

# ROCKBRIDGE COUNTY CODE

## Chapter 16

### HEALTH AND SANITATION\*

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#### ARTICLE I. IN GENERAL

##### **Sec. 16-1. Discharge of oil prohibited; liability for permitting discharge.**

As authorized by law, upon a finding of a violation of §62.1-44.34:18 of the Code of Virginia, prohibiting any person from discharging or causing or permitting a discharge of oil into or upon state waters, lands, or storm drain systems, the county will proceed to collect all costs and expenses of investigation, containment and cleanup incurred as a result of such discharge or threat of discharge, all damages to county property caused by such discharge, all loss of tax or other revenues caused by such discharge, and compensation for the loss of any natural resources that cannot be replenished or restored, and any other damages or losses for which recovery is allowed under Code of Virginia §62.1-44.34:18(C).

**State law reference--** Authority for county to collect amounts caused by discharge of oil into state waters, Code of Virginia §62.1-44.34:18(C).

##### **16.2--16-20. Reserved.**

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\* **Cross reference(s)--**Planning commission, §2-171 et seq.; animals and fowl, Ch.5; rabies regulations, §5-29; buildings and building regulations, Ch. 7; utilities, Ch. 28; water, §28-21.

## ARTICLE II. GARBAGE, TRASH AND REFUSE\*

### DIVISION 1. GENERALLY

#### **Sec. 16-21. Dumping trash, etc. on highway, right-of-way or private property.\*\***

It shall be unlawful for any person to dump or otherwise dispose of trash, garbage, refuse, litter, or other unsightly matter, on public property, including a public highway, right-of way, property adjacent to such highway or right-of-way, or on private property without the written consent of the owner thereof or his agent. The provisions of this section shall not apply to the lawful disposal of such matter in landfills in accordance with §§16-31--16-45.

Violation of this section shall constitute a Class 1 misdemeanor. When any person is arrested for a violation of this section, and the matter alleged to have been illegally dumped or disposed of has been ejected from a motor vehicle or transported to the disposal site in a motor vehicle, the arresting officer may comply with the provisions of Code of Virginia §46.2-936 [section 20-386] in making such arrest.

When a violation of this provisions of this section has been observed by any person, and the matter illegally dumped or disposed of has been ejected or removed from a motor vehicle, the owner or operator of such motor vehicle shall be presumed to be the person ejecting or disposing of such matter. However, such presumption shall be rebuttable by competent evidence.

#### **Sec. 16-22. Improper disposal of tires; exemption; penalty.**

No person shall knowingly store, dump, litter, dispose of, or otherwise place more than 100 waste tires on public or private property in the county, nor shall any person knowingly allow others to do so on his property, without first having obtained a permit as required by Code of Virginia §10.1-1408.1.

Any person who violates any provision of this section shall be guilty of a Class 1 misdemeanor. However, any person who improperly disposes of, or knowingly allows to be improperly disposed of on his property, 500 or more waste tires shall be guilty of a Class 6 felony.

Salvage yards licensed by the Department of Motor Vehicles shall be exempt from this section, provided that the waste tires do not pose a hazard or a nuisance. Further, as used in this section, “store” and “otherwise place” shall not be construed to mean the holding of fewer than

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\* **Cross reference(s)**--Junk storage and automobile graveyards, Ch. 16, Art. II, Div. 7.

**State law reference(s)**--Virginia Waste Management Act, Code of Virginia, §10.1-1400 et seq.; authority of county to regulate garbage and waste disposal and commercial collectors of garbage and refuse, Code of Virginia, §§15.2-927 and 15.2-930.

\*\* **State law reference(s)**--Authority of county to adopt similar provision, Code of Virginia, §33.1-346.

500 tires for bona fide uses related to the growing, harvesting or processing of agricultural or forest products.

**State law reference--** Authority for adoption of similar ordinance, Code of Virginia §§10.1-1418.2, 10.1-1422.

**Sec. 16-23. Litter receptacles; placement; penalty for violations.**

Any person owning or operating any establishment or public place in which litter receptacles are required to be placed and maintained, according to state or county regulations, who fails to place and maintain litter receptacles on the premises in the design, number and manner required by said regulations, shall be subject to a fine of twenty-five dollars for each day of violation.

