

MIDDLESEX COUNTY SOLID WASTE DISPOSAL ORDINANCE

Adopted June 14, 1972. Amended May 14, 1980.

The following ordinance was enacted pursuant to Sections 15.1-504, 15.1-505, 15.1-510, 15.1-282, 15.1-522, etc, of the Code of Virginia, as amended, having been duly advertised as required by Section 15.1-504 of said Code.

AN ORDINANCE ESTABLISHING A PUBLIC SANITARY LANDFILL AND REGULATING THE USE OF SAME; ESTABLISHING COUNTY OWNED CONTAINERS AND REGULATING THE USE OF SAME; PROHIBITING THE TRANSPORTATION OF GARBAGE, TRASH OR REFUSE IN OPEN OR UNCOVERED VEHICLES: REGULATING THE ACCUMULATION OF GARBAGE, TRASH OR REFUSE; REGULATING GARBAGE, TRASH AND REFUSE COLLECTORS; AND PRESCRIBING PENALTIES FOR VIOLATION THEREOF.

BE IT ORDAINED by the Board of Supervisors of Middlesex County, Virginia that:

SECTION I - DEFINITIONS:

- 1.1 GARBAGE shall mean the animal and vegetable waste resulting from the handling, processing, storage, packaging, preparation, sale, cooking, and serving of meat, produce and all other foods and shall include unclean containers.
- 1.2 TRASH shall mean any and all rubbish, cans, bottles, containers, refuse, paper, cardboard or any other like waste or discarded materials of any inorganic nature.
- 1.3 REFUSE shall mean rubbish and all solid and semi-solid waste other than garbage, including residential, commercial, industrial, manufacturing and municipal waste.
- 1.4 SANITARY LANDFILL OPERATION shall mean a method of disposing of garbage, trash and refuse on land without creating nuisances or hazards to the public health or safety by confining said garbage, trash and refuse to the smallest practical area, compacting it to the smallest practical volume by employing approved power equipment, and covering with a layer of compacted earth or other suitable cover material at the conclusion of each day's operation.
- 1.5 THE SANITARY LANDFILL shall mean the solid waste disposal site used for the disposal of garbage, trash and refuse and on which the Sanitary Landfill Operation shall be conducted.

- 1.6 PERSON shall mean any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, political subdivision or any other legal entity or their legal representative, agent or assigns.

SECTION II - GENERAL PROVISIONS:

2.1 Interpretation

- 2.1-1 The interpretation and application of the provisions of this ordinance shall be held to be the minimum requirements for the public health, safety and welfare.
- 2.1-2 Where the conditions imposed by any provision of this ordinance are either more restrictive or less restrictive than comparable conditions imposed by any other provision of this ordinance or any other applicable law, ordinance, resolution, rule or regulation, the more restrictive provisions (or those which impose higher standards of requirements) shall govern.
- 2.1-3 This ordinance is not intended to abrogate any covenant or any other private agreement, provided that where the provisions of this ordinance are more restrictive or impose higher standards or requirements than such covenant or other private agreement, the requirements of this ordinance shall govern.
- 2.1-4 Nothing contained in this ordinance shall be deemed to be a consent, license or permit to locate, construct or maintain any structure, site, facility or operation, or to carry on any trade, industry, occupation or activity.
- 2.1-5 The provisions of this ordinance are accumulative and additional limitations upon all other laws and ordinances heretofore passed or which may be passed hereafter, covering any subject matter in this ordinance.

2.2 Separability

It is hereby declared to be the intention of the Board of Supervisors of Middlesex County that the several provisions of this ordinance be separable in accordance with the following:

- 2.2-1 If any Court of competent jurisdiction shall adjudge any provision of this ordinance to be invalid, such judgement shall not affect any other provisions of this ordinance not specifically included in said judgement.
- 2.2-2 If any Court of competent jurisdiction shall adjudge invalid the application of any provision of this ordinance to a particular structure, site, facility or operation, such judgement shall not affect the

application of said provision to any other structure, site, facility, or operation not specifically included in said judgement.

2.3 Short Title

This ordinance shall be known and may be cited as the Middlesex County Solid Waste Disposal Ordinance.

SECTION III - THE SANITARY LANDFILL

3.1 A County Sanitary Landfill shall be available to County residents for the disposal of garbage, trash and refuse during such hours and upon such conditions as the Board of Supervisors may direct. All other public dumps shall hereafter be closed.

3.2 No dead animals or any deleterious substance, which might become a nuisance to adjoining property, shall be disposed of in the Sanitary Landfill.

3.3 No garbage, trash or refuse shall be placed or disposed of in any adjacent areas to the sanitary landfill but must be disposed of only in designated areas within the landfill. No trees, stumps, dirt, brush, etc. from the clearing of land, road construction or otherwise, shall be placed in the sanitary landfill, and only automobiles abandoned in Middlesex County shall be placed in same. Small loads of tree limbs, hedge clippings, etc. from home landscaping activities may be placed in the sanitary landfill by the owners or tenants involved, but not by any commercial firm engaged in landscaping or land clearing activities.

