

PITTSYLVANIA COUNTY CODE

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CHAPTER 17

SOLID WASTE DISPOSAL

Article I.

General Considerations

SEC. 17-1. TITLE AND PURPOSE.

This ordinance shall be known as the "Solid Waste Disposal Ordinance of Pittsylvania County." The Board of Supervisors of Pittsylvania County, Virginia, acknowledges that landfill space is a limited and valuable resource. To the end that this resource be best utilized to provide for the health, safety and welfare of the citizens of Pittsylvania County. It is the desire of the Board of Supervisors that this resource be used in such a manner as to provide for the disposal of only acceptable waste, and to provide for an orderly method of the generation, storage, collection, and disposal of solid waste, such that the environment is enhanced, and the health, safety and welfare of the citizens of Pittsylvania County is protected.

SEC. 17-2. DEFINITIONS.

- A. “Person” shall include any person, persons, association, partnership, firm or corporation.
- B. “Disposal” shall mean the disposition of solid waste.
- C. “Solid Waste” shall mean all refuse except body wastes, and sludges, and shall include garbage and rubbish.
- D. “Garbage” shall mean all animal, vegetable, and mineral wastes resulting from the handling, preparation, cooking or consumption of foods.
- E. “Residents” shall mean those persons residing in Pittsylvania County, unless otherwise designated herein.
- F. “Sanitary Landfill” shall mean that site or those sites operated by and established by Pittsylvania County and permitted by the Department of Environmental Quality of the Commonwealth of Virginia for the disposal of solid waste.
- G. “Industrial Waste” means all solid waste resulting from manufacturing and industrial processes such as, but not limited to, those carried on in factories, processing plants, refineries, slaughter houses, and mills.
- H. “Words or Terms” words in the present tense shall include the future; words in the singular shall include the plural and vice versa; the masculine shall include the feminine and the neuter, the word “shall” mandatory and not discretionary, and reference to this ordinance includes all ordinances amending or supplementing the same.

- I. “Commercial Hauler” shall mean any person, partnership, corporation, business firm, or organized system in operation to make pickups of solid waste or garbage for disposal and charges a fee or tax for the service, including such nonlicensed services as maybe performed by town or city departments or their employees. The term “Commercial Hauler” shall not mean any individual Residential Hauler as that term is defined herein, or the Department of Public Works of Pittsylvania County, Virginia. **(B.S.M. 10/17/06)**

- J. “Household Solid Waste” shall mean solid waste generated solely by residential use, and shall not include any industrial waste, agricultural waste, as defined in the Virginia Department of Environmental Quality, Solid Waste Management Regulations, as amended, or hazardous waste as defined herein. Carpet shall be deemed household solid waste if it is disposed of by the occupant and/or owner of the residential dwelling. Residential construction and/or demolition waste, create by and disposed of by the occupant and/or owner of his/her dwelling, shall be deemed household solid waste. **(B.S.M. 1/21/14)**

- K. “Individual Residential Hauler” shall mean a citizen who resides in Pittsylvania County, Virginia, who hauls only household solid waste generated solely in the household in which that individual resides, and does not do so for profit. It shall be unlawful to place dead animals, manure, brush, wood, tires or hazardous waste in any refuse container.

- L. “Acceptable Waste” means non-hazardous “municipal solid waste”, “industrial waste” and “agricultural waste”, construction waste”, “debris waste”, demolition waste”, as defined in the Virginia Department of Waste Management Solid Waste Management Regulations, amended, (the “DWM Regulations”), and such other wastes as the County shall agree in writing to accept from time to time, subject to such limitations and exclusions as are imposed by Applicable Law and excluding all Unacceptable Wastes. **(B.S.M. 10/17/06)**

Article II.

Containers: Storage: Collection: and Disposal of Solid Waste

SEC. 17-3. SANITARY REFUSE CONTAINERS.

- A. Sanitary refuse containers may be provided by the County Government for household solid waste and only for the use of the individual Pittsylvania County residential hauler.

- B. No person shall dispose of any waste in sanitary refuse containers provided by the County Government except for the individual residential hauler as defined herein, and no person shall deposit any waste other than household solid waste as defined herein into any sanitary refuse container provided by the County Government. No commercial hauler shall dispose of solid waste in any collection container served by the County's Solid Waste disposal trucks. **(B.S.M. 8/18/98)**

- C. Commercial and industrial establishments may provide a suitable container and location for a container which is to both be approved by the Director of Public Works if they choose to be serviced by the County's waste disposal trucks. The rates for service to private containers by the County waste disposal trucks shall be:

Per 4 cubic yard container - \$30.00 (thirty dollars)

Per 6 cubic yard container - \$41.00 (forty-one dollars)

Per 8 cubic yard container - \$52.00 (fifty-two dollars))

*Fees will be due in advance each month. Company owned or privately owned apartment developments or trailer courts will be treated as commercial accounts.

