

ADOPTED

JUL 13 2021

Board of Supervisors
James City County, VA

ORDINANCE NO. 131A-11

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 10, GARBAGE AND REFUSE, OF THE CODE OF JAMES CITY COUNTY, VIRGINIA, BY AMENDING ARTICLE I, IN GENERAL, SECTION 10-2, DEFINITIONS; SECTION 10-4, MAINTENANCE OF PREMISES-DUTY OF OWNERS, OCCUPANTS AND PERSONS IN CHARGE; AND SECTION 10-7, PENALTY.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 10, Garbage and Refuse, is hereby amended and reordained by amending Article I, In General, Section 10.2, Definitions; Section 10.4, Maintenance of premises-duty of owners, occupant and persons in charge; and Section 10-7, Penalty.

Chapter 10. Garbage and Refuse

Article I. In General

Sec. 10-2. Definitions.

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

Ashes. The residue resulting from the burning of wood, coal, coke or other combustible material.

County administrator. The county administrator of James City County.

Clutter. Any mechanical equipment, household furniture, containers, and similar items that may be detrimental to the well-being of a community when they are left in public view for an extended period or are allowed to accumulate.

Director. The director of general services of James City County.

Garbage. All animal and vegetable waste resulting from the handling, preparation, cooking or consumption of food.

Litter. All waste material, including, but not limited to, disposable packages or containers, but not including the wastes of the primary processes of mining, logging, sawmilling, farming or manufacturing.

Manager. The county administrator or his designee.

Recycling collection service area. The residential parcels within the county designated by the director for optional curbside recycling collection service.

Refuse. All solid waste products having the character of solids rather than liquids and which are composed wholly or partially of materials such as garbage, trash, litter, residues from cleanup of spills or contamination or other discarded materials.

Refuse remover. Any person, firm or corporation or any agent or employee thereof engaged in removing and transporting refuse for compensation from two or more residential, commercial or industrial establishments, or any combination thereof, in the county.

Refuse vehicle. Any truck or trailer used for transporting refuse from the premises from which it is collected to the point of refuse disposal.


Residential recyclable material. Certain glass, plastic, metal, paper products, and other materials authorized by the director to be placed in an authorized recycling container which have been generated by occupants of a residential dwelling unit, specifically excluding hazardous waste.

Sec. 10-4. Maintenance of premises-duty of owners, occupants and persons in charge.

- (a) It shall be the duty of each owner of any real property in the county to maintain such property at all times free from any accumulation of garbage, trash, litter, refuse, *clutter, except on land zoned for or in active farming operation*, or other waste matter, whether liquid or solid, which might endanger the health or safety of residents of the county or otherwise constitute a nuisance. Such garbage, trash, litter, refuse or other waste material shall be disposed of in personally owned or privately owned receptacles that are provided for such use and for the use of the persons disposing of such matter or in authorized facilities provided for such purpose and in no other manner not authorized by law.
- (b) It shall be the duty of each owner of any occupied or vacant developed or undeveloped property, including such property upon which buildings or other improvements are located, within platted subdivisions and areas zoned for residential, business, commercial, or industrial use, to provide for the cutting of grass, weeds, running bamboo, and other foreign growth as often as needed to prevent breeding and harboring places for insects, reptiles and rodents, or to prevent other hazards to the health or safety of residents of the county or other nuisances. This section shall not apply to land zoned for or in active farming operation.

Sec. 10-7. Penalty.

Violations of ~~Any person convicted of a violation~~ this chapter shall be subject to a civil penalty, not to exceed \$50 for the first violation, or violations arising from the same set of operative facts. The civil penalty for subsequent violations not arising from the same set of operative facts within 12 months of the first violation shall not exceed \$200. Each business day during which the same violation is found to have existed shall constitute a separate offense. In no event shall a series of specified violations arising from the same set of operative facts result in civil penalties that exceed a total of \$3,000 in a 12-month period. Civil penalties shall be in lieu of criminal penalties and shall preclude prosecution of such violation as a misdemeanor. In the event three civil penalties have previously been imposed on the same defendant for the same or similar violation, not arising from the same set of operative facts, within a 24-month period, such violations shall be a Class 3 misdemeanor. The classification of such subsequent violations as criminal offenses shall preclude the imposition of civil penalties for the same violation. For the purposes of this section, a business day shall constitute Monday through Friday of each week, except for holidays as shown on the calendar adopted by the board of supervisors each year.


Michael J. Hipple
Chairman, Board of Supervisors

ATTEST:


Teresa J. Fellows
Deputy Clerk to the Board

	VOTES			
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
SADLER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ICENHOUR	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
LARSON	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
MCGLENNON	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
HIPPLE	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Adopted by the Board of Supervisors of James City County, Virginia, this 13th day of July,
2021.

CCCh10-GarbRef-ord