

ATTACHMENT A

ARLINGTON COUNTY CODE

CHAPTER 10

GARBAGE, REFUSE AND WEEDS

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ARTICLE I.

RESIDENTIAL REFUSE AND RECYCLING*

* **Editors Note:** Ordinance No. 83-22, adopted July 13, 1983, repealed former Art. I, §§ 10-1--10-11, and enacted, in lieu thereof, a new Art. I as herein set forth. The repealed provisions, which also pertained to refuse, had been amended by ordinances of June 28, 1975, June 25, 1977, May 31, 1980, May 21, 1981, and Ord. No. 82-16, enacted April 24, 1982, Ord. No. 83-11, enacted April 23, 1983 and effective July 1, 1983, and Ord. No. 83-19, enacted June 18, 1983 and effective July 1, 1983.

§ 10-1. Declaration of Policy.

It is the policy of the County Board to protect the health, safety, and welfare of the citizens and the environment by establishing minimum standards as codified in Articles I through V of this Chapter for the storage, collection, transportation, processing, and disposal of solid waste and the recovery of recyclable materials and other resources from solid waste within Arlington County.
(Ord. No. 83-22, 7-13-83; Ord. No. 93-22, 11-13-93, Ord. No. 15-08, 11-14-15)

§ 10-2. Definitions.

The following words and terms, when used in this article, shall have the following meanings unless the context clearly indicates otherwise:

“Biodegradable paper bags” means brown kraft paper lawn bags produced from wood pulp that are either self-purchased or provided by the County.

“Bundled brush” means tree branches, shrubbery trimmings, and similar plant items that are securely tied in bundles, each bundle not exceeding four (4) feet in length, twenty-four (24) inches in diameter and fifty (50) pounds in weight.

“Bundled material” means lumber, cardboard or carpet that is securely tied in bundles, each bundle not exceeding four (4) feet in length, twenty-four (24) inches in diameter and fifty (50) pounds in weight.

“Cathode Ray Tube (CRT)” means a device for projecting images onto a leaded glass screen by means of electrons. The device is found in traditional televisions and computer monitors and is commonly referred to as a television tube or computer monitor display tube.

“Collection point” means the County-designated location where residential collection service is provided and means the unpaved area between the street pavement and front property line of each dwelling which fronts on the public street. If none exists, the location shall be as near the edge of pavement as possible so as not to obstruct or

impede the travel of pedestrians or vehicles or parking of cars. In those cases where service is provided along alleyways, the collection point shall be adjacent to the alley, outside of all private fences and placed so as not to impede vehicular travel.

“Commercial establishment” means any nonresidential location including the nonresidential portion of mixed use buildings.

“County Manager” means the County Manager of Arlington County, Virginia, or his/her designee.

“DES” means the Arlington County Department of Environmental Services.

“Electronics” means household batteries, televisions, computer equipment, radios, calculators, video and audio equipment, phones, cameras, peripheral equipment, and similar electronic devices which contain circuit boards. Electronics do not include small appliances or other such household products with an electrical cord.

“Food waste” means any food substance, raw or cooked, which is discarded, or intended or required to be discarded. Food wastes are the organic residues generated by the handling, storage, sale, preparation, cooking, and serving of foods.

“Front building line” means a straight line running between the two (2) corners of a building side facing the street frontage or the two (2) extreme edges of the building profile visible from the street frontage and extending to the property line.

“Household appliance” means refrigerators, freezers, clothes washers, clothes dryers, dishwashers, trash compactors, air conditioners or any other heavy metal objects too large to entirely fit into a refuse cart.

“Household container” means a metal or sturdy plastic container of substantial construction which is watertight, equipped with a tightly fitting lid and carrying handles sufficient for safe and convenient handling. Such containers shall have a capacity of not less than twenty (20) gallons nor more than thirty-two (32) gallons and shall be properly labeled to identify the contents therein as either refuse, recyclable materials, or yard waste.

“Household hazardous materials (HHM)” means any commercial product that contains hazardous ingredients used by residential as opposed to industrial consumers, which pose certain risks to human health and the environment when managed improperly. HHM have hazardous characteristics, such as being reactive, corrosive, ignitable, and/or toxic, that requires special handling and proper management to minimize risks when discarded by residents or is no longer usable for its intended purpose, including but not limited to paints, stains, varnishes, solvents, pesticides, and other materials.

“Leaf collection season” means that time period specifically designated and published by the Department of Environmental Services, Solid Waste Bureau for the collection of loose leaves.

“Mercury thermostats” means a device, as in a home heating system, a refrigerator, or an air conditioner, that automatically responds to temperature changes and activates switches controlling the equipment that contains mercury.

“Metal” means discarded metal suitable for reprocessing.

“Multi-family dwelling” means a building or portion thereof, designed for occupancy by three (3) or more families living independently, or a townhouse that is not required pursuant to this Chapter to participate in the County residential collection system. Home occupation permitted businesses operating from such dwellings are subject to the multi-family requirements of Article IV.

“Nonprofit organization” means an organization not conducted or maintained for the purpose of making a profit.

“Nonresidential” means property other than housing, such as office buildings, shopping centers, businesses, churches, hotels, hospitals, schools, or government buildings.

“Organics cart” means a wheeled container with a water tight lid provided by the County specifically for the collection of yard waste at the residential collection point.

“Plastic bag” means a flexible container of at least thirteen (13) gallons capacity and not more than thirty-three (33) gallons capacity and made of plastic at least eighty-five hundredths (0.85) mils thick. Notwithstanding the foregoing sentence, in all events the bag must be sturdy enough to support the weight of the contents.

“Recyclable materials” means materials that can be recovered and reprocessed to be reused as a material to make new products, such as cardboard, mixed paper, metal cans, aluminum, glass, plastic, and metal items, that are identified as recyclable materials pursuant to the list administered by the Department of Environmental Services, Solid Waste Bureau and posted on the County website. The County Manager will announce 90 days prior to the addition of new materials to the list.

“Recycling” means the act of separating a recyclable material from the solid waste stream for the purpose of processing it so that it may be used again as a raw material or product, which may or may not be similar to the original product.

“Recycling cart” means a wheeled container with a watertight lid provided by the County specifically for the collection of recyclables materials at the residential collection point.

“Refuse” means all solid waste, including cold ashes, garbage, rubbish, bulky wastes, and construction and demolition wastes excluding hazardous and infectious materials.

“Refuse cart” means a wheeled container with a watertight lid provided by the County for the collection of refuse at the residential collection point.

“Refuse station” means the facility designated by the County Manager for disposal of refuse. This facility may be a transfer station, waste-to-energy or other facility designed to process solid waste.

“Solid waste” means any garbage, refuse, rubbish, trash, or other discarded material, but does not include solid or dissolved materials in domestic sewage, solid or dissolved materials in irrigation return flows, industrial discharges, or special nuclear or by-product materials.

“Toxic and hazardous material” means all material, including herbicides and pesticides, defined as hazardous or toxic by Virginia statute or regulations adopted under Virginia state statute.

“Trash” is used interchangeably with the terms “solid waste” and “refuse.”

“Unbundled brush” means trees, tree branches, shrubbery trimmings and similar plant material not exceeding ten (10) feet in length and eighteen (18) inches in diameter.

“Yard waste” means decomposable waste materials generated by general residential yard and lawn care and includes leaves, grass trimmings, brush, wood chips, and shrub and tree trimmings. Yard waste shall not include roots or stumps that exceed 12 inches in diameter nor does yard waste include any materials resulting from land clearing or development activities.

(Ord. No. 83-22, 7-13-83; Ord. No. 92-19, 7-1-92; Ord. No. 96-9, 6-29-96; Ord. No. 03-07, 3-29-03; Ord. No. 10-21, 12-11-10, effective 1-1-11, Ord. No. 15-08, 11-14-15)

§ 10-3. Administration of Article.

This article shall be administered by the County Manager or his/her designee.
(Ord. No. 83-22, 7-13-83, Ord. No. 15-08, 11-14-15)

§10-4. Deposit at Other Than Approved Place - Prohibited.

It shall be unlawful for any person to dispose, dump, deposit, or leave any solid waste within the County except at a place of final disposal approved under this article. This provision shall not apply to waste audits conducted by, or on behalf of the County, provided that all waste is properly disposed upon completion of such audit.

(Ord. No. 83-22, 7-13-83, Ord. No. 15-08, 11-14-15)

§ 10-5. Participation in the County Residential Collection System.

A. The owner or occupant of each one-family or two-family dwelling as defined in § 1 of the Arlington County Zoning Ordinance must participate in the Arlington County residential collection system. The County shall collect the refuse, recyclable materials, and yard waste from each dwelling participating in the Arlington County residential collection system weekly. The owner or occupant of the dwelling shall pay the fees provided for in §10-8 of this chapter. All participants in the Arlington County residential collection system are eligible for one (1) refuse, one (1) recycling, and one (1) organics cart as part of the base residential collection fee. Up to two (2) additional refuse, recycling, or organics carts (for a total of six (6)) may be requested at a charge as set forth in §10-8.

B. If a County collection truck enters a private street to collect refuse, recyclable materials, or yard waste, the street must be constructed according to Arlington County Department of Environmental Services Standards and Specifications; and must be at least fourteen (14) feet wide excluding the space taken up by parked cars. Residents of lots on private streets that do not meet the County standards and specifications as of July 1, 1992, shall bring their refuse, recyclable materials, and yard waste to the nearest designated collection point accessible to County collection trucks to be eligible to continue to participate in the County residential collection system.

