# LYNCHBURG CITY COUNCIL
## Agenda Item Summary

MEETING DATE: **May 27, 2003 Work Session** AGENDA ITEM NO.: 6

CONSENT: REGULAR: **X** CLOSED SESSION: (Confidential)

ACTION: INFORMATION: **X**

ITEM TITLE: **Solid Waste Management Residential Services – Proposed City Code Changes**

RECOMMENDATION: Review proposed City Code changes to implement the changes to Solid Waste services, fees and payment methods as previously approved by City Council.

SUMMARY: On April 9, 2002, representatives from Reed, Stowe and Yanke presented the Solid Waste Rate Analysis to City Council. The Solid Waste Management Fund is currently in a declining financial position; the debt coverage and Fund balance ratios continue to drop and are projected to fall below key financial targets during the next few years without rate adjustments. The rate study suggested establishing a monthly residential rate that would fully recover revenues necessary to cover all residential costs.

Three citizen meetings were held in September with approximately 200 citizens attending and offering comments, ideas and suggestions. A report that categorized the citizen comments into various areas was presented to Council.

During the past year, City Council has reviewed and discussed many options regarding Solid Waste residential services. City Council has reviewed and resolved the various issues regarding solid waste changes and has instructed staff to bring back for their consideration necessary City Code changes.

A review of the City's current Recycling Program has begun; possible changes will be recommended to City Council during the summer of 2003. However, no significant change in recycling revenue is projected at this time.

An update regarding the progress to implement semi-automated refuse collection will be provided to Council at this meeting. Also included will be an update by staff from Billings and Collections and Communications and Marketing regarding their progress and plans.

The final City Code changes are scheduled to be presented for Council's action at the June 10, 2003 City Council meeting.

PRIOR ACTIONS: The list of City Council's recent actions on this subject is provided in Attachment 1.

FISCAL IMPACT: The Solid Waste Management Fund will become more stable with the implementation of the Solid Waste flat fee in January 2004. The overall impact of the implementation of the residential flat fee will be an increase of revenues of approximately $1,067,432 per year, which should adequately cover past financial shortfalls in the residential service area. More detailed and updated financial information is provided in Attachment 2.

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ATTACHMENT(S): Attachment 1 – Prior City Council Actions
Attachment 2 – Estimated Fiscal Impacts
Summary of City Code Changes
City Code Changes
Communications & Marketing Plan

REVIEWED BY: lkp

Attachment #1
Solid Waste Management Changes
Prior Actions

May 28, 2002 – City Council approved user rates for tires, commercial, industrial and sludge and landfill tipping fee rates.

June 25, 2002 – City Council reviewed solid waste services and payment methods and directed staff to hold citizen meetings and discuss these issues and bring back their feedback and input.

October 29, 2002 – City Council reviewed citizen feedback and input regarding solid waste services and payment methods. Council also discussed the current services and possible changes, as well as funding options.

November 5, 2002 – City Council reviewed Solid Waste Management issues including restricting residential refuse collection to single and multi-family complexes up to four units. City Council approved the change in collection beginning with the implementation of the semi-automated collection system.

December 10, 2002 – City Council approved the following actions:

- The implementation of semi-automated refuse collection.
- Free decals will be distributed to the disadvantaged, elderly on tax relief and the residents of the Tyreeanna/Pleasant Valley neighborhoods.
- City residents will be allowed one free trip per month to the landfill up to 250 lbs. (excludes brush and bulk trips)
- City residents will be allowed to bring to the landfill all bulk and brush without charge; (this would not count as the free monthly trip).
- The initial cost of the uniform trashcans and upgrade/purchase of semi-automated trash trucks will be paid for out of the Undesignated Solid Waste Fund Balance.
- Operation Plant-A-Tree funds collected as a result of the recycling drop-off program will continue to go to Solid Waste (Special Revenue Fund).

January 28, 2003 – City Council reviewed and reached consensus on the following issues:

- The size of the trash carts (32 and 64 gallon) that the City will provide to its residents. The residents will be allowed to select the appropriate size cart for their household.
- The current trash tag / decal system will remain in place and the current $0.95 tag or $40 annual decal will be required for use on the 32 gallon cart; either two $0.95 tags or one $1.90 tag will be required on the 64 gallon cart or two $40 annual decals or an $80 decal will be required. Residents placing bags out for collection will be required to attach a $0.95 trash tag to the bag.
- A new $5.00 solid waste fee will be charged to all single-family households and to multi-family complexes up to four units in size utilizing City trash collection services. The Billings and Collections Division will add this fee to the current utility bill for payment. It will be necessary to create a solid waste billing system for those single family households currently not using City water or sewer.
- Increased administrative and personnel costs in the Billings and Collections Division as well as the Utility Department were agreed upon. Two new positions in the Billings and Collections Division will be funded as well as increased overtime in the Utility Meter Reader Section up to $5,000 will be paid by the Solid Waste Management Fund.

Attachment #2
Solid Waste Management Changes
Estimated Summary of Fiscal Impacts

Listed below are the projected revenues and expenses related to the implementation of the changes to the solid waste management system:

Impacts on Revenue

| | | |
|---|---|---|
| ♦ Flat Fee of $5.00/month/household | | $1,110,000 per year |
| ♦ Reduction in Multi-Family tag purchases | | $ (42,568) |
| | Net | $1,067,432 |

Impacts on Expenses

One-Time Expenses

Fund Balance

| | | |
|---|---|---|
| ♦ New Refuse Trucks | | $ 420,000 |
| ♦ Retro-fitting existing refuse trucks | | $ 50,000 |
| ♦ Trash carts | | $ 660,000 |
| ♦ Billings & Collections Workstations | | $ 17,500 |
| | Subtotal | $1,147,500 |

Operating Budget

| | | |
|---|---|---|
| ♦ Public Information Campaign | | $ 50,000 |
| | Total | $1,197,500 |

Recurring Expenses

Operating Budget

| | | |
|---|---|---|
| ♦ Carts for new customers | | $ 5,000 per year |
| ♦ Billings & Collections staffing | | $ 65,910 |
| ♦ Utilities – Meter Reader - Overtime | | $ 5,000 |
| | Total | $ 75,910 |

**Summary of Significant City Code Changes**
**Solid Waste Management**
**June 2003**

| Page | Section | Topic | Description |
|---|---|---|---|
| 7 | 21.2-3 Definitions | Owner | Revises definition of owner of property |
| 8 | 21.2-3 Definitions | Single-family | Revises definition of single-family residence |
| 11 | 21.2-6 Approved waste Containers | Containers | Adds language regarding 64 gallon carts |
| 12 | 21.2-8 Maint. of containers | Ownership | Adds language regarding ownership of 32 and 64 gallon trash carts provided by City |
| 13 | 21.2-10 Sunken waste | Containers | Prohibits sunken waste containers |
| 14 | 21.2-11 (a) Accumulation of solid waste | Carts | Residents can acquire additional carts from City at City costs and becomes residents property |
| 15 | 21.2-19 Special collections | Brush / Bulk | Residents can bring unlimited loads of segregated brush and bulk to City landfill beginning July 1, 2003 |
| 17 | 21.2-26 (d) & (e) Collection | Rental Property | Adds language regarding rental property |
| 18 | 21.2-26 (f) Collection | Commercial | Adds language that when refuse from commercial establishments exceeds four containers per collection the operator of such business is required to remove and dispose of such excess at the expense of the operator (property owner) |
| 19 | 21.2-30 Collection by other | Collection | Adds language restricting collection of single-family residences to City or its agents |
| 20 | 21.2-31 (b) Disposal fees | Tags | Adds language regarding tags ($1.90) for 64 gallon carts |
| 20 | 21.2-31 (c) Disposal fees | Decals | Adds language regarding decals ($80) for 64 gallon carts |
| 22 | 21.2-31 (f) Disposal fees | Free Decals | Adds language regarding Pleasant Valley / Tyreeanna residents receiving free annual trash decals |
| 23 ` | 21.2-31 (k) Disposal fees | $5.00 Flat Fee | Adds language incorporating $5.00 flat monthly fee for all single-family households and multi-family complexes up to four units using City service |

| Page | Section | Topic | Description |
|---|---|---|---|
| 24 | 21.2-31 (l) Disposal fees | Free Trip | Lowers tonnage from 1,000 pounds to 250 pounds for free monthly trip to landfill |
| 28 | 21.2-47-(a) Penalty | Penalty | Adds language recently passed by State of Virginia in which a person who is convicted of illegally dumping trash, garbage or litter may have driving privileges suspended and may be ordered to perform community service |
| 28 | 21.2-47.1 Payment of civil fines | Fines | Increases amount of fines for those failing to display an appropriate tag or decal on their waste cart or trash bag |
| 32 | 21.2-58 Municipal solid waste | Brush / Bulk | Adds language allowing unlimited number of free loads of segregated brush and bulk at the City's landfill beginning July 1, 2003. |
| 37 | 21.2-60 Solid Waste Mgt. | Checks | Payment may be made by the use of checks at City's landfill. |

AN ORDINANCE TO AMEND AND REENACT SECTIONS 21.2-3, 21.2-4, 21.2-6 THRU 21.2-11, 21.2-19, 21.2-20, 21.2-26, 21.2-28, 21.2-30, 21.2-31, 21.2-47, 21.2-47.1, 21.2-58 THRU 21.2-60, 34-12.1 AND 39-60 OF THE CODE OF THE CITY OF LYNCHBURG, 1981, AS AMENDED, THE AMENDED AND REENACTED SECTIONS RELATING GENERALLY TO SOLID WASTE COLLECTION, MANAGEMENT AND DISPOSAL.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LYNCHBURG:

1. That Sections 21.2-3, 21.2-4, 21.2-6 thru 21.2-11, 21.2-19, 21.2-20, 21.2-26, 21.2-28, 21.2-30, 21.2-31, 21.2-47, 21.2-47.1, 21.2-58 thru 21.2-60, 34-12.1 and 39-60 of the Code of the City of Lynchburg, 1981, be, and the same is hereby further amended as follows:

Sec. 21.2-3. Definitions.

