

AT A REGULAR MEETING OF THE GLOUCESTER COUNTY BOARD OF SUPERVISORS, HELD ON _____, _____, 2024, AT 6:00 P.M., IN THE COLONIAL COURTHOUSE AT 6504 MAIN STREET, GLOUCESTER, VIRGINIA ON A MOTION MADE BY _____, AND SECONDED BY _____, THE FOLLOWING RESOLUTION WAS ADOPTED BY THE FOLLOWING VOTE:

Phillip N. Bazzani, ___;
Ashley C. Chriscoe, ___;
Kenneth W. Gibson, ___;
Christopher A. Hutson, ___;
Michael A. Nicosia, ___;
Robert J. Orth, ___;
Kevin M. Smith, ___;

AN ORDINANCE AMENDING GLOUCESTER COUNTY CODE CHAPTER 9, ARTICLE IV, SECTION 9-49, TO CHANGE THE REPORTING REQUIREMENTS FOR THE RECYCLING SURVEY REPORT FROM ANNUALLY TO EVERY FOUR YEARS, WITH THE NEXT REPORT TO BE SUBMITTED ON OR BEFORE MARCH 1, 2025 AND TO CORRECT AND CLARIFY CHAPTER 9, ARTICLE I, SECTIONS 9-5, 9-7, 9-12, ARTICLE II, SECTIONS 9-15 AND 9-16, ARTICLE III, SECTIONS 9-37, 9-39 AND 9-42, AND ARTICLE IV, SECTIONS 9-47, 9-50 AND 9-51

WHEREAS, the Virginia General Assembly amended the state reporting requirements for reporting recycling activities from annually to once every four (4) years, and the correction of minor errors make necessary and appropriate amendments to Chapter 9; and

WHEREAS, the Gloucester County Clean Community Coordinator has recommended that the County reporting for the recycling survey report be conducted every four (4) years; and

WHEREAS, the Gloucester County Commissioner of the Revenue has recommended several changes to make it clear that a business only needs one business license to cover all vehicles used by that business; and

WHEREAS, the Board is desirous of amending Chapter 9, Section 9-49 of the Gloucester County Code to change the annual reporting for the recycling survey report to every four years, with the first such report due for the year ending December 31, 2024, which report shall be submitted on or before March 1, 2025 and every four years thereafter. The Board is also desirous of amending Chapter 9, Sections 9-5, 9-7, 9-12, 9-15, 9-16, 9-37, 9-39, 9-42, 9-47, 9-50, and

9-51 to correct errors therein, to update the sections with current information, and to omit therefrom inaccurate and unnecessary verbiage.

NOW THEREFORE BE IT ORDAINED AND ENACTED that the following section of Gloucester County Code Chapter 9 – ARTICLE IV, is hereby amended as follows:

Chapter 9 GARBAGE AND REFUSE

ARTICLE I. IN GENERAL

Sec. 9-5. Notice of violation; method of issuance.

- (a) The sheriff, the codes compliance officer, or the health director or their designee may, and upon complaint by any responsible person that conditions exist on any real property in violation of ~~section 9-13~~ **this chapter** shall, investigate conditions existing on real property in the county at any time; and upon determination by either such officer, following investigation, that the owner, occupant or person in charge of any real property in the county stands in violation of his duty as provided in ~~section 9-13~~ **this chapter**, such officer shall give written notice to the owner of record of such property and to the person primarily responsible, if different from the owner, stating the facts which constitute violation of ~~section 9-13~~ **this chapter** and directing him to take such action as may be necessary to rectify such conditions within such time, not more than ten (10) days, as shall be stated in the notice.

- (b) If, ten (10) days after the service of any such notice, the directive thereof has not been complied with, the officer giving such notice ~~shall~~ **may** proceed to have such work done as may be necessary to abate any condition which might endanger the health or safety of residents of the county or otherwise constitute a nuisance, and all expenses resulting therefrom shall be chargeable to and paid by the owner of such property and may be collected by the county as taxes and levies are collected; and all charges not so collected shall constitute a lien against such property.

Sec. 9-7. Prohibited disposal of refuse generally.

