

Ordinance No. 750

AN ORDINANCE to amend and reordain Chapter XXIII, as amended by Ordinance No. 643, and to repeal Chapter XXIII-A as amended by Ordinance No. 658 of the Code of the City of Alexandria, Virginia, enacted as a whole July 2, 1940 and made effective August 5, 1940, which said Chapter XXIII as amended relates to garbage, ashes and trash, and which Chapter XXIII-A as amended relates to throwing or deposition of refuse, trash, garbage, etc. upon public spaces and lots and premises and the burning of fires on such places, and which both of said chapters provide penalties for the violation of provisions therein.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Chapter XXIII-A as amended by Ordinance No. 658, of the Code of the City of Alexandria, Virginia, enacted as a whole July 2, 1940 and made effective August 5, 1940, be and the same hereby is repealed.

Section 2. That Chapter XXIII as amended by Ordinance No. 643 of the Code of the City of Alexandria, Virginia, enacted as a whole July 2, 1940 and made effective August 5, 1940, be and the same hereby is amended and reordained to read as follows:

CHAPTER XXIII

GARBAGE, ASHES, TRASH AND MISCELLANEOUS REFUSE.

Sec. 1. Definitions—as used in this Chapter, unless otherwise required by the context.

- a. **Garbage** will be held to mean the refuse of animal and vegetable foodstuffs, except oysters and clam shells from business places.
- b. **Ashes** will be held to mean ashes from coal and other fuels.
- c. **Trash** will be held to mean all rubbish and refuse (other than garbage and ashes) incident to the ordinary conduct of the household, including discarded floral decorations and small branches from shrubs and vines, provided that any branches or shrub and vine trimmings are not more than four feet in length and placed in containers or bundled as hereinafter provided.
- d. **Occupied** will be held to mean any premises which is being put to some actual use as distinguished from being idle or vacant or where human beings live there as a usual place of abode or work thereupon.
- e. **Unoccupied** will be held to mean any premises which is not being put to some actual use or is vacant or idle or upon which no person lives as his usual place of abode or works thereupon.

Sec. 2. Material Not Acceptable for Collection.

The following materials will not be collected:

Poisons, acids, caustics, manure, human excrete, explosives and

other dangerous materials or substances, soil, loam, wallpaper, roofing material and other substances that may accumulate as the result of repairs to yards and buildings, or as a result of building operations.

Sec. 3. Specifications for and the Collection of Receptacles.

The following will be deemed approved receptacles and will be returned to the premises:

- a. For garbage, a sturdy metal, water-tight container, with a tight-fitting cover and handle, of not less than three nor more than ten gallons capacity.
- b. For ashes, a sturdy metal container, provided with a cover, of not less than ten nor more than twenty-four gallons capacity.
- c. For trash, a sturdy metal container, with a cover of not over twenty-four gallons capacity.

The receptacles hereinafter mentioned are deemed non-approved and will be removed as indicated:

- a. Papers, magazines, or other light materials liable to be blown about may be bundled, tied, sacked, or otherwise properly secured, but they must be so packed that they can be easily handled by collectors. The containers shall be removed along with the contents and not returned.
- b. Trash or cold ashes may be separately placed in sturdy cartons, boxes, baskets, and miscellaneous containers, provided they do not exceed the capacity of approved receptacles hereinabove described. All such receptacles shall be removed along with the contents.
- c. Trash, ashes, and garbage shall not be placed in any receptacle that is so constructed or is so defective that the contents leak or spill out, and no overflowing receptacles, piles of material, or loose refuse will be collected.
- d. Trash and garbage collectors are not required to collect from premises where the provisions of this chapter are violated, but failure to collect same shall not relieve the responsible persons from prosecution and penalty as hereinafter set forth.

Sec. 4. Placing of Receptacles.

All receptacles shall be placed and kept on the premises at an easily accessible place, at or near the rear or side of the premises using said receptacles; gates, doors or other approaches shall be open so the collectors may enter. In no event, however, shall the receptacles be placed more than 100 feet from the entrance used to make the collections. Receptacles shall not be placed or left for collection upon any sidewalk, street, avenue, alley or other public place except by duly authorized city collectors.

Collections will not be rendered to premises situated on streets which are not passable for collection trucks. No collections will be made from basements, garages, enclosed porches, or from the interior of premises.

Occupants of premises shall facilitate collections by confining

animals that might interfere with collectors, and collections shall not be made from premises where animals interfere or are likely to interfere with collectors.

Sec. 5. Two or more classes of material in same receptacle prohibited.

It shall be unlawful to place or cause to be placed together in the same receptacle two or more of the classes of materials mentioned in Section 1 of this chapter, and where such mixture results it shall be separated by the occupant or owner.

Sec. 6. Dumping with Permit only.

It shall be unlawful for any reason to dump or cause to be dumped on any City dump, any garbage, ashes, or trash which are brought into the city from any point outside of the city limits, except with written permission from the City Manager.

Sec. 7. Throwing or Depositing Garbage, Ashes, Trash and Miscellaneous Refuse—Private Property.

