

**ORDINANCE TO AMEND TOWN CODE CHAPTER 87 PERTAINING TO SOLID
WASTE**

WHEREAS, the Town of Middleburg provides refuse and recycling collection services for most of its businesses and citizens; and,

WHEREAS, the Town Council has set regulations regarding the provision of said services; and,

WHEREAS, from time to time, the Council reviews the regulations to ensure they provide for an efficient and effective collection system; and,

WHEREAS, in 2014, the Town completed a Request For Proposals process for the provision of refuse and recycling collection services which raised some issues regarding the Town’s current refuse and recycling collection regulations;

WHEREAS, the Town Council has deemed it appropriate to amend the regulations to address said issues;

NOW THEREFORE BE IT ORDAINED by the Mayor and Members of the Middleburg Town Council that Chapter 87 of the Middleburg Town Code is amended as set forth below, said amendments to be effective upon passage:

**Chapter 87
SOLID WASTE**

**ARTICLE I
General Provisions**

§ 87-1 Purpose

It is the policy of the Town Council of the Town of Middleburg that the public and private property of the Town shall be kept free of refuse to the maximum extent possible and to encourage recycling in order to promote the health, safety and welfare of the citizens. The purpose of this Chapter is to provide regulations for the effective storage, collection, recycling and disposal of refuse and recycling in a sanitary manner in the Town.

§ 87-2 Definitions

The following words shall have the following meanings in this Chapter:

Manure: Organic material used to fertilize land, usually consisting of the feces and urine of domestic livestock; the refuse from stables and barnyards consisting of livestock excreta.

Recycling: The terms “recycling” or “recyclable materials” shall include, but not be limited to, newspapers, magazines, phonebooks, paperback books, catalogs, mail, mixed paper (office, copy

and computer paper), cardboard, paperboard, cardstock, brown paper bags, non-metallic wrapping paper, shredded paper; acceptable Polyethylene Terephthalate (PETE) and High-Density Polyethylene (HDPE) plastic containers #1-7 including bottles, jars, jugs, wide-mouth tubs and trays, aluminum, steel, tin, bi-metal cans, foil, glass bottles, and jars.

Refuse: The terms “garbage”, “trash”, “refuse”, and “solid waste” shall all be construed to have the same meaning. The term “refuse” shall include, but not be limited to: ashes, paper, cartons, boxes, garbage, rubbish, household materials, carpeting tied in bundles not to exceed three square feet cross-sectional per bundle, food wastes, non-recyclable metal, crockery and other mineral waste; furniture, box springs, mattresses, toys, porcelain and other similar household items.

Special Collections: “Special collections” shall mean the curbside pick-up and collection of large, bulky items such as, but not limited to, furniture, stoves, ovens, ranges, dishwashers, dryers, clothes washers, water heaters, toilets, sinks and similar items. It shall also include appliances such as, but not limited to, refrigerators, freezers and air-conditioners, provided the Freon has been removed as evidenced by a certification sticker attached to the appliance.

Yard Waste: “Yard waste” shall mean decomposable organic waste materials generated on-site by yard and lawn care, including dead plants, trees, shrubs, bushes, weeds, leaves, small tree branches, limbs, tree trimmings, stumps, roots, logs and trunks not exceeding three-inches in diameter and three feet in length, twigs, grass trimmings, brush, wood chips and whole Christmas trees.

§ 87-13 Accumulation

It shall be unlawful for any owner or occupant of ~~the a premises, located~~ within the corporate limits of the ~~town~~ to allow ~~garbage, ashes, trash, rubbish or any other~~ refuse to accumulate on such premises in an offensive or unsanitary manner.

§ 87-24 Throwing of ~~trash~~ refuse on vacant lots, streets or sidewalks

It shall be unlawful for any person to throw or dump ~~garbage, ashes, trash or any other~~ refuse onto any vacant lot, street or sidewalk in town.

