

PITTSYLVANIA COUNTY CODE

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CHAPTER 33

LITTER CONTROL

Article I.

Title and Definitions

SEC. 33-1.1. TITLE.

This ordinance shall be known and may be cited as the Pittsylvania County Litter Control Ordinance.

SEC. 33-1.2. DEFINITIONS.

- A. “Litter” means all waste materials, including but not limited to bottles, glass, crockery, cans, scrap metal, paper, plastic, rubber, garbage, offal, waste building material at construction sites, disposable packages or containers thrown or deposited as prohibited herein, but not including the properly disposed waste of the primary processes of mining, logging, saw-milling, farming or manufacturing.
- B. “Person” means any natural person, corporation, partnership, association, firm, receiver, guardian trustee, executor, administrator, fiduciary, or representative or group of individuals or entities of any kind.
- C. “Private Property” means property owned by any person as defined herein, including but not limited to yards, grounds, driveways, entrance or passageways, parking areas, storage areas, anybody of water, vacant land, and recreation facilities.
- D. “Public Property” means any area that is used or held out for use by the public, whether owned or operated by public or private interests, including but not limited to highways, streets, alleys, parks, recreation areas, sidewalks, medians, lakes, rivers, streams, ponds or other bodies of water.
- E. “Vehicle” means every device capable of being moved upon a public highway or public waterway and in, upon or by which any person or property may be transported or drawn upon a public highway or public waterway, and shall also include any watercraft; boat, ship, vessel, barge or other floating craft, except devices moved by human power, or used exclusively upon stationary rails or tracks, or used exclusively for agricultural purposes and not licensed pursuant to State law which is not operated on any public highway for purposes other than crossing such public highway, or along such highway between two tracts of the owner's land.
- F. “Litter Receptacle” means a container with capacity of not less than 10 gallons, constructed and placed for use as a depository for litter.

- G. “Institution” means any public or private establishment which educates, instructs, treats for health purposes, or otherwise performs a service or need for the community, region, State or Nation.

Article II.

Moving Violations

SEC. 33-2.1. LITTERING PROHIBITED; PENALTIES.

- A. It shall be unlawful for any person to drop, deposit, discard, or otherwise dispose of litter in or upon any public or private property within Pittsylvania County including but not restricted to any street, sidewalk, park, body of water, vacant or occupied lot, except in public receptacles, or in authorized private receptacles provided for public use, or in an area designated by the State Department of Health as a permitted disposal site.
- B. Any person convicted of violating this section shall be punished by a fine of not less than two-hundred and fifty (\$250.00) dollars no more than two-thousand and five-hundred (\$2,500.00) dollars and by imprisonment for not more than twelve (12) months in jail, either or both.
- C. When a violation of the provisions of this Section has been observed by any person, and the matter dumped or disposed of in the highway, right-of-way, property adjacent to such highway or, right-of-way, or private property has been ejected from a motor vehicle, the owner or operator of such motor vehicle shall be presumed to be the person ejecting such trash, garbage, refuse or other unsightly matter; provided, however, that such presumption shall be rebuttable by competent evidence.

SEC. 33-2.2. UNCOVERED VEHICLE; ESCAPE OF LOAD.

- A. No vehicle shall be driven or moved on any highway unless such vehicle is constructed or loaded to prevent any of its load from dropping, sifting, leaking or otherwise escaping therefrom. Provided, however, that sand or any substance to increase traction or water or other substance may be applied on a roadway in the cleaning or maintaining of such roadway by the state or local government agency having such responsibilities.
- B. No vehicle used to transport litter or other items likely to fall or be blown from such vehicle shall be driven or moved, stopped or parked on any highway unless such vehicle is covered to prevent its contents from blowing, dropping or falling from such vehicle. Any person violating this Section shall be punished by a fine of not less than; two-hundred and fifty (\$250.00) dollars not more than two-thousand and five-hundred (\$2,500.00) dollars and not more than twelve (12) months in jail, either or both.
- C. Any person operating a vehicle from which any glass or objects have fallen or escaped, which could cause an obstruction or damage a vehicle or otherwise endanger travelers on such public property, shall immediately cause the public property to be cleaned of all glass

or objects and shall pay any costs therefore a violation of this Sub-Section shall constitute a Class 1 misdemeanor.

