

Chapter 62 SOLID WASTE¹

ARTICLE I. IN GENERAL

Sec. 62-1. Rules and regulations governing sanitary landfill.

- (a) Upon the establishment of a sanitary landfill for use by the inhabitants of the county, whether exclusively or jointly with the inhabitants of any one or more municipalities within the county, for the disposal of garbage, trash or other refuse exclusive of sewage; and upon adoption by the board of supervisors of a resolution approving rules and regulations for the maintenance, operation or use of such sanitary landfill; and upon the filing of such resolution, together with a copy of the rules and regulations thereby approved, in the office of the county administrator; and upon the conspicuous posting at each entrance to such sanitary landfill of a summary of the provisions of such rules and regulations, it shall be unlawful for any person to violate or fail to comply with any such rules or regulations.
- (b) The rules and regulations referred to in subsection (a) may provide, among other subjects not mentioned therein, for:
 - (1) The requirement for a permit to deposit any liquid or substance at the sanitary landfill and a schedule of fees for the permit or classes of permits so required.
 - (2) The days and hours during which the sanitary landfill shall be open to receive deposits.
 - (3) Limitations and prohibitions as to liquids and substances which may be deposited.
 - (4) The exclusion of children, unauthorized persons and disorderly persons from the premises of the sanitary landfill.
 - (5) The manner in which deposits shall be made.
 - (6) The type of vehicles which shall be permitted to enter the sanitary landfill.
 - (7) A schedule of fees and charges to be paid by any person for the disposing of solid waste at the sanitary landfill.

(Code 2024 Res. of 4-15-91(1))

Sec. 62-2. Limitations on disposal of solid waste at the landfill.

- (a) It shall be unlawful for any person to dispose of any solid waste at the county landfill that did not originate from within the boundaries of the county.

¹Cross reference(s)—Administration, ch. 2; businesses, ch. 22; environment, ch. 38; garbage and rubbish disposal in trailer parks, § 50-42; utilities, ch. 78.

State law reference(s)—Virginia Waste Management Act, Code of Virginia, § 10.1-1400 et seq.; removal of trash, garbage, etc., Code of Virginia, § 15.1-11; county solid and hazardous waste management, Code of Virginia, § 15.1-282.

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- (b) Upon request of landfill attendants, anyone bringing solid waste to the landfill for disposal shall certify that such waste originated or was generated within the boundaries of the county and identify the location in the county where the waste originated or was generated.
- (c) Any person who violates the provisions of this section shall be guilty of a class 4 misdemeanor and, upon any subsequent conviction within a period of 12 months, shall be guilty of a class 3 misdemeanor.

(Res. of 5-3-04(04-046); Res. of 9-7-04(04.102)

Secs. 62-3—62-25. Reserved.

ARTICLE II. LITTER CONTROL²

Sec. 62-26. Definitions.

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

Commercial hauler means a Person engaged in the business of collecting, transporting, hauling, transferring, or disposing of refuse.

Commercial solid waste means refuse originating from commercial establishments, including, but not limited to, restaurants, food stores and produce or meat markets.

Court means the appropriate judicial body by which violations of the law are tried in the county, which may include the juvenile, general district or circuit court.

~~*Household solid waste* means refuse normally originating from single family, multifamily and mobile homes. Refer to section 62-34(c) for a listing of items, originating from households, that are prohibited from deposit or discard in county owned or authorized bulk containers.~~ (Replaced this section with Residential Waste below)

Industrial solid waste means refuse originating from industrial or manufacturing processes and establishments, including, but not limited to, furniture production, fabric mills, rubber and plastic manufacturers and fabricating and container manufacturers.

Institution means any public or private establishment which educates, instructs, treats for health purposes or otherwise performs a service or need for the community, county, region, state or nation.

Institutional solid waste means refuse originating from institutions.

Litter means waste materials, refuse, garbage, trash, rubbish and the like, including, but not limited to, bottles, glass, crockery, cans, scrap metal, paper, plastic, rubber, offal, waste building material at construction sites, and disposable packages or containers thrown or deposited as prohibited in this article, but not including the properly disposed waste of the primary processes of mining, logging, sawmilling, farming or manufacturing.

²Cross reference(s)—Throwing or depositing glass, etc., upon highway, § 74-11.

