

ARLINGTON COUNTY CODE
CHAPTER 10
TRASH, RECYCLING AND CARE OF PREMISES

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ARTICLE I.

RESIDENTIAL TRASH, RECYCLING AND ORGANICS*

* **Editors Note:** Ordinance No. 83-22, adopted July 13, 1983, repealed former Art.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 The repealed provisions, which also pertained to refuse, had been amended by ordinances of June 28, 1975, June 25, 1977, May 31, 1980, May 21, 1981, and Ord.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, and Ord. No. 18-03 enacted April 21, 2018 and effective July 1, 2018.

§ 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 as codified in Articles I through V of this Chapter 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, Ord. No. 15-08, 11-14-15, Ord. No. 18-03, 4-21-18, effective 7-1-18)

§ 10-2. Definitions.

The following words and terms, when used in this article, shall have the following meanings unless the context clearly indicates otherwise:

“Backdoor Service” means collection of Trash Carts, Recycling Carts, Organics Carts and Household Containers from a specified location not at the Collection Point. This service is for residents who are physically unable to transport their carts to the Collection Point and have no one residing in their household able to transport their carts to the Collection Point. The resident must renew Backdoor Service annually. Special Collections are not eligible for Backdoor Service.

“Biodegradable Paper Bags” (“Yard Trimmings Bags”) means brown kraft paper lawn bags produced from wood pulp that are either self-purchased or provided by the County.

“Bundled Brush” means 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” means lumber or carpet that is 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.

“Cathode Ray Tube (CRT)” means a device for projecting images onto a leaded glass screen by means of electrons. The device is found in traditional televisions and computer monitors and is commonly referred to as a television tube or computer monitor display tube.

“Collection Point” means the County-designated location where service through the Residential Collection System is provided and means 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 Establishment” means any nonresidential location not otherwise exempt under federal or state law, including, but not limited to: office buildings, shopping centers, places of worship, Nonprofit Organizations, hospitals, public or private schools or universities, government buildings or agencies, public authorities, or a Commercial Tenant of any of these properties. Commercial Establishment also means the nonresidential portion of mixed-use buildings — properties that serve as a Multi-Family Property and Commercial Establishment, such as ground floor retail with upper-story residential or office uses. Home-based businesses (home occupations) are excluded.

“Commercial Tenant” means a lessee or any other occupant of a nonresidential Commercial Establishment,

“Construction and Demolition Debris (CDD)” means Solid Waste that is generated during construction, remodeling, major repair, or demolition of pavements, houses, commercial buildings, or any other structures. CDD includes, but is not limited to: lumber, wire, drywall, brick, shingles, glass, pipes, concrete, paving materials, metals, and plastics, if part of the materials of construction and/or empty containers for such materials. Small amounts of residential construction materials generated from minor remodeling or repair projects in homes serviced by the Residential Collection System are exempt from this definition.

“County Manager” means the County Manager of Arlington County, Virginia, or their designee.

“DES” means the Arlington County Department of Environmental Services.

“Electronics” means household batteries, televisions, computer equipment, radios, calculators, video and audio equipment, phones, cameras, peripheral equipment, and similar electronic devices which contain circuit boards. Electronics do not include small appliances or other such household products with an electrical cord.

“Food Scraps” means any food substance, raw or cooked, which is discarded, or intended or required to be discarded. Food Scraps are the organic residues generated by the handling, storage, sale, preparation, cooking, and serving of foods.

“Front Building Line” means 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.

“Household Appliance” means refrigerators, freezers, clothes washers, clothes dryers, dishwashers, trash compactors, air conditioners, or any other heavy metal objects too large to entirely fit into a Trash Cart.

“Household Container” means 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 and shall be properly labeled to identify the contents therein as either Trash, Recyclable Materials, or Yard Trimmings.

“Household Hazardous Materials (HHM)” means any commercial product that contains hazardous ingredients used by residential as opposed to industrial consumers, which pose certain risks to human health and the environment when managed improperly. HHM have hazardous characteristics, such as being reactive, corrosive, ignitable, and/or toxic, that requires special handling and proper management to minimize risks when discarded by residents or is no longer usable for its intended purpose, including, but not limited to, paints, stains, varnishes, solvents,

pesticides, and other materials.

“Leaf Collection Season” means that time period specifically designated and published by the Department of Environmental Services, Solid Waste Bureau for the collection of loose leaves.

“Mercury Thermostats” means a device, as in a home heating system, a refrigerator, or an air conditioner, that automatically responds to temperature changes and activates switches controlling the equipment that contains mercury.

“Multi-Family Property” means a building, or portion thereof, designed for occupancy by three (3) or more families living independently, or a townhouse/condominium association, cooperative, etc. not participating in the Residential Collection System.

“Nonprofit Organization” means an organization not conducted or maintained for the purpose of making a profit.

“Organics Cart” means a wheeled container with a watertight lid provided by the County specifically for the collection of Yard Trimmings at the Collection Point.

“Plastic Bag” means a flexible 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.

“Recyclable Materials” means materials that can be recovered from the Waste Stream and reprocessed to be reused as a material to make new products, such as cardboard, mixed paper, metal cans, aluminum, glass, plastic, and metal items, that are identified as Recyclable Materials pursuant to the list administered by the Department of Environmental Services, Solid Waste Bureau and posted on the County website. The County Manager or their designee will announce 90 days prior to the addition of new materials to the list. The County Manager or their designee will announce 90 days prior to the deletion of existing materials from the list.

“Recycling” means the act of Source-Separating Recyclable Materials from the Waste Stream for the purpose of processing into raw materials or products, which may or may not be similar to the original product.

“Recycling Cart” means a wheeled container with a watertight lid provided by the County specifically for the collection of Recyclables Materials at the Collection Point.

“Residential Collection System” means the Solid Waste collection services provided by the County or its contractor to the properties as set forth in § 10-5.

“Scrap Metal” means discarded metal suitable for reprocessing, including Household Appliances.

“Solid Waste” (“Municipal Solid Waste” or “Waste Stream”) is a general term that includes Garbage, Refuse, Rubbish, Trash, as well as Recyclable Materials, Yard Trimmings, Food Scraps, used cooking grease and other discarded materials, substances, or by-products generated by occupants and visitors of single-family and multi-family properties, Commercial Establishments, public spaces and other nonindustrial properties. Construction and Demolition Debris, Household Hazardous Materials, infectious waste, wastewater sludge, combustion ash and other industrial waste or hazardous waste are excluded.

“Source-Separate” means the act of separating materials from the Waste Stream — such as Recyclables, Yard Trimmings and Food Scraps — for reuse or Recycling instead of disposing the materials as Trash in a landfill or waste-to-energy facility.

“Special Collection” means any additional collection of various items including Unbundled Brush, Household Appliances or Scrap Metal, and Electronics from participants in the Residential Collection System. Special Collections are requested by the property owner or tenant online or by calling the Department of Environmental Services.

“Toxic and Hazardous Material” means all material, including herbicides and pesticides, defined as hazardous or toxic by Virginia statute or regulations adopted under Virginia state statute.

“Trash” (“Garbage,” “Refuse,” “Rubbish”) means the materials of the Waste Stream that are disposed of at a waste-to-energy facility or landfill instead of Source-Separated for reuse and Recycling, including bulky wastes and small amounts of residential construction materials. Construction and Demolition Debris, Household Hazardous Materials, industrial waste, wastewater sludge, infectious waste and other hazardous waste material are excluded.

“Trash Cart” means a wheeled container with a watertight lid provided by the County for the collection of Trash at the Collection Point.

“Unbundled Brush” means trees, tree branches, shrubbery trimmings and similar plant material not exceeding ten (10) feet in length and eighteen (18) inches in diameter.

“Yard Trimmings” means decomposable waste materials generated by general residential yard and lawn care and includes leaves, grass trimmings, brush, wood chips, and shrub and tree trimmings. Yard Trimmings shall not include roots or stumps that exceed 12 inches in diameter nor do Yard Trimmings include any materials resulting from land clearing or development activities.

(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; Ord. No. 10-21, 12-11-10, effective 1-1-11, Ord. No. 15-08, 11-14-15, Ord. No. 18-03, 4-21-18, effective 7-1-18; Ord. No. 19-08, 4-25-19, effective 7-1-19)

§ 10-3. Administration of Article.

