

Supervisors Order Book No. 8, p. 392
(Adopted March 12, 1973)

The following ordinance proposed at the regular meeting of the Board held at the Courthouse of Patrick County, Stuart, Virginia, on February 12, 1973, having been duly advertised for adoption as provided by law, on motion by Virgil R. Williams, seconded by J. Cornelius Stovall and carried, is hereby adopted:

AN ORDINANCE PROPOSED TO BE ADOPTED AT THE MARCH MEETING OF THE BOARD OF SUPERVISORS OF PATRICK COUNTY, VIRGINIA, TO BE HELD AT THE COURTHOUSE, STUART, VIRGINIA, ON THE 12TH DAY OF MARCH, 1973:

AN ORDINANCE PROVIDING FOR THE HEALTH AND WELFARE OF THE COUNTY OF PATRICK BY REGULATING THE STORAGE, COLLECTION, AND DISPOSAL OF SOLID WASTE, THE LICENSING OF SOLID WASTE COLLECTORS, AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF:

The County of Patrick hereby ordains as follows:

SECTION (1): SHORT TITLE

This ordinance shall be known as the "Solid Waste Disposal Ordinance".

SECTION (2): DEFINITIONS

- A. The term "garbage" shall mean all animal and vegetable wastes resulting from the handling, preparation, cooking, or consumption of foods.
- B. The term "ashes" shall mean the residue resulting from the burning of wood, coal, coke, or other combustible material.
- C. The term "rubbish" shall include glass, metal, paper, plant growth, wood, or non-putrescible solid wastes.
- D. The term "refuse" shall mean all solid wastes, except body wastes, and shall include garbage, ashes, and rubbish.
- E. The term "disposal" shall include the storage, collection, disposal, or handling of refuse.
- F. The term "person" shall include any natural person, association, partnership, firm or corporation.
- G. The term "premises" shall mean land, building, or other structure, vehicle, watercraft, or parts thereof upon, or in which refuse is stored.
- H. The term "responsible authority" shall mean the legally designated authority of the County of Patrick who shall be authorized and directed to

implement and enforce the provisions of this ordinance or his authorized representative.

I. The term "other": The singular shall include the plural, and the masculine shall include the feminine and the neuter.

SECTION (3): RATES, CHARGES, AND THE COLLECTION THEREOF

A. Refuse service charges within the County of Patrick, for the purpose of financing the establishment, maintenance, and operation of refuse collection systems, or refuse disposal methods and sites, are hereby levied in accordance with the following schedules:

(1) The rate of charge to each household dwelling for the collection and disposal of refuse shall be in accordance with the following schedule:

At a rate to be established by the BOARD OF SUPERVISORS OF PATRICK COUNTY, its agent or duly appointed commission, pursuant to the terms and conditions of any franchise granted under the provisions of this ordinance.

(2) The rate of charges to each institution, business, and industrial establishment for collection and disposal of refuse, including bulk refuse containers, shall be in accordance with the following schedule:

At a rate to be established by the BOARD OF SUPERVISORS OF PATRICK COUNTY, its agent, or duly appointed commission, pursuant to the terms and conditions of any franchise granted under the provisions of this ordinance.

B. Such refuse service charge shall be collected by the person acting pursuant to the permission of, or contract with, the BOARD OF SUPERVISORS OF PATRICK COUNTY.

SECTION (4): PERMITS AND LICENSES OF COLLECTORS

A. It shall be unlawful for any person who does not possess an unrevoked permit from Patrick County to engage in the business of solid waste collection or refuse disposal for compensation in Patrick County. The County of Patrick may issue permits for such applicants, provided that such permits shall be limited to persons having proper equipment and personnel to collect and dispose of refuse in accordance with the provisions of this ordinance, and provided, further, that the method of disposal used is in accordance with the recommendations of the Bureau of Solid Waste and Vector Control, Virginia State Health Department and regulations promulgated thereunder.

B. The fee for such license shall be \$25.00 per annum, and all licenses shall be issued for the calendar year, or such part thereof as shall remain after the issuance. There shall be no reduction in the fee for a license issued after the beginning of any calendar year.

C. Every person who shall apply for a license under this section shall state the type or types of refuse to be collected, the manner of collection, and the place and method of disposal.

D. No license shall be granted if the place and method of disposal shall not conform to the requirements of this ordinance, or to the ordinance of any municipal, or quasi-municipal corporation, wherein disposal of refuse is to be made.

E. It shall be unlawful to permit an unlicensed collector to collect or remove refuse from a household, institution, or commercial enterprise.

F. In the event that the holder of any permit hereunder shall fail to abide by, or conform to, any requirements of the Patrick County Health Department, then, and in that event, and upon complaint of the Patrick County Health Department, any permit issued hereunder may be revoked by the BOARD OF SUPERVISORS OF PATRICK COUNTY, its agent or duly appointed commission, without notice to the holder of such permit.

