



ORDINANCE COMMITTEE MEETING

June 08, 2023 at 6:00 PM

Council Chambers – Town Municipal Center

AGENDA

CALL TO ORDER

PUBLIC COMMENT

AGENDA ADOPTION

CONSIDER DUMPSTER REGULATIONS

- [1.](#) Dumpster Ordinance Memo
- [2.](#) VHD Hotel Regulations
- [3.](#) VDH Food Service Regulations

- [4.](#) Sample Municipal Dumpster Regulations
- [5.](#) Maintenance of Dumpsters
- [6.](#) Requirements for Exterior Trash Storage Containers

CONSIDER PARKING REGULATIONS

- [7.](#) Section 58 Code of Chincoteague - Parking
- [8.](#) Highland Park Aerial

ADJOURN

Town of Chincoteague, Inc.



TO: Chairman Savage and Members of the Committee
FROM: Michael Tolbert, Town Manager
DATE: June 8, 2023
SUBJECT: Dumpster Regulations

Many local businesses, due to the volume of trash they generate, employ outside contractors to provide trash removal instead of using the solid waste collection service provided by the Town. In most situations, this is through the use of onsite dumpsters. Over the past several months, the town office has received numerous complaints about commercial dumpsters from some businesses that constantly remain open, attracting birds, rats, raccoons cats and other varmints.

I have spoken to VDH personnel who have related that it is a violation of the VDH regulations to leave dumpsters open and accessible. Current applicable VDH regs are included in this packet as are sample regulations concerning dumpsters and outdoor garbage storage containers taken from other municipalities.

The committee is asked to;

1. Determine the scale of the problem and if an ordinance is warranted.
2. Review the provided sample ordinance and regulations to determine the extent to which additional regulations would solve the problem.
3. Determine the specific provisions that a new ordinance might contain in order to be effective at solving this problem. Any new ordinance should contain the minimum provisions needed to effectively correct the issue.

Virginia Administrative Code
Title 12. Health
Agency 5. Department of Health
Chapter 431. Sanitary Regulations for Hotels

12VAC5-431-370. Solid waste.

- A. A minimum of one watertight, nonabsorbent and easily washable waste receptacle shall be provided in each lodging unit. Such receptacle shall be kept clean and in good repair.
- B. Solid waste shall be collected daily from rooms and areas used by guests.
- C. Solid waste shall be disposed of in accordance with all applicable local ordinances and state laws and regulations.
- D. Solid waste shall be stored in either individual garbage containers, bins, or storage vehicles.
- E. All such bulk storage containers or vehicles shall:
1. Have tight fitting lids or covers;
 2. Be durable, rust resistant, water tight, rodent proof, readily washable, and kept in good repair.
- F. Solid waste shall be removed from the hotel's premises at regular intervals. Collection frequency shall be such so as not to create:
1. Vector production and sustenance;
 2. Objectionable odors; or
 3. Any overflowing of solid waste or other unsanitary condition.
- G. Solid Waste shall be transported in accordance with all applicable local ordinances and state law and regulation.

Statutory Authority

§§ [35.1-11](#) and [35.1-13](#) of the Code of Virginia.

Historical Notes

Derived from Virginia Register [Volume 18, Issue 10](#), eff. March 1, 2002.

Website addresses provided in the Virginia Administrative Code to documents incorporated by reference are for the reader's convenience only, may not necessarily be active or current, and should not be relied upon. To ensure the information incorporated by reference is accurate, the reader is encouraged to use the source document described in the regulation.

As a service to the public, the Virginia Administrative Code is provided online by the Virginia General Assembly. We are unable to answer legal questions or respond to requests for legal advice, including application of law to specific fact. To understand and protect your legal rights, you should consult an attorney.

No public health hazard or nuisance shall result when sewage and other liquid wastes are removed from a mobile food establishment at an approved waste servicing area or by a permitted sewage transport vehicle.^{Pf}

12VAC5-421-2560. Flushing a Waste Retention Tank.

A tank for liquid waste retention shall be thoroughly flushed and drained in a sanitary manner during the servicing operation.

