

AN ORDINANCE TO AMEND AND REENACT  
THE ISLE OF WIGHT COUNTY CODE  
BY AMENDING AND REENACTING  
CHAPTER 8. GARBAGE, WEEDS AND LITTER

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WHEREAS, the Board of Supervisors of Isle of Wight County, Virginia, has deemed it necessary and appropriate to update its current ordinances in order to more clearly set forth local ordinances for the benefit of the public, in order to accurately reflect current practices, to correct inaccuracies, and to conform to those provisions set forth in the Code of Virginia (1950, as amended); and

WHEREAS, the Board of Supervisors deems such a revision necessary as a means to protect the health and welfare of the citizens of Isle of Wight County, Virginia;

NOW, THEREFORE, BE IT ORDAINED by the Isle of Wight County Board of Supervisors that Chapter 8. Garbage, Weed and Litter of the Isle of Wight County Code be amended and reenacted as follows:

CHAPTER 8. - GARBAGE, WEEDS AND LITTER.

Article I. - In General.

Sec. 8-1. - Definitions.

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

- (a) Ashes ..... the residue resulting from the burning of wood, coal, coke or other combustible material.
- (b) Construction and Demolition Waste. .... solid waste resulting solely from construction, remodeling, repair, or demolition operations on buildings, other structures, but does not include inert debris, land-clearing debris, yard debris, used asphalt, asphalt mixed with dirt, sand, gravel, rock, concrete, or similar nonhazardous material.
- (c) Contractor / Hired Individuals ..... a person or company that undertakes a contract or agreement to provide materials or labor to perform a service or do a job.
- (d) Debris landfill ..... that site, or those sites, operated by and established by the county and any other governing body for the disposal of solid wastes.
- (e) Director ..... The director of public works or designee.
- (f) Disposal ..... the storage, collection, disposal or handling of solid waste or refuse.

- (f) Garbage ..... any readily putrescible discarded materials composed of animal, vegetable or other organic material, but excluding sewage and human waste.
- (g) Hazardous wastes and materials ..... any solid waste or combination of solid wastes defined by the state department of environmental quality and/or the Southeastern Public Service Authority as hazardous in accordance with state and/or federal laws and regulations.
- (h) Litter ..... any manmade material that, if thrown, discarded, or disposed of, as prohibited in this chapter, may create a danger to public health, safety, or welfare or degrades the environment of the county. Litter shall include, but is not limited to, any garbage, trash, refuse, rubbish, newspaper, magazine, glass, metal, plastic or paper container, construction waste or any discarded object likely to injure any person, create a traffic hazard, or degrade the environment.
- (i) Refuse .....all solid waste products having the character of solid rather than liquids and which are composed wholly or partially of materials such as garbage, trash, rubbish, litter, or other discarded materials.
- (j) Refuse and Recycling Center..... a solid waste disposal facility operated for use of county residents only, with the exception noted in this chapter, at which refuse, garbage, other solid waste or recyclables are collected, transported or disposed.
- (k) Rubbish ..... combustible or slowly putrescible discarded materials which include but are not limited to trees, wood, leaves, trimmings from shrubs and trees, printed matter, plastic and paper products, grass, rags and other combustible or slowly putrescible materials not included under the term "garbage."
- (m) Scavenging..... the removal of material from a solid waste disposal facility without permission.
- (l) Solid waste ..... means any garbage, refuse, rubbish, or other discarded material, but does not include solid or dissolved materials in domestic sewage, solid or dissolved materials in irrigation return flows, industrial discharges, or special nuclear or by-product materials.
- (m) Solid waste disposal facility.....a site operated by the county for functions related to solid waste disposal, including landfills, transfer stations and refuse and recycling centers.
- (n) Transfer station ..... any solid waste storage or collection facility at which solid waste is transferred from collection vehicles to haulage vehicles for transportation to a central solid waste management facility for disposal, incineration or resource recovery.
- (o) Trash ..... combustible and noncombustible discarded materials and is used interchangeably with the term rubbish.
- (p) Yard Waste ..... residential yard waste such as grass clippings, leaves, limbs, branches and brush. (8-21-06; 2-27-20.)

Article V. - Collections.

Sec. 8-14. - Restrictions on disposal of solid waste and use of facilities.

