

**ORDINANCE NO. 99-2  
SOLID WASTE ORDINANCE  
OF  
WYTHE COUNTY, VIRGINIA**

A public hearing was held on February 9, 1999, at 7:30 p.m. in the Board of Supervisors meeting room, 275 South Fourth Street, Wytheville, Virginia, to consider amending and re-enacting the Ordinance No. 79-2, to be known as Ordinance No. 99-2, "Solid Waste Ordinance of Wythe County, Virginia", as follows:

**ARTICLE I - Title**

- 1.1 This ordinance shall be known as and may be cited as the "Solid Waste Ordinance of Wythe County, Virginia", Ordinance No. 99-2. It is amended and re-enacted under the authority granted by Act of the General Assembly of Virginia as provided in Title 15.2, Section 15.2-1200, of the Code of Virginia, 1950, as amended.

**ARTICLE II - Purpose**

- 2.1 This ordinance is adopted to provide for the health, safety and general welfare of the inhabitants of Wythe County by regulating the storage, collection and disposal of solid waste, the licensing of solid waste collectors, and providing for penalties for the violation thereof.

**ARTICLE III - Rules**

- 3.1 In the construction of this ordinance, the rules contained in this section shall be observed and applied, except when the context clearly indicates otherwise.
- 3.1-1 Words used in the present tense shall include the future, and words used in the singular number shall include the plural, and the plural the singular.
- 3.1-2 The word "shall" is mandatory and not discretionary.
- 3.1-3 The word "may" is permissive.
- 3.1-4 The masculine gender includes the feminine and neuter.
- 3.1-5 Any reference to this ordinance includes all ordinances amending or supplementing the same.

## ARTICLE IV - Definitions

- 4.1 For the purpose of this ordinance, certain words and terms are defined as follows:
- 4.1-1 Acceptable Quantities. No business or commercial waste shall be deposited at the convenience centers. Acceptable quantities of waste shall mean no single load can be delivered to a convenience center in a vehicle larger than a pickup truck and the waste shall not be higher than the top of the bed.
- 4.1-2 Agricultural Wastes. Solid wastes resulting from the production of farm or agricultural products before processing.
- 4.1-3 Approved Container. A container for County collection and commercial or industrial establishments as approved by the Board of Supervisors of Wythe County.
- 4.1-4 Ashes. The residue resulting from the burning of wood, coal, coke or other combustible material.
- 4.1-5 Commercial Waste. All solid waste emanating from establishments engaged in business. The category includes, but is not limited to, solid waste resulting from the operation of stores, markets, office buildings, restaurants, shopping centers, theaters and trailer courts or camps, and others.
- 4.1-6 Compost. A stabilized organic product produced by a controlled aerobic decomposition process in such a manner that the product can be handled, stored, and/or applied to the land without adversely affecting public health or the environment.
- 4.1-7 Composting. The manipulation of the natural aerobic process of decomposition of organic materials to increase the rate of decomposition.
- 4.1-8 Disposal. The storage, collection, disposal or handling of refuse.
- 4.1-9 Garbage. All animal and vegetable wastes resulting from the handling, preparation, cooking or consumption of food products.
- 4.1-10 Hazardous Waste. A solid waste or combination of solid wastes which, because of its quantity, concentration of 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, the disposal system, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.
  3. The definition of hazardous waste is intended to include irrigation return flows or in industrial sources which are sources subject to a permit from the State Water Control Board.
- 4.1-11 Industrial Waste. All solid waste resulting from manufacturing and industrial processes such as, but not limited to, those carried on in factories, processing plants, refineries, slaughter houses and steel mills.
- 4.1-12 Inert Waste. Concrete, tile, bricks, ash rubble, building material, and the like. Inert material such as appliances, refrigerators, freezers, stoves, washers, dryers, tires, machinery, metals and other like material may accumulate up to 60 days for the purpose of recycling, mass burial or salvage.
- 4.1-13 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 State 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 such quantities and with sufficient virulence to transmit disease. If the exact cause of a disease be 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 deemed to be infectious waste.
- 4.1-14 Institutional Waste. All solid waste emanating from institutions such as, but not limited to, hospitals, nursing homes, orphanages, schools and universities or colleges, public and private. It can include infectious waste from health care facilities and research facilities which has not been classified as a hazardous waste by the State 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.
- 4.1-15 Litter. All waste material including but not limited to disposal packages or containers, but not including the wastes of the primary processes of mining, logging, saw milling, farming or manufacturing.