SEC. 33-3.1. ENFORCEMENT OF LITTER LAWS; PROSECUTION; PRESUMPTION.

- A. Enforcements officers of the Pittsylvania County Sheriff's Department are empowered to issue citations to, or arrest, persons violating any provision of this ordinance, and may serve and execute all warrants, and other process issued by the court in enforcing the provisions of this ordinance. In addition, mailing by registered mail of such process to his last known place of residence shall be deemed as personal service upon the person charged, for the purposes of this ordinance.
- B. The officers of the following departments shall be empowered to issue citations only:
 - 1. Public Works
 - 2. Sanitation
 - 3. Solid Waste Management
 - 4. Building and Zoning
 - 5. Fire and Health.
- C. Prosecution for a violation of any provision of this act may be initiated by any Law Enforcement Officer who witnesses such offense or who discovers an article of litter bearing a person's name on the property of another, on any public highway, street or road, upon a public park or recreation area, or upon any other public property except property that is designated for solid waste disposal. Such prosecution may be initiated by any private citizen, who witnesses an offense or discovers evidence.
- D. Any article of litter bearing a persons name found on the private property of another, or on any public property as designated herein, shall be presumed to be the property of such person whose name appears thereon, and that such person placed or caused-to-be placed such-article of litter; provided, however, that such presumption shall be rebuttable by competent evidence.
- E. Whenever any person is arrested for a violation of this ordinance, the arresting Law Enforcement Officer shall take the name and address of such person and issue a complaint, summons or otherwise notify him in writing to appear at a time and place to be specified in such-complaint or notice. Such time shall be at least five (5) days after such arrest unless the person arrested shall demand an earlier hearing. Such officer shall thereupon and upon the giving by such person of his written promise to appear at such time and place forthwith, release him from custody. Any person refusing to give such written promise to appear shall be prosecuted as in the manner of other violations of Pittsylvania County ordinances.
- F. Upon the failure of such person to comply as herein provided, the clerk of the court named in such summons shall summons such person to appear in such court to answer the charge of the violation of this ordinance.

Article III.

Stationary Violations

SEC. 33-3.1. AREAS SURROUNDING COMMERCIAL ESTABLISHMENTS AND INSTITUTIONS.

- A. It shall be the duty of each proprietor and each operator of any business, industry, or institution to keep the adjacent and surrounding area clear and free of litter. These areas include, but are not restricted to, public and private sidewalks, roads and alleys; grounds; parking lots; loading and unloading areas; and all vacant lots which are owned or leased by said establishment or institution.

SEC. 33-3.2. KEEPING RESIDENTIAL PROPERTY CLEAN.

- A. It shall be the duty of each residential property owner and tenant to keep all exterior private property free of litter. These areas shall include, but not be restricted to, sidewalks, alleys and driveways; yards and grounds; fences, walls and property lines; drainages; and vacant lots in residential areas.

SEC. 33-3.3. KEEPING SIDEWALKS CLEAN.

Each owner, agent, occupant or lessee whose property faces on Pittsylvania County sidewalks, or strips between street and sidewalk, shall be responsible for keeping said sidewalk and strips free of litter.

SE. 33-3.4. SWEEPING LITTER INTO THE STREET.

It shall be unlawful to sweep or push litter from sidewalks into streets. Such litter shall be deposited in a proper receptacle which shall be covered to prevent scattering by wind and animal.

SEC. 33-3.5. CONSTRUCTION AND DEMOLITION SITES.

- A. It shall be unlawful for any owner, agent, or contractor to permit the accumulation of litter before, during or after completion of any construction or demolition project.
- B. It shall be the duty of the owner, agent or contractor in charge of a construction or development site to furnish litter receptacles and to collect and contain to prevent scattering other bulk litter on a daily basis. All litter shall be removed from such site not less than once a week.

SEC. 33-3.6. HANDBILLS AND ADVERTISING MATERIAL.

It shall be unlawful for any person distributing commercial handbills, leaflets, flyers, or any other advertising and information material to distribute material in such a manner that it litters either public or private property.

SEC. 33-3.7. PENALTIES FOR VIOLATION OF SECTIONS OF ARTICLE III.

Any person convicted of violating any section of Article III shall be punished by a fine of twenty-five (\$25.00) dollars.

Article IV.

Stationary Violations

SEC. 33-4.1. HOUSEHOLD SOLID WASTE CONTAINERIZATION AND REMOVAL.