~~Except as provided in section 9-8, it~~ **It** shall be unlawful for any person, firm or corporation, in person or by his agent, employee or servant, to dump, or bury, cast, throw, or deposit refuse within the county at other than the county-owned landfill or within the receptacles located at county-operated refuse

disposal sites or at privately owned refuse disposal sites expressly licensed under this chapter.

Sec. 9-12. Refuse disposal operations restricted to sites operated or licensed by county.

Refused disposal operations shall be conducted on sites selected and acquired by the board of supervisors and on such private sites as are licensed under the provisions of this chapter.

ARTICLE II. REFUSE DISPOSAL SITES AND OPERATIONS

Sec. 9-15. Supervisory authority of county administrator.

The construction and installation of facilities at refuse disposal sites operated or maintained by the county and the maintenance, operation, and administration of such sites and facilities shall be under the supervision and control of the county administrator **or designee**, acting under the direction of the board of supervisors.

Sec. 9-16. Structures at county-operated sites.

No structure shall be erected at a county-operated refuse disposal site except as approved by the county administrator **or designee**.

ARTICLE III. COLLECTIONS FOR HIRE

Sec. 9-37. License required.

No person, for hire, shall collect or convey any refuse generated within the county in any vehicle through or on any street or highway of the county without first obtaining from the commissioner of the revenue a refuse hauling license ~~for each vehicle so used~~.

Sec. 9-39. Conditions precedent to issuance of license.

~~(a) No license shall be granted under this article to any applicant if the proposed place and method of disposal of refuse to be collected does not conform to the requirements of this chapter.~~

~~(b) No license shall be issued under this article to an applicant until he presents a statement from the county public works department showing proof of inspection of the applicant's collection equipment within the preceding thirty (30) days.~~

Sec. 9-42. License year; annual renewal of licenses.

All refuse-hauling licenses issued under this article shall expire on ~~January~~ **December** 31 of the ~~next succeeding~~ year. Refuse-hauling licenses are to be renewed **for the calendar year on or before March 1** ~~during the month of January~~ of each year. A license may be renewed by presenting the commissioner of the revenue ~~a statement from the public works director showing proof of inspection of the applicant's collection equipment within the preceding thirty (30) days, and~~ a restatement by the applicant of information previously required under section 9-38.

ARTICLE IV. MANDATORY RECYCLING REPORTING

Sec. 9-47. Purpose.

The purpose of this article is the furtherance of solid waste management and the recycling of solid waste as provided for in Section 10.1-1411, Code of Virginia, 1950, as amended, as authorized by ~~Section 15.1-11.5:2, Code of Virginia~~ **Va. Code Section 15.2-927 et seq.**

Sec. 9-49. Reporting requirements for generators.

- (a) Nonresidential solid waste generators and businesses or commercial establishments that manage solid waste or recycle materials within the County of Gloucester, shall submit ~~an annual report for each calendar year ending on December 31 to the director of public works on or before March 1 of the following year~~ **a report to the clean community coordinator or other designated county official every four years. The report shall only be required to include information for the most recent single calendar year ending on December 31. The first such report shall be for the year ending December 31, 2024 and shall be submitted on or before March 1, 2025 and every four years thereafter.**
- (b) Such ~~annual~~ report shall be submitted on a form prescribed by the county administrator and shall include as a minimum the following information:
 - (1) The name and address of the reporting party.
 - (2) The total quantity of solid waste recycled by the reporting party, by commodity, during the reporting period.
 - (3) The name and address of the person to which the recyclables were delivered for recycling.

- (4) The total quantity by weight of solid waste, by commodity, that has been the subject of source reduction or reuse.

Sec. 9-50. Reporting requirements for haulers or recyclers.

- (a) Businesses licensed for waste hauling, recycling, or scrap metal recovery shall submit an annual report for each calendar ~~year~~ **year** ending on December 31 to the director of ~~public works~~ **engineering** by March 1 of the following year.
- (b) Such annual report shall be submitted on a form prescribed by the county administrator and shall include as a minimum of the following information:
 - (1) The name and address of the reporting party.
 - (2) The total quantity of solid waste generated in Gloucester, by commodity, that was recycled by that business during the reporting period.

Sec. 9-51. Contents of reports.

