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VIRGINIA: AT THE SPECIAL MEETING OF THE DINWIDDIE COUNTY BOARD OF SUPERVISORS HELD IN THE MULTI-PURPOSE ROOM OF THE PAMPLIN ADMINISTRATION BUILDING IN DINWIDDIE COUNTY, VIRGINIA, ON THE 2<sup>ND</sup> DAY OF MARCH 2010 AT 4:00 P.M.

BOARD OF SUPERVISORS  
PRESENT:

HARRISON A. MOODY- CHAIR	ELECTION DISTRICT #1
MICHAEL W. STONE – VICE CHAIR	ELECTION DISTRICT #5
JOHN V. TALMAGE	ELECTION DISTRICT #3

ABSENT: DONALD L. HARAWAY	ELECTION DISTRICT #2
DORETHA E. MOODY	ELECTION DISTRICT #4

ADMINISTRATION

PRESENT: W. KEVIN MASSENGILL, COUNTY ADMINISTRATOR  
ANNE HOWERTON, DIVISION CHIEF OF FINANCE & GENERAL SERVICES  
JOHN C. BLAIR II, COUNTY ATTORNEY

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## 1. ROLL CALL

**PRESENT:** Mr. Talmage  
Mr. Stone  
Mr. Moody

**ABSENT:** Ms. Moody  
Mr. Haraway

## 2. WASTE MANAGEMENT

John C. Blair II, County Attorney, discussed the proposed waste management ordinance and went over some of the changes from the last meeting and some of the comments from that meeting that were made by the Board and the public.

Mr. Blair discussed the following concerns from the previous meeting:

- **Chapter 17. Solid Waste, page 25** – the Dinwiddie Solid Waste Authority. On February 17, 2010 the County received a certificate from the State Corporation Commission that states that “Dinwiddie County Solid Waste Authority is not the name of any corporation existing or having existed under the laws of Virginia, or of a corporation holding or having held a certificate of authority to claim that business in Virginia.” That means that entire section of the Code can be repealed.
- **BPOL Tax Collection** - Supervisor Stone brought up a concern regarding the BPOL tax and that there were out-of-county companies that were doing business within Dinwiddie County and not paying the BPOL tax to the County. Research indicates that for a locality to collect the BPOL tax in that locality, the business

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has to have a definite place of business in that locality (as long as the locality where the business is located collects a BPOL tax for their operations).

- **17-3, Section D** - Mr. Talmage had suggested that perhaps the County should request the Courts to include the use of community service as a part of the violation of this Chapter: the following was added - "the Board of Supervisors Board or its designee may, at its discretion, request the judge of the General District, Juvenile and Domestic Relations or Circuit Court, as applicable, to include community service as a part of any sentence in any codes for a violation of this chapter".
- **Section 17-11** – Mr. Haraway talked about legislation that was proposed previously by him about acquiring a dumpster at construction sites. Mr. Blair distributed a sheet with Section 17-12 - the proposal made by Mr. Haraway in 2007. The Board did not adopt that proposal at that time.

Mr. Massengill interjected that his recollection was that at the time Mr. Harris, Code Compliance Officer, was utilizing the State litter laws for enforcement at construction sites. It was determined not to put another law on the books if there was already a law that could be utilized to solve the problem. He suggested that perhaps the Board would like a follow-up report from Code Compliance as to whether or not this was working well.

- **Section B** – now reads "trash, garbage, refuse, litter and other debris shall be disposed of in personally owned and privately owned receptacles (previously said provided for that use) for an authorized facilities" – Mr. Moody had said that sounded as though the County was supposed to provide trash receptacles; therefore, that language was removed from this proposed ordinance in order to be clear that they were not provided by the County.
- **Section 17-17** – Mr. Haraway had requested copies of that section (in part C – 10.1-1142 of the State Code) and Mr. Blair provided that copy in the documents he distributed.
- **Section 17-16 (c)** – Mr. Moody and Mr. Haraway had asked about rental property because this section talks about not properly disposing of trash and says that if the property owner fails to remove the trash from the property, the County will remove the trash on that property. In the packet of documents Mr. Blair had distributed was Section 15.2-901. The ordinance tracks this language and the State only provides for the owner of the property; it doesn't talk about the renter as far as the charges that can be charged for cleaning up. In 15.2-901(b) every charge authorized is by this Section "with which the owner of any such property shall have been assessed and which remains unpaid shall constitute a lien". Mr. Blair stated that the State doesn't seem to provide any authority for the County to charge renters.
- **Section 17-21** – discussion at last session – Mr. Blair asked for consensus on this subject. "convenience center shall be provided for disposal of waste by residents of the county [and owners of real property in the county]. Discussion was that there are people who own parcels of land in the county who do not live in the county – should they have access to the manned sites or not?"

Mr. Talmage stated that when they go to a manned site they will have to have some proof that they are property owners (real estate tax bill).

There was consensus among the board members present to include and state that a real estate tax bill will suffice as evidence.

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- **Refuse Collectors** – Mr. Moody had previously asked what other counties do with concern to refuse collectors. A chart was provided to the Board with that information. Mr. Blair stated that the localities' County Codes that are available online were used to compile the information. It seemed that the surrounding localities require a license to perform refuse collection.
- **Application Fee** – current license fee is \$25 per vehicle. The consensus of all present was to have an application with no fee, with the County Administrator, or designee, acting as the agent to approve the application.

**Draft Waste Management Ordinances:**

**AN ORDINANCE TO AMEND  
THE CODE OF THE COUNTY OF DINWIDDIE, 1985, AS AMENDED,  
BY AMENDING AND RE-ENACTING CHAPTER 17. SOLID WASTE  
SECTIONS 17-1 THROUGH 17-36**

BE IT ORDAINED by the Board of Supervisors of Dinwiddie County:

1. That Chapter 17 of the Code of the County of Dinwiddie, 1985, as amended, is amended and re-enacted to read as follows:

**CHAPTER 17. SOLID WASTE**

**ARTICLE I. GENERALLY**

**Section 17-1. Purpose.**

The purpose of this chapter is to promote the health and welfare of the general public by regulating the removal, collecting and disposal of garbage in the county.

**Section 17-2. Definitions.**

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

"Applicant" means any and all persons seeking or holding a permit under this chapter.

"Construction litter or debris" means waste resulting from construction or demolition projects, including but not limited to brick, concrete, concrete rubble, gypsum board, lumber, sheetrock, roofing materials, fixtures (such as bath tubs, shower stalls, sinks, and toilets), and remodeling debris (such as cabinets, ceramic tile, Formica, and similar items).

"Convenience center" means a collection point for the temporary storage of solid waste provided for individual solid waste generators who choose to transport solid waste generated on their own premises to an established centralized point, rather than directly to a disposal facility. To be classified as a convenience center, the collection point may not receive waste from collection vehicles that have collected waste from more than one real property owner. A convenience center shall be on a system of regularly scheduled collections.

"Discard" means to abandon, dispose of, burn, incinerate, accumulate, store or treat before or instead of being abandoned, disposed of, burned or incinerated.

