

OCTOBER 1, 1985

The Russell County Board of Supervisors met at the Courthouse in Lebanon, Virginia, on Tuesday, October 1, 1985, starting at 9:00 a. m. Meeting called to order by Chairman. Motion was made by Kelly Chafin, seconded by Mike Ball and duly passed to adjourn meeting and move to the Department of Social Services Building because court was scheduled to be held in the Courtroom.

PRESENT: Dr. Roy R. Smith, Chairman & Member at Large
R. L. Settle, Vice Chairman
Kenneth Mutter, Member
Kelly Chafin, Member
Michael Ball, Member
John Bryan, Member

James A. Gillespie, Clerk
Randall Campbell, Attorney

Meeting called to order at the Department of Social Services Building.

PUBLIC HEARING ON "130-101 SOLID WASTE ORDINANCE"

Public hearing was held pursuant to law on the Solid Waste Ordinance as amended. Changes in said ordinance were reviewed and discussed. Motion was then made by Richard Settle, seconded by Kenneth Mutter and duly passed that public hearing be closed.

Motion made by John Bryan, seconded by Richard Settle and unanimously approved by the Board of Supervisors that the following solid waste ordinance, as amended, be adopted effective October 1, 1985:

The Vote was:

AYB: Dr. Roy R. Smith
R. L. Settle
Kenneth Mutter
Kelly Chafin
Mike Ball
John Bryan
NAY: None

130-101 SOLID WASTE ORDINANCE

A. SHORT TITLE: This Ordinance shall be known as the "Solid Waste Ordinance".

B. DEFINITIONS:

1. The term "garbage" shall mean all animal and vegetable waste resulting from the handling, preparation, cooking or consumption of foods.
2. The term "ashes" shall mean the residue resulting from the burning of wood, coal, coke or other combustible material.
3. The term "rubbish" shall include glass, metal, paper, plant growth, wood, or non-putrescible solid wastes.
4. The term "refuse" shall mean all solid wastes, except body wastes, and shall include garbage, ashes and rubbish.
5. The term "disposal" shall include the storage, collection, disposal or handling of refuse.
6. The term "person" shall include any natural person, association, partnership, firm or corporation.

7. The term "premises" shall mean land, building or other structure, vehicle, watercraft or parts thereof upon which refuse is stored.

8. "Responsible Authority" shall mean the legally designated authority of the County of Russell who shall be authorized and directed to implement and enforce the provisions of this Ordinance, or his authorized representative.

9. "Approved containers" as used herein shall mean any County dumpster or other waste storage facility meeting the minimum state health standards.

10. "Other". The singular shall include the plural and the masculine shall include the feminine and the neuter.

C. PREPARATION OF REFUSE:

1. All refuse shall be drained free of excess liquids before disposal.

2. Garbage shall be placed in paper bags, boxes or plastic bags prior to placing in authorized collection containers.

3. Rubbish shall be placed in approved containers.

4. Rubbish which includes grass clippings, hedge trimmings, leaves or pine needles must be placed in approved containers.

5. Rubbish which includes tree trimmings must be cut in lengths not to exceed 36", nor 6" in diameter, and weigh not more than 40 lbs.

D. STORAGE OF REFUSE:

1. It shall be unlawful to place waste in any street, alley, road, stream, body of water, or any other public place or upon private or abandoned property, unless such refuse is placed in an approved container.

E. RATE AND CHARGES AND THE COLLECTION THEREOF:

1. Refuse service charges within the County of Russell 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:

a.) At a rate to be established by the Board of Supervisors or Russell County, its agent or duly appointed commission, pursuant to the terms and conditions of any contract granted under the provisions of this Ordinance; or, if no such rate is so established,

b.) At a rate to be determined by the individuals or entities bargaining for such service.

F. FREQUENCY OF COLLECTION:

Motels, restaurants, institutions and commercial establishments shall require collection at such times and with such frequency to prevent overflow of solid waste. Sanitary storage of refuse may be required.

G. LICENSING OF COLLECTORS:

1. It shall be unlawful for any person who does not possess an unrevoked permit from Russell County to engage in the business of solid waste collection or refuse disposal for compensation in Russell County. The County of Russell 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.

2. The County of Russell reserves the right to franchise the collection of solid waste in said County in such areas outside of incorporated towns as the Board of Supervisors may determine.

3. 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.

4. 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.

5. 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 or refuse is to be made.

