

TITLE TARGET

1. Agency/Office of Origin:

Dickenson County
Clerk of the Circuit Court

2. Name/Title of Records:

Ordinance Book No. 1
pages 763 to 768

3. Date filmed

June 8, 2009

4. Name/Location of Producer or service bureau:

C. W. Warthen Court Resources
311 Rivermont Avenue, Suite A
Lynchburg, VA 24504

ORDINANCE ADOPTING THE VIRGINIA UNIFORM
STATEWIDE BUILDING CODE AND THE VIRGINIA STATEWIDE FIRE
PREVENTION CODE WITHIN THE
DEFINED LIMITS OF DICKENSON COUNTY, VIRGINIA

BE IT ORDAINED AND ENACTED by the Board of Supervisors of Dickenson
County, Virginia as follows:

SECTION 1: ADOPTION OF VIRGINIA UNIFORM STATEWIDE BUILDING CODE

1.1. There is hereby adopted by reference in Dickenson County, Virginia, Parts I and II of the Virginia Uniform Statewide Building Code ("USBC"); the Virginia Statewide Fire Prevention Code ("VSFPC"); and the erosion and sediment control program as promulgated by the Virginia Soil and Conservation Board, and any and all future amendments to such codes and programs.

SECTION 2: BUILDING DEPARTMENT

2.1. The Building Department is hereby created and shall be staffed by building officials, who shall be appointed by the Board of Supervisors of Dickenson County, and whose responsibility it shall be to enforce the provisions of the Virginia Uniform Statewide Building Code. The cost of enforcement may be defrayed through the levying of fees as provided in Section 36-105 of the Code of Virginia and Part I, Section 107.1 of the USBC.

SECTION 3: FEE SCHEDULE

In accordance with Section 36-105 of the Code of Virginia and Part I, Section 107.1 of the USBC, before a building permit shall be issued, the owner, person, firm or corporation doing the work shall pay a fee based on the following schedules:

3.1. New Construction Fees. The fee for all residential building permits concerning new construction and for modular homes shall be seven cents (\$0.07) per

square foot. For unfinished basements, the fee shall be three cents (\$0.03) per square foot. For finished basements, the fee shall be five cents (\$0.05) per square foot. The fee for all commercial building permits concerning new construction shall be fifteen cents (\$0.15) per square foot.

3.2. Alteration. The fee for alterations or repairs of any building or structure, where there is not addition or enlargement, shall be five cents (\$0.05) per square foot.

3.3. Addition or Enlargement. The fee for addition or enlargement of a building or structure shall be at the same rate as for new construction.

3.4. Placement of Manufactured Homes. The fee for a permit to place a doublewide manufactured home shall be ninety dollars (\$90.00). The fee for a permit to place a singlewide manufactured home shall be fifty dollars (\$50.00). Manufactured homes erected in Dickenson County shall be labeled as per requirements of the Virginia Industrialized Building Unit and Mobile Home Safety Regulations.

3.5. Demolition. The fee for a demolition permit shall be twenty-five dollars (\$25.00).

3.6. Signs. The permit fee for billboards of 100 square feet or less shall be \$25.00. The permit fee for billboards of 101 to 200 square feet shall be \$50.00. The permit fee for billboards over 200 square feet shall be \$100.00.

3.7. Utility. Dickenson County shall require the local public electric utility company to deny temporary electricity service for construction unless evidence of a building permit is presented. Further, the local public electric utility company shall deny permanent electrical service to the meter unless evidence of a certificate of occupancy is presented.

3.8. Miscellaneous Permit Fees.

3.8.1. For each power driven freight and/or passenger elevator, the fee shall be \$20.00.

3.8.2. The fee for an electrical permit shall be as follows:

200 amp	\$20.00
400 amp	\$40.00

Three phase:

200 amp	\$30.00
400 amp	\$60.00
800 amp	\$120.00
1200 amp	\$180.00

3.8.3. Fee for the construction of a swimming pool shall be fifty dollars (\$50.00).

3.8.4. For an inspection and report on any building or structure, or electrical or plumbing project made upon application of the owner, occupant or prospective purchaser, the fee shall be the actual cost of the inspection and report as determined by the building official; notwithstanding, the minimum fee for such inspection and report shall be \$20.00.

3.8.5. Exceptions. No fee shall be charged for the construction of fallout or blast shelters which are to be constructed in accordance with the shelter designs by the U.S. Office of Civil Defense or its successors.

3.8.6. Refund of Fees. When requested in writing by a permit holder, the Building Department shall provide a fee refund in the case of the revocation of a permit or the abandonment or discontinuance of a building project. The refund shall not be required to exceed an amount which correlates to work not completed.

3.8.7. Code Academy Fee Levy. In accordance with Part I, Section 107.2 of the USBC and § 36-137 of the Code of Virginia, the Building Department shall collect a

1.75% levy of fees charged for building permits issued under the USBC and transmit it quarterly to DHCD to support training programs of the Virginia Building Code Academy. The foregoing levy shall remain effective until July 1, 2009, after which time the fee levy shall be increased to 2%.

3.8.8. Other Fees. The payment of the fee for the construction, alteration, removal, or demolition, and for all work done in connection with the work contemplated by a building permit, shall not relieve that applicant or holder of the permit from the payment of other fees that are or may be prescribed by the other laws or ordinances for water taps, sewer connections, electrical service, erection of signs and display structures, or fees for inspections, certificates or use and occupancy, or other privileges or requirements, both within and without the jurisdiction of the building official.

3.9. The above prescribed fee schedules may be changed from time to time by the Dickenson County Board of Supervisors by resolution as the need arises.

SECTION 4: CODE ENFORCEMENT IN INCORPORATED TOWNS

4.1. In that, according to the Virginia Code each governing body is responsible for the enforcement of the Virginia Uniform Statewide Building Code by hiring building officials, or by contracting for the enforcement thereof;

Therefore, the County of Dickenson may enforce the Virginia Uniform Statewide Building Code in those incorporated towns with which contracted arrangement are agreed to.

SECTION 5: PERMIT APPLICATIONS; SITE PLANS

5.1. A building permit application shall be submitted to the Building Official pursuant to Section 108 of the USBC, unless exempted under Section 108.2 of the USBC.

5.2. A site plan, in conformance with Section 109.2 of the USBC, shall be submitted along with the building permit application.

SECTION 6: OTHER RULES AND REGULATIONS

6.1. Other rules and regulations necessary for the enforcement of the Virginia Uniform Statewide Building Code may be promulgated by the Building Official with the concurrence of the Board of Supervisors of Dickenson County, Virginia.

SECTION 7: EROSION AND SEDIMENT PERMITS

7.1. An erosion and sediment ("E & S") permit is required is more than 10,000 square feet will be disturbed. The permit fee for a residential E & S permit shall be \$35.00, plus \$20.00 for each additional acre that will disturbed. The permit fee for a commercial E & S permit shall be \$100.00, plus \$25.00 for each additional acre that will be disturbed.

SECTION 8: SEVERABILITY

8.1. 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 herefrom without affecting any other provision of this Ordinance.

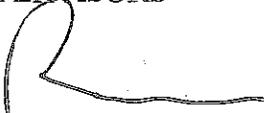
SECTION 9: PREVIOUS ORDINANCES

9.1. This Ordinance shall supersede and take the place of all previous Ordinances Adopting the Virginia Uniform Statewide Building Code Within the Defined Limits of Dickenson County, and any conflicting ordinances, as previously adopted. All

ordinances and portions of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

ADOPTED this 28TH day of APRIL, 2009.

DICKENSON COUNTY BOARD OF SUPERVISORS

By: 

ROGER STANLEY, CHAIRMAN

ATTEST:


CLERK

TITLE TARGET

1. Agency/Office of Origin:

Dickenson County
Clerk of the Circuit Court

2. Name/Title of Records:

Ordinance Book No. 1
page 769

3. Date filmed

September 8, 2009

4. Name/Location of Producer or service bureau:

C. W. Warthen Court Resources
311 Rivermont Avenue, Suite A
Lynchburg, VA 24504

TITLE TARGET

1. Agency/Office of Origin:

Dickenson County
Clerk of the Circuit Court

2. Name/Title of Records:

Ordinance Book No. 1
pages 769 to 805

3. Date filmed

November 12, 2009

4. Name/Location of Producer or service bureau:

C. W. Warthen Court Resources
311 Rivermont Avenue, Suite A
Lynchburg, VA 24504

Dickenson County Board of Supervisors

BOARD OF SUPERVISORS

ROGER STANLEY, CHAIRMAN
WILLIS DISTRICT

DELANO SYKES, VICE-CHAIRMAN
SANDLICK DISTRICT

TEDDY BAILEY
ERVINTON DISTRICT

SHELBIE WILLIS
KENADY DISTRICT

DONNIE W. RIFE
CLINTWOOD DISTRICT



COUNTY ADMINISTRATOR
MARK S. VANOVER

P.O. Box 1098
Clintwood, Virginia 24228
Telephone: 276/926-1676
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DICKENSON COUNTY BOARD OF SUPERVISORS' SALARY ORDINANCE

WHEREAS, the Dickenson County Board of Supervisors, after due consideration and a public hearing held on June 23, 2008 finds it appropriate to adopt a salary ordinance for compensation of the Dickenson County Board of Supervisors as defined herein and pursuant to the charter of the county of Dickenson and Section 15.2-1414.1 *et seq.*, of the Code of Virginia of 1950, as amended.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the governing body of Dickenson County:

1.1 RATE OF COMPENSATION. The rate of compensation for the Dickenson County Board of Supervisors shall be \$5,500 annually. This amount may be automatically adjusted annually based upon the consumer price index for inflation. However, the annual inflation adjustment shall not exceed 5% annually. The Chairman of the Dickenson County Board of Supervisors shall receive an additional \$1,800 annually. The Vice-Chairman of the Dickenson County Board of Supervisors shall receive an additional \$1,200 annually.