- D. The County shall not be responsible for damages to privately owned containers that are emptied by the Solid Waste Department and the owners of such containers shall save the County harmless against any liability or claim of liability relative to such containers.
- E. Public picnic and campgrounds and/or recreation areas will be considered a residential user provided no fees are charged for the use of the facilities.
- F. Owners of containers shall maintain adequate servicing area as determined by the Director of Public Works, and be responsible for keeping the service area in a clean and orderly fashion.
- G. No material outside the containers will be accepted, and where such material exists, the perpetrator will be in violation of the County Ordinance on Solid Waste Disposal, Section 17-6.
- H. Containers located in trailer parks shall be placed at or near entrance.
- I. It shall be unlawful for any person to remove any refuse or other substance from such refuse container. It shall likewise be unlawful for any person to stand or climb on or place himself, or any other person, within or on any such refuse container.

*The foregoing shall not apply to any County employee in the course of regular duties or to any other person authorized by the County Administrator or County Official in charge of the Solid Waste Program.

- J. All garbage shall be drained free of liquids before being placed in the refuse containers.
- K. All garbage shall be wrapped in paper or similar material or placed in plastic disposal bags before being placed in the refuse container.
- L. It shall be unlawful to place dead animals, manure, rubbish, tires or hazardous waste in any refuse container. **(B.S.M. 8/18/98)**
- M. It shall be unlawful to litter container sites or to place any solid waste outside the

container.

- N. Some of the container sites provided by the County Government also include sites for compactor units. Compactor units are typified and defined as large, open sites for the disposal of household solid waste, which includes a mechanical device for compacting solid waste. Compactor sites may also include a large open top box for the disposal of household furniture and appliances generated solely by residential use in Pittsylvania County by an individual residential hauler. Household furniture and appliances shall be accepted and disposed of only in the open top boxes located at the compactor sites, and only those generated by the individual common residential hauler. **(B.S.M. 8/18/98)**
- O. It shall be unlawful to place solid waste in any street, alley, and stream, body of water, woods, or any other public place or upon private property. It shall be unlawful for the owner or the occupant of any real property to allow solid waste to remain upon the property more than thirty days after the owner or occupant knew or reasonably should have known of the presence of the solid waste. **(B.S.M. 10/17/06)**
- 1.) There shall be a rebuttable presumption that the owner and/or the occupant of real estate has placed solid waste or has allowed solid waste to remain on the property in violation of this Ordinance if solid waste remains on the property and visible from either a public right-of-way, road, or adjoining property for thirty (30) days or longer. **(B.S.M. 10/17/06)**
 - 2.) The owners of property therein shall, at such time or times as the Board of Supervisors may prescribe, remove therefrom any and all trash, garbage, refuse, litter and other like substances which might endanger the health or safety of other residents of the County. The County may, whenever the Board of Supervisors deems it necessary, after reasonable notice, have such trash, garbage, refuse, litter and other like substances which might endanger the health of other residents of the County, removed by its own agents or employees, in which event the cost or expenses thereof shall be chargeable to and paid by the owners of such property and may be collected by the County as taxes are collected. **(B.S.M. 5/16/06)**
 - 3.) Trash, garbage, refuse, litter and other debris shall be disposed of in personally owned or privately owned receptacles that are provided for such use and for the use of the persons disposing of such matter or in authorized facilities provided for such purpose and in no other manner not authorized by law. **(B.S.M. 5/16/06)**

SEC. 17-4. PITTSYLVANIA COUNTY LANDFILL.

- A. The Pittsylvania County Landfill shall be operated, as an Enterprise Fund wherein all solid waste received at the Pittsylvania County Landfill must be billed at the current approved tipping fee in accordance with Section 17-4 (C). Revenues to the Enterprise Fund shall be derived from the County's consumer utility tax and the tipping fees.
- B. No commercial hauler shall be permitted to dispose of solid waste in the Pittsylvania County Landfill without having first entered into a written contract for such disposal with

the Board of Supervisors of Pittsylvania County, Virginia, acting through its duly authorized County Administrator or his designee.

