

PITTSYLVANIA COUNTY CODE
CHAPTER 32
SOLID WASTE SITING ORDINANCE

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Chapter 32

SOLID WASTE SITING ORDINANCE

Article I.

SEC. 32-1. SOLID WASTE SITING ORDINANCE.

- A. **WHEREAS**, by act of the General Assembly codified as 10.1-1408.1 and 15.2-929 of the Code of Virginia, the siting of solid waste management facilities within its boundaries; and
- B. **WHEREAS**, no application for a permit for a solid waste management facility can be considered complete when filed with the Director of the Department of Solid Waste Management of the Commonwealth of Virginia unless there is included therewith a certification from the governing body of the county, city or town in which the facility is to be located, that the location and operation of the facility are consistent with all applicable ordinances.
- C. **THEREFORE**, it be ordained by the Board of Supervisors of Pittsylvania County, Virginia for the purposes of promoting the health, safety and general welfare of the public and of further fulfilling objectives of 10.1-1408.1 and 15.2-929 of the Code of Virginia, 1950, as amended, that the following be adopted as the Solid Waste Siting Ordinance of Pittsylvania County, Virginia and as the procedure for obtaining certification of the Board of Supervisors of Pittsylvania County, Virginia, that the location and operation of proposed solid waste facility are consistent with all applicable ordinances of Pittsylvania County, Virginia.

SEC. 32-2. SERVABILITY.

- A. Should any section or provision of this ordinance be declared by the courts to be unconstitutional and invalid, such decision shall not affect the validity of the ordinance as a whole or any part thereof other than the parts that are declared to be unconstitutional or invalid.

SEC. 32-3. REPEAL TO CONFLICTING ORDINANCES EFFECTIVE TO DATE.

- A. All ordinances or parts of ordinances which conflict with this siting ordinance or which are inconsistent with the provision of this ordinance are hereby repealed to the extent necessary to give this ordinance full force and effect. This ordinance shall become effective from the date of its approval and adoption as provided by law.

SEC. 32-4. DEFINITIONS.

- A. For the purpose of this ordinance certain terms or words used herein shall be interpreted as follows:

1. The word “person” includes firm, association, organization, partnership, trust, company or corporation as well as an individual.
2. The present tense includes the future tense, the singular number includes the plural and the plural number includes the singular.
3. The word “shall” is a mandatory requirement. The word “may” is a permissive requirement. The word “should” is a preferred requirement.
4. The word “used” or “occupied” include the words “intended, desired, or arranged to be used or occupied”.
5. The word “parcel” includes the words “lot, plot, and tract”.
6. “Solid Waste Disposal Facility” is a sanitary landfill, incinerator, construction, demolition debris landfill, industrial waste landfill, or any other area or facility used for disposal in any manner of solid waste.
7. “Public” shall mean a facility open to the general public or segments of the general public whether operated by municipality or by private person.
8. “Private” shall mean a facility operated by a person for the sole use of that person.

SEC. 32-5. SITING – SANITARY LANDFILL.

- A. Landfill shall not be sited or constructed in areas subject to base floods.
- B. No landfill shall be sited in geologically unstable areas where inadequate foundation support for the construction components for the landfill exist giving due consideration to soil conditions, geological and geomorphologic features, manmade features and sink holes.
- C. No sanitary landfill disposal area shall extend closer than two hundred (200) feet of any regular flowing surface body of water, five hundred (500) feet of any well, spring or other ground water source of drinking water. It shall be a minimum of fifty (50) feet from the active filling areas to any public road or right of way used by other than the person operating the landfill, five hundred (500) feet from the active filing area to any residence, school, hospital or nursing home, or recreational park area.
- D. There shall be a minimum separation of five (5) feet between the deposit of solid waste and maximum seasonal water table or bedrock unless equal isolation or separation can be achieved and maintained by engineered construction and operation methods to meet the standards of the Department of Solid Waste of the Commonwealth of Virginia.

SEC.32-6. APPLICATION.

