

# **CAMPBELL COUNTY CODE OF 1988**

## **CHAPTER 12**

### **GARBAGE, REFUSE AND WEEDS**

For state law as to authority of County to provide for removal of trash, garbage, weeds and other foreign matter, see VA. CODE ANN. §15.2-901 (Cum. Supp. 2010).

As to automobile graveyards and junkyards, see §§15-48 et seq. of this Code. As to putting glass, etc., on highways, see §15-6. As to utilities, including sewers and sewage disposal, see Ch. 18 of this Code. As to County zoning ordinance, see Ch. 22 of this Code.

#### **Article I. In General.**

- [§ 12-1.](#) Dumping of trash, companion animals, etc., on highway, right-of-way or private or public property.
- [§ 12-1.1.](#) Reserved.
- [§ 12-1.2.](#) Reward offered for conviction of litterers.
- [§ 12-2.](#) Removal of trash, garbage, etc., weeds and other foreign growth; disposal of trash, garbage, etc., in receptacles.

#### **Article II. Solid Waste Collection and Disposal.**

- [§ 12-3.](#) County solid waste collection and disposal locations--Established; "solid waste" defined.
- [§ 12-4.](#) Same--Designated; unlawful dumping prohibited in other areas of County.
- [§ 12-5.](#) Same--Persons authorized to use.
- [§ 12-6.](#) Same--Regulations for use.
- [§ 12-6.1.](#) Same--Additional regulations--certain requirements.
- [§ 12-6.2.](#) Reserved.
- [§ 12-6.3.](#) Effective date.
- [§ 12-7.](#) Violations; penalty.

#### **Article III. Tire Stockpiles.**

##### **Division I. In General**

- [§ 12-8.](#) Purpose of article.
- [§ 12-8.1](#) Improper accumulation or disposal of tires—Permit required; exemptions; penalty.
- [§ 12-9.](#) Definitions.
- [§ 12-10.](#) Location.

## **Division II. General Regulations**

- [§ 12-11.](#) Application for Special Use Permit.
- [§ 12-12.](#) Same--Bond; submission of contingency plan in case of fire.
- [§ 12-13.](#) Storage restricted to tires.
- [§ 12-14.](#) Security; illumination.

## **Division III. Design Standards**

- [§ 12-15.](#) Setback from adjoining property lines.
- [§ 12-16.](#) Individual piles of tires—size; separation of piles.
- [§ 12-17.](#) Same--Access.
- [§ 12-18.](#) Violation.

**Article I. In General.**

**Sec. 12-1. Dumping of trash, companion animals, etc. on highway, right-of-way or private or public property.**

(a) It shall be unlawful for any person to dump or otherwise dispose of trash, garbage, refuse, litter, a companion animal for the purpose of disposal, or other unsightly matter, on public property, including property owned by the County or by the School Board, a public highway, right-of-way, property adjacent to such highway or right-of-way, or on private property, without the written consent of the owner thereof or his agent.

(b) When any person is arrested for a violation of this section, and the matter alleged to have been illegally dumped or disposed of has been ejected from a motor vehicle or transported to the disposal site in a motor vehicle, the arresting officer may comply with the provisions of VA. CODE ANN. §46.2-936 (Repl. Vol. 2010), in making such arrest.

When a violation of the provisions of this section has been observed by any person, and the matter illegally dumped or disposed of has been ejected or removed from a motor vehicle, the owner or operator of such motor vehicle shall be presumed to be the person ejecting or disposing of such matter. However, such presumption shall be rebuttable by competent evidence.

(c) Any person convicted of a violation of this section shall be guilty of a misdemeanor punishable by confinement in jail for not more than twelve (12) months and a fine of not less than \$250.00 or more than \$2,500.00, either or both.

In lieu of the imposition of confinement in jail, the court may order the defendant to perform community service in litter abatement activities.

(d) All fines imposed under this section shall be paid into the court and forwarded to the Campbell County Treasurer for deposit into the general fund of the County.

(e) The provisions of this section shall not apply to the lawful disposal of such matter in landfills. (3-20-72, §§1, 2), (11-15-82) (9-8-87)

For state law authority, see VA. CODE ANN. §33.1-346 (Repl. Vol. 2005) and §15.2-1429 (Repl. Vol. 2008).

Cross reference: For provisions prohibiting putting glass, nails, tacks, etc. on highway or street, see §15-6 of this Code.

[THE 1982 AMENDMENT deleted part of (b), redesignated former (d) as (e), and inserted a new (d).]

[THE 1987 AMENDMENT inserted "litter" following "refuse" in (a) and (c), substituted "including" for "to include" and "or" for "and" following "County" in (a), inserted "property adjacent to such highway or right-of-way" in (b), inserted "however" following "provided" and substituted "presumption" for "assumption" in (c), and rewrote (d).]

[THE 1988 AMENDMENT substituted "dumps or otherwise disposes of" for "shall dump or otherwise dispose of," inserted "public property, including property owned by the County or by the School Board," and deleted "or public" following "on private" and "including property owned by the County or by the School Board" preceding "without the written consent" in (a), inserted "illegally" preceding "dumped" in (b) and (c), deleted "on the highway, right-of-way, property adjacent to such highway or right-of-way or public or private property" preceding "has been ejected" in (b) and (c), substituted "matter" for "trash, garbage, refuse, litter or other unsightly matter" in (c), and "However, such presumption" for "provided, however, that such presumption" therein, and added (f).]

[THE 1989 AMENDMENT substituted "VA. CODE ANN. §46.2-936 (Repl. Vol. 1989)" for "VA. CODE ANN. §46.1-178 (Repl. Vol. 1986)" near the end of (b).]

[THE 1990 AMENDMENT substituted "\$2,500.00" for "\$1,000.00" in (d) and substituted "paid into the court and forwarded to the State Treasurer for the construction and maintenance of state highways" for "collected and paid to the credit of the general revenue fund of this County" in (e).]

