

**BERRYVILLE TOWN COUNCIL  
MEETING AGENDA  
Work Session  
Berryville-Clarke County Government Center  
101 Chalmers Court, Second Floor  
Main Meeting Room  
March 5, 2018  
3:00 p.m.**

**Item**

**Attachment**

1. **Call to Order** – Patricia Dickinson, Mayor
  
2. **Approval of Agenda**
  
3. **Discussion**                      Repeal and re-adoption of Chapter 8 of the Berryville Code                      1
  
4. **Other**
  
5. **Closed Session** –              No closed session scheduled
  
6. **Adjourn**

↑ denotes an item on which a motion for action is included in the packet

# Attachment 1

Repeal and re-adoption of Chapter 8 of the Berryville Code

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The Police and Security Committee and staff have been reviewing Chapter 8 of the Berryville Code for several months. This section addresses waste collection in the Town.

Reason for Review / History

Chapter 8 needs to be amended (or repealed and readopted) because it has not been updated since the Town's refuse and recycling contractor began utilizing an automated collection system. Upon review of the current Chapter 8, the Committee directed staff to propose necessary amendments.

Upon review of the proposed amended language, the Committee recommended that this matter be the subject of a Town Council work session. The Town Council agreed to hold the work session on 5 March 2018.

Review approach for work session

Staff recommends that the Council review the attached draft to ensure that the concepts included are acceptable and comprehensive. Staff recommends that Council not spend too much time wordsmithing at this stage of review. Once the Town Council is satisfied that the draft contains the required approach and concepts, staff will work with the collection contractor and legal counsel to develop a final version that would be submitted to the Council.

Highlights of draft

The draft Chapter 8 addresses Garbage and Refuse, Recyclables, and Yard Waste within Town.

Article I addresses Garbage and Refuse, Recyclables, and Yard Waste in general. The most significant change in this section of the draft is the language regarding dumpsters. Mayor Dickinson would like to see a permanently sited dumpsters screened by a dumpster enclosure. The draft would require such enclosures. If enacted, the Council will need to address the how the requirement will be enforced (timing).

Article II addresses Collection by the Town. This will be best explained at the meeting but in general the proposed ordinance will provide for collection services to all occupancies except industrial and multi-family. With that said, the Town Council may adopt a special service area that will expand collection services to commercial/business occupancies and extend collection services to multi-family occupancies within the boundaries of the service area. The attached Service Area map is provided to begin a discussion about the boundaries of the area.

Article III addresses Collection by others. This section establishes the standards by which entities not receiving collection services by the Town must manage their solid waste.

Attachments

Please find attached:

- Draft Chapter 8 (Version 1.2 dated March 2, 2018)
- Special Service Area map
- Current Chapter 8

Draft of October 24, 2017 - Version 1

Draft dated January 24, 2018 – Version 1.1

Draft dated March 2, 2018 – Version 1.2

## Chapter 8

### Garbage and Refuse, Recyclables, and Yard Waste

Art. I. In General, §§ 8-1 – 8-14

Art. II Collection by town, §§ 8-15 – 8-34

Art. III Collection by others, §§ 8-35 -

#### ARTICLE I. - IN GENERAL

Sec. 8-1. – Definitions

For the purposes of this chapter, the following words and terms shall have the meanings ascribed to them by this section.

~~Chief of police – The chief of police of the Town of Berryville, Virginia, or authorized designee.~~

Collection – Removal of **solid waste, garbage and refuse** and/or recyclable materials from its place of origin or storage to a collection vehicle.

Collection vehicle – Any vehicle used to collect or transport **solid waste, garbage and refuse** or recyclable materials.

Collector – Any person engaged in the business of collection and transportation of **solid waste, garbage and refuse** or recyclable materials.

Commercial /business waste - Solid waste, **garbage and refuse** or recyclable materials emanating from establishments engaged in business **operations other than manufacturing**. This category includes but is not limited to **solid waste, garbage and refuse** or recyclable materials emanating from such establishments as stores, markets, offices, **and** restaurants, ~~and contractor establishments.~~

Construction, clearing and/or demolition debris- The waste building material, packaging, and rubble resulting from construction, land clearing, remodeling, repair, and demolition operations on pavements, houses, vacant land, commercial buildings, and other structures.

