

CAMPBELL COUNTY CODE OF 1988

CHAPTER 12

GARBAGE, REFUSE AND WEEDS

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

<u>§ 12-15.</u>	<u>Setback from adjoining property lines.</u>
<u>§ 12-16.</u>	<u>Individual piles of tires—size; separation of piles.</u>
<u>§ 12-17.</u>	<u>Same--Access.</u>
<u>§ 12-18.</u>	<u>Violation.</u>

Article I. In General.

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

[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.]

[THE DECEMBER 3, 2013 AMENDMENT inserted “a mandatory minimum of 10 hours of” in the second paragraph of subsection (c).]

[THE DECEMBER 2, 2014 AMENDMENT made minor stylistic changes.]

[THE DECEMBER 7, 2021 AMENDMENT made minor stylistic changes and replaced “a fine of not less than \$250.00 or more than \$2,500.00” with “a fine of not less than \$500.00 or more than \$2,500.00.”]

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.

[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.

[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).]

[THE DECEMBER 2, 2014 AMENDMENT added “occupied or” prior to “vacant” in the first sentence of (c)(1), the last sentence in (c)(1) and the last sentence in (c)(2).]

[THE DECEMBER 5, 2017 AMENDMENT added “including running bamboo” to (c)(1) and “real estate” prior to “taxes” in (d).]

[THE DECEMBER 7, 2021 AMENDMENT added “clutter, except on land zoned for or in active farming operation” twice in (a) and once in (b) and added the last sentence in (a).]

Article II. Solid Waste Collection and Disposal.

Sec. 12-3. County solid waste collection and disposal locations--Established; “solid waste” defined.

[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).]

[THE DECEMBER 7, 2021 AMENDMENT inserted clause (iv) in the definition of “solid waste.”]

[THE DECEMBER 5, 2023 AMENDMENT added the definitions of “yard waste” and “brush”]

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

[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.

[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).]

[THE DECEMBER 4, 2012 AMENDMENT deleted “or places of doing business” from (a), added new subsection (b), and renumbered former (b) to (c).]

[THE DECEMBER 3, 2012 AMENDMENT substituted “permitted” for “required” and added “only” in the first sentence of (b).]

[THE DECEMBER 5, 2023 AMENDMENT clarified that “yard waste” and “brush” are acceptable waste, subject to the terms and provisions of the Code]

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

[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.

[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.]

[THE JULY 5, 2016 AMENDMENT substituted “The commercial haulers of brush and yard waste may bring two loads per year of brush and yard waste from their residences if they advise that those residences are located in Campbell County” for “unless they have negotiated a separate contractual arrangement with the County Director of Public Works” in subsection (b)(vi).]

[THE JULY 21, 2020 AMENDMENT added “standard size car/pick-up truck” and “from personal vehicles” to the first sentence of (b)(ii), divided former (b)(vi) into two subsections entitled “Residential” and “Commercial” and substituted “County residents may dispose of any brush and yard waste they collect from their private residences and transport themselves at the Livestock Road Transfer Site only” for “County residents may dispose of an unlimited amount of brush and yard waste collected from their residences at the Livestock Road Transfer Site only” in (b)(vi)(a), and “All commercial haulers of brush

and yard waste must take their loads to the Region 2000 Services Authority Landfill. The commercial haulers of brush and yard waste may bring two loads per year of brush and yard waste from their residences if they advise that those residences are located in Campbell County” in (b)(vi)(b).]

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 1991 ACT adopted this section.]

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

Sec. 12-7. Violations; penalty.

[THE SEPTEMBER 18, 1984 ACT adopted this section.]

Article III. Tire Stockpiles.

Division I. In General

Sec. 12-8. Purpose of article.

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

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

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

[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 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.

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

Division II. General Regulations

Sec. 12-11. 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.

[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.

[None.]

Sec. 12-14. Security; illumination.

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

Division III. Design Standards

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

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

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

[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.

[None.]

Sec. 12-18. Violation.

[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.”]