

2-23-93 Minutes

A regular meeting of the Council of the City of Bedford, Virginia, was held in the Council Hall of the Municipal Building at 7:30 p.m., February 23, 1993.

Members present: Mayor G. Michael Shelton; Councilman Larry D. Brookshier; Councilwoman Joanne A. Grahame; Councilman Payton M. Otey; Councilman Ronnie C. Rice; Councilman W. D. Tharp; and Vice Mayor James A. Vest.

Members absent: None.

Staff present: City Manager Jack A. Gross; City Attorney W. W. Berry, IV; and Clerk of the Council Teresa W. Hatcher.

Mayor Shelton opened the meeting and led all present in saying the Pledge of Allegiance to the Flag.

Mayor Shelton declared that the minutes of a regular Council meeting held on February 9, 1993, were approved as mailed.

Vice Mayor Vest expressed appreciation to the Chief of Police, Investigator Massey, and the Police Department for assistance to his family.

Mayor Shelton stated that on March 1 the State Commission on Local Government will hold hearings on the proposed annexation settlement agreement between the City of Bedford and Bedford County in the Board of Supervisors Room at the County Administration Building.

The Mayor stated that a letter had been received from Dr. Brian Buchanan, President of the Bedford Public Library Foundation, providing information to Council regarding the plans of the Foundation in terms of its fund raising effort and how the Foundation plans to forward the money to the City for the construction effort. The Mayor referred the letter to the City Manager and City Attorney for further review.

The Clerk of Council read aloud the following notice of public hearing:

#### **PUBLIC HEARING NOTICE**

The City of Bedford, Virginia, will hold a public hearing on Tuesday, February 23, 1993, at 7:30 p.m. during the regularly scheduled City Council meeting at the Municipal Building, 215 East Main Street, 2nd Floor Council Chambers, Bedford, Virginia 24523. The hearing will be the second of two public hearings required for the proposed Community Development Block Grant application to be submitted to the Virginia Department of Housing and Community Development on March 12, 1993. The proposed project is for residential and community facility improvements in the West King Street and Surrounding Neighborhood.

The purpose of the second public hearing is to allow for public review and comment of the City's draft grant proposal. Information on the amount of funding to be requested for this project, the projected beneficiaries, the number of low and moderate-income residents to benefit from the project, estimated amount of funding to benefit low and moderate income persons, and the proposed activities and their cost for the project

area will be presented. Plans to minimize displacement will also be discussed during the hearing.

Citizens will be given an opportunity to comment on the City of Bedford's past use of CDBG funds. For additional information, please contact the City of Bedford's Office of Community and Economic Development at the above address or telephone (703) 586-7123 or 586-7127. All interested citizens are urged to attend. Arrangements will be made to accommodate handicapped citizens wishing to participate in the public hearing. Material related to the preparation of the application and records of previous CDBG activities over the past five (5) years are available to the public for review.

By Authority of the Department of Community  
and Economic Development

Councilman Otey stated that he would not participate in discussion of the Community Development Block Grant Application for residential and community facility improvements in the West King Street and surrounding neighborhood as he and his wife own property in the area.

Mr. Jimmy English, Director of Community & Economic Development, explained the 1993 Community Development Block Grant application. Mr. English stated that the application would be for \$1,000,000.

Mr. English indicated that the activities of the project would cover housing rehabilitation of occupied and vacant structures, demolition and purchase of property, and visible public improvements in the neighborhood.

Discussion ensued.

Mr. English indicated that if the three year grant is approved, the City would be required to provide matching funds in the amount of \$45,000. The City Manager indicated that when the City accepts the grant, the City has to acknowledge that the \$45,000 is available.

Mayor Shelton opened the public hearing at 7:45 p.m.

Ms. Mary Boyes, 528 South Street, asked questions regarding plans for current and future grant programs.

As there were no further comments, Mayor Shelton closed the hearing at 7:50 p.m.