Dumpster - Any container having a capacity in excess of one hundred (100) gallons designed to contain **solid waste, refuse, and** garbage, or recyclable materials and which is emptied by mechanical means.

Dumpster enclosure – A ~~gated~~ solid opaque wood fence or masonry wall **enclosure** six (6) feet in height in which a dumpster is placed.

Garbage- Putrescible animal or vegetable waste resulting from the handling, preparation, cooking, serving, or consumption of food.

Hazardous waste – Solid waste which because of its inherent nature and/or qualities requires special handling during disposal to avoid creating environmental damage or hazards to public health or safety or landfill operations. Hazardous waste includes but it not limited to such items as petroleum waste, paints, plastics, explosives, acids, caustics, chemicals, poisons, drugs, radioactive materials, asbestos fibers, imported wool fibers, pathogenic wastes from hospitals, sanitariums, nursing homes, clinics and veterinary hospitals, waste from slaughterhouses, poultry processing plants and the like. (Residential solid waste normally contains very small amounts of hazardous waste but because they are found in such small amounts present no special problems for landfill operations. Therefore, residential waste is not considered to be hazardous waste within the meaning of hazardous waste used in the chapter).

Household waste – See “residential/household waste”.

Industrial waste- All solid waste, **garbage and refuse** or recyclable materials emanating from manufacturing, assembly of material, recycling, and other industrial **activities**.

Mixed paper- Paper accepted for recycling **by** the Town.

Occupant – The person who resides on premises as owner or tenant.

~~Public works director – The public works director of the Town of Berryville, Virginia, or authorized designee.~~

Qualified commercial/business occupancy – A licensed business located within the special collection zone and meeting the requirements for **garbage and refuse and/or recyclable materials** collection **by the town** ~~within that zone.~~

Recyclable Materials – Raw or processed material that can be recovered from the waste stream for reuse.

~~Refuse – All solid waste of the community~~ Discarded items including but not limited to paper, cartons, boxes, debris, cans, glass, food packaging, clothing and the like. **Refuse does not include hazardous or unacceptable waste.**

Residential/household waste - ~~Solid waste~~ **Garbage and refuse** or recyclable materials emanating from single-family detached homes or condominiums, attached residential units, and apartments.

Sanitary landfill – A landsite on which engineering principles are utilized to bury deposits of solid waste without creating nuisances or hazards to public health or safety.

Solid Waste – As defined in 9 VAC 20-80-140 of the Solid Waste Management Regulations, Department of Environmental Quality, Commonwealth of Virginia.

Toter – Town or contractor furnished wheeled waste containers for each designated household or qualified commercial/business occupancy.

Town manager – The town manager of the Town of Berryville, Virginia, or authorized designee.

Town planner – The assistant town manager for community development/operations of the Town of Berryville, Virginia, or authorized designee.

Transportation – The transporting of **solid waste, garbage and refuse** or recyclable materials from the place of collection to a disposal facility.

Unacceptable waste – Items enumerated in Sec. 8-22 of this chapter.

Vacant Property – A lot or parcel of real property either not improved by any structure or having a structure or structures neither occupied as a residence or devoted to any other use involving the presence of employees or other persons on business days.

Waste – Useless, unwanted, or discarded materials.

Waste generator – The person **or entity** who actually produces the **residential**, commercial, household, industrial, or institutional/governmental solid waste.

Yard waste – Leaves, twigs, **shrubby, and** branches less than six (6) inches in diameter, ~~and shrubby.~~

Sec. 8-2. - Violations of chapter.

Unless otherwise specifically provided, a violation of any provision of this chapter shall constitute a Class 4 misdemeanor.

**Cross reference**— Penalty for Class 4 misdemeanor, § 1-11.

Sec. 8-3. - Unlawful accumulations.

