

## Chapter 10

### GARBAGE AND REFUSE

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## ARTICLE I. IN GENERAL

### Sec. 10-1. Purpose.

It is the purpose of this chapter to aid in refuse control throughout the county in order to protect public health, safety and welfare. (Ord. No. 131A-3, 2-5-90)

### 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 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. (Ord. No. 131A-3, 2-5-90; Ord. No. 131A-5, 11-28-00)

### Sec. 10-3. Prohibited disposition of wastes generally.

It shall be unlawful for any person to dispose of any garbage, trash, litter, refuse, rubbish or other waste matter, whether liquid or solid, in any well, spring, reservoir, watercourse or body of water, or upon any street, sidewalk, or public or private grounds other than grounds designated by governmental authority for such purpose and then only in the manner provided by governmental regulations relating thereto. (Ord. No. 131A-3, 2-5-90)

### Sec. 10-4. Maintenance of premises-Duty of owners, occupants and persons in charge.

It shall be the duty of each owner, occupant and person in charge of any real property in the county to maintain such property at all times free from any accumulation of garbage, trash, litter, refuse or other waste matter,

whether liquid or solid, which might endanger the health or safety of residents of the county or otherwise constitute a nuisance and to provide for the cutting on vacant developed or undeveloped property of grass, weeds and other foreign growth as often as may be necessary to prevent breeding and harboring places for insects, reptiles and rodents and to prevent other hazards to the health or safety of residents of the county or other nuisances. (Ord. No. 131A-3, 2-5-90)

**State law reference**-Authority of county to provide for removal of trash, garbage, weeds, etc., Code of Va. § 15.2-901.

#### **Sec. 10-5. Same-Recourse of county upon failure of owner or occupant.**

(a) The county administrator or his designee, and upon complaint by any responsible person that conditions exist on any real property in violation of section 10-4, shall investigate conditions existing on real property in the county at any time, and upon determination by the county administrator or his designee, following investigation, that the owner, occupant or persons in charge of any real property in the county stands in violation of his duty as provided in section 10-4 and directing him to take such action as may be necessary to rectify such conditions within such time, not more than ten days, as shall be stated in the notice.

(b) If ten days after the service of any such notice the directive thereof has not been complied with, the county administrator or his designee shall proceed to have such work done as may be necessary to abate any condition which might endanger the health or safety of residents of the county and all expenses resulting therefrom shall be chargeable to and paid by the owner of such property and may be collected by the county as taxes and levies are collected, and all charges not so collected shall constitute a lien against such property. (Ord. No. 131A-3, 2-5-90)

#### **Sec. 10-6. Presumptions.**

When a violation of the provisions of this chapter has been observed by any person and the matter dumped or disposed of on 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 owner or operator of such motor vehicle shall be presumed to be the person ejecting such trash, garbage, refuse, litter or other unsightly matter; provided, however, that such presumption shall be rebuttable by competent evidence. (Ord. No. 131A-3, 2-5-90)

#### **Sec. 10-7. Penalty.**

Any person convicted of a violation of this chapter shall be guilty of a misdemeanor and upon conviction thereof shall be punished by fine not exceeding one \$1,000.00, or by confinement in jail for a period not exceeding 12 months, either or both; provided, however, that the court may suspend the imposition of any sentence on condition that the defendant volunteer his services for such period of time as the court may designate to remove litter from the highway. (Ord. No. 131A-3, 2-5-90)

## **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. 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.

(Ord. No. 131A-3, 2-5-90; Ord. No. 131A-5, 11-28-00)

### **Sec. 10-9. Requirements for refuse removal vehicle construction and equipment.**

It shall be unlawful for any vehicle used by refuse removers for removing and transporting refuse to fail to meet the following requirements:

- (1) The bodies of all such vehicles shall be constructed so as to prevent the refuse from spilling, leaking or being blown or hurled from the vehicle or deposited upon any street during loading or while in transit.
- (2) Nonwatertight vehicle bodies may be used; provided, that any liquid or semiliquid refuse transported shall be in watertight containers.
- (3) The vehicle body shall be so constructed that no refuse can be carried at any place other than in the enclosed body.
- (4) All vehicles, other than those which are completely enclosed, shall be equipped with a tarpaulin or other cover which shall be constructed and employed so as to prevent refuse from falling from the vehicle onto the street.

