

AN ORDINANCE No. 19-15

To amend Chapter 19, Solid Waste, for the purpose of- - - - - incorporating residential decal requirements, adjust disposal tipping rates, and to provide general updates. More specifically, amendments are being made to Article I, In General, Sections 19-1, and 19-3 through 19-11; Article II, Commercial Collectors, Division 1, Generally, Sections 19-26 through 19-32, and Division 2, Permit, Sections 19-51 through 19-55, and Section 19-58; and Article III, County Landfills, Division 1, Generally, Sections 19-76 through 19-80, and Division 2, Use Charges, Sections 19-96 through 19-102.

PUBLIC HEARING: January 24, 2023

WHEREAS, staff has reviewed the code amendments and recommends approval as stated in the executive summary dated January 24, 2023; and

WHEREAS, the Spotsylvania Board of Supervisors held a public hearing, duly advertised in a local newspaper for a period of two weeks, on January 12, 2023 and January 19, 2023, and interested citizens were offered an opportunity to be heard; and

WHEREAS, the general welfare is served by approval of the code amendments.

NOW, THEREFORE, THE BOARD OF SUPERVISORS FOR THE COUNTY OF SPOTSYLVANIA HEREBY ORDAINS:

§ 1. That Chapter 19, Solid Waste, be and is hereby **amended and re-ordained** as follows:

Chapter 19 - SOLID WASTE¹¹

Footnotes:

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Cross reference— Plan for garbage disposal required for outdoor musical or entertainment festivals, § 3-48(4).

State Law reference— Virginia Waste Management Act, Code of Virginia, § 10.1-1400 et seq.

ARTICLE I. - IN GENERAL

Sec. 19-1. - 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:

Cargo vehicle means a truck or van, with only driver and front passenger seating, containing open or enclosed space for transportation of cargo loads. This definition includes, but is not limited to, dump trucks. Box trucks, moving vans and vehicles carrying enclosed trailers.

Commercial Collector means a Person, as defined in section 19-122, engaged in the business of collecting and transporting Solid Waste and disposing of the same.

Commercial Waste means 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, restaurants, shopping centers and theaters.

Convenience Center means a controlled site, other than a Landfill, for the purpose of disposing of Residential Waste in designated containers on the site, by those County Residents who properly display a County residential refuse decal on their vehicles. Residential Waste disposed of at Convenience centers is subsequently transported to a Landfill for disposal.

County means Spotsylvania County.

County Resident means any Natural Person actually living in the County, with a documented County address. This definition also includes any Natural Person owning real or personal property located in and taxed by Spotsylvania County.

Director means the County's Assistant County Administrator for Community Operations, and included the additional duties and responsibilities set forth in this chapter, particularly section 19-3.

Discarded Building Material means any waste materials generated by building construction performed by commercial builders, contractors or others. This category includes, but is not limited to, lumber, wire, sheetrock, broken or whole bricks or cement blocks, shingles, glass, pipes, concrete, paving materials, construction-related metals and plastics, and empty containers for any such materials.

Garbage means all offal and animal refuse and vegetable matter.

Green Box means a portable container for the public collection and disposal of Garbage and Trash, with a capacity less than 8 cubic yards which is emptied using a garbage truck equipped with hydraulic forks on the front with which to lift up and empty a Green Box.

Industrial Waste means Solid Waste resulting from manufacturing and industrial processes including, but not limited to, those carried on in factories, processing plants, refineries, slaughterhouses and production facilities.

Natural Person means a human being, as distinguished from a legal, business or other artificial entity created by law.

Proof of County Residency means original documentation to establish County residency for the purpose of utilizing County Landfills and shall be one or more of the following: a Virginia Department of Motor Vehicles-issued driver's license, learner's permit or identification card; a deed, mortgage, monthly mortgage statement or residential rental/lease agreement; official U.S. Postal Service documentation of a change of address to an address within the County; a receipt for personal property taxes or real estate taxes paid to the County within the past year; or a County utility bill, not more than two (2) months old, issued to the resident.

Residential Waste means Solid Waste resulting from household operations of County Residents.

Sanitary Landfill or *Landfill* means any private or public area operated for the purpose of disposing of Solid Waste in the County, specifically, the Livingston Landfill located at 6241 Massey Road, Spotsylvania, VA.

