GILES COUNTY SOLID WASTE ORDINANCE

REVISION: EFFECTIVE FEBRUARY 1, 2002

UPON PUBLIC HEARING, held on January 17, 2002, at 6:30 P.M. at the recess meeting of the Giles County Board of Supervisors at 315 North Main Street, Pearisburg, Virginia, such public hearing having been advertised once a week for two successive weeks on January 2, 2002, and January 9, 2002, in the Virginian Leader, a newspaper of general circulation in Giles County, Virginia, and

UPON FINDINGS DULY MADE after a public hearing held on January 17, 2002, after proper notice and advertisement as follows:

1. Other waste disposal facilities, including privately owned facilities and regional facilities, are not economically feasible, to meet the current and anticipated needs of the County of Giles for waste disposal capacity and;

2. That the adoption of this ordinance is necessary to ensure the availability of adequate financing for solid waste disposal facilities in Giles County, Virginia, and the costs incidental or related thereto.

NOW THEREFORE, BE IT ORDAINED that the following provisions and sections are hereby re-enacted as the Giles County Solid Waste Ordinance, by which term this ordinance may be cited.

SECTION 1: DEFINITIONS: The following terms shall have the meanings ascribed to them in this section when used in this ordinance.
ADMINISTRATOR: The Giles County Administrator or his duly authorized representative, being the Giles County Public Service Authority.

COMMERCIAL ESTABLISHMENT: A building or other structure and/or lot or tract of land used for or as a part of the operation of a business enterprise, whether for profit or not, which is not used in whole as a residential unit. For the purposes of this ordinance, any structure which is used by the same owner or tenant for both residential and business purposes shall be deemed to be a commercial establishment for the purpose of imposition of the fees required to be paid for solid waste disposal, provided however that if the administrator determines that a mixed use structure generates a volume of solid waste that does not exceed average amount of waste generated by a resident in Giles County, then such mixed use structure may be deemed to be a residential unit for the purpose of imposition of collection fees.

CONTAINERS: REUSABLE: A receptacle made of plastic, metal or fiberglass with a capacity not to exceed thirty-nine (39) gallons, a loaded weight of no more than thirty-five (35) pounds, having a tight-fitting lid, and handles of adequate strength to allow for the container to be lifted.

CONTAINERS: NON-REUSABLE: Plastic sacks designed for refuse disposal with sufficient wall strength to maintain physical integrity when lifted by the top; securely tied at the top for collection, with a capacity not to exceed thirty-nine (39) gallons and a loaded weight not to exceed thirty-five (35) pounds. Non-reusable containers shall also include garbage compactor bags,
which meet the capacity and weight requirements for plastic sacks. Both reusable and non-reusable containers shall also be referred to as standard containers in this ordinance.

**BULK:** Bins of metal construction capable of being emptied by mechanical equipment operated by the County, generally referred to as dumpsters, which will have a capacity of at least two and not more than eight cubic yards. Also included is large capacity roll on dumpsters.

**CONTRACTOR:** The person with whom the County of Giles may contract for the disposal of solid waste generated within the County of Giles, however nothing shall be deemed to require the County of Giles to contract for disposal of all or part of its solid waste. In the event that the County of Giles shall contract for disposal of all or part of its solid waste, then the term "Contractor" shall be substituted for County of Giles where appropriate in this ordinance.

**COUNTY:** The term "County" shall be deemed to refer to the County of Giles unless the text of the ordinance specifically refers to some other county.

**DISPOSAL:** The discharge, deposit, injection, dumping, and spilling, leaking or placing of any solid waste into or on any land or water so that such solid waste or any constituent thereof may enter the environment or be emitted into the air or discharged into any water.

**CONVENIENCE CENTER:** A collection point designated and operated by the County of Giles at which large items, white goods,
tires and other wastes not suitable for regular pickup may be deposited for disposal at the current fee.

**GARBAGE:** Readily putrescible discarded materials composed of animal, vegetable or other organic matter.

**HAZARDOUS WASTE:** A solid waste or combination of solid waste which, because of its quantity, concentration or physical, chemical or infectious characteristics may: (a) cause or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible, illness; or (b) pose a substantial present or potential hazard to human health, the Disposal System, or the environment when improperly treated, stored, transported, disposed of or otherwise managed. The foregoing definition is intended to include any waste now or hereafter designated as such by State or Federal agencies with jurisdiction and authority to promulgate and enforce rules and regulations for the handling and disposal of hazardous and other waste.

**INCINERATION:** The controlled combustion of solid waste for disposal.

**LITTER:** Any solid waste that is allowed to be carelessly discarded or scattered about in an unsightly manner.

**OPEN DUMP:** A site on which any solid waste is placed, discharged, deposited, injected, dumped, or spilled, so as to create a nuisance or so as to pose within the determination of the Administrator a substantial present or potential hazard to human health or the environment, including the pollution of air, land, surface water or ground water. A disposal facility operating
without all permits required by the state and/or federal
governments shall be considered an open dump.

OPERATOR: The person responsible for the overall operation
and site management of a solid waste facility.

OWNER: The person, corporation, or other legal entity in whom
is vested the title to and interest in the land on which a solid
waste management facility is located; the person, corporation or
other legal entity in whom is vested title to and interest in the
land upon which a residence, residential unit, multi-unit
residential unit, commercial establishment or industry is located.