This article shall be administered by the County Manager or their designee.
(Ord. No. 83-22, 7-13-83, Ord. No. 15-08, 11-14-15, Ord. No. 18-03, 4-21-18, effective 7-1-18)

§10-4. Deposit at Other Than Approved Place - Prohibited.

It shall be unlawful for any person to dispose, dump, deposit, or leave any Solid Waste within the County except at a place of final disposal approved under this article. This provision shall not apply to waste audits conducted by, or on behalf of the County, provided that all waste is properly disposed upon completion of such audit.
(Ord. No. 83-22, 7-13-83, Ord. No. 15-08, 11-14-15, Ord. No. 18-03, 4-21-18, effective 7-1-18)

§ 10-5. Participation in the County Residential Collection System.

A. The owner or occupant of each one-family or two-family dwelling as defined in §18.2 of the Arlington County Zoning Ordinance must participate in the Arlington County Residential Collection System. The County shall collect the Trash, Recyclable Materials, and Yard Trimmings from each dwelling participating in the Arlington County Residential Collection System weekly. The owner or occupant of the dwelling shall pay the fees provided for in §10-8 of this chapter. All participants in the Arlington County Residential Collection System are eligible for one (1) Trash, one (1) Recycling, and one (1) Organics Cart as part of the base Residential Collection System fee. Up to two (2) additional Trash, Recycling, or Organics Carts (for a total of six (6)) may be requested at a charge as set forth in §10-8, for a maximum total of nine (9) carts.

1. The County Manager or their designee is authorized to make exceptions based on safety or health considerations.
2. Home occupations as defined in § 18.2 of the Arlington County Zoning Ordinance that generate a de minimis amount of Solid Waste are eligible to receive Trash, Recycling, and Yard Trimmings collection through the Residential Collection System. Home occupations are not eligible for Special Collections.

B. If a County collection truck enters a private street to collect Trash, Recyclable Materials, or Yard Trimmings, 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 Trash, Recyclable Materials, and Yard Trimmings to the nearest designated Collection Point accessible to County collection trucks to be eligible to continue to participate in the County Residential Collection System.

C. The owners of a development of townhouse dwellings, as defined in the Arlington County Zoning Ordinance, constructed after July 1, 2003, will be required to participate as a group in the Arlington County Residential Collection System, provided:

1. Each dwelling is individually metered for water;
2. There is adequate space so that the collection truck can turn around without backing onto or off of a street;
3. Parking is arranged so that Trash, Recyclable Materials, and Yard Trimmings need not be carried between parked cars;
4. If it is necessary for the collection 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 their designee is authorized to establish reasonable procedures that allow for exceptions based on safety or health considerations or a determination that the use of Trash, Recycling, and/or Organics Carts are not feasible or useable for the townhouse or townhouse development.

D. Any Nonprofit Organization which places for collection up to three (3) Trash Carts or Household Containers for Trash, three (3) Recycling Carts or Household Containers for Recycling, and three (3) Organics Carts or Household Containers for Yard Trimmings, per week, and is not located in a multi-tenant building, may participate in the Arlington County Residential Collection System. Nonprofit Organizations are not eligible for Special Collections.

E. Any townhouse/condominium association, cooperative, etc. or other residential dwelling that is not required to participate in or is exempt from participating in the Arlington County Residential Collection System shall be treated as a Multi-Family Property and is subject to Article IV of this Chapter. (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; Ord. No. 10-21, 12-11-10, effective 1-1-11, Ord. No. 15-08, 11-14-15, Ord. No. 18-03, 4-21-18, effective 7-1-18)

§ 10-6. Storage, Removal, and Maintenance.

A. *Storage generally.* It shall be unlawful for any person to store any Trash, Recyclable Materials, or Yard Trimmings within the County, except as provided in this article.

B. *Responsibilities of owners and occupants of dwellings required to participate in the County Residential Collection System:*

1. It shall be the responsibility of the owner, or occupant if different from the owner, of each dwelling required to participate in the County Residential Collection System to adhere to the following practices:
 - a. Trash shall be placed at the Collection Point in Trash Carts, Household Containers, Plastic Bags, or bundles. Oversized bulky Trash items that are too large to be bagged, bundled, or placed in a cart such as furniture, mattresses, or box springs may be placed at the Collection Point as long as the item does not exceed 500 pounds and will fit into a rear-loading collection vehicle. Recyclable Materials shall be placed at the Collection Point in

Recycling Carts, Household Containers, or cardboard boxes. Oversized cardboard may be placed adjacent to Recycling Carts for collection as Recyclable Materials. Yard Trimmings shall be placed at the Collection Point in Organics Carts, Household Containers, Biodegradable Paper Bags, or bundles. All Trash, Recyclable Materials and Yard Trimmings stored outside the dwelling shall be in Household Containers, refuse Trash Carts, Recycling Carts or Organics Carts.

- (1) Recyclable Materials placed at the Collection Point must be separated from Trash and Yard Trimmings.
 - (2) Scrap Metal and Electronics placed at the Collection Point must be separated from Trash, Recyclable Materials, and Yard Trimmings.
 - (3) Effective July 1, 2015, Yard Trimmings placed at the Collection Point must be separated from Trash and Recyclable Materials.
 - (4) Household Containers shall be kept covered with tightly fitting lids at all times.
 - (5) Plastic Bags containing Trash and placed at the Collection Point shall be securely tied with the contents wrapped to prevent tearing or puncturing the bag. Plastic Bags shall not be used to contain Recyclable Materials or Yard Trimmings placed at the Collection Point.
 - (6) No amount of liquid in excess of one-half (1/2) gallon shall be placed at any Collection Point. The County shall not be liable for any damage to private property caused by the collection of liquids improperly placed at the Collection Point.
 - (7) Ashes shall be cold to the touch prior to placement at the Collection Point.
 - (8) Household Containers or Plastic Bags placed at the Collection Point shall not exceed fifty (50) pounds gross weight.
 - (9) Bundled Material and Bundled Brush shall be securely tied in bundles, with each bundle not to exceed four (4) feet in length, twenty-four (24) inches in diameter and fifty (50) pounds in weight.
 - (10) Unbundled Brush, Scrap Metal, and Electronics shall be placed at the Collection Point only when arrangements for collection have been made with the Department of Environmental Services. Collection arrangements shall be made no later than the work day prior to the regularly scheduled collection day.
 - (11) Loose glass or mirror placed at the Collection Point shall be securely wrapped in plastic sheeting or newspaper with the edges taped to contain any breakage and clearly labeled as glass.
 - (12) Liquid paint shall not be placed at any Collection Point.
 - (13) Foam packaging peanuts, shredded paper, and other light-weight materials shall be securely contained in a Plastic Bags or other container prior to placement in a cart or Household Container.
- b. All Trash, Recyclable Materials, and Yard Trimmings shall be placed 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. Any Trash, Recyclable Materials, or Yard Trimmings left uncollected due to late placement at the Collection Point, improper preparation, or prohibited materials shall be removed from the Collection Point not later than twenty-four

- (24) hours after the day of scheduled collection.
- c. County-provided carts are property of the County. All carts and Household Containers shall be removed from the Collection Point and returned to their normal storage location within twenty-four (24) hours after the day of scheduled collection or emptying. Normal location shall mean a regular place of keeping not in front of the dwelling and/or behind the Front Building Line that faces any County street, unless there is fencing or landscaping that screens or shields the containers from general view from the street.
 - d. Maintain carts and Household Containers in a serviceable and sanitary condition. Carts and Household Containers shall be cleaned prior to the next scheduled collection day upon the owner or occupant being informed by the County of the need for cleaning. If a Household Container is determined by the County to be unserviceable (including, but not limited to, cracked, rusted, dented/damaged), the County shall inform the owner or occupant by placing a notification tag on the Household Container. If the same Household Container is used in the future, it shall be collected for disposal with the regular Trash or Recyclable Materials. If a County-provided cart is determined by the County to be unserviceable (including, but not limited to, not watertight, no lid, presence of a hole or crack in the body or the lid larger than one [1] inch), the County may repair or replace the cart.
 - e. Place loose leaves at curbside for collection during the designated Leaf Collection Season in accordance with the County's published vacuum collection schedule.
 - f. 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, dirt, large quantities of drywall, 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 or eighteen (18) inches in diameter or that are the result of the clearing of multiple trees from a property.
 - g. Keep dogs tied up securely or in the dwelling on the day of scheduled collection when Backdoor Service (non-curbside) is provided.
 - h. Upon discovery, but not later than twenty-four (24) hours after collection, clean up any Trash, Recyclable Materials, Yard Trimmings, and/or litter remaining at the Collection Point which was not collected because of the failure to adhere to the above practices.
- C. Reserved.
- D. *Household 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 Household Hazardous Material shall not be put out for collection, except that the above materials (excluding explosives) in quantities less than five (5) gallons and all containers may be disposed of by participants in the County Residential Collection System by taking them to the Arlington County Water Pollution Control Plant HHM Facility for disposal.