**State law reference--** Authority for adoption of similar ordinance, Code of Virginia §§10.1-1419, 10.1-1422.

**Secs. 16.24--16-30. Reserved.**

DIVISION 2. SANITARY LANDFILL

**Sec. 16-31. Times of opening.**

The sanitary landfill shall be open at the times established by the Board from time to time, with said hours to be on file with the Office of the County Administrator.

**Sec. 16-32. Disposition of certain items.**

Old tires will be collected at the landfill for disposal separate from typical waste. Appliances, cars, and scrap metal are to be stored away from the fill until such time as there is a sufficient number to sell for salvage.

No liquid or hazardous waste will be accepted.

**Sec. 16-33. Duty of attendant.**

Refuse generated by homes, stores, service stations, commercial establishments, and industry that is hauled, either by contractor or individuals, is to be dumped in sites designated by the attendant in the scale house.

**Sec. 16-34. Municipal packers.**

Municipal packers will dump in areas designated by the attendant in the scale house at the start of each day. Hot loads must be brought to the attention of the attendant in the scale house immediately so he may designate the location of dumping away from the face of the fill.

**Sec. 16-35. When dumping not allowed.**

No one will be allowed to dump in the landfill when the attendant in the scale house is not on duty.

**Sec. 16-36. Maintenance of haul roads.**

Haul roads will be maintained to ensure entrances and exits in all kinds of weather.  
**Cross reference(s)**--Streets, sidewalks and public places, Ch. 24.

**Secs. 16-37--16-45. Reserved.**

DIVISION 3. CONTAINER-SITE PICKUP POLICIES

**Sec. 16-46. Residential container-site pickup.**

- (a) The following items may not be placed in front load containers (8 cubic yard):
- (1) Old tires;
  - (2) Scrap metal or car parts;
  - (3) Leaves, brush, wood or building materials;
  - (4) Dead animals, birds, and fish;
  - (5) Volatile liquids and explosives;
  - (6) Ashes;
  - (7) Old furniture, appliances, or other large items;
  - (8) Dirt, rocks, or rubble;
  - (9) Fencing wire or wire of any description;
  - (10) Hazardous waste;
  - (11) Infectious waste.

With the exception of items (4), (5), (8), (10) and (11) above, these materials may be placed in the large forty (40) cubic yard roll-off containers located throughout the county.

- (b) Reserved.

(c) There will be no charge at the landfill for residential use if the refuse is hauled by the resident.

**Sec. 16-47. Charges.**

- (a) All commercial establishments will pay at the current rate when dumping.
- (b) Private collectors and contractors will pay the current rate when dumping.
- (c) Contractors will pay the current rate when dumping.
- (d) Industrial users will pay the current rate when dumping.
- (e) Business users will pay the current rate when dumping.

**Secs. 16-48--16-55. Reserved.**

DIVISION 4. USE OF SOLID WASTE CONTAINERS

**Sec. 16-56. Definitions.**

For the purposes of this division, the following words and phrases shall have the meanings respectively ascribed to them:

*Hazardous waste* as used herein shall mean waste that has one or more of the characteristics of ignitability, corrosivity, toxicity or reactivity or is specifically listed by the Environmental Protection Agency as a hazardous waste, or contains either of the above-mentioned characteristics in any concentration as part of a waste mixture.

*Infectious waste* as used herein shall mean any waste that is considered to be capable of producing an infectious disease if it has been or may have been contaminated by an organism that may be pathogenic to humans, such organism is not routinely and freely available to the community and if such organism has a significant probability of being present in significant quantities and with significant virulence to transmit to disease, including but not limited to:

- (1) Quarantine waste;
- (2) Discarded cultures, stocks, specimens, vaccines;
- (3) Blood, blood products;
- (4) Pathological waste;
- (5) Sharp objects including hypodermic needles, syringes, scalpel blades, pasteur pipettes, broken glass;

- (6) Any residue or contaminated soil, water or other debris resulting from the cleaning of a spill of any infectious waste;
- (7) Any waste contaminated by or mixed with infectious waste.

