

## Chapter 17 - SOLID WASTE

\***Cross reference**— Trash, garbage, refuse and litter, § 10-97 et seq.; water and sewers, ch. 23.

\***State law reference**— Solid waste management, Code of Virginia, § 10.1-1408.1 et seq.; hazardous waste management, Code of Virginia, § 18.1-1426 et seq.; authority to regulate garbage collection and disposal, Code of Virginia, § 15.2-931 et seq.; authority to provide collection service, Code of Virginia, § 15.2-928.

### ARTICLE I. - IN GENERAL

#### Sec. 17-1. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Commercial waste* means waste material from a commercial enterprise, including wholesale, retail and service establishments, such as office buildings, stores, markets, theaters, hotels and warehouses, or from enterprises providing services for a fee, such as yard services, refuse collection services, etc.

*County household refuse disposal area* means the Springfield Road Public Use Area or the Charles City Road Public Use Area.

*Director* means the director of public utilities.

*Garbage* means all organic waste material, including offal and animal, poultry and vegetable wastes.

*Highway* means all streets, avenues, boulevards, roads, alleys, walkways, lanes, viaducts, bridges and approaches thereto, and all other public ways in the county. The term "highway" shall also mean the entire width thereof between abutting property lines.

*Institution* means any public or private establishment which educates, instructs, treats for health purposes or otherwise provides service to the community.

*Litter* means all waste material, disposable packages or containers, except the wastes of the primary processes of mining, logging, sawmilling, farming or manufacturing.

**State law reference**— Similar provisions, Code of Virginia, § 10.1-1414.

*Litter receptacle* means a container acceptable to the department of waste management for the depositing of litter.

*Private property* means property owned by a person that is not used or held out for use by the public.

*Public property* means any area that is used or held out for use by the public, whether owned or operated by public or private interests.

*Recyclable material* means any material, such as glass bottles and jars, aluminum cans, steel cans, newspapers, mixed paper, plastic bottles and jugs, placed in or around containers for collection or at collection sites for recycling by a recycling program authorized by the county.

*Recycling* means the process of separating a given waste material from the waste stream and

processing it so that it may be used again as a raw material for a product, which may or may not be similar to the original product.

*Refuse* means garbage and trash.

*Scavenging* means the removal of material from county landfills and household refuse disposal areas without permission.

*Single-family residential unit* means a group of rooms, including cooking accommodations, occupied exclusively by one or more persons living as a single housekeeping unit.

*Supercan* means a county refuse container of approximately 95 gallon volume.

*Trash* means all inorganic waste material, including rubbish, cans, bottles, paper, cardboard, mattresses, furniture, appliances and other discarded inorganic matter.

*Trees and tree stumps* mean branches, limbs and parts of trees, bushes or shrubbery larger than four inches in diameter.

*Vehicle* means every device capable of being moved upon a public highway and in, upon or by which any person or property may be transported upon a public highway, except devices moved by human power or used exclusively upon stationary rails or tracks.

*(Code 1980, § 11-1; Code 1995, § 17-1; Ord. No. 910, § 1, 11-8-1995)*

**Cross reference** – Definitions and rules of construction, § 1-2.

### **Sec. 17-2. - Unlawful removal of recyclable material.**

It shall be unlawful for any unauthorized person to remove recyclable material placed in or around a container or at a collection site for recycling by a recycling program authorized by the county. Each unlawful removal of recyclable material shall constitute a separate class 1 misdemeanor.

*(Code 1995, § 17-2; Ord. No. 910, § 2, 11-8-1995)*

**State law reference** – Local recycling and waste disposal, powers and penalties, Code of Virginia, § 15.2-928.

### **Secs. 17-3 – 17-22. - Reserved.**

## **ARTICLE II. - COUNTY HOUSEHOLD REFUSE DISPOSAL AREAS**

**\*Cross reference** – Streets, sidewalks and other public property, ch. 18.

**\*State law reference** – Authority operate landfills, Code of Virginia, § 15.2-928; authority to acquire land for public utilities and services, Code of Virginia, § 15.2-2109.