2.1 FRINGE BENEFITS. The members of the Dickenson County Board of Supervisors shall receive any and all fringe benefits in the same manner and form as such benefits are provided for county employees.

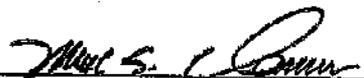
3.1 VALIDITY. Should any article, section, subsection, or provision of this ordinance be declared by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of this ordinance as a whole or any part thereof other than the part so declared to be invalid or unconstitutional.

4.1 EFFECTIVE DATE. This Ordinance shall become effective on and after 12:01 a.m. on July 1, 2009 and remain in effect until June 30, 2010.



Roger Stanley, Chairman

ATTEST:



Mark S. Vanover, County Administrator

DICKENSON COUNTY SOLID WASTE AND LITTER ORDINANCE

UPON PUBLIC HEARING, held on August 25, 2009 at 5:00 P.M., such public hearing having been advertised once a week for two successive weeks on 08/12, 2009 and 08/19, 2009 in *The Dickenson Star*, a newspaper of general circulation in Dickenson County, Virginia.

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

ARTICLE 1: DEFINITIONS

The following terms shall have the meanings ascribed to them in this Article when used in this Ordinance.

ADMINISTRATOR: The Dickenson County Administrator or his or her duly authorized designee.

ASHES: The residue resulting from the burning of wood, coal, coke or other combustible material.

BRUSH: Bushes, briars, branches, leaves and similar material.

BRUSH, PRUNINGS and TREE TRIMMINGS: Trimmings from growing or dead trees or bushes no more than four inches in diameter. Any such trimmings over four inches will not be accepted. These items will only be accepted at the landfill site or transfer station, with the applicable per load charge being paid. This shall not include roots or stumps that exceed four inches in diameter.

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, provided however, that if the Administrator determines that a mixed use structure generates a volume of solid waste that does not exceed the average amount of waste generated by a residence in Dickenson County, then such mixed use structure may be deemed to be a residential unit.

COMPACTED WASTE: Refuse or waste which has been reduced in volume by mechanical or hydraulic means and remains in this state of reduced volume until deposited at the landfill.

CONTAINERS:

1. **Residential Reusable Curbside Receptacle:** a receptacle made of plastic, metal or fiberglass, having a tight fitting lid, and handles of adequate strength to allow for

the container to be lifted. Any residential reusable curbside receptacle constructed by residential customers shall be approved by the Administrator.

2. **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 (30) 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. Non-reusable containers shall not include red biohazard bags. Any red biohazard bags placed for collection will not be collected.

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

CURBSIDE: Curbside shall be deemed to be that portion of the street or highway right of way adjacent to the paved or traveled portion of a primary or secondary roadway as established by the Virginia Department of Transportation or Dickenson County.

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

CONVENIENCE CENTER: A collection point designated and operated by Dickenson County at which large items, white goods, tires and other wastes not suitable for regular pickup may be deposited.

COUNTY: The term "County" shall be deemed to refer to Dickenson County, Virginia, unless the text of the Ordinance specifically refers to some other county.

DISPOSAL: Includes the storage, collection, disposal or handling of refuse.

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

LITTER: Any solid waste that is disposed of as prohibited herein or allowed to be carelessly discarded or scattered about in an unsightly manner. Litter shall include, but not be limited to, garbage, trash, refuse and rubbish as referred to within this Ordinance.

LITTER BAG: A bag or sack, of durable material, which is large enough to serve as a receptacle for litter inside a vehicle or watercraft which is similar in size and capacity to a state approved litter bag.

LITTER RECEPTACLE: A container with a capacity of not less than thirty (30) gallons, constructed of such quality as to maintain the original shape when placed at an outdoor location; reasonably resistant to rust and corrosion; and placed for use as a depository for litter. Appliances (refrigerators, etc.) cannot be used as litter receptacles.

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 licenses issued pursuant to the provisions of this Ordinance.

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.

REFUSE: Discarded waste materials in a solid or semi-solid 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 which are used or are intended to be used for living, sleeping, cooking and/or eating. A residential unit shall also include buildings containing not more than four contiguous single-family dwelling units. Buildings containing more than four contiguous single-family dwelling units shall be considered commercial customers for the purpose of this Ordinance. The term "residential unit" shall also be

deemed to include mobile home parks. If there are more than four units, the mobile home park shall be deemed to be a commercial customer.

SALVAGE: The authorized, controlled removal of waste materials from a solid waste management facility.

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

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: Any garbage, refuse, sludge, and other discarded material, including solid, liquid, semi-solid or contained gaseous material, resulting from residential, 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. **Coal Mine Waste**: Any commercial waste, construction/demolition waste, debris waste, inert waste, metals, garbage, mining equipment and/or machinery and any other waste generated prior, during, or after mining activities and which may be disposed of in compliance with this Ordinance and all other applicable state and federal laws and regulations.

B. **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.

C. **Construction/Demolition Waste**: The waste building material, packaging and rubble, resulting from construction, remodeling, repair and demolition operations on pavement, houses, commercial buildings, and other structures.

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

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

F. 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 Collection/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.

G. 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.

H. Industrial Waste: Any solid waste generated by manufacturing or industrial process that is not a regulated hazardous waste. Such waste may include, but is not limited to, waste resulting from the following manufacturing processes: Electric power generation; fertilizer/agricultural chemicals; food and related products/by-products; inorganic chemicals; iron and steel manufacturing; mining or oil and gas operations; leather and leather products; nonferrous metals manufacturing/foundries; organic chemicals; plastics and resins manufacturing; pulp and paper industry; rubber and miscellaneous plastic products; stone, glass, clay, and concrete products; textile manufacturing; transportation equipment; and water treatment.

I. 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.

J. 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.

K. Institutional/Government 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 has 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.

L. Putrescible Waste: Solid waste which contains organic material capable of being decomposed by microorganism, and which causes odors.

M. Residential Waste: Household waste.

N. Waste Oil: A spent petroleum product or lubricating fluid from vehicles or equipment.

SOLID WASTE MANAGEMENT FACILITY: 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 with all applicable local, state and federal regulations. The Dickenson County Transfer Station and Dickenson County Landfill are Solid Waste Management Facilities.

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

UNCOMPACTED WASTE: Refuse or waste which has not been reduced in volume by mechanical or hydraulic means, or if so, has not been maintained in this reduced volume state during the transportation to the landfill.

WASTE GENERATOR: The person who actually produces waste intended for disposal at the landfill.

WASTE MANAGEMENT FACILITY: (See also Solid Waste Management Facility) That area designated by the County Administrator for the collection of refuse intended for disposal at the landfill or Transfer Station.

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

YARD WASTE: Decomposable waste materials generated by yard and lawn care, and include leaves, grass trimmings, brush up to six inches in diameter and shrubs and tree trimmings arising from general landscaping maintenance. This shall not include roots or stumps that exceed four inches in diameter.

Where terms are not defined in this Ordinance and the context or practice requires definition they shall have the meaning specified in Chapter 14 of Title 10.1 of the Code of Virginia, 1950, as amended and/or 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 regulations applicable to the particular requirement involved shall prevail over those in this Ordinance.

In case of conflict, the statutes and regulations applicable to the particular requirement involved shall prevail over those in this Ordinance.

ARTICLE 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 Dickenson County, including its incorporated towns, and to all solid waste generated within or disposed of within Dickenson County, including its incorporated towns, provided however that the provisions of this Ordinance shall not apply within the corporate limits of any incorporated towns within Dickenson County which operates its own solid waste disposal system.

ARTICLE 3: EXCLUSIVE DISPOSAL BY DICKENSON COUNTY

Dickenson County will provide for the collection and disposal of all acceptable solid waste to its residential, commercial, institutional and industrial establishments 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 Dickenson County is prohibited, provided however that any collector, hauler or transporter of solid waste may continue to provide collection and transport services for any residential, commercial, institutional and industrial establishment provided that such collector, hauler or transporter obtains an annual license from the Commissioner of Revenue. The fee for such license will be Five Hundred Dollars (\$500.00) per year. The holder of any such license shall provide to the Administrator any time upon the request of the Administrator, documentation which verifies that any solid waste collected in Dickenson County has been properly disposed of in accordance with 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 license. In addition, the holder of any such license shall make available to the Administrator any other records or information requested to determine compliance by the license holder with all applicable local, state and federal laws or regulations. The holder of any such license shall be required to coordinate and schedule its collection dates with the Administrator. Prior to issuance of

any such license, the Board of Supervisors may require compliance with all or any portion of the provisions of Article 5.2 of this Ordinance.

