

Chapter 10
GARBAGE, REFUSE AND WASTE

Article 1. Trash, Garbage, Etc., on Private Property.

- Sec. 10-1-1. Duty of owners to remove; certain accumulations unlawful.
- Sec. 10-1-2. Removal of unlawful substances upon notice; mailing and posting notice.
- Sec. 10-1-3. Removal by board upon failure of owner to comply with notice - - Generally.
- Sec. 10-1-3.1. Same - - Cost of removal - - Liability of owner.
- Sec. 10-1-3.2. Same - - Same - - Constitutes lien against property.
- Sec. 10-1-4. Penalty for violation of article.

Article 2. Disposal, Storage, Etc., of Solid Waste and Tires.

- Sec. 10-2-1. Compliance with Virginia Waste Management Act - - Solid waste disposal, etc.
- Sec. 10-2-2. Same - - Stockpiling tires; maximum number of tires permitted.
- Sec. 10-2-3. Compliance with zoning ordinance.
- Sec. 10-2-4. "Stockpiling of tires" defined.
- Sec. 10-2-5. Construction of article.

Chapter 10
GARBAGE, REFUSE AND WASTE¹

Article 1. Trash, Garbage, Etc., on Private Property.²

Sec. 10-1-1. Duty of owners to remove; certain accumulations unlawful.

The owners of property within the county shall, from time to time, remove therefrom any and all trash, garbage, refuse, litter and other substances which might endanger the health or safety of other residents of the county. It shall be unlawful for the owner of any property in the county to allow any such accumulation of such material as the board of supervisors shall determine, from time to time, might endanger the health of other residents of the county.

Sec. 10-1-2. Removal of unlawful substances upon notice; mailing and posting notice.

Every owner of property in the county shall remove therefrom such trash, garbage, refuse, litter and other like substances which shall be determined by the board to be unlawful as provided in this article. The board shall notify such owner of such determination, in writing, specifying particularly the measures needed to eliminate such illegality and further specifying the time within which such measures are to be taken. Such notice shall be mailed, by first class mail, to the address of such owner as shown on the tax records of the county and shall, in addition, be posted in a conspicuous place on the property complained of.

**Sec. 10-1-3. Removal by board upon failure of owner to comply with notice - -
Generally.**

The board of supervisors may cause to be removed any and all trash, garbage, refuse, litter and other like substances found to be unlawful as provided in this article, as to which the owner of such property, after notice as provided by Section 10-1-2 of this Code, and a reasonable time to comply therewith, shall have failed to do so.

¹ For state law as to Virginia Waste Management Act, see Code of Va., § 10.1-1400 et seq. As to authority of county with regard to solid and hazardous waste management, see Code of Va., § 15.2-1800.

² For state law as to authority of county to provide for removal of trash, garbage, etc., from private property, see Code of Va., § 15.2-901.

Sec. 10-1-3.1. Same - - Cost of removal - - Liability of owner.

In the event that the board shall take action under Section 10-1-3 of this Chapter, the cost or expenses thereof shall be charged to and paid by the owner of such property and may be collected by the county as taxes and levies are collected.

Sec. 10-1-3.2. Same - - Same - - Constitutes lien against property.³

Every charge authorized by this article with which the owner of any such property shall have been assessed and which remains unpaid shall constitute a lien against such property. (Ord. 11-18-15)

Sec. 10-1-4. Penalty for violation of article.⁴

In addition to the foregoing provisions of this article, the owner of any property which shall be determined by the board to be unlawful as provided hereinabove who shall fail to correct the condition within such reasonable time as may be required by the board as provided by this article, shall be deemed to be in violation hereof and shall be liable to a fine of fifty dollars (\$50) for the first violation, or violations arising from the same set of operative facts. The fine for subsequent violations not arising from the same set of operative facts within the twelve (12) months of the first violation shall not exceed two hundred dollars (\$200). Each business day during which the same violation is found to have existed shall constitute a separate offense. Violations arising from the same operative facts shall not result in penalties exceeding \$3,000 in a twelve (12) month period.

First Violation - \$50

Subsequent Violations (or business days of noncompliance) - \$200/per
\$3,000 maximum per twelve (12) month period

Article 2. Disposal, Storage, Etc., of Solid Waste and Tires.**Sec. 10-2-1. Compliance with Virginia Waste Management Act - - Solid waste disposal, etc.**

It shall be unlawful for any person to dispose of, treat or store solid waste in the

³ As to manner in which liens may be enforced, see Code of Va., §§ 58.1-3965 et seq. and 58.1-3940 et seq.

⁴ As to county authority to assess a fine for violations, see Code of Va., § 15.2-901.

county except in accordance with the provisions of the Virginia Waste Management Act (chapter 14, Title 10.1 of the Code of Virginia). Any person who shall dispose of, treat or store any solid waste, without a permit as required by such act, shall be deemed to be in violation of this article.

Sec. 10-2-2. Same - - Stockpiling tires; maximum number of tires permitted.⁵

No person shall stockpile tires in the county except in accordance with the provisions of the Virginia Waste Management Act. In addition to the foregoing, no person shall stockpile more than five hundred (500) tires at any time, regardless of purpose or origin. (Ord. 11-18-15)

Sec. 10-2-3. Compliance with zoning ordinance.

No person shall dispose of, treat or store solid waste, including, but not limited to, the stockpiling of tires, except in accordance with Chapter 22 of this Code.

Sec. 10-2-4. "Stockpiling of tires" defined.

For purposes of this article, the term "stockpiling of tires" shall include placing of tires as provided in the Virginia Waste Management Act.

Sec. 10-2-5. Construction of article.

Nothing contained in this article shall be construed to preempt or otherwise inhibit the application of any other provision of law.

⁵ As to state law regarding stockpiling tires, see Code of Va., §§ 10.1-1418.2—1418.5.