The Clerk of Council read aloud the following public hearing notice:

#### **NOTICE OF PUBLIC HEARING**

Notice is hereby given that a public hearing will be held at 7:30 p.m. on Tuesday, February 23, 1993, in the Council Hall of the Municipal Building, 215 East Main Street, Bedford, Virginia, regarding a proposed ordinance requiring the delivery of all garbage, trash or refuse (other than hazardous materials and materials being recycled) generated or disposed of within the City of Bedford to waste disposal facilities located within the City. All interested citizens will be given an opportunity to express their views.

The City Manager reviewed changes in the ordinance.

Ms. Kate Boyd, Recycling Coordinator, explained the section of the proposed ordinance regarding mandatory recycling.

Discussion ensued.

Mayor Shelton opened the public hearing at 8:12 p.m.

Ms. Mary Boyes, 528 South Street, spoke in favor of the mandatory recycling program and suggested including a section in the educational program that encourages reduction and reuse as well as recycling.

As there were no further comments, Mayor Shelton closed the public hearing at 8:16 p.m.

City Manager Gross stated that in August 1992 Council received a request from the Big Island Emergency Crew to use the City Electric Department's communications facilities located on No Business Mountain for non-emergency communication by the squad. At that time Council referred the request to the Electric and Property Committees for recommendation. Those Committees met on February 10, 1993, and reviewed an agreement drawn up by the City Attorney, a copy of which has been given to Council. Mr. Gross indicated that the agreement contains provisions for the City's protection, including the requirement for a one million-dollar insurance policy against claims for property damage or personal injury. It was the consensus of the Committee members to recommend to Council the adoption of the agreement.

On motion Vice Mayor Vest, seconded by Councilman Otey, voted upon and carried unanimously, Council approved the agreement between the City and Big Island Emergency Crew, Inc., for use of the City's communications site on No Business Mountain with the stipulations of the agreement; and Council authorized the City Manager to sign the agreement for the City.

On motion by Councilwoman Grahame, seconded by Vice Mayor Vest, voted upon and carried unanimously, Council waived the reading of the proposed ordinance, as corrected by the City Attorney, repealing Chapter 17 of the City Code and Adding Chapter 17.1, Refuse.

Councilman Brookshier moved that the ordinance be adopted. The motion was seconded by Vice Mayor Vest. After a brief discussion, the motion was voted upon and carried unanimously by the following roll call vote:

Councilman Brookshier	aye
Councilwoman Grahame	aye
Councilman Otey	aye
Councilman Rice	aye
Councilman Tharp	aye
Vice Mayor Vest	aye
Mayor Shelton	aye

(The ordinance follows as adopted:)

AN ORDINANCE ESTABLISHING A MANDATORY  
REFUSE RECYCLING PROGRAM FOR RESIDENTIAL USE AND  
REPEALING CHAPTER 17 (REFUSE) AND ENACTING  
CHAPTER 17.1 OF THE CITY CODE

Ordinance No. 93-01

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BEDFORD AS FOLLOWS:

**Section 1.** Chapter 17 (Refuse) of the Code of the City of Bedford (1974) is repealed and the following Chapter 17.1 is enacted:

Chapter 17.1

**REFUSE**

§ 17.1-1. Definitions.

§ 17.1-2. Declaration of Policy

§ 17.1-3. Powers and duties of city manager generally.

§ 17.1-4. Right of Entry to Inspect; Inspection Warrants.

§ 17.1-5. Rules and Regulations.

§ 17.1-6. Uniformity of fees for collections. Agreements and charges for services in addition to, or in excess of, regular service.

§ 17.1-7. Other Governmental Regulations.

§ 17.1-8. Compliance and general penalty for violations.

§ 17.1-9. Duty of Property Owners; Unlawful accumulations on premises.

§ 17.1-10. Regular collections service.

§ 17.1-11. Special Collection Services.

§ 17.1-12. Special requirements for refuse to be collected.

§ 17.1-13. Refuse not acceptable for collection.

§ 17.1-14. Placement of containers.

