

Chapter 70

SOLID WASTE*

* **Cross References:** Buildings and building regulations, ch. 22; environment, ch. 38; utilities, ch. 86.

State Law References: Virginia Waste Management Act, Code of Virginia, § 10.1-1400 et seq.; removal of trash, garbage, etc., weeds and other foreign growth, Code of Virginia, §§ 15.2-901, 15.2-902; garbage and refuse disposal, Code of Virginia, § 15.2-927 et seq.; regulation of garbage and refuse pickup and disposal services, contracts, Code of Virginia, § 15.2-930; contracts for garbage and refuse pickup and disposal services, waste recovery facilities, Code of Virginia, § 15.2-932; delivery of garbage, trash and refuse to certain facilities, Code of Virginia, § 15.2-933; mailing summons for violation of trash ordinance, Code of Virginia, § 19.2-76.2.

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ARTICLE I.

IN GENERAL

Sec. 70-1. Violation of chapter.

The existence of any condition in violation of this chapter upon the premises of any person shall be prima facie evidence that such person committed such violation.

(Code 1968, § 24-11; Code 1983, § 8-11)

Sec. 70-2. Deposit of objectionable waste.

It shall be unlawful for any person to place or deposit, or permit to be placed or deposited, in an unsanitary manner upon public or private property within the town or in any area under the town's jurisdiction, any human or animal excrement, garbage or other objectionable waste.

(Code 1983, § 18-59; Ord. No. 4-89, 9-12-1989)

Sec. 70-3. Dumping unsightly matter.

(a) It shall be unlawful for any person to dump or otherwise dispose of trash, garbage, refuse, litter, or other unsightly matter on public property, including a public highway, right-of-way, property adjacent to such highway or right-of-way, or on private property without the written consent of the owner thereof or his agent. Any violation of this subsection shall constitute a misdemeanor punishable by confinement in jail for not more than 12 months and a fine of not less than \$250.00 or more than \$2,500.00, either or both.

(b) When any person is arrested for a violation of this section and the matter alleged to have been dumped or disposed of has been ejected from a motor vehicle or transported to the disposal site in a motor vehicle, the arresting officer may comply with the provisions of Code of Virginia, § 46.2-936 in making such arrest.

(c) When a violation of this section has been observed by any person and the matter illegally dumped or disposed of has been ejected from a motor vehicle, the owner or operator of such motor vehicle shall be presumed to be the person ejecting or disposing of such matter; provided, however, that such presumption shall be rebuttable by competent evidence. Any person convicted of a violation of this subsection shall be guilty of a misdemeanor punishable by confinement in jail for not more than 12 months and a fine of not less than \$250.00 or more than \$2,500.00, either or both.

(d) This section shall not apply to the lawful disposal of such matter in landfills.

(Code 1968, §§ 15-29.2, 24-1; Code 1983, § 8-1)

State Law References: Similar provisions, Code of Virginia, § 33.1-346.

Secs. 70-4--70-30. Reserved.

ARTICLE II.

COLLECTION

DIVISION 1.

GENERALLY

Sec. 70-31. Tree cuttings, builder's refuse.

Tree cuttings or builder's refuse shall be disposed of by the owner or his agent and shall not be put out for collection under this chapter.

(Code 1968, § 24-2; Code 1983, § 8-10)

Cross References: Vegetation, ch. 90.

Secs. 70-32--70-60. Reserved.

DIVISION 2.

RECEPTACLES

Sec. 70-61. Use generally.

All garbage, ashes and trash set out for collection by the collection trucks shall be placed in suitable receptacles. The collection trucks will not haul away anything unless placed in suitable containers as provided in this division.

(Code 1968, § 24-3; Code 1983, § 8-2)

Sec. 70-62. Matter subject to decay or fermentation.

For all refuse and garbage containing animal or vegetable matter subject to decay or fermentation, the receptacle shall be of watertight metal or plastic and of not more than 30 gallons capacity. It shall be equipped with a tightfitting metal or plastic cover. Such receptacle and cover shall be in such condition as to protect the contents of the receptacle from flies and animals. The receptacle shall be strong enough to withstand the weather and the handling by the persons who load the collection trucks.

(Code 1968, § 24-5; Code 1983, § 8-4)

Sec. 70-63. Matter not subject to decay or fermentation.

For all trash, paper, ashes and other matter not subject to decay or fermentation, the receptacle may be of any type, but the receptacle and contents shall not weigh more than 50 pounds. Such receptacle shall have a cover or other means of preventing scattering of the contents. Such receptacle shall be strong enough to withstand the weather and the handling by the persons who load the collection trucks.

(Code 1968, § 24-6; Code 1983, § 8-5)

Sec. 70-64. Maximum number; filling above brim.

Receptacles for refuse, garbage, trash, paper, ashes and other matter shall not be filled more than level with the brim. Not more than five receptacles shall be set out for collection per week at any one address.

(Code 1968, § 24-7; Code 1983, § 8-6)

Sec. 70-65. Time for setting out.

Receptacles for garbage, ashes or trash set out for collection by the collection trucks shall be placed at the curb on the day of collection before 7:00 a.m. and after 12:00 noon, the day before. Garbage, ashes and trash shall not be set out after the collection truck has passed.

(Code 1968, § 24-4; Code 1983, § 8-3)

Sec. 70-66. Storing hot ashes.

Hot ashes shall not be placed in refuse receptacles.

(Code 1968, § 24-10; Code 1983, § 8-9)

Sec. 70-67. Storing liquid.

Liquid shall not be placed in any of the receptacles required by this division.
(Code 1968, § 24-9; Code 1983, § 8-8)

Sec. 70-68. Covers.

The covers on all of the receptacles required by this division shall be kept in place except when the receptacle is being filled or emptied.
(Code 1968, § 24-8; Code 1983, § 8-7)