

ADOPTED

Oct 13 2015

Board of Supervisors
James City County, VA

ORDINANCE NO. 116A-40

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 11, HEALTH AND SANITATION, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY DELETING ARTICLE II, LANDFILL ORDINANCE, BY DELETING SECTION 11-8, IN GENERAL; SECTION 11-9, HOUSEHOLD WASTE; SECTION 11-10, INDUSTRIAL REFUSE; SECTION 11-10.1, BUILDING DEMOLITION AND LAND CLEARING DEBRIS; SECTION 11-11, INSTITUTIONAL/GOVERNMENTAL WASTE; SECTION 11-12, PROHIBITED WASTE; SECTION 11-13, USER CHARGES BY VOLUME; SECTION 11-14, COUNTY REFUSE CONTAINERS; SECTION 11-15, BILLING PROCEDURE; AND SECTION 11-16, VIOLATION.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 11, Health and Sanitation, is hereby repealed by deleting Article II, Landfill Ordinance, by deleting Section 11-8, In general; Section 11-9, Household waste; Section 11-10, Industrial refuse; Section 11-10.1, Building demolition and land clearing debris; Section 11-11, Institutional/governmental waste; Section 11-12, Prohibited waste; Section 11-13, User charges by volume; Section 11-14, County refuse containers; Section 11-15, Billing procedure; and Section 11-16, Violation.

Chapter 11 Health and Sanitation

Article II. - Landfill Ordinance

~~Sec. 11-8. - 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.~~

6-89; Ord. No. 116A-20, 10-1-90)

Sec. 11-9. -- 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. Provided, however, that the charge for loads of household waste transported in vehicles larger than a half-ton pickup truck, and meeting all other conditions above, may be waived upon application to the manager in accordance with the landfill operating procedures. 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: \$47.00 per ton, computed on the basis of \$0.47 per each 20 pounds or fraction thereof. Such charge shall be computed to the next highest \$0.01. The minimum charge shall be \$3.50 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. Passenger car and light truck tires will be accepted for disposal at the Jolly Pond Road Convenience Center from any person, firm or corporation at a fee of \$1.00 for each tire. No tires shall be accepted without charge, except on a Tire Amnesty Day, as designated by the manager in accordance with Commonwealth of Virginia, Department of Environmental Quality regulations. The manager may at his discretion authorize the disposal of tires other than passenger car tires at a charge per tire to be determined by the manager. The charge shall be based on the cost to handle and dispose of the tires.~~

(Ord. No. 116A-2, 10-13-80; Ord. No. 116A-6, 4-25-83; Ord. No. 116A-7, 3-12-84; Ord. No. 116A-8, 4-22-85; Ord. No. 116A-10, 4-21-86; Ord. No. 116A-11, 4-20-87; Ord. No. 116A-13, 4-18-88; Ord. No. 116A-16, 4-17-89; Ord. No. 116A-18, 4-16-90; Ord. No. 116A-20, 10-1-90; Ord. No. 116A-21, 5-6-91; Ord. No. 116A-22, 4-20-92; Ord. No. 116A-23, 5-4-92; Ord. No. 116A-25, 4-5-93; Ord. No. 116A-27, 5-2-94; Ord. No. 116A-28, 6-20-94)

Sec. 11-10. -- 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 11-9(b) unless covered by paragraph (d) below.~~
- ~~(c) The disposal charge for industrial wastes requiring separate disposal locations shall be a minimum of \$47.00 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 cost 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 8,000 tons per year. No such contract shall guarantee the county less than \$376,000.00 per year.~~

~~(Ord. No. 116A 2, 10-13-80; Ord. No. 116A 10, 4-21-86; Ord. No. 116A 11, 4-20-87; Ord. No. 116A 13, 4-18-88; Ord. No. 116A 16, 4-17-89; Ord. No. 116A 18, 4-16-90; Ord. No. 116A 20, 10-1-90; Ord. No. 116A 21, 5-6-91; Ord. No. 116A 23, 5-4-92; Ord. No. 116A 25, 4-5-93; Ord. No. 116A 27, 5-2-94)~~

Sec. 11-10.1. – Building, demolition and land clearing debris.

Building, demolition and land clearing debris wastes shall be accepted at the landfill provided all other provisions of this article have been satisfied. The charge shall be the same as in section 11-10(c).
(Ord. No. 116A 5, 5-10-82; Ord. No. 116A 7, 3-12-84)

Sec. 11-11. – Institutional/governmental waste.

Institutional/governmental waste shall be accepted at the landfill, provided all other provisions of this article have been satisfied. The charge shall be the same as in section 11-9(b).

(Ord. No. 116A 2, 10-13-80; Ord. No. 116A 7, 3-12-84)

Sec. 11-12. – Prohibited waste.

- ~~(a) Refuse or wastes 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.~~
- ~~(b) Materials, whether solid, liquid or gaseous, which are classified as either hazardous or told in accordance with state and federal rules and regulations are prohibited.~~

~~(Ord. No. 116A 2, 10-13-80; Ord. No. 116A 5, 5-10-82; Ord. No. 116A 7, 3-12-84)~~

Sec. 11-13. -- User charges by volume.

