

**BERRYVILLE TOWN COUNCIL PUBLIC SAFETY COMMITTEE
MEETING AGENDA
Berryville-Clarke County Government Center
101 Chalmers Court, Second Floor
Meeting Room A/B
Regular Meeting
April 24 2019
2:00 pm**

<u>Item</u>		<u>Attachment</u>
1. Call To Order	Donna McDonald, Chair	
2. Approval of Agenda		
3. Department Update	Neal White, Chief	
4. Town Code Review Update		1
	Chapter 8	
	Chapter 20	
5. Closed Session	No Closed Session Scheduled	
6. Other		
7. Adjourn		

↑ Denotes an item on where a motion for action is included in the packet

Code Review Update

Chapter 8 (Garbage and Refuse)

The Solid Waste Collection Ordinance and Policy Implementation / Communications Plan has been revised as directed by the Committee. A copy of the revised plan is attached.

Work has begun to develop required amendments to the Zoning Ordinance.

Development of decal design has begun. In the coming weeks decal pricing (and lead time) will be explored.

The February 25, 2019 Chapter 8 attachment is attached to this report for reference.

Chapter 20 (Demonstrations and Parades)

The recommended changes to Chapter 20 of the Berryville Code are included in the documents for this meeting. The revised chapter conforms to the *Regulations for Special Events and Demonstrations* which has been developed through this committee for several months.

The *Regulations for Special Events and Demonstrations* should have comments back from legal counsel by the time of the April 24, 2019 meeting available for discussion.

Relative to this discussion it should also be noted that HB 1956 was left in the Militia, Police and Public Safety Committee during the 2019 Virginia Legislative Session. This bill would have allowed municipalities to adopt a local ordinance to prohibit the carrying of firearms in a public space during a permitted event. As a result, municipalities must still conform with Code of Virginia § 15.2-915 with respect to the carrying of firearms in public spaces.

CHAPTER 8

DRAFT
2/28/2019
Solid Waste Collection Ordinance and Policy Implementation / Communications Plan

Task #	Task	Time Frame	Method	Date to be Completed	Task Assigned To	Notes
1	Sponsor ZO Text Amendments	5/28/2019	Decision by PC	5/28/2019	PC	PC to sponsor ZO Text Amendments and set Public Hearing
2	Advertise PC Public Hearing	5/29/2019 to 6/15/2019	Winc-Star, website, Facebook	6/5/2019	Planner	
3	Schedule public input session and public hearing	6/11/2019 regular TC meeting	Decision by TC	6/11/2019	Council	IS on code and policy / PH on zoning ord amend
4	Advertise public input session and public hearing	6/12/2019 to 6/20/2019	Winc-Star, website, Facebook	6/20/2019	Town Clerk	Ad written by Manager and provided to Town Clerk
5	Conduct Public Hearing on ZO Text Amendments	6/25/2019	Decision by PC	6/25/2019	PC	Decision made at meeting
6	Conduct public input session and public hearing	7/9/2019 regular TC meeting	Council Meeting	7/9/2019	Council	Meeting should begin earlier than normal
7	Decision by Town Council	7/9/2019, 8/13/2019, or 9/10/2019	Decision by TC	9/10/2019	Council	Earlier approval will permit longer notice to public
8	Notice of code and policies to public	9/13/2019 to 9/27/2019	Mailer, website, Facebook	9/27/2019	Manager	Mailer will provide summary and fact sheet website will have text of code and policy
9	Notice to prop owners - required screening	9/13/2019 to 9/27/2019	Mailer	9/27/2019	Planner	
10	Notice to prop owners - in Spec Service Area yes/no	9/13/2019 to 9/27/2019	Mailer	9/27/2019	Manager	
11	Decals issued	9/13/2019 to 10/18/2019	Mailer or other method	10/18/2019	Treasurer	Details of this need to be worked out / decals ordered before approval
12	Extra toters and bins collected	9/13/2019 to 10/28/19	See task 8 w/ follow-up on website	10/27 & 10/28	PW Director	PW crew will work with Republic
13	Deadline for dumpsters to be screened	8/14/2019 to 11/1/2020	See task 9 w/ follow-up mailer	11/1/2020	Planner	

February 27, 2019

**Repeal and Replacement of Chapter 8 of the Berryville
Code and Adoption of Related Policies**

Discussion

February 27, 2019 Report

On November 28, 2018, the Public Safety Committee reviewed a draft of Chapter 8; draft ordinance for adoption of Chapter 8; draft Refuse, Recyclables, and Yard Waste Policy; four draft Policy appendices, draft ordinance for adoption of Policy and appendices; draft Collection times; and a draft Solid Waste Collection Ordinance and Policy Implementation/Communications Plan.

Comments / Concerns expressed by the Committee included:

- Need a Transition Plan
- Examine what would be a proper threshold at which a multi-family building/complex would be considered commercial use
- Definition of dumpster – is the term dumpster proprietary?
- Definition of hazardous waste - are water based paints considered hazardous waste?
- Definition of recyclables – should definition be narrowed to better represent household recyclables?
- Notice provided under Section 8-4 – how is it given and timeframe for compliance?
- 8-7 Dumpsters – can the Town charge civil penalties if dumpsters are not screened?
- Section 8-21 Placement of containers on collection day – add that they are not placed on the property of others
- 8-22 Certain solid waste and refuse and garbage not collected – process for tagging and notification of Town/Town Manager – procedure for addressing
- Appendix 2
 - o Committee gave direction as to the number of totes and bins should be issued
 - o Where is decal to be affixed?
 - o Address "uses" more clearly
- Appendix 3
 - o Fence height in Business or Industrially zoned areas provided a maximum enclosure height of 14 feet (changed from 10 feet)
- Correct typographical errors

The attached drafts contain certain notes and blank spaces which are highlighted in yellow. These items are being researched or will be addressed by legal counsel when he reviews the draft.

The Implementation / Communications Plan must be updated by the Committee to ensure that meeting dates will work with everyone's schedules.

The Committee needs to address the Implementation /Communications Plan as the process is no longer tracking with the Plan. Further, staff requires more guidance as to what the Committee wants included in the Transition Plan.

Recommended Action

Update Implementation Plan and complete review of ordinance and policy. Staff will make any changes required by the Committee and forward the drafts to legal counsel for review.

November 28, 2018 Report

Overview

The Police and Security Committee (now Public Safety Committee) directed staff to review Chapter 8 of the Berryville Code. Specific direction given to staff by the Committee membership includes:

- Examine the elimination of multiple garbage toters at various occupancies within in Town, particularly those properties on which there is located commercial use
- Eliminate Town provided dumpsters
- Examine establishment of standards for issuance of garbage toters and recyclables bins (see chart attached to Appendix 2)
- Examine requiring commercial uses that can reasonably meet their own garbage removal needs to do so
- Examine requiring that all dumpsters visible from public rights-of-way be screened
- Update language for to reflect current collection regimen

Draft Chapter 8 and associated supporting documents

Please find attached the following:

- Draft Chapter 8 of the Berryville Code (dated 11/26/18)
- Ordinance for adoption of Chapter 8
- Current Chapter 8

Highlights of Draft Chapter 8

- It is intended that the existing Chapter 8 would be repealed and replaced with an entirely new chapter.
- New language is structured to be uniform for garbage and refuse collection, recyclables collection, and yard waste collection.
- The new language provides for policy that will address specifics preparation of waste, issuance of garbage toters and recyclables bins, and dumpster enclosure requirements.
- §8-1 provides definitions of key terms.
- §8-2 provides the Town Council and the Town Manage the authority to adopt policies and procedures in accordance with this chapter
- §8-3 provides for general penalty for violation of the provisions of the chapter.

