

# **TITLE 12**

## **TOWN OF BRIDGEWATER**

### **REFUSE**

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## CHAPTER 1

(Enacted June 11, 1985)

**§ 12-1. Authority.** This title is enacted pursuant to the authority vested in the town by § 15.2-927 of the Code of Virginia. Sections of this title may have additional authority as well. (Amended May 8, 2007)

**§ 12-2. Definitions.** For the purposes of this ordinance, the following terms, phrases, words, and their derivations shall have the meaning given by this section. When not inconsistent with the context in which used, words that are used in the present tense include the future, if used in the plural number they include the singular, and if used in the singular include the plural. The word “shall” is always mandatory and not merely directory.

- (a) “Ashes” is the residue from the burning of wood, coal, or other combustible materials.
- (b) “Garbage” is animal and vegetable waste capable of rotting or decaying and which results from the handling, preparation, cooking, or consumption of food.
- (c) “Person” means in addition to any person, also a firm, partnership, association, corporation, or organization of any kind.
- (d) “Refuse” is all solid wastes (except body wastes) whether capable of rotting or decaying or not, including but not limited to garbage, rubbish, ashes, soot cleanings, dead animals, abandoned automobiles, and solid market and industrial wastes.
- (e) “Rubbish” is solid wastes (excluding ashes) not capable of decaying or rotting, and consisting of both combustible and non-combustible wastes, such as paper, cardboard, tin cans, yard clippings, wood, glass, bedding, crockery, and similar materials.
- (f) “Superintendent” or “Town Superintendent” means the superintendent for the town of Bridgewater, Virginia.
- (g) “Town” means the town of Bridgewater, Virginia.
- (h) “Waste” means Garbage, Refuse and Rubbish. (Amended May 8, 2007.)

**§ 12-3. Type of Refuse Collected.** The Town will collect all acceptable categories of Waste from residences within the Town; provided that the Superintendent shall have a right to determine what Waste is acceptable depending upon its quantity and type, and may also decline to accept what he considers to be an unreasonable accumulation of Waste during a collection period unless a fee is paid to cover the actual costs of the collection of the excess material. The Town shall have the right but not the obligation to collect commercial or industrial Waste for a fee to be negotiated according to the type of waste and quantity thereof. (Amended May 8, 2007.)

**§ 12-4. Refuse not Acceptable for Disposal.** The following categories of refuse shall not be acceptable for disposal:

- (a) Dangerous materials or substances such as poisons, acids, caustics, infected materials, and explosives;
- (b) Materials resulting from the construction or demolition of buildings and structures or from the clearance of vacant or improved property in preparation for construction or occupancy. The superintendent shall have the right to accept this refuse upon negotiating a fee for the collection for the same with the user;
- (c) All large and bulky materials, such as motor vehicles or parts of motor vehicles, tree trunks

- and stumps, that may require special preparation and processing for disposal; and
- (d) Any materials which create an unusually bad odor such as manure or rotten and unhatched eggs;
  - (e) The bodies of dead animals.

**§ 12-5. Placement of Containers for Collection.** Containers are to be placed at the property line for collection and shall not be placed in the street or on the sidewalk in a manner whereby they will interfere with vehicular or pedestrian traffic.

**§ 12-6. Time of Placement.** Containers shall be placed no earlier than 5:00 p.m. on the afternoon preceding the collection day and must be removed to a point at the side or rear of the structure not later than 8:00 a.m. of the day following collection.

**Regulation 2. Collection Time**

Refuse may be collected as early as 7:00 a.m., so customers are urged to have all items out by that time.

(Enacted by Town Manager on October 24, 2017. Council approval not sought, so no criminal penalty attached.)

**§ 12-7. Regulations Concerning Containers.**

- (a) All garbage must be placed in metal or plastic cans of not more than 30-gallon capacity and having a tight fitting cover, or in plastic trash bags of adequate strength to contain the contents. Metal or plastic cans, if used, must be maintained in good condition, free from holes or other potential sources of injury to the persons handling the garbage. The town will not be responsible for collection of materials in plastic bags if such bags are torn or overloaded so as to prevent normal handling.
- (b) Refuse consisting of grass clippings, leaves, or woody material shall not be mixed with other types of Waste and shall be placed in containers approved by the Superintendent. (Amended May 8, 2007.)
- (b) All other materials set out for collection must be in containers that are appropriate for the purpose given the type and weight of the contents, and must be either tightly closed or otherwise covered to prevent scattering of the contents prior to collection or during loading of the material.
- (c) Weeds, brush, or trimmings will be collected only if tied in bundles not exceeding five feet in length and reasonable size to allow convenient handling. Paper or cardboard cartons must be flattened and tied.
- (d) The town shall have the right to decline to collect any material set out for regular collection which weighs in excess of 75 pounds.
- (e) No liquid shall be placed in the receptacle for collection.
- (f) Hot ashes shall not be placed in any combustible container, or any container which also contains combustible materials.
- (g) Underground garbage containers are prohibited from use in the town.
- (h) The container shall not contain any inside structures such as bands or reinforcing angles or anything with the container to prevent free discharge of contents. Containers that have deteriorated or have become damaged to the extent that the covers will not fit securely or

that they have jagged or sharp edges capable of causing injury to employees or other persons whose duty it is to handle such containers shall not be used and if such containers are not replaced after notice to the owner or user, such containers will be removed along with the contents and disposed of by the town.