3. Animal feces shall be securely sealed or wrapped in plastic or paper bags before being placed in a Trash Cart or Household Container.
 4. Cathode Ray Tubes (CRTs) or items containing CRTs shall be considered Electronics and may be placed at the Collection Point only when arrangements for collection have been made in advance with the Department of Environmental Services.
 5. Mercury Thermostats or items containing Mercury Thermostats shall not be put out for collection but may be taken to the Arlington County Water Pollution Control Plant HHM Facility for disposal.
- E. *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 §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 or occupant of such property in the same manner as the Household Solid Waste Rate charge is imposed.
 2. In the event that Trash, Recyclable Materials, or Yard Trimmings placed at the Collection Point are not eligible for collection or are improperly prepared for collection and are not removed from the Collection Point in the manner and timeframe specified above, then the County may cause such to be removed, and a removal fee of three hundred dollars (\$300.00) plus the cost of any applicable disposal charges shall be assessed and added to the next Household Solid Waste Rate charge for the property. The County will not undertake any such removal action until the County has posted a notice of violation at the Collection Point or dwelling describing the violation(s) and corrective action(s) required, which shall include a period of forty-eight (48) hours to remedy the violation(s). The forty-eight (48) hour period to remedy may be waived by the County Manager or their designee for reasons of public health or safety or the environment, such as the improper placement of Household Hazardous Material at the Collection Point, disruption of pedestrian or vehicular traffic, or blowing litter.
 3. In the event that carts and/or Household Containers are not removed from the Collection Point in the manner and timeframes specified above, then the County may cause such to be removed, and a removal fee of fifty dollars (\$50.00) shall be assessed and added to the next Household Solid Waste Rate charge for the property. The County will not undertake any such removal action until the County has posted a notice of violation at the Collection Point or dwelling describing the violation(s) and corrective action(s) required, which shall include a period of twenty-four (24) hours to remedy the violation(s). The twenty-four (24) hour period to remedy may be waived by the County Manager or their designee for reasons of public health or safety or the environment, such as the improper placement of Household Hazardous Material at the Collection Point, disruption of pedestrian or vehicular traffic, or blowing litter.

(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; Ord. No. 10-21, 12-11-10, effective 1-1-11, Ord. No. 15-08, 11-14-15, Ord. No. 18-03, 4-21-18, effective 7-1-18)

§ 10-7 Reserved.

(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; Ord. No. 10-21, 12-11-10, effective 1-1-11, Ord. No. 15-08, 11-14-15)

§ 10-8. Trash, Recyclable Materials and Yard Trimmings Collection and Disposal Charges; Relief from Such Charges.

A. There is hereby imposed for each one-family residential dwelling, each unit of a two-family residential dwelling, each participating townhouse residential dwelling, and each participating Nonprofit Organization an estimated annual Household Solid Waste Rate charge of three hundred and nineteen dollars and three cents (\$319.03). This charge will be billed quarterly, beginning with the quarter of July 1, 2020, through September 30, 2020, except for Nonprofit Organizations which will be billed monthly for weekly service, for Trash, Recyclable

Materials, and Yard Trimmings collection and disposal by Arlington County. This charge shall be assessed whether or not the dwelling is occupied.

B. An additional charge of two dollars (\$2.00) per month per additional Trash, Recycling, or Organics 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 each one-family residential dwelling, each two-family residential dwelling, and each townhouse 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 owner or occupant, if different from owner, shall be billed quarterly for Trash, Recyclable Materials, and Yard Trimmings collection and disposal 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 or their designee is designated as the collection agent for the purposes of collecting the Trash Recyclable Materials and Yard Trimmings collection and disposal 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. The owner of record of each dwelling, as evidenced by the land records of the Office of the Clerk of the Circuit Court of Arlington County, shall be responsible for all charges not paid by the occupant of the property, if different from the owner.
6. Charges, if not paid before delinquency, shall become a lien against the real property in the manner provided by law.
7. A late charge of six percent (6%) shall be imposed on the outstanding balance of Trash, Recyclable Materials and Yard Trimmings collection and disposal 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 Trash Recyclable Materials and Yard Trimmings collection and disposal charges are not paid when due.

D. The County Board may from time to time appropriate money pursuant to §58.1-3210 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 or their designee in their capacity as the constituted local board of welfare of Arlington County, Virginia, and such appropriation shall be conditioned upon the County Manager or their designee 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 or their designee, can be credited quarterly during each fiscal year to the quarterly Trash, Recyclable Materials and Yard Trimmings collection and disposal charges made to qualified recipients.

E. Residents requiring replacement of a County-provided cart due to damage caused by the resident or their agent shall be charged a fee of sixty dollars (\$60.00) for the replacement cart. This fee shall be added to the owner or occupant'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.

F. Residents requesting pickup and disposal of Household Appliances shall be charged a fee of ten dollars (\$10.00) for the first item and no charge for each additional item as part of the same service order at the same

address, effective July 1, 2011. This fee shall be added to the owner or occupant'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.

G. Effective April 30, 2005, there is hereby imposed a fee of twenty dollars (\$20.00) for the disposal of televisions and a fee of fifteen dollars (\$15.00) for the disposal of computer monitors. This fee shall be added to the owner or occupant'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. Other Electronics (e.g., CPU's, peripherals, accessories, VCR's, stereos, etc.) will not incur a disposal fee.

H. Effective July 1, 2016, the fees as provided in § 10-8.G for collection of flat-screen televisions and flat-screen computer monitors that do not contain Cathode Ray Tubes (CRTs) shall no longer be charged.

(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, effective 7-1-09; Ord. No. 10-05, 4-24-10, effective 7-1-10; Ord. No. 10-21, 12-11-10, effective 1-1-11; Ord. No. 12-04, 4-21-12, effective 7-1-12; Ord. No. 12-11, 10-20-12, effective 7-1-12; Ord. No. 13-02, 4-20-13, effective 7-1-13, Ord. No. 15-08, 11-14-15, Ord. No 16-02, 4-19-16, effective 7-1-16, Ord. No. 18-03, 4-21-18, effective 7-1-18; Ord. No. 19-04, 4-23-19, effective 7-1-19, Ord. No. 20-04, 4-30-2020, effective 7-1-2020).

§ 10-9. Scavenging.

It shall be unlawful for any person to remove any Trash 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, Ord. No. 18-03, 4-21-18, effective 7-1-18)

§ 10-10. Use of Public and Private Receptacles.

It shall be unlawful for any person to place Trash or Recyclable Material in any public or private cart, can, Household Container, commercial container, or retail container on public property or private property of another unless authorized to do so by either the County Manager or their designee in case of County property or the property owner in case of private property. This section shall not apply to carts, cans, or containers provided for public use for litter collection.

(Ord. No. 83-22, 7-13-83, Ord. No. 15-08, 11-14-15, Ord. No. 18-03, 4-21-18, effective 7-1-18)

§ 10-11. Penalties.

Unless otherwise provided herein, 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 civil penalty 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; Ord. No. 10-21, 12-11-10, effective 1-1-11, Ord. No. 18-03, 4-21-18, effective 7-1-18)

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.

The following words and terms, when used in this article, shall have the following meanings unless the context clearly indicates otherwise:

“Danger or hazard to public health or safety” means a condition, as determined by the County Manager or his designee, 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” means the presence within or around property of any rats.

“Inoperative motor vehicle, trailer or semitrailer” means any motor vehicle, trailer or semitrailer which is not in operating condition; or does not display valid license plates; or does not display an inspection decal that is valid or does display an inspection decal that has been expired for more than 60 days.

“Occupant” means 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” means 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” means any land, whether unimproved or improved with buildings or other structures and whether unoccupied or occupied by any person.

“Rodent proofing” means 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” means 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; Ord. No. 12-08, 6-16-12)

§ 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 designee 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 § 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 §§ 10-13 and 10-14, the County Manager or designee 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 § 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 designee, 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 § 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 § 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 designee 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 designee 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.