§ 17.1-15. Special Collections Other Than at Curb.

§ 17.1-16. Scavenging Prohibited.

§ 17.1-17. Mandatory Recycling.

§ 17.1-18. Penalties for Noncompliance.

§ 17.1-19. Disposition by Sanitary Landfill Method.

§ 17.1-20. Use of Sanitary Landfills by Other Than City Collection Force.

§ 17.1-21. When Sanitary Landfills Open.

§ 17.1-22. Refuse Originating Beyond City.

## ARTICLE ONE

### **Sec. 17.1-1. Definitions.**

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

(a) Aluminum. The word "aluminum" shall mean beverage cans and clean household aluminum such as pie pans, frozen food containers and foil.

(b) Ashes. The word "ashes,, shall be taken to mean the residue from the burning of wood, coal, coke or other combustible materials.

(c) Garbage. The word "garbage,, shall be taken to mean putrescible animal or vegetable wastes resulting from the handling, preparation, cooking or consumption of foods.

(d) Glass. The word "glass" shall mean blue, green, brown, and clear bottles and jars excluding mirrors, drinking glasses, crystal, heat resistant ovenware, window glass, and automobile glass.

(e) Newspapers. The word "newspapers" shall mean clean, dry, unbound newsprint and glossy inserts.

(f) Premises. The word "premises, shall be taken to mean any land, building or other structures, or part thereof, upon or in which refuse is stored.

(g) Recycling. The word "recycling" shall mean the process of separating a given waste material from the waste stream and processing it so that it may be used again as a raw material for a product which may or may not be similar to the original product.

(h) Recyclable Material. The word "recyclable material" shall mean the portion of solid waste consisting of newspapers, glass bottles and jars and aluminum cans which are generated by residential units and aluminum cans and which are suitable for recycling under the provisions of this ordinance.

(i) Refuse. The word "refuse" shall be taken to mean all solid wastes of the community, including garbage, ashes, rubbish, dead animals, street cleanings and solid market and trade wastes, but not including body wastes or the solid wastes resulting from industrial processes.

(j) Rubbish. The word "rubbish" shall be taken to mean nonputrescible solid wastes, such as paper, cardboard, tin cans, yard clippings, leaves, wood, glass, bedding, crockery, metals and similar materials.

(k) Trash. That refuse and rubbish, other than garbage, incident to the ordinary conduct of a household, such as tin cans, bottles, and paper, and like items generated by business offices, stores, and other facilities. The term "trash" shall not include tree limbs, hedge clippings, grass, leaves, stones, roofing materials, lumber, or other substances that may accumulate as a result of repairs to the land or buildings.

#### **Sec. 17.1-2. Declaration of Policy.**

It is hereby declared to be the policy of the City to promote the general welfare of the City by regulating the collection and disposal of all refuse.

**Sec. 17.1-3. Powers and duties of city manager generally.**

The city manager, in order to protect the health and safety of the people of the city, shall, by implementing and enforcing the provisions of this chapter, control the collection and disposal of refuse within the city. He shall provide a public refuse collection service from premises, so that the type and usual quantity of refuse can be safely and expeditiously handled by such service and shall regulate the establishment, maintenance and operation of refuse disposal methods and sites.

**Sec. 17.1-4 Right of Entry to Inspect; Inspection warrants.**

Upon presentation of appropriate identification and upon consent of the owner or custodian of the property, the City Manager or his designee shall have the right to enter at any reasonable time onto any property to inspect, investigate, evaluate, conduct tests, or take samples for testing as he reasonably deems necessary in order to enforce the provisions of this chapter having to do with the storage and disposal of refuse. If the City Manager or his designee is denied entry, he may apply for an inspection warrant authorizing such investigation, inspection, testing, or taking of samples for testing as provided by law.

**Sec. 17.1-5. Rules and Regulations.**

The City Manager shall have the authority to establish rules and regulations consistent with the provisions of this chapter and other ordinances and resolutions of the City, governing the removal, keeping, collection, and disposal of refuse, garbage, and rubbish. The procedures for the collection of refuse shall be designated by the City Manager.

