ORDINANCE 22-1800-1090

CITY OF MANASSAS PARK

Motion: Councilmember Hampton Second: Councilmember Amaya

Date: May 10, 2022

AN ORDINANCE TO REPEAL CHAPTER 13, TRASH AND GARBAGE, OF THE CODE OF THE CITY OF MANASSAS PARK, VIRGINIA, IN ITS ENTIRETY, AND TO REPLACE IT WITH A NEW CHAPTER 13 ENTITLED "SOLID WASTE", TO INCORPORATE THE ENTIRETY OF THE CITY'S SOLID WASTE MANAGEMENT PROGRAM

BE IT ORDAINED by the Governing Body of the City of Manassas Park, Virginia, that:

1. Chapter 13, Trash and Garbage, of the Code of the City of Manassas Park, Virginia, is hereby repealed in its entirety and replaced with a new Chapter 13, to read as follows:

"**Chapter 13 - SOLID WASTE**

ARTICLE I. - IN GENERAL

Sec. 13-1. - Finding and purpose; applicability.

(a) Finding and purpose. The governing body finds that the protection, improvement, and preservation of public health and the environment are essential to the general welfare of the residents of the City of Manassas Park. For this reason, a code of standards and procedures for the administration and enforcement of the city's municipal solid waste has been established for the control, collection, transportation, and disposal of municipal solid waste, and to promote source reduction and recycling as a means of reducing the amount of municipal solid waste that must be disposed.

(b) Applicability. Except as otherwise provided herein, this chapter, and any regulations or administrative directives or procedures issued under its authority shall apply to all residents of, and commercial, industrial, and institutional establishments within or doing business within, the city, and any person or entity who collects, transports, disposes, or otherwise manages or arranges for management of municipal solid waste.

Sec. 13.2 - Definitions.

For the purposes of this chapter, the following terms shall have the meaning ascribed to them herein:

Biodegradable paper yard waste bag means a lawn and yard waste bag composed of 2-ply, wet strength paper construction suitable for the disposal of lawn cuttings, light brush, and leaves with the physical integrity and wall strength to maintain a weight load not to exceed 50 pounds.

Bulk waste means any item set out for curbside collection that is too large to fit into a suitable container, including but not limited to white goods, area rugs, mattresses, bed springs, furniture,

exercise equipment, grills, or other household items that are not otherwise prohibited. Residents are permitted to set out no more than three (3) three bulk waste items totaling no more than two (2) cubic yards in volume per weekly collection.

Compostable trash bag means a trash bag consisting of plant starch converted into bioplastics, which is easily broken down by microorganisms in soil and compost piles, and does not produce toxic byproducts or contain petroleum-based plastics or heavy metals.

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

Construction waste/debris means solid waste that is produced or generated during construction, remodeling, or repair of pavements, houses, commercial buildings, and other structures. Prohibited construction waste/debris includes but is not limited to the following: lumber over four (4) feet in length, wire, fence, decking and landscape materials, sheetrock, broken brick, shingles, glass, shower doors, pipes, concrete, paving materials, metal, carpet, plumbing fixtures (*e.g.*, sinks, bath tubs, pre-formed tub/shower materials, toilets, and bidets), plastic pipes over four (4) feet in length, paints, coatings, solvents, asbestos, any liquid, compressed gases or semi-liquids, and the empty containers of any of the aforementioned materials.

Container – see definitions for refuse container, recycling container, yard waste container.

Curbside leaf collection program means the seasonal collection of loose leaves raked curbside by residential owners or occupants and collected by the city's Department of Community Development and Public Works.

Dispose means to get rid of something or throw something away.

Disposal means the discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste into or on any land or water so that such solid waste or any constituent of it may enter the environment or be emitted into the air or discharged into any waters.

Dumpster means a large metal container having a capacity of two (2) cubic yards or larger, which is generally used for automated collection of solid waste and contains doors and lids that may be secured to prevent the contents of the dumpster from escaping.

Dwelling unit has the same meaning as in Section 31-6 of this Code.

