

## Chapter 8 - GARBAGE, TRASH AND WEEDS

### Footnotes:

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**Cross reference**— *Administration, Ch. 2; animals and fowl, Ch. 3; buildings, Ch. 4; fire prevention and protection, Ch. 7; licenses, Ch. 9; motor vehicles and traffic, Ch. 10; solicitors, Ch. 13; streets and sidewalks, Ch. 14; water and sewers, Ch. 17; inoperative vehicles, § 10-84 et seq.; discharge of garbage into sewer system, § 17-216.*

**State Law reference**— *Virginia Waste Management Act, Code of Virginia, § 10-263 et seq.; removal of trash, garbage, weeds, etc., from property, Code of Virginia, § 15.1-11; contracts for garbage and refuse pickup and disposal services, waste recovery facilities, Code of Virginia, § 15.1-28.02; ordinances requiring delivery of garbage, trash and refuse to certain facilities, Code of Virginia, § 15.1-28.03; regulation of garbage and refuse pickup and disposal services, Code of Virginia, § 15.1-28.1; municipal collection and disposal of refuse, regulation of disposal facilities, Code of Virginia, § 15.1-857; mailing of summons for violation of trash ordinance, Code of Virginia, § 19.2-76.2; dumping trash, etc. on highway, right-of-way or private property, Code of Virginia, §§ 33.1-346, 33.1-346.1; dump creating fire hazard to public bridge, Code of Virginia, § 33.1-347.*

## ARTICLE I. - IN GENERAL

### Sec. 8-1. - Definitions.

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

**Garbage.** All wastes to be disposed of from the preparation, cooking and serving of food, vegetables, fruit and meat scraps from residences, hotels, restaurants and other places where food is prepared for human consumption, and all offal from fish, meat and vegetable markets, and all vegetable or organic substances unfit for food that are subject to immediate decay.

**Trash.** All rubbish, refuse, shrubbery cuttings, leaves, cans, bottles, boxes, paper and other similar materials. "Trash" as defined in this section shall not include batteries, tires, household furniture and appliances, or any automotive parts or equipment.

(Code 1981, § 7-1)

**State Law reference**— Definitions applicable to Virginia Waste Management Act, Code of Virginia, § 10-264.

### Sec. 8-2. - Depositing, etc., garbage, etc., in public places.

It shall be unlawful for any person to throw or deposit on any street or public place of the town or the premises of any other person any garbage, rubbish, dirt, filth, shavings, manure, offal, ashes or any other article or substance calculated to render streets, public places or premises unsightly or to affect injuriously the health of the community.

(Code 1981, § 7-2)

**Cross reference**— Streets and sidewalks, Ch. 14.

**State Law reference**— Litter control and recycling, Code of Virginia, § 10-277 et seq.

Secs. 8-3, 8-4. - Reserved.

**Editor's note**— Ordinance No. 1993-3, adopted March 9, 1993, repealed §§ 8-3 and 8-4 in their entirety. Formerly, such sections pertained to the burning of trash on streets, alleys or private property and derived from §§ 7-3, 7-4 of the 1981 Code.

Secs. 8-5—8-20. - Reserved.

## ARTICLE II. - COLLECTION

### DIVISION 1. - GENERALLY

Sec. 8-21. - By town; method and supervision generally.

Garbage and trash shall be removed by the town from dwellings (defined as single family and duplexes), commercial properties in historic district or standalone professional services businesses. Apartment houses, restaurants, hotels, commercial houses and other places where human beings may dwell or assemble are classified as commercial properties outside the scope of regular trash collection. Such removal shall be under the direction of the town manager and in compliance with the provisions of this article. With the exception of properties classified as commercial by virtue of the type and amount of waste produced by the site and use.

(Code 1981, § 7-5; Ord. of 5-11-21(1))

Sec. 8-22. - Frequency.

Collections of garbage and trash made pursuant to this article shall be made at such intervals as, in the judgement of the town council, may be necessary and as the funds available for the purpose will permit, in the interests of maintenance of public health. A schedule will be posted on our website, designating the assigned routes and days for service.

(Code 1981, § 7-6; Ord. of 5-11-21(1))

Sec. 8-23. - Storage of garbage, etc., pending removal.

It shall be the duty of every owner or other person in charge of premises within the town to keep all garbage and trash which may have accumulated on the premises suitably confined pending its removal.