**Sec. 17.1-6. Uniformity of fees for collections. Agreements and charges for services in addition to, or in excess of, regular service.**

(a) Where fees are prescribed under this chapter, the City Manager shall evaluate the costs of collection and shall fix a fee to be as uniform as possible to cover such service.

(b) The city manager may enter into agreements and fix charges for any service rendered in addition to, or in excess of, regular refuse collection and disposal, such as, but not limited to, hauling of bulk refuse not prepared in accordance with this chapter, hauling of refuse from private premises within the City, and permitting contractors and others to dispose of tree trimmings, waste from building operations, stumps, wire and other refuse from within the corporate limits of the City.

**Sec. 17.1-7. Other Governmental Regulations.**

The provisions of any applicable federal or state law or regulation shall control to the extent that compliance with this ordinance could prevent compliance with a regulation or law of the federal or state government, including solid waste management regulations, hazardous waste management regulation, hazardous materials transportation regulations and infectious waste management regulations.

**Sec. 17.1-8. Compliance and general penalty for violations.**

It shall be unlawful for any person to refuse, fail or neglect to comply with the provisions of Article One, Two, or Four of this chapter. Any person, firm or corporation violating any of the provisions of this Article, upon conviction, shall be found guilty of a Class 1 misdemeanor, and each day's continuation of such violation shall constitute a separate offense.

ARTICLE TWO

Collection of Refuse By City

**Sec. 17.1-9. Duty of Property Owners; Unlawful accumulations on premises.**

(a) The owner or his agent, or the occupant of any premises within the city, shall be responsible for the sanitary condition of the premises owned, handled or occupied by him.

(b) It shall be unlawful for any person within the City, whether in a commercial or any other area, a vacant lot or a developed lot, to allow garbage, rubbish, ashes, trash, or any other refuse to accumulate on such premises, except in accordance with the provisions of this chapter.

(c) It shall be unlawful for any person to cast, throw, or dump any ashes, garbage, trash, or other rubbish in any streams or drainage areas in the City.

(d) Any person responsible for refuse not acceptable for collection by the regular collection service as set forth in this chapter shall make arrangements for the collection and disposal of such refuse in some other fashion, either by special service handling by the city or by private collection.

(e) Any person placing refuse for collection shall be responsible therefor until it is collected. Any person placing any refuse for collection which violates the provisions of this chapter shall remove such refuse from the public ways forthwith upon notice from the proper officer of the city and the refuse will not be collected by the city. Each day of refusal to remove such refuse after proper notice shall constitute a separate offense.

**Sec. 17.1-10. Regular collection service.**

Regular collections of garbage and trash from households, institutions, and businesses shall be made twice a week as the City Manager may direct. Recyclable materials will be collected on one day, and on the other day the non-recyclable trash will be picked up. Any additional collection services will be provided under Section 17-9(d).

**Sec. 17.1-11. Special Collection Services.**

(a) Brush pick-up. Special brush pick-up service will be provided on an as needed basis. Tree limbs and brush must be stacked at the curb and not in the gutter. Refuse from tree trimming or removal performed by a contractor will not be picked up by the City.

(b) Leaf pick-up. The City routinely will pick up leaves with a mechanical leaf collector or other device from September through December and during April, as required. Leaves must be piled at the curb. Brush, limbs, and trash must not mixed with the leaves in order to avoid damage to the collecting machine.

(c) Spring and fall clean-up. A special pick-up service will operate for a period of one week during April and during October for pick-up of furniture, appliances, and building material or other items resulting from home improvements performed by the owner or occupant. Refuse for any work done by a contractor will not be picked up by the City.

**Sec. 17.1-12. Special requirements for refuse to be collected.**

(a) Guidelines. Ashes, garbage and trash, shall be prepared for collection in accordance with guidelines established by the Director of Community Services.

