

TITLE V: PUBLIC WORKS

Chapter

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CHAPTER 50: REFUSE, GARBAGE AND WEEDS

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- 51.01 Water and sewer systems

GENERAL PROVISIONS

§ 50.01 GARBAGE OR OFFENSIVE MATTERS NOT TO BE DUMPED IN TOWN.

No garbage or offensive or disease producing material shall be dumped in any lot or space within the town for the purpose of filling, or otherwise, without the consent of the Town Mayor.
(Prior Code, § 12-1) Penalty, see § 10.99

§ 50.02 REFUSE COLLECTION BY TOWN.

Statutory Authority: Code of Virginia § 15.2-928, authority to provide, operate and charge fees for refuse collection, disposal and recycling services; Code of Virginia § 15.2-930, authority to license private garbage and refuse pickup and disposal services.

(A) Collection and disposal by town or licensed refuse collector; required.

- 1. Town refuse collection established.** As authorized under state law, the town has established, and continues to maintain and operate a refuse collection and disposal system for refuse generated within the town limits, and the vicinity thereof, in order to maintain safe and sanitary conditions and in order to promote the public health and welfare of all the residents of the town.
- 2. Refuse collection from private residences.** It shall be the duty of every owner, tenant, lessee or occupant of any residence located within the town limits to provide for the collection of refuse from such residence by the town or by a licensed refuse collector, pursuant to the provisions of this chapter.
- 3. Refuse collection from businesses/commercial establishments.** It shall be the duty of every owner, tenant, lessee or operator of every business/commercial establishment located within the town limits to provide for the collection of refuse from such establishment by the town or by a licensed refuse collector, pursuant to the provisions of this chapter.

(B) Definitions

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

“Ashes” means the residue resulting from the burning of wood, coal, coke or other combustible material.

“Disposal” means the storage, collection, disposal or handling of refuse.

“Garbage” means all animal and vegetable wastes resulting from the handling, preparation, cooking or consumption of food.

“Hazardous waste” means a solid waste or combination of solid waste which, because of its quantity, concentration or physical, chemical or infectious characteristics, may:

1. Cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating illness; or
2. Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

“Refuse” means all putrescible and nonputrescible solid wastes, including garbage, yard waste, ashes and rubbish, resulting from industrial, commercial, domestic or community activities, but excluding hazardous waste, bodily wastes and the sludges, pumping and residues from cesspools, septic tanks and sewage.

“Rubbish” means nonputrescible solid refuse or waste consisting of both combustible and noncombustible wastes, such as glass, metal, paper, plant growth, wood or yard wastes, but excluding bulky refuse, dead animals and other refuse not acceptable for collection by the town under this chapter, such as hazardous waste, construction or demolition materials and debris, motor vehicles, bodily wastes, pumping and residues from cesspools, septic tanks and sewage.

"Sanitary landfill" means a disposal facility for solid waste so located, designed and operated that it does not pose a substantial present or potential hazard to human health or the environment, including pollution of air, land, surface water or ground water.

"Solid waste management facility" means a site used for planned treating, long term storage, or disposing of solid waste. A facility may consist of several treatment, storage, or disposal units.

"Yard waste" means decomposable waste materials generated by yard and lawn care and includes leaves, grass trimmings, brush, wood chips, and shrub and tree trimmings. Yard waste shall not include roots or stumps.

§ 50.03 COLLECTION SCHEDULE.

The town shall establish a regular collection schedule, which may take into account and accommodate for state and federal holidays, and shall provide public notice of such schedule. Unless the town council establishes a different collection policy, regular refuse collection shall be on a weekly basis at a minimum. Notice under this section may be provided by publication of such schedule in a local newspaper of general circulation, by posting of such schedule at the town office, or by mailing such schedule by first class U.S. mail to each residence and business/commercial establishment to be served by the town’s collection service. The town council may adopt a separate schedule for the collection of yard waste, which may differ from the normal refuse collection schedule. Public notice of the yard waste collection schedule shall be provided as set out in this section for the normal refuse collection schedule.

(Prior Code, § 12-7)

Statutory Authority: Code of Virginia § 15.2-928.

§ 50.04 COLLECTION RATES.

- (A) **Collection fees established by resolution.** The town council shall from time to time establish fees for municipal refuse collection and disposal services. Such fees shall be adopted by resolution of the town council and shall be posted at the town office.
- (B) **Fees applicable to all residences and business establishments unless otherwise exempted.** The charges for services rendered by the town under this section are imposed and shall be collected for all business/commercial establishments, and for all residential dwelling units within the town, unless otherwise exempted. For businesses/commercial establishments, such charges shall be paid by the owner, tenant, lessee or operator of the establishment. For residential dwelling units, such charges are to be paid by owner, tenant, lessee or occupant of such residence.