- A. All household solid waste shall be containerized and placed for collection according to the following requirements:

In County solid waste receptacles or landfill exceptions are as follows:

- (1) Excess material as a result of special circumstances such as a holiday.
- (2) Items too large to fit into containers such as, but not limited to household appliances, furniture, and mattresses, shall be disposed of in accordance with the following policy:

*Carried to County's Compactor Site or County's Landfill.

SEC. 33-4.2. COMMERCIAL AND INSTITUTION SOLID WASTE CONTAINERIZATION AND REMOVAL.

- A. All solid waste generated by any institution or business shall be placed for collection or according to the following requirements.

*Placed at County's Solid Waste Site or County's Landfill exceptions are as follow:

- (1) Large bulk items too large for a container shall be handled in accordance with the following policy:

*Carried to County's Landfill

SEC. 33-4.3. PROPER LITTER RECEPTACLES OR SOLID WASTE CONTAINERS.

Any receptacle or container which does not conform to Pittsylvania County's standards shall be replaced by owner or user of said receptacle or container upon written notice from the Solid Waste Department. Failure to do so within five (5) days shall constitute a violation of this section, and each day thereafter shall constitute a separate violation.

SEC. 33-4.4. USE OF BULK CONTAINERS.

All bulk containers shall be used in accordance with the following regulations:

- A. Private boxes shall be maintained and cleaned by owners or leasees. At County's Solid Waste Site, bulk containers shall be used in accordance with Chapter 17 of Pittsylvania County Code.
- B. It shall be unlawful for any person to deposit household solid waste, or waste of any kind, except inside a bulk container.
- C. It shall be unlawful for any person to remove any item from a bulk container except those persons whose duty it is to service same.
- D. The use of bulk containers for deposit or discarding of certain items is specifically prohibited. These items include, but are not restricted to:
 - 1. Dead animals
 - 2. Manure
 - 3. Rubbish

SEC. 33-4.5. INDISCRIMINATE DUMPING OR DISCARDING OF LITTER AND SOLID WASTE.

- A. It shall be unlawful for any person to discard or dump along any street or road, on or off the right-of-way, any household or commercial solid waste, rubbish, refuse, junk, vehicle or vehicle parts, rubber tires, appliances, furniture, and any other material or equipment on public or private property except in an area designated by the State Department of Health as a permitted disposal site. **(B.S.M. 5/7/90)**
- B. Any article of litter bearing a person's name found on the private property of another, or on any public property, shall be presumed to be the property of such person placed or caused to be placed such article of litter; provided however, that such presumption shall be rebuttable by competent evidence.

Article V.

Cleanup - Government Authorization

SEC. 33-5.1. CLEANUP OF PREMISES BY GOVERNMENT AUTHORIZED.

- A. Ten (10) days after due notice is given to any owner, agent, occupant, or lessee of any private property to remove litter from the premises, the County of Pittsylvania is authorized

to clean up said private property and bill the owner, or his agent, for the costs thereof. If the bill has not been paid within thirty (30) days, execution may be issued by the County of Pittsylvania against the property for the amount expended in the cleaning work, and such execution shall constitute a lien on the property until the claim has been satisfied.

- B. Execution of the notice to remove litter shall be in writing.

Article VI.

Litter Receptacles

SEC. 33-6.1. USE OF RECEPTACLES.

- A. It shall be unlawful to deposit any item or items, except litter, in any receptacle placed for public use as a depository for litter.
- B. A person convicted of violating this section shall be punished by a fine of twenty-five (\$25.00) dollars.

SEC. 33-6.2. PROVIDING ADEQUATE LITTER RECEPTACLES.

- A. It shall be the duty of any person owning or operating any establishment or public place to provide receptacles adequate to contain the litter generated at said establishment.
- B. The penalty established for violation of this section is fifteen (\$15.00) dollars for each day of violation.

Article VII.

SEC. 33-7. SEVERABILITY.

Should any article, section, subsection or provision of this Litter Control Ordinance be declared by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of this Litter Control Ordinance as a whole or any part thereof other than the part so declared to be invalid or unconstitutional.

Adopted by the Board of Supervisors on September 26, 1989.

Amended by the Board of Supervisors on May 7, 1990.

Amended by the Board of Supervisors on April 6, 2009.