- §8-4 addresses unlawful accumulations of solid waste on properties in town. An important change in this section permits the Town Manager to address removal of such accumulations where the existing ordinance requires Town Council action.
- §8-5 addresses disposal of solid waste that was generated outside of Town but has been deposited in Town. Note change in enforcement level.
- §8-6 addresses misuse of Town litter receptacles.
- §8-7 addresses the location of dumpsters in the Town. Staff determined that several issues needed to be addressed beyond the requirement to have screening. The issues addressed include: temporary (generally associated with construction) or permanent placement, and maintenance of dumpster areas. §8-7-b will provide the timeframe for all dumpsters visible from public rights-of-way to be screened.
- §8-15 – 22 addresses the Town collection of garbage and refuse and recyclable materials. §8-16 provides the Council with the authority to establish Special Service Areas if it so chooses. If the Council wishes to establish a Special Service Area, then Town staff would provide them with a list of properties to consider for curbside collection.
- §8-23-26 addresses the Town collection of yard waste
- §8-8-36 addresses collection of solid waste by others

Draft Garbage and Refuse, Recyclables, and Yard Waste Policy and associated supporting documents

Please find attached the following:

- Draft Garbage and Refuse , Recyclables, and Yard Waste Policy (dated 11/26/18)
 - o Appendix 1: Preparation and Placement for Collection by Town
 - o Appendix 2: Issuance of Toters, Bins, and Decals (including direction provided by Mayor Dickinson)
 - o Appendix 3: Dumpsters
 - o Appendix 4: Special Service Area Ordinance
- Ordinance for adoption of Garbage and Refuse, Recyclables, and Yard Waste Policy
- Draft Collection Routes and Times

Overview and Highlights of the Garbage and Refuse, Recyclables, and Yard Waste Policy

- The proposed policy establishes standards for:
 - o Curbside collection of garbage and refuse, recyclables, and yard waste
 - o Establishes the number of toters and bins will be issued as well as how identifying toter decals and bin decals will be issued
 - o Siting, screening, and maintaining dumpsters
 - o Provides for establishment of a special service area in which curbside collection of solid waste will be provided for uses other than single-family occupancies

Recommended Action

The Committee is asked to review the attached drafts and provide comment by 9 January. Staff will address comments for the Committee's 23 January 2019 meeting. After that review, the drafts will be sent to legal counsel for review.

An Ordinance Adopting a Garbage
and Refuse, Recyclables, and Yard Waste Policy

BE IT ORDAINED, by the Council of the Town of Berryville, in accordance with Section 8-3 of the Berryville Code, that the Council hereby adopts the attached Garbage and Refuse, Recyclables, and Yard Waste Policy; with said policy becoming effective on _____.

BE IT FURTHER ORDAINED, by the Council that it hereby authorizes the Town Manager to make amendments to the Garbage and Refuse, Recyclables, and Yard Waste Policy; provided that such amendments are submitted to the Council within fifteen (15) days of issuance and that the Council will then either adopt, adopt as amended, or reject said amendments within sixty (60) days of issuance by the Town Manager. Amendments not adopted or adopted as amended within sixty (60) days of issuance by the Town Manger shall be deemed rejected and shall cease to be in effect.

VOTE:

Aye:

Nay:

Abstain:

Absent:

Signed: _____
Patricia Dickinson, Mayor

Date: _____

ATTEST: _____
Harry Lee Arnold, Jr. Recorder

Date: _____

Garbage and Refuse, Recyclables, and Yard Waste Policy

Draft 11/26/18

Amended 2/26/19

Authorization

This policy is adopted in accordance with Section 8-3 of the Berryville Code.

Purpose

The Town of Berryville regulates the storage, collection, and transportation of solid waste within its corporate boundaries in order to promote and protect the health, safety, and welfare of its residents and visitors. Such activities shall be regulated in accordance with federal, state, and local law.

Policy

Applicable provisions of the Berryville Code, procedures contained herein, and determinations made by the Council or Town Manager in accordance with Berryville Code or this Policy; shall constitute local requirements for the storage and collection of solid waste in town and its transportation from town. The Town of Berryville reserves the right to modify requirements, including items collected and collection routes and schedules.

Procedures:

I. Garbage and Refuse, Recyclables, and Yard Waste Collection

A. Garbage and Refuse Collection

1. Single-family residential uses (excluding bulk and appliance collection)

The Town of Berryville provides once per week curbside garbage and refuse collection for single-family detached, duplex, and townhouse, uses in the town in accordance with provisions of Chapter 8 of the Berryville Code and policies and procedures established by the Council or Town Manager.

Garbage and refuse shall be prepared and placed for collection in accordance **with** Appendix 1 of this policy.

Toters and toter decals will be issued in accordance with Appendix 2 of this policy.

Toter decals issued in accordance with Appendix 2 of this policy must be affixed to the front of toters. The address to which the toter is assigned must be written in permanent ink on the decal.

Collection will occur in accordance with routes and schedules approved by the Town Manger.

2. Single-family residential uses (Bulk Collection)

The Town of Berryville provides once per week curbside bulk refuse collection for single-family detached, duplex, and townhouse, uses in the town in accordance with provisions of Chapter 8 of the Berryville Code and policies and procedures established by the Council or Town Manager.

Bulk refuse shall be prepared and placed for collection in accordance with Appendix 1 of this policy.

Collection will occur in accordance with routes and schedules approved by the Town Manger.

3. Single-family residential uses (Appliance Collection)

The Town of Berryville provides once per week curbside appliance collection for single-family detached, duplex, and townhouse, uses in the town in accordance with provisions of Chapter 8 of the Berryville Code and policies and procedures established by the Council or Town Manager.

Appliances shall be prepared and placed for collection in accordance with Appendix 1 of this policy.

Stickers issued in accordance with Appendix 1 of this policy must be affixed to the front of appliance to be collected.

Collection will occur in accordance with routes and schedules approved by the Town Manger.

4. Commercial/Business, multi-family & institutional uses:

The Town of Berryville provides once or twice per week curbside garbage and refuse collection for designated commercial/business occupancies, multi-family, and institutional occupancies in the town in accordance with provisions of Chapter 8 of the Berryville Code and policies and procedures established by the Council or Town manager.

Service is provided to qualified uses within the Special Service Area in accordance with the Special Service Area Ordinance adopted by the Council on [REDACTED] which is found in Appendix 4 of this policy.

Garbage and refuse shall be prepared and placed for collection in accordance Appendix 1 of this policy.

Toters and toter decals will be issued in accordance with Appendix 2 of this policy.

Toter decals issued in accordance with Appendix 2 of this policy must be affixed to the front of toters. The address to which the toter is assigned must be written in permanent ink on the decal.

Collection will occur in accordance with routes and schedules approved by the Town Manger

B. Recyclables Collection

1. Single-family residential uses

The Town of Berryville provides once per week curbside recyclable materials collection for single-family detached, duplex, and townhouse uses in the town in accordance with provisions of Chapter 8 of the Berryville Code and policies and procedures established by the Council or Town Manager.

Recyclable materials shall be prepared and placed for collection in accordance with Appendix 1 of this policy.

Bins and bin decals will be issued in accordance with Appendix 2 of this policy.

Bin decals issued in accordance with Appendix 2 of this policy must be affixed to the front of bin. The address to which the bin is assigned must be written in permanent ink on the decal.

Collection will occur in accordance with routes and schedules approved by the Town Manager.

2. Commercial/Business, multi-family & institutional uses

The Town of Berryville provides once per week curbside recyclable materials collection for designated commercial/business, multi-family, and institutional uses in the town in accordance with provisions of Chapter 8 of the Berryville Code and policies and procedures established by the Council or Town Manager.

Service is provided to qualified uses within the Special Service Area in accordance with the Special Service Area Ordinance adopted by the Council on [REDACTED] which is found in Appendix 4 of this policy.

Recyclable materials shall be prepared and placed for collection in accordance Appendix 1 of this policy.

Bins and bin decals will be issued in accordance with Appendix 2.

Bin decals issued in accordance with Appendix 2 of this policy must be affixed to the front of toters. The address to which the bin is assigned must be written in permanent ink on the decal.

Collection will occur in accordance with routes and schedules approved by the Town Manager.

C. Yard Waste Collection

Single-family residential uses

The Town of Berryville provides once per week curbside yard waste collection for single-family detached, duplex, and townhouse uses in the town in accordance with provisions of this chapter and policies and procedures established by the Council or Town Manager.