Electronic waste means any unwanted, outdated, or obsolete electronic appliance or device found in offices and homes or used as a personal communication device. "Electronic waste" includes, but is not limited to, televisions, microwaves, computers, and cell phones. Many electronic products include harmful materials such as lead, cadmium, chromium, brominated flame retardants or polychlorinated biphenyls (PCBs).

Garbage means readily putrescible disposed materials composed of animal, vegetable, or other organic matter.

Hazardous waste means solid waste or a combination of solid waste that (i) is flammable, corrosive, reactive, or toxic; (ii) because of its quantity, concentration, or physical, chemical, or infections characteristics, may cause or significantly contribute to an increase in mortality or serious irreversible or incapacitating illness, or pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of, or otherwise managed; or (iii) is defined as "hazardous waste", "hazardous material", or "hazardous substance" in the Virginia Hazardous Waste Management Regulations, elsewhere in the Virginia Administrative Code, or in the Code of Virginia.

Household hazardous waste means any waste material derived from households which, except for the fact that it is derived from a household, would otherwise be classified as hazardous waste.

Household waste means any waste material, including garbage, trash, refuse, recycling, bulk waste, and yard waste derived from households. Households include single-family, two-family, and multiple-family dwelling units.

Industrial waste means any solid waste generated by a manufacturing or industrial process that is not a regulated hazardous waste and includes. "Industrial waste" includes, but is not limited to, waste resulting from the following manufacturing processes: electric power generation; fertilizer/agricultural chemicals; food and related products/byproducts; 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 water treatment. "Industrial waste" does not include mining waste or oil and gas waste.

Institutional waste means all solid waste emanating from institutions such as but not limited to hospitals, nursing homes, orphanages, and public or private schools. "Institutional waste" does not include regulated medical waste from health care facilities or research facilities that must be managed as a regulated medical waste.

Litter means any man-made material thrown, placed, deposited, or caused to be placed, deposited, or cast that creates a danger to public health, safety, or welfare and/or is degrading to the environment. "Litter" includes, but is not limited to, paper, cigarette butts, cans, bottles, food wrappers, and plastic bags. "Litter" can range in size from tiny bits of paper to large appliances and automobiles.

Multiple-family dwelling has the same meaning as in Section 31-6 of this Code.

Municipal solid waste means waste that is normally composed of residential, commercial, non-residential, and institutional solid waste and residues derived from combustion of such waste, as defined in the Virginia Solid Waste Management Regulations, elsewhere in the Virginia Administrative Code, or in the Code of Virginia.

Non-collectable item means any solid waste item that will not be collected by the city or its refuse and recycling contractor for disposal, unless otherwise authorized by the city manager.

Organic waste means waste that results from the use or consumption of meats, fish, fowl, birds, fruits, grains, or other animal, vegetable, or fruit matter, including, but limited to, discarded cans and other food containers and all putrescible or decomposable animal, vegetable, or fruit waste matter that is likely to attract flies, rodents, or other pests; and manure and other waste matter normally accumulated in or about a stable or an animal, livestock, or poultry enclosure, and resulting from the keeping of animals, livestock, or poultry.

Permit means a permit issued by the Director of Community Development and Public Works or designated representative at the Office of Community Development, authorizing the temporary placement of a dumpster, a portable storage facility, or trash in or upon a street or public ground or upon private property.

Portable storage facility means a portable device or container one (1) cubic yard or more in size used or intended for the storage of personal property.

Receptacle means a container that is specifically designed, constructed, and placed for public use as a depository for litter or solid waste.

Recycling means those items identified in regulations promulgated by the city manager as recyclable and acceptable to the city for recycling in accordance with the city's solid waste management plan.

Recycling container means a reusable, rigid plastic container, with or without wheels, provided by or privately purchased through the city's agent for the containment of recycling materials, with a tight-fitting lid and handles of adequate strength for lifting fifty (50) pounds and not exceeding a 64-gallon capacity.

Refrigerant means a fluid used for heat transfer in a refrigerating system, which absorbs heat at a low temperature and a low pressure and rejects heat at a higher temperature and a higher pressure, usually involving changes of the state of the fluid. Refrigerating systems include but are not limited to refrigerators, freezers, air conditioning units, and dehumidifiers.