12VAC5-421-2570. Approved Sewage Disposal System.

Sewage shall be disposed through an approved facility that is:

1. A public sewage treatment plant;^P or
2. An individual sewage disposal system that is sized, constructed, maintained, and operated according to the State Board of Health's regulations promulgated pursuant to Chapter 6 (§ 32.1-163 et seq.) of Title 32 of the Code of Virginia, including 12VAC5-610, 12VAC5-613, and 12VAC5-640.^P

12VAC5-421-2580. Other Liquid Wastes and Rainwater.

Condensate drainage and other nonsewage liquids and rainwater shall be drained from point of discharge to disposal according to law.

12VAC5-421-2590. (Repealed.)

Article 5. Refuse, Recyclables, and Returnables

12VAC5-421-2600. Outdoor Storage Surface.

An outdoor storage surface for refuse, recyclables, and returnables shall be constructed of nonabsorbent material such as concrete or asphalt and shall be smooth, durable, and sloped to drain.

12VAC5-421-2610. Outdoor Enclosure.

If used, an outdoor enclosure for refuse, recyclables, and returnables shall be constructed of durable and cleanable materials.

12VAC5-421-2620. Receptacles.

A. Except as specified in subsection B of this section, receptacles and waste handling units for refuse, recyclables, and returnables and for use with materials containing food residue shall be durable, cleanable, insect- and rodent-resistant, leakproof, and nonabsorbent.

B. Plastic bags and wet strength paper bags may be used to line receptacles for storage inside the food establishment, or within closed outside receptacles.

12VAC5-421-2630. Receptacles in Vending Machines.

Except for a receptacle for a beverage bottle crown closures, a refuse receptacle may not be located within a vending machine.

12VAC5-421-2640. Outside Receptacles.

A. Receptacles and waste handling units for refuse, recyclables, and returnables used with materials containing food residue and used outside the food establishment shall be designed and constructed to have tight-fitting lids, doors, or covers.

B. Receptacles and waste handling units for refuse and recyclables such as an on-site compactor shall be installed so that accumulation of debris and insect and rodent attraction and harborage are minimized and effective cleaning is facilitated around and, if the unit is not installed flush with the base pad, under the unit.

12VAC5-421-2650. Storage Areas, Rooms, and Receptacles, Capacity and Availability.

A. An inside storage room and area and outside storage area and enclosure, and receptacles shall be of sufficient capacity to hold refuse, recyclables, and returnables that accumulate.

B. A receptacle shall be provided in each area of the food establishment or premises where refuse is generated or commonly discarded, or where recyclables or returnables are placed.

C. If disposable towels are used at handwashing lavatories, a waste receptacle shall be located at each lavatory or group of adjacent lavatories.

12VAC5-421-2660. Toilet Room Receptacle, Covered.

A toilet room used by females shall be provided with a covered receptacle for sanitary napkins.

12VAC5-421-2670. Cleaning Implements and Supplies.

A. Except as specified in subsection B of this section, suitable cleaning implements and supplies such as high pressure pumps, hot water, steam, and detergent shall be provided as necessary for effective cleaning of receptacles and waste handling units for refuse, recyclables, and returnables.

B. If approved, off-premises-based cleaning services may be used if on-premises cleaning implements and supplies are not provided.

12VAC5-421-2680. Storage Areas, Redeeming Machines, Receptacles and Waste Handling Units, Location.

A. An area designated for refuse, recyclables, returnables, and, except as specified in subsection B of this section, a redeeming machine for recyclables or returnables shall be located so that it is separate from food, equipment, utensils, linens, and single-service and single-use articles and a public health hazard or nuisance is not created.

B. A redeeming machine may be located in the packaged food storage area or consumer area of a food establishment if food, equipment, utensils, linens, and single-service and single-use articles are not subject to contamination from the machines and a public health hazard or nuisance is not created.

C. The location of receptacles and waste handling units for refuse, recyclables, and returnables shall not create a public health hazard or nuisance or interfere with the cleaning of adjacent space.

12VAC5-421-2690. Storing Refuse, Recyclables, and Returnables.