§87-35 Days and frequency of collection; placement and removal of containers

A. ~~All receptacles containing garbage, ashes, refuse or recycling for collection by the town or by a contractor with the town shall be set out no later than the hour hereinafter provided for on collection day and shall be placed in such location as may be specified by the Town Administrator or designee, so that they can be easily and conveniently reached by the town's or contractor's employees. All receptacles containing refuse or recycling shall be placed out-of-doors immediately behind the curb line (in cases where a curb is not present, at least three feet away from the edge of the pavement) at a location easily accessible by the collector on the days and times as identified in this section. At no time must any containers be placed on pavement used for vehicular traffic, on the sidewalk or~~

on any other portion of a street where it would impede vehicular or pedestrian traffic. Collection may be made from points other than those prescribed in this subsection in areas where the general health, welfare and safety of the Town is best protected, but only upon the approval of the Town Administrator or designee.

- B. No Town collector will be permitted to enter private property, including garages, carports, porches, basements or other buildings for the purpose of collecting refuse or recycling.
- ~~B. All collections shall be made weekly on Wednesday, unless changed in accordance with section 87-4.~~
- C. All receptacles containing refuse or recycling for collection by the Town or by a contractor with the Town shall be set out on Wednesday, unless changed in accordance with Section 87-6 as hereinafter provided for, not later than 5:00 a.m.:
 - ~~(1) Business and commercial areas 5:00 a.m.~~
 - (2) ~~Residential districts: 5:00 a.m.~~
- D. Receptacles shall be removed from curbside by evening of the designated collection day.
- E. Receptacles shall not be set out earlier than 3:00 p.m. on the day prior to the designated collection day.

§ 87-46 Establishment of specific days and hours of collection

- A. The ~~Mayor~~ Town Administrator or designated agent shall establish and specify the days and hours each week when the ~~€Town~~ employees or contractors shall collect ~~garbage, ashes,~~ refuse and recycling in the town and the routes to be served at the time so specified, but until further order by the ~~Mayor~~ Town Administrator, the days and hours shall be as hereinabove specified.
- B. In the event inclement weather prohibits the collection on the established collection day, collection shall occur the following business day if all roadways and streets are safe and passible. If a collection day falls on a scheduled holiday, collection shall occur the following business day.

§ 87-57 Restrictions on service

- A. Unless otherwise specifically approved in writing by the Town Council or its designated agent, solid waste removal services provided by the €Town or by a contractor with the €Town shall be limited to garbage, ashes, refuse or recycling generated within the €Town.
- B. For refuse collection, single-family residential customers shall be limited to the collection of the equivalent of no more than two (2) refuse containers, neither to exceed ninety gallons, per week. Multi-family residential customers shall be limited to the collection of

the equivalent of no more than two (2) refuse containers, neither to exceed ninety-gallons, per unit per week. Non-residential customers shall be limited to the collection of no more than four (4) refuse containers, none of which shall exceed ninety-gallons, per property or parcel of land per week. In no event shall the Town collect the equivalent of more than four ninety-gallon refuse containers per property or parcel of land per week. In the event a property's volume of garbage exceeds the limits previously described, the property owner or occupant must contract for separate collection by a licensed solid waste hauler. When determined by the Town Administrator, or designee, that a health issue may exist due to the volume of refuse being placed out for collection, the Town of Middleburg may decline to provide refuse collection services to restaurants. In such event, restaurants shall be required to secure separate refuse collection services and install a dumpster as identified in Section 87-12 of this Chapter.

C. The following materials will not be accepted for collection by the Town: poisons, acids, caustics, explosives and other dangerous materials; dead animals and pets with a weight of more than five (5) pounds; manure; lead-acid batteries; soil, rocks, stones, stumps, dirt, sod, root balls, firewood and mulch; tires; Freon-containing appliances; and/or friable asbestos, tile, drywall, concrete, block, bricks, rubble, metal, sheets of glass, shingles and/or other material substances that may accumulate as the result of construction or repairs.