Refuse means all litter, rubbish, garbage, trash, waste, putrescible debris, or other offensive or unwholesome substance or materials of any nature whatsoever that is generated at the property from which it is being collected.

Refuse container means a reusable, rigid plastic container, with or without wheels, provided by or privately purchased through the city's agent for the containment of household waste, with a tight fitting lid and handles of adequate strength for lifting fifty (50) pounds and not exceeding a 96 gallon capacity.

Regulated medical waste means solid waste so defined in the Virginia Regulated Medical Waste Management Regulations, elsewhere in the Virginia Administrative Code, or in the Code of Virginia.

Residential refers to any structure used or constructed or modified or adopted for use as a single-family dwelling unit, duplex, cluster housing, townhouse, or multiple-family apartment or condominium building or other similar structure containing one or more dwelling units, and which is located on a single lot, parcel, or tract of land. Each dwelling unit of a duplex, cluster

housing, townhouse, or multiple-family apartment or condominium building or other similar structure is considered a separate residence.

Roll-off container means a temporary metal container, compacted or open, with or without wheels, designed and used by non-exclusive commercial solid waste haulers for the collection and disposal of contractor, construction, or demolition debris and/or large quantities of solid waste.

Scrap metal means metal parts such as bars, rods, wire, empty containers, or metal pieces that are disposed and can be used, reused, or reclaimed.

Service user means owners and occupants of single-family, two-family, and multiple-family dwelling units that pay a monthly service fee to the city for household waste and recycling collection.

Sharps mean any device with a sharp point or edge that can puncture or cut skin. "Sharps" includes, but is not limited to, hollow needles used to inject drugs (medication) under the skin and syringes used to inject medication into or withdraw fluid from the body.

Single-family dwelling has the same meaning as in section 31-6 of this Code.

Solid waste means any garbage, refuse, sludge, and other discarded materials. "Solid waste" includes solid, liquid, semisolid, or contained gaseous material regardless of source.

Solid waste hauler means a licensed commercial or industrial hauler that collects and transports solid waste for the purpose of disposal.

Trash means bulk waste, refuse, and like materials not stored or placed in a dumpster or portable storage facility.

Trash Container – see definition for refuse container.

Transfer station shall mean any legally authorized solid waste storage or collection facility at which solid waste is transferred from collection vehicles to transport vehicles for hauling to a central solid waste management facility for disposal, incineration, or resource recovery.

Two-family dwelling has the same meaning as in section 31-6 of this Code.

Violation means an action or activity that is in breach of the requirements of this chapter.

Waste tire means a tire that is no longer mounted on a vehicle and/or is no longer suitable for use as a vehicle tire due to wear, damage, or deviation from the manufacturer's original specifications.

White goods means large household appliances, including but not limited to refrigerators, stoves, washers, dishwashers, and hot water heaters.

Yard waste means decomposable waste materials generated by yard and lawn care, grass cuttings, leaves, and light brush consisting of branches and limbs no longer than four (4) feet in length or three (3) inches in diameter. "Yard waste" does not include roots, stumps, and heavy

brush consisting of branches and brush in excess of four (4) feet in length or three (3) inches in diameter, or lawn care material contaminated with soil, mulch, rocks, or stones.

Yard waste container means a privately purchased reusable, rigid plastic container or biodegradable paper yard waste bag used for the containment of grass cuttings, leaves or light brush consisting of branches or brush no longer than four (4) feet in length or three (3) inches in diameter.

Sec. 13-3. – Rules and regulations.

The city manager may adopt rules and regulations with respect to solid waste management and collection. Such rules and regulations shall be intended to protect the public health, safety, and welfare, to promote good sanitation and cleanliness, and to protect the environment.

Sec. 13-4. – Enforcement.

This chapter shall be enforced by the city manager or his designee or authorized agent.

Sec. 13-5. – Violations of chapter.

Violation of any provision of this chapter shall constitute a class 1 misdemeanor, except as expressly provided elsewhere within this chapter.

Secs. 13-6. - 13-10. - Reserved.

ARTICLE II. – SOLID WASTE COLLECTION

Sec. 13-11. – Solid waste fees

Fees for solid waste collection shall be as set forth in the regulations and fee schedule approved by the governing body.

