

Chapter 85GARBAGE, RUBBISH, REFUSE AND SOLID WASTE MANAGEMENT

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Adopted by the Town Council of the Town of Front Royal 3-11-85 (*Chapter 13 of the 1965 Code including the following amendments 12-14-70; 8-23-71; 2-28-72; 7-28-75; 8-23-76; 7-25-77; 5-29-79; 7-28-80; 6-13-83 by Ord. No. 4-83 and 6-25-84 by Ord. No. 8-84*). Other amendments noted where applicable.

GENERAL PROVISIONS**85-1 DUMPING ON PUBLIC OR PRIVATE PROPERTY**

It shall be unlawful for any person to dump or otherwise dispose of trash, garbage, refuse or other unsightly matter on a public street, right-of-way or on private property without the written consent of the owner thereof or his agent. When a violation of the provisions of this section has been observed by any person, and the matter dumped or disposed of on the street, right-of-way or private property has been ejected from a motor vehicle, the owner or operator of such motor vehicle shall be presumed to be the person ejecting such trash, garbage, refuse or other unsightly matter, provided that such presumption shall be rebuttable by competent evidence. Any person convicted of a violation of this section shall be guilty of a Class 3 misdemeanor and punished in accordance with the provisions of Section 1-15, General Penalty, and Section 85-11 of this Code.

(Ord. No. 16-02 Amended 8-26-02-Effective Upon Passage)

(Ord. No. 14-06 Amended 11-27-06-Effective Upon Passage)

85-2 COLLECTION AREAS AND DAYS

Garbage, ashes, recyclable materials, yard waste and trash shall be collected in such areas of the Town and upon such days as may be directed by the Town Manager. Solid Waste collection trucks shall each collect on the route only once on each scheduled day, and shall not thereafter return for additional collections.

(Ord. No. 16-02 Amended 8-26-02-Effective Upon Passage)
(Ord. No. 14-06 Amended 11-27-06-Effective Upon Passage)

85-3 COLLECTION CHARGES

A. The owner or occupant of each residential unit, office, retail and wholesale business, church, public building, and any other building or unit, provided such structure is connected to the Town's water and sewer system, whether using or not, shall pay a charge to the Town for its collection of solid waste. The owners or occupants of such structures which are not so connected to the water and sewer system may request and pay for refuse collection services from the Town. The collection charge shall be three hundred and 00/100 dollars (**\$300.00**) per month for every customer who requires twice weekly pickup service on container larger than six (6) cubic yards; and two hundred fifteen and 00/100 dollars (**\$215.00**) per month for every customer who requires once weekly pickup service on a container larger than six (6) cubic yards; an additional monthly charge of fifty-eight and 00/100 dollars (\$58.00) for tipping fees per pickup of a commercial dumpster; twenty-six and 00/100 dollars (\$26.00) per month for each ninety-six (96) gallon container per commercial customer each week; fourteen and 10/100 dollars (**\$14.10**) per month for each ninety-six (96) gallon container per customer each week; and twelve and 00/100 (**\$12.00**) dollars per month for each thirty-two (32) gallon container per customer each week.

(Ord. No. 4-88 Amended 6-27-88-Effective 7-1-88 ; Ord. No. 10-90 Amended 6-29-90-Effective 7-1-90)
(Ord. No. 13-91 Amended 6-10-91-Effective 7-1-91 ; Ord. No. 6-92 Amended 6-8-92-Effective 7-1-92)
(Ord. No. 8-94 Amended 6-13-94-Effective 7-1-94 ; Ord. No. 4-96 Amended 5-13-96-Effective 7-1-96)
(Ord. No. 9-98 Amended 6-22-98-Effective 8-1-98 ; Ord. No. 16-02 Amended 8-26-02-Eff. Upon Passage)
(Ord. No. 14-06 Amended Wording 11-27-06-Eff. Up. Pass ; Ord. No. 9-07 Amended 6-25-07-Effective 7-1-07)
(Ord. No. 12-07 Amended 9-10-07-Effective Upon Passage ; Ord. No. 8-08 Amended 9-22-08-Effective 1-1-09)
(Ord. No. 9-09 Amended 8-10-09-Effective 9-1-09 ; Amended Rates 6-10-13-Effective 7-1-13)
(Amended rates 6-13-16-Effective 7-1-16)

B. Collection charges shall be paid and processed in accordance with the provisions contained in Section 134-71 of this Code.