C. The owners of a development of townhouse dwellings, as defined in the Arlington County Zoning Ordinance, constructed after July 1, 2003, will be required to participate as a group in the Arlington County residential collection system, provided:

1. Each dwelling is individually metered for water;
2. There is adequate space so that the collection truck can turn around without backing onto or off of a street;
3. Parking is arranged so that refuse, recyclable materials, and yard waste need not be carried between parked cars;
4. If it is necessary for the collection truck to enter a private street, the street is constructed according to Arlington County Standards and Specifications enforced by the Arlington County Department of Public Works;
5. The street is at least fourteen (14) feet wide excluding the space taken up by parked cars; and
6. The County Manager or his/her designee is authorized to establish reasonable procedures that allow for exceptions based on safety or health considerations or a determination that the use of refuse recycling, and/or organics carts are not feasible or useable for the townhouse or townhouse development.

D. Any nonprofit organization which places for collection nine (9) or fewer household containers, or up to three (3) refuse carts, three (3) recycling carts, and three (3) organics carts, per week, and is not located in a multi-tenant building, may participate in the Arlington County residential collection system. Nonprofit organizations are not eligible for special collections.

E. Any townhouse dwelling that is not required to participate in the Arlington County residential collection system shall be subject to the multi-family requirements in Article IV of this Chapter. (Ord. No. 92-19, 7-1-92; Ord. No. 96-9, 6-29-96; Ord. No. 03-07, 3-29-03; Ord. No. 04-25, 10-2-04; Ord. No. 10-21, 12-11-10, effective 1-1-11, Ord. No. 15-08, 11-14-15)

§ 10-6. Storage, Removal, and Maintenance.

A. *Storage generally.* It shall be unlawful for any person to store any refuse, recyclable materials, or yard waste within the County, except as provided in this article.

B. *Responsibilities of owners and occupants of dwellings required to participate in the County residential collection system:*

1. It shall be the responsibility of the owner, or occupant if different from the owner, of each dwelling receiving County residential collection service, to adhere to the following practices:
 - a. Refuse shall be placed at the collection point in refuse carts, household containers, plastic bags, or bundles. Oversized bulky refuse items that are too large to be bagged, bundled, or placed in a cart such as furniture, mattresses, or box springs may be placed at the collection point as long as the item does not exceed 500 pounds and will fit into a rear-loading collection vehicle. Recyclable materials shall be placed at the collection point in recycling carts, household containers, or cardboard boxes. Oversized cardboard may be placed adjacent to recycling carts for collection as recyclable materials. Yard waste shall be placed at the collection point in organics carts, household containers, biodegradable paper bags, or bundles. All refuse and recyclable materials stored outside the dwelling shall be in household containers, refuse carts, or recycling carts.
 - (1) Recyclable materials placed at the collection point must be separated from refuse and yard waste.
 - (2) Scrap metal and electronic waste placed at the collection point must be separated from refuse, recyclable materials, and yard waste.
 - (3) Effective July 1, 2015, yard waste placed at the collection point must be separated from refuse and recyclable materials.
 - (4) Household containers shall be kept covered with tightly fitting lids at all times.
 - (5) Plastic bags containing refuse and placed at the collection point shall be securely tied with the contents wrapped to prevent tearing or puncturing the bag. Plastic bags shall not be used to contain recyclable materials or yard waste placed at the collection point.
 - (6) No amount of liquid in excess of one-half (1/2) gallon shall be placed at any residential collection point. The County shall not be liable for any damage to private property caused by the collection of liquids improperly placed at the collection point.
 - (7) Ashes shall be cold to the touch prior to placement at the collection point.
 - (8) Household containers or plastic bags placed at the collection point shall not exceed fifty (50) pounds gross weight.
 - (9) Bundled material and bundled brush shall be securely tied in bundles, with each bundle not to exceed four (4) feet in length, twenty-four (24) inches in diameter and fifty (50) pounds in weight.
 - (10) Unbundled brush scrap metal, and electronic waste shall be placed at the collection point only when arrangements for collection have been made with the Department of Environmental Services. Collection arrangements shall be made no later than the work day prior to the regularly scheduled collection day.
 - (11) Loose glass or mirror placed at the collection point shall be securely wrapped in plastic sheeting or newspaper with the edges taped to contain any breakage and clearly labeled as glass.
 - (12) Liquid paint shall not be placed at any residential collection point.

- (13) Styrofoam peanuts, shredded paper, and other light-weight materials shall be securely contained in a plastic bag or other container prior to placement in a cart or household container.
 - b. All refuse, recyclable materials, and yard waste shall be placed at the collection point no sooner than 5:00 p.m. the day prior to, nor later than 6:00 a.m. of the day of scheduled collection. Any refuse, recyclable materials, or yard waste left uncollected due to late placement at the collection point, improper preparation, or prohibited materials shall be removed from the collection point not later than twenty-four (24) hours after the day of scheduled collection.
 - c. All carts and household containers shall be removed from the collection point and returned to their normal storage location within twenty-four (24) hours after the day of scheduled collection or emptying. Normal location shall mean a regular place of keeping not in front of the dwelling and/or behind the front building line that faces any County street, unless there is fencing or landscaping that screens or shields the containers from general view from the street.
 - d. Maintain carts and household containers in a serviceable and sanitary condition. Carts and household containers shall be cleaned prior to the next scheduled collection day upon the owner or occupant being informed by the County of the need for cleaning. If a household container is determined by the County to be unserviceable (cracked, rusted, dented/damaged), the County shall inform the owner or occupant by placing a notification tag on the household container. If the same household container is used in the future, it shall be collected for disposal with the regular refuse or recyclable materials.
 - e. Place loose leaves at curbside for collection during the designated leaf collection season in accordance with the County's published vacuum collection schedule.
 - f. At occupant's expense, privately dispose of:
 - (1) All items weighing more than five hundred (500) pounds.
 - (2) Building material such as brick, masonry block, rock, sod, earth, sheet rock, or sand.
 - (3) Building materials not prepared in accordance with this Code and any building materials resulting from work performed by a person in the course of business.
 - (4) Trees, tree branches, shrubbery, or other plant material that exceed ten (10) feet in length or eighteen (18) inches in diameter or that are the result of the clearing of multiple trees from a property.
 - g. Keep dogs tied up securely or in the dwelling on the day of scheduled collection when backdoor service (non-curbside) is provided.
 - h. Upon discovery, but not later than twenty-four (24) hours after collection, clean up any refuse, recyclable materials, yard waste, and/or litter remaining at the collection point which was not collected because of the failure to adhere to the above practices.
- C. Reserved.
- D. *Household hazardous and infectious materials:*
1. Infectious material and dead animals shall not be put out for collection.
 2. Highly combustible material such as floor sandings, explosives, kerosene, gasoline, waste oil; any bottle, tank, or drum which previously contained or still contains any flammable, toxic, or other

household hazardous material shall not be put out for collection, except that the above materials (excluding explosives) in quantities less than five (5) gallons and all containers may be disposed of by participants in the County residential collection system by taking them to the Arlington County Water Pollution Control Plant HHM Facility for disposal.

3. Animal feces shall be securely sealed or wrapped in plastic or paper bags before being placed in a refuse cart or household container.
 4. Cathode ray tubes (CRTs) or items containing (CRTs) shall be considered electronic waste and may be placed at the collection point only when arrangements for collection have been made in advance with the Department of Environmental Services.
 5. Mercury thermostats or items containing mercury thermostats shall not be put out for collection but may be taken to the Arlington County Water Pollution Control Plant HHM Facility for disposal.
- E. *Failure to adhere to the storage, removal, and maintenance provisions:*
1. In addition to penalties provided by law, the County may, if the storage, removal, and maintenance provisions of §10-6 are not adhered to, have such storage, removal, and maintenance provision violations corrected by the County's agents or employees and the cost thereof shall be charged to and paid by the owner or occupant of such property in the same manner as other refuse collection service charges are imposed
 2. In the event that solid waste, recyclable materials, or yard waste placed at the collection point are not eligible for collection or are improperly prepared for collection and are not removed from the collection point in the manner and timeframe specified above, then the County may cause such to be removed, and a removal fee of three hundred dollars (\$300.00) plus the cost of any applicable disposal charges shall be assessed and added to the next residential collection service charge for the property. The County will not undertake any such removal action until the County has posted a Notice of Violation at the collection point or dwelling describing the violation(s) and corrective action(s) required, which shall include a period of forty-eight (48) hours to remedy the violation(s). The forty-eight (48) hour period to remedy may be waived by the County Manager or his/her designee for reasons of public health or safety or the environment, such as the improper placement of household hazardous material at the collection point, disruption of pedestrian or vehicular traffic, or blowing litter.
 3. In the event that carts and/or household containers are not removed from the collection point in the manner and timeframes specified above, then the County may cause such to be removed, and a removal fee of fifty dollars (\$50.00) shall be assessed and added to the next residential collection service charge for the property. The County will not undertake any such removal action until the County has posted a Notice of Violation at the collection point or dwelling describing the violation(s) and corrective action(s) required, which shall include a period of twenty-four (24) hours to remedy the violation(s). The twenty-four (24) hour period to remedy may be waived by the County Manager or his/her designee for reasons of public health or safety or the environment, such as the improper placement of household hazardous material at the collection point, disruption of pedestrian or vehicular traffic, or blowing litter.

(Ord. No. 83-22, 7-13-83; Ord. No. 92-19, 7-1-92; Ord. No. 96-9, 6-29-96; Ord. No. 03-07, 3-29-03; Ord. No. 10-21, 12-11-10, effective 1-1-11, Ord. No. 15-08, 11-14-15)

§ 10-7 Reserved.

(Ord. No. 83-22, 7-13-83; Ord. No. 85-3, 1-5-85; Ord. No. 92-19, 7-1-92; Ord. No. 94-6, 3-19-94; Ord. No. 03-17, 6-28-03; Ord. No. 10-21, 12-11-10, effective 1-1-11, Ord. No. 15-08, 11-14-15)

§ 10-8. Refuse Collection and Disposal Charges; Relief from Such Charges.