Solid Waste means any Garbage refuse, sludge and other discarded material including, but not limited to, solid, liquid, semisolid or contained gaseous material, resulting from industrial, commercial, business, mining, community or agricultural operations; but not including (i) solid or dissolved material in domestic sewage, (ii) solid or dissolved material in irrigation return flows or in industrial discharges which are 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.

Trash means any and all rubbish, cans, bottles, containers, refuse, paper, cardboard and any other waste or discarded materials of an inorganic nature.

(Code 1980, § 14-1; Ord. No. 19-2, 10-23-90; Ord. No. 19-11, 12-9-08; Ord. No. 19-15, 1-24-23)

Cross reference— Definitions and rules of construction generally, § 1-2.

Sec. 19-2. - Violations of chapter.

Unless otherwise specifically provided, a violation of any provision of this chapter shall constitute a Class 2 misdemeanor.

(Code 1980, § 14-5)

Cross reference— Penalty for Class 2 misdemeanor, § 1-11.

Sec. 19-3. - Enforcement of this chapter, generally.

(a) The terms and requirements of this chapter shall be administered and enforced by the Director, who shall be the Assistant County Administrator for Community Operations.

- (b) The Director, and his or her authorized designees, shall have general supervision over the enforcement of this chapter and shall periodically inspect all County facilities, Convenience Centers, Landfills and Green Boxes to enforce compliance with this chapter.
- (c) Deputies of the County sheriff's office may enforce violations of this chapter occurring in their presence.

(Code 1980, § 14-2; Ord. No. 19-6, 8-11-98; Ord. No. 19-15, 1-24-23)

Sec. 19-4. - Board may designate methods of collection.

The board of supervisors may designate whether the collection of Solid Waste shall be accomplished by County personnel or by Commercial Collectors holding a permit under this chapter. The method used shall be that deemed most feasible to provide regular, sanitary and economical service to County Residents.

(Code 1980, § 14-12; Ord. No. 19-15, 1-24-23)

Sec. 19-5. - Unlawful accumulations.

- (a) The owner of any property in the County shall not store, accumulate or dump any Trash, Garbage, refuse, litter, Solid Waste or other substances on such property in such quantities or in such manner or for such a period of time which might endanger or be injurious to the health or safety of the public.
- (b) If after reasonable notice to the owner and lien holders of the property of the violation of this section the violation is not corrected, the County administrator may correct the violation by using County agents or employees. The cost or expenses thereof shall be assessed to and paid by the owner and lien holders and shall be a lien on the property ranking on a parity with liens for unpaid local taxes and enforceable in the same manner as provided in Articles 3 and 4 of Chapter 39 of Title 58.1 of the Code of Virginia.
- (c) The zoning administrator or his or her designee may enforce this section. Nothing herein shall be construed as preventing the sheriff's department or other county officials from enforcing this section.
- (d) Any person violating this Code section shall be guilty of a Class 2 misdemeanor.
- (e) Any person who is a first time violator of this Code section may be found guilty of a Class 4 misdemeanor if the property is in compliance before the time of the trial.

(Code 1980, § 14-4; Ord. No. 19-5, 8-25-92; Ord. No. 19-8, 4-12-05; Ord. No. 19-15, 1-24-23)

Cross reference— Accumulations of debris in subdivisions, § 14-9.

State Law reference— Authority for above section, Code of Virginia, § 15.1-11.

Sec. 19-6. - Green Box regulations.

The following provisions shall apply to Green Boxes:

- (1) No person shall place any Solid Waste or other material on the top of or around a Green Box.
- (2) No person shall place building materials, appliances, tires, furniture or other large and bulky items, brush, infectious materials, explosives or dead animals in a Green Box.
- (3) No person shall tamper with or move a Green Box from its placement site.
- (4) No person shall mutilate, vandalize or destroy a Green Box, or incinerate Trash or burn Trash in a Green Box.

(Code 1980, § 14-4; Ord. No. 19-15, 1-24-23)

Sec. 19-7. - Limitation on operation of certain Trash compactors.

Commercial enterprises using a Trash compactor that is not completely enclosed within the structure housing the enterprise, shall not operate the compactor between the hours of 10:00 p.m. and 8:00 a.m.

(Code 1980, § 14-3; Ord. of 11-24-87(4); Ord. No. 19-15, 1-24-23)

Sec. 19-8. - Disposal limited to waste generated in the County, by County Residents.

