

# ROCKBRIDGE COUNTY CODE

## Chapter 23

### SOLID WASTE\*

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### ARTICLE I. (RESERVED)

**Secs. 23-1--23-20. Reserved.**

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\* This Chapter is created by Ordinance dated July 8, 2013, which Chapter was formerly reserved in the recodification of *The Code of the County of Rockbridge, Virginia*, adopted on April 24, 2000, which Code was originally adopted in 1993.

\*\* **Editor's Note**--Article II consists of former Chapter 16-Health and Sanitation-Article II, entitled "Garbage, Trash and Refuse", Divisions 1-6, Sections 16-21--16-100, derived from the recodification of *The Code of the County of Rockbridge, Virginia*, adopted on April 24, 2000, which Code was originally adopted in 1993; amended by Ordinance dated September 27, 1993; which Article was repealed in its entirety and relocated herein by Ordinance dated July 8, 2013 as new Chapter 23-Solid Waste, Article II-Garbage, Trash and Refuse, Divisions 1-4, Sections 23-21--23-100, with new provisions.

\*\*\***Editor's Note**--Article III consists of former Chapter 16-Health and Sanitation-Article II, entitled "Garbage, Trash and Refuse", Division 7, Sections 16-101--16-112, derived from the recodification of *The Code of the County of Rockbridge, Virginia*, adopted on April 24, 2000, which Code was originally adopted in 1993; amended by Ordinance dated September 26, 1994; amended by Ordinance dated July 24, 2006; amended by Ordinance dated February 23, 2009; which Article, Division 7 was relocated herein by Ordinance dated July 8, 2013 as new Chapter 23-Solid Waste, Article III-Junk Motor Vehicle Demolition, Holding and Salvage, Sections 23-101--23-108, with no substantive changes.

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

### DIVISION 1. GENERALLY

#### Sec. 23-21. Purpose.

The provisions of this Article are intended by the County to ensure that solid waste disposal is handled in a manner that protects the environment, maintains safe, healthy and attractive conditions in the County, and provides efficient cost-effective services to its citizens.

#### Sec. 23-22. Definitions.

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

*Approved receiving center* shall mean any solid waste collection site that has been approved and posted for the receipt of a particular type of material or waste that is otherwise prohibited. A listing of all such sites will be maintained by the Director of Solid Waste and Transportation.

*Business* shall mean any individual or group providing a paid good or service either for- or not-for-profit. Examples of business include, but are not limited to, building contractors, retail operations, churches, restaurants, and commercial operations.

*Container* shall mean any receptacle, including dumpsters and green boxes, either public and/or private, used for the storage or movement of any waste or material bound for the Landfill.

*County-operated waste disposal facility* shall mean any County-operated solid waste collection site that has been approved and posted for the receipt of a particular type of material or waste. A listing of all such facilities and site-specific approved materials for disposal will be maintained by the Director of Solid Waste and Transportation.

*County-owned containers* shall mean containers which are owned or leased for use at County-operated waste disposal facilities.

*Entity* shall mean any person, firm, association, partnership, company, limited liability company, corporation, or any other group or organization.

*Farm waste* shall mean solid waste which is generated via general farming/agricultural operations. Examples include hay twine, packaging materials and feed sacks or bags. Such waste should be bagged for purposes of containment and the meaning of which shall not be construed to include any items listed in §23-51(f).

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\* **Cross reference(s)**--Junk storage and automobile graveyards, Art. III.

**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.

*Hazardous waste* shall mean a hazardous waste as defined in the Virginia Waste Management Act, §§10.1-1400–10.1-1457, in Title 10.1–Conservation, of the Code of Virginia (1950, as amended), and any State or local regulations adopted and in effect pursuant thereto, and/or under federal law, as any or all may be from time to time amended, including, but not limited to, any waste or material that has one or more of the following characteristics: ignitability, corrosivity, toxicity or reactivity, or contains any of the above-stated characteristics in any concentration as part of a waste mixture.

*Household hazardous waste* shall mean any hazardous waste or material that originates from the private home of a resident.

*Household hazardous waste day* shall describe an annual event sponsored by the County to provide an approved and safe method of disposing of residential household hazardous waste.

*Household waste* shall mean solid waste or material that originates from the private home of a resident, comprised of garbage and rubbish which should be bagged for purposes of containment and the meaning of which shall not be construed to include any items listed in §23-51(f).

*Industrial waste* shall mean any waste or material that is produced by industrial activity, such as that of factories, mills and mines.

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

- (1) Quarantine material;
- (2) Discarded cultures, stocks, specimens, vaccines;
- (3) Blood, blood products;
- (4) Pathological material;
- (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 material;
- (7) Regulated medical waste so defined by the Regulated Medical Waste Management Regulations (9VAC20-120) as promulgated by the Virginia Waste Management Board, or successor agency; and/or,

- (8) Any waste contaminated by or mixed with infectious or medical waste or material.

