

Chapter 10

GARBAGE, REFUSE AND WEEDS

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ARTICLE I.

REFUSE*

* **Editors Note:** Ordinance No. 83-22, adopted July 13, 1983, repealed former Art.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 The repealed provisions, which also pertained to refuse, had been amended by ordinances of June 28, 1975, June 25, 1977, May 31, 1980, May 21, 1981, and Ord.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 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)

§ 10-2. Definitions.

The following words and phrases, when used in this Article, shall have the meanings ascribed to them in this Section, except in those instances where the context clearly indicates a different meaning:

Bundled brush: 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: Lumber, cardboard or carpet that is securely tied in bundles not exceeding four (4) feet in length, twenty-four (24) inches in diameter and fifty (50) pounds in weight.

Collection point: 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 and retail container: A metal container not larger than ten (10) cubic yards, made of watertight construction with doors opening on sides (self-closing) and/or top, and constructed so that it can be emptied mechanically by a specially equipped truck.

County Manager: The County Manager of Arlington County, Virginia, or his designated agent.

Front building line: The front building line is 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.

Garbage: Animal and vegetable waste resulting from the handling, preparation, cooking, and serving of food.

Household container: 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.

Leaf collection season: That time period specifically designated and promulgated by the Solid Waste Division for the collection of leaves.

Plastic bag: A plastic 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.

Recycling bin: A container provided by the County specifically for the collection of recyclables at curbside.

Refuse: All solid waste, including cold ashes, garbage, rubbish, bulky wastes, and construction and demolition wastes excluding hazardous and infectious materials and materials described in Section 10-6(B)(1)(g) of this Chapter.

Refuse cart: A container provided by the County for the collection of refuse at curbside.

Refuse station: 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 municipal waste(s).

Toxic and hazardous material: All material, including herbicides and pesticides, defined as hazardous or toxic by Virginia statute or regulations adopted under Virginia state statute.

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

§ 10-3. Administration of article.

This Article shall be administered by the County Manager.
(Ord. No. 83-22, 7-13-83)

§ 10-4. Deposit at other than approved place prohibited.

It shall be unlawful for any person to dispose, dump, deposit, or leave any refuse within the County except at a place of final disposal approved under this Article.
(Ord. No. 83-22, 7-13-83)

§ 10-5. Participation in the county refuse collection system.

(a) The owner of each one-family or two-family dwelling as defined in Section 1 of the Arlington County Zoning Ordinance shall participate in the Arlington County refuse collection system. The County shall collect the refuse from each building participating in the Arlington County refuse collection system weekly. The owner of the building shall pay the fees provided for in Section 10-8 of this Chapter. All participants in the Arlington County refuse collection system are eligible for one (1) refuse cart as part of the base residential refuse collection fee. Up to two (2) additional refuse carts (for a total of three (3)) may be requested at a charge as set forth in Section 10-8.

(b) If County refuse truck enters a private street to collect refuse, 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 containers to the nearest designated collection point accessible to County refuse trucks to be eligible to continue to participate in the County refuse collection system.

(c) The owners of a development of town house dwellings, as defined in Section 1 of the Arlington County Zoning Ordinance, constructed after July 1, 2003 will be required to participate as a group in the Arlington County refuse collection system, provided:

- (1) Each dwelling is individually metered for water;
- (2) There is adequate space so that the refuse truck can turn around without backing onto or off of a street;

- (3) Parking is arranged so that refuse need not be carried between parked cars;
 - (4) If it is necessary for the refuse truck to enter a private street, the street is constructed according to Arlington County Standards and Specifications enforced by the Arlington County Department of Environmental Services;
 - (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 designated agent is authorized to establish reasonable procedures that allow for exceptions based on safety or health considerations or a determination that the use of refuse carts is not feasible or useable for the town house or town house development.
- (d) Any nonprofit organization which places for collection six (6) or fewer household containers, or up to three (3) refuse carts, of trash per week may participate in the Arlington County refuse collection system. Nonprofit organizations are not eligible for special collections.
(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)

§ 10-6. Storage, removal, and maintenance.