[THE JULY 2, 2001 AMENDMENT, in (a), rewrote the beginning of the first sentence and added the second sentence regarding the penalty for violation; deleted subsection *designations* of former (c) and (d) [now part of (b)], and redesignated former (e) and (f) as present (c) and (d); and, in (b), inserted "or transported to the disposal site in a motor vehicle" in the first paragraph, inserted "or removed" and "or disposing of" in the first sentence of the second paragraph, and, in the third paragraph, substituted "a violation of this subsection" for "such violation," "punishable" for "and shall be punished," and "not less than \$250.00 or more than \$2,500.00" for "not more than \$2,500.00."]

[THE JUNE 17, 2002 AMENDMENT substituted "under this section" for "hereunder" and "Campbell County Treasurer for deposit into the general fund of the County" for "State Treasurer for the construction and maintenance of state highways" in (c).]

[THE DECEMBER 1, 2003 AMENDMENT, in (a), inserted "a companion animal for the purpose of disposal" in the first sentence and deleted the second sentence regarding penalties for violations; redesignated former (c) and (d) as present (d) and (e); designated the former third paragraph of (b) as present subsection (c), substituting "section" for "subsection" in the first paragraph thereof and adding the second paragraph allowing performance of community service in lieu of confinement in jail.]

### **Sec. 12-1.1. Reserved.**

Editor's note: Former §12-1.1, authorizing suspension of any sentence for violation of §12-1 on condition that defendant volunteer his services for a specified length of time to remove litter from the highway, was repealed by the Board of Supervisors on June 17, 2002 because imposition of such an alternative penalty was specifically authorized by VA. CODE ANN. §33.1-346.1 *only as to violations of VA. CODE ANN.* §33.1-346, but such authorization did not extend to violations of a

local ordinance. The 2003 General Assembly amended VA. CODE ANN. §33.1-346 to allow a court to order a defendant found guilty of a violation of that section *or an ordinance adopted pursuant thereto* to perform community service in litter abatement activities in lieu of the imposition of confinement in jail, which provision is now set forth in the second paragraph in subsection (c) in §12-1 of this Code.

**Sec. 12-1.2. Reward offered for conviction of litterers.**

(a) Pursuant to the authority of VA. CODE ANN. §15.2-1713 (Repl. Vol. 2008), the Board of Supervisors, or its duly authorized agent, may offer and pay a reward for information leading to the arrest and final conviction of a person or persons violating the provisions of §12-1 of this Code.

(b) The amount of the reward to be offered shall be determined by the Board of Supervisors and such reward shall be paid out of the general fund of the County.

For state law authorizing localities to offer and pay rewards in felony and misdemeanor cases, see VA. CODE ANN. §15.2-1713 (Repl. Vol. 2008).

[THE 1990 ACT adopted this section.]

[THE MAY 17, 1999 AMENDMENT substituted “§15.2-1713” for “§15.1-137.2” in (a).]

**Sec. 12-2. Removal of trash, garbage, etc., weeds and other foreign growth; disposal of trash, garbage, etc., in receptacles.**

(a) The owners of property in the County within the boundaries of platted subdivisions or any other areas zoned for residential, business, commercial or industrial use shall, at such time or times as the Board of Supervisors may prescribe, remove therefrom any and all trash, garbage, refuse, litter and other substances which might endanger the health or safety of other residents of the County; or the Board may, whenever the Board of Supervisors deems it necessary, after reasonable notice, have such trash, garbage, refuse, litter and other like substances which might endanger the health or safety of other residents of the County, removed by its own agents or employees, in which event the cost or expenses thereof shall be chargeable to and paid by the owners of such property and may be collected by the County as taxes are collected.

(b) Trash, garbage, refuse, litter and other debris shall be disposed of in personally owned or privately owned receptacles that are provided for such use and for the use of persons disposing of such matter or in authorized facilities provided for such purpose and in no other manner not authorized by law.

(c) (1) The owners of vacant developed or undeveloped property in the County within the boundaries of platted subdivisions or any other areas zoned for residential, business, commercial or industrial use, including such property upon which buildings or other improvements are located, shall cut the grass, weeds, and other foreign growth on such property or any part thereof

at such time or times as the Board of Supervisors shall prescribe; or the Board may, whenever the Board of Supervisors deems it necessary, after reasonable notice as determined by the locality, have such grass, weeds or other foreign growth cut by its agents or employees, in which event the cost and expenses thereof shall be chargeable to and paid by the owner of such property and may be collected by the County as taxes are collected.

(2) "Reasonable notice" for the purposes of this section shall require the Board of Supervisors, or its designated agent to provide at least fifteen (15) days written notice by certified mail, return receipt requested, to the last known address of the property owner, advising such property owner of the failure to cut grass, weeds, and other foreign growth on the named property and the County's intention to take action in accordance with the provisions of subsection (c)(1) above.

(d) Every charge authorized by this section with which the owner 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 taxes and enforceable in the same manner as provided in Article 3 (§58.1-3940 et seq.) and Article 4 (§58.1-3965 et seq.) of Chapter 39 of Title 58.1 of the Code of Virginia, as amended. A locality may waive such liens in order to facilitate the sale of the property. Such liens may be waived only as to a purchaser who is unrelated by blood or marriage to the owner and who has no business association with the owner. All such liens shall remain a personal obligation of the owner of the property at the time the liens were imposed.

(e) The provisions of this section shall have no force or effect within the corporate limits of any incorporated town. (9-8-87)

For state law authority, see VA. CODE ANN. §15.2-901 (Cum. Supp. 2010).

[THE 1987 AMENDMENT rewrote (a) and (b).]

[THE 1990 AMENDMENT redesignated former provisions of (c) and (d) as present (d) and (e), respectively, and inserted new (c).]

[THE 1992 AMENDMENT inserted "and lienholder" and added the language beginning "ranking on a parity..." at the end of (d).]

[THE MARCH 17, 1997 AMENDMENT inserted "including such property upon which buildings or other improvements are located" in the first clause of (b).]

[THE MAY 17, 1999 AMENDMENT redesignated former (b) and (c) as present (c) and (b), respectively; in present (a) and (c), substituted "The owners" for "Owners" at the beginning and deleted "and levies" preceding "are collected" at the end; substituted "Trash" for "All trash" in present (b); deleted "and lienholder" following "owner" in (d).]