- (a) It shall be unlawful for any owner or occupant of any premises within the town to allow **solid waste, refuse, garbage, refuse, recyclable materials, ashes, refuse, trash, litter** or other substances which might endanger the health of other residents of the town to accumulate on such premises.
- (b) The owner of any property in the town shall remove accumulations referred to in subsection (a) above from such property at intervals as may be prescribed by the town manager or ~~his~~ designee. Reasonable notice of the date fixed by the town manager for such removal shall be given by mail or delivery of a written notice to the owner of such property.
- (c) Upon the failure of the owner of property to remove **solid waste, refuse, garbage, refuse, recyclable materials, ashes, trash, litter** and other substances which might endanger the health of other residents of the town, as provided in the notice given pursuant to subsection (b) above, the town manager may have such refuse, garbage, trash, litter and other substances removed and bill the owner for the work. Upon the owner's failure to pay such bill by tax billing time, such bill shall be placed upon the tax bill of the owner so delinquent and collected as taxes are collected.

(Code 1971, §§ 8-1, 8-3)

**Cross reference**— Open storage of inoperative vehicles in certain zoning districts, § 13-30; abandoned or discarded refrigerators or other airtight containers, § 13-31; cutting and removal of weeds and other foreign growth on vacant property, § 13-32; maintenance of property abutting Town Run, § 13-33.

**State Law reference**— Authority for above section, Code of Virginia, § 15.2-901.

Sec. 8-4. - Disposal in town of refuse, garbage, trash etc., accumulated outside town.

It shall be unlawful and a Class ~~2~~ **3** misdemeanor for any person to place, dump or otherwise dispose of refuse, garbage, trash, litter, recyclable materials or any other unsightly matter that has been accumulated or collected outside the corporate limits of the town at any place within the town.

(Ord. of 2-13-73; Ord. of 2-13-79, § 8-15)

**Cross reference**— Penalty for Class 2 misdemeanor, § 1-11.

**State Law reference** – Authority for above section, Code of Virginia, § 15.2-928

Sec. 8-5. - Upsetting, tampering and misusing litter receptacles maintained by the town.

No person shall cause the removal, upsetting, mutilation or defacing of, or tamper with any litter receptacle maintained by the town, cause the contents thereof to be spilled or to be strewn in or upon any public place or private premises, or use such receptacle for disposal of commercial/business or household refuse.

(Ord. of 2-13-01)

**State Law reference**— Authority for above section, Code of Virginia, Section 15.2-928.

Sec. 8-6. – Dumpsters, placement, enclosure, prohibited times for emptying.

- (a) No person shall locate any dumpster in the town without written authorization from the town.
- (b) Placement or location of dumpsters for less than 180 days:
  - a. No person shall place any dumpster in the public right-of-way without written authorization from the town planner, who may as a condition of approval require safety measures ~~he~~ necessary, proof of insurance, and maximum time dumpster may remain on said right-of-way. **No dumpster may be located in the public right-of-way within the Special Flood Hazard Area as identified on the Flood Insurance Rate Map.**
  - b. No person shall place any dumpster on private property without written authorization from the town planner, who may as a condition of approval require safety measures ~~he~~ necessary and a maximum time the dumpster may remain on said property. **No dumpster may be located within the Special Flood Hazard Area as identified on the Flood Insurance Rate Map unless the town planner determines that necessary steps will be**

**taken to secure the dumpster in a manner that will prevent it from becoming a hazard during a flood event.**

- (c) Placement or location of dumpsters for more than 180 days:
- a. No person shall place any dumpster in the public right-of-way for a period exceeding 180 days.
  - b. No person shall place a dumpster on private property **not within the public right-of-way**, without written authorization from the town planner, who **may not permit the siting of a dumpster** in such a way that the collection of solid waste or recyclable materials will impede pedestrian or vehicular traffic **on public rights-of-way** or otherwise create a safety hazard.
  - c. All dumpsters visible from a public right-of-way shall be ~~completely enclosed~~ a solid ~~opaque wood fence or masonry wall at least six (6) feet high~~ **dumpster enclosure**.
  - d. **No dumpster may be located within the Floodway portion of the Special Flood Hazard Area as identified on the Flood Insurance Rate Map unless the town planner determines that necessary steps will be taken to secure the dumpster in a manner that will prevent it from becoming a hazard during a flood event.**
  - e. The town planner shall review the placement of dumpsters and **siting and construction of** required dumpster enclosures.
- (d) All dumpsters, and the immediate area around them, shall be kept clean and sanitary at all times. Solid waste shall be completely contained within such container, all doors of the unit shall be kept closed, and all drain plugs shall be tightly secured.
- (e) It shall be unlawful for any **individual**, business or corporation to empty a dumpster in town between the hours of 10:00 p.m. and 7:00 a.m. except within industrially zoned areas of the town.