(Code 1981, § 7-7)

Sec. 8-24. - Preparation of certain paper items.

In the commercial areas of town, all paper cartons shall be folded flat except where there is a large quantity of loose paper, which shall be stored in these cartons pending collection. Paper cartons and cartons containing loose paper shall be stored within a building or enclosure pending removal and shall not be permitted to be scattered on the premises of the owner or others. If the amount of paper items presented for collection exceeds the capabilities of the town, the town reserves the right to require disposal of such at the commercial vendor's own expense.

(Code 1981, § 7-9; Ord. of 5-11-21(1))

Sec. 8-25. - Certain materials prohibited from collection.

- (a) Earth, rocks, building materials and tree limbs shall not be placed in any garbage or trash receptacle or collected by the town.
- (b) Batteries, tires, household furniture and appliances or any automotive parts and equipment shall not be placed in any garbage or trash receptacle or collected by the town.

(Code 1981, § 7-10)

Sec. 8-26. - Separation of certain paper items.

All corrugated cardboard and trash newspapers shall be segregated and removed from garbage and trash generally to be collected and removed by the town as described in section 8-41. Any garbage or trash placed for pickup containing corrugated cardboard or newspaper shall not be picked up by the town for collection processing.

- (1) On the day of the week designated by the town for newspaper collection and pickup, all newspapers to be collected and recycled shall be placed curbside in the same manner and location as required by section 8-43 herein.
- (2) All corrugated cardboard shall be placed curbside in the same location as required by section 8-43 herein, and identified in a manner as to be separate from all other garbage and trash to be collected.
- (3) On the day of the week designated by the town for curbside recycling, collection recycling containers (bag, bin, etc.) or transparent bags shall be placed curbside in the same manner and location as required by section 8-43 herein.

(Ord. No. 1992-14, 8-11-92; Ord. No. 1994-11, 8-9-94; Ord. of 5-11-21(1))

Sec. 8-27. - Preparation of tree trimmings and brush.

- (a) Tree trimmings or brush shall be placed on the shoulder of the road or at curbside, and not in the gutter, on the second day of the week for regular scheduled trash pickup, but no sooner than the night before the scheduled pickup, by citizens as required by section 8-43 herein.
- (b) Tree limbs must be no larger than eight (8) inches in diameter and must be cut in lengths no greater than eight (8) feet.
- (c) The following items are prohibited from collection:
  - (1) Limbs or brush mixed with construction debris.
  - (2) Stumps.
  - (3) Trees or brush cut by tree care or removal companies or contractors.
  - (4) Vines and/or any herbaceous or nonwoody plant with thin stems.

(Ord. No. 1994-11, 8-9-94; Ord. No. 2006-06, 6-13-2006; Ord. of 5-11-21)

**Editor's note**— Ord. No. 1994-11, adopted Aug. 8, 1994, amended the Code by adding § 8-45. For purposes of classification, such new provisions were included as § 8-27 at the discretion of the editor.

Secs. 8-28—8-40. - Reserved.

DIVISION 2. - CONTAINERS

Sec. 8-41. - Required.

All garbage and trash to be collected and removed by the town under this article shall be deposited in containers as described in section 8-42.

(Code 1981, § 7-11)

Sec. 8-42. - Duty of occupants, etc., to provide; specifications.

It shall be the duty of every tenant, lessee or occupant of any residence or establishment where people reside, congregate or are employed to provide sufficient garbage or trash containers to handle the accumulation of garbage or trash during the intervals between collections. The containers shall be made of metal or a suitable plastic with a close fitting metal or plastic lid and solid bottom and shall be provided with a handle or grips at the sides for the safe and convenient handling of the containers. In no case shall the containers have a capacity of less than ten (10) gallons nor more than thirty-two (32) gallons, nor shall any

container be filled with garbage or other material in excess of seventy-five (75) pounds, except those containers manipulated by some mechanical means. It shall be unlawful to place garbage or trash for collection in a box, tub, crate or any other container except as otherwise provided in this article.

(Code 1981, § 7-12)

Sec. 8-43. - Location.

(a) *Placement.* Containers in which garbage, trash, or recyclables have been deposited for collection by the town, pursuant to section 8-42 of this Code, shall be located for collection by 6:00 a.m. on the scheduled day of collection in the following manner along the said property line and a public/private street.

