

INTRODUCED: September 11, 2017

AN ORDINANCE No. 2017-175

To amend section 23-44 of the City Code, concerning times and places of solid waste collection, bulk items, brush collection, and collection of loose leaves, for the purpose of modifying the manner in which the requirement to remove refuse receptacles and recycling bins from City property or the right-of-way is enforced.

Patron – Mayor Stoney (By Request)

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: OCT 9 2017 AT 6 P.M.

THE CITY OF RICHMOND HEREBY ORDAINS:

§ 1. That section 23-44 of the Code of the City of Richmond (2015) be and is hereby **amended** and reordained as follows:

Sec. 23-44. Times and places of collection; bulk items; brush collection; collection of loose leaves.

(a) Refuse receptacles and recycling bins shall be placed for collection at a location designated by the Director of Public Works. Refuse receptacles and recycling bins must be placed out for collection by 6:00 a.m. of the scheduled collection day but not earlier than 4:00 p.m. of the day preceding, except for any special times as deemed necessary by the Director of Public Works.

AYES: 8 NOES: 1 ABSTAIN: _____

ADOPTED: OCT 9 2017 REJECTED: _____ STRICKEN: _____

The refuse receptacles and recycling bins must be removed by 7:00 a.m. on the day following collection from City property [~~and rights-of-way~~] or right-of-way to include, but not be limited to, sidewalks, alleys and median strips between sidewalks and roadways. [~~Refuse receptacles and recycling bins shall be placed for collection at a location designated by the Director of Public Works.~~] The public utility account holder of any property to which a refuse receptacle or recycling bin has been assigned shall be responsible for removing the refuse receptacle or recycling bin from City property or right-of-way by 7:00 a.m. on the day following collection. [~~Any~~] The account holder may request permission from the Director of Public Works not to remove the refuse receptacle or recycling bin as required by the preceding sentence. The Director of Public Works shall grant such permission when the Director determines that doing so will not interfere with use of the City property or right-of-way and that there is no place outdoors other than City property or right-of-way where the account holder may store the refuse receptacle or recycling bin that is accessible without the need for the account holder to convey the refuse receptacle or recycling bin indoors. The Director of Public Works may rescind such permission at any time. Otherwise, any account holder who allows a refuse receptacle or recycling bin to remain on City property after 7:00 a.m. on the day following collection shall receive a notice from the Department of Public Works advising of the violation and allowing the account holder [~~an opportunity~~] until 7:00 a.m. on the day following the delivery of the notice to remove the refuse receptacle or recycling bin. If [~~the~~] after receiving two such notices in the same calendar year, the account holder fails to remove any refuse receptacle or recycling bin [~~is not timely removed~~] from City property or right-of-way by 7:00 a.m. on the day following collection, the Department of Public Works, after providing the account holder notice and an opportunity to remove any refuse receptacles or recycling bins in accordance with the preceding sentence, shall cause to be imposed on the account holder [~~to be~~

~~assessed]~~ a civil penalty in the amount of \$50.00 ~~[for each and every calendar day that each and every refuse receptacle or recycling bin remains on City property beginning with the date of the most recent past scheduled pick up time from the Department of Public Works]~~. Such civil penalty shall be included on the account holder's monthly utility statement and shall be subject to collection in the same manner as other utility charges including delinquent charges for utilities.

(b) Upon request, the Director of Public Works shall schedule the collection of bulk items such as furniture or similar large items at no charge. However, for same-day collection of bulk items and for collection of appliances, a fee shall be charged as set forth in Appendix A to this Code.

(c) Collection of loose tree trimmings less than four inches in diameter, six feet in length; shrubbery trimmings; and loose brush shall be scheduled by the Director of Public Works.

(d) Collection of loose leaves shall be undertaken in accordance with a schedule established by the Director of Public Works. Upon request, loose leaves may be collected outside the established collection period. A fee as set forth in Appendix A to this Code shall be charged for service outside the established collection period.

(e) If the Director of Public Works finds that refuse quantities or location, building design or other factors are not compatible for refuse collection by City forces and equipment, the refuse shall be removed by private or contract collectors. The Director of Public Works shall give adequate notice of such noncollectibility or noncompliance, so that other collection arrangements may be made.

(f) Fees for collection may only be waived during City-designated cleanups or declared emergencies.

(g) Real property owners or their agents who file for eviction proceedings with the City Sheriff shall remove all property or items which are placed outside during an eviction within 72 hours of the eviction. Notwithstanding the collection fee provided for in Subsection (b) of this section, if the evicted tenant, building owner or the owner's agent fails to immediately remove the property or items after the 72-hour time period has elapsed, the City will cause the immediate removal and assess the building owner a removal fee as set forth in Appendix A to this Code.