*Nonresident* as used herein shall be construed to embrace any individual, person, corporation, partnership or firm not having a place of abode or business licensed by the County of Rockbridge, in the county.

*Private collection contractors* as used herein shall be construed to include any resident as defined hereinabove who engages in the solicitation, pickup or hauling of solid waste materials originally belonging to someone other than said resident.

*Resident* as used herein shall be construed to embrace any individual, person or family having a place of abode in the County of Rockbridge, Virginia (the county) exclusive of the Cities of Lexington and Buena Vista. Such term shall not include any corporation, partnership or firm or business licensed and located in the county, exclusive of the Cities of Lexington and Buena Vista.

**Cross reference(s)**--Definitions and rules of construction, §1-2.

**Sec. 16-57. Use of containers.**

(a) Every resident of the county shall have the privilege, subject to those terms and conditions hereinafter stated, to utilize such solid waste containers, as may from time to time, at the discretion of the county, be distributed throughout the county for the purpose of solid waste disposal.

(b) Private collection contractors (businesses, contractors, industries and commercial establishments) are expressly prohibited from using the solid waste containers described hereinabove and as a result thereof must transport their solid waste material directly to the county landfill. No vehicles of private collection contractors shall be driven or moved on any highway within the county unless such vehicle is constricted or loaded to prevent any of its load from dropping, sifting, leaking or otherwise escaping therefrom.

(c) Businesses shall store waste in a manner to make the waste inaccessible to insects and rodents prior to disposal. Outside storage of unprotected plastic bags, wet-strength paper bags or baled units containing such waste is prohibited. However, cardboard or other packaging material not containing garbage or food wastes need not be stored in covered containers.

(d) It shall be unlawful for any nonresident to place any material or waste of any type described herein or otherwise in or around the solid waste containers described hereinabove; provided that nonresidents travelling through the county without a destination in the county may place general paper litter in such solid waste containers.

(e) It shall be unlawful for any resident to place the items herein enumerated below in the 8 cubic yard front load solid waste containers, irrespective of whether or not said materials are initially placed in a separate container and securely sealed:

- (1) Old tires;
- (2) Scrap metal or car parts;
- (3) Leaves, brush, wood or building materials;
- (4) Dead animals, birds and fish;
- (5) Volatile liquids and explosives;
- (6) Ashes;
- (7) Old furniture, appliances or other large items;
- (8) Dirt, rocks or rubble;
- (9) Fencing wire or wire of any description.
- (10) Hazardous waste;
- (11) Infectious waste.

With the exception of items (4), (5), (8), (10) and (11) above, these materials may be placed in the large forty (40) cubic yard roll-off containers located throughout the county.

**Sec. 16-58. Littering.**

It shall be unlawful for any person, corporation, firm, partnership or other legal entity to cause litter to be placed in the immediate vicinity surrounding any solid waste container located in the county.

**Sec. 16-59. Vandalism.**

It shall be unlawful for any person, firm, corporation, partnership or any other legal entity as recognizable by law to destroy or damage or set fire to any solid waste container situated within the county.

**Sec. 16-59.1. Scavenging.**

It shall be unlawful for any person, firm, corporation, partnership or other legal entity not authorized by the board of supervisors to take or scavenge items placed in the County's solid waste containers.

(Ord. of 9-27-93)

**Sec. 16-60. Penalty.**

Any individual, person, firm, corporation, partnership or any other legal entity violating any provisions of this division shall be guilty of a misdemeanor and, upon conviction therefor, shall be punished by a fine not less than the sum of fifty dollars (\$50.00) nor more than one hundred dollars (\$100.00); upon the second and all subsequent offenses which result in a conviction, punishment shall be a fine not less than the sum of one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00), and by confinement in jail not to exceed the term of thirty (30) days, either or both. Moreover, upon conviction for a violation of this division, the General District Court of Rockbridge County, Virginia, may, in lieu of the aforementioned penalties, require the defendant to volunteer his services for such period of time as the court may designate to remove litter from various locations in the county. All violations of this division shall be enforced by proceedings before the aforesaid court in the manner and with the like right of appeal as provided in misdemeanor cases, and the sheriff or one of his duly authorized deputies or special police officer appointed by the board of supervisors is hereby authorized to issue summons to violators of this division for his appearance before said court. Each section of this division, if violated, constitutes a separate offense hereunder.

