

I move that the Solid Waste Management Ordinance #20 aka "Solid Waste Disposal Ordinance and Solid Waste Disposal Ordinance aka "Solid Waste Management and Disposal Ordinance be consolidated and be amended to read as follows and be known as the:

SOLID WASTE MANAGEMENT ORDINANCE

Article I. General

Section I. Purpose

The purpose of this ordinance is to:

- A. secure and promote the health, safety, and general welfare of the citizens of Buckingham County, to protect and preserve the waters of the County, including surface water, ground water, and other natural water courses from pollution or contamination and prevent the creation of nuisances by regulating the disposal of waste in the County;
- B. Provide for the citizens of Buckingham County a way to dispose of Household waste generated in Buckingham County; and
- C. Provide that other waste, such as commercial waste, industrial waste or farm waste generated in Buckingham County is disposed of properly.

Section II. Statutory Authority

This Ordinance is adopted pursuant to the authority granted by the Code of Virginia, including but not limited to § 10.1-1418.1, § 15.2-1200 et seq., § 15.2-927, and § 15.2-928.

Section III Severability

In the event that any portion of this article is declared void for any reason, such decision shall not affect the remaining portions of the ordinance, which shall remain in full force and effect, and for this purpose the provisions of this article are hereby declared to be severable.

Section IV Definitions

Business waste: means any waste generated by a business, whether operating for profit or not.

Commercial waste: means all waste generated by establishments engaged in business operations other than industrial waste. This category includes, but is not limited to, waste

resulting from the operations of stores, markets, office buildings, and restaurants. This could include waste generated on farms.

County: shall mean Buckingham County.

Farm: means as the U.S. Agriculture Department (USDA) defines it as “any place from which \$1,000 or more of agricultural products were produced and sold, or normally would have been sold, during the year.”

Garbage: means readily putrescible discarded materials composed of animal, vegetable or other organic matter.

Household Waste: means any waste material, including garbage, trash, refuse, or white goods derived from households or residences.

Industrial Waste: means any waste generated by manufacturing or industrial process. This could include waste generated on farms.

Person: means an individual, a corporation, partnership, association, any other private legal entity, or any combination thereof.

Trash: means combustible and noncombustible discarded materials and is used interchangeably with the term rubbish.

Waste Collector: means any person, persons, firm, partnership, corporation, or other organization offering or providing solid waste collection services.

Waste Material or Substance

White Goods: means any stoves, hot water heaters, washers, heaters, or other large appliances

Special definitions. For the purposes of this ordinance, terms not specifically defined in this ordinance shall have the meaning as provided in the Solid Waste Management Regulations of the Commonwealth of Virginia Department of Environmental Quality, as the same may be amended from time to time, and the definitions of said terms are incorporated herein by reference.

Section IV Violation

- A. If any person violates this Ordinance shall be guilty of a Class Two Misdemeanor.
- B. Each day's continuance of a violation shall constitute a separate violation.

ARTICLE II

Disposal of Waste

Section I Household waste

Household waste shall be disposed of in accordance with this ordinance.

Section II Collection, removal and disposal of industrial waste.

Industrial waste shall be collected, removed and disposed of in accordance with Federal, State and local law, ordinances and regulations by the operator of the factory, plant or enterprise creating or causing the same.

Section III Business and Commercial waste

Business and Commercial waste shall be collected, removed and disposed of in accordance with Federal, State and local law, ordinances and regulations by the owner of the business or commercial enterprise creating or causing the same.

Section IV Unlawful storage, accumulation and dumping

It shall be unlawful for any person, business or industry to store, accumulate or dump any garbage, or other waste material or substance in such quantities or in such a manner or for such a period of time as to constitute a nuisance or as to be potentially injurious to the health, safety or property of the public, or to allow such storage, accumulation or dumping on any premises, whether the person is the owner or not.

Article III

Unlawful Disposal of Household Waste

Section I

It shall be unlawful for any person to dispose of household waste in a County owned, leased, or approved convenience container if that household waste is not generated in within the jurisdictional boundaries of the County.

Section II

It shall be unlawful for any person to dispose of household waste, other than at a County owned, leased, or approved convenience container or to a waste collector authorized to do business in Buckingham County, or in accordance with the Federal, State and local law, ordinances and regulations by the operator of the factory, plant or enterprise creating or causing the same.