- (a) *Storage generally.* It shall be unlawful for any person to store any refuse within the County, except as provided in this Article.
- (b) *Responsibilities of owners and occupants:*
 - (1) It shall be the responsibility of the occupant or, in the occupant's absence, the owner of each building receiving County refuse service, to adhere to the following practices:
 - a. Refuse shall be placed at the collection point in refuse carts, household containers, plastic bags or be bundled. All refuse stored outside the building shall be in household containers or refuse carts. Household containers shall be kept covered with tightly fitting lids at all times. Plastic bags shall be securely tied with the contents wrapped to prevent tearing or puncturing the bag:
 1. No amount of liquid in excess of one-half (1/2) gallon shall be placed in the refuse for any collection at any residential collection point.
 2. Ashes shall be cold to the touch prior to placement at collection point.
 3. Household containers, bundled material, bundled brush, or plastic bags shall not exceed fifty (50) pounds gross weight.
 4. Tree branches and shrubbery trimmings, lumber, cardboard, and carpeting shall be securely tied in bundles not to exceed four (4) feet in length, twenty-four (24) inches in diameter and fifty (50) pounds in weight.
 5. Unbundled brush, appliances, and furniture shall be placed at curbside for pickup only where arrangements for their collection have been made with the Department of Environmental Services. Collection arrangements shall be made no later than the workday prior to the regularly scheduled collection day.
 - b. Place all refuse carts, household containers, bundled material, bundled brush, and plastic bags 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, and remove all household containers to their normal storage location within twenty-four (24) hours after emptying. Normal location shall mean a regular place of keeping not in front of the building and behind the front building line, unless there is fencing or landscaping that screens or shields the containers from general view from the street.

- c. Maintain household containers, refuse carts, and recycling bins in a serviceable and sanitary condition. These containers shall be cleaned prior to the next refuse service day upon the occupant being informed by the refuse crews of the need for cleaning. If a household container is determined to be unserviceable (cracked, rusted, dented/damaged) by the County Manager or his designated agent, the County Manager or his designated agent will inform the owner by placing a decal on the refuse container. If the same container is used in the future as a refuse container, it shall be considered refuse and collected for disposal with the regular refuse.
 - d. Store leaves in biodegradable paper bags or place loose leaves at curbside for collection during the designated leaf collection season. Biodegradable paper bags will be collected only during the leaf collection season, spring yard waste, and other yard waste collection programs designated by the County Manager or his designated agent.
 - e. 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, 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 and eighteen (18) inches in diameter or that are the result of the clearing of multiple trees from a property.
 - f. Keep dogs tied up securely or in the house on collection day when backdoor service (non-curbside) is provided.
 - g. Reserved.
 - h. Clean up any refuse or litter remaining at the collection point which is not collected because of the failure to adhere to the above practices.
- (2) It shall be the responsibility of the owners of all other properties to provide for the collection, and disposal of all refuse at least weekly and adhere to the following practices:
- a. Provide sufficient number of approved containers for the storage of refuse. Containers shall be kept covered with a tightly fitting lid at all times. All refuse containers shall be emptied frequently enough to prevent their contents from overflowing.
 - b. Maintain all containers in a sanitary and serviceable condition.
 - c. Place commercial and retail containers on concrete, or other similar impervious surfaces.
- (c) *Removal of 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 hazardous material shall not be put out for collection, except that the above materials in quantities less than five (5) gallons and all containers may be disposed of by participants in the County refuse collection system by taking them to the plant chemist at the Arlington County Water Pollution Control Plant at 3401 South Glebe Road for disposal.

- (3) Animal feces shall be securely sealed or wrapped in plastic or paper bags before being placed in a household, commercial, or retail container.
- (d) *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 Section 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 of such property in the same manner as other refuse collection charges are imposed. A charge of fifty dollars (\$50.00) will be assessed for the correction of minor violations. Minor violations are the collection of materials placed at the collection point weighing up to two hundred (200) pounds which are not eligible for collection or which are not properly prepared for collection. A charge of three hundred dollars (\$300.00) will be assessed for the collection of materials placed at the collection point weighing more than two hundred (200) pounds which are not eligible for collection or which are not properly prepared for collection. The County will not take action until the County has (i) contacted the occupant to explain the nature of the problem and the corrective action required, and (ii) provided the occupant with a written notice of violation informing them of the violation and providing a period of seven (7) days in which to correct the problem. The seven (7) day notification period may be waived by the County Manager or his designated agent when hazardous material is disposed of inappropriately, pedestrian or vehicular traffic is impeded on a public thoroughfare, wind blown litter or debris is created, or if required for public health or safety. In the event the seven (7) day period is waived, reasonable notice under the circumstances shall be given.

