

**PITTSYLVANIA COUNTY CODE**

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**CHAPTER 17**  
**SOLID WASTE DISPOSAL**

**Article I.**

**General Considerations**

**SEC. 17-1. TITLE AND PURPOSE.**

This Ordinance shall be known as the "Solid Waste Disposal Ordinance of Pittsylvania County." The Board of Supervisors of Pittsylvania County, Virginia, acknowledges that landfill space is a limited and valuable resource. To that end, this resource be best utilized to provide for the health, safety, and welfare of County citizens. It is the desire of the Board of Supervisors that this resource be used in such a manner as to provide for the disposal of only acceptable waste, and to provide for an orderly method of the generation, storage, collection, and disposal of solid waste, such that the environment is enhanced, and the health, safety, and welfare of the citizens of Pittsylvania County is protected.

**SEC. 17-2. DEFINITIONS.**

- A. "Person" shall include any person, persons, association, partnership, firm or corporation.
- B. "Disposal" shall mean the disposition of solid waste.
- C. "Solid Waste" shall mean all refuse except body wastes, and sludges, and shall include garbage and rubbish.
- D. "Garbage" shall mean all animal, vegetable, and mineral wastes resulting from the handling, preparation, cooking or consumption of foods.
- E. "Residents" shall mean those persons residing in Pittsylvania County, unless otherwise designated herein.
- F. "Sanitary Landfill" shall mean that site or those sites operated by and established by Pittsylvania County and permitted by the Department of Environmental Quality of the Commonwealth of Virginia for the disposal of solid waste.
- G. "Industrial Waste" means 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 mills.
- H. "Words or Terms" words in the present tense shall include the future; words in the singular shall include the plural and vice versa; the masculine shall include the feminine and the neuter, the word "shall" mandatory and not discretionary, and reference to this ordinance includes all ordinances amending or supplementing the same.

I. "Commercial Hauler" shall mean any person, partnership, corporation, business firm, or organized system in operation to make pickups of solid waste or garbage for disposal and charges a fee or tax for the service, including such non-licensed services as maybe performed by town or city departments or their employees. The term "Commercial Hauler" shall not mean any individual Residential Hauler as that term is defined herein, or the Department of Public Works of Pittsylvania County, Virginia. (B.S.M. 10/17/06)

J. "Household Solid Waste" shall mean solid waste generated solely by residential use, and shall not include any industrial waste, agricultural waste, as defined in the Virginia Department of Environmental Quality, Solid Waste Management Regulations, as amended, or hazardous waste as defined herein. Carpet shall be deemed household solid waste if it is disposed of by the occupant and/or owner of the residential dwelling. Residential construction and/or demolition waste, create by and disposed of by the occupant and/or owner of his/her dwelling, shall be deemed household solid waste. (B.S.M. 1/21/14)

K. "Individual Residential Hauler" shall mean a citizen who resides in Pittsylvania County, Virginia, who hauls only household solid waste generated solely in the household in which that individual resides and does not do so for profit. It shall be unlawful to place dead animals, manure, brush, wood, tires or hazardous waste in any refuse container.

L. "Acceptable Waste" means non-hazardous "municipal solid waste," "industrial waste," and "agricultural waste," "construction waste," "debris waste," "demolition waste," as defined in the Virginia Department of Waste Management Solid Waste Management Regulations, amended, (the "DWM Regulations"), and such other wastes as the County shall agree in writing to accept from time to time, subject to such limitations and exclusions as are imposed by Applicable Law and excluding all Unacceptable Wastes. (B.S.M. 10/17/06)

M. "Uninhabitable Dwelling" means any dwelling that is not suitable to live in as determined by the County's Building Official, or his/her designee, following an onsite inspection of the dwelling due to conditions including, but not limited to, the following: having no heating system; having no functional water or sewer system; not being structurally sound or safe for human occupancy; having no operable electrical system or a disconnected electrical meter, or for any other reason related to habitability as determined by the Building Official, or his/her designee.

## **Article II.**

### **Containers; Storage; Collection; and Disposal of Solid Waste**

#### **SEC. 17-3. SANITARY REFUSE CONTAINERS.**

A. Sanitary refuse containers may be provided by the County Government for household solid waste and only for the use of the individual Pittsylvania County residential hauler.