PERMIT: The written permission issued by the state or federal
government to own, operate, or construct a solid waste management
facility; and any permits issued pursuant to the provisions of this
Chapter.

PERSON: An individual, corporation, partnership, association,
a governmental body, a municipal corporation, or any other legal
entity.

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.

RECYCLED MATERIAL: A material that is used, re-used, or re-
claimed.

REFUSE: Discarded waste materials in a solid or semi-liquid
state, consisting of garbage, rubbish or a combination thereof.

RESIDENTIAL UNIT: A group of rooms located within a building
and forming a single inhabitable unit with facilities that are for
or intended for living, sleeping, cooking and eating. A residential unit shall also include buildings containing not more than four contiguous single-family dwelling units, however each unit shall be deemed to be a separate dwelling unit for billing purposes. Buildings containing more than four contiguous single-family dwelling units shall be considered commercial customers for the purposes of this ordinance. The term "residential unit" shall also be deemed to include mobile homes, and if such mobile homes are located in a mobile home park, they shall be separate billing units if there are four or less such units. If there are more than four units, the mobile home park shall be deemed to be a commercial customer.

**SCAVENGE:** The unauthorized or uncontrolled removal of waste materials from a solid waste management or disposal facility.

**SOLID WASTE DISPOSAL FACILITY:** A landfill incinerator, solid waste composting facility or resource recovery facility.

**SOLID WASTE MANAGEMENT FACILITY (SWMF):** Any facility which engages in a planned program for effectively controlling the storage, collection, transportation, processing and reuse, conversion or disposal of solid waste in a safe, sanitary, aesthetically acceptable, environmentally sound and economic manner, in full compliance will all applicable local, state and federal regulations.

**SLUDGE:** Any solid, semi-solid or liquid waste generated from a municipal, commercial or industrial wastewater treatment plant, water supply treatment plant, air pollution control facility, or other waste producing facility, but as used in this Ordinance the
term does not include the treated effluent from a wastewater treatment plant.

SOLID WASTE: (See also Garbage) Any garbage, refuse, sludge and other discarded material, including solid, liquid, semi-solid or contained gaseous material, resulting from industrial, commercial, mining and agricultural operations and from community activities but does not include (I) solid or dissolved material in domestic sewage, (II) solid or dissolved material in irrigation return flows or in industrial discharges which are sources subject to a permit from the State Water Control Board, or (III) source, special nuclear, or byproduct material as defined by the Federal Atomic Energy Act of 1954, as amended.

The solid waste herein defined also may refer to the following further defined types, i.e.:

A. Commercial waste: All solid waste generated by establishments engaged in business operations other than manufacturing or construction. This category includes, but is not limited to, solid waste resulting from the operation of stores, markets, office buildings, restaurants, and shopping centers.

B. Construction waste: Solid waste which is produced or generated during construction, remodeling or repair of pavements, houses, commercial buildings and other structures. Construction waste includes but is not limited to lumber, wire, sheet-rock, broken brick, shingles, glass, pipes, concrete, paving material, metal and plastics if the metal or plastics are part of the materials of construction or empty containers for such materials.
Paints, coatings, solvents, asbestos, any liquid, compressed gases or semi-liquids and garbage are not construction wastes.

C. Debris waste: Waste resulting from land clearing operations, including but not limited to stumps, wood, brush, leaves, soil and road spoils.

D. Demolition waste: That solid waste which is produced by the destruction of structures and their foundations and includes the same materials as construction wastes.

E. Household waste: Any waste material, including garbage, trash, and refuse normally produced or derived from single and/or multiple residential household and residences. Household wastes do not include sanitary waste in septic tanks (septage).

F. Ignitable waste:
   (1): Liquids having a flash point of less than 140 degrees Fahrenheit (60 degrees Centigrade).
   (2): Non-liquids liable to cause fires through friction, absorption of moisture, spontaneous chemical change or retained heat, or which are liable, when ignited, to burn so vigorously and persistently as to create a hazard.
   (3): Ignitable compressed gases, and/or oxidizers.

G. Inert waste: Solid waste which is chemically and biologically stable from further degradation and considered to be non-reactive. Inert waste includes rubble, concrete, broken bricks, bricks, and blocks.

H. Infectious waste: Any solid waste if it is capable of producing an infectious disease in humans, is one of the controlled infectious wastes listed in any relevant section or sections of the
Infectious Waste Management regulations of the Virginia Department of Environmental Quality as applicable at any given time, or is identified as infectious by a licensed physician or registered nurse. A waste shall be considered to be capable of producing an infectious disease if it has been, is or may have been contaminated by an organism that is or may be pathogenic to humans and if such organism has a significant probability of being present in sufficient quantities and with sufficient virulence to transmit disease. If the exact cause of a disease is unknown, but the health care professional in charge suspects the presence of a pathogen in the waste is the cause, such waste shall be managed as if the pathogen were identified and such waste shall be considered to be infectious waste.

I. Institutional waste: All solid waste emanating from institutions such as, but not limited to, hospitals, nursing homes, orphanages, and public or private schools. It can include infectious waste from health care facilities and research facilities, which have not been classified as a hazardous waste by the Virginia Hazardous Waste Regulations or the United States Environmental Protection Agency. Infectious waste, which has been defined by state or federal law, rule or regulation as hazardous waste, must be excluded from the waste stream.