(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)

§ 10-7. Collecting, transporting, and disposing of refuse.

(a) No person shall commercially collect, transport, transfer, store, or dispose of any refuse without having paid required permit fees and obtained from the County Manager a refuse permit covering that activity and any related facility and each related refuse vehicle or container used to transport refuse. The permit shall be renewed annually.

(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.

It shall be unlawful for any person who holds a refuse permit to dispose of refuse that he or she collects, transports or disposes of under the refuse permit at any place other than the refuse station designated by the County Manager in accordance with this Article.

(c) Any person desiring a permit to collect, transport, transfer, store, or dispose of any refuse shall make application to the County Manager. Each application shall contain the name, address, and telephone number of the applicant's place of business and shall include, without limitation, a complete description of the proposed facility and operations at the facility, including the number and description of vehicles and equipment to be used.

- (1) The County Manager, before issuing any permit, shall 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 equipment comply with the provisions of this Article, including but not limited to the standards established in Section 10-7(c)(7) of this Article. If the County Manager shall be satisfied from the inspection that the premises, vehicles, and equipment are in conformity with this Chapter, the County Manager 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 refuse within the County, with such conditions as he may deem necessary to comply with this Article.

If the County Manager shall not be so satisfied or if the applicant has refused the County Manager or designated agent the right to enter and inspect any premises, except the interior of any residence, and vehicles pursuant to Section 10-7(c)(3) for the purpose of enforcing the provisions of this Article, the County Manager shall deny the application.

- (2) Every permit issued pursuant to this Article shall be renewed annually, unless sooner suspended. The permittee's premises and all vehicles and equipment shall be inspected each year and the permit shall be renewed if the premises, vehicles, and equipment are in conformity with this Article. A permit shall not be transferrable to any other person.
- (3) The County Manager or designated agent 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 refuse. 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.
- (4) If the County Manager finds that the premises, vehicles, and equipment for which the permit was issued do not conform to the provisions of this Article, that a permittee has refused the County Manager or designated agent the right to enter and inspect such premises, except the interior of any residence, or vehicles pursuant to Section 10-7(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 Section 10-7(c)(7), the County Manager may enter an order for the suspension of the permit until such time as the County Manager 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) days after the date it is executed by the County Manager, and the order shall state this effective date; provided, however, that if the County Manager 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 Manager, 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 Manager, 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 Manager'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 Manager 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 Manager shall not affect the County Manager's authority to reinstate a

suspended permit, pursuant to Section 10-7(c)(5), or the permittee's right to appeal a final order of suspension, pursuant to Section 10-7(c)(6).

It shall be unlawful for any person to collect, transport, transfer, store, or dispose of any refuse within the County when subject to a final order of suspension.

- (5) The County Manager may reinstate a suspended permit when no fact or condition exists which would otherwise warrant the County Manager 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 Section 10-7(c)(1) and any permittee aggrieved by a final suspension order under Section 10-7(c)(4) shall have the right to appeal the denial or order to the County Manager. The appeal shall be taken by filing with the County Manager, within ten (10) 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 Manager shall schedule a hearing and shall give notice of the hearing to the appellant. The decision of the County Manager on appeal shall be final, but shall not preclude the issuance of a permit or the reinstatement of a suspended permit by the County Manager due to changed circumstances.
- (7) Any person collecting, transporting, storing or disposing of refuse 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 Section 10-7(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 refuse, 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 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 stormwater drainage system.
 - d. All vehicles used in the collection, transport, transfer, or disposal of refuse 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 refuse to be collected therein.
 - e. All vehicles hauling refuse shall be watertight and completely enclosed.
 - 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 refuse 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.

