

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 §15.2-901](#).

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

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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 is 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 (i) 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 (ii) private property without the written consent of the owner or his agent.

B. If 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 §46.2-936](#), in making an arrest.

If a violation 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 the matter. However, such presumption shall be rebuttable by competent evidence.

C. Any person convicted of a violation of this section is guilty of a misdemeanor punishable by confinement in jail for not more than twelve (12) months and a fine of not less than \$500.00 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 a mandatory minimum of ten (10) hours of 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.

For state law authority, see [Va. Code §33.2-802](#) and [§15.2-1429](#).

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

Sec. 12-1.1. Reserved.

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

A. Pursuant to the authority of [Va. Code §15.2-1713](#), 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 §15.2-1713](#).

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 shall, at such time or times as the Board of Supervisors may prescribe, remove therefrom any and all trash, garbage, refuse, litter, clutter, except on land zoned for in or in active farming operation, 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, clutter, except on land zoned for in or in active farming operation, 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. For purposes of this section, “clutter” includes mechanical equipment, household furniture, containers, and similar items that may be detrimental to the well-being of a community when they are left in public view for an extended period or are allowed to accumulate.

B. Trash, garbage, refuse, litter, clutter, except on land zoned for or in active farming operation, 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 occupied or 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, including running bamboo, 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. This section shall not apply to land zoned for or in active farming operation.

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. One written notice per growing season to the owner of record of the subject property shall be considered reasonable notice.

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 real estate 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.

For state law authority, see [Va. Code §15.2-901](#).

Article II. Solid Waste Collection and Disposal.

For state law authorizing County to regulate siting of solid waste management facility, see [Va. Code §15.2-928](#), [Va. Code §15.2-929](#) and [Va. Code §15.2-931](#). For state law authorizing localities to acquire land for public uses, see [Va. Code §15.2-1800](#) and [Va. Code §15.2-1814](#). For state procedures regarding application for permit to operate sanitary landfill, see [Va. Code §10.1-1408.1 et seq.](#)

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 §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 §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 until June 2012 when it was reopened for regional use.

Sec. 12-3. County solid waste collection and disposal locations—Established; “solid waste”, “brush” and “yard 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 §15.2-928](#), [§15.2-931](#), and [§15.2-1200](#).

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, or (iv) post-use polymers or recovered feedstocks that are A. processed at an advanced recycling facility or B. held at or held for the purpose of conversion at such advanced recycling facility prior to conversion.

C. As used in the Campbell County Code of 1988, yard waste is “decomposable waste materials generated by yard and lawn care and includes leaves, grass trimmings, brush, wood chips, and shrub and tree trimmings. “Yard waste” does not include roots or stumps that exceed six inches in diameter.”

D. As used in the Campbell County Code of 1988, brush is “decomposable waste materials generated by yard and lawn care and includes leaves, grass trimmings, brush, wood chips, and shrub and tree trimmings of no greater than three inches in diameter.”

For state law basis for definitions, see [Va. Code §10.1-1400](#) and [§10.1-1408.1](#). For procedure for obtaining permit to operate new sanitary landfill or transfer station, see [Va. Code §10.1-1408.1](#), especially subsection B. thereof.

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.

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 §10.1-1408.1](#). For state law authority, see [Va. Code §15.2-928](#) and [Va. Code §15.2-933](#).

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

A. All persons whose residences 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, brush, yard waste, and other waste material which originates in the County, subject to other provisions of this article.

B. All businesses located within the geographical limits of the County, which shall include the towns located therein, shall be permitted to use the active regional landfill only for dumping or depositing of garbage, trash, brush, yard waste, and other waste material which originates in the County, subject to other provisions of this article. Businesses using the regional landfill shall pay the current commercial tipping rate.

C. No persons other than those authorized in subsections (a) and (b) 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.

For state law authority, see [Va. Code §15.2-928](#).

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 §10.1-1400](#), 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.

For state law authority, see [Va. Code §15.2-928](#).

Editor's note: [Va. Code §10.1-1408.1\(O\)](#) 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 §10.1-1400](#).

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:

1. 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.

2. Tires. County residents may dispose of eight (8) standard size car/pick-up truck tires from personal vehicles, 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.

3. 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.

4. 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.

5. 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.

6. Brush and Yard Waste.

- i. Residential. 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.
- ii. Commercial. All commercial haulers of brush and yard waste must take their commercial loads to the Region 2000 Services Authority Landfill. 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.

7. 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.

8. 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.

9. 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.

10. Other trash collected by the Towns of Altavista and Brookneal will be accepted on a separate negotiated contract basis.

11. 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.

For state law authority, see [Va. Code §15.2-928](#), [Va. Code §15.2-931\(B\)](#), and [Va. Code §15.2-1200](#).

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.

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.

For state law authority, see [Va. Code §15.2-928](#). As to general penalty for violations of this Code, see [§1-6](#). See [Va. Code §10.1-1418.1](#) as to civil penalties up to \$5,000.00 for improper disposal of solid waste.

Article III. Tire Stockpiles.

For state law regarding disposal of waste tires, see [Va. Code §10.1-1422.1](#) and [§10.1-1418.2](#). For state law prescribing penalty for unlawful accumulation of waste tires, see [Va. Code §10.1-1418.2](#). For state law imposing strict liability for large waste tire pile fires, see [Va. Code §10.1-1418.3](#). For county zoning ordinance, see [Chapter 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 §10.1-1418.2](#) and [Va. Code §10.1-1418.3](#), and the permit requirements of [Va. Code §10.1-1408.1](#).

For state law authority, see [Va. Code §10.1-1404\(B\)\(4\)](#).

Editor's note: [Va. Code §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 §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 §10.1-1418.4](#) and [§10.1-1418.5](#) 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.

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 §10.1-1408.1](#) 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 §10.1-1408.1](#).

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 §10.1-1418.2](#), [Va. Code §10.1-1404\(B\)\(4\)](#), and [Va. Code §18.2-10](#) and [Va. Code §18.2-11](#).

Editor's note: [Va. Code §10.1-1408.1\(B\)](#) 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 §10.1-1408.1](#), especially subsections B, D, and P. See [§12-11](#) of this Code.

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, ([Va. Code §33.2-310 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 §10.1-1408.1](#) 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 §10.1-1418.3](#), “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 §33.2-804](#). For definitions of “Convenience center,” “Speculatively accumulated waste tires” and “store” or “otherwise place,” see [Va. Code §10.1-1418.2](#).

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 §10.1-1404\(B\)\(4\)](#). See also [Va. Code §10.1-1418.2](#).

Division II. General Regulations

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

A. In addition to the permit required by [Va. Code §10.1-1408.1](#) 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.

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.

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 (24) 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 one hundred fifty (150) feet from a dusk-to-dawn light. Lights shall be mounted a minimum of twenty (20) feet above ground level.

For state law authority, see [Va. Code §10.1-1404\(B\)\(4\)](#) and [Va. Code §10.1-1418.2](#).

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.

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 §10.1-1404\(B\)\(4\)](#) and [Va. Code §15.2-1200](#).

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 §10.1-1418.2](#).

Editor's note: [Va. Code §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 §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.