

13. DISCUSSION REGARDING ENABLING LEGISLATION AMENDMENT AUTHORIZING THE COUNTY TO CONTRACT WITH POWER COMPANIES TO COLLECT THE SOLID WASTE MANAGEMENT FEE

As you know, in 2012, the Board enacted an ordinance imposing an annual \$200 solid waste management fee on all occupied households in the county. The fee was enacted pursuant to Section 15.2-928 of the Code of Virginia which provides that:

“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.”

The fee is currently collected annually by the County Treasurer and is due and payable by March 15. Several of you have indicated that your constituents have expressed an interest in paying this fee in smaller, monthly increments, perhaps at the same time that other utility bills are paid.

Section 15.2-2159 of the Code of Virginia authorizes certain counties (Accomack, Augusta, Floyd, Highland, Pittsylvania, and Wise) to impose a solid waste fee that is managed as an Enterprise Fund (deposited in a special account to be expended only for the purposes for which it was levied) and further authorizes them to contract with local power companies to collect the fee on their behalf.

In 2010, Southampton and Isle of Wight Counties sought legislation that would've given us this authority, but the bill was left on the table by a *Counties, Cities and Towns* subcommittee. Interestingly enough, Pittsylvania County was successful with a very similar request in 2012 and had it successfully amended again in 2013.

If the Board is interested in asking its delegation to introduce legislation in the upcoming session, now is the time to begin the conversation with Delegates Morris and Tyler and Senators Lucas and Cosgrove.

MOTION REQUIRED:

If the Board is so inclined, a motion is required directing the County Administrator to communicate the Board's interest in having this legislation introduced in the upcoming session.

§ 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.

(1991, c. 665, § 15.1-11.5:3; 1997, cc. [236](#), [587](#); 2000, c. [231](#); 2002, cc. [161](#), [690](#); 2003, c. [518](#); 2006, c. [847](#).)

2010 SESSION**HB 137 Solid waste disposal; Isle of Wight and Southampton Counties to levy fees upon each household.**

Introduced by: [Roslyn C. Tyler](#) | [all patrons](#) ... [notes](#) | [add to my profiles](#)

SUMMARY AS INTRODUCED:

Disposal of solid waste fees; Isle of Wight and Southampton County. Allows Isle of Wight County and Southampton County to levy fees upon each household for disposal of solid waste as long as said fee does not exceed the fees paid by the county to the Southeastern Public Service Authority of Virginia, or its successors or assigns, for disposal of solid waste. Further grants Isle of Wight County and Southampton County the same authority Accomack, Highland, and Wise Counties have regarding such fees.

FULL TEXT

01/05/10 House: Prefiled and ordered printed; offered 01/13/10 10101648D [pdf](#)

HISTORY

01/05/10 House: Prefiled and ordered printed; offered 01/13/10 10101648D

01/05/10 House: Referred to Committee on Counties, Cities and Towns

01/15/10 House: Assigned CC & T sub: #1

01/20/10 House: Subcommittee recommends laying on the table by voice vote

02/16/10 House: Left in Counties, Cities and Towns

10101648D

HOUSE BILL NO. 137

Offered January 13, 2010

Prefiled January 5, 2010

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

Patron—Tyler

Referred to Committee on Counties, Cities and Towns

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, and Wise County may 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. Isle of Wight County and Southampton County may levy a fee upon each household for disposal of solid waste not to exceed the fees paid by the county to the Southeastern Public Service Authority of Virginia, or its successors or assigns, for disposal 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 and Wise County, such fee shall not be used to purchase or subsidize the purchase of equipment used for the collection of solid waste. In Augusta County and Highland County, 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 Isle of Wight County and Southampton County, such fee shall not exceed the fees paid by the county to the Southeastern Public Service Authority of Virginia, or its successors or assigns, for disposal 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, Isle of Wight, 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 § 2.2-703, and disabled persons based on ability to pay.

INTRODUCED

HB137

2012 SESSION**HB 561 Solid waste disposal fee; adds Pittsylvania County to list of counties authorized to levy fee.**

Introduced by: **Daniel W. Marshall, III** | [all patrons](#) ... [notes](#) | [add to my profiles](#)

SUMMARY AS PASSED HOUSE: (all summaries)

Pittsylvania County; solid waste disposal fee. Adds Pittsylvania County to the list of counties authorized to levy a fee for the disposal of solid waste. After July 1, 2012, such fee may only be levied after a public hearing.

FULL TEXT

01/10/12 House: Prefiled and ordered printed; offered 01/11/12 12101573D [pdf](#)

02/13/12 House: Printed as engrossed 12101573D-E [pdf](#)

03/07/12 House: Bill text as passed House and Senate (HB561ER) [pdf](#)

04/18/12 House: Reenrolled bill text (HB561ER2) [pdf](#)

04/18/12 Governor: Acts of Assembly Chapter text (CHAP0765) [pdf](#)

AMENDMENTS**House amendments****Governor's recommendation****HISTORY**

01/10/12 House: Prefiled and ordered printed; offered 01/11/12 12101573D

01/10/12 House: Referred to Committee on Counties, Cities and Towns

01/17/12 House: Assigned CC & T sub: #2

02/09/12 House: Subcommittee recommends reporting with amendment(s) (10-Y 0-N)

02/10/12 House: Reported from Counties, Cities and Towns with amendments (21-Y 0-N)

