



AGENDA -- CITY COUNCIL  
CITY OF MARTINSVILLE, VIRGINIA

**Tuesday, January 28th, 2025**

4:00 pm Rules of Council Workshop  
Room 208, Municipal Building

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6:00 pm Closed Session  
Room 208, Municipal Building

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7:00 pm Regular Session  
Council Chambers, Municipal Building

**4:00 pm - Rules of Council Workshop and Work Session**

Room 208, Municipal Building

a. Discuss and Consider Rules of Council

1. **Discuss Consent Agenda Items**

a. Discuss and Consider Approval of January 14th, 2025 City Council Meeting Minutes

**6:00 pm - Closed, Executive Session**

Room 208, Municipal Building

a. Discussion, consideration, or interviews of prospective candidates for appointment.  
b. Discussion or Consultation with legal counsel and briefings by staff members, attorneys or consultants pertaining to actual or probable litigation, or other specific legal matters requiring the provision of legal advice by such counsel, as authorized by Subsection 7.



*Martinsville*  
A CITY WITHOUT LIMITS



AGENDA -- CITY COUNCIL  
CITY OF MARTINSVILLE, VIRGINIA

**7:00 pm - Regular Session**

City Council Chambers, Municipal Building

1. Call to Order
2. Pledge to the American Flag
3. Invocation
  - a. Pastor Tremayne King
4. Proclamations and Presentations
  - a. Proclamation Honoring Black History Month 2025, African Americans and Labor
  - b. Presentation Summer Reading Library Program by Blue Ridge Regional Library
  - c. Presentation of Parks Plan by Citizens Advisory Board
5. Consent Agenda
  - a. Discuss and Consider Approval of January 14th, 2025 City Council Meeting Minutes
6. Public Hearing
  - a. None
7. Regular Agenda or New Business
  - a. Second Reading of Refuse Ordinance
    - i. Motion and Roll Call Vote
8. Actions necessary as a result of the Executive Session
  - a. Council Appointment of Board Applicants
    - i. Motion and Roll Call Vote
9. City Hall Reporting and Announcements
  - A. Public Information Officer
  - B. Financial Update



## AGENDA -- CITY COUNCIL CITY OF MARTINSVILLE, VIRGINIA

### 10. Communications from Visitors / Business from the Floor

- Description: The purpose of City Council Meetings is to conduct the City's Business. City Council allows for public comment, limited to matters on which the Council has the power and authority to act and are not listed on the printed agenda.
- Participation: Citizens who wish to participate in a meeting's public comment period may do so by signing up at the podium at the entrance prior to the beginning of the meeting, emailing their comments to Peyton Nibblett, Deputy Clerk of Council, at [pnibblett@martinsvilleva.gov](mailto:pnibblett@martinsvilleva.gov), calling in their comments to 276-403-5196, or mailing comments to the City of Martinsville, attn.: Peyton Nibblett, P.O. Box 1112, Martinsville, VA 24114
  - a. Comments, or a request to speak, must be received by noon the day before a Council meeting for consideration by the Council at the meeting.
  - b. Any person submitting comments or requesting to speak must identify themselves by name and address, including zip code.
  - c. Remarks are to be limited to 3 minutes or less (as read aloud), address a topic of City business, and refrain from making any personal references or accusations of a factually false and/or malicious nature.
  - d. Priority for comments is given to City residents, taxpayers, and business owners.
  - e. Speakers may not yield time.
  - f. Groups of speakers on the same topic must designate a single representative. Comments violating these rules may not be presented at the Council meeting.
  - g. Any speaker violating these rules may be removed from the podium or from the Council Chamber.
- h. This policy does not apply to public hearings, at which any citizen of Martinsville may appear and speak on the subject of the public hearing.

Contact: Peyton Nibblett, Deputy Clerk of Council

- a. Email address: [pnibblett@martinsvilleva.gov](mailto:pnibblett@martinsvilleva.gov)
- b. Office number: 276-403-5196
- c. Mailing address: City of Martinsville, attn.: Peyton Nibblett, P.O. Box 1112, Martinsville, VA 24114.

