

ORDINANCE NO. 3021

AN ORDINANCE to amend and reordain Section 5-1-2, Article A, Section 5-1-51, Article E; to amend Article F by adding two new sections thereto, numbered 5-1-73 and 5-1-74; and to amend and reordain Section 5-1-87, Article G; all of Chapter 1, Title 5 of The Code of the City of Alexandria, Virginia, 1981, as amended; which Title 5 relates to TRANSPORTATION AND ENVIRONMENTAL SERVICES, which Chapter 1 relates to SOLID WASTE CONTROL, which Article A relates to GENERAL PROVISIONS, which Article E relates to PRIVATE COLLECTORS, which Article F relates to SOLID WASTE DISPOSAL, which Article G relates to MISCELLANEOUS PROVISIONS, which Section 5-1-87 relates to PENALTY FOR VIOLATION OF CHAPTER, which Section 5-1-74 relates to COMPLIANCE WITH ARTICLE, which Section 5-1-73 relates to DESIGNATION OF FACILITY, ACCEPTABLE MATERIALS, which Section 5-1-51 relates to SOLID WASTE COLLECTION PERMIT--REQUIRED and which Section 5-1-2 relates to DEFINITIONS.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Section 5-1-2, Article A, Chapter 1, Title 5 of The Code of the City of Alexandria, Virginia, 1981, as amended, be and the same hereby is amended and reordained to read as follows:

Sec. 5-1-2. Definitions.

The following words and phrases, when used in this chapter, shall for the purpose of this chapter have the meanings ascribed to them in this section, except for those instances where otherwise expressly provided.

(1) **Ashes.** Residue resulting from the combustion of coal, wood, coke or other combustible materials, including residue from incineration of solid wastes.

(2) **Bulk waste container.** A sturdy, watertight, covered metal container which can only be emptied directly into a refuse truck by mechanical means.

(3) **Collection.** Removal or transportation of solid waste, trash, ashes, recyclable material and yard debris, from its place of storage or collection point to its place of disposal.

(4) **Demolition debris.** The residue from building demolition.

(5) **Director.** The director of transportation and environmental services of the city or his authorized representative.

(6) **Dwelling, row.** One (1) of a series of three (3) or more attached dwelling units under a common roof with a common exterior wall, and separated from one another by continuous vertical party walls without openings from basement to roof.

(7) **Dwelling, single family.** A detached building, designed for or intended to be occupied by one (1) family.

(8) **Dwelling, two (2) family.** A building designed for or intended to be occupied by not over two (2) families, living independently of each other. This shall include both duplex (one (1) dwelling unit above another in a single detached building) and semi-detached (two (2) dwelling units having a common vertical party wall).

(9) **Facility.** A refuse-to-energy, solid waste disposal facility under contract with the City of Alexandria for disposal of solid waste and trash generated within the boundary of the City of Alexandria, Virginia.

(10) **Garbage.** Animal and vegetable waste resulting from the handling, preparation, cooking, serving or consumption of food, except for oyster and clam shells from businesses, but excluding human waste.

(11) **Occupied premises.** Any premises being put to some actual use, as distinguished from idle or vacant premises, or premises where human beings work or live.

(12) **Recyclable materials.** For purposes of this chapter, recyclable materials shall include any amount of newspapers and brown corrugated cardboard of any shape or form in quantities of over 50 lbs. a week.

(13) **Solid waste.** Unwanted or discarded material in a solid or semi-liquid state, consisting of garbage, trash or a combination thereof, but excluding recyclable materials.

(14) **Trash.** Solid waste materials incident to the ordinary conduct of a household, place of business or industrial establishment, including unmounted tires, but not including ashes, automobile bodies, demolition debris, trees, building materials, industrial wastes, hazardous wastes, recyclable materials or metal objects over three (3) feet in length or weighing over 75 lbs.

(15) **Unoccupied premises.** Any premises not being put to some actual use, vacant, idle or upon which no person works or lives.

(16) **Waste container.** A watertight and covered receptacle used by any person to store solid waste or ashes for collection.

(17) **Yard debris.** Shrubbery prunings, tree prunings not over two (2) inches in diameter, grass clippings and similar materials.

Section 2. That Section 5-1-51, Article E, Chapter 1, Title 5 of The Code of the City of Alexandria, Virginia, 1981, as amended, be and the same hereby is amended and reordained to read as follows:

Sec. 5-1-51. Solid waste collection permit--required.

It shall be unlawful for any person to collect, transport or dispose of any solid waste, trash, ashes, yard debris or recyclable material in the city without first obtaining a solid waste collection permit therefor from the director; provided, that this provision shall not apply to employees of the holder of a permit; and provided further, that this shall not prohibit a person from processing or transporting his own solid waste, trash, ashes, yard debris or recyclable material in a vehicle, of one- (1) ton gross weight or less, not used solely for transporting solid waste, trash, ashes, yard debris or recyclable material.

Section 3. That Article F, Chapter 1, Title 5 of The Code of the City of Alexandria, Virginia, 1981, as amended, be and the same hereby is amended by adding two new sections thereto, numbered Section 5-1-73 and Section 5-1-74, to read as follows:

Sec. 5-1-73. Designation of facility; acceptable materials.

(a) After January 1, 1987, the director may designate a facility as a place for the disposal of all solid waste, trash and nonrecycled recyclable materials generated within the City of Alexandria, except for any hazardous material which will not be accepted at the facility. Said designation shall be by written notice to each holder of a solid waste collection permit and/or by publishing a notice specifying the location of the facility to be designated in a newspaper of general circulation in the city at least 10 days before the designation becomes effective.

(b) The provisions of this section shall not apply to:

(1) solid waste and/or trash 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 fuel for sale to a person other than an entity controlled by or under the same control as the manufacturer, miner, processor, refiner or converter;

(2) recyclable materials which are those materials that have been source-separated by any person or materials that have been separated from solid waste or 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;
- (4) waste oil;
- (5) hazardous material under federal guidelines;
- (6) unacceptable and/or unprocessable solid waste material, i.e., explosives, liquid wastes, tires on rims, uncut tires over 16- $\frac{1}{2}$ inches in diameter, offal, tar, asphalt, sealed drums, pressurized containers and all unshreddable material; and
- (7) industrial wastes.

Sec. 5-1-74. Compliance with article.

It shall be unlawful for any person who holds a refuse permit to dispose of solid waste, nonrecycled recyclable materials and/or trash that he or she collects, transports or disposes of under a solid waste collection permit at any place other than the facility designated by the director in accordance with section 5-1-73 of this code.

Section 4. That Section 5-1-87, Article G, Chapter 1, Title 5 of The Code of the City of Alexandria, Virginia, 1981, as amended, be and the same hereby is amended and reordained to read as follows:

Sec. 5-1-87. Penalty for violation of chapter.

Any person violating any provision of this chapter shall, upon conviction thereof, be punished by a fine not to exceed \$1,000. Each day such violation is committed or permitted to continue, or where applicable, each separate vehicle trip in violation of any provision of this chapter, shall constitute a separate offense.

Section 5. That the title of and an informal memorandum explaining this ordinance shall be published in a newspaper of general circulation published in the city not later than five days following its introduction together with a notice containing the time and place for a public hearing. The city clerk shall have the full text of this ordinance printed in sufficient numbers to supply copies to meet request. The city clerk shall note the date of introduction and first reading, the date of publication, the date of the public hearing, and the date of the second reading and final passage in the minutes of the meeting. This ordinance shall become effective the date of its final passage.

CHARLES E. BEATLEY, JR.
Mayor