prescribed in section 32.1-27, bulk waste, and tree debris shall be placed at street-side on the same scheduled collection day as established for the collection of the approved refuse container.

(b) The approved refuse and recycling containers shall be placed no more than three (3) feet from the street for collection. They shall be placed no closer than ten (10) feet from parked vehicles and three (3) feet from all other objects with the arrows on the lid facing the street.

(c) The approved refuse container, recycling container, yard waste, and bulk waste and tree debris shall be placed street-side no earlier than 3:00 p.m. on the date before the scheduled collection day and any approved containers shall be removed from street-side no later than midnight on the day of collection. No approved refuse container, recycling container, yard waste, bulk waste, or tree debris shall be left on a lot or piece of property in front of a line parallel to the front of the structure on the property, except during the period provided for herein, when the approved refuse container, yard waste, bulk waste, tree debris, or recycling container is at street side for collection purposes. Bulk waste, tree debris, and yard waste (including bagged grass and leaves), as permitted by sections 32.1-26 and 32.1-27, shall be subject to the same regulations with regard to placement as the approved refuse container or recycling container. Violations of this subsection should be reported to the department or other office as may be designated by the city manager. Upon receiving a complaint, such office shall investigate such complaint, and, if a violation is determined, such office shall fine the violator in accordance with Section 32.1-3.

**Sec. 32.1-26. Bulk waste collection.**

(a) The city shall provide collection of bulk waste, as defined in section 32.1-1, to occupied dwellings receiving regular refuse collections service from the city and subject to the conditions established in this chapter of the city code and in accordance with a collection schedule established by the department. Bulk waste shall be placed street-side, free from low power lines, fences, poles, low branches, parked vehicles or other conditions which would hamper collection. If such bulk waste is not prepared for collection as herein required or is in excess of the 10 cubic yard bulk waste limit as defined in section 32.1-1, its disposal shall be the responsibility of the owner or occupant of the premises themselves or by payment of the special collection and disposal fee. Placement and set out times shall be in accordance with section 32.1-25.

(b) The occupant of the premises shall be responsible to see that doors of refrigerators, freezers and iceboxes or other containers are removed in order to comply with section 24-38 of the City Code.

(c) Bulk waste collection shall be provided to residential living units, trailer courts, multiple residential units, and business or commercial establishments that receive city collection service, per a collection schedule established by the department and fee schedule established by the city council.

**Sec. 32.1-27. Preparation and placement of yard waste, tree debris, cuttings, etc.**

Leaves, grass clippings and other yard waste as defined in section 32.1-1, shall be placed in clear plastic bags free of refuse and other waste. Bags shall not be overloaded beyond capacity. Tree debris too large to be placed in clear plastic bags must be placed street-side, free from low power lines, fences, poles, low branches or other conditions which would hamper collection. If such material is not prepared for collection as herein required, in an orderly pile free of refuse, bulk waste or bagged yard waste, its disposal shall be the responsibility of the owner or occupant of the premises. Such tree debris shall be no longer than eight feet (8) and no more than six (6) inches in diameter subject to the placement and set out times prescribed in section 32.1-25.

**Sec. 32.1-28. Disposal of waste tires.**

(a) Passenger vehicle waste tires shall be collected curbside from residential living units only. Residential living units are allowed to place up to five (5) passenger vehicle tires at the curb for disposal twice each calendar year. All other waste tires must be disposed of in accordance with applicable state and federal laws and regulations.

(b) Waste tires shall not be placed in approved refuse containers destined for disposal at the city-operated refuse burning facility or any other waste disposal facility.

**Sec. 32.1-29. Special preparation of certain materials.**

(a) Hypodermic instruments shall not be placed in an approved refuse container or disposable container before first breaking, disassembling, destroying or otherwise rendering the same inoperable and incapable of reuse. Such

instruments or devices shall be further safeguarded by wrapping or securing the instrument so as to avoid the possibility of causing injury to the collection personnel.