Sec. 13-12. – Landlord and tenant responsibility

Owners of property in the city whose property is eligible for service under the curbside collection program and their tenant(s) must comply with provisions of this article.

Sec. 13-13. – Scope of service.

All service users shall use refuse and recycling collection services provided by the city or the city's agent. Commercial entities that do not provide or manage dwelling units shall be responsible for arranging proper collection and disposal of refuse and recycling through a licensed solid waste hauler in accordance with sections 13-36 of this Code.

Sec. 13-14. – Conditions of service.

Service users must place all accumulated household waste and recycling in appropriate containers that meet the requirements set forth in sections 13-15 through 13-20 of this Code.

Sec. 13-15. – Containers required for refuse collection.

Refuse containers shall be used only for city refuse collection.

(a) The city or its agent shall provide one (1) rigid plastic 96-gallon refuse container with tight-fitting lid to single-family and two-family service users for the purpose of refuse collection. Single-family and two-family service users may purchase additional refuse containers of the same structure and lid specifications from the city's agent for an additional fee set forth by the city's agent or from another retailer.

(b) The city or its agent shall provide one or more dumpsters or compactors, as deemed necessary, to multifamily service users for the purpose of refuse collection. Property management companies and other entities that own, provide, or manage multiple-family dwelling communities shall coordinate with the city or the city's agent for one or more additional refuse collection dumpsters for an additional fee.

(c) As a matter of health and safety, all household waste other than bulk waste, yard waste, and recycling must be placed in plastic bags, biodegradable paper yard waste bags, or compostable trash bags, tied or secured at the top, and set in refuse containers for collection.

(d) Broken or damaged refuse container provided by or purchased from the city or its agent shall be replaced at no charge to service users. Neither the city nor its agent will be responsible for lost or stolen refuse containers or for the replacement of broken or damaged refuse containers not provided by or purchased from the city or its agent.

(e) Household waste that is too large to fit into refuse containers is considered bulk waste. Service users must call to schedule bulk waste collection and set out bulk waste at the curb.

Sec. 13-16. – Containers required for recycling collection.

Recycling containers shall be used only for city recycling collection.

(a) The city or its agent shall provide one (1) rigid plastic 64-gallon recycling container with tight-fitting lid to single-family and two-family service users for the purpose of recycling collection. Single-family and two-family service users may purchase additional recycling containers of the same structure and lid specifications from the city's agent for an additional fee set forth by the city's agent or from another retailer.

(b) The city or its agent shall provide one or more totes or bins, as deemed necessary, to multifamily service users for the purpose of recycling collection. Property management companies and other entities that own, provide, or manage multiple-family dwelling communities shall coordinate with the city or the city's agent for additional recycling totes or bins for an additional fee.

(c) Recycling shall be sorted in accordance with the regulations promulgated by the city manager as recyclable and acceptable to the city for recycling.

(d) Broken or damaged recycling containers provided by or purchased from the city or its agent will be replaced at no charge to service users. Neither the city nor its agent will be responsible for replacement of lost or stolen recycling containers or for broken or damaged recycling containers not provided by or purchased from the city or its agent.

(e) No refuse, organic waste, yard waste, plastic trash bags, plastic shopping bags, plastic film, or plastic packing tape of any kind shall be placed in recycling containers. Contents of recycling containers that include such materials shall be ineligible for recycling and disposed as trash.

Sec. 13-17. – Yard waste container requirements.

Except as otherwise provided below, all yard waste shall be placed in a yard waste container and shall not have a load weight in excess of fifty (50) pounds.

(a) Yard waste placed in a refuse container or a recycling container will not be collected in accordance with section 13-21 of this Code.

(b) Branches and brush placed for collection shall not exceed four (4) feet in length or three (3) inches in diameter and shall be secured with twine or roping in bundles weighing no more than thirty-five (35) pounds or be placed a yard waste container.

(c) Yard waste, including all branches, brush, and bagged leaves, shall be secured to prevent being blown and scattered by wind.

(d) Leaves collected as part of the curbside leaf collection program are not required to be bagged or placed in a yard waste container.

Sec. 13-18. – Ownership of refuse and recycling containers.