The following words and terms, when used in this article, shall have the following meanings unless the context clearly indicates otherwise:

“Commercial handbill” means and include 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” means 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” means 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” means 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” means any dock space or area used for the purpose of receiving, shipping, and transporting goods, wares, commodities, or persons.

“Parking lots” means 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.

MULTI-FAMILY AND COMMERCIAL TRASH AND RECYCLING

§ 10-30. Definitions.

The following words and terms, when used in this article, shall have the following meanings unless the context clearly indicates otherwise:

“Back-Haul Collection” means a system in which Recyclable Materials are delivered to an intermediate facility for collection and subsequent processing in lieu of the Commercial Establishment holding a Recycling Contract with a Collector.

“Collector” means any person, corporation, association, firm, partnership, company, or any other legal entity engaged in the regularly-scheduled commercial collection and transportation of Solid Waste and/or any material separated for Recycling and is operating in accordance with the requirements pursuant to Article V of this Chapter.

“Commercial Establishment” means any nonresidential location not otherwise exempt under federal or state law, including, but not limited to: office buildings, shopping centers, places of worship, Nonprofit Organizations, hospitals, public or private schools or universities, government buildings or agencies, public authorities, or a Commercial Tenant of any of these properties. Commercial Establishment also means the nonresidential portion of mixed-use buildings — properties that serve as a Multi-Family Property and Commercial Establishment, such as ground floor retail with upper-story residential or office uses. Home-based businesses (home occupations) are excluded.

“Commercial Tenant” means a lessee or any other occupant of a nonresidential Commercial Establishment.

“Construction and Demolition Debris (CDD)” means Solid Waste that is generated during construction, remodeling, major repair, or demolition of pavements, houses, commercial buildings, or any other structures. CDD includes, but is not limited to: lumber, wire, drywall, brick, shingles, glass, pipes, concrete, paving materials, metals, and plastics, if part of the materials of construction and/or empty containers for such materials. Small amounts of residential construction materials generated from minor remodeling or repair projects in homes serviced by the Residential Collection System are exempt from this definition.

“County” means Arlington County Government.

“County Manager” means the County Manager of Arlington County Virginia, or their designee.

“DES” means the Arlington County Department of Environmental Services.

“Food Scraps” means any food substance, raw or cooked, which is discarded, or intended or required to be discarded. Food Scraps are the organic residues generated by the handling, storage, sale, preparation, cooking, and serving of foods.

“Household Hazardous Materials (HHM)” means any commercial product that contains hazardous ingredients used by residential as opposed to industrial consumers, which pose certain risks to human health and the environment when managed improperly. HHM have hazardous characteristics, such as being reactive, corrosive,

ignitable, and/or toxic, that requires special handling and proper management to minimize risks when discarded by residents or is no longer usable for its intended purpose, including, but not limited to, paints, stains, varnishes, solvents, pesticides, and other materials.

“Multi-Family Property” means a building, or portion thereof, designed for occupancy by three (3) or more families living independently, or a townhouse/condominium association, cooperative, etc. not participating in the Residential Collection System.

“Multi-Family and Commercial Recycling Program Fee” means the annual fee that all Multi-Family Properties and Commercial Establishments pay the County for the management and administration of Chapter 10 Article IV of the Arlington County Code.

“Nonprofit Organization” means an organization not conducted or maintained for the purpose of making a profit.

“Organics” means Source-Separated materials such as Yard Trimmings and Food Scraps that can be converted into a stabilized product through a controlled aerobic or anaerobic decomposition process in such a manner that the product can be handled, stored, and/or applied to the land without adversely affecting public health or the environment.

“Recyclables Collection System” (“Recycling System”) is the means by which Recyclable Materials are separated from the Waste Stream and at a minimum includes the following components: (a) sufficiently sized and appropriately located Recycling Containers as defined by this article; (b) a Recycling Contract, proof of Back-Haul Collection, or County approval to Self-Haul and (c) evidence of educational materials to inform employees and tenants of how to properly use the Recycling System.

“Recyclable Materials” means materials that can be recovered from the Waste Stream and reprocessed to be reused as a material to make new products, such as cardboard, mixed paper, metal cans, aluminum, glass, plastic, and metal items, that are identified as Recyclable Materials pursuant to the list administered by the Department of Environmental Services, Solid Waste Bureau and posted on the County website. The County Manager or their designee will announce 90 days prior to the addition of new materials to the list. The County Manager or their designee will announce 90 days prior to the deletion of existing materials from the list.

“Recycling” means the act of Source-Separating Recyclable Materials from the Waste Stream for the purpose of processing into raw materials or products, which may or may not be similar to the original product.

“Recycling Container” means a rigid receptacle that is specifically designed, sized, constructed, labeled, and placed for on-site collection and temporary storage of Recyclable Materials, and includes cans, bins, carts, dumpsters, chute systems, compactors, roll-offs, and other collection container types approved by the Department of Environmental Services.

“Recycling Contract” means a contract or an agreement that a Commercial Establishment or Multi-Family Property has with a Collector to collect and transport the required Recyclable Materials to a Recycling Facility.

“Recycling Drop-Off Center” means one of the County’s community Recycling Drop-Off Centers used for the collection of Recyclable Materials from the public and small businesses.

“Recycling Facility” (“Materials Recovery Facility”) means a facility that receives, sorts, processes, repackages, and markets previously Source-Separated Recyclable Materials.

“Recycling Plan” means a plan submitted by the Responsible Party of a Multi-Family Property or Commercial Establishment, which provides information regarding the Recyclables Collection System.

“Residential Collection System” means the Solid Waste collection services provided by the County or its contractor to the properties as set forth in § 10-5.

“Responsible Party” means the owner, manager or other agent of a Multi-Family Property or Commercial

Establishment, or a Commercial Tenant.

“Self-Haul” means the practice of collecting and transporting Recyclable Materials to a Recycling Drop-Off Center or to a location outside of the County in lieu of a Recycling Contract with a Collector. This practice is limited to Commercial Establishments with five (5) or fewer employees that have an established Recyclables Collection System.

“Self-Haul Approval” means the written acknowledgement and approval of the Department of Environmental Services, via the annual inspection form, that a Commercial Establishment has met the requirements to Self-Haul, as defined herein.

“Solid Waste” (“Municipal Solid Waste” or “Waste Stream”) is a general term that includes Garbage, Refuse, Rubbish, Trash, as well as Recyclable Materials, Yard Trimmings, Food Scraps, used cooking grease and other discarded materials, substances, or by-products generated by occupants and visitors of single-family and multi-family residential properties, Commercial Establishments, public spaces and other nonindustrial properties. Construction and Demolition Debris, Household Hazardous Materials, infectious waste, wastewater sludge, combustion ash and other industrial waste or hazardous waste are excluded.

“Source-Separate” means the act of separating materials from the Waste Stream — such as Recyclables, Yard Trimmings and Food Scraps — for reuse or Recycling instead of disposing the materials as Trash in a landfill or waste-to-energy facility.

“Trash” (“Garbage,” “Refuse,” “Rubbish”) means the materials of the Waste Stream that are disposed of at a waste-to-energy facility or landfill instead of Source-Separated for reuse and Recycling, including bulky wastes and small amounts of residential construction materials. Construction and Demolition Debris, Household Hazardous Materials, industrial waste, wastewater sludge, infectious waste and other hazardous waste material are excluded.

“Trash Container” means a rigid receptacle that is specifically designed, sized, constructed, labeled, and placed for on-site collection and temporary storage of Trash and includes cans, bins, carts, dumpsters, chute systems, compactors, roll-offs, and other collection container types approved by the Department of Environmental Services.

“Yard Trimmings” means decomposable waste materials generated by general residential yard and lawn care and includes leaves, grass trimmings, brush, wood chips, and shrub and tree trimmings.

(Ord. No. 93-22, 11-13-93; Ord. No. 10-21, 12-11-10, effective 1-1-11; Ord. No. 15-01, 1-27-15, effective 1-1-16, Ord. No. 15-08, 11-14-15, Ord. No. 18-03, 4-21-18, effective 7-1-18, Ord. No. 19-08, 4-25-19, effective 7-1-19)

§ 10-31. Requirements for Trash Materials to be Collected.