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"Disposal" means the discharge, deposit, injection, dumping, spilling, leaking or placing of any solid waste into or on any land or water so that such solid waste or any constituent of it may enter the environment or be emitted into the air or discharged into any waters.

"Garbage" means readily putrescible discarded materials composed of animal, vegetable or other organic matter.

"Hazardous waste" means a solid waste or combination of solid waste which, because of its quantity, concentration or physical, chemical or infectious characteristics, may: (1) cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating illness; or (2) pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

"Household waste" means any waste material, including garbage, trash and 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. Household wastes do not include sanitary waste in septic tanks (septage) which is regulated by other state agencies.

"Litter" means any solid waste that is discarded or scattered about a solid waste management facility outside the immediate working area.

"Nuisance" means an activity which unreasonably interferes with an individual's or the public's comfort, convenience or enjoyment such that it interferes with the rights of others by causing damage, annoyance, or inconvenience.

"Person" shall have the same meaning as in Section 1-2 herein.

"Refuse" means 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, rubbish, litter, residues from clean up of spills or contamination, or other discarded materials.

"Refuse container" means any portable device which is durable, watertight, rust-resistant and has a close-fitting lid, in which refuse is stored, transported, treated, or otherwise handled.

"Refuse hauler" means a person who collects and transports refuse, garbage or trash for consideration.

"Release" means, for the purpose of this chapter, any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injection, escaping, leaching, dumping, or disposing into the environment solid wastes or hazardous constituents of solid wastes (including the abandonment or discarding of barrels, containers, and other closed receptacles containing solid waste). This definition does not include: any release which results in exposure to persons solely within a workplace; release of source, by-product or special nuclear material from a nuclear incident, as those terms are defined in the Atomic Energy Act of 1954 (68 Stat. 923); and the normal application of fertilizer. For the purpose of this chapter, release also means substantial threat of release.

"Rubbish" means combustible or slowly putrescible discarded materials which include but are not limited to trees, wood, leaves, trimmings from shrubs or trees, printed

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matter, plastic and paper products, grass, rags and other combustible or slowly putrescible materials not included under the term "garbage."

"Scavenging" means the unauthorized or uncontrolled removal of waste materials from a solid waste management facility.

"Site" means all land and structures, other appurtenances, and improvements on them used for treating, storing, and disposing of solid waste. This term includes adjacent land within the facility boundary used for the utility systems such as repair, storage, shipping or processing areas, or other areas incident to the management of solid waste.

"Solid waste" means any of those materials defined as 'solid waste' in Part III (9VAC20-80-140 et seq.) of the Virginia Hazardous Waste Management Regulations.

"Storage" means the holding of waste, at the end of which the waste is treated, disposed, or stored elsewhere.

"Trash" means combustible and noncombustible discarded materials and is used interchangeably with the term rubbish.

### **Section 17-3. Violations.**

(a) Unless otherwise specified, violations of this article shall be punishable as misdemeanors in accordance with the following:

(1) First offense shall be punishable by a fine of not more than \$300.00 but not less than \$50.00 or confinement in jail for not more than 30 days but not less than five days, or both;

(2) Second offenses shall be punishable by a fine of not more than \$300.00 but not less than \$100.00 or confinement in jail for not more than 30 days but not less than ten days, or both; and

(3) Third offenses and all subsequent offenses shall result in a fine of \$300.00 or confinement in jail for 30 days, or both.

(b) Each day during which a violation is found to have existed shall constitute a separate offense.

(c) In addition to the penalties prescribed by this chapter, any person found to be in violation of this chapter shall pay to or reimburse the county for all costs or expense of any kind and nature associated with the clean-up and proper disposal of all materials dumped or disposed of by such person in violation thereof.

(d) The board of supervisors or its designee, in its discretion, may request the judge of the general district, juvenile and domestic relations, or circuit court, as applicable, to include community service as a part of any sentence imposed for a violation of this chapter.

(e) The board of supervisors shall request the judge of the general district court to cause to be published in any newspaper of general circulation in the county the names of any violators of this chapter together with the nature of the violation and penalty prescribed for such violation.

### **Section 17-4. Enforcement.**

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(a) This chapter shall be enforced by the sheriff's department of the county.

(b) Whenever a violation of this chapter is reported to the director of public works, sheriff, county administrator, or the designee of each, such authorized official shall make and sign complaints and otherwise request and seek the issuance of warrants for violations of this chapter.

(c) The director of public works, sheriff, and the county administrator, or the designee of each, after identifying himself, shall have the authority to enter at reasonable times upon private or public property for the purpose of inspecting and investigating conditions relating to the enforcement of the provisions of this chapter if, prior to such entry, the authorized person either (1) obtains consent of the owner or occupant of the subject property to such entry or (2) swears out a warrant authorizing such entry.

**ARTICLE II. STORAGE AND DISPOSAL**

**DIVISION 1. STORAGE**

**Section 17-10. Refuse containers.**

(a) Each person having refuse shall provide himself with refuse containers meeting the requirements of this chapter and shall place and keep all refuse therein.

(b) Each person having a refuse container under his ownership or effective control shall keep all refuse confined to such container and shall keep the area surrounding the refuse container free from refuse and debris so as not to create a nuisance or adversely affect the public health.

(c) Commercial establishments, including restaurants, shall store refuse in containers which prevent refuse from leaking, spilling or being blown or hurled from the containers and which prevent the entrance of rodents, dogs, cats and other animals.

(d) Hazardous waste shall be stored in containers appropriate for the specific type and degree of hazard present and clearly labeled as to their contents and the type of hazard present.

**Section 17-11. Storage of waste at construction and development sites.**

(a) All construction or development sites within the county shall be kept free of construction litter and debris at all times.

(b) Any accumulation of construction litter or debris that constitutes a nuisance or threat to the health or safety of the public shall be removed by the county, and all costs incurred therein shall be recoverable by the county, pursuant to Section 17-16 herein.

(c) The owner of record of the construction or development site and each contractor working at the construction or development site shall be jointly responsible for complying with this section.

**DIVISION 2. DISPOSAL**

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**Section 17-15. Transportation of refuse.**

(a) Each person transporting refuse in or through the county shall transport refuse in such a manner as not to create a nuisance or adversely affect public health.

(b) Each person transporting refuse in or through the county shall prevent such refuse from being spilled, dumped, leaked, blown, hurled from, deposited, discharged, or thrown into any street, court, lane, alley, sewer inlet, vacant lot., or public way.

(c) It shall be unlawful for any person to transport any refuse upon the streets, roads, or highways in the county in a motor vehicle unless the vehicle is constructed or loaded to prevent any of the load, consisting of the refuse and refuse containers, from dropping, sifting, leaking or otherwise escaping therefrom. A vehicle may be deemed to be constructed or loaded to prevent the load from dropping, sifting, leaking or otherwise escaping if:

(1) The vehicle has a watertight body, completely enclosed and covered, by construction; or

(2) The vehicle transports only refuse which is completely contained within bags, boxes or other containers or covered by a tarpaulin or other suitable cover, securely fastened to the body of the vehicle and of such size and shape as may be necessary to contain the entire load, and all liquid or semisolid material is secured in covered watertight containers.

