

**ADOPTED**

**MAR 12 1984**

ORDINANCE NO. 116A-7

**BOARD OF SUPERVISORS  
JAMES CITY COUNTY  
VIRGINIA**

AN ORDINANCE TO AMEND CHAPTER 8, HEALTH AND SANITATION, OF THE CODE OF THE COUNTY OF JAMES CITY, ARTICLE II, LANDFILL ORDINANCE.

BE IT ORDAINED by the Board of Supervisors of James City County, Virginia, that Chapter 8, Health and Sanitation, of the Code of the County of James City be and the same is, hereby, amended by amending Article II, Landfill Ordinance to read as follows:

CHAPTER 8  
HEALTH AND SANITATION  
Article II Landfill Ordinance

Section 8-8, In General.

(a) Policy. The purpose of this Ordinance is to insure 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 Ordinance, 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) "Director:" The Director of Public Works or his authorized designee.

- (7) "Garbage:" All vegetable and animal waste generated by the handling, storage, sale, preparation, cooking and serving of foods.
- (8) "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 incapacitating 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.
- (9) "Household Refuse:" Refuse or waste resulting from residential operation.
- (10) "Industrial Refuse:" Refuse or waste resulting from industrial and/or manufacturing operations.
- (11) "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.
- (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) The Director shall be authorized to establish reasonable rules and regulations to determine the origin and type of refuse presented at the landfill for disposal.

(d) 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.

(e) 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.

Sec. 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 will not be required to pay for disposal of refuse, provided that the refuse being disposed of was neither collected nor hauled for a fee.

(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:

- (1) Seven dollars (\$7.00) per ton, computed on the basis of seven cents 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 dollars (\$2.00) per load; provided, however, commercial refuse operators hauling household refuse originating within the boundaries of James City County shall pay the following fees:
- (2) Three dollars and fifty cents (\$3.50) per ton, computed on the basis of three and a half cents (\$0.035) 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 dollars (\$2.00) per load.

Any person exempted from payment of the charge for the disposal of refuse as provided in section 8-9(a) above will not be assessed any charges as provided in this paragraph.

(c) The Director 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 thirty-five cents (\$0.35) shall be charged for each tire above two. The Director 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 Director. Prior to the issuance of such a permit, the Director shall determine the compatibility of the specific refuse with the landfill method of disposal. In determining such compatibility, the Director 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 Section 8-10 (d).

(c) The disposal charge for industrial wastes requiring separate disposal locations shall be a minimum of seven dollars (\$7.00) per ton but may be higher as determined by the Director. In establishing the fee for disposal of a specific waste requiring separate disposal, the Director 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 (8000) tons per year. No such contract will guarantee the County less than fifty-six thousand dollars (\$56,000) per year.

#### Section 8-10.1 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 8-10(c).

#### Section 8-11, Institutional/Governmental Waste.

Institutional/governmental waste shall be accepted at the landfill, provided all other provisions of this Ordinance have been satisfied. The charge shall be the same as in Section 8-9 (b).

#### Section 8-12, Prohibited Waste.

(a) Refuse or wastes resulting from landfill operations, situate 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 toxic in accordance with State and Federal rules and regulations are prohibited.

#### Section 8-13, User Charge by Volume.

(a) Should the landfill scales be inoperative, the Director 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 fifteen previous weighings by the vehicle carrying such waste and shall be modified by visual inspection of the vehicle if such is feasible.

(b) For vehicles for which no history of previous weight data exists as described in (a) above, the following rates shall apply:

- (1) Uncompacted refuse seventy cents (\$0.70) per cubic yard of truck capacity.

- (2) Compacted refuse - one dollar and seventy-five cents (\$1.75) per cubic yard of truck capacity.
- (3) The minimum fee for refuse charged for on a volume basis shall be two dollars (\$2.00) per load.

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 Director 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 Loitering 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 shall dispose such refuse in any County container. Private refuse collectors shall transport collected refuse to the County landfill site or to another approved location.

(B) Administration and Enforcement.

The Director 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.

**Section 8-15, Billing Procedure.**

(a) The Department of Finance shall render bills monthly for service charges under this ordinance. The Director of Finance shall promulgate procedures for the handling of billings under this ordinance.

(b) Payment of bills, delinquent charges, discontinuance of services:

- (1) Notices. Bills rendered under this ordinance are due and payable at the Office of the Treasurer upon presentment and shall be considered delinquent if not paid within thirty 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 Director or his designee shall refuse to dispose of any refuse brought to the Landfill by any delinquent person, after giving five (5) days written notice thereof.

**Section 8-16, Violation.**

Any person, who shall violate a provision of this ordinance shall be guilty of a misdemeanor, and upon conviction shall be subject to a fine not exceeding One Thousand Dollars (\$1,000.00) or thirty (30) days imprisonment, or both, for each violation.


An emergency exists and this Ordinance shall be in effect from the date of adoption.

/FMM6

  
Stewart U. Taylor, Chairman  
Board of Supervisors

<u>SUPERVISOR</u>	<u>VOTE</u>
BROWN	AYE
EDWARDS	AYE
MAHONE	AYE
DePUE	AYE
TAYLOR	AYE

ATTEST:

  
James B. Oliver, Jr.  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia  
this 12th day of March, 1984.