- (a) The reports required under the preceding two (2) sections shall be based on actual weight. Where actual weight cannot be accurately determined, the weight may be reported using carefully estimated data. Any such report shall include a description of the basis for the reported data.
- (b) Recycled solid waste identified in the report shall include only those solid wastes delivered to market from within the County of Gloucester.
- ~~(c) For the year 1991 only, such reports shall provide an estimate of materials recycled from January 1, 1991 through the effective date of this article and actual data from the effective date of this article through December 31, 1991.~~

A Copy Teste:

Carol E. Steele, County Administrator

ARTICLE I. IN GENERAL**Sec. 9-1. Short title.**

This chapter shall be known and may be cited as the Refuse Disposal Ordinance of Gloucester County, Virginia, or simply as the Refuse Disposal Ordinance.
(Ord. of 9-19-89)

Sec. 9-2. Definitions.

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

Bulky Waste: Items such as appliances, sofas, mattresses, tree limbs, shrubbery, and the like.

Collector: Any person engaged in the business of the collection and transportation of solid waste.

Commercial waste: All solid waste emanating from establishments engaged in business. This category includes, but is not limited to, solid waste resulting from the operation of stores, markets, office buildings, restaurants, shopping centers, and theatres.

County: The term "county" shall be deemed to include the county's contractual operator of the county landfill and convenience centers.

Demolition wastes: Lumber, roofing, and sheathing scraps, rubble, broken concrete, plaster, etc., conduit pipe, wire insulation, etc.

Disposal: "Disposal" includes the storage, collection, disposal and handling of refuse, or any one or more thereof.

Fire control plan: A document addressing the requirements established in section 9-33 of this chapter. It may include appropriate maps as well as any other management information the submitting party deems relevant.

Garbage: Animal and vegetable matter resulting from the handling, preparation, cooking or consumption of foods, and processing or packing of sea or agricultural products.

Hazardous waste: Those wastes in such quantities requiring special containment and disposal as required by federal and/or state law.

Industrial waste: All solid waste resulting from manufacturing and industrial processes such as, but not limited to, those carried on in factories, processing plants, refineries, slaughterhouses, and steel mills.

Institutional waste: All solid waste emanating from institutions such as, but not limited to, hospitals, nursing homes, orphanages, schools, and universities, public or private.

Litter: "Garbage," "refuse" and "rubbish," as defined in this section, and all other waste material which, if thrown or deposited as prohibited by this article, tends to create a danger to public health, safety and welfare.

Person: An individual, trust, firm, joint stock company, corporation (including a government corporation), partnership, association, state, municipality, commission, political subdivision of a state, any interstate body, or the federal government.

Residential waste: Solid wastes resulting from household operations.

Refuse: All solid wastes, except body wastes, including garbage and rubbish.

Refuse disposal site: Refuse disposal site shall mean any convenience center, dumpster site, refuse transfer station, landfill, or similar facility located within the county.

Rubbish: Waste material and trash, not to include garbage.

Solid waste: Garbage, refuse and other discarded solid materials, including solid-waste materials resulting from industrial, commercial, and agricultural operations, and from community activities, but does not include solid or dissolved material in domestic sewage or other significant pollutants in water resources, such as silt, dissolved or suspended solids in industrial waste water effluents, dissolved materials in irrigation return flows, or other common water pollutants.

Tire: Means a solid or air filled covering for a wheel, typically of rubber or a similarly elastic synthetic material, fitted around the wheel's rim to absorb shock and provide traction.

Unacceptable wastes: Any material, specified in section 9-19 of this Code, and any material the disposal of which would violate applicable federal or state laws, rules, regulations, permits or requirements in effect at the time of disposal.

Used tire storage: An accumulation of one thousand (1,000) or more used tires or any number of used tires covering more than ten thousand (10,000) square feet at a location, not under a roof or other similar structure.

(Ord. of 9-19-89; Ord. of 7-2-96)

Sec. 9-3. Rules and regulations.

The county or its contractor shall be authorized to establish reasonable operating rules and regulations for its refuse disposal sites which are in conformance with federal, state, and local regulations, and to establish reasonable rules and regulations to determine the origin and type of refuse presented at the landfill for disposal.