No person shall throw, cast, deposit, drop, scatter, or leave, or cause to be thrown, cast, laid, deposited, scattered or left, in or upon any private lot or premises, in the City of Alexandria, Virginia, any coal, dirt, mud, trash, ashes, garbage, gravel, sand, sawdust, shavings, hay, straw, leaves, offal, vegetable matter of any kind, any dead animal or putrescible matter of any sort, which tend to create a health problem or nuisance.

Sec. 8. Throwing or Depositing Garbage, Ashes, Trash, and Miscellaneous Refuse—Public Property.

No person shall throw, cast, deposit, drop, scatter or leave, or cause to be thrown, cast, laid, deposited, scattered or left, in or upon any street, avenue, alley, highway, sidewalks, parking or other public space in the City of Alexandria, any coal, dirt, trash, mud, ashes, garbage, gravel, sand, sawdust, shavings, hay, straw, leaves, offal, vegetable matter of any kind, any dead animal or putrescible matter of any kind or building material of any kind.

In cases where it is very difficult or impossible to get building material to a premises without depositing the same on some public space, a permit shall be obtained from the Office of the City Manager and notice shall be given the Police Department.

Sec. 9. Accumulation of Waste.

It shall be unlawful, by failure to comply with the provisions of this chapter, to allow, permit, or have an accumulation of garbage, trash, ashes, or miscellaneous refuse on any premises within the City which tend to create a health problem or nuisance.

It shall also be unlawful to allow, permit or have any accumulation of garbage, trash, ashes, or miscellaneous refuse on any unoccupied lot or premises within the City which tend to create a health problem or nuisance. When such an accumulation is found to exist on any unoccupied lot or premises, the owner or his agent shall be given written notice by the Health Officer or his agent with the request that such accumulation shall be removed within fifteen (15) days of the receipt of the notice. Should the owner or his agent fail to comply with the request

within said time the owner will be considered in violation of this section.

Sec. 10. Fires on Paved Areas.

No person shall kindle, set on fire, or burn any garbage, ashes, trash, leaves, or any other material of any kind on any public paved or hard surfaced sidewalk, curb, gutter, street, road or alley.

Sec. 11. Duty and Responsibility of Occupants and Owners.

It shall be the duty and responsibility of the occupant of any premises to comply with the provisions of this chapter, except where the premises or lot is unoccupied or where the occupant and owner have by deed, contract, lease, negotiation, agreement, arrangement, expressed or implied, or custom have determined otherwise.

In cases where the property is unoccupied the responsibility of the owner shall be as set forth in Section 9 above.

In cases where there is some arrangement between the owner and the occupant, upon proof thereof by the occupant, the terms of such deed, contract, lease, regulation, agreement, arrangement, expressed or implied, or custom shall control the responsibility.

It shall be the duty of every occupant of premises (or of every owner where the duty changes as above indicated) to provide and keep in a suitable place a sufficient number of approved containers capable of holding the trash, garbage and ashes from the premises.

Sec. 12. Management and Enforcement:

The City Manager shall have the power to establish rules and regulations, consistent with the provisions of this chapter and as funds available for the purpose will permit, governing the removal, keeping, collection and depositing of garbage, ashes, trash and miscellaneous refuse.

Until further directed by the City Manager, the Department of Public Works shall be responsible for, collect pursuant to, and enforce the provisions of the following sections of this chapter: 1, 2, 3, 4, 5, 7, where premises are occupied, 9 where premises are occupied, 11, where premises are occupied.

Until further directed by the City Manager, the Department of Health shall be responsible for and enforce the provisions of the following sections of this chapter: 7 where premises are unoccupied, 9 where premises are unoccupied, 11 where premises are unoccupied.

The Police Department shall enforce sections 8 and 10 of this chapter and assist the other departments in the enforcement of all other sections.

The City Manager shall have the right to shift the responsibility of departments under this section by written directive when the exigencies of good administration so demand.

Sec. 13. Penalty.

Any person, firm or corporation violating any provision of this

chapter shall be guilty of a misdemeanor, and upon conviction thereof shall be fined in a sum not exceeding \$25.00, except that if any person, firm or corporation shall be convicted three or more times, within twelve successive months, for any violation of the provisions of this chapter, such person, firm or corporation shall be punished for such third or subsequent offense by a fine of not less than \$50.00, or be imprisoned in jail for not more than five days, or be both fined and imprisoned, and the Court may, in its discretion, suspend either the fine or jail sentence, but not both.

The imposition of one penalty for any violation of this chapter shall not excuse the violation, or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, each fifteen (15) days that prohibited conditions are maintained or allowed to be maintained shall constitute a separate offense.

Violations of the provisions of this chapter may also be restrained, prohibited and enjoined in any court of equity jurisdiction in the City.

Section 3. That this ordinance shall be published in a newspaper of general circulation 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 clerk of the council 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.

Marshall J. Beverley
Mayor

Published: September 13, 1952
Final Passage: October 14, 1952