A. The Responsible Party of all Commercial Establishments and Multi-Family Properties shall provide for the private collection, and disposal of all Trash at least weekly, unless given written exemption by the County Manager or their designee, and adhere to the following requirements:

1. Provide sufficient number of Trash Containers for the storage of Trash. Trash Containers shall be appropriately sized and clearly distinguished from Recycling Containers used for Source-Separated materials through the use of labels or other markings. Trash Containers located on the exterior of a property shall be covered or otherwise secured to prevent the contents from blowing, leaking, or spilling. All Trash Containers shall be emptied frequently enough to prevent their contents from overflowing.
2. Maintain all Trash Containers in a sanitary and serviceable condition, meaning containers must be leak proof and have properly functioning doors and lids.
3. Place exterior commercial Trash Containers on concrete, or other similar impervious surfaces.

B. The Responsible Party for a Multi-Family Property or Commercial Establishment may seek from

the County Manager or their designee an exemption from the requirements in § 10-31.A pursuant to § 10-36.

(Ord. No. 93-22, 11-13-93; Ord. No. 10-21, 12-11-10, effective 1-1-11; Ord. No. 15-01, 1-27-15, effective 1-1-16, Ord. No. 15-08, 11-14-15, Ord. No. 18-03, 4-21-18, effective 7-1-18)

§ 10-32. Requirements for Recyclable Materials to be Collected.

A. The Responsible Party of all Commercial Establishments and Multi-Family Properties shall provide a Recyclables Collection System for the Source-Separation and collection of all Recyclable Materials at least weekly, unless given a written exemption by the County Manager or their designee, and adhere to the following requirements:

1. Provide a sufficient number of Recycling Containers for the storage of Recyclable Materials. In areas that have Trash Container(s) available for use by tenants, employees, visitors or other occupants on the interior or exterior of the property — including, but not limited to, offices, conference rooms, club rooms, laundry rooms, gyms, mailrooms, guest rooms, lobbies, business rooms, roof decks, pools, and green spaces — a Recycling Container shall be placed adjacent to each Trash Container, if it is reasonably expected that Recyclable Materials would be disposed at that location. The Recycling Container shall be placed as close to the Trash Container as possible to provide equally convenient access for users.
2. Recycling Containers shall be appropriately sized and clearly distinguished from Trash Containers by labels or other markings. Recycling Containers located on the exterior of a property shall be covered or otherwise secured to prevent the contents from blowing, leaking, or spilling. All Recycling Containers shall be emptied frequently enough to prevent their contents from overflowing.
3. Responsible Parties shall provide for on-site service for collection of materials Source-Separated for Recycling or reuse that is no less than one-half of the weekly service level (in volume or cubic yard capacity) for Trash services, thus allowing for at least one-third of the Waste Stream to be recycled or reused.
4. Maintain all Recycling Containers in a sanitary and serviceable condition, meaning containers must be leak proof and have properly functioning doors and lids.

B. The Responsible Party for a Multi-Family Property or Commercial Establishment may seek an exemption from the County Manager or their designee from the requirements in § 10-32.A pursuant to § 10-36.

(Ord. No. 15-01, 1-27-15, effective 1-1-16, Ord. No. 18-03, 4-21-18, effective 7-1-18)

§ 10-33. Reporting Requirements.

A. *Recycling Plans for Multi-Family Properties and Commercial Establishments.* The Responsible Party for each Multi-Family Property and Commercial Establishment is required to submit a Recycling Plan to the County outlining the external and/or internal components of the Recycling System. For each new Multi-Family Property or Commercial Establishment, the Responsible Party is required to submit a Recycling Plan within thirty (30) days from receipt of Arlington County's Certificate of Occupancy. The Recycling Plan is a web-based interactive form with differing requirements based upon the property manager/owner and tenant relationship utilized, as outlined in § 10-33.D. The Recycling Plan must be approved by the County to comply with the terms of this article. If the initial Recycling Plan is rejected by the County, the submitting party has thirty (30) days from notification of the rejection to submit a revised Recycling Plan for approval.

B. *Updated Recycling Plans for Multi-Family Properties and Commercial Establishments.* The Responsible Party for each Multi-Family Property and Commercial Establishment is required to maintain a current Recycling Plan with the County. The Recycling Plan must be validated and/or updated annually by January 31, or whenever a significant change to the property occurs, including renovations that affect the Recycling System, change of ownership or management, or change of Solid Waste Collector or collection service levels. If no changes occurred

since the previous year's submission, the Responsible Party will validate the current Recycling Plan is correct and submit to the County. Instructions for updating the Recycling Plan are available on the County's DES Solid Waste Bureau's website.

C. *Multiple Business Locations.* Responsible Parties representing the same business at different locations in the County may submit a single Recycling Plan for all Arlington County locations, but must list the address and current contact information for each property that is subject to the Recycling Plan. Each business location must maintain a copy of the Recycling Plan on the premises and comply with all components of the Recycling Collection System requirements, as described herein.

D. *Property Manager/Owner and Tenant Relationship.* Each Commercial Establishment in the County, including Commercial Tenants, must adhere to the requirements of this article and submit a Recycling Plan in one of the following ways:

1. A Commercial Tenant that contracts for their own Solid Waste collection services is responsible for developing and managing a Recycling System for their establishment and therefore, must submit a Recycling Plan.
2. A Commercial Tenant that uses a shared Solid Waste collection service provided by a property owner or manager as part of its Recycling System is responsible for submitting a Recycling Plan that describes their internal Recycling System, including how they educate their employees on the use of the Recycling System.
3. A property owner or manager of a Commercial Establishment that provides a shared Solid Waste Collection service for Commercial Tenants of that establishment must submit a Recycling Plan for that Commercial Establishment.
4. A property owner or manager of a Commercial Establishment may submit a single Recycling Plan for multiple Commercial Tenants, but must list tenant information including, but not limited to, business type, current contact information and suite number for each Commercial Tenant that is subject to the Recycling Plan. Each Commercial Tenant must be provided the Recycling Plan on an annual basis and be in compliance with all components of the Recycling System requirements, as described herein.

E. *Organics.* The Responsible Party of a Multi-Family Property or Commercial Establishment who enters into an agreement with another party to manage, collect, or transport Organics shall include information on the collection of these materials in their Recycling Plans.

(Ord. No. 93-22, 11-13-93; Ord. No. 95-1, 1-7-95; Ord. No. 10-21, 12-11-10, effective 1-1-11; Ord. No. 15-01, 1-27-15, effective 1-1-16, Ord. No. 15-08, 11-14-15, Ord. No. 18-03, 4-21-18, effective 7-1-18)

§ 10-34. Education Requirements.

A. *Multi-Family Properties:* The Responsible Party of each Multi-Family Property shall provide each dwelling unit or tenant and onsite employees with written or electronic instructions regarding use and participation in the property or building's Recycling System within fourteen (14) days of tenant occupancy or employee hiring or contracting and at least annually thereafter. These instructions are in addition to the Recyclables Collection System requirements in § 10-32. Instructions may include the following: new tenant welcome/information packets, community newsletters, emails, listservs, flyers, distributed property websites, and posters. Copies of instructions shall be available to the County Manager or their designee upon request.

B. *Commercial Establishments:* The Responsible Party of each Commercial Establishment shall provide each employee, Commercial Tenant, and onsite contractor with written or electronic instructions regarding use and participation in the Recyclables Collection System within fourteen (14) days of Commercial Tenant occupancy or employee hiring and at least annually thereafter. These instructions are in addition to the Recyclables Collection System requirements in § 10-32. Instructions may include the following: building/property newsletters, flyers, memos distributed to each employee/Commercial Tenant/onsite contractor, property/business websites, emails, listservs, posters and other electronic media. Copies of instructions shall be made available to the County Manager or their

designee upon request.

C. *Commercial Tenants:* The Responsible Party for Commercial Tenants is responsible for providing all employees and/or other Recycling System users with instructions regarding use and participation in the Recycling System within fourteen (14) days of employment or occupancy and at least once annually thereafter. Instructions may include the following: building/property newsletters, flyers, memos distributed to each employee, property/business websites, emails, listservs, posters and other electronic media. Copies of instructions shall be available to the County Manager or their designee upon request.

(Ord. No. 93-22, 11-13-93; Ord. No. 10-21, 12-11-10, effective 1-1-11; Ord. No. 15-01, 1-27-15, effective 1-1-16, Ord. No. 18-03, 4-21-18, effective 7-1-18)

§ 10-35. Collector Invoices to Customers.