(Ord. No. 5-98 Amended 2-23-98-Effective Upon Passage)

C. In the event that any retail or wholesale business, residential unit, office, church, public building or establishment is not occupied or used for more than one (1) month, the owner or occupant thereof shall be relieved during the vacancy or nonuse from the payment of the monthly charge, provided that the owner notifies the Town of Front Royal, in writing, of the vacancy or nonuse upon forms to be furnished by the Town. Owner or occupant must notify the Town of Front Royal, in writing, when he wishes collection of garbage, ashes and trash to be resumed. Any person making a false statement to avoid payment of the collection charge shall be guilty of a misdemeanor. (Ord. No. 14-06 Amended (C) 11-27-06-Effective Upon Passage)

D. In the event that the owner or occupant of any retail or wholesale business, residential unit, office, church, public building or establishment shall exhibit to the Town Treasurer a signed written contract with a private garbage collection business, providing for the collection of garbage, ashes and trash, then said owner or occupant shall be relieved of the payment of any of the aforementioned monthly fees for the term of said contract.

E. The Town shall provide "On-Call Collection" of large items or large quantities of items to existing residential customers as follows:

1. Individuals shall establish a work order for collection and schedule collection with the Department of Environmental Services prior to placing material.
2. Individuals shall identify the type and quantity of items to be collected, so that the Town may dedicate the necessary forces for collection. Items not acceptable for disposal, such as those identified in Section 85-10(E), or other items, such as, but not limited to, computer monitors, items containing mercury such as thermometers, sofas containing hideaway beds, recliners, items not readily crushable by the Town's mechanical refuse crushers, railroad ties, bricks, rocks, wooden or metal fencing, yard waste including tree limbs, roots, root balls, and stumps, air or propane tanks, swing sets, porch swings, picnic tables, and other items (however, yard waste items may be collected on a not on-call basis in accordance with the procedures established in Section 85-4 of the Town Code) determined by the Director of Environmental Services to be unacceptable shall not be collected as part of this program. All items to be collected, except furniture and appliances, shall be bagged in plastic or cloth bags, not to exceed fifty-five (55) gallons. All items to be collected shall be placed within the Right-of-Way, but items shall not be placed on the street or sidewalk. The Town shall not enter private property for On-Call Collection.
3. There will be no fee for the first collection work order per customer per calendar year containing twenty (20) or fewer bags, not exceeding fifty-five (55) gallons per bag, of bagged items to be collected, plus five (5) pieces of furniture determined by the Department of Environmental Services, as readily crushable by the Town's mechanical refuse crusher, or household appliances not containing Freon or mercury. For a second collection work order per customer per calendar year, the fee is \$25.00. For a third and all subsequent collection work orders per customer per calendar year, the fee is \$50.00.
4. For the first collection of unbagged items, and/or for collection of more than twenty (20) bags or five (5) furniture items of other acceptable items for collection, not otherwise eligible for collection pursuant to (3.) above, per customer per calendar year, there shall be a fee of Four Hundred Dollars (\$400.00) per hour. For a second collection of unbagged items and/or second collection of more than twenty (20) bags or five (5) furniture items or other acceptable items for collection, not otherwise eligible for collection pursuant to (3.) above, per customer per calendar year, there shall be a fee of Six Hundred Dollars (\$600.00) per hour. For a third or subsequent collection of unbagged items and/or a third or subsequent collection of more than twenty (20) bags or five (5) furniture items of other acceptable items for collection, not otherwise eligible for collection pursuant to (3.) above,

per customer per calendar year, there shall be a fee of Eight Hundred Dollars (\$800.00) per hour.