B. No person shall dispose of any waste in sanitary refuse containers provided by the County except for the individual residential hauler as defined herein, and no person shall deposit any waste other than household solid waste as defined herein into any sanitary refuse container provided by

the County. No commercial hauler shall dispose of solid waste in any collection container served by the County's Solid Waste disposal trucks. (B.S.M. 8/18/98)

C. Commercial and industrial establishments may provide a suitable container and location for a container which is to both be approved by the Director of Public Works if they choose to be serviced by the County's Solid Waste disposal trucks. The rates for service to private containers by the County waste disposal trucks shall be annually set by the Board of Supervisors.

\*Fees will be due in advance each month. Company owned or privately-owned apartment developments or trailer courts will be treated as commercial accounts.

D. The County shall not be responsible for damages to privately owned containers that are emptied by the Solid Waste Department and the owners of such containers shall save the County harmless against any liability or claim of liability relative to such containers.

E. Public picnic and campgrounds and/or recreation areas will be considered a residential user provided no fees are charged for the use of the facilities.

F. Owners of containers shall maintain adequate servicing area as determined by the Director of Public Works and be responsible for keeping the service area in a clean and orderly fashion.

G. No material outside the containers will be accepted, and where such material exists, the perpetrator will be in violation of the County Ordinance on Solid Waste Disposal, Section 17-6.

H. Containers located in trailer parks shall be placed at or near entrance.

I. It shall be unlawful for any person to remove any refuse or other substance from such refuse container. It shall likewise be unlawful for any person to stand or climb on or place himself, or any other person, within or on any such refuse container.

\*The foregoing shall not apply to any County employee in the course of regular duties or to any other person authorized by the County Administrator or County Official in charge of the Solid Waste Program.

J. All garbage shall be drained free of liquids before being placed in the refuse containers.

K. Reserved.

L. It shall be unlawful to place dead animals, manure, rubbish, tires or hazardous waste in any refuse container. (B.S.M. 8/18/98)

M. It shall be unlawful to litter container sites or to place any solid waste outside the container.

N. Some of the container sites provided by the County also include sites for compactor units. Compactor units are typified and defined as large, open sites for the disposal of household solid waste, which includes a mechanical device for compacting solid waste. Compactor sites may also include a large open top box for the disposal of household furniture and appliances generated solely by residential use in the County by an individual residential hauler. Household furniture and appliances shall be accepted and disposed of only in the open top boxes located at the compactor sites, and only those generated by the individual common residential hauler. (B.S.M. 8/18/98)

O. It shall be unlawful to place solid waste in any street, alley, and stream, body of water, woods, or any other public place or upon private property. It shall be unlawful for the owner or the occupant of any real property to allow solid waste to remain upon the property more than thirty (30) days after the owner or occupant knew or reasonably should have known of the presence of the solid waste. (B.S.M. 10/17/06)

1.) There shall be a rebuttable presumption that the owner and/or the occupant of real estate has placed solid waste or has allowed solid waste to remain on the property in violation of this Ordinance if solid waste remains on the property and visible from either a public right-of-way, road, or adjoining property for thirty (30) days or longer. (B.S.M. 10/17/06)

2.) The owners of property therein shall, at such time or times as the Board of Supervisors may prescribe, remove therefrom any and all trash, garbage, refuse, litter, and other like substances which might endanger the health or safety of other residents of the County. The County may, whenever the Board of Supervisors deems it necessary, after reasonable notice, have such trash, garbage, refuse, litter, and other like substances which might endanger the health of other County residents, removed by its own agents or employees, in which event the cost or expenses thereof shall be chargeable to and paid by the owners of such property and may be collected by the County as taxes are collected. (B.S.M. 5/16/06)

3.) Trash, garbage, refuse, litter, and other debris shall be disposed of in personally owned or privately-owned receptacles that are provided for such use and for the use of the persons disposing of such matter or in authorized facilities provided for such purpose and in no other manner not authorized by law. (B.S.M. 5/16/06)

#### **SEC. 17-4. PITTSYLVANIA COUNTY LANDFILL.**

A. The Pittsylvania County Landfill shall be operated as an Enterprise Fund wherein all solid waste received at the Pittsylvania County Landfill must be billed at the current approved tipping fee in accordance with Section 17-4(C). Revenues to the Enterprise Fund shall be derived from the County's consumer utility tax and the tipping fees.