§87-68 Vendors/haulers (other than those under Town contract); Days and frequency of collection; Noise

- A. Any owner or occupant contracting for the services of a solid waste hauler instead of or in addition to the services provided by the ~~€~~Town shall abide by the time restrictions provided in Section 87-35, to the extent applicable, with regard to the days of collection by such hauler except when a dumpster or other like receptacle is used to collect such ~~garbage, ashes or~~ refuse.
- B. The operation of a commercial vehicle or trash collection vehicle, other than those that are specifically contracted with the Town of Middleburg, shall abide by the noise restrictions provided in Section 63.1-5 of the Town Code.

§ 87-79 Violations and penalties

If any person, firm or corporation fails to comply with the provisions of this Article, such person shall be guilty of a misdemeanor.

ARTICLE II
Garbage, Rubbish and Refuse

§ 87-810 Containers and receptacles

- A. All occupants of premises in the town whose ~~garbage, ashes and~~ refuse is to be removed by the ~~€~~Town or by a contractor with the ~~€~~Town shall either use the refuse containers

provided by the Town or provide a sufficient number of watertight metal or plastic receptacles, not to exceed the number allowed in Section 87-7, with tight fitting covers; or plastic bags for the removal containment of garbage refuse.

- B. Any receptacle for ~~garbage, ashes and~~ refuse shall not weigh, when filled, more than fifty (50) pounds. If the weight of said receptacle exceeds fifty pounds, the Town or its contractor shall not collect the refuse and the customer shall be responsible for its proper disposal.
- C. All receptacles, as provided for herein, shall be suitable for and shall be strong enough to withstand handling and emptying, and shall be provided with covers or other means of closing so as to prevent scattering of contents.

§ 87-911 Limitation on use of receptacles

- A. All ~~garbage~~ refuse containing animal or vegetable matter subject to decay or fermentation shall be drained of moisture and wrapped before being placed in the receptacles provided therefore. Only ~~garbage~~ refuse shall be placed in such receptacles.
- B. ~~Ashes and r~~Refuse shall be placed in the receptacles provided therefore. Ashes shall be contained in an appropriate manner; and, shall not be placed loosely in the receptacle.
- C. No receptacles shall be filled more than level full.

§ 87-12 Refuse Collections at Restaurants, Hotels and other Lodging Establishments, Apartments and Commercial Establishments

- A. When required by the Town Administrator as identified in Section 87-5 of this Chapter, restaurants in the town shall be required to provide a dumpster for the containment of refuse. Said dumpster shall be vermin-proof, waterproof and hermetically sealed, constructed of noncorrosive material and equipped with tight fitting lids which shall be kept closed at all times, except when filling or emptying the container. The dumpster shall be placed in a location as approved by the Town Administrator, or designee, to protect the public health and shall be screened in accordance with the requirements of the Middleburg Zoning Ordinance. Said dumpster shall be emptied at least once per week unless determined by the Town Administrator, or designee, that more frequent collection is advisable to protect the public health or to abate a public nuisance. The property owner or business must contract for the dumpster and its associated collections through a licensed solid waste hauler.
- B. Hotels and other lodging establishments, apartments and commercial establishments whose volume of refuse exceeds the equivalent of four (4) ninety-gallon containers per week per property or parcel of land shall be required to use a dumpster for the containment of refuse. Said dumpster shall be vermin-proof, waterproof and hermetically sealed, constructed of noncorrosive material and equipped with tight fitting lids which shall be closed at all times, except when filling or emptying the container. The dumpster

shall be placed in a location as approved by the Town Administrator, or designee, to protect the public health and shall be screened in accordance with the requirements of the Middleburg Zoning Ordinance. Said dumpster shall be emptied at least once per week unless determined by the Town Administrator, or designee, that more frequent collection is advisable to protect the public health or to abate a public nuisance. The property owner or business must contract for the dumpster and its associated collections through a licensed solid waste hauler.

§ 87-13 Special and/or Bulk Collections

In the event a customer has a special collection item that is too large, bulky or heavy to be handled in the normal refuse curb-side collection, the customer shall contact the Town's solid waste hauler to request a special collection at least twenty-four (24) hours prior to their regular collection day. Said special collection items shall be placed out for collection in accordance with the requirements of Section 87-5 of this Chapter.

