

Article I – In General

CHAPTER 50 – SOLID WASTE

Sec. 50-1 – Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section:

Brush means decomposable waste materials generated by yard and lawn care, including but not limited to wood, wood chips, shrub and tree trimmings. Brush shall not include roots or stumps that exceed six inches in diameter.

Commercial waste means all solid waste which generated by establishments engaged in business operations other than manufacturing or construction. This category includes, but is not limited to, solid waste resulting from the operation of stores, markets, office buildings, restaurants and shopping centers.

Construction waste means solid waste which is produced or generated during construction, remodeling, or repair of pavements, houses, commercial buildings, and other structures. Construction waste include, but are not limited to, lumber, wire, sheetrock, broken brick, shingles glass, pipes, concrete, and paving materials. Paints, coatings, solvents, asbestos, any liquid, compressed gases or semi-liquids and garbage are not construction wastes.

Containers mean those receptacles or facilities located at various places in the county for the collection of solid waste.

Contractual agent means the person with whom the county has entered into a contract for the collection and disposal of solid

waste in the county.

Convenience center means a collection point for the temporary storage of solid waste provided for individual solid waste generators within the county who choose to transport solid waste generated on their own property to an established point, rather than directly to a disposal facility. A convenience center may not receive waste from collection vehicles that have collected waste from more than one real property owner.

Cover material means compactable soil or other approved material which is used to blanket solid waste in a landfill.

Disposal means the storage, collection, placing, handling, removing, transporting, burying and getting rid of solid waste.

Household garbage means all animal, vegetable and mineral wastes resulting from the handling, preparation, cooking, or consumption of foods and beverages and personal property including, but not limited to, cans, bottles, food containers, paper containers and cardboard containers generated solely in the normal operation of a household.

Industrial waste means all solid waste resulting from manufacturing or industrial process that is not a regulated hazardous waste.

Nonputrescible means material that cannot be decomposed by biological methods.

Residents mean those persons residing in the county.

Rubbish includes all other solid wastes not included in the term "household garbage" and shall include but is not limited to large metal objects such as old stoves, refrigerators, auto parts, etc., wood, brush, building demolition, or other nonputrescible solid waste.

Public landfill means a site operated by and established by the county or its authorized contractual agent and permitted by the Virginia Department of Environmental Quality (DEQ) for the disposal of solid waste.

Solid waste means all refuse except body wastes, and shall include household garbage and rubbish.

Tires includes both whole tires dismounted from rims and tires that have had side walls removed (this is considered shredded). Shredded tires may be disposed of in the landfill and is considered commercial waste.

(Ord. of 4-9-1985, § 2; Ord. of 6-8-2010)

Sec. 50-2. – Penalties.

Any person who shall violate any provision of this chapter shall be guilty of a class 3 misdemeanor and upon conviction shall be subject to a fine as provided in section 1-15.

(Ord. of 4-9-1985, § 6; Ord. of 6-8-2010)

Secs. 50-3–50-9. – Reserved

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.

(Ord. 05-10-16)

State law reference- Authorized by Code of Virginia, § 15.2-901.

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 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 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.

(Ord. 05-10-16)

State law reference- Authorized by Code of Virginia, § 15.2-901.

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 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.

(Ord. 05-10-16)

State law reference- Authorized by Code of Virginia, § 15.2-901.

Secs. 50-13–50-35. – Reserved