(Ord. of 9-19-89; Ord. of 7-2-96)

Sec. 9-4. Wastes not to be brought within county for deposit except by permit.

No waste, refuse, rubbish or by-product derived from any source shall be brought into the county from any location outside of the county and deposited at any refuse disposal site within the county without the express written authority of the board of supervisors who may require certain restrictions and limitations, and impose fees.

(Ord. of 9-19-89)

Sec. 9-5. Notice of violation; method of issuance.

(a) The sheriff, the codes compliance officer, or the health director or their designee may, and upon complaint by any responsible person that conditions exist on any real property in violation of section 9-13 shall, investigate conditions existing on real property in the county at any time; and upon determination by either such officer, following investigation, that the owner, occupant or person in charge of any real property in the county stands in violation of his duty as provided in section 9-13, such officer shall give written notice to the owner of record of such property and to the person primarily responsible, if different from the owner, stating the facts which constitute violation of section 9-13 and directing him to take such action as may be necessary to rectify such conditions within such time, not more than ten (10) days, as shall be stated in the notice.

(b) If, ten (10) days after the service of any such notice, the directive thereof has not been complied with, the officer giving such notice shall proceed to have such work done as may be necessary to abate any condition which might endanger the health or safety of residents of the county or otherwise constitute a nuisance, and all expenses resulting therefrom shall be chargeable to and paid by the owner of such property and may be collected by the county as taxes and levies are collected; and all charges not so collected shall constitute a lien against such property.

(Ord. of 9-19-89)

Sec. 9-6. Violations of chapter.

In addition to any other provisions of this chapter, any person who fails to comply with any provision of this chapter after the date of adoption shall be deemed to be in violation of this chapter. Each day that a violation exists shall constitute a separate violation. The penalty for conviction of a violation of any provision of this chapter shall be the imposition of a fine not exceeding one thousand dollars (\$1,000.00) or thirty (30) days imprisonment for each violation or both.

The county may apply to the circuit court for the County of Gloucester for injunctive relief to enjoin a violation or a threatened violation of the terms of this chapter without the necessity of showing that there does not exist an adequate remedy at law.

(Ord. of 9-19-89)

Sec. 9-7. Prohibited disposal of refuse generally.

Except as provided in section 9-8, it shall be unlawful for any person, firm or corporation, in person or by his agent, employee or servant, to dump, or bury, cast, throw, or deposit refuse within the county at other than the county-owned landfill or within the receptacles located at county-operated refuse disposal sites or at privately owned refuse disposal sites expressly licensed under this chapter.

(Ord. of 9-19-89)

Sec. 9-8. Burning of refuse.

It shall be unlawful for any person to attempt to burn any noncombustible refuse. The disposal of combustible refuse by burning shall be done only pursuant to a permit issued by the health director and in accordance with all local, state and federal laws, if any, regulating such burning.

(Ord. of 9-19-89)

Sec. 9-9. Storage of garbage—At dwellings of two-family units or less.

Garbage at dwellings of two-family units or less, pending final disposal, shall be stored in containers made of durable material and completely covered at all times with close-fitting lids to discourage flies, rats and other disease carriers.

(Ord. of 9-19-89; Ord. of 7-2-96)

Sec. 9-10. Same—At other places.

Garbage and animal remains (consisting of carcasses, organs and solid organic wastes) located at all places other than dwellings of two-family units or less, pending final disposal, shall be stored in watertight, rust-resistant containers and completely covered at all times with close-fitting lids to discourage flies, rats and other disease carriers. The use of commercial containers is recommended.

(Ord. of 9-19-89)

Sec. 9-11. Hauling of refuse to disposal site.

Persons electing to haul their own refuse to a county refuse disposal site or to a private site licensed under this chapter shall take the necessary precautions to prevent littering of roadways in violation of the laws of the state.

(Ord. of 9-19-89)

Sec. 9-12. Refuse disposal operations restricted to sites operated or licensed by county.

Refused disposal operations shall be conducted on sites selected and acquired by the board of supervisors and on such private sites as are licensed under the provisions of this chapter.