**State Law reference** – Authority for above section, Code of Virginia, § 15.2-930

(Ord. of 1-12-99)

Sec. 8-7. – Requirements for collection vehicles

- (a) All collection vehicles shall be kept and maintained in a clean and sanitary condition, and shall be so constructed, maintained and operated as to prevent spillage of the type of **solid waste**, garbage and refuse, **and recyclables** to be transported therein. All collection vehicles used in the collection of garbage shall be constructed and maintained with watertight bodies and with covers of metallic or other rigid, impervious material, or, in the alternative, the entire bodies thereof shall be enclosed, with only loading hoppers exposed.
- (b) Special vehicles used in new or experimental methods of refuse collection may be permitted by the town manager, when such authorization is in writing.

Sec. 8-8. – Picking through contents totes or dumpsters.

It shall be unlawful for any person to pick through, handle or interfere with the contents of any tote or dumpster under the provisions of this article. Collectors, of the town or other governmental agencies involved in duly authorized investigations, as well as the occupant or waste generator utilizing the tote or dumpster, shall be exempt from this prohibition.

Secs. 8-9—8-14. - Reserved.

## ARTICLE II. - COLLECTION BY TOWN

### FOOTNOTE(S):

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**Cross reference**— Department of public works responsible for refuse collection, § 2-53.

**State Law reference**— Local recycling and waste disposal; powers; penalties, Code of Virginia, § 15.2-928. Authority for town to regulate garbage and refuse disposal, Code of Virginia, § 15.2-927. Regulation of garbage and refuse pickup and disposal services; contracting for such services, Code of Virginia, § 15.2-930

Sec. 8-15 – Collection of garbage and **refuse and** recyclable materials

The town will furnish garbage and **refuse and** recyclable materials collection for ~~all~~ single-family detached, duplexes, ~~and~~ townhouses, **commercial/business occupancies, and institutional occupancies** in the town in accordance with provisions of this chapter and **policies and** procedures established by the council ~~or~~ **and** town manager.

Sec. 8-16 - Special service area ~~established~~

The council may by ordinance establish a special service area, in which the town will furnish **enhanced** garbage and **refuse and/ or** recyclables collection to qualified commercial/business **and institutional** occupancies, **as well as collection service for** ~~and~~ multi-family residential developments. The ordinance establishing the special service area will delineate boundaries of the area and establish requirements for provision of collection services. Upon establishment of a special service area the Town will furnish garbage and **refuse and/or** recyclables collection to qualified occupancies within the town's special service area town in accordance with provisions of this chapter and **policies and** procedures established by the council and town manager.

Sec. 8-17. - Collection times and routes – garbage and **refuse and** recyclable materials.

The town manager shall establish and specify the days and hours each week when garbage and **refuse and** recyclable materials will be collected and the routes to be served at the times so specified.

(Ord. of 2-13-79, § 8-14)

**State Law reference** – Authority for above section, Code of Virginia, § 15.2-928.

Sec. 8-18. - Containers generally – garbage **and refuse**.

- (a) All garbage **and refuse** to be collected by the town shall be placed in ~~ties~~ **securely closed** disposable plastic bags and placed in approved containers. All such non-disposable containers, whether totes or dumpsters, shall have an integrated lid to prevent the intrusion of water and disturbance by animals and entrance by insects.
- (b) Garbage **and refuse** collected by the town shall be placed in approved containers.
- (c) Garbage **and refuse** shall be placed inside the approved container in such a manner that allows for the integrated lid to completely close.
- (d) No person shall place any waste **garbage and refuse** in approved container without first draining any liquid from such waste.
- (e) The occupant of the premises supplied with the toter(s) to maintain it in a clean and sanitary condition.
- (f) Containers issued by the town or its contractor are the property of issuing entity. Toters shall not be removed from the assigned toter address. Damaged toters reported to the town will be repaired or replaced.
- (d)** The cost to replace or repair toters that are intentionally damaged or removed will be charged to the owners or tenants at the assigned address. **In such instances,** owners or tenants will be assessed a replacement fee to be determined by the town manager, not to exceed 120 percent of the actual replacement cost.

