

SOLID WASTE ORDINANCE FOR

MADISON COUNTY, VIRGINIA

Article I

General

1.1 Definitions.

For the purpose of this ordinance, the following words and phrases shall be defined as follows:

(a) Brush: Tree and shrubbery trimmings, including tree branches, tree limbs, parts of tree, bushes and shrubbery..

(b) Disposal: Accumulation, storage, collection, transportation and disposal of solid waste.

(c) Hazardous solid or liquid waste: A solid or liquid waste or combination thereof which, because of quantity, concentration or physical, chemical or infectious characteristics, may:

1. Cause or significantly contribute to an increase in mortality or an increase in serious illness; or

2. Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of or otherwise managed.

(d) Impervious cover: Cover that cannot be penetrated by the load being covered.

(e) Litter: Garbage, refuse, waste materials or any other discarded, used or unconsumed substance which is not disposed as specified in this ordinance.

(f) Solid waste receptacle: A metal or plastic container or plastic bag of substantial construction, with tight fitting lid or tightly sealed with a wire tie or a drawstring.

(g) Sanitary landfill or transfer station: A disposal site or transfer station for solid waste that is operated in accordance with regulations of the Commonwealth of Virginia, Department of Environmental Quality.

(h) Solid waste: Any garbage, refuse, sludge and other discarded material, including solid, liquid, semisolid or contained gaseous material, resulting from residential, industrial, commercial, mining or agricultural operations or from 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 material as defined by the Federal Atomic Energy Act of 1954, as amended.

1.2 Unlawful accumulations; receptacles for organic materials.

It shall be unlawful for any person to place or allow to remain out of doors or on any lot or parcel of land within Madison County any solid waste in an unsanitary manner or so as to create a nuisance. Organic materials must be kept enclosed in solid waste receptacles, except for the handling and use of such materials in a normal agricultural operation.

1.3 Unlawful disposal.

It shall be unlawful for any person to:

(1) Cast, throw, sweep, dump, dispose of or deposit, anywhere in Madison County any solid waste or litter on property of another or of the public; or

(2) Dispose of any solid waste on his/her own property in any manner not in conformance with the regulations of the Commonwealth of Virginia, Department of Environmental Quality.

1.4 Conduct of solid waste collection operations generally.

All solid waste collection operations shall be made in such manner that they do not create a nuisance or adversely affect public health.

1.5 Maintenance of vehicles used for solid waste collection or transportation.

Each vehicle used for solid waste removal or transportation shall be maintained so as to prevent the spillage of solid waste or litter on property of another or of the public during transportation.

1.6 Covering the loads to be transported.

No person shall transport any solid waste without an impervious cover completely surrounding the load being transported; provided, however, that if the material or substance is enclosed in metal or plastic containers with tightly secured covers or in plastic garbage bags that have been tightly closed, no such cover shall be required.

Article II

Madison County Sanitary Landfill or Transfer Station

2.1 Access restrictions.

The Madison County sanitary landfill or transfer station shall be operated for the disposal of solid waste generated from property, residences, businesses, industries and institutions located in Madison County, including the Town of Madison. No one shall be permitted to dispose of solid waste at the Madison County landfill or transfer station unless he/she is able to document his/her eligibility to do so. Individuals shall document their eligibility by display of (1) a valid Madison County motor vehicle license (decal); (2) a valid Madison County landfill/transfer station permit; or (3) a valid identification of a Virginia Department of Transportation vehicle with solid waste generated from Madison County.

The Madison County Administrator shall develop, administer and issue the necessary application and permit forms to provide for the proper administration and enforcement of this section.

2.2 Madison County sanitary landfill or transfer station use charges.

Tipping and access permit fees for use of the Madison County sanitary landfill or transfer station shall be established from time to time by resolution of the Board of Supervisors of Madison County.

2.3 Hours of operation.

The Board of Supervisors of Madison County shall establish the hours of operation for the Madison County landfill or transfer station and shall post notice of such hours at the Madison County Office Building at the Madison County sanitary landfill or transfer station. It shall be unlawful for any

person to cast, throw, sweep, dump, dispose of or deposit solid waste or litter at the Madison County sanitary landfill or transfer station at any time other than during the established hours of operation.

2.4 Required use of designated areas at Madison County sanitary landfill or transfer station.

Solid waste shall be categorized and deposited at the Madison County sanitary landfill or transfer station in designated areas only. The Madison County Administrator shall designate such areas in accordance with the solid waste management permit and regulations issued by the Commonwealth of Virginia, Department of Environmental Quality.

2.5 Prohibited deposits generally.

The following items will not be accepted and shall not be deposited at the Madison County sanitary landfill or transfer station:

- (1) tree stumps and logs with a diameter exceeding 2 inches;
- (2) masonry, concrete, stone or other demolition solid waste with a weight exceeding 40 lbs per piece;
- (3) motor vehicles;
- (4) hazardous solid or liquid waste;
- (5) containers with liquid therein;
- (6) tires with a rim size exceeding 28 inches;
- (7) batteries; and
- (8) unbound wire.
- (9) sawdust, chips or shavings

*Amended: October 21, 2005

2.6 Ashes to be extinguished prior to deposit.

Ashes must be extinguished prior to depositing them in the Madison County sanitary landfill or transfer station.

2.7 Boxes, carton and crates to be collapsed prior to deposit at Madison County sanitary landfill or transfer station.

Any person disposing of boxes, carton, crates, barrels or liquid containers shall collapse the same prior to depositing them in the Madison County sanitary landfill or transfer station.

2.8 Airtight snap lock and freon to be removed from certain containers before deposit.

It shall be unlawful for any person to deliver to the Madison County sanitary landfill or transfer station any appliance, refrigerator or other container of any kind which has an airtight snap lock closing device (or similar closing device) without first removing the snap lock, closing device, or door from such appliance, refrigerator, or container.

2.9 Scavenging prohibited.

It shall be unlawful for any person to scavenge or remove any items or materials from the Madison County sanitary landfill or transfer station.

Article III

Penalty and Miscellaneous

3.1 Violation of ordinance, penalty.

(a) Any person violating or failing, refusing or neglecting to comply with any provision or requirement of this ordinance shall be guilty of a Class 3 misdemeanor and subject to a fine of not more than \$500. Each continued day of violation shall constitute a separate offense hereunder.

(b) Any person violating or failing, refusing or neglecting to comply with any provision or requirement of this ordinance shall be issued a warrant or summons requiring such person to appear in the General District Court of Madison County. Such warrant or summons may be issued by any law enforcement officer or deputized employee of Madison County. All fines collected under this ordinance shall be paid into the county treasury.

3.2 Severability.

If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional or otherwise invalid by the judgment or decree of a court of competent jurisdiction such constitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance.

3.3 Effective date.

This ordinance shall become effective on July 1, 1997.

ADOPTED on the 18th day of June, 1997.

BOARD OF SUPERVISORS OF MADISON COUNTY

By: 

David C. Jones, Chairman

Vote:	Aye	Nay	
David C. Jones	<u>✓</u>	_____	
James R. Hale	<u>✓</u>	_____	
Doris G. Lackey	_____	_____	absent
Harry O. Tinsley	<u>✓</u>	_____	
George Volchansky	<u>✓</u>	_____	

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