- A. The application shall contain the following information: name, address, phone number of applicant, legal description of the property and tax map reference, present use, present zoning district, list of all property owners and mailing addresses as shown on the County land books who are contiguous, adjacent or within two hundred (200) yards of the proposed site. The fee established by the governing body to cover the cost of processing the application giving notice to affected property owners and advertising public hearing.
- B. In addition, the applicant for a certificate may be requested to furnish engineering and site plan to show: the direction of ground water flow within the uppermost aquifer slopes with no slope greater than thirty-three (33%) percent being permissible over more than half the site area, availability of cover material on site, or arrangements for obtaining adequate cover material from a borrow site, springs, seeps, other ground water, other possible ground water intrusion to the site, location of any gas, water, sewage, electrical or other transmission lines under, on or over the site, the prior existence of any on the site, the location on the site of any prior open dump, uncommitted landfill, lagoon or similar facility.
- C. The applicant shall provide in its application a map showing the location of the landfill within the County, the roads and rights of way giving access to the landfill, the approximate location of residences, schools, hospitals, retail establishments located along any street or secondary road proposed to be used as an access road for the landfill.
- D. Site plan shall be provided which shall show the entire acreage owned or controlled by the applicant, the names of adjoining property owners, the location, any adjoining property, or other properties within two hundred (200) yards of the site of any residence, school, hospital, recreational park, retail establishment.

SEC. 32-7. PUBLIC HEARING.

- A. Within sixty (60) days after the receipt of completed application, the Board of Supervisors shall hold a public hearing on the proposed siting of the solid waste disposal area. The hearing shall be advertised as all other non-revenue ordinances are advertised. The governing body shall make a decision following said hearing no later than the regular meeting of the following month. If the governing body approves the siting location, it shall issue a certificate specified by §10.1-1408.1 of the Code of Virginia, 1950, as amended. If the said Board of Supervisors declines to award a certificate, it shall advise the applicant of the reasons for declining to issue a certificate.
- B. In making a decision as to whether or not the certificate shall be issued, the governing body shall consider the potential effect of the siting on the health, safety and welfare of the residents of the locality including not only the location

- of the siting, but the access from a primary highway to the siting. Once a certificate has been issued, the size of the site or the type of waste shall not be enlarged without reapplication and new public hearing. A site may be decreased in size or reduction in types of waste or volume may be reduced without amendment of certificate or new application provided, however, that in the event of a reduction in size of site or reduction in types of waste to be handled at the site after the issuance of certificate, the applicant shall within thirty days thereof file with the Board of Supervisors of Pittsylvania County, Virginia a new plat of site or a new description of type of waste which will be disposed of at the site.
- C. The Board of Supervisors in determining whether to issue or not issue a certificate may also consider whether the proposed facility is compatible to existing land uses and what visual barriers such as tree buffers or berms screen the site from adjacent residences, schools, hospitals, parks, recreation areas and retail establishments. The Board of Supervisors may consider litter on the secondary access roads to the site, noise, odor, and hours of operation.
- D. This ordinance shall apply to all solid waste management facilities located in the County to be located within the county of Pittsylvania, Virginia provided, however, that the Board of Supervisors may modify the requirements for a private on-site solid waste management facility to be used only by the person or concern located thereon for the disposal of its waste. If there are no residences, schools, hospitals or public park or recreation areas or retail establishments located within 100 yards of any on-site private solid waste management facility, the governing body may waive the conducting of a public hearing prior to granting or denying a certificate.
- E. In denying a certificate, the Board of Supervisors may state conditions which if complied conditions and resubmits his application containing all such conditions, then the Board may grant a certificate without further hearing. If a certificate is granted, certificate shall name the applicant, its address, describe in detail the location of the site and list the types of solid waste which may be disposed of at the site. It shall specifically refer to the date of the application and specifically list any date of any amendments thereto. When a certificate is issued, certificate shall state that the location and operation of the facility are consistent with all applicable ordinances of Pittsylvania County, Virginia, and a copy of the application and all amendments thereto shall be attached to the copy of the certificate which is to be filed by the applicant with the Director of the Department of Solid Waste Management.

The above ordinance was adopted by the Pittsylvania County Board of Supervisors on August 7, 1989 and is effective upon the date of adoption.