Statutory Authority: Code of Virginia § 15.2-928.

§ 50.05 REFUSE DISPOSAL LIMITED TO AUTHORIZED FACILITIES.

All waste collected by the town or by any private entity licensed by the town to collect refuse, shall be disposed of at a solid waste and refuse collection facility provided by Southampton County, or at any other properly licensed and operating solid waste management facility or sanitary landfill, or as otherwise permitted under law.

Statutory Authority: Code of Virginia § 15.2-928.

§ 50.06 TERMINATION OF SERVICE FOR FAILURE TO PAY REQUIRED FEE; LATE PAYMENT FEE; COLLECTION OF DELINQUENT PAYMENTS.

- (A) **Termination of service; notice.** Failure to pay the fees as required by this chapter shall result in termination of service. The town clerk/treasurer shall notify in writing the resident or business/commercial establishment that is in arrears of such intent to terminate service. Upon such notification, the resident or business shall have 30 days to pay the outstanding balance in order to avoid having service terminated. Mailing such notice by first class U.S. mail or posting such notice at the residence or business/commercial establishment shall satisfy this notice requirement.
- (B) **Late fees.** If 30 days have passed since the town provided notice required by this section and the customer has still failed to pay the outstanding bill in full, then a late payment charge of ten (10) percent shall be imposed on all outstanding balances.
- (C) **Collection of unpaid balances.** The town clerk/treasurer and town attorney shall take all legal measures necessary to recover any outstanding balances, late fees, plus reasonable costs, and interest, as provided under applicable Virginia law.

(D) Payment plan. Notwithstanding subsection C, the town clerk/treasurer or the town attorney may negotiate and agree to a payment plan with any customer who is in arrears if they deem such arrangement to be in the best interests of the town.

Statutory Authority: Code of Virginia § 15.2-928.

§ 50.07 DISCONTINUANCE OF SERVICES BY TOWN.

If, for any reason, the town council determines the town will no longer be able to provide the collection and disposal services set forth in this chapter, then it will provide, if practicable, all residents and businesses with at least 30 days notice prior to discontinuing such services. Notice under this subsection may be given by mailing written notice, by first class U.S. mail, to each customer, or by publishing such notice in a local newspaper of general circulation. In addition, the town shall post such notice at the town office. If the council determines that 30 days notice is not practicable, then the town council shall provide as much advance notice as it deems practicable given the circumstances that gave rise to decision to discontinue the services.

§ 50.08 REQUIREMENTS FOR PRIVATE ENTITY COLLECTING REFUSE WITHIN TOWN LIMITS; ANNUAL LICENSE FEE.

Any private entity that desires to collect and dispose of refuse generated within the town shall first be required to obtain a license to conduct such services from the town council. No license shall be issued unless the entity first:

1. Completes an application which shall include the full name, address and telephone number of the applicant. If the applicant is a corporation, then the application shall include the name and address of the registered agent thereof and the names and addresses of its directors and officers;
2. Presents proof that it is properly licensed to conduct such services in the state;
3. Presents a certificate of insurance or other proof of general liability insurance coverage in an amount appropriate for such business activity;
4. Provides the town with proposed collection routes, including specific addresses and days and times of collection, as well as disposal location(s); and
5. Pays the annual license fee, if any, as the town council may establish from time to time.

Statutory Authority: Code of Virginia § 15.2-930, authority to license private garbage and refuse pickup and disposal services.

§ 50.09 DECALS TO IDENTIFY GARBAGE RECEPTACLES SERVICED BY PRIVATE ENTITIES.

Any private entity providing refuse collection and disposal services under this chapter shall cause special decals or stickers to be placed on all its customers' garbage receptacles within the town and within the close vicinity of the town in order to clearly identify such receptacles as the private entity's and not the town's responsibility. The town may authorize decals provided by the private entity for this purpose.

Statutory Authority: Code of Virginia § 15.2-930.

§ 50.10 EXEMPTIONS.

- (A) Private refuse collection.** Any residence, including multi-family residences and apartment complexes, or business/commercial establishment that contracts with a private collection company for the regular and frequent (at least weekly) collection and disposal of its refuse shall not be obligated to participate in the town's collection system. Upon providing the town clerk/treasurer with a copy of such contract or other satisfactory evidence of such private collection service, such resident or business/commercial entity shall be exempt from the town's collection fee and shall no longer receive refuse collection services from the town.
- (B) Vacant structures.** Any residence, including multi-family residences and apartment complexes, or business/commercial establishment that is unoccupied for a continuous period of at least 60 days and not causing any refuse to be generated, shall be exempt from the town's collection fee and shall no longer receive collection services from the town. This time period may be shortened by the town if the owner of such vacant residence or establishment notifies the town clerk/treasurer in writing of such vacancy.
- (C) Public entities and public safety agencies.** Town or Southampton County governmental entities and public safety agencies, including the town fire department, the Southampton County Department of Public Utilities, and the Southeastern Public Service Authority ("SPSA") are excluded from all fees and licenses required under this chapter.

