



**Amherst County Board of Supervisors
County Ordinance No. 2023-5**

AN ORDINANCE, NO. 2023-5

Amending and reenacting Chapter 13 of Article I –In General, Section 13-1, Waste Containers (Green Box); Contents, Penalties; Section 13-4, Exemption from Fees; Section 13-7, Permission required for dumping; Section 13-10, Licenses for Haulers of Certain Wastes; and, Article II, Litter Prevention and Control, Section 13-28, Administration and Enforcement – Solid Waste Ordinance to the Code of the County of Amherst, Virginia.

Approved as to form and legality by the Amherst County Attorney

**FIRST READING: Board of Supervisors, August 1, 2023
PUBLIC HEARING: Board of Supervisors, August 15, 2023**

AN ORDINANCE TO AMEND AND REENACT CHAPTER 13, SOLID WASTE, ARTICLE I, IN GENERAL, SECTION 13-1, WASTE CONTAINERS (GREEN BOX); CONTENTS; PENALTIES; SECTION 13-4, EXEMPTION FROM FEES; SECTION 13-7, PERMISSION REQUIRED FOR DUMPING; SECTION 13-10, LICENSES FOR HAULERS OF CERTAIN WASTES; AND, ARTICLE II, LITTER PREVENTION AND CONTROL, SECTION 13-28, ADMINISTRATION AND ENFORCEMENT

WHEREAS, over the course of time, certain public works services have been either revised, reinstituted or terminated; and

WHEREAS, the Board of Supervisors of Amherst County, Virginia does hereby deem it necessary and appropriate to revise certain sections of the Amherst County Code to more accurately reflect the current types of services provided through its Public Works Department and the requirements thereof;

NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of Amherst County, Virginia, that certain sections of the Amherst County Code, Chapter 13, Solid Waste, be hereby amended and reenacted as follows:

ARTICLE I. IN GENERAL

Sec. 13-1. ~~Waste containers (green box)~~Convenience centers; contents; penalties.

- (a) No waste shall be deposited at any convenience center located in Amherst County, Virginia ~~in the waste containers except~~ household waste, as hereinafter defined, generated within Amherst County, Virginia.
- (b) No person shall deposit any household waste in any place other than in the containers located at any convenience center provided for the purpose of household waste disposal.

(c) Failure to deposit household waste in the containers located at any convenience center shall result in a civil penalty of Two Hundred Fifty Dollars (\$250.00).

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Sec. 13-4. Exemption from fees.

- (a) No fee will be assessed any resident of the county for the deposit of two thousand (2,000) pounds of self-generated waste deposited at the landfill during one (1) calendar month, provided no other such loads have been deposited from other members of the resident's household during that month. Any loads exceeding two thousand (2,000) pounds in one (1) month from the same household will be subject to disposal fee. Residents will be held to the same payment criteria as commercial/industrial customers.
- (b) Residents will be allowed to dispose of eight (8) automobile tires at a time and no more than twelve (12) tires per a calendar year per household at no charge.
- (c) Solid waste transported to the landfill from county business and industry may be deposited at a discounted rate.
- ~~(d) No fees will be charged for household waste collected on a contractual basis on behalf of the County of Amherst and Town of Amherst.~~
- (ed) No fees will be charged to the County of Amherst or the Town of Amherst for waste generated by their operation.
- (fe) The board of supervisors may exempt nongovernmental groups and the Virginia Department of Transportation from payment of the fees for waste generated by county clean-up activities.

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Sec. 13-7. Permission required for dumping.

Noncombustible fill materials, dirt, concrete, rock, sand and gravel shall not be brought into or dumped in the county landfill without the ~~written~~ permission of the director of the department of public works.

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Sec. 13-10. Licenses for haulers of certain wastes.

- (a) It shall be unlawful for any person, unless that person is a license holder, to engage in the curbside collection of solid waste in the service area. The director may issue licenses to qualified applicants in accordance with the provisions of this article.
- (b) Applications shall be made on a form supplied by the director. Required information may include the applicant's name, address, phone number, ~~fax number~~ and e-mail address and the applicant's designated contact person for curbside collection of solid waste in the service area, a description of the applicant's form of business organization, a description of the equipment to be used in the collection of solid waste including such identification information as may be determined by the director, a description of the area or areas within the service area that the applicant proposes to serve, the frequency of collections, the number and types of vehicles to be used, the type of other equipment to be utilized, the hours of service to be provided, the place and manner of disposal, and other information as required by this article.
- (c) The director may issue a license upon receipt of a valid application and upon satisfactory finding that the applicant has complied with and will be able to comply with all applicable requirements of this article. Prior to the issuance of any license, the director may inspect any vehicle regulated by such license. Such license shall assign such vehicle a number.
- (d) All licenses shall expire on June 30 following the date of issue and shall be renewed between May 1 and May 31 of each year.