- 4.1-16 Litter Receptacles. Those containers, including green boxes, acceptable to Wythe County and which may be standardized as to size, shape, capacity, and color and which shall bear the County anti-litter symbol, as well as any other receptacles suitable for the depositing of litter.
- 4.1-17 Nuclear and/or Radioactive Waste. Source, special nuclear, or byproduct material as defined by the Federal Atomic Energy Act of 1954, as amended.
- 4.1-18 Person. Any natural person, association, partnership, firm or corporation.
- 4.1-19 Premises. Land, buildings, or other structure, vehicle, water craft, or parts thereof upon or in which refuse may be stored.
- 4.1-20 Putrescible Waste. Solid Waste which contains organic material capable of being decomposed by micro-organisms and which causes odors.
- 4.1-21 Refuse. All solid wastes, except body wastes, and shall include garbage, ashes and rubbish.
- 4.1-22 Residential Approved Container. Any approved tied plastic bags not to exceed 32 gallons or 40 pounds capacity intended for residential use.
- 4.1-23 Residential Waste. Solid waste resulting from household wastes.
- 4.1-24 Responsible Authority. The legally designated authority of the County of Wythe who shall be authorized and directed to implement and enforce the provisions of this ordinance, or his authorized representative.
- 4.1-25 Rubbish. Glass, metal, paper, plant growth, wood or non-putrescible solid wastes.
- 4.1-26 Sewage. Human excrement, kitchen, laundry, shower, lavatory or industrial wastes which may be present from residences, buildings, vehicles, industrial establishments, or other places.
- 4.1-27 Solid Waste. Any garbage, refuse, sludge and other discarded material, including solid, liquid, semi-solid or contained gaseous material, resulting from industrial, commercial, mining and agricultural operations and from community activities, but does not include:
1. Solid or dissolved material in domestic sewage; or
  2. Solid or dissolved material in irrigation return flows or in industrial discharges which are sources subject to permit from the State Water Control Board; or

3. Source, special nuclear, or byproduct material as defined by the Federal Atomic Energy Act of 1954, as amended; or
  4. Animal manure and other compost material used for agricultural purposes.
- 4.2 Where terms are not defined in this ordinance and the context or practice requires definition, they shall have the meanings specified in the Code of Virginia, Title 10, Ch. 14, as amended, and/or as specified in other relevant statutes, and/or the Solid Waste Management Regulations of the State 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.

## **ARTICLE V - Storage**

### 5.1 Preparation of Refuse

1. All refuse shall be drained free of excess liquids before disposal.
2. Garbage shall be placed in tied plastic bags prior to placing in authorized collection containers. This material shall be deposited in the proper receptacles at County drop off centers, or the Joint Public Service Authority Transfer Station. It shall be illegal to place refuse, or refuse in plastic bags on the ground anywhere in Wythe County.
3. Rubbish which includes grass clippings, hedge trimmings, leaves and pine needles must also be placed in plastic bags.
4. Rubbish which includes tree trimmings must be cut to lengths not exceeding 24 inches and must not exceed three inches in diameter, weighing not more than 20 pounds.

5.2 Solid Waste Containers. Solid waste containers for public collection in rural areas are identified as Wythe County containers or its contract provider's containers, as approved by the Wythe County Board of Supervisors.

5.3 Storage of Refuse. It shall be unlawful to place solid waste or sewage in any street, alley, road, stream, body of water, or any other public place, or upon private property. Solid waste in approved containers, or in tied plastic bags, may be placed beside any street, alley, road, or other public place for the purpose of authorized door-to-door collection, if implemented.

- 5.1 Nuclear and/or Hazardous Wastes. It shall be unlawful within the County to store, process or dispose of any nuclear and/or hazardous waste not generated in Wythe County.