(b) All pressurized cans shall be released of all pressure before being deposited in an approved refuse container for collection by the city or any private collection agency.

(c) All broken glass or any type of glass that may cause injury to refuse collection personnel shall be separately wrapped to prevent injury and placed in the approved refuse collection container for collection.

(d) All pesticide containers and other poisonous containers shall be emptied and rinsed according to the manufacturer's label directions before being placed in the approved refuse collection container for collection.

**Sec. 32.1-30. Certain materials not to be collected.**

(a) Poisons, acids, caustics, manure, human excreta, explosives, barrels, drums, compressed gas cylinders, tanks, and other dangerous materials or substances such as soil, loam, and other substances that may accumulate as a result of repairs to yards, will not be collected by the city. Nor shall any refuse from an overflowing approved refuse container, piles of mixed refuse, bulk waste, yard waste, or tree debris or other materials or loose or dangerous refuse be collected by the city.

(b) Industrial waste shall not be collected by the city, but shall be collected, removed and disposed of by the operator of the factory, plant or enterprise creating or causing the same in accordance with regulations promulgated by the city manager.

(c) Construction demolition waste and tree debris generated under contract between the owner/occupant and another individual or party shall not be collected or disposed of by the city and shall be collected, removed and disposed of by the individual party with which contracted or, in the event of his failure, by the owner/occupant of the property; unless the contractor, property owner, or tenant pays the special collection and disposal fee per truck load in advance as established by the city council. The special collection and disposal fee authorizes collection of debris including, but not limited to, construction demolition waste and tree debris.

(d) Construction demolition waste shall not be collected, removed, or disposed of by the city but shall be the responsibility of the owner of the property unless; the property owner or tenant pays the special collection and disposal fee per truck load in advance as established by city council. The special collection and disposal fee authorizes collection of debris including, but not limited to, construction demolition waste and tree debris.

(e) Disposal of five (5) self hauled pick-up truck loads of construction demolition waste is permitted at the landfill at no charge to the property owner or tenant with the tipping fee being charged to the department at the current city tipping fee rate

only if the property owner or tenant who is doing construction or remodeling meets the following conditions:

- (1) The property owner or tenant must have a current, paid, and valid building permit issued by the City of Hampton for the construction or renovations being done;
- (2) The permit must show the contractor doing the construction as "self" on the permit and all construction demolition waste must be self hauled;
- (3) The property owner or tenant must provide current identification upon disposal of the construction demolition waste. The addresses on the building permit and the identification provided shall be the same or disposal shall be denied unless the property owner or tenant chooses to pay the current public tipping fee set by the landfill.

**Sec. 32.1-31. Material not to be collected from certain premises.**

(a) All collections of refuse material by the city shall be made from street side, except as otherwise provided in this article. Collections will not be made from premises situated on streets which are not passable for collection trucks, private streets and lanes nor shall any collection be made from basements, garages, enclosed porches or the interior of any building.

(b) City refuse collectors are not required to collect from premises where the provisions of this article are violated. The failure to collect any bulk waste, tree debris, or refuse from the premises because of a violation of the provisions of this article shall not relieve the person responsible for such violation from prosecution and penalty therefore.

**Sec. 32.1-32. Non-street side collection.**

Any user of the city provided refuse and recycling collection service, having an address on a public street, who is physically incapacitated so as to prevent such person from placing the approved refuse container or recycling container at street-side for collection purposes may obtain non-street side collection of refuse or recyclables by obtaining the approval of the department. Application for non street-side collection must be made annually and supported by medical documentation of the physical incapacitation and approved by the department.

**Sec. 32.1-33. Collection from private streets.**

(a) In the case of private streets, the department shall review the street and determine whether or not city refuse collection vehicles can reasonably obtain access to approved refuse containers and that the infrastructure in place can accommodate city collection vehicle traffic. The department shall designate where and when the approved refuse containers are to be placed for collection.