**State law reference(s)**--Authority for minimum penalty, Code of Virginia, §§10.1-1418, 10.1-1422.

**Secs. 16-61--16-70. Reserved.**

DIVISION 5. BUSINESS AND INDUSTRY CONTAINER POLICY

**Sec. 16-71. Reserved.**

**Sec. 16-72. Pickup.**

The county may provide the pickup for each container at the current rate charge . The container must be of the design to be serviced by county front load collection trucks.

**Sec. 16-73. Responsibilities of business.**

It will be the responsibility of the business to keep its container clean and disinfected, and maintained.

**Sec. 16-74. Items not to be placed in containers.**

The following items cannot be placed in containers:

- (1) Old tires;
- (2) Scrap metal or car and truck parts;

- (3) Leaves, brush, wood or building materials;
- (4) Dead animals, birds and fish;
- (5) Volatile liquids and explosives;
- (6) Ashes;
- (7) Old furniture, appliances or other large items;
- (8) Dirt, rocks or rubble;
- (9) Fencing wire or wire of any description.
- (10) Hazardous or infectious waste.

Any container having the items listed above placed in them will not be dumped until such items are removed. The above mentioned items with the exception of (6), (11) and (12), will be accepted at the landfill if hauled by the business.

**Secs. 16-75--16-85. Reserved.**

**DIVISION 6. DEAD ANIMAL DISPOSAL POLICY\***

**Sec. 16-86. When accepted.**

Dead animals will be accepted at the landfill during normal operating hours.

**Secs. 16-87--16-100. Reserved.**

**DIVISION 7. JUNK MOTOR VEHICLE DEMOLITION, HOLDING AND SALVAGE\*\***

**Sec. 16-101. Definitions.**

(a) **Motor Vehicle Demolisher** means any person whose business is to crush, flatten or otherwise reduce a vehicle to a state where it can no longer be considered a vehicle. Such

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\* **Cross reference(s)**--Animals and fowl, Ch. 5.

\*\* **Cross reference(s)**--Inoperable abandoned motor vehicle reimbursement program, §20-421 et seq.

**State law reference(s)**--Authority of county to regulate the operation of motor vehicle storage/salvage yards, junkyards/motor vehicle graveyards, Code of Virginia, §§15.2-903 and 15.2-904, §33.1-348; authority of county to adopt provisions to protect public health and safety, Code of Virginia, §15.2-1200.

motor vehicle demolisher shall be a licensed DMV demolisher. The motor vehicle demolisher's crusher must have a fluid recovery system.

(b) **Wrecked/Abandoned Vehicle Holding Yard** means a parcel or lot upon which not more than thirty (30) abandoned or wrecked vehicles are stored while awaiting proper authorization for disposal.

(c) **Automobile/Motor Vehicle Graveyard** means any lot or place which is exposed to the weather and upon which more than five (5) inoperable motor vehicles of any kind, which would not be economically practical to make operable, are placed, located or found, including licensed automobile repair and towing facilities, e.g., body shops, garages, and service stations. In no event shall any automobile/motor vehicle graveyard contain more than nine (9) inoperable motor vehicles of any kind as defined herein; and if so, such operator must become licensed as a wrecked/abandoned vehicle holding yard or junkyard/automobile motor vehicle salvage yard operator/dealer.