Refuse, recyclables, and returnables shall be stored in receptacles or waste handling units so that they are inaccessible to insects and rodents.

12VAC5-421-2700. Areas, Enclosures, and Receptacles, Good Repair.

Storage areas, enclosures, and receptacles for refuse, recyclables, and returnables shall be maintained in good repair.

12VAC5-421-2710. Outside Storage Prohibitions.

A. Except as specified in subsection B of this section, refuse receptacles not meeting the requirements specified under [12VAC5-421-2620](#) A such as receptacles that are not rodent-resistant, unprotected plastic bags and paper bags, or baled units that contain materials with food residue shall not be stored outside.

B. Cardboard or other packaging material that does not contain food residues and that is awaiting regularly scheduled delivery to a recycling or disposal site may be stored outside without being in a covered receptacle if it is stored so that it does not create a rodent harborage problem.

12VAC5-421-2720. Covering Receptacles.

Receptacles and waste handling units for refuse, recyclables, and returnables shall be kept covered:

1. Inside the food establishment if the receptacles and units (i) contain food residue and are not in continuous use or (ii) after they are filled; and
2. With tight-fitting lids or doors if kept outside the food establishment.

12VAC5-421-2730. Using Drain Plugs.

Drains in receptacles and waste handling units for refuse, recyclables, and returnables shall have drain plugs in place.

12VAC5-421-2740. Maintaining Refuse Areas and Enclosures.

A storage area and enclosure for refuse, recyclables, or returnables shall be maintained free of unnecessary items, as specified under [12VAC5-421-3300](#), and clean.

12VAC5-421-2750. Cleaning Receptacles.

A. Receptacles and waste handling units for refuse, recyclables, and returnables shall be thoroughly cleaned in a way that does not contaminate food, equipment, utensils, linens, or single-service and single-use articles, and waste water shall be disposed of as specified under [12VAC5-421-2550](#).

B. Soiled receptacles and waste handling units for refuse, recyclables, and returnables shall be cleaned at a frequency necessary to prevent them from developing a buildup of soil or becoming attractants for insects and rodents.

12VAC5-421-2760. Removal Frequency.

Refuse, recyclables, and returnables shall be removed from the premises at a frequency that will minimize the development of objectionable odors and other conditions that attract or harbor insects and rodents.

Sec. 8.08.040. Commercial solid waste collection.

- (a) All businesses generating in excess of two cubic yards of solid waste per week and residential rental properties containing more than six rental units shall use a private hauler to collect all solid waste, whether it be from a dumpster or container collection service.
- (b) All dumpsters and other solid waste containers must be equipped with properly functioning lids and maintained so that no solid waste material can escape the dumpster or container.
- (c) Even though dumpsters or solid waste containers may be the property of a private waste hauler, if the dumpster or solid waste container is not in compliance with this section the business owner shall be responsible for compliance with this section. It will be the responsibility of that owner to contact the hauler to have the dumpster or solid waste container repaired or replaced.

Sec. 8.08.050. Commercial dumpster standards.

- (a) Business owners choosing to use a residential container shall ensure that the container complies with the requirements set forth above in section 8.08.030 while business owners choosing to use a dumpster shall ensure the dumpster conforms to the following standards.
 - (1) Dumpsters shall be placed in a location that is clearly accessible to the servicing vehicle.
 - (2) Dumpsters shall be placed only on a concrete slab or asphalted area.
 - (3) Lids must be operational and closed at all times.
- (b) All dumpsters shall be screened if and to the extent that, in the absence of screening, they would be clearly visible to:
 - (1) Persons located within any dwelling unit on residential property; or,
 - (2) Occupants, customers, or other invitees located within any building on nonresidential property other than where the dumpster is located; or
 - (3) Persons traveling on any public street, sidewalk or other public way.

All dumpsters regulated under this subsection which are in place upon the effective date of this section, shall be in compliance herewith, not later than September 1, 2015.