ARTICLE 4: LOCATION OF CONTAINERS

4.1 – 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, pads or bases for the same shall be provided at the owner's expense and charge. Such containers, pads or bases shall meet all requirements therefor established by the Administrator as to location, size, construction methods, materials and accessibility.

ARTICLE 5: PRIVATE WASTE DISPOSAL FACILITIES PROHIBITED

5.1 – PRIVATE WASTE DISPOSAL FACILITIES: Private waste disposal facilities within Dickenson County are prohibited.

5.2 – 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 residential, commercial, institutional and industrial establishments which have obtained all permits required by applicable laws and regulations.

5.3 – 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 15.2-933 of the Code of Virginia, 1950, as amended, or permitted under any other law of the Commonwealth.

ARTICLE 6: WASTE GENERATED OUTSIDE OF DICKENSON COUNTY PROHIBITED

6.1 – Solid waste generated outside of the boundaries of Dickenson County will not be permitted or accepted by Dickenson County for collection and/or disposal by or through Dickenson County's collection and/or disposal system.

6.2 – Individuals directly depositing solid waste at the Transfer Station shall be required, prior to disposing of such waste, to show a Dickenson County real or personal property tax ticket, a driver's license or voter registration card indicating they live in Dickenson County, a properly issued building permit, a valid oil, gas or coal mining permit for an oil, gas or coal mining operation in Dickenson County, or a business license issued by Dickenson County.

ARTICLE 7: REQUIRED CONTAINERS

7.1 – Standards for the construction, placement, use, service and maintenance of litter receptacles and trash containers shall be prescribed by the Board of Supervisors.

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

7.2 – All containers required under this Ordinance shall be furnished, as required, by the person placing solid waste for collection. Bulk containers may be purchased at cost from Dickenson County or may be provided by the customer. Bulk containers generally referred to as “dumpsters” must be approved by and capable of being emptied by the equipment of Dickenson County and/or its contractor. The following containers shall not be acceptable for use as containers, including residential reusable curbside waste containers: drums, barrels, appliances, boxes, paper or plastic bags and any other items which do not conform to the requirements and definitions of Article 1 of this Ordinance. All solid waste shall be deposited into plastic sacks and deposited into reusable waste containers as defined in Section 1 of this Ordinance.

7.3 – Any receptacle or container which does not conform to such standards shall be replaced by the owner or user of the receptacle or container upon written notice from the County. Failure to do so within 30 days shall constitute a violation of this section and each day thereafter shall constitute a separate violation. Any violation of this subsection shall constitute a Class 3 misdemeanor.

ARTICLE 8: COLLECTION AND DISPOSAL OF ACCEPTABLE WASTE

8.1 – Dickenson County 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 Dickenson County, upon approved routes, upon the terms and conditions, and subject to the exceptions and limitations, as provided in this Ordinance. Collection services will be provided by Dickenson County to residential, commercial, institutional and industrial establishments within the incorporated towns, upon the terms and conditions, and subject to the exceptions and limitations, as provided in this Ordinance. Nothing in this Ordinance shall be construed to limit, interfere with, or hinder the incorporated towns which provide or intend to provide a higher level of service to their residential, commercial, institutional, and industrial establishments.

ARTICLE 9: UNACCEPTABLE WASTE OR WASTE REQUIRING SPECIAL HANDLING

9.1 – It shall be unlawful to deposit any of the categories of waste described in this Article (except for items described in Articles 9.7 and 9.8 into any container for collection or to deposit any of such materials for curbside collection. It shall also be unlawful to deposit any yard waste as described in Article 1 into any container or for curbside collection.

9.2 – Construction and Demolition Wastes: No construction or demolition waste or land clearing waste will be collected by Dickenson County. The general contractor or property owner shall make available to the Administrator and/or Building Inspector any

records or information requested to determine that the waste has been properly disposed of at a Solid Waste Management Facility in accordance with all applicable local, state, and federal laws, ordinances or regulations prior to the completion of the building permit process.

9.3 – Household Furniture, White Goods and Other Large Waste Items: Upon request by a resident, Dickenson County may collect brush, tires, furniture and/or white goods including, but not limited to, sofas, chairs, TVs, beds, refrigerators, washers, dryers, 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 a convenience center or to the Transfer Station during established hours. Items accepted at a convenience center include brush, tires, and white goods, including, but not limited to, refrigerators, washers, dryers, water heaters, and similar items. Acceptable items by the Transfer Station are furniture including, but not limited to, sofas, chairs, beds, and similar items. If the resident makes the delivery to the drop off point during the hours of operation of such center, a charge in the amount of \$60.00 per ton for disposal shall be imposed upon the resident. There shall be no charge for the collection of white goods.

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

9.5 – Undrained Gargbage 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.

9.6 – 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 not lawfully authorized to accept such waste.

9.7 – Ashes: It shall be unlawful to place ashes or live coals in containers unless said ashes 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.

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

9.9 – Infectious Waste: No such waste shall be deposited in containers for collection and/or disposal by Dickenson County. Notwithstanding the provisions of the next following Article 9.10 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 Dickenson County's collection and disposal system. The generator shall be responsible for securing a competent source for disposal of such wastes.

9.10 – 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 needle, any instrument 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.

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 inoperative 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.

9.11 – Explosive Waste or Flammable Liquids: No explosive waste or flammable liquids or similar materials shall be placed in waste containers or in any location for Dickenson County collection. Lead acid batteries shall also be unacceptable for collection and shall be deemed to be explosive waste. Any individual in possession of such waste for disposal should contact the Litter Control Officer for information regarding proper disposal of such waste.

9.12 – Waste Oil: It shall be unlawful for any person to place waste oil in containers or in any location for collection and/or disposal by Dickenson County, except at the Truck Shop or Transfer Station.

9.13 – Radioactive Materials: It shall be unlawful to place any radioactive waste in any waste receptacle for collection or disposal.

9.14 – Dead Animals: The disposal of dead animals will be the responsibility of the owner of the animal.

9.15 – Abandoned Vehicles: It shall be unlawful to leave abandoned vehicles, or parts of abandoned vehicles, at any collection point, or any waste disposal facility within Dickenson County, except for white goods and abandoned vehicle parts at a designated recycling center.

9.16 – Tires: The placement of vehicular tires at any waste collection or disposal facility is prohibited. Passenger car tires, truck tires, and small equipment tires may be deposited at the convenience center as specified in this Ordinance or in a manner

authorized by state and federal regulations. Special collection of tires may be arranged directly with the County as specified in Article 9.3.

9.17 – Sludge: It shall be unlawful to place sludge in any container for collection. The disposal of sludge shall be the responsibility of the generator.

9.18 – Waste Originating Outside Dickenson County: It shall be unlawful to deposit for disposal at any dumpster container or convenience center site any garbage, trash, or refuse originating outside of Dickenson County.

9.19 – Ownership: Upon delivery of solid waste to an approved disposal site, all rights of ownership and exclusive possession to lawfully deposited solid waste shall vest in Dickenson County.

9.20 – Other Wastes: It shall be unlawful to place for collection or disposal by Dickenson County, other waste now or hereafter prohibited by Dickenson 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.

9.21 – Failure to Comply With Terms and Conditions of Ordinance

In the interests of the safety of its employees and the protection of public property, the County may withhold or deny solid waste collection and/or disposal services or issue a citation, or both, to any person who fails to comply with the terms and conditions of this Ordinance, including, but not limited to, failure to place waste in non-reusable plastic sacks, failure to place non-reusable plastic sacks in reusable containers, and not properly disposing of waste as directed by this Ordinance, e.g. infectious waste and sharp instruments.

**ARTICLE 10: INTERFERING WITH, ETC., DICKENSON COUNTY
CONTRACTOR/EMPLOYEES**

10.1 – No person shall interfere with, hinder or obstruct the employees of Dickenson County or its contractor (if a contractor is utilized) in the removal or monitoring of any material set out or deposited for collection or disposal as provided in this Ordinance.

ARTICLE 11: SCAVENGING OF ITEMS

11.1 – It shall be unlawful for any person to scavenge or remove any solid waste from any container or collection or disposal facility operated by, for or under agreement or contract with Dickenson County, including any solid waste which has been deposited in a container awaiting collection.

ARTICLE 12: ILLEGAL DISPOSAL OF WASTE

12.1 – It shall be unlawful to dispose of any waste on any property not specifically permitted by the State Department of Environmental Quality and Dickenson County, or operated by, for, or under contract with Dickenson County as a disposal facility.

12.2 – The owner or occupant of any premises within the County shall be responsible for such premises, and it shall be unlawful for any person to place, deposit, or allow to be placed or deposited on their premises any solid waste, except as designated by the terms of this Ordinance.