However, in the event that the BOARD OF SUPERVISORS OF PATRICK COUNTY grants an exclusive franchise to any person for the collection and disposal of refuse, the provision of this section shall not apply while such franchise is in effect.

SECTION (5):

PROHIBITIONS: PRIVATE RESPONSIBILITY

A. It shall be unlawful for any person to place or deposit upon the premises of others, without the owner's written permission, any refuse, garbage, ashes, or rubbish.

B. The owner or his agent, or the occupant of any premises within the County of Patrick, shall make arrangements for the collection or disposal of all refuse, garbage, ashes, or rubbish, in compliance with the laws and regulations of the Commonwealth of Virginia, and the state Department of Health.

C. It shall be unlawful to place solid waste in any street, alley, road, stream, body of water, or any other public place.

SECTION (6):

STORAGE OF REFUSE

Any person contracting with the holder of a refuse collection franchise shall comply with the following:

A. Garbage shall be drained and wrapped.

B. All refuse shall be stored in durable, metal or approved plastic watertight, and easily washable containers, which have closefitting lids and adequate handles to facilitate collections. Such containers shall be of not

less than 10 gallons, nor more than 32 gallons in capacity for households, nor more than 50 gallons in capacity for businesses or multi-family apartments or dwellings.

Provided, however, that this section does not apply where removable bulk refuse containers are provided under contract with a franchise agent, or where the County provides removable bulk refuse containers.

C. It shall be unlawful to permit refuse, except bulky rubbish, to accumulate on any premises except in containers which are approved by the BOARD OF SUPERVISORS OF PATRICK COUNTY, in accordance with the specifications contained in this Section.

D. Ashes containing hot embers shall not be placed in containers for collection.

E. Each householder, commercial establishment, or person having solid waste shall provide himself with approved solid waste containers, and shall place and keep all solid waste therein.

F. Bulky rubbish - rubbish which includes tree trimmings must be cut in lengths not to exceed 36" nor 6" in diameter, and weigh not more than 40 pounds. It shall be placed in neat stacks at approved collection points.

SECTION (7): REFUSE NOT ACCEPTABLE FOR COLLECTION

The following refuse shall be considered to be not acceptable for collection by the BOARD OF SUPERVISORS OF PATRICK COUNTY, its agent or duly appointed commission, for any person holding a franchise for the collection of the same:

A. Dangerous materials or substances, such as poisons, acids, caustics, infected materials, and explosives.

B. Unusual quantities of materials resulting from the repair, excavation, or construction of buildings or structures, such as earth, plaster, mortar, and roofing material.

C. Materials which have not been prepared for collection in accordance with these regulations.

SECTION (8): REFUSE COLLECTION: PLACES TO BE SERVED

The BOARD OF SUPERVISORS OF PATRICK COUNTY, or its authorized agent, or the holder of a franchise for the collection of refuse, shall collect all refuse acceptable for collection, as provided for in Section (6) of this ordinance, from all single-family dwellings and from all multi-family or apartment

dwellings, and from such industrial and commercial businesses as wish to contract for the services provided, and as approved by the Patrick County Health Department.

Each permit or franchise issued hereunder shall provide and contain a description of the area to be served.

SECTION (9): FREQUENCY OF COLLECTION

A. All household refuse shall be collected by the Patrick County Board of Supervisors, or the holder of a franchise for that purpose, at least one time each week, unless otherwise agreed upon by the County or its franchise agent.

B. Commercial and industrial waste collections shall be made as required in order to comply with the regulations of the Patrick County Health Department.

C. Collections shall not be made on the following holidays, unless otherwise specified by the PATRICK COUNTY BOARD OF SUPERVISORS: Sundays and National Holidays.

SECTION (10): PLACE OF REFUSE COLLECTION

All refuse to be collected by the BOARD OF SUPERVISORS OF PATRICK COUNTY, its agent or duly appointed commission, or the holder of a franchise for the collection of the same, shall be placed in approved containers beside a public road, on the day of collection only, unless otherwise agreed upon by the County of Patrick, or its franchise agent.

SECTION (11): EQUIPMENT

Vehicles used by any person for transporting or removing refuse shall provide against refuse leaking, spilling, being blown or hurled from, or deposited upon any street or public way during loading, or while in transit.

SECTION (12): PENALTIES

Any person who shall violate any provision of this ordinance, upon conviction, shall be punished by a fine of not less than \$10.00 nor more than \$100.00, or by imprisonment not to exceed 90 days, and each day's failure to comply with any such provision shall constitute a separate violation.

SECTION (13): REPEAL AND DATE OF EFFECT

All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed; and this ordinance shall be in full force and effect immediately upon its adoption and publication as provided by law, provided that existing commercial establishments shall be permitted a period of not more than 6 months after date of adoption and publication to comply with the provisions of this ordinance.