(a) Refuse containers and dumpsters, and recycling containers, totes, and bins provided to service users by the city or the city's agent shall remain the property of the city or the city's agent, respectively, at all times. If a service user relocates to a different address, all refuse containers, dumpsters, and compactors, and recycling containers, totes, and bins provided by the city or the city's agent shall remain in place at the property being vacated for the next service user to occupy the dwelling unit at that service address.

(b) The refuse containers, dumpsters, and compactors, and recycling containers, totes, and bins provided by the city or the city's agent shall not be defaced, except that the address of the property to which the container is provided may be marked on the underside of the container lid or on the side of the container.

(c) No single-family or two-family service user may place more than four (4) refuse or recycling containers, or any combination thereof, at the curb for collection by the city or the city's agent. Any single-family and two-family service user placing more than four (4) such containers at the curb for collection shall be responsible for the proper disposal of each additional container.

Sec. 13-19. – Placement of containers, bundles, and bulk waste.

The city or the city's agent may provide curbside refuse and recycling collection service to qualifying properties. The collection schedule shall be set by the city manager, and a copy thereof shall be available to any city resident or business upon request. All collection services shall be subject to the regulations and fee schedule approved by the governing body.

(a) All refuse to be collected, curbside, by the city or the city's agent shall be set out or located so that it can be easily and conveniently reached by collection crews at the curb or edge of the street no further than one foot behind the curb or edge of the street on which the city provides collection.

(b) Refuse and recycling service users with curbside service shall be subject to the following collection procedures:

(1) Refuse and recycling shall be so placed for collection at the curb not earlier than 2:00 p.m. on the day preceding the scheduled collection for such location nor later than 6:00 a.m. of the day of scheduled collection.

(2) Emptied containers shall be removed by the owner or occupant from the sidewalk or street and returned to an enclosed/screened area no later than 10:00 a.m. the day following the collection and may be stored in the rear or side yards only, in accordance with the requirements of this subsection, or may be effectively blocked from view by vegetation; otherwise, such containers shall be stored within a principal or accessory structure on the property.

(3) Refuse and recycling stored outdoors on private property must be placed in a refuse container or recycling container and properly screened from view by adjacent streets or public rights-of-way.

(4) Every service user shall take adequate precautions to secure all refuse, recycling, bulk waste, and yard waste in such a manner as to ensure the safety of the public, pets, and wildlife.

(5) If refuse, recycling, or yard waste is scattered or blown because the occupant or owner did not use a suitable container, then that occupant or owner is responsible for the scattering and may be charged with littering under section 13-26 of this Code.

(c) Bulk waste items shall be collected at curbside or other authorized location through scheduled collection only and limited to no more than 3 bulk items per collection.

(1) Furniture bulk items are limited to two (2) cubic yards in volume, or three (3) furniture items total per collection.

(2) A maximum of two (2) rolled area rugs may be set out per collection. Each roll may not exceed five (5) feet in length or weigh more than fifty (50) pounds.

(3) All refrigerant-containing appliances, including but not limited to refrigerators, freezers, air conditioning units, and dehumidifiers, must display a refrigerant-recovery label as proof that refrigerant was removed by an EPA Section 608 (Clean Air Act) certified technician prior to collection. Refrigerant appliances not bearing a certified refrigerant-recovery label will not be collected by the city or its agent. Doors must be removed from all refrigerators and freezers prior to placement for collection.

Sec. 13-20. – Curbside leaf collection program.

(a) The city provides an annual curbside leaf collection program for all city-maintained streets during the months of October, November, and December. During such months, fallen leaves may be raked or swept to the curbside or street edge for vacuum collection. It shall be unlawful to:

(1) Rake leaves into any street far enough from the curb or street edge so as to create a traffic hazard.

(2) Rake leaves into or near storm drains so as to create an obstruction and prevent the drainage of storm water from the street.

(3) Rake leaves onto a sidewalk so as to cover its entire width and obstruct pedestrian traffic on such sidewalk.

(b) During the months of January through and including September, all leaves must be bagged and placed for curbside collection.

Sec. 13-21. – Non-collectable items – generally.