**State Law reference** – Authority for above section, Code of Virginia, § 15.2-928.

(Ord. of 2-13-79, §§ 8-5, 8-7; Ord. of 11-13-90; Ord. of 10-13-98)

Sec. 8-19. – Containers generally – For recyclable materials.

- (a) All recyclable materials, **with the exception of cardboard,** to be collected by the town shall be placed in a non-disposable container provided by the town or its contractor. All liquids shall be drained from the item prior to placement in the container.
- (b) All items placed in the non-disposable container shall be done in a manner to prevent escape as a result of wind and weather conditions.

**State Law reference** – Authority for above section, Code of Virginia, § 15.2-928.

Sec. 8-20. - Preparation of cardboard for collection with recyclable materials.

Cardboard containers to be collected by the town or its contractor for recycling, need not be placed in containers but will be collected if flattened and securely tied in compact bundles that can be handled by one collector. No such bundle shall exceed four (4) feet in length and fifty (50) pounds in weight.

(Ord. of 2-13-79, § 8-9; Ord. of 10-13-98)

**State Law reference** – Authority for above section, Code of Virginia, § 15.2-928.

Sec. 8-21. - Placement of containers on collection day; collectors not to enter building.

- (a) All ~~garbage~~ **toters** and recycling containers containing materials for collection by the town shall be set out not later than 7:00 a.m. on collection days. No **toters or** containers may be set out for collection more than twenty-four (24) hours before the established collection time and empty **toters and** containers shall be removed on the same day of collection.
- (b) Toters set out for collection shall be placed near the edge of pavement, edge of road, or in a location approved by the town manager to enable the automatic arm of the collection vehicle to pick up the toter. No collector shall enter any building for removal of garbage **and refuse**.
- (c) Recycling containers **and cardboard bundles** set out for collection shall be placed near the edge of pavement, edge of road, or in a location approved by the town manager, so they can be reached easily by the collectors. No collector shall enter any building for removal of recyclable materials.

(Ord. of 2-13-79, §§ 8-16, 8-17; Ord. of 11-13-90; Ord. of 10-13-98)

**State Law reference** – Authority for above section, Code of Virginia, § 15.2-928.

Sec. 8-22. - Certain **solid waste and refuse and** garbage not to be collected.

- (a) Rejected building materials, tin, contractors' waste, industrial waste, automobiles or parts thereof, tires, and hazardous materials shall not be collected by the town. In the event such material is found at collection points, the persons placing the same for collection shall be required to remove the same immediately and notify the town manager. Radioactive materials, drugs, poison and like substances shall only be removed under the supervision of persons qualified in the handling of such materials.
- (b) No **livestock** animal or fowl excrement shall be collected by the town and no such excrement shall be placed in any container set out for collection by the town.
- (c) Ashes containing live coals shall not be collected by the town.

(Ord. of 2-13-79, §§ 8-5, 8-6, 8-10)

**State Law reference** – Authority for above section, Code of Virginia, § 15.2-928.

Sec. 8-23. – Yard waste collection general.

The Town will furnish collection of yard waste **from parcels** ~~from single family detached, duplexes, and townhouses~~ in the town **that is generated by owners or occupants** in accordance with provisions of this chapter and **policies and** procedures established by the council or town manager.

Sec. 8-24. – Collection times and route – yard waste.

The town manager shall establish and specify the days and hours when yard waste will be collected and the routes to be served at the times so specified.

Sec. 8-25. - Preparation of yard waste for collection.