Yard waste shall be prepared and placed for collection in accordance Appendix 1 of this policy.

Collection will occur in accordance with routes and schedules approved by the Town Manager.

II. Dumpsters

Dumpsters shall be screened and maintained in accordance provisions of Chapter 8 and this policy. Appendix 3 of this policy provides specific requirements for permitting, siting, screening, and maintenance.

TIE TO TERMS IN ZONING ORDINANCE Multi-family and Institutional uses or occupancies

Garbage and Refuse, Recyclables, and Yard Waste Policy

Appendix 1

Garbage and Refuse, Recyclables, and Yard Waste Preparation and Placement for Collection by Town Draft 11/26/18 Amended 2/26/19

I. Garbage and refuse

A. *Garbage and refuse accepted for collection*

As a part of its garbage and refuse curbside collection program, the Town or its contractors will collect garbage and refuse as defined in Chapter 8 of the Berryville Code and which is accepted by the Fredrick County, Virginia sanitary landfill.

Accepted items include household garbage and refuse such as paper, cartons, debris, food packaging, clothing, and waste resulting from the handling, preparation, cooking, serving, or consumption of food

B. *Garbage and refuse not collected*

Neither the Town nor its contractors will collect solid waste identified as uncollectable in Section 8-22 of the Berryville Code or any waste which is prohibited from being disposed of in the Fredrick County, Virginia sanitary landfill.

Items that will not be collected include: hazardous waste, construction debris, industrial waste, yard waste, solid waste generated or collected outside of the corporate limits, livestock or fowl excrement, and ashes containing active coals.

C. *Preparation and placement for collection – garbage and refuse (excluding bulk refuse and appliances).*

1. All garbage and refuse to be collected by the town shall be placed in securely closed disposable plastic bags and placed in a toter provided by the Town or its contractor in accordance with provisions of the Berryville Code and this Policy.
2. Garbage and refuse shall be placed inside the toter in such a manner that allows for the integrated lid to completely close.
3. All toters containing materials for collection by the town shall be set out not later than 7:00 a.m. on collection days. No toters may be set out for collection more than twenty-four (24) hours before the established collection time and empty toters shall be removed on the same day of collection.

4. Toters set out for collection shall be placed near the edge of pavement, edge of road, or in a location approved by the town manager to enable the automatic arm of the collection vehicle to pick up the toter. No collector shall enter any building for removal of garbage and refuse.

D. Preparation and placement for collection – bulk refuse

1. Party desiring the bulk refuse to be collected (requestor) must contact the Berryville Business Office to schedule a collection. The Business Office is to be provided with the requester's name, address, contact information, and a description of the items to be collected.
2. If the Town Business Office staff determines that the items described are acceptable for bulk collection, then a collection date is communicated to the requester.
3. Requester must place items to be collected on their property at a point close to the fronting street right-of-way or other location as directed by the Town.
4. Items may not be placed out for collection more than 24 hours before scheduled collection.
5. No items placed out for collection may be placed on streets, sidewalks, or on the property of others, in storm drainage ditches, or in front of fire hydrants.
6. Any items deemed unacceptable for collection will be left by collectors and must be removed or collected by the requestor within 24 hours of the determination that they would not be collected.

E. Preparation and placement for collection - appliances

1. Party desiring appliance collection (requester) must purchase an appliance collection sticker from the Town Business Office.
2. Requester must provide the Town Business Office with requester's name, address, contract information and a description of the appliance to be collected and schedule a collection date.
3. Requester must affix the collection sticker to the appliance to be collected and place it on their property at a point close to the fronting street right-of-way or other location as directed by the Town.
4. Appliances must be empty, may not be placed out for collection more than 24 hours before scheduled collection, and must be secured as required by law to prevent injury or entrapment.
5. No appliances placed out for collection may be placed on streets, sidewalks, or on the property of others, in storm drainage ditches, or in front of fire hydrants.
6. Any items deemed unacceptable for collection will be left by collectors and must be removed or collected by the requestor within 24 hours of the determination that they would not be collected.

II. Recyclables

A. Recyclables accepted for collection

As a part of its recyclables curbside collection program, the Town or its contractors will collect recyclables as determined in the contract between the Town and its collection contractor.

Accepted items include such as newspaper, envelopes, phone books, magazines, file folders poster board, cardboard boxes milk cartons, plastics #1 - #7, aluminum cans, **and** steel cans, clear and colored glass beverage containers and food jars. All items must be empty, clean, and dry.

B. Recyclables not collected

Neither the Town nor its contractors will collect contaminated recyclables, batteries, sheet plastic, plastic bags, bubble wrap, Christmas lights, coat hangers, Styrofoam, rubber balls, diapers, electrical cords, food waste, food wrap, garden hose, syringes, razor blades, tires, sports equipment, stuffed animals, waxed cartons, wood/yard waste, light bulbs or tubes, computers or electronics, toxic material containers, **paint**, or any solid waste restricted from collection as a part of any other part of its waste collection program.

C. Preparation and placement for collection– Recyclable materials (except cardboard)

1. Recyclables to be collected by the town shall be placed in a bin provided by the town or its contractor in accordance with provisions of the Berryville Code and this Policy. All liquids shall be drained from the item prior to placement in the container.
2. All items placed in the bin shall be done in a manner to prevent escape as a result of wind and weather conditions.
3. All bins containing materials for collection by the town shall be set out not later than 7:00 a.m. on collection days. No bins may be set out for collection more than twenty-four (24) hours before the established collection time and empty bins shall be removed on the same day of collection.
4. Bins set out for collection shall be placed near the edge of pavement, edge of road, or in a location approved by the town manager to enable the automatic arm of the collection vehicle to pick up the toter. No collector shall enter any building for removal of recyclable materials.

D. Preparation and placement for collection - Recyclable materials - Cardboard

1. Cardboard containers to be collected by the town or its contractor for recycling, need not be placed in containers but will be collected if flattened and securely tied in compact bundles that can be handled by one collector. No such bundle shall exceed four (4) feet in length and fifty (50) pounds in weight.

2. Bundles shall be placed beside bins. No collector shall enter any building for removal of cardboard.
3. No cardboard may be set out for collection more than twenty-four (24) hours before the established collection time

III. Yard waste

A. Yard waste accepted for collection

As a part of its yard waste curbside collection program, the Town or its contractors will collect yard waste generated by the owner or occupant of properties within Town.

Accepted items include: small tree branches, small stumps free of dirt and rocks, shrubbery, and brush.

B. Yard waste not collected

Neither the Town nor its contractors will collect rocks and hardscape materials, large stumps, any stumps containing rocks or dirt, dirt, sod, plastic bags, grass clippings or food waste.

C. Preparation and placement for collection- Yard waste

1. Small tree branches, shrubbery, and brush to be collected by the town shall be securely tied in compact bundles that can be handled by one collector. No such bundle shall exceed four (4) feet in length, twelve (12) inches in diameter and fifty (50) pounds in weight. Large branches to be collected shall not exceed four (4) feet in length, six (6) inches in diameter and fifty (50) pounds in weight. Bundles and large branches to be collected by the town shall be placed near the edge of pavement, or edge of road, or in a location approved by the town manger so they can be easily reached by the collectors. No bundles placed out for collection may be placed on streets, sidewalks, or on the property of others, in storm drainage ditches, or in front of fire hydrants.
2. Leaves to be collected by the town during the annual leaf collection period shall be piled adjacent to street curbs, but shall not cover any portion of a sidewalk, gutter pan, StreetSide **street side** ditch, drainage improvement, or fire hydrant. Leaf piles shall contain no rocks or other items that might damage the leaf collection equipment. During the annual leaf collection period leaves will be collected by the town in accordance with standards and a schedule approved by the town manager and posted on the town website.
3. Loose yard waste, including leaves, to be collected by the town shall be placed in paper bags and placed near the edge of pavement, edge of road, or in a location approved by the town manager, so they can be reached easily by the collectors. No such bag may exceed fifty (50) pounds in weight. All paper bags containing loose yard waste for collection by the town shall be set out not later than 7:00 a.m. on

collection days. No such bags may be set out for collection more than forty-eight (48) hours before the established collection time. No bags placed out for collection may be placed on streets, sidewalks, or on the property of others, in storm drainage ditches, or in front of fire hydrants.