1. It shall be unlawful for any person to dispose of Solid Waste, Trash or Garbage upon a County owned or operated Convenience Center, Landfill, or any other place in the County, for the disposal of Garbage and other Solid Waste, which originated outside the County.

The following provisions shall apply to County Resident use of Convenience Centers:

- a. Only County residents may utilize County Convenience centers;
- b. Only Residential Waste may be discarded therein;
- c. To utilize a Convenience Center, a County Resident shall obtain a residential refuse decal from the County treasurer's office pursuant to section 19-11;
- d. No vehicle will be allowed admittance to any Convenience Center for the purpose of disposing of Residential Waste unless a County residential refuse decal is permanently and properly displayed upon pursuant to section 19-11(a);

- e. No person shall enter a Convenience Center operating any vehicle containing the following:
 1. Commercial Waste;
 2. Industrial Waste;
 3. Discarded Building Materials generated by Commercial Use;
 4. Residential Waste from more than one County Resident;
 5. Any Garbage or other Solid Waste originating outside of the County's boundaries;
2. The following provisions shall apply to County Resident use of Landfills:
 - a. To dispose of their Residential waste at any County Landfill, County Residents must obtain a residential refuse decal from the County treasurer's office or offer Proof of Residency;
 - b. The residential refuse decal shall be permanently and properly displayed upon the County Resident's vehicle, according to County policy, or offer Proof of Residency, before said vehicle may enter the Landfill premises;
 - c. No County Resident shall enter a Landfill operating any vehicle which contains any Commercial, Industrial, Residential or other Solid Waste or Garbage which originated outside of the County.
 3. It shall be unlawful for a County Resident to dispose of Solid Waste, Trash or Garbage upon a County owned or operated Convenience Center, without obtaining and displaying a County residential refuse decal upon the vehicle used by that person to enter the Convenience Center.
 4. A first violation of subsections 1 or 2 section shall constitute a Class 4 misdemeanor for the first offense. A second violation of subsections 1 or 2 this section within one (1) year of a conviction of the first violation shall constitute a Class 2 misdemeanor. A third or subsequent violation of subsections 1 or 2 of this section within two (2) years of conviction of the second or subsequent violation shall constitute a Class 1 misdemeanor.
 5. It shall be unlawful, and a Class 1 misdemeanor, for any person to dispose or attempt to dispose, in a County Convenience Center or Landfill, of Garbage or any other Solid Waste originating from outside the County's boundaries, while operating a vehicle displaying a County residential refuse decal upon the vehicle used by that person to enter said Convenience Center or Landfill.
 6. It shall be unlawful, and a Class 1 misdemeanor, for any County Resident to procure or attempt to procure, a County residential refuse decal for any non-County resident or any other person or entity not authorized to possess and display such decal.

7. It shall be unlawful, and a Class 1 misdemeanor, for any non-resident to procure or attempt to use a County residential refuse decal in violation of this Section.

(Code 1980, § 14-3(e); Ord. No. 1, § 7(d), 3-27-90; Ord. No. 19-15, 1-24-23)

Sec. 19-9. - Nonresidential Solid Waste report.

- (a) All County nonresidential Solid Waste generators and companies that manage Solid Waste or recycle materials generated within the County, shall file a completed nonresidential Solid Waste report (“report”) on a form obtained from the Director.
- (b) The report shall contain such nonproprietary information regarding waste generation, waste management and recycling necessary to facilitate compliance with the regulations of the Virginia State Waste Management Board. The report 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.
- (c) The report shall be filed annually at the office of the Director on or before January 31. Affected entities which commence operating after January 31 of any year shall file the report within sixty (60) days after commencing operations. The report shall be signed by an owner, officer or partner of the entity required to make such filing.

(Ord. No. 19-2, 10-23-90; Ord. No. 19-15, 1-24-23)

Sec. 19-10. – Users of County facilities to comply with this chapter, operator’s instructions, and authorized signs and notices.

All persons who use County Landfill and Convenience Center facilities, as this chapter provides, shall abide by and conform with all regulations prescribed by this chapter and applicable County policy, along with all related instructions or orders of, and all signs and notices posted at such facilities by, authorized County personnel.

(Ord. No. 19-15, 1-24-23)

Sec. 19-11. – Obtaining and using residential refuse decal.