5. Items containing Freon or other refrigerants, such as refrigerators, freezers, air conditioners, and dehumidifiers shall be subject to an additional fee of \$15.00 per item for the recovery of such refrigerants from the device.
6. Tires without rims shall be subject to a collection fee of \$2.00 per tire; tires with rims shall be subject to an additional fee of \$4.00 per tire for the Town's additional time and labor involved in separating the tires from the rims.
7. For purpose of §85-3(E) only, placement of bagged material or furniture compliant with this Code Section shall not constitute a violation of Town Code §142-4 for residential customers with an established, open On-Call Collection work order obtained through the Department of Environmental Services to place items for collection within the Town Right-of-Way so long as no such items placed obstruct the traveled portion of any street or sidewalk, and so long as access by the Town is not blocked or impeded. Placement of any material intended for collection through the On-Call Collection Program prior to establishing a work order shall constitute a violation of Town Code §142-4 and shall be subject to enforcement action and punishment as permitted by the Town Code.

(Added (E) 10-23-06-Effective 1-1-07 ; Amended Entire (E) 6-11-12-Effective 7-1-12)
(Amended Entire (E) 10-1-21-Effective Upon Passage)

85-4 DISPOSITION OF TREE CUTTINGS, YARD WASTE, AND BUILDING MATERIAL

A. Tree and/or brush cuttings shall be reduced to a maximum of five (5) foot lengths, and shall be bundled with rope or heavy twine or placed separately in garbage cans, not to exceed 32 gallons in size, and shall weigh no more than fifty (50) pounds.

B. Yard waste, to include grass clippings, may be placed in the same area as garbage or other refuse for curbside pickup by the Town PROVIDED such material is placed in paper or other biodegradable bags or in garbage cans, not to exceed 32 gallons in size or fifty (50) pounds in weight. In addition, such material shall not be mingled with garbage, ashes and trash. The Town will refuse service for this category of material to any citizen who uses plastic bags, or who mixes it with other waste, and it shall thereafter be the responsibility of the citizen who has violated these rules to dispose of such material. No more than ten (10) bags or 32-gallon containers of yard waste shall be collected from each residence on a single day.

(Ord. No. 14-06 Amended (B) 11-27-06-Effective Upon Passage)
(Ord. No. 8-09 Amended (B) 6-13-09-Effective Upon Passage)

C. Rejected building materials shall not be put out for collection.

(Ord. No. 14-06 Added (C) 11-27-06-Effective Upon Passage)
(Ord. No. 16-02 Amended Title (4) & Content 8-26-02-Effective Upon Passage)

85-5 HOURS FOR PLACEMENT AT CURB

Containers, as provided in Section 85-8, for garbage, ashes or trash, as well as containers for recyclable materials and for yard waste, shall be placed at the street side of the curb on the day of collection before 6:30 AM or after 7:00 PM the night before. Solid waste shall not be set out after the collection truck has passed. It shall be unlawful to place such containers in such a manner that access to them from the collection truck and Town workers is blocked or impeded by any vehicle or other obstruction. Customers shall remove the containers from the town right-of-way before 7:00 AM the day after collection.

(Ord. No. 16-02 Amended 8-26-02-Effective Upon Passage)

(Ord. No. 14-06 Amended 11-27-06 -Effective Upon Passage)

85-6 ADDITIONAL CHARGE FOR ENTRY ONTO PRIVATE PROPERTY FOR COLLECTION

When any person not less than sixty-five (65) years of age or permanently and totally disabled requests in writing that the Town solid waste collection equipment or personnel enter upon private property for the purpose of making such collection, the customer making such request shall pay an additional collection charge of five dollars (\$5.00) per month, which shall be added to and collected with the regular solid waste collection charge, and the Town solid waste collection personnel shall enter the private property for the purpose of such collection. In addition, at the discretion of the Director of Public Works, Town solid waste equipment and/or personnel may make curbside collection of the solid waste of any person, regardless of age or ability, whose property does not front on a Town-maintained street and who requests curbside solid waste collection in writing and pays the additional collection charge of five dollars (\$5.00) per month; provided that such person places such solid waste for collection at the front lot line at such non-Town-maintained road on the appropriate day and in the appropriate container provided in this Chapter.