(b) Garbage. Garbage shall be drained and stored in plastic bags which are closed and tied or in durable, rust-resisting, nonabsorbent, watertight and easily washable containers, which containers shall have close-fitting covers and adequate handles or bails to facilitate collection and which shall be of not more than twenty (20) gallons, capacity for households or not more than thirty (30) gallons for businesses. No container plus contents shall weigh more than fifty (50) pounds and shall not be more than level full.

(c) Sharps. Medical needles, syringes, scalpels, devices and pasteur pipettes and similar medical items having a point or sharp edge shall be placed in a container with a high degree of puncture-resistance before being mixed with other refuse.

(d) Ashes. Ashes shall be stored in substantial containers holding not in excess of fifty (50) pounds. No ashes containing hot embers shall be placed for collection.

(e) Miscellaneous rubbish. Miscellaneous Rubbish shall be stored in durable containers, which containers shall be neither too bulky nor too heavy for easy and rapid handling. Cardboard boxes must be nested, or flattened and bundled, unless used as containers for other rubbish. Bulky rubbish such as tree trimmings, weeds, etc., shall be bundled so as not to exceed five (5) feet in length, two and one-half (2 1/2) feet in diameter, or fifty (50) pounds in weight.

(f) Dead animals. Unless otherwise properly disposed of, small dead animals, not exceeding thirty (30) pounds each in weight, which die in the normal course of community activity, excluding animals from a slaughterhouse or other animals normally considered industrial refuse, shall be placed in closed plastic bags in the garbage containers.

(g) Bulky refuse Bulky refuse such as tree trimmings and leaves shall not be placed or allowed to remain on sidewalks, gutters or streets.

**Sec. 17.1-13. Refuse not acceptable for collection.**

The following refuse shall be considered not acceptable for collection by the city:

(a) Hazardous materials or substances, such as poisons, acids, caustics, infected materials or explosives.

(b) Materials resulting from the repair, remodeling, excavation, construction or cleanup of buildings, structures or grounds, except during Spring and Fall clean-up such materials will be collected without additional charge under guidelines established by the Director of Community Services.

(c) Liquid wastes or slop.

(d) Ashes containing hot embers.

(e) Materials not prepared for collection in accordance with this chapter.

(f) Solid wastes resulting from industrial processes.

(g) Such other matter as may be prohibited for collection by the city manager pursuant to authority vested in him by Section 17.1-5.

**Sec. 17.1-14. Placement of containers.**

(a) Refuse to be collected under the provisions of this chapter shall not be set out in paper bags of any type, grocery carts, baskets or any type of open containers that are not properly covered or tied.

(b) Containers of refuse to be collected under the provisions of this chapter shall be placed at the sidewalk or curb line of maintained streets, where they can be easily and conveniently reached by collection crews; except that where adequate alleys or space permits, collection may be made from these areas when it has been determined to be more convenient and economical.

(c) Containers of refuse to be collected under the provisions of this chapter shall not be set out earlier than 4:00 p.m. on the day before the next scheduled collection. Containers shall not be set out on Fridays after the scheduled refuse route has been run, on Saturdays, or on days before City holidays.

(d) Containers from which the contents have been collected prior to 1:00 p.m. on any collection day shall be removed by their owners before 6:00 p.m. on the day of collection, and those from which the contents have been collected after 1:00 p.m. on any collection day shall be removed by their owners prior to 8:00 a.m. on the next day following collection. Containers so removed shall be returned to the premises of their owners and screened from view of persons on the same street, adjacent streets and sidewalks.

(e) Upon application to the city manager, disabled and handicapped persons may be exempted by the city manager from the provisions of this section.

It shall be unlawful for any person to place, deposit or allow to be placed or deposited on his premises any refuse, except in accordance with the provisions of this chapter.

**Sec. 17.1-15. Special collections other than at curb.**

The city manager may provide for special collection of refuse other than at the curb in order to avoid an unusual hardship, but in each such situation a fee shall be charged for such collection.