- C. The fee for disposal of acceptable-solid waste at the County Landfill shall be an amount not to exceed sixty (\$60.00) dollars per ton. This fee may be set lower by act of the Board of Supervisors, or pursuant to contract as provided for in Section 17-4 (A), along with any other restrictions contained therein, or by posting said fee at the landfill for individual residential haulers.
- D. Incorporated Towns of Pittsylvania County will be charged a disposal in accordance with Sections 17-4 (A) and (C) provided the County does not collect a utility tax within the incorporated Town limits. **(B.S.M. 6/20/00)**
- E. Tires may be disposed of at a rate of forty (\$40.00) dollars per ton at the Pittsylvania County Landfill, but only if they are split or shredded. Unsplit or unshredded tires will not be accepted.
- F. Hazardous chemicals, liquid waste, hazardous waste, highly combustible waste, sludge's and other semi-solid fluids shall not be accepted at the Pittsylvania County Sanitary Landfill except by prior approval by the Board of Supervisors, and shall be disposed of only as approved by the Department of Environmental Quality of the Commonwealth of Virginia. To this end, all waste presented for disposal at the landfill may be inspected prior to disposal. All waste presented for disposal shall be presented in such a manner as to allow for easy inspection. In the event that unacceptable waste is detected or suspected, the County Administrator, Assistant County Administrator, Director of Public Works, or head of operations at the landfill, or any designee thereof, shall refuse to accept such waste for disposal, until such waste is determined to be acceptable waste by analysis from the Department of Environmental Quality or its designee.
- G. It shall be unlawful for any person to enter the area of the Pittsylvania County Sanitary Landfill in which solid waste is deposited and remains uncovered and not buried who is not authorized by the Director of Public Works, or the head of operations at the landfill, or any designee thereof. It shall likewise be unlawful for any person to remove, disturb, or search in the solid waste or engage in the practice of sorting through or scavenging in or about the solid waste deposited at the Pittsylvania County Sanitary Landfill. The foregoing shall not apply to any County employee in the regular course of his duties or any other person authorized by the County Administrator or County official in charge of the Solid Waste program.
- H. Regulations governing the Landfill shall be posted at the Landfill gate. The County Administrator or other designee of the Board of Supervisors shall arrange special hours of operations on Saturdays and holidays, as the need arises, and such special open hours shall be reported to the public through the news media.
- I. The Pittsylvania County Landfill shall not accept for disposal any more than one thousand thirty-five (1035) tons of solid waste per week.

The Pittsylvania County Landfill shall not accept for disposal any more than the following daily tonnage of solid waste: On Mondays, the landfill should not accept any more than a total of one hundred and eighty (180) tons of solid waste, and shall not accept more than fifty-five (55) tons of solid waste from commercial haulers. On Tuesdays, the landfill shall not accept any more than a total of one hundred and eighty (180) tons of solid waste, and shall not accept more than thirty-five (35) tons of solid waste from commercial haulers. On Wednesday, the landfill shall not accept any more than a total of one hundred and twenty-five (125) tons of solid waste, and shall not accept more than forty-five (45) tons of solid waste from commercial haulers. On Thursdays, the landfill shall not accept any more than a total of one hundred and sixty (160) tons of solid waste, and shall not accept more than forty-five (45) tons of solid waste from commercial haulers. On Fridays, the landfill shall not accept any more than one hundred and sixty (160) tons of solid waste, and shall not accept more than thirty-five (35) tons from commercial haulers. On Saturdays, the landfill shall not accept any more than 60 tons of solid waste, and shall not accept more than a total of twenty (20) tons of solid waste from commercial haulers. Special handling trenches are exempt from tonnage limitations.

Any presentation for disposal at the landfill of acceptable solid waste by any hauler under contract with an incorporated town within Pittsylvania County, who is hauling only household solid waste generated solely in households within said incorporated towns, shall not be considered as accepted from commercial haulers for purposes of the daily limitations on tonnage from commercial haulers.

No more than two hundred and fifty (250) tons of solid waste shall be accepted on the first working day following Christmas and New Years Day.

- J. Subject to all conditions contained inappropriate in the State and Federal permits, an oil recycling program for the citizens and commercial businesses of Pittsylvania County shall be operated at the Pittsylvania County Landfill. The landfill operation manager, or his designated assignee, in his sole discretion may reject or deny acceptance of any oil, for any of the following reasons:
- Inability to inspect oil
 - Suspicion of contamination
 - Failure to submit documentation of origin
 - Proof of residency. Failure to provide proof of residency
 - Unavailable storage capacity at the landfill.
 - Any and all requirements placed on the County by the Department of Environmental Quality, United States Environmental Protection Agency or any other regulatory agency with jurisdiction in the Commonwealth of Virginia.

