

ADOPTED

OCT 1 1990

BOARD OF SUPERVISORS  
JAMES CITY COUNTY  
VIRGINIA

ORDINANCE NO. 116A-20

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 8, HEALTH AND SANITATION, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE II. LANDFILL ORDINANCE, SECTION 8-8. IN GENERAL, SECTION 8-9. HOUSEHOLD WASTE, SECTION 8-10. INDUSTRIAL REFUSE AND SECTION 8-14. COUNTY REFUSE CONTAINERS.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 8, Health and Sanitation, is hereby amended and reordained by amending Section 8-8. In general, Section 8-9. Household waste, Section 8-10. Industrial refuse and Section 8-14. County refuse containers.

#### Chapter 8. Health and Sanitation

#### Article II. Landfill Ordinance

Section 8-8. In general.

(a) Policy. The purpose of this article is to ensure the proper disposal of solid wastes within James City County, including wastes from households, commercial establishments, manufacturing, industry, and institutions, and to implement the provisions of the Resource Conservation and Recovery Act of 1976 (Public Law 94-580) and the Solid Waste Regulations of the Commonwealth of Virginia. It shall be the official policy of the county to encourage the conservation (recycling-reuse) of recoverable resources from solid wastes by the industries, businesses and citizens of the county.

(b) Definitions. For purposes of this article, the following definitions shall apply:

- (1) Administrator: The county administrator or his authorized designee.
- (2) Bulky waste: Large items of solid waste such as household appliances, furniture, large auto parts, trees, branches, stumps and other oversize wastes whose large size precludes or complicates their handling by normal solid waste collection, processing or disposal methods.
- (3) Building and demolition debris: The waste building material, packaging and rubble resulting from construction, remodeling, repair and demolition operations on pavements, houses, commercial buildings and other structures.
- (4) Commercial-business refuse: Refuse or wastes resulting from the operation of commercial or business establishments, including, but not limited to, stores, markets, offices, restaurants, shopping centers or theaters.
- (5) Compacted refuse: 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.
- (6) Garbage: All vegetable and animal waste generated by the handling, storage, sale, preparation, cooking and serving of foods.
- (7) Hazardous waste: Refuse or waste or combinations of refuse or waste, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, an increase in mortality or an increase in serious irreversible, or incapacitatingly reversible, illness; or pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise managed.
- (8) Household refuse: Refuse or waste resulting from residential operation.
- (9) Industrial refuse: Refuse or waste resulting from industrial and-or manufacturing operations.
- (10) Institutional-governmental refuse: Refuse or waste resulting from operations or activities of the Commonwealth of Virginia, its political subdivisions or agencies, or the United States Government.
- (11) Manager: The general manager of the James City Service Authority or his authorized designee.
- (12) Person: An individual, trust, firm, joint stock company, corporation (including a government corporation), partnership, association, state, municipality, commission, political subdivision of a state, any interstate body, or the federal government.

- (13) Trash: Any and all rubbish, cans, bottles, containers, paper, cardboard or other discarded material of an inorganic nature.
- (14) Uncompacted refuse: 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 transportation to the landfill.
- (15) Waste generator: The person who actually produces the commercial, household, industrial or institutional-governmental refuse intended for disposal at the landfill.

(c) Authority to establish landfill rules. The manager shall be authorized to establish reasonable rules and regulations to determine the origin and type of refuse presented at the landfill for disposal.

(d) Disposal of refuse from outside county prohibited. It shall be unlawful for any person to dispose of refuse originating outside the boundaries of James City County at the landfill unless an agreement exists between James City County and the jurisdiction in which the refuse originates; provided, however, James City County may enter into direct agreements with the Commonwealth of Virginia or agencies thereof located outside the boundaries of James City County for the disposal of refuse generated by the Commonwealth of Virginia or agencies thereof.

(e) Weighing of truck required. It shall be unlawful for any person to dispose of refuse at the county landfill before weighing the vehicle containing said refuse, except in certain cases as described below.

#### Section 8-9. Household waste.

(a) Individuals using an automobile, station wagon, half-ton panel truck or half-ton pickup truck, with a valid county motor vehicle tag, decal or sticker, for the purpose of disposing of household refuse at the county landfill shall not be required to pay for disposal of refuse, provided, that the refuse being disposed of was neither collected nor hauled for a fee, and provided that certain recyclable materials have been separated by the individual prior to bringing the household refuse to the Landfill for disposal. The materials to be separated shall include aluminum cans, glass containers and newsprint. It shall be unlawful for an individual to dispose of household refuse from their home at the County Landfill unless the specified materials have been separated. Commercial haulers, under contract with the county to service county refuse containers, shall not be required to pay for disposal of refuse collected from county refuse containers.

