Chapter 16

REFUSE AND WEEDS

Art. I. In General, §§ 16-1 – 16-30

Art. II. Town Garbage and Trash Collection Services, §§ 16-31 – 16-39

***Cross references**: Administration, ch.2; bonfires and outdoor rubbish fires, §6-2; keeping of inoperative motor vehicles, etc., on residential or commercial property, §10-47; music and entertainment festivals, ch. 11, nuisances, ch. 13; builders' rubbish to be removed from streets, §17-11; water, sewers and sewage, ch. 22.

State law references-Virginia Waste Management Act, Code of Virginia, §10.1-1400 et seq; removal of trash, garbage, weeds, etc., from property, Code of Virginia, §15.1-11; contracts for garbage and refuse pickup and disposal services, waste recovery facilities, Code of Virginia, §15.1-28.02; ordinances requiring delivery of garbage, trash and refuse to certain facilities, Code of Virginia, §15.1-28.03, regulations of garbage and refuse pickup and disposal services, Code of Virginia, §15.1-28.1; municipal collection and disposal of refuse, regulation of disposal facilities, Code of Virginia, §§15.1-857, 15.1-879; mailing of summons for violation of trash ordinance, Code of Virginia, §19.2-76.2; dumping of trash, etc, on highway, right of way or private property, Code of Virginia, §§33.1-346.1; dump creating fire hazard to public bridge, Code of Virginia, §33.1-347.

REFUSE AND WEEDS

ARTICLE 1. IN GENERAL

Sec. 16-1. Prohibited disposal of waste matter, etc.

No person shall deposit or dispose of any garbage, trash or other waste matter, whether solid or liquid, or any carcass or part thereof, or any offal, or anything dangerous or offensive to persons, or anything unwholesome, upon any street, sidewalk, public place or vacant lot, or upon the land of another without his consent, or in any gutter or drain, or in any pond, spring, well, cistern or watercourse.
(Code 1975, § 6-1)

Cross references-disposition of carcasses, §3-7; streets, sidewalks and public places, ch. 17; water, sewers and sewage, ch. 22.

State law references-Litter control and recycling, Code of Virginia, §10.1-1414 et seq.; unlawful disposal of waste, Code of Virginia, §§33.1-345, 33.1-346.

Sec 16-2. Duty of owners, etc., of premises – to cut and remove tall grass and weeds.

(a) It shall be unlawful for any person owning, occupying or having charge of any real estate or an interest therein, located within the corporate limits of the town, to allow grass or weeds to grow on the property to a height of more than 12 inches.

(b) If any owner, occupant or person in charge of such land or interest therein shall fail to have such illegal growth of grass or weeds on his land cut or otherwise removed within 15 days after written notice of violation of this section, the Town shall have the right to cut or remove such unlawful growth at the expense of the landowner, and such expense may be collected by the town as taxes are levied and collected. In addition, the owner shall pay a penalty of 10 percent of such expense in addition to any fine which may be imposed for violation of this section.

(c) Each day that any owner, occupant or person in charge of such land or interest shall fail to have such an illegal growth of grass or weeds on his land cut or otherwise removed after the above-mentioned 15 days has run shall constitute a separate offense punishable under section 1-7.

(d) This section shall not apply to any land used for agricultural or industrial purposes.

(Code 1975, §6.2l; Ord. of 9-3-91(4), §6-2)

State law references-Noxious Weed Law, Code of Virginia, §3.1-296.11 et seq.; removal of trash, garbage, weeds, etc., from property, Code of Virginia, §15.1-11; authority of town council to control Johnson grass and multiflora rose, Code of Virginia, §15.1-28.4; weeds and plants on highway right-of-way, Code of Virginia, §33.1-209.

Sec. 16-3. Same-To remove prohibited wastes, etc., upon direction of town administrator; recourse of town upon non-compliance.

(a) Owners, occupants and persons in charge of lots and premises within the corporate limits of the town shall, at such time as the town manager may require, after he consults with the appropriate state or local health officials or state or local fire officials, remove any and all trash,

garbage, refuse, litter or other substances and liquids which in the opinion of the town manager with the advice and concurrence of the above mentioned health or fire officials, may endanger the health or safety of persons or constitute a menace toward starting or spreading fire, or affording a breeding place for insects, rodents or reptiles.

(b) Whenever an owner occupant or person in charge of lots and premises within the town shall refuse to remove the above-mentioned materials after direction by the town manager as set forth in subsection (a), the town manager may have the materials removed, in which event the cost or expense thereof shall be charged to and paid by the owner of such property and may be collected by the town as taxes and levies are collected. In addition the owner shall pay a penalty of 10 percent of such expenses in addition to any fine which may be imposed for violation of this section.

(c) Each day beyond the date hereinafter described that the materials described in subsection (a) remain unremoved after the town manager has given written notice or requiring the owner, occupant or person in charge of the lots or premises to remove same by a certain date shall constitute a separate offense under section 1-7.
(Code 1975, §6-3; Ord. of 9-3-91(2), §6-3)

Cross reference-Fire prevention and protection, ch.6.

Sec. 16-4. Streams, drains, ditches, gutters, marshes, stagnant water, etc.

(a) If there is found a stream, drain or other running water upon any premises in the town, the owner thereof or the abutting property owner shall keep the same clean, free and unobstructed from filth, refuse, garbage and vegetation.

(b) If stagnant water or a marshy place shall be found upon any premises in the town or within the police jurisdiction thereof, the owner of such premises shall drain such stagnant water or drain or fill such marsh within 30 days after notification by the town so to do; and if it is found to be impracticable to fill or drain such practicable measures shall be taken as may be recommended by the town to abate the breeding of disease-bearing insects.

(c) All ditches and gutters passing through the private lots of property owners or their tenants in the town shall be kept open for the free passage and drainage of water.

(d) Upon failure of any person to comply with the provisions of subsections (a) through (c) of this section, the town is hereby authorized to have such stream, drain, ditch, gutter, running or stagnant water or marshy place cleaned, drained, filled or treated, or refuse or filth removed at the expense of the town. The town may collect the expense of so doing from the owner or occupants of the property in like manner as taxes are collected with 20 percent on such amount as a penalty, which penalty shall be in addition to any fine which may be imposed for violation of this section
(Code 1975, §6-4)

State law reference-Territorial jurisdiction of Town, Code of Virginia, §19.2-250.

Sec. 16-5. Lien created for charges incurred by Town.

Every charge and penalty authorized by section 16-2 through 16-4, both inclusive, with which the owner of any such property shall have been assessed and which remains unpaid, shall constitute a lien against such property. It shall be the duty of each town officer in charge of any work whereby a charge is so incurred to promptly notify the town attorney, who shall then take such action as may be necessary to have such lien properly recorded.
(Code 1975, §6-5)

Sec. 16-6. Violation of chapter.

Except as otherwise prescribed, any person who violates any provision of this chapter, by doing any act prohibited or declared to be unlawful, or who fails to do any act when such provision declares such failure to be unlawful, upon conviction thereof, shall be fined not less than $25.00 nor more than $50.00 for each offense. A separate offense shall be deemed committed on each day of occurrence.
(Ord. of 1-3-89, §6-15)

Secs. 16-7 – 16-30. Reserved

ARTICLE II. TOWN GARBAGE AND TRASH COLLECTION SERVICE*

Sec. 15.31. Service to be provided by Town.

The Town Council shall provide suitable facilities by its own employees or equipment, or by contract, for the adequate removal and disposal of garbage, including tin cans, bottles, decayed vegetables and animal matter and other discarded refuse, within the limits of the Town.
(Code 1975, §6-6)

Sec. 16-32. Collection and disposal schedule.

The collection and disposal of garbage and trash under this article shall be at such times and at such places as the Town Council may from time to time prescribe.
(Code 1975, §6-7)

Sec. 16-33. Collection fees and billings.

(a) The Town Council may establish by resolution a schedule of fees to be charged for the collection and disposal of garbage and trash under this article. Such schedule may classify properties to be served as residential, business or industrial and may impose different charges for different classes. Such schedule may prescribe the billing periods, methods of billing, time for payment and penalties for delinquency in payment.

***State law reference**-Virginia Waste Management Act, Code of Virginia, §10.1-1400 et seq.

(b) Until such time as a resolution shall be adopted pursuant to subsection (a) of this section, the collection and disposal charges, if any, the time of billing therefor and the payment therefor in effect immediately prior to the effective date of this Code shall continue in full force and effect.
(Code 1975, §6-8)

Sec. 16-34. Containers and storage areas.

(a) All owners or occupants of premises, including all mercantile, institutional and business establishments of every description within the town shall provide such premises, if occupied, with adequate garbage cans with well-fitting covers of standard type of not more than 30 gallons to which shall be place all decaying and dead animal and vegetable matter and other refuse.

(b) Commercial and multifamily residential properties may be required to provide dumpsters or other specified containers and enclosures by the rules and regulations adopted by resolution of the Town Council and by the other provisions of this chapter.
(Ord. of 1-3-89, §6-9)

Sec. 16-35. Placement for collection; removal of containers after collection.

(a) It shall be the duty of the householder or occupant of premises desiring garbage disposal to place the prescribed containers on the street edge accessible to the garbage collector on the day for the collection of the garbage, which shall not be less than once each calendar week.

(b) Where dumpsters or containerized service is required, collection shall be as specified in the rules and regulations adopted by resolution of the Town Council.
(Ord. of 1-3-89. §6-10)

Sec. 16-36. Materials not acceptable for collection.

The following materials will not be acceptable for municipal collection: Poisons, acids, caustic explosive, and other volatile materials, soils, rocks, stumps, batteries, tires, petroleum waste and material that may accumulate as the result of construction or repair.
(Ord. of 1-3-89, §6-11)

Cross reference – Buildings, ch. 4.

Sec. 16-37. Industrial waste not to be collected by town.

Industrial waste originating from manufacturing or packaging processes will not be collected by the town but shall be disposed of by means of an independent refuse and waste hauler. Rules and regulations which govern disposal of such waste, adopted by resolution of the Town Council, or by other state or federal laws shall apply.
(Ord. of 1-3-89, §6-12)

Sec. 16-38. Medical waste.

Reserved
(Ord. of 1-3-89, §6-13)

Sec. 16-39. Rules and regulations.

The Town Council may designate one of its committees or an appropriate town officer to prescribe rules and regulations governing the town garbage and refuse collection service in the time, manner and place for setting out and removal of garbage cans; the preparation of garbage and other refuse for collection; waste matter not subject to removal by the town's collection service; and other subjects related thereto. When such regulations are approved by resolution or order of the Town Council and a copy of such approved rules and regulations is on file in the office of the town clerk, and after publication thereof as provided in the town charter, it shall be unlawful for any person to violate or fail to comply with any provision thereof.
(Ord. of 1-3-89, §6-14)