(Ord. No. 131A-3, 2-5-90)

### **Sec. 10-10. Identification of vehicles.**

It shall be unlawful for any refuse vehicle to fail to have permanently affixed the permit number assigned to such vehicle pursuant to section 10-20, together with the company name and telephone number, the same to be affixed to both sides of the vehicle on the door of the cab or at the farthest point forward on the truck body, in letters and numbers not less than four inches high, except that the permit number shall be four inches high. In addition, the permit number shall be placed on the rear of the vehicle in numbers four inches high. The above identification shall be painted in a conspicuous color contrasting with that of the vehicle. (Ord. No. 131A-3, 2-5-90)

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**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 vehicle inspection sticker shall be permitted to use the county transfer station. (Ord. No. 131A-3, 2-5-90; Ord. No. 131A-5, 11-28-01)

**Sec. 10-12. Transfer of refuse from one vehicle to another.**

It shall be unlawful for refuse removers to transfer refuse, other than refuse in containers, from one vehicle to another except in case of breakdown, in which case the manager shall be immediately notified. (Ord. No. 131A-3, 2-5-90)

**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. 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. (Ord. No. 131A-3, 2-5-90; Ord. No. 131A-5, 11-28-01)

**Sec. 10-14. Vehicles to be emptied completely and cleaned.**

Each vehicle used for refuse removal or transportation shall be completely emptied each time it is dumped and thoroughly cleaned twice a week when in use. Failure to comply with this requirement shall be unlawful. (Ord. No. 131A-3, 2-5-90)

**Sec. 10-15. Notice required prior to termination of business.**

It shall be unlawful for a refuse remover to fail to notify, in writing, the manager and each customer at least 30 days prior to the date of the remover's termination and discontinuance of his business. In addition, it shall be unlawful for a refuse remover to fail to notify an individual customer at least 30 days prior to discontinuance of service to that customer. (Ord. No. 131A-3, 2-5-90)

### **ARTICLE III. REFUSE PERMIT**

#### **Sec. 10-16. Refuse permit required.**

It shall be unlawful for a refuse remover to remove or transport refuse in the county unless he has a current refuse permit issued pursuant to the provisions of this chapter. (Ord. No. 131A-3, 2-5-90)

#### **Sec. 10-17. Application procedure.**

(a) Application for a refuse permit required by this article shall be filed with the manager. Such application shall state the full name, address and telephone number of the applicant, the business name, address and telephone number, if different from the applicant, and shall state, generally, the area(s) within the county that the applicant serves, or proposes to serve, and the frequency of proposed collections. Also included shall be a list of all vehicles to be used in the refuse remover's collection of county refuse. This list shall include make, model, year, serial and license plate numbers for each vehicle.

(b) No refuse permit shall be issued until the applicant therefor, in addition to all other requirements set forth, shall file with the manager evidence of satisfactory automobile liability insurance policy covering all operations of such applicant pertaining to such business and all vehicles to be operated in the conduct thereof, as a minimum, in the amount required by the Department of Motor Vehicles, Commonwealth of Virginia. The policy may be written to allow no more than the first \$100.00 of liability for damage to property to be deductible. The policy shall provide for written notification to the manager by the insured and the insurance carrier of any cancellation of such policy not less than 20 days prior to the effective date of cancellation. If the applicant's insurance is canceled, the applicant shall obtain a new policy prior to the effective date of the cancellation or the refuse permit shall be revoked. The county shall be provided with a certificate of insurance from the insurance carrier at the time application for permit is made.

(c) Each applicant for a refuse permit shall be required to furnish to the manager and to all customers, prior to commencement of collection, a statement of service. The statement of service shall include the following:

- (1) Name of company, address and phone number;
- (2) Notice of company rules and regulations concerning collection (such rules and regulations shall be consistent with the provisions of this chapter);
- (3) Notice of company policy concerning collection of refuse on legal holidays, snow days or during other extreme weather conditions.

(d) Each applicant for a refuse permit shall include with the application a copy of a current business license for such refuse removal business. (Ord. No. 131A-3, 2-5-90)

#### **Sec. 10-18. Inspection of applicant's vehicles.**

The applicant for a refuse permit under this article shall have all vehicles used or to be used for refuse removal or transportation inspected at a reasonable time and place to be designated by the manager. In the event of an emergency requiring the immediate replacement of a vehicle, the refuse permit holder shall notify

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the manager of such replacement and have the replacement vehicle inspected by the manager within five days after it is placed in use. All items listed in section 10-11 of this chapter shall be checked during this inspection. (Ord. No. 131A-3, 2-5-90)