§ 50.11 RECYCLING.

The SPSA provides recycling services at no additional cost to town residents and businesses/commercial establishments. The town council hereby encourages town residents and businesses to utilize this recycling service to dispose of all recyclable materials accepted by the SPSA.

§§ 50.12 through 50.14. Reserved.

§50.15 COLLECTION AND DISPOSAL REQUIRMENTS; GARBAGE RECEPTACLES.

(A) All residents and business/commercial establishments shall provide covered garbage receptacles, for all refuse set out by them for removal by the town or for removal by a licensed private refuse collector, according to the rules and regulations of the town council and the provisions of this chapter. All refuse must be securely bagged. No bulk or loose refuse, piles of debris or other materials overflowing from garbage receptacles will be collected by the town.

(Prior Code, § 12-3)

(B) Yard waste, including grass clippings and leaves shall be set out for collection in disposable bags or boxes sufficiently strong and firmly secured to prevent spillage, drifting and scattering. Tree trimmings shall not exceed 6 feet in length and 6 inches in diameter and stacked in piles.

(C) Ashes must be free of embers and sparks before being stored or placed for collection.

(D) Garbage and other refuse shall be drained from all excess liquid before being stored or placed for collection.

(E) Filled garbage receptacles and bags shall not weigh over 50 pounds.

§ 50.16 Repealed.

§ 50.17 CERTAIN MATTER NOT TO BE DEPOSITED IN GARBAGE

Only refuse as defined in this chapter shall be deposited in any garbage receptacle. No appliances, dead animals or fowl, water or dishwater, or hazardous waste shall be deposited in any garbage receptacle. Residents, owners and businesses are required to dispose of these items themselves.

(Prior Code, § 12-5)

§ 50.18 Repealed.

§ 50.19 Repealed.

§ 50.20 PENALTIES FOR VIOLATIONS

- (A) **General Penalty.** Except where otherwise specified by law, violations of this chapter shall be punishable as a Class 4 misdemeanor.
- (B) **Civil penalties for violations of certain sections.** It shall be the duty of the Supervisor of Public Works to make a record of the street number and apartment number, if any, wherever he may find a violation of section §50.02, §50.15, or §50.17 (except for placing hazardous waste in garbage receptacles, which shall be a Class 4 misdemeanor), and to make a report to the Town Sergeant, who shall file a complaint in the general district court.

The Town Sergeant may leave attached to an outside door of such residential dwelling or commercial/business establishment a citation stating the violation and notifying the owner, tenant, lessee or occupant to appear at a fixed time in the general district court for a hearing. Such notice shall be equivalent to personal service. Such owner, tenant, lessee or occupant may, within five (5) business days from the time when such notice was attached to his residence or business/commercial establishment, pay to the clerk of the general district court as a penalty for and in full satisfaction of such violation, the amount of \$25.00. The failure to make such payment to the clerk of the general district court within this time period shall render him subject to the penalty provided in subsection A.

The civil penalty for a second violation within a 12-month period of section §50.02, §50.15 or §50.17 as provided herein shall be \$50.00, and the penalty for a third violation within a 12-month period shall be \$100.00. In the event of more than three violations of §50.02, §50.15 or §50.17 within a 12-month period by a person or entity, then all subsequent violations in such 12-month period shall be punishable under subsection A.

Statutory Authority: Code of Virginia § 15.2-928.

(Prior Codes §12-2, 12-3, 12-4, 12-5, 12-6, 12-7) (Ord. 07-17, 2007)(Ord. 10-13, 2009)

WEEDS AND GRASS

§ 50.35 CLEANLINESS OF PREMISES, WEEDS, FOREIGN GROWTH ABATEMENT AND PREVENTION OF BLIGHT OF PROPERTY REQUIRED.

(A) It shall be unlawful for any person to deposit or cause to be deposited on any public thoroughfare, lot, or premises in the town, or permit to be deposited upon his premises or any premises contiguous thereto any animal carcass, garbage, rubbish, tree trimmings, litter, bulky wastes from garden or trade, or any other unsightly, injurious or offensive waste of any kind. In addition, it shall be unlawful for any person to place or leave for over ten (10) days any items not designed or intended for exterior use on any open porch, deck, steps or any exterior part of the structure or on the lawn; said items include, but are not limited to, upholstered furniture, appliances, tires and machinery. It shall be unlawful for anyone to allow, permit or maintain any growth of weeds, grass or unhealthy growths thereon to exceed twelve (12) inches in height. **A violation of this section shall be unlawful and shall constitute a Class 4 misdemeanor.**

(B) The provisions of this ordinance shall not apply to any wooded area, cut over wooded areas of undeveloped land, undeveloped sub-divisions, and shall not apply to vacant parcels of property larger than three (3) acres in size located within the town limits.

