BOARD OF SUPERVISORS

DARREL W. JETER
D. JOE HORTON
K. LANDON ODLE
JOE W. HERRON
DANNY P. MANN
BERYL E. MANESS
CHAD E. HOOD

We're a Natural

COUNTY ADMINISTRATOR

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SCOTT COUNTY
BOARD OF SUPERVISORS

SCOTT

VIRGINIA

At a meeting of the Scott County Board of Supervisors begun and held in the Supervisors' meeting room at the Scott County Administrative Offices in Gate City, Virginia on Wednesday the 2nd day of September, 2015 at 8:30 a.m.

PRESENT: Darrel W. Jeter
D. Joe Horton
K. Landon Odle
Joe W. Herron
Danny P. Mann - Chairman
Chad E. Hood
Beryl E. Maness

ABSENT: None.

On a motion by Joe W. Herron, duly seconded by K. Landon Odle, this Board hereby adopts the following:

ORDINANCE NO. 2015-03

ORDINANCE TO AMEND THE SCOTT COUNTY SOLID WASTE CONTROL ORDINANCE

IT IS ORDAINED BY THE BOARD OF SUPERVISORS OF SCOTT COUNTY THAT THE SCOTT COUNTY SOLID WASTE CONTROL ORDINANCE IS AMENDED AT ARTICLE 1. Section 3. Violations; and, ARTICLE 2. Section 6. Dumping of Solid Waste from Outside Scott County Prohibited, AND THE ENTIRE ORDINANCE AS THUS AMENDED EFFECTIVE ON DATE OF ADOPTION SHALL READ AS FOLLOWS:

ARTICLE 1.
General Provisions.

Section 1. **Title.**

This ordinance shall be known as and may be cited as the "Scott County Solid Waste Control Ordinance."

Section 2. **Proper Disposal of Solid Waste.**

A county solid waste transfer station and a system of solid waste centers shall be available to persons in the county for the disposal of solid waste other than hazardous waste, hazardous materials, hazardous substances, radioactive waste, nuclear waste or sludge during such hours and upon such conditions as the board of supervisors may direct.

Section 3. Violations.

Any person violating any provision of this ordinance, unless otherwise specified herein, shall be guilty of a Class 1 misdemeanor punishable by a fine of up to $2,500.00 and/or one year in jail. Each day of violation shall constitute a separate offense. In addition to any penalty imposed for each violation, a judge hearing the case may direct the person responsible for the violation to correct the violation and restore the site and each day's default in such correction, remediation or restoration shall constitute a violation of and a separate offense under this section. A judge hearing the case may also order the person responsible for the violation to perform public service relating to restoration of an area polluted by solid waste.

Section 4. Enforcement.

The Scott County Sheriff's Office, any sworn law enforcement officer, or any Scott County Board of Supervisors designated litter control officer who is a sworn special conservator of the peace is authorized and shall have authority to enforce all provisions of this ordinance.

Section 5. Injunctive Relief.

The County Attorney for Scott County may apply to the Circuit Court for Scott County to enjoin a violation or threatened violation of this ordinance without the necessity of showing that an adequate remedy at law does not exist.

Section 6. Severability.

Should any section, paragraph, sentence, clause or phrase of this ordinance be declared unconstitutional or invalid for any reason by a court of competent jurisdiction, the remainder of said ordinance shall not be affected thereby.

Section 7. Effective Date.

This ordinance shall take effect as of its date of adoption.

Section 8. Definitions.

"Bagged Commercial Waste" means any nonhazardous solid waste derived from a commercial establishment that can be placed in a trash bag, which shall not exceed forty (40) gallon capacity.

"Bulk Waste" means appliances, furniture, bedding material, automobile parts, mechanical equipment, mechanical parts, and carpet.

"Commercial Waste" means all materials or substances from any retail, wholesale, or commercial establishment.

"Community Containers" means those metal boxes, also known as dumpsters or green boxes, placed by or owned by Scott County in the various areas of the County.

"Dump" means to dump, throw, release, spill, leak, discard, place, deposit or dispose of or allow to be dumped, released, spilled, leaked, discarded, placed, deposited or disposed.

"Hazardous Material" means a substance or material in a form or quantity which may pose an unreasonable risk to health, safety or property when transported, and which the Secretary of Transportation of the United States has so designated by regulation or order.

"Hazardous Substance" means a substance listed under United States Public Law 96-510, entitled the Comprehensive Environmental Response Compensation and Liability Act.

"Hazardous Waste" means a solid waste or combination of solid waste which, because of its quantity, concentration or physical, chemical or infectious characteristics, may:

(1) Cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating illness; or

(2) Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of or otherwise managed.