12.3 – A warning citation shall be served to the owner or occupant of any premises upon which solid waste is found in violation of this Section. If the owner or occupant has not complied with the terms of such citation within thirty (30) days of the date of the citation, he or she shall be served a summons for violation of this Ordinance.

ARTICLE 13: AUTHORITY OF LITTER CONTROL OFFICERS

13.1 – The Litter Control Officers for Dickenson County shall be appointed as special police officers, pursuant to § 15.2-1737 *et seq.* of the Code of Virginia (1950), and shall exercise such law enforcement powers as permitted by law.

ARTICLE 14: COLLECTION SERVICES AND PROCEDURES

14.1 – **Bulk Containers:** Bulk containers shall be required for collection services provided by Dickenson County for all commercial, institutional and industrial customers, and for all multiple residential, townhouses, 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 waste the Administrator determines that other or alternative containers should be used and issues a written variance specifying the type and number of containers which said Administrator determines to be acceptable. Any such variance shall in no event be deemed to be a vested right, but shall be revocable for reasonable cause at the discretion of the Administrator.

14.2 – **Residential Service:** Residential curbside collection service shall occur on a regular schedule and in areas to be established by the Administrator. Refuse must be drained free of excess liquids and placed in non-reusable containers which must be placed in reusable containers. Waste oils, fluids and antifreeze shall be brought by the residential service customer to the Truck Shop or Transfer Station, for disposal. The residential service customer shall place the reusable containers at the curbside of the nearest public road for pickup on the established schedule no earlier than twenty-four (24) hours prior to the scheduled time of collection and no later than the scheduled time of collection on the scheduled date of collection. The residential service customer shall remove the reusable containers from curbside within twenty-four (24) hours after collection. The Administrator shall determine the number of containers per residence per

scheduled collection; however, 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 which 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. Residential customers in areas not receiving curbside collection service shall dispose of refuse in containers provided at central locations established by the County or at the Transfer Station at the option of the customer.

14.3 – Multiple Residential, Townhouses, and Condominiums of Four or More Units:

(A) 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 variance for alternative containers has been issued under Article 14.1, 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 the Administrator 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.

(B) The Administrator may alter, upon written notification to the owner or property management organization/association, the collection service and/or the number and size of containers. Such alteration in service shall be required when the existing collection service is found by the Administrator to be insufficient. 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.

14.4 – Commercial Service:

Since waste generated by commercial customers varies in character, type and volume, and to enable Dickenson 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 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, alter the collection service, the size or number of containers required based upon his determination of the need therefor in the manner provided in Article 14.3(B).

14.5 – Institutional and Industrial Service:

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

The Administrator may from time to time, upon written notice to the institutional and industrial customers, alter the collection service, the size or number of containers required based on their determination of the need therefor in the manner provided in Article 14.3(B).

ARTICLE 15: LITTER

15.1 – In order to control the act of littering, it is deemed necessary for Dickenson County, Virginia to impose regulatory action on persons who litter, as authorized by Article 3, Chapter 14 of Title 10.1 of the Code of Virginia, and Section 33.1-346 of the Code of Virginia, 1950, as amended.*

15.2 – Moving Violations

A. Littering Prohibited; Penalties

1. It shall be unlawful for any person to dump, drop, deposit, discard or otherwise dispose of trash, garbage, refuse, litter, a companion animal for the purpose of disposal, or other unsightly matter, on public property, including a public highway, right-of-way, property adjacent to such highway or right-of-way, or on private property

* § 33.1-346(D) – grants localities authority to adopt litter ordinances

without the written consent of the owner thereof or his agent, except in public litter receptacles, or in authorized private litter receptacles provided for public use, or in an area designated by the State Department of Health as a permitted disposal site.*

2. When a violation of the provisions of this section has been observed by any person, and the matter illegally dumped or disposed of has been ejected or removed from a motor vehicle, the owner or operator of such motor vehicle shall be presumed to be the person ejecting or disposing of such matter. However, such presumption shall be rebuttable by competent evidence.†
3. Any person convicted of a violation of this Article 15.2(A) shall be guilty of a misdemeanor punishable by confinement in jail for not more than 12 months and a fine of not less than \$250.00 or more than \$2,500.00, either or both.‡ In lieu of the imposition of confinement in jail, the court may order the defendant to perform community service in litter abatement activities.

B. Uncovered Vehicles, Escape of Load

1. No vehicle shall be driven or moved on any highway unless such vehicle is constructed or loaded to prevent any of its load from dropping, sifting, leaking, or otherwise escaping therefrom; provided, however, that sand or any substance to increase traction or water or other substance may be applied on a roadway in the cleaning or maintaining of such roadway by the state or local government agency having such responsibilities.
2. No person in an aircraft shall throw out, drop or deposit within the County any litter or other object.
3. Any operator of a vehicle from which an object has escaped, that may cause an obstruction 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 convicted of a violation of this Article 15.2(B) shall be guilty of a misdemeanor punishable by confinement in jail for not more than 12 months and a fine of not less than \$250.00 or more than \$2,500.00, either or both. In lieu of the imposition of

* § 33.1-346(A)

† § 33.1-346(B)

‡ § 33.1-346(C)

confinement in jail, the court may order the defendant to perform community service in litter abatement activities.*

15.3 – Stationary Violations

A. Areas Surrounding Commercial Establishments and Institutions

1. It shall be the duty of each proprietor and each operator of any business, industry, or institution to keep the adjacent and surrounding area clear and free of litter. These areas include, but are not limited to, public and private sidewalks, roads, and alleys, grounds, parking lots, loading and unloading areas, and all vacant lots which are owned or leased by said establishment or institution.
2. Any person convicted of a violation of this Article 15.3 shall be guilty of a misdemeanor punishable by confinement in jail for not more than 12 months and a fine of not less than \$250.00 or more than \$2,500.00, either or both. In lieu of the imposition of confinement in jail, the court may order the defendant to perform community service in litter abatement activities.

B. Keeping Exterior of Residential and Commercial Property Clean

1. It shall be the duty of each residential property owner and tenant to remove from his or her property any and all trash, garbage, refuse, litter and other substances which might endanger the health or safety of other residents of the County. The owner or tenant shall keep all exterior property free of such waste, including but not limited to: sidewalks, public roads, alleys and driveways, yards and grounds, fences, walls and property lines, and drainages and vacant lots in both residential and commercial areas.
2. No person shall sweep into or deposit in any gutter, public road, street or water body within the County the accumulation of litter from any building or lot or from any public or private sidewalk or driveway. This includes but is not limited to rubbish which includes grass clippings, hedge trimmings, leaves, pine needles, paper, plastic or other materials classified as litter or waste must be placed in an approved container and properly disposed. Persons owning or occupying property shall keep the sidewalk in front of their premises free of litter.
3. Upon violation of this section, the County may proceed against either the tenant, owner or person in control or against all such persons. A notice shall be served on the owner or occupant of any

* § 33.1-346(C)

premises upon which solid waste is found in violation of this section, giving the owner or occupant ten (10) days to remove such solid waste. If the owner or occupant does not comply with the terms of such citation, the County shall take action pursuant to Article 15.4 of this Ordinance.

4. This section shall not be deemed to prohibit the accumulation of litter within the twenty-four (24) hour period preceding the next regularly scheduled refuse or garbage collection if such property is served by regularly scheduled garbage, refuse or litter collection. Such collection shall be deemed to be regular if such collection regularly occurs at least once per week or more frequently. Any litter remaining twenty-four (24) hours after the last collection shall be a violation of this Article.

C. Indiscriminate Dumping or Discarding of Litter and Solid Waste

It shall be unlawful for any person to discard or dump along any street or road, on or off the right-of-way, any form of solid waste, rubbish, refuse, junk, motor vehicle or vehicle part, rubber tires, appliances, furniture, or any other material or equipment, on public or private property, with or without permission of the property owner, except in County approved receptacles provided for public use for the deposit of said material, or except in an area designated by the State Department of Health as a permitted solid waste disposal site or collection facility.

15.4 – Cleanup of Improperly Disposed Litter or Solid Waste

A. Cleanup of Premises by County Authorization

1. The owners of property within the County shall, within ten (10) days of receiving written notice from the County, remove from the property any and all trash, garbage, refuse, litter and other substances which might endanger the health or safety of other residents of the County.
2. If, after ten (10) days of receiving the notice, the owners of such property have failed to take action as directed by the notice, the County may have such trash, garbage, refuse, litter and other substances which might endanger the health or safety of other residents of the County, removed by its own agents or employees, in which event the cost or expense thereof shall be chargeable to and paid by the owners of such property and may be collected by the County as taxes are collected.