(Ord. of 9-19-89)

Sec. 9-13. Reserved.**Sec. 9-14. Title to and salvaging of refuse deposited at county refuse disposal sites.**

(a) All refuse delivered to a refuse disposal site shall, upon delivery, become the property of the county's authorized contractor, except for refuse defined as "unacceptable" elsewhere in this chapter.

(b) "Unacceptable waste," as elsewhere defined in this chapter, shall remain the property of the person, firm, or corporation transporting same to any refuse disposal site in the county, whether delivery occurs or not, and shall be removed and otherwise lawfully disposed of upon demand of the county or its authorized contractor.

(c) Salvaging within the area of any refuse disposal site maintained or operated by the county or its authorized contractor shall be prohibited entirely, with the exception of any and all activity carried on by the contractor.

(Ord. of 9-19-89; Ord. of 7-2-96)

ARTICLE II. REFUSE DISPOSAL SITES AND OPERATIONS**Sec. 9-15. Supervisory authority of county administrator.**

The construction and installation of facilities at refuse disposal sites operated or maintained by the county and the maintenance, operation, and administration of such sites and facilities shall be under the supervision and control of the county administrator, acting under the direction of the board of supervisors.

(Ord. of 9-19-89; Ord. of 7-2-96)

Sec. 9-16. Structures at county-operated sites.

No structure shall be erected at a county-operated refuse disposal site except as approved by the county administrator.

(Ord. of 9-19-89; Ord. of 7-2-96)

Sec. 9-17. Reserved.

Editor's note—Formerly, § 9-17 contained provisions requiring a permit for deposit of certain wastes at county-maintained sites. Such section was derived from an ordinance adopted Sept. 19, 1989.

Sec. 9-18. Persons admitted to county-operated or maintained sites.

At county refuse disposal sites, only those persons concerned with the operation or maintenance thereof, persons authorized to dispose of refuse thereat, and law enforcement officers shall be admitted to the premises, except by written authority of the county.

All persons using a county disposal facility shall obey the orders and directives of the county employee or contractor in charge thereof.
(Ord. of 9-19-89; Ord. of 7-2-96)

Sec. 9-19. Unacceptable waste.

The following wastes are unacceptable and shall not be deposited at any county refuse disposal site:

Explosive waste;

Hazardous waste;

Infectious waste;

Bulk or noncontained liquid wastes (one (1) gallon size or larger);

Solid wastes, residuals, or soils containing more than 1.0 ppb (parts per billion) of dioxins;

Solid wastes, residues, or soil containing more than 50.0 ppm (parts per million) of polychlorinated biphenyls (PCBs).

Pesticide containers that have not been triple rinsed;

Metal or plastic drums that are not empty, properly cleaned and opened;

Waste oil (except when placed in special waste oil collection tanks for recycling);

Unstabilized sewage sludge or sludges that have not been dewatered; and

Unacceptable waste, as hereinabove defined.

(Ord. No. 9-19-89; Ord. of 7-2-96)

Sec. 9-20. Refuse containers.

Refuse containers shall be provided by the county at various locations. The usage of said containers shall be governed by the following provisions, and any other regulations established in accordance with section 9-3.

- (1) *Special refuse items.* The following are several types of special refuse items which shall be given special care and preparation before disposing of the same in any refuse container:
 - (a) Hypodermic instruments and other sharp articles. No person shall dispose of or discard any hypodermic syringe, hypodermic needle or any instrument or device for making hypodermic injections before first safeguarding by wrapping or securing the same in a suitable manner so as to avoid the possibility of causing injury to the collection personnel.
 - (b) Ashes. Ashes that are to be collected by the county must have been wetted and cooled to the touch prior to collection. Ashes shall be placed in suitable containers and shall not be placed with the normal refuse unless separately wrapped, so that they will not cause injury to the collection personnel.