(b) In the event it is determined by the department that reasonable access is not possible, the department shall designate a central location where all the

approved refuse containers shall be placed for collection purposes. It shall be the responsibility of the residents, in such case, to place the approved refuse or recycling containers in the central location selected by the department.

(c) In the event the city collects refuse material along a private street or road, the city shall not be responsible for damage by collection vehicles or maintenance of such street or road.

**Sec. 32.1-34. Collection from trailer courts.**

In the case of trailer courts, the department shall review the trailer court and determine whether or not city refuse collection vehicles can reasonably obtain access to approved refuse and recycling containers. If access is possible, the city shall require of the trailer court owner a hold harmless agreement. The agreement shall protect the city from any claim or cause arising out of damage to property of the trailer court located in or on the private roadway used by the city's collection vehicle. The agreement shall also protect the city from any claim of damage to the private roadway resulting from the use thereof for collection purposes. The agreement shall be approved by the city attorney. The department shall designate where and when the approved refuse and recycling containers are to be placed for collection.

In the event it is determined by the department that reasonable access is not possible, the department shall designate a central location where all the approved refuse or recycling containers shall be placed for collection purposes. It shall be the responsibility of the residents, in such case, to place the approved refuse or recycling containers in the central location selected by the department.

**Sec. 32.1-35. Dumpster service.**

(a) Dumpster service may be rendered by the city to business or commercial establishments, multiple living units of five (5) or more separate units constructed for individual ownership, and such service can be provided from a public street or other location approved by the department. Fees for this service shall be set by city council. The minimum dumpster size shall be four (4) cubic yards. Collection and disposal of refuse not collected by the city shall be the responsibility of the property owners through the use of dumpsters or other means approved by the department.

(b) It shall be the responsibility of the owner of any premises served by a dumpster box to maintain such box in clean condition and good repair. Each dumpster box shall be watertight and shall be equipped with a proper lid or top so that it may be fully closed. If dumpster service is provided, residents will be responsible for placing their refuse in the dumpster box. Such dumpster box shall be placed in a location approved by the department.

**Sec. 32.1-36. Collection of recyclable materials.**

All occupants of residential living units and business or commercial establishments receiving city collection services, shall separate and make available for collection and recycling such categories of solid waste which are designated by the department.

- (1) *Recycling containers generally.*
  - a. Only recycling containers, approved for use by the department, shall be used for the collection of recyclables.
  - b. One (1) approved recycling container shall be provided by the city without charge. Ownership of the approved recycling container remains with the city, and it shall not be removed from the premises to which assigned. Subsequent replacement of approved recycling containers, due to loss or damage attributable to the owner or occupant of the property, shall be the responsibility of the owner or occupant of the property to which the approved recycling container is assigned.
  - c. One (1) additional approved recycling container may be provided by the city upon request by the owner or occupant with proof of need due to regular volumes of recyclable materials exceeding capacity of single container and will be serviced according to the provisions of this article.
- (2) *Placement of the approved recycling container; frequency of collection.*
  - a. The approved recycling container shall be placed street side in accordance with the requirements for approved refuse containers in section 32.1-25, no closer than three (3) feet from the approved refuse container for collection.
  - b. The approved recycling container shall be placed out for collection and removed once the collection is completed, in accordance with section 32.1-25 of this chapter.
  - c. Non-street side collection of the approved recycling container for any person physically incapacitated so as to prevent such person from placing the approved recycling container street side for collection purposes shall be in accordance with section 32.1-32 of this chapter.