### 11. Comments by Members of City Council

### 12. Communications by City Manager

### 13. Adjournment



MINUTES -- CITY COUNCIL  
CITY OF MARTINSVILLE, VIRGINIA

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**Tuesday, January 14th, 2025**

5:00 pm Closed, Executive Session  
Room 208, Municipal Building

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6:00 pm Work Session  
Room 208, Municipal Building

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7:00 pm Regular Session  
Council Chambers, Municipal Building

A Closed Session Meeting of Martinsville City Council was held on January 14th, 2025 at 5:00pm in Room 208, Martinsville Municipal Building, Martinsville, VA. Council Members participating included Kathy Lawson, Aaron Rawls, Julian Mei, Rayshaun Gravely, and Mayor Jones. Staff present included City Manager Aretha Ferrell-Benavides, Chief Operating Officer Edena Reese-Atmore, City Attorney Designee and Interim Managing Director of Development Eric Payne, Public Works Director Greg Maggard, Assistant to City Manager Peyton Nibblett, and EDC CEO Mark Heath. Mayor Jones called the meeting to order and advised Council would go into Closed Session beginning at 5:00 PM. In accordance with the Code of Virginia, Title 2.2 Chapter 37, Freedom of Information Act and upon a motion by Mayor Jones and seconded by Council Member Mei with the following 5-0 recorded vote: Council Member Rawls, aye; Mayor Jones, aye; Council Member Mei, aye; and Vice Mayor Lawson, aye, and Council Member Gravely, aye. Council convened in Closed Session to discuss the following matters:

- a. Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body.
- b. Discussion or consideration of the investment of public funds where competition or bargaining is involved, where, if made public initially, the financial interest of the governmental unit would be adversely affected.
- c. Discussion, consideration, or interviews of prospective candidates for employment; assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or employees of any public body; and evaluation of performance of departments or schools of public institutions of higher education where such evaluation will necessarily



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involve discussion of the performance of specific individuals.

- d. Discussion or Consultation with legal counsel and briefings by staff members, attorneys or consultants pertaining to actual or probable litigation, or other specific legal matters requiring the provision of legal advice by such counsel, as authorized by Subsection 7.

**6:00 pm - Work Session**

Room 208, Municipal Building

**1. Discuss Consent Agenda Items**

- a. Discuss and Consider Approval of December 17, 2025 City Council Meeting Minutes and January 2nd, 2025 Organizational Meeting of the City Council Minutes
- b. Discuss and Consider Setting Council Retreat Date for February 28th & March 1st
- c. Discuss and Consider Rescheduling March 11th, 2025 Meeting Date to March 13th, 2025; due to Virginia Municipal League National League of Cities Legislative Conference running from March 10th to March 12th

**2. Briefings and Presentations**

- a. Briefing on 2025 Budget Calendar
- b. Briefing on Establishing a Charter Review Committee
- c. Briefing on Community Voice Survey by Assistant to the City Manager, Peyton Nibblett
- d. Briefing on Commonwealth Blvd. Development Improvements, Waterline Expansion by Greg Maggard



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**7:00 pm - Regular Session**

City Council Chambers, Municipal Building

1. Call to Order

Mayor Jones called the meeting to order beginning at 7:00 PM in Council Chambers, Martinsville Municipal Building.

2. Pledge to the American Flag

3. Invocation

a. Led by Chaplain Joe Gravely

4. Proclamations and Presentations

a. None

5. Consent Agenda

a. Consider Approval of December 17, 2025 City Council Meeting Minutes and January 2nd, 2025 Organizational Meeting of the City Council Minutes

b. Discuss and Consider Setting Council Retreat Date for February 28th & March 1st

c. Discuss and Consider Rescheduling March 11th, 2025 Meeting Date to March 13th, 2025; due to Virginia Municipal League National League of Cities Legislative Conference running from March 10th to March 12th

i. Consent Agenda **Approved** by Motion made by Councilor Lawson and Seconded by Councilor Mei. Approved with the following vote; Lawson, aye; Rawls, aye; Mei, aye; and Gravely, aye; Jones, aye.

