

ORDINANCE NO. 3570

AN ORDINANCE to amend Section 5-1-2 (DEFINITIONS) of Article A (GENERAL PROVISIONS), to amend and reordain Sections 5-1-31 (COLLECTION BY CITY GENERALLY), 5-1-33 (COLLECTION BY PRIVATE COLLECTORS) and 5-1-34 (COLLECTION OF CITY CHARGES; BILLING), of Article C (SOLID WASTE COLLECTION GENERALLY), to amend and reordain subsection (g) of Section 5-1-41 (COLLECTION BY CITY) of Article D (SOLID WASTE COLLECTION REGULATIONS), and to amend and reordain Section 5-1-83 (DUTY OF OWNERS AND OCCUPANTS TO COMPLY WITH ARTICLE, ETC.) of Article G (MISCELLANEOUS PROVISIONS), all of Chapter 1 (SOLID WASTE CONTROL), Title 5 (TRANSPORTATION AND ENVIRONMENTAL SERVICES) of The Code of the City of Alexandria, 1981, as amended.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Section 5-1-2 of The Code of the City of Alexandria, Virginia, 1981, as amended, be and the same hereby is amended by amending subsection (12) and by adding new subsections (12a) and (12b), to read as follows:

Sec. 5-1-2 Definitions.

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(12) Recyclable materials. For purposes of this chapter, recyclable materials shall consist of newspapers, magazines and similar printed materials.

(12a) Required user. The owner of any required user property.

(12b) Required user property. Any single family, two family or row dwelling, or any building or structure used solely for residential purposes and containing four or fewer dwelling units, that is located within the city, excluding condominium dwellings and dwelling units.

Section 2. That Section 5-1-31 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. 5-1-31 Collection and disposal by city.

The city shall collect and dispose of solid waste (other than special collection items which may be collected pursuant to section 5-1-41(g)), ashes and yard debris on a weekly basis, and shall collect and dispose of recyclable material on a less frequent but regular basis, as determined by the director, from every required user property. Every required user shall use this collection and disposal service of the city. Any persons not required by this section to use the city's collection and disposal service, including the owners of buildings and

structures containing more than four dwelling units, of commercial establishments and of churches, may request that the city provide such service to their properties. The city shall be under no obligation to honor such requests, and reserves the right to provide some or all of its collection and disposal service to such persons only when and to the extent that resources and facilities are available.

Section 3. That Section 5-1-33 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. 5-1-33 Collection by private collectors.

Any persons who are not required by section 5-1-31 to use the city's collection and disposal service and who obtain the collection and disposal services of a private collector shall cause solid waste, ashes, recyclable material and yard debris to be collected from their respective buildings, establishments and premises, and disposed of, in such a manner as not to create a nuisance or public health hazard.

Section 4. That Section 5-1-34 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. 5-1-34 City charge for collection and disposal service; billing.

(a) Each year, as part of the budget process, the city council, by resolution, shall set an annual charge for the collection and disposal of solid waste, ashes, and yard debris from required user properties for the ensuing fiscal year, and all required users shall pay the charge so established by council. Any other person receiving collection and disposal service from the city shall pay an annual charge based on the average volume of refuse generated by the person compared with the average volume of refuse generated by a typical single family dwelling in the city.

(b) The city shall bill required users for the city's collection and disposal service by including the annual charge established by city council pursuant to subsection (a), as well as any penalties and interest assessed pursuant to subsection (e), in the real estate tax bill for required user properties, and the charge shall be paid no later than the time or times by which the real estate tax bill is to be paid. The city shall bill the owners of non-required user properties who receive collection and disposal service from the city for the annual charge established by the director pursuant to subsection (a), as well as any penalties and interest assessed pursuant to subsection (e), at times and pursuant to procedures established

by the director, and any such charge shall be paid within 30 days of the date of the city's bill.

(c) The charges set by council and the director pursuant to this section shall be set so as to recover up to 100 percent of the estimated city cost of providing the collection and disposal service, including the cost of billing and collecting charges and inspecting properties, but no more.

(d) The owner of any required user property which loses its status as a required user property shall immediately notify the director of this change in property status. The owner of any non-required user property which qualifies as required user property shall immediately notify the director of this change in property status.

(e) Whenever the payment of a charge imposed pursuant to this section is not made when due, a penalty shall be added to the overdue charge equal to 10 percent of such charge. In addition, interest on the overdue charge and the penalty, calculated at an annual rate of 10 percent, shall commence on the first day following the date the charge was due and shall continue until the overdue charge and the penalty are paid.

(f) Any payment by a required user on a real estate tax bill for required user property shall, before being applied to real estate taxes, be applied in the following manner and order: (i) to any outstanding overdue charges assessed against the property pursuant to this section; (ii) to any outstanding penalties assessed against the property pursuant to this section; (iii) to any interest that has accrued on overdue charges and penalties assessed against the property pursuant to this section; and (iv) to the current charge assessed against the property pursuant to this section.

(g) Any required user who has obtained an exemption from or a deferral of real estate property taxes pursuant to section 3-2-162 of this code shall be granted an exemption from or a deferral of any charge imposed pursuant to this section, proportional to the exemption or deferral granted pursuant to section 3-2-162.

Section 5. That subsection (g) of Section 5-1-41 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. 5-1-41 Collection by city.

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(g) Special collections. The city will, by appointment, make a special collection of large or bulk items from required user properties or from other properties to which it provides collection and disposal service under this article. A special

collection item includes but is not limited to large metal objects, mattresses, and white goods, but does not include automobile parts, rocks, dirt or building materials. White goods shall include but not be limited to refrigerators, stoves, hot water heaters, clothes washers and dryers. The city may impose a separate fee, established by resolution of the city council, for the collection and disposal of special collection items. Such fee shall be paid in a manner and at a time or times established by the director.

Section 6. That Section 5-1-83 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. 5-1-83 Duty of owners and occupants to comply with article.

(a) It shall be the duty of the owner and the occupant of any premises to comply with the provisions of this article.

(b) It shall be the duty of the owner and the occupant of any premises to provide and keep in a suitable place a sufficient number of approved receptacles capable of holding the ashes, recyclable material, yard debris and solid waste from the premises.

Section 7. That this ordinance shall become effective on July 1, 1992.

PATRICIA S. TICER
Mayor

Final Passage: May 11, 1992