[THE AUGUST 7, 2000 AMENDMENT added the last three sentences in (d).]

[THE JUNE 17, 2002 AMENDMENT designated the provisions of (c) as paragraph (1) thereof and inserted "as determined by the locality" therein, and added paragraph (2).]

## **Article II. Solid Waste Collection and Disposal.**

For state law authorizing County to regulate siting of solid waste management facility, see VA. CODE ANN. §15.2-928 (Repl. Vol. 2008), VA. CODE ANN. §15.2-929 (Repl. Vol. 2008) and VA. CODE ANN. §15.2-931 (Repl. Vol. 2008). For state law authorizing localities to acquire land for public uses, see VA. CODE ANN. §15.2-1800 (Repl. Vol. 2008) and VA. CODE ANN. §15.2-1814 (Repl. Vol. 2008). For state procedures regarding application for permit to operate sanitary landfill, see VA. CODE ANN. §10.1-1408.1 et seq. (Cum. Supp. 2010).

Editor's notes: For state law exempting from permit requirements certain agricultural operations receiving only yard waste for composting and setting forth limitations on such exemption, see VA. CODE ANN. §10.1-1408.1. K. For state law policy for encouraging development of facilities for decomposition of vegetative waste by providing for expedited permit approval process, subject to the existing authority of the County to regulate such facilities, by requiring, among other things, permits and proof of financial security, see VA. CODE ANN. §10.1-1408.1. L.

Effective July 1, 2008, the County became part of the Region 2000 Services Authority and closed the landfill located in Campbell County, to be reopened for regional use when capacity at the Lynchburg facility is reached. Trash will be collected at transfer sites located in the County and transported to the landfill located in the City of Lynchburg. Commercial haulers and all customers depositing solid waste that is ineligible for transfer site dumping will be required to transport such waste to the Lynchburg facility during the period of its use.

### **Sec. 12-3. County solid waste collection and disposal locations--Established; "solid waste" defined.**

(a) The purpose of this article is to establish and regulate the use of landfills, transfer sites and other refuse and waste material depositories and disposal points, hereinafter referred to as County solid waste collection and disposal locations, in the County, in accordance with the authority contained in VA. CODE ANN. §15.2-928 (Repl. Vol. 2008), §15.2-931 (Repl. Vol. 2008), and §15.2-1200 (Repl. Vol. 2008).

(b) As used in the Campbell County Code of 1988, "solid waste" shall mean any garbage, refuse, sludge and other discarded material, including solid, liquid, semisolid or contained gaseous material, resulting from industrial, commercial, mining, and agricultural operations, or community activities but does not include (i) solid or dissolved material in domestic sewage, (ii) solid or dissolved material in irrigation return flows or in industrial discharges which are sources subject to a permit from the State Water Control Board, or (iii) source, special nuclear, or by-product materials defined by the Federal Atomic Energy Act of 1954, as amended. (9-18-78, §.1) (9-8-87)

For state law basis for definitions, see VA. CODE ANN. §10.1-1400 (Cum. Supp. 2010) and §10.1-1408.1 (Cum. Supp. 2010). For procedure for obtaining permit to operate new sanitary landfill or transfer station, see VA. CODE ANN. §10.1-1408.1 (Cum. Supp. 2010), especially subsection B. thereof.

[THE 1988 AMENDMENT inserted the designation (a), substituted "County solid waste collection" for "county solid waste collection" therein, and added (b).]

[THE MARCH 17, 1997 AMENDMENT substituted "by-product material as" for "byproduct material" near the end of (b).]

[THE MAY 17, 1999, AMENDMENT substituted “§15.2-928, §15.2-931, and §15.2-1200” for “§15.1-282 and §15.1-510” in (a).]

#### **Sec. 12-4. Same--Designated; unlawful dumping prohibited in other areas of County.**

Only those locations designated as active public landfills, trash transfer points or other refuse and waste material collection and disposal points by the governing body of the County shall be used as a public dumping place for refuse, garbage, trash and other waste materials in the County, and it shall be unlawful to dump such refuse and waste materials in other places. (9-18-78, §2.)

The provisions of this section shall not apply to garbage, trash and refuse generated, purchased or utilized by an entity engaged in the business of manufacturing, mining, processing, refining or conversion except for an entity engaged in the production of energy or refuse-derived fuels for sale to a person other than any entity controlling, controlled by or under the same control as the manufacturer, miner, processor, refiner or converter. Nor shall such ordinance apply to (i) recyclable materials, which are those materials that have been source separated by any person or materials that have been separated from garbage, trash and refuse by any person for utilization in both cases as a raw material to be manufactured into a new product other than fuel or energy, (ii) construction debris to be disposed of in a landfill or (iii) waste oil.

See also VA. CODE ANN. §10.1-1408.1 (Cum. Supp. 2010). For state law authority, see VA. CODE ANN. §15.2-928 (Repl. Vol. 2008) and VA. CODE ANN. §15.2-933 (Repl. Vol. 2008).

[THE 1989 AMENDMENT added the second paragraph.]

[THE JULY 7, 2008 AMENDMENT added “active” before “public landfills” in the first sentence of this section.]

**Sec. 12-5. Same--Persons authorized to use.**

(a) All persons whose residences or places of doing business are within the geographical limits of the County, which shall include towns located therein, shall be privileged to use the public facilities of the County solid waste collection and disposal locations such as active landfills, transfer sites and other waste material depositories for dumping or depositing of garbage, trash and other waste material which originates in the County, subject to other provisions of this article.

(b) No persons other than those authorized in subsection (a) above shall enter into or upon or use locations designated as County solid waste collection and disposal locations for any purpose whatsoever, and no refuse, trash, garbage or other waste material except that originating in the County shall be placed, deposited or dumped in County solid waste collection and disposal locations. Proof of residency or other eligibility may be required. (9-18-78, §2.)

For state law authority, see VA. CODE ANN. §15.2-928 (Repl. Vol. 2008).

[THE 1988 AMENDMENT added "subject to other provisions of this article" in (a).]

