

Chapter 28 SOLID WASTE ^[1]

ARTICLE I. - IN GENERAL

ARTICLE II. - COLLECTION AND DISPOSAL OF GARBAGE, REFUSE, ETC.

FOOTNOTE(S):

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Charter reference— Garbage collection services, §§ 3.09, 6.03. [\(Back\)](#)

State Law reference— Virginia Waste Management Act, Code of Virginia, § 10.1-1400 et seq.; removal of trash, garbage, weeds, etc., from property, Code of Virginia, § 15.2-901; regulation of garbage and refuse pickup and disposal, Code of Virginia, § 15.2-931; contracts for garbage and refuse pickup and disposal services, waste recovery facilities, Code of Virginia, § 15.2-932; ordinances requiring delivery of garbage, trash and refuse to certain facilities, Code of Virginia, § 15.2-933; regulation of garbage and refuse pickup and disposal services, Code of Virginia, § 15.2-930; municipal collection and disposal of refuse, regulation of disposal facilities, Code of Virginia, §§ 15.2-927—15.2-929; mailing of summons for violation of trash ordinance, Code of Virginia, § 19.2-76.2; dumping trash, etc., on highway, right-of-way or private property, Code of Virginia, §§ 33.1-346, 33.1-346.1; dump creating fire hazard to public bridge, Code of Virginia, § 33.1-347. [\(Back\)](#)

ARTICLE I. IN GENERAL

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Sec. 28-1. 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 ashes, cinders or clinkers.

Bulk item means any large item not placed within a town-issued garbage cart or dumpster, including but not limited to a major household appliance, large rug, mattress, bed springs, or furniture.

Garbage means refuse and waste, such as vegetable or animal matter, that attends the preparation, use, cooking, dealing or storing of same or any other matter that is subject to decay or fermentation, but excludes dishwater, rubbish and ashes.

Garbage collection service means the collection of garbage, rubbish, trash and ashes by the town.

Hazardous material means "hazardous material" as define[d] in Code of Virginia § 10.1-1400, as amended.

Hazardous substance means "hazardous substance" as define[d] in Code of Virginia § 10.1-1400, as amended.

Hazardous waste means "hazardous waste" as define[d] in Code of Virginia § 10.1-1400, as amended.

Household hazardous waste means "household hazardous waste" as define[d] in Code of Virginia § 10.1-1400, as amended.

Rubbish or trash means paper, floor sweepings, old discarded clothing, boots and shoes, bottles, broken glass, tin cans and all such rubbish that accumulates from a household or business, except ashes or other heavy materials.

Sludge means "sludge" as define[d] in Code of Virginia § 10.1-1400, as amended.

Tree, brush or shrubbery means tree trimmings, brush and shrubbery with limbs not in excess of four inches in diameter and cut into pieces.

(Code 1972, § 15-1; Code 1992, § 24-1; Ord. No. 2014-1, 3-25-2014)

Sec. 28-2. Authority of health officer, etc.

The health officer or other duly authorized official, as appointed by the town manager, shall have the authority to visit the premises or building of any resident, housekeeper, hotel, restaurant or storekeeper at any reasonable time and to make inspection of garbage, refuse, waste or ashes and to order the proper handling and disposition of same.

(Code 1972, § 15-2; Code 1992, § 24-2)

Sec. 28-3. Sweeping and depositing certain materials in streets, etc.

- (a) It shall be unlawful for any person to deposit or cause to be deposited upon the sidewalks, streets, roads, lanes or alleys or in any catchbasin or drain paper, rags, old shoes, clothing, tin cans, bottles, fruit or vegetable peelings, dead animals, leaves or any other refuse or waste.
- (b) It shall be unlawful for any householder, storekeeper or other person, by himself or his agent, to sweep from any house, yard or store any dirt or refuse in or upon any sidewalk or public street, lane, road or alley.
- (c) All such material shall be placed in receptacles and disposed of as provided in this chapter. However, the owner has the option of making proper disposition by himself or his agent and in all such cases must haul and deposit such material in an approved disposal facility.