3. Execution of the notice to remove litter shall be in writing and shall be in the form of a letter on County letterhead, sent by certified or registered mail and/or delivered by an employee or agent of the County as designated by the Administrator.
4. Every charge authorized by this Article with which the owner of any such property shall have been assessed and which remains unpaid shall constitute a lien against such property ranking on a parity with liens for unpaid local taxes and enforceable in the same manner as provided in Articles 3 (§ 58.1-3940 *et seq.*) and 4 (§ 58.1-3965 *et seq.*) of Chapter 39 of Title 58.1. The County may waive such liens in order to facilitate the sale of the property. Such liens may be waived only as to a purchaser who is unrelated by blood or marriage to the owner and who has no business association with the owner. All such liens shall remain a personal obligation of the owner of the property at the time the liens were imposed.
- 5.* Any violation of this Article 15.4 shall be subject to a civil penalty, not to exceed \$50 for the first violation, or violations arising from the same set of operative facts. The civil penalty for subsequent violations not arising from the same set of operative facts within 12 months of the first violation shall not exceed \$200. Each business day during which the same violation is found to have existed shall constitute a separate offense. In no event shall a series of specified violations arising from the same set of operative facts result in civil penalties that exceed a total of \$3,000 in a 12-month period. In the event three civil penalties have previously been imposed on the same defendant for the same or similar violation, not arising from the same set of operative facts, within a 24-month period, such violations shall be a Class 3 misdemeanor. Classifying such subsequent violations as criminal offenses shall preclude the imposition of civil penalties for the same violation.

15.5 – Litter Receptacles

A. Use of Receptacles

1. It shall be unlawful to deposit any item or items except litter in any receptacle placed for public use as a depository for litter. Any item or items, including litter, which are expressly prohibited from being placed in said receptacle by a sign or other writing located on or around the receptacle, shall not be placed or deposited in said receptacle.

* § 15.2-901

2. Any person convicted of a violation of this Article 15.5 shall be guilty of a misdemeanor punishable by confinement in jail for not more than 12 months and a fine of not less than \$250.00 or more than \$2,500.00, either or both.* In lieu of the imposition of confinement in jail, the court may order the defendant to perform community service in litter abatement activities.

B. Providing Adequate Litter Receptacles for Businesses

It shall be the duty of any person owning or operating any commercial establishment to provide receptacles adequate to contain the litter generated at said establishment. The penalty established for violation of this subsection shall be twenty-five (\$25.00) dollars for each day of violation. The offender shall receive a summons from the enforcement officer for any violation of this subsection. The offender may pay the fine in lieu of appearing in court on any first offense.

C. Providing Adequate Litter Receptacles for Residences

1. All household solid waste shall be contained in compliance with Article 14.2 of this Ordinance.
2. It shall be unlawful for any person to use an old appliance or other container deemed unacceptable by the County for trash collection.
3. Any violation of this subsection shall constitute a Class 3 misdemeanor.

15.6 – Improper Disposal of Waste

A. Depositing Improper Waste in Receptacles or Facilities

1. It shall be unlawful to improperly dispose of any solid waste as defined in this Ordinance at a facility operated for or in a receptacle placed for public or private use. Improper disposal shall mean and include the depositing in such facility of solid waste which is not accepted or authorized for disposal by such facility. The types of waste not accepted at any such facility shall be displayed at the entrance of such facility or on the receptacle. A violation of this section shall be treated in the same manner as a litter violation and be subject to the same criminal or civil penalties.

15.7 – Enforcement of Litter Laws; Prosecution; Presumption

* § 33.1-346(C)

A. Enforcement

1. Prosecution for a violation of any provision of this Ordinance may be initiated by any law enforcement officer, litter control officer, or private citizen.

B. Authorization of County Litter Control Office to Bring Civil Action

1. Pursuant to Virginia Code §10.1-1418.1, and any other applicable statutes and ordinances, Dickenson County, through its litter control officer and the county attorney, may bring a civil action, including claims for court costs and attorney's fees, against persons responsible for improperly disposing of solid waste upon land within the boundaries of Dickenson County.
2. When Dickenson County establishes by a preponderance of the evidence that (i) the solid waste or any portion thereof had been in possession of the defendant prior to being improperly disposed of upon land within the boundaries of Dickenson County and (ii) no permission had been given to the defendant to place the solid waste on such property, there shall be a rebuttable presumption that the defendant improperly disposed of the solid waste. When the solid waste has been ejected from a motor vehicle, the owner or operator of such motor vehicle shall in any civil action be presumed to be the person ejecting such matter. However, such presumption shall be rebuttable with competent evidence. This presumption shall not be applicable to a motor vehicle rental or leasing company that owns the vehicle.*
3. Whenever a court of competent jurisdiction finds that a person has improperly disposed of solid waste upon land within the boundaries of Dickenson County, the court shall assess a civil penalty of up to five thousand dollars (\$5,000.00) against such defendant, along with costs and reasonable attorney's fees. Any civil penalty assessed pursuant to this Article shall be paid into the Dickenson County treasury.†

C. Assign -A - Highway Roadside and Illegal Dump Cleanup

For Cleanup of roadside litter and identified illegal dumps within the County, there is hereby established a program pursuant to Section 53.1-129 of the Code of Virginia, 1950, as amended, and the Sheriff of the County and any of his deputies and any Special Conservator of the Peace/Litter Officer who has been approved by a court of competent

* § 10.1-1418.1(B) and (C)

† § 10.1-1418.1(D), (E) and (F)

jurisdiction shall be permitted to utilize probationers or remove inmates from the County or Regional Jail under their supervision to work in this program providing that any such inmate has been specifically approved to be permitted to participate in this program by the Sheriff and by the Court. Probationers will be assigned to two-mile designated sections of highway, cleaned up every two weeks for the duration of their assignment to this program. Inmates shall be utilized only for the cleanup of illegal dumps identified by the County Litter Control Department. During the cleanup of illegal dumps, the Special Conservator of the Peace/Litter Control Officer or the Sheriff or his deputies will be present during this volunteer work.

ARTICLE 16: CONSTRUCTION OR DEMOLITION SITES

16.1 – Owners, agents, or contractors shall not permit the accumulation of litter before, during, or after completion of any construction or demolition project within the County.

16.2 – It shall be the duty of the owner, agent, firm or contractor in charge of a construction or development site to furnish litter receptacles and to collect and contain all material to prevent scattering. All construction and/or demolition debris shall be removed from such site upon completion of any project, and disposed of at the landfill or Transfer Station, subject to the tipping fees set out in Article 23.5 of this Ordinance.

16.3 – Where any substances, litter, or foreign matter have been tracked or deposited on any street, it shall be promptly removed by the person or persons responsible. 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.

16.4 – Each contractor or owner must have a valid building permit in order to utilize the Transfer Station for the disposal of construction or demolition waste. Each owner or contractor which has a permit must make arrangements with the Dickenson County Building Department to do one of the following: (1) the owner or contractor may contract with a private service to provide a dumpster for the containment and disposal of construction or demolition waste; (2) contractor or owner may contain and dispose of construction or demolition waste pursuant to this Ordinance; or (3) contractor or owner, for a fee, may obtain disposal service and a dumpster from the County.

16.5 – The Dickenson County Building Inspector shall not issue a building permit to an owner or contractor without evidence that the owner or contractor has a certificate from the Dickenson County Solid Waste Department showing that the owner or contractor has properly provided for the collection and disposal of construction and/or demolition waste.

16.6 – No occupancy permit shall be issued for any structures by the County Building Inspector unless and until the holder of such permit or his contractor provides

satisfactory evidence that all construction debris or waste has been disposed of properly. Any violation of this subsection shall constitute a Class 3 misdemeanor.

16.7 – Any violation of any provision of this Article shall constitute a Class 3 Misdemeanor, punishable as provided in Article 20 of this Ordinance. A second or subsequent offense shall constitute a Class 2 Misdemeanor, punishable as provided in Section 20 hereof.

ARTICLE 17: ADVERTISING MATERIALS OR HANDBILLS

17.1 – It shall be unlawful for any person or organization distributing handbills, leaflets, flyers, or any other advertising or informational materials to distribute material in such a manner that it litters either public or private property within the County, unless said person or organization provides appropriate clean-up of said handbills, leaflets, flyers or other advertising or information materials within 24 hours of distribution. Violations of this Article shall be treated as a litter violation, subject to the civil penalties provided for in Article 15.7 .

ARTICLE 18: RECYCLING

18.1 – This section is intentionally reserved for future provisions as to recycling.

ARTICLE 19: PRESUMPTIONS FOR PURPOSE OF EVIDENCE FOR UNLAWFUL DISPOSAL OF WASTE

19.1 – 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 rebuttable by competent evidence.

ARTICLE 20: VIOLATIONS; CLASSIFICATIONS OF OFFENSES; PENALTIES

20.1 – Violations of the provisions of this Ordinance shall be classified as a Class 1, 2, 3 or 4 misdemeanor as specified in the respective sections. Any violation for which a classification is not specified shall be punishable as a Class 1 misdemeanor.

20.2 – Punishments for convictions for misdemeanors under this Ordinance are:

A. For Class 1 misdemeanors, confinement in jail for not more than 12 months and a fine of not more than \$2,500.00, either or both.

B. For Class 2 misdemeanors, confinement in jail for not more than 6 months and a fine or not more than \$1,000.00, either or both.