(Ord. No. 16-02 Amended 8-26-02-Effective Upon Passage)

(Ord. No. 5-05 Amended 3-14-05-Effective Upon Passage)

(Ord. No. 14-06 Amended 11-27-06 -Effective Upon Passage)

85-7 COMPLIANCE REQUIRED

Deposits for collection and collection by the Town trucks of solid waste shall be subject to the provisions of this chapter. Any matter set out for collection which does not comply with the provisions of this chapter will not be collected by the town, but shall be removed by the owner or tenant.

(Ord. No. 14-06 Amended 11-27-06-Effective Upon Passage)

85-8 SUITABLE CONTAINERS DESIGNATED

For the purpose of this chapter, a suitable container for all refuse and garbage containing, or which contained, animal or vegetable matter subject to decay or fermentation, and trash, paper,

ashes and other matter not subject to decay or fermentation, shall be a container provided by the Town to each customer, unless specifically exempted by the Director of Public Works. Containers shall be 96-gallon capacity unless that size container poses a hazard or unusual inconvenience for the worker or customer. In either event, and with the approval of the Director of Public Works, the Town shall provide 32 gallon containers to the customer. All items placed in the container must be bagged. The container and its contents shall not exceed fifty (50) pounds for the thirty-two (32) gallon container, and one hundred fifty (150) pounds for the ninety-six (96) gallon container. All solid waste set out for collection shall be placed in proper containers. The Town shall not collect items not placed in the proper containers. Customers are required to keep containers sufficiently clean to control odors and vermin.

(Ord. No. 16-02 Amended & Repealed (B) 8-26-02-Effective Upon Passage)

(Ord. No. 14-06 Amended 11-27-06-Effective Upon Passage)

85-9 (RESERVED)

(Ord. No. 16-02 Repealed Section 8-26-02-Effective Upon Passage)

85-10 RESTRICTIONS

A. Containers for refuse, garbage, trash, paper, ashes and other like waste material, as required in this chapter, shall not be filled more than level with the brim.

B. Covers on all containers, as required in this chapter, shall be kept in place except when filling or emptying.

C. No liquid shall be placed in any container required in this chapter.

D. Hot ashes shall not be placed in any combustible containers required under the provisions of this chapter.

E. The Town shall not collect unauthorized or dangerous items including but not limited to, medical waste, construction debris, automotive parts, hazardous waste, controlled waste, items that may contain asbestos, bio-hazardous material, petroleum products, computer monitors or items contaminated with petroleum, explosives, and reactive chemicals. The property owner shall be responsible for the disposal of such items.

(Ord. No. 16-02 Added (E) 8-26-02 -Effective Upon Passage)

(Ord. No. 14-06 Amended (E) 11-27-06-Effective Upon Passage)

F. Individuals shall place all solid waste within suitable sealed bags prior to placement in containers. If waste scatters because an individual did not secure waste in a bag, the individual/property owner is responsible for the scattered material, and may be charged with littering.

(Ord. No. 14-06 Added (F) 11-27-06-Effective Upon Passage)

85-11 SEPARATION; VIOLATIONS AND PENALTIES

A. Purpose. The purpose of this Article is to provide the Town of Front Royal with a basis for the effective recycling of solid waste and the development and implementation of the Solid Waste Management Plan.

B. Definitions. As used in this Article, the following terms shall have the meanings indicated:

RECYCLING - The process of separating a given waste material from the waste stream and processing it so that it is used again as raw material for a product, which may or may not be similar to the original product.