6. Public Hearing

a. None

7. Regular Agenda or New Business

a. First Reading of Refuse Ordinance

i. **Approved** by Motion made by Councilor Lawson and Seconded by Councilor Mei. Approved with the following roll call vote; Lawson, aye; Rawls, aye; Mei, aye; and Gravely, aye; Jones, aye.

b. Discuss and Consider Approval of Appropriation of Funds for Commonwealth Blvd. Development Improvements, Waterline Expansion for Engineering and Design



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- i. **Approved** by Motion made by Councilor Lawson and Seconded by Councilor Mei. Approved with the following vote; Lawson, aye; Rawls, aye; Mei, aye; and Gravely, aye; Jones, aye.
8. Actions necessary as a result of the Executive Session
  - A. Council Appointment of Tree Board Applicants
    - a. Moving to January 28th Agenda
9. City Hall Reporting and Announcements
  - A. Public Information Officer
10. Communications from Visitors / Business from the Floor
  - Description: The purpose of City Council Meetings is to conduct the City's Business. City Council allows for public comment, limited to matters on which the Council has the power and authority to act and are not listed on the printed agenda.
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CITY OF MARTINSVILLE, VIRGINIA

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**A. Caleb Robertson, 701 Starling Ave**

11. Comments by Members of City Council

12. Communications by City Manager

13. Adjournment

Vice-Mayor Lawson made the motion to adjourn at 7:45 PM.



## **City of Martinsville Proclamation Recognizing Black History Month 2025**

**WHEREAS**, the City of Martinsville acknowledges the importance of honoring and celebrating Black History Month each February as a time to reflect on the profound contributions, rich history, and enduring legacy of African Americans; and

**WHEREAS**, the national theme for Black History Month 2025, "African Americans and Labor," calls attention to the various and transformative ways in which African Americans have engaged in labor across centuries and contexts, both in the United States and throughout the African Diaspora; and

**WHEREAS**, African Americans' labor has been central to shaping the cultural, social, and economic fabric of our nation, beginning with the agricultural labor of enslaved Africans that fueled the economy of early colonies, extending to the industrial and professional advancements of Black workers who have built, served, and led in myriad ways; and

**WHEREAS**, despite centuries of systemic oppression, wage disparities, and employment discrimination, African Americans have persistently organized, resisted, and excelled—from the establishment of the Brotherhood of Sleeping Car Porters and Maids by A. Philip Randolph in 1925 to the leadership of Black women like Addie Wyatt, who championed workers' rights and reproductive justice; and

**WHEREAS**, 2025 marks the 100th anniversary of the first Black labor union to receive a charter in the American Federation of Labor, symbolizing a historic milestone in the struggle for economic justice, workplace equity, and civil rights; and

**WHEREAS**, African Americans have continuously contributed to building community and advocating for justice through voluntary work, social activism, and institution building in churches, schools, and organizations, providing a foundation for the pursuit of equality and progress; and

**WHEREAS**, recognizing and studying the intersection of African Americans' work and labor struggles across time and space remains integral to understanding Black life and history, and offers new opportunities to reinterpret and reimagine the past, present, and future of our shared society;

**NOW, THEREFORE, I**, LC Jones, Mayor of Martinsville, Virginia, do hereby proclaim February 2025 as Black History Month in the City of Martinsville and call upon all residents to reflect on the 2025 theme, "African Americans and Labor," by participating in activities and discussions that celebrate the vital contributions of African Americans and deepen our understanding of their enduring impact on labor, culture, and justice.

**IN WITNESS WHEREOF**, I have hereunto set my hand and caused the Seal of the City of Martinsville to be affixed this 28th day of January 2025.

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LC Jones, Mayor

# STAFF REPORT

**MEETINGS:** January 28, 2025

**TITLE:** Second Reading of Chapter 18-Solid Waste Ordinance

**STAFF RESPONSIBLE** Greg Maggard

## BACKGROUND/HISTORY

Chapter 18, Article 2 of the City Code has not been updated since 1982. This article deals primarily with the city's administration, enforcement, and collection of refuse. The current article is vague and requires antiquated enforcement actions.

The revised Article 2 provides additional definitions for clarity, allows for more effective enforcement, and increases efficiency in collection operations.

## POLICY EXPLANATION

The key outcome of Part 2.2 of the City's Strategic Plan is clean, attractive, and vibrant neighborhoods and communities. The revisions proposed in this Article meet this key outcome by providing for increased administration, enforcement, and refuse collection.