Wherever used in this chapter, unless a different meaning clearly appears in the context, the following terms shall be given the following respective interpretations:

Agricultural waste: All solid waste produced from farming operations, or related commercial preparation of farm products for marketing.

Apartment: A building or portion thereof designed for or occupied by more than two (2) families, and all living units of which are to be maintained under single ownership or management. This shall be interpreted to include all multi-family rental units.

Ash: The fly ash or bottom ash residual waste material produced from incineration or burning of solid waste or from any fuel combustion.

Bottom ash: Ash or slag remaining in a combustion unit after combustion.

Boxes: Includes corrugated boxes, paperboard boxes, <u>and</u> cardboard boxes.

Brush: Any yard or debris wastes tree trimmings no larger than (3) inches in diameter and eight (8) feet in length which cannot be placed in containers in accordance with the regulations herein set forth.

Bulk waste: Items of residential waste, such as furniture, large cartons, white goods, or similar materials which cannot be placed in containers in accordance with the regulations herein set forth. Bulk waste does not include tires, household hazardous waste, construction and demolition materials.

Bundles: A number of things bound together for collection (such as brush, broken-down boxes and waste). Brush and yard waste bundles shall meet the requirements of section 21.2-4 for collection. Boxes shall be broken down and tied together. No bundle shall exceed fifty (50) pounds in weight.

Collection: Removal or transportation of solid waste, ashes, recyclable material and yard waste, from its place of storage or collection point to its place of disposal.

Commercial establishment: Any retail or wholesale, restaurant, religious, government or nonresidential establishment at which trash or garbage may be generated.

Commercial waste: All solid waste generated by establishments engaged in business operations other than manufacturing or construction. This category includes, but is not limited to, solid waste resulting from the operation of stores, markets, office buildings, restaurants and shopping centers.

Compost: A stabilized organic product produced by 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. Composted sludge shall be as defined by the Virginia Sewerage Regulations.

Condominium: An apartment house or complex in which the apartments or dwelling units are individually owned.

Construction waste: Solid waste which is produced or generated during construction, remodeling, or repair of pavements, houses, commercial buildings and other structures. Construction wastes include, but not limited to, lumber, wire, sheetrock, broken brick, asphalt, shingles, glass, pipes, concrete, paving materials and metal and plastics if the metal or plastics are a part of the materials of construction or empty containers for such materials. Paints, coatings, solvents, asbestos, any liquid, compressed gases or semi-liquids and garbage are not construction wastes.

Debris waste: Wastes resulting from land clearing operations. Debris wastes include, but are not limited to, stumps, wood, brush, leaves, soil, and road spoils.

Demolition waste: Any solid waste, which is produced by the destruction of structures and their foundations and includes the same materials as construction waste.

Discard: To abandon, dispose of, burn, incinerate, accumulate, store or treat before or instead of being abandoned, disposed of, burned or incinerated.

Discarded material: A material which is:

(a) Abandoned by being:

(1) Disposed of,

(2) Burned or incinerated; or

(3) Accumulated, stored or treated (but not used, reused, or reclaimed) before or in lieu of being abandoned by being disposed of, burned or incinerated,

(b) Used, reused or reclaimed material as defined in this part, or

(c) Considered as solid waste as defined in section 3.2 of the Virginia Solid Waste Management Regulations (VR 672-72-10).

DEQ: The Virginia Department of Environmental Quality.

Disposal: The act of discharging, depositing, injecting, dumping, spilling, leaking or placing of any solid waste into or on any land or water so that such solid waste or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters.

Disposal site: All land and structures, other appurtenances, and improvements thereon used for treating, storing, and disposing of solid waste. This term includes adjacent land within the property boundary used for the utility systems such as repair, storage, shipping or processing areas, or other areas incident to the management of solid waste. All solid waste disposal sites must be approved and/or permitted by the Virginia Department of Environmental Quality.

EPA: The United States Environmental Protection Agency.

Fly ash: Ash particulate collected from air pollution attenuation devices on combustion units.

Garbage: Readily putrescible discarded materials composed of animal, vegetable or other organic matter.

Hazardous waste: A “hazardous waste” as described by the Virginia Hazardous Waste Regulations (VR 672-10-1).

Household hazardous waste (HHW): The following are examples of what residents can bring on HHW collection days: acids/bases, aerosols, antifreeze, autostarter, brake fluids, batteries, cleaners/polishes, corrosives, drain openers, flammables, furniture stripper, herbicides, kerosene, lighter fluids, oven cleaners, oxidizers, oil based paints, pesticides, photo/pool chemicals, poisons, solvents/thinners, used motor oil, weed killers and wood preservatives. ~~For more information on what types of wastes are accepted or not accepted, call the waste management facility~~ The city’s waste management facility maintains the current list of the types of waste that are accepted and not accepted.

Household waste: Any waste material, including garbage, trash and refuse, derived from households. Households include single and multiple residences, hotels and motels, bunkhouses, ranger stations, crew quarters, campgrounds, picnic grounds and day-use recreation areas. Household wastes do not include sanitary waste in septic tanks (septage) which is regulated by state agencies other than DEQ's Division of Waste Management Programs.

Industrial waste: Any solid waste generated by manufacturing or industrial process that is not a regulated hazardous waste. Such waste may include, but is not limited to, waste resulting from the following manufacturing processes: electric power generation; fertilizer/agriculture chemicals; food and related products/by-products; inorganic chemicals; iron and steel manufacturing; leather and leather products; nonferrous metals manufacturing/foundries; organic chemicals; plastics and resins manufacturing; pulp and paper industry; rubber and miscellaneous plastic products; stone, glass, clay, and concrete products; textile manufacturing; transportation equipment; and waste treatment. This term does not include mining waste or oil and gas waste.

Inert waste: Solid waste which is physically, chemically and biologically stable from further degradation and considered to be non-reacting. Inert wastes include rubble, concrete, bricks, and blocks.

Institutional waste: All solid waste emanating from institutions such as, but not limited to, hospitals, nursing homes, orphanages, and public or private schools. It can include infectious waste from health care facilities and research facilities that must be managed as an infectious waste. No medical waste is accepted at the city's landfill.

Landfill: A sanitary landfill, an industrial waste landfill or a construction/debris landfill.

Landfill disposal area: The area within the property boundary or permitted for actual burial.

Litter: Any waste as defined in 21.1-2 (Litter Control - Definitions) of this code.

Living units: One or more rooms in a residential building or in a mixed building which are arranged, designed, used or intended for use by one or more persons living together and maintaining a common household.

Medical waste: Any solid waste identified by health care professionals in charge as capable of producing infectious disease in humans. Any solid waste is regulated medical waste if it is one of the following:

(a) discarded cultures, stocks, specimens, vaccines and associated items likely to have been contaminated by them are regulated medical wastes if they are likely to contain organisms likely to be pathogenic to healthy humans;

(b) waste consisting of human blood, human blood products and items contaminated by human blood are regulated human wastes;

(c) all pathological wastes and all wastes that are human tissues, organs, body parts, or body fluids are regulated medical wastes;

(d) used sharps (needles, syringes, etc.) likely to be contaminated with organisms that are pathogenic to healthy humans and all sharps used in patient care are regulated medical waste;

(e) any residue or contaminated soil, water, or other debris resulting from the cleanup of a spill of any regulated medical waste is itself regulated medical waste; and

(f) any solid waste contaminated by or mixed with regulated medical waste is itself regulated medical waste.

Motor vehicle: Every device, which is self-propelled or designed for self-propulsion, in, upon, or by which any person or property is or may be transported or drawn upon the highway, except devices moved by human power or used exclusively upon stationary rails or tracks. Any structure designed, used, or maintained primarily to be loaded on or affixed to a motor vehicle to provide a mobile dwelling, sleeping place, office or commercial space, shall be considered a part of a motor vehicle.

Mover's trash: Solid waste generated due to person or persons moving-in to or moving-out of a residence.