- (c) When dumpster screening is required under this section, screening shall be on three sides with a six-foot opaque screen of masonry, brick, stone or architectural block (that matches building's architecture), wood fencing, or other opaque materials approved by the town manager. The fourth side shall be for a gate, which is optional.
- (d) Dumpster enclosures shall not be located in front of the main building unless approved by the town manager. Prior to beginning construction, a site plan for the enclosure must be submitted to the town manager for review.
- (e) Dumpster enclosures shall be maintained in a structurally sound and attractive manner.
- (f) Within the central business district reasonable exceptions to the enclosure requirements may be granted if, in the discretion of the town manager, circumstances require such exemption. The town manager must notify the council of the exemption by the next town council meeting.
- (g) Any enclosure that is in existence at the time of the adoption of the ordinance from which this chapter is derived may remain unless:
 - (1) It is determined by the town manager that the enclosure is in such disrepair that it must be replaced;

-
- (2) The owner chooses to replace the enclosure; or
 - (3) The enclosure is damaged by any causality to an extent exceeding 50 percent of the structure. In any such case, the enclosure must be replaced to meet the guidelines of this section.

Sec. 8.08.060. Dumpster regulation applicability.

Section 8.08.040 shall apply to all residential and business districts as defined in Chapter XIV of Title IV of the town's building regulations and zoning ordinance.

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

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

(Code 1972, § 15-24; Code 1992, § 24-48; Ord. No. 2014-1, 3-25-2014; Ord. No. 2018-1, 3-13-2018)

Sec. 90-826.3. Requirements for exterior storage and dumpster enclosures.

- (a) Any exterior area used for storage or other similar use that is visible from a public right-of-way shall be screened with a buffer yard, screening and/or plantings and shall be provided in a manner which screens the use from view.
- (b) All commercial and industrial use types shall screen from surrounding views all articles and materials being stored, maintained, repaired, processed, erected, fabricated, dismantled or salvaged on premises.
- (c) All dumpsters for recycling and refuse storage shall be screened on all sides by an opaque enclosure that should match the building and has a minimum height of six feet and nothing should exceed the height of the enclosure area. If adjacent to residential units or hotel rooms, there shall be a sign posted on the gate that indicates: "No servicing before 6:00 a.m. or after 10:00 p.m."
- (d) Areas set aside for recycling and refuse storage collection should be conveniently located and shall be screened from view from adjacent properties and rights-of-way. Dumpsters and bins must be accessible to service trucks at all times and may not be blocked by parking spaces.
- (e) Where any area is used for an active outdoor recreational use, such as a playground, tennis courts, a swimming pool, or other similar land use is located within a residential district, such use shall be screened from any adjoining residences with buffer yards, screening and/or plantings.

(Ord. No. O-14-24, 10-28-2014)

ARTICLE VI. STOPPING, STANDING AND PARKING¹

Sec. 58-166. Parking prohibited in specified places.

- (a) No person shall park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic control device, in any of the following places:
 - (1) On a sidewalk.
 - (2) In front of a public or private driveway.
 - (3) Within an intersection.
 - (4) Within 15 feet of a fire hydrant.
 - (5) On a crosswalk.
 - (6) Within 30 feet upon the approach of any flashing beacon, stop sign or traffic control signal located at the side of a roadway.
 - (7) Between a safety zone and the adjacent curb or within 30 feet of points on the curb immediately opposite the ends of a safety zone, unless a different length is indicated by official signs or markings.
 - (8) Within 50 feet of the nearest rail of a railroad grade crossing.
 - (9) Within 15 feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within 75 feet of the entrance when properly signposted.
 - (10) Alongside or opposite any street excavation or obstruction when such parking would obstruct traffic.
 - (11) On the roadway side of any vehicle parked at the edge or curb of a street.
 - (12) Upon any bridge or other elevated structure upon a street or highway or within a tunnel.
 - (13) At any place where official signs prohibit parking.
 - (14) On all public streets to allow them to be plowed or cleared with heavy equipment and street parking would hinder such operation, whenever the town manager on the basis of flooding, falling snow, sleet or freezing rain or a forecast of such by the National Weather Service.
- (b) No person other than a police officer shall move a vehicle into any such prohibited area or away from a curb such distance as is unlawful or start or cause to be started the motor of any motor vehicle or shift, change or move the levers, brake, starting device, gears or other mechanism of a parked motor vehicle to a position other than that in which it was left by the owner or driver thereof or attempt to do so.

