

# LOUDOUN COUNTY SOLID WASTE MANAGEMENT PLAN - 2003

## APPENDIX H – CHAPTER 1082

### CHAPTER 1082 Solid Waste Storage

EDITOR'S NOTE: Chapter 1082, previously titled "Rural Refuse Collection Sites," and being a codification of an unnumbered ordinance passed on May 16, 1977, was re-titled and re-enacted in its entirety by Ordinance 92-08, passed August 5, 1992.

1082.01	Short title.	1082.06 Storage practices.
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#### CROSS REFERENCES

Regulation of garbage and refuse pickup and disposal services –see Code of Va. § 15.2-931  
Separation of solid waste for recycling -see Code of Va. § 15.2-937  
Preference of recycled paper products in purchasing -see Code of Va. §15.2-938  
Requirement for recycling reports -see Code of Va. §15.2-939  
Throwing or depositing injurious or hazardous materials upon highways -see TRAF. 442.01  
Beverage container litter control. see GEN. OFF. Ch. 606  
Dog waste. see GEN. OFF. 612.19(a)(9)  
Solid waste collection and transportation. see S. U. & P .S. Ch. 1084  
Solid waste reduction and recycling. see S. U. & P .S. Ch. 1086  
Land application of biosolids .see 8. U. & P .8. Ch. 1090

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#### 1082.01 SHORT TITLE.

This chapter shall be known and may be cited as the "Loudoun County Solid Waste Storage Ordinance."  
(Ord. 92-08. Passed 8-5-92.)

#### 1082.02 DEFINITIONS.

Words and terms used in this chapter shall be defined as provided in Section 1080.02.  
(Ord. 92-08. Passed 8-5-92.)

### 1082.03 ADMINISTRATION AND ENFORCEMENT; RIGHT OF ENTRY.

The health Director, or his or her agent, shall be responsible for the administration and enforcement of this chapter. The Health Director or his or her agent, may, with proper identification, enter, at reasonable times, upon public or private property for the purposes of inspecting and investigating conditions relating to the enforcement of this chapter, but only after obtaining consent of the owner or occupant of the private property to be inspected, which owner or occupant has the authority, under law, to authorize such entry and inspection. If such consent is not obtained, for any reason, including the inability to contact or locate the person with the authority to authorize such inspection, the Health Director shall obtain, from a County magistrate or judge, a warrant authorizing such entry, inspection or investigation upon such private property upon a showing of probable cause supported by an affidavit, particularly describing the place, thing or person to be inspected or investigated and the purpose for which the inspection or investigation is to be made. Probable cause shall be deemed to exist either if reasonable administrative standards for conducting such inspection or investigation are satisfied, with respect to the particular place, thing or person, or if there exists probable cause to believe that there is a condition, object, activity or circumstance which legally justifies such inspection or investigation. The supporting affidavit shall contain either a statement that consent to inspect or investigate has been sought and refused or not received or a description of the circumstances reasonably justifying the failure to seek such consent in order to effectively enforce this chapter. An inspection warrant shall be effective for the time specified therein, not to exceed ten days, unless extended or renewed by the judicial officer who signed and issued the original warrant, upon a showing that such extension or renewal is in the public interest. Such warrant shall be executed and returned to the judicial officer by whom it was issued within the time specified in the warrant or within the extended or renewed time. After the expiration of such time, the warrant, unless executed, shall be void. An inspection pursuant to such warrant may not be made in the absence of the owner, custodian or possessor of the particular place, thing or person unless specifically authorized by the judicial officer upon a showing that such authority is reasonably necessary to effectuate the purpose of this chapter. An inspection pursuant to this warrant shall not be made by means of forcible entry, except that the judicial officer may expressly authorize a forcible entry where facts are shown sufficient to create a reasonable suspicion of a violation of any of the provisions of this chapter which, if such violation existed, would be an immediate threat to health or safety, or where facts are shown establishing that reasonable attempts to serve a previous warrant have been unsuccessful. In the case of inspection of a dwelling, prior consent must be sought and refused unless the issuing judicial officer finds that failure to seek consent is justified and that there is a reasonable suspicion of an immediate threat to public health or safety. No person shall willfully refuse to permit an inspection lawfully authorized by a warrant issued pursuant to this chapter.