**Section 17-16. Removal and/or disposal of trash.**

(a) The owners and occupants of property in the county shall remove therefrom any and all trash, garbage, refuse, litter and other substances (collectively, "trash") which might endanger the health or safety of other residents of such county in a timely manner.

(b) Trash, garbage, refuse, litter and other debris shall be disposed of in personally owned or privately owned receptacles or in authorized facilities provided for such purpose and in no other manner not authorized by law.

(c) If the county believes that trash has accumulated on property which might endanger the health of other residents of the locality, and if the owners and occupants of the property have failed to remove the trash from the property in a timely manner, the county shall send notice via certified mail to the property owner at the address listed in the tax records of the county and the property occupant at the address of the property that such trash must be removed within fourteen calendar days of receipt of the notice. If the property owner fails to remove the trash from the property within fourteen days of receipt of the notice, the county shall have the trash removed by the county's own agents or employees. The cost or expenses thereof shall be chargeable to and paid by the owners of such property, and the county shall collect such costs or expenses as taxes are collected.

(d) Every charge authorized by this section with which the owner of any such property shall have been assessed and which remains unpaid shall constitute a lien against such property ranking on a parity with liens for unpaid local taxes and enforceable in the same manner as provided in Articles 3 and 4 of Chapter 39 of Title 58.1 of the Code of Virginia.

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(1) The county may waive such liens in order to facilitate the sale of the property, but only as to a purchaser who is unrelated by blood or marriage to the owner and who has no business association with the owner.

(2) All such liens shall remain a personal obligation of the owner of the property at the time the liens were imposed.

(e) Violations of this section shall be subject to a civil penalty, not to exceed \$50 for the first violation, or violations arising from the same set of operative facts. The civil penalty for subsequent violations not arising from the same set of operative facts within 12 months of the first violation shall not exceed \$200. Each business day during which the same violation is found to have existed shall constitute a separate offense. In no event shall a series of specified violations arising from the same set of operative facts result in civil penalties that exceed a total of \$3,000 in a 12-month period. Except for the penalties provided in subsection (f) herein, these penalties are in lieu of criminal penalties and shall preclude prosecution of such violation as a misdemeanor.

(f) In the event three civil penalties have previously been imposed on the same defendant for the same or similar violation, not arising from the same set of operative facts, within a 24-month period, such subsequent violations shall be a Class 3 misdemeanor. Civil penalties shall not be imposed on violations classified as criminal offenses pursuant to this subsection.

#### **Section 17-17. Burning of refuse and leaves.**

(a) A person may dispose of his own refuse by burning such refuse upon property under his ownership or under his effective control so long as such burning does not jeopardize the health, safety or general welfare of the public.

(b) A person may dispose of leaves originating on the premises of private residences in residential districts by burning the leaves on such premises, provided that:

(1) Such burning is done between 9:00 a.m. and 9:00 p.m. and all embers are totally extinguished at the end of this period;

(2) No material is added to the location of burning between 8:00 p.m. and 9:00 a.m.;

(3) The leaves are burned not less than 100 feet from any occupied building unless the occupant of the building has given prior written permission;

(4) The fire is attended at all times;

(5) No burning shall commence, and all current burning shall be terminated immediately, upon declaration of an alert warning or emergency stage of the air pollution episode by the executive director of the state air pollution control board or his designated representative; and

(c) All burning conducted pursuant to this section must be done in accordance with and as permitted by Section 10.1-1142 of the Code of Virginia, 1950, as amended.

(d) Notwithstanding any other provision of this section, it shall be unlawful for any person to burn refuse or leaves during the period beginning February 15 and ending April 30 of each year except as provided in Section 10.1-1142 of the Code of Virginia, 1950, as amended.

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**Section 17-18. Dumping trash, companion animals, etc., on highway, right-of-way or private property; penalty.**

(a) It shall be unlawful for any person to dump or otherwise dispose of trash, garbage, refuse, litter, a companion animal for the purpose of disposal, 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.

(b) When any person is arrested for a violation of this section, and the matter alleged to have been illegally 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 any provision of this section has been observed by any person, and the matter illegally dumped or disposed of has been ejected or removed 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. However, such presumption shall be rebuttable by competent evidence.

(d) Any person convicted of a violation of this section shall be guilty of a class 1 misdemeanor punishable by confinement in jail for not more than 12 months and a fine of not less than \$250 or more than \$2,500, either or both.

(e) The provisions of this section shall not apply to the lawful disposal of permitted waste in county-provided convenience centers.

**Section 17-19. Disposal of hazardous waste.**

It shall be unlawful for any person to dispose of hazardous waste within the county.

**DIVISION 3. CONVENIENCE CENTERS**

**Section 17-20. Convenience centers; establishment and regulation.**

(a) The board of supervisors shall establish convenience centers at locations deemed necessary to adequately serve the citizens of the county. Sites shall be selected with due regard for convenience of residents in the service area, safe ingress and egress, traffic flow, topography, environmental protection, avoidance of nuisances to adjacent and nearby residents and landowners, and budgetary concerns.

(b) County owned or operated waste facilities shall be administered by the director of public works. The board of supervisors is authorized and empowered to adopt such operational procedures for convenience centers as it deems proper for the health, welfare and safety of persons disposing of refuse.

(c) It shall be unlawful for any person to deposit or cause to be deposited any trash, garbage or other refuse in or on any county-provided convenience center without first complying with such rules and regulations as may be prescribed by the board of supervisors and posted at the convenience center.

(d) It shall be unlawful to mutilate, deface, or damage any convenience center. Costs associated with cleanup shall be recoverable as provided in Section 15.2-908 of the Code of Virginia.

**Section 17-21. Disposal of refuse at convenience centers.**

(a) Convenience centers shall be provided for the disposal of waste by residents of the county [and owners of real property in the county]. It shall be unlawful for persons other than county residents [or county real property owners] to dispose of waste at county-provided convenience centers.

(b) It shall be unlawful for persons to dispose of waste generated outside the county at county-provided convenience centers.

(c) It shall be unlawful to deposit at a convenience center any material other than that specified on convenience center signage.

(d) It shall be unlawful for refuse haulers to use the convenience centers.

(e) It shall be unlawful for any person to engage in scavenging or to remove any refuse or other waste from a county-provided convenience center unless authorized to do so in writing by an authorized county official.

(f) All waste must be deposited in containers provided at each convenience center. It shall be unlawful to deposit waste outside of the provided containers, including but not limited to on the ground at the convenience center. Any article found placed outside of a refuse container or convenience center and bearing a person's name and/or address shall be presumed to be the property of such person whose name and/or address appears thereon, and that such person placed or caused to be placed such article outside of a refuse container; provided, however, that such presumption shall be rebuttable by competent evidence.