1. County Residents may obtain residential refuse decals through the County treasurer’s office by online application form, mail-in application, or in person. The treasurer’s office will verify each request to verify the applicant’s status as a County Resident or real property owner of Spotsylvania County. Decals will not be issued to commercial and business vehicles;
2. County residential refuse decals must be permanently and properly displayed upon pursuant to the applicable Virginia Regulation (the decal will be placed at the bottom of the windshield adjacent to the right side of the official Virginia inspection sticker

when viewed through the windshield from inside the vehicle. The side edge adjacent to the official inspection sticker shall be no more than ¼ inch from the edge of said inspection sticker).

(Ord. No. 19-15, 1-24-23)

Secs. 19-12—19-25. - Reserved.

ARTICLE II. - COMMERCIAL COLLECTORS^[2]

Footnotes:

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State Law reference— Authority of county to regulate commercial collectors of garbage and refuse, Code of Virginia, § 15.1-28.1.

DIVISION 1. - GENERALLY

Sec. 19-26. - Hours and general manner of collection.

Solid Waste shall be removed by Commercial Collectors only from the hours of 6:00 a.m. until sunset and in such a manner that the removal does not adversely affect public health and welfare.

(Code 1980, § 14-3; Ord. of 11-24-87(4); Ord. No. 19-9, 5-9-06; Ord. No. 19-15, 1-24-23)

State Law reference— Authority of county to regulate commercial collectors of garbage and refuse, Code of Virginia, § 15.2-930.

Sec. 19-27. - General vehicle requirements.

Vehicles used by Commercial Collectors for removing and transporting Solid Waste must be so constructed and equipped as to prevent the escape of their contents during loading or while in transit. Only the following types of vehicles shall be so used:

- (1) A vehicle with a watertight body that is completely enclosed and covered by construction;
- (2) A vehicle with a body that is not watertight, but with a built-in cover or with a tarpaulin or equally effective cover. Such a vehicle must have secured covered watertight containers for all liquid or semiliquid material.

(Code 1980, § 14-16; Ord. No. 19-15, 1-24-23)

Cross reference— General prohibition against escape of vehicle loads, § 12-17.

Sec. 19-28. - Fire extinguishers for vehicles.

Every vehicle used by a Commercial Collector for transporting Solid Waste shall be provided with an affixed fire extinguisher of not less than one-quart capacity.

(Code 1980, § 14-18; Ord. No. 19-15, 1-24-23)

Sec. 19-29. - Inspection of vehicles.

A Commercial Collector shall have all vehicles used for Solid Waste removal or transport inspected annually by the Director or his or her designee at a time and place designated by the Director or his or her designee. All replacement vehicles shall be so inspected within five (5) days after their acquisition.

(Code 1980, § 14-17; Ord. No. 19-11, 12-9-08; Ord. No. 19-15, 1-24-23)

Sec. 19-30. - Collection of harmful material.

- (a) No known harmful material, including materials which are explosive, toxic, radioactive, highly combustible by nature or burning, shall be knowingly removed for disposal by a Commercial Collector except by special permission of the Director requested in writing with a copy thereof sent to the Director of public health and to the County administrator. Responsibility for obtaining such permit shall rest with the person desiring the removal of such material.
- (b) This section shall not be applicable to materials loaded and transported at the direction of public officials or public employees executing their duties in emergencies.

(Code 1980, § 14-3; Ord. of 11-24-87(4); Ord. No. 19-15, 1-24-23)

Sec. 19-31. - Use of authorized disposal sites required.

No Commercial Collector shall dispose of any Solid Waste at any location in the county other than a public or private sanitary Landfill which has been established under the authority of the board of supervisors or the director of the state department of waste management.

(Code 1980, § 14-3; Ord. of 11-24-87(4); Ord. No. 19-15, 1-24-23)

Sec. 19-32. - Termination of business.

At least thirty (30) days prior to termination or discontinuance of his business, a Commercial Collector holding a permit under this article shall give written notice of his intention to terminate

or discontinue his business to the Director and each customer. On the date of termination of business, the Commercial Collector shall surrender his permit to the Director.

(Code 1980, § 14-10; Ord. No. 19-15, 1-24-23)

Secs. 19-33—19-50. - Reserved.

DIVISION 2. - PERMIT

Sec. 19-51. - Required.

It shall be unlawful for any person to engage in the business of a Commercial Collector of Solid Waste unless he has a current permit so to do issued pursuant to this division.

(Code 1980, §§ 14-6, 14-11; Ord. of 6-25-85; Ord. No. 19-15, 1-24-23)

Sec. 19-52. - Application generally.