4. No single collection for any parcel, excluding leaves to be collected by leaf vacuum during the annual leaf collection period, may exceed one hundred (100) pounds.
5. The town manager may suspend or modify yard waste preparation requirements and collection limits if he determines such a suspension or modification necessary; provided that, the determination is made in writing, is reported to the council within fifteen (15) days of the determination, and no single such determination suspends or modifies requirements for more than ninety (90) days.

Garbage and Refuse, Recyclables, and Yard Waste Policy

Appendix 2 Issuance of Toters, Bins, and Decals Draft 11/26/18 Amended 2/25/19

I. Toters (Garbage and Refuse)

The Town will issue, or permit to be issued, toters in accordance with the following schedule:

Type of use *	Collection Frequency (Per Week)	Maximum Number of Toters Issued **
Single-family	1	2
Attached residential	1	2 1
Multifamily *	N/A	N/A
Commercial (non restaurant) *	1	2
Commercial (restaurant) *	2	2
Institutional	1	2
Industrial	N/A	N/A

* Specific use of property must qualify for curbside collection by the Town.

Garbage and refuse generation by any use which exceeds the capacity of permitted containers shall be disposed of by the occupant. Such disposal shall be accomplished in a manner consistent with applicable law and policy.

**** Additional toters will be issued upon payment of annual fee. The annual fee for each additional toter is \$180.**

II. Bins (Recyclables)

The Town will issue, or permit to be issued, toters in accordance with the following schedule:

Type of use *	Collection Frequency (Per Week)	Maximum Number of Bins Issued
Single-family	1	No limit 3
Attached residential	1	No limit 3
Multifamily *	N/A	N/A

Commercial (non restaurant) *	1	No limit <u>3</u>
Commercial (restaurant) *	1	No limit <u>3</u>
Institutional	1	No limit
Industrial	N/A	N/A

* Specific use of property must qualify for curbside collection by the Town.

III. Toter and Bin Decals

The Town will issue a decal for each toter and bin issued in accordance with this policy. The party to which toters or bins are issued must affix decal on front of toter or bin and using permanent ink and write the address to which the toter or bin is assigned **in accordance with the diagram below.**

DIAGRAM

Garbage and Refuse, Recyclables, and Yard Waste Policy

Appendix 3 Dumpsters Draft 11/26/18 Amended 2/26/19

I. Permit to locate dumpster - generally

- A. No person may locate any dumpster, either temporarily or permanently, in the town without an approved zoning permit.
- B. Applications to locate dumpsters, along with any application fees, shall be submitted to the Zoning Administrator.
- C. The Zoning Administrator will review applications for compliance with Berryville Code, Berryville Zoning Ordinance, and this Policy and will issue zoning permits when all requirements are met.

II. Temporary placement or location of dumpsters:

- A. Placement of a dumpster shall be deemed temporary if said placement does not exceed 180 days.
- B. Within street right-of-way (Town) – Zoning Administrator may condition approval on provision of safety measures deemed necessary, proof of insurance, and maximum time dumpster may remain on right-of-way. No dumpster may be located in the public right-of-way within the Special Flood Hazard Area as identified on the Flood Insurance Rate Map.
- C. Within street right-of-way (VDOT) – Zoning Administrator may condition approval on VDOT approval, provision of safety measures deemed necessary, proof of insurance, and maximum time dumpster may remain on right-of-way. No dumpster may be located in the public right-of-way within the Special Flood Hazard Area as identified on the Flood Insurance Rate Map.
- D. On private property or public property not within street rights-of-way – Zoning Administrator may condition approval on provision of safety measures deemed necessary and maximum time dumpster may remain on property. No dumpster may be located within the Special Flood Hazard Area as identified on the Flood Insurance Rate Map unless the Zoning Administrator determines that necessary steps will be taken to secure the dumpster in a manner that will prevent it from becoming a hazard during a flood event.

III. Permanent placement or location of dumpsters (in excess of 180 days):

- A. Placement of a dumpster shall be deemed permanent if said placement exceeds 180 days.

- B. Within street right-of-way (Town) - No dumpster may be placed or located in a street right-of-way for a period exceeding 180 days.
- C. Within street right-of-way (VDOT) – No dumpster may be placed or located in a street right-of-way for a period exceeding 180 days.
- D. On private property or public property not within street rights-of-way – Zoning Administrator will condition approval upon siting and construction of any required screening or enclosure. No dumpster may be sited in such a way that the collection of solid waste or recyclable materials will impede pedestrian or vehicular traffic on public rights-of-way or otherwise create a safety hazard. No dumpster may be located within the Floodway portion of the Special Flood Hazard Area as identified on the Flood Insurance Rate Map unless the Zoning Administrator determines that necessary steps will be taken to secure the dumpster in a manner that will prevent it from becoming a hazard during a flood event.

IV. Maintenance of dumpsters, dumpster pads, dumpster enclosures, and surrounding area

- A. All dumpsters, and the immediate area around them, shall be kept clean and sanitary at all times.
- B. Solid waste shall be completely contained within such container, all doors of the unit shall be kept closed, and all drain plugs shall be tightly secured.
- C. Solid waste shall be removed at intervals necessary to prevent a condition that might endanger the health of residents of the town or constitute a nuisance.

V. Dumpster Enclosure Minimum Standards

- A. Dumpster enclosures erected and maintained within the Town shall meet the following minimum standards:

- 1. Properties Zoned and Used for Residential, Commercial, or Institutional Use

- a. *Slab*

4" inch concrete pad with wire mesh installed on a 4" course of compacted 21B stone

- b. *Walls*

Enclosure walls must consist of opaque wood fence (either solid or board of board) or masonry walls six feet in height with two openings; one large enough to permit siting and servicing the dumpster or dumpsters and the other pedestrian entrance.

c. *Gates*

The two enclosure wall openings must be screened by gates which are also opaque and can be securely closed when not in use.

d. *Protective bollards*

Protective bollards at least 3 feet in height must be installed on the front (side of large opening for servicing dumpsters) corners of the enclosure.

2. Properties Zoned for Business or Industrial Use

a. *Slab*

4" inch concrete pad with wire mesh installed on a 4" course of compacted 21B stone

b. *Walls*

Enclosure walls must consist of chain link fence with opaque slats, opaque wood fence (either solid or board of board) or masonry walls six feet * in height with two openings: one large enough to permit siting and servicing the dumpster or dumpsters and the other pedestrian entrance.

* Administrative Body or Zoning Administrator may require height of fence or wall to be greater than six feet but no greater than ~~ten~~ **fourteen** feet.

c. *Gates*

The two enclosure wall openings must be screened by gates which are also opaque and can be securely closed when not in use.

d. *Protective bollards*

Protective bollards at least 3 feet in height must be installed on the front (side of large opening for servicing dumpsters) corners of the enclosure.

APPENDIX 4

An Ordinance Establishing a Special Service Area for Garbage and Refuse and Recyclables Collection

BE IT ORDAINED, by the Council of the Town of Berryville, that in accordance with Section 8-16 of the Berryville Code, the Council hereby establishes a Special service area to provide for curbside collection of garbage and refuse and recyclables on properties zoned C General Commercial District, C-1 Commercial District, and R-3 Residential District.

Properties within the Special service area are eligible for curbside collection of garbage and refuse and recyclables in accordance with Chapter 8 of the Berryville Code and the Town's Garbage and Refuse, Recyclables, and Yard Waste Collection Policy; provided that the Town Council determines that lot size, development pattern, or access limitation preclude property owners or occupants from siting a dumpster of an appropriate size for the property's needs or the property is being used for single-family or attached residential occupancy.

The Council reserves the right to place any limitations on curbside collection within the Special service area that it deems necessary.