Section III

It shall be unlawful for any person who does not hold a valid solid waste permit or equivalent to dispose of household waste at a County owned, or approved convenience center

Article IV
County Convenience Centers

Section I Purpose

Convenience centers shall be for the purpose of collecting only Household Waste that is generated or created in the jurisdictional boundaries of the County

Section II Creation

The number, locations, and the types of household waste that maybe disposed of in the County Convenience Centers shall be determined by the Board of Supervisors. Not all sites shall be required to accept the same type of household waste.

Section III Rules of Disposal

A. Items, materials, substance that may not be disposed of at a County Owned Convenience Centers

- i. dead animals, manure, stomps, ash, sludge, oil, contaminated soils, pesticide containers, drums, and tanks;
- ii. industrial generated waste. Industrial entities are responsible for their own legal waste removal and disposal;
- iii. commercial or business generated waste. Commercial or business entities are responsible for their own legal waste removal and disposal;
- iv. wood stove ashes or ashes from the burning of solid waste;
- v. hypodermic instruments nor medical waste nor other sharp articles(?);
- vi. pressurized cans, unless depressurized;
- vii. any waste generated outside of Buckingham County;
- viii tires
- ix hazardous material including but not limited to asbestos;

B. Placement of Household Waste

The Household Waste disposed of at the County Convenience Centers shall be placed in the proper bulk containers, and not on the ground, unless it is a waste item, such as a white good or electronic item, that specific areas for ground or other placement is provided. The County, may from time to time, designate the areas and locations of placement of household waste at the County owned Convenience Centers.

C. Scavenging, tampering with or damaging

- i. No person may scavenge or remove any refuse or waste from a County Convenience Center unless authorized to do so by county personnel.
- ii. No person may tamper with or intentionally or negligently damage the entrance system, collection containers, or other personal property associated with the County Convenience Centers.

D. Permits

Only persons holding and displaying a valid and current Household Waste Permit or equivalent may enter and use the County Convenience Centers. If the

person is using a motor vehicle to enter the County Convenience Center, such permit shall be displayed on the windshield in the lower left corner of the windshield and registered to that vehicle.

E. Violation

The County Administrator with the concurrence of the Board of Supervisors may add supplemental rules for the use of the convenience centers and placement of waste in the convenience centers.

Article V
Household Waste Permits

Section I Definition

A Household Waste Permit is a permit issued by Buckingham County on an annual basis that authorizes the use of the County's Convenience Centers to dispose of Household Waste Material. The Household Waste Permit shall be valid from the date of acquisition until the following April 15, unless earlier revoked by the County. Each Household Waste Permit shall be issued to a specific vehicle and may not be transferred.

Section II Equivalent

A valid and current County Decal may be used as a Household Waste Permit.

Section III Fee

The Board of Supervisors, from time to time, may set a fee in accordance with law, for the Household Waste Permit.

Section IV Eligibility

Section A. Any resident of Buckingham County shall be eligible for a Household Waste Permit provided:

- i. That the applicant can demonstrate that they are a resident of Buckingham County;
- ii. That all tax and monetary obligations of the applicant owed to Buckingham County are paid in full;
- iii. That any cars registered to the applicant and used in Buckingham County, that are not legally exempt, have a current and valid County decal;
- iv. If the applicant is applying for a Household Waste Permit for a vehicle that the applicant claims to be exempt, the applicant shall set forth on form(s) provided by the County:
 - a. Why the vehicle is exempt; and
 - b. Produce supporting material to justify the exemption;
- v. If the applicant is claiming a farm use exemption for a vehicle, the supporting material shall be at least one of the following:
 - a. Current and valid registration with the Virginia Department of Motor Vehicle as a farm vehicle;

- b. A current US or Virginia income tax return that includes a US IRS Schedule F that shows the vehicle is used in the farming operation;
- c. Other appropriate material that demonstrates that the applicant is entitled to the farm exemption. This may include but is not limited to: i. the tract of land that is being farmed; ii. The agricultural products¹ produced, cultivated, grown, or harvest on the tract; iii. the approximate amounts produced annually, iv. Where and how the products are offered for sale or disposal, and v. receipts showing the income realized.

