

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 15.2-2159 of the Code of Virginia, relating to solid waste disposal fees;*
 3 *discounts.*

4 [H 868]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That § 15.2-2159 of the Code of Virginia is amended and reenacted as follows:**

8 § 15.2-2159. Fee for solid waste disposal by counties.

9 A. Floyd County, Highland County, any county with a population between 53,000 and 55,000, any
 10 county with a population between 39,550 and 41,550, and any county with a population between 31,650
 11 and 32,000 may levy a fee for the disposal of solid waste not to exceed the actual cost incurred by the
 12 county in procuring, developing, maintaining, and improving the landfill and for such reserves as may
 13 be necessary for capping and closing such landfill in the future. Such fee as collected shall be deposited
 14 in a special account to be expended only for the purposes for which it was levied. Except in Floyd
 15 County and any county with a population between 39,550 and 41,450, such fee shall not be used to
 16 purchase or subsidize the purchase of equipment used for the collection of solid waste. In Highland
 17 County and any county with a population between 53,000 and 55,000, such fee (i) may only be levied
 18 upon persons whose residential solid waste is disposed of at a county landfill or county solid waste
 19 collection or disposal facility and (ii) shall not be levied upon persons whose residential waste is not
 20 disposed of in such landfill or facility if such nondisposal is documented by the collector or generator of
 21 such waste as required by ordinance of such county. Documentation provided by a collector of such
 22 waste pursuant to clause (ii) shall not be disclosed by the county to any other person.

23 B. Any fee imposed by subsection A when combined with any other fee or charge for disposal of
 24 waste shall not exceed the actual cost incurred by the county in procuring, developing, maintaining, and
 25 improving its landfill and for such reserves as may be necessary for capping and closing such landfill in
 26 the future.

27 C. Any county which imposes the fee allowed under subsection A may enter into a contractual
 28 agreement with any water or heat, light, and power company or other corporation coming within the
 29 provisions of Chapter 26 (§ 58.1-2600 et seq.) of Title 58.1 except Appalachian Power Company,
 30 Shenandoah Valley Electric Cooperative, BARC Electric Cooperative and Powell Valley Electric
 31 Cooperative for the collection of such fee. The agreement may include a commission for such service in
 32 the form of a deduction from the fee remitted. The commission shall be provided for by ordinance,
 33 which shall set the rate not to exceed five percent of the amount of fees due and collected.

34 D. Any county which imposes the fee allowed under subsection A and has a population between
 35 39,550 and 41,550 has the following authority regarding collection of said fee:

36 1. To prorate said fee depending upon the period a resident or business is located in said county
 37 during the year of fee levy;

38 2. To levy penalty for late payment of fee as set forth in § 58.1-3916 of the Code of Virginia;

39 3. To levy interest on unpaid fees as set forth in § 58.1-3916 of the Code of Virginia;

40 4. To credit the fee first against the most delinquent use fee account owing; ~~and~~

41 5. To require payment of the fee prior to approval of an application for rezoning, special exception,
 42 variance or other land use permit; *and*

43 6. *To provide discounts to the standard fee rates for older persons, as defined in § 2.2-703, and*
 44 *disabled persons based on ability to pay.*