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

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

8. In the event that the holder of any permit hereunder shall fail to abide by or conform to, any requirements of the Russell County Health Department, then and in that event, and upon complaint of the Russell County Health Department, any permit or contract may be revoked by the Board of Supervisors of Russell County.

H. COLLECTION VEHICLES:

All vehicles used for collection of refuse for hire shall have enclosed cargo space. It shall be unlawful to collect, haul, transport or convey refuse for hire in open, unenclosed vehicles.

I. REFUSE NOT ACCEPTABLE FOR COLLECTION OR DISPOSAL:

The following refuse shall be considered to be not acceptable for collection or disposal by the County of Russell:

1. Dangerous materials or substances, such as poison, acid, caustics, infected materials and explosives.

2. Chemicals, substances or compounds of unknown or undetermined toxicity.

3. Unusual quantities of material resulting from the repair, excavation or construction of building or structures, such as earth, plastic, mortar and roofing material.

"Unusual quantities" shall mean any quantity in excess of 32 gallons or 40 pounds of material.

4. Materials which has not been prepared for collection in accordance with the regulations.

5. Unusual quantities of solid waste resulting from industrial processes or agricultural processes except upon negotiated arrangements with Russell County Board of Supervisors.

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

J. COMMERCIAL WASTE:

1. "Commercial waste" shall be defined as all garbage, rubbish or refuse generated by an establishment which sells goods, materials or services to the general public, private concerns or retail establishments. This shall include, without limitation, solid waste generated by retail establishments, wholesale establishments, and mining, manufacturing and related businesses.

2. No commercial waste shall be disposed of in any County dumpster unless the owner has a license for such disposal from the office of the County Administrator.

K. SPECIFIC UNAUTHORIZED ACTS:

1. It shall be unlawful to dump, destroy or otherwise dispose of solid waste within the jurisdictional limits of the County of Russell except at a County approved refuse site or by other methods approved by the Virginia Health Department.

2. It shall be unlawful for an individual, firm or corporation not exhibiting a current, valid County vehicle decal on the transporting vehicle to bring any type of solid waste to Russell County roadside containers collection sites or landfill without prior approval of the County Administrator. There shall be excepted from this restriction those residents of counties with which Russell has a cooperative solid waste disposal agreement which provides for joint disposal of solid waste.

3. It shall be unlawful for any person to:

a.) Park, stand or loiter adjacent to or upon any County approved refuse site or dumpster for the purposes of removing garbage, ashes, rubbish, refuse or any other item from said area;

b.) Remove garbage, ashes, rubbish, refuse or any other item from a County owned refuse site or dumpster;

c.) Scavenge in, climb into or reach into any County refuse site or dumpster;

d.) Trespass upon any such refuse site for any of the aforementioned purposes.

4. It shall be unlawful for any person to set fire to any garbage, rubbish or refuse in any County dumpster or at any County refuse site or any loading dock, dumpster or other disposal equipment.

5. It shall be unlawful to destroy or damage any dumpster, fixture or disposal equipment at any County collection site.

6. Littering is unlawful upon or adjacent to any State or County road or upon any public property owned by the State or County.

7. The owner of any premises within the County of Russell shall be responsible for sanitary conditions of the premises owned or occupied by him, and it will be unlawful for any person to place, deposit or allow to be placed or deposited on his premises any solid waste except as designated by the terms of this Ordinance.

Any such refuse may, after reasonable notice, be removed by County agents or employees with all costs and expenses thereof being charged to the owners of such property to be collected as taxes and levies are collected.

8. The driver of any vehicle in the County of Russell from which litter is thrown, blown or fallen from shall be considered in violation of the Solid Waste Ordinance of Russell County.

L. PENALTIES:

1. Any person who shall violate any provision of this Ordinance shall upon conviction be sentenced to pay a fine of not less than \$10 nor more than \$1,000; or be imprisonment not less than 5 days and not to exceed 12 months or both.

2. Each day's continuance of a violation of this Ordinance is considered to be a separate offense.

3. Enforcement of this Ordinance is the responsibility of the Russell County Sheriff's Department, the Russell County Health Department and the Russell County Sanitation Officer. Citations should be issued to violators of this Ordinance by the above-mentioned agencies.

4. Convicted violators of this Ordinance may be published by name in the local newspaper by the County Administrator.

M. SEVERABILITY:

Should any section, paragraph, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid for any reason, the remainder of such Ordinance shall not be affected thereby.

N. 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.