(d) **Junkyard/Automobile Motor Vehicle Salvage Yard** means a lot, land, or structure, or part thereof, used primarily for the collection, storage, and sale of waste paper, rags, scrap metal, or discarded material; or for the collecting, dismantling, storage, and salvaging of machinery or vehicles not in running condition, or for the sale of parts thereof. (Ord. of 1-22-92(1), §2; Ord. of 9-26-94, §II(A))

#### **Sec. 16-102. Vehicle Crushing/Demolition Regulations.**

(a) Any qualified motor vehicle demolisher licensed by the Department of Motor Vehicles ("DMV") has authority to crush and dispose of abandoned or junk motor vehicles throughout the County as long as that crusher has obtained a permit therefor from the County Administrator or his designee (Administrator) and complies fully with the provisions herein. It shall be unlawful for any person or entity to crush, flatten or otherwise compact any motor vehicle without obtaining said permit in accordance with these provisions. This section shall not affect those property owners or occupants who have current conditional use permits to operate motor vehicle junk yards, which permits allow motor vehicle crushing operations at the permit locations.

(b) Any motor vehicle demolisher who desires to crush abandoned or junk motor vehicles (and dispose of them) throughout the County must first obtain a permit from the Administrator for each location from which the crusher desires to conduct such activity. Before obtaining a permit, the crusher must provide the Administrator with evidence of approval from the landowner or lessee to enter upon the property upon whose land the motor vehicle demolisher intends to conduct demolition activities. Said permits shall state at a minimum the location of the property, the landowner's/occupant's name(s), and the date(s) the operation is to be conducted.

Upon the satisfaction of the Administrator that the motor vehicle demolisher can conduct the activity in compliance with this Division, and upon the motor vehicle demolisher's signature on the permit that he/she will comply fully with the terms and conditions hereof, a permit shall be issued to each motor vehicle demolisher for each location (location being each

different address or parcel of property) in which the crushing and demolition activity shall take place. Upon completion of activities at each location, the permitted motor vehicle demolisher must report back to the Administrator that said activities are complete and must sign the necessary DMV forms at such times as the County requires so that the County may obtain State reimbursement. The motor vehicle demolisher must obtain a separate permit for each additional location in which it desires to conduct crushing work.

No demolisher shall conduct any demolition activities unless and until the County Special Enforcement Officer or his designee is present at the location of said activities, and the Officer and/or his designee shall continuously monitor the operations of each crusher at each location. The Officer and/or his designee shall have the authority to shut down the operation at anytime that he determines that the demolition operations are being performed in violation of this Division.

(c) No vehicle shall be tipped, overturned or rolled before removing the battery and all fluids, or sealing all fluid reservoirs.

(d) If the engine or transmission is to be removed from a vehicle before crushing, all fluid systems must be drained before removal in such a manner as to prevent spillage.

(e) The motor vehicle demolisher's crushing machine must have a fluid recovery system. The system must be kept clean, unobstructed and operating properly at all times, and a sheet of four (4) millimeter sheeting shall be placed under the recovery system to prevent soil contamination. The motor vehicle demolisher shall have a written Hazardous Waste Spill Contingency Plan on file with the county and shall have some type of absorbent material on hand to be used in case of an accidental spill.

(f) The motor vehicle demolisher shall remove gas tanks before crushing and the contents of the tanks shall be transferred to a suitable container in such a manner as to prevent spillage.

(g) Coolant shall be removed from both the radiator and engine block before crushing in such a manner as to prevent spillage.

(h) Oil shall be removed from the engine before demolition and transferred to a suitable container in such a manner as to prevent spillage.

(i) Batteries shall be removed before demolition.

(j) Any freon in the vehicle must be recycled before demolition in conformance with applicable federal, state and local regulations and laws.

(k) The demolisher must keep records of the transportation and transfer of all liquids removed from the vehicles. Such records shall be open to inspection by County, state, and federal officials during normal business hours.

(l) Any and all liquids (such as antifreeze, oils, gases, diesel fuel, etc.) lost from the automobile or crushing equipment to the ground shall be removed in full from the soil immediately and disposed of in conformance with applicable federal, state and local regulations and laws.

(m) After crushing, all vehicles and parts thereof shall be removed from the property and disposed of by the motor vehicle demolisher according to applicable laws. All reasonable precautions shall be taken to prevent soil contamination from demolished vehicles before their removal from the property.

