

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 An Act to amend and reenact § 15.2-928 of the Code of Virginia, relating to the non-removal of waste
3 containers; civil penalty.

4 [H 709]
5 Approved

6 **Be it enacted by the General Assembly of Virginia:**

7 **1. That § 15.2-928 of the Code of Virginia is amended and reenacted as follows:**

8 § 15.2-928. Local recycling and waste disposal; powers; penalties.

9 A. Any locality may (i) provide and operate, within or outside its boundaries, solid waste
10 management facilities and appurtenances for the collection, management, recycling and disposal of solid
11 waste, recyclable materials, and other refuse of the residents and businesses of the locality; (ii) contract
12 with other localities to provide such services jointly; (iii) contract with others for supplying such
13 services; (iv) contract with any locality or agency of the Commonwealth to provide such services for
14 either entity; (v) prohibit the disposal of garbage or recyclable materials in or at any place other than
15 that provided by the public or private sector for the purpose; (vi) charge and collect compensation for
16 such services; (vii) regulate the times and placement of waste and waste containers set out for collection,
17 such regulation to require notice so as to allow removal by the owner of the waste or waste containers
18 prior to imposition of a civil penalty, *provided that, in the City of Roanoke, provided the third notice*
19 *required herein included an opportunity for the owner to be heard, the civil penalty may be imposed*
20 *without further notice after the third notice for violation;* (viii) provide penalties, including either
21 criminal or civil penalties, for the unauthorized use of or failure to use such facilities. Prosecution of
22 either a civil or criminal offense shall preclude prosecution of the other for the same offense; and (ix)
23 grant incentives to encourage recycling.

24 B. Any locality may by ordinance limit the use of solid waste depositories or receptacles, owned or
25 maintained by the locality, to the disposal of garbage and other solid waste originating from within the
26 boundaries of such locality. Any locality adopting such an ordinance may provide penalties for its
27 violation pursuant to subsection A.

28 C. For the purposes of this section, recyclable materials shall be those materials identified in a plan
29 adopted pursuant to § 10.1-1411 and regulations promulgated thereunder. Nothing in this section shall
30 invalidate the actions of any locality taken prior to enactment of this section. Nothing in this section
31 shall be construed as prohibiting any generator of recyclable materials from selling, conveying or
32 arranging for transportation of such materials to a recycler for reuse or reclamation, nor preventing a
33 recycling company or nonprofit entity from collecting and transporting recyclable materials from a
34 buy-back center, drop box or any generator of recyclable materials.