A. There is hereby imposed for each one-family residential dwelling, each unit of a two-family residential dwelling, and each participating townhouse residential dwelling an annual charge of three hundred seven dollars and twenty-eight cents (\$307.28), billed quarterly, beginning with the quarter of July 1, 2016, through

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September 30, 2016, for refuse, recyclable material, and yard waste collection and disposal by Arlington County. This annual charge shall be assessed whether or not the dwelling is occupied.

B. An additional charge of two dollars (\$2.00) per month per additional refuse, ~~or~~ recycling, or organics cart will be charged.

C. The charges in subsection A and B shall be billed quarterly.

1. The quarterly charges are imposed upon the owners of record of each one-family residential dwelling each two-family residential dwelling, and each townhouse residential dwelling as evidenced by the land records of the Office of the Clerk of the Circuit Court of Arlington County as of 12:00 p.m. (noon) local time on the first day of each quarter; however, if such record owner changes during the quarter, the charges shall be prorated as of the day of the change. Such refunds as are due as a result of the proration will be made by Arlington County.

2. The owner or occupant, if different from owner shall be billed quarterly for the refuse collection and disposal charges and the recycling charges in the quarter to which the charges apply at the same time that billing for water and/or sewer service to the premises occurs.

3. The County Manager is designated as the collection agent for the purposes of collecting the refuse and recycling collection and disposal charges.

4. Charges are due and payable when the billing is rendered and charges are delinquent if payment is not received by Arlington County within thirty (30) days of the date of the billing.

5. The owner of record of each dwelling, as evidenced by the land records of the Office of the Clerk of the Circuit Court of Arlington County, shall be responsible for all charges not paid by the occupant of the property, if different from the owner.

6. Charges, if not paid before delinquency, shall become a lien against the real property in the manner provided by law.

7. A late charge of six percent (6%) shall be imposed on the outstanding balance of refuse and recycling collection and disposal charges unpaid thirty (30) days after the billing date. In addition to all other enforcement procedures permitted by law, the water and/or sewer service to the premises may be terminated if the refuse and recycling collection and disposal charges are not paid when due.

D. The County Board may from time to time appropriate money pursuant to §58.1-3210 of the Virginia Code of 1950, as amended, for the purpose of granting relief from these charges to homeowners who have qualified for an exemption of all or any portion of their real estate tax under Chapter 43, Real Estate Tax Relief for the Elderly. Persons qualifying for a deferral only of real estate tax shall not be granted relief from this charge. Such appropriation shall be made to the credit of the County Manager in his capacity as the constituted local board of welfare of Arlington County, Virginia, and such appropriation shall be conditioned upon the County Manager making to these homeowners grants equal to the amount of this charge levied upon them; the grants shall be in addition to the relief which the recipients receive under Chapter 43. Grants shall be payable to qualified recipients in a single amount at the beginning of each fiscal year or, at the discretion of the County Manager, can be credited quarterly during each fiscal year to the quarterly refuse and recycling collection and disposal charges made to qualified recipients.

E. Residents requiring replacement of a County-provided cart due to damage caused by the resident shall be charged a fee of fifty dollars (\$50.00) for the replacement cart. This fee shall be added to the owner or occupant's quarterly charges described in subsection A and shall be subject to all of the procedures, requirements and penalties for collection described in subsection C.

F. Residents requesting pickup and disposal of household appliances shall be charged a fee of ten dollars (\$10.00) for the first item and no charge for each additional item as part of the same service order at the same address, effective July 1, 2011. This fee shall be added to the owner or occupant's quarterly charges described in subsection A and shall be subject to all of the procedures, requirements and penalties for collection described in subsection C.

G. Effective April 30, 2005, there is hereby imposed a fee of twenty dollars (\$20.00) for the disposal of televisions and a fee of fifteen dollars (\$15.00) for the disposal of computer monitors. This fee shall be added to the owner or occupant's quarterly charges described in subsection A and shall be subject to all of the procedures, requirements and penalties for collection described in subsection C. Other electronics (e.g., CPU's, peripherals, accessories, VCR's, stereos, etc.) will not incur a disposal fee.

H. Effective July 1, 2016, the fees as provided in § 10-8.G for collection of flat-screen televisions and flat-screen computer monitors that do not contain cathode ray tubes (CRTs) shall no longer be charged. (Ord. No. 83-22, 7-13-83; Ord. No. 84-10, 7-1-84; Ord. No. 84-34, 10-27-84; Ord. No. 85-17, 7-1-85; Ord. No. 86-8, 7-1-86; Ord. No. 87-2, 1-24-87; Ord. No. 88-3, 2-20-88; Ord. No. 88-9, 7-1-88; Ord. No. 89-6, 7-1-89; Ord. No. 90-4, 7-1-90; Ord. No. 90-8, 7-1-90; Ord. No. 92-19, 7-1-92; Ord. No. 92-20, 7-1-92; Ord. No. 93-3, 7-1-93; Ord. No. 94-6, 3-19-94; Ord. No. 95-20, 11-18-95; Ord. No. 96-9, 6-29-96; Ord. No. 97-4, 4-12-97; Ord. No. 98-7, 7-1-98; Ord. No. 98-20, 7-1-98; Ord. No. 99-11, 4-14-99; Ord. No. 00-8, 4-13-00; Ord. No. 02-7, 4-20-02; Ord. No. 03-07, 3-29-03; Ord. No. 03-08, 4-26-03; Ord. No. 04-06, 4-24-04; Ord. No. 05-03, 4-16-05, Effective 7-1-05; Ord. No. 06-05, 4-22-06, Effective 7-1-06; Ord. No. 07-02, 4-21-07, effective 7-01-07; Ord. No. 08-02, 4-19-08, effective 7-01-08; Ord. No. 09-05, 4-28-09, effective 7-1-09; Ord. No. 09-13, effective 7-1-09; Ord. No. 10-05, 4-24-10, effective 7-1-10; Ord. No. 10-21, 12-11-10, effective 1-1-11; Ord. No. 12-04, 4-21-12, effective 7-1-12; Ord. No. 12-11, 10-20-12, effective 7-1-12; Ord. No. 13-02, 4-20-13, effective 7-1-13, Ord. No. 15-08, 11-14-15, Ord. No. 16-02, 4-19-16, effective 7-1-16).

§ 10-9. Scavenging.

It shall be unlawful for any person to remove any refuse or recyclable material placed by the occupant of a dwelling for disposal or collection other than his own unless permission has been obtained from the occupant of the dwelling for such removal.

(Ord. No. 83-22, 7-13-83; Ord. No. 87-2, 1-24-87)

§ 10-10. Use of Public and Private Receptacles.

It shall be unlawful for any person to place solid waste or recyclable material, that was produced in his/her residential dwelling or commercial establishment, in any public or private cart, can, household container, commercial container, or retail container on public property or private property of another unless authorized to do so by either the County Manager in case of County property or the property owner in case of private property.

(Ord. No. 83-22, 7-13-83, Ord. No. 15-08, 11-14-15)

§ 10-11. Penalties.

Unless otherwise provided herein, it shall be unlawful to violate any of the provisions of this article and any person who violates any of them shall, upon conviction, be subject to a fine not to exceed three hundred dollars (\$300.00) for each violation.

(Ord. No. 83-22, 7-13-83; Ord. No. 87-2, 1-24-87; Ord. No. 10-21, 12-11-10, effective 1-1-11)

ARTICLE II.

CONDITION OF PRIVATE PROPERTY*

* **Editors Note:** Portions of Art II. were adopted or amended on May 27, 1950, June 17, 1961 and Sept. 21, 1968. See the County Board minutes for details.

§ 10-12. Definitions.

The following words and terms, when used in this article, shall have the following meanings unless the context clearly indicates otherwise:

“Danger or hazard to public health or safety” means a condition, as determined by the County Manager or

his designee, in which it is reasonably certain or foreseeable that the healthful or sanitary condition or safety of the general body of people in the County is being or will be reduced or that the healthful or sanitary conditions or safety of persons whom it is in the general County interest to protect is being reduced. Dangers to health or safety may include, by way of illustration and not limitation, trees or parts thereof in danger of falling on the County right-of-way or other public lands, and conditions which may cause disease (including allergic reactions), harbor vermin and other animals, provide shelter or cover for unlawful activities, or be a source for the spread of litter or weeds to the property of others.

“Infestation” means the presence within or around property of any rats.

“Inoperative motor vehicle, trailer or semitrailer” means any motor vehicle, trailer or semitrailer which is not in operating condition; or does not display valid license plates; or does not display an inspection decal that is valid or does display an inspection decal that has been expired for more than 60 days.

“Occupant” means any person who has possessory rights or exercises the right to possession of any dwelling unit or rooming unit and who has the right to control or exercises control over the physical conditions of such dwelling unit or rooming unit.

“Owner” means any person who, alone or jointly, or severally with others:

- (1) Shall hold legal title to the property provided that each title may be less than a fee simple; or
- (2) Shall have charge, care, or control of property, dwelling or dwelling unit, as owner, lessee, agent executor, administrator, trustee, or guardian.

“Property” means any land, whether unimproved or improved with buildings or other structures and whether unoccupied or occupied by any person.

“Rodent proofing” means a form of construction which will prevent the ingress or egress of rodents to or from a given building and their access to food, water, or harborage. It consists of the closing and keeping closed every opening in foundations, basements, cellars, exterior and interior walls, ground or first floors, attics, roofs, sidewalk gratings, sidewalk openings, and other places that may be reached and entered by rodents by climbing, burrowing or other methods, and by the use of materials impervious to rodent gnawing and other methods approved by the County Manager.