### **Sec. 17-23. - Use generally.**

County household refuse disposal areas shall be available for the disposal of refuse and litter subject

to the following provisions:

- (1) *Hours of operation; general conditions for use.* County household refuse disposal areas shall be available for the disposal of refuse and litter during such hours and under such conditions as the county manager may direct.
- (2) *Use of county household refuse disposal areas.* Use of the county household refuse disposal areas is limited to county residents disposing of refuse or litter generated at their residence. Residents may dispose of refuse or litter at a charge of \$3.00 per trip. Residents may purchase a book of 15 discount coupons for \$40.00 or a book of ten discount coupons for \$27.00. A resident may bring up to four automobile or truck tires no larger than 31 inches in diameter from his residence to the county household refuse disposal area at no additional charge and may bring additional tires, not exceeding 31 inches in diameter, for a charge of \$1.00 per tire. The director may refuse to accept tires in quantities which present a hazard to county household refuse disposal area operations. A resident may also dispose of household appliances or items containing chlorofluorocarbon (CFC) or hydrochlorofluorocarbon (HCFC) in the county household refuse disposal area upon payment of an additional fee of \$15.00 per appliance or item. The resident must provide a driver's license or other form of identification providing proof of county residency satisfactory to the supervisor or the cashier.
- (3) *Scavenging.* It shall be unlawful to engage in scavenging in county household refuse disposal areas.
- (4) *Penalty.* Any person violating any of the provisions of this section shall be punished by a fine not exceeding \$100.00. Each day that any violation of this section continues shall constitute a separate offense.

*(Code 1980, § 11-2; Code 1995, § 17-31; Ord. No. 967, § 1, 2-25-1998)*

**Sec. 17-24. - Disposal of certain substances prohibited.**

It shall be unlawful for any person to deposit, or place for deposit by others, any of the following materials in county household refuse disposal areas:

- (1) Hazardous waste as defined by the state hazardous waste management regulations;
- (2) Materials creating a hazard to county personnel, county operations, the general public or the environment;
- (3) Automobiles; or
- (4) Liquids, fluids or sludges.

*(Code 1980, § 11-3; Code 1995, § 17-32)*

**Sec. 17-25. - Dumping waste on premises other than county household refuse disposal areas or private sanitary landfills.**

It shall be unlawful for any person to dispose of refuse or litter within the county other than in a county household refuse disposal area or in a privately operated sanitary landfill permitted under chapter 24 or other provisions of law. This section shall not apply to occupants of single-family residences or family farms disposing of their own garbage, trash or refuse if such occupants have paid the fees, rates and charges of other single-family residences or family farms in the same service area.

*(Code 1980, § 11-4; Code 1995, § 17-33)*

**Cross reference**— Trash, garbage, refuse and litter, § 10-97 et seq.; putting glass or other hazardous material on streets, § 22-38.

**State law reference** – Authority to so provide, Code of Virginia, § 15.2-931; littering, Code of Virginia, §§ 10.1-1424, 33.1-345(7), 33.1-346, 15.2-733, 46.2-1156.

**Sec. 17-26. - Landfilling with imperishable materials on land other than sanitary landfills.**

Any person may use imperishable materials such as stone, bricks, tile, sand, gravel, soil, asphalt, concrete products and like materials for landfilling purposes upon any lot or parcel in the county with the consent of the owner. For the purposes of this section, the term "landfilling purposes" shall refer to deposits of material to fill land so as to permit practical use or development of the property in the future. Any such fills must be compacted as filled and must be covered with not less than six inches of soil within 30 days after fills or partial fills are completed or abandoned.

*(Code 1980, § 11-7; Code 1995, § 17-34)*

**Secs. 17-27 – 17-55. - Reserved.**

**ARTICLE III. - COUNTY COLLECTION SERVICE**

**Sec. 17-56. - Operational regulations and service areas.**

(a) The county shall have the right to extend refuse service within its boundaries where economically feasible.

(b) The county manager shall prescribe rules and regulations for county refuse collection, including selection of areas for county service.