1. For Class 3 misdemeanors, a fine of not more than \$500.00.

2. For Class 4 misdemeanors, a fine of not more than \$250.00.

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

ARTICLE 21: PENALTIES FOR VIOLATION OF SECTIONS

21.1 – Unless otherwise specified, the following penalties shall apply to the violation of the specified sections:

Any person violating the provisions of Articles 6, 8, 9, 10 and 12 shall be guilty of a Class 1 Misdemeanor and shall be punished as provided in Article 20 of this Ordinance. Any person violating the provisions of Article 11 of this Ordinance shall be guilty of a Class 2 Misdemeanor and shall be punished as provided in Article 20 of this Ordinance. Any person violating the provisions of Article 4 of this Ordinance shall be guilty of a Class 3 Misdemeanor and shall be punishable as provided in Article 20 of this Ordinance.

ARTICLE 22: ABANDONED OR INOPERATIVE VEHICLES

22.1 – Definitions.*

A. Abandoned Motor Vehicle means a motor vehicle, trailer or semitrailer or part of a motor vehicle, trailer or semitrailer that:

1. Is inoperative and is left unattended on public property, other than an interstate highway or primary highway, for more than forty-eight (48) hours; or
2. Has remained illegally on public property for more than forty-eight (48) hours;
3. Has remained for more than forty-eight (48) hours on private property without the consent of the property's owner, regardless of whether it was brought onto the private property with the consent of the owner or person in control of the private property; or
4. Is inoperable, left unattended, or both, on the shoulder of a primary highway.

* § 46.2-1200

- B. Inoperable abandoned motor vehicle means an abandoned motor vehicle which is inoperable and whose fair market value, as determined by the locality's official responsible for assessing motor vehicles under § 58.1-3503, is less than the cost of its restoration to an operable condition.

22.2 – Abandoning Motor Vehicles Prohibited; Penalty

A. No person shall cause any motor vehicle to become an abandoned motor vehicle as defined in Article 22.1 of this Ordinance. In any prosecution for a violation of this Article, proof that the defendant was, at the time that the vehicle was found abandoned, the owner of the vehicle shall constitute in evidence a rebuttable presumption that the owner was the person who committed the violation. Such presumption, however, shall not arise if the owner of the vehicle provided notice to the Department of Motor Vehicles (DMV), as provided in § 46.2-604, that he had sold or otherwise transferred the ownership of the vehicle.*

B. A summons for a violation of this Article 22.2 shall be executed by mailing a copy of the summons by first-class mail to the address of the owner of the vehicle as shown on the records of the DMV. If the person fails to appear on the date of return set out in the summons, a new summons shall be issued and delivered to the sheriff of Dickenson County for service on the accused personally. If the person so served then fails to appear on the date of return set out in the summons, proceedings for contempt shall be instituted.†

C. Any person found to be in violation of this Article shall be subject to a civil penalty of \$500. If any person fails to pay any such penalty, his privilege to drive a motor vehicle on the highways of the Commonwealth shall be suspended as provided in § 46.2-395.‡

22.3 – Custody of Abandoned Vehicles

The County may employ its own personnel, equipment, and facilities or hire persons, equipment, and facilities or hire persons, equipment, and facilities, firms, or corporations who may be independent contractors for removing, preserving, and storing abandoned motor vehicles.

22.4 – Notice to Owner of Vehicle Taken Into Custody

A. When Dickenson County takes an abandoned vehicle into custody the Administrator shall, within fifteen (15) days, by registered or certified mail, return receipt requested, notify the owner of record of the motor vehicle and all person having security interests in the vehicle of record, that it has been taken into custody. The notice shall:

* § 46.2-1200.1

† Id.

‡ Id.

1. State the year, make, model, and serial number of the abandoned motor vehicle.
2. Set forth the location of the facility where it is being held.
3. Inform the owner and any persons having security interests of their right to reclaim it within fifteen (15) days after the date of the notice after payment of all towing, preservation, and storage charges resulting from placing the vehicle in custody. The notice shall state that the failure of the owner or person having security interests to reclaim the vehicle within the time provided shall constitute:
 - a. A waiver by the owner and all persons having any security interests of all right, title, and interest in the vehicle.
 - b. Consent to the sale of the abandoned motor vehicle at a public auction.*

B. The cost of any such removal and proper disposal shall be chargeable to the owner of the abandoned or inoperative vehicle or premises from which the vehicle was removed and may be collected by the County as taxes and levies are collected, and every cost authorized by this section with which the owner of the premises has been assessed shall constitute a lien against the property from which the vehicle was removed, the lien to continue until payment of such costs has been made to the County.

C. If records of the DMV contain no address for the owner or no address of any person shown by the DMV's records to have a security interest, or if the identity and addresses of the owner and all persons having security interests cannot be determined with reasonable certainty, notice by publication once in a newspaper of general circulation in the area where the motor vehicle was abandoned shall be sufficient to meet all requirements of notice pursuant to this Ordinance as to any persons who cannot be notified pursuant to the foregoing provisions of this Section. Notice by publication may contain multiple listings of abandoned motor vehicles. Any notice of this kind shall be within the time requirements prescribed by this Section for notice by mail and shall have the same contents required for a notice by mail.†

22.5 – Sale of Vehicle at Public Auction: Disposition of Proceeds

If an abandoned vehicle is not reclaimed as provided for in Section 22.4 of this Ordinance, then Dickenson County or its authorized agent shall sell it at public auction. The purchaser of the motor vehicle shall take title to the motor vehicle free of all liens and claims of ownership of others, shall receive a sales receipt at the auction, and shall be entitled to apply to and receive from the DMV a certificate of title and registration card

* § 46.2-1202

† Id.

for the vehicle. The sales receipt from the sale shall be sufficient title only for purposes of transferring the vehicle to a demolisher for demolition, wrecking, or dismantling, and in that case no further titling of the vehicle shall be necessary; however, such demolisher shall provide the DMV acceptable documentation indicating that the vehicle has been demolished. From the proceeds of the sale of an abandoned motor vehicle Dickenson County or its authorized agent shall reimburse itself for the expenses of the auction, the cost of towing, preserving, and storing the vehicle which resulted from placing the abandoned motor vehicle in custody, and all notice and publication costs incurred pursuant to Section 22.4 of this Ordinance. Any remainder from the proceeds of a sale shall be held for the owner of the abandoned motor vehicle or any person having security interests in the vehicle, as their interest may appear, for ninety (90) days, and then be deposited into the Treasury of Dickenson County.*

22.6 – Vehicles Abandoned in Garages

A. For the purposes of this Section, “garage” means any commercial parking place, motor vehicle storage facility or establishment for the servicing, repair, maintenance or sale of motor vehicles whether or not the vehicle had been brought to that location with the consent of the owner or person in control of the premises, and “garage keeper” means the operator of a garage.†

B. Any motor vehicle, trailer, semi-trailer, or part thereof shall be considered abandoned and may be reported by the garage keeper to the County if it has been left in a garage for more than ten (10) days or for more than ten (10) days beyond the period the vehicle was to remain on the premises pursuant to a contract, after notice by registered or certified mail, return receipt requested, to the owner of record and all persons having security interests of record therein, to reclaim the vehicle within fifteen (15) days of the notice. Any abandoned motor vehicle left in a garage may be taken into custody by the locality in accordance with Section 22.3 of this Ordinance and shall be subject to the notice and sale provisions contained in Section 22.4 of this Ordinance. If, however, the vehicle is reclaimed in accordance with Section 22.4 of this Ordinance, the person reclaiming it, in addition to the other charges required to be paid, shall pay the reasonable charges of the garage keeper, unless otherwise provided by contract or Ordinance. If the vehicle is sold pursuant to Section 22.5 of this Ordinance, any garage keeper’s charges shall be paid from, and to the extent of, the excess of the proceeds of sale after paying the expenses of the auction, the costs of towing, preserving, and storing the vehicle which resulted from placing the vehicle in custody and all notice and publication costs incurred to Section 22.4.‡

22.7 – Vehicles Abandoned on Private Property Other Than Garages

A. Notwithstanding any other provisions of this Ordinance, if an abandoned motor vehicle is left on private property, other than an establishment covered by the

* § 46.2-1203

† § 46.2-1204

‡ Id.

provisions of Section 22.6 of this Ordinance, regardless of whether the vehicle had been brought to that location with the consent of the owner or person in control of the private property, the owner or person in control of the private property may send a notice, by registered or certified mail, return receipt requested, to the owner of record of the motor vehicle and all persons having security interests in the vehicle of record in the office of the DMV, describing the motor vehicle by year, make, model, and serial number, and advising that unless the vehicle is reclaimed and removed within thirty (30) days or, if the vehicle is a manufactured home or a mobile home, 120 days, from the date of notice, its owner and all persons having security interests in the vehicle shall have waived all right, title and interest in the vehicle. The owner of record of the manufactured home or mobile home and all persons having a security interest therein shall be jointly and severally liable for payment of unpaid actual rent to the owner or person in control of the private property for no more than 90 days following the end of the 30 day notification period. If the motor vehicle is not reclaimed by its owner or a person having a security interest in the vehicle of record within the required number of days from the date of the notice, the owner or person in control of the private property on which the motor vehicle was abandoned may apply to the DMV for a title to such vehicle. On verification that the notice provisions of this Section have been complied with and payment of the certificate of title fee prescribed by § 46.2-627, the DMV shall issue a certificate of title to the vehicle in the name of the person submitting the application. The appropriate forms for use in making application for title to abandoned motor vehicles pursuant to this Section may be obtained from the DMV.*

B. The provisions of this Article 22.7 shall apply only to motor vehicles registered in Virginia. In cases of motor vehicles registered in other states, the DMV shall issue certificates of title to their owners on proof satisfactory to the DMV that the persons required to be notified by registered or certified mail have received actual notice fully containing the information required by this Section.†

22.8 – Disposition of Inoperable Abandoned Vehicles

Notwithstanding any other provisions of this Ordinance, any inoperable motor vehicle, trailer or semi-trailer, or part of a motor vehicle, trailer or semi-trailer which has been taken into custody pursuant to other provisions of this Article may be disposed of to a demolisher, without the title and without the notification procedures, by the person or Dickenson County on whose property or in whose possession the motor vehicle, trailer or semi-trailer is found. The demolisher, on taking custody of the inoperable abandoned motor vehicle shall notify the DMV on forms and in the manner prescribed by the DMV. Notwithstanding any other provision of law, no other report or notice shall be required in this instance.‡

22.9 – Surrender of Certificate of Title

* § 46.2-1208

† Id.