B. No commercial hauler shall be permitted to dispose of solid waste in the Pittsylvania County Landfill without having first entered into a written contract for such disposal with the Board of Supervisors of Pittsylvania County, Virginia, acting through its duly authorized County Administrator or his/her designee.

C. The fee for disposal of acceptable solid waste at the County Landfill shall be set annually by the Board of Supervisors. Ten percent (10%) interest shall be applied to all Landfill disposal accounts more than thirty (30) days in arrears.

D. Incorporated Towns of Pittsylvania County will be charged a disposal fee in accordance with Sections 17-4(A) and (C) provided the County does not collect a utility tax within the incorporated Town limits. (B.S.M. 6/20/00)

E. For County residents and County businesses only, tires may be disposed of only at the County Landfill at a rate set annually by the Board of Supervisors.

F. Hazardous chemicals, liquid waste, hazardous waste, highly combustible waste, sludge, and other semi-solid fluids shall not be accepted at the Pittsylvania County Sanitary Landfill except by prior approval by the Board of Supervisors and shall be disposed of only as approved by the Department of Environmental quality of the Commonwealth of Virginia. To this end, all waste presented for disposal at the landfill may be inspected prior to disposal. All waste presented for disposal shall be presented in such a manner as to allow for easy inspection. In the event that unacceptable waste is detected or suspected, the County Administrator, Assistant County Administrator, Director of Public Works, or head of operations at the landfill, or any designee thereof, shall refuse to accept such waste for disposal, until such waste is determined to be acceptable waste by analysis from the Department of Environmental Quality or its designee.

G. It shall be unlawful for any person to enter the area of the Pittsylvania County Sanitary Landfill in which solid waste is deposited and remains uncovered and not buried who is not authorized by the Director of Public Works, or the head of operations at the landfill, or any designee thereof. It shall likewise be unlawful for any person to remove, disturb, or search in the solid waste or engage in the practice of sorting through or scavenging in or about the solid waste deposited at the Pittsylvania County Sanitary Landfill. The foregoing shall not apply to any County employee in the regular course of his duties or any other person authorized by the County Administrator or County official in charge of the Solid Waste program.

H. Regulations governing the Landfill shall be posted at the Landfill gate. The County Administrator or other designee of the Board of Supervisors shall arrange special hours of operations on Saturdays and holidays, as the need arises, and such special open hours shall be reported to the public through the news media.

I. Solid waste tonnage accepted at the County Landfill shall be determined by the County's Landfill permit.

J. Subject to all conditions contained inappropriate in the State and Federal permits, an oil recycling program for the citizens and commercial businesses of Pittsylvania County shall be operated at the Pittsylvania County Landfill. The landfill operation manager, or his designated assignee, in his sole discretion may reject or deny acceptance of any oil, for any of the following reasons:

- Inability to inspect oil
- Suspicion of contamination
- Failure to submit documentation of origin
- Proof of residency. Failure to provide proof of residency
- Unavailable storage capacity at the landfill.

- Any and all requirements placed on the County by the Department of Environmental Quality, United States Environmental Protection Agency, or any other regulatory agency with jurisdiction in the Commonwealth of Virginia. No oil shall be accepted from a commercial hauler. (B.S.M. 8/18/98)

**SEC. 17-5. COLLECTION LICENSES.**

A. No commercial hauler shall collect, remove, haul, or convey any solid waste through or upon any of the streets or alleys of the County of Pittsylvania or dispose of the same in any manner or place without obtaining approval from the governing body and a license from the Commissioner of Revenue of the County.

B. The license fee for such vehicle shall be annually set by the Board of Supervisors. All licenses shall be issued for the calendar year, or such portion thereof as shall remain after the issuance thereof. There shall be no reduction in the fee for a license issued after the beginning of any calendar year.

C. Every person or firm who shall apply for a license under this Section shall state the type or types of refuse to be collected, the manner of collections, and the place and method of disposal, and shall maintain minimum liability coverage on each vehicle used for such collection as mandated by the Commonwealth of Virginia.