"Hazardous Waste Generation" means the act or process of producing hazardous waste.

"Household Hazardous Waste" means any waste material derived from households, including single-family and multiple-family residences, hotels, motels, bunkhouses, ranger stations, crew quarters, campgrounds, picnic grounds and day-use recreation areas, which, except for the fact that it is derived from a household, would otherwise be classified as a hazardous waste.

"Household Waste" means any waste material, including garbage, trash and refuse, derived from households, including single-family and multiple-family residences, hotels, motels, bunkhouses, ranger stations, crew quarters, campgrounds, picnic grounds, and day-use recreation areas. Household wastes do not include sanitary waste in septic tanks.

"Industrial Waste" means all materials or substances related to manufacturing, processing or production.

"Litter" means any can, bottle, box, carton, container, paper, wrapper, tobacco product, rag, cloth or newspaper.

"Mixed Radioactive Waste" means radioactive waste that contains a substance which renders the mixture a hazardous waste.

"Permit" means a valid written document issued by a federal, state or local entity authorizing the work or activity described in the document.

"Person" means any individual, firm, owner, sole proprietorship, partnership, corporation, unincorporated association, governmental body, municipal corporation, executor, administrator, trustee, guardian, agent occupant or other legal entity.

"Radioactive Waste" and "Nuclear Waste" include:

(1) Low-level radioactive waste material that:

a. Is not high-level radioactive waste, spent nuclear fuel, transuranic waste, or byproduct material as defined in section 11e(2) of the Atomic Energy Act of 1954 (42 USC 2014(e)(2)); and

b. The Nuclear Regulatory Commission, consistent with existing law, classifies as low-level radioactive waste; or

(2) High-level radioactive waste, which means:

a. The highly radioactive material resulting from the reprocessing of spent nuclear fuel, including liquid waste produced directly in reprocessing and any solid material derived from such liquid waste that contains fission products in sufficient concentrations; and

b. Other highly radioactive material that the Nuclear Regulatory Commission, consistent with existing law, determines by rule requires permanent isolation.

"Sludge" means any solid, semisolid or liquid wastes with similar characteristics and effects generated from a public, municipal, commercial or industrial wastewater treatment plant, water supply treatment plant, air pollution control facility or any other waste-producing facility.

"Solid Waste" means any garbage, refuse, sludge and other discarded material, including solid, liquid, semisolid or contained gaseous material, that is household waste or resulting from industrial, commercial, mining and agricultural operations, or community activities, but does not include:

(1) Solid or dissolved material in domestic sewage;

(2) 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;

(3) Source, special nuclear or byproduct material as defined by the Federal Atomic Energy Act of 1954, as amended; or

(4) Hazardous waste.

"Structural Waste" means all building materials resulting from erecting, removing, repairing, remodeling or razing buildings or other structures.

"Waters" means any waters adjacent to or within Scott County, including but not limited to rivers, lakes, creeks, streams, tributaries or ponds.

"Yard Waste" means all materials derived from trees, shrubbery, leaves, fallen branches, lawn trimmings, and other woody waste.

ARTICLE 2.
Anti-Dumping.

Section 1. **Illegal Dumping Prohibited.**

It shall be unlawful for any person to dump any solid waste on any property, or in any waters, within Scott County, except as authorized by applicable permit. It shall be the burden of the alleged violator to show proof of any applicable permits. When a violation of the provisions of this section has been observed by any person, and the matter dumped has been ejected from a motor vehicle or watercraft, the owner or operator of such motor vehicle or watercraft shall be deemed to be the person ejecting such solid waste.

Section 2. **Unlawful Storage and Accumulation of Solid Waste.**

It shall be unlawful for any person to accumulate, store, leave, place or deposit or allow to be accumulated, stored, left, placed or deposited, any solid waste on any property within Scott County except as authorized by applicable permit. It shall be the burden of the alleged violator to show proof of an applicable permit.

Section 3. **Failure to Keep Property Clean and Free of Accumulations of Solid Waste.**

It shall be unlawful for any person to fail to keep property within Scott County clean and free of accumulations or deposits of solid waste except as authorized by applicable permit. It shall be the burden of the alleged violator to show proof of an applicable permit.

Section 4. Exemptions for Certain Waste Material.

Any person who removes trees, brush or other vegetation from land used for agricultural or forestal purposes shall not be required to obtain a solid waste permit from the Virginia Department of Environmental Quality if such material is deposited or placed on the same or other property of the same landowner from which such materials were cleared.