(1) Where curb exists, the containers shall be placed between the back of the curb line and the back of the sidewalk. Where no sidewalk exists, the containers shall be placed no more than ten (10) feet from the back of the curb line.

(2) Where there is no curb, the containers shall be placed between the edge of the pavement and the ditch, but in no case shall such container be placed greater than ten (10) feet from the edge of the pavement.

(3) Containers are not to be placed on or in front of another property unless written permission is granted. It is the intent that said debris be placed in front of the owner's property.

(b) *Exceptions.* The town reserves the right, in hardship cases, to collect garbage, trash, and recyclables in backyards. Hardship, as used herein, shall generally be deemed physical impairment, due to disability, age, or infirmity, that prevents the resident from being able to make placement of the containers in the required manner. The town manager, in his sole discretion, or his appointed representative shall make the determination, upon request, as to whether exceptions for hardship can be made.

(Code 1981, § 7-13; Ord. No. 1992-16, 8-11-92; Ord. No. 1994-11. 8-9-94; Ord. No. 2006-06, 6-13-2006; Ord. of 5-11-21(1))

Sec. 8-44. - Preparation of garbage.

All garbage, before being deposited in the container, shall be drained of all liquid and be securely bagged.

(Code 1981, § 7-8; Ord. of 5-11-21(1))

Secs. 8-45—8-60. - Reserved.

ARTICLE III. - CONDITION OF PREMISES

*Footnotes:**--- (2) ---*

**State Law reference—** *Noxious Weed Law, Code of Virginia, § 3.1-296.11 et seq.; removal of trash, garbage, weeds, etc. from property, Code of Virginia, section 15.1-11; authority of town council to control Johnson grass and multiflora rose, Code of Virginia, § 15.1-28.4; weeds and plants on highway rights-of-way, Code of Virginia, § 33.1-209.*

**Sec. 8-61. - Duty of owners, etc.**

It shall be the duty of every owner or other person in charge of premises within the town, whether or not he avails himself of the garbage and trash disposal service provided for in Articles I and II of this chapter, to keep such premises in a sanitary condition.

(Code 1981, § 7-14)

**Sec. 8-62. - Notice to remove trash, garbage, etc.**

Whenever the owner of any property permits trash, garbage, litter and other substances which might endanger the health or safety of other residents of the town and town manager deems it necessary, the owner of such property shall be notified in writing to remove such garbage, refuse, litter and other substances on such property within a reasonable time, specified in the notice. If the owner refuses to comply with the notice, the town manager may, in his discretion, have such trash, garbage, litter and other substances in question removed by the agents or employees of the town and the cost and expense thereof shall be chargeable to and paid by the owner of such property. If the cost and expenses are not paid by the owner, the amount shall be assessed against the owner and such assessment shall become a lien upon the property as in the case of taxes and levies and shall be collected as real estate taxes are collected.

(Code 1981, § 7-15)

**Sec. 8-63. - Notice to cut weeds.**

Whenever any property in the town is permitted to become unsightly or malodorous by being overgrown with grass, weeds, or other foreign growth, and other substances which might endanger the health, safety and welfare of other residents of the town, all of which is hereby declared a nuisance, and the town manager deems it necessary, the owner thereof shall be notified in writing to cut the grass, weeds and other foreign growth on such property within a reasonable time, specified in the notice. If the owner refuses to comply with the notice, the town manager may, in his discretion, have such grass, weeds and other foreign growth on the property in question cut by the agents or employees of the town and the cost and expenses thereof shall be chargeable to and paid by the owner of such property. If such cost and expenses are not paid by such owner, the amount shall be assessed against the owner and such assessment shall become a

lien upon the property as in the case of real estate taxes and shall be collected as real estate taxes are collected. For purposes of this provision, one (1) written notice per growing season to the owner of record of the subject property shall be considered reasonable notice.

(Code 1981, § 7-16; Ord. No. 2016-09, 6-14-16)

Sec. 8-64. - Service of notice.

The notices provided for in this article shall be served personally, if possible, but if the person upon whom personal service is to be made cannot be found in the town, such notice shall be sent, by certified mail, to the last known post office address of such person and proof thereof shall be taken and accepted in lieu of personal service.

(Code 1981, § 7-17)