(n) Each motor vehicle demolisher shall comply fully with all applicable federal, state and local regulations and laws.  
(Ord. of 9-26-94, §II(B))

### **Sec. 16-103. Holding Yard Regulations.**

(a) All vehicles brought into a holding yard shall be immediately inspected for fluid leaks. If leaks are found, measures shall be taken to stop such leaks or otherwise prevent fluids from contaminating the soil.

(b) Vehicles will be stored either inside an enclosed building or at a location screened from adjoining properties and public roads. Screening shall be completed within ninety (90) days after issuance of the conditional use permit, in accordance with Code of Virginia, 1950, §33.1-348, as amended. Failure to complete screening shall constitute a violation of this Division.

(c) There shall be no more than thirty (30) vehicles stored at a vehicle holding yard at any given time.

(d) Stored vehicles will be removed to a crusher or otherwise disposed of in a lawful manner within thirty (30) days after the holding yard owner/operator receives legal authority to dispose of the vehicles.

(e) No crushing or salvaging operations shall be conducted at holding yard facilities.

(f) The holding yard owner/operator shall keep records of the date on which each vehicle entered and left the facility, the vehicle identification number, and the vehicle description. These records shall be open to inspection by County officials during normal business hours. Records shall be kept on file for a period of two (2) years after disposal of the vehicle.

(g) Holding yard facilities shall comply with all federal, state and local regulations and laws.

(h) The County has the right to inspect holding yard facilities during business hours.

(i) Holding yard facilities will be permitted as conditional uses in the Agricultural-General (A-2), Business (B-1) and Industrial (I-1) zoning districts. County, state, and federal lands are exempt from this Division.

(Ord. of 1-22-92(1), §3; Ord. of 9-26-94, §II(C))

#### **Sec. 16-104. Automobile Graveyard, Junkyard, Salvage Yard Regulations.**

(a) All vehicles brought into an “Automobile/Motor Vehicle Graveyard” or a “Junkyard/Automobile Salvage Yard” shall be immediately inspected for fluid leaks. If leaks are found, measures shall be taken to stop such leaks or otherwise prevent fluids from contaminating the soil. Gasoline, diesel fuel and freon shall be removed from the motor vehicles to prevent soil contamination.

(b) Any accidental spillage of vehicular fluids that takes place on the graveyard or salvage yard will be cleaned up immediately upon discovery in conformance with local, state, and federal regulations and laws.

(c) The operator shall have a written Hazardous Waste Spill Contingency Plan as per the specimen provided by the County.

(d) Immediately after crushing, the vehicle will be placed or stored in such a manner as to prevent any fluids from escaping to the ground.

(e) No more than two hundred (200) tires may be kept on the premises at one time, except those on the automobiles or in an enclosed building.

(f) Batteries shall be stored separately within a well ventilated, roofed area, in such a manner as to prevent leakage onto the ground.

(g) Automobile/Motor Vehicle Graveyards and Junkyard/Motor Vehicle Salvage Yards will be permitted as conditional uses in the Agricultural General (A-2), Business (B-1), and Industrial (I-1) zoning districts. County owned or leased property, and state and federal lands are exempt from this Division.

(Ord. of 1-22-92(2), §3; Ord. of 9-26-94, §II(D))

#### **Sec. 16-105. Screening Regulations.**

The County hereby adopts and incorporates herein by reference the state law provisions regarding screening set forth at Code of Virginia, §33.1-348.