SECTION IV - CONTAINERS:

4.1 Containers for the collection of garbage, trash and refuse, including containers leased by Middlesex County to separate persons, shall be available for county residents at various locations throughout the county. The usage of said containers shall be governed by the following, and any other conditions as the Board of Supervisors may direct:

- 4.1-1 No refrigerators, deep freezers, stoves or other like appliances, large waste, chairs, large accumulations (such as pickup truck loads), brush, branches, tree limbs, wood, dead animals, stumps or tree tops shall be placed within said containers, but must be carried to the Sanitary Landfill.
- 4.1-2 No garbage, trash or refuse of any nature shall be placed or left outside, around or adjacent to said containers. If a particular container is full, then the garbage, trash or refuse shall be taken to another container which is not so filled or to the Sanitary Landfill itself and disposed of as herein provided.
- 4.1-3 No person engaged in the business of collecting, transporting or disposing of garbage, trash or refuse shall dispose of same in any of the county-provided containers, but shall carry such garbage, trash or refuse to the Sanitary Landfill.

SECTION V - TRANSPORTATION OF GARBAGE, TRASH AND REFUSE:

5.1 No person shall transport any garbage, trash or rubbish in an open or uncovered vehicle along the streets, roads or highways of Middlesex County unless the load is covered by a tarpaulin or other suitable cover, securely fastened to the body of the vehicle and of such size and shape as may be necessary to contain the entire load, or in an enclosed container on said vehicle.

SECTION VI - ACCUMULATION OF TRASH, ETC.:

6.1 It shall be unlawful for any person to permit to accumulate or to dump on property owned, rented, leased or controlled by said person or any other person any garbage, trash or refuse in such manner or for such a period of time as to constitute a nuisance or which may be injurious to the health or safety of the public.

6.2 In addition to any penalties herein provided, whenever the Board of Supervisors of Middlesex County deem it necessary, said Board of Supervisors may, after thirty (30) days written notice, have such garbage, trash or refuse which might be injurious to the health of the public, removed by its own agents or employees, and in which event the cost or expenses thereof shall be chargeable to and paid by the owner or owners of such property and may be collected by the said County as levies and taxes are collected. Every charge authorized by this section and with which the owner of any such property shall have been assessed and has been unpaid shall constitute a lien against such property.

6.3 All garbage shall be placed in tight containers and be kept covered until transported to a county garbage, trash or refuse container or until taken from the premises by garbage, trash or refuse collectors as defined by this ordinance or until otherwise taken to the Sanitary Landfill.

SECTION VII - GARBAGE, TRASH AND REFUSE COLLECTORS:

7.1 It shall be unlawful for any private person to engage in the business of collecting, transporting or disposing of garbage, trash or refuse without first having obtained a valid permit from the Board of Supervisors.

7.2 Every private person desiring to engage in the collecting and disposal of garbage, trash and refuse in Middlesex County shall make written application to the Board of Supervisors, setting forth the name and telephone number of such person, address, and a description of the equipment to be used in the disposal of such garbage, trash or refuse

7.3 The Board of Supervisors may issue permits to such applicant provided that said permits shall be limited to persons having proper equipment and personnel to dispose of garbage, trash and refuse in accordance with the provisions of this ordinance.

7.4 The permit so granted shall be valid for one year from date of issuance and must be renewed on an annual basis.

7.5 It shall be unlawful for any person engaged in the business of collecting, transporting or disposing of garbage, trash or refuse to dispose of same at any location in Middlesex County other than:

- (a) At the Sanitary Landfill established by the Board of Supervisors of this County;
- (b) At a private dump approved by the said Board of Supervisors, which said dump shall not be approved, or with said approval being withdrawn, if:
 - (i) It is not being operated as a Sanitary Landfill;
 - (ii) It may adversely affect the health or safety of persons residing or working in the area;
 - (iii) It may be detrimental to the public welfare or injurious to property or improvements in the neighborhood, or
 - (iv) It may adversely affect the ecology and environment in the area.

SECTION VIII - PENALTY:

8.1 Any person violating any of the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine of not less than three hundred (300) dollars or by confinement in the county jail for not more than thirty days or by both such fine and confinement.

SECTION IX - INDIVIDUAL DISPOSING OF GARBAGE, TRASH AND REFUSE:

9.1 This ordinance shall not apply to an individual disposing of his own garbage, trash or refuse generated through his own household or business and properly disposed of upon his own property or premises and if such disposal is not detrimental to the public health or welfare.

Adopted as amended May 14, 1980 by the following vote:

Voting in Favor: A. Carl Handley, Fred S. Crittenden, C. H. Butler, Jr., Frank Jessie, Davidson J. Gill

Voting as Opposed: None