Multi-family unit: A building, or any appurtenances thereof, designed for occupancy or occupied by two (2) or more families, and all living units of which are to be maintained under single ownership or management. This shall be interpreted to include all, but not limited to apartments, condominiums and duplexes with two (2) or more rental units. The owner(s) of a multi-family unit shall be responsible for ensuring that the residents of a multi-family unit comply with the provisions of this chapter.

Municipal solid waste: That waste which is normally composed of residential, commercial, and institutional solid waste. Medical waste is not accepted at the landfill.

Occupant: Any person occupying or residing on any lot, premises or parcel of land in the city and having, at the time, apparent possession or control thereof.

Owner: Any person who, alone or jointly or severally with others:

(a) Shall have <u>all or part of</u> legal title to any lot, premises or parcel of land in the city, not, at the time, in the actual or apparent possession or control of another, or;

<u>(b) Shall have all or part of the beneficial ownership and a right to present use and enjoyment of the premises, and the term shall include a mortgagee in possession, or;</u>

~~(b)~~ (c) Shall have charge, care or control of any lot, premises or parcel of land in the city, as agent or representative of the owner, or as personal representative, trustee or guardian of the estate of the owner.

Person: Any individual, corporation, partnership, association, a governmental body, a municipal corporation or any other legal entity.

Putrescible waste: Solid waste which contains organic material capable of being decomposed by micro-organisms and cause odors.

Recyclable material: Any material which retains useful properties that can be reclaimed after the production or consumption process.

Recycling center: A facility designed for the collection, separation and/or recycling of recyclable materials.

Refuse: All solid waste products having the character of solids rather than liquids and which are composed wholly or partially of materials such as garbage, trash, rubbish, litter, residues from clean up of spills or contamination, or other discarded materials.

Regulated medical waste: Solid wastes defined to be infectious by the Virginia Regulated Medical Waste Management Regulations (VR 672-40-01).

Residential waste: Any household waste.

Rubbish: Combustible or slowly putrescible discarded materials which include but are not limited to trees, wood, leaves, trimmings from shrubs or trees, printed matter, plastic and paper products, grass, rags and other combustible or slowly putrescible materials not included under the term “garbage.”

Scavenging: The unauthorized or uncontrolled collection or removal of waste or recyclable materials from a solid waste management facility, waste that has been placed on the curbside for city collection or recycling center.

Semitrailer: Every vehicle of the trailer type so designed and used in conjunction with a motor vehicle that some part of its own weight and that of its own load rests upon or is carried by another vehicle.

Single-family residence: a residential building or structure containing only one dwelling unit, which is arranged, designed, used or intended for use by one family (as defined by the city’s zoning ordinance). The owner(s) of a single-family residence that is being occupied as rental property shall be responsible for ensuring that the occupant(s) of such single-family residence comply with the provisions of this chapter.

Site clearance materials: Any items such as boulders, rocks, tree trunks, stumps, or tree limbs.

Solid waste: Any of those materials defined as 'solid waste' in Part III of the Virginia Solid Waste Management Regulations (VR 672-20-10).

Solid waste management facility: A site used for planned treating, storing, or disposing of solid waste. A facility may consist of several treatment, storage, or disposal units.

Special wastes: Solid wastes that are difficult to handle, require special precautions because of hazardous properties or the nature of the waste creates waste management problems in normal operations.

Trailer court: Any lot, parcel or tract of land, together with open spaces, used, designed, maintained or held out to accommodate one (1) or more mobile homes or trailers, including all buildings, structures, tents, vehicles, accessories or appurtenances used or intended as equipment of such mobile home or trailer court. A mobile home court provides for the permanent or long-term location of mobile homes. The owner(s) of the trailer court shall be responsible for ensuring that the residents of the trailer court comply with the provisions of this chapter.

Trash: Combustible and noncombustible discarded materials, and is used interchangeably with the term rubbish.

Waste container: Any approved watertight and covered receptacle used by any person to store solid waste or ashes for collection. This includes approved plastic bags but does not include boxes.

White goods: Any stoves, washers, hot water heaters and other large appliances.

Yard waste: That fraction of municipal solid waste that consists of grass clippings, leaves, brush and tree prunings arising from general landscape maintenance.

Sec. 21.2-4. Preparation of solid waste for curbside collection.

(a) Generally. All solid waste designated for collection by the city is to be completely drained and kept in a covered approved container. Paper must be placed in an approved waste container or kept securely bundled in order to prevent being blown or scattered about the street.

(b) Ashes. Ashes shall be cool and dry before placing in an approved waste container. Ashes shall be kept separate from and not placed in containers with other solid waste.

(c) Sharp objects. Solid waste with sharp edges or points, including but not limited to broken glass and fluorescent tubes, shall be placed in an approved waste container meeting criteria set in section 21.2-6, but not including a plastic bag as described in section 21.2-7. Needles should be placed in a plastic food container with a lid securely fastened with tape.

(d) Recyclable material. In an effort to reduce the flow of solid waste into the landfill and promote the recovery of useful resources, recyclable material should be taken to the proper recycling centers. Any recyclable material that is accepted pursuant to a city recycling program, whether publicly or privately administered, shall be separated from other solid waste for pickup in accordance with criteria to be established by the city manager or his designee. Such items include, but are not limited to, aluminum and steel cans, newspaper, glass, mixed paper and some plastics. Such recyclable materials should be separated for recycling.

(e) Yard waste. Yard waste collection by the city shall only be furnished to those residences regularly scheduled for the removal of solid waste by the city. All yard waste to be collected with normal residential waste shall be placed in approved containers or tied in bundles no larger than four (4) feet in length, fifteen (15) inches in diameter and fifty (50) pounds in weight. During special yard waste collection, all yard waste will be collected, provided no part is larger than three (3) inches in diameter, and eight (8) feet in length. Tree stumps and tree trunks will not be collected, nor will the waste resulting from topping or removal of a tree. Special yard waste collection is not offered to businesses.

Any yard waste that is accepted pursuant to the city composting program shall be separated from other solid waste for pickup.

(f) Paperboard boxes. Paperboard boxes should be taken to recycling centers for recycling or broken down, bundled and securely tied, and tagged with the appropriate refuse disposal tag.

(g) Styrofoam packaging. Styrofoam packaging shall be placed in a securely tied plastic bag and tagged with the appropriate refuse disposal tag.

(h) Litter control bags. Litter control bags will be issued by the city to the neighborhood clean-up groups and individuals involved with adopt-a-street and adopt-a-spot clean-ups. The litter control bags shall be placed in the city right-of-way for collection after the individual(s) or group(s) have completed the clean-ups.

(i) Weight limitations. The total weight of ~~any approved waste container~~ a thirty-two gallon trash cart, including its contents, ~~or bundle which is for regularly scheduled collection~~ shall not exceed one hundred ~~fifty~~ (~~50~~ 100) pounds in weight. The total weight of a sixty-four (64) gallon trash cart, including its contents, shall not exceed two hundred (200) pounds in weight. The total weight of any plastic bag, including its contents, shall not exceed fifty (50) pounds in weight.

Sec. 21.2-6. Approved waste containers—generally.

Approved waste containers for city collection shall be ~~between ten (10) and thirty-two (32) gallons~~ city provided waste carts (thirty two (32) gallons or sixty four (64) gallons in capacity~~, tapered in design, and constructed of either lightweight metal or heavy durable plastic. In addition to being leakproof, such containers shall be provided with proper fitting covers of the same material which shall be used to prevent the omission of odors, the gathering of insects, and the scattering of contents~~. No container shall be filled to the point of overflowing~~, and covers shall be in place at all times. Containers shall also be provided with adequate handles~~. ~~Containers shall not be filled to exceed fifty (50) pounds of weight.~~

Sec. 21.2-7. Same—plastic bags.

Plastic bags as described herein shall constitute an approved waste container, and when plastic bags are used for the disposal of solid waste, the same shall conform to the following specifications:

(a) Film thickness: The gauge of the film used shall have an average of no less than one and one-half (1.5) mil with a point-to-point variation not to exceed twenty (20) percent more or less.

(b) Bag size: One to thirteen gallon bags shall not be filled to exceed twenty-five (25) pounds in weight. Fourteen (14) and up to thirty-two (32) gallon bags shall not be filled to exceed fifty (50) pounds in weight.

(c) Twist ties: The ties used shall have a minimum length of three (3) inches.

(d) Securely tied: Plastic bags containing solid waste shall be securely tied when placed outside for collection to prevent refuse from falling out. Plastic bags are for one time use only and will be collected and disposed of by city employees.

Sec. 21.2-8. Maintenance of containers.

Every waste container required by this article shall be maintained in as sanitary condition as possible in view of the use to which it is put, and shall be thoroughly cleansed as needed by washing, sanitizing or otherwise. All waste containers shall be kept in good condition, and solid waste shall not be placed in any container that is so constructed or is so defective that the contents leak or spill. Waste carts provided by the city are the property of the city and should remain at the address specified upon delivery. Waste carts are warranted by the manufacturer and the resident shall notify the city of any defects or problems with the carts.