(Ord. of 9-26-94, §II(E))

#### **Sec. 16-106. Inoperable Vehicle/Licensing Regulations.**

(a) For purposes of this division, “motor vehicle” means any motor vehicle, trailer or semitrailer. For purposes of this division, “inoperable” means the same as “inoperable” defined at Code of Virginia §15.2-904: (i) any motor vehicle which is not in operating condition; (ii)

any motor vehicle which for a period of sixty (60) days or longer has been partially or totally disassembled by the removal of tires and wheels, the engine, or other essential parts required for operation of the vehicle; or (iii) any motor vehicle on which there are displayed neither valid license plates nor a valid inspection decal. For any motor vehicle that cannot be started and moved by the owner or occupant upon request, or that the owner or occupant refuses to start and move upon request, by any law enforcement or special enforcement officer, there shall be a rebuttable presumption that such motor vehicle is not in operating condition.  
(Amended by Ord. of 2-23-09, effective on and from the date of its adoption)

(b) In accordance with Code of Virginia §15.2-904, the owner(s) of property, or one occupying the same, located in all zoning districts shall remove therefrom all inoperable motor vehicles that are not kept within a fully enclosed building or structure, covered by a custom or commercially made car covering, specifically excluding a tarp, or otherwise screened or shielded from view from roads, rights-of-way, and adjoining properties.

(c) In the event that an owner of property, or one occupying property, fails to remove the inoperable vehicle(s) located thereon, or otherwise screen said vehicle from view in accordance with subparagraph (b) above, within 14 days of receipt of written notice, in addition to the penalties set forth in Section 16-107, the County may remove any such vehicles in accordance with Code of Virginia §15.2-904. Any non-reimbursable costs of removal shall be chargeable to the owner of the vehicle and shall be collected as taxes and levies are collected. Such costs shall constitute a lien against the property from which the vehicle was removed.  
(Amended by Ord. of 2-23-09, effective on and from the date of its adoption)

### **Sec. 16-106.1. Exemptions.**

(a) The provisions of §16-106 shall not apply to a duly state licensed dealer or operator for an automobile graveyard, junkyard, salvage yard, holding yard or to those that are grandfathered (in existence before May 13, 1971) or that have an approved conditional use permit issued by the County. In addition, the provisions of §16-106 shall not apply to the operator of any holding yard, for which and to the extent that the state does not issue licenses, provided that the holding yard was in existence and operating prior to January 1, 1995, and provided that the operator has continuously operated the holding yard, has continuously held an annual business license, and has remained current in the payment of all business license taxes in the County since prior to January 1, 1995.

Notwithstanding any provisions to the contrary contained in any County ordinance, any person, corporation, business, or other entity operating a junkyard, automobile graveyard, salvage yard and/or holding yard shall have and maintain any valid and required state or county license for said operations. In the event any required state or county license is not obtained, or is suspended, revoked or otherwise not renewed, the operations shall be deemed to be in violation of County law and said operator shall cease such operations immediately.

(b) The provisions of §16-106 shall not apply to one (1) inoperable motor vehicle used for advertising or business-recognition purposes at a business site on property in a General Business District (B-1), a Planned Business District (B-2) or General Industrial District (I-1)

within the Tourism Corridor Overlay District, all as designated on the Official Rockbridge County Zoning Map and defined in Article 6 – Uses in Districts of the Rockbridge County Land Development Regulations; provided, however, that the location and appearance of such vehicle shall be subject to review and approval of the Tourism Corridor Overlay Review Board (TCO Review Board) in accordance with the provisions of Section 611.00 of the Rockbridge County Land Development Regulations, as applicable, and subject to the following additional conditions:

- (1) The review fee for an application to the TCO Review Board under this section shall be \$30.00.
- (2) An applicant may apply for review of such inoperable vehicle at an existing business or in conjunction with site plan approval for a new business development. The provisions of §16-106 shall be stayed for an existing inoperable motor vehicle while the review process is pending.
- (3) Such vehicle shall not be approved with lettering, signage or a logo. Nothing in this subsection shall be construed to exempt such vehicle from the regulation of Signs, as provided in §706, et seq., of the County Land Development Regulations.
- (4) In addition to consideration of the purpose and intent of the TCO District as set forth in Section 611.01 of the Land Development Regulations, the TCO Review Board will consider whether the inoperable vehicle would have an appropriate connection to the business and would represent a common business theme that would enhance the business for advertising or business-recognition purposes.
- (5) In the event that an existing inoperable vehicle for advertising or business-recognition purposes is not approved under Section 611.00 by the TCO Review Board or on appeal as provided therein, the applicant shall be notified and the provisions of §16-106 shall be applicable thirty (30) days from the date of a final determination under Section 611.00 of the Land Development Regulations.
- (6) If approved, the TCO Board shall issue a separate Certificate of Appropriateness for the subject inoperable vehicle, which shall remain in effect so long as the applicant continues to operate the business for which the vehicle is approved and maintains a current valid business license in the County. The Certificate of Appropriateness shall automatically expire on the date of the earliest of any of the following circumstances: the applicant sells, ceases or abandons the business; the County business license is not current and valid, by reason of non-payment of taxes or otherwise, or is revoked or terminated, whether voluntarily or involuntarily; or the property is sold or transferred to a new owner(s).