- (a) Small tree branches, **shrubby**, and brush to be collected by the town shall be securely tied in compact bundles that can be handled by one collector. No such bundle shall exceed four (4) feet in length, twelve (12) inches in diameter and fifty (50) pounds in weight. Large branches to be collected shall not exceed four (4) feet in length, six (6) inches in diameter and fifty (50) pounds in weight. Bundles and large branches to be collected by the town shall be placed near the edge of pavement, or edge of road, or in a location approved by the town manger so they can be easily reached by the collectors.
- (b) Leaves to be collected by the town during the annual leaf collection period shall be piled adjacent to street curbs, but shall not cover any portion of a sidewalk. Leaf piles shall contain no rocks or other items that might damage the leaf collection equipment. During the annual leaf collection period leaves will be collected by the town in accordance with standards and a schedule approved by the town manager and posted on the town website.
- (c) Loose yard waste to be collected by the town shall be placed in ~~large~~ paper bags and placed near the edge of pavement, edge of road, or in a location approved by the town manager, so they can be reached easily by the collectors. No such bag may exceed fifty (50) pounds in weight. All paper bags containing loose yard waste for collection by the town shall be set out not later than 7:00 a.m. on collection days. No such bags may be set out for collection more than twenty-four (24) hours before the established collection time.
- (d) No single collection **for any parcel** shall exceed a total of 10 bundles, branches, or bags.
- (e) The town manager may suspend or modify yard waste preparation requirements and collection limits if he determines such a suspension or modification necessary; provided that, the determination is made in writing, is reported to the council within fifteen (15) days of the determination, and no single such determination suspends or modifies requirements for more than ninety (90) days.

(Ord. of 10-13-98)

**State Law reference** – Authority for above section, Code of Virginia, § 15.2-928.

Sec. 8-26. – Certain yard waste not to be collected

Rocks and hardscape materials, large stumps, any stumps containing rocks and dirt, dirt, sod, plastic bags, **grass clippings**, food waste shall not be collected by the Town.

Secs. 8-27—8-35. - Reserved.

ARTICLE III. - COLLECTION BY OTHERS

Sec. 8-36. – Collection provided by others

- (a) Owners or tenants of properties that do not receive collection services provided by the town shall be responsible for securing the services of a private waste hauler. **Solid waste and** and refuse

must be removed at intervals necessary to prevent a condition that might endanger the health of residents of the town or constitute a nuisance.

(b) Collectors must adhere to all federal, state, and local regulations for such service.

Secs. 8-37—8-45. - Reserved.



## Chapter 8 - GARBAGE AND REFUSE<sup>11</sup>

Footnotes:

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**Cross reference**— Disposition of dead animals and fowl, § 4-10.

### ARTICLE I. - IN GENERAL

#### Sec. 8-1. - Violations of chapter.

Unless otherwise specifically provided, a violation of any provision of this chapter shall constitute a Class 4 misdemeanor.

**Cross reference**— Penalty for Class 4 misdemeanor, § 1-11.

#### Sec. 8-2. - Unlawful accumulations.

- (a) It shall be unlawful for any owner or occupant of any premises within the town to allow garbage, ashes, refuse, trash, litter or other substances which might endanger the health of other residents of the town to accumulate on such premises.
- (b) The owner of any property in the town shall remove accumulations referred to in subsection (a) above from such property at intervals to be designated by the council. Reasonable notice of the date fixed by the council for such removal shall be given by newspaper publication, mail or delivery of a written notice to each owner of property.
- (c) Upon the failure of the owner of property to remove trash, garbage, refuse, litter and other substances which might endanger the health of other residents of the town, as provided in the notice given pursuant to subsection (b) above, the town manager may have such trash, garbage, refuse, litter and other substances removed and bill the owner for the work. Upon the owner's failure to pay such bill by tax billing time, such bill shall be placed upon the tax bill of the owner so delinquent and collected as taxes are collected.

(Code 1971, §§ 8-1, 8-3)

**Cross reference**— Open storage of inoperative vehicles in certain zoning districts, § 13-30; abandoned or discarded refrigerators or other airtight containers, § 13-31; cutting and removal of weeds and other foreign growth on vacant property, § 13-32; maintenance of property abutting Town Run, § 13-33.