- (i) The lid shall be close-fitting and shall remain in place covering the container or receptacle at all times when there is any material in the container. Containers which have the lids directly attached to them constitute a hazard to employees engaged in the collection of solid waste and if such attachments are not removed after notice to the owner or user, such containers will be removed by the town along with the contents.

## **REGULATION ADOPTED UNDER § 12-9 OF THE TOWN CODE**

### ***Regulation 1. Hazardous Materials***

1. No person (as defined in § 12-2) shall set out for collection
  - (i) Hazardous Materials;
  - (ii) Any materials labeled “Hazardous,” “Medical Waste,” “Biohazardous Waste,” or containing similar warnings, whether the warnings are in language, symbology, or coloration, or
  - (iii) Any materials in containers which carry any of the warnings described in paragraph 1(ii) above.
2. The Town may suspend refuse collection for any customer violating this regulation. The suspension may remain in effect until the customer gives reasonable assurances that such materials will not be placed out in the future. The Town may require that these assurances be supported by a bond with acceptable surety. Before suspending collection, the Town Superintendent shall provide the customer with reasonable notice and an opportunity to be heard.
3. Nothing in this regulation shall absolve a violator from criminal or civil penalties for the improper disposal of Hazardous Materials.
4. This regulation shall take effect upon approval by the Council under § 12-9 of the Town Code.

(Approved by Council, April 11, 2000)

**§ 12-8. *Scattering of Waste.*** No person shall cast, place, sweep, or deposit within the town any refuse in such amount that it may be carried or deposited by the elements upon any street, sidewalk, alley, or other public place, or into any occupied premises within the town.

**§ 12-9. *Town Superintendent to Promulgate Rules and Regulations, Etc.*** The Town Superintendent is empowered to adopt and put into force such rules and regulations governing Waste collection and Waste disposal as he may deem necessary. These rules and regulations shall take effect upon adoption, but until approval by the town council, a violation of them shall not trigger the penalties in §12-14.2. (Amended May 8, 2007.)

**§ 12-10. *Scheduled Collections.*** The Town will provide, on a regular schedule, the Waste collection

from residential households. When any regularly scheduled collection day falls on a holiday observed by the Town, the collection will be cancelled and, unless the Town Superintendent adopts a different schedule, the refuse will be collected on the next day which is not a Sunday or a holiday. (Amended May 8, 2007.)

**§ 12-11. Rates and Charges.**

(a) The Town may impose fees for the collection of Waste and for the recycling of acceptable categories of Refuse. Such fees are mandatory for all households in the Town, irrespective of the actual use of the services provided.

(b) The rates charged for recycling and the collection of Waste by the Town shall be as fixed from time to time by the council and maintained on file in the office of the Town Superintendent.

(Amended May 8, 2007.)

**§ 12-12. Collection of Refuse Produced Outside of the Town Limits.** The refuse collection program is operated by the town for the disposal of refuse produced within its corporate limits. No person shall deposit any refuse produced outside the town at any point within the town for collection and disposal, without first obtaining the express permission of the town superintendent.

**§ 12-13. Delegation of Powers by Superintendent.** Wherever certain rights, obligations, or powers are delegated to the town superintendent, council reserves the right to delegate the same duties, powers, rights, or obligations to another officer.

**§ 12-14. Special Collection of Large Items.** The collections of large amounts of brush, appliances, furniture, or materials in containers which exceed the 75 pound limit may take place at such time or times as designated by the town superintendent with the approval of the town council.

**§ 12.14.1. Removal of Trash and Other Substances.**

(a) **Definitions.** For purposes of this section, the following terms shall have the meanings assigned herein:

1. "Trash" shall mean all trash, garbage, litter, and other substances which might endanger the health or safety of residents of the Town.
2. "Owner" shall mean any owner of the property, as shown on the Town's real estate tax records.
3. "Last Known Address" shall mean the latest address for a person, as reflected by the Town's real estate tax records.

(b) **Accumulation of Trash; Remediation.** Should the Town Superintendent find that an accumulation of Trash on any property creates an unreasonable risk to the health or safety of Town residents.

1. He shall mail to the Owner, at his Last Known Address, written notice that the Trash must be removed within 14 days from the date of the notice;
2. If the Trash is not removed within the 14-day period, the Superintendent shall have the Town's own agents or employees remove it.
3. After the Town has removed the Trash, the Superintendent shall mail to the Owner, at his Last Known Address, an invoice demanding payment for the Town's actual cost in removing the Trash within 14 days.
4. The Treasurer shall collect the charges reflected by the invoice in the same manner as local taxes. Such charges shall constitute a lien against the property ranking on a parity with liens for unpaid local taxes.