- (e) At the time of the issuance of the license, the applicant shall pay the license fees and furnish the required bond or letter of credit as set forth in subsections (f) and (g) below.
- (f) The license provided for in this article shall be issued by the director for each vehicle to be used for curbside collection of solid waste in the service area upon demonstration of compliance with this article and the payment of a license fee of two hundred fifty dollars (\$250.00) per vehicle used to collect curbside solid waste. The license fee shall not apply to temporary backup vehicles. The license shall be renewed annually between May 1 and May 31 of each year in which the license holder wishes to operate, and the fee shall not be prorated for the period of time covered by the license.
- (g) Applicants must furnish a letter of credit or payment and performance bond payable to the county in an amount equal to not less than five hundred dollars (\$500.00) for each vehicle proposed for licensure under this article, but not to exceed a total of five thousand dollars (\$5,000.00) for all vehicles proposed for licensure by the applicant, with surety approved by the county attorney and conditioned to indemnify and save harmless the county as well as any person from all expense or damage that may be caused by the license holder's failure to comply with the provisions of this article or neglect in the handling of solid waste.
- (h) Handling of solid waste shall be deemed neglected when the license holder fails to meet the frequency of collection as required by the license. If the license holder fails to correct any such neglect or noncompliance with this section within forty-eight (48) hours after receipt of written notice from the approving authority, the county shall immediately either (i) make a demand on the letter of credit or (ii) declare the licensee in default such that the surety shall investigate the claim and make such recompense or take such other action as specified in the payment and performance bond. Such bond or letter of credit shall be deposited with the county treasurer. The bond or letter of credit shall be for a period of not less than the term of the license.
- (i) All license holders must, during the term of the license, provide an adequate number of vehicles, including backup vehicles, to properly and efficiently transport solid waste in accordance with the requirements of this article. The vehicles shall be licensed and operated in compliance with all applicable federal, state, and local law and regulations.

All vehicles and other equipment shall be kept in proper repair and sanitary condition. Each vehicle shall bear, at a minimum, the name and phone number of the license holder plainly visible on both cab doors or otherwise prominently displayed on the left and right sides of the vehicle. Each vehicle shall be uniquely numbered in lettering at least three (3) inches high. All vehicles shall be sufficiently secure so as to prevent any littering of solid waste or leakage of fluid. No vehicles shall be overloaded. The license holder shall collect all litter resulting from the operation of the license holder's vehicles.

- (j) The license holder shall have all vehicles subject to a license available for inspection by the director of public works or designee at a reasonable time and place within the county. In the event of an emergency requiring the immediate replacement of a vehicle, the license holder shall notify the director of public works of such replacement and have the replacement vehicle available for inspection by the director of public works within five (5) days after its acquisition.
- (k) Vehicles subject to a license must provide against solid waste leaking, spilling, and being blown or hurled from or deposited upon any street or public way during loading or while in transit. Two (2) types of vehicles will be permissible:
 - (1) A vehicle with a watertight body, completely enclosed and covered, by construction.
 - (2) A vehicle with a nonwatertight body, with built-in cover, or with tarpaulin or equally effective cover. Such a vehicle must have secured and covered watertight containers for all liquid or semisolid material.