**State Law reference**— Authority for above section, Code of Virginia, §§ 15.1-11, 15.1-867.

#### Sec. 8-3. - Littering generally.

- (a) Any person who shall dump or otherwise dispose of trash, garbage, refuse, litter or other unsightly matter on a public street or highway, right-of-way, property adjacent to such street or highway or right-of-way, or on any public property of the town or private property within the town, without the written consent of the owner thereof or his agent, shall be guilty of a Class 1 misdemeanor.
- (b) When any person is arrested for a violation of this section, and the matter alleged to have been dumped or disposed of has been ejected from a motor vehicle, the arresting officer may comply with the provisions of section 10-2 of this Code in making such arrest.

- (c) When a violation of the provisions of this section has been observed by any person, and the matter dumped or disposed of has been ejected from a motor vehicle, the owner or operator of such motor vehicle shall be presumed to be the person ejecting such trash, garbage, refuse, litter or other unsightly matter. Such presumption shall be rebuttable by competent evidence.
- (d) Upon conviction of any person for a violation of this section, the court may suspend the imposition of any sentence on condition that the defendant volunteer his services, for such period of time as the court may designate, to remove litter from streets, highways and other public property in the town.

(Ord. of 12-12-72)

**Cross reference**— Penalty for Class 1 misdemeanor, § 1-11; deposit of hazardous material on streets, § 15-15.

**State Law reference**— Similar provisions and authority to adopt above section, Code of Virginia, §§ 33.1-346, 33.1-346.1.

Sec. 8-4. - Disposal in town of trash, garbage, etc., accumulated outside town.

- (a) It shall be unlawful and a Class 1 misdemeanor for any person to place, dump or otherwise dispose of trash, garbage, refuse, litter or any other unsightly matter that has been accumulated or collected outside the corporate limits of the town at any place within the town. This section shall not apply to a person using the public facilities of the town for the disposal of such matter, with the express permission of the town council or its designated agent.
- (b) The provisions of subsections (b) and (c) of section 8-3 shall apply to violations of this section to the same extent as if set out at length in this section.

(Ord. of 2-13-73; Ord. of 2-13-79, § 8-15)

**Cross reference**— Penalty for Class 1 misdemeanor, § 1-11.

Sec. 8-5. - Dumpster, defined; prohibited times for emptying.

- (a) For the purpose of this section a "dumpster" shall mean any container designed to contain refuse or garbage and which is emptied by mechanical means.
- (b) It shall be unlawful for any person to empty a dumpster in town between the hours of 10:00 p.m. and 7:00 a.m. except within industrially zoned areas of the town.

(Ord. of 1-12-99)

Sec. 8-6. - Upsetting, tampering and misusing litter receptacles maintained by the town.

No person shall cause the removal, upsetting, mutilation or defacing of, or tamper with any litter receptacle maintained by the town, cause the contents thereof to be spilled or to be strewn in or upon any public place or private premises, or use such receptacle for disposal of business or household refuse

(Ord. of 2-13-01)

**State Law reference**— Authority for above section, Code of Virginia, Section 15.2-927.

Secs. 8-6—8-14. - Reserved.

## ARTICLE II. - COLLECTION BY TOWN<sup>[2]</sup>

Footnotes:

--- (2) ---

**Cross reference**— Department of public works responsible for refuse collection, § 2-53.

**State Law reference**— Authority of town to operate a garbage and refuse collection and disposal system, Code of Virginia, § 15.1-857.

Sec. 8-15. - Report of violations of article.

If any person fails to comply with the provisions of this article, the employees of the town engaged in the collection and removal of garbage, ashes and refuse shall report such failure to the town manager.

(Ord. of 2-13-79, § 8-12)

Sec. 8-16. - Containers generally—For garbage.

- (a) All garbage, consisting of food waste and organic matter, to be collected by the town shall be placed in tied disposable plastic bags or in water-tight containers of durable construction which shall be rust-resistant, nonabsorbent, easily washable, with tight fitting covers and handles and with a capacity of not less than five (5) nor more than thirty-two (32) gallons. All such nondisposable containers shall be of such construction as to prevent disturbance by animals and entrance by insects and to allow safe handling by one collector.
- (b) The total weight of any garbage container, together with its contents, shall not exceed fifty (50) pounds.