VOTE:

Aye:

Nay:

Abstain:

Absent:

Signed: _____
Patricia Dickinson, Mayor

Date: _____

ATTEST: _____
Harry Lee Arnold, Jr. Recorder

Date: _____

Establishment of Collection Routes and Times
Draft 11/26/18

Garbage and Refuse

Curbside collection of residential garbage and refuse, as defined and permitted in Chapter 8 of the Berryville Code and the Garbage and Refuse, Recyclables, and Yard Waste Policy, will occur on the following schedule as conditions permit:

- Areas east of Buckmarsh Street (including the east side of Buckmarsh Street) will be collected on Thursdays.
- Areas west of Buckmarsh Street (including the west side of Buckmarsh Street) will be collected on Fridays.

Curbside collection of commercial garbage and refuse, as defined and permitted in Chapter 8 of the Berryville Code and the Garbage and Refuse, Recyclables, and Yard Waste Policy, will occur on the following schedule as conditions permit:

- Customers receiving once per week collection will have their waste collected on Fridays
- Customers receiving twice per week collection will have their waste collected on Tuesdays and Fridays.

Recyclables

Curbside collection of recyclables, as defined and permitted in Chapter 8 of the Berryville Code and the Garbage and Refuse, Recyclables, and Yard Waste Policy, will occur on the following schedule as conditions permit:

- Areas east of Buckmarsh Street (including the east side of Buckmarsh Street) will be collected on Thursdays.
- Areas west of Buckmarsh Street (including the west side of Buckmarsh Street) will be collected on Fridays.

Bulk Refuse and Appliances

Collection of bulk refuse and appliances as defined and permitted in Chapter 8 of the Berryville Code and the Garbage and Refuse, Recyclables, and Yard Waste Policy, will occur on the following schedule as conditions permit:

- Collection will occur on Wednesdays

Yard Waste

Collection of yard waste, as defined and permitted in Chapter 8 of the Berryville Code and the Garbage and Refuse, Recyclables, and Yard Waste Policy, will occur on the following schedule as conditions permit:

- Collection will occur on Mondays

The Town reserves the right to modify routes and collection times at any time. Routes and collection times may be modified because of inclement weather, holidays, mechanical failures, or other reasons deemed appropriate by the Town Manager or designee.

Approved:

Keith R. Dalton, Town Manager

Date

An Ordinance Repealing and Readopting Chapter 8 of the Berryville Code

BE IT ORDAINED, by the Council of the Town of Berryville, hereby repeals Berryville Code Chapter 8, Garbage and Refuse and adopts the attached Berryville Code Chapter 8, Garbage and Refuse, Recyclables, and Yard Waste; with such repeal and adoption to become effective on _____.

VOTE:

Aye:

Nay:

Abstain:

Absent:

Signed: _____
Patricia Dickinson, Mayor

Date: _____

ATTEST: _____
Harry Lee Arnold, Jr. Recorder

Date: _____

Chapter 8

Garbage and Refuse, Recyclables, and Yard Waste

Art. I. In General, §§ 8-1 – 8-14

Art. II Collection by town, §§ 8-15 – 8-34

Art. III Collection by others, §§ 8-35 -

ARTICLE I. - IN GENERAL

Sec. 8-1. – Definitions

For the purposes of this chapter, the following words and terms shall have the meanings ascribed to them by this section.

Appliance – Durable good for household use (e.g. **including but not limited to** clothes washers and dryers, water heaters, ovens, microwave ovens, refrigerators, dehumidifiers, televisions, and computers and computer components).

Bin – Town or contractor furnished recyclable materials container.

Bulk refuse – Large household refuse not reasonably placed in toter for collection (e.g. furniture, mattresses, and box springs).

Collection – Removal of solid waste, garbage and refuse and/or recyclable materials from its place of origin or storage to a collection vehicle.

Collection vehicle – Any vehicle used to collect or transport solid waste, garbage and refuse or recyclable materials.

Collector – Any person engaged in the business of collection and transportation of solid waste, garbage and refuse or recyclable materials.

Commercial /business waste - Solid waste, garbage and refuse or recyclable materials emanating from establishments engaged in business operations other than manufacturing. This category includes but is not limited to solid waste, garbage and refuse or recyclable materials emanating from such establishments as stores, markets, offices (**excluding home offices and home occupations**), and restaurants.

Construction, clearing and/or demolition debris- The waste building material, packaging, and rubble resulting from construction, land clearing, remodeling, repair, and demolition operations on pavements, houses, vacant land, commercial buildings, and other structures.

Dumpster - Any container having a capacity in excess of one hundred (100) gallons designed to contain solid waste, refuse, and garbage, or recyclable materials and which is emptied by mechanical means.

Dumpster enclosure – An opaque enclosure, which conforms to specifications and standards established by the Council, in which a dumpster is placed.

Garbage- Putrescible animal or vegetable waste resulting from the handling, preparation, cooking, serving, or consumption of food.

Hazardous waste – Solid waste which because of its inherent nature and/or qualities requires special handling care during disposal to avoid creating environmental damage or hazards to public health or safety or landfill operations. Hazardous waste includes but it not limited to such items as petroleum waste, paints, plastics, explosives, acids, caustics, chemicals, poisons, drugs, radioactive materials, asbestos fibers, imported wool fibers, pathogenic wastes from hospitals, sanitariums, nursing homes, clinics and veterinary hospitals, waste from slaughterhouses, poultry processing plants and the like. (Residential solid waste normally contains very small amounts of hazardous waste but because they are found in such small amounts present no special problems for landfill operations. Therefore, residential waste is not considered to be hazardous waste within the meaning of hazardous waste used in the chapter).

Household waste – See “residential/household waste”.

Industrial waste- All solid waste, garbage and refuse or recyclable materials emanating from manufacturing, assembly of material, recycling, and other industrial activities.

Litter receptacle (Town maintained) – Container provided and maintained by the Town, whether free-standing or attached to a pole or other structure, in which refuse may be placed by passersby.

Mixed paper- Paper accepted for recycling by the Town.

Occupant – The person who resides on premises as owner or tenant.

Qualified commercial/business occupancy – A licensed business located within the special collection zone and meeting the requirements for garbage and refuse and/or recyclable materials collection by the town.

Recyclables – Recyclable Materials emanating from single-family detached homes or condominiums, attached residential units, and apartments, and offices and commercial uses.

Recyclable Materials – Raw or processed material that can be recovered from the waste stream for reuse.

Refuse – Discarded items including but not limited to paper, cartons, boxes, debris, cans, glass, food packaging, clothing and the like. Refuse does not include hazardous or unacceptable waste.

Residential/household waste - Garbage and refuse or recyclables emanating from single-family detached homes or condominiums, attached residential units, and apartments.

Sanitary landfill – A landsite on which engineering principles are utilized to bury deposits of solid waste without creating nuisances or hazards to public health or safety.

Solid Waste – As defined in 9 VAC 20-80-140 of the Solid Waste Management Regulations, Department of Environmental Quality, Commonwealth of Virginia.

Toter – Town or contractor furnished wheeled waste containers.

Town manager – The town manager of the Town of Berryville, Virginia, or authorized designee.

Town planner – The assistant town manager for community development/operations of the Town of Berryville, Virginia, or authorized designee. Position also serves as zoning administrator.

Transportation – The transporting of solid waste, garbage and refuse or recyclable materials from the place of collection to a disposal facility.

Unacceptable waste – Items enumerated in Sec. 8-22 of this chapter.

Vacant Property – A lot or parcel of real property either not improved by any structure or having a structure or structures neither occupied as a residence or devoted to any other use involving the presence of employees or other persons on business days.

Waste – Useless, unwanted, or discarded materials.

Waste generator – The person or entity who actually produces the residential, commercial, household, industrial, or institutional/governmental solid waste.

Yard waste – Leaves, twigs, shrubbery, and branches less than six (6) inches in diameter.

Sec. 8-2. - Violations of chapter.

Unless otherwise specifically provided, a violation of any provision of this chapter shall constitute a Class 4 misdemeanor.

Cross reference— Penalty for Class 4 misdemeanor, § 1-11.

Sec. 8-3. - Policies and procedures

The Town Council may by ordinance establish policies regarding the collection of solid waste and yard waste and may also by ordinance authorize the town manager to adopt procedures regarding the collection of solid waste and yard waste that are not inconsistent with this chapter.