(a) Application for a permit required by this division shall be filed with the Director. The application shall contain the following information:

- (1) The area within the County that the applicant proposes to serve;
- (2) The number of vehicles to be used in the business;
- (3) The size, weight and any other information concerning each vehicle to be used in the business which is pertinent to arriving at the Landfill fees provided for in this chapter;
- (4) The license numbers for all vehicles to be used in the business.

(b) It shall be unlawful for any person to intentionally make a false statement in an application filed under this section.

(Code 1980, §§ 14-7, 14-8; Ord. No. 19-15, 1-24-23)

Sec. 19-53. - Prerequisites to approval of application.

The application for a permit under this division shall not be approved unless the applicant has the proper equipment and personnel to collect and transport Solid Waste and dispose of same in accordance with the provisions of this chapter.

(Code 1980, § 14-6; Ord. of 6-25-85; Ord. No. 19-15, 1-24-23)

Sec. 19-54. - Fee.

- (a) The fee for a permit required by this division shall be based on the load capacity of the vehicles to be used for the collection and transportation of Solid Waste as follows:
- (1) The fee shall be fifty dollars (\$50.00) for each vehicle with a load capacity of one (1) ton or less.
 - (2) The fee shall be one hundred dollars (\$100.00) for each vehicle with a load capacity of more than one (1) ton but less than two (2) tons.
 - (3) The fee shall be one hundred fifty dollars (\$150.00) for each vehicle with a load capacity of more than two (2) tons.
- (b) If application for a permit is received after June thirtieth of any year, the fee for the permit shall be an amount equal to one-half of the fee set out in subsection (a) of this section.

(Code 1980, §§ 14-13, 14-14; Ord. No. 19-1, 5-22-90; Ord. No. 19-15, 1-24-23)

Sec. 19-55. - Issuance; display of Commercial Collector vehicle sticker.

Upon approval of the application for a permit under this division by the Director or his or her designee and payment of the required fee, the County treasurer shall issue the permit and a Commercial Collector sticker or decal for each vehicle listed in the application. The Commercial Collector sticker or decal shall be displayed on the driver's side door of the vehicle for which it is issued.

(Code 1980, § 14-15; Ord. No. 19-10, 9-9-08; Ord. No. 19-15, 1-24-23)

Sec. 19-56. - Expiration and renewal.

A permit issued under this division shall expire on the thirty-first day of December following the date of issue and shall be renewed between December first and thirty-first of each year if the holder intends to continue the business during the following year.

(Code 1980, § 14-11)

Sec. 19-57. - Revocation.

If the holder of a permit issued under this division fails to correct, within thirty (30) days after notice so to do, conditions or practices which are not in accordance with the provisions of this chapter, his permit shall be subject to immediate revocation.

(Code 1980, § 14-9)

Sec. 19-58. - Temporary permit.

- (a) A temporary permit is required for any loaner or temporary vehicle used by a Commercial Collector of Solid Waste, which will temporarily replace the permit for a vehicle with a valid permit issued pursuant to chapter 19, article 2, division 2, while the originally permitted vehicle is out of service.
- (b) To obtain a temporary permit, the loaner or temporary vehicle shall be inspected by the Director or his or her designee, at a time and place designated by the director or his or her designee.
- (c) The temporary permit will be valid for thirty (30) days. Only two (2) temporary permits shall be issued per originally permitted vehicle in a calendar year.
- (d) The temporary permit shall be displayed as provided in section 19-55 and shall indicate an expiration date.
- (e) There is no fee for a temporary permit. If the loaner or temporary vehicle will be in service for more than thirty (30) days or two (2) temporary permits have already been issued for an originally permitted vehicle in a calendar year, a permit must be obtained as provided in sections 19-52 through 19-56.

(Ord. No. 19-11, 12-9-08; Ord. No. 19-15, 1-24-23)

Secs. 19-59—19-75. - Reserved.

ARTICLE III. - COUNTY LANDFILLS

DIVISION 1. - GENERALLY

Sec. 19-76. - Application of article.

The provisions of this article shall apply to all sanitary Landfills owned or operated by the County.

(Ord. No. 19-15, 1-24-23)

Sec. 19-77. - Hours of operation.

Landfills shall be available to County Residents and Commercial Collectors for the disposal of Solid Waste during such hours and upon such conditions as the board of supervisors may direct.