Sec. 21.2-9. Nonacceptable containers.

(a) Any container other than the aforementioned approved containers shall not be used for the storage and collection of solid waste for city collection; this includes, but is not limited to, cardboard boxes, and barrels.

(b) ~~Lightweight metal or durable plastic containers which are no longer acceptable~~ Any nonacceptable container will be tagged with a warning of violation. Once tagged, these containers will be considered solid waste collected, and disposed of by the city. Use of a waste container after it has been tagged with a warning of violation is prohibited.

Sec. 21.2-10. Sunken waste containers prohibited.

~~(a)~~ It shall be unlawful for any person to install a new waste container, the bottom of which is sunken or depressed below the abutting grade level.

~~(b) Sunken containers in existence may continue in use unless they are disapproved by the city manager or his designee.~~

~~(c) Any person using any sunken container shall place such container at the point of collection on collection day. The contents of any sunken waste container may be placed in an approved waste container before being placed at the designated point of collection at curbside.~~

Sec. 21.2-11. Accumulation of solid waste.

(a) Each residen~~t~~ce, small commercial establishment or person having solid waste ~~shall provide himself~~ will be provided with one city approved waste containers adequate to contain the solid waste generated at said establishment which accumulates between periods of removal from the premises, and shall place and keep all solid waste therein until disposal. Residents and small commercial establishments requiring more than one trash cart may purchase from the city additional carts at cost. These carts become the property of the resident. Solid waste may not accumulate outside of the ~~containers~~ cart(s) unless in approved plastic bags. Household waste that a resident is storing to bring to the landfill or for other disposal must be stored in closed containers in such a manner so as to not attract animals, emit offending odors, or be a safety or health risk, and such waste may not be stored for a period of more than one month.

(b) It shall be unlawful for anyone to throw or to cause to accumulate onto the streets, sidewalks or private property any solid waste or any other substance that will render the street or premises unclean or unsightly or unsafe to any person or vehicle using the streets or liable to injuriously affect the health or safety of the community.

Sec. 21.2-19. Special collections—generally.

Special collections by the city shall only be furnished to residential customers and neighborhood cleanup programs. Special collection services are not offered to businesses. ~~Dates for said special collections will be established by the city, and public notification of said dates shall be made prior to those collections~~ Special collections shall be scheduled by the resident, or neighborhood group in advance of placing the material out for collection.

Special collections shall include bulk waste collection, yard waste (brush and leaf) collection and a one-time mover's trash collection of solid waste. No fee will be charged for the collection of designated waste during special collection. Bagged leaves, yard waste, and appropriately bundled brush will be subject to the disposal fee when put out with refuse at other times in accordance with the provisions of section 21.2-16 through 21.2-18. Brush collection restrictions include tree trimming sizes not exceeding three (3) inches in diameter and eight (8) feet in length. Effective July 1, 2003, segregated loads of brush and bulk may be brought to the city's landfill at no charge. Residents will be allowed an unlimited number of trips for segregated brush and bulk material.

Sec. 21.2-20. Same—bulk waste and white goods.

The city will remove bulk wastes and white goods which have been placed on the edge of the street. White goods that would normally contain compressors with freon must have the compressor and relating tubing fully in tact unless said white good is accompanied by a certification from an appropriate person stating that all contained freon has been captured and recycled. This service is provided on an on-call basis and residents need to call and schedule a pickup prior to placing the material at the street right-of-way.

Sec. 21.2-26. Collection.

(a) The city shall collect refuse from eligible residential and small ~~business properties~~ commercial establishments abutting a public street and certain multi-family units. If solid waste is placed curbside on the day of city waste collection for that property, it is assumed that property desires city waste collection services. Owners or operators of multi-family units (to include, but not limited to apartments, condominiums, duplexes and town homes) and trailer courts with two or more rental units and non-manufacturing businesses accept the fee-related responsibility for associated disposal charges. Owners of all properties not eligible or desiring of city collection shall be responsible for the proper storage and disposal of all refuse; said refuse may not be placed curbside on the day the city is scheduled to provide collection services. Those properties not eligible for city collection include, but are not limited to: properties of ~~six (6)~~ five (5) or more living units and manufacturing businesses and those commercial establishments and multi-family properties with four (4) or less living units who put out more than four (4) containers per collection.

(b) House trailers shall be treated as single family units only if they front on a public street and reside upon individually platted lots. House trailers which do not front on a public street and reside upon individually platted lots shall be treated as multi-family dwellings.

(c) If the waste containers put out by the occupants of a multi-family unit or trailer court do not display appropriate refuse tags or annual decals, a duly designated officer of the city will give written notice to the owner(s) or operator(s) of the multi-family unit or trailer court. It shall be the responsibility of the owner(s) or operator(s) to take appropriate action to make sure the occupants of the multi-family unit

or trailer court place appropriate refuse tags or annual decals on their waste containers. If after giving written notice to the owner(s) or occupant(s) the waste containers of a multi-family unit or trailer court still do not display appropriate refuse tags or annual decals, the city may discontinue refuse collection from such multi-family unit or trailer court and the owner(s) or operator(s) shall make arrangements with a commercial refuse collector for the collection and disposal of the solid waste generated by the multi-family unit or trailer court.

(d) If waste containers put out by the occupants of a single-family residence that is being occupied as rental property do not display appropriate refuse tags or annual decals, a duly designated officer of the city will give written notice to the owner(s) or operator(s) of the single-family residence. It shall be the responsibility of the owner(s) or operator(s) to take appropriate action to make sure the occupants of the single-family residence place appropriate refuse tags or annual decals on their waste containers. If after giving written notice to the owner(s) or operator(s), the waste containers still do not display appropriate refuse tags or decals, the city may discontinue refuse collection from such single-family residence and the owner(s) or operator(s) shall make arrangements with a commercial refuse collector for the collection and disposal of the solid waste generated by such single-family residence.

(e) If the waste containers put out by the occupants of a multi-family unit, trailer court, or single-family residence being occupied as rental property do not display appropriate refuse tags or annual decals, in order to prevent the waste in the containers from being scattered upon public or private property, the city, at its option, may remove the waste even though the waste containers do not display appropriate refuse tags or annual decals and bill the owner of the multi-family unit, trailer court or single-family residence for the removal costs. In the event the owner of the multi-family unit, trailer court or single-family residence fails to pay the removal costs, the city may discontinue refuse collection from such multi-family unit, trailer court or single-family residence and the owner(s) or operator(s) shall make arrangements with a commercial refuse collector for the collection and disposal of the solid waste generated by such multi-family unit, trailer court, single-family residence.

(f) When refuse from commercial establishments exceeds four (4) containers per collection the operator of such business is required to remove and dispose of such excess at the expense of the operator.

(g) When refuse from a multi-family property with four (4) or less living units exceeds four (4) containers per collection the owner or managing agent of such property is required to remove and dispose of such excess at their expense.

Sec. 21.2-28. Placement for collection.

(a) Bundles or approved waste containers containing solid waste which are to be collected by the city shall be placed at the edge of the street no earlier than 6:00 p.m. of the previous day and not later than 7:00 a.m. on the appropriate collection day. Approved waste containers shall be removed from the streets as soon as possible, but not later than 7:00 p.m. of that same day.

(b) Containers for solid waste set out for collection and disposal by the city shall be placed so as not to hinder, block, retard or endanger those using the streets, alleys, sidewalks or walkways of the city and so as to be reasonably accessible to the employees of the city.

(c) In any prosecution charging the failure to display an official refuse tag or annual decal on a waste container, proof that a waste container was placed in front of a residence in violation of this chapter with proof that the defendant was at the time of the violation the occupant of the residence shall constitute in evidence a prima facie presumption that the occupant of the residence was the person who committed the violation.

(d) In any prosecution charging the failure to display an official refuse tag or annual decal on a waste container, proof that an examination of the waste container in question revealed material that identifies the generator of the solid waste, shall constitute in evidence a prima facie presumption that the generator of the waste was the person who committed the violation.

Sec. 21.2-30. Collection by other than city personnel.

No person, other than designated city employees, may place solid waste in the city collection vehicles. Subject to the conditions and limitations of this chapter and other applicable regulations, the city or its agents, shall have the sole right to collect solid waste and refuse from single-family residences within the city limits.

Sec. 21.2-31. Disposal fees.

(a) Refuse collected pursuant to section 21.2-26 of this code must be contained within (i) a plastic bag displaying an appropriate official city tag, (ii) an approved container with an appropriate official city tag on the handle of the approved container or on top of the refuse in the approved container, (iii) an approved container displaying a valid city decal, or (iv) a bundle meeting the specifications in this chapter displaying an appropriate official city tag. Official city refuse tags and annual decals shall be available for purchase at those locations designated by the city manager or his designee. A list of the currently designated locations for the purchase of tags or decals will be available for review at the city collections division during regular business hours. Decals will be sold at the collection division windows of city hall during regular business hours and through the mail pursuant to a system approved by the city manager or his designee and at such other locations as may be approved by the city manager or his designee.