(Code 1972, § 15-3; Code 1992, § 24-3)

Sec. 28-4. Dumping ashes in streets, etc., prohibited; exception.

It shall be unlawful for any person to dump ashes or other such materials in any street, road, lane, alley or drain within the town, except by special permission of the town manager.

(Code 1972, § 15-4; Code 1992, § 24-4)

Sec. 28-5. Accumulation of refuse or garbage.

Any person allowing refuse or garbage to accumulate on his premises in a manner that would become offensive or unsanitary shall be guilty of creating a nuisance.

(Code 1972, § 15-5; Code 1992, § 24-5)

Sec. 28-6. General penalty.

Except as otherwise provided in this chapter, a violation of any provisions of this chapter shall constitute a Class 1 misdemeanor.

(Code 1992, § 24-6)

Secs. 28-7—28-30. Reserved.

ARTICLE II. COLLECTION AND DISPOSAL OF GARBAGE, REFUSE, ETC.

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Sec. 28-31. Where garbage collection service to be provided.

- (a) The town shall provide garbage collection service on the terms and conditions set out in this article only to citizens, residents and business establishments located within the corporate limits of the town.
- (b) However, in those instances where the established route of the garbage truck causes it to pass through an area outside the corporate limits of the town, garbage pickup service may then be provided with the approval of the town manager to residents of that area requesting such service.
- (c) The aforementioned established route or routes shall be subject to change at any time and should such change occur, garbage pickup service to residents along the former route shall then be discontinued.

(Code 1972, § 15-6; Code 1992, § 24-31)

Sec. 28-32. Garbage carts to be provided by town; use of town-issued garbage carts.

All householders or occupants of any residence, apartment or trailer and all operators of hotels, motor courts, restaurants, lodginghouses, boardinghouses or other business locations with garbage collection service shall be provided garbage carts by the town unless serviced by dumpster garbage collection service. Such garbage carts issued by the Town of Christiansburg shall remain the property of the Town of Christiansburg. Customers who move outside the garbage collection service area or who otherwise cease garbage collection service with the town are obligated to return the town-issued garbage cart within 30 days of cessation of service. Customers who move within the garbage collection service area are obligated to notify the town utility billing staff of any address change prior to or upon relocation.

The town-issued garbage carts shall be used for all garbage set out by the garbage customer for removal by the town according to the provisions of this article. Customers shall adhere to a maximum weight limitation of 300 pounds for 96-gallon town-issued garbage carts and 150 pounds for 48-gallon town-issued garbage carts.

It shall be unlawful for any individual or business to utilize town-issued garbage carts for disposal of garbage, refuse, waste, etc. in carts that are assigned to other customers. It shall be the responsibility of all customers to properly identify their town-issued garbage cart. Determination of whether or not town-issued garbage carts are being utilized by a properly assigned customer shall be done by the town in

accordance with individual town-issued garbage cart identification numbers and their corresponding account information in the records of the town.

(Code 1972, § 15-7; Code 1992, § 24-32; Ord. No. 2014-1, 3-25-2014)

Sec. 28-33. Town-issued garbage carts to be drained of excessive moisture.

All town-issued garbage carts, as provided for in section 28-32, shall be drained of any excessive moisture before being set out for removal.

(Code 1972, § 15-8; Code 1992, § 24-33; Ord. No. 2014-1, 3-25-2014)

Sec. 28-34. Use of paper or pasteboard boxes, plastic bags, etc. as containers prohibited.

No paper or pasteboard boxes, plastic bags, etc. shall be used as containers for garbage, rubbish, trash or ashes set for collection. Only town-issued garbage carts or dumpsters are acceptable for town garbage collection service.

(Code 1972, § 15-9; Code 1992, § 24-34; Ord. No. 2014-1, 3-25-2014)

Sec. 28-35. Town cleanup; tree trimmings and brush hauling.

- (a) The town shall provide tree and brush hauling and other town approved materials at no charge during the special two weeks of cleanup during the spring and two weeks in the fall within the corporate limits of the town. Cleanup shall be for residences and churches only and shall be limited to materials generated on the residential or church premises of the pick-up only. Town council shall have the authority to cancel cleanup.
- (b) Tree trimmings and brush pickup service shall be provided on an on-call basis during normal working hours, provided they are placed next to the street right-of-way. When such services are provided to any person or business, there shall be a charge, as provided for in section 28-44(f).