§ 87-104 Violations and penalties

If any person, firm or corporation fails to comply with the provisions of this Article, such person shall be guilty of a misdemeanor.

**ARTICLE III
Recycling**

§ 87-11 Approved recycling items

- A. ~~Regular recycling items shall include glass, metal, #1 and #2 plastic containers, paper, cardboard, newspapers, magazines and other items as approved by the Town; and, shall be placed in recycling containers as provided in Section 87-12.~~
- B. ~~Yard waste shall include organic items, including grass clippings, leaves and other yard waste. It shall also include brush. Yard waste shall be disposed of in accordance with Section 87-13.~~

§ 87-125 Recycling containers and receptacles

- A. It is the policy of the Town to encourage recycling by all Town property owners, residents and business owners. To that end, the Town will provide at least one recycling container to any customer of the Town refuse and recycling service if so desired.
- ~~A.B.~~ All occupants of premises in the town whose recycling items are removed by the ~~†~~Town or by a contractor with the ~~†~~Town shall ~~provide a sufficient number of recycling bins or~~ may place recycling in a contained manner container marked specifically for recycling, one provided by the Town's contractor and/or by the occupants.

~~B.C.~~ Any receptacle for recycling, when filled, shall not weigh more than fifty (50) pounds. If the weight of said receptacle exceeds fifty pounds, the Town or its contractor shall not collect the recycling and the customer shall be responsible for its proper disposal.

~~C.D.~~ All receptacles, as provided for herein, shall be suitable for and shall be strong enough to withstand handling and emptying, and shall be contained to prevent the scattering of contents.

~~E.~~ All empty cardboard boxes set out for recycling collection shall be broken down flat and shall be contained in such a manner as to prevent their scattering due to weather conditions.

§ 87-136 Yard waste disposal

A. Organic yard waste may be placed in biodegradable ~~paper bags~~ containers or loose in trash cans. If trash cans are used for yard waste, they must have a "Yard Waste" sticker on them, be equipped with handles for lifting and have tightly-fitting lids.

B. Brush shall be bundled and tied with string or twine. Brush shall be no longer than three (3) feet or have a diameter of more than three (3) inches.

C. Yard waste set out for collection shall not exceed twenty-five (25) pounds in weight per bundle or container, including the weight of the container.

§ 87-147 Burning of items

The open burning of leaves, grass and landscape debris is not permitted except as outlined in Town Code Section 46.1-7.

§ 87-158 Violations and penalties

If any person, firm or corporation fails to comply with the provisions of this Article, such person shall be guilty of a misdemeanor.

**ARTICLE IV
Animal Waste**

§ 87-169 Accumulation of animal refuse on private property

It shall henceforth be unlawful for any owner or occupant of premises within the corporate limits of the Town of Middleburg to allow animal waste, including but not limited to stable manure, used stable bedding or any other such stable refuse to accumulate on such premises for periods longer than one (1) week.

§ 87-1720 Dog waste on public and private property

It shall be unlawful for the owner of any dog to knowingly or willfully allow his dog to defecate on public property or on private property that is not owned or leased by the dog's owner. Defecation by a dog on public property out of doors or on private property not owned or leased by the dog's owner shall not constitute a violation of this section if the owner of the dog immediately removes the material defecated and disposes of it in a manner not inconsistent with the provisions of this chapter.

§ 87-1821 Violations and penalties

If any person, firm or corporation fails to comply with this Article, such person shall be guilty of a misdemeanor as set for the in § 1-19 of the Code of the Town of Middleburg and shall be punishable according to said section.

MOVED:

SECOND:

VOTE:

Yes:

No:

Abstain:

Absent:

Adopted this ____ day of _____, 2016.

APPROVED:

Betsy A. Davis, Mayor

ATTEST:

Rhonda S. North, MMC
Town Clerk