(g) All refuse delivered and deposited at a county-provided convenience center shall be done in accordance with the directions and orders of the attendant in charge of operations at the convenience center and the regulations posted thereat and shall be considered the property of the county upon delivery or deposit thereof.

(h) Any person using county owned or operated waste facilities shall, upon request of an authorized county employee or official, present suitable evidence of his or her residency within the county or ownership of real estate within the county, including but not limited to the person's driver's license or other evidence.

**Section 17-22. Recycling at convenience centers.**

(a) The county shall provide containers at convenience centers to facilitate recycling of selected recycling commodities which shall be marked clearly to indicate the recycling commodity or commodities that may be placed in the containers.

(b) It shall be unlawful for any person to place anything in these containers other than the recycling commodity or commodities so designated.

**Section 17-23. Trespassing.**

(a) It shall be unlawful for any person, other than county employees or law enforcement officers in the performance of their employment, or with the consent of an authorized person to enter or cause another to enter upon a county-provided convenience center while the convenience center is closed. For the purposes of this

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section, premises shall include such roadway providing immediate ingress and egress to such convenience center.

(b) It shall be unlawful for any person, other than county employees or law enforcement officers in the performance of their employment, or with the consent of an authorized person to stop or park a motor vehicle at a county-provided convenience center except temporarily for the purpose of unloading refuse in accordance with the provisions of this chapter and the regulations promulgated thereunder. Only temporary stopping for the purpose of unloading refuse into proper containers shall be permitted.

### **ARTICLE III. REFUSE COLLECTORS**

#### **DIVISION 1. PERMIT**

##### **Section 17-30. Permit and license required.**

It shall be unlawful for any person, for profit, to remove or transport any refuse through or upon any of the roads, streets or alleys of the county or dispose of the refuse in any manner or place without first obtaining (a) the permit required by Section 17-31 herein and (b) the business license required by Article I of Chapter 13 of this Code, including the payment of any required fee or tax.

##### **Section 17-31. Permit application and regulation.**

(a) Each person desiring to procure or renew a permit authorizing such person to engage in the collection of refuse in the county for compensation shall make written application to the county administrator setting forth the following:

- (1) The name, telephone number and address of such person;
- (2) A description of the equipment to be used in the collection of such solid waste;
- (3) The types of solid wastes to be collected;
- (4) The place and method of disposal;
- (5) A map of the routes served or proposed to be served;
- (6) The frequency of waste collection; and
- (7) The rates charged or proposed to be charged for the service.

(b) Within fifteen (15) days of receipt of a complete and accurate permit application and verification of the information listed below, the county administrator shall make a decision.

(1) The applicant possesses a valid county business license and has paid all required license taxes;

(2) The applicant has reasonably and substantially complied with all applicable provisions of this chapter;

(3) The applicant has the proper equipment and personnel to collect and dispose of refuse in accordance with the provisions of this article;

(4) The applicant's proposed method of disposal complies with all applicable laws and regulations, including but not limited to the recommendations of the bureau of

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solid waste management, state health department and regulations promulgated thereunder; and

(5) Payment of the nonrefundable, nonproratable application fee of \$ \_\_\_\_\_.

(c) If the application is approved, the permit shall be issued within the 15 day time frame. If the application is denied, the denial and explicit reasons therefore shall be sent to the applicant at the address provided on the application, also within the 15 day time frame.

(d) All permits shall expire on December 31 of the year of issue and shall be renewable annually between December 1 and December 31. The county reserves the right not to renew such permit for any reason when such action is deemed to be in the best interests of the county.

(e) No permit or license issued hereunder may be transferred, sold, or assigned without the express permission of the county administrator, and any permission so granted may impose such conditions on any transfer, sale or assignment as necessary in the opinion of the board to protect the public health and safety. Should the permit or license holder be a corporation or other association, sale or transfer of a controlling interest therein shall constitute an assignment for the purpose of this provision.

(f) No refuse collector shall make any change in any of the information listed on the permit application without first notifying and receiving the approval of the county administrator.

(g) The refuse collector shall notify the board of supervisors and each customer in writing at least 30 days prior to date of fact of the refuse collector's termination and discontinuance of business. On the date of the refuse remover's termination or discontinuance of business, the permitholder will surrender his permit to the county administrator.

**Section 17-32. Bond.**

(a) Upon issuance of the county refuse collecting permit, each permitholder must furnish a bond payable to the county in an amount equal to not less than \$500.00 for each vehicle licensed, but not to exceed \$3,000.00 in total, with surety approved by the board and conditioned to indemnify and save harmless the county as well as any person from all expense or damage that may be incurred by such, caused by any failure to comply with the provisions of this article. Such bond shall be deposited with the treasurer of the county. The original bond shall be for a period of not less than 12 months and shall be renewed annually.

(b) Handling of refuse shall be deemed neglected when the permitholder fails to meet the frequency of collection as stated in the application for permit. If the permitholder fails to correct any such neglect or noncompliance with this section within 48 hours after receipt of written notice, the bond shall be forfeited and the principal and surety on such bond shall be required to reimburse the county or any customer or any permitholder for any expense or damage incurred as a result of such neglect or failure.

**DIVISION 2. COLLECTION PROCEDURES.**

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**Section 17-35. Refuse collecting vehicles.**

All vehicles used for collection of refuse by a collector shall meet the following minimum requirements:

(a) The body of the vehicle shall be constructed of metal, wood, or both in combination, and shall be completely enclosed. A tarpaulin over an open body truck shall not be permitted for the collecting of refuse.

(b) The vehicle shall be equipped with a fire extinguisher capable of extinguishing Class A and Class B fires.

(c) Identifying information about the refuse collector, such as name, address, and telephone number, shall be displayed on each vehicle.

(d) The vehicle shall be kept in a clean and sanitary condition.

**Section 17-36. Collection of refuse; timing.**

Refuse collectors shall collect and transport refuse during daylight hours only and shall comply with Section 15-1 herein in all such activities.

Section 17-1. Definitions.

~~For the purpose of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section.~~

~~Agricultural waste. Solid waste resulting from the production of farm or agricultural products before processing.~~

~~Commercial waste. All solid waste emanating from establishments engaged in business. This category includes, but is not limited to, solid waste resulting from the operation of stores, mobile home parks consisting of ten or more mobile homes, markets, office buildings, restaurants, shopping centers, and theatres.~~

~~Garbage. All offal and refuse; animal and vegetable matter.~~

~~Garbage and trash collectors and refuse removers. All persons engaged in the business of picking up garbage and trash of any description by truck or other vehicle for the delivery to a sanitary landfill area as may be permitted by law.~~

~~Hazardous waste. A solid waste or combination of solid waste which, because of its quantity, concentration or physical, chemical or infectious characteristics, may:~~

~~(1) Cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating illness; or~~

~~(2) Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.~~

~~Incineration. The destruction of solid waste by burning in a furnace designed for the purpose wherein solid waste is essentially reduced to ash, carbon dioxide, and water vapor.~~

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~~Industrial waste. All solid waste resulting from manufacturing and industrial processes such as, but not limited to, those carried on in factories, processing plants, refineries, slaughterhouses, and steel mills.~~

