

INTRODUCED: September 10, 2018

AN ORDINANCE No. 2018-227

To amend City Code § 23-44, concerning the collection of solid waste, to authorize the Director of Public Works to establish schedules and procedures for the regular collection of leaves, bulk items, and tree and shrubbery trimmings.

\_\_\_\_\_  
Patron – Mayor Stoney

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Approved as to form and legality  
by the City Attorney  
\_\_\_\_\_

PUBLIC HEARING: SEPT 24 2018 AT 5 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, recycling bins, and bulk items shall be placed for collection at a location designated by the Director of Public Works. Refuse receptacles, recycling bins, and bulk items 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

AYES:            9            NOES:            0            ABSTAIN: \_\_\_\_\_

ADOPTED:    SEPT 24 2018    REJECTED: \_\_\_\_\_    STRICKEN: \_\_\_\_\_

a.m. on the day following collection from City property or right-of-way to include, but not be limited to, sidewalks, alleys and median strips between sidewalks and roadways. 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. 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 until 7:00 a.m. on the day following the delivery of the notice to remove the refuse receptacle or recycling bin. If after receiving two such notices in the same calendar year, the account holder fails to remove any refuse receptacle or recycling bin 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 a civil penalty in the amount of \$50.00. 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) The Director of Public Works shall ~~[provide]~~ establish a schedule for the collection of bulk items ~~[on the days established for collection of recycling]~~ at no charge. However, upon a request for same-day collection of bulk items or 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 ~~[provided for]~~ undertaken in accordance with a schedule established by the Director of Public Works ~~[on the days established for collection of recycling]~~.

(d) Collection of ~~[loose]~~ leaves shall be undertaken in accordance with a schedule and procedures 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]~~ collection of loose leaves.

(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
4-8057
AUG 10 2018

Office of the
Chief Administrative Officer

O&R REQUEST

DATE: August 9, 2018 EDITION: 1

TO: The Honorable Members of City Council

THROUGH: The Honorable Levar M. Stoney, Mayor JS 8/19/18

THROUGH: Selena Cuffee-Glenn, Chief Administrative Officer

THROUGH: Robert C. Steidel, Deputy Chief Administrative Officer for Operations

FROM: Bobby Vincent, Director of Public Works

FROM: Calvin D. Farr, Jr., Director of Public Utilities CF

RE: Change in Section 23-44 (b), (c) and (d) of City Code to clarify language regarding bulk item collection and leaf collection

ORD. OR RES. No. \_\_\_\_\_

PURPOSE: The bulk collection of items along with the leaf collection program provides for an attractive and safe community. The leaf collection program must also be operated to comply with COMMONWEALTH of VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY Permit No. VA0063177, Part III - COMBINED SEWER SYSTEM (CSS), A. Combined Sewer System, 1. Nine Minimum Controls, f. Control Solid and Floatable Materials in CSOs (1) Screen flows at the Shockoe Retention Facility daily. (3) Increase screen cleaning during the fall, and (4) Conduct an effective leaf program.

The purpose of the proposed changes is to clearly state the authority of the Director of Public Works to establish schedules for the collection of bulk items and leaves prior to the 2018 - 2019 leaf season.

REASON: The reason for this proposed change is for the effective operation of the leaf collection program resulting in the outcomes expected for permit VA0063177 compliance and the effective operation of bulk item collection resulting in an attractive and safe community.

RECOMMENDATION: It is recommended that the following changes be made to city code: Sec. 23-44(b). The Director of Public Works shall establish a schedule provide for the collection of bulk items on the days established for collection of recycling at no charge. However, upon a request for same -day collection of bulk items or for the collection of appliances, a fee shall be charged as set forth in Appendix A to this Code.

Sec. 23-44(c). *Collection of loose tree trimmings less than four inches in diameter, six feet in length; shrubbery trimmings; and loose brush shall be ~~provide for~~ undertaken in accordance with a schedule established by the Director of Public Works. ~~on the days established for collection of recycling.~~*

Sec. 23-44(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 collection of leaves service outside the established collection period.~~*

**BACKGROUND:** The Director of Public Works schedules the collection of bulk items and leaf collection in the city and is responsible for the bulk and leaf collection programs. The Director of Public Utilities is responsible for operating the nine minimum controls in the combined sewer system. The city's leaf collection program must be operated in compliance with the clean water permit issued by the Virginia Department of Environmental Quality.

**FISCAL IMPACT / COST:** None

**FISCAL IMPLICATIONS:** Civil penalties under the Clean Water Act for violations of the City's VPDES permit are maximum \$53,484 per per-day / per-violation basis and take into account a number of fact-specific considerations, e.g., the seriousness of the violation, the violator's good faith efforts to comply, any economic benefit gained by the violator as a result of its noncompliance, and a violator's ability to pay.

**BUDGET AMENDMENT NECESSARY:** No

**REVENUE TO CITY:** None

**DESIRED EFFECTIVE DATE:** Upon adoption

**REQUESTED INTRODUCTION DATE:** September 10 2018

**CITY COUNCIL PUBLIC HEARING DATE:** September 24 2018

**REQUESTED AGENDA:** Consent

**RECOMMENDED COUNCIL COMMITTEE:** Land Use, Housing and Transportation  
September 18 2018

**CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES:** None

**AFFECTED AGENCIES:** Department of Public Works, Department of Public Utilities

**RELATIONSHIP TO EXISTING ORD. OR RES.:** None

O&R Request

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**REQUIRED CHANGES TO WORK PROGRAM(S):** None

**ATTACHMENTS:** None

**STAFF:** Bobby Vincent, Director of Public Works, 646-6444  
Calvin D. Farr, Jr., Director of Public Utilities, 646-5205  
Bob Steidel, Deputy Chief Administrative Officer, 646-1378