[THE JULY 7, 2008 AMENDMENT deleted former subsection (b) and renumbered accordingly, added "active" before "landfills" in (a), and added "Proof of residency or other eligibility may be required" at the end of (b).]

**Sec. 12-6. Same--Regulations for use.**

(a) All persons duly authorized to use the facilities of the County solid waste collection disposal locations by the provisions of this article, shall abide by and conform with all the regulations herein contained, and with all instructions or orders of persons authorized by the County to supervise refuse, trash and waste collection and disposal operations within or at County refuse locations, and with all signs and notices published and posted by the governing body.

(b) No person shall, except with the permission of the governing body, remove an object which has been placed, deposited or dumped in a County solid waste collection and disposal location.

(c) No person shall place, deposit or dump any explosive, gasoline, gasoline derivative or other inflammable or noxious, poisonous, burning or other dangerous material, or any hazardous material, hazardous substance, hazardous waste, household hazardous waste (unless properly contained and segregated to prevent mixing of incompatible wastes and stored in portions of a permitted solid waste management facility used solely for the storage of household hazardous waste for a period not to exceed one year), mixed radioactive waste, or radioactive or nuclear waste, as those terms are defined in VA. CODE ANN. §10.1-1400 (Cum. Supp. 2010), which definitions are incorporated herein by reference, in or at County solid waste collection and disposal locations.

(d) Persons engaged as contractors by the County to move trash and refuse from transfer sites to the active Region 2000 Services Authority landfill will inspect containers prior to transportation to the landfill to insure that neither fire nor other dangerous conditions exist in the container which would cause a fire or other hazard when deposited at the landfill.

(e) No persons shall place, deposit or dump in or at County solid waste collection and disposal locations, locations designated as public landfills, trash transfer points or other refuse and waste material collection and disposal points, the wastes of manufacturing and industrial plants or large scale non-manufacturing commercial enterprises without specific written approval of the governing body. (9-18-78, §3.)

For state law authority, see VA. CODE ANN. §15.2-928 (Repl. Vol. 2008).

Editor's note. - VA. CODE ANN. §10.1-1408.1 at subsection O. allows portions of a permitted solid waste management facility used solely for the storage of household hazardous wastes to store such wastes for a period not to exceed one year, provided that such wastes are properly contained and are segregated to prevent mixing of incompatible wastes. For definition of "household hazardous waste," see VA. CODE ANN. §10.1-1400 (Cum. Supp. 2010).

[THE 1988 AMENDMENT inserted "or any hazardous material, hazardous substance, or hazardous waste, as those terms are defined in VA. CODE ANN. §10.1-1400," in (c); and, in (e), substituted a comma for a parenthesis preceding "locations designated" and following "disposal points," and substituted "public landfills" for "public landfill."]

[THE MARCH 17, 1997 AMENDMENTS, in (c), deleted "or" following "hazardous substance," and inserted "household hazardous waste (unless properly contained and segregated to prevent mixing of incompatible wastes), mixed radioactive waste, or radioactive or nuclear waste" preceding "as those terms."]

[THE FEBRUARY 2, 1998 AMENDMENT, in (c), inserted language beginning "and stored in portions..." and "which definitions are incorporated herein by reference."]

[THE JULY 7, 2008 AMENDMENT renamed the section and substituted "active Region 2000 Services Authority landfill" for "County solid waste landfill" in (d).]

**Sec. 12-6.1. Same--Additional regulations--certain requirements.**

(a) A landfill user fee shall be applicable for any person or persons, association, partnership, firm or corporation depositing solid waste, as defined in §12-3(b) of this Code in accordance with the policies and fee schedule set by the Region 2000 Services Authority from time to time by duly adopted ordinance. Such fee schedule shall be available upon request at the Region 2000 Services Authority landfill or in the Administration Office of any participating locality and is hereby incorporated by reference.

(b) County residents shall be allowed to dispose two (2) tons of household solid waste per calendar year at no charge at any County transfer site, with the following limits and exceptions:

(i) Load Size. Residential debris hauled in any vehicle including commercial or employer-owned vehicles will be limited to the equivalent of a pickup truck

bed of approximately 60 cubic feet per day. Any larger loads must be taken to the Region 2000 landfill.

- (ii) Tires. County residents may dispose of eight (8) tires, in loads of up to four (4) tires at a time, at the Livestock Road Transfer Site only, at no charge within the same calendar year. The Towns of Altavista and Brookneal may bring tires from their town maintenance shops only to the Livestock Road Transfer Site. All others must be taken to the Region 2000 Services Authority Landfill.
- (iii) Appliances. County residents may dispose of eight (8) appliances, in loads of up to two (2) appliances at a time, at the Livestock Road Transfer Site only, at no charge within the same calendar year. The Towns of Altavista and Brookneal may bring unlimited quantities of appliances to the Livestock Road Transfer Site if segregated from all other types of trash. All other appliances must be taken to the Region 2000 Services Authority Landfill.
- (iv) Waste Oil. County residents may dispose of ten (10) gallons of waste oil per load in containers no larger than five (5) gallons, at the Livestock Road Transfer Site only. Any additional waste oil must be taken to the Region 2000 Services Authority Landfill.
- (v) Vehicle Batteries. County residents may dispose of up to twenty (20) vehicle batteries, in loads of no more than five (5) per load, at the Livestock Road Transfer Site only, at no charge within the same calendar year. Any additional vehicle batteries must be taken to the Region 2000 Services Authority Landfill.
- (vi) Brush and Yard Waste. County residents may dispose of an unlimited amount of brush and yard waste collected from their residences at the Livestock Road Transfer Site only. All commercial haulers of brush and yard waste must take their loads to the Region 2000 Services Authority Landfill unless they have negotiated a separate contractual arrangement with the County Director of Public Works. The Towns of Altavista and Brookneal may bring unlimited amounts of brush and yard waste to the Livestock Road Transfer Site only, if segregated from other types of trash.
- (vii) Shingles. Shingles will not be accepted in any amount at any transfer site. All shingles must be taken to the Region 2000 Services Authority Landfill.
- (viii) Liquid Waste. Liquid wastes or sludges, except as otherwise permitted in this Article, will not be accepted in any amount at any transfer site. All sludge or liquid waste must be taken to the Region 2000 Services Authority Landfill.
- (ix) Animal Carcasses. Carcasses of companion animals, livestock, and wildlife will not be accepted in any amount at any transfer site. All animal carcasses must be taken to the Region 2000 Services Authority Landfill.