(b) Commercial, industrial and governmental waste generators who bring their own refuse to the landfill, and commercial refuse operators-haulers regardless of the origin of the refuse shall pay the following fees:

Twenty-five dollars (\$25.00) per ton, computed on the basis of twenty-five cents (\$0.25) per each twenty (20) pounds or fraction thereof. Such charge shall be computed to the next highest one cent (\$0.01). The minimum charge shall be two and a quarter dollars (\$2.25) per load.

Any person exempted from payment of the charge for the disposal of refuse as provided in paragraph (a) above will not be assessed any charges as provided in this paragraph.

(c) The manager may promulgate reasonable rules and regulations to permit certain materials (for example, soil or gravel) determined to be beneficial in the proper operation and maintenance of the landfill to be disposed of without charge to the hauler.

(d) Tires. Whenever more than two (2) passenger car tires are disposed of on any occasion at the county landfill by any person, firm or corporation, a separate fee of seventy-five cents (\$0.75) shall be charged for each tire above two (2). The manager may at his discretion authorize the disposal of tires other than passenger car tires, at a charge per tire to be negotiated between the director and hauler disposing of the tires.

#### Section 8-10. Industrial refuse.

(a) Prior to the acceptance of industrial refuse at the landfill, the person desiring to dispose of same shall secure a permit from the manager. Prior to the issuance of such a permit, the manager shall determine the compatibility of the specific refuse with the landfill method of disposal. In determining such compatibility, the manager shall consider disposal volume, difficulty of handling, employee safety, likelihood of equipment damage, any unusual health and environmental problems and current state and federal regulations.

(b) The disposal charge for industrial refuse that does not require disposal in a separate location (trench) from household or commercial waste shall be assessed on the basis of the charges defined in Section 8-9 (b) unless covered by paragraph (d) below.

(c) The disposal charge for industrial wastes requiring separate disposal locations shall be a minimum of twenty-five dollars (\$25.00) per ton but may be higher as determined by the manager. In establishing the fee for disposal of a specific waste requiring separate disposal, the manager shall determine the costs to maintain the separate disposal and for special handling requirements, the potential for damage to landfill equipment, environmental effects the refuse may have, state and federal rules and regulations regarding the waste, and other factors determined to be appropriate for the specialized handling of such waste.

(d) Separate contracts. The administrator may negotiate separate contracts for industrial refuse with large waste generators if it is determined that the volume is predictable and the wastes involved require minimal handling. Such contracts shall guarantee negotiated payments to the

county annually, and may be offered to generators that exceed eight thousand (8,000) tons per year. No such contract will guarantee the county less than two hundred thousand dollars (\$200,000.00) per year.

Section 8-14. County refuse containers.

Refuse containers shall be provided by the County at various locations to supplement existing private collection services as needed. The usage of said containers shall be governed by the following provisions and any other regulations as the board of supervisors or the manager may establish:


(a) Permitted and Prohibited Use:

- (1) Permitted uses. County refuse containers or dumpsters are to be used for the deposit and storage of household trash and garbage only.
- (2) Prohibited materials. It shall be unlawful to deposit any of the following materials into county refuse containers or dumpsters:
  - (a) Bulky waste.
  - (b) Building and demolition debris.
  - (c) Hazardous waste.
  - (d) Commercial and industrial refuse.
  - (e) Dead animals.
  - (f) Waste brought in from outside James City County.
- (3) Abuse of containers and container sites. It shall be unlawful to tamper with, overturn or otherwise damage refuse containers. Additionally it shall be unlawful to litter container sites, create any health problems thereon or to place any refuse outside of, on top of or adjacent to any refuse container. If a container is filled, the trash must be placed in another refuse container which is not filled or taken to the county landfill site.
- (4) Scavengers and loiterers 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.
- (5) Refuse 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 such refuse in any county containers. Private refuse collectors shall transport collected refuse to the county landfill site or to another approved location.
- (6) Recycling required. All persons using a refuse container site to dispose of their household refuse shall separate aluminum cans, glass containers and newsprint.

- (b) Administration and Enforcement. The manager shall have the authority to implement and enforce the provisions herein contained and to promulgate any procedures, rules and regulations as may be deemed necessary.

This ordinance shall be in full force and effect on January 1, 1991.


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Perry M. DePue  
Chairman, Board of Supervisors

ATTEST:



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David B. Norman  
Clerk to the Board

<u>SUPERVISOR</u>	<u>VOTE</u>
NORMENT	AYE
TAYLOR	NAY
EDWARDS	AYE
KNUDSON	AYE
DEPUE	AYE

Adopted by the Board of Supervisors of James City County, Virginia,  
this 1st day of October, 1990.

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