- (7) In the event of expiration of the Certificate of Appropriateness, the inoperable vehicle shall lose its exemption after a period of six (6) months and the provisions of §16-106 shall apply; subject, however, to the right of the property owner to apply to the TCO Review Board for an extension up to an additional six (6) months.
- (8) Any inoperable motor vehicle, for which a Certificate of Appropriateness has been issued and continues in effect, shall be maintained in substantially the same condition, appearance, and location as approved by the TCO Review Board. Failure to maintain the inoperable vehicle to the standard initially approved by the TCO Board shall be enforceable by the Zoning Administrator as a zoning violation under the Land Development Regulations. In addition, the Zoning Administrator shall be authorized to initiate a proceeding and public hearing before the Board of Supervisors for revocation of the Certificate of Appropriateness upon failure to bring the inoperable vehicle into compliance after no less than three (3) notices to comply and no less than sixty (60) days from the date of the first notice or summons pursuant to Article 11 of the Land Development Regulations. In the event of revocation of the Certificate of Appropriateness, the inoperable motor vehicle shall lose its exemption after a period of fourteen (14) days from the date of the revocation decision and the provisions of §16-106 above shall apply.

(Addition (b) (1-8) to Code by Ord. of 2-23-09, effective on and from the date of adoption)

### **Sec. 16-107. Penalty.**

#### (a) Civil Penalties.

- (1) For each initial violation of this Division, a written notice of violation shall be issued to the violator, who shall be allowed fourteen (14) days for compliance.  
(Amended by Ord. of 2-23-09, effective on and from the date of adoption)
- (2) Upon failure to comply within 14 days, the first violation shall be subject to a civil penalty in the amount of \$100.  
(Amended by Ord. of 2-23-09, effective on and from the date of adoption)
- (3) The civil penalty for subsequent violations shall be \$250.
- (4) Each day during which the violation is found to have existed shall constitute a separate offense; provided, however, that specified violations arising from the same operative set of facts shall not be charged more frequently than once in any 10-day period.
- (5) In no event shall a series of specified violations arising from the same operative set of facts result in civil penalties that exceed a total of \$5,000.

(b) Criminal Penalties.

In the event three (3) civil penalties have previously been imposed on the same defendant for the same or similar violation, not arising from the same set of operative facts, within a 24-month period, a subsequent violation shall constitute a Class 3 misdemeanor; and civil penalties shall not thereafter apply for the same violation.

**Sec. 16-108. Effective Date.**

The provisions of this Division became effective January 1, 1995.  
(Ord. of 9-26-94, §II(H))

**Secs. 16-109—16-112. Reserved.**

**ARTICLE III. QUARANTINES  
(RESERVED)**

**ARTICLE IV. PRIVIES**

**Sec. 16-113. Privies.**

New privies shall be allowed in the county only under the following conditions:

- (1) Recreational or seasonal uses under 30 days per year on parcels with setbacks being a minimum of one hundred (100) feet from privy to property lines and five hundred (500) feet from privy to any full-time residence on adjoining property. No such privy shall be approved for full-time occupancy of a structure.
- (2) Replacement of existing approved privies.
- (3) Failed sewage disposal systems where the Health Department is unable to locate another sewage disposal system.
- (4) All plumbing must be removed from any structure for which a privy is approved unless the Health Department has approved a means of disposal for the structure's "gray water."