State law reference(s)—Litter control and recycling, Code of Virginia, § 10.1-1414 et seq.; removal of trash, garbage, etc., Code of Virginia, § 15.1-11; dumping trash, etc., on highway, right-of-way, or private property, Code of Virginia, § 33.1-346.

Litter receptacle means a container with a capacity of not less than ten gallons, constructed and placed for use as a depository for litter. This includes "dumpsters," "bulk containers," "refuse containers" or other such containers specifically designated as litter receptacles.

Person means any natural person, corporation, partnership, association, firm, receiver, guardian, trustee, executor, administrator, fiduciary or representative, or group of individuals or entities of any kind.

Private property means property owned by any person, including, but not limited to, yards, grounds, driveways, entrance or passage ways, parking areas, storage areas, any body of water, vacant land and recreation facilities.

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, including, but not limited to, highways, streets, alleys, parks, recreation areas, sidewalks, medians, lakes, rivers, streams, ponds or other bodies of water.

Residential waste means refuse, derived from households. Households include single and multiple residences, hotels and motels, bunkhouses, ranger stations, crew quarters, campgrounds, picnic grounds, and day-use recreation areas. Refer to section 62-34(c) for a listing of items, originating from households, that are prohibited from deposit or discard in County-owned or authorized bulk containers.

Refuse means litter, solid wastes, garbage, trash, rubbish and the like.

Vehicle means every device capable of being moved upon a public highway or public waterway and in, upon or by which any person or property may be transported or drawn upon a public highway or public waterway. "Vehicle" shall also include any watercraft, boat, ship, vessel, barge or other floating craft, except devices moved by human power, or used exclusively upon stationary rails or tracks, or used exclusively for agricultural purposes and not licensed pursuant to state law, which is not operated on any public highway for purposes other than crossing such public highway, or along such highway between two tracts of the owner's land.

(Code 2024)

Sec. 62-27. Littering prohibited; rebuttable presumption concerning operators of motor vehicles.

(a) It shall be unlawful for any person to drop, deposit, discard or otherwise dispose of litter, as defined in § 10.1-1414 of the Code of Virginia, including a companion animal as defined in § 3.2-6500, or other unsightly matter, in or upon any public or private property within the county, including, but not restricted to, any street, sidewalk, park, body of water, or vacant or occupied lot, except in public receptacles, in authorized private receptacles provided for public use, in an area designated by the state department of health as a permitted disposal site, or in bulk containers located at county container sites.(Pursuant to § 33.2.802)

(b) When a violation of the provisions of this section has been observed by any person, and the matter dumped or disposed of in the highway, right-of-way, property adjacent to such highway or right-of-way, or private property has been ejected from a motor vehicle, the operator of such motor vehicle shall be presumed to be rebuttable by competent evidence, as specified in § 10.1-1418.1(C) of the Code of Virginia.

(c) Any person convicted of violating this section shall be subject to penalties as prescribed in § 10.1-1418 of the Code of Virginia, which may include a fine of up to fifty dollars for each violation.

(Code 2024)

Sec. 62-28. Allowing escape of load material.

(a) General Provisions

No vehicle shall be driven or moved on any highway unless constructed or loaded to prevent any of its load from escaping. Exceptions include sand or substances for traction during snow and ice, or water and substances used by the Commonwealth or local government for road maintenance. Operators of vehicles from which glass or objects fall, causing obstruction or danger, must immediately clean the highway and bear the cost. Violation of this section is a Class 1 misdemeanor.

(b) Transport of Litter and Loose Items

Vehicles transporting litter or loose items must use measures such as tarps or nets to prevent contents from blowing, dropping, or falling on highways.

(c) Exemptions

The following are exempt from subsection (a):

1. Vehicles used exclusively for agricultural purposes as provided in § 46.2-698 and not licensed in any other state.
2. Agricultural vehicles, tractors, or other vehicles exempted from registration and licensing pursuant to Article 6 (§ 46.2-662 et seq.) of Chapter 6.
3. Vehicles transporting forest products, poultry, or livestock.

(d) Specific Requirements for Certain Loads

Trucks, trailers, and semitrailers carrying gravel, sand, coal, or other non-agricultural and non-forestry products on interstate, primary, or secondary highways must secure or cover their loads. Covers used for transporting solid waste must contain the vehicle's cargo regardless of speed or weather conditions. Exclusions include public service company vehicles, pickup trucks, and emergency snow removal equipment engaged in snow removal operations.