(Code 1972, § 15-10; Code 1992, § 24-35; Ord. No. 2014-1, 3-25-2014)

Sec. 28-36. Reserved.

Editor's note— Ord. No. 2014-1, adopted March 25, 2014, repealed § 28-36, which pertained to containers for rubbish and trash and derived from Code 1972, § 15-11; Code 1992, § 24-36.

Sec. 28-37. Prohibited materials.

Placing hazardous waste, hazardous substances, household hazardous waste, biohazardous waste, sludge, pharmaceutical waste, pressurized containers, combustible or explosive material, construction waste, electronic waste, hot ashes or embers, human excreta (excluding diapers), animal manure (excluding household pets), dead animals or portions of dead animals, automotive waste including tires and batteries, grease from restaurants or other business uses, liquids, appliances, earth, tree stumps, asphalt, brick, concrete, bulk items, and similar materials for collection in either town-issued garbage carts or dumpsters shall be prohibited.

(Code 1972, § 15-12; Code 1992, § 24-37; Ord. No. 2014-1, 3-25-2014)

Sec. 28-38. Garbage, etc., to be set out for collection according to schedule.

All garbage, rubbish, trash and ashes shall be set out for removal at regular periods according to schedule.

(Code 1972, § 15-14; Code 1992, § 24-39)

Sec. 28-39. Accumulation of garbage, etc., prohibited.

Garbage, tree and brush trimmings, trash and ashes shall not be allowed to accumulate, causing a large quantity to be set out for collection at one time.

(Code 1972, § 15-15; Code 1992, § 24-40)

Sec. 28-40. Garbage collection crew not to enter building to remove garbage, etc.; garbage cart assistance.

The garbage collection crew shall not enter any building to remove garbage, rubbish, trash or ashes regardless of whether or not such material is within town-issued garbage carts. The garbage collection crew shall remove town-issued garbage carts only through request by the customer through the town's garbage cart assistance form application process. The town reserves the right to deny any request through the town's garbage cart assistance form application process without proper medical documentation regarding the inability to perform the removal of the town-issued garbage cart(s) by all individuals residing at the customer service location.

(Code 1972, § 15-17; Code 1992, § 24-41, Ord. No. 2014-1, 3-25-2014)

Sec. 28-41. Town garbage truck not to remove unprepared garbage, etc.; duty of owner or tenant.

- (a) The town garbage truck shall not haul away any garbage, rubbish, trash, ashes, etc., that are not prepared and placed in suitable containers, as provided in this article. The town has the right to specify particular pick-up locations for each individual town-issued garbage cart and it shall be the responsibility of the customer to ensure that the town-issued garbage cart is in the specified pick-up location and oriented as directed by the town.
- (b) Any matter set out for collection which does not comply with the provisions of this article will not be collected by the town garbage truck, but must be removed by the owner or tenant of the premises involved.

(Code 1972, § 15-18; Code 1992, § 24-42; Ord. No. 2014-1, 3-25-2014)

Sec. 28-42. Town garbage truck not to remove loose leaves, refuse, etc., from building operations.

The town garbage truck shall not haul away loose leaves, grass, cuttings, weed or hedge trimmings, tree trimmings, branches, limbs or similar matter, nor refuse and trash, from building operations.

(Code 1972, § 15-19; Code 1992, § 24-43)

Sec. 28-43. Service charges—Residential and domestic; service requirements.