§ 2. This ordinance shall be in force and effect upon adoption.



CITY OF RICHMOND
INTRACITY CORRESPONDENCE

O & R REQUEST
4-6830
AUG 2 2017
Office of the Chief Administrative Officer

O&R REQUEST

DATE: July 18, 2017 EDITION: 1

TO: The Honorable Members of City Council

THROUGH: The Honorable Levar M. Stoney, Mayor (By Request) [Signature]

THROUGH: Selena Cuffee-Glenn, Chief Administrative Officer [Signature]

THROUGH: Robert Steidel, Acting Deputy Chief Administrative Officer [Signature]

THROUGH: Bobby Vincent, Director Department of Public Works [Signature]

FROM: Doug Mawby Department of Public Works [Signature]

RECEIVED
SEP 07 2017
DEPT OF PUBLIC WORKS

RE: PROPOSED AMENDMENT TO CITY CODE SECTION 86-44 (A) REGARDING REFUSE RECEPTACLES

ORD. OR RES No. _____

PURPOSE: To amend City Code Section 86-44(a) as follows:

- (a) Refuse receptacles and recycling bins must be placed out for collection by 6:00 a.m. of the scheduled collection day but not earlier than 4:00 p.m. of the day preceding, except for any special times as deemed necessary by the Director of Public Works. The refuse receptacles and recycling bins must be removed by 7:00 a.m. on the day following collection from City property and rights-of-way to include, but not be limited to, sidewalks, alleys and median strips between sidewalks and roadways. Refuse receptacles and recycling bins shall be placed for collection at a location designated by the Director of Public Works. Should there be no appropriate location to store a receptacle or bin or there is no access to such a place, a waiver to this code section must be requested from the Director of Public Works or his designee. The public utility account holder of any property to which a refuse receptacle has been assigned shall be responsible for removing the refuse receptacle from City property by 7:00 a.m. on the day following collection. Any account holder who allows a refuse receptacle or recycling bin to remain on City property after 7:00 a.m. on the day following collection shall receive a notice from the Department of Public Works advising warning of the violation and allowing the account holder an opportunity 24 hours to remove the refuse receptacle or recycling bin. Any single account holder shall only be issues two warnings in a calendar year. If the refuse receptacle or recycling bin is not timely removed within 24 hours from City property, the Department of Public Works shall cause the account holder to be assessed a civil penalty in the amount of \$50.00 for each and every calendar day occurrence of that a each-and-every refuse receptacle or recycling bin remains remaining on City property beginning with the date of the most recent past the scheduled pick up time from the Department of Public Works. Such civil penalty shall be included on the account holder's

monthly utility statement and shall be subject to collection in the same manner as other utility charges including delinquent charges for utilities.

REASON: This code section as written is not specific enough for proper and effective enforcement. The requested changes will make it easier to achieve compliance with the rules regarding refuse and recycling containers.

RECOMMENDATIONS: The Department of Public Works requests approval of this request.

BACKGROUND: The code section to be changed dates to September of 2007. Since its adoption there have been attempts to bring residents into compliance with the law regarding refuse and recycling cans. Although limited success was achieved, repeat violations and disregard of the law served to minimize the effectiveness the DPW outreach on the matter. Part of the reason for this that the existing code lacks a specific time frame for achieving compliance. Also there is no provision for the number of times a resident can get a notice of violation for this before they are cited for the violation.

FISCAL IMPACT/COST: None.

FISCAL IMPLICATIONS: None.

BUDGET AMENDMENT NECESSARY: No amendment necessary at this time.

REVENUE TO CITY: Not Known

DESIRED EFFECTIVE DATE: Upon Adoption.

REQUESTED INTRODUCTION DATE: September 11, 2017.

CITY COUNCIL PUBLIC HEARING DATE: September 25, 2017

REQUESTED AGENDA: Consent Agenda.

RECOMMENDED COUNCIL COMMITTEE: None

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: Government Operations

AFFECTED AGENCIES: Public Works; Law Department; Planning and Development Review; Economic and Community Development, Public Utilities; Assessor; Budget and Strategic Planning; Fire Department; Police Department, DCAO & Mayor's office.

RELATIONSHIP TO EXISTING ORD. OR RES.: None

REQUIRED CHANGES TO WORK PROGRAM(S): None.

ATTACHMENTS:

STAFF:

Prepared for Bobby Vincent

Prepared by Doug Mawby 646-0110

Department of Public Works