“Vacant property” means property, whether or not improved, which is not occupied by any person.
(2-21-81; 4-24-82; Ord. No. 85-43, 2-1-86; Ord. No. 96-7, 5-11-96; Ord. No. 12-08, 6-16-12)

§ 10-13. Duty of Property Owner to Cut Grass, Weeds, Maintain Lawns, Etc.

A. It shall be the duty of each owner of vacant property to cut grass, weeds, and other foreign growth (which may include trees or parts thereof) on such property when such growth on such property creates a health or safety hazard.

B. It shall be the duty of each owner of occupied residential real property to cut the grass or lawn area of less than one-half (1/2) acre on such property within ten (10) days after notice from the County Manager or designee when the growth on such grass or lawn area exceeds twelve (12) inches in height. The County may, if the grass or lawn is not cut, after thirty (30) days' notice, have such grass or lawn area cut by the County's agents or employees and the cost thereof shall be charged to and paid by the owner of such property and may be collected by the County as taxes and levies are collected.

(2-21-81; 4-24-82; Ord. No. 93-18, 9-22-93; Ord. No. 96-7, 5-11-96)

§ 10-14. Duty of Either the Property Owner, Occupant or Both to Properly Maintain Property.

It shall be the joint and several duty of the property owner and the occupant of each parcel of property in the County to keep such property free from all trash, garbage, refuse, litter, debris, or other substances which might endanger the health or safety of other residents of the County.

(2-21-81; 4-24-82)

§ 10-15. Duty of Each Property Owner or Occupant of Property to Cut Back Obstructing Vegetation.

It shall be the joint and several duty of each owner or occupant of property to cut back or remove trees or parts thereof, hedges, shrubs, vines and other vegetation which encroaches upon any sidewalk, alley, roadway, street or highway and which impairs or obstructs any pedestrian or vehicular traffic. Such growth higher than ten (10) feet above the surface of a walk or roadway need not be removed unless such growth creates a health or safety hazard. (2-21-81; 4-24-82; Ord. No. 96-7, 5-11-96)

§ 10-16. Duty of Either Property Owner, Occupant or Both to Keep the Property Free from Rat Harborage.

It shall be the joint and several duty of the property owner and occupant of each parcel of property in the County to keep such property free from any condition that harbors or has the tendency to harbor rats. (2-21-81; 4-24-82)

§ 10-17. Notice of Violation.

Whenever the County Manager determines that a property owner or occupant has violated this article, the Manager shall cause a notice of violation to be served on said owner or occupant. This notice is not a prerequisite for criminal prosecution under § 10-21. (2-21-81; 4-24-82; Ord. No. 85-43, 2-1-86)

§ 10-18. Failure to Perform Duties Relating to Property upon Violation Notice from the County Manager.

If a property owner or occupant fails to comply with the requirements of a notice issued under the provisions of §§ 10-13 and 10-14, the County Manager or designee shall be empowered to enter upon the property to correct the violation. The cost or expense thereto shall be charged to the owner of the property and shall be collected by the County in the same manner as taxes and levies are collected. (2-21-81; 4-24-82)

§ 10-19. Right to Property Owner or Occupant to Appeal Violation Notice.

Upon service of a violation notice as provided in § 10-17 above, any property owner or occupant shall have the right to appeal such violation notice or requirements specified therein and shall be granted a hearing before the County Manager or designee, provided that a written appeal and request for hearing is received by the County Manager within five (5) working days after service of the notice. Upon receipt of such an appeal or request, the County Manager shall advise the appellant of the time and place for the hearing, shall convene the hearing, shall consider the evidence and shall render a decision in writing and provide a copy to the appellant within five (5) working days following the hearing. (2-21-81; 4-24-82)

§ 10-20. Reserved.

Editor's note--Former § 10-20 was repealed by Ord. No. 90-26, adopted Aug. 11, 1990. The repealed provisions pertained to the authority of the County to require removal, repair, etc., of dangerous structures and derived from legislation of Feb. 21, 1981 and April 24, 1982.

§ 10-21. Penalties for Failure to Comply with this Article.

Except as provided for below, violations of § 10-14 may be pursued as civil penalties. In case of the violation of any provisions of this chapter, the owner, lessee, tenant or agent shall be subject to a civil penalty of one hundred dollars (\$100.00) for the first violation. This penalty shall be imposed after a warning has been issued that gives the owner, lessee, tenant or agent a specified time within which to comply with the chapter. Any person who continues to violate such provision of this chapter shall be subject to a civil penalty of one hundred fifty dollars (\$150.00) for each subsequent violation. No person shall be cited for a violation more than once in any ten (10) day period, and no person shall be fined more than a total of three thousand dollars (\$3,000.00) for all violations arising out of the same set of facts.

Civil penalties shall be imposed by the issuance of a civil summons by the Zoning Administrator or Deputy.

Any person served with a summons shall have thirty (30) days in which either to pay a fine to the Treasurer of Arlington County, Virginia, or to appeal the violation to the General District Court.
(2-21-81; 4-24-82; Ord. No. 98-12, 4-18-98)

§ 10-22. Duty of Property Owner to Remove Stored, Wrecked, Abandoned or Inoperative Vehicles.

A. It shall be unlawful for any person, firm or corporation to keep, except within a fully enclosed building, on any property zoned for residential or commercial purposes, any motor vehicle, trailer or semitrailer, as such is defined in § 46.2-100 of the Virginia Code, whose condition makes them inoperative; provided, however, that the provisions of this section shall not apply to a licensed business which on June 26, 1970, was regularly engaged in business as an automobile dealer, salvage dealer or scrap processor.

B. It is further provided:

1. That the owners of property zoned for residential or commercial purposes shall remove therefrom any such inoperative motor vehicles, trailers or semitrailers that are not kept within a fully enclosed building;
2. That the County Manager or his designee shall remove any such inoperative motor vehicles, trailers or semitrailers, after the owner of the premises has been given notice, by service by the Sheriff or by certified mail, return receipt requested, which states that a violation exists, that it must be corrected within ten (10) days, and that a request for a hearing before the County Manager must be made in writing before the end of the ten (10) day period;
3. That in the event the County Manager or his designee removes any such motor vehicles, trailers or semitrailers, the County may dispose of such motor vehicles, trailers or semitrailers after twenty-one (21) days' additional notice to the owner of the vehicle;
4. That the cost of any such removal and disposal shall be chargeable to the owner of the vehicle or premises and may be collected as taxes and levies are collected; and
5. That every cost authorized by this section with which the owner of the premises shall have been assessed shall constitute a lien against the property from which the vehicle was removed, the lien to continue until actual payment of such costs shall have been made to the County.

(2-21-81; 4-24-82; Ord. No. 85-43, 2-1-86; Ord. No. 91-18, 5-14-91)

ARTICLE III.

LITTER*

* **Editors Note:** Ordinance No. 85-41, adopted Nov. 16, 1985 and effective March 1, 1986, amended Ch. 10 by adding thereto a new Art. III as herein set forth.

§ 10-23. Definitions.

The following words and terms, when used in this article, shall have the following meanings unless the context clearly indicates otherwise:

“Commercial handbill” means and include any handbill which:

- (1) Advertises for sale or lease any merchandise, produce, commodity, service, or thing; or
- (2) Directs attention to any business or other commercial activity for the purpose of either directly or indirectly promoting the interests thereof by sales or by other means; or
- (3) Contains reading or pictorial matter other than advertising matter, but which is predominantly and

essentially a commercial advertisement and is distributed or circulated for advertising purposes, or for the private benefit and gain of any person so engaged as advertiser or distributor.

“Construction site” means any private or public property upon which repairs to an existing building or structure are being made, or where the construction of new buildings or demolition of existing structures is taking place.

“Handbill” means any printed or written matter, any sample or device, circular, flyer, leaflet, pamphlet, paper, booklet, or any other printed matter or literature which is not delivered by U.S. mail, irrespective of content.

“Litter” means any man-made or man-used waste, or product which, if thrown or deposited as prohibited herein, tends to create a danger to public health, safety, and welfare or to degrade the environment of the people of the County. Litter may include, but is not limited to, any garbage, trash, refuse, confetti, debris, rubbish, grass clippings or other lawn or garden waste, earth or mud, newspaper, magazine, glass, metal, plastic or paper container or other construction material, motor vehicle part, furniture, oil, carcass of a dead animal, nauseous or offensive matter of any kind, or any object likely to injure any person, create a traffic hazard, or degrade the environment.

“Loading or unloading areas” means any dock space or area used for the purpose of receiving, shipping, and transporting goods, wares, commodities, or persons.

“Parking lots” means any private or public property with spaces provided for parking vehicles to which the public is invited or which the public is permitted to use for purposes of parking.

“Private property” includes, but is not limited to, exterior locations owned by private individuals, firms, corporations, institutions or organizations; yards, grounds, driveways, entranceways, passageways, parking areas, working areas, storage areas, vacant lots and recreation facilities.

“Public property” includes, but is not limited to, the following exterior locations: streets, street medians, roads, road medians, catch basins, sidewalks, strips between streets and sidewalks, lanes, alleys, public rights-of-way, public parking lots, school grounds, municipal (County) housing project grounds, municipal (County) vacant lots, parks, beaches, playgrounds, other publicly-owned recreation facilities, and municipal (County) waterways and bodies of water, and any other land owned or leased by County, State, or Federal government.

(Ord. No. 85-41, 11-16-85)

§ 10-24. Littering Prohibited.

It shall be unlawful for any person to drop, cast, deposit, discard, or otherwise dispose of litter in or upon any exterior public or exterior private property within Arlington County including but not restricted to any street, sidewalk, park, body of water, vacant or occupied lot, except by placement in a public litter receptacle (or private litter receptacle provided for public use) in such a manner as will prevent the litter from falling out of or being blown from the receptacle.