**Sec. 17.1-16. Scavenging prohibited.**

From time of placement at the curb by anyone of the refuse described herein for collection by the City in accordance with the terms of this chapter, items shall be and become the property of the City of Bedford or its authorized agent. It shall be a violation

of this chapter for any person unauthorized by the City of Bedford to collect or pick up or cause to be collected or picked up any such items. Any and each such collection in violation of this section shall constitute a separate and distinct offense punishable as hereinafter provided.

## ARTICLE THREE

### Mandatory Refuse Recycling Program

#### **Section 17.1-17. Mandatory Recycling.**

(a) The occupants of all single family residences and of all duplexes within the City shall separate recyclable materials and shall place them in designated bins for collection in accordance with this Article.

(b) The City shall provide a centralized recycling center for voluntary recycling by businesses and by the occupants of multi-family residential units

(c) Initially the city will provide free of charge one recycling bin to the occupant of each residential unit. A serial number shall identify to whom the container has been issued. It is intended that the recycling bin remain at the location of the residential unit where it is originally issued. This bin will remain the property of the City. The City will replace bins which have become unusable without fault of the occupant. A replacement bin will be provided when a new occupant moves into a residence and the original bin is missing, but the City will seek reimbursement from the occupant who has moved.

(d) It is the responsibility of the occupant to replace the bin if it is lost, stolen, damaged or not left with the residential address. Additional bins may be purchased from the City at a cost set by the Director of Community Services.

(e) A person shall separate all recyclable material so defined in this chapter and shall place it in approved recycling bins. Glass bottles and jars, aluminum cans and newspapers should be sorted and placed in the bin. Glass bottles and jars should not be broken before placement in the collection container. Excess newspapers that do not fit in the container should be tied in a bundle and secured against wind and protected against precipitation. The bundle shall not exceed twenty-five pounds.

(f) A person shall not place recyclable material as defined in this chapter in any refuse receptacle other than an approved recycling bin. (Dirty or soiled paper, broken glass or partially filled containers are not to be placed in the recycling bins).

(g) A person shall not use the recycling collection container for any other use except the storing of recyclable items prior to collection. Refuse and trash which is not recyclable shall not be placed in recycling bins.

#### **Sec. 17.1-18. Penalties for Noncompliance.**

(a) Any person who violates any provisions of this Article (Mandatory Refuse Recycling Program) shall be subject to a civil penalty as herein provided. Each day of violation of any requirement shall be considered a separate offense. No criminal penalties shall be imposed for such violations.

(b) It shall be the duty of the recycling coordinator and of the employees of the Department of Public Works to enforce the provisions of this Article.

(c) If any person violates the provisions of Section 17-22, the employee operating the City refuse truck or the City Recycling Truck shall attach to the applicable refuse receptacle or bin or to the front door of the residential unit a citation giving notice of violation. The notice of violation shall advise the violator of the nature of the violation, that the violator may pay an uncontested civil fine of \$10.00 at the treasurer's office or by mail, and that failure to comply within five (5) days may result in the issuance of a civil warrant seeking a civil fine of \$100.00 in the applicable court.

(d) The recycling coordinator upon the issuance of such a citation shall forward a letter by mail containing the information set forth in the citation addressed to the violator at the address of the residential unit where the violation occurred. If payment is not received in the Treasurer's Office within five (5) days of the mailing of the letter from the recycling coordinator, the office of the Treasurer shall notify the violator again by mail that the violator may pay the uncontested civil fine within five days of receipt of such notice. The notice to the violator, required by the provision of this paragraph to be mailed by the Office of the City Treasurer, shall be contained in an envelope bearing the words, "Law Enforcement Notice" stamped or printed on the face thereof in type at least one-half inch in height.

(e) If payment of the citation is not received by the Office of the City Treasurer within five (5) days after receipt of a notification violation by the City Treasurer as set forth herein, the Office of the Treasurer shall notify the recycling coordinator that the violator has failed to pay such fine within such time. Upon such notification, after the mailing of such notice by the City Treasurer and upon the failure of the violator to pay the uncontested fine within five days of receipt of such notice, the recycling coordinator may cause to be issued a summons to be issued through the appropriate court. Any person found guilty of violating this Article shall be subject to a civil penalty of one hundred dollars (\$100.00).