The Responsible Party who enters into an agreement with a Collector to manage, collect, or transport Solid Waste shall ensure that the invoice received from each such Collector is itemized to include the following information separately for Trash, Recyclable Materials, Organics, and other materials collected for Recycling or disposal:

A. The number and capacity of containers provided by the Collector for each material type;

B. The frequency of pick-up by container type; and

C. The monthly charge for each collection service including container rental and disposal and/or processing costs.

(Ord. No. 93-22, 11-13-93; Ord. No. 95-1, 1-7-95; Ord. No. 10-21, 12-11-10, effective 1-1-11; Ord. No. 15-01, 1-27-15, effective 1-1-16, Ord. No. 15-08, 11-14-15, Ord. No. 18-03, 4-21-18, effective 7-1-18)

§ 10-36. Exemption from Requirements.

A. *Criteria.* Limited exemptions, as set forth below, may be approved by the County Manager or their designee. Applications for an exemption from the requirements of § 10-31 and § 10-32 shall be submitted by the Responsible Party to the County Manager or their designee via written letter or email. An exemption may be allowed where compliance with the article would result in unnecessary hardship to the applicant and the need for an exemption would not be shared generally by other applicants, provided such an exemption is not contrary to the intended spirit and purpose of this article and would result in substantial justice being done. All exemptions 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 exemption, or (b) the expiration of the time period granted in the exemption. Should an exemption be withdrawn because the time period has expired, an applicant may apply for renewal of the exemption. Exemption requests 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 Collector 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);

5. Businesses that generate a de minimis volume of Solid Waste;

6. Criteria for an exemption from the requirements of § 10-31 and § 10-32 are as follows:

a. Incompatibility of compliance with the requirements of this article and compliance with

other Arlington County ordinances or other laws;

- b. Use of a sealed compactor;
 - c. Non-leaking container, air tight, with little to no odor.
7. On-site evaluation by the Solid Waste Bureau of DES.

B. Evaluation. The County Manager or their designee will consider the above criteria in evaluating the request for exemption and will consider the overall Recyclables Collection System effectiveness, the Recycling Plan, Recyclables Collection Systems of similar businesses in Arlington County, and the recommendation made by Solid Waste Bureau staff based on a site visit.

C. Actions. After reviewing the information described in subsection A above, the County Manager or their designee will take one of the following actions:

1. Grant an exemption that requires the Responsible Party to utilize an alternative Recyclables Collection System that maximizes the amount of Recyclable Materials collected within the constraints presented by the building or property. Solid Waste Bureau staff will work with the Responsible Party to develop an approved alternative Recyclables Collection System.;
 2. Grant an exemption that reduces the number of types of materials required to be recycled; or
 3. Deny the request for an exemption.
- (Ord. No. 93-22, 11-13-93; Ord. No. 10-21, 12-11-10, effective 1-1-11; Ord. No. 15-01, 1-27-15, effective 1-1-16, Ord. No. 15-08, 11-14-15, Ord. No. 18-03, 4-21-18, effective 7-1-18)

§ 10-37. 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 by an order of correction that it will be subject to a civil penalty of up to three hundred dollars (\$300.00), 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 subject to a civil penalty of three hundred dollars (\$300.00) for each day such violation continues. Property accounts that accrue unpaid civil penalties of six hundred dollars (\$600.00) or more will be referred to the County Treasurer's Office for collections. However, the subject property continues to be subject to additional civil penalties until the violation is corrected.

(Ord. No. 93-22, 11-13-93; Ord. No. 10-21, 12-11-10, effective 1-1-11; Ord. No. 15-01, 1-27-15, effective 1-1-16, Ord. No. 18-03, 4-21-18, effective 7-1-18)

§ 10-38. Right to Appeal Notices and Civil Penalties.

Upon service of a notice of violation, order of correction or civil penalty as provided in § 10-37, the Responsible Party shall have the right to appeal such notice, order, or civil penalty by submission of a written request for review by the County Manager or their designee, provided that the written request is received by the County Manager or their designee within five (5) business days after service of the notice, order, or civil penalty. Upon receipt of such a written request, the County Manager or their designee shall review the request, shall consider the evidence, and shall render a decision in writing and provide a copy to the appellant within fifteen (15) business days following receipt of appellant's written request.

(Ord. No. 93-22, 11-13-93; Ord. No. 15-01, 1-27-15, effective 1-1-16, Ord. No. 18-03, 4-21-18, effective 7-1-18)

§ 10-39. Multi-Family and Commercial Recycling Program Fee.

A. The Multi-Family and Commercial Recycling Program Fee shall be paid to the County annually, by January 31, for the administration of the requirements set forth in this article. For Multi-Family Properties, the fee shall be based on the number of dwelling units. For Commercial Establishments, the fee shall be based on factors that include all or some of the following: business or property type, number of employees, and other resource needs

associated with the business or property type. Effective July 1, 2018, the base fee of sixteen dollars and twenty-five cents (\$16.25) shall be used to calculate each property’s annual fee based on the business or property type as specified in Table 1. The calculated Program Fee for each business category is outlined in Table 2.

Table 1. Multi-Family and Commercial Recycling Program Fee Schedule.

Office and Retail Tenants: 3-Year Inspection Cycle				
	Minimum	Moderate	High	
Number of Employees	1-10	11-99	100+	
Fee Multiplier	X	2X	4X	
Fee/Year	\$16.25	\$32.50	\$65.00	
				Multi-Family Property: Annual Inspection Cycle
	Minimum	Moderate	High	Complex
Number of Units	1-10	11-75	76-200	200+
Fee Multiplier	2X	4X	8X	16X
Fee/Year	\$32.50	\$65.00	\$130.00	\$260.00
				Other Commercial Properties: Annual or 3-Year Inspection Cycle
	3-Year Inspection Cycle	Annual Minimum	Annual Moderate	Annual High
Fee Multiplier	2X	4X	8X	16X
Fee/Year	\$32.50	\$65.00	\$130.00	\$260.00

Table 2: Calculated Program Fee by Business Type.

Business Category	Inspection Cycle	Minimal	Moderate	High	Complex
<i>Office and Retail Tenants: 3-Year Inspection Cycle</i>					
Office Tenants	3-Year	\$16.25	\$32.50	\$65.00	
Retail: No Food	3-Year	\$16.25	\$32.50	\$65.00	
<i>Multi-Family Properties: Annual Inspection Cycle</i>					
Multi-Family	Annual	\$32.50	\$65.00	\$130.00	\$260.00
<i>Commercial Properties: Annual Inspection Cycle</i>					
Assisted Living & Group Home	Annual	\$65.00	\$130.00	\$260.00	
Grocery	Annual	\$65.00	\$130.00	\$260.00	
Automobile: Gas Station	Annual	\$65.00			
Convenience Store	Annual	\$65.00			
Lodging	Annual	\$65.00	\$130.00	\$260.00	
Medical Hospital/Surgery	Annual			\$260.00	
Movie Theater/Theater Stage	Annual		\$130.00		
Place of Worship: Kitchen/ Serves Food	Annual	\$65.00			
Restaurant: Deli/Coffee Shop	Annual		\$130.00		

Business Category	Inspection Cycle	Minimal	Moderate	High	Complex
Restaurant: Fast Food	Annual			\$260.00	
Restaurant: Full Service	Annual		\$130.00		
Retail: Food	Annual			\$260.00	
School/College: Food	Annual			\$260.00	
Commercial Building or Mixed-Use Property that contains tenants	Annual			\$260.00	
Other: Serves Food	Annual			\$260.00	
<i>Other Commercial Properties: 3-Year Inspection Cycle</i>					
Automobile: Dealership	3-Year	\$32.50			
Automobile: Repair	3-Year	\$32.50			
Automobile: Sales	3-Year	\$32.50			
Bank	3-Year	\$32.50			
Daycare & Preschool	3-Year	\$32.50			
Dry Cleaners	3-Year	\$32.50			
Gym & Fitness	3-Year	\$32.50			
Laundry Mat	3-Year	\$32.50			
Medical Office	3-Year	\$32.50			
Place of Worship: No kitchen/No Food	3-Year	\$32.50			
Service Business	3-Year	\$32.50			
Salon/Barber/Spa	3-Year	\$32.50			
School/College: No Food	3-Year	\$32.50			
Storage Units	3-Year	\$32.50			
Vet/Kennel/Dog School/Grooming	3-Year	\$32.50			
Other: No Food	3-Year	\$32.50			

B. Failure to pay the Recycling Program Fee by January 31 shall result in the addition of a fifty dollar (\$50.00) late fee. The unpaid amount will also be forwarded to the Arlington County Treasurer’s Office for collections, and will be subject to further administrative penalties.
 (Ord. No. 15-01, 1-27-15, effective 1-1-16, Ord. No. 18-03, 4-21-18, effective 7-1-18)

ARTICLE V.