## FISCAL IMPACT/FUNDING SOURCE

Refuse Enterprise Fund will be used to purchase additional 8-yard dumpsters and electrical locks

AVAILABLE BUDGET	PURCHASE AMOUNT
19,500.00	12,000.00

## ACTION REQUESTED/ALTERNATIVES:

Approve first reading of Solid Waste Ordinance

Deny first reading of Solid Waste Ordinance

Other action as directed by Council

## ATTACHMENTS:

1. Draft ordinance
2. Summary of Changes

# STAFF REPORT

## City of Martinsville, Virginia

Ordinance No. 2025-\_\_\_\_

**WHEREAS**, the City of Martinsville is empowered through Chapter 1, Section 2-19 and 2-20 of the Martinsville City Charter to provide for the collection and disposal of garbage, trash and other refuse, and to compel the abatement and removal of all public nuisances within the city; to require all lands, lots and other premises within the city to be kept clean and sanitary; and generally to define, prohibit, abate, suppress and prevent all things detrimental to the health, morals, comfort, safety, convenience and welfare of the inhabitants of the city; and,

**WHEREAS**, the City of Martinsville is likewise empowered pursuant to Chapter 9 of Title 15.2 of the Code of Virginia, 1950, as amended, to require that owners of real property keep their premises free from accumulations of solid waste and other public nuisances, and to remediate such nuisance conditions at such time or times as the City Council may prescribe; and,

**WHEREAS**, the City of Martinsville is further empowered pursuant to § 15.2-1115 of the Code of Virginia, 1950, as amended, to compel the abatement or removal of all nuisances and to abate such nuisances at the cost of noncompliant landowners; and to assess liens against properties for such abatement expense; and,

**WHEREAS**, the Council of the City of Martinsville has determined that the accumulation of solid waste on real property within the City is harmful to public health; tends to harbor or serve as a breeding ground for mosquitos, rodents and other animals harmful to public health; tends to diminish neighborhood housing values and is otherwise injurious to the public health, safety and welfare and constitutes a public nuisance.

**NOW, THEREFORE, BE IT ORDAINED by the Council of the City of -Martinsville, Virginia, in Regular Session held \_\_\_\_\_, 2025 that Sections 18-13 through 18-25 of the Code of the City of Martinsville be amended to hereafter read as follows:**

**Secs. 18-3—18-12. Reserved.**

## **ARTICLE II. REFUSE**

### **Sec. 18-13. Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Asbestos-containing material (ACM)* means any material or product, which contains more than one (1) percent asbestos.

*Ashes* means the residue from the burning of wood, coal, coke or other combustible materials.

*Bulk container* means a metal or plastic receptacle or container designed and constructed for the storing of solid waste until its collection for disposal and which can be mechanically lifted, hoisted or rolled on or off and emptied by mechanical collection vehicles.

*Bulk solid waste* means items of solid waste, such as furniture, bedding, mattresses, brush, and similar items, which are acceptable for collection by the city but because of their size, bulk or weight, require special collection procedures other than those required and provided for garbage and debris. The term includes white goods and other forms of solid waste otherwise acceptable for collection when bundled, bagged or otherwise collected or assembled in such a way that such waste requires special collection procedures other than those required and provided for garbage and debris.

*Collection* means the process or activity required to collect, remove and convey solid waste from its source or location to a site for final disposal.

*Commercial premises* means any premises or property upon which a wholesale, retail, service, manufacturing or processing business is located or conducted, including, but not limited to, restaurants, hotels, motels, markets, stores and other outlets, theaters, warehouses, factories, processing and manufacturing plants or facilities, automobile sales rooms, service stations and repair shops and offices of every kind; and the premises or property of organizations and institutions, such as, and including, all schools, hospitals, churches, clubs and societies; and any premises or property upon which is located an apartment building or buildings, other than condominiums, containing an aggregate of four (4) or more single-family dwelling units or apartments; and all other premises not defined herein as for a residential premises.

*Commercial solid waste* means the solid waste generated, produced or accumulated upon commercial premises.

*Condominiums* means premises, including the land and buildings thereon, containing multiple dwelling units or apartments, each of which is or may be separately owned, and the undivided interests in the common elements of such premises which are vested in the unit owners and which have been lawfully created pursuant to the Condominium Act contained in chapter 4.2 of title 55 (section 55-79.39 et seq.) of the Code of Virginia.

*Container* means a receptacle designed, and required or permitted by this chapter, for the purpose of storing garbage and debris until its collection for disposal.

*Contractor* means any person or firm who shall agree, written or otherwise, to perform work in return for compensation in any form.