With respect to (i) the Superintendent's determination that an accumulation of Trash constitutes an unreasonable risk to Town residents or (ii) the amount of the invoice for the Town's removal of Trash, the Owner may request an informal hearing before the Superintendent. Such request must be in writing and must be received within the applicable 14-day period for action by the Owner. Receipt of the hearing request shall toll the running of the 14-day period during the pendency of the hearing. Failure to request a hearing in a timely manner shall conclusively establish the Superintendent's determination or the amount of the invoice, as the case may be.

(c) **Allowing Trash to Accumulate; Unlawful Dumping.**

1. No person may dispose of Trash by dumping it or depositing it on any land in Town.
2. Every Owner shall ensure that Trash does not accumulate on his property so as to endanger the health or safety of Town residents.

Violations of this paragraph (c) shall be punishable by a civil penalty, not to exceed \$50 for the first violation, or violations arising from the same set of operative facts. The civil penalty for subsequent violations not arising from the same set of operative facts within 12 months of the first violation shall not exceed \$200. Each business day during which the same violation is found to have existed shall constitute a separate offense. In no event shall a series of specified violations arising from the same set of operative facts result in civil penalties that exceed a total of \$3,000 in a 12-month period.

(Added March 9, 2004.) (See Va. Code, § 15.2-901) (For other provisions dealing with nuisances in town, see Bridgewater Code, § 1-50, et seq.)

**§ 12.14.2. Violations.** The violation of a provision of this Chapter—including any regulation adopted hereunder—for which no penalty is otherwise provided shall be punishable as a Class 4 misdemeanor. (Added May 8, 2007.)

## CHAPTER 2

### ***Reports of Solid Waste Handlers***

(Adopted January 14, 1992)

**§ 12-15. Definitions.** For the purpose of this chapter the following words and phrases shall have the meanings respectively ascribed to them:

- (a) **Entity.** Any person, firm, corporation, or association, which in the conduct of a business, generates solid waste, handles solid waste, or recycles waste materials.
- (b) **Generator.** Any entity whose act or process produces solid waste.
- (c) **Handle.** To collect, store, treat, transport, or dispose of solid waste.
- (d) **Recycling.** The process of separating a given waste material from the waste stream and processing it so that it is used again as a raw material for a product, which may or may not be similar to the original product.
- (e) **Reused.** Once having been a waste and being:
  - (1) Employed as an ingredient (including use as an intermediate) in a process to make a product, excepting those materials possessing distinct components that are recovered as separate end products, or
  - (2) Employed in a particular function or application as an effective substitute for a commercial product or natural resources.
- (f) **Solid Waste.** Any garbage, refuse, sludge and other discarded material, including without limitation solid, semi-solid or contained gaseous material,

resulting from industrial, commercial, residential, mining and agricultural operations, or community activities, but *not* including: (1) solid or dissolved material in domestic sewage, (2) solid or dissolved material in irrigation return flows or in industrial discharges which are sources subject to a permit from the State Water Control Board, or (3) source, special nuclear, or by-product material as defined by the Federal Atomic Energy Act of 1954, as amended.

- (g) *Source Reduction.* Any action that reduces or eliminates the generation of waste at the source. Source reduction measures include among others, process modifications, feedstock substitutions, improvements in feedstock purity, improvements in housekeeping and management practices, increases in the efficiency of machinery, and recycling.

**§ 12-16. Annual Reports.**

- (a) All solid waste generators, all entities that handle solid waste, and all entities recycling waste materials generated within the Town of Bridgewater, Virginia shall furnish to the town's Director of Public Works annual reports filed within thirty (30) days after the end of each calendar year containing the following:
  - (1) The name and address of the reporting party.
  - (2) The total quantity, or volume, and type of solid waste recycled by the generator during the reporting period and the name and location of the receiving party.
  - (3) The total quantity or volume of solid waste that has been the subject of source reduction or reuse.
- (b) Any report required under this section shall be based on actual volume or weight of all substances. Where actual volume or weight cannot be accurately determined, the volume or weight may be reported using carefully estimated data. Any such report shall include a description of the basis for the reported data.
- (c) Recycled solid waste included in the report shall include only those solid wastes generated within the Town of Bridgewater, Virginia.
- (d) Reports required by this section shall be made on forms approved by the Director of Public Works.

**§ 12-17. Proprietary Information.** Nothing in this chapter shall be construed to require any entity to report information of a proprietary nature. Where any entity fails to report any information otherwise required hereunder based upon a determination that such information is of the proprietary nature, the entity shall specify in its report the nature of the information withheld and the basis for its determination that such information is of a proprietary nature.

**§ 12-18. Failure to Make Report.** Any entity failing to make a report required by this ordinance shall be guilty of a class 4 misdemeanor. Each day a required report is not filed shall be a separate offense.

**§ 12-19. Uniformity of Application.** The council intends—and this ordinance shall be construed—to require substantially the same information required by § 14-25, *et seq.* of the Code of Rockingham County, Virginia, as it presently exists.