- (c) Pressurized cans. All pressurized cans containing pesticides or any other dangerous materials shall be released of all pressure before being deposited in a refuse container for collection by the county or any private collection agency.
 - (d) Glass. All broken glass or any type of glass that may cause injury to refuse collection personnel shall be separately wrapped to prevent injury and placed with the normal refuse.
 - (e) Pesticides. All pesticide containers and other poisonous containers shall be empty before being placed for collection.
- (2) *Refuse collectors.* No person engaged in the business of collecting, transporting, or disposing of garbage or trash shall dispose of such refuse in any county containers. Private refuse collectors shall transport, collected refuse to the county landfill site or to another approved location outside the county.
- (Ord. of 9-19-89; Ord. of 7-2-96)

Sec. 9-21. Reserved.

Editor's note—An ordinance adopted July 2, 1996, repealed § 9-21, which pertained to soil and gravel, and derived from an ordinance adopted Sept. 19, 1989.

Sec. 9-22. Deposit of industrial wastes at any site requires permit.

No waste, refuse, rubbish or by-product resulting from any manufacturing or industrial process or processing shall be deposited at any refuse disposal site located within the county without the written license of the board of supervisors.

(Ord. of 9-19-89; Ord. of 7-2-96)

Sec. 9-23. Reserved.

Sec. 9-24. Bulk containers utilized by commercial establishments.

Any commercial establishment which desires to utilize a bulk container for its refuse shall employ the services of a private contractor to service that container. Such container shall at all times be clean, neat and in a good state of repair. Cleaning up materials spilled from the container when emptying shall be the responsibility of the private contractor or the property owner or occupant. No refuse shall be placed adjacent to any bulk container. The property owner of any establishment for which a bulk container screening requirement applies must maintain such screening in a clean and neat condition and in good state of repair. (Ord. of 9-19-89)

Sec. 9-25. Abuse of containers and container sites.

It shall be unlawful to tamper with, overturn or otherwise damage refuse containers. Additionally, it shall be unlawful to litter container sites, create any health problems thereon

or to place any refuse outside of, on top of or adjacent to any refuse container. If a container is filled, the trash must be placed in another refuse container which is not filled or taken to the county landfill site.

(Ord. of 9-19-89)

Sec. 9-26. Health and sanitary inspection of disposal sites.

A duly authorized representative of the county health department shall inspect the operation, maintenance and sanitary condition of each refuse disposal operation conducted within the county, not less often than once per month, and report his findings through the health director to the board of supervisors.

(Ord. of 9-19-89)

Secs. 9-27—9-31. Reserved.

Editor's note—An ordinance adopted July 2, 1996, repealed §§ 9-27—9-31. Prior to repeal such sections derived from an ordinance adopted Sept. 19, 1989, and pertained to fire precautions at disposal sites; licensing of private refuse disposal sites, license tax, renewal of licenses, and variation from approved plans.

Sec. 9-32. Tire storage and disposal—Generally.

All persons operating a used tire storage facility on the effective date of this ordinance shall submit to the board of supervisors a fire control plan. Such plan must be submitted within six (6) months of the effective date of this ordinance.

All persons operating a used tire storage facility that comes into existence after the effective date of this regulation shall submit to the board of supervisors a fire control plan. Such plan must be submitted prior to the date the facility comes into existence.

(Ord. of 9-19-89)

Sec. 9-33. Same—Fire control.

A fire control plan must adequately address compliance with the following requirements for used tire storage:

- (1) All tires must be stockpiled neatly in cells of one thousand (1,000).
- (2) A berm of soil must be provided between all cells of tires in the storage area. The berm shall extend as high as the height of the tires in the cells;
- (3) A passageway of twenty (20) feet in width must be maintained between the berms of all cells of tires except where cells consist of only one (1) or two (2) lanes and the cells can be approached directly;
- (4) For each cell of tires, a stockpile of twenty (20) cubic yards of soil must be maintained within two hundred (200) feet of the cell. This material shall be in addition to any berm material;

- (5) In lieu of stockpiled soil for fire suppression as described in (4) above, foam with all the necessary equipment for its effective use may be available on the site;
- (6) A fence a heavy gauge wire eight (8) feet in height with two (2) strands of barbed wire extending along the top must enclose the entire storage site;
- (7) The access to the site must be controlled with a gate equipped with a lock or some other suitable method of preventing access to the site.
- (8) The plan must specify how long the tires will be stored and the ultimate purpose for which they will be used;
- (9) Appropriate and adequate equipment to place soil over the tires in case of fire must either be on the site at all times or be readily available.