The following items are non-collectable items and shall not be set out by service users or collected by the city or designated refuse and recycling contractor, unless otherwise authorized by the city manager:

(a) Household hazardous waste.

(b) Hazardous waste.

(c) Explosives and ammunition.

(d) Electronic waste; however, televisions and computer monitors may be scheduled for collection.

(e) Regulated medical waste.

(f) Loose sharps and sharps in red “bio hazard” containers.

(g) Institutional waste.

(h) Industrial waste.

(i) Residential construction waste/debris in excess of one (1) cubic yard, greater than four (4) feet in length and/or greater than fifty (50) pounds;

(j) Construction waste/debris;

(k) Stone, brick, sand, rock, asphalt, concrete, pavers, mulch, compost, and topsoil;

(l) Stumps, roots, fallen trees, tree trunks, limbs, and branches greater than four (4) feet in length and three (3) inches in diameter and/or in excess of fifty (50) pounds;

(m) Yard waste or recycling placed in plastic bags;

(n) Yard waste mixed with recycling;

(o) Waste tires;

(p) Automobile parts;

(q) Dead animals.

Sec. 13-22. – Uncollected refuse, recycling, bulk waste, and yard waste.

Where the city or the city's agent has not collected refuse, recycling, bulk waste, and/or yard waste from curbside points of collection or elsewhere because such refuse, recycling, bulk waste, and/or yard waste was not placed or prepared in accord with this article, the persons responsible for such placement shall remove such refuse, recycling, bulk waste, and/or yard waste by the end of the designated collection day.

Sec. 13-23. – Non-compliance with container and/or placement requirements.

A violation of any provision of sections 13-15 through 13-22 of this Code may result in the city pursuing one or more of the following remedies, at the discretion of the city manager:

(a) The city may choose not to collect the refuse, recycling, bulk waste, and/or yard waste. In such case, a notice of violation may be given to the owner, occupant, or manager of the violating property. The notice of violation may be verbal or written and shall be provided as soon as is feasible after the decision not to collect such article(s).

(b) If the owner, occupant, or property manager hasn't removed the refuse, recycling, bulk waste, and/or yard waste within twenty-four (24) hours after the notice of violation has been given, the city may, at its option, collect the refuse, recycling, bulk waste, and yard waste notwithstanding the fact that its placement does not comply with the provisions of this. After such time, the city will assess the actual cost of collection of the article(s) and a minimum charge for removal per truck load against the owner, occupant, or manager of the violating property, such cost to be determined in accordance with the regulations and fee schedule approved by the governing body. In situations deemed by the city manager to pose an imminent risk to the health, safety, or welfare of residents, the city may remove the article(s) without waiting twenty-four (24) hours after giving a notice of violation.

(c) The cost to remove the article(s) shall be charged to the owner, occupant, or property manager and collected as taxes and levies are collected, or in separate billings, including but not limited to those related to utility payments. Every charge authorized by this section with which the owner of any such property shall have been assessed and which remains unpaid shall constitute a lien against such property with the same priority as liens for unpaid local taxes and enforceable in the same manner as such liens.

(d) In addition to the charge for removal of the article(s), the city may issue a civil penalty in the amount of $50.00 for the first violation. The city may issue a civil penalty in the amount of $200 for each additional violation within a twelve (12) month period. Each business day during which the same violation is found to have existed shall constitute a separate offense. In no event shall a series of specified violations arising from the same set of operative facts result in civil penalties that exceed a total of $3,000.00 in a 12-month period.

Secs. 13-24. - 13-25. - Reserved.

ARTICLE III. – LITTERING

Sec. 13-26. – Littering prohibited.

(a) No person shall litter upon or in any street, sidewalk, park, playground, school ground, or other publicly owned, rented, or otherwise publicly controlled land or building within the city.

(b) Any person(s) using a city street, sidewalk, park, playground, school ground, or other publicly owned, rented or otherwise publicly controlled fixture, land, or building for the sale or distribution of circulars, handbills, newspapers, or any product that is packaged in immediately disposable wrappers or containers shall:

(1) Provide receptacles for the disposal of refuse, recycling, or other litter that may be created in the immediate vicinity by such sale or distribution;

(2) Request that all such refuse, recycling, or litter so created be placed in such receptacle(s), and;

(3) Remove and dispose of the refuse, recycling, or litter in accordance with city regulations.