The Virginia Department of Environmental Quality by regulation provides for other reasonable exemptions from permitting requirements for the disposal of trees, brush and other vegetation when such materials are removed for agricultural or forestal purposes and for yard waste composting.

Section 5. Proof of Proper Disposal Required.

Any person required to remove any solid waste from any property or waters, as required by this ordinance, shall provide proof that the solid waste removed was disposed of in accordance with all applicable local, state and federal regulations. A disposal receipt showing proper disposal indicating date, time, identifiable quantity, and place of disposal shall be submitted to the law enforcement officer, or litter control officer, who originated the charge or complaint. Failure to submit the required disposal receipt or failure to dispose of solid waste in accordance with all applicable local, state and federal regulations shall constitute an offense under this ordinance.

Section 6. Dumping of Solid Waste from Outside Scott County Prohibited.

(a) It shall be unlawful to dump any solid waste generated from outside Scott County in any of the unmanned community containers placed by or owned by Scott County.

(b) It shall be unlawful to dump any solid waste generated from outside Scott County at any of the solid waste centers, including the county solid waste transfer station.

(c) A violation of the provisions of this section shall constitute a Class 3 misdemeanor. Each day's continuance of a violation of this section shall constitute a separate violation.

ARTICLE 3.
Community Containers.

Section 1. Scott County Community Containers for Household Waste Only.

The community containers, also known as dumpsters or green boxes, placed by or owned by Scott County are for the disposal of properly bagged and contained household waste

only. It is unlawful for any person to dump or dispose of in such containers of bulk waste, commercial waste, hazardous waste, industrial waste, structural waste or yard waste, except yard waste weighing less than forty pounds or tree trimmings which do not exceed thirty-six inches in length or six inches in diameter.

The dumpsters located at the schools in the county and at the county parks are for use of those facilities only.

Section 2. **Scavenging, Tampering with or Vandalizing Community Containers.**

It shall be unlawful for any person to scavenge or tamper with the contents of, or to vandalize, any of the community containers placed by or owned by Scott County.

Section 3. **Authority of County Administrator to Issue Regulations.**

The County Administrator of Scott County is hereby authorized to issue written regulations on behalf of Scott County for the reasonable preparation and collection of any solid waste to be placed in the community containers placed by or owned by Scott County or at the solid waste centers, including the county solid waste transfer station. It shall be unlawful for any person to violate any said written regulation.

ARTICLE 4.

Solid Waste Centers and Transfer Station.

Section 1. **Solid Waste Centers and Transfer Station.**

(a) The board of supervisors hereby creates and establishes a system of solid waste centers and a county solid waste transfer station to facilitate the environmentally sound disposal of solid waste other than hazardous wastes, hazardous materials, hazardous substances, household hazardous waste, radioactive waste, nuclear waste or sludge.

The manned solid waste centers, including the county solid waste transfer station, shall receive household waste, bagged commercial waste, bulk waste, and recyclables, including aluminum, plastic containers, newspapers, and cardboard. The board of supervisors shall by resolution establish the hours of operation and fees for the use of the various facilities.

(b) The county solid waste management facilities are established and designed to receive solid waste generated within the county.

(c) The operation of the county solid waste management facilities shall conform to the guidelines established by the state department of environmental quality governing the disposal of solid waste and with all applicable federal and state laws and regulations.

(d) Individual residents of the county may dispose of solid waste approved for disposal by the board of supervisors generated from their individual households into the county solid waste centers without charge.

(e) Individuals who reside elsewhere but who own real property in the county may, when visiting their property in the county, use the solid waste centers to dispose of household solid waste which they generate in the county during their visit to their property located in the county on the same terms and conditions as county residents when authorized by applicable permit issued by the Scott County Public Works Department.

(f) An individual who does not reside in the county may use the solid waste centers to dispose of household solid waste generated by a member of his immediate family who resides in the county if the person disposing of the solid waste provides this service to only one household, receives no compensation for disposing of the solid waste, and is authorized by applicable permit issued by the Scott County Public Works Department.

(g) No person shall dispose of solid waste anywhere in the county, whether on public or private property, except in an authorized sanitary landfill, the county community containers, or the county solid waste centers, including the county solid waste transfer station.

(h) Individuals, who use the solid waste centers, including the county solid waste transfer station, shall abide by the rules of the center as instructed by signage and the attendant.

(i) Commercial establishments shall only use the solid waste centers for bagged commercial waste and recyclables. Those commercial establishments, who use the solid waste centers, including the county solid waste transfer station, will be subject to fees for commercial waste established by the Board of Supervisors and set forth by resolution.