- 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.
- m. All provisions of this Article and all rules and regulations established by the County Manager pursuant to this Article shall be complied with by every permittee and by all employees and agents of the permittee.

(d) It shall be unlawful for any person who holds a refuse permit to dispose of refuse that he or she collects, transports, or disposes of under the refuse permit at any place other than the refuse station designated by the County Manager in accordance with this Article.

(e) No commercial motor vehicle used to transport municipal solid waste shall be parked on or adjacent to the highways or streets of the County.

- (1) For the purposes of this Section, "commercial motor vehicle" shall have the meaning prescribed in VA. Code § 46.2-341.4 and "municipal solid waste" shall have the meaning prescribed by the Virginia Waste Management Board by regulation at 9 VAC 20-80-10.
- (2) 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 municipal solid waste 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. 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)

§ 10-8. Refuse collection and disposal charges; relief from such charges.

(a) There is hereby imposed for each single-family residential dwelling and each unit of duplex residential dwelling an annual charge of three hundred twenty-five dollars and sixty-eight cents (\$325.68) billed quarterly, beginning with the quarter of July 1, 2009, through September 30, 2009, for refuse collection and disposal and recycling by Arlington County.

(b) An additional charge of two dollars (\$2.00) per month per additional refuse 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 the single-family residential dwelling and units of duplex 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 owners 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 collection and disposal charges and the recycling 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) Charges, if not paid before delinquency, shall become a lien against the real property in the manner provided by law.
- (6) A late charge of six (6) percent shall be imposed on the outstanding balance of refuse collection and disposal and recycling 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 collection and disposal charges and/or the recycling charges are not paid when due.
- (d) The County Board may from time to time appropriate money pursuant to Section 63.1-51 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 collection and disposal charges and recycling charges made to qualified recipients.
- (e) Applicants for a refuse permit, as provided in Section 10-7, shall pay at the time of application for the permit an annual fee of seventy-five dollars (\$75.00) for each refuse vehicle and an additional seven dollars and fifty cents (\$7.50) per permit for each container used to transport refuse. In addition, permit applicants for refuse transfer, storage, and similar facilities located in Arlington County shall pay an annual refuse permit fee of one thousand dollars (\$1,000.00).
- (f) Homeowners requesting pickup and disposal of household appliances shall be charged a fee of twenty dollars (\$20.00) for the first item and ten dollars (\$10.00) for each additional item as part of the same service order at the same address, effective July 1, 1998. This fee shall be added to the homeowner'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). For the purposes of this Subsection, the term "household appliance" shall mean 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.
- (g) Effective April 30, 2005 there is hereby imposed a fee for the disposal of televisions (\$20.00) and computer monitors (\$15.00) which is payable at the time of service. Other electronics products (e.g., CPU's, peripherals, accessories, VCR's, stereos, etc.) will not incur a disposal fee.
(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, 4-28-09, effective 7-1-09)

§ 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 refuse receptacles.

It shall be unlawful for any person to dispose of any refuse produced in his dwelling in any household

container, commercial 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)

§ 10-11. Penalties.

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)

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.

For the purpose of this Article, the following words and terms shall have the meanings respectively ascribed:

Danger or hazard to public health or safety: A condition, as determined by the County Manager or his designated agent, 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: The presence within or around property of any rats.

Inoperative motor vehicle, trailer or semitrailer: Any motor vehicle which is not in operating condition or which, for a period of ninety (90) days or longer, has been partially or totally disassembled by the removal of tires and wheels, the engine, or other essential parts required for operation of the vehicle. An inoperative vehicle shall also be considered a vehicle with an observable condition which indicates a state such that it is economically impractical to make such vehicle operative within a reasonable period of time, or which constitutes a health, fire or safety hazard.

Occupant: 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: 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: Any land, whether unimproved or improved with buildings or other structures and whether unoccupied or occupied by any person.

Rodent proofing: 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: 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)

§ 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 designated agent 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 Section 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 Sections 10-13 and 10-14, the County Manager or designated agent 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 Section 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 designated agent, 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 Sections 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 Section 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 designated agent 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 designated agent 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.