- (a) Waste from outside county. It shall be unlawful for any person to dispose of solid waste, including recyclables, generated or collected outside the county, at any solid waste disposal facility.
- (b) Improper disposal.
  - (1) It shall be unlawful for any person to use or access solid waste disposal facilities in a manner or for a purpose not in accordance with federal and state laws and regulations, this article, and regulations approved by the board pursuant to this article.
  - (2) It shall be unlawful to dispose of solid waste other than at a properly permitted private or public solid waste facility or such facilities designated by the director of public works or his designee.
  - (3) Subsection (b) shall not apply to:
    - (i) Solid waste generated, purchased or utilized by an entity engaged in the business of manufacturing, mining, processing, refining or conversion except for an entity engaged in the production of energy or solid waste-derived fuels for sale to a person other than any entity controlling, controlled by or under the same control as the manufacturer, miner, processor, refiner or converter.
    - (ii) Recyclable materials, which are those materials that have been source-separated by any person or materials separated from solid waste by any person for utilization in both cases as a raw material to be manufactured into a product other than fuel or energy.
    - (iii) Construction debris to be disposed of in a landfill.
    - (iv) Waste oil.
  - (4) Subsection (b) shall not prevent or prohibit disposal of solid waste at any facility which was issued a solid waste management facility permit by an agency of the Commonwealth on or before July 1, 1991, or for which a Part A permit application for a new solid waste management facility permit, including local governing body certification, was submitted to the Virginia Department of Environmental Quality in accordance with section 10.1-1408.1B of the Virginia Code on or before December 31, 1991.
- (c) It shall be unlawful for persons other than county residents providing documentation of residence status, to use the Refuse and Recycling Centers. Documentation required by the regulations adopted pursuant to this chapter shall be provided upon request.
- (d) Dumping before weight taken. It shall be unlawful for any person, firm or corporation, public or private, to dispose of solid waste at the transfer station/landfill before weighing the vehicle containing such solid waste, unless the waste is subject to per-item charges.
- (e) Inappropriate waste.
  - (1) It shall be unlawful to dispose of any material injurious to solid waste containers or compactors, prohibited by state, federal or local laws or regulations, or inappropriate for disposal at a particular site.
  - (2) Waste generated or collected as a result of commercial, industrial, institutional or manufacturing activities, including but not limited to construction, demolition, shall be disposed of only at the transfer station/landfill. Such waste shall not be accepted at other solid waste disposal facilities.
  - (3) Construction and/or demolition waste resulting from home remodeling or new construction by contractors or hired individuals is prohibited at the Refuse and Recycling Center.

- (f) Firearms. It shall be unlawful for any person to discharge, cause to be discharged or threaten to discharge any firearm at any solid waste disposal facility.
- (g) Scavenging. It shall be unlawful to engage in scavenging at a solid waste disposal facility. No person, unless authorized by Solid Waste Manager, may remove any item from a solid waste container, climb on or into a container, or damage any container located at the Refuse and Recycling Centers.
- (h) Access to the facilities will be restricted to regular operating hours at the gated entrance. Unauthorized entry constitutes a trespass.
- (i) Dumping materials outside the facilities or outside of operating hours is prohibited.
- (j) All Solid Waste shall be properly disposed of inside designated containers. No solid waste shall be disposed of outside these containers unless directed by the site attendant. (8-21-06; 2-27-20.)

#### Sec. 8-15. - Penalties.

A violation of this article shall constitute a misdemeanor punishable by a fine of not less than two hundred fifty dollars or more than two thousand five hundred dollars and confinement in jail for not more than twelve months, either or both. In lieu of the imposition of confinement in jail, the court may order the defendant to perform a mandatory minimum of ten hours of community service in litter abatement activities. (8-21-06; 11-15-07; 2-27-20.)

(STATE LAW REFERENCE—Code of Virginia, Sec. 33.2-802.)

#### Sec. 8-21. - Revocation.

In the event that the holder of any permit hereunder shall fail to comply with, abide by, or conform to this Article or any requirements of the county health department, and upon complaint of the county health department, any permit issued hereunder may be revoked by the board of supervisors, its agent or duly appointed commission, without notice to the holder of such permit and shall have the power to seek and obtain injunctive relief from a court of competent jurisdiction to prevent violations of this section, without a showing of irreparable harm. However, in the event that the board of supervisors grants an exclusive franchise to any person for the collection and disposal of refuse, the provisions of this section shall not apply while such franchise is in effect.

Operating a private solid waste collection business without a permit as required herein shall be a misdemeanor, punishable by a fine of five hundred dollars, with each day in violation constituting a separate offense. (8-21-06; 2-27-20.)

#### Article VIII. - Regulations.

##### Sec. 8-29. -Generally

The board of supervisors shall promulgate regulations governing administration of this chapter. The director shall interpret and administer the provisions of those regulations and this article and shall supervise all other administrative matters related to the use and operation of solid waste disposal facilities. The director may post signs at solid waste disposal facilities stating that violators of provisions of this article shall be prosecuted. (9-20-07; 2-27-20.)

Adopted this \_\_\_\_ day of \_\_\_\_\_, 2020.

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Joel C. Acree, Chairman  
Isle of Wight Board of Supervisors

Attest:

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Carey Mills-Storm, Clerk

Approved as to Form:

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Robert W. Jones, Jr., County Attorney