



**City Of Richmond, Virginia
Office of the City Clerk**

Request to Withdraw Legislation


Paper Number: Ord. 2015-199

Chief Patron: Ellen Robertson

Introduction Date: September 17, 2015

Chief Patron Signature: 

For Office Use Only

Attestation: 

Effective Date: April 17, 2017

INTRODUCED: September 17, 2015

AN ORDINANCE No. 2015-199

To amend City Code §§ 38-156, concerning the abatement of certain refuse, litter and weed control violations, and 86-44, concerning the times and places of collection for bulk items, brush and loose leaves, for the purposes of requiring the Chief Administrative Officer to waive certain fees for the abatement of certain violations, requiring the Director of Public Works to provide written notification of the date on which bulk items are scheduled for collection, and prohibiting the placement of bulk items for collection on or near a public right-of-way more than 48 hours before the date scheduled for collection.

Patrons – Ms. Robertson and Mr. Agelasto

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: SEPT 28 2015 AT 6 P.M.

THE CITY OF RICHMOND HEREBY ORDAINS:

§ 1. That section 38-156 of the Code of the City of Richmond be and is hereby **amended** and reordained as follows:

Sec. 38-156. Abatement by city.

(a) If a condition in violation of section 38-151, 38-152 or 38-154 remains upon a land or premises after the expiration of the time specified in a notice of violation, the chief administrative officer, or his or her designee, may issue a notice of abatement to such person

AYES: _____ NOES: _____ ABSTAIN: _____

ADOPTED: _____ REJECTED: _____ STRICKEN: _____

identified in the notice of violation informing the person that the chief administrative officer will cause the cited condition to be abated at the expense of such person.

(b) An administrative fee shall be assessed in each case. The expense of abatement and the administrative fee shall be chargeable against such person identified in the notice of abatement. However, for the abatement of violations of section 38-152, the chief administrative officer, or his or her designee, shall waive the administrative fee assessed pursuant to this subsection upon making a written determination, furnished to the person identified in the notice of abatement for a violation of section 38-152, that such person, a tenant of such person using or occupying the real property reflected on the notice of abatement, or any other person related to or employed by such person did not cause the violation. Any person identified in the notice of abatement for a violation of section 38-152 aggrieved by a determination of the chief administrative officer, or his or her designee, made pursuant to this subsection, may file an appeal of any such determination with the City of Richmond General District Court.

(c) The notice of abatement may either be served, mailed or delivered to such person or posted on the land or premises where the nuisance is located. Proof of such service, delivery, mailing or posting shall be sufficient evidence of the service of notice.

(d) Notwithstanding the notice requirements of this section, if the chief administrative officer, or his or her designee, determines that the condition constitutes an imminent, substantial or compelling threat to the public health or to the environment, the notice requirement may be dispensed with.

(e) Notwithstanding subsections (a) through (d) of this section, the notice of violation specified in section 38-155 and the notice of abatement specified in this section can be combined in one document and issued as provided in this article.

(f) If the abatement is undertaken by the city pursuant to this section, the expense of the abatement and the administrative fee shall constitute a lien on real property of the owner and shall be reported to the finance director who shall collect the expense and fee in the manner in which city taxes levied upon real estate are authorized to be collected.

(g) Abatement by the city shall be exclusive of and in addition to any criminal penalty which may be imposed.

§ 2. The section 86-44 of the Code of the City of Richmond be and is hereby **amended** and reordained as follows:

Sec. 86-44. Times and places of collection; bulk items; brush collection; collection of loose leaves.

(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 right-of-ways 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 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 of the violation and allowing the account holder an opportunity to remove the refuse receptacle or recycling bin. If the refuse receptacle or recycling bin is not timely removed 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 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. At the time that a request is made for the collection of bulk items, the director of public works shall notify the person requesting such collection of the date that the items are scheduled for collection. Bulk items shall not be placed on or near a public right-of-way for collection more than 48 hours before the scheduled collection date.

(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.

