

Chapter 46

SOLID WASTE*

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***Charter references**—Collection of refuse, ch. 2, § 1(10); condition of premises, ch. 2, § 1(21), (35).

Cross references—Animal waste, § 10-86 et seq.; buildings and building regulations, ch. 14; environment, ch. 22; utilities, ch. 62.

State law references—Virginia Waste Management Act, Code of Virginia, § 10.1-1400 et seq.; removal of trash, garbage, etc., weeds and other foreign growth, Code of Virginia, § 15.2-901; garbage and refuse disposal, Code of Virginia, § 15.2-927; regulation of garbage and refuse pickup and disposal services, contracts, Code of Virginia, § 15.2-930; contracts for garbage and refuse pickup and disposal services, waste recovery facilities, Code of Virginia, § 15.2-932; delivery of garbage, trash and refuse to certain facilities, Code of Virginia, § 15.2-933; mailing summons for violation of trash ordinance, Code of Virginia, § 19.2-76.2.

ARTICLE I. IN GENERAL

Sec. 46-1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Ashes means the residue from the burning of wood, coal, coke or other combustible materials.

Garbage means putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.

Refuse means all putrescible solid wastes, except garbage and body wastes.

Rubbish means nonputrescible solid wastes (excluding ashes), consisting of both combustible and noncombustible wastes, such as paper, cardboard, tin cans, yard clippings, wood, glass, bedding, crockery and similar materials.

Cross reference—Definitions generally, § 1-2.

Sec. 46-2. Accumulations on property.

(a) *Prohibited.* No person owning real estate shall keep trash, garbage, refuse, litter, and other substances which might endanger the health or safety of other town residents on such real estate for a period of more than seven days.

(b) *Removal by town after notice and assessment.* If any such person owning any such real estate shall fail to remove any such trash, garbage, refuse, litter, or other substance which might endanger the health or safety of other residents, the town may give such owner, as shown on the town's real estate tax records, written notice by registered or certified mail at the address shown on such records of the requirements of this section, such owner's violation, and that if such owner does not comply with this section within ten days from the posting of the written notice the town may remove such trash, garbage, refuse, litter, or other substances by its agents or employees, in which event the costs and expenses thereof shall be chargeable to and paid by the owner of the real estate, shall be assessed against the real estate and constitute a lien thereon, and shall be collected by the town in the manner taxes and levies are collected.

(c) *Authority.* This section is adopted pursuant to, among other things, authority contained in Code of Virginia, §§ 15.2-901 and 15.2-1429 and chapter 2, section 1(10), (21), (27), (44), (48), (49), (50), and (60) of the Charter.

(d) *Penalty.* Any person violating this section shall be guilty of a misdemeanor and, upon conviction, shall be confined in jail for not more than 12 months and fined up to \$500.00, either or both.

(Code 1977, § 8-16; Ord. of 7-18-1991)

Sec. 46-3. Deposits on sidewalks, streets, lanes, alleys.

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No person shall throw upon any sidewalk, street, lane or alley any paper, rags, old shoes, tin cans, bottles, fruit or vegetable peelings, glass, decayed fruit, dead animals or any other refuse or waste.

(Code 1977, § 8-2)

Cross reference—Streets, sidewalks and other public places, ch. 50.

Secs. 46-4—46-30. Reserved.

ARTICLE II. COLLECTIONS

DIVISION 1. GENERALLY

Sec. 46-31. Tree trimmings.

All tree trimmings shall be broken into lengths of not more than 40 inches and tied with cord.

(Code 1977, § 8-14)

Sec. 46-32. Removal of disease-bearing refuse.

The removal of wearing apparel, bed clothing or other refuse from homes or other places where highly contagious or infectious diseases have prevailed shall be performed under the direction of the county health department or by the state, and such wearing apparel, bed clothing or other refuse shall not be placed in containers or otherwise for collection by the town.

(Code 1977, § 8-15)

Secs. 46-33—46-60. Reserved.

DIVISION 2. RECEPTACLES

Sec. 46-61. Provided by householders; number permitted.

All householders or other establishments served by the town disposal service shall provide separate receptacles with tight fitting covers for all garbage, waste and refuse set out by them for removal by the town. The number of receptacles collected on each collection day shall be determined by the town from time to time.

(Code 1977, § 8-6; Ord. of 9-3-1991)

Sec. 46-62. Construction of garbage receptacles; use of plastic bags.

Garbage receptacles shall be made of metal or plastic, shall be watertight and shall be fitted with handles and provided with a tight fitting metal or plastic cover. Garbage receptacles shall have a capacity of not more than 30 gallons and shall not exceed 12 pounds empty weight and shall be so constructed that the contents can be removed easily and without delay. Except as may be otherwise permitted by the town from time to time, plastic

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bags, alone or outside garbage receptacles, shall be permitted only for the collection of grass trimmings and leaves.

(Code 1977, § 8-7; Ord. of 4-4-1988)

Sec. 46-63. Construction of ash receptacles.

Ash receptacles shall be of the same character, size and description as garbage receptacles. (Code 1977, § 8-9)

Sec. 46-64. Construction of rubbish receptacles.

A rubbish receptacle shall not exceed a capacity of 30 gallons and shall not exceed 12 pounds empty weight and shall be fitted with handles, tightly constructed, and provided with a tight fitting metal or plastic cover.

(Code 1977, § 8-10; Ord of 4-4-1988)

Sec. 46-65. Construction of refuse receptacles.

Refuse receptacles shall be of the same character and description as rubbish receptacles. (Code 1977, § 8-11)

Sec. 46-66. Prohibited.

No wooden boxes, barrels or other wooden receptacles shall be used for garbage or kitchen refuse, and the garbage or waste collectors shall be required to remove all such wooden boxes, barrels or other wooden receptacles if so used. All receptacles must, at all times, be so constructed and maintained and so covered as to prevent the entrance of flies therein.

(Code 1977, § 8-13)

Sec. 46-67. Placement.

The occupant of every house and lot within the corporate limits shall, before 7:00 a.m., and in no case prior to 7 p.m. the day before the scheduled pick up, cause all garbage and waste which is to be removed from the premises by the town during the day to be placed in such receptacles as are prescribed in this article and shall have such receptacles placed on the inside line of the sidewalk in front of the premises.

(Code 1977, § 8-4)

Sec. 46-68. Removal from streets.

No garbage receptacle of any kind shall remain upon or along any public street, lane or alley, but all receptacles used for garbage or household waste of any kind shall be taken into the premises promptly as they have been emptied.

(Code 1977, § 8-5)

Cross reference—Streets, sidewalks and other public places, ch. 50.

Sec. 46-69. Commercial garbage.

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As used in this section, the term “commercial businesses” shall mean all businesses licensed by the town. Garbage to be removed from commercial businesses will be picked up by the town only when all trash has been placed in proper containers, as described in section 46-62. Plastic bags must be placed in a vermin-proof bin or enclosure, must be readily accessible and must not be burst or split.

(Code 1977, § 8-8; Ord. of 4-7-1980)

Cross reference—Businesses, ch. 18.

Sec. 46-70. Overturning; molesting or interfering with contents.

No person shall overturn or molest or interfere with the contents of any receptacle set out for removal by the town, except the town employees or any person or his employees who may, by contract with the town, be employed to remove the receptacles unless by permission of the town.

(Code 1977, § 8-12)