(b) Tags for plastic bags and approved containers with a volume ~~of fourteen (14) and~~ up to thirty-two (32) gallons or for bundles not to exceed fifty (50) pounds shall cost ninety-five cents ($0.95) per tag. ~~Tags for plastic bags with a volume of one (1) and up to thirteen (13) gallons or for bundles not to exceed twenty-five (25) pounds shall cost forty-five cents ($0.45) per tag. It shall be unlawful to substitute two forty-five cent ($0.45) tags for one ninety-five ($0.95) cent tag.~~ Tags for trash carts with a volume of sixty-four (64) gallons shall cost one dollar and ninety cents ($1.90) per tag.

(c) Annual decals for once per week pickup for reusable trash ~~containers~~ carts with a volume of up to thirty-two (32) gallons shall cost forty dollars ($40.00) each. Annual decals for once per week pickup for reusable trash carts with a volume of sixty four (64) gallons shall cost eighty dollars ($80.00) each. Such decals shall be valid for a twelve (12) month period beginning October 1 through September 30 of each year. The cost for an annual decal will be prorated on a monthly basis by paying the following percentages of the annual decal:

| Period | Percentage of Full Price |
|---|---|
| September 1 – October 31 | 100% |
| November 1 – November 30 | 92% |
| December 1 – December 31 | 84% |
| January 1 – January 31 | 76% |
| February 1 – February 28 | 68% |
| March 1 – March 31 | 60% |
| April 1 – April 30 | 52% |
| May 1 – May 31 | 44% |

| | |
|---|---|
| June 1 – June 30 | 36% |
| July 1 – July 31 | 28% |
| August 1 – August 31 | 20% |

Such decals are transferrable from one address to another upon the approval of the city manager or his designee. All such decals shall prominently display the year of the decal and street address of the location of the trash container. In the event the person purchasing a decal moves outside the city or goes out of business, the purchaser shall be entitled to receive a prorated refund on a monthly basis for that portion of the year the decal will not be used. A request for a refund must be made no later than thirty (30) days after the end of the year for which the decal was issued. Before issuing a refund the director of finance may require satisfactory evidence that a decal for which the refund is sought has been destroyed. For purposes of proration, a period of more than one-half (½) of a month shall be counted as a full month and a period of less than one-half (½) of a month shall not be counted.

(d) In certain areas designated by the city manager or his designee for twice per week pickup, annual decals for twice per week pickup for reusable trash ~~containers~~ carts with a volume of up to thirty-two (32) gallons shall cost eighty dollars ($80.00) each. In those same areas, annual decals for twice per week pickup for reusable trash carts with a volume of sixty four (64) gallons shall cost ($160.00). Such decals shall be valid for a twelve (12) month period beginning October 1 through September 30 of each year. The cost for an annual decal will be prorated on a monthly basis by paying the following percentages of the annual decal:

| Period | Percentage of Full Price |
|---|---|
| September 1 – October 31 | 100% |
| November 1 – November 30 | 92% |
| December 1 – December 31 | 84% |
| January 1 – January 31 | 76% |
| February 1 – February 28 | 68% |
| March 1 – March 31 | 60% |
| April 1 – April 30 | 52% |
| May 1 – May 31 | 44% |
| June 1 – June 30 | 36% |
| July 1 – July 31 | 28% |
| August 1 – August 31 | 20% |

In the event the person purchasing a decal moves outside the city or goes out of business, the purchaser shall be entitled to receive a prorated refund on a monthly basis for that portion of the year the decal will not be used. A request for a refund must be made no later than thirty (30) days after the end of the year for which the decal was issued. Before issuing a refund the director of finance may require satisfactory evidence that a decal for which the refund is sought has been destroyed. For purposes of proration, a period of more than one-half (½) of a month shall be counted as a full month and a period of less than one-half (½) of a month shall not be counted. Such decals are transferrable from one address to another upon the approval of the city manager or his designee. All such decals shall prominently display the year of the decal and street address of the location of the trash container.

(e) The owner or operator of any location designated to sell refuse tags or annual decals shall be compensated for accounting and remitting the fee levied for the purchase of the tags. Such compensation shall be a deduction of three percent (3%) of the amount of the fee from the sale of such tags or decals. The deduction shall be accounted for in the accounting report submitted to the city with the fees from the sale of the tags, provided that the amount due is not delinquent at the time of payment. The city manager or his designee shall establish criteria for the designation of locations

and the accounting and payment procedures by the owners and operators of the designated locations. The fees collected from the sale of tags and decals are public funds and shall be held in trust for the city by the person collecting the same. It shall be a criminal offense for the person holding such fees to use them for any purpose whatsoever.

(f) Beginning ~~January~~ October 1, ~~1998~~ 2003, the city manager or his designee shall have the authority to issue thirty-two (32) gallon annual decals at no cost to disadvantaged citizens or families and to elderly or permanently and totally disabled citizens who qualify for the tax relief and to the residents of the Pleasant Valley/Tyreeanna Neighborhood pursuant to Section 36-175 of the city code upon criteria to be developed by the city manager or his designee. Anyone who is eligible to receive a thirty-two (32) gallon annual decal at no cost shall have the option to use a sixty-four (64) gallon cart by purchasing an annual decal for forty dollars ($40.00) which is one half (1/2) the standard annual decal fee for such cart. Thirty-two (32) gallon annual decals may also be issued at no cost to other citizens based on criteria developed by city council when council determines by resolution that it is in the public interest for such citizens to receive no cost decals. Disadvantaged citizens or families and elderly or permanently and totally disabled citizens that live in multi-family dwellings and trailer courts that do utilize the city's refuse collection services shall not be entitled to a free annual decal or refuse tags.

(g) Except as allowed in this chapter, no refunds in whole or in part shall be allowed for tags which are unused, lost, destroyed or stolen. Except as allowed in this chapter, no refuse disposal fees shall be discounted, waived or suspended.

(h) In the event any annual decal issued under this chapter shall be lost, stolen or destroyed, the person to whom the decal was issued may make application to the collections division and obtain a duplicate decal upon furnishing information of such fact, by affidavit or other evidence that is satisfactory to the director of finance/director of human services. Any person providing false or intentionally misleading information to the collections division/social services division under this section shall be guilty of a class 3 misdemeanor and the collections division/social services division shall revoke any duplicate decal issued as a result of such false or intentionally misleading information.

(i) The city manager or his designee shall have the authority to provide for refuse collection and disposal on a limited basis at no cost for city sponsored specific community clean-up or litter reduction efforts. The city manager or his designee shall use color-coded plastic bags or approved containers, or other special arrangements which are necessary or appropriate for the administration of such cleanup or litter reduction efforts.

(j) The city manager or his designee shall have the authority to adjust or suspend fees due to natural disasters such as fires, floods and severe storms pursuant to criteria to be developed by the city manager or his designee.

(k) A five dollar ($5.00) solid waste fee for the collection, management and disposal of solid waste will be charged to all single-family households and to multi-family complexes with up to four (4) units utilizing city solid waste services. This fee shall be added to the city's bill for water and sewer charges and shall be paid on the same schedule as the city's water and sewage charges, due and payable in the billings and collections division in the same manner prescribed for water and sewage charges as established by the city code and if not so paid, shall carry the same penalties and interest as prescribed in the city code. If the monies received in payment of the water and sewage charges and the solid waste collection, management and disposal fee are not sufficient to pay the outstanding balance in full, including any penalties and interest, the solid waste collection, management and disposal fee and any penalties or interest attributed thereto shall be considered to be paid first out of

the monies collected. The billings and collections division will send a separate bill to those households and multi-family complexes which do not have water or sewer service.

~~(k) Residents are allowed one free trip up to 1000 pounds to the landfill per calendar month from the house in which they reside. Residents must show proof of their Lynchburg address to the cashier in the scalehouse each time they come to the landfill. If a resident's driver's license (or I.D. card) does not show their correct and current address, they must also bring a current utility bill showing their address of the origin of the load. If a resident has someone else bring in a load for them, they must give the hauler either a driver's license or a current utility bill from their address. In addition, the hauler must show their driver's license. If a resident's free trip goes over 1000 pounds and/or if the resident makes other trips to the landfill during the calendar month after utilizing their free trip, the resident must pay by cash or check at the posted tipping fee.~~

~~Tires are not included as part of a resident's free trip. There is a surcharge for disposal of tires. Tire disposal rates are posted at the landfill.~~

~~Rental property is considered a business. Landlords, who do not have a charge account with the landfill, must pay by cash or check at the posted tipping fee per ton when bringing a load from property they own but at which they do not reside. If a business, church (or other charitable organization) does not have a charge account with the landfill, they must pay by cash or check at the posted tipping fee per ton.~~

Sec. 21.2-47. Penalty for violation of this chapter.