J. Putrescible waste: Solid waste which contains organic material capable of being decomposed by microorganism, and which cause odors.

K. Residential waste: Household waste.
L. Waste oil: A spent petroleum product lubricating fluid from vehicles or equipment.

TRASH: Non-combustible discarded materials including, but not limited to, ashes, scrap metal, glass, brick, and concrete or other construction materials.

WHITE GOODS: Refrigerators, stoves, clothes dryers, washing machines, hot water heaters, furnaces, window air conditioners and other large appliances of similar size or character, and waste metal products.

YARD WASTE: Grass clippings, leaves, brush and a tree pruning arising from general landscape maintenance. Yard waste may only be disposed of at the convenience center at the current rate and may not be deposited in dumpsters or for curbside collection.

Where terms are not defined in this chapter and the context or practice requires definition they shall have the meanings specified in Chapter 14 of Title 10.1 of the Code of Virginia, 1950, as amended and/or as specified in other relevant statutes, and/or the Solid Waste Management Regulations of the Virginia Department of Environmental Quality, as now or hereafter adopted as are applicable. In case of conflict, the statutes and regulation applicable to the particular requirement involved shall prevail over those in this chapter.

SECTION 2: APPLICABILITY: This ordinance shall apply to all places of residence, all business and commercial establishments, and all manufacturing and industrial facilities located within the boundaries of the County of Giles, including its incorporated towns, and to all solid waste generated within or disposed of
within the County of Giles, including its incorporated towns, provided however that the provisions of this ordinance shall not apply within the corporate limits of any incorporated town within Giles County which operates its own solid waste disposal system.

SECTION 3: EXCLUSIVE DISPOSAL BY GILES COUNTY: Giles County will provide for the collection and disposal of all acceptable solid waste to its residential, commercial, institutional and industrial clients upon the terms and conditions of this ordinance. Any collection and/or disposal system other than that provided and/or operated by or on behalf of the County of Giles is prohibited unless a permit and specific written approval therefore has been issued by the Administrator, provided however that any industry having a place of business in the County of Giles which operates a properly permitted disposal facility on the original effective date of this ordinance shall be permitted to continue operation of such facility for disposal of solid waste generated only by such industry. Any collector, hauler or transporter of solid waste who collected or transported solid waste from any commercial establishment, business or industry in Giles County on April 1, 1993, may continue to provide collection and disposal services for those establishments served by such collector, hauler or transporter on April 1, 1993, provided that such collector, hauler or transporter obtain an annual permit from the Administrator. The fee for such permit shall be One hundred fifty dollars per year. The holder of any such permit shall provide to the Administrator at least monthly, or at any time upon request of the Administrator, documentation which verifies that any solid waste collected in
Giles County has been properly disposed of in a landfill meeting then current local, state and federal regulations and standards. The failure to provide such documentation, or the improper disposal of any such solid waste, shall be grounds for immediate termination of the permit. In addition, the holder of any such permit shall make available to the Administrator any other records or information requested to determine compliance by the permit holder with all applicable local, state and federal laws or regulations. Prior to issuance of any such permit, the Board of Supervisors may require compliance with all or any portion of the provisions of Section 5 (B) of this Ordinance.

SECTION 4: LOCATION OF CONTAINERS: All commercial waste containers shall be placed in such locations as are specifically designated and approved by the Administrator. Whenever the use of bulk containers is required under this Ordinance or under regulations adopted pursuant thereto, such containers and pads or bases for the same shall be provided at the owner's expense and charge. Such pads or bases shall meet all requirements therefore established by the Administrator as to location, size, construction methods, accessibility and materials.

SECTION 5: PRIVATE WASTE DISPOSAL FACILITIES PROHIBITED; CONDITIONS FOR EXEMPTION TO PROHIBITION:

A. PRIVATE WASTE DISPOSAL FACILITIES: Private waste disposal facilities within the County of Giles, are prohibited except upon the following conditions: (1) a permit to operate the facility from the Virginia Department of Environmental Quality has been issued; (2) the facility is to be located in an area in which such
use is permitted under the provisions of the Zoning Ordinance of
the County of Giles, Virginia; and (3) the disposal of such waste
would not be acceptable to the disposal facilities of the County of
Giles or other facilities with which the County of Giles has an
agreement for waste disposal. Applications for the operation of
such a disposal facility shall be made to the Administrator. Any
person contracting with the Board of Supervisors of Giles County
for the disposal of solid waste generated within Giles County shall
not be deemed to be operating a private waste disposal facility
under this Ordinance.

B. LOCAL PERMIT REQUIRED: Notwithstanding any other
provision of this Ordinance or any law, rule or regulation, no
person, firm, corporation, or other legal entity, (except for the
County of Giles) may establish, construct, erect, maintain or
operate in Giles County, or use any real estate or site located
within the geographical boundaries of Giles County, a waste
reception, collection or disposal facility or facilities, or any
landfill, for the treatment or disposal of any garbage or refuse or
hazardous waste as those terms are defined in Title 10.1 of the
Code of Virginia, 1950 as amended, without having obtained, in
addition to any permits or licenses required by any federal or
state statute, law, rule or regulation, a permit therefore issued
by the Board of Supervisors of Giles County, in its legislative
capacity. Should such Board determine in its sole discretion that
issuance of a permit for such a facility would be contrary to the
health, safety or general welfare of Giles County or its citizens,
or would not be in the interest of Giles County and/or its
citizens, such application for a permit may be rejected. Should the Board of Supervisors determine that the issuance thereof would not be contrary to the health, safety and/or general welfare of Giles County and its citizens, or would serve the best interest of Giles County or its citizens, such permit may be issued by the Board on such terms and conditions, for such term and for such specific location as the Board shall prescribe, including the imposition of a reasonable fee, payable to Giles County, based upon the volume of waste treated and/or the method, equipment and facilities to be utilized by the licensee. Such permit shall be subject to revocation by the Board of Supervisors upon any violation of the terms, conditions and provisions of any federal or state license or permit issued for the facility.

