

TITLE 7 REFUSE

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§ 7-1. Authority. This title is enacted pursuant to the authority vested in the town by § 15.1-857 of the Code of Virginia. Sections of this title may have additional authority as well.

§ 7-2. Definitions. For the purposes of this ordinance, the following terms, phrases, words, and their derivations shall have the meaning given by this section. When not inconsistent with the context in which used, words that are used in the present tense include the future, if used in the plural number they include the singular, and if used in the singular include the plural. The word “shall” is always mandatory and not merely directory.

- (a) “Ashes” is the residue from the burning of wood, coal, or other combustible materials.
- (b) “Garbage” is animal and vegetable waste capable of rotting or decaying and which results from the handling, preparation, cooking, or consumption of food.
- (c) “Person” means in addition to any person, also a firm, partnership, association, corporation, or organization of any kind.
- (d) “Refuse” is all solid wastes (except body wastes) whether capable of rotting or decaying or not, including but not limited to garbage, rubbish, ashes, soot cleanings, dead animals, feathers, abandoned automobiles, and solid market and industrial wastes.
- (e) “Rubbish” is solid wastes (excluding ashes) not capable of decaying or rotting, and consisting of both combustible and non-combustible wastes, such as paper, cardboard, tin cans, yard clippings, wood, glass, bedding, crockery, and similar materials.
- (f) “Superintendent” or “town superintendent” means the superintendent for the town of Dayton, Virginia.
- (g) “Town” means the town of Dayton, Virginia.

§ 7-3. Type of Refuse Collected. This town will collect all garbage, rubbish, and acceptable categories of refuse from residences within town; provided that the superintendent shall have a right to determine what refuse is acceptable depending upon its quantity and type, and may also decline to accept what he considers to be an unreasonable accumulation of garbage and rubbish during a collection period without imposing a charge calculated to cover the actual costs of the collection of the excess material. The town shall have the right but not the obligation to collect commercial refuse for a fee to be negotiated according to the type of waste and quantity thereof.

§ 7-4. Refuse not Acceptable for Disposal. The following categories of refuse shall not be acceptable for disposal:

- (a) Dangerous materials or substances such as poisons, acids, caustics, infected materials and explosives;
- (b) Materials resulting from the construction or demolition of buildings and structures or from the clearance of vacant or improved property in preparation for construction or occupancy. The superintendent shall have the right to accept this refuse upon negotiating a fee for the collection for the same with the user;
- (c) All large and bulky materials, such as motor vehicles or parts of motor vehicles, tree trunks and stumps, that may require special preparation and processing for disposal; and
- (d) Any materials which create an unusually bad odor such as manure or rotten and unhatched eggs;
- (e) The bodies of dead animals.

§ 7-5. Placement of Containers for Collection. Containers are to be placed at the property line for collection and shall not be placed in the street or on the sidewalk in a manner whereby they will interfere with vehicular or pedestrian traffic.

§ 7-6. Time of Placement. Containers shall be placed no earlier than 5:00 p.m. on the afternoon preceding the collection day and must be removed to a point at the side or rear of the structure not later than 8:00 a.m. of the day following collection.

§ 7-7. Regulations Concerning Containers.

- (a) All garbage must be placed in metal or plastic cans of not more than 30 gallon capacity and having a tight fitting cover, or in plastic trash bags of adequate strength to contain the contents. Metal or plastic cans, if used, must be maintained in good condition, free from holes or other potential sources of injury to the persons handling the garbage. The town will not be responsible for collection of materials in plastic bags if such bags are torn or overloaded so as to prevent normal handling.
- (b) All other materials set out for collection must be in containers that are appropriate for the purpose given the type and weight of the contents, and must be either tightly closed or otherwise covered to prevent scattering of the contents prior to collection or during loading of the material.
- (c) Weeds, brush, or trimmings will be collected only if tied in bundles not exceeding five feet in length and reasonable size to allow convenient handling. Paper or cardboard cartons must be flattened and tied.
- (d) The town shall have the right to decline to collect any material set out for regular collection which weighs in excess of 75 pounds.
- (e) No liquid shall be placed in the receptacle for collection.
- (f) Hot ashes shall not be placed in any combustible container, or any container which also contains combustible materials.
- (g) Underground garbage containers are prohibited from use in the town.
- (h) The container shall not contain any inside structures such as bands or reinforcing angles or anything with the container to prevent free discharge of contents. Containers that have deteriorated or have become damaged to the extent that the covers will not fit securely or that they have jagged or sharp edges capable of causing injury to employees or other persons whose duty it is to handle such containers shall not be used and if such containers are not replaced after notice to the owner or user, such containers will be removed along with the contents and disposed of by the town.
- (i) The lid shall be close-fitting and shall remain in place covering the container or receptacle at all times when there is any material in the container. Containers which have the lids directly attached to them constitute a hazard to employees engaged in the collection of solid waste and if such attachments are not removed after notice to the owner or user, such containers will be removed by the town along with the contents.

§ 7-8. Allowing Refuse to be Scattered. No person shall leave or deposit refuse in such a location and in such amount that it may be carried by the elements upon any street, sidewalk, alley, or other public place, or into any occupied premises within the town. Violation of this section shall constitute a class 3 misdemeanor and be punishable in accordance with § 1-4 of the Town Code. Each day this section is violated shall constitute a separate offense.

§ 7-9. Town Superintendent to Promulgate Rules and Regulations, Etc. The town superintendent is empowered to adopt and put into force such rules and regulations governing refuse collection and refuse disposal as he may deem necessary. These rules and regulations, after approval by the town council, shall have the force and effect of an ordinance.

§ 7-10. Scheduled Collections. The collection dates for refuse, recycling, and lawn waste collection shall be as fixed from time to time by the council and maintained on file in the office of the town superintendent. When any

regularly scheduled collection day falls on a holiday observed by the town, the collection will be cancelled and the refuse, recycling, and lawn waste collection will be collected on the next day which is not a Sunday or a holiday.

(Amended June 10, 2013.)

§ 7-11. Rates and Charges. The rates charged for the collection of refuse, recycling, and lawn waste by the town shall be as fixed from time to time by the council and maintained on file in the office of the town superintendent. Such fees are mandatory for all residents in the Town, irrespective of the actual use of the services provided. Exceptions include residential developments and businesses that utilize a commercial refuse container and have prior approval from the Town. The Town bills refuse, water, and sewer services together. The Town will allocate payments received to refuse services first and water and sewer services last.

(See Code of Virginia § 15.2-105 and 15.2-927.) (Amended June 10, 2013.)

§ 7-12. Collection of Refuse Produced Outside of the Town Limits. The refuse collection program is operated by the town for the disposal of refuse produced within its corporate limits. No person shall deposit any refuse produced outside the town at any point within the town for collection and disposal, without first obtaining the express permission of the town superintendent.

§ 7-13. Delegation of Powers by Superintendent. Wherever certain rights, obligations, or powers are delegated to the town superintendent, council reserves the right to delegate the same duties, powers, rights, or obligations to another officer.

§ 7-14. Special Collection of Large Items. The collections of large amounts of brush, appliances, furniture, or materials in containers which exceed the 75 pound limit may take place at such time or times as designated by the town superintendent with the approval of the town council.

§ 7-15. Failure to Comply, Penalties. Any rates and charges which remain unpaid twenty days after the due date on the bill shall be subject to a penalty of the greater of \$5 or 10% of the amount outstanding, which shall be added to the next regular billing. All unpaid costs and fees shall then constitute a lien against the real estate at issue and shall be collected as other taxes and liens are collected.

(Enacted June 10, 2013.)