Except as provided in Section 21.2-51, violations of any provision of this chapter shall be punishable as follows:

(a) For a first offense within one (1) year, a class 3 misdemeanor.

(b) For a second offense within one (1) year, a class 2 misdemeanor.

(c) For a third offense within one (1) year, a class 1 misdemeanor.

(d) In addition to the penalties provided in this section, any person who unlawfully dumps trash, garbage or litter on public or private property may have his or her driving privileges suspended and may be ordered to perform community service as provided in Section 33.1-346 of the Code of Virginia.

Sec. 21.2-47.1. Payment of civil fines.

For any offense charging a failure to display an official refuse tag or annual decal on a waste container, the person charged with the violation may avoid a court hearing by paying the civil fines listed below to the city official designated by the city manager to receive such fines.

(a) for a first offense a fine of $~~10.00~~ 25.00;

(b) for the second offense a fine of $~~20.00~~ 50.00; and

(c) for a third offense a fine of $~~30.00~~ 100.00.

Sec. 21.2-58. Municipal solid waste management facility.

(a) Only solid waste which is generated within the city unless approved by the city manager or his designee may be deposited at the municipal solid waste management facility and only those persons authorized by the city manager or his designee will be permitted to accept solid waste at such facility. Upon the request of any municipal employee, any person delivering solid waste for disposal at the municipal solid waste management facility shall provide verification to such employee that the solid waste proposed for disposal was generated in the city.

(b) No scavenging or salvaging at the municipal solid waste management facility shall be permitted except as may be contracted by the city. No person, except as specifically authorized by the city, shall dispose of any solid waste in the municipal solid waste management facility, except during the hours of operation as established by the city manager or his designee and posted at the entrance to the facility.

(c) Residents are allowed one free trip of up to two hundred fifty (250) ~~1000~~ pounds to the landfill per calendar month from the house in which they reside. Residents must show proof of their Lynchburg address to the cashier in the scalehouse each time they come to the landfill. If a resident's driver's license (or I.D. card) does not show their correct and current address, they must also bring a current utility bill showing their address of the origin of the load. If a resident has someone else bring in a load for them, they must give the hauler either a driver's license or a current utility bill from their address. In addition, the hauler must show their driver's license. If a resident's free trip goes over two hundred fifty (250) ~~1000~~ pounds and/or if the resident makes other trips to the landfill during the calendar month after utilizing their free trip, the resident must pay by cash or check at the posted tipping fee.

Effective July 1, 2003, residents are allowed an unlimited number of free trips of segregated brush and bulk materials. These trips do not count towards a residents free monthly trip to the landfill. Any mixed loads of brush, bulk and trash will count towards the residents one free trip per month.

Tires are not included as part of a resident's free trip. There is a surcharge for disposal of tires. Tire disposal rates are posted at the landfill.

Rental property is considered a business. Landlords, who do not have a charge account with the landfill, must pay by cash or check at the posted tipping fee rate when bringing a load from property they own but do not reside in. If a business, church (or other charitable organization) do not have a charge account with the landfill, they must also pay by cash or check at the posted tipping fee rate.

Household hazardous waste is a service for Lynchburg residents only, businesses are excluded. Household hazardous waste collection days are announced yearly. Residents must show a picture identification for proof of their Lynchburg address. Following are examples of what residents can bring to the landfill on the household hazardous waste collection day: acids/bases, aerosols, antifreeze, autostarter, brake fluids, batteries, cleaners/polishes, corrosives, drain openers, flammables, furniture stripper, herbicides, kerosene, lighter fluids, oven cleaners, oxidizers, oil based paints, pesticides, photo/pool chemicals, poisons, solvents/thinners, used motor oil, weed killers and wood preservatives. For more information on what types of wastes are accepted, please call the waste management facility.

Sec. 21.2-59. Substance regulations.

(a) Generally. No solid waste of any sort shall be removed from private premises and deposited for disposal within the city at any location other than those approved by the city manager or his designee

provided that the materials approved for disposal are consistent with the federal and state regulations for the disposal of such solid waste and this chapter.

(b) Prohibited solid waste. Solid wastes prohibited from disposal in the municipal solid waste management facilities are as follows:

(1) Free liquids.

a. Bulk or non-containerized liquid waste unless the waste is leachate or gas condensate derived from the municipal solid waste management facility itself and the facility is designed with a composite liner and leachate collection system as described in sections 5.1.B.9. and 5.5.B. of the Virginia Solid Waste Management Regulations (VR 672-20-10), or

b. Containers holding liquid waste, unless:

1. The container is a small container similar in size and total quantity to that normally found in household waste;

2. The container is designed to hold liquids for use other than for storage; or

(2) Regulated hazardous wastes.

(3) Solid waste, residue or soil containing dioxins as regulated within the Virginia Solid Waste Management Regulations (VR 672-20-20), and as prohibited by rules or regulations adopted or policies established by the city.

(4) Solid waste, residue or soil containing polychlorinated biphyenols (PCBs) as regulated within the Virginia Solid Waste Management Regulations (VR 672-20-10), and as prohibited by rules or regulations adopted or policies established by the city.

(5) Unstabilized sewage sludge or sludges and combustion residue (ash) as regulated within the Virginia Solid Waste Management Regulations (VR 672-20-10), and as prohibited by rules or regulations adopted or policies established by the city.

(6) Pesticide containers that have not been triple rinsed and crushed.

(7) Drums and barrels that are not empty, properly cleaned and opened and both ends cut out.

(8) Waste oil, with the exception being used motor oil accepted from Lynchburg residents on household hazardous waste collection days.

(9) Contaminated soil as regulated within the Virginia Solid Waste Management Regulations (VR 672-20-10), and as prohibited by rules or regulations adopted or policies established by the city.

(10) Asbestos containing material as prohibited by rules or regulations adopted or policies established by the city.

(11) Regulated infectious wastes.

(12) Large animal carcasses.

(13) Any solid waste otherwise prohibited under this chapter or by rules or regulations adopted or policies established by the city.

(c) Permitted solid waste. Solid waste not listed in section 21.2-59(b) may be accepted for disposal in the municipal solid waste management facility. Such solid waste that generally will be accepted and subject to municipal solid waste management facility operating procedures, for disposal in the municipal solid waste management facility includes, but is not necessarily limited to, the following:

(1) Agricultural waste.

(2) Special wastes such as dusts, powders, sludges, and ash and air pollution control residues that are not classified as hazardous waste when managed as regulated by rules or regulations adopted or policies established by the city.

(3) Commercial waste.

(4) Compost.

(5) Discarded material.

(6) Garbage.

(7) Household waste.

(8) Industrial waste, except where such waste does not meet the criteria in the municipal solid waste management facility operating procedures or this chapter for the disposal of industrial waste.

(9) Inert waste.

(10) Institutional waste, except anatomical waste from health care facilities or regulated medical waste as specified in the Virginia Medical Waste Management Regulations (VR 672-40-01).
(11) Municipal solid waste.

(12) Putrescible waste, including small animal carcasses other than livestock.

(13) Refuse.

(14) Construction/demolition waste.

(15) Rubbish.

(16) Scrap metal.

(17) ~~Waste water~~ Wastewater treatment sludges containing no free liquids and stabilized, digested or heat treated ~~waste water~~ wastewater treatment plant sludges containing no free liquids. The amount of sludges accepted for disposal may be limited by the municipal solid waste management facility operating procedures.

(18) Debris and yard waste.

(19) White goods.

(d) Commercial and industrial waste. Commercial and industrial waste will not be accepted for disposal at the municipal waste management facility unless all recyclable materials, tires, wood and other forms of solid waste as designated in the municipal solid waste facility operating procedures are

removed from such commercial or industrial waste prior to delivery to the facility, or separated upon delivery to the facility.

(e) Special and industrial waste. Only certain types of special and industrial waste as approved by the Virginia Solid Waste Management Regulations (VR 672-20-10) may be disposed of in the municipal solid waste management facility. Any such industrial or special waste shall be delivered in a form so as not to include other types of solid waste. Any person desiring to dispose of special or industrial waste in the municipal solid waste management facility shall (i) obtain approval for disposal of the special waste from the city prior to delivery and (ii) deliver to the city a copy of all certifications and results of independent laboratory analysis required by the city.

(f) Wood, debris and yard waste. Any wood, debris and yard waste delivered to the municipal solid waste management facility for disposal shall be separated from other solid waste being delivered to the facility.

(g) Any person who delivers to the municipal solid waste management facility any solid waste prohibited from disposal in the facility under section 21.2-59(b), shall promptly upon notification from the city remove such prohibited wastes from the facility. Failure to remove such prohibited waste constitutes a violation of this chapter. The city may choose to sample, test, store, transport and haul any such prohibited waste for appropriate disposal and charge the person delivering said waste for all incurred city and contractual costs.

(h) Any person, who delivers to the municipal solid waste management facility any non-household waste, either entirely or in part, must participate in an inspection of that delivered waste upon request by authorized employees and according to solid waste management facility procedures.

Sec. 21.2-60. Solid waste management facility fees.