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



Richmond City Council

The Voice of the People

Richmond, Virginia

Office of the Council Chief of Staff

Ordinance/Resolution Request

TO Allen Jackson, Richmond City Attorney
Richmond Office of the City Attorney

THROUGH Lou Brown Ali
Council Chief of Staff *V. Jones for Lou Brown Ali*

FROM William E. Echelberger, Jr, Council Budget Analyst *[Signature]*

COPY Ms. Ellen F. Robertson, 6th District Representative
Haskell Brown, Deputy City Attorney
Vincent Jones, Council Deputy Chief of Staff

DATE September 4, 2015

PAGE/s 1 of 3

TITLE Scheduling of Bulk Pickup

RECEIVED
SEP 04 2015
OFFICE OF CITY ATTORNEY

This is a request for the drafting of an **Ordinance** **Resolution**

REQUESTING COUNCILMEMBER/PATRON

Ms. Ellen F. Robertson, 6th District Representative

SUGGESTED STANDING COMMITTEE

Land Use, Housing and Transportation

ORDINANCE/RESOLUTION SUMMARY

- The Patron requests an ordinance to:
 1. Require that the Department of Public works provide definite pick-up dates to individuals who schedule bulk-pick-up by Calling 311 or logging into the Citizen Request System (CRS), also known as See, Click, Fix.
 2. Prohibit placing items out for bulk pick-up earlier than 48 hours prior to the scheduled pick-up date.
 3. Amend **§38-154.1. – Unlawful nuisances**, of the Richmond City Code, to add a new item to the list set out under **subsection a** that items set out on the City property (i.e. curb, street, or alley) for bulk pick-up, without:
 - o Contacting the appropriate City Department through an officially designated channel to request a bulk pickup of such items, and
 - o Receiving a confirmation of such request.
- Enforcement and penalty provisions shall be the same as for other items listed under §38-154.1. – Unlawful nuisances. These are set out in §§38-155, 156, and 157.
- The Director of the Department of Public Works shall be authorized to waive penalties and fees if the property owner can demonstrate that the items were not placed on City property by themselves, by a lessee, or any other person connected to the property owner.

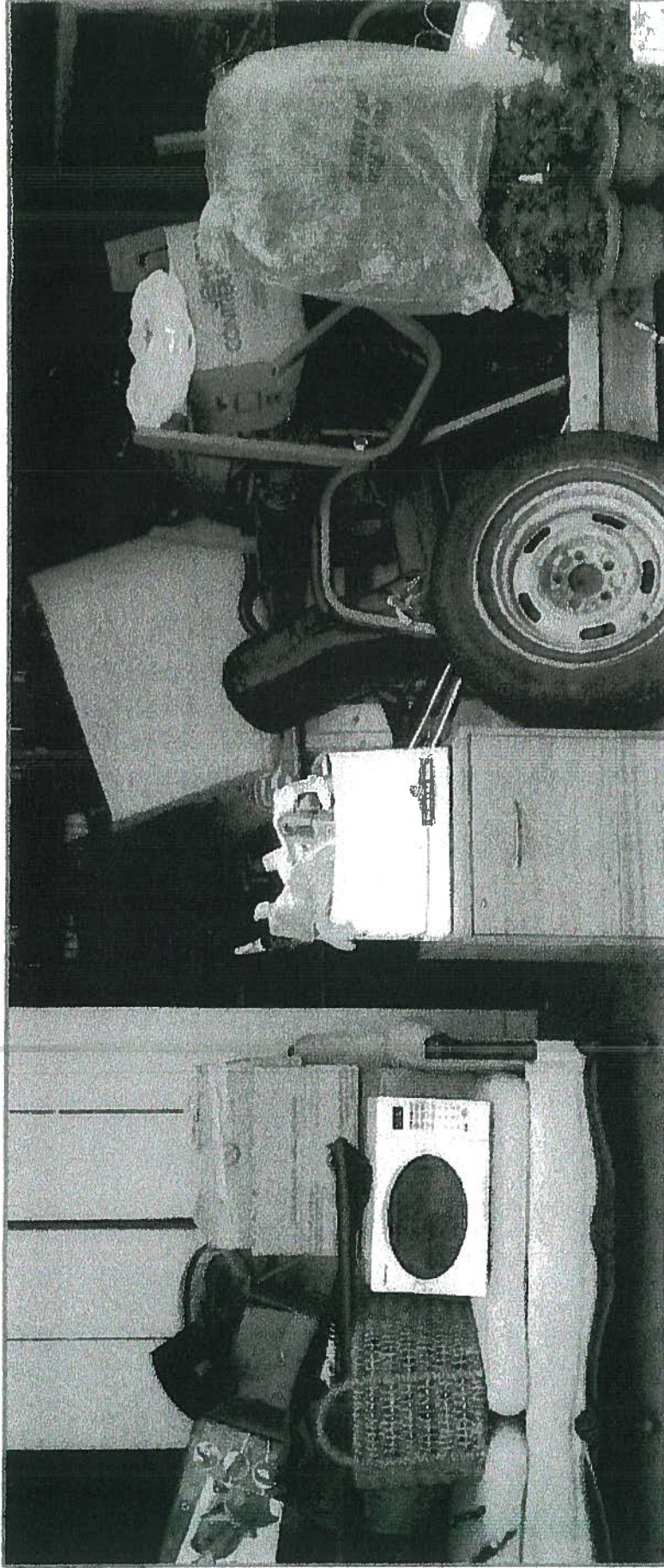
BACKGROUND

Summary:

- The City of Richmond's Department of Public Works currently provides a bulk pick-up service for City residents at no additional charge.
 - Service is arranged through contact with the City by Calling 311 or logging into the Citizen Request System (CRS), also known as See, Click, Fix.
 - The City receives approximately 20,000 bulk pick-up requests annually.
 - With full crews available, the average estimated time to complete a bulk pick-up is 32 business days, approximately 6 weeks. Full crews are often unavailable, however, due to diversion of staff from bulk pick-up to regular trash pick-up, or illegal dumping
 - The typical cost for a bulk pick-up of items by the City of Richmond's Department of Public Works is estimated to be \$50.
- Constituents have expressed the desire for scheduling of bulk pick up of items on a scheduled date.
- The Department of Public works currently has the administrative capacity to schedule bulk pick-up of items on a determined date, however, impediments exist to maintaining a schedule.
- According to the Department of Public Works, the greatest impediment to timely pick-up of bulk items is the need to address illegal dumping, which includes items left for bulk pick-up without notice to the Department.
- The proposed ordinance stipulates that placing bulk items out for bulk pickup without scheduling such pick-up with the Department of Public Works constitutes illegal dumping, and institutes a shift in responsibility for illegal dumping from the Department of Public Works to Code Enforcement.
 - Public Works clean-up is accomplished by City work crews at City expense.
 - Code Enforcement is accomplished by private work crews at the expense of the property owner.
- Privatization of bulk pick-up is not feasible within the current budget due to the high cost of private contractors when compared to the average City cost of \$50.
- The average cost for a bulk pick-up by private contractors in Richmond varies by the size of the load.
 - \$119 - ¼ Truck Load
 - \$242 - ½ Truck Load
 - \$339 - ¾ Truck Load
 - \$423 - Full Truck Load
- Procedures exist for abatement of illegal dumping under §38-154.1. – Unlawful nuisances.
 - Clarification is needed to distinguish between illegal dumping and placing items for bulk pick-up.
 - Enforcement and penalty provisions set out in §§38-155, 156, and 157 allow for the City to abate public nuisances at actual cost plus a \$100 administrative fee.
 - These costs are billed to the property owner by Code Enforcement.
 - Payment is deposited to the City's General Fund.

Fiscal Impact:

- The number of abatement actions that would be required to address illegal dumping if the proposed ordinance is adopted is unknown.



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Prices on Junk Removal in Richmond, VA

1/4 Truck Load in Richmond - \$108 - \$160

You should budget between \$108 and \$160 to remove 1/4 truck load of junk in Richmond. The lowest price paid to haul a 1/4 load in Richmond was \$81 and the highest price paid was \$166. The average cost to get rid of a 1/4 truck of junk in Richmond is \$119, which is \$16 less expensive than the national average.

1/2 Truck Load in Richmond - \$207 - \$335

You should budget between \$207 and \$335 to remove a half truck load of junk in Richmond. The lowest price paid to haul a 1/2 load in Richmond was \$166 and the highest price paid was \$356. The average cost to get rid of a 1/2 truck of junk in Richmond is \$242, which is \$33 less expensive than the national average.

3/4 Truck Load in Richmond - \$310 - \$443

You should budget between \$310 and \$443 to remove 3/4 truck load of junk in Richmond. The lowest price paid to haul a 3/4 load of trash in Richmond was \$260 and the highest price paid was \$470. The average cost to get rid of a 3/4 truck of junk in Richmond is \$339, which is \$46 less expensive than the national average.

Full Truck Load in Richmond - \$413 - \$536

You should budget between \$413 and \$536 to remove Full truck load of junk in Richmond. The lowest price paid to haul a full load in Richmond was \$360 and the highest price paid was \$568. The average cost to get rid of a full truck of junk in Richmond is \$423, which is \$57 less expensive than the national average.

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