- ~~(a) Should the landfill scales be inoperative, the manager shall base the charges applied upon weight data previously generated for the vehicle hauling such waste and the nature of the waste. The weight data shall consist of no fewer than 15 previous weighings by the vehicle carrying such waste and shall be modified by visual inspection if such is feasible.~~
- ~~(b) For vehicles for which no history of previous weight data exists as described in paragraph (a) above, the following rates shall apply:~~
- ~~(1) Uncompacted refuse \$4.70 per cubic yard of truck capacity.~~
 - ~~(2) Compacted refuse, \$11.75 per cubic yard of truck capacity.~~
 - ~~(3) The minimum fee for refuse charged for on a volume basis shall be \$3.50 per load.~~

~~(Ord. No. 116A 2, 10-13-80; Ord. No. 116A 3, 3-23-81; Ord. No. 116A 5, 5-10-82; Ord. No. 116A 7, 3-12-84; Ord. No. 116A 11, 4-20-87; Ord. No. 116A 13, 4-18-88; Ord. No. 116A 16, 4-17-89; Ord. No. 116A 18, 4-16-90; Ord. No. 116A 21, 5-6-91; Ord. No. 116A 23, 5-4-92; Ord. No. 116A 25, 4-5-93; Ord. No. 116A 27, 5-2-94)~~

Sec. 11-14. -- 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, garbage and recyclable materials only.~~
 - ~~(2) Prohibited materials. It shall be unlawful to deposit any of the following materials into county refuse containers or dumpsters:~~
 - ~~a. Hazardous waste.~~
 - ~~b. Commercial and industrial refuse.~~
 - ~~c. Dead animals.~~
 - ~~d. Waste brought in from outside James City County, unless permitted by a specific intergovernmental agreement.~~
 - ~~(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.~~
- ~~(6) Recycling required. All persons using a refuse container site to dispose of their household refuse shall separate aluminum cans, glass containers, newsprint and corrugated cardboard.~~

~~(b) Convenience Center User Fees:~~

- ~~(1) Fees will be charged for the disposal of household refuse and garbage at the county convenience centers. A fee of \$4.00 shall be imposed for up to 60 gallons of bagged household refuse or the equivalent thereof. Each additional 60 gallons or portion thereof shall be charged an additional \$4.00 fee.~~
- ~~(2) The county administrator or designee shall determine the charges for bulky items, such as appliances, furniture and mattresses and box springs. A schedule of these charges shall be posted at each center and a copy provided to each site user.~~
- ~~(3) The county administrator or designee shall implement a system to collect fees for Convenience Center users.~~

~~(c) 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.~~

~~(Ord. No. 116A-4, 9-14-81; Ord. No. 116A-7, 3-12-84; Ord. No. 116A-12, 3-7-88; Ord. No. 116A-14, 5-2-88; Ord. No. 116A-20, 10-1-90; Ord. No. 116A-26, 8-2-93; Ord. No. 116A-31, 4-28-98; Ord. No. 116A-35, 5-11-04)~~

~~**State Law reference**— Code of Va., § 15.2-928.~~

~~**Sec. 11-15. — Billing procedure.**~~

- ~~(a) Rendition of bills by manager; authority to promulgate procedures. The manager shall render bills monthly for service charges under this article. The manager shall promulgate procedures for the handling of billings under this article.~~
- ~~(b) Payment of bills, delinquent charges, discontinuance of services. Bills rendered under this article are due and payable at the office of the treasurer upon presentment and shall be considered delinquent if not paid within 30 days of the date issued. If any bill is not paid within such thirty day period, an additional charge of one percent per billing period on the unpaid charges shall be added thereto and collected therewith to cover cost collection. The manager or his designee shall refuse to dispose of any refuse brought to the landfill by any delinquent person after giving five days= written notice thereof.~~

~~additional charge of one percent per billing period on the unpaid charges shall be added thereto and collected therewith to cover cost collection. The manager or his designee shall refuse to dispose of any refuse brought to the landfill by any delinquent person after giving five days written notice thereof.~~

~~(Ord. No. 116A-2, 10-13-80; Ord. No. 116A-4, 9-14-81; Ord. No. 116A-7, 3-12-84; Ord. No. 116A-14, 5-2-88)~~

~~Sec. 11-16. Violation.~~

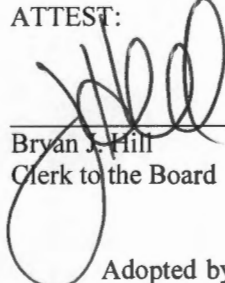
~~Any person who shall violate a provision of this article shall be of a misdemeanor, and upon conviction shall be subject to a fine not exceeding \$1,000.00 or 30 days imprisonment, or both, for each violation.~~

~~(Ord. No. 116A-2, 10-13-80; Ord. No. 116A-4, 9-14-81; Ord. No. 116A-7, 3-12-84)~~

~~Sec. 11-8 - 11-16. Reserved.~~


Michael J. Hipple
Chairman, Board of Supervisors

ATTEST:


Bryan J. Hill
Clerk to the Board

	VOTES		
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
JONES	✓	—	—
MCGLENNON	✓	—	—
ONIZUK	✓	—	—
KENNEDY	✓	—	—
HIPPLE	✓	—	—

Adopted by the Board of Supervisors of James City County, Virginia, this 13th day of October, 2015.