(a) Fees for solid waste delivered to the municipal solid waste management facility shall be periodically reviewed and determined by the city council and posted at the solid waste management facility.

(b) Payment will be collected at the landfill scale house in cash or check, except that commercial and industrial users may request monthly billings for solid waste management facility service provided they are licensed to do business in the city. The fees charged such commercial and industrial users shall be due and payable within forty-five (45) days of the billing date of the statement to the user. For all statements remaining unpaid for forty-five (45) days, a penalty in the amount of ten (10) percent or ten dollars ($10.00), whichever is greater, shall be assessed thereon. Further, for all statements remaining unpaid at the end of a period of sixty (60) days following the date of issue, there shall be assessed thereon interest at the rate of ten (10) percent per annum from the first day following the day such amount is due, and said interest shall be collected upon both the charges and any penalty assessed thereon.

(c) Any person or business whose check for landfill tipping fees is returned for delinquent funds may be required to pay future landfill tipping fees with cash.

(d) The city reserves the right to cancel any landfill charge account that is continuously reported on the landfill cut-off list for delinquent payments. All payments thereafter must be made by cash or check each trip.

~~(c)~~ (e) A surcharge ~~waste~~ fee may be assessed by the city for special or industrial waste that requires research, analysis and/or special handling.

Sec. 34-12.1. Schedule of sewer rates.

(a) The monthly sewer rates for all consumers within the city shall be $4.42 per h.c.f. of water used provided, however, that the rate of any party discharging industrial waste or processed water into the city system pursuant to an individual contract shall be as provided in such contract.

(b) As provided in chapter 21.2 of the city code a five dollar ($5.00) solid waste fee for the collection, management and disposal of solid waste will be charged to all single-family households and to multi-family complexes with up to four (4) units utilizing city solid waste services. This fee shall be added to the city's bill for water and sewer charges and shall be paid on the same schedule as the city's water and sewage charges, due and payable in the billings and collections division in the same manner prescribed for water and sewage charges as established by the city code and if not so paid, shall carry the same penalties and interest as prescribed in the city code. If the monies received in payment of the water and sewage charges and the solid waste collection, management and disposal fee are not sufficient to pay the outstanding balance in full, including any penalties and interest, the solid waste collection, management and disposal fee and any penalties or interest attributed thereto shall be considered to be paid first out of the monies collected. The billings and collections division will send a separate bill to those households and multi-family complexes which do not have water or sewer service.

~~(b)~~ (c) In addition to the sewer rates provided in this section, a high strength waste surcharge is established for all customers with discharges in excess of twenty-five thousand (25,000) gallons per day and having biological oxygen demand and/or suspended solids concentrations in excess of normal wastewater.

The surcharge shall be as follows:

(1) For BOD concentrations in excess of three hundred (300) milligrams per liter (MG/l), sixteen dollars and fourteen cents ($16.14) per one hundred (100) pounds.

(2) For suspended solids concentrations in excess of four hundred (400) milligrams per liter (MG/l), eighteen dollars and twenty-five cents ($18.25) per one hundred (100) pounds.

(3) Truck hauled wastes disposal charges for residential and restaurant wastes as defined in Section 34-13 will be assessed at the following rates: one hundred seventy-seven dollars ($177.00) up to a limit of 2,500 gallons of capacity and thirty dollars ($30.00) for each 500 gallons of capacity over 2,500 gallons. Truck hauled wastes for special contract holders shall be charged in accordance to the terms of the contracting agreement.

~~(c)~~ (d) Annually, the director of financial services shall compute the average of each residential customer's level of monthly water consumption in hundred cubic feet (h.c.f.) for the most recent period beginning with the first billing in November and ending with the second billing in April. By multiplying this monthly average by 1.25, a seasonal consumption limit for sewer billing shall be derived for each residential account. This limit will apply during the period for the first billing in May through the second billing in October. This adjustment shall apply only to residential bills and shall not apply to any customers using water for the purpose of manufacturing or for commercial or multifamily dwellings.

Sec. 39-60. When bills due.

Any charges for water furnished through meters for all customers shall be due and payable monthly on or before the due date shown on the bill. As provided in chapter 21.2 of the city code a five dollar ($5.00) solid waste fee for the collection, management and disposal of solid waste will be charged to all single-family households and to multi-family complexes with up to four (4) units utilizing city solid waste services. This fee shall be added to the city's bill for water and sewer charges and shall be paid on the same schedule as the city's water and sewage charges, due and payable in the billings and collections division in the same manner prescribed for water and sewage charges as established by the city code and if not so paid, shall carry the same penalties and interest as prescribed in the city code. If the monies received in payment of the water and sewage charges and the solid waste collection, management and disposal fee are not sufficient to pay the outstanding balance in full, including any penalties and interest, the solid waste collection, management and disposal fee and any penalties or interest attributed thereto shall be considered to be paid first out of the monies collected. The billings and collections division will send a separate bill to those households and multi-family complexes which do not have water or sewer service.

2. That this ordinance shall become effective July 1, 2003.

Adopted:

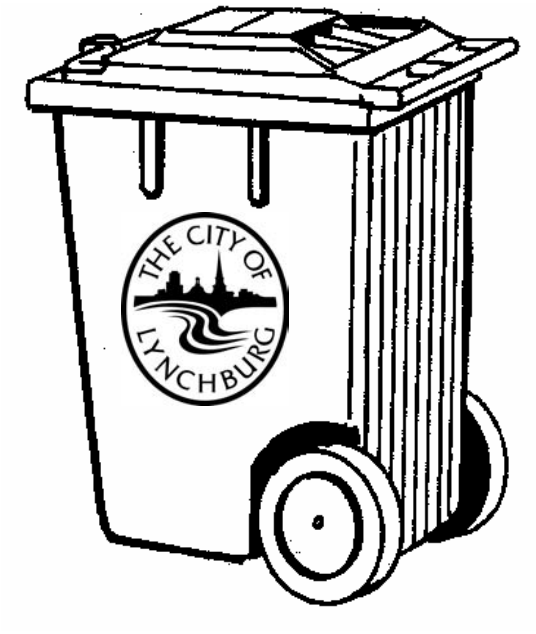
Certified: _____
Clerk of Council

I:\2003counrpts\SolidWaste0520035

Communications and Marketing

# Refuse Collection Communications Plan

*Rolling Out a New Trash Collection System*


THE CITY OF
LYNCHBURG

# Communications Plan

## Situation Analysis

Several major changes to the current refuse collection system were recently approved by City Council. Those changes included adding a $5.00 fee to every resident's utility bill. This fee would cover "common good" services including litter/illegal dumping cleanup, recycling, household hazardous waste collection, and bulk/brush collection.

City Council also made the decision to institute a semi-automated trash collection system. This new method of refuse collection means that City residents will have to switch to City provided trash carts.

**Other changes:**

- Changes in collection routes/days affecting approximately 1000 residents
- Amount of refuse allowed for free trips to landfill reduced to 250 lbs per month
- Unlimited amounts of bulk/brush items that have been segregated from refuse may be taken to the landfill free of charge (define eligible materials for residents)
- $.45 trash tag eliminated
- New $1.90 trash tag / $80.00 annual decal
- New trash carts will be provided to residents at no cost to them and residents must choose between 32 gallon cart ($40 annual decal/.95 tag) or 64 gallon cart ($80 annual decal/$1.90 tag)

## Goals & Objectives

The goals and objectives of the public information efforts will be to:

1. Educate and inform City residents about all aspects of the new refuse collection service
2. Educate and inform refuse collection customers about the benefits of the new system
3. Garner support and compliance from customers and the broader community
4. Provide information to vendors selling trash tags

5. Educate and inform residents about the recycling program

6. Educate City employees about the new system

## Key Messages

The new refuse collection system is:

- Fair and equitable
- More efficient
- Continues to promote recycling
- Allows customers to control costs
- More aesthetically pleasing
- Easy to use

## Collateral Materials

### Direct Mail

***Postcard***

- A postcard will be used to poll customers regarding the size of trash cart they desire. The card will also be used to ascertain other information related to the place of residence and whether or not the resident is a utility customer. These postcards will be mailed during month of June 2003.

***Newsletter***

- A flyer designed in a newsletter format will be mailed to residents (alternative to using direct mail will be to use this piece for a water bill insert). The flyer will include information about the new system and a Q & A.

### Advertising

***Print Media***

- Display ads will be placed in several newspapers throughout the length of the initial campaign period. Publications: The News and Advance, The Piedmont Area Journal, The Lynchburg Ledger, and Region 2000's monthly publication.

- Ads will be placed to run twice before the postcards are mailed to customers. Two additional ads will run reminding customers of the deadline to return postcards. Efforts will be made to run these ads on Tuesdays to capitalize on the lower rates.

- Additional display ads will run before trash carts are delivered and again before the new system begins.

- Display advertisements will be placed in the above-mentioned news publications one month in advance and again two weeks before the start of the "Common Good Fee."