Should any such permit be issued, the Board of Supervisors may require, as a condition to its issuance, such insurance against liability and such bonds for faithful performance as are reasonably appropriate, and shall require the establishment of an environmental fund or trust fund by the Licensee or permittee in such amount as the Board specifies, to satisfy any and all legitimate claims for liability for environmental damage by any person, firm or corporation or other entity resulting from the exercise of, or the improper exercise of, the rights granted by the permit, which fund shall exist and remain funded for the entire period of the exercise of the rights granted by the permit and at least thirty (30) years thereafter. The documents establishing such fund shall contain provisions required to implement the
foregoing, and such other further provisions as the Board may require.

C. PARTIAL INAPPLICABILITY: Nothing contained in this Ordinance or section shall be deemed to require a permit or to otherwise exclude a sewage disposal system operated by or for any municipality or industry, which has obtained all permits, required by applicable laws and regulations.

D. EXCEPTION FOR RECYCLING: Nothing contained in this Ordinance shall be deemed to prohibit the right of any person to sell or otherwise dispose of waste material as provided in Section 15.1-28.03 of the Code of Virginia, 1950 as amended, or permitted under any other law of the Commonwealth.

SECTION 6: WASTE GENERATED OUTSIDE GILES COUNTY PROHIBITED:

Solid waste generated outside of the boundaries of the County of Giles will not be permitted or accepted by the County of Giles for collection and/or disposal by or through Giles County's collection and/or disposal system unless application for specific approval therefore is first made to the Administrator and approved by the Board of Supervisors.

SECTION 7: REQUIRED CONTAINERS:

A. All containers for solid waste collection shall be designed and constructed to prevent the emission of odors, the gathering of insects, the blowing of contents and the ready access to scavengers.

B. All containers required under this Ordinance, shall be furnished as required by the person placing solid waste for collection. Bulk containers may be purchased or rented from the
contractor providing service to the County of Giles or may be provided by the customer. Bulk containers, generally referred to as "dumpsters", must be compatible with and capable of being emptied by the equipment of Giles County and/or its contractor. The following containers shall not be acceptable of use as waste containers: drums, boxes, paper bags and any other items which do not conform to the requirements and definitions in Section 1 of this Ordinance.

SECTION 8: COLLECTION AND DISPOSAL OF ACCEPTABLE WASTE: The County of Giles will collect and dispose of all acceptable residential, commercial, institutional, and industrial waste which is properly contained and which is generated within the geographical limits of the County of Giles upon the terms and conditions, and subject to the exceptions and limitations, as provided in this Ordinance. Such waste generated within the incorporated towns of Giles County which operate their own solid waste disposal system, provided however, that any person within such town might utilize the disposal system operated by Giles County upon payment of the applicable fees for the item or items being disposed of.

SECTION 9: UNACCEPTABLE WASTES OR WASTES REQUIRING SPECIAL HANDLING: It shall be unlawful to deposit any of the categories of waste described in this section (except for items described in subsections of F and G) into any dumpster for collection or to deposit any of such materials for curbside collection. It shall also be unlawful to deposit yard waste as described in Section 1 into any dumpster for curbside collection.
A. Construction and Demolition Wastes: No construction or demolition waste or land clearing waste will be collected by Giles County from houses or other structure during or after construction or re-construction, however the Giles County Public Service Authority will collect and dispose of such wastes by special collection arrangements made directly with the Giles County Public Service Authority. Fees for such collection shall be billed to the general contractor and must be paid prior to the issuance of a certificate of occupancy for the structure being constructed.

B. Household Furniture, White Goods and other large waste items: Upon request by a resident, Giles County may collect normal discarded brush in excess of that which may be placed in containers, furniture and/or appliances including, but not limited to, sofas, chairs, beds, refrigerators, washer, dryers, hot water heaters, and similar items. Residents requesting such service shall make requests to the County. Collection may be made at the site where the waste is located or delivered by the owner to the convenience center during normal operating hours. If the resident makes delivery to the drop off point, during hours of operation of such center, the current charge for disposal shall be imposed upon the resident. If the County makes pickup of such large objects from the residence or commercial establishment, the depositor shall pay all additional disposal fees at the time of disposal.

C. Dangerous Trash Items: It shall be unlawful to place any waste materials of potential injurious nature for collection by Giles County, including, but not limited to, such items as broken glass, light bulbs, sharp pieces of metal, fluorescent tubes and
television tubes, unless such items are securely wrapped and labeled with a brief description before placement in containers as to prevent injury to the collection crews.

D. Undrained Garbage or Trash: It shall be unlawful for anyone to place garbage or trash that has not been drained of all free liquid in containers for collections.