(Code 1980, § 14-20; Ord. No. 19-15, 1-24-23)

Sec. 19-78. - Prohibited deposits generally.

It shall be unlawful for any person to dispose of abandoned vehicles, trees, stumps and other like waste materials at a Landfill.

(Code 1980, § 14-21)

Sec. 19-79. - Disposal of waste from outside county prohibited.

It shall be unlawful for any person to dispose of Garbage or Solid Waste at a Landfill, unless such Garbage or Solid Waste originated from within the borders of the County.

(Code 1980, § 14-3; Ord. of 11-24-87(4); Ord. No. 19-15, 1-24-23)

Sec. 19-80. - Certain matter to be separated and deposited in designated areas.

Metal, tires, building materials and brush to be disposed of at a Landfill shall first be separated and shall be deposited only in Landfill areas designated for such matter. Any person refusing to comply with this section may have his disposal privileges suspended, in addition to any other penalty pursuant to this chapter.

(Code 1980, § 14-22; Ord. No. 19-15, 1-24-23)

Secs. 19-81—19-95. - Reserved.

DIVISION 2. - USE CHARGES

Sec. 19-96. - General fee schedule; liability for payment.

- (a) All commercial haulers, contractors, and businesses shall be liable for a charge of thirty-two dollars (\$32.00) per ton for municipal Solid Waste (MSW), fifty dollars (\$50.00) per ton for construction and demolition (C&D) debris, and forty-one dollars (\$41.00) per ton for commercial brush disposal. Fees by weighing shall be applied to an average loaded weight of the permitted vehicle. The average loaded weight shall be determined by the Solid Waste Director or his or her designee. Mixed loads will be charged at the highest per ton rate as present in the load.
- (b) In the event that scales are not available to measure the municipal Solid Waste or construction and demolition debris material at the time the same are transported to the Landfill for disposal, the following fees shall apply:

Municipal Solid Waste:

- (1) Pick-up truck—Seventeen dollars (\$17.00).
- (2) Flat-bed/stake truck—Fifty-five dollars (\$55.00) (single axle) dump truck.

- (3) Flat-bed/stake truck—One hundred twenty dollars (\$120.00) (double axle) dump truck.
- (4) Truck or dumpster—Five dollars (\$5.00) per cubic yard* (un-compacted waste).
- (5) Truck or dumpster—Ten dollars (\$10.00) per cubic yard* (compacted waste).
- (6) Semi-trailer—Seven hundred dollars (\$700.00).

* The volume (cubic yard) shall be as determined by the Landfill supervisor.

Construction and Demolition Debris:

- (1) 20 yard or smaller—One hundred fifty dollars (\$150.00).
- (2) 30 yard—Two hundred seventy-five dollars (\$275.00).
- (3) 40 yard—Three hundred fifty dollars (\$350.00).
- (4) Semi-trailer—One thousand dollars (\$1,000.00).

* The volume (cubic yard) shall be as determined by the Landfill supervisor.

Commercial Brush:

- (1) Ten dollars (\$10.00) per cubic yard.

* The volume (cubic yard) shall be as determined by the Landfill supervisor.

- (c) In the event that the scales are available, and the matter being disposed of weighs less than two hundred fifty (250) pounds per cubic yard or more than one thousand five hundred (1,500) pounds per cubic yard, then the volume rates set forth in paragraph (b) hereinabove shall apply. Any individual, firm, company, or corporation disposing of matter weighing less than two hundred fifty (250) pounds per cubic yard or more than one thousand five hundred (1,500) pounds per cubic yard, must first have the vehicles used in transporting said matter certified as to volume by the Director or his or her designee prior to qualifying for the volume rates set forth in paragraph (b) hereinabove.
- (d) All commercial haulers, haulers for hire, commercial or business enterprises hauling and disposing of their own garbage, etc., or that of others, contractors engaged in construction or excavation for private, residential, commercial or industrial development, or subcontractors engaged in such construction or excavation, shall be liable for payment of the fees hereinabove set forth for disposal of garbage and/or building materials.

(Code 1980, § 14-25; Ords. of 6-25-85; 6-24-86(3); 9-22-87(2); 5-24-88(5); 7-25-89(6); Ord. No. 19-1, 5-22-90; Ord. No. 19-3, 6-25-91; Ord. No. 19-12, 6-12-12; Ord. No. 19-13, 12-11-12; Ord. No. 19-14, 4-28-15; Ord. No. 19-15, Ord. No. 19-15, 1-24-23)

Sec. 19-97. - Charge for disposal of tires.