D. No license shall be granted if the place and method of disposal shall not conform to the requirements of this Ordinance, or to the ordinance of any municipal or quasi-municipal corporation, wherein disposal of refuse is to be made.

E. No licensed collector or commercial hauler shall make any change in the arrangements for disposal or refuse collection by him without first receiving the approval of the governing body.

F. It shall be unlawful to permit an unlicensed collector or unlicensed commercial hauler to collect or remove refuse from a household, institution, or commercial enterprise located in Pittsylvania County, Virginia.

**SEC. 17-6. DISPOSAL OF SOLID WASTE.**

A. It shall be unlawful for commercial haulers to dump, burn, destroy, or otherwise dispose of solid waste within the jurisdictional limits of the County of Pittsylvania, except at those sites so approved by the County and permitted by the Department of Environmental Quality of the Commonwealth of Virginia.

B. It shall be unlawful for any person to place solid waste in any street, alley, stream, body of water, woods, field, highway, ditch, or any other public place or upon private property except as provided for in this ordinance. It shall be unlawful for the owner or the occupant of any real



property to allow solid waste to remain upon the property more than thirty (30) days after the owner or occupant knew or reasonably should have known of the presence of the solid waste. There shall be a rebuttable presumption that the owner and/or occupant of real estate has placed solid waste or has allowed solid waste to remain on the property in violation of this Ordinance if solid waste remains on the property and visible from either a public right-of-way, road, or adjoining property for thirty (30) days or longer. (B.S.M. 10/17/06)

C. It shall be unlawful for licensed collectors or commercial haulers to dump, bury, burn, destroy, or otherwise dispose of sludge within the jurisdictional limits of the County, except with the expressed written permission of the Board of Supervisors, acting by and through its County Administrator.

#### **SEC. 17-7. APPEALS.**

Appeals from decisions of the County Administrator or other designee of the Board of Supervisors in matters referred to above in this Ordinance may be appealed to the Board of Supervisors if such is submitted in writing; delivered in person or by mail, within ten (10) days to the County Administrator, and the decision of said Board as to such appeals duly noted shall be final.

#### **SEC. 17-8. PENALTIES.**

A. Any Owner of real property located in Pittsylvania County who, after reasonable notice, fails to remove from said real property any and all trash, garbage, refuse, litter, and other substances which might endanger the health and safety of other residents of Pittsylvania County shall be subject to the penalty as provided for in Section 15.2-901(C), Code of Virginia, 1950, as amended.

B. It shall be unlawful for any person to dump or otherwise dispose of trash, garbage, refuse, litter, or other unsightly matter, on public property, including a public highway, right-of-way, property adjacent to such highway or right-of-way, or on private property without the written consent of the Owner thereof or his Agent. Any violation of this ordinance shall be punished as provided for in Section 33.2-802, Code of Virginia, 1950, as amended. (B.S.M. 6/02/08)

#### **SEC. 17-9. USER LIMITATION.**

Only solid waste originating within the County of Pittsylvania or one (1) or more of the incorporated Towns therein, shall be accepted at the Pittsylvania County Landfill or collection sites, unless the disposer of solid waste originating from outside of the County has entered into a written Agreement with the County for a disposal rate to be annually set by the Board of Supervisors.

#### **SEC. 17-10. SEVERABILITY.**

If any phrase, clause, sentence, paragraph, or Section of this Ordinance shall be declared unconstitutional or otherwise invalid by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and Sections of this Ordinance.

Authority: Section 15.2-928, Code of Virginia, 1950, as amended; for penalty provisions *see* Section 15.2-1429, Code of Virginia, 1950, as amended.

This Amended Ordinance was adopted by the Board of Supervisors on October 21, 1997. (B.S.M. 8/18/98); (B.S.M. 6/20/00); (B.S.M. 5/16/06); (B.S.M. 6/02/08); (B.S.M. 10/17/06); (B.S.M. 1/21/14); (B.S.M. 10/05/15)( B.S.M. 11/20/18).

### **Article III.**

#### **Solid Waste Disposal Fee**

##### **SEC. 17-11. TITLE; INCORPORATION OF STATE CODE.**

This Article shall be known as the “Solid Waste Disposal Fee Ordinance” of the County of Pittsylvania, Virginia. The terms and provisions of § 15.2-2159, Code of Virginia, 1950, as amended, are adopted and incorporated herein by express reference and deemed a part of this Article.