## **ARTICLE VI - Collection**

- 6.1 Common Practices. In those areas in which door-to-door collection may be implemented by the County:

1. Frequency of Collection

- A. Refuse shall be collected at a minimum:

- (i) Once per week for residential;
- (ii) Motels, restaurants, institutions, and commercial establishments may require more frequent collection, if determined by the Board of Supervisors, the Department of Environmental Quality, and the Health Department to be essential to protect the health of the public. Sanitary storage of refuse may also be required.

2. Licensing of Collectors

- A. It shall be unlawful for any person or firm who does not possess a current license from Wythe County to engage in the business of solid waste collection or refuse disposal for compensation in Wythe County. The County of Wythe through its agent appointed by the Board of Supervisors shall issue permits to such applicants, which shall be limited to those persons or firms having the proper equipment and personnel to collect and dispose of refuse in accord with the recommendations of the Bureau of Solid Waste and Vector Control, Virginia State Health Department and regulations promulgated thereunder or other agencies according to the provisions of the Code of Virginia, 1950, as amended.
- B. The fee for such license shall be set periodically by the Board of Supervisors and all licenses shall be issued for the calendar year, or such part thereof as shall remain after the issuance. There shall be no reductions in the fee for a license issued after the beginning of the calendar year. The fee shall be paid to and receipted for by the Treasurer of Wythe County. The permit shall be issued by the appointed agent.

- C. Every license issued under this section shall be for the collection and disposal of solid waste in Wythe County. Any person operating with a Wythe County license shall not dispose of any solid waste at the County Convenience Centers, or any sanitary landfill, which has been generated outside of Wythe County with the exception of trash generated within the County of Bland, and by agreement is to be delivered to the Transfer Station.
  - D. Every person who shall apply for a license under this section shall state the type or types of solid waste or refuse to be collected, the manner of collection, and the place and method for disposal.
  - E. No license shall be granted if the place and method of disposal shall not conform to the requirements of this ordinance, or the ordinance of any municipal or quasi-municipal corporation, wherein disposal of refuse is to be made.
  - F. It shall be unlawful to permit an unlicensed collector to collect or remove solid waste from a household, institution or commercial enterprise.
  - G. It shall be unlawful for any unlicensed collector to use or attempt to use any of the waste disposal containers owned and operated by the County of Wythe, the Transfer Station, County Convenience Centers, or any sanitary landfill for the disposal of any refuse or solid waste.
3. Collection Vehicles
- A. All vehicles used for the collection of solid waste 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 solid waste or garbage in open, unenclosed vehicles, except from one's own residence to the approved Convenience Center or bulk container (green box) placed in his community, or directly to any sanitary landfill. Solid waste or garbage shall be in approved containers or in tied plastic bags.
  - C. Inspection of collection equipment by an agent of the local governing body shall be performed annually.

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

## **ARTICLE VII - Disposal**

- 7.1 The following refuse and/or sewage shall not be acceptable for receipt, collection or disposal at any convenience center by the County of Wythe:
1. Dangerous material or substance, such as poison, acid, caustics, infected materials and explosives, except as specifically authorized by the Board of Supervisors.
  2. Materials resulting from the repair, excavation, or construction of buildings or structures such as earth, plastic, mortar, and roofing material, except upon negotiated arrangements with the Board of Supervisors.
  3. Materials which have not been prepared for collection in accord with this ordinance and regulations.
  4. Solid waste resulting from industrial processes or agricultural processes, except upon negotiated arrangements with the Board of Supervisors.
  5. Commercial and industrial solid waste shall only be delivered to the Transfer Station.
  6. Any solid waste or refuse generated outside of Wythe County shall not be deposited in approved containers, at the Wythe/Bland Transfer Station, at the Convenience Centers, or disposed of in a Wythe County sanitary landfill, except upon negotiated arrangements with the Board of Supervisors.
  7. Infectious and Institutional Waste. No infectious or institutional waste, including scalpels, hypodermic instruments, sponges, or other contaminated materials shall be deposited in any containers for collection and/or disposal by Wythe County.
  8. Nuclear and/or Radioactive Materials. It shall be unlawful to place any radioactive waste in any waste receptacle for collection or disposal without prior negotiated arrangements with the Board of Supervisors.