For the purpose of this Article, the following words and terms shall have the meanings respectively ascribed:

Commercial handbill: 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: 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: 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: 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: Dock space or area used for the purpose of receiving, shipping, and transporting goods, wares, commodities, or persons.

Parking lot: 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.

RECYCLING

§ 10-30. Definitions.

The following words and phrases, when used in this Article, shall have the meanings ascribed to them in this Section, except in those instances where the context clearly indicates a different meaning:

Business: Any person, partnership, corporation, institution, or other entity operating in Arlington County. This definition excludes businesses with home occupation permits.

Collection system, business property: A system which includes the following components: (a) receptacles for individual employees and/or centrally located receptacles expressly for the collection and storage of recyclable materials separated by employees; (b) a contract with a hauler for collection of the recyclable materials and transport to a recycling processor or end-user, or proof of self-haul to a recycling facility; and (c) educational materials to inform employees of how to properly use the collection receptacles.

Collection system, multiple-family dwelling: A system which includes the following components: (a) at-the-unit or centrally located receptacles expressly for the collection and storage of recyclable materials separated by tenants; (b) a contract with a hauler for collection of the recyclable materials and transport to a recycling processor or end-user, or proof of self-haul to a recycling facility; and (c) educational materials to inform tenants of how to properly use the collection receptacles.

Curbside collection program participants: The owners of each dwelling, as defined in Section 10-5, that receive weekly refuse and recycling collection from the County. Home occupation permitted businesses operating from such dwellings are subject to the requirements of this Article for such dwellings.

DES: Arlington County Department of Environmental Services.

Glass bottles and jars: Bottles and jars of clear, brown or green color, with caps and lids removed. Expressly excluded are any other glass products such as window glass, mirrors, drinking glasses, and others.

Hauler: Any person, partnership, corporation, or other public or private entity that collects and/or transports recyclable materials in Arlington County.

Metal food and beverage cans: Beverage cans made entirely of aluminum, bi-metal food and beverage cans made of steel and tin bodies and aluminum tops, and food and beverage cans made of steel with an interior

and/or exterior coating of tin.

Multiple-family dwelling: A building, or portion thereof, designed for occupancy by three (3) or more families living independently, or a townhouse not individually metered for water. Home occupation permitted businesses operating from such dwellings are subject to the multiple-family requirements of this Article.

Newspaper: Newsprint-grade paper which is printed and distributed daily or weekly that contains news. For participants in the County curbside collection program this is further defined to include all insert materials provided with the newspaper.

Plastic bottles and jugs: Plastic beverage, laundry and other containers with necks of narrower diameter than the bodies, and with caps removed. Expressly excluded are containers that held automotive products or toxic or hazardous materials.

Principal recyclable materials (PRMs): As designated by the Commonwealth of Virginia: newspaper, ferrous scrap metal, nonferrous scrap metal, used motor oil, corrugated cardboard/kraft paper, container glass, aluminum, high-grade office paper, tin cans, cloth, automobile bodies, plastic, clean wood, brush, leaves, grass, and other arboreal material.

Responsible party: For dwellings eligible for participation in the County Curbside Collection Program, the term "responsible party" shall mean the dwelling occupant. For a multiple-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 business, 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 business.

(Ord. No. 93-22, 11-13-93)

§ 10-31. Requirements for materials to be collected.

As of September 1, 1994:

(a) The responsible party of each dwelling that is eligible for the County Curbside Collection Program must establish a system to separate newspapers, glass bottles and jars, and metal food and beverage cans from refuse for collection. Plastic bottles and jugs may also be separated for collection with the other recyclable materials.

(b) The responsible party of each multiple-family dwelling must establish a separate system from refuse collection for the collection of newspapers, glass bottles and jars, and metal food and beverage cans from all tenants of that property. Each new multiple-family dwelling property that is occupied after September 1, 1994, is required to establish a collection system within ninety (90) days from the first date of occupancy by a tenant.