(Ord. 92-08. Passed 8-5-92.)

### 1082.04 PROHIBITIONS.

No person may engage in the removal, storage, disposal or treatment of solid waste in such a manner as to create a public nuisance, pollute the air, cause a discharge of pollutants to the waters of this County or otherwise impair the quality of the environment or create a hazard to the public safety, health or well-being.

(Ord. 92-08. Passed 8-5-92.)

**1082.05 RESPONSIBILITY OF OWNERS, OCCUPANTS AND CUSTODIANS.**

No person shall fail to provide for adequate storage and handling of solid waste III the premises of which he or she IS the owner, occupant or custodian and for :collection from such premises so as not to create a nuisance or an environmental or )public health hazard to neighboring properties. Any action or practice which is in violation of any of the requirements of this chapter shall be considered a violation )y the owner, occupant or custodian of the premises in question.

(Ord. 92-08. Passed 8-5-92.)

**1082.06 STORAGE PRACTICES.**

(a) Municipal solid waste shall be placed in storage containers as set forth in Section 1082.07. Such waste shall be drained free of liquids. Solid waste in bulk form or stored under a roof or covering is exempt from this provision.

(b) Before being placed in storage containers, garbage shall be wrapped in paper, plastic or other similar material.

(c) Items separated for recycling purposes shall be rinsed and drained of food :>articles.

(d) Excessive numbers of insects and rodent vectors shall be minimized around the location of storage containers by appropriate controls in order that vectors do not constitute a nuisance to neighboring properties or a health hazard.

(e) Before being stored, rubbish shall be placed in storage containers or cut and baled, tied, bundled, stacked or packaged so as not to exceed thirty-six inches in length and fifty pounds in weight, where such rubbish is to be collected and lifted by human rather than mechanical methods. However, this requirement shall not apply to recyclable materials stored on the ground at storage sites, provided that such materials are continually removed every thirty days.

(Ord. 92-08. Passed 8-5-92.) .

**1082.07 STORAGE CONTAINERS.**

(a) Storage containers for municipal solid waste shall be made of durable, watertight, rust-resistant material having a closely-fitting lid and handles to facilitate collection.

(b) Storage containers for residences and businesses shall be of not less than ten gallon nor more than thirty-two gallon capacity, unless the containers are of the type that can be mechanically lifted and emptied by a collection vehicle, in which case they shall be of appropriate size and design. All storage containers shall be leak-proof.

(c) No person shall permit the accumulation of residue of liquids or solids or a combination of such materials on the bottom or sides of a container. The interior of a container shall be kept clean by thorough cleaning and sanitizing as often as necessary. \_

(d) Storage containers shall be kept in good repair. Containers with loosely fitting lids or doors or containing holes or cracks shall not be used.

(e) All storage containers designed for mechanical lifting shall be designed, constructed and placed to prevent accidental overturning. Such containers shall be constructed of fire retardant material. Standards of the Federal Consumer Product Safety Commission shall be used in determining compliance with this subsection.

(Ord. 92-08. Passed 8-5-92.)

#### 1082.08 FREQUENCY OF COLLECTION.

(a) Municipal solid waste shall be collected and transported to an approved disposal site not less than once every two weeks.

(b) Hotels, restaurants, institutions, apartments and commercial establishments may be required to have more frequent collections if such collection is determined by the Health Director, or his or her agent, to be advisable to protect the public health or to abate a public nuisance.

(Ord. 92-08. Passed 8-5-92.)

#### 1082.09 EQUITABLE REMEDIES.

In addition to the penalty provided in Section 1082.99, the Health Director may initiate injunction, mandamus, abatement or any other appropriate action to prevent, enjoin, abate or remove a violation of any of the provisions of this chapter. (Ord. 92-08. Passed 8-5-92.)

#### 1082.99 PENALTY.

(EDITOR'S NOTE: See Section 202.99 for general Code penalty if no specific penalty is provided.)

Whoever fails to comply with a valid warrant obtained pursuant to Section 1082.03 is guilty of a Class 3 misdemeanor and shall be fined not more than five hundred dollars (\$500.00).

(Ord. 92-08. Passed 8-5-92.)