- (x) Other trash collected by the Towns of Altavista and Brookneal will be accepted on a separate negotiated contract basis.
- (xi) All waste accepted at the transfer sites is subject to inspection. Proof of residency may be requested. Access to the transfer sites may be denied if the requirements of this Article are not met.

(c) All residential (door to door) haulers shall be required to haul all solid waste to the Region 2000 Services Authority Landfill and shall abide by all applicable regulations for such use.

(d) By using the County transfer sites for the disposal of solid waste, all users agree to abide by all ordinances adopted from time to time by the Board of Supervisors and all rules, regulations, and hours of operation promulgated from time to time by the Board of Supervisors and/or the County Administrator, or his agent, for the regulation and operation of the County transfer sites, and all applicable provisions of state law. (1-17-89)

For state law authority, see VA. CODE ANN. §15.2-928 (Repl. Vol. 2008), VA. CODE ANN. §15.2-931 B. (Repl. Vol. 2008), and VA. CODE ANN. §15.2-1200 (Repl. Vol. 2008).

[THE JANUARY 1989 ACT adopted this section, effective April 1, 1989.]

[THE 1990 AMENDMENT, in paragraph 1 in (a), increased the per cubic yard charge for a loose load from \$1.00 to \$3.00, and increased the per cubic yard charge for a compacted load from \$2.50 to \$7.50. In paragraph 2 in a), "charges" was substituted for "charge" in the second sentence, and in paragraph 3 in (a), the per month charges for a small user were increased from \$5.00 to \$10.00, for a medium user from \$24.00 to \$48.00, and for a large user from \$48.00 to \$96.00.]

[THE 1992 AMENDMENT, in paragraph 1 of (a), increased the per cubic yard charge for a loose load from \$3.00 to \$4.00 effective January 1, 1993, and \$5.00 effective January 1, 1994, increased the per cubic yard charge for compacted loads from \$7.50 to \$10.00 effective January 1, 1993 and \$12.50 effective January 1, 1994, increased the charge for tires (intact-each) from \$0.50 to \$0.75 effective January 1, 1993, and \$1.00 effective on January 1, 1994. In paragraph 3 of (a), the charge for small user was increased from \$10.00 per month to \$12.50 per month effective January 1, 1993, and \$15.00 per month effective January 1, 1994, charge for medium user was increased from \$48.00 per month to \$60.00 per month effective January 1, 1993, and \$75.00 per month effective January 1, 1994, and the charge for large user was increased from \$96.00 per month to \$120.00 per month effective January 1, 1993, and \$150.00 per month effective January 1, 1994; tires 16" and smaller \$.75 effective January 1, 1993, over 16" \$1.00, all tires \$1.00 effective January 1, 1994; and new subparagraph (a) 5 was added.]

[THE 1994 AMENDMENT, effective January 1, 1995, deleted classifications within (a) whereunder fees were imposed based on volumes enumerated therein and substituted

present paragraphs 1, 2, and 3 in (a) so as to base landfill user fees on weight, rather than volume, and to provide limited exceptions.]

[THE MARCH 17, 1997 AMENDMENT rewrote the introductory paragraph of (a) and deleted former paragraphs 1 and 2 of therein, which had listed landfill user fees, now found in the fees appendix, and deleted paragraph designation "(3) Exceptions" which formerly preceded subparagraphs (i), (ii), and (iii) in (a).]

[THE JUNE 17, 2002 AMENDMENT deleted paragraph (ii) in subsection (a) which had provided a fee exemption for trash collected by VDOT roadside cleanups.]

[THE FEBRUARY 17, 2004 AMENDMENT, effective on February 17, 2004, in subsection (a)(i), substituted "two (2) tons" for "one (1) ton" and "per calendar year" for "per six month . . . period" in the first sentence, and in the second sentence, substituted "County residents may dispose of eight (8) tires at no charge" for "the disposal of four (4) tires shall be free" and substituted "calendar year" for "six month period."]

[THE JULY 7, 2008 AMENDMENT substituted "Region 2000 Services Authority Landfill" for "county landfill" throughout the section, revised (a) for clarity; added subsections (b)(i), (b)(iii) through (b)(ix) and (b)(xi), rewrote (b)(ii) to limit disposal of tires to loads of no more than four at a time, added the last two sentences of (b)(ii), rewrote (b)(x) for clarity, rewrote (c) to require residential haulers to take all waste to the Region 2000 Services Authority Landfill, and rewrote (d) to limit the subsection to transfer sites only to eliminate reference to the county landfill.]

### **Sec. 12-6.2. Reserved.**

Editor's note: Former §12-6.2, establishing a procedure for payment of fees for use of the Campbell County Landfill, was repealed by the Board of Supervisors on July 7, 2008 because the Board of Supervisors voted on July 2, 2007 to join the Region 2000 Services Authority, effective July 1, 2008, at which time the Campbell County Landfill will close and therefore all payment of fees for use of the Region 2000 Services Authority Landfill will be regulated by the Region 2000 Services Authority.

### **Sec. 12-6.3. Effective date.**

The effective date of amendments adopted January 22, 1991, regarding fees shall be February 1, 1991. The effective date of each subsequent amendment regarding fees or uncodified ordinance regarding fees shall be as specified in such amendment or uncodified ordinance.

[THE 1991 ACT adopted this section.]

[THE MARCH 17, 1997 AMENDMENT added the second sentence.]

### **Sec. 12-7. Violations; penalty.**

Any person violating the provisions of this article shall be guilty of a misdemeanor and, upon conviction, shall be subject to a fine not to exceed two hundred dollars, which shall be payable into the general fund of the County. (9-18-84, §5.)

For state law authority, see VA. CODE ANN. §15.2-928 (Repl. Vol. 2008). As to general penalty for violations of this Code, see §1-6. See VA. CODE ANN. §10.1-1418.1 (Repl. Vol. 2006) as to civil penalties up to \$5,000 for improper disposal of solid waste.