(Ord. No. 85-41, 11-16-85)

§ 10-25. Vehicles Dropping Contents on Street.

Any person who transports in any vehicle or in any other manner upon any public place any loose material or articles likely to sift, fall, spill or be blown upon the public way or place shall cover the contents thereof, or shall convey the contents in tightly secured and covered boxes or containers. If any of the contents shall be blown, spilled, fall or become scattered in or upon any public way or place, such person shall immediately cause such contents to be gathered up and removed.

(Ord. No. 85-41, 11-16-85)

§ 10-26. Duty to Collect Litter Before it is Carried from the Premises.

A. The person owning, operating or in control of a loading or unloading area shall maintain the area free of litter at all times.

B. The owner, agent, or contractor in charge of a construction site, development site, or utility

maintenance work area shall furnish litter receptacles and collect and dispose of litter in such a manner so as to prevent scattering.

C. The occupant, or in the occupant's absence, the owner of any property (including parking lots) within Arlington County, shall be responsible for removing litter accumulating on said property which might endanger the health or safety of others.

(Ord. No. 85-41, 11-16-85)

§ 10-27. Litter Receptacles.

A. *Public places.* Every owner, occupant, tenant, or lessee using or occupying any public place or places to which the public is invited shall provide adequate litter receptacles of sufficient number to contain all litter generated by those persons frequenting that public place.

B. *Parking lots.* Every owner, occupant, tenant, or lessee of all restaurants, food stores, public parking lots of all sizes, shopping centers, commercial establishments and office complexes of larger than ten thousand (10,000) square feet of gross floor area, is required to install and maintain a sufficient number of litter receptacles to contain all litter generated, and at least one (1) litter receptacle in all parking areas, to be placed at or within the pedestrian walking areas of each discrete block of the parking spaces of the restaurant, food store, public parking lot, shopping center, commercial establishment or office complex.

C. *Specifications.* Litter receptacles shall be of not less than ten (10) gallons capacity, clearly marked and designed to prevent the escape of litter.

D. *Periodic emptying of receptacles.* All litter shall be removed from litter receptacles as necessary, but not less frequently than weekly, and all litter receptacles are to be maintained in a sanitary and serviceable condition.

E. *Upsetting or tampering with receptacles.* No person shall cause the removal, upsetting, mutilation or defacing of, or tamper with any litter receptacle, cause the contents thereof to be spilled or to be strewn in or upon any public place or private premises, or use such receptacle for disposal of business or household refuse.

F. *Litter receptacles obstructing traffic.* Litter receptacles shall not be placed in any location where they may obstruct vehicular traffic or unreasonably interfere with pedestrian traffic.

G. *Exterior of litter receptacles.* Litter receptacles located on publicly-owned property shall be conspicuously identified as such and shall be free of advertising.

(Ord. No. 85-41, 11-16-85)

§ 10-28. Handbills.

Any person using public property for the sale or distribution of commercial handbills, or products packaged in immediately disposable wrappers or containers shall provide receptacles for the disposal of waste materials or other litter that may be created in the immediate vicinity by such sale or distribution, or shall not sell or distribute such items more than twenty-five (25) feet from a litter receptacle.

(Ord. No. 85-41, 11-16-85)

§ 10-29. Penalties.

Any person who violates any of the provisions of this article shall, upon conviction, be subject to a fine not to exceed three hundred dollars (\$300.00).

(Ord. No. 85-41, 11-16-85)

ARTICLE IV.

MULTI-FAMILY AND COMMERCIAL REFUSE AND RECYCLING

§ 10-30. Definitions.

The following words and terms, when used in this article, shall have the following meanings unless the context clearly indicates otherwise:

“Commercial establishment” means any nonresidential location including the nonresidential portion of mixed use buildings.

“Collection system, commercial establishment” means a recycling system which includes the following components: (a) containers expressly for the collection and storage of recyclable materials to include cardboard, mixed paper, newsprint, metal and aluminum cans, glass bottles, and plastic food and beverage containers; (b) a recycling contract with a Collector for commercial collection of the recyclable materials and transportation to a recycling facility, or proof of self-haul to a recycling facility, or for commercial establishments with five (5) or fewer employees, certification of self-haul to a recycling drop-off center; and (c) educational materials to inform employees and tenants of how to properly use the recycling system.

“Collection system, multi-family dwelling” means a system which includes the following components: (a) containers expressly for the collection and storage of recyclable materials to include cardboard, mixed paper, newsprint, metal and aluminum cans, glass bottles, and plastic food and beverage containers; (b) a recycling contract with a Collector for commercial collection of the recyclable materials and transportation to a recycling facility, or proof of self-haul to a recycling facility; and (c) educational materials to inform tenants of how to properly use the recycling system.

“Collector” means any person, corporation, association, firm, partnership, company, or any other legal entity engaged in the regularly-scheduled commercial collection and transportation of solid waste and/or any material separated for recycling and is operating in accordance with the requirements pursuant to Article V of this Chapter.

“Compostable materials” means materials that can be converted into a stabilized organic product through a controlled aerobic decomposition process in such a manner that the product can be handled, stored, and/or applied to the land without adversely affecting public health or the environment and includes food waste and yard waste.

“County Manager” means the County Manager of Arlington County, Virginia, or his/her designee.

“Curbside collection program participants” means the owner or occupant of each dwelling, as defined in § 10-5, that receives weekly refuse collection from the County. Home occupation permitted businesses operating from such dwellings are subject to the requirements of this article for such dwellings.

“DES” means the Arlington County Department of Environmental Services.

“Multi-family dwelling” means a building, or portion thereof, designed for occupancy by three (3) or more families living independently, or a townhouse development not part of the County curbside collection program. Home occupation permitted businesses operating from such dwellings are subject to the multi-family requirements of this article.

“Non-residential property” means property other than housing, such as office buildings, shopping centers, businesses, churches, hotels, hospitals, schools, or government buildings.

“Recyclable materials” means materials that can be recovered and reprocessed to be reused as a material to make new products, such as cardboard, mixed paper, metal cans, aluminum, glass, plastic, and metal items, that are identified as recyclable materials pursuant to the list administered by the Department of Environmental Services Solid Waste Bureau and posted on the County website. The County Manager will announce ninety (90) days prior to the addition of new materials to the list.

“Recycling” means the act of separating a recyclable material from the waste stream for the purpose of processing it so that it may be used again as a raw material or product, which may or may not be similar to the original product.

“Recycling container” means a rigid receptacle that is specifically designed, sized, constructed, labeled, and

placed for on-site collection and temporary storage of recyclable materials.

“Recycling contract” means a contract that a commercial establishment or multi-family dwelling has with a Collector to collect and transport the required recyclable materials to a recycling facility.

“Recycling drop-off center” means a lawful collection site for the acceptance by donation, redemption, or purchase of recyclable materials from the public. Such a facility does not use power-driven processing equipment.

“Recycling facility” means a facility that collects, processes, repackages, and markets previously separated recyclable materials.

“Recycling plan” means a plan provided to the Department of Environmental Service Solid Waste Bureau by a multi-family or commercial establishment, which includes all the information required pursuant to § 10-32.

“Recycling system” refers to the means by which recyclable materials are separated from the waste stream collected on site, and managed, and may include the means of delivering source-separated materials to a recycling facility or recycling drop-off center.

“Refuse” means all solid waste, including cold ashes, garbage, rubbish, bulky wastes, and construction and demolition waste excluding hazardous and infectious materials.

“Refuse container or trash container” means a rigid receptacle that is specifically designed, sized, constructed, labeled, and placed for on-site collection and temporary storage of refuse pending collection and includes, but is not limited to, cans, dumpsters, chutes, enclosures, automatic lift containers, bins, roll-offs, and other receptacles.

“Responsible party” means, for dwellings eligible for participation in the County curbside collection program, the dwelling owner or dwelling occupant if different from the owner. For a multi-family dwelling, the term "responsible party" shall mean the owner, manager, or agent responsible for the management and disposal of solid waste generated at that property. For a commercial establishment, the term "responsible party" shall mean the business or property owner, manager or agent and, if different, the party responsible for the management and disposal of solid waste generated at that commercial establishment.

“Self-haul certification” means an annual certification approved by DES and issued to commercial establishments with five (5) or fewer employees that have an established Collection System and demonstrate self-hauling of recyclable materials to a recycling drop-off center or to a residence located outside of the County in lieu of a recycling contract with a Collector.

“Solid waste” or “waste” means any garbage, refuse, rubbish, trash, or other discarded material, but does not include solid or dissolved materials in domestic sewage, solid or dissolved materials in irrigation return flows, industrial discharges, or special nuclear or by-product materials.

“Trash” is used interchangeably with the terms “solid waste” and “refuse.”
(Ord. No. 93-22, 11-13-93; Ord. No. 10-21, 12-11-10, effective 1-1-11; Ord. No. 15-01, 1-27-15, effective 1-1-16, Ord. No. 15-08, 11-14-15)

§ 10-31. Requirements for Materials to be Collected.

As of January 1, 2011:

A. It shall be the responsibility of the owners or other responsible party of all commercial establishments and multi-family dwellings to provide for the private collection, and disposal of all refuse at least weekly, unless given written exemption by the County Manager or designee, and adhere to the following practices:

1. Provide sufficient number of approved containers for the storage of refuse. Refuse containers shall be appropriately sized and clearly distinguished from trash containers by labels or other markings. Refuse containers located on the exterior of a property shall be covered or otherwise secured to prevent the contents from blowing, leaking, or spilling. All refuse containers shall be emptied frequently enough to prevent their contents from overflowing.

2. Maintain all containers in a sanitary and serviceable condition.
3. Place commercial containers on concrete, or other similar impervious surfaces.