~~Institutional waste. All solid waste emanating from institutions such as, but not limited to, hospitals, nursing homes, orphanages, schools, and universities, public or private.~~

~~Open dump. An unregulated disposal site that is operated without required daily compaction and cover.~~

~~Prohibited waste. Those materials which, because of their inherent nature or quantities, require special handling during disposal to avoid creating environmental damage or hazards to public health or safety. Prohibited waste includes, but is not limited to, such items as petroleum waste; paints; explosives; acids; caustics; toxic substances; poisons; drugs; radioactive materials; asbestos fibers; imported wool fibers; pathologic wastes from hospitals, sanatoriums, nursing homes, clinics, and veterinary hospitals; waste from slaughterhouses and poultry processing plants; automobile tires which have not been shredded or split; and the like. Residential solid waste normally contains some prohibited materials, but because such materials are usually present in very small quantities, their safe disposal either in a sanitary landfill or incinerator presents no special problem. Therefore, residential waste is not considered to be "prohibited" within the meaning of "prohibited waste" as used in this chapter.~~

~~Refuse. All solid and semiliquid waste of a community, including garbage, ashes, rubbish, street cleanings and solid market and industrial wastes, but not including human or animal body wastes.~~

~~Residential wastes. Solid wastes resulting from household operations, including tree trimmings and lawn trimmings.~~

~~Sanitary landfill. A land site on which engineering principles are utilized to bury deposits of solid waste without creating nuisances or hazard to public health or safety.~~

~~Solid waste. Garbage, refuse, and other discarded solid materials, including solid waste materials resulting from industrial, commercial, and agricultural operations, and from community activities, but does not include solid or dissolved material in domestic sewage or other significant pollutions in water resources, such as silt, dissolved or suspended solids in industrial wastewater effluences, dissolved material in irrigation return flows, or other common water pollutants.~~

~~Solid waste disposal system. The method of disposal of solid wastes.~~

~~Trash. Any and all rubbish, cans, bottles, containers, refuse, paper, cardboard or any other like waste or discarded materials of any inorganic nature.~~

~~(Ord. of 9-7-88)~~

### **Section 17-2. Use of streets, vacant property for disposal of refuse.**

~~No person shall dump or dispose of, or leave or cause to be thrown any rubbish, tin cans, trash, tires, construction material, land clearing debris, garbage, prohibited waste, hazardous waste or other waste substance or materials, in or upon and along any street, road, highway, park, or alley in the county, nor shall any person dispose of,~~

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~~dump, or throw any rubbish, tin cans, trash, tires, construction materials, land-clearing debris, garbage, prohibited waste, hazardous waste, or any other waste material or substance upon any vacant lots or any other property in the county except that which shall be so designated by the board of supervisors.~~

~~(Ord. of 9-7-88)~~

~~State law references: Litter control, Code of Virginia, § 33.1-346.~~

**Section 17-3. Transporting rubbish in open vehicles.**

~~No person shall transport any rubbish, tin cans, trash, garbage, or any other waste or refuse substance, in an open or uncovered vehicle, along the streets, roads, or highways in the county, unless the load is completely contained within bags, boxes or other containers or covered by a tarpaulin or other suitable cover, securely fastened to the body of the vehicle and of such size and shape as may be necessary to contain the entire load.~~

~~(Ord. of 9-7-88)~~

**Section 17-4. Incineration of refuse.**

~~Burning or incineration of refuse in the county shall be conducted in such a manner as to conform to title 10.1, chapter 13 of the Code of Virginia as regulated and administered by the state air pollution control board.~~

**Section 17-5. Burning of leaves.**

~~Leaves originating on the premises of private residences in residential districts may be burned on those premises, provided that:~~

~~(a) Such burning is done between 9:00 a.m. and 9:00 p.m. and all embers are totally extinguished at the end of this period.~~

~~(b) No material will be added to the fire between 8:00 p.m. and 9:00 a.m.~~

~~(c) The location of burning is not less than 100 feet from any occupied building unless the occupant has given prior written permission.~~

~~(d) To minimize the possibility of contaminant emission from inadvertent fires, at no time shall the fire be unattended.~~

~~(e) All burning of leaves permitted under this section shall not be commenced and shall be immediately terminated upon declaration of an alert warning or emergency stage of the air pollution episode when proclaimed by either the executive director of the state air pollution control board or his designated representative.~~

~~(f) Notwithstanding any other provision of this section, it shall be unlawful for any person to burn leaves during the period beginning March 1 and ending May 15 of each year except as provided in § 10.1-1142 of the Code of Virginia, 1950, as amended.~~

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(Ord. of 9-7-88)

**Section 17-6. Proper disposal of refuse--By county residents.**

~~(a) Availability. A public sanitary landfill shall be available only to county residents or owners of real property in the county for the disposal of garbage and trash generated within the county during such hours upon which such conditions as the board of supervisors may direct.~~

~~(b) Disposal of waste generated outside county prohibited. It shall be unlawful for any person to dispose of solid waste of any kind or nature, including, but not limited to, agricultural waste, commercial waste, hazardous waste, industrial waste, prohibited waste refuse, garbage, residential waste or trash, which solid waste was generated outside of the county in the county's public sanitary landfill.~~

~~(c) Documentation. Any person found to be using the county public sanitary landfill who is unable to exhibit for inspection a current county vehicle license decal issued pursuant to section 14-22 of the Code for a vehicle owned by that person or a member of his immediate family, a current dumping permit issued by the county or a tax bill for the current year for real property located in the county in the name of that person or a member of his immediate family, or a current county building permit reflecting the location of the site in the county where the waste originated shall be presumed to be in violation of this section.~~

~~(d) Penalty for violation. Violation of this section shall be punishable pursuant to the penalties prescribed in section 17-13 of this Code.~~

~~(Ord. of 9-7-88; Ord. of 2-5-92)~~

**Section 17-7. Same--By business firms.**

~~It shall be unlawful for any person engaged in the business of collecting, transporting or disposing of refuse, to dispose of the same at any location in the county other than at a public sanitary landfill which has been established and is operated under the provisions of this chapter.~~

~~(Ord. of 9-7-88)~~

**Section 17-8. Injury to public health or safety.**

~~(a) It shall be unlawful for any occupant of a dwelling house, business house, or other building to store, accumulate or dump any refuse, trash, rubbish or any other waste material or substance on such premises in such quantities or in such a manner or for such a period of time as to constitute a nuisance or as to be injurious to the health or safety of the public, or potentially injurious to the health or safety of the public.~~

~~(b) All garbage shall be placed in tight containers and be kept covered until transported to a public sanitary landfill or until taken from the premises by trash or garbage collectors as defined by this chapter or otherwise disposed of as provided by law.~~

