

**COUNTY ADMINISTRATOR'S OFFICE  
P. O. BOX 111  
ORANGE, VIRGINIA 22960**

At a regular meeting of the Orange County Board of Supervisors held on May 10, 2016, the following action was taken:

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**160510 – 6A**

**RE: ADOPTION OF TRASH AND DEBRIS ORDINANCE**

On the motion of Mr. Goodwin, seconded by Mr. Crozier, which carried by a vote of 4-0, with Mr. Johnson being absent, the Board adopted the following ordinance, as modified:

ORDINANCE APPROVING AMENDMENTS TO ARTICLE I (IN GENERAL), SECTION 50 (SOLID WASTE), OF  
THE ORANGE COUNTY CODE OF ORDINANCES CONCERNING TRASH AND DEBRIS

WHEREAS, the Board of Supervisors previously initiated action on amendments to Article I (In General), Section 50 (Solid Waste), of the Orange County Code of Ordinances concerning trash and debris; and

WHEREAS, the County Attorney drafted recommended language for the text amendments, which was presented to the Board of Supervisors for consideration; and

WHEREAS, the Board of Supervisors conducted duly advertised Public Hearings on March 8, 2016, and April 12, 2016, to receive public comment; and

WHEREAS, following discussion at the Public Hearings, and discussion and refinement at additional worksessions, the Board of Supervisors hereby supports the proposed text amendments, as modified during its meeting; and

WHEREAS, public necessity, convenience, general welfare, and/or good practice also support approval of the proposed text amendments;

NOW, THEREFORE, BE IT ORDAINED, on this 10<sup>th</sup> day of May, 2016, that the Orange County Board of Supervisors hereby approves the proposed amendments to Article I (In General), Section 50 (Solid Waste), of the Orange County Code of Ordinances concerning trash and debris, as modified and attached.

Ayes: White, Goodwin, Crozier, Frame. Nays: None. Absent: Johnson.

**MOTION APPROVED**

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R. Bryan David  
County Administrator

cc: Glenda Bradley, Finance Director  
Connie Clark, Accountant  
Thomas Lacheney, County Attorney  
Kurt Hildebrand, Public Works Director  
Alyson Simpson, Chief Deputy Clerk  
File: Board Actions 2016

Attachment: Adopted Amendments to the Orange County Code of Ordinances

**Adopted Amendments to the Orange County Code of Ordinances**

**As adopted in Ord. No. 160510 – 6A  
by the Orange County Board of Supervisors  
on May 10, 2016**

**Article I – In General**

**Sec. 50-10. – Unlawful conditions of trash, garbage, refuse, litter, and other substances generally.**

- (a) No owner of any lot or parcel of land within the county shall permit to remain on the lot or parcel, any Household Garbage or any furniture, appliances, or other substances that are ordinarily and customarily located in the interior of a dwelling, which are visible from the road or any adjoining lot, and are reasonably liable to endanger the health of any person or injuriously affect public health or safety.
- (b) Household Garbage shall be stored in receptacles designed for that purpose, and shall be disposed of in authorized facilities provided for such purpose, and in no other manner not authorized by law.

**Sec. 50-11. – Enforcement; liens.**

- (a) The county administrator shall develop, implement, and maintain an administrative policy for the enforcement of this chapter. Whenever the county administrator (or his designee) determines that any such unlawful conditions exist, he shall notify the property owner of record of such determination by certified mail, return receipt requested, sent to the address listed in the real estate tax records, requiring such property owner to correct the condition. If the condition is not substantially corrected within ten (10) days after receipt of such notice, and if the county administrator (or his designee) determines in his sole discretion that no good faith effort is being made to correct the condition, then the county administrator (or his designee) may order such condition to be corrected, either by county forces or by a private contractor. The actual cost, together with an administrative handling charge of \$50.00, shall be billed to the property owner and, if not paid, shall be added to and collected in the same manner as the real estate tax on such property. The county administrator (or his designee) shall certify the costs and expenses to the treasurer of the county, who shall collect such amount; and if such amount shall remain unpaid for a period of sixty (60) days, then the treasurer shall certify such charges as being unpaid to the clerk of the circuit court of the county, who shall maintain a record book of such delinquent costs and expenses on file in the records of his office.
- (b) Every charge authorized by this section with which the owner of any such property shall have been assessed and which remains unpaid shall constitute a lien against such property ranking on a parity with liens for unpaid local taxes and enforceable in the same manner as provided in Article 3 (§58.1-3940 et seq.) and Article 4 (§58.1-3965 et seq.) of Chapter 39 of Title 58.1 of the Code of Virginia, as amended. The county may waive such liens in order to facilitate the sale of the property. Such liens may be waived only as to a purchaser who is unrelated by blood or marriage to the owner and who has no business association with the owner. All such liens shall remain a personal obligation of the owner of the property at the time the liens were imposed.

**Sec. 50-12. – Penalties.**

- (a) Violations of this article shall be subject to a civil penalty of \$50.00 for the first violation, or violations arising from the same set of operative facts. The civil penalty for subsequent violations not arising from the same set of operative facts within 12 months of the first violation shall be \$200.00. Each business day during which the same violation is found to have existed shall constitute a separate offense. In no event shall a series of specified violations arising from the same set of operative facts result in civil penalties that exceed a total of \$3,000.00 in a 12-month period.
- (b) Such violations shall be a Class 3 misdemeanor in the event three (3) civil penalties have previously been imposed on the same defendant for the same or similar violation, not arising from the same set of operative facts, within a 24-month period. Classifying such subsequent violations as criminal offenses shall preclude the imposition of civil penalties for the same violation.

**State Law Reference** - Authorized by Code of Virginia §15.2-901.