*Debris* means nonputrescible solid waste consisting of both combustible and noncombustible wastes, such as paper, cardboard, wood, rags, sweepings, and similar discarded materials.

*Director* means the Director of the Department of Public Works of the City.

*Disposal* means the delivery and deposit of solid waste to and at an approved disposal facility for final processing or storage.

*Friable asbestos* means any material containing more than one (1) percent asbestos by weight which, when dry, may be crumbled, pulverized, or reduced to powder by hand pressure. Friable asbestos shall be considered hazardous waste.

*Garbage* means putrescible animal or vegetable waste resulting from the handling, preparation, cooking or serving of food.

*Hazardous waste* means a hazardous waste as described by the Virginia Hazardous Waste Regulation or the EPA.

*Infectious waste* means solid or liquid wastes, which contain pathogens with sufficient virulence and quantity so that exposure to the waste by a susceptible host could result in an infectious disease.

*Placement* means the placing of all types of solid waste for collection and disposal.

*Premises* means any lot or parcel of land, together with any building, part of a building or group of buildings located thereon, which constitutes a single property.

*Public property* means and includes all public streets and highways, including the curbs, gutters and median strips thereof, sidewalks, alleys, parking lots and other public rights-of-way, and all public parks, playgrounds, buildings and grounds.

*Refuse* means all putrescible and nonputrescible solid waste, whether combustible or noncombustible, including garbage, debris, ashes, dead animals, and materials resulting from industrial, commercial, domestic and community activities, but excluding hazardous wastes, body wastes and the sludges, screenings, pumpings and residue from cesspools, septic tanks sewage and infectious wastes.

*Residential premises* means and includes a single-family dwelling, any premises or property upon which is located an apartment building containing less than four (4) single-family dwelling units or apartments, all condominiums and all other property or premises not defined herein as commercial premises.

*Residential solid waste* means the solid waste generated, produced or accumulated upon residential premises.

*Solid waste* means and includes garbage, refuse, ashes, grass clippings, trees, shrubs, and yard waste, as well as bulk solid waste, commercial solid waste, and hazardous waste.

*Solid waste removal contractor* means a person licensed by the City to engage in the collection, removal and disposal of solid waste as a private business venture.

*White goods* means solid waste in the form of appliances such as refrigerators, freezers, stoves, washers, dryers, air conditioners, and all other types of appliances.

*Yard waste* means lawn clippings, tree and shrub trimmings, limbs, tree trunks, leaves, and other such arboreal material.

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**Sec. 18-14. Supervision of collection and disposal; administration and enforcement.**

(a) The collection and disposal of solid waste under the provisions of this chapter shall be under the supervision and direction of the Director of Public Works, who, by and with the consent of and subject to the control of the City Manager, shall also be in charge generally of the administration and enforcement of this chapter.

(b) City Council declares the accumulation of litter, garbage, refuse, or any other variety of solid waste upon real property within the City, other than as prescribed in this chapter, to be a public nuisance. Whenever it is observed that any person is accumulating, preparing, storing, conveying, or disposing of solid waste within the City in a manner contrary to the requirements of this chapter, the Director or his/her designee, shall, except as hereinafter provided, serve the owner of such parcel, or on the occupant thereof, or both, notice to cause such violations to be removed from such land or premises within three (3) days from the date of such notice.

(c) Service of the notice provided for in subsection (b) shall be by first class mail, personal delivery by delivering it to the owner or by delivering it and leaving it in possession of any person in charge of the premises, or posting in a conspicuous place upon the parcel; provided, however, that if the parcel is unoccupied and the owner is unknown or cannot be found by the exercise of due diligence, such notice shall be sufficient against the owner if given by first class mail to the owner's last known mailing address as indicated on the tax records of the City, and posted in a conspicuous place upon the land or premises. The Director of Public Works, or his/her designee, is hereby authorized to deliver or post such notices.

(d) Failure to comply with the terms of a notice issued and served as provided in this section within the time prescribed in such notice shall constitute a class 4 misdemeanor, and each day thereafter that the violation continues shall constitute a separate offense. In addition to any penalties imposed hereunder, the City may institute legal action to enjoin the continuing violation of this section and may remove or contract for the removal of such violation, in which event the cost and expenses thereof, including administrative fees as prescribed by the City of Martinsville Fee Schedule, shall be chargeable to and paid by the owner or occupant of the parcel. Any such charge which is not paid within sixty (60) days of the date on which it is billed to the owner of such land or premises shall constitute a lien upon the property and may be collected in any manner provided by law for the collection of taxes, or in the same manner provided by law for liens of judgments; provided, however, that no such lien shall be valid against any owner of a parcel unless notice was issued as prescribed in this section.