E. Hazardous Waste: It shall be unlawful to place hazardous waste in any waste container or other receptacle, or to deposit the same in any collection or disposal area for facility not lawfully authorized to accept such waste.

F. Ashes: It shall be unlawful to place ashes or live coals in containers unless said ashes or coals have been wetted and are cold. Containers for ashes shall be metal and shall not exceed five (5) gallons in capacity and shall be capable of being handled by one person.

G. Cardboard Boxes, Carton, and Crates: It shall be the duty of any user disposing of cardboard boxes, carton and crates to collapse them prior to depositing them for collection. Failure to comply with this requirement shall result in Giles County's refusal to collect such items.

H. Infectious Waste: All infectious waste must be incinerated or sterilized by steam and treatment and disposal thereof shall be in accordance with the Infectious Waste Management Regulations of the Virginia Department of Environmental Quality. The County of Giles will not accept such waste deposited in containers for collection and/or disposal. Notwithstanding the provisions of the next following Paragraph I relating to hypodermic
instruments, if such instruments are infectious or qualify as infectious waste, the same shall not be deposited for collection or disposal through Giles County's collection and disposal system.

I. Scalpels, Hypodermic Instruments, and Other Sharp Instruments or Devices: It shall be unlawful for any person to dispose of or discard any scalpel, hypodermic syringe, hypodermic syringe, hypodermic needle, any instrument or device for making hypodermic injections, any scalpel or other sharp instrument or device without first placing the same in a puncture resistant container for disposal. The container should be located as close to practicable to the use area. Soft plastic containers or containers which may not be puncture resistant shall not be used, and puncture resistant containers so used shall be capped or closed securely, and shall be wrapped with paper or other suitable covering. Notwithstanding the provisions of this subsection, no such instrument or device, which qualifies as infectious waste under Subsection H of this Section, shall be disposed of except as proved therein for disposal of infectious waste.

It shall be unlawful for any person to dispose of or discard any hypodermic syringe, hypodermic needle or any instrument or device for making hypodermic injections before first breaking, disassembling, destroying or otherwise rendering the same inoperable and incapable of reuse. All such instruments or devices to be disposed of shall be wrapped or secured in a suitable manner so as to avoid the possibility of causing injury to the collection personnel, and no such instrument, which qualifies as infectious waste under subsection H of this section, shall be disposed of
except as provided therein. The County may negotiate with
generators or infectious waste for disposal of such waste at rates
to be agreed upon between the County and waste generator.

J. Explosive Waste or Flammable Liquids: No explosive waste
or flammable liquids or similar materials shall be place in waste
containers or in any location for Giles County collection. Lead
acid batteries shall also be unacceptable for collection and shall
be deemed to be explosive waste.

K. Waste Oil: It shall be unlawful for any person to place
waste oil in waste containers or in any location for collection
and/or disposal other than the Convenience Center.

L. Radioactive Materials: It shall be unlawful to place any
radioactive waste in any waste receptacle for collection of
disposal.

M. Dead Animals: The disposal of dead animals will be the
responsibility of the owner of the animal. The County may provide
for disposal of certain small animals dependent upon the
regulations of the disposal facility being used. If such disposal
is provided for, the Administrator will establish rates, and the
owner of such animal will pay such rates at the time of disposal.

N. Junk Cars: It shall be unlawful to leave junk cars, or
parts of junk cars, at any waste collection point, or any waste
disposal facility within Giles County.

O. Tires: The placement of vehicular tires at any waste
collection or disposal facility is prohibited except as and
authorized by the Administrator. Passenger car tires, truck tires,
and small farm equipment tires may be deposited at the Convenience
Center drop off point and shall require payment as specified in this Ordinance at the time of depositing such tires. Special collection of tires may be arranged directly with the County.

P. Other Wastes: It shall be unlawful to place for collection or disposal by Giles County, other waste now or hereafter prohibited by Giles County, the Virginia Department of Environmental Quality or other regulatory authorities or the authority or agency owning or operating any facility to which such waste is to be delivered.

SECTION 10: INTERFERING WITH, ETC., GILES COUNTY/CONTRACTOR EMPLOYEES: No person shall interfere with, hinder or obstruct the employees of Giles County or its contractor (if a contractor is utilized) in the removal of any material set out or deposited for collection and disposal as provided in this Ordinance.

SECTION 11: SCAVENGING OF ITEMS: It shall be unlawful for any person to scavenge any solid waste from any collection or disposal facility operated by, for or under agreement or contract with Giles County, including any solid waste which has been deposited in a container awaiting collection.

SECTION 12: ILLEGAL DISPOSAL OF WASTE: It shall be unlawful to dispose of or discard any waste on any property not specifically permitted by the State Department of Environmental Quality and Giles County, or operated by, for, or under contract with the County of Giles as a depository or disposal facility.

SECTION 13: PRESUMPTIONS FOR PURPOSE OF EVIDENCE FOR UNLAWFUL DISPOSAL OF WASTE: For the purpose of evidence presented in court upon prosecution or action for violation of any prohibition or
requirement of this ordinance, there shall be a prima facie presumption that any article of garbage, trash or solid waste bearing a person's printed or written name or address found on the property of another, or on any public property other than a permitted facility, is the property of such person whose name or address appears thereon, and that such person placed or caused to be placed in the location at which found, or failed to properly dispose of the same; provided, however, that such presumption shall be rebuttal by competent evidence.