B. Multi-family dwelling: Within ninety (90) days of the effective date of this section or within thirty (30) days of the recycling contract renewal date the responsible party of each multi-family dwelling shall provide a recycling system for its residents to separate the recyclable materials defined in § 10-30 from the waste stream. New multi-family dwelling properties are required to establish a collection system within ninety (90) days from the first date of occupancy by a tenant.

C. Commercial establishment: Within ninety (90) days of the effective date of this section or within thirty (30) days of the recycling contract renewal date, the responsible party of each commercial establishment shall provide a recycling system for their employees and tenants to separate the recyclable materials defined in § 10-30 from the waste stream. If the commercial establishment includes both multi-family units and nonresidential properties, the multi-family tenants shall have access to a recycling system required in § 10-31.B. Each new commercial establishment is required to establish a collection system within ninety (90) days after receiving an Arlington County Certificate of Occupancy.

D. It shall be the responsibility of the owners or other responsible party of all commercial establishments and multi-family dwellings to provide for the private collection and recycling of all recyclable materials at least weekly, unless given a written exemption by the County Manager, and adhere to the following practices:

1. Provide a sufficient number of recycling containers for the storage of recyclable materials. Recycling containers shall be appropriately sized and clearly distinguished from trash containers by labels or other markings. Recycling containers located on the exterior of a property shall be covered or otherwise secured to prevent the contents from blowing, leaking, or spilling. All recycling containers shall be emptied frequently enough to prevent their contents from overflowing.
2. Maintain all containers in a sanitary and serviceable condition.
3. Place all containers on concrete, or other similar impervious surface.

(Ord. No. 93-22, 11-13-93; Ord. No. 10-21, 12-11-10, effective 1-1-11; Ord. No. 15-01, 1-27-15, effective 1-1-16, Ord. No. 15-08, 11-14-15)

§ 10-32. Additional Recycling Requirements.

A. Multi-family dwelling: By no later than January 1, 2016, the responsible party for a multi-family dwelling that has trash disposal container(s) available for use by tenants or visitors in a common area on the interior or exterior of the property, to include, but not limited to, club room, laundry room, gym, mailroom, lobby, business room, roof deck, pool, and green space, shall provide adjacent to each trash disposal container location, a container for recyclable materials, if reasonably expected that recyclable materials would be disposed at that location. The recycling container shall be placed as close to the trash container as possible to provide equally convenient access to users and shall be of sufficient capacity to store the quantity of recyclable materials reasonably anticipated to be disposed at that location.

B. Commercial establishment: By no later than January 1, 2016, the responsible party for a commercial establishment that has trash disposal container(s) available for use by customers or visitors on the interior or exterior of the property shall provide adjacent to each trash disposal container, a container for recyclable materials, if reasonably expected that recyclable materials would be disposed at that location. The recycling container shall be placed as close to the trash container as possible to provide equally convenient access to users and shall be of sufficient capacity to store the quantity of recyclable materials reasonably anticipated to be disposed at that location.

C. The responsible party for a multi-family dwelling or commercial establishment may seek from the County an exemption from the recycling requirements in § 10-32.A and B of this section pursuant to § 10-36.

D. The responsible party for a multi-family dwelling or commercial establishment shall ensure that all recyclable materials collected and stored on site are handled separately from the waste stream and are not mixed with or disposed as trash.

(Ord. No. 15-01, 1-27-15, effective 1-1-16)

§ 10-33. Reporting Requirements.

A. *Initial recycling plans for multi-family dwellings and commercial establishments.* The responsible party for each multi-family dwelling and commercial establishment is required to submit a recycling plan to DES. Instructions for submitting this plan will be provided by DES to each multi-family dwelling and commercial establishment address. The responsible party for each new multi-family dwelling is required to submit this plan within thirty (30) days from the date of first occupancy by a tenant. The responsible party of each new commercial establishment is required to submit this plan within thirty (30) days after receipt of an Arlington County Certificate of Occupancy. The initial recycling plan must be approved by DES to comply with the terms of this article. If the initial recycling plan is rejected by DES, the submitting party has thirty (30) days from notification of the rejection to submit a revised plan for approval. The following information shall be included in the initial recycling plan:

1. Name and address of reporting commercial establishment or multi-family property;
2. Name and contact information of responsible party;
3. Name and contact information of Collector servicing account for trash and recycling;
4. Name and address of processor or disposal site for trash and recycling;
5. Size and location of containers, frequency of pick-up, and cost of services with recycling costs listed separately from trash costs; and
6. Description of educational materials and outreach activities.

B. *Updated recycling plans for multi-family dwellings and commercial establishments.* The responsible party for each multi-family dwelling and the commercial establishment is required to maintain an updated recycling plan with DES. The plan must be updated whenever there is a significant change to the property, including major construction, change of ownership or management, or change of solid waste and/or recycling Collector or collection services. At a minimum, the plan shall be updated every three (3) years. Instructions for updating this plan will be provided by DES to each multi-family dwelling and commercial establishment address. The updated recycling plan at a minimum shall include:

1. Name and address of reporting commercial establishment or multifamily property;
2. Name and contact information of responsible party;
3. Name and contact information of Collector servicing account for trash and recycling;
4. Name and address of processor or disposal site for trash and recycling;
5. Size and location of containers, frequency of pick-up, and cost of services with recycling costs listed separately from trash costs; and
6. Description of educational materials and outreach activities.

C. *Compostable materials.* The responsible party or other owner, manager, agent, or tenant of a multi-family dwelling or commercial establishment who enters into an agreement with another party to manage, collect, or transport compostable materials shall provide the recycling plans required pursuant to § 10-33.A and B for that compostable materials.

(Ord. No. 93-22, 11-13-93; Ord. No. 95-1, 1-7-95; Ord. No. 10-21, 12-11-10, effective 1-1-11; Ord. No. 15-01, 1-27-15, effective 1-1-16, Ord. No. 15-08, 11-14-15)

§ 10-34. Collector Invoices to Customers.

The responsible party or other owner, manager, agent, or tenant of a multi-family dwelling or commercial establishment who enters into an agreement with a Collector to manage, collect, or transport solid waste or other materials shall ensure that the invoice received from each such Collector is itemized to include the following information separately for refuse, recyclable materials, compostable materials, and other materials collected for recycling: number of containers and capacity; frequency of pick-up; and monthly charge for each collection services. (Ord. No. 93-22, 11-13-93; Ord. No. 95-1, 1-7-95; Ord. No. 10-21, 12-11-10, effective 1-1-11; Ord. No. 15-01, 1-27-15, effective 1-1-16, Ord. No. 15-08, 11-14-15)

§ 10-35. Education Requirements.

A. Multi-family: the responsible party of each multi-family dwelling shall provide each unit or tenant with written or electronic instructions regarding use and participation in the property or building's recycling system within fourteen (14) days of tenant occupancy and at least annually thereafter. These instructions are in addition to the collection system requirements in § 10-30. Instructions may include the following: community newsletters, flyers, distributed property websites, and posters. Copies of instructions shall be available to DES upon request.

B. Commercial: the responsible party of each commercial establishment shall provide employees, tenants, and/or system users with written or electronic instructions regarding use and participation in the recycling system within fourteen (14) days of occupancy and at least annually thereafter. In multi-tenant commercial establishments in which individual tenants do not manage their own solid waste and recyclables, the responsible party shall provide all tenants and/or system users with instructions regarding use and participation in the recycling system within fourteen (14) days of occupancy and at least once annually thereafter. Instructions are in addition to the collection system requirements in § 10-30. Instructions may include the following: building/property newsletters, flyers or, memos distributed to each tenant/employee, property/business websites, and other electronic media. Copies of instructions shall be made available to DES upon request.

(Ord. No. 93-22, 11-13-93; Ord. No. 10-21, 12-11-10, effective 1-1-11; Ord. No. 15-01, 1-27-15, effective 1-1-16)

§ 10-36. Exemption from Requirements.

A. *Criteria.* Limited exemptions, as set forth below, may be approved by the County Manager or his/her designee. Applications for an exemption from the requirements of § 10-31 and § 10-32.A and B shall be submitted by the responsible party to the County Manager on County forms. An exemption may be allowed where compliance with the chapter would result in unnecessary hardship to the applicant and the need for an exemption would not be shared generally by other applicants, provided such an exemption is not contrary to the intended spirit and purpose of this article and would result in substantial justice being done. All exemptions are to be construed as temporary, for a period not to exceed one (1) year, and shall be considered withdrawn on the first to occur of (a) a change in the condition(s) which prompted the exemption, or (b) the expiration of the time period granted in the exemption. Should an exemption be withdrawn because the time period has expired, an applicant may apply for renewal of the exemption. Application forms are available from the Solid Waste Bureau of DES. Applications are evaluated against the following criteria:

1. Incompatibility of compliance with the requirements of this article and compliance with other Arlington County ordinances or other laws;
2. Unavailability of collectors or acceptors (defined as licensed Collector of recyclable materials or intermediate or final processors of recyclable materials) for one (1) or more of the required recyclable materials;
3. Unavailability of on-site space for the preparation and temporary storage of one (1) or more of the required recyclable materials;
4. Extreme disparity between the applicant's costs of recycling one (1) or more of the required materials and the costs of disposal of the same material(s);
5. Negligible generation rates of one (1) or more of the required recyclable materials;
6. Criteria for an exemption from the requirements of § 10-31.D are as follows:
 - a. Incompatibility of compliance with the requirements of this article and compliance with other Arlington County ordinances or other laws;
 - b. Sealed compactor, unless the sealed compactor is emptied not less than once every two weeks in which case an exemption shall be automatically granted, and the submission process described in § 10-36 shall be waived;
 - c. Non-leaking container, air tight, with little to no odor.

