

VIRGINIA ACTS OF ASSEMBLY -- 2001 SESSION

CHAPTER 356

An Act to amend the Code of Virginia by adding a section numbered 46.2-1304.1, relating to local ordinances regulating construction and parking of commercial motor vehicles used to transport municipal waste; towing of trespassing vehicles; penalty.

[S 1318]

Approved March 19, 2001

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 46.2-1304.1 as follows:

§ 46.2-1304.1. Localities may regulate construction and parking of commercial motor vehicles used to transport municipal solid waste; penalty.

The governing body of any county, city, or town may by ordinance provide that:

1. No commercial motor vehicle used to transport municipal solid waste shall be parked anywhere within the county, city, or town, except at locations zoned or otherwise authorized for such use by applicable ordinance, special exception, or variance;

2. Any such commercial motor vehicle found parked at a nonauthorized location may be towed or removed from that location as provided in § 46.2-1231; and

3. The cargo compartment of every commercial motor vehicle that is used to transport municipal solid waste shall be so constructed so as to prevent the escape of municipal solid waste therefrom. Such ordinances shall exclude from their provisions vehicles owned or operated by persons transporting municipal solid waste from their residences to a permitted transfer or disposal facility.

No such ordinance shall impose, for any violation of any of its provisions, a penalty greater than provided for a traffic infraction as provided in § 46.2-113. Any such penalty shall be in addition to any vehicle towing and storage charges.

For the purposes of this section, "municipal solid waste" shall have the meaning prescribed by the Virginia Waste Management Board by regulation (9VAC20-80-10).

For the purposes of this section and local ordinances adopted under this section, "commercial motor vehicle" shall have the meaning prescribed in § 46.2-341.4.