Section 8-4. - Unlawful accumulations.

- (a) It shall be unlawful for any owner or occupant of any premises within the town to allow solid waste, garbage, refuse, recyclable materials, ashes, trash, litter or other substances which might endanger the health of other residents of the town to accumulate on such premises.
- (b) The owner of any property in the town shall remove accumulations referred to in subsection (a) above from such property ~~at intervals as may be~~ **as** prescribed by the town manager or designee **in accordance with this section**. Reasonable notice of the date fixed by the town manager for such removal shall be given by mail or delivery of a written notice to the owner of such property.

- (c) Upon the failure of the owner of property to remove solid waste, garbage, refuse, recyclable materials, ashes, trash, litter and other substances which might endanger the health of other residents of the town, as provided in the notice given pursuant to subsection (b) above, the town manager may have such refuse, garbage, trash, litter and other substances removed and bill the owner for the work. Upon the owner's failure to pay such bill by tax billing time, such bill shall be placed upon the tax bill of the owner ~~se~~ as delinquent and collected as taxes are collected.

(Code 1971, §§ 8-1, 8-3)

Cross reference— Open storage of inoperative vehicles in certain zoning districts, § 13-30; abandoned or discarded refrigerators or other airtight containers, § 13-31; cutting and removal of weeds and other foreign growth on vacant property, § 13-32; maintenance of property abutting Town Run, § 13-33.

State Law reference— Authority for above section, Code of Virginia, § 15.2-901.

Sec. 8-5. - Disposal in town of refuse, garbage, trash etc., accumulated outside town.

It shall be unlawful and a Class 3 misdemeanor for any person to place, dump or otherwise dispose of solid waste, refuse, garbage, trash, litter, recyclable materials or any other unsightly matter that has been accumulated or collected outside the corporate limits of the town at any place within the town.

(Ord. of 2-13-73; Ord. of 2-13-79, § 8-15)

Cross reference— Penalty for Class 2 misdemeanor, § 1-11.

State Law reference – Authority for above section, Code of Virginia, § 15.2-928

Sec. 8-6. - Upsetting, tampering and misusing litter receptacles maintained by the town.

No person shall cause the removal, upsetting, mutilation or defacing of, or tamper with any litter receptacle maintained by the town, cause the contents thereof to be spilled or to be strewn in or upon any public place or private premises, or use such receptacle for disposal of commercial/business or household refuse. Collectors, employees of the town or other governmental agencies involved in duly authorized investigations shall be exempt from this prohibition.

(Ord. of 2-13-01)

State Law reference— Authority for above section, Code of Virginia, Section 15.2-928.

Sec. 8-7. – Dumpsters, placement, enclosure, prohibited times for emptying.

- (a) No person shall locate any dumpster, either temporarily or permanently, in the town without an approved zoning permit. Zoning Permit applications to locate dumpsters will be reviewed in accordance with this chapter, the Zoning Ordinance, and policies and procedures established by the council.
- (b) Effective _____, all dumpsters visible from a public right-of-way shall be enclosed within an approved dumpster enclosure. Failure to comply with this enclosure requirement shall result in _____.

(c) All dumpsters, and the immediate area around them, shall be kept clean and sanitary at all times. Solid waste shall be completely contained within such container, all doors of the unit shall be kept closed, and all drain plugs shall be tightly secured.

(d) It shall be unlawful for any individual, business or corporation to empty a dumpster in town between the hours of 10:00 p.m. and 7:00 a.m. except within industrially zoned areas of the town.

State Law reference – Authority for above section, Code of Virginia, § 15.2-930

(Ord. of 1-12-99)

Sec. 8-8. – Requirements for collection vehicles

- (a) All collection vehicles shall be kept and maintained in a clean and sanitary condition, and shall be so constructed, maintained and operated as to prevent spillage of the type of solid waste, garbage and refuse, and recyclables to be transported therein. All collection vehicles used in the collection of garbage shall be constructed and maintained with watertight bodies and with covers of metallic or other rigid, impervious material, or, in the alternative, the entire bodies thereof shall be enclosed, with only loading hoppers exposed.
- (b) Special vehicles used in new or experimental methods of refuse collection may be permitted by the town manager, when such authorization is in writing.

Sec. 8-9. – Picking through contents of toters, bins, or dumpsters.

It shall be unlawful for any person to pick through, handle or interfere with the contents of any toter, bin, or dumpster under the provisions of this article. Collectors, employees of the town or other governmental agencies involved in duly authorized investigations, as well as the occupant or waste generator utilizing the toter, bin, or dumpster, shall be exempt from this prohibition.

Secs. 8-10—8-14. - Reserved.

ARTICLE II. - COLLECTION BY TOWN

FOOTNOTE(S):

--- (2) ---

Cross reference— Department of public works responsible for refuse collection, § 2-53.

State Law reference— Local recycling and waste disposal; powers; penalties, Code of Virginia, § 15.2-928. Authority for town to regulate garbage and refuse disposal, Code of Virginia, § 15.2-927. Regulation of garbage and refuse pickup and disposal services; contracting for such services, Code of Virginia, § 15.2-930

Sec. 8-15 – Collection of garbage and refuse and recyclable materials

The town will furnish garbage and refuse and recyclable materials collection in accordance with provisions of this chapter and policies and procedures established by the council or town manager.

Sect. 8-16 - Special service areas

The council may by ordinance establish special service areas, in which the town will furnish garbage and refuse and/ or recyclables collection to qualified occupancies. The ordinance establishing a special service area will delineate boundaries of the area, establish requirements for provision of collection services, and the services provided. Upon establishment of a special service area the Town will furnish garbage and refuse and/or recyclables collection to qualified occupancies within the town's special service area ~~town~~ in accordance with provisions of this chapter and policies and procedures established by the council or town manager.

Sec. 8-17. - Collection times and routes – garbage and refuse and recyclable materials.

The town manager shall establish and specify the days and hours each week when garbage and refuse and recyclable materials will be collected and the routes to be served at the times so specified.

(Ord. of 2-13-79, § 8-14)

State Law reference – Authority for above section, Code of Virginia, § 15.2-928.

Sec. 8-18. - Containers generally and preparation for collection – garbage and refuse.

- (a) All garbage and refuse to be collected by the town, except bulk refuse and appliances, shall be prepared and placed in toters in accordance with provisions of this chapter and policies and procedures established by the council or town manager.
- (b) The occupant of the premises supplied with the toter(s) **are required** to maintain it in a clean and sanitary condition.
- (c) Toters issued by the town or its contactor are the property of issuing entity. Toters shall bear address or collection identification required in accordance with provisions of this chapter and policies and procedures established by the council or town manager. Toters shall not be removed from the premises to which they are assigned.
- (d) Damaged toters reported to the town will be repaired or replaced as needed. The cost to replace or repair toters that are intentionally damaged or removed will be charged to the owners or tenants at the assigned address. In such instances, the owners or tenants will be assessed a replacement fee in accordance with provisions of this chapter and policies and procedures established by the council or town manager.
- (e) Bulk refuse and appliances to be collected by the town shall be prepared and placed for collection in accordance with the provisions of this chapter and policies and procedures established by the council or town manager.

State Law reference – Authority for above section, Code of Virginia, § 15.2-928.

(Ord. of 2-13-79, §§ 8-5, 8-7; Ord. of 11-13-90; Ord. of 10-13-98)

Sec. 8-19. – Containers generally and preparation for collection– For recyclable materials.

- (a) All recyclable materials to be collected by the town shall be prepared and placed in or beside bin(s) in accordance with provisions of this chapter and policies and procedures established by the council or town manager.
- (b) The occupant of the premises supplied with the bin(s) **are required** to maintain it in a clean and sanitary condition.
- (c) Bins issued by the town or its contactor are the property of issuing entity. Bins shall bear address and/or collection identification required in accordance with provisions of this chapter and policies and procedures established by the council or town manager. Bins shall not be removed from the premises to which they are assigned.
- (d) Damaged bins reported to the town will be replaced as needed. The cost to replace bins that are intentionally damaged or removed will be charged to the owners or tenants at the assigned address. In such instances, the owners or tenants will be assessed a replacement fee in accordance with provisions of this chapter and policies and procedures established by the council or town manager.

