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SENATE BILL NO. 884

Offered January 11, 2017

Prefiled December 20, 2016

A *BILL to amend and reenact § 15.2-928 of the Code of Virginia, relating to waste and recycling charges; liens.*

Patron—Locke

Referred to Committee on Local Government

Be it enacted by the General Assembly of Virginia:**1. That § 15.2-928 of the Code of Virginia is amended and reenacted as follows:****§ 15.2-928. Local recycling and waste disposal; powers; penalties.**

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

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

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

D. *Fees and charges imposed pursuant to this section, and any penalty and interest thereon, constitute a lien against the real property ranking on a parity with liens for unpaid taxes. A lien may be placed on the property in the amount of (i) up to three months of delinquent waste and recycling charges when the service is supplied to a lessee or tenant; (ii) up to the number of months of delinquent charges when the service is supplied to the property owner, (iii) any applicable penalties and interest on such delinquent charges, and (iv) reasonable attorney fees and other costs of collection not exceeding 20 percent of such delinquent charges. In no case shall a lien for less than \$25 be placed against the property. In the case of services to a lessee or tenant, if the locality does not cease providing service to the lessee or tenant within 60 days after the bill becomes delinquent, there shall be no lien placed on the property for charges and collection costs beyond the 60-day period and no recourse against the property owner for service beyond the 60-day period.*

INTRODUCED

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