- The City's citizen newsletter, The Source, will be used to disseminate information. The next two Sources are scheduled in June and August and others may be scheduled.

***Electronic Media***

- A press conference will be held at the Waste Management Facility before the postcards are mailed. The purpose of the press conference is to alert the public to expect the cards, to call if they do not receive one, and stress the importance of returning the cards. If a free vacation is secured as an incentive to return the cards, the press conference will also be used to secure publicity for the travel agency that donated the vacation. Information regarding the system will also be distributed.

- Interviews with local morning television and radio programs to encourage compliance in returning postcards and to educate the public about the system. Cost: None

It is recommended that public service announcements /air time be purchased for radio and television.

### *Other Printed Materials*

- A Talking Points paper will be developed and used during public presentations. This will ensure consistency of messages

- Door hangers will be developed to alert residents with changes in refuse pickup dates

- A card will be prepared to be included with the new trash carts. Card will include information about the new system, recycling tips, etc.

- Utility bill inserts

- Recycling brochure will be created to educate the public about recycling opportunities and encourage recycling

- Cardboard recycling boxes will be given to residents to encourage recycling. The boxes will be printed with recycling tips, etc.

## Web Site

All information developed during the campaign will be made available through the City's web site. We strongly encourage that residents also be able to order trash carts through the web.

## Displays

Displays that include the two sizes of trash carts as well as handouts will be designed for locations throughout the City. Suggested locations include City Hall, the Public Library, Waste Management and any other locations that generate public traffic.

## Promotional Items

A critical part of the communications program is to ensure that most of the residents receiving the postcard will return them. In order to facilitate that we recommend the following:

Solicit 2 free vacations to be offered as part of a drawing to the residents that return the cards. One would be the grand prize and the other, first prize. Custom designed coffee mugs will also be given away. Efforts are currently underway to secure the vacations at no cost to the City. Other give-away items may include miniature trash carts, magnets, etc.

## Customer Survey

A customer service survey will be conducted to determine if the success indicators have been achieved. This survey will also assist the City in making any needed changes to the system. In addition, the Department of Communications and Marketing will use the results to determine whether or not the communications campaign was successful and whether or not further communications efforts are needed. The Quality Services Coordinator will play a key role in leading the survey effort.

## Success Indicators

*The success indicators for the public information campaign are are:*

- A large percentage of Lynchburg citizens understand the new trash system and comply with the programs
- A large percentage of Lynchburg citizens put their refuse out on the right day with the appropriate tag or decal
- Recycling rate continues around 20% and residents continue to recycle correctly
- A greater percentage of customers start to recycle for the first time (new recycling customers.)
- Customers feel good about helping the environment
- City employees understand and accept the changes
- City Council feel fully informed of changes so they can respond to constituent questions
- City Council understands, accepts and is enthusiastic about the changes
- Media organizations regularly and accurately report on the changes, including the major milestones throughout the campaign

# Solid Waste Program Changes Update

City Council Work Session

May 27, 2003

# Presentation Outline

- Introduction of Residential User Fee Implementation Team
- Solid Waste Ordinance Changes
- Semi-Automated Collection Update
- Small Haulers' Request
- Billing System Update / Policy Decisions
- Public Information Campaign

# Residential User Fee Implementation Team

- Objective
  - To implement the residential user fee in a manner that focuses on customer needs, is user friendly and assumes citizens will comply voluntarily if they have the appropriate education/information.

# Residential User Fee Implementation Team

## Membership

**Team includes representation from the following departments:**

- Billings & Collections
- Citizens First
- City Attorney
- Communication & Marketing
- Community Planning
- Finance
- Fleet Services
- Human Services
- Information Technology
- Procurement
- Waste Management

**Steering Committee Members:**

- City Manager
- Deputy City Manager
- Director of Finance
- Director of Human Services
- Director of Public Works

# Solid Waste Ordinance Changes

- Section 21.2-3 (Definitions - Property owner who rents single-family units is responsible for assuring that occupants comply with the ordinance)

- Section 21.2-6 & 8 (32 and 64 gallon carts provided at no costs to residents - City retains ownership)

- Section 21.2-11 (Residents can purchase additional carts at City's cost)

# Solid Waste Ordinance Changes

- Section 21.2-19 (Unlimited number of segregated brush and bulk loads can be brought to City landfill beginning July 1, 2003)

- Section 21.2-26 (City can bill owner of rental property for trash not displaying an appropriate tag or decal)

- Section 21.2-31(b & c) (Tags and decals for 64 gallon cart added to code - $1.90 and $80.00 appropriately)

# Solid Waste Ordinance Changes

- Section 21.2-31 (f) (Residents of Pleasant Valley / Tyreeanna Neighborhood eligible for free annual decal)

- Section 21.2-31 (k) ($5.00 flat monthly fee to be charged to all single-family households beginning January 1, 2004 and when payments are received the payment will be first credited towards the solid waste fee)

- Section 21.2-31 (l) (Free monthly trip decreased to 250 pounds beginning July 1, 2003)

# Solid Waste Ordinance Changes

- Section 21.2-47 (Incorporated language from State Code in which a person found guilty of illegally dumping trash, garbage or litter may have driving privileges suspended and be ordered to perform community service)

- Section 21.2-47.1 (Increased amount of fines for those found guilty of not displaying appropriate tags or decals on their trash cart or trash bag)
  - First offense increased from $10 to $25
  - Second offense increased from $20 to $50
  - Third offense increased from $30 to $100

# Semi-Automated Collection

- Purchase of Semi-Automated Refuse Trucks
  - Purchase Order for two side loaders is completed
  - Purchase Order for two rear loaders is in the bid process; pending
- Purchase of Trash Carts
  - Purchase Order has been issued which “piggy backs” a Houston-Galveston Area Council contract. This contract will allow the City to realize savings in excess of

# Semi-Automated Collection

- Evaluation of Existing Refuse Routes
  - Completed counting the existing refuse routes
  - Routes have been preliminarily adjusted to balance the number of stops per route per day
  - Verification of stops in process for adjusted routes
  - Notification of collection day changes included in Communications Plan

# Other Issues

- Smaller Hauler Fee Request
  - Currently; the four largest private haulers are offered a discount ($35.00 per ton) from the stated landfill tipping fee of $48.00 per ton
  - Several smaller private haulers have requested the same consideration

# Smaller Hauler Fee Request

- Advantages to offering same rate to all
  - Fair and equitable as all haulers pay same rate
  - Less tracking of different rates by staff
- Disadvantages to offering same rate to all
  - Loss of revenue (approximately $120,000 annually)
  - Using multiple addresses to receive disposal at no charge
  - How to determine who should receive lower rate - private hauler versus contractor

# Billing System

- Reviewing current customer information
- Developing process to capture residents' information - those residents not currently a water or sewer customer
- Purchasing necessary hardware and software to implement new $5.00 solid waste fee on January 1, 2004
- Hiring of additional staff to handle customers service needs

# Billing System - Policy Decisions

- The $5.00 flat fee will be billed by address (if multi-family complex has multiple meters and addresses, then each will be billed $5.00 fee)

- City will begin billing single family households and multi-family complexes when Certificate of Occupancy is issued by the City Inspections Division

- If multi-family structure has only one meter and one address, then it will be billed only

# Billing System - Policy Decisions

- The $5.00 fee will be not billed to inactive utility accounts
- Single family households not on City water or sewer will be billed $60.00 one time per year
- Refunds will only be given when a property has paid the $60.00 annual fee and then decides to add water and sewer connections for that property

# Billing System - Policy Decisions

- The prorated refund will be made to the new utility account and the $5.00 monthly fee will begin
- No refunds in the case of relocation
- No churches, businesses or institutions will pay the $5.00 monthly fee

# Billing System - Policy Decisions

- Those individuals eligible to receive one free annual trash decal of $40.00 for the 32 gallon cart must pay difference of $40.00 for annual trash decal to use on 64 gallon cart

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# Public Information Campaign

- Goals:
- (1) Educate and inform City residents about all aspects of Solid Waste Changes including benefits of new system
- (2) Garner support and compliance from customers and the broader community

# Public Information Campaign

- Goals:
- (3) Provide information to vendors selling trash tags
- (4) Educate and inform residents about benefits of recycling
- (5) Educate City employees about changes

# Public Information Campaign

- Information on Semi-Automated Collection
- Route Change Information
- Landfill Changes
  - Bulk
  - Brush
  - Free Monthly Trip
- Notification to Multi-Family Property Owners
  - Collection restricted to four or less units
- Solid Waste Flat Fee (January 1, 2004)

# Public Information Campaign

- Post Cards
- Direct mailings (postcards and newsletter)
- Print media (display ads)
- Electronic media (press conference, interviews and Public Service Announcements)
- Other printed information (talking points paper, door hangers, packet to be included with carts on delivery, utility bill inserts, recycling brochures and cardboard recycling boxes)

# Public Information Campaign

- City's web site
- Displays (City Hall, Library, WMF)
- Promotional Items
- Success Indicators
- Follow-up customer survey