7. On-site evaluation by the Solid Waste Bureau of DES.

B. *Evaluation.* The County Manager or his/her designee will consider the above criteria in evaluating the application for exemption and will consider the compliance rate, implementation plans, recycling systems of similar businesses in Arlington County, and the recommendation made by a Solid Waste Bureau Recycling Compliance Specialist or member of the County recycling staff based on a site visit.

C. *Actions.* After reviewing the information described in subsection A above, the County Manager or his/her designee will take one of the following actions:

1. Grant an exemption that requires the applicant to recycle alternative materials identified by the DES director;
2. Grant an exemption that reduces the number of types of materials required to be recycled; or
3. Deny the request for an exemption.

(Ord. No. 93-22, 11-13-93; Ord. No. 10-21, 12-11-10, effective 1-1-11; Ord. No. 15-01, 1-27-15, effective 1-1-16, Ord. No. 15-08, 11-14-15)

§ 10-37. Penalties.

Any responsible party violating any provision of this article shall be issued a notice of violation and given thirty (30) days to correct the violation. If such violation has not been corrected within thirty (30) days the responsible party will be notified by an order of correction that it will be subject to a fine of up to three hundred dollars (\$300.00), such fine to become effective no earlier than December 1, 1994, by the Solid Waste Division of the DES unless the identified violations are corrected within fifteen (15) days. If the responsible party fails to correct the violation within fifteen (15) days, the responsible party will be fined up to three hundred dollars (\$300.00) for each day such violation continues.

(Ord. No. 93-22, 11-13-93; Ord. No. 10-21, 12-11-10, effective 1-1-11; Ord. No. 15-01, 1-27-15, effective 1-1-16)

§ 10-38. Right to Appeal Notices and Fines.

Upon service of a notice of violation, order of correction or fine as provided in § 10-37, the responsible party shall have the right to appeal such notice, order, or fine by submission of a written request for review by the County Manager or his/her designee, provided that the written request is received by the County Manager within five (5) business days after service of the notice, order, or fine. Upon receipt of such a written request, the County Manager or his/her designee shall review the request, shall consider the evidence, and shall render a decision in writing and provide a copy to the appellant within fifteen (15) business days following receipt of appellant's written request.

(Ord. No. 93-22, 11-13-93; Ord. No. 15-01, 1-27-15, effective 1-1-16)

§ 10-39. Recycling System Compliance Inspection Fee.

Each responsible party which is required to establish a recycling system for the collection of recyclable materials as described in § 10-31 and § 10-32 and is required to submit a recycling plan pursuant to § 10-33, shall on a yearly basis pay a compliance inspection fee of sixty six dollars (\$66.00) for each multi-family property or business location for which a plan has been submitted. Such fees shall be paid within thirty (30) days of the date of the bill for payment. Failure to pay such compliance inspection fee after 60 days from the initial billing date shall result in the addition of the inspection fee plus a one hundred dollar (\$100) late fee to the next utility bill for the property.

(Ord. No. 15-01, 1-27-15, effective 1-1-16)

ARTICLE V.

COMMERCIAL COLLECTORS

§ 10-40. Definitions.

“Collection vehicle” means any vehicle used to collect and/or transport solid waste and/or materials recovered for recycling.

“Collector” means any person, corporation, association, firm, partnership, company, or any other legal entity engaged in the regularly-scheduled commercial collection and transportation of solid waste and/or any material separated for recycling, but shall not include the County.

“Commercial establishment” means any nonresidential location including the nonresidential portion of mixed use buildings.

“Compostable materials” means materials that can be converted into a stabilized organic product through a controlled aerobic decomposition process in such a manner that the product can be handled, stored, and/or applied to the land without adversely affecting public health or the environment and includes food waste and yard waste.

“Customer” means anyone providing compensation to a Collector.

“DES” means the Arlington County Department of Environmental Services.

“Multi-family dwelling” means a building, or portion thereof, designed for occupancy by three (3) or more families living independently, or a townhouse development not part of the County curbside collection program. Home occupation permitted businesses operating from such dwellings are subject to the multi-family requirements of this Chapter.

“Non-residential property” means property other than housing, such as office buildings, shopping centers, businesses, churches, hotels, hospitals, schools, or government buildings.

“Recyclable materials” means materials that can be recovered and reprocessed to be reused as a material to make new products, unless otherwise indicated in this article.

“Recycling” means the act of separating a recyclable material from the waste stream for the purpose of processing it so that it may be used again as a raw material or product, which may or may not be similar to the original product.

“Recycling drop-off center” means a lawful collection site for the acceptance by donation, redemption, or purchase of recyclable materials from the public. Such a facility does not use power-driven processing equipment.

“Recycling facility” means a facility that collects, processes, repackages, and markets previously separated recyclable materials.

“Refuse” means all solid waste, including cold ashes, garbage, rubbish, bulky wastes, and construction and demolition waste excluding hazardous and infectious materials.

“Self-haul certification” means an annual certification approved by DES and issued to commercial establishments with five (5) or fewer employees that have an established Collection System and demonstrate self-hauling of recyclable materials to a recycling drop-off center or to a residence located outside of the County in lieu of a recycling contract with a Collector.

“Solid waste” or “waste” means any garbage, refuse, rubbish, trash, or other discarded material, but does not include solid or dissolved materials in domestic sewage, solid or dissolved materials in irrigation return flows, industrial discharges, or special nuclear or by-product materials.

“Source separation” is the process of removing materials from the solid waste stream at the location where the material is generated.

(Ord. No. 15-08, 11-14-15)

§ 10-41. General Requirements for Collectors.

A. Each Collector shall provide recycling services for the collection of the recyclable materials defined in §10-30 to all residential and nonresidential customers to which such collector provides refuse collection services, unless such customer provides either written documentation that he/she has an existing recyclable material collection contract with another Collector that is permitted in accordance with § 10-42 or a current annual Self-Haul Certification approved by DES for self-hauling of recyclable materials.

B. Refuse shall be collected and transported from the premises to which refuse collection services are provided not less than once per week.

C. Recyclable materials shall be collected and transported from the premises to which recycling collection services are provided not less than once per week, unless the County has granted an exemption for such premises pursuant to § 10-36.

D. The mixing of solid waste with any source-separated recyclable materials or compostable materials set out for collection is prohibited.

E. Collectors that collect, transport, or dispose of solid waste, recyclable materials, and/or compostable materials from residential, multifamily, and nonresidential customers must communicate the recycling services provided to those customers as described below:

1. For residential customers, each Collector must provide at least once per year, a statement of service to each residential customer. The statement of service must describe the specific services provided by the Collector to include what recyclable materials and/or compostable materials are collected and how these materials shall be set out for collection, as well as the County's requirement to separate and collect the recyclable materials defined in § 10-30 to include at a minimum: cardboard, mixed paper, metal cans, aluminum, glass, plastic, and metal items.
2. For multi-family dwellings, each Collector must provide at least once per year, a statement of service to either: 1) the property manager who is responsible for delivering the information to each multi-family tenant or customer, or 2) directly to each multi-family tenant or customer. The statement must describe the specific recycling services provided by the Collector to include what recyclable materials and/or compostable materials are collected and where these materials shall be placed for collection, as well as the County's requirement to separate and collect the recyclable materials defined in § 10-30 to include at a minimum: cardboard, mixed paper, metal cans, aluminum, glass, plastic, and metal items.
3. For commercial establishments, each Collector must provide at least once per year, a statement of service to either: 1) the property manager who will be responsible for delivering the information to each tenant or customer, or 2) directly to each tenant or customer. The statement must describe the specific recycling services provided by the Collector to include what recyclable materials and/or compostable materials are collected and where these materials shall be placed for collection, as well as the County's requirement to separate and collect the recyclable materials defined in § 10-30 to include at a minimum: cardboard, mixed paper, metal cans, aluminum, glass, plastic, and metal items.

(Ord. No. 15-08, 11-14-15)

§ 10-42. Permits Required.

A. No Collector shall commercially collect, transport, transfer, store, or dispose of solid waste or recyclable materials without first having paid the required permit fees and obtained from the County a permit covering that activity and any related facility and each related collection vehicle used to transport solid waste or recyclable material. The permit shall be renewed annually by no later than January 31st of each calendar year. County-owned and/or County-operated vehicles are exempt from the permitting requirements in Article V.

B. The County Manager shall establish reasonable regulations pursuant to this section of the County Code for the disposal of refuse that originates in Arlington County. The County Manager may designate a refuse

station as the place for the disposal of refuse collected, transported or disposed of by holders of refuse permits by giving written notice to each holder of a refuse permit designating the refuse station to be used. The County Manager shall not designate any refuse station that is not owned or operated by the County unless the owner of the refuse station has contracted with the County to accept refuse that originates in the County and the tipping fee or other disposal charge payable by refuse permit holders at the refuse station has been approved by the County Board. The provisions of this paragraph shall not apply to:

1. Refuse 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 fuels for sale to a person other than an entity controlled by or under the same control as the manufacturer, miner, processor, refiner or converter of the energy or refuse-derived fuel;
2. Recyclable materials, which are those materials that have been source-separated by any person, or materials that have been separated from 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; or
4. Waste oil.

C. Any Collector desiring a permit to collect, transport, transfer, store, or dispose of any solid waste or recyclable materials shall make application to the County. Each application shall be in the form specified by the County and shall include, at a minimum but not be limited to: the name of business, type of business, owner or authorized agent, business address, mailing address, email address, and telephone number of the applicant's place of business; the number and description of all vehicles and equipment to be used in the County; and/or a complete description of any proposed facility and operations at the facility.