(Ord. of 2-13-79, §§ 8-5, 8-7; Ord. of 11-13-90; Ord. of 10-13-98)

Sec. 8-17. - Same—For ashes.

- (a) Ashes to be collected by the town shall be placed separately from garbage and other refuse, in cans or other light noncombustionable containers that can be handled without coming apart. Such containers shall not be filled closer than two (2) inches to the top and shall be covered to prevent spilling.
- (b) The total weight of any container for ashes, together with its contents, shall not exceed seventy-five (75) pounds.

(Ord. of 2-13-79, §§ 8-6, 8-7)

Sec. 8-18. - Same—For other refuse.

Rubbish consisting of cans, bottles, rags, paper, weeds, leaves, grass cuttings, tree cuttings, solid waste materials from homes, stores and commercial buildings and other refuse to be collected by the town, other than that provided for in sections 8-16 and 8-17, shall be placed in cans, plastic bags or other containers that can be safely handled without coming apart, of such size, not exceeding thirty-two (32)

gallons capacity, that can be handled by one collector and filled and secured so as to prevent spillage of the contents.

(Ord. of 2-13-79, § 8-8)

Sec. 8-19. - Preparation of garbage.

No person shall place any garbage in any container required by section 8-16, without first draining the liquid from such garbage and wrapping the garbage in paper or plastic.

(Ord. of 2-13-79, § 8-5)

Sec. 8-20. - Preparation of cardboard and other bulky materials.

Cardboard containers and other bulk materials to be collected by the town need not be placed in containers, but will be collected by the town if flattened and securely tied in compact bundles that can be handled by one collector. No such bundle shall exceed four (4) feet in length and fifty (50) pounds in weight.

(Ord. of 2-13-79, § 8-9; Ord. of 10-13-98)

Sec. 8-21. - Collection times and routes.

The town manager shall establish and specify the days and hours each week when town employees shall collect garbage, ashes and refuse and the routes to be served at the times so specified.

(Ord. of 2-13-79, § 8-14)

Sec. 8-22. - Placement of containers on collection day; collectors not to enter building.

- (a) All containers containing garbage, ashes or refuse for collection by the town shall be set out not later than 7:00 a.m. on collection days. No containers may be set out for collection more than twenty-four (24) hours before the established collection time and empty containers shall be removed on the same day of collection.
- (b) All containers shall be placed in such location as is specified by the town manager, so that they can be reached easily and conveniently by the collectors. No town employee or collection agent shall enter any building for the removal of garbage, ashes or refuse.

(Ord. of 2-13-79, §§ 8-16, 8-17; Ord. of 11-13-90; Ord. of 10-13-98)

Sec. 8-23. - Preparation of tree branches, brush, leaves and other yard waste.

- (a) Tree branches and brush to be collected by the town shall be securely tied in compact bundles that can be handled by one collector. No such bundle shall exceed four (4) feet in length, twelve (12) inches in diameter and fifty (50) pounds in weight.
- (b) Leaves and grass clippings to be collected by the town shall be placed in plastic bags. No such bag shall exceed fifty (50) pounds in weight.

(Ord. of 10-13-98)

Sec. 8-24. - Certain refuse not to be collected.

- (a) Rejected building materials, tin, contractors' waste, industrial waste, automobiles or parts thereof, tires, hazardous materials, such as cleaning fluids, explosives, gasoline, oil, paints, plastics, rubber cuttings or other highly flammable materials, or substances such as poisons, gases, caustics, radioactive materials or powdery earth used in filter cleaning fluids or other like refuse materials or substances shall not be collected by the town. In the event such refuse is found at collection points, the persons placing the same for collection shall be required to remove the same immediately. Radioactive materials, drugs, poisons and like substances shall be removed under the supervision of the health officer or some other qualified person.
- (b) No animal or fowl excrement shall be collected by the town and no such excrement shall be placed in any container or receptacle required by this article or otherwise put out or placed for collection by the town.
- (c) Ashes containing live coals shall not be collected by the town.

(Ord. of 2-13-79, §§ 8-5, 8-6, 8-10)