- (a) Residential garbage service. For a minimum fee, as set forth herein or as established in the latest edition of the town garbage service fee schedule, which may be amended from time to time by town council, payable and billed along with water and sewer services, the town will provide one weekly pickup and disposal of garbage, rubbish, trash, ashes, etc. in town-issued garbage carts. The basis of the fee computation shall be on a single-family unit using a single town-issued garbage cart to be picked up by the garbage collection truck once a week. Users utilizing additional town-issued garbage carts shall be billed per additional town-issued garbage cart at a rate specified in the town garbage service fee schedule, which may be amended from time to time by town council. If all occupants of a customer service location are not physically capable of utilizing 96-gallon town-issued carts they may request two 48-gallon town-issued carts through the town's garbage cart request form but will be billed at a rate equivalent to only one 96-gallon town issued cart. The town reserves the right to deny any request through the town's garbage cart request form application process without proper medical documentation regarding the inability to utilize the town-issued 96-gallon garbage cart by all individuals residing at the customer service location. The town shall change customers a fee as specified in the town garbage service fee schedule for changing town-issued garbage cart sizes.
- (b) Outside town. The minimum fee for the above collection outside the corporate limits shall be as set forth herein or as established in the latest edition of the town garbage utilities service fee schedule, which may be amended from time to time by town council.
- (c) Excess volume. All garbage, rubbish, trash and ashes set out for collection shall be contained within Town-issued garbage carts. Excess volume that is not contained within Town-issued garbage carts will not be picked up.
- (d) Apartments, condominiums, townhouses, and other buildings having multiple units—Fee and dumpster requirement provisions. For apartment houses, condominiums, and other buildings having multiple units, excluding townhouses, the minimum fee for garbage collection service shall be for each unit in the same building. Apartment houses, condominiums, and other buildings having multiple units with eight or more units or any customer service location requesting more than four Town-issued garbage carts constructed after July 1, 2014 shall be required to have dumpster service unless otherwise approved by the town manager or his designee. Townhouses are eligible for individual billing at the regular billing rate for individual customers. The town may require dumpster service for any apartment house, condominium, townhouse, or other development when the town makes determination that town-issued garbage cart service is not practical due to maneuverability or other operational issues caused by topography or other site constraints.
- (e) Same—Billing. In apartment houses and other buildings having multifamily units, the same owner, agent or tenant who is responsible for the payment of water and sewer service bills shall also be responsible for all the fees for garbage collection services in such buildings and shall be billed according to rates contained in this article.
- (f) Tree and brush hauling. The minimum fee chargeable for a town pickup of tree trimmings and brush shall be as set forth herein or as established in the latest edition of the town garbage service fee schedule, which may be amended from time to time by town council. Charges for a full or partial truck load or more shall be as set forth herein or as established in the latest edition of the town garbage service fee schedule, which may be amended from time to time by town council.
- (g) Repair and replacement. Customers are responsible for repair or replacement costs of town-issued garbage carts at a rate established in the latest edition of the town garbage service fee schedule, which may be amended from time to time by town council, when the town makes determination that damage or disappearance of the town-issued garbage cart is not the responsibility of the town or through normal regular use.

(Code 1992, § 24-44; Ord. of 6-18-1991(1), § 15-20; Ord. of 2-2-1993; Ord. of 6-18-1996; Ord. No. 2002-6, 7-2-2002; Ord. No. 2005-3, 6-7-2005; Ord. No. 2008-3, 6-3-2008; Ord. No. 2014-1, 3-25-2014; Ord. No. 2014-2, 6-24-2014)

Sec. 28-44. Same—Business and commercial.

- (a) Application. All business houses, stores, restaurants, hotels, motorcourts, lodginghouses, boardinghouses and other places of business desiring garbage collection service from the town shall make applications therefor on forms provided and shall state thereon approximately how many town-issued garbage carts will be set out for collection and how many times per week such service is desired.
- (b) Fees determined. Respective monthly fees shall be determined on the written applications submitted before the service begins, and all fees shall be billed along with the water and sewer service.
- (c) Direct billing. In certain cases that do not receive a water bill, the billing will be direct for the garbage collection services and shall be paid and under the same rules and regulations as water and sewer service bills.
- (d) Fees adjusted. After such service is put into operation, if it should be found that the estimated volume of collection from any one place is more or less than was anticipated, the fees will be adjusted to meet the prevailing conditions; provided, further, that such fees may have to be adjusted from time to time as conditions warrant.
- (e) Amount of fees. The fees for business and commercial garbage collection services shall be as set forth herein or as established in the latest edition of the town garbage service fee schedule, which may be amended from time to time by town council.
- (f) Dumpster fee. Dumpsters shall be charged as set forth herein or as established in the latest edition of the town garbage service fee schedule which may be amended from time to time by town council.
- (g) Bulky or heavy material. For the collection of some special types of bulky or heavy material the nature of which cannot be measured by town-issued garbage carts, the charge shall be based on the volume and time consumed to effect a pickup.