*(Code 1980, § 11-12(c), (d); Code 1995, § 17-61)*

**Sec. 17-57. - Collection service for property adjacent to collection area.**

Any property owner whose property is adjacent to an area where refuse service is furnished by the county may obtain refuse collection by the county if the director determines adequate resources are available. The county may terminate refuse collection to adjacent properties upon 30 days notice if the director determines such services are not economically feasible or adequate resources are not available.

*(Code 1980, § 11-10; Code 1995, § 17-62)*

**Sec. 17-58. - Charges.**

(a) *Single-family residences.* The county shall provide a Supercan to each single-family residential unit receiving county refuse collection service.

(b) *Additional cans.* A single-family residential unit may obtain additional Supercans for an additional one-time fee of \$65.00 per Supercan. Customers may also use a privately-purchased container for refuse as long as the container is of 95 gallon capacity, is constructed of heavy duty plastic, has wheels, and has a lifting bar in the front of the container. If at any point the county determines that a privately-purchased container is incompatible with the county's refuse collection equipment, the county shall notify the customer that the container will not be serviced.

(c) *Charge for residential refuse collection.* The bimonthly charge for county refuse collection shall be \$36.00 per single-family residential unit, regardless of the number of Supercans or privately-purchased containers used at the residential unit.

- (d) *Other premises.* Businesses or other establishments receiving county refuse collection service must use Supercans to dispose of refuse, and they may obtain an unlimited number of Supercans from the county for their use. The bimonthly charge for their refuse collection shall be \$36.00 per Supercan.
- (e) *Property of county.* Supercans supplied by the county shall remain the property of the county and may not be removed when county refuse collection service is discontinued.
- (Code 1980, § 11-12(a), (b); Code 1995, § 17-63; Ord. No. 1043, § 1, 5-27-2003; Ord. No. 1120, § 1, 4-22-2008)

**Sec. 17-59. - Bulky waste and vacuum leaf collection.**

- (a) The county shall contract with a third party for the collection of residential bulky waste, such as discarded appliances, television sets, furniture, brush, and bagged leaves, under rules and regulations prescribed by the county manager and the contract at the rate set forth in the third party contract.
- (b) The county shall provide vacuum leaf collection under rules and regulations prescribed by the county manager at a charge of \$30.00 per stop.
- (c) Notwithstanding subsections (a) and (b) of this section, there shall be no charges for elderly or disabled persons who qualify for tax relief under section 20-78.
- (Code 1980, § 11-11; Code 1995, § 17-64; Ord. No. 919, § 1, 5-8-1996; Ord. No. 938, § 1, 11-26-1996; Ord. No. 940, § 1, 1-22-1997; Ord. No. 1043, § 2, 5-27-2003; Ord. No. 1103, § 1, 4-24-2007)

**Sec. 17-60. - Overdue bills; discontinuance of service.**

- (a) All charges for refuse service shall be due within 30 days of billing, and a \$1.00 service charge shall be added to all delinquent bills. The director shall notify the owner or tenant in writing that the bill is delinquent, that the owner or tenant may contest the bill by contacting the director, and that all utility service shall be discontinued if the delinquent bill is not paid within 15 days of the notice. If the delinquent bill is not paid within 15 days of the date of this notice, refuse service shall be discontinued and the supply of water to the premises shall be disconnected unless the health officer certifies that shutting off the water will endanger the health of the occupants of the premises or the health of others.
- (b) Once disconnected and discontinued, the supply of water and refuse service shall not be restored until the outstanding balance and a charge of \$35.00 for reconnecting water service is paid in full or until the director has approved other payment arrangements. If the owner or tenant vacates property with a delinquent utility bill, the outstanding balance may be transferred to any other property within the county where the owner or tenant has utility service if the owner or tenant has been notified as provided in this section. If the outstanding balance is not paid within the time specified, water and refuse service at the property to which the balance has been transferred may be discontinued.
- (c) In cases of delinquent bills where the county supplies sewer but not water service to the property, sewer service to the premises may be disconnected using the same procedures, and sewer and refuse service shall not be restored until the outstanding balance and the cost of disconnecting and reconnecting sewer service shall have been paid in full.
- (Code 1980, § 11-14; Code 1995, § 17-65)

**Cross reference** – Billing procedures, § 23-331.