*Landfill* shall mean the solid waste disposal facility located at 231 Landfill Road in the County, owned by the Solid Waste Authority and designated as the Rockbridge County Landfill.

*Nonresident* shall include any person or entity not having a place of abode in the County, or not having a place of business in and properly licensed by the County.

*Non-staffed collection center* shall mean any County-operated waste-receiving facility that is not staffed by a County employee during all operational hours.

*Posted* shall mean signage for public notification at any County-operated waste disposal facility or on any County-owned container, which indicates its proper use and any use restrictions.

*Private collection contractors* shall include any for-profit business or individual that engages in the pickup or hauling of solid waste materials for others.

*Privately owned containers* shall mean containers which are not County-owned containers, the contents of which are bound for the Landfill.

*Resident* shall include any individual, person or family having a place of abode in the County, exclusive of the Cities of Lexington and Buena Vista. Such term shall not include any association, corporation, partnership, firm, business, or other entity.

*Staffed collection center* shall mean any County-operated waste-receiving facility, with posted hours, which is staffed by one or more County employees during such hours. A current listing of staffed collection centers will be maintained in the office of the Director of Solid Waste and Transportation.

*Solid Waste Authority (SWA)* shall mean the Rockbridge County Solid Waste Authority, as described in Chapter 2, Article VI, Division 4, of this Code.

*Source separated materials* shall mean any materials which have been pre-sorted and grouped such that all dissimilar material has been extracted prior to disposal; the aggregate shall be of uniform type and composition.

*White goods* shall mean appliances of any color or material including, but not limited to, refrigerators, washers, dryers, stoves, ovens, water heaters, and/or water tanks.

*Woody debris* shall mean any naturally produced brush or other woody material. This definition will be limited as follows:

- (1) All woody debris must be free of chemical treatment.
- (2) All woody debris must be separated from other waste and free of metal.

(3) Brush and other natural woody debris cannot exceed 8" in diameter.

(4) Stumps with root balls must be free of dirt and not exceed the 8" diameter.

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

**23-23--23-30. Reserved.**

## DIVISION 2. SANITARY LANDFILL

### **Sec. 23-31. Hours of operation.**

Hours of operation for the Landfill will be set by the SWA. The schedule of operating hours shall be maintained at the Landfill scalehouse and in the Office of the Director of Solid Waste and Transportation.

### **Sec. 23-32. Charges.**

All of the following will be invoiced at the then-current rates for disposal of waste at the Landfill:

- (1) Commercial establishments.
- (2) Private collectors and contract haulers.
- (3) Contractors.
- (4) Industrial users.
- (5) Business users.
- (6) Nonresidents.

A list of current rates for different types of materials/waste, which will include, but may not be limited to, those described in §23-51, will be maintained in the Landfill scalehouse and in the Office of the Director of Solid Waste and Transportation.

### **Sec. 23-33. Disposal of certain items.**

A. Woody debris will be accepted at the Landfill and at approved, staffed collection centers, provided that the center is posted for acceptance of woody debris. In the event that a mixed load containing woody debris is delivered and accepted at the Landfill, the customer will be invoiced for the full weight of the load, at the highest rate for the types of waste in the container.

B. Tires will only be accepted for disposal at the Landfill and shall not be mixed with other waste.

C. White goods will only be accepted at the Landfill and at the County's staffed collection centers, as posted.

D. Dead animals will only be accepted at the Landfill during hours of operation.

E. Except as otherwise specifically provided for in this Article, the following waste or materials will not be accepted at the Landfill or at any County-operated waste receiving facility:

- (1) Liquids;
- (2) Hazardous;
- (3) Infectious or medical;
- (4) Batteries;
- (5) Oil-based paint;
- (6) Explosives.

F. The County will sponsor at least one annual household hazardous waste day to be utilized by County residents.

**Secs. 23-34--23-50. Reserved.**

### DIVISION 3. SOLID WASTE CONTAINERS

**Sec. 23-51. Use of containers.**

A. County-owned containers are provided for use by Rockbridge County residents to dispose of household waste and farm waste only; all other uses are strictly prohibited.

B. Every resident of the County shall have the privilege, subject to the terms and conditions stated herein, to utilize such County-owned containers, as may from time to time, at the discretion of the County, be sited for the purpose of solid waste disposal.

C. Private collection contractors are expressly prohibited from using the County-owned containers for solid waste disposal.

D. It shall be unlawful for any nonresident to place any material or waste of any type in or around County-owned containers; provided, however, that nonresidents who own real property in the County shall be permitted to use County-owned containers to dispose of household or farm waste generated on their property in the County.