(e) Upon receipt of the written notice described above, the property owner may appeal the order to the City Manager. Such appeal must be made in writing during the three-day interval given in the notice from the Director of Public Works, or his/her designee. Any actions required in the notice shall be delayed pending the City Manager's response to the appeal.

(f) If the owner or occupant fails to abate the public nuisance as required, the Director of Public Works is hereby authorized to use City forces to abate the nuisance or, at his/her option, the Director of Public Works may contract for this abatement on behalf of the City with a private contractor which abatement expenses shall be paid by the owner and/or occupant and subject to collection as prescribed in subsections (h), (i), (j), and (k) below.

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(g) Any owner or occupant may abate the violation themself without liability to the City, provided that they do so before commencement of abatement by City personnel or contractors.

(h) The Director of Public Works shall keep an account of the cost of abating violations under this article and embody such account in periodic reports with assessment lists, which shall be transmitted to the City Clerk and the Director of Finance at convenient intervals. The copy retained by the City Clerk shall be available for public inspection. The report shall refer to each parcel as to which a violation was abated, by description sufficient to identify the parcel and specify in addition to the cost of abatement an additional charge for each such parcel to be assessed against the owner or owners including administrative fees as prescribed by the City of Martinsville Fee Schedule.

(i) The Director of Finance or his/her designee shall bill the owner or occupant of the land assessed with the costs of abatement, for the costs of such abatement and for the administrative fees as prescribed and as shown on the assessment report.

(j) Whenever a bill for such assessments remains unpaid for sixty (60) days after the billing date, the City Clerk shall record with the Clerk of the Circuit Court a statement of lien claim. This statement shall contain a description of the premises and the expenses and costs incurred, including, but not limited to, the costs of recordation. A copy of this statement shall be mailed to the owner or occupant if his/her address is known. Provided, however, the failure of the owner or occupant to receive such notice shall not affect the right to foreclose or otherwise enforce or collect on the lien for these assessments as provided in this section.

(k) The costs and expenses incurred by the City in such violation abatement, including administrative fees as prescribed by the City of Martinsville Fee Schedule, with which the owner and lienholder of any such property shall have been assessed and which remains unpaid shall constitute a lien against such property ranking on parity with liens for unpaid local taxes and enforceable in the same manner as provided in articles 3 and 4 of [chapter 39](#) of title 58.1 of the Code of Virginia or in the same manner provided by law for liens of judgment. The City Attorney is hereby authorized to institute such proceedings in the name of the City in the General District or Circuit Court for the City of Martinsville against any property for which the bill has remained unpaid sixty (60) days after it has been rendered.

**Sec. 18-15. General container requirements.**

- (a) It shall be the duty of every owner, lessee or occupant of any premises in the city where refuse is created to provide or cause to be provided a suitable container for such refuse, which container shall meet the requirements of this section.
- (b) It shall be the duty of every owner of an apartment or multiple-family dwelling containing more than four (4) individual units to provide an adequate number of large-volume dumpsters of a type approved by the Director of Public Works.
- (c) It shall be the duty of every owner, lessee or occupant of any premises in the city creating refuse in such volume between regularly scheduled collections that such refuse exceeds the

volume of five (5) thirty-two (32) gallon containers to provide an adequate number of large-volume dumpsters of a type approved by the Director of Public Works.

- (d) It shall be the duty of every owner, lessee or occupant of any premises in the city not subject to the provisions of subsection (b) or (c) above to provide or cause to be provided an adequate number of galvanized metal or plastic watertight, sanitary containers, each with a tight-fitting cover and two (2) side handles, having a minimum capacity of twenty (20) gallons and a maximum capacity of thirty-two (32) gallons.
- (e) Any refuse container shall hold its contents without leakage or spillage.
- (f) All refuse containers shall be kept tightly covered.

**Sec. 18-16. Storage of ashes.**

Ashes shall be stored in metal containers having a maximum capacity of twenty (20) gallons and shall be kept separate from garbage and rubbish.