~~(Ord. of 9-7-88)~~

**Section 17-9. Permits for licensed collectors of refuse.**

~~(a) It shall be unlawful for any person other than local governing bodies, unless he possesses a valid permit from the board of supervisors, to collect and transport refuse, garbage or trash for others for consideration. The board of supervisors may issue permits or franchises for such applicants and the county administrator may issue permits or franchises for renewals for applicants holding existing permits or franchises; provided, that such permits shall be limited to persons having proper equipment and personnel to collect and transport refuse in accordance with the provisions of this chapter.~~

~~(b) Every person desiring to engage in the collection of refuse in the county shall make written application to the board of supervisors or if the person holds an existing permit or franchise shall make written application to the county administrator, setting forth the name, address and phone number of such person, a description of the equipment to be used in the collection of such refuse, and shall state generally the areas within the county that he proposes to serve, the frequency of collections, proposed rates, the number of vehicles to be used and the place and manner of disposal. Upon approval of such an application the board of supervisors may issue a permit to the applicant.~~

~~(c) A permit or franchise issued under this chapter may extend for a period not in excess of one year if the holder conforms to standards established by the responsible county agencies. Should the holder fail to correct conditions and practices not in accordance with regulations set by the responsible county agency, when warned of infraction thereof, his permit is subject to revocation after written notice is made to the county administrator, the board of supervisors, and the license holder.~~

~~(d) The board of supervisors may issue a permit and the county administrator may issue a renewal permit upon receipt of a valid application and upon satisfactory finding that the applicant has complied with all applicable sections of this chapter. Prior to the issuance of any permit, all vehicles shall be inspected by the county health department. Such permit shall assign each vehicle covered by such permit with a number.~~

~~(e) All permits shall expire on December 31 following the date of issue and shall be renewed between January 1 and 31 of each year. The board of supervisors reserves the right now to renew such permits or to direct the county administrator not to renew such permit for any reason when such action is deemed to be in the best interests of the county.~~

~~(f) At the time of the issuance of the permit, the applicant shall pay the license fees and furnish the required bond as set forth in subsections (g) and (h), below.~~

~~(g) It shall be unlawful for any person to engage in the business of being a refuse remover in the county without first having obtained an annual vehicle license. This license shall be issued by the commissioner of revenue for each vehicle to be used for removal or transporting of refuse upon notification from the approving authority that the vehicle is satisfactory for refuse removal or transporting and the payment of a license fee of \$25.00 per vehicle payable to the general county fund. The license shall be renewed annually between January 1 and 31 of each year and shall not be proratable. No license shall be issued or renewed without a permit having been issued as set forth in subsections (d) to (f).~~

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~~(h) All persons engaging in the removal or transporting of refuse from residential, commercial and industrial establishments in the county must furnish a bond payable to the county in an amount equal to not less than \$500.00 for each vehicle licensed, but not to exceed \$3,000.00, with surety approved by the board and conditioned to indemnify and save harmless the county as well as any person from all expense or damage that may be incurred by such, caused by any failure to comply with the provisions of this section or neglect in the handling of refuse.~~

~~(i) Handling of refuse shall be deemed neglected when the permit holder fails to meet the frequency of collection as stated in the application for permit. If the permit holder fails to correct any such neglect or noncompliance with this section within 48 hours after receipt of written notice from the approving authority, the bond shall be forfeited and the principal and surety on such bond shall be required to reimburse the county or any customer or any permit holder for any expense or damage incurred as a result of such neglect or failure. Such bond shall be deposited with the treasurer of the county. The original bond shall be for a period of not less than 12 months and shall be renewed annually.~~

~~(j) The applicant shall have all vehicles used or to be used for refuse removal or transport inspected once in every six months by the county health department at a reasonable time and place within the county. In the event of an emergency requiring the immediate replacement of a vehicle, the applicant shall notify the county health department of such replacement and have the replacement vehicle inspected by the county health department within five days after its acquisition.~~

~~(k) Vehicles used for the removal or transportation of refuse shall be made available for inspection, in addition to the inspections required in subsection (j) upon request of the responsible county agency. A reasonable time shall be provided for such inspections.~~

~~(l) Upon the issuance of a permit, the board of supervisors shall assign or upon the issuance of a renewal permit, the county administrator shall assign, to all approved vehicles a permit number, which shall be permanently affixed by the applicant with the name, address, and telephone number of the applicant 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, and such permit numbers will be four inches high, not less nor more. The above identification shall be painted in conspicuous color contrasting with that of the vehicle.~~

~~(m) Vehicles for transporting or removing refuse must provide against refuse leaking, spilling, being blown or hurled from or deposited upon any street or public way during loading or while in transit. Two types of vehicles will be permissible:~~

~~(1) A vehicle with a watertight body, completely enclosed and covered, by construction.~~

~~(2) A vehicle with a nonwatertight body, with built-in cover, or with tarpaulin or equally effective cover. Such a vehicle must have secured and covered watertight containers for all liquid or semisolid material.~~

~~(n) All vehicles must be provided with an affixed approved fire extinguisher with an ABC rating.~~

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~~(o) Refuse shall be removed only during daylight hours and in such manner that it does not create a nuisance or adversely affect public health.~~

~~(p) Refuse shall be removed in such a manner and transported so that it does not spill or fall into a street or public way, nor shall it be dumped, spilled, or thrown into any street, court, lane, alley, sewer inlet, or public or private lands.~~

~~(q) No hazardous waste, prohibited waste or harmful material, including materials which are explosive, toxic, radioactive or highly combustible by nature or burning, shall be removed for disposal by the refuse remover. In the event that hazardous waste or prohibited waste is disposed of within a licensed landfill, state and local officials shall be immediately notified and every action must be taken to contain and remove said materials immediately. The refuse remover shall be responsible for all costs for containment and removal of any and all hazardous waste or prohibited waste under the guidance and control of state and county officials. This subsection, however, is not applicable to materials loaded and carried at the direction of public officials or public servants executing their duties in emergencies.~~

~~(r) Each vehicle used for the transportation of refuse in or through the county which is not subject to the licensing and bonding provisions of this section shall transport the refuse in such a manner as not to create a nuisance or adversely affect public health. The refuse shall not be spilled, dumped, or thrown into any street, court, lane, alley, sewer inlet, or vacant lot. Liquid and semiliquid refuse when collected in nonwatertight bodies shall be carried in watertight containers.~~

~~(s) The refuse remover shall notify in writing the board of supervisors and each customer at least 30 days prior to date of fact of the refuse remover's termination and discontinuance of business. On the date of the refuse remover's termination or discontinuance of business, the applicant will surrender his permit to the county administrator.~~

~~(t) No permit or license issued hereunder may be transferred, sold, or assigned without the express permission of the board of supervisors granted after public hearing and any permission so granted may impose such conditions on any transfer, sale or assignment as necessary in the opinion of the board to protect the public health and safety. Should the permit or license holder be a corporation or other association, sale or transfer of a controlling interest therein shall constitute an assignment for the purpose of this provision.~~

~~(Ord. of 9-7-88; Ord. of 4-3-96)~~

**Section 17-10. Sanitary landfills.**

~~(a) Pursuant to Chapter XXVIII of the Regulations of the Virginia Department of Health governing disposal of solid waste, the board of supervisors may create and establish a sanitary landfill for the express purpose of receiving and depositing solid waste materials generated within Dinwiddie County, to be operated in a manner as not to create a hazard to public health or safety.~~