- (l) Curbside collection of solid waste in the service area shall occur only between the hours of 7:00 a.m. and 7:00 p.m. All collection shall be done in such manner that it does not create a nuisance or adversely affect public health.
- (m) Solid waste shall be collected in such a manner and transported so that it does not spill or fall into a street or public way, nor shall it be dumped, spilled, or thrown into any street, court, lane, alley, sewer, inlet or public or private lands. Any license holder shall cause disposal of all solid waste within the control of such license holder in accordance with all applicable local, state and federal laws.
- (n) License holders shall not collect any hazardous waste, prohibited waste or harmful material, including materials which are explosive, toxic, radioactive or highly combustible by nature or burning. If a license holder collects and disposes in the landfill hazardous waste or prohibited waste, federal, state and local officials shall be immediately notified to the extent required by law and every action must be taken by the license holder to contain and remove said materials immediately. The license holder shall be responsible for all costs for containment and removal of any and all hazardous waste or prohibited waste under the guidance and control of federal, state and county officials. This subsection, however, is not applicable to materials loaded and carried at the direction of public officials executing their duties in emergencies.
- (o) The license holder shall comply with all rules and regulations of the Amherst County Landfill and the department of public works.
- (p) The license holder shall notify in writing the director and each customer at least thirty (30) days prior to date of the license holder's termination and discontinuance of business. On the date of the license holder's termination or discontinuance of business, the license holder will surrender any license held by the license holder to the director.
- (q) No license issued hereunder may be transferred, sold, or assigned without the express permission of the director, and any permission so granted may impose such conditions on any transfer, sale or assignment as necessary in the opinion of the director to protect the public health and safety. Should the license holder be a corporation or other association, sale or transfer of a controlling interest therein shall constitute an assignment for the purpose of this provision.
- (r) There shall be no commingling of waste as defined herein. If a license holder determines that inadvertent commingling of solid waste has occurred on a load of solid waste deposited at the landfill, the license holder shall notify the director within forty-eight (48) hours of such determination. The willful commingling of waste shall be subject to the penalties set forth in section 13-12.
- ~~(s) Any solid waste collected by a license holder under the authority of this article shall not be subject to a disposal fee at the Amherst County Landfill.~~

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ARTICLE II. LITTER PREVENTION AND CONTROL

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Sec. 13-28. Administration and enforcement.

- (a) *Administration.* The director of ~~solid waste management~~ public works, or his or her agent, shall be responsible for the administration of this article and shall have the authority to enforce compliance through the use of civil and criminal penalties as authorized by this article. Further, any law enforcement officer, fire marshal, any assistant fire inspector, sworn special police officer, litter control officer, or animal control officer is authorized and shall have the authority to enforce all sections of this article.

- (b) *Authorization to bring civil action.* Whereas Code of Virginia, § 10.1-1418.1 authorizes the county to bring a civil action against any person who improperly disposes of solid waste on any land within the jurisdiction of the county. Whenever a court of competent jurisdiction finds that a person has improperly disposed of solid waste upon land within the county's jurisdiction, the court shall assess a civil penalty of up to five thousand dollars (\$5,000.00) against such defendant, along with costs and reasonable attorney's fees. Any civil penalty assessed pursuant to this subsection shall be paid into the county's treasury and appropriated back into the solid waste fund.
- (c) *Assign-A-Highway.* For cleanup of roadside litter and identified illegal dumps within the county, the county hereby establishes a program pursuant to Code of Virginia, § 53.1-129, and the sheriff of the county and any of his or her deputies and any sworn special police officer or litter control officer who has been approved by a court of competent jurisdiction shall be permitted to utilize probationers or remove inmates from the county or regional jail under their supervision to work in this program providing that any such inmate has been specifically approved to be permitted to participate in this program by the sheriff and by the court. Probationers will be assigned to two-mile designated sections of highway, cleaned up every two (2) weeks for the duration of their assignment to the program. Inmates shall be utilized only for the clean-up of illegal dumps identified by the litter control officer. During the clean-up of illegal dumps, the special sworn police officer, litter control officer or the sheriff or his or her deputies will be present during the volunteer work.

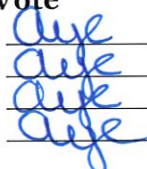
§ 2. That this ordinance shall be in force and effect upon adoption.

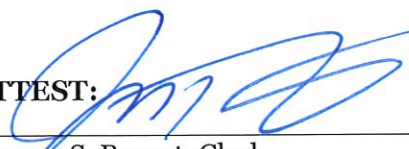
Adopted this 15th day of August 2023.



 Tom Martin, Chair
 Amherst County Board of Supervisors

Member
 Tom Martin., Chair
 Drew Wade, Vice-Chair.....
 Claudia D. Tucker
 David W. Pugh, Jr.

Vote


ATTEST: 

 Jeremy S. Bryant, Clerk
 Amherst County Board of Supervisors