E. It shall be unlawful to place any liquid, hazardous, or infectious or medical waste or material, of any kind, in any container.

F. Except as otherwise specifically provided in this Article or posted on a specific container, it shall be unlawful to place the items listed below in any County-owned containers:

- (1) Tires;
- (2) Scrap metal or car parts;
- (3) Woody debris;
- (4) Building or construction materials;
- (5) Animals of any kind;
- (6) Liquids, including, but not limited to, gasoline, kerosene, or waste oil;
- (7) Explosives;
- (8) Ashes;
- (9) Furniture, white goods, or other bulky items;
- (10) Dirt, rocks, rubble or manure;
- (11) Fence posts, fencing wire, or wire of any description;
- (12) Hazardous waste;
- (13) Infectious or medical waste;
- (14) CRT (Cathode Ray Tube) monitors;
- (15) Fluorescent bulbs;
- (16) Batteries;
- (17) Oil-based paint.

**Sec. 23-52. Use of containers at staffed collection centers.**

All containers at staffed collection centers are subject to the restrictions set forth in §23-51, with the exception of the following allowable uses and exceptions:

- (1) Containers at staffed collection centers shall only be used during posted hours of operation by County residents and all posted rules and regulations for the collection center must be adhered to at all times. It shall be unlawful, in violation of §23-71 of this Article, to dump or place any waste or material in or around collection centers during off-hours.
- (2) Some staffed collection centers may be provided with containers for recycling of source-separated materials. A list of such sites will be maintained in the Office of the Director of Solid Waste and Transportation. It shall be unlawful for any person to place other waste or materials in any container designated for recycling of a specific source-separated material except as specified.
- (3) Woody debris and white goods may be disposed of in designated containers that are approved and posted, provided that the materials otherwise meet all the requirements provided in this Article.

**Sec. 23-53. Privately Owned Containers.**

All privately owned containers are subject to the restrictions set forth in §23-51, with the exception of the following allowable source-separated materials:

- (1) Tires;
- (2) Scrap metal or car parts;
- (3) Woody debris;
- (4) Building materials;
- (5) Animals of any kind;
- (6) Furniture, white goods, or other bulky items;
- (7) Dirt, rocks, rubble,

any of which will be accepted as a mixed load, except tires and white goods, which shall be source-separated. In the event that a mixed load is delivered and accepted at the Landfill, the customer will be invoiced for the full weight of the load, at the highest rate for the types of waste in the container.

Any containers with waste or materials prohibited under §23-51, and not in compliance with the exception in this Section, shall be refused at the scale and will not be accepted in the Landfill. In the event that the contents of containers with prohibited waste or materials are accepted at the Landfill without knowledge of the prohibited contents, the responsible party, which may be the private collection contractor or original owner of the prohibited waste or



materials, shall be liable to the SWA for the cost of cleaning up and mitigating the environmental damage associated with such disposal.

**Secs. 23-54--23-70. Reserved.**

#### DIVISION 4. VIOLATIONS; PENALTIES

**Sec. 23-71. Dumping trash, etc. on highway, right-of-way or public or private property; penalty.\*\***

A. It shall be unlawful for any person or other entity 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, except as specifically authorized by this Article for solid waste disposal in containers provided for such purpose and in accordance with posted rules and regulations.

B. It shall be unlawful for any person or other entity to dump or otherwise dispose of trash, garbage, refuse, litter, or other unsightly matter on private property without the written consent of the owner thereof or his agent.

C. 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 §46.2-936 of the Code of Virginia (1950, as amended) in making such arrest.

D. When a violation 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.

E. Any person or other entity convicted of a violation of this Section shall be guilty of a misdemeanor punishable by confinement in jail for not more than twelve (12) months and a fine of not less than two hundred fifty dollars (\$250.00) or more than twenty-five hundred dollars (\$2,500.00), either or both.

F. Upon conviction of any person or other entity for a violation of this Section, the court may suspend the imposition of any sentence on condition that the defendant volunteer his services for such period of time as the court may designate to remove litter from the highway.

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

**Sec. 23-72. Violations of article; penalty.**

A. It shall be unlawful for any person or any other entity to destroy, damage, deface or set fire to any public or private container for disposal of solid waste or recyclables located in the County or to any County-operated waste disposal facility.

B. It shall be unlawful for any person or other entity, not specifically authorized by the Board of Supervisors or the SWA, to take or scavenge items from County-owned containers or from any County-operated waste disposal facility.

C. It shall be unlawful for any person or other entity to violate any of the provisions of this Article.

D. Any person or other entity violating any provisions of this Section, except as otherwise more specifically provided in this Article, 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 Section, 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 Article 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 is hereby authorized to issue summons to violators of this Section for his appearance before said court. Each Subsection herein, if violated, constitutes a separate offense hereunder.