9. Other Wastes. It shall be unlawful to place for collection or disposal by the County, other waste now or hereafter prohibited by the County, the State 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.
- 7.2 Any septic sludge or solids and dissolved material, domestic sewage, industrial sewage, or institutional sewage shall not be disposed of except according to Virginia State Health Department regulations for disposal of sewage.
- 7.3 Any solid waste disposal system, public or private, in Wythe County must be approved by the Wythe County Board of Supervisors and the Virginia Department of Environmental Quality (DEQ), and operate under a valid permit issued by DEQ.

### **ARTICLE VII - Disposal Approval**

- 8.1 It shall be unlawful to dump, destroy, or otherwise dispose of solid waste within the jurisdictional limits of the County of Wythe, except at an approved solid waste disposal site and as approved by the Virginia Department of Environmental Quality and the Wythe County Board of Supervisors.
- 8.2 Private Dumps and Landfills
  1. It shall be unlawful to establish, maintain or operate a private dump or landfill within the territorial boundaries of Wythe County.
  2. It shall be unlawful for any person or entity to transport for disposal into the territorial boundaries of the County any garbage, trash or refuse which has been compacted and baled in such a manner that it cannot readily be examined and inspected by manual means by County officials for the purpose of determining whether such garbage, trash or refuse contains hazardous or prohibited substances.
  3. Medical waste shall not be transported into the territorial boundaries of Wythe County for disposal.
- 8.3 For the purpose of evidence presented in any court or administrative proceeding 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 which bears any 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 be found thereon, and that such person placed or cause to be placed in the location at

which found, or failed properly to dispose of the same. This presumption shall be rebuttable by competent evidence.

### **ARTICLE IX - Littering**

- 9.1 It shall be unlawful to deposit litter in any of the following areas:
1. Roadside - State or County roads and rights-of-way;
  2. Public property - Federal, State or County owned.
- 9.2 Private Responsibility. The owner or the occupant of any premises within the County of Wythe shall be responsible for the sanitary condition of the premises occupied by him, and it will be unlawful for any person to place, deposit, or allow to be placed or deposited on his premises any solid waste or litter, except as designated by the terms of this ordinance.
- 9.3 Citizen Responsibility. It shall be unlawful for any person to deposit solid waste or litter on any property except as defined herein under Article VII - Disposal.
- 9.4 It shall be unlawful to remove any articles from a litter receptacle, recycling container, or other receptacle.

### **ARTICLE X - Penalties**

- 10.1 Any person violating any of the provisions of this ordinance shall be guilty of a Class 1 misdemeanor and shall be punished as provided by the Code of Virginia.

### **ARTICLE XI - Legal Status Provisions**

- 11.1 Certified Copies of Ordinance. Certified copies of this ordinance and all amendments thereto shall be filed in the office of the Planning Commission and in the office of the Clerk of the Circuit Court of Wythe County, Virginia.
- 11.2 Validity. Should any article, section, subsection or provision of this ordinance be declared invalid or unconstitutional by a court of competent jurisdiction, 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.

11.3 Conflicting Ordinances. Ordinance No. 79-2 cited as "Solid Waste Ordinance of Wythe County, Virginia", dated December 12, 1979, and all ordinances or portions of ordinances in conflict with this ordinance are hereby repealed to the extent of such conflict.

11.4 Effective Date. This ordinance was duly considered following a required public hearing held on February 9, 1999, and was adopted by the Board of Supervisors of Wythe County, Virginia, at its regular meeting held on February 23, 1999, the members voting as follows:

<u>NAME</u>	<u>FOR</u>	<u>AGAINST</u>	<u>ABSENT</u>
Wythe B. Sharitz	X		
Mark C. Munsey	X		
Charles S. Dix	X		
Danny C. McDaniel	X		
Howard W. Manley	X		
S. Clay Lawrence	X		
Harvey E. Atkinson, III	X		

This ordinance shall be effective on and after 12:01 a.m. on the 24<sup>th</sup> day of February, 1999.

I certify that this is a true and correct copy taken from the February 23, 1999 minutes of the Wythe County Board of Supervisors meeting.

---

R. Cellell Dalton, Clerk