### **Article III. Tire Stockpiles.**

For state law regarding disposal of waste tires, see VA. CODE ANN. §10.1-1422.1 (Repl. Vol. 2006) and §10.1-1418.2 (Repl. Vol. 2006). For state law prescribing penalty for unlawful accumulation of waste tires, see VA. CODE ANN. §10.1-1418.2 (Repl. Vol. 2006). For state law imposing strict liability for large waste tire pile fires, see VA. CODE ANN. §10.1-1418.3 (Repl. Vol. 2006). For county zoning ordinance, see Ch. 22 of this Code.

### **Division I. In General**

### **Sec. 12-8. Purpose of article.**

The purpose of this article is to establish certain standards and procedures regulating the stockpiling of tires in the County. The stockpiling of tires is also subject to all applicable state laws, including, but not limited to VA. CODE ANN. §10.1-1418.2 (Repl. Vol. 2006) and VA. CODE ANN. §10.1-1418.3 (Repl. Vol. 2006), and the permit requirements of VA. CODE ANN. §10.1-1408.1 (Cum. Supp. 2010).

For state law authority, see VA. CODE ANN. §10.1-1404 B.4. (Repl. Vol. 2006).

[THE DECEMBER 1, 2003 AMENDMENT inserted “and VA. CODE ANN. §10.1-1418.3” in the second sentence.]

**Editor's note.**--VA. CODE ANN. §10.1-1418.3 imposes **strict liability** under state law for large waste tire pile fires. Prior to 2003 the statute defined a large waste "tire pile" as containing *50,000 or more tires*. However, in 2003 the statutory definition was amended to define “tire pile” as “an unpermitted accumulation of more than 100 waste tires.” VA. CODE ANN. §10.1-1418.3 provides very limited exclusions from liability and specifically provides that liability under its provisions shall be in addition to, and not in lieu of, any other liability imposed by statute or regulation. See

also VA. CODE ANN. §10.1-1418.4 (Repl. Vol. 2006) and §10.1-1418.5 (Repl. Vol. 2006) providing for removal of waste tire piles by the state upon failure of owner or operator to remove or remediate a waste tire pile pursuant to state law and providing for recovery of costs incurred by the state in such removal, including, but not limited to, imposition of a lien upon land subject to the state removal action.

[THE MARCH, 17, 1997 AMENDMENT added the second sentence.]

**Sec. 12-8.1. Improper accumulation or disposal of tires—Permit required; exemptions; penalty.**

(a) It shall be unlawful for any person to store, dispose of, speculatively accumulate or otherwise place more than 100 waste tires on public or private property in the Commonwealth, without first having obtained a permit as required by VA. CODE ANN. §10.1-1408.1 (Cum. Supp. 2010) or in a manner inconsistent with this Article, the Campbell County Zoning Ordinance or any other applicable local ordinance or applicable state law.

(b) No person shall allow others to, store, dispose of, speculatively accumulate or otherwise place on his property more than 100 waste tires, without having first obtained a permit as required by VA. CODE ANN. §10.1-1408.1 (Cum. Supp. 2010).

(c) Any person who knowingly violates any provision of this Article shall be guilty of a misdemeanor, punishable by confinement in jail for not more than twelve months and a fine of not more than \$2,500.00, either or both. However, any person who knowingly violates any provision of this Article and such violation involves 500 or more waste tires shall be guilty of a felony, punishable by a term of imprisonment of not less than one year nor more than five years, or in the discretion of the jury or the court trying the case without a jury, confinement in jail for not more than twelve months and a fine of not more than \$2,500.00, either or both.

(d) Salvage yards licensed by the Virginia Department of Motor Vehicles shall be exempt from this section; provided that they are holding fewer than 300 waste tires and that the waste tires do not pose a hazard or a nuisance or present a threat to human health and the environment.

(e) As used in this Article, the terms “store” and “otherwise place” shall not be construed as meaning the holding of fewer than 500 tires for bona fide uses related to the growing, harvesting or processing of agricultural or forest products.

(f) The provisions of this Article shall not apply to the (i) storage of less than 1,500 waste tires in a container at a convenience center or at a salvage yard licensed by the Department of Motor Vehicles, as long as the tires are not being speculatively accumulated, or (ii) storage of tires for recycling or for processing to use in manufacturing a new product, as long as the tires are not being speculatively accumulated.

(g) Nothing in the Article shall limit enforcement of the prohibitions against littering and the improper disposal of solid waste contained elsewhere in this Code or in the Code of Virginia.

For state law authority, see VA. CODE ANN. §10.1-1418.2 (Repl. Vol. 2006), VA. CODE ANN. §10.1-1404 B.4. (Repl. Vol. 2006), and VA. CODE ANN. §18.2-10 (Repl. Vol. 2009) and VA. CODE ANN. §18.2-11 (Repl. Vol. 2009).

Editor's note.--VA. CODE ANN. §10.1-1408.1 B. (Cum. Supp. 2010) specifies that no application for (i) a new solid waste management facility permit or (ii) application for a permit amendment or variance allowing a category 2 landfill, as defined in this section [§10.1-1408.1], to expand or increase in capacity shall be complete unless it includes, among other requirements, "[c]ertification from the governing body of the county...in which the facility is to be located that the location and operation of the facility are consistent with all applicable ordinances," which would include all zoning ordinances. For other permit requirements, see VA. CODE ANN. §10.1-1408.1 (Cum. Supp. 2010), especially subsections B., D., and P. See §12-11 of this Code.

[THE MARCH 17, 1997 ACT adopted this section.]

[THE FEBRUARY 2, 1998 AMENDMENT substituted "100" for "500" in (a) and (b), and in (c), inserted the language beginning "misdemeanor, punishable by ..." and ending "500 or more waste tires shall be guilty of a" preceding "felony" twice.]