Section B Non-Resident of Buckingham County shall be eligible for a Household Waste Permit provided:

- i. That the applicant can demonstrate that the applicant generates household waste in Buckingham County;
- ii. That all tax and monetary obligations of the applicant owed to Buckingham County are paid in full;
- iii. That any cars registered to the applicant and used in Buckingham County, that are not legally exempt, have a current and valid County decal;
- iv. If the applicant is applying for a Household Waste Permit for a vehicle that the applicant claims to be exempt, the applicant shall set forth on form(s) provided by the County:
 - a. Why the vehicle is exempt; and
 - b. Produce supporting material to justify the exemption;
- v. The County may make non-residential Household Waste Permits temporary;
- vi. If the applicant is claiming a farm use exemption, the supporting material shall be at least one of the following:
 - a. Current and valid registration with the Virginia Department of Motor Vehicle as a farm vehicle;
 - b. A current US or Virginia income tax return that includes a US IRS Schedule F that shows the vehicle;
 - c. Other appropriate material that demonstrates that the applicant is entitled to the farm exemption. This may include but is not limited to: i. the tract of land that is being farmed; ii. The agricultural products² produced, cultivated, grown, or harvest on the tract; and iii. the approximate amounts produced annually.

¹ Agricultural products are: Nursery plants, Christmas trees, Horticultural plants and crops, Viticultural plants and crops, Cultivated plants and crops, Aquaculture products, Dairy products, Livestock, Poultry, Bee products, or Other farm products as set forth in Va. Code § 46.2-698. A tree farm does not qualify as a farm unless it is also part of a nursery, a Christmas tree farm, or what is otherwise a farm.

² Agricultural products are: Nursery plants, Christmas trees, Horticultural plants and crops, Viticultural plants and crops, Cultivated plants and crops, Aquaculture products, Dairy products, Livestock, Poultry, Bee products, or Other farm products as set forth in Va. Code § 46.2-698. A tree farm does not qualify as a farm unless it is also part of a nursery, a Christmas tree farm, or what is otherwise a farm.

Section C Revocation

It a Household Permit has been issued by the County, and the holder of the permit is no longer eligible to hold such permit or has been convicted of a violation of this ordinance, the County may revoke the Household Waste Permit.

Article VI
Licensing of Commercial Collectors

Section A. It shall be unlawful for any person who does not possess an unrevoked permit from Buckingham County to collect or dispose of solid waste or refuse for compensation in the County. The County shall issue permits for such applicants, provided that such permits shall be limited to persons having proper equipment and personnel to collect and dispose of refuse in accordance with the provisions of this ordinance and provided further that the method of disposal used is in accordance with all applicable State and Federal laws, rules, regulations, and other governing provisions.

Section B. The fee for such license shall be \$100.00 per annum and all licenses shall be issued for the calendar year, or such part thereof as shall remain after the issuance. There shall be no reduction in the fee for a license issued after the beginning of any calendar year.

Section C. Every person who shall apply for a license under this section shall state the type(s) of refuse to be collected, the manner of collection, and the place and method of disposal.

Section D. No license shall be granted if the place and method of disposal shall not conform to the requirements of this ordinance, the ordinance of any municipal or quasi-municipal corporation, wherein disposal of refuse is to be made, and to all applicable laws, statutes, rules, and regulations of the State and Federal governments.

Article VII
Permitting of Private Landfills

It shall be unlawful for any person to establish, construct, maintain, own, base or operate any private or commercial landfill within the jurisdictional boundaries of the county which is not permitted by the County. The County shall issue permits for such applicants at the sole discretion of the Board of Supervisors, according to all applicable laws, ordinances, statutes, and rules and regulations of all government entities having jurisdiction there over. No open dump shall be permitted in the County.

Article VIII
Reporting of Nonresidential Solid Waste Generators

All nonresidential solid waste generators and companies that manage solid waste or recycle materials generated within the jurisdictional boundaries of Buckingham County shall annually report such nonproprietary information regarding waste generation, waste management, and recycling as is deemed necessary to the County Administrator to facilitate compliance with State regulations governing regional and local solid waste management plans. Any report

required under this section shall be based on volume or weight, provided that where such measurements cannot be accurately determined, the report may be based on carefully estimated data.

Article IX
Private Landfills Prohibited

Section A. It shall be unlawful for any person to establish, construct, maintain, own, base, or operate any private or commercial landfill within the jurisdictional boundaries of the County which is not owned, leased, or operated under a contractual arrangement with the Buckingham County Board of Supervisors or some other governmental entity, agency, or commission.

Section B. It shall be unlawful to operate or maintain any landfill facility as an open dump.