(Code 1992, § 24-45; Ord. of 6-18-1991(1), § 15-21; Ord. of 2-2-1993; Ord. No. 2002-6, 7-2-2002; Ord. No. 2005-3, 6-7-2005; Ord. No. 2008-3, 6-3-2008; Ord. No. 2014-1, 3-25-2014)

Sec. 28-45. Collection procedure and schedule—Residential sections and business sections with family units over stores, etc.

- (a) In residential sections of the town, all collections of garbage, rubbish, trash, ashes, etc., shall be made after 8:00 a.m. and according to a schedule that covers certain sections of the town each day.
- (b) Town-issued garbage carts that are to be picked up shall be placed by 8:00 a.m. on the day designated in the collection schedule on the street at or near the property line, so that they can conveniently be picked up and emptied. Such town-issued garbage carts shall be removed from the street by the owner not later than 6:00 p.m. of the same day and placed out of view from the street, placed within three feet from the front facade of the main structure, or as otherwise approved by the town manager or his designee.
- (c) In business sections of the town where family units are located in apartments over stores or other business places, collections shall be made in the morning, and all material to be collected shall be set out for collection by 8:00 a.m. one day each week according to the schedule. All town-issued garbage carts after being emptied shall on the same day be removed from the street and placed out of view, placed within three feet from the front facade of the main structure, or as otherwise approved by the town manager or his designee. This duty shall be the responsibility of the same person that sets out the town-issued garbage cart for collection.

(Code 1972, § 15-22; Code 1992, § 24-46; Ord. No. 2014-1, 3-25-2014)

Sec. 28-46. Same—Business sections generally.

In business sections of the town, collections of garbage, rubbish, trash, ashes, etc., shall be made each day. All town-issued garbage carts shall be placed for collection by 8:00 a.m. on the day designated in the collection schedule for each place desiring garbage collection service. Where possible, all garbage, rubbish, trash, ashes, etc., shall be placed for collection at the rear of business houses. In those cases where it is not possible for garbage, rubbish, trash, ashes, etc., to be collected from the rear of business houses, the town-issued garbage carts shall be placed in front of the sidewalk and in all such cases the town-issued garbage carts shall be placed on the morning of the day they are to be collected and removed from the sidewalk by the owner within an hour after having been emptied by the collecting crew, and placed out of view from the street, placed within three feet from the front facade of the main structure, or as otherwise approved by the town manager or his designee. This shall not be construed to apply to the business sections referred to in section 28-45.

(Code 1972, § 15-23; Code 1992, § 24-47; Ord. No. 2014-1, 3-25-2014)

Sec. 28-47. Maintenance and location of containers, dumpsters, and town-issued garbage carts.

- (a) It shall be the duty of the customer to keep their assigned town-issued garbage cart(s) in a clean and sanitary condition at all times. Lids shall be kept on all town-issued garbage carts at all times except when the town-issued garbage cart is being cleaned, filled or emptied. Town-issued garbage carts shall be kept in a place that is out of view from the street, placed within three feet from the front facade of the main structure, or as otherwise approved by the town manager or his designee, except when placed for collection, and in such place and manner that they will not constitute a nuisance to adjoining properties.
- (b) It shall be the duty of the owner of any container, can, dumpster, or other receptacle designed for disposal of garbage or refuse, except public waste receptacles or town-issued garbage carts, to enclose such container, can, dumpster or other receptacle with a minimum eight-foot tall gated privacy-type fence or wall made of durable material and to maintain such fence and enclosure area in a clean and sanitary manner at all times. Such enclosure shall have a minimum 12-foot by 12-foot pad and approach constructed as indicated per the Town of Christiansburg Dumpster Detail. The gate for such enclosure shall provide a minimum clear opening of at least 13 feet, be capable of being latched open or closed, and shall be maintained as closed when not being utilized for access. Lids shall be kept closed on all such containers, cans, dumpsters and other receptacles for garbage or refuse except when being cleaned, filled, or emptied and such containers, cans, dumpsters and other receptacles shall be maintained in a location and manner that will not constitute a nuisance to adjoining properties.