‡ § 46.2-1205

A. No demolisher who purchases or otherwise acquires a motor vehicle for wrecking, dismantling, or demolition shall be required to obtain a certificate of title for the motor vehicle in his own name. After the motor vehicle has been demolished, processed, or changed so that it physically is no longer a motor vehicle, the demolisher shall surrender to the DMV for cancellation the certificate of title or sales receipt for the vehicle. The appropriate forms and regulations governing the surrender of sales receipts and certificates of title may be obtained from the DMV.*

B. Demolishers shall keep accurate and complete records of all motor vehicles purchased or received by them in the course of their business. These records shall contain the name and address of the person from whom each motor vehicle was purchased or received and the date on which purchases or receipts occurred. These records shall be open for inspection by the DMV at any time during normal business hours.†

22.10 – Sale of Personal Property Found in Abandoned Vehicles

Any personal property found in any unattended or abandoned motor vehicle, trailer or semi-trailer may be sold incident to the sale of the vehicle as authorized in this Section.

22.11 – Leaving Vehicle on Private Property

A. No person shall leave any motor vehicle, trailer, semi-trailer, or part of a motor vehicle, trailer, or semi-trailer on the private property of any other person without his consent. On complaint of the owner of the property on which such motor vehicle, trailer, semi-trailer, or part thereof has been left for more than seventy-two (72) hours, such motor vehicle, trailer, semi-trailer, or part thereof, may be removed by or under the direction of a law enforcement officer to a storage area. The owners of private property which is normally open to the public for parking shall post or cause to be posted signs warning that vehicles left on the property for more than seventy-two (72) hours will be towed or removed at their owners' expense. The person at whose request the vehicle, trailer, or semi-trailer, or part thereof is so removed shall indemnify the County against any loss or expense incurred by reason of removal, storage, or sale thereof.

B. In the case of the removal of a motor vehicle, trailer, semi-trailer or part of a motor vehicle, trailer, or semi-trailer from private property, when it cannot be readily sold, the motor vehicle, trailer, semi-trailer, or part thereof may be disposed of in whatever manner the governing body of the County may provide.

22.12 – Certification of Disposal; Reimbursement of County by Commissioner of DMV‡

* § 46.2-1206

† Id.

‡ § 46.2-1207

A. On certification by the County on forms provided by the DMV that an inoperable abandoned motor vehicle left on property within the locality has been disposed of as provided in Article 22.8 or that an inoperable motor vehicle has been removed from the vehicle owner's property and disposed of by the County or its authorized agent, the Commissioner shall reimburse the County fifty dollars for each such motor vehicle disposed of at the expense of the County. These reimbursements shall be made from appropriations made in the general appropriations act. In the event the appropriation is insufficient to satisfy requests for reimbursement, payments shall be made in chronological order on the basis of the date on which the requests were received. No payments, however, shall be made for requests received on any date until adequate funds are available to pay all requests received on that date. The Commissioner may promulgate regulations necessary to carry out the provisions of this section. These regulations shall include the requirement of the identification number or motor number of the vehicle for which reimbursement is applied, or an acceptable reason why that number is not furnished.

B. No reimbursement shall be made to the County for vehicles which it acquires from sources outside its jurisdiction nor for vehicles it receives from dealers engaged in the business of dismantling used automobiles.

ARTICLE 23: TIPPING FEES

23.1 – Tipping Fees

The purpose of this article is to insure the health and welfare of the citizens and the financial stability of Dickenson County, by charging tipping fees for disposal of solid waste generated by industrial systems of the County and incorporated towns within Dickenson County operating their own solid waste collection/disposal systems. It shall be the official policy of the County to encourage the conservation (recycling/reuse) of recoverable resources from solid waste by the industries of the County.

A. **Authority to Establish Landfill/Transfer Station Rules**

The Administrator is authorized to establish reasonable rules and regulations to determine the origin and type of waste presented at the landfill, Transfer Station, or waste collection sites for disposal.

B. **Disposal of Waste From Outside County Prohibited**

It shall be unlawful for any person to dispose of waste originating outside the boundaries of Dickenson County at the landfill, Transfer Station, or waste collection site unless an agreement exists between Dickenson County and the jurisdiction in which the waste originates; provided, however, Dickenson County may enter into direct agreement with the Commonwealth of Virginia or agencies thereof located outside the boundaries of Dickenson County for the disposal of waste generated by the Commonwealth of Virginia or agencies thereof.

C. Weighing of Truck Required

It shall be unlawful for any person to dispose of waste at the County Transfer Station before weighing the vehicle containing said waste, except in certain cases as described below.

D. Industrial Disposal Permit; Fees; Penalties

(1) It shall be unlawful for any person to dispose of any solid waste, as defined herein, that is a residue from any mining, manufacturing, industrial or assembly of parts process at the County landfill, Transfer Station or waste collection site without (1) having been presented a copy of this Ordinance and (2) previously obtained an annual letter of permission and license for the disposal of same. This letter of permission shall not be required for any waste material generated from a residential or commercial source.

(2) It shall be unlawful for any person to dispose of any hazardous waste, as defined herein, within the County.

(3) The Administrator shall issue an annual letter of permission based upon the license issued by the Cumberland Plateau Regional Solid Waste Management Authority and/or Dickenson County Board of Supervisors. Which license shall provide, at a minimum:

(a) The type of waste to be disposed of;

(b) The estimated quantity of each distinct type of waste to be disposed of and the units of volume or weight of each quantity of waste, and actual quantity and units of volume or weight actually disposed of;

(c) A listing of the physical and chemical composition of each type of waste disposed of, together with a statement executed by the owner or principal corporate officer that such waste is non-toxic and non-hazardous;

(d) If it appears to the Administrator that the waste material or any portion or component thereof may have a toxic effect upon a living organism or the environment, the Administrator may require a detailed chemical and physical analysis of such waste with specific information as to the following characteristics; ignitability, corrosivity, reactivity, toxicity, and effect upon living organisms and water supplies; and such analysis shall be performed and certified by a chemist, physical engineer, or other appropriately qualified scientific expert;

- (e) Copies of any forms or reports required to be filed concerning such waste by the State Department of Health; Water Quality Control Board; Air Pollution Control Board; Department of Environmental Quality and/or United States Environmental Protection Agency;
- (f) A certification that the information submitted is true, accurate, and complete, executed by the owner or principal corporate officer.
- (4) Any change in the type, quantity, or chemical and physical analysis or the waste from that provided in the application shall be immediately reported to the Administrator.
- (5) Excluded from the provision of Article 23.1(D), above, are garbage and sanitary waste, including but not limited to paper, cardboard, corrugated board and shipping or packing materials, for the purpose of recycling.
- (6) Any violation of this section shall be subject to penalty established in Article 23.2. In addition, an appropriate action or proceeding may be taken in law or in equity to prevent or restrain any violation of this section.
- (7) The letter of permission may be revoked by the Board of Supervisors for any material misrepresentation or misstatement of fact upon application, for any failure to immediately notify the Administrator of a change in the waste, upon the determination that the waste is a substantial present or potential hazard to human health or the environment, or upon a violation of any rule, regulation or order of the Virginia Department of Health, Water Quality Control Board, Air Pollution Control Board, Department of Environmental Quality or the United States Environmental Protection Agency. The Administrator may suspend the letter of permission for the foregoing reasons for a period not to exceed thirty (30) days, pending review or revocation proceeding by the Board of Supervisors.
- (8) Industrial waste generators who bring their own waste to the landfill, and waste operators/haulers, unless the origin of the waste is identified, shall pay the following fees:

Sixty (\$60.00) dollars per ton, computed on the basis on sixty (\$0.60) cents per each twenty (20) pounds or fraction thereof. Such charge shall be computed to the next highest one (\$0.01) cent. The minimum charge shall be five dollars (\$5.00) per load. The tipping fee may be adjusted from time to time, as the fee is adjusted by the

Cumberland Plateau Regional Solid Waste Management Authority and/or the Dickenson County Board of Supervisors.