No oil shall be accepted from a commercial hauler. **(B.S.M. 8/18/98)**

SEC. 17-5. COLLECTION LICENSES.

- A. No commercial hauler shall collect, remove, haul or convey any solid waste through or upon any of the streets or alleys of the County of Pittsylvania or dispose of the same in

any manner or place without obtaining approval from the governing body and a license from the Commissioner of Revenue of said County.

- B. The fee for such license shall be fifty (\$50.00) dollars per vehicle per year. All licenses shall be issued for the calendar year, or such portion thereof as shall remain after the issuance thereof. There shall be no reduction in the fee for a license issued after the beginning of any calendar year.
- C. Every person or firm who shall apply for a license under this section shall state the type or types of refuse to be collected, the manner of collections, and the place and method of disposal, and shall maintain minimum liability coverage on each vehicle used for such collection as mandated by the Commonwealth of Virginia.
- D. No license shall be granted if the place and method of disposal shall not conform to the requirements of this ordinance, or to the ordinance of any municipal or quasi-municipal corporation, wherein disposal of refuse is to be made.
- E. No licensed collector or commercial hauler shall make any change in the arrangements for disposal or refuse collection by him without first receiving the approval of the governing body.
- F. It shall be unlawful to permit an unlicensed collector or unlicensed commercial hauler to collect or remove refuse from a household, institution, or commercial enterprise located in Pittsylvania County, Virginia.

SEC. 17-6. DISPOSAL OF SOLID WASTE.

- A. It shall be unlawful for commercial haulers to dump, burn, destroy, or otherwise dispose of solid waste within the jurisdictional limits of the County of Pittsylvania, except at those sites so approved by the County and permitted by the Department of Environmental Quality of the Commonwealth of Virginia.
- B. It shall be unlawful for any person to place solid waste in any street, alley, stream, body of water, woods, field, highway, ditch, or any other public place or upon private property except as provided for in this ordinance. It shall be unlawful for the owner or the occupant of any real property to allow solid waste to remain upon the property more than thirty (30) days after the owner or occupant knew or reasonably should have known of the presence of the solid waste. There shall be a rebuttable presumption that the owner and/or occupant of real estate has placed solid waste or has allowed solid waste to remain on the property in violation of this Ordinance if solid waste remains on the property and visible from either a public right-of-way, road, or adjoining property for thirty (30) days or longer. **(B.S.M. 10/17/06)**
- C. It shall be unlawful for licensed collectors or commercial haulers to dump, bury, burn, destroy, or otherwise dispose of sludge within the jurisdictional limits of the County of Pittsylvania, except with the expressed written permission of the Board of Supervisors of Pittsylvania County, acting by and through its County Administrator.

SEC. 17-7. APPEALS.

Appeals from decisions of the County Administrator or other designee of the Board of Supervisors in matters referred to above in this Ordinance may be appealed to the Board of Supervisors if such is submitted in writing; delivered in person or by mail, within ten (10) days to the County Administrator, and the decision of said Board as to such appeals duly noted shall be final.

SEC. 17-8. PENALTIES

- A. Any Owner of real property located in Pittsylvania County who, after reasonable notice, fails to remove from said real property any and all trash, garbage, refuse, litter and other substances which might endanger the health and safety of other residents of Pittsylvania County shall be subject to the penalty as provided for in Section 15.2-901 C, Code of Virginia, as the same may from time to time be amended.
- B. 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 ordinance shall be punished as provided for in Section 33.1-346 A, Code of Virginia, as the same may from time to time be amended. **(B.S.M. 6/02/08)**

SEC. 17-9. USER LIMITATION.

No solid waste shall be accepted at the Pittsylvania County Landfill unless that solid waste originated within the County of Pittsylvania or one of the incorporated Towns therein, without the prior written agreement of the Board of Supervisors of Pittsylvania County, Virginia through its County Administrator.

SEC. 17-10. SEVERABILITY.

If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional or otherwise invalid by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance.

Authority: Section 15.2-928, Code of Virginia, 1950, as amended; for penalty provisions see Section 15.2-1429, Code of Virginia, 1950, as amended.

This amended ordinance was adopted by the Board of Supervisors on October 21, 1997.
(B.S.M. 8/18/98) (B.S.M. 6/20/00) (B.S.M. 5/16/06) (B.S.M. 6/02/08) (B.S.M. 10/17/06) (B.S.M. 1/21/14) (B.S.M. 10/05/15)