[THE DECEMBER 1, 2003 AMENDMENT, in (a), deleted "knowingly" preceding "to store" and "dump, litter" preceding "dispose of" and added "or in a manner inconsistent . . . ordinance" at the end; in (b), deleted "knowingly, or knowingly" preceding "allow" and "dump, litter" preceding "dispose of"; in (c), inserted "knowingly" following "Any person who" and substituted "Article" for "section" in first sentence, and substituted "knowingly violates any provision of this Article and such violation involves" for "improperly disposes of, or knowingly allows to be improperly disposed of on his property" in the second sentence; in (d), inserted "that they are holding fewer than 300 waste tires" and "or present a threat to human health and the environment"; and added (e), (f), and (g).]

### **Sec. 12-9. Definitions.**

The following words, whenever used in this Article, shall have the meaning respectively set forth unless a different meaning is clearly required by the context:

"Convenience center" means a collection point for the temporary storage of waste tires provided for individuals who choose to transport waste tires generated on their own premises to an established centralized point, rather than directly to a disposal facility. To be classified as a convenience center, the collection point shall not receive waste tires from collection vehicles that have collected waste from more than one real property owner. A convenience center shall have a system of regularly scheduled collections and may be covered or uncovered.

"Premises" shall mean a lot or tract of real property with or without a building or buildings thereon and shall include its grounds and appurtenances.

"Primary highway" shall mean any highway within the State Highway System as established and maintained under Article 2, Chapter 1, Title 33.1 of VA. CODE ANN. (Repl. Vol. 2005 and Cum. Supp. 2010), (VA. CODE ANN. §33.1-25 et seq.), including extensions of such System within municipalities.

"Speculatively accumulated waste tires" shall mean any waste tires that are accumulated before being used, reused, or reclaimed or in anticipation of potential use, reuse, or reclamation. Waste tires are not being accumulated speculatively when at least seventy-five percent (75%) of the waste tires accumulated are being removed from the site annually.

"Stockpile," "Tire pile," or "Tire stockpile" shall mean any lot or place, covered or uncovered, upon which an accumulation of more than one hundred (100) waste tires is placed, located or found. A tire pile or tire stockpile shall comply with the permitting requirements of VA. CODE ANN. §10.1-1408.1 (Cum. Supp. 2010) and shall comply with the provisions of §12-8 et seq., the Campbell County Zoning Ordinance, and any other applicable provisions of state law or local ordinance. For purposes of VA. CODE ANN. §10.1-1418.3 (Repl. Vol. 2006), "Tire pile" means an unpermitted accumulation of more than one hundred (100) waste tires.

"Store" or "otherwise place" shall not be construed as meaning the holding of fewer than 500 tires for bona fide uses related to the growing, harvesting or processing of agricultural or forest products.

"Tires" or "Waste tires" shall mean any old or scrap tires, whether made of rubber, synthetic materials, or any combination thereof, including, but not limited to, tire carcasses, inner tubes, separated treads, or any other part of a tire.

"Visible" shall mean capable of being seen without visual aid by a person of normal visual acuity.

For definitions of "Primary highway" and "Visible," see VA. CODE ANN. §33.1-348 (Repl. Vol. 2005). For definitions of "Convenience center," "Speculatively accumulated waste tires" and "store" or "otherwise place," see VA. CODE ANN. §10.1-1418.2 (Repl. Vol. 2006).

[THE 1988 AMENDMENT inserted "(VA. CODE ANN. §33.1-24 et seq.)" in the definition of "Primary highway."]

[THE 1990 AMENDMENT substituted "§33.1-25 et seq." for "§33.1-24 et seq." in the definition of "Primary Highway".]

[THE MARCH 17, 1997 AMENDMENT inserted "Speculatively accumulated waste tires" and substituted "five hundred (500)" for "four thousand (4,000)" in "Stockpile."]

[THE FEBRUARY 2, 1998 AMENDMENT substituted "one hundred (100) tires" for "five hundred (500) tires" in "Stockpile" and inserted "store" or "otherwise place."]

[THE DECEMBER 1, 2003 AMENDMENT added definition of "Convenience center," rewrote the definition of "Stockpile" and included the terms "Tire pile" and "Tire stockpile" therein and added the second and third sentences in that definition, and added the term "Waste tires" within the definition of "Tires."]

**Sec. 12-10. Location.**

(a) No tire stockpile shall be hereafter established except in conformance with this Article, the Campbell County Zoning Ordinance and applicable state law.

(b) No tire stockpile shall be hereafter established, any portion of which is within one thousand feet of the nearest edge of the right-of-way of any interstate or primary highway or within five hundred feet of the nearest edge of the right-of-way of any other highway or city or county street, except the following:

(1) Tire stockpiles which are screened by natural objects, plantings, fences or other appropriate means so as not to be visible from the main-traveled way of the highway or city or county street, or otherwise removed from sight.

(2) Tire stockpiles which are not visible from the main-traveled way of the highway or city or county street.

(c) Notwithstanding any of the exceptions enumerated in subsection (b) of this section, no tire stockpile shall be hereafter established, any portion of which is within one thousand feet of any storage facility for gasoline, kerosene, diesel fuel, oil or any other petroleum product or within one thousand feet of any filling station or other similar facility from which gasoline, kerosene, diesel fuel, oil or any other petroleum product is dispensed.

For state law authority, see VA. CODE ANN. §10.1-1404 B.4. (Repl. Vol. 2006). See also VA. CODE ANN. §10.1-1418.2 (Repl. Vol. 2006).

[THE MARCH 17, 1997 AMENDMENT added "and applicable state law" in (a).]

**Division II. General Regulations**

**Sec. 12-11. Application for Special Use Permit.**

(a) In addition to the permit required by VA. CODE ANN. §10.1-1408.1 (Cum. Supp. 2010) and §12-8.1 of this Code, a Special Use Permit under the County Zoning Ordinance must be obtained by the applicant prior to the establishment or expansion of a tire stockpile in the County.

An application for Special Use Permit shall be made as required under Sections 22-14 and 22-35 of the Zoning Ordinance.

(b) The Planning Commission and Board of Supervisors shall in their deliberations call in and consult with the proper Health Department, Commonwealth Department of Transportation, State Water Control Board and Air Pollution Control Board and other concerned officials, offices and agencies as it may deem necessary.