SECTION 14: PENALTIES FOR VIOLATION OF SECTIONS: Any person violating the provisions of Section 6, Section 8, Section 9, Section 10 and Section 12 shall be guilty of a Class 1 misdemeanor and shall be punished as provided in Section 24 of this Ordinance. Any person violating the provisions of Section 11 of this Ordinance shall be guilty of a Class 2 Misdemeanor and shall be punished as provided in Section 24 of this Ordinance. Any person violating the provisions of Section 4 and Section 16 of this ordinance shall be guilty of a Class 3 Misdemeanor and shall be punished as provided in Section 24 of this Ordinance.

SECTION 15: RIGHT OF ENTRY; INSPECTION; ORDERS FOR PROPER HANDLING OF GARBAGE, ETC.: The Administrator or a designated agent shall have the right and authority to enter upon any premises or building at any reasonable time for the purpose of inspection of any solid waste, rubbish or ashes to determine if the same is being properly handled, and if appropriate to direct proper handling of the same for collection and/or disposition thereof.
SECTION 16: COLLECTION SERVICES AND PROCEDURES:

A. Bulk Containers: Bulk containers shall be required for collection services provided by Giles County for all commercial, institutional and industrial customers, and for all multiple residential, town houses and condominiums consisting of more than four units, unless due to lack of available space for location of such containers, or by reason of the characteristics, volume and/or density of wastes the Administrator determines that other or alternative containers should be used and issues a written permit specifying the type and number of containers which said Administrator determines to be acceptable. Any such permit shall in no event be deemed to be a vested right, but shall be revocable for reasonable cause at the discretion of the Administrator.

B. Residential Service: Residential curbside collection service shall occur once per week on a schedule to be established by the Administrator. Refuse must be placed in non-reusable containers, which may be placed in reusable containers. Such containers must be placed at the curbside or as close as practicable to collection vehicle routes no later than 7:00 AM on the scheduled date of collection. Curbside shall be deemed to be that portion of the street or highway right of way adjacent to the paved or traveled portion of the roadway. Only refuse generated at such residence may be disposed of and collected at that residence. It shall be unlawful to place for collection at any residence any refuse that is not generated at such residence or on the property upon which such residence is located. In no event shall commercial or industrial waste be disposed of at a residence. In the event of
a multiple unit residence consisting of less than four residential units, each such unit shall be billed separately, and the responsibility for payment of applicable charges shall be that of the owner. If the owner(s) of rental or leased residences fail to notify the PSA on the status of their property within 10 working days of the date of any changes, they shall be billed any and all applicable charges. Residential customers in areas not receiving curbside collection service shall dispose of refuse in dumpsters provided at central locations established by the County or at the convenience center at the option of the customer.

B.1. Dumpster sites are for disposal of household garbage only.

C. **Multiple Residential, Townhouses and Condominiums of Four or More Units:**

1. The number and type of containers and collection schedule shall be determined by the Administrator taking into consideration the density of the housing units and the average volume of disposable solid waste generated per resident or per unit. Unless a permit for alternative containers has been issued under Subsection A of this Section, the owner or owners of multiple residential and/or condominium units (including mobile home parks containing more than four mobile homes) shall provide any combination of bulk containers as determined by Administrator or to be appropriate in any given case. If there are multiple owners, each shall be individually and collectively responsible for providing such containers. If responsibility for maintenance of the multiple residential townhouse and/or condominium units has
been assumed by a legally constituted property management organization or association in which the property owners have membership or representation, the responsibility for providing containers, pads, bases and the location thereof shall be initially imposed upon such entity as provided in any agreement establishing the same; but it is expressly provided, however, that if such entity does not properly discharge the obligations imposed hereunder within a period specified by the Administrator, then responsibility is imposed upon each of the individual property owners severally, and jointly with such property management organization or association. Multiple residential units as set forth in this section shall be deemed to be commercial customers and responsibility for payment of applicable fees shall be that of the owner or owners.

2. The Administrator may require, upon written notification to the owner or property management organization/association an increase in the collection service and/or the number and size of containers and/or charges therefore. Such increase in service shall be required when the existing collection service is found by the Administrator to be insufficient for a project. Such determination may be based upon complaint by any person that the number and/or size of containers is such that the containers are inadequate or insufficient for containing the volume of waste deposited therein which the Administrator determines to have merit, upon the independent determination of the Administrator that such containers are inadequate or insufficient for containing the volume
of waste deposited therein, or upon the Virginia Department of Health's determination that a threat to the public's health exists.

D. Commercial Service: Since waste generated by commercial customers varies in character, type and volume, and to enable Giles County to take the same into account in determining the appropriate nature and extent of waste collection and disposal services for such customer, the Administrator or his designated agent will meet with such commercial customer and determine such factors as may be relevant in establishing the appropriate level of service. Thereupon the Administrator shall determine the waste collection and disposal services appropriate for such customer and the nature and extent thereof. Consideration will include the volume and type of disposable solid waste generated or to be generated by the commercial enterprise to be served.

The owner or operator of the commercial enterprise shall provide any combination of sizes and types of containers, which the Administrator determines are appropriate.

The Administrator may from time to time, upon written notice to the owner or tenant, increase the collection service, the size or number of containers required and/or the cost of service based upon his determination of the need therefore in the manner provided in Paragraph C (2) of this Section.