The board of supervisors shall review all fire control plans within a reasonable time. Approved plans must be fully implemented within sixty (60) days after the date of notification of approval. Rejected plans may be submitted within a reasonable time for further consideration.

No used tire storage facility shall be allowed to operate unless it has an approved fire control plan which it is implementing, or is making progress towards developing an adequate fire control plan. (Ord. of 9-19-89)

Sec. 9-34. Same—Permits required.

Used tire storage shall not occur without a permit from the Department of Environmental Quality. Nothing in this chapter shall be construed to affect, modify or change any requirement imposed by the State Department of Health or the Department of Environmental Quality. (Ord. of 9-19-89; Ord. of 7-2-96)

Sec. 9-35. Reserved.

Editor's note—An ordinance adopted July 2, 1996, repealed § 9-35, which pertained to hours of operation, and derived from an ordinance adopted Sept. 19, 1989.

Sec. 9-36. Placing refuse or refuse receptacles on, in or over storm drains.

No person shall place any refuse or refuse receptacle or container on, in or over any storm drain. (Ord. of 9-19-89)

ARTICLE III. COLLECTORS FOR HIRE

Sec. 9-37. License required.

No person, for hire, shall collect or convey any refuse generated within the county in any vehicle through or on any street or highway of the county without first obtaining from the commissioner of the revenue a refuse hauling license for each vehicle so used. (Ord. of 9-19-89; Ord. of 7-2-96)

Sec. 9-38. Application for license.

Every person who shall apply for a license under this article shall state the type or types of refuse to be collected, the manner of collection, the place and method of disposal, and provide any additional information considered pertinent by the commissioner of the revenue.

(Ord. of 9-19-89)

Sec. 9-39. Conditions precedent to issuance of license.

(a) No license shall be granted under this article to any applicant if the proposed place and method of disposal of refuse to be collected does not conform to the requirements of this chapter.

(b) No license shall be issued under this article to an applicant until he presents a statement from the county public works department showing proof of inspection of the applicant's collection equipment within the preceding thirty (30) days.

(Ord. of 9-19-89; Ord. of 7-2-96)

Sec. 9-40. Issuance or denial of license.

Within fifteen (15) days after application is made for a license under this article a license will be issued, or a full explanation given for refusal to issue such license. (Ord. of 9-19-89)

Sec. 9-41. Operating without a license.

In addition to any other penalty, any collector discovered illegally collecting refuse without a license or violating the terms of an issued license may be denied a refuse collection permit for a period of one year from the time of the offense. (Ord. of 9-19-89)

Sec. 9-42. License year; annual renewal of licenses.

All refuse-hauling licenses issued under this article shall expire on January 31 of the next succeeding year. Refuse-hauling licenses are to be renewed during the month of January of each year. A license may be renewed by presenting to the commissioner of the revenue a statement from the public works director showing proof of inspection of the applicant's collection equipment within the preceding thirty (30) days, and a restatement by the applicant of information previously required under section 9-38.

(Ord. of 9-19-89)

Sec. 9-43. Annual license tax.

The board of supervisors may require payment of a license tax, as set forth in the license tax ordinance, for the issuance or renewal of a refuse-hauling license.

(Ord. of 9-19-89)

Sec. 9-44. Variations from approved sites, methods, etc.

No licensed collector under this article shall make a variation from any of the specific conditions for the collection and disposal of refuse under which his individual license was granted without first receiving approval from the commissioner of the revenue.

(Ord. of 9-19-89; Ord. of 7-2-96)

Sec. 9-45. Collection vehicles.

(a) Vehicles used for the collection or transport of refuse shall not necessarily be equipped with compacting devices, but shall be required to have completely enclosed and drip-proof cargo space.

(b) All vehicles licensed under this article must be kept in a safe and clean condition, and in addition, the cargo space must be maintained in a completely enclosed and drip-proof condition.

(c) The licensee's name and the term "Lic. No. _____" must be on one door on each side of each vehicle licensed under this article.

(Ord. of 9-19-89)

Sec. 9-46. Liability of officers.