State Law reference – Authority for above section, Code of Virginia, § 15.2-928.

(Ord. of 2-13-79, § 8-9; Ord. of 10-13-98)

State Law reference – Authority for above section, Code of Virginia, § 15.2-928.

Sec. 8-20 – Reserved

Sec. 8-21. - Placement of containers on collection day - garbage and refuse and recycling.

- (a) All toters and recycling bins containing materials for collection by the town shall be set out not later than 7:00 a.m. on collection days. No toters or bins may be set out for collection more than twenty-four (24) hours before the established collection time and empty toters and bins shall be removed on the same day of collection.
- (b) Toters set out for collection shall be placed near the edge of pavement, edge of road, or in a location approved by the town manager to enable the automatic arm of the collection vehicle to pick up the toter. No collector shall enter any building for removal of garbage and refuse. **Discuss – not on property of others**
- (c) Recycling bins and cardboard bundles set out for collection shall be placed near the edge of pavement, edge of road, or in a location approved by the town manager, so they can be reached easily by the collectors. No collector shall enter any building for removal of recyclable materials.

(Ord. of 2-13-79, §§ 8-16, 8-17; Ord. of 11-13-90; Ord. of 10-13-98)

State Law reference – Authority for above section, Code of Virginia, § 15.2-928.

Sec. 8-22. - Certain solid waste and refuse and garbage not collected.

- (a) Rejected building materials, tin, contractors' waste, industrial waste, automobiles or parts thereof, including tires, shall not be collected by the town. In the event such material is found at collection points, collector shall tag the subject toter as unacceptable and notify the town manager or designee.
- (b) Hazardous waste shall not be collected by the town. In the event such material is found at collection points, collector shall tag the subject toter as unacceptable and immediately notify the town manager. Said materials shall only be removed under the supervision of persons qualified in the handling of hazardous waste.
- (c) No livestock animal or fowl excrement shall be collected by the town. In the event such material is found at collection points, collector shall tag the subject toter as unacceptable and notify the town manager.
- (d) Ashes containing live coals shall not be collected by the town. In the event such material is found at collection points, collector shall tag the subject toter as unacceptable and immediately notify the town manager.
- (e) Other materials prohibited from collection may be established accordance with provisions of this chapter and policies and procedures established by the council or town manager.
- (f) **Violations of this chapter**

State Law reference – Authority for above section, Code of Virginia, § 15.2-928.

Sec. 8-23. – Yard waste collection general.

The Town will furnish collection of yard waste from parcels in the town that is generated by owners or occupants in accordance with provisions of this chapter and policies and procedures established by the council or town manager.

Sec. 8-24. – Collection times and route – yard waste.

The town manager shall establish and specify the days and hours when yard waste will be collected and the routes to be served at the times so specified.

Sec. 8-25. - Containers generally and preparation for collection– For yard waste.

- (a) All yard waste to be collected by the town, shall be prepared for collection in accordance with the provisions of this chapter and policies and procedures established by the council or town manager.
- (b) Yard waste placed for collection that does not meet preparation standards or exceeds collection limits shall be tagged and left in place.

- (c) The town manager may suspend or modify yard waste preparation requirements and collection limits established in accordance with this chapter and the policies and procedures established by the council or town manager if the town manager determines such a suspension or modification necessary; provided that, the determination is made in writing, is reported to the council within fifteen (15) days of the determination, and no single such determination suspends or modifies requirements for more than ninety (90) days. Notice of such suspension or modification shall be provided to the public in accordance with standard practice of the town.

State Law reference – Authority for above section, Code of Virginia, § 15.2-928.

Sec. 8-26. – Certain yard waste not collected

- (a) Rocks and hardscape materials, large stumps, any stumps containing rocks and dirt, dirt, sod, plastic bags, grass clippings, **and** food waste shall not be collected by the Town.
- (b) Yard waste placed for collection containing unacceptable yard waste shall be tagged and left in place.
- (c) Other materials prohibited from collection may be established **in** accordance with provisions of this chapter and policies and procedures established by the council or town manager.
- (d) **Violations of this chapter** _____

Secs. 8-27—8-35. - Reserved.

ARTICLE III. - COLLECTION BY OTHERS

Sec. 8-36. – Collection provided by others

- (a) Owners or tenants of properties that do not receive collection services provided by the town shall be responsible for securing the services of a private waste hauler.
- (b) Areas in which solid waste is stored shall be keep clean and sanitary at all times. Solid waste shall be completely contained within dumpsters or containers.
- (c) Solid waste and garbage and refuse must be removed at intervals necessary to prevent a condition that might endanger the health of residents of the town or constitute a nuisance.
- (d) Collectors must adhere to all federal, state, and local regulations relating to collection, transportation, and disposal of solid waste.

Secs. 8-37—8-45. - Reserved.

DRAFT
2/24/2019

Solid Waste Collection Ordinance and Policy Implementation Plan- Communications

Task #	Task	Time Frame	Method	Date to be Completed	Task Assigned To	Notes
5	Schedule public input session	2/27/2019 regular Comm. meeting	Decision by P&S Comm.	2/27/2019	P&S Comm	
6	Advertise public input session	2/28/2019 to 3/7/2019	Wfnc Star, website, Facebook	3/3/2019	Town Clerk	Ad written by Manager and provided to Town Clerk
7	Conduct public input session	3/28/2019 regular Comm. meeting	P&S Comm Meeting	3/28/2019	P&S Comm	Meeting should be set for evening
10	Schedule public input session	6/11/2019 regular TC meeting	Decision by TC	6/11/2019	Council	
11	Advertise public input session	6/12/2019 to 6/20/2019	Wfnc Star, website, Facebook	6/20/2019	Town Clerk	Ad written by Manager and provided to Town Clerk
12	Conduct public input session	7/9/2019 regular TC meeting	Council Meeting	7/9/2019	Council	Meeting should begin earlier than normal
15	Notice of code and policies to public	8/14/2019 to 8/27/2019	Mailer, website, Facebook	8/27/2019	Manager	Mailer will provide summary and fact sheet website will have text of code and policy
16	Notice to prop owners - required screening	8/14/2019 to 8/27/2019	mailer	8/27/2019	Planner	
17	Notice to prop owners - in Spec Service Area yes/no	8/14/2019 to 8/27/2019	mailer	8/27/2019	Manager	
19	Decals issued	8/14/2019 to 10/18/2019	mailer	10/18/2019	Treasurer	details of this need to be worked out
21	Extra totes and bins collected	8/14/2019 to 10/28/19	See task 15 w/ follow-up on website	10/27 & 10/28	PW Director	PW crew will work with Republic
22	Deadline for dumpsters to be screened	8/14/2019 to 11/1/2020	See task 16 w/ follow-up mailer	11/1/2020	Planner	

CHAPTER 20

April 1, 2019

Sec. 20-1. - Purpose.

The purposes of this article are to:

- (a) To establish procedures and standards governing the use of public property by non-town organizations and individuals for the purpose of conducting events, and to ensure the preservation of public convenience in the use of town streets and outdoor areas, the preservation of public order and safety, and the defraying of administrative expenses associated with certain types of uses; and,
- (b) To protect the right of persons and groups to organize and participate in peaceful assemblies to express their political, social, religious, or other views on town streets, sidewalks, other public ways, parks, and other public lands, subject to reasonable restrictions designed to protect public safety, persons, and property, and to accommodate the interest of persons not participating in such assemblies in not having their ability to use town streets, sidewalks, and other public ways to travel to their intended destinations, city parks for recreational purposes, and other town lands for their intended purposes unreasonably impaired.
- (c) The application of the provisions of this article, and any rules and regulations adopted pursuant to these provisions, shall be without regard to the content of the beliefs expressed or anticipated to be expressed during any permitted event.

Sec. 20-2. - Definitions.