**Sec. 32.1-37. Recycling commercial reports.**

- (a) All business or commercial establishments, as defined in this chapter, shall be required to file an annual commercial recycling report with the department. Any business or commercial establishment that utilizes city collection service shall be exempt from this commercial reporting requirement, because the information can be gathered directly from service users.
- (b) The annual report shall cover the twelve-month period beginning January 1 and ending December 31, and shall be submitted no later than forty-five (45) days from the end of such period.
- (c) The annual report shall contain:

- (1) The name, address, and telephone number of the commercial establishment on whose behalf this report is filed;
  - (2) The name, address, and telephone number of an individual who may be contacted on behalf of such commercial establishment; and
  - (3) The total quantity, in tons, of solid waste recycled by such commercial establishment during the twelve-month reporting period.
- (d) All quantities of solid waste required to be recycled shall be measured by weight, in tons. When a business or commercial establishment is unable to accurately determine quantity by weight, such quantities shall be reported based upon carefully estimated data. Each report shall identify all information which is based upon estimated data, and the basis of measurement used for such estimate.
- (e) The reporting requirements of section 32.1-37 shall not include any information of a proprietary nature, defined as information, the disclosure of which would result in compromise of a trade secret or have a direct economic advantage to a competitor of such commercial establishment. Where any business or commercial establishment fails to report any information otherwise required hereunder based upon an assertion that the information is of a proprietary nature, the business or commercial establishment shall specify in the annual report the nature of the information withheld and the basis for the determination that such information is of a proprietary nature. The department may examine such assertion and reasons therefore, and, if the department determines there is no reasonable basis for such assertion shall advise such business or commercial establishment in writing, after which the penalties assessable under section 32.1-3 herein may be imposed.
- (f) Failure to timely comply with the reporting requirements of section 32.1-37 of this chapter shall be punishable by a civil penalty in accordance with section 32.1-3. Each day of any violation under section 32.1-37 shall constitute a separate punishable occurrence. No criminal penalties shall be imposed for such violations.

**Sec. 32.1-38. Scavenging of refuse or recycling containers.**

It shall be unlawful to scavenge, remove, alter, or otherwise tamper with any item, material, or object either contained in or attached to the approved refuse or recycling container placed street side for collection without the approval of the of the department.

**Sec. 32.1-39. Establishment of fees for solid waste service.**

- (a) The city council shall establish solid waste user fees. All households within the city eligible for city collection service shall be subject to the solid waste user fees established by the city council. All solid waste user fees shall be approved by the city council prior to implementation and may include any or all of the following:

- Special collection and disposal fees.
- Residential collection and disposal fees.
- Commercial refuse collection and disposal user fees.
- Dumpster service rental, collection and disposal fee.
- Landfill and steam plant tipping fees.
- Bulk waste collection and disposal fees.
- Excess refuse and bulk waste collection and disposal fees.
- Yard waste collection and disposal fees.
- CFC collection fees.
- Waste tire collection and disposal fees.
- Household hazardous waste collection and disposal fees.

(b) The city council shall have the authority to establish and/or change user fees as required during the annual budget process.

(c) All solid waste user fees shall be billed by the department, or its designee.

(d) Any fee for solid waste service in addition to the solid waste user fee shall be set and approved by city council. In the event that any fee in addition to the solid waste user fee is not approved by city council, the department may either choose to make the collection at no cost or choose to not provide that collection service.

**Sec. 32.1-40. Exemption for elderly and disabled persons.**

Solid waste user fee relief shall be provided to qualified applicants at least sixty-five (65) years of age or anyone found to be permanently and totally disabled as defined in Virginia Code Section 58.1-3217, provided the applicant's income meets the restrictions and conditions imposed by the income criteria set forth in Virginia Code section 58.1-3211. Administration and application for relief from the solid waste user fee shall be the responsibility of the commissioner of revenue. The commissioner of revenue shall certify that a person is qualified for relief to the department providing the percentage of tax liability for each qualified person. The department shall reduce the solid waste user fee accordingly.

Adopted at the regular meeting of the City Council of the City of Hampton, Virginia held on August 12, 2009.

**Signed by** \_\_\_\_\_ **Date** \_\_\_\_\_  
Molly Joseph Ward, Mayor

**Attested by** \_\_\_\_\_ **Date** \_\_\_\_\_  
Katherine K. Glass  
Clerk of the Council