SOLID WASTE - Any garbage, refuse, sludge and other discarded material, including solid, liquid, semisolid or contained gaseous material, resulting from industrial, commercial, residential, mining and agricultural operations or community activities, but does not include solid or dissolved material in domestic sewage; 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 source, special nuclear or by-product material as defined by the Federal Atomic Energy Act of 1954, as amended.

C. Collection and recycling. All occupants of residences and all businesses which are operated for a profit shall separate and make available for collection and recycling such categories of solid waste as are designated by and in such manner as is required by the Town of Front Royal Solid Waste Management Plan promulgated in accordance with the regulations of the Commonwealth of Virginia Department of Waste Management. The provisions of the Town of Front Royal Solid Waste Management Plan shall supersede and take precedence over conflicting provisions, if any, contained in Chapter 85, Article 1, to include but not be limited to any conflicting provisions pertaining to garbage and refuse containers.

D. Nothing in this Article shall affect the right of any person to sell or otherwise dispose of solid waste material as provided in Virginia Code Section 15.2-933 or which may be permitted under any law of the Commonwealth of Virginia.

(Ord. No. 16-02 Amended (D) 8-26-02-Effective Upon Passage)

E. Nothing in this Article shall impose any liability upon an apartment or commercial office building owner or manager for failure of the tenants to comply with any provisions of the Article, nor shall this Article impose any liability upon any solid waste hauler for the failure of its customers to comply with the provisions of this Article.

F. A civil fine of not more than one thousand dollars (\$1,000.) may be imposed for violations of the provisions of this Article and the requirements of the Town of Front Royal Solid Waste Management Plan.

G. Penalties for misdemeanor violation of this Chapter shall be as follows:

1. Failure to remove solid waste containers from Town right-of-way: \$10.00 per day of non-compliance after third violation notice.
2. Failure to separate recyclable materials: \$10.00 per occurrence after third violation notice.
3. Failure to maintain containers in a clean and sanitary condition, free from odor, flies or vermin: \$25.00 per occurrence after third violation notice.
4. Failure to bag solid waste placed in containers: \$25.00 per occurrence after third violation notice.
5. Late placement of solid waste materials at curbside: \$25.00 per occurrence after third violation notice.
6. Inclusion of hazardous, infectious or medical wastes in household solid waste containers: \$500.00 per occurrence.
7. Other violations of this Chapter: \$25.00 per occurrence after third violation notice.

(Ord. 9-91 Added Entire Article/Section 3-25-91-Effective Upon Passage)

(Ord. No. 14-06 Added (G)/Changed Title/Removed Article Name 11-27-06-Effective Upon Passage)

85-12 REPORT

A. All companies which collect, store, treat, transport or dispose of solid waste which is generated within the Town of Front Royal shall submit an annual report to the Front Royal Town Manager or his designated agent.

B. Each annual report required hereunder shall include the following information for the period covered by the report:

1. The name and address of the reporting party.
2. The total quantity of solid waste collected, stored, treated, transported or disposed of and the total quantity of solid waste recycled by the reporting party.
3. The date of the report and the period of time covered by the report.

C. The total quantity of solid waste and the total quantity of recycled solid waste reported hereunder shall be based on the actual volume or weight of the solid waste and/or recycled solid waste. Where actual volume or weight cannot be accurately determined, the volume or weight may be reported using carefully estimated data. Each report shall include a statement of the basis for the reported data, e.g., measurement of volume, measurement of weight or estimation and the basis for the estimation.

D. Nothing hereunder shall be construed to require any party to report information of a proprietary nature. In the event that any party fails to report information otherwise required hereunder based on that party's determination that the information is of a proprietary nature, the party shall specify in its report the general nature of the information withheld and the basis for its determination that said information is proprietary.

E. The total quantity of recycled solid waste included in the report shall mean only those solid wastes which were generated within the Town of Front Royal and then recycled.

(Ord. 9-91 Added Entire Article/Section 3-25-91-Effective Upon Passage)

(Ord. No. 14-06 Removed Article Name 11-27-06-Effective Upon Passage)