E. INSTITUTIONAL AND INDUSTRIAL SERVICE:

1. Since there is a variation in the types and quantity of solid waste generated by each type of institutional and industrial user of Giles County's collection and disposal system, the Administrator will meet with an authorized representative of such
users when an application for service is made. The Administrator will then determine the location and the size of containers. The collection schedule and the cost of service based on information obtained from the user, in addition to such other information as the Administrator deems appropriate.

The Administrator may from time to time, upon written notice to the institutional and industrial customers, increase the collection service, the size or number of containers required and/or the cost of service based upon his determination of the need therefore in the manner provided in Paragraph C (2) of this Section.

SECTION 17: FEE SCHEDULE FOR SERVICE; WAIVER, SUSPENSION OR MODIFICATION OF FEES; BULK CONTAINERS:

A. RESIDENTIAL SERVICE: The Administrator or its contractor will set fees for refuse collection at residential units on a once per week basis. All changes in fees will be published in the local newspaper. Residential units, which are not served by curbside collection service, shall pay a reduced fee, and shall either use centrally located dumpsters or the convenience center provided by Giles County.

B. COMMERCIAL AND INDUSTRIAL SERVICE: For waste collection and disposal for bulk containers the current fee per cubic foot per container will be imposed. Such charges shall be billed to the owner of each commercial or industrial customer on a monthly basis. The Administrator may authorize a lesser rate for collections of bulk containers, which because of reduced volume, weight of solid
waste disposed of, or other applicable factors, may be disposed of at a lesser cost than the standard bulk container.

Bulk containers are available for rental from the Giles County Public Service Authority at the current monthly rate per container.

**Standard Containers:**

For commercial customers utilizing standard containers, monthly fees for collection and disposal, unless waived, suspended or modified by the Board of Supervisors, are as follows, regardless of whether curbside collection service is provided or use of the convenience center:

1. The minimum charge shall be established by a rate schedule, based upon a maximum of four (4) standard containers and based upon one (1) pickup each week during the week if curbside collection is provided in the area in which the commercial customer is located. The minimum charge for commercial customers not receiving curbside collection shall be established by a rate schedule.

**Special Collection Rates:**

Because large objects and other materials not normally collected vary widely in terms of weight, volume, and waste type, the Administrator will establish rates for special items not normally collected through residential and commercial collections. Arrangements for special collections will be made directly with the Administrator or its contractor and payment for such collections will be made at the time of collection.
SECTION 18: SERVICE REQUIRED; RESPONSIBILITY FOR FEES:

All residential, commercial, institutional, and industrial users of the collection and disposal system operated for, by or under contract with the County of Giles shall be responsible for the periodic fees as established by Giles County. Fees shall be imposed on all users as so established, and each residence, commercial establishment and industry located within the boundaries of the County of Giles shall be required to pay the minimum collection fee for their respective class of service, regardless of whether or not such residence, commercial establishment or industry generates solid waste for disposal, however this shall not be deemed to require payment of collection fees when such residence, commercial establishment or industry is not occupied or otherwise in operation for a period of thirty consecutive days, provided that the owner shall notify the Administrator prior to the discontinuance of service. Fees for waste collection and/or disposal services shall not be waived in part or total for any user when, during the normal billing cycle, any use or occupancy of the residential, commercial or industrial facility has occurred, unless waived by act of the Board of Supervisors of the County of Giles.

SECTION 19: BILLING, PAYMENT AND LATE CHARGES: Solid Waste collection and disposal service charges shall be billed by the Administrator or its contractor. Any bill for service which remains unpaid after a period of thirty (30) days from the date of billing shall be subject to the payment of an additional service charge of ten (10) percent of the amount of such unpaid bill. In addition to such late fees, unpaid bills will accrue interest after
being thirty (30) days delinquent, at the rate of ten (10) percent per annum until paid. All bills shall be rendered by the Administrator and payment shall be made at the place or places designated by the Administrator.

There shall be a lien upon real estate for the amount of any fees, or other charges by Giles County to the owner of the real estate for the use and services of the solid waste disposal system by or in connection with the real estate from and after the time when the fees and/or charges are due and payable, and for any late charges and interest which may accrue thereon. Upon such charges being more than ninety (90) days delinquent, a notice of such lien shall be recorded in the judgment lien docket book in the Office of the Clerk of the Circuit Court for the County of Giles, in the name of such owner, showing the total amount of the unpaid fees and charges, late charges and accrued interest, with a copy of such notice being mailed to the owner. Such lien shall not bind or affect a subsequent bona fide purchaser of the real estate for valuable consideration without actual notice of the lien, unless the notice provided for has been recorded in such Clerk's Office as provided herein.

Notwithstanding the other provisions of this Ordinance, at the option of the County, billing for special collection items may be made at the next monthly billing in lieu of payment at the time of collection.

SECTION 20: LITTER:

A. Littering Prohibited: It shall be unlawful for any person to drop, deposit or discard, or otherwise dispose of litter in, or
upon, any public or private property within the County of Giles, except in public containers or receptacles provided for the purpose, or in approved private containers or receptacles provided for public use.

B. Vehicular Violations:

1. When waste is ejected or deposited from a vehicle onto the highway or right-of-way, or any public or private property, and any person has observed such act, the owner or operator of said vehicle shall be presumed to be the person responsible for such act; however, that such presumption may be rebutted by competent evidence.