**Sec. 18-17. Condemnation of defective containers.**

(a) Any solid waste container, on any premises within the City, which does not conform to the standards of design, construction or condition prescribed by this chapter shall be condemned by the Director or his/her designated agent and must be replaced by the owner, tenant, lessee or occupant of the premises within seven (7) days after such condemnation and, thereafter, shall not be used for the storage of solid waste until and unless brought into conformance with such standards.

(b) Notice of condemnation pursuant to this section shall be given by affixing or attaching to the container a tag or decal setting forth the date of and reason for its condemnation and advising that the container must be either brought into conformance with the required standards or replaced with an authorized container within seven (7) days after such condemnation and notice.

(c) Any condemned container which is not brought into compliance with the standards prescribed therefore or replaced as required and which is not removed from use by its owner within the time allowed therefore may be collected and disposed of by the City as solid waste.

**Sec. 18-18. Collection generally.**

(a) All refuse shall be collected by the city at regular intervals no less frequently than once per week. It shall be the duty of every owner, lessee or occupant having one or more large-volume dumpsters to see that such dumpsters are accessible for emptying. It shall be the duty of every other owner, lessee or occupant to place or cause to be placed their refuse container at the side of the curb line of the premises, at a location accessible to the collection crews, unless such owner, lessee or occupant has been exempted from the requirement of curbside placement by the Director of Public Works under the provisions of this section. Bulk solid waste, such as paper, cardboard or wooden boxes, must be flattened and tied in bundles with heavy, stout cord, such bundles not to exceed thirty-six (36) inches in length or breadth, twenty (20) inches in height and fifty (50) pounds in weight, unless

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special arrangements are made with the Director of Public works for the collection of such items.

- (b) It shall be unlawful for any nonresident of the city, or any owner or occupant of a property situated within the city limits, or any agent of either, to bring refuse of any kind from outside the city into the city, or from another collection site located within the city, and deposit it anywhere in the city for collection by the city or its agent.
- (c) It shall be unlawful to transfer refuse generated at one site in the city to another site in the city for collection, without the prior written approval of the Director of Public Works.
- (d) The Director of Public Works may excuse any owner, lessee or occupant of any residential premises in the city from the duty of placing their refuse at the curb line for collection, if the director finds, from the written statements of a medical doctor, that such owner, lessee or occupant is physically or medically unable to place the refuse at the curb line.

Charter reference(s)—Authority of city to collect and dispose of garbage and other waste, Ch. 1, § 2(19).

**Sec. 18-18.1. Collection of refuse in Uptown.**

- (a) It shall be unlawful for any person to place any item of solid waste upon the streets, sidewalks or other public areas within the Uptown Martinsville Historic District. Every owner, lessee or occupant of any premises in the Uptown Martinsville Historic District shall dispose of all items of solid waste acceptable for collection by the City in dumpsters to be provided by the city and placed at various locations throughout the Uptown Martinsville Historic District. All refuse shall be collected by the city at regular intervals no less frequently than once per week. Nothing herein shall prohibit occupants of real property within the district from contracting for individual dumpster service for their premises.

**Sec. 18-18.2. Certain solid waste not to be collected by the City.**

The collection, removal and disposal of the following types or items of solid waste shall be the sole responsibility of the owner, tenant, lessee and occupant of the premises upon which the solid waste is produced, generated or accumulated and shall not be collected by the City for disposal:

- (1) Hazardous or infectious waste. The Public Works Department will assist the residential owner or occupant in arranging proper disposal of hazardous or infectious waste on a case-by-case basis.

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(2) Solid waste, which is not prepared, stored and placed for collection in acceptable containers, or which is otherwise not in accordance with, or which exceeds the weight, size, volume or quantity prescribed by, the requirements of this chapter.

(3) Any item of solid waste, which, because of its size, bulk, shape or weight, two (2) employees cannot safely and conveniently lift and place into a collection vehicle.

(4) Solid waste resulting from construction, reconstruction, repair, renovation, demolition or work by a contractor.

(5) Body wastes and the sludges, screenings, pumpings and residue from cesspools, septic tanks and sewage.

(6) Earth, rocks and soil.

(7) Motor vehicles or parts of motor vehicles.

(8) Any item of solid waste which will damage the collection equipment or injure collection personnel.

**Sec. