

Chapter 134

SOLID WASTE AND WEEDS

[HISTORY: Adopted by the Town Council of the Town of Grottoes 11-13-2017.¹ Amendments noted where applicable.]

ARTICLE I Waste Materials

§ 134-1. Permit required.

It shall be unlawful for any person to deposit or cause to be deposited on private or public property in the Town any garbage, rubbish, refuse or other solid waste material not originating within the Town, without first obtaining a permit from the Town Manager.

§ 134-2. Definitions.

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

COMBUSTIBLE REFUSE — Refuse accumulations of paper, excelsior, rags or wooden or paper boxes or containers, sweepings and all other accumulations of a nature other than garbage which are usual to housekeeping and to the operation of stores, offices and other business places.

GARBAGE — Every refuse accumulation of animal, fruit or vegetable matter that attends the preparation, use, cooking and dealing in or storage of meats, fruit or vegetables and any other matter of any nature whatsoever which is subject to decay, putrefaction and the generation of noxious or offensive gases or odors, as breeding or feeding material for flies or other germ-carrying insects. "Garbage" also includes any containers which, due to their ability to retain water contents, may serve as breeding places for flies and mosquitoes or other water-breeding insects.

GARDEN TRASH — Tree limbs that cannot be placed in containers, and accumulations of grass or shrubbery, cuttings and other refuse attending the care of lawns, shrubbery, vines and trees.

NONCOMBUSTIBLE REFUSE — Refuse materials that are unburnable at ordinary flame temperatures, such as metals, mineral matter, large quantities of glass or crockery, metal furniture and auto bodies or parts.

VEGETATION — Weeds exceeding eight inches in height in areas not deemed agricultural, conservation areas, or areas within 25 feet of any residential lot. "Weeds" mean any plant, grass, weed, brush, vines, or any other vegetation, herbaceous or woody, other than:

¹. Editor's Note: This enactment also superseded former Ch. 134, Solid Waste and Weeds, which consisted of Art. I, Waste Materials, adopted 2-3-1970 as Title 13 of the 1970 Ordinances of the Town of Grottoes, as amended; and Art. II, Recycling, adopted 12-9-1991, as amended.

- A. Trees, ornamental shrubbery and vegetable and flower gardens purposely planted and maintained free of weed hazard or nuisance;
- B. Cultivated crops;
- C. Vegetation along natural streams or watercourses when necessary to deter erosion;
- D. Areas of woods not normally considered mowable.

§ 134-3. Authority of Town Manager.

The Town Manager shall have the full authority over and supervision of the day-to-day operations of the collection and disposal of all garbage, trash and refuse in the Town.

§ 134-4. Collection rules and regulations.

The Town Council or its designated representative shall have authority to make rules and regulations relative to the collection, removal and disposition of garbage, combustible refuse, noncombustible refuse, rubbish and trash not in conflict with the provisions of this article. It shall be unlawful for any person to fail, neglect or refuse to comply with such rules and regulations.

§ 134-5. Prohibited use of public trash containers.

Trash containers placed upon the streets or sidewalks of the Town by the Town or by an organization under the direction and approval of the Town Council shall be for the use of the general public and shall not be loaded by householders or places of business.

§ 134-6. Depositing rubbish on streets prohibited.

- A. It shall be unlawful for any person to throw into the streets or alleys or upon the sidewalks or other public places or private premises any rubbish, trash, paper, dirt, filth, vegetables, metals, fruit, broken glass or glass of any nature or any matter, solid or substance or thing calculated to render the streets, sidewalks, alleys or private premises unclean or unsightly or unsafe to any person, animal or vehicle using such streets, sidewalks, alleys or other public places or private premises.
- B. It shall be unlawful for any person to place in the streets or alleys or upon the sidewalks or other public places or private premises anything of a nature that could injuriously affect the health or welfare of the general community.

§ 134-7. Storage of trash in streets or alleys prohibited; removal.

Except as otherwise provided, no alley or street is to be used to store any kind of trash, refuse or other material which causes any unsightly appearance in the Town. Anyone violating this provision shall have the trash, refuse or material in question removed within 72 hours after a notice is received from the Town Manager to the effect that the same must be removed therefrom.

§ 134-8. Containers for trash and refuse.

All trash and refuse set out for collection in the Town shall be placed in appropriate containers. Such containers shall be provided by the residents or occupants of residences, apartments or places of business in the Town. Such containers shall not be filled so as to exceed 50 pounds by weight. Such container shall not contain any liquid therein.

§ 134-9. Containers or bundles for garden trash.

Garden trash set out for collection in the Town shall be placed in cardboard containers not over two feet in height, width and length or shall be tied into bundles not exceeding four feet in length and 50 pounds in weight.

§ 134-10. Containers or bundles for paper boxes and newspapers.

When set out for collection in the Town, all paper boxes, newspapers, wastepaper and rags not placed into containers shall be tied securely in bundles not exceeding 50 pounds by weight. Empty cardboard boxes and paper cartons shall be cut down, laid flat and tied to prevent the same from being blown over the streets.

§ 134-11. Trash collection following storms, floods or other natural phenomena.

The Town will only make one pickup of limbs, brush and other similar material which are created by storms or other unusual weather phenomena without additional charge. Additional pickup of said material may be provided but at a charge as may be set by Council.

§ 134-12. Hot ashes.

Hot ashes or any material burning in any container will not be collected by the Town employees.

§ 134-13. Keeping containers covered.

All containers for garbage, trash, refuse and other similar matter shall be kept covered at all times. All collectors after emptying such containers shall replace the covers or tops and put the containers back on the sidewalk, curb or alley where they were prior to being emptied.

§ 134-14. Removal of containers after collection.

After being emptied, each container for garbage, trash, refuse and other similar matter shall be removed from the sidewalk, curb, street or alley by the owner thereof not later than 12:00 noon of the day following the day of collection.

§ 134-15. Schedule for collection of garbage.

- A. The schedule for collection of garbage, trash, refuse and other similar matter shall be established by the Town Council and maintained in the Town office.
- B. Bimonthly charges for the collection and hauling of garbage, trash, etc., shall be as provided in Chapter A171, Fees.
- C. Any house, apartment or business may be exempt from the refuse collection fee if the owners of such property notify the Town Treasurer, in writing, that it is unoccupied and

creating no refuse. It shall then become their responsibility to notify the Town Treasurer again, in writing, when it is reoccupied.

- D. Any business may be exempt from the refuse collection fee upon written application to the Town Manager and satisfactory proof that:
- (1) Such business generates no refuse; or
 - (2) Suitable alternative provisions for the removal of any and all trash, garbage, litter and other like substances have been made.

§ 134-16. Special removal during cleanup week.

There shall be a special cleanup week for the benefit of all residents and the operators of places of business in the Town during the week in which the 15th day of May falls. During this week, the Town shall move to the Town's designated dumping site all stones, tree limbs and any other type of brush or refuse that can be handled by one employee. Pickup service will be limited to those types of trash originating off the land itself and will not include tires, furniture, appliances, etc.

§ 134-17. Entrance upon private property by Town employees prohibited.

No employee of the Town shall enter upon any private property while engaged in the collection of garbage, trash or refuse.

§ 134-18. Removal of waste construction materials.

All waste materials resulting from the construction, repairs or demolition of buildings, such as lumber, stone, brick, cement, sand, glass, gravel, roofing, plaster and foundation stone or gravel, shall be removed by the owners of such buildings or their agents.

§ 134-19. Service of notice upon real estate owner.

Any notice required to be given the real estate owner by this article shall be served by some officer of the Police Department of the Town, and the officer serving the notice shall make a return thereon.

§ 134-20. Maintenance of property required.

Each year, every owner of property situated in the Town of Grottoes shall cut the grass, weeds and other foreign growth on such property whenever the growth attains a height of eight inches or more with the following exceptions:

- A. Farmland, not including business gardens, on which crops are being grown or land used to pasture livestock.
- B. Acreage not farmed or pastured but which is not subdivided and of which no subdivision plat has been recorded. However, on such unused acreage, the owner shall mow a strip 25 feet wide adjacent to any street or adjoining property on which a residence is located.
- C. Alleys and public streets that are not open to vehicular traffic and which are governed by

the Maintenance Improvement Plan to Public Alleys.

§ 134-21. Failure of owner to maintain vegetation.