Community event means the events listed in section E(21) of the Town of Berryville Regulations for Events and Demonstrations, and such other events designated by town council as "community events" from time to time.

Demonstration means an event involving non-commercial expression protected by the First Amendment of the United States Constitution (such as picketing, political marches, speechmaking, vigils, walks, etc.) conducted on public property, the conduct of which has the effect, intent or propensity to draw a crowd or onlookers. This term does not include casual activity by persons which does not have an intent or propensity to attract a crowd or onlookers.

Event may refer either to a demonstration or a special event, or to demonstrations and special events, collectively.

Open burning and open fire have the same meaning as set forth in this Code section 6-1.

Open flame means fire whose flame is supported by a wick, oil or other slow-burning means to sustain itself. "Open flame" includes, but is not limited to, flame producing devices such as candles, torches, and juggling or other fire artist equipment; provided, however, that "open burning and open fire" and "open flame" shall not include handheld candles when used for ceremonial purposes, provided that they are not held or used in an intimidating, threatening, dangerous or harmful manner.

Prohibited items shall mean:

- (1) All items prohibited by law from being held, carried, displayed, worn or otherwise used in public;
- (2) Items banned from public or park lands;
- (3) Any BB guns, pellet guns, air rifles or pistols, paintball guns, pellet guns, nun chucks, tasers, stun guns, heavy gauge metal chains, lengths of lumber or wood, poles, bricks, rocks, metal beverage or food cans or containers, glass bottles, axes, axe handles, hatchets, ice picks, acidic or caustic materials, hazardous, flammable, or combustible liquids, dogs (except service dogs), skateboards, swords, knives, daggers, razor blades or other sharp items, metal pipes, pepper or bear spray, mace, aerosol sprays, catapults, wrist rockets, bats, sticks, clubs, drones, explosives, fireworks, open fire or open flames, or other item considered an "implement of riot";

April 1, 2019

- (4) Any items capable of inflicting bodily harm when these items are held or used in an intimidating, threatening, dangerous or harmful manner; and
- (5) Law enforcement or military-like uniforms or uniform-like clothing, badges, insignia, shields, hats, helmets, masks, equipment and other items that when held, carried, displayed or worn tend to suggest or imply that the wearer is a current member of law enforcement, the military, a private militia, or other public safety organization, such as a fire department or emergency medical services agency.

Special event means sports events, pageants, celebrations, historical reenactments, carnivals, music festivals and other entertainments, exhibitions, dramatic presentations, fairs, festivals, races (i.e., runs/walks), block parties, parades and other, similar activities, conducted on public property, which (i) are not demonstrations, and (ii) are engaged in by twenty five (25) or more persons. The term "special event" shall be construed to include a community event or private organization celebration held in or on town-owned property and is attended by more than twenty five (25) people. The term "special event" shall exclude gatherings of ten (10) or more people in a park for general recreational or sports activities.

Sponsor means the person (as defined above) or persons who sign, or whose authorized representative(s) sign, an application for an event permit and who will be responsible under the permit, if issued, for ensuring that the event will be conducted in accordance with these regulations. Where a purported sponsor is not a legal entity, the sponsor shall be the individual(s) signing the permit application.

Sec. 20-3. - Permit required.

- (a) The town manager is authorized to adopt standard operating procedures that establish a permit application process. The procedures shall also provide for the grant or denial of permit applications within specified times; establish the grounds for revocation of an approved permit; provide for the application of reasonable time, place and manner regulations for permitted events; establish reasonable fees, charges, rentals and insurance and indemnification requirements; and restrict the possession or use of prohibited items, as defined herein, during the event.
- (b) Any person intending to hold or sponsor an event on any town-owned or leased property must first obtain a permit, unless:
 - (1) The event is exempt from permitting requirements under the standard operating procedures promulgated by the town manager; or
 - (2) Such person is holding or sponsoring such event pursuant to a valid permit issued by the town manager pursuant to another chapter of this Code.
- (c) By accepting a permit issued by the town pursuant to this article, the sponsor represents that:
 - (1) All information included or presented as part of the permit application was, to the best of the sponsor's information and belief, complete and correct;
 - (2) That all terms and conditions of such permit have been or will be complied with; and
 - (3) That a copy of the permit will be made available for inspection by any town representative during the event.

Sec. 20-4. - Insurance requirements.

- (a) To further the goal of public safety and to protect the town and its officers, officials and employees from claims for damage to property or bodily injury occurring during the event, the sponsor of an event shall be required to furnish a general liability and property damage insurance contract insuring the sponsor's liability for personal injury and death and damages to property resulting from its use of public property. The required general liability and property damage insurance, unless waived in whole or in part, shall be provided in an amount not less than one million dollars (\$1,000,000.00),

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and the insurance policy shall name the town (including its officers, officials, employees and agents), as additional insured parties to the insurance contract.

- (b) This insurance requirement may be waived, in whole or in part, by the town manager or his or her designee because:
- (1) The cost of the insurance will result in a documented financial hardship to the sponsor; or
 - (2) For an event that:
 - a. Does not pose a high level of liability risk to the town or a material risk to public safety; and
 - b. Does not involve any inherently dangerous activity.

A written request to waive or modify any insurance requirement must be made by the sponsor at the time a permit application is submitted. An approval or denial of the request will be made in writing to the event sponsor.

- (c) The decision on whether the insurance requirement will be waived in whole or in part will be based on the following factors:
- (1) Whether the event and planned activities present a risk of personal injury or property damage;
 - (2) Whether the event involves a large number of participants relative to the size of the event venue;
 - (3) Whether the event involves the preparation and sale of food;
 - (4) The duration of the event; and
 - (5) Whether the event involves transportation or installation of heavy equipment, or the installation of a stage or other temporary structures. Provided however, that, in deciding whether insurance will be required or waived for a demonstration the town manager or his or her designee shall not consider the number of anticipated onlookers or counter-demonstrators, the potential risk of property damage or bodily injury that may be caused by onlookers or counterdemonstrators, nor the possibility that the demonstration will be controversial in nature.

Sec. 20-5. - Violations and penalties.

The following conduct is declared to be unlawful and shall be, upon conviction, punishable as a class IV misdemeanor, unless a greater penalty is authorized and imposed in any other chapter of this Code or by the laws of the Commonwealth of Virginia:

- (a) Sponsoring, holding or conducting an event for which a permit is required, without first obtaining a permit;
- (b) Sponsoring, holding or conducting a permitted event on days or at times not authorized by the permit;
- (c) Intentionally providing false, misleading or incomplete information in a permit application;
- (d) Failing to comply with any terms or conditions placed on a permit;
- (e) The failure to comply during an event with any lawful directive of a law enforcement officer, or with any lawfully posted public sign, direction or instruction;
- (f) Climbing, during an event, upon any tree, or any wall, fence, shelter, fountain, statue, or any other structure not specifically intended for climbing purposes;
- (g) Rendering any part of an event venue dangerous, unsafe or unsuitable for use by others;
- (h) Closing any street or public right-of-way during an event, or using any street or right-of-way in a manner that obstructs vehicular or pedestrian passage during an event, without first obtaining a street closing permit;

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- (i) Holding, carrying, displaying or using any prohibited item as defined herein within the area where a permitted event is taking place, without the prior written consent of the town manager or his or her designee;
- (j) Throwing or propelling objects of a potentially dangerous nature during an event, including but not limited to rocks, bottles, sticks, staffs, glass objects or cans;
- (k) Engaging in a course of conduct or committing any act that endangers the public welfare or safety of others during an event;
- (l) Damaging landscaping, plantings, improvements, equipment or structures located on city property where an event is being held.
- (m) Unreasonably hampering, obstructing, impeding, or interfering with any parade, demonstration, assembly, or event; or with any person, vehicle, or animal participating or used in a parade, demonstration, assembly, or event, for which a written permit has been issued in accordance with the provisions of this chapter.

In addition to the criminal sanctions authorized herein, any person engaging in the unlawful conduct proscribed by this section, or who violates any section in this article, may also be held civilly liable for any damages or loss, and may be banned from the future use of town-owned property for a specified period of time.