(c) The responsible party of each business must establish a separate system from refuse collection for the collection of the two (2) principal recyclable materials (PRMs) that the business generates annually in the greatest quantities. In multi-tenant commercial properties in which individual businesses do not manage their own solid waste, the two (2) PRMs are determined on the basis of the property's combined waste stream. Each new business that begins operations after September 1, 1994, is required to establish a collection system within ninety (90) days after receiving an Arlington County Certificate of Occupancy.

(Ord. No. 93-22, 11-13-93)

§ 10-32. Reporting requirements.

(a) *Implementation plans.* The responsible party for each multiple-family dwelling and the responsible party and business owner, if different, for each business property are required to submit an implementation plan to DES by May 1, 1994. Forms for this plan will be sent by DES to each multiple-family dwelling and business address. The responsible party for each new multiple-family dwelling that is occupied after September 1, 1994, is required to submit this plan within thirty (30) days from the date of first occupancy by a tenant. The responsible party and business owner, if different, of each new business that begins operations after September 1, 1994, are required to submit this plan within thirty (30) days after receipt of an Arlington County Certificate of Occupancy. The implementation plan must be approved by DES to comply with the terms of this

Article. If the implementation plan is rejected by DES, the submitting party has thirty (30) days from notification of the rejection to submit a revised plan for approval.

(b) *Reports.* The responsible party for each multiple-family dwelling and the responsible party and business owner, if different, of each business property are required to submit a report to DES by February 1st of every third (3) year for recycling activities during the preceding three (3) year period. The first report is due February 1, 1997. Forms for this report will be sent by DES to each multiple-family dwelling and business address.

(c) *Hauler reports.* Each company that collects or transports recyclable materials in Arlington County is required to submit an annual report to DES documenting the tonnage of materials it collected from businesses and multiple-family dwellings in Arlington County. This report must be submitted by February 1st of each year for materials collected during the preceding calendar year, with the first report due February 1, 1995. Forms for this report will be sent by DES to each hauler. Each hauler is required to provide a list of its Arlington customers with this report.

(Ord. No. 93-22, 11-13-93; Ord. No. 95-1, 1-7-95)

§ 10-33. Adaptations for materials.

(a) *Criteria.* Limited adaptations, as set forth below, may be approved by the County Manager or his designated agent. Applications for an adaptation from the requirements of Section 10-31 shall be submitted to the County Manager on County forms. An adaptation may be allowed where compliance with the Ordinance would result in unnecessary hardship to the applicant and the need for an adaptation would not be shared generally by other applicants, provided such an adaptation is not contrary to the intended spirit and purpose of this Article and would result in substantial justice being done. All adaptations 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 adaptation, or (b) the expiration of the time period granted in the adaptation. Should an adaptation be withdrawn because the time period has expired, an applicant may apply for renewal of the adaptation. Application forms are available from the solid waste division 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 haulers 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); or
- (5) Negligible generation rates of one (1) or more of the required recyclable materials.

The County Manager or his designated agent will consider these criteria in evaluating the application and will consider the compliance rate, implementation plans, and recycling programs of similar businesses in Arlington County. The County Manager or his designated agent will direct a solid waste division community inspector or member of the County recycling staff to make a site visit and prepare a report on the applicant's property.

(b) *Actions.* After reviewing the information described in (a) above, the County Manager or his designated agent will take one (1) of the following actions:

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

(Ord. No. 93-22, 11-13-93)

§ 10-34. 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 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)

§ 10-35. Right to appeal notices and fines.

Upon service of a notice of violation or fine as provided in Section 10-34, the responsible party or business owner shall have the right to appeal such notice or fine and shall be granted a hearing before the County Manager or the County Manager's designated agent, 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 or his designated agent shall advise the appellant of the time and place of 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 fifteen (15) working days following the hearing.

(Ord. No. 93-22, 11-13-93)

§ 10-36. Recycling system inspection fee.

Each responsible party which is required to establish a separate system from refuse for the collection of recyclable material as described in Section 10-31B or Section 10-31C and required to submit an 'implementation plan' pursuant to Section 1-32B shall on a yearly basis pay a fee of sixty-six dollars (\$66) 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.

(Ord. No. 09-12, 4-28-09, effective 7-1-09)