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SENATE BILL NO. 589

Offered January 13, 2014

A BILL to amend and reenact § 15.2-2159 of the Code of Virginia, relating to fee for solid waste disposal by counties.

Patron—Lucas

Referred to Committee on Local Government

Be it enacted by the General Assembly of Virginia:

1. That § 15.2-2159 of the Code of Virginia is amended and reenacted as follows:

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

A. Accomack ~~County~~, Augusta ~~County~~, Floyd ~~County~~, Highland ~~County~~, Pittsylvania ~~County~~, and Wise ~~County~~ *Counties* may by ordinance, and after a public hearing, levy a fee for the disposal of solid waste not to exceed the actual cost incurred by the county in procuring, developing, maintaining, and improving the landfill and for such reserves as may be necessary for capping and closing such landfill in the future. *Southampton County may by ordinance, and after a public hearing, levy a fee for the management of solid waste not to exceed the actual cost incurred by the county in removing and disposing of solid waste.* Such fee as collected shall be deposited in a special account to be expended only for the purposes for which it was levied. Except in Floyd ~~County~~, Pittsylvania ~~County~~, *Southampton,* and Wise ~~County~~ *Counties,* such fee shall not be used to purchase or subsidize the purchase of equipment used for the collection of solid waste. In Augusta ~~County~~, Highland ~~County~~, ~~and~~ Pittsylvania ~~County~~, *and Southampton Counties,* such fee (i) may only be levied upon persons whose residential solid waste is disposed of at a county landfill or county solid waste collection or disposal facility and (ii) shall not be levied upon persons whose residential waste is not disposed of in such landfill or facility if such nondisposal is documented by the collector or generator of such waste as required by ordinance of such county. Documentation provided by a collector of such waste pursuant to clause (ii) shall not be disclosed by the county to any other person.

B. Any fee imposed by subsection A when combined with any other fee or charge for disposal of waste shall not exceed the actual cost incurred by the county in procuring, developing, maintaining, and improving its landfill and for such reserves as may be necessary for capping and closing such landfill in the future *or, in the case of Southampton County, such fee shall not exceed the costs and fees expended by the county in removing and disposing of solid waste*.

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

D. Accomack, Highland, Pittsylvania, *Southampton,* and Wise Counties have the following authority regarding collection of said fee:

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

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

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

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

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

6. To provide discounts to the standard fee rates for older persons, as defined in § 51.5-135, and disabled persons based on ability to pay.

E. Pittsylvania ~~County~~ *and Southampton Counties* may by ordinance provide an exemption from the fee for the disposal of solid waste to any veteran who has been rated by the U.S. Department of Veterans Affairs or its successor agency pursuant to federal law to have a 100 percent service-connected, permanent, and total disability in accordance with the standards set forth in § 58.1-3219.5.

INTRODUCED

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