COMMERCIAL COLLECTORS

§ 10-40. Definitions.

The following words and terms, when used in this article, shall have the following meanings unless the context clearly indicates otherwise:

“Collection Vehicle” means any vehicle used to collect and/or transport Solid Waste and/or materials recovered for Recycling.

“Collector” means any person, corporation, association, firm, partnership, company, or any other legal entity engaged in the regularly-scheduled commercial collection and transportation of Solid Waste and/or any material separated for Recycling, but shall not include the County.

“Commercial Establishment” means any nonresidential location not otherwise exempt under federal or state law, including, but not limited to: office buildings, shopping centers, places of worship, Nonprofit Organizations, hospitals, public or private schools or universities, government buildings or agencies, public authorities, or a Commercial Tenant of any of these properties. Commercial Establishment also means the nonresidential portion of mixed-use buildings — properties that serve as a Multi-Family Property and Commercial Establishment, such as ground floor retail with upper-story residential or office uses. Home-based businesses (home occupations) are excluded.

“Construction and Demolition Debris (CDD)” means Solid Waste that is generated during construction, remodeling, major repair, or demolition of pavements, houses, commercial buildings, or any other structures. CDD includes, but is not limited to: lumber, wire, drywall, brick, shingles, glass, pipes, concrete, paving materials, metals, and plastics, if part of the materials of construction and/or empty containers for such materials. Small amounts of residential construction materials generated from minor remodeling or repair projects in homes serviced by the Residential Collection System are exempt from this definition.

“Customer” means anyone providing compensation to a Collector.

“DES” means the Arlington County Department of Environmental Services.

“Food Scraps” means any food substance, raw or cooked, which is discarded, or intended or required to be discarded. Food Scraps are the organic residues generated by the handling, storage, sale, preparation, cooking, and serving of foods.

“Household Hazardous Materials (HHM)” means any commercial product that contains hazardous ingredients used by residential as opposed to industrial consumers, which pose certain risks to human health and the environment when managed improperly. HHM have hazardous characteristics, such as being reactive, corrosive, ignitable, and/or toxic, that requires special handling and proper management to minimize risks when discarded by residents or is no longer usable for its intended purpose, including, but not limited to, paints, stains, varnishes, solvents, pesticides, and other materials.

“Multi-Family Property” means a building, or portion thereof, designed for occupancy by three (3) or more families living independently, or a townhouse/condominium association, cooperative, etc. participating in the Residential Collection System

“Nonprofit Organization” means an organization not conducted or maintained for the purpose of making a profit.

“Organics” means Source-Separated materials such as Yard Trimmings and Food Scraps that can be converted into a stabilized product through a controlled aerobic or anaerobic decomposition process in such a manner that the product can be handled, stored, and/or applied to the land without adversely affecting public health or the environment.

“Recyclable Materials” means materials that can be recovered from the Waste Stream and reprocessed to be reused as a material to make new products, such as cardboard, mixed paper, metal cans, aluminum, glass, plastic, and metal items, that are identified as Recyclable Materials pursuant to the list administered by the Department of Environmental Services, Solid Waste Bureau and posted on the County website. The County Manager or their designee will announce 90 days prior to the addition of new materials to the list. The County Manager or their designee will announce 90 days prior to the deletion of existing materials from the list.

“Recycling” means the act of Source-Separating Recyclable Materials from the Waste Stream for the purpose of processing into raw materials or products, which may or may not be similar to the original product.

“Recycling Contract” means a contract or an agreement that a Commercial Establishment or Multi-Family Property has with a Collector to collect and transport the required Recyclable Materials to a Recycling Facility.

“Recycling Drop-Off Center” means one of the County’s community Recycling Drop-Off Centers used for the collection of Recyclable Materials from the public and small businesses.

“Recycling Facility” (“Materials Recovery Facility”) means a facility that receives, sorts, processes, repackages, and markets previously Source-Separated Recyclable Materials.

“Refuse Station” means the facility designated by the County Manager or their designee for disposal of Refuse. This facility may be a transfer station, waste-to-energy or other facility designed to process Solid Waste.

“Residential Collection System” means the Solid Waste collection services provided by the County or its contractor to the properties as set forth in § 10-5.

“Self-Haul” means the practice of collecting and transporting Recyclable Materials to a Recycling Drop-Off Center or to a location outside of the County in lieu of a Recycling Contract with a Collector. This practice is limited to Commercial Establishments with five (5) or fewer employees that have an established Recyclables Collection System and demonstrate Self-Hauling of Recyclable Materials to a Recycling Drop-Off Center or to a residence located outside of the County in lieu of a Recycling Contract with a Collector.

“Self-Haul Approval” means the written acknowledgement and approval of Solid Waste Bureau staff, via the annual inspection form, that a Commercial Establishment has met the requirements to Self-Haul, as defined herein.

“Solid Waste” (“Municipal Solid Waste” or “Waste Stream”) is a general term that includes Garbage, Refuse, Rubbish, Trash, as well as Recyclable Materials, Yard Trimmings, Food Scraps, used cooking grease and other discarded materials, substances, or by-products generated by occupants and visitors of single-family and multi-family residential properties, Commercial Establishments, public spaces and other nonindustrial properties. Construction and Demolition Debris, Household Hazardous Materials, infectious waste, wastewater sludge, combustion ash and other industrial waste or hazardous waste are excluded.

“Solid Waste Facility” means a facility for processing or disposal of Solid Waste. This facility may be a Recycling Facility, waste-to-energy, transfer station, landfill or other facility designed to process or dispose of Solid Waste.

“Source-Separate” means the act of separating materials from the Waste Stream — such as Recyclables, Yard Trimmings and Food Scraps — for reuse or Recycling instead of disposing the materials as Trash in a landfill or waste-to-energy facility.

“Trash” (“Garbage,” “Refuse,” “Rubbish”) means the materials of the Waste Stream that are disposed of at a waste-to-energy facility or landfill instead of Source-Separated for reuse and Recycling, including bulky wastes and small amounts of residential construction materials. Construction and Demolition Debris, Household Hazardous Materials, industrial waste, wastewater sludge, infectious waste and other hazardous waste material are excluded.

“Yard Trimmings” means decomposable waste materials generated by general yard and lawn care and includes leaves, grass trimmings, brush, wood chips, and shrub and tree trimmings.

(Ord. No. 15-08, 11-14-15; Ord. No. 18-03, 4-21-18, effective 7-1-18; Ord. No. 19-08, 4-25-19, effective 7-1-19)

§ 10-41. General Requirements for Collectors.

A. Each Collector shall provide Recycling services for the collection of the Recyclable Materials defined in §10-30 to all Customers to which such Collector provides Trash collection services, unless such Customer provides either written documentation that they have an existing Recyclable Material collection contract with another Collector that is permitted in accordance with § 10-42 or proof of a current Self-Haul Approval from the County for Self-Hauling of Recyclable Materials.

B. Trash shall be collected and transported from the premises to which Trash collection services are provided not less than once per week.

C. Recyclable Materials shall be collected and transported from the premises to which Recycling collection services are provided not less than once per week, unless the County has granted an exemption for such premises pursuant to § 10-36.

D. The mixing of Trash with any Source-Separated Recyclable Materials or Organics set out for collection is prohibited.

E. Collectors that collect, transport, or dispose of Trash, Recyclable Materials, and/or Organics from Commercial Establishments or Multi-Family Properties must communicate the Recycling services provided to those Customers as described below:

1. For Multi-Family Properties, each Collector must provide at least once per year, a statement of service to either: 1) the Responsible Party who is responsible for delivering the information to each multi-family tenant or Customer, or 2) directly to each multi-family tenant or Customer. The statement must describe the specific Recycling services provided by the Collector to include the Recyclable Materials and/or Organics collected and where these materials shall be placed for collection, as well as the County's requirement to separate and collect the Recyclable Materials defined in § 10-30.
2. For Commercial Establishments, each Collector must provide at least once per year, a statement of service to either: 1) the Responsible Party who will be responsible for delivering the information to each Commercial Tenant or Customer, or 2) directly to each Commercial Tenant or Customer. The statement must describe the specific Recycling services provided by the Collector to include the Recyclable Materials and/or Organics collected and where these materials shall be placed for collection, as well as the County's requirement to separate and collect the Recyclable Materials defined in § 10-30.