2. No vehicle used to transport any solid waste shall be operated or parked on any highway unless such vehicle is covered to prevent its contents from blowing, dropping, or falling from such vehicle.

3. Any operator of a vehicle from which an object has escaped, that may obstruct or damage a vehicle or endanger travelers on such public property, shall immediately cause the public property to be cleaned of all objects and shall be responsible for all of the costs of removal.

4. Any person found guilty of a violation of this Section shall be guilty of a Class 2 Misdemeanor punishable as provided in Section 24 of this Ordinance. Any second or subsequent offense shall constitute a Class 1 Misdemeanor punishable as provided in Section 24 of this Ordinance.
SECTION 21: CONSTRUCTION OR DEMOLITION SITES:

A. It shall be unlawful for any owner or contractor to permit the accumulation of litter before, during and after completion of any construction or demolition project.

B. It shall be the duty of the person, firm or corporation in charge of the construction or development site to collect and contain all material to prevent scattering. All construction and/or demolition debris shall be removed from such site after completion of any project.

C. Any litter or foreign matter that has been tracked or deposited on any street is to be promptly removed by responsible person or persons. The term "responsible person" used in this section shall mean the driver, his employer, the owner, or the prime contractor in charge of construction or demolition on any property.

D. No certificate of occupancy shall be issued for any structure by the Giles County Building Inspector, or any other building inspector having jurisdiction, unless and until the holder of such permit or his contractor provides satisfactory evidence that all construction debris or waste has been properly disposed of.

E. Any violation of any provision of this Section shall constitute a Class 3 misdemeanor, punishable as provided in Section 24 of this Ordinance. A second or subsequent offense shall constitute a Class 2 misdemeanor, punishable as provided in Section 24 hereof.
SECTION 22: SPECIAL REQUIREMENTS FOR TIRES: Any commercial establishment including but not limited to tire dealers, service stations, automobile dealers and automobile repair shops which generate used tires shall collect from the customer which provided such used tire the disposal fee established under this Ordinance. Such fee shall be collected regardless of whether such used tire is retained by the customer or retained by the commercial establishment, unless such tire has sufficient tread depth to be lawfully used on a passenger automobile, and is capable of being reused on the vehicle or type of equipment for which such tire was designed. In addition, such fee shall not be imposed upon tire casings which are intended for, suitable for, and capable of being re-treaded by available re-tread or re-capping processes. Such commercial establishments may arrange for disposal of used tires directly with County and shall pay the fees for disposal of such tires directly to the County. Such commercial establishments shall maintain records satisfactory to the Administrator, which document the proper disposal of used, tire casings, and shall make records available for inspection by the Administrator or his duly authorized representative upon request during normal business hours. The fee for tire disposal shall be posted at the convenience center.

SECTION 23: ADVERTISING MATERIALS OR HANDBILLS: It shall be unlawful for any person distributing handbills, leaflets, flyers, or other advertising materials to do so in such a manner that it litters either public or private property.
Violation of any provision of this Section shall be a Class 3 Misdemeanor punishable as provided in Section 24 of this Ordinance.

SECTION 24: VIOLATIONS; CLASSIFICATIONS OF OFFENSES; PENALTIES:

A. Violations of the provision of this Ordinance shall be classified as Class 1, 2, 3 or 4 misdemeanors as specified in the respective sections. Any violation for which a classification is not specified shall be punished as a Class 1 misdemeanor.

B. Punishments for convictions for misdemeanors under this Ordinance are:

1. For Class 1 misdemeanors, confinement in jail for not more than twelve months and fine of not more than $2,500, either or both.

2. For Class 2 misdemeanors, confinement in jail for not more than six months and fine of not more than $1,000, either or both.

3. For Class 3 misdemeanors, a fine of not more than $500.

4. For class 4 misdemeanors, a fine of not more than $250.

5. In its discretion, the Court may require community service in lieu of or in addition to the other penalties herein provided.

SECTION 25: RECYCLING: This section is intentionally reserved for future provisions as to recycling.

SECTION 26: CONFLICT WITH OTHER ORDINANCES: In the event of a conflict between any provision of this Ordinance and the Giles County Litter Control Ordinance, this Ordinance shall be deemed to
be controlling, and any provision of the Giles County Litter
Control Ordinance which is inconsistent with any provision of this
Ordinance is hereby repealed in whole or in part as necessary to
remove such inconsistency.
SECTION 27: SEVERABILITY: Should any part or provision of this
Ordinance be found to be invalid due to conflict with federal or
state law or regulation, or found to be otherwise invalid by any
court of competent jurisdiction, such invalidity shall in no way
affect any other provision of this Ordinance, and the invalid
portion of such Ordinance shall be deemed to be deleted here from
without affecting any other provision of this Ordinance.

THE FOREGOING GILES COUNTY SOLID WASTE ORDINANCE WAS
ADOPTED ON JANUARY 17, 2002, AT A MEETING OF THE BOARD OF
SUPERVISORS OF GILES COUNTY. UPON MOTION BY MR. HOWARD
SPENCER, SECONDED BY MR. PAUL BAKER, AND APPROVED BY A
VOTE OF 5-0. VOTING YES: MR. SPENCER, MR. BAKER, MR.
WILLIAMS, MS. HOBBS, AND MR. MORRIS.

L. Jay Williams, Chairman
Board of Supervisors

John Talbott
Clerk of the Board