##### **SEC. 17-12. SOLID WASTE DISPOSAL FEE; FEE SCHEDULE; USE OF FEE; EFFECTIVE DATE.**

Pursuant to the provisions of and authority contained in § 15.2-2159, Code of Virginia, 1950, as amended, the Board of Supervisors does hereby establish a Solid Waste Disposal Fee. A Solid Waste Disposal Fee Schedule shall be adopted annually by the Board of Supervisors via the Budget Resolution. Said fee shall be effective immediately upon adoption by the Board of Supervisors, and not exceed the actual cost incurred by Pittsylvania County (the “County”) in procuring, developing, maintaining, and improving its Landfill and for such reserves as may be necessary for capping and closing such Landfill in the future. The Solid Waste Disposal Fee shall also be able to be used to purchase or subsidize the purchase of equipment used for the collection of residential solid waste disposed of at the County’s landfill. Such fee shall be deposited in a special account to be expended only for the purposes for which it was levied.

##### **SEC. 17-13. PAYMENT OF SOLID WASTE DISPOSAL FEE.**

Unless specifically exempted in this Ordinance/Article, every person owning or operating any house, apartment, rental house, rental residential unit, multiple residential units, trailer camp, manufactured housing parks, or trailer court (“households”) in the County or the Towns contained in the County shall pay said Solid Waste Disposal Fee based on said Solid Waste Disposal Fee

Schedule. Said fee shall be assessed, individually, to/for each rental unit/residence, rental and/or non-rental.

**SEC. 17-14. COLLECTION OF SOLID WASTE DISPOSAL FEE; COMMISSION.**

The County may either collect the fee itself or enter into a contractual agreement to be negotiated by the County Administrator, or his/her designee, with a public service corporation as set forth and authorized in § 15.2-2159, Code of Virginia, 1950, as amended, for the collection of the fee. The commission for such collection service shall not exceed five percent (5%) of the amount of the fees due and collected.

**SEC. 17-15. DUE DATE FOR SOLID WASTE DISPOSAL FEE.**

Unless collected by a public service corporation pursuant to § 17-14 *supra*, an invoice for said fee shall be included in the December tax assessment mailing. Payment of said fee shall be made to the Pittsylvania County Treasurer's Office. For FY 2018/19, unless exempted by § 17-15 *infra*, households assessed the Solid Waste Disposal Fee shall pay the fee no later than the tenth (10<sup>th</sup>) day of December. For FY 2018/19 only, no late payment penalty and interest shall accrue on the Solid Waste Disposal Fee. For all Fiscal Years after FY 2018/19, unless exempted by § 17-15 *infra*, the Solid Waste Disposal Fee shall be billed twice annually, and all households assessed the fee shall pay the fee no later than the tenth (10<sup>th</sup>) of June and the tenth (10<sup>th</sup>) of December annually. The penalty for late payment shall be assessed on the day after the installment of the fee is due, exception for the Year 2020, in which the penalty shall commence on June 21<sup>st</sup> and December 21<sup>st</sup>, for each period. Payment for the full amount of the annual Solid Waste Disposal Fee shall be the responsibility of the owner of record of the household as of January 1<sup>st</sup> of the assessed property for the corresponding year. There shall be no proration of the Solid Waste Disposal Fee. (B.S.M. 2/18/2020)

**SEC. 17-16. APPLICATION OF SOLID WASTE DISPOSAL FEE TO TOWNS IN COUNTY.**

Households located in the Towns of Hurt, Gretna, and Chatham shall also be assessed the Solid Waste Disposal Fee in accordance with the provisions of this Article.

**SEC. 17-17. LATE PAYMENT PROVISIONS; LIEN.**

A. If payment of the fee is not made, then a notice of delinquency will be mailed to each property owner(s) not having paid the fee, advising that collection proceedings will begin in thirty (30) days. Supplemental assessments may be issued after the due dates and such assessments will be due thirty (30) days after mailing.