(Code 2024)

(e) Any violation of this section by a Commercial Hauler shall constitute a class 2 misdemeanor.

State law reference(s)—Similar provisions, Code of Virginia, § 10.1-1424; construction, maintenance and loading of vehicles must prevent escape of contents, Code of Virginia, § 46.2-1156.

Sec. 62-29. Duty to keep residential property clean.

It shall be the duty of each residential property owner and tenant to keep all exterior private property free of litter. These areas shall include, but not be restricted to: sidewalks, alleys and driveways; yards and grounds; fences; walls and property lines; drainages; and vacant lots in residential areas. Any storage, accumulation, or dumping of litter, debris, abandoned vehicles, or other waste material which might endanger the health, safety, or wellness of others is declared a nuisance.

(Code 2024; Ord. of 2-5-24(2024-2), Att.)

State law reference(s)—Code of Virginia, §§ 15.2-900, 15.2-901, 3.2-302.

Sec. 62-30. Removal of litter from private premises by county; lien.

(a) Thirty days after due notice is given to any owner, agent, occupant or lessee of any private property to remove litter from the premises, the county or its designee is authorized to clean up such private property and bill the owner or his agent for the costs thereof. If the bill has not been paid within 30 days, execution may be issued by the county against the property for the amount expended in the cleaning work, and such execution shall constitute a lien on the property until the claim has been satisfied.

(b) Execution of the notice to remove litter shall be in writing and shall be in the form of a certified letter.

(Code 2024)

Sec. 62-31. Duty to keep areas surrounding commercial establishments and institutions clean.

(a) It shall be the duty of each proprietor and each operator of any business, industry, or institution to keep the adjacent and surrounding areas clear and free of litter, as defined in § 10.1-1414 of the Code of Virginia. These areas include, but are not restricted to, private sidewalks, roads, and alleys; grounds; parking lots; loading and unloading areas; and all vacant lots which are owned or leased by such establishment or institution.

(b) Any accumulation or improper disposal of litter, debris, or other waste material that might endanger the health, safety, or wellness of others is hereby declared a nuisance and must be addressed promptly by the responsible parties.

(c) In the event of non-compliance, proprietors and operators may be subject to penalties as prescribed in § 10.1-1418 of the Code of Virginia, which may include fines and other legal actions to abate the nuisance.

(d) Proper disposal of solid waste must be conducted in a legal manner as stipulated under § 10.1-1418.1 of the Code of Virginia. Failure to comply may result in civil penalties, including but not limited to fines up to \$5,000 and legal actions as described in § 10.1-1418.1.

(Code 2024)

Sec. 62-32. Sweeping litter from sidewalks into streets.

(a) It shall be unlawful to sweep or push litter, as defined in § 10.1-1414 of the Code of Virginia, from sidewalks into streets. Such litter shall be deposited in a proper receptacle, which shall be covered to prevent scattering by wind, water, and animals, as outlined in § 10.1-1414 and § 10.1-1419 of the Code of Virginia.

(b) Proper receptacles, defined as litter receptacles acceptable to the Department of Environmental Quality, shall be used to deposit litter. These receptacles must be maintained in a manner to prevent overflow or spillage, in accordance with § 10.1-1419 of the Code of Virginia.

(c) Violation of this section shall be subject to penalties as prescribed in § 10.1-1418 of the Code of Virginia, which may include a fine of up to fifty dollars for each violation.

(Code 2024) cross reference(s)—Animals, ch. 14.

Sec. 62-33. Construction and demolition sites.

- (a) It shall be unlawful for any owner, agent, or contractor to permit the accumulation of litter before, during, or after completion of any construction or demolition project.
- (b) It shall be the duty of the owner, agent, or contractor in charge of a construction or development site to furnish appropriate litter receptacles and to collect, contain, and prevent the scattering of bulk litter on a daily basis.
- (c) All litter receptacles must be covered to prevent scattering by wind, water, and animals; and must be maintained to prevent overflow or spillage. The wind and water from hurricanes, tornadoes, and floods are excepted.
- (d) In the event of non-compliance, responsible parties may be subject to fines and other legal actions to abate the nuisance

(Code 2024)

Cross reference(s)—Buildings, ch. 18.

Sec. 62-34. Use of county owned or authorized bulk containers.