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

**Sec. 23-73. Improper disposal of tires; exemption; penalty.**

A. For the purposes of this Section:

"Convenience center" means a collection point for the temporary storage of waste tires provided for individuals who choose to transport waste tires generated on their own premises to an established centralized point, rather than directly to a disposal facility. To be classified as a convenience center, the collection point shall not receive waste tires from collection vehicles that have collected waste from more than one real property owner. A convenience center shall have a system of regularly scheduled collections and may be covered or uncovered.

"Speculatively accumulated waste tires" means any waste tires that are accumulated before being used, reused, or reclaimed or in anticipation of potential use, reuse, or

reclamation. Waste tires are not being accumulated speculatively when at least seventy-five (75) percent of the waste tires accumulated are being removed from the site annually.

B. No person shall knowingly store, dump, litter, dispose of, speculatively accumulate or otherwise place more than one hundred (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.

C. Any person who knowingly violates any provision of this Section shall be guilty of a Class 1 misdemeanor. However, any person who knowingly violates any provision of this Section and such violation involves five hundred (500) or more waste tires shall be guilty of a Class 6 felony.

D. Salvage yards licensed by the Department of Motor Vehicles shall be exempt from this Section, provided that they are holding fewer than three hundred (300) waste tires and that the waste tires do not pose a hazard or a nuisance or present a threat to human health and the environment.

E. As used in this Section, “store” and “otherwise place” shall not be construed to mean the holding of fewer than five hundred (500) tires for bona fide uses related to the growing, harvesting, or processing of agricultural or forest products.

F. The provisions of this Section shall not apply to the (i) storage of less than fifteen hundred (1,500) waste tires in a container at a convenience center or at a salvage yard licensed by the Department of Motor Vehicles, as long as the tires are not being speculatively accumulated, or (ii) storage of tires for recycling or for processing to use in manufacturing a new product, as long as the tires are not being speculatively accumulated.

G. The provisions of this Section shall not apply to the storage of tires for recycling or for processing to use in manufacturing a new product, as long as the tires are not being speculatively accumulated.

H. Nothing in this Section shall limit enforcement of the prohibitions against littering and the improper disposal of solid waste contained elsewhere in this Chapter.

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

#### **Sec. 23-74. 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 (\$25.00) for each day of violation.

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

**Secs. 23-75--23-100. Reserved.**

(Art. II Added by Ord. of 7-08-13)

**ARTICLE III.  
JUNK MOTOR VEHICLE DEMOLITION, HOLDING AND SALVAGE\*\***

**Sec. 23-101. 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 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. 23-102. 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

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\*\* **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.

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 Article, 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 any time that he determines that the demolition operations are being performed in violation of this Section.

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. 23-103. 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 Section.

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

#### **Sec. 23-104. 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 Section.  
(Ord. of 1-22-92(2), §3; Ord. of 9-26-94, §II(D))

**Sec. 23-105. 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. 23-106. Inoperable vehicle/licensing regulations.**

A. For purposes of this Article, “motor vehicle” means any motor vehicle, trailer or semitrailer. For purposes of this Article, “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 7-24-06; Amended by Ord. of 2-23-09)

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.  
(Amended by Ord. of 7-24-06)

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 fourteen (14) days of receipt of written notice, in addition to the penalties set forth in §23-107, 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)

**Sec. 23-106.1. Exemptions.**

A. The provisions of §23-106 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 §23-106 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. (Sec. 106.1 Added by Ord. of 2-23-09 (Sec 106.1(A) was formerly a portion of Sec. 106- Amended by Ord. of 7-24-06)

B. The provisions of §23-106 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 §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 thirty dollars (\$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 §23-106 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 §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 §611.00 by the TCO Review Board or on appeal as provided therein, the applicant shall be notified and the provisions of §23-106 shall be applicable thirty (30) days from the date of a final determination under §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 §23-106 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 §23-106 above shall apply.

(Sec. 106.1(B)(1-8) Added by Ord. of 2-23-09)

**Sec. 23-107. Penalty.**

A. Civil Penalties.

- (1) For each initial violation of this Article, 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)
- (2) Upon failure to comply within fourteen (14) days, the first violation shall be subject to a civil penalty in the amount of one hundred dollars (\$100.00).  
(Amended by Ord. of 2-23-09)
- (3) The civil penalty for subsequent violations shall be two hundred fifty dollars (\$250.00).
- (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 five thousand dollars (\$5,000.00).

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. 107 Amended by Ord. of 7-24-06)

**Sec. 23-108. Effective date.**

The provisions of this Article became effective January 1, 1995, in Chapter 16–Health and Sanitation.  
(Ord. of 9-26-94, §II(H))

(Art. III Added by Ord. of 7-08-13)