~~(b) If created, the county sanitary landfill will be open six days each week, Monday through Saturday. The sanitary landfill shall be closed all day Sunday, except in an~~

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~~emergency situation. The general hours of operation of the county landfill shall be established by the director of sanitation, with the approval of the county administrator.~~

~~(c) The county landfill shall be established and designed to receive refuse, garbage, trash and solid waste generated within the county. There shall be no collecting of garbage, trash, refuse, rubbish or solid waste from outside of the county to the county landfill unless a fee is paid as hereinafter described. This provision shall also include individuals or corporations residing in the county which transport garbage, trash or refuse from outlying areas not a part of the county, which garbage, trash or refuse has been generated from outside of the county.~~

~~(d) The operation of the county landfill shall conform to the guidelines established by the Virginia Department of Solid Waste governing the disposal of solid waste. No hazardous waste, prohibited waste or harmful material, including materials which are explosive, toxic, radioactive or highly combustible by nature or burning, shall be deposited within the county landfill. In the event that hazardous waste or prohibited waste is disposed of within the landfill, state and local officials shall be immediately notified and every action must be taken to contain and remove said materials immediately. Upon investigation, any party who is found to have deposited such material within the landfill shall be responsible for all costs for containment and removal of any and all hazardous waste or prohibited waste under the guidance and control of state and county officials. This subsection, however, is not applicable to materials loaded and carried at the direction of public officials or public servants executing their duties in emergencies.~~

~~(e) Dead animals of any type shall not be accepted into such landfill, except that the county animal control department may be given a designated portion of the landfill property in which to bury animals euthanized in accordance with law and in that area other dead animals may be buried as allowed by state law or regulation.~~

~~(f) Residents of Dinwiddie County may deposit trash and garbage generated from their individual households and agricultural waste, not including land clearing debris, into the county sanitary landfill without charge. All commercial enterprises, businesses, industries, manufacturing concerns, private collectors of refuse operating in the county and nonresidents of the county shall be charged a fee for the use of the county sanitary landfill. The fee or charge for use of the county landfill is to be established and regulated by the director of sanitation, with the approval of the county administrator. The charge or fee may be based upon size of the load, number of loads brought into the landfill, by tonnage, or by cubic yards. Commercial enterprises required to pay the fee under this section shall include motels, mobile home parks, trailer parks, apartments and other entities which provide trash pickup and disposal service for their customers or tenants, as well as commercial collectors of residential waste and/or commercial waste.~~

~~(g) It is unlawful for any person, company, corporation or other entity to dump trash, refuse, solid waste or garbage anywhere in the county, whether on public or private property, except in an authorized sanitary landfill or in bulk trash containers placed by the county in accordance with the provisions of section 17-11 of this Code. Violation of this section is punishable pursuant to the penalties prescribed in section 17-13 of this Code.~~

~~(Ord. of 9-7-88)~~

**Section 17-11. Disposition of bulk trash containers.**

~~(a) A solid waste disposal system consisting, in part, of bulk trash containers in sufficient quantities to serve the needs of residents of the county shall be provided where space for such containers on or near well-travelled roads in the county shall benefit the greatest number of residents.~~

~~(b) Bulk trash containers may also be made available to county business firms desiring such service as the containers may be available to the sanitation department. Bulk trash containers shall be available to local businesses on either a rental or purchase agreement, prices of which shall be established and regulated by the sanitation department. The director of sanitation with the consent of the county administrator shall establish rules and regulations controlling maintenance and use of such containers.~~

~~(c) Only residents of the county, owners of real property in the county and those persons visiting or touring the county who are actual "bona fide tourist" may use bulk containers for disposal of normal household and residential wastes generated from the county. However, no commercial, industrial or institutional wastes shall be placed in bulk containers for public use.~~

~~(d) Dead animals of any kind shall also be prohibited from such containers.~~

~~(e) Hazardous wastes of any nature and all prohibited wastes shall be prohibited from the above containers. Such other items as determined by the director of sanitation with the consent of the county administrator may be prohibited from being placed within the bulk trash containers, provided that a list of such prohibited materials shall be posted at the site of the container.~~

~~(f) Mutilation, defacement, or damage of any nature to bulk refuse containers (including burning or setting fire to the contents of said containers) shall be a misdemeanor and shall also subject the offender to recovery for all costs of the county incurred because of such action.~~

~~(g) It shall be unlawful for any person, except an actual bona fide resident of the county or a bona fide tourist, to deposit or place waste in or use such bulk trash containers. The words "bona fide tourist," as used herein, shall not be construed to mean or include any person who resides within 50 miles of the county courthouse at Dinwiddie, Virginia.~~

~~(h) It shall be unlawful for anyone to scavenge from or within any bulk trash container or to remove any item placed therein for disposal.~~

~~(i) It shall be unlawful for any person, other than as permitted under subsection (c) above, to dispose of solid waste of any kind or nature, including, but not limited to, agricultural waste, commercial waste, hazardous waste, industrial waste, prohibited waste, refuse, garbage, residential waste or trash, in bulk containers.~~

~~(j) Any person found to be disposing of solid waste in bulk containers who is unable to exhibit for inspection a current county vehicle license decal issued pursuant to section 14-22 of the Code for a vehicle owned by that person or a member of his immediate family, a current dumping permit issued by the county or a tax bill for the current year for real property located in the county in the name of that person or a member of his immediate family, or a current county building permit reflecting the location of the site in~~

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~~the county where the waste originated shall be presumed to be in violation of this section.~~

~~(k) Violation of this section shall be punishable pursuant to the penalties prescribed in section 17-13 of this Code.~~

~~(Ord. of 9-7-88; Ord. of 2-5-92)~~

~~**Section 17-12. Unlawful conditions of litter on construction and development sites.**~~

~~(a) Every parcel of property being utilized as a construction or development site shall be kept free of construction litter and debris and any accumulation of litter that constitutes a nuisance or threat to the health or safety of the public.~~

~~(b) At all times before, during, and after completion of any construction or development site, construction litter and debris shall be contained on the parcel of property being utilized as a construction or development site.~~

~~(c) It shall be the joint responsibility of the owner of the parcel and each contractor performing construction on the parcel to comply with the requirements of this section.~~

~~(Ord. of 9-18-07, § 1)~~

~~**State law references:** Similar provisions, Code of Virginia, § 15.2-901.~~

~~**Section 17-13. Violations; penalties.**~~

~~(a) Violation of any of the provisions of this chapter, except where otherwise provided, by any person shall constitute a misdemeanor and shall be punishable for the first offense by a fine of not more than \$300.00 but not less than \$50.00 or confinement in jail for not more than 30 days but not less than five days, or both.~~

~~(b) Second offenses shall be punishable by a fine of not more than \$300.00 but not less than \$100.00 or confinement in jail for not more than 30 days but not less than ten days, or both.~~