- (a) All county owned or authorized bulk containers shall be used for discarding household solid waste only. No solid wastes generated by any institution, business or industrial establishment shall be placed in or around county owned or authorized bulk containers.
- (b) It shall be unlawful for any person, except the duly authorized agent of the county, to remove from, sift through, sort out or recover from solid waste containers any of the contents of the containers. However, nothing in this section shall prohibit any person from recovering or attempting to recover any item which that person may have inadvertently deposited by mistake or may have a bona fide reason to believe to have been lost in that solid waste container by that person, but such recovery or attempted recovery shall be in a manner not inconsistent with general litter laws as provided in section 62-27.
- (c) The use of bulk containers for deposit or discarding of certain items is specifically prohibited. These items include, but are not restricted to, household appliances, furniture, automotive engines and parts, mattresses and springs, trees and brush, tires and wheels, and other objects of like or similar nature. These types of items shall be taken by the owner to the county landfill.
- (d) The use of county owned or authorized bulk containers is restricted to property owners and residents of the county.

(Code 2024)

Sec. 62-35. Duty to provide adequate litter receptacles; placement; penalty for violations

It shall be the duty of any person owning or operating any establishment or public place to provide, place, and maintain, at their own expense, receptacles adequate to contain the litter generated at such establishment. Adequacy of receptacles shall be determined by the county using the state litter receptacle regulations, pursuant to Code of Virginia, § 10.1-1415.

Any person who fails to place and maintain such litter receptacles on the premises in the manner required, or who otherwise violates the provisions of this section, shall be subject to a fine of fifty dollars for each day of violation, pursuant to Code of Virginia, § 10.1-1416.

(Code 2024)

Sec. 62-36. Unlawful use of litter receptacles.

It shall be unlawful to deposit any item except litter in any receptacle placed for public use as a depository for litter.

(Code 2024)

Sec. 62-37. Items considered not acceptable for collection or disposal in county.

The following items are considered not acceptable for collection or disposal in the county:

- (1) Dangerous materials or substances, such as poison, acid, caustics, infected materials, explosives and radioactive wastes.
- (2) Refuse which is detrimental to the health or safety of the personnel who collect, haul, transport or dispose of solid waste, including, but not limited to, refuse that contributes or is likely to contribute to the contraction or spread of infectious, contagious, or dangerous diseases, pursuant to §15.2-927 of the Code of Virginia.

(Code 2024)

Sec. 62-38. Handbills and advertising material.

It shall be unlawful for any person distributing commercial handbills, leaflets, flyers or any other advertising and informational material to distribute material in such a manner that it litters either public or private property.

(Code 2024)

Sec. 62-39. Enforcement; initiation of prosecution.

- (a) Enforcement officers of the county sheriff's department and other law enforcement agency personnel with powers to arrest may issue citations to, or arrest, persons violating any provision of this article, and may serve and execute all warrants and other process issued by the court in enforcing the provisions of this article.
- (b) Enforcement procedures shall be the same as those for other law violations which are designated as class 3 misdemeanors.
- (c) Prosecution for a violation of any provision of this article may be initiated by any law enforcement officer who witnesses such offense. Such prosecution may also be initiated by any private citizen who witnesses such an offense.

(Code 2024)

Sec. 62-40. Penalties.

(a) Criminal Penalties: (1) Violation of any section of this article shall be punished by a fine of not more than fifty dollars for each such violation, in accordance with § 10.1-1418 of the Code of Virginia. (2) In each case, the court may, at its discretion, invoke appropriate alternative sentencing in lieu of monetary fines, such as community service. (3) Any person who knowingly violates provisions related to the improper disposal of solid waste, such as the improper storage or disposal of waste tires, may be subject to more severe criminal penalties, including but not limited to Class 1 misdemeanors or Class 6 felonies, as specified in § 10.1-1418.2 of the Code of Virginia.

(b) Civil Penalties: (1) Any owner of real estate in the county, upon whose property a person improperly disposes of solid waste without the owner's permission, shall be entitled to bring a civil action for such improper disposal of solid waste. Civil penalties for such violations may include fines up to \$5,000, as prescribed in § 10.1-1418.1 of the Code of Virginia. (2) All civil penalties assessed pursuant to this section in a civil action brought by the county shall be paid into the treasury of the county

(Code 2024)

State law reference(s)—Penalty for dumping trash, etc., on highway, right-of-way or private property, Code of Virginia, § 33.1-346.