In the event that said owner fails to cut said grass, weeds and foreign growth, the Town of Grottoes may, after reasonable notice, have said grass, weeds and foreign growth cut by its own agents or employees, in which event the cost thereof shall be chargeable to and paid by the owners of such property and may be collected by the locality as taxes are collected. For the purpose of this section, one written notice annually to the owner of record of the subject property shall be considered reasonable notice. Every charge authorized by this section with which the owners of any such property shall be assessed and which remains unpaid shall constitute a lien against such property ranking on a parity with liens for unpaid real estate taxes.

§ 134-22. Removal of trash required; intervention of Town.

Every owner of property situated in the Town shall, at such time as the Police Chief or Town Manager deems necessary, remove therefrom any and all trash, garbage, refuse, litter and any other like substances which might endanger the health of other residents of the Town, or the Police Chief or Town Manager may, after reasonable notice, have such trash, refuse, litter and other substances which might endanger the health of other residents of the Town removed by its own agents or employees, in which event the cost of expenses thereof shall be chargeable to and paid by the owners of such property and may be collected by the locality as taxes are collected. For purposes of this section, one written notice annually to the owner of record of the subject property shall be considered reasonable notice. Every charge authorized by this section with which the owner of any such property shall have been assessed and which remains unpaid shall constitute a lien against such property ranking on a parity with liens for unpaid local real estate taxes.

§ 134-23. Failure to remove trash after notice.

No owner of property shall fail to remove trash, refuse, litter and other like substances after having been notified to do so by the Police Chief or Town Manager. For the purpose of this section, each seven-day period that such trash, refuse, litter and other like substances remain unremoved after notice to remove the same shall be deemed a separate offense.

§ 134-24. Violations and penalties.

A violation of this article shall be subject to a civil penalty in the amount of \$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 be \$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 twelve-month period.

ARTICLE II
Recycling

§ 134-25. Definitions.

As used in this article, the following terms shall have the meanings indicated:

GENERATOR — Any commercial or industrial enterprise whose act or process produces solid waste as defined herein.

MANAGE — To collect, store, treat, transport and dispose of solid waste as defined herein.

RECYCLING — The process of separating a given waste material from the waste stream and processing it so that it is used again as a raw material for a product which may or may not be similar to the original product.

REUSED — Once having been a waste and being:

- A. Employed as an ingredient (including use as an intermediate) in a process to make a product, excepting those materials possessing distinct components that are recovered as separate end products; or
- B. Employed in a particular function or application as an effective substitute for a commercial product or natural resources.

SOLID WASTE — Any garbage, refuse, sludge and other discarded material, including solid, semisolid or contained gaseous material, resulting from industrial, commercial, residential, mining and agricultural operations or community activities, but does not include:

- A. Solid or dissolved material in domestic sewage;
- B. Solid or dissolved material in irrigation return flow or in industrial discharges which are sources subject to a permit from the State Water Control Board; or
- C. Source, special nuclear or by-product material as defined by the Federal Atomic Energy Act of 1954, as amended.

SOURCE REDUCTION — Any action that reduces or eliminates the generation of waste at the source, usually within a process. Source reduction measures include, among others, process modifications, feedstock substitutions, improvements in feedstock purity, improvements in housekeeping and management practices, increases in the efficiency of machinery and recycling within a process.

§ 134-26. Annual reports required.

- A. All solid waste generators, all companies that handle solid waste and all companies recycling materials generated within the incorporated area of Grottoes, Virginia, shall furnish to the Town annual reports filed within 30 days after the end of each calendar year containing the following:

- (1) The name and address of the reporting party.
- (2) The total quantity or volume and type of solid waste recycled by the generator during the reporting period, and the name and location of the receiving party.
- (3) The total quantity or volume of solid waste that has been the subject of source

reduction or reuse as defined herein.

- B. Any report required under this section shall be based on actual volume or weight of all substances. Where actual volume or weight cannot be accurately determined, the volume or weight may be reported using carefully estimated data. Any such report shall include a description of the basis for the reported data.
- C. Recycled solid waste included in the report shall include only those solid wastes generated within the incorporated Town limits.

§ 134-27. Withheld information.

Nothing hereunder shall be construed to require any generator to report information of a proprietary nature. Where any generator fails to report any information otherwise required hereunder based upon a determination that such information is of the proprietary nature, the generator shall specify in its report the nature of the information withheld and the basis for its determination that such information is of a proprietary nature.