(c) The County Fire Marshal shall review and make comment and recommendation to the Planning Commission and the Board of Supervisors relative to approval or disapproval, including, if deemed desirable, conditions for approval of the proposed tire stockpile.

(d) The Planning Commission and Board of Supervisors shall consider health, safety, and general welfare factors in their determination on the application for Special Use Permit.

[THE 1990 AMENDMENT substituted "Special Use" for "Conditional Use" in (a) and (d).]

[THE JULY 7, 2003 AMENDMENT added the new first sentence in (a) and substituted "County" for "State" in (c)]

**Sec. 12-12. Same--Bond; submission of contingency plan in case of fire.**

(a) Before any application for operation of a tire stockpile will be finally approved by the Board of Supervisors the applicant shall furnish a performance bond in an amount calculated by the Board of Supervisors to offset any and all costs of cleanup and damage caused by fire.

(b) Before approval of a Special Use Permit for a tire stockpile by the Board of Supervisors the applicant shall submit for approval a contingency plan prepared to address the availability of soil stockpiles or on-site water supply or other effective fire-fighting agents, availability of heavy equipment to place soil on burning stockpiles and to segregate piles of tires, collection and storage of run-off of liquids resulting from a fire, and pumping and disposal of such substances following a fire. Such plan shall also specify the date no later than which such arrangement for use of heavy equipment, if not already in place at the time of application will be completed and ready for implementation. The contingency plan shall include a section that describes specific actions that will be taken in response to a fire or release of a product of combustion which would threaten human health or the environment. The plan shall also provide for the worst case contingency such as a fire at the facility when its inventory is at its maximum capacity. Consideration must be provided regarding on-site water supply, access routes to the site, security, alarms, training, drills and on-site protection equipment.

[THE 1990 AMENDMENT substituted "Special Use" for "Conditional Use" in (b).]

[THE JULY 7, 2003 AMENDMENT, in (b), substituted "a contingency" for "an emergency" and inserted "or on-site water supply" in the first sentence and added the last three sentences.]

**Sec. 12-13. Storage restricted to tires.**

Only tires, as defined in this chapter, shall be stored, maintained, kept or placed within the area designated for operation, maintenance or use as a tire stockpile.

**Sec. 12-14. Security; illumination.**

(a) Twenty-four hour security in and around a tire stockpile shall be maintained by fences, dogs or guards. If fencing is utilized, it shall extend around the entire storage area to control access to the storage facility.

(b) Illumination of a tire stockpile shall be provided by dusk-to-dawn lighting of said storage area, with no part of the storage area located more than 150 feet from a dusk-to-dawn light. Lights shall be mounted a minimum of 20 feet above ground level.

For state law authority, see VA. CODE ANN. §10.1-1404 B.4. (Repl. Vol. 2006) and VA. CODE ANN. §10.1-1418.2 (Repl. Vol. 2006).

[THE JULY 7, 2003 AMENDMENT added the second sentence in (a).]

**Division III. Design Standards**

**Sec. 12-15. Setback from adjoining property lines.**

(a) A tire stockpile shall be situated such that no individual pile of tires is located within fifty (50) feet of any adjoining property line.

(b) The provisions of this section shall be construed as supplemental to the provisions of §12-10 of this chapter.

[THE JULY 7, 2003 AMENDMENT, in (a), substituted “fifty (50)” for “thirty-five.”]

**Sec. 12-16. Individual piles of tires--size; separation of piles.**

(a) Each individual pile of tires within a tire stockpile site shall measure no more than fifty (50) feet in width and one hundred (100) feet in length, such that each individual pile of tires shall not exceed 5,000 square feet in base surface area. In no event, shall tires be stacked in such pile higher than five (5) feet in height.

(b) A minimum separation of fifty (50) feet shall be maintained between each individual pile of tires and between each individual pile of tires and any structure. These separation areas shall

be maintained in such a manner that emergency vehicles will have adequate access to all waste tire management areas.

(c) A berm of soil shall be provided between each pile of tires and shall extend as high as the height of the waste tire pile. In addition to any material in the berm, for each waste tire pile, a stockpile of 20 cubic yards of soil shall be provided and maintained within 200 feet of each tire pile.

For state law authority, see VA. CODE ANN. §10.1-1404 B.4. (Repl. Vol. 2006) and VA. CODE ANN. §15.2-1200 (Repl. Vol. 2008).

[THE JULY 7, 2003 AMENDMENT, in (a), substituted “fifty (50) feet in width and one hundred (100) feet in length, such that each individual pile of tires shall not exceed 5,000 square feet in base surface area” for “forty (40) feet in width and fifty (50) feet in length” in the first sentence and deleted “and” preceding “In no event” and substituted “five (5) feet in height” for “fifteen (15) feet” in the present second sentence; and added (b) and (c).]

#### **Sec. 12-17. Same--Access.**

An all-weather road with a minimum width of thirty (30) feet shall be maintained for the purpose of providing access to and between individual piles of tires by fire-fighting vehicles and other heavy equipment.

#### **Sec. 12-18. Violation.**

*Unless some other penalty is specifically prescribed* in this Article or by state law, any violation of this Article shall be a misdemeanor and each day upon which a tire stockpile is maintained without the required permits shall be deemed to be a separate violation.

Cross-reference.—For specific penalties prescribed for certain violations of this article, see §12-8.1 of this Code and also VA. CODE ANN. §10.1-1418.2 (Repl. Vol. 2006).

**Editor's note.**--VA. CODE ANN. §10.1-1418.3 imposes **strict liability** under state law for large waste tire pile fires. Prior to 2003 the statute defined a large waste "tire pile" as containing *50,000 or more tires*. However, in 2003 the statutory definition was amended to define “tire pile” as “an unpermitted accumulation of more than 100 waste tires.” VA. CODE ANN. §10.1-1418.3 provides very limited exclusions from liability and specifically provides that liability under its provisions shall be in addition to, and not in lieu of, any other liability imposed by statute or regulation.

[THE MARCH 17, 1997 AMENDMENT added the language "Unless some other . . . or by state law" at the beginning of the section.]

[THE JULY 7, 2003 AMENDMENT substituted “the required permits” for “license.”]