(Code 1972, § 15-24; Code 1992, § 24-48; Ord. No. 2014-1, 3-25-2014)

Sec. 28-48. Owner to prevent garbage from being spilled on ground or premises.

It shall be the duty and responsibility of every property owner, tenant, occupant or agent of any premises in the town to prevent garbage from being spilled on the ground or premises.

(Code 1972, § 15-25; Code 1992, § 24-49)

Sec. 28-49. Disposition of garbage and refuse other than through garbage collection service.

Garbage and other refuse disposed of in any other manner than through the town garbage collection service, as set forth in this article, shall be disposed of in a manner approved by the health department and town manager.

(Code 1972, § 15-26; Code 1992, § 24-50; Ord. No. 2014-1, 3-25-2014)

Sec. 28-50. Reserved.

Editor's note— Ord. No. 2014-1, adopted March 25, 2014, repealed § 28-50, which pertained to paper, cartons, etc., to be flattened and put into bundles for collection and derived from Code 1972, § 15-26; Code 1992, § 24-50.

Sec. 28-51. Dumping within town prohibited.

No garbage or offensive or disease-producing material or trash shall be dumped in any lot or space within the town for the purpose of filling or otherwise.

(Code 1972, § 15-28; Code 1992, § 24-52)

Sec. 28-52. Placing garbage, etc., in public wastepaper receptacles.

It shall be unlawful for any person to place in any receptacle that is used for the collection of wastepaper on the street or other public places any hazardous waste, hazardous substances, household hazardous waste, biohazardous waste, sludge, pharmaceutical waste, pressurized containers, combustible or explosive material, construction waste, electronic waste, hot ashes or embers, human excreta (excluding diapers), animal manure (excluding household pets), dead animals or portions of dead animals, automotive waste including tires and batteries, grease from restaurants or other business uses, liquids, appliances, earth, tree stumps, asphalt, brick, concrete, bulk items, and similar materials or to use any such receptacle for general disposal of garbage in large volumes.

(Code 1972, § 15-29; Code 1992, § 24-53; Ord. No. 2014-1, 3-25-2014)

Sec. 28-53. Reserved.

Editor's note— Ord. No. 2014-1, adopted March 25, 2014, repealed § 28-53, which pertained to placing human or animal excreta in container set out for removal and derived from Code 1972, 15-30; Code 1992, § 24-54.

Sec. 28-54. Picking through contents of town-issued garbage cart or dumpster.

It shall be unlawful for any person to pick through, handle or interfere with the contents of any town-issued garbage cart or dumpster under the provisions of this article. Employees of the town or other governmental agencies involved in duly authorized investigations shall be exempt from this prohibition.

(Code 1972, § 15-31; Code 1992, § 24-55; Ord. No. 2014-1, 3-25-2014)

Sec. 28-55. Interfering with employees in removal of material.

It shall be unlawful for any person to interfere with, hinder or obstruct the employees of the town in the removal of any material set out for removal under this article.

(Code 1972, § 15-32; Code 1992, § 24-56)

Sec. 28-56. Removal of garbage, rubbish or waste by town.

If any person violating sections 28-4, 28-5, and 28-51 fails to remove such garbage, rubbish or waste after five days' written notice, the town shall remove the same and the violator shall pay the town the cost of removing the same. The cost of removal shall have no bearing on, or connection with, any punishment, fine or court cost that may be imposed.

(Code 1972, § 15-33; Code 1992, § 24-57; Ord. No. 2014-1, 3-25-2014)

Sec. 28-57. General penalty.

The town shall not be obligated to pick up any solid waste discarded in violation of this article. Except as otherwise provided in this article, a violation of any provisions of this article shall constitute a Class 1 misdemeanor.

(Code 1992, § 24-58)