(f) In any civil proceeding for violation of this Article, there shall be a prima facie presumption that the occupant of the residential unit as shown on the utility records of the City of Bedford was the person who committed the violation.

(g) The provisions of this Article shall impose no liability upon any apartment or commercial office building owner or manager for the failure of tenants to comply with any of such provisions or upon any waste hauler for failure of its customers to comply with such provisions.

(h) In addition to all other available remedies, the City of Bedford may enjoin the continuing violation of the provisions of this Article by proceeding for an injunction brought in the Circuit Court of Bedford County. Any person violating or failing, neglecting or refusing to obey any such injunction shall be subject in the discretion of the Court to a civil penalty not to exceed \$750.00 for each violation. Each day of violation of

each requirement shall constitute a separate offense. Such civil penalties may, in the discretion of the Court assessing them, be directed to be paid into the treasury of the City.

(i) This Article shall not affect the right of any person to sell or otherwise dispose of waste material as provided in Va. Code § 15.1-28.03 or as permitted under any other law of the Commonwealth.

## ARTICLE FOUR

### Sanitary Landfill

#### **Sec. 17.1-19. Disposition by sanitary landfill method.**

All refuse collected under this chapter shall be disposed of by the sanitary landfill method at such places as the city may provide. (Code 1960, §18-18)

#### **Sec. 17.1-20. Use of sanitary landfills by other than city collection force.**

(a) When refuse is placed at sanitary landfills operated for the disposition of refuse under this chapter by other than the city refuse collection force, such refuse shall be so placed only under such regulations and upon payment of such fees as shall be established by the city manager and approved by the city council.

(b) The regulations promulgated by the city manager pursuant to subsection (a) of this section may contain a list of substances prohibited to be deposited at any city sanitary landfill, and may limit the dimensions, shape and weight of substances which are permitted to be deposited thereat.

(c) It shall be unlawful for any person to enter or remain upon the premises of any city sanitary landfill while such premises are closed to the public, except by authority of the person then and there in charge for the city or the city manager; and it shall be unlawful for any person to violate any regulation promulgated by the city manager pursuant to subsection (a) of this section or to violate any directive of the person in charge for the city at the site of any city sanitary landfill.

#### **Sec. 17.1-21. When sanitary landfills open.**

Sanitary landfills operated for the disposition of refuse under this chapter shall be open only at such times as a duly authorized agent or employee of the city is present. The city manager shall prescribe the hours of operation of city landfills.

**Sec. 17.1-22. Refuse originating beyond city.**

No refuse originating from outside the corporate limits of the city shall be deposited or accepted for deposit at any city landfill

**Section 2.** This ordinance shall become effective on March 1, 1993, except that the civil penalties for non compliance set forth in sub paragraphs (a) through (g) of Section 17.1-18 shall become effective November 1, 1993. It is the purpose of this provision to provide a four month period of implementation during which no civil penalties shall be incurred for violation of the mandatory refuse recycling requirements except in those cases where an injunction may have been obtained under Section 17.1-24 (h). During this period of implementation, the recycling coordinator is directed to conduct such programs of education as may be necessary in order to educate the citizens of the City concerning the new requirements; such educational programs may include the issuance of sample citations and notices of violation in accordance with the procedure set forth in Section 17.1-24, but such sample citations and notices of violation shall be imprinted in such a way as to give notice that they are samples and that no civil liability or penalty is due for violations occurring prior to November 1, 1993.

-  
-  
-  
-  
-

**Section 3.** Pursuant to Section 19 of the City Charter, the City Clerk prior to the effective date hereof shall cause a copy of the ordinance to be posted at three or more places in the City for one week.

Mayor Shelton adjourned the meeting at 8:26 p. m.

---

Mayor

---

Clerk of the Council