(Code 1977, § 11-22; Amended 5-7-2018)

State law reference(s)—Prohibited parking in certain locations, Code of Virginia, § 46.2- 1239.

¹Cross reference(s)—Off-street parking area, app. A, § 2.115; general provisions for parking, app. A, § 6.6 et seq.

State law reference(s)—Authority of town to provide public parking facilities, Code of Virginia, § 15.2-967; authority of town to regulate parking, Code of Virginia, §§ 46.2-1220, 46.2-1305.

Sec. 58-167. Parking on and driving over sidewalks.

It shall be unlawful, except in an emergency, for any automobile, truck, cart or vehicle to be driven from a public street across an adjoining hard-surface sidewalk or from private property across a hard-surface sidewalk adjoining a public street at any place other than a place designed for such crossing.

(Amended 5-7-2018)

Cross reference(s)—Streets, sidewalks and other public places, ch. 50.

Sec. 58-168. Parking on west side of Main Street.

No person shall park a motor vehicle on the west side of Main Street within the corporate limits except that this section shall not apply to those operating service vehicles delivering goods and services to customers or utility trucks in their regular work of installations and repairs.

(Code 1977, § 11-24; Ord. of 6-4-1979)

Sec. 58-169. Parking of certain trucks for more than one hour.

It shall be unlawful for any person to park a truck having a licensed carrying capacity of more than 2,000 pounds for more than one hour, without being moved, on any public street in the town.

(Code 1977, § 11-25)

Sec. 58-170. Removal and disposition of unattended vehicles.

- (a) Whenever any vehicle, trailer or semi-trailer is found on the public streets or public grounds unattended by the owner or operator and constitutes a hazard to traffic or is parked in such manner as to be in violation of law or whenever any vehicle, trailer or semi-trailer is left unattended for more than ten days upon any privately owned property other than the property of the owner of such vehicle, trailer or semi-trailer, within the town, or is abandoned upon such privately owned property, without the permission of the owner, lessee or occupant thereof, such vehicle, trailer or semi-trailer may be removed for safekeeping by or under the direction of a police officer to a storage garage or area. However, no such vehicle shall be so removed from privately owned premises without the written request of the owner, lessee or occupant thereof.
- (b) The owner of such vehicle, trailer or semi-trailer, before obtaining possession thereof, shall pay to the towing company all reasonable costs incidental to the removal, storage and locating the owner of such vehicle, trailer or semi-trailer. Should such owner fail or refuse to pay the cost or should the identity or whereabouts of such owner be unknown and unascertainable after a diligent search has been made and after notice to him at his last known address and to the holder of any lien of record in the office of the state department of motor vehicles against the vehicle, trailer or semi-trailer.

(Amended 7-5-2016)

State law reference(s)—Abandoned vehicles, Code of Virginia, § 46.2-1200 et seq.; immobilized and unattended vehicles, Code of Virginia, § 46.2-1209 et seq.; authority of council to provide by ordinance for the removal and disposition of unattended or immobile vehicles, Code of Virginia, § 46.2-1213.

Sec. 58-171. Violations.

Violation of this section shall be punishable by a fine of not less than \$25.00 and not more than \$100.00 for each offense. Nothing contained in this section shall prevent recovery in a civil action for any damages occasioned by violation of this section.

(Code 1977, § 11-23; Ord. of 6-21-2001)

Sec. 58-172. Parking in handicapped only designated areas.

It shall be unlawful for any automobile, truck, cart or vehicle to be parked in a designated handicapped zone unless the vehicle displays a valid handicapped license plate or parking tag issued by the appropriate department of motor vehicles and is occupied by the handicapped person or persons.

Violation of this section shall be punishable by a fine of not less than \$100.00 and not more than \$500.00 for each offense.

(Code 1977, § 11-26; Ord. of 6-21-2001)

Secs. 58-173—58-195. Reserved.

Highland Park

Write a description for your map.