**Sec. 10-19. Issuance or denial of refuse permit.**

The manager shall issue a refuse permit required by this article upon satisfactory finding that the applicant has complied with all applicable sections of this article. The refuse permit shall be issued or denied within 30 days of the receipt of the application. A denial shall be accompanied by the reasons for the denial. Three months from the date of denial the application shall expire. Within that period of time the manager shall issue a permit upon finding that the applicant has come into compliance with the provisions of this article and the items noted in the denial. (Ord. No. 131A-3, 2-5-90)

**Sec. 10-20. Assignment of permit number to vehicles.**

Upon the issuance of a permit under this article, the manager shall assign all vehicles a permit number, which shall be affixed to the vehicle, as provided in section 10-10. (Ord. No. 131A-3, 2-5-90)

**Sec. 10-21. Expiration; renewal.**

All permits issued under this chapter shall expire on the thirtieth of June following the date of issue. All vehicles shall be inspected annually and permits renewed between May first and June thirtieth of each year. (Ord. No. 131A-3, 2-5-90)

**Sec. 10-22. Surrender upon termination of business.**

On the date a refuse remover discontinues business, he shall surrender to the manager the permit issued to him under this division. Failure to surrender the permit shall be unlawful. (Ord. No. 131A-3, 2-5-90)

**Sec. 10-23. Reserved.**

## ARTICLE IV. SOLID WASTE RECYCLING REPORT

### Sec. 10-24. Purpose.

The purpose of this article is the furtherance of solid waste management and the recycling of solid waste in the county as provided for in section 10.1-1411, Code of Virginia, as authorized by section 15.2-939, Code of Virginia. (Ord. No. 131A-4, 3-18-91)

### Sec. 10-25. Definitions.

For the purposes of this article, the following words and phrases shall have the meaning respectfully ascribed to them by this section:

*Generators.* Any entity whose act or process produces solid waste as defined in this section.

*Manage.* To collect, store, treat, transport and dispose of solid waste as defined in this section.

*Recycling.* The process of separating a given waste material from the waste stream and processing it so that it is used again as a raw material for a product, which may or may not be similar to the original product.

*Reused.* Once having been a waste and being:

- (1) Employed as an ingredient (including use as an intermediate) in a process to make a product, excepting those materials possessing distinct components that are recovered as separate end products; or
- (2) Employed in a particular function or application as an effective substitute for a commercial product or natural resources.

*Solid waste.* Any garbage, refuse, sludge or other discarded material, including solid, liquid, semisolid or contained gaseous material, resulting from industrial, commercial, residential, mining and agricultural operations or community activities but not including solid or dissolved material in domestic sewage, solid or dissolved material in irrigation return flows or in industrial discharge which are sources subject to a permit from the state water control board or source, special nuclear, or byproduct material as defined by the Federal Atomic Energy Act of 1954, as amended.

*Source reduction.* Any action that reduces or eliminates the generation of waste at the source, usually within a process. Source reduction measures include, among others, process modifications, feedstock substitutions, improvements in feedstock purity, improvements in housekeeping and management practices, increases in the efficiency of machinery and recycling within a process.  
(Ord. No. 131A-4, 3-18-91)

### Sec. 10-26. Annual report.

All nonresidential solid waste generators and companies that manage solid waste or recycle materials within the county shall submit an annual report to the county administrator on or before March 1, 1992, and every year thereafter. (Ord. No. 131A-4, 3-18-91)

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**Sec. 10-27. Contents of annual report.**

Each annual report required to be submitted hereunder shall be submitted on a form prescribed by the county administrator and shall include the following information with respect to the reporting party for the period covered by the report:

- (1) The name and address of the reporting party;
  - (2) The total quantity of solid waste generated, managed, and principal and/or supplemental recycling materials, by type, recycled by the reporting party during the past calendar year; and
  - (3) The total quantity or volume of solid waste that has been the subject of source reduction or reuse as defined in this article.
- (Ord. No. 131A-4, 3-18-91)

**Sec. 10-28. Volume or weight reported.**

The report required under this article shall be based on actual volume or weight. Where actual volume or weight cannot be accurately determined, carefully estimated data may be used. The report shall include a description of the basis for the reported data.

(Ord. No. 131A-4, 3-18-91)

**Sec. 10-29. Proprietary information.**

This article shall not be construed to require any party to report information of a proprietary nature. Where any party fails to report any information otherwise required under this article based upon an assertion that such information is of a proprietary nature, the party shall specify in its report the nature of the information withheld and the basis for its determination that such information is of a proprietary nature. (Ord. No. 131A-4, 3-18-91)

**Sec. 10-30. Scope.**

Recycled solid waste included in the report shall include only those solid wastes delivered to market from within the county.

(Ord. No. 131A-4, 3-18-91)