F. No Collector shall represent to any Customer that Recyclable Materials that are intentionally placed into Trash Containers will be recovered for Recycling.

(Ord. No. 15-08, 11-14-15, Ord. No. 18-03, 4-21-18, effective 7-1-18)

§ 10-42. Permits Required.

A. No Collector shall commercially collect, transport, transfer, or store Solid Waste without first having paid the required permit fees and obtained from the County a permit covering that activity and any related facility and each related Collection Vehicle used to transport Solid Waste. The permit shall be renewed annually by no later than January 31 of each calendar year. County-owned and/or County-operated vehicles are exempt from the permitting requirements in Article V.

B. The County Manager or their designee shall establish reasonable regulations pursuant to this section of the County Code for the disposal of Trash that originates in Arlington County. The County Manager or their designee may designate a Refuse Station as the place for the disposal of Trash collected, transported or disposed of by holders of Trash permits by giving written notice to each holder of a Trash permit designating the Refuse Station to be used. The County Manager or their designee 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 Trash that originates in the County and the tipping fee or other disposal charge payable by Trash 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 Trash 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 and Demolition Debris; or
4. Waste oil.

C. Any Collector desiring a permit to collect, transport, transfer, or store any Solid Waste shall make application to the County. Each application shall be in the form specified by the County and shall include, at a minimum but not be limited to: the name of business, type of business, owner or authorized agent, business address, mailing address, email address, and telephone number of the applicant's place of business; the number and description of all vehicles and equipment to be used in the County; and/or a complete description of any proposed facility and operations at the facility.

1. Before issuing any permit, the County may at its sole discretion 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/or equipment comply with the provisions of this article, including, but not limited, to the standards established in § 10-42.C.7 of this article. If the County shall be satisfied from the inspection that the premises, vehicles, and/or equipment are in conformity with this chapter, then the County 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 Solid Waste within the County, with such conditions as may be deemed necessary to comply with this article. The County shall assign a permit number to each approved Collection Vehicle and provide a visible permit (e.g., plate, sticker) that shall be permanently affixed by the applicant to both sides of the Collection Vehicle on the door of the cab or at the farthest point forward on the truck body.
2. Every permit issued pursuant to this article shall be renewed annually. Permits shall expire according to a schedule specified by DES. Permits shall not be transferrable or prorated. In the event that any permitted Collection Vehicle is removed from service or sold, the permit holder shall notify the County and the permit for that Collection Vehicle shall be removed and returned to the County no less than 10 business days following the vehicle's removal from service or sale. In the event that a permit is not recoverable, then the permit holder shall notify the County in writing of the permit number of said Collection Vehicle and the circumstances of loss within 10 days, which shall be done, as well as payment of a lost permit fee of fifty dollars (\$50.00), before a replacement permit will be issued by the County.
3. The County 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 Solid Waste. 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. If the County shall not be so satisfied or if the applicant has refused the County the right to enter and inspect any premises, except the interior of any residence, and vehicles pursuant to § 10-42.C.3 for the purpose of enforcing the provisions of this article, the County shall deny a permit application.
4. If the County finds that the premises, vehicles, and/or equipment for which the permit was issued do not conform to the provisions of this article, that a permittee has refused the County the right to enter and inspect such premises, except the interior of any residence, or vehicles pursuant to § 10-42.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 § 10-42.C.7, the County may enter an order for the suspension of the permit until such time as the County 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) calendar days after the date it is executed by the County, and the order shall state this effective date; provided, however, that if the County

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, 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, 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'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 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 shall not affect the County's authority to reinstate a suspended permit, pursuant to § 10-42.C.5, or the permittee's right to appeal a final order of suspension, pursuant to § 10-42.C.6. It shall be unlawful for any Collector to collect, transport, transfer, store, or dispose of any Solid Waste within the County when subject to a final order of suspension.

5. The County may reinstate a suspended permit when no fact or condition exists which would otherwise warrant the County to refuse to grant a permit under the terms of this article.
6. Any applicant aggrieved by the denial of an application for a Trash permit under § 10-42.C.1 and any permittee aggrieved by a final suspension order under § 10-42.C.4 shall have the right to appeal the denial or order to the County. The appeal shall be taken by filing with the County, within ten (10) calendar 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 shall schedule a hearing and shall give notice of the hearing to the appellant. The decision of the County on appeal shall be final, but shall not preclude the issuance of a permit or the reinstatement of a suspended permit by the County due to changed circumstances.
7. Any Collector collecting, transporting, storing or disposing of Solid Waste 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 § 10-42(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 Solid Waste, 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 ("facility") 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 storm water drainage system.
 - d. All vehicles used in the collection, transport, transfer, or disposal of Solid Waste 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 material to be collected therein.
 - e. All vehicles hauling Solid Waste shall be watertight and completely enclosed unless exempted in writing by the County.
 - 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 Solid Waste 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 or their designee.
- 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 Trash and Recyclable Materials.
- m. All provisions of this article and all rules and regulations established by the County pursuant to this article shall be complied with by every permittee and by all employees and agents of the permittee.

D. No vehicle or container used by any Collector for collecting, transporting, transferring or storing Solid Waste shall be emptied in the County on the ground or location other than at an approved Solid Waste Facility.

E. No commercial motor vehicle used to transport Solid Waste shall be parked on or adjacent to the highways or streets of the County.

- 1. 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 Solid Waste from their residences to a permitted transfer or disposal facility.
- 2. 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 civil penalty of not more than two hundred dollars (\$200.00), in addition to any towing and storage charges that may be assessed.

(Ord. No. 15-08, 11-14-15, Ord. No. 18-03, 4-21-18, effective 7-1-18)

§ 10-43. Collector Invoices to Customers.

Each Collector that manages, collects, or transports Solid Waste or other materials shall itemize all invoices to its Customers to include the following information separately for Trash, Recyclable Materials, Organics, and other materials collected for Recycling or disposal:

- A. The number and capacity of containers provided for each material type;
- B. The frequency of pick-up by container type; and
- C. The monthly charge for each collection service including container rental and disposal and/or processing costs.

(Ord. No. 15-08, 11-14-15, Ord. No. 18-03, 4-21-18, effective 7-1-18)

§ 10-44. Reporting.

Each nonresidential entity that collects or transports Solid Waste or any material recovered for Recycling, including, but not limited to, Recyclable Materials, scrap metal, electronic waste, Organics such as yard trimmings and food scraps, textiles, antifreeze, batteries, waste tires, or cooking grease, in Arlington County shall annually report

to DES by no later than January 31 of each year for the previous calendar year, the information deemed necessary by the County to facilitate compliance with Virginia Code Section 10.1-1411. The report shall be submitted on the form specified by DES and shall include at a minimum:

A. The measured or carefully estimated weight of all Solid Waste that the entity collected from Commercial Establishments or Multi-Family Properties. Where estimates are reported, a written explanation describing how each estimate was calculated is required; and

B. The number of Commercial Establishments serviced and the number of Multi-Family Properties serviced.

This report shall be signed by a company official. In the event that a Collector fails to submit the required annual report by the January 31 deadline, a one-hundred dollar (\$100.00) administrative fee shall be added to the annual permit fee collected pursuant to § 10-45.A.

(Ord. No. 15-08, 11-14-15, Ord. No. 18-03, 4-21-18, effective 7-1-18)

§ 10-45. Permit Fees.

A. Applicants for a Collector permit shall pay at the time of initial application and each annual application for a permit, thereafter, a fee of one hundred fifty dollars (\$150.00) for each Collection Vehicle used to transport Solid Waste and any material recovered for Recycling. Such permit fees shall be paid by the Collector and received by DES within thirty (30) days of the date of the bill for payment; after 30 days of the date of the bill for payment, the permit fee for each Collection Vehicle shall be two-hundred dollars (\$200.00).

B. Applicants for a Solid Waste transfer, storage, or similar facility located in Arlington County shall pay an initial and annual permit fee of one thousand dollars (\$1,000.00).

(Ord. No. 15-08, 11-14-15; Ord. No. 17-04, 4-22-17, effective 7-1-17, Ord. No. 18-03, 4-21-18, effective 7-1-18)

§ 10-46. Penalties.

Unless otherwise provided herein, 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 civil penalty not to exceed three hundred dollars (\$300.00) for each violation.

(Ord. No. 15-08, 11-14-15, Ord. No. 18-03, 4-21-18, effective 7-1-18)