1. Before issuing any permit, the County may at its sole discretion cause an inspection to be made of the premises within the County and vehicles and equipment named and described in the application for a permit under this article for the purpose of determining whether the premises, vehicles, and/or equipment comply with the provisions of this article, including but not limited to the standards established in § 10-42.C.7 of this article. If the County shall be satisfied from the inspection that the premises, vehicles, and/or equipment are in conformity with this chapter, then the County shall issue, or cause to be issued, upon payment by the applicant to the County of the fee established in this article, a permit authorizing the applicant to collect, transport, transfer, or dispose of solid waste and/or recyclable materials within the County, with such conditions as may be deemed necessary to comply with this article. The County shall assign a permit number to each approved collection vehicle and provide a visible permit (e.g., plate, sticker) that shall be permanently affixed by the applicant to both sides of the collection vehicle on the door of the cab or at the farthest point forward on the truck body.
2. Every permit issued pursuant to this article shall be renewed annually. Permits shall expire according to a schedule specified by DES. Permits shall not be transferrable or prorated. In the event that any permitted collection vehicle is removed from service or sold, the permit holder shall notify the County and the permit for that collection vehicle shall be removed and returned to the County no less than 10 business days following the vehicle's removal from service or sale. In the event that a permit is not recoverable, then the permit holder shall notify the County in writing of the permit number of said collection vehicle and the circumstances of loss within 10 days, which shall be done, as well as payment of a lost permit fee of fifty dollars (\$50), before a replacement permit will be issued by the County.
3. The County is hereby authorized to enter and inspect any premises, except the interior of any residence, and vehicles in the County used by an applicant for a permit or a permittee in the business of collecting, transporting, transferring, storing, or disposing of solid waste and recyclable materials. Any inspection shall be made during business hours and only with the consent of such applicant or permittee for the purpose of enforcing the provisions of this article and for no other purpose. If the County shall not be so satisfied or if the applicant has refused the County the right to enter and

inspect any premises, except the interior of any residence, and vehicles pursuant to § 10-42.C.3 for the purpose of enforcing the provisions of this article, the County shall deny a permit application.

4. If the County finds that the premises, vehicles, and/or equipment for which the permit was issued do not conform to the provisions of this article, that a permittee has refused the County the right to enter and inspect such premises, except the interior of any residence, or vehicles pursuant to § 10-42.C.3 for the purposes of enforcing the provisions of this article, or that a permittee or an employee or agent of a permittee has failed or neglected to comply with any of the minimum standards set forth in § 10-42.C.7, the County may enter an order for the suspension of the permit until such time as the County finds the reason for the suspension no longer exists. A copy of the order shall be sent to the permittee at his place of business by certified mail, which order shall set forth the reasons for the suspension. The suspension shall be effective ten (10) calendar days after the date it is executed by the County, and the order shall state this effective date; provided, however, that if the County finds that an immediate suspension is necessary to protect the health or safety of County residents, the suspension shall be effective immediately and the order shall so state. Except in cases of an immediate suspension, the order shall inform the permittee that he may dispute the suspension by written submission to the County, stating the reasons why the permit should not be suspended. The order shall also inform the permittee of the date and time by which such written submission must be submitted. If the permittee does not make a timely written submission to the County, the suspension shall become effective and the order shall become final on the date set forth in the order. If the permittee does make a submission, the suspension shall be stayed pending the County's consideration of the submission and the issuance of a final order affirming, amending, or rescinding the earlier order. This final order shall be effective on the date it is executed by the County and shall be sent to the permittee at his place of business by certified mail. The failure of a permittee to make a written or personal submission to the County shall not affect the County's authority to reinstate a suspended permit, pursuant to § 10-42.C.5, or the permittee's right to appeal a final order of suspension, pursuant to § 10-42.C.6. It shall be unlawful for any Collector to collect, transport, transfer, store, or dispose of any solid waste or recyclable materials within the County when subject to a final order of suspension.
5. The County may reinstate a suspended permit when no fact or condition exists which would otherwise warrant the County to refuse to grant a permit under the terms of this article.
6. Any applicant aggrieved by the denial of an application for a refuse permit under § 10-42.C.1 and any permittee aggrieved by a final suspension order under § 10-42.C.4 shall have the right to appeal the denial or order to the County. The appeal shall be taken by filing with the County, within ten (10) calendar days of the date on which the notice of the denial has been mailed to such person's place of business or of the effective date of the final order, a written statement setting forth fully the grounds for appeal. The County shall schedule a hearing and shall give notice of the hearing to the appellant. The decision of the County on appeal shall be final, but shall not preclude the issuance of a permit or the reinstatement of a suspended permit by the County due to changed circumstances.
7. Any Collector collecting, transporting, storing or disposing of solid waste or recyclable material in the County who does not comply with the following minimum standards shall be subject to suspension of his permit, pursuant to the provisions of § 10-42(c)(4) of this article.
 - a. The premises where vehicles, equipment, and offices are maintained shall be kept in a clean and sanitary condition and any accumulation of solid waste, ashes, yard debris, or recyclable material which tends to create a health problem or nuisance shall not be permitted on such premises.
 - b. The facility in which any transfer activity takes place ("facility") shall be designed and operated in such a manner as to minimize the migration of odors outside of the building which could adversely affect public health and safety.
 - c. The facility shall be operated in compliance with all County pretreatment program requirements for the proper disposal of wastewater and floor wash water into the sanitary sewer system. No floor wash water shall at any time be pumped, conveyed, or allowed to

drain into the County's storm water drainage system.

- d. All vehicles used in the collection, transport, transfer, or disposal of solid waste or recyclable materials shall be kept and maintained in a clean and sanitary condition and shall be so constructed and maintained as to prevent spillage of the type of material to be collected therein.
- e. All vehicles hauling solid waste and recyclable materials shall be watertight and completely enclosed unless exempted in writing by the County.
- f. All vehicles shall be emptied before being placed on the permittee's premises for overnight parking, except for Sunday nights only.
- g. No vehicle shall be parked on a County street overnight.
- h. No vehicle shall be parked in violation of the County Code relating to parking of trucks and commercial vehicles in a residential district.
- i. All vehicles shall transport solid waste and recyclable materials in such a manner as not to create a nuisance or adversely affect public health or safety.
- j. The route to be traveled by vehicles utilizing such a facility and driven by customers as well as employees of the facility shall be approved in advance by the County Manager or his/her designee.
- k. The facility shall accept no biomedical or infectious wastes.
- l. The facility shall operate in accordance with all applicable federal, state, and local regulations governing the collection, transport, transfer, storage, and disposal of refuse and recyclable materials.
- m. All provisions of this article and all rules and regulations established by the County pursuant to this article shall be complied with by every permittee and by all employees and agents of the permittee.

D. No vehicle or container used by any Collector for collecting, transporting, or disposing of solid waste or recyclable material shall be emptied in the County on the ground or location other than at an approved solid waste facility or recycling facility.

E. No commercial motor vehicle used to transport solid waste or recyclable materials shall be parked on or adjacent to the highways or streets of the County.

- 1. This prohibition shall not apply to temporary stops during a collection route or to emergency stops, nor shall it apply to any vehicle owned or operated by persons transporting solid waste or recyclable materials from their residences to a permitted transfer or disposal facility.
- 3. The County Police Department may direct the removal or towing of any such vehicle found parked in violation of this section. Violation of this section shall constitute a traffic infraction punishable by a fine of not more than two hundred dollars (\$200.00), in addition to any towing and storage charges that may be assessed.

(Ord. No. 15-08, 11-14-15)

§ 10-43. Collector Invoices to Customers.

Each Collector that manages, collects, or transports solid waste or other materials shall itemize all invoices to its customers to include the following information separately for each type of collection service, including but not limited to refuse, recyclable materials, compostable materials, and other materials collected for recycling: number of containers and capacity; frequency of pick-up; and monthly charge for each collection service.

(Ord. No. 15-08, 11-14-15)

§ 10-44. Reporting.

Each nonresidential entity that collects or transports solid waste or any material recovered for recycling, including but not limited to recyclable materials, scrap metal, electronic waste, compostable materials such as yard waste and food waste, waste oil and antifreeze, batteries, or cooking oil and grease, in Arlington County shall annually report to DES by no later than January 31st of each year for the previous calendar year, the information deemed necessary by the County to facilitate compliance with Virginia Code Section 10.1-1411. The report shall be submitted on the form specified by DES and shall include at a minimum, the measured or carefully estimated weight of all solid waste and materials recovered for recycling that the entity collected from all residential and nonresidential locations in Arlington County. Where estimates are reported, a written explanation describing how each estimate was calculated is required. This report shall be signed by company official. In the event that a Collector fails to submit the required annual report by the January 31st deadline, a one-hundred dollar (\$100) administrative fee shall be added to the annual permit fee collected pursuant to § 10-45.A.

(Ord. No. 15-08, 11-14-15)

§ 10-45. Permit Fees.

A. Applicants for a Collector permit shall pay at the time of initial application and each annual application for a permit, thereafter, a fee of seventy five dollars (\$75.00) for each collection vehicle used to transport solid waste and any material recovered for recycling. Such permit fees shall be paid by the Collector and received by DES within thirty (30) days of the date of the bill for payment; after 30 days of the date of the bill for payment, the permit fee for each collection vehicle shall be one-hundred dollars (\$100).

B. Applicants for a solid waste transfer, storage, or similar facility located in Arlington County shall pay an initial and annual permit fee of one thousand dollars (\$1,000.00).

(Ord. No. 15-08, 11-14-15)

§ 10-46. Penalties.

Unless otherwise provided herein, it shall be unlawful to violate any of the provisions of this article and any person who violates any of them shall, upon conviction, be subject to a fine not to exceed three hundred dollars (\$300.00) for each violation.

(Ord. No. 15-08, 11-14-15)