(C) When any condition exists on any lot or parcel of land in the town in violation of subsection (A) and (B) herein, it shall be the duty of the **Mayor and/or Supervisor of Public Works** or his designee to serve or cause to be served a notice upon the owner, lessee, occupant, agent or representative of such parcel of land, requiring the owner, lessee, occupant, agent or representative to cut and remove the weeds, grass, unhealthy growths, inoperable machines, tires existing upon such lot or parcel, or portion of parcel within ten (10) days after the service of such notice upon such owner, lessee, occupant, agent, or representative. If the person fails to act to remove the weeds, grass or unhealthy growths or the inoperable machines or tires within the time specified of such notice, the Town shall, through its agents or employees, remove same or have weeds, grass or unhealthy growths cut referred to in such notice on a continuous basis through the balance of the growing season in the calendar year of such notice in order to keep such vegetation at or below the maximum height permitted in section § 50-35.

The charge cost and expense of such work plus an administrative fee of \$75.00 per cutting is declared to be a charge, cost or expense of the property, lot, place or area where such grass and weeds or other unhealthy growth is cut, destroyed or removed and the Treasurer or his designee shall demand of any owner of such property the payment of such charge, cost, expense and fee. If such charge, cost, expense and fee are not paid within ten days after such demand is made, the amount due, with ten 10% percent interest shall be collected. In that event, the costs and expense thereof shall be chargeable to and paid by the owner, lessee, occupant, agent, or representative of such property and may be collected, and further that every charge which has been assessed and which remains unpaid shall constitute a lien against such property ranking on a parity with liens for unpaid town taxes and enforceable in the same manner as provided in this code.

(D) **Serve.** Any notice required by subsection (C) of this Section shall be conclusively deemed to have been served two (2) days after having been mailed by certified or registered mail to the current owner(s) at the address shown on the records of the Clerk/Treasurer of the Town of Boykins to the current occupant(s) at the address shown on the records of the town's mailing address. In the event that the address of the owner is unknown, then service of the notice shall be made by posting of the notice on the land or premises on which the violation exists.

State law references: Authority: Authority of Town to require cutting of weeds and grass. Code of Virginia 15.2-901 and 15.2-1115. Penalty, see § 10.99.

(Prior Code, § 12-8) (Ordinance. passed 02-11-03, revised 06-12-07, revised 02-11-08, amended 08-11-09)

§ 50.37 PROCEDURE WHEN OWNER IS NONRESIDENT.

In case there is no owner, lessee or occupant, or agent or representative of the owner, lessee or occupant within the town, the notice provided for in § 50.36 may be served by posting the same upon the premises, or by publishing the same once in the local paper of the county.
(Prior Code, § 12-10)

§ 50.38 CUTTING, DESTRUCTION OR REMOVAL BY SUPERVISOR OF PUBLIC WORKS

The **Supervisor of Public Works or his designee** is hereby authorized to cut, destroy or remove any weeds or grass, or deleterious, unhealthful or noxious growths, over 12 inches in height, growing or standing on any sidewalk inside the curb line, or on any lot or place or areas within the town. The charge, cost and expense of the work is declared to be a charge, cost or expense of the property, lot, place or area where the weeds, grass, or deleterious or unhealthy growths may be cut, destroyed or removed, **Supervisor of Public Works** shall demand of the owner of the property the payment of the charge, cost or expense. If, after the demand has been made, the cost or expense shall not have been paid within ten days thereafter, the amount due, with ten 10% percent interest shall be collected and shall be enforceable in the same manner as fixed by law for the collection of taxes, and shall be subject to the same penalties for delinquency, costs, fees and the like. No work shall be undertaken by the **Supervisor of Public Works** until the owner of the lot or place, or area where the weeds or grass or growths are to be cut, destroyed or removed, or the owner of the property abutting the sidewalk where the weeds, grass or growths are to be cut, destroyed or removed, as the case may be, shall have an opportunity of doing the work himself or herself within at least ten days after previous notice has been given him or her, or in his or her absence from the town, to the agent or lessee of the occupied premise, or, if not known, to the occupant thereof, or if not leased or occupied by advertisement in the local paper of the county.
(Prior Code, § 12-11) (Revised 08-11-09)

CHAPTER 51: WATER AND SEWERS

§ 51.01 WATER AND SEWER SYSTEMS.

- (A) Southampton County, Virginia owns the water and sewer systems in the Town of Boykins.
- (B) The Town of Boykins does not have any rights to it. (Prior Code, Ch. 16)