02/12/12 House: Read first time

02/12/12 Senate: Constitutional reading dispensed

02/13/12 House: Read second time

02/13/12 House: Committee amendments agreed to

02/13/12 House: Engrossed by House as amended HB561E

02/13/12 House: Printed as engrossed 12101573D-E

02/14/12 House: Read third time and passed House BLOCK VOTE (100-Y 0-N)

02/14/12 House: VOTE: BLOCK VOTE PASSAGE (100-Y 0-N)

02/15/12 Senate: Constitutional reading dispensed

02/15/12 Senate: Referred to Committee on Local Government

02/28/12 Senate: Reported from Local Government (15-Y 0-N)

03/01/12 Senate: Constitutional reading dispensed (39-Y 0-N)

03/02/12 Senate: Read third time

03/02/12 Senate: Passed Senate (39-Y 0-N)

03/07/12 House: Enrolled

03/07/12 House: Bill text as passed House and Senate (HB561ER)

03/07/12 House: Signed by Speaker

03/08/12 Senate: Signed by President

04/09/12 House: Governor's recommendation received by House

04/17/12 House: Placed on Calendar

04/18/12 House: House concurred in Governor's recommendation (92-Y 2-N)

04/18/12 House: VOTE: ADOPTION (92-Y 2-N)

04/18/12 Senate: Senate concurred in Governor's recommendation (38-Y 0-N)

04/18/12 Governor: Governor's recommendation adopted

04/18/12 House: Reenrolled

04/18/12 House: Reenrolled bill text (HB561ER2)

04/18/12 House: Signed by Speaker as reenrolled

04/18/12 Senate: Signed by President as reenrolled

04/18/12 Governor: Approved by Governor-Chapter 765 (effective 7/1/12)

04/18/12 Governor: Acts of Assembly Chapter text (CHAP0765)

VIRGINIA ACTS OF ASSEMBLY -- 2012 RECONVENED SESSION

CHAPTER 765

An Act to amend and reenact § 15.2-2159 of the Code of Virginia, relating to a fee for the disposal of solid waste.

[H 561]

Approved April 18, 2012

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 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. 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 and Wise County, such fee shall not be used to purchase or subsidize the purchase of equipment used for the collection of solid waste. In Augusta County and Highland County, 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.

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**, 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 § 2.2-703, and disabled persons based on ability to pay.

2. That the provisions of this act shall only apply to actions of localities on or after July 1, 2012.

2013 SESSION**HB 2203 Solid waste disposal fee; Pittsylvania County may provide an exemption to certain veterans.**

Introduced by: **Daniel W. Marshall, III** | [all patrons](#) ... [notes](#) | [add to my profiles](#)

SUMMARY AS PASSED HOUSE: (all summaries)

Fee for solid waste disposal; exemption. Provides that Pittsylvania County may impose a fee for solid waste disposal in part to purchase or subsidize the purchase of equipment used for the collection of solid waste. The bill also provides that in Pittsylvania County the 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 the county. The bill also allows Pittsylvania County to provide for an exemption from such fees for certain disabled veterans.

FULL TEXT

01/10/13 House: Presented and ordered printed 13102956D [pdf](#)

02/01/13 House: Committee substitute printed 13104774D-H1 [pdf](#)

02/21/13 House: Bill text as passed House and Senate (HB2203ER) [pdf](#)

03/22/13 Governor: Acts of Assembly Chapter text (CHAP0699) [pdf](#)

HISTORY

01/10/13 House: Presented and ordered printed 13102956D

01/10/13 House: Referred to Committee on Counties, Cities and Towns

01/18/13 House: Assigned CC & T sub: #2

01/31/13 House: Subcommittee recommends reporting with amendment(s) (11-Y 0-N)

02/01/13 House: Reported from Counties, Cities and Towns with substitute (21-Y 0-N)

02/01/13 House: Committee substitute printed 13104774D-H1

02/02/13 House: Read first time

02/04/13 House: Read second time

02/04/13 House: Committee substitute agreed to 13104774D-H1

02/04/13 House: Engrossed by House - committee substitute HB2203H1

02/05/13 House: Read third time and passed House BLOCK VOTE (100-Y 0-N)

02/05/13 House: VOTE: BLOCK VOTE PASSAGE (100-Y 0-N)

02/06/13 Senate: Constitutional reading dispensed

02/06/13 Senate: Referred to Committee on Local Government

02/12/13 Senate: Reported from Local Government (15-Y 0-N)

02/14/13 Senate: Constitutional reading dispensed (39-Y 0-N)

02/15/13 Senate: Read third time

02/15/13 Senate: Passed Senate (40-Y 0-N)

02/21/13 House: Enrolled

02/21/13 House: Bill text as passed House and Senate (HB2203ER)

02/21/13 House: Signed by Speaker

02/21/13 Senate: Signed by President

03/22/13 Governor: Approved by Governor-Chapter 699 (effective 7/1/13)

03/22/13 Governor: Acts of Assembly Chapter text (CHAP0699)

VIRGINIA ACTS OF ASSEMBLY -- 2013 SESSION

CHAPTER 699

An Act to amend and reenact § 15.2-2159 of the Code of Virginia, relating to fee for solid waste disposal.

[H 2203]

Approved March 22, 2013

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 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. 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*, and Wise County, such fee shall not be used to purchase or subsidize the purchase of equipment used for the collection of solid waste. In Augusta County ~~and~~, Highland County, *and Pittsylvania County*, 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.

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, 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 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.