(9) The Cumberland Plateau Regional Solid Waste Management Authority may negotiate separate contracts for industrial waste generators. Dickenson County will honor these contracts approved by the Regional Solid Waste Management Authority.

E. Construction, Demolition and Land Clearing Waste

Construction, demolition, land clearing debris, and coal mine waste shall be accepted at the landfill or Transfer Station provided all other provisions of this Article have been satisfied. PROVIDED, however, that the waste generator shall not be required to obtain the permits set forth in Article 23.1(D)(1). The charge for each pound of debris shall be the same as in Article 23.1(D), and a fee of \$40.00 for each round trip of pickup and delivery of the bin. A bin shall not be used for a period of more than two weeks at a time without being emptied.

F. Disposal of Tires by Commercial Businesses

(1) Any tire waste including but not limited to passenger cars and trucks, commercial or utility truck tires, tractor and trailer tires, tandem truck tires, small equipment tires, mining equipment tires and construction equipment tires generated by commercial businesses as defined in this Ordinance shall be subjected to a waste disposal tipping fee. The tires shall be acceptable at the Transfer Station provided that all provisions of this Ordinance have been satisfied and provided that the commercial businesses pay the tipping fee as required herein.

(2) Commercial tire waste generators shall not be required to obtain the permit as set forth in Article 23.1(D).

(3) Commercial tire generators shall pay the following tipping fees for the disposal of tire waste at the Transfer Station:

Sixty (\$60.00) dollars per ton, computed on the basis of sixty (\$0.60) cents per each twenty (20) pounds or fraction thereof. Such charge shall be computed to the next highest one (\$0.01) cent. The minimum charge shall be five dollars (\$5.00) per load. The tipping fee may be adjusted from time to time, as the fee is adjusted by the Dickenson County Board of Supervisors. Materials, whether solid, liquid, or gaseous, which are classified as either hazardous or toxic in accordance with state and/or federal rules and regulations are prohibited.

G. Prohibited Waste

(1) Refuse or waste resulting from landfill operations, situated on other than County property and not under the supervision of the County, are declared to be incompatible with the method of landfill disposal in terms of volume, difficulty in

handling and the potential for damage to equipment and as such shall not be accepted for disposal at the landfill.

(2) Materials, whether solid, liquid, or gaseous, which are classified as either hazardous or toxic in accordance with state and/or federal rules and regulations are prohibited.

H. User Charges by Volume

(1) Should the landfill/Transfer Station scales be inoperative, the manager shall base the charges applied upon weight data previously generated by the vehicle hauling such waste and the nature of the waste. The weight data shall consist of no fewer than fifteen (15) previous weigh-ins by the vehicle carrying such waste and shall be modified by visual inspection of the vehicle if such is feasible.

(2) For vehicles for which no history or previous weight date exist as described in (a) above, the following rates shall apply:

(a) Uncompacted waste, five dollars (\$5.00) per cubic yard of truck capacity.

(b) Compacted waste, twelve dollars and seventy-five cents (\$12.75) per cubic yard of truck capacity.

(c) The minimum fee for waste charged for on a volume basis shall be five dollars (\$5.00) per load.

I. County Waste Containers

Waste containers shall be provided by the County at various locations to supplement private collection services as needed. The usage of said containers shall be governed by the following provisions and any other regulations that the Board of Supervisors or the Administrator may establish.

(1) Permitted and prohibited use:

(a) Permitted uses – County waste containers or dumpsters are to be used for the deposit and storage of household trash, garbage and recyclable materials only.

(b) Prohibited materials – It shall be unlawful to deposit any of the following materials into County waste containers or dumpsters:

1. hazardous waste;

2. commercial, construction-demolition waste, institutional-governmental waste;
3. dead animals;
4. waste brought in from outside Dickenson County, unless permitted by a specific intergovernmental agreement.

(c) Abuse of containers and container sites – It shall be unlawful to tamper with, overturn, or otherwise damage waste containers. Additionally, it shall be unlawful to litter container sites, create any health problems thereon or to place any refuse or waste outside of, on top of, or adjacent to any waste container. If a container is filled, the trash must be placed in another waste container which is not filled or taken to the County Transfer Station or landfill.

(d) Scavengers and loitering prohibited – It shall be unlawful for any person to engage in salvage work or to loiter on any container site owned, leased, or used by the County.

(e) Waste collectors – No person engaged in the business of collecting, transporting, or disposing of garbage or trash, nor any employee, agent, or servant thereof, shall dispose of such waste in any County containers.

23.2 – Billing Procedure

(A) The Administrator shall render bills monthly for service charges under this Article. The Administrator shall promulgate procedures for the handling of billings under this Article.

(B) Bills rendered under this section are due and payable at the Office of the Dickenson County Treasurer upon presentment and shall be considered delinquent if not paid within thirty (30) days of the date issued. If any bill is not paid within such thirty (30) day period, a one-time penalty of five percent (5%) of the unpaid charges shall be added thereto and collected therewith to cover cost of collections, along with interest at the rate of ten percent (10 %) per annum. The Administrator or his designee shall refuse to dispose of any waste brought to the landfill by a delinquent person after giving five (5) days written notice thereof.

23.3 – Violation

Any person who violates a provision of this article shall be guilty of a misdemeanor, and upon conviction shall be subject to a fine not exceeding two thousand five hundred dollars (\$2,500) or twelve (12) months imprisonment, or both for each violation.

23.4 – Preexisting Solid Waste Fee Ordinance

TITLE TARGET

1. Agency/Office of Origin:

Dickenson County
Clerk of the Circuit Court

2. Name/Title of Records:

Ordinance Order Book No. 1
pages 805 to 806

3. Date filmed

December 21, 2009

4. Name/Location of Producer or service bureau:

C. W. Warthen Court Resources
311 Rivermont Avenue, Suite A
Lynchburg, VA 24504

This Dickenson County Solid Waste and Litter Ordinance shall supersede and take the place of all previous Solid Waste, Tipping Fee, and Littering Ordinances as previously adopted.

23.5 - Modification

These fees as stated herein shall be subject to annual review by the Dickenson County Board of Supervisors, to be adjusted accordingly should expenses of waste disposal necessitate such modifications. Any modification shall be by a duly adopted resolution.

ARTICLE 24: SEVERABILITY

24.1 - 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 herefrom without affecting any other provision of this Ordinance.

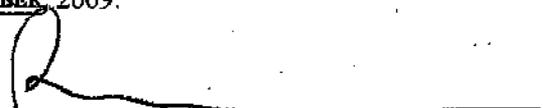
ARTICLE 25: ORDINANCES; EFFECTIVE DATE

25.1 - This Ordinance shall become effective 09/22, 2009, as provided by law. This Ordinance shall supersede and take the place of all previous Solid Waste and Litter Ordinances, and any conflicting ordinances, as previously adopted. All ordinances and portions of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

25.2 - The foregoing Dickenson County Solid Waste and Litter Ordinance was adopted at a regular meeting of the Board of Supervisors of Dickenson County, held on 09/22, 2009.

This ordinance shall become effective 09/22, 2009.

Adopted this 22ND day of SEPTEMBER, 2009.



ROGER STANLEY, CHAIRMAN
Dickenson County Board of Supervisors

Attest: Betty P. Hill
CLERK

**ORDINANCE VACATING SUBDIVISION PLAT RECORDED AT
PLAT BOOK 37, PAGE 409**

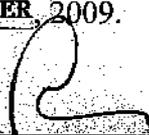
UPON PUBLIC HEARING, held on NOVEMBER, 24, 2009 at 5:40
P.M., such public hearing having been advertised once a week for two successive weeks
on 11/11, 2009 and 11/18, 2009 in *The Dickenson Star*, a newspaper of
general circulation in Dickenson County, Virginia.

WHEREAS, Clifton Wayne Counts has recorded a subdivision plat, which plat is
recorded in the Office of Circuit Court of Dickenson County, Virginia at Plat Book 37,
Page 409;

NOW THEREFORE, BE IT ORDAINED, that the following provisions and
sections are hereby enacted as the Ordinance Vacating Subdivision Plat Recorded at Plat
Book 37, Page 409, by which term this Ordinance may be cited.

1. Pursuant to Article 4-7-3 of the Dickenson County Subdivision Ordinance,
the Dickenson County Board of Supervisors hereby vacates the subdivision plat recorded
in the Office of Circuit Court of Dickenson County, Virginia at Plat Book 37, Page 409.

Adopted this 24 day of NOVEMBER, 2009.



ROGER STANLEY, CHAIRMAN
Dickenson County Board of Supervisors

Attest: Beth R. Hill
Clerk

INSTRUMENT #090007115
RECORDED IN THE CLERK'S OFFICE OF
DICKENSON ON
DECEMBER 31 2009 AT 10:00AM
RICHARD W. EDWARDS, CLERK
RECORDED BY: CPF