~~(c) Third offenses and all subsequent offenses shall result in a fine of \$300.00 or confinement in jail for 30 days, or both.~~

~~(d) In addition to the penalties prescribed above, any person found to be in violation of this chapter shall pay to or reimburse the county for all costs or expense of any kind and nature associated with the clean-up and proper disposal of all materials dumped or disposed of by such person in violation of this chapter.~~

~~(e) It shall hereby be the duty of the county director of sanitation or his authorized representative to secure a summons against persons who are in violation of this chapter. Further enforcement shall rest with the county sheriff's department and the courts of the county.~~

~~(f) The board of supervisors requests the judge of the general district court to cause to be published in any newspaper of general circulation in the county the names of any~~

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~~violators of this chapter together with the nature of the violation and penalty prescribed for such violation.~~

~~(Ord. of 9-7-88; Ord. of 2-5-92)~~

2. That this ordinance shall become effective immediately upon adoption.

**AN ORDINANCE TO AMEND  
THE CODE OF THE COUNTY OF DINWIDDIE, 1985, AS AMENDED,  
BY DELETING CHAPTER 2, ADMINISTRATION, DIVISION 4, SOLID WASTE  
AUTHORITY, SECTIONS 2-64.1 THROUGH 2-64.4**

BE IT ORDAINED by the Board of Supervisors of Dinwiddie County:

1. That the Code of the County of Dinwiddie, 1985, as amended, is amended by deleting Chapter 2, Administration, Division 4, Solid Waste Authority, Sections 2-64.1 through 2-64.4, shown in strikethrough below:

**~~DIVISION 4. SOLID WASTE AUTHORITY\*~~**

**~~Section 2-64.1. Creation.~~**

~~It is the intention of the board of supervisors of Dinwiddie County, Virginia, to create an authority under the Virginia Water and Sewer Authorities Act, as amended (Code of Virginia, 1950, Sections 15.1-1239 to 15.1-1270, inclusive) (the "Act"), for the purpose of acquiring, financing, constructing, equipping, operating and maintaining a garbage and refuse collection and disposal system or systems and other property facilities incidental thereto, including, but not limited to, recycling facilities, for the purpose of furnishing such services and facilities to residents within the legal boundaries of Dinwiddie County (the "county") as of this date (April 17, 1991).~~

~~(Ord. of 4-17-91, § 1)~~

**~~Section 2-64.2. Powers and authority.~~**

~~(a) The board of supervisors of the county hereby finds and determines that the inclusion of information concerning specific projects and other items referred to in section 15.1-1242(A)(3) of the Act is impracticable. Therefore, the Dinwiddie County Solid Waste Authority shall have all of the powers and authority permitted by the Act.~~

~~(b) Dinwiddie County Solid Waste Authority further is specifically authorized to embark upon such garbage and refuse collection and disposal system facilities, including, but not limited to, recycling facilities, in its sole discretion and at such times and in such geographical areas as it may deem appropriate and to be in the best interest of the citizens of the county.~~

~~(Ord. of 4-17-91, § 1)~~

**~~Section 2-64.3. Finding as to importance of authority.~~**

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~~The board of supervisors hereby finds and determines that operation by the Dinwiddie County Solid Waste Authority or contract for such operation, in spite of any potential anti-competitive effect, is important in order to provide for the development and/or operation of a regional system of garbage and refuse collection and disposal for two or more units.~~

~~(Ord. of 4-17-91, § 1)~~

**~~Section 2-64.4. Articles of incorporation.~~**

~~In compliance with the Virginia Water and Sewer Authorities Act, as amended (Code of Virginia, sections 15.1-1239 to 15.1-1270, inclusive), the board of supervisors of Dinwiddie County, Virginia, pursuant to a resolution duly adopted signifying its intention to form a garbage and refuse collection and disposal authority, hereby certifies:~~

~~(1) The name of the authority shall be the Dinwiddie County Solid Waste Authority, and the address of its principal office shall be Pamplin Administration Building, 14016 Boydton Plank Road, Dinwiddie, Virginia 23841.~~

~~(2) The name of the incorporating subdivision is the County of Dinwiddie, and the names and addresses and terms of office of the first members of the Dinwiddie County Solid Waste Authority were set out in the ordinance from which this division was derived.~~

~~(3) The commencement of the terms of office of the first members began on the date of the issuance of a certificate of incorporation by the State Corporation Commission.~~

~~(4) The number of members of the Dinwiddie County Solid Waste Authority shall be the same as the number of members of the Board of Supervisors of Dinwiddie County, which currently is five. Each member of the board of supervisors shall be a member of the county solid waste authority for a term to run concurrent with such member's term on the board of supervisors.~~

~~(5) The purposes for which the solid waste authority is created are to acquire, purchase, lease, construct, reconstruct, improve, extend, equip, operate, maintain and finance a garbage and refuse collection and disposal system within, without or partly within and without the county, and to otherwise have, possess and exercise the powers granted by the Virginia Water and Sewer Authorities Act as otherwise authorized or permitted by law.~~

~~(6) The solid waste authority shall have all of the powers authorized under the Act and as otherwise authorized or permitted by law.~~

~~(Ord. of 4-17-91, § 2)~~

2. That this ordinance shall become effective immediately upon adoption.

At this time there was a brief discussion regarding the proposed noise ordinance information. John C. Blair II, County Attorney, stated that Henrico County passed their noise ordinance the previous week. They contained in their ordinance a number of exemptions. He stated that two of the exemptions that caught his eye were: 1) religious services, and 2) agricultural activities. He said that at the last meeting one of the citizens had a lot of concern about soy bean operations. Mr. Blair stated that he would like to incorporate some of the exemptions that he thought would be applicable to

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Dinwiddie County; and to perhaps incorporate them into a proposed ordinance that would be brought before the Board at the regular March meeting.

Mr. Blair stated that there was an individual at the last meeting who talked about rural residential property. He said that the individual felt that since agricultural property was being exempted, that rural residential should be exempted also. Mr. Blair stated that the planning director, Mr. Mark Bassett, had indicated that he thinks the majority of rural residential parcels are what is called "large parcels" – 20 acres or more. Initially, he had a different assumption. Mr. Blair said that he had advised Mr. Bassett that the Board may want to know the following about rural residential: how many are parcels, and how many are large parcels? He said that may help with the decision as to whether to exempt rural residential from the animal restrictions.

Mr. Blair stated that there had also been a concern about a minimum fine of \$50 for offense against the noise ordinance. Mr. Haraway had stated that he would like to see it be \$0. It was the consensus of those present to leave it at \$50 for now.

**3. ADJOURNMENT**

Upon motion of Mr. Stone to adjourn, seconded by Mr. Talmage,

Ayes: Mr. Talmage, Mr. Stone, Mr. Moody

Nays: None

Absent: Ms. Moody, Mr. Haraway

The meeting was adjourned at 5:09 p.m.

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Harrison A. Moody, Chairman

ATTEST: \_\_\_\_\_  
W. Kevin Massengill  
County Administrator  
Clerk to the Board

/wjn