Sec. 13-27. – Property to be kept free of litter and refuse.

It shall be the duty of every owner or occupant of property, whether improved or unimproved, including lots and other areas, to keep, or cause to be kept, such property clean and free of litter and refuse.

Sec. 13-28. – Vehicles dropping contents on public rights-of-way or places.

Any person who transports in any vehicle or in any other manner upon any public right-of-way or place any loose material or articles likely to shift, fall, spill, or be blown upon the public right-of-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 right-of-way or place, such person shall immediately cause such contents to be gathered up and removed.

Secs. 13-29. - 13-30. - Reserved.

ARTICLE IV. – DUMPSTERS, PORTABLE STORAGE FACILITIES

Sec. 13-31. – Temporary placement of dumpsters, portable storage facilities, trash.

It shall be illegal for any person to place one (1) or more dumpsters or portable storage facilities, or trash, in or upon any street or public grounds or upon private property without first having obtained a permit from the Director of Community Development and Public Works or his designated representative.

Sec. 13-32. – Permitting of dumpsters, portable storage facilities.

(a) Every person seeking to place one (1) or more dumpsters or portable storage facilities or trash in or upon a street or public grounds or upon private property shall apply to the Director of Community Development and Public Works or designated representative for a permit. No such permit for placement upon a street or public grounds shall be issued unless placement upon private property is not reasonably feasible.

(b) The application fee for a permit allowing the temporary placement of dumpsters, portable storage facilities, and/or trash upon a street or public grounds shall be twenty-five dollars ($25.00). The application fee is waived for any permit allowing the temporary placement of dumpsters, portable storage facilities, or trash upon private property.

(c) Every applicant for a permit to place of one (1) or more dumpsters or portable storage facilities or trash in or upon a street or public grounds shall provide a refundable bond in the amount of one thousand dollars ($1,000.00) to cover the cost to repair any damage caused by the applicant's use of the street or public grounds for such purpose. No permit shall be issued until such bond has been provided to the city. If the cost to repair any damage caused by the applicant's use of the street or public grounds exceeds the value of such bond, such amount shall become a personal debt of the applicant, immediately due and owing to the city.

(d) Application for a permit must be submitted to the Director of Community Development and Public Works or designated representative at least seven (7) days prior to the proposed placement of one (1) or more dumpsters or portable storage facilities or trash.

(e) Each permit holder shall allow access to private property by the Director of Community Development and Public Works or designated representative, and the

building official, during reasonable hours of the day to verify compliance with the applicable provisions of this article.

Secs. 13-33. - 13-35. - Reserved.

ARTICLE V. – COMMERCIAL AND INDUSTRIAL SOLID WASTE COLLECTION

Sec. 13-36. – Commercial and industrial solid waste collection – generally.

Solid waste collection is mandatory for all commercial and industrial properties within the city. Owners or tenants of commercial and industrial properties must secure the services of a licensed private hauler.

(a) Commercial and industrial properties using the services of a licensed private hauler shall cause refuse, recycling, bulk waste, and yard waste to be collected from their respective buildings, establishments, or properties, and disposed of in such a manner as not to create a public nuisance or public health hazard.

(b) It shall be the duty of the owners and tenants of commercial and industrial properties to use approved and appropriate solid waste containers. Open roll-off containers shall not be used to collect, store, or transport solid waste or any other putrescible items.

(c) Solid waste shall be collected from all property at least once each week.

(d) This article shall not apply to single-family, two-family, or multiple-family dwelling units. For purposes of this chapter, property management companies and other entities that own, provide, or manage multiple-family dwelling communities shall not be classified as "commercial" entities but shall instead be classified as "residential" entities, subject to the same requirements as the dwelling units within the communities they own, provide, or manage."

2. All sections of the Code of the City of Manassas Park, Virginia that are inconsistent with and/or in conflict with this Ordinance are hereby repealed.

3. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions hereof.

4. This Ordinance shall be effective shall be effective upon its adoption.

Approved May 10, 2022

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