Section 2. **<u>Scott County Sanitary Landfill to be Only Such Facility.</u>**

It shall be unlawful for any person to establish, operate or maintain a sanitary landfill or other solid waste disposal facility within Scott County, other than the Scott County Sanitary Landfill as owned and operated by Scott County, its agents and employees.

Section 3. **<u>Fees for Disposal of Solid Waste at Scott County Transfer Station.</u>**

The Scott County Board of Supervisors may by resolution determine and set fees for the dumping or disposal of solid waste at the county solid waste transfer station.

Section 4. **<u>Disposal Charge to Towns; Exceptions.</u>**

Any town in Scott County, which levies a consumer utility tax, shall be charged its pro rata cost, based upon its population, for solid waste disposal, subject to the following:

(a) The determination of the amount of this charge shall not be subject to the requirements of Article 4, Section 3, of the Solid Waste Control Ordinance; and

(b) No such charge shall be made to any such town which does not have a town motor vehicle, trailer or semi-trailer license ordinance in effect and which has paid to Scott County all solid waste disposal fees charged it by Scott County.

Section 5. **Disposition of Bulk Solid Waste Containers.**

(a) A solid waste disposal system consisting, in part, of bulk solid waste containers for normal household solid waste in sufficient quantities to serve the needs of residents of the county may be provided in solid waste centers. No other types of solid waste, including dead animals, shall be placed in bulk solid waste containers for public use.

(b) Mutilation, defacement or damage of any nature to bulk solid waste containers, including burning or setting fire to the contents of those containers, shall be a Class 1 misdemeanor.

(c) No person, except an individual resident of the county, an individual acting on behalf of a county resident, or an individual who owns real property in the county may use such bulk solid waste containers. Individuals who reside elsewhere but who own property in the county may, when visiting their property in the county, use the bulk solid waste containers to dispose of household solid waste which they generate in the county during their visit to their property located in the county on the same terms and conditions as county residents; however, reasonable inquiry and a reasonable investigation may be conducted to establish that the requirements of this section are met. An individual who does not reside in the county may use the solid waste centers to dispose of household solid waste generated by a member of his immediate family who resides in the county if the person disposing of the solid waste provides this service to only one household, receives no compensation for disposing of the solid waste, and is authorized by applicable permit issued by the Scott County Public Works Department.

ARTICLE 5.
Collectors.

Section 1. **Licensing of Collectors.**

(a) It shall be unlawful for any person who does not possess an unrevoked permit from Scott County to engage in the business of solid waste collection or disposal for compensation in Scott County. The County of Scott shall issue permits for such applicants, provided that such permits shall be limited to persons having property, equipment and personnel to collect and dispose of solid waste in accordance with the provisions of this ordinance and provided further that the method of disposal used is in accordance with the recommendations of the Virginia Department of Environmental Quality and regulations promulgated thereunder.

(b) The fee for such license shall be $100.00 per annum and all licenses shall be issued for the calendar year, or such part thereof as shall remain after the issuance. There shall be no reduction in the fee for a license issued after the beginning of any calendar year.

(c) Every person who shall apply for a license under this section shall state the type or types of solid waste to be collected, the manner of collection and the place and method of disposal.

(d) No license shall be granted if the place and method of disposal shall not conform to the requirements of this ordinance, or to the ordinance of any municipal or quasi-municipal corporation, wherein disposal is to be made.

(e) It shall be unlawful to permit an unlicensed collector to collect or remove solid waste from a household, institution, or commercial enterprise.

(f) It shall be unlawful for any licensed collector to use or attempt to use any of the community containers placed by or owned by Scott County for the disposal of any solid waste.

(g) It shall be unlawful for any licensed collector to use the county solid waste transfer station for the disposal of any solid waste generated outside of Scott County, Virginia, except upon prior written arrangement with the Scott County Board of Supervisors.

Section 2. **<u>Collection Vehicles.</u>**

(a) All vehicles used for collection of garbage shall be equipped with compacting devices or equivalent types of closed bodies and shall have enclosed cargo space.

(b) It shall be unlawful to collect, haul, transport, or convey garbage in open, unenclosed vehicles except from one's own residence to the approved container placed in his community, solid waste centers, or to the county solid waste transfer station.

Voting aye: Darrel W. Jeter, D. Joe Horton, K. Landon Odle, Joe W. Herron, Danny P. Mann, Chad E. Hood, and Beryl E. Maness.

Voting nay: None.

Attest: Kathie Noe
CLERK

C: Sally Kegley
Bill Dingus