Any officer or agent of a corporation or member of a partnership or association, who shall personally participate in or be an accessory to any violation of this article by such corporation, partnership or association, shall be subject to the penalties provided for such violation.

(Ord. of 9-19-89)

ARTICLE IV. MANDATORY RECYCLING REPORTING**Sec. 9-47. Purpose.**

The purpose of this article is the furtherance of solid waste management and the recycling of solid waste as provided for in Section 10.1-1411, Code of Virginia, 1950, as amended, as authorized by Section 15.1-11.5:2, Code of Virginia.

(Ord. of 11-19-91)

Sec. 9-48. Definitions.

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

Generator: Any business or commercial establishment whose act or process produces solid waste as defined herein, including the landlord or tenant association for any such establishment if the landlord or tenant association manages solid waste for its tenants or members, respectively, which produce solid waste.

Business or commercial establishment: Any person, association, partnership, or corporation engaged in manufacturing or in any business, profession, or occupation.

Manage: To collect, store, treat, transport, and dispose of solid waste as defined herein.

Reused: Once having been a waste and being:

- (1) Employed as an ingredient (including use as an intermediate) in a process to make a product, excepting those materials possessing distinct components that are recoverable as separate end products; or
- (2) Employed in a particular function or application as an effective substitute for a commercial product or natural resource.

Recycling: The process of separating a given waste material from the waste stream and processing it so that it is used again as a raw material for a product, which may or may not be similar to the original product.

Solid waste: Any garbage, refuse, sludge, and other discarded material, resulting from industrial, commercial, residential, mining, or agricultural operations, or community activities but does not include:

- (1) Solid or dissolved material in domestic sewage;
- (2) 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
- (3) Source, special nuclear, or byproduct material as defined by the Federal Atomic Energy Act of 1954, as amended.

Source reduction: Any action that reduces or eliminates the generation of waste at the source, usually within a process. Source reduction measures include among others, process modifications, feedstock substitutions, improvements in feedstock purity, improvements in housekeeping and management practices, increases in the efficiency of machinery, and recycling within a process.

(Ord. of 11-19-91)

Sec. 9-49. Reporting requirements for generators.

(a) Nonresidential solid waste generators and businesses or commercial establishments that manage solid waste or recycle materials within the County of Gloucester, shall submit an annual report for each calendar year ending on December 31 to the director of public works on or before March 1 of the following year.

(b) Such annual report shall be submitted on a form prescribed by the county administrator and shall include as a minimum the following information:

- (1) The name and address of the reporting party.
- (2) The total quantity of solid waste recycled by the reporting party, by commodity, during the reporting period.

- (3) The name and address of the person to which the recyclables were delivered for recycling.
- (4) The total quantity by weight of solid waste, by commodity, that has been the subject of source reduction or reuse.

(Ord. of 11-19-91)

Sec. 9-50. Reporting requirements for haulers or recyclers.

(a) Businesses licensed for waste hauling, recycling, or scrap metal recovery shall submit an annual report for each calendar year ending on December 31 to the director of public works by March 1 of the following year.

(b) Such annual report shall be submitted on a form prescribed by the county administrator and shall include as a minimum the following information:

- (1) The name and address of the reporting party.
- (2) The total quantity of solid waste generated in Gloucester, by commodity, that was recycled by that business during the reporting period.

(Ord. of 11-19-91)

Sec. 9-51. Contents of reports.

(a) The reports required under the preceding two (2) sections shall be based on actual weight. Where actual weight cannot be accurately determined, the weight may be reported using carefully estimated data. Any such report shall include a description of the basis for the reported data.

(b) Recycled solid waste identified in the report shall include only those solid wastes delivered to market from within the County of Gloucester.

(c) For the year 1991 only, such reports shall provide an estimate of materials recycled from January 1, 1991 through the effective date of this article and actual data from the effective date of this article through December 31, 1991.

(Ord. of 11-19-91)

Sec. 9-52. Proprietary information.

Nothing in this article shall be construed to require any party to report information of a proprietary nature. Where any party fails to report any information otherwise required herein based upon determination that such information is of a proprietary nature, the party shall specify in its report the nature of the information withheld and the basis for its determination that such information is of a proprietary nature.

(Ord. of 11-19-91)