- (a) There shall be no charge for the noncommercial disposal of up to 6 whole passenger car tires per day at a Landfill or designated Convenience Center. The charge for commercial disposal of whole passenger car tires shall be at the rate of five dollars (\$5.00) per tire. The charge for commercial or noncommercial disposal of whole truck and heavy equipment tires shall be at the following rates; ten dollars (\$10.00) per truck tire; twenty dollars (\$20.00) per heavy equipment tire. The term “commercial disposal” as used in this section shall mean disposal for compensation of tires which have previously been owned or used by other persons.
- (b) Tires cut into halves by slicing them around the center of the tread shall not be considered tires for the purposes of this section, and shall be disposed of at the applicable Construction and Demolition Debris rate prescribed in section 19-96.

(Code 1980, § 14-25; Ords. of 6-25-85; 6-24-86(3); 9-22-87(2); 5-24-88(5); 7-25-89(6); Ord. No. 19-1, 5-22-90; Ord. No. 19-15, Ord. No. 19-15, 1-24-23)

Sec. 19-98. - Charge for disposal of major appliances.

There shall be no charge for the noncommercial disposal of major appliances at a Landfill. There shall be a charge of one dollar (\$1.00) per major appliance for any commercial disposal of major appliances. The term “major appliance” shall include but not be limited to refrigerators, freezers, stoves, washing machines, clothes dryers, and console television sets. The term “commercial disposal” as used in this section shall mean disposed for compensation or disposed of property owned and used by other persons.

(Code 1980, § 14-25; Ords. of 6-25-85; 6-24-86(3); 9-22-87(2); 5-24-88(5); 7-25-89(6); Ord. No. 19-1, 5-22-90; Ord. No. 19-15, Ord. No. 19-15, 1-24-23)

Sec. 19-99. - Charge for disposal of Industrial Waste.

The charge for disposal at a Landfill of waste generated by an industrial process shall be ten dollars (\$10.00) per cubic yard. The number of cubic yards shall be determined at the time the vehicle containing the waste is inspected by the Director or his or her designee. When it is determined by the Director or his or her designee that special handling procedures will be involved in the disposal of waste generated by an industrial process, the charge for disposal of such waste shall be set by the Director or his or her designee on a case-by-case basis, considering the base charge of ten dollars (\$10.00) per cubic yard and any additional costs sustained as a result of the required special handling procedure.

(Code 1980, § 14-25; Ords. of 6-25-85; 6-24-86(3); 9-22-87(2); 5-24-88(5); 7-25-89(6); Ord. No. 19-1, 5-22-90; Ord. No. 19-15, Ord. No. 19-15, 1-24-23)

Sec. 19-100. - Failure to pay—Generally.

- (a) It shall be unlawful for any person disposing of Solid Waste at a Landfill to fail to pay the charges set forth in this division. This subsection does not apply to a County Resident using a private vehicle that displays a properly affixed County residential refuse decal, to dispose of his or her own Residential Waste and not disposing of waste for hire.
- (b) Any person who fails to pay any charges due in accordance with this division within thirty (30) days of the issuance of a bill therefor by the county shall be assessed a penalty of ten dollars (\$10.00) or ten (10) percent of the charges due, whichever is greater.

(Code 1980, §§ 14-23, 14-25; Ords. of 6-25-85; 6-24-86(3); 9-22-87(2); 5-24-88(5); 7-25-89(6); Ord. No. 19-15, Ord. No. 19-15, 1-24-23)

Sec. 19-101. - Same—Suspension of use privileges.

Any person who fails to pay any charges due under this division shall, in addition to any other penalty provided for in this section, be subject to suspension of the privilege of using Landfills for thirty (30) days.

(Code 1980, § 14-26; Ord. No. 19-15, Ord. No. 19-15, 1-24-23)

Sec. 19-102. - Certain days designated for disposal of leaves at no cost.

Such days as are designated by the board may be used for the disposal of leaves by Commercial Collectors or haulers at no cost.

(Code 1980, § 14-24; Ord. No. 19-15, Ord. No. 19-15, 1-24-23)

Secs. 19-103—19-120. – Reserved.

§ 2. This ordinance shall be in force and effect upon adoption.