

ORDINANCE NO.

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 10, GARBAGE AND REFUSE, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE I, IN GENERAL, SECTION 10-2, DEFINITIONS; ARTICLE II, REFUSE REMOVERS, SECTION 10-8, GENERAL REGULATIONS FOR REMOVING AND TRANSPORTING REFUSE; SECTION 10-11, PERIODIC INSPECTION OF VEHICLES; SECTION 10-13, WHERE VEHICLES TO BE EMPTIED; AND ARTICLE III, REFUSE PERMIT, BY DELETING SECTION 10-23, SUSPENSION FROM USE OF LANDFILL.

BE IT ORDAINED, by the Board of Supervisors of the County of James City, Virginia, that Chapter 10, Refuse and Garbage, is hereby amended and reordained by amending Section 10-2, Definitions; Section 10-8, General regulations for removing and transporting refuse; Section 10-11, Periodic inspection of vehicles; Section 10-13, Where vehicles to be emptied; and by deleting Section 10-23, Suspension from use of landfill.

Chapter 10. Refuse and Garbage

Article I. In General

Sec. 10-2. Definitions.

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Ashes. The residue resulting from the burning of wood, coal, coke or other combustible material.

County administrator. The county administrator of James City County.

Garbage. All animal and vegetable waste resulting from the handling, preparation, cooking or consumption of food.

Litter. All waste material, including, but not limited to, disposable packages or containers, but not including the wastes of the primary processes of mining, logging, sawmilling, farming or manufacturing.

Manager.: The ~~general manager of the James City Service Authority~~ *county administrator* or his designee.

Refuse. All solid waste products having the character of solids rather than liquids and which are composed wholly or partially of materials such as garbage, trash, litter, residues from cleanup of spills or contamination or other discarded materials.

Refuse remover. Any person, firm or corporation or any agent or employee thereof engaged in removing and transporting refuse for compensation from two or more residential, commercial or industrial establishments, or any combination thereof, in the county.

Refuse vehicle. Any truck or trailer used for transporting refuse from the premises from which it is collected to the point of refuse disposal.

Article II. Refuse Removers

Sec. 10-8. General regulations for removing and transporting refuse.

It shall be unlawful for any refuse remover to fail to comply with the following provisions:

- (1) Refuse shall be removed in such a manner that it does not create a nuisance or adversely affect public health.
- (2) Refuse shall be removed in such a manner and transported so that it does not spill or fall into a street, nor shall it be dumped, spilled, thrown or leaked into any street, sewer inlet or vacant lot.
- (3) No known harmful material, including, but not limited to, materials which are explosive, toxic, radioactive, highly combustible by nature or burning, shall be removed for disposal except with the written permission of the county administrator, requested in writing, with a copy thereof sent to the manager and to the landfill superintendent. This provision is not applicable to materials loaded and carried at the direction of public officials, public employees or public servants executing their duties in emergencies.

Sec. 10-11. Periodic inspection of vehicles.

(a) All refuse vehicles used by refuse removers shall be made available for inspection, in addition to the inspections required by article III of this chapter, upon request of the manager in writing. A reasonable time shall be provided to make a vehicle available for such inspections. Failure to make a vehicle available for inspection within 24 hours of such written request shall be unlawful.

(b) Items to be discarded include, but are not to be limited to, cleanliness, watertightness (including seals) of closed bodies, tarpaulin covers (no rugs or carpets will be approved), if required, audible alarm (horn or automatic backup alarm), tires, a frame-mounted front tow hook, brake lights, and the name, phone number and permit number of the refuse remover. All items appropriate for the type of vehicle shall be installed and functioning for the vehicle to be approved. No vehicle bearing an expired or rejected ~~State of Virginia~~ vehicle inspection sticker shall be permitted to ~~dump at~~ *use* the county ~~landfill~~ *transfer station*.

Sec. 10-13. Where vehicles to be emptied.

It shall be unlawful for any vehicle used by a refuse remover to be emptied of refuse or any other materials, including, but not limited to, liquid materials, in the county on any ground or location other than a sanitary landfill or other approved *duly licensed* disposal facility ~~duly licensed by the county or maintained by the county~~. However, in a bona fide emergency, such as a fire in the truck, the refuse remover may empty the truck in a clear area so as not to endanger life or property. The refuse remover shall be responsible for cleaning up the refuse immediately upon resolving the emergency.

Article III. Refuse Permit

Sec. 10-23. ~~Suspension from use of landfill.~~

~~Any refuse remover violating any section of this chapter shall, in addition to any criminal penalties, be subject to suspension from use of the county landfill for a period of time to be determined by the manager. Such suspension shall be in writing and shall detail the cited violation or violations. Any refuse remover so suspended shall have ten days from the receipt of the notice of suspension to appeal the action to the county administrator in writing. The county administrator shall afford the refuse remover a hearing within seven days of the receipt of such appeal. The effective dates of the suspension shall begin ten days after the notice of suspension, if not appealed, or upon notice from the county administrator that an appeal has been denied.~~

Ronald A. Nervitt
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 28th day of November, 2000.

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