B. Any person, owner, or household who fails to make payment of such fee or fails to make payment of such fee by the date in § 17-15 herein shall be required to pay penalty on said fee as set forth in § 58.1-3916, Code of Virginia, 1950, as amended

C. Any person, owner, or household who fails to make payment of such fee or fails to make payment of such fee by the date in § 17-15 herein shall be required to pay interest on said unpaid fee as set forth in § 58.1-3916, Code of Virginia, 1950, as amended

D. Any payment of the Solid Waste Disposal Fee shall be credited first against the most delinquent Solid Waste Disposal Fee account due and owing.

E. Payment of all due and owing Solid Waste fees, penalties, and accrued interest shall be required prior to approval of an application for rezoning, special exception, variance, or other land use permit.

F. To the extent allowed by Virginia law, failure to pay the Solid Waste Disposal Fee can result, after due process, in the placement of a lien on the property in question in favor of the County.

#### **SEC. 17-18. SOLID WASTE DISPOSAL FEE EXEMPTIONS.**

The following are the only exemptions from payment of the Solid Waste Disposal Fee:

A. Partial Exemption for Qualified Elderly or Disabled Persons: As authorized by § 15.2-2159(D)(6) of the Code of Virginia, 1950, as amended, there is a partial exemption of fifty percent (50%) from this Solid Waste Disposal Fee for households of the elderly and/or disabled who qualify for such exemptions. Said exemption shall be governed by the conditions and income criteria as set forth in § 6-6 of the Pittsylvania County Code, as amended. Any and all information of or related to income or disability, and verification of same, shall be provided upon application for said exemption in accordance with the policy and procedures set forth by the Pittsylvania County Board of Supervisors and/or the Pittsylvania County Commissioner of the Revenue's Office.

B. Waste Not Disposed of in County's Landfill Exemption: As authorized by § 15.2-2159(A), Code of Virginia, 1950, as amended, no Solid Waste Disposal Fee shall be levied upon persons whose residential waste is not disposed of in the County's landfill, or disposed in the County's landfill by a private hauler that pays the County's standard landfill tipping fee, provided said non-disposal is documented, to the reasonable satisfaction of the Commissioner of Revenue's Office, by the collector or generator of such waste. Documentation provided by a collector of such waste pursuant to this exception shall not be disclosed by the County to any other person. Current local, state, and federal regulations prohibit the burning and/or burial of residential waste on private property without adequate and appropriate permitting.

C. Uninhabitable Dwelling: Unless exempted by Sections 17-18(A) or (B) above, any household that is inhabitable as of January 1st of each year shall be assessed the Solid Waste Disposal Fee. Any house that is uninhabitable as of January 1st of each year, as determined by an inspection conducted by the County's Building Official, or his/her designee, shall be exempt from payment of the Solid Waste Disposal Fee, until and unless said household becomes inhabitable. The County shall have the ability to charge a fee for any inspection required under this Section. Said inspection fee shall be set annually by the Board of Supervisors.

**SEC. 17-19. RESERVED.**

**SEC. 17-20. SOLID WASTE DISPOSAL REGULATIONS; SCAVENGING; OWNERSHIP OF SOLID WASTE.**

It shall be unlawful to dump, destroy, or otherwise dispose of solid waste within the jurisdictional limits of the County, except at approved and designated solid waste convenience centers, subject to the following limitations and conditions:

- A. Only household trash, residential waste, and compactable refuse shall be deposited at solid waste convenience centers.
- B. No business, industrial, construction, demolition, medical, automotive, yard, landscaping, or commercial waste shall be deposited at solid waste convenience centers.
- C. No solid waste shall be deposited at a solid waste convenience center by non-County residents, except as provided or by local, state, or federal anti-littering programs.
- D. Unless subject to a special contract approved by the Board of Supervisors, no solid waste generated or originating from outside of the County shall be deposited in the Landfill.
- E. The following items shall also not be deposited at solid waste convenience centers:
  - (1) Explosives, gasoline, kerosene, and waste oil.
  - (2) Furniture or other bulky residential household solid waste items that will not fit into a compactor chamber. Said items may be placed only in an open top box. Said items shall not be disposed of at green box sites.
  - (3) Dead animals.
  - (4) Materials which constitute a hazard to personnel handling solid waste or to the public.
- F. It shall be unlawful to scavenge or attempt to salvage materials from waste delivered to or deposited at a solid waste convenience center site or the Landfill.

G. Upon delivery of solid waste to an approved solid waste convenience center or the Landfill, all rights of ownership and exclusive possession to lawfully deposited solid waste shall vest in Pittsylvania County.

**SEC. 17-21. VIOLATIONS OF CHAPTER/ARTICLE; PENALTIES.**

A. Each day of violation of each requirement of this Chapter or Article shall constitute a separate offense.

B. Any person who violates any provision of this Chapter or Article shall be guilty of a Class 1 Misdemeanor, unless a different penalty is specified.

C. Any person who knowingly makes any false statement, representation, or certification regarding the origin of any waste disposed of under this Chapter or Article, shall be guilty of a Class 1 Misdemeanor and shall be subject to suspension from the use of the County's Landfill and any County Collection Centers for a period of time not to exceed one (1) year.

D. The County shall be entitled to an award of reasonable attorney's fees and cost in any action brought under this Chapter or Article which it substantially prevails on the merits of the case, unless special circumstances would make an award unjust.

E. Violations of Sections 17-3 and/or 17-20 of this Chapter or Article shall be punishable by a fine in the following amounts:

1. For a first violation within a twelve (12) month period, fifty dollars (\$50.00), if paid within ten (10) days, or one hundred dollars (\$100.00), if not paid within ten (10) days.

2. For a second violation within a twelve (12) month period, one hundred dollars (\$100.00), if paid within ten (10) days, or two hundred dollars (\$200.00), if not paid within ten (10) days.

3. For a third violation within a twelve (12) month period, two hundred dollars (\$200.00), if paid within ten (10) days, or three hundred dollars (\$300.00), if not paid within ten (10) days.

4. For a fourth violation within a twelve (12) month period, five hundred dollars (\$500.00), if paid within ten (10) days, or six hundred dollars (\$600.00), if not paid within ten (10) days.

5. For a fifth violation within a twelve (12) month period, one thousand dollars (\$1,000.00), if paid within ten (10) days, or one thousand one hundred dollars (\$1,100.00), if not paid within ten (10) days. **(B.S.M. 02/18/2020)**

F. The County's Solid Waste Department shall prepare an appropriate ticket and ticket stub for use in enforcing the provisions of this Chapter or Article. Any Law Enforcement Officer, Treasurer's Office employee, or County Staff member charged with enforcing this Chapter or Article shall issue to the offender a ticket. The ticket stub shall be turned in to the Pittsylvania County

Treasurer's Office. The ticket and stub shall have corresponding numbers. The ticket shall contain the following statement:

**NOTICE:** You may pay this by appearing at the Pittsylvania County Treasurer's Office, 11 Bank Street, Chatham, Virginia, 24531, between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday. If you prefer, you may mail the ticket and fine to the aforementioned Office. Checks should be payable to the Pittsylvania County Treasurer. If you fail to pay this ticket with ten (10) days, then further action will be taken which could result in you having to appear in court and paying additional costs.

(1) In lieu of payment of the fine, such person may contest the ticket, by notifying the Pittsylvania County Treasurer and the Clerk of the General District Court of Pittsylvania County.

(2) If the ticketed person does not pay the fine to the County's Treasurer, the Treasurer shall notify such persons that he may pay the fine, plus a penalty in the sum of ten dollars (\$10.00), within five (5) days of the receipt of the notice, at the Treasurer's Office.

(3) If a person to whom the above Notice is provided/given is fails to pay the fine and penalty within the time prescribed in the Notice, the Treasurer shall notify the Officer who issued the original ticket and the Treasurer shall then cause to be issued a complaint, summons, or warrant for the delinquent ticket. The person in question may pay the fine to the Treasurer prior to the date he/she is to appear in court, provided he/she also pays necessary costs and the penalty. The Treasurer's receipt shall be conclusive evidence of such payment.

#### **SEC. 17-22. SEVERABILITY.**

Should any section or provision of this Ordinance/Article be declared by a court of competent jurisdiction to be invalid, that decision shall not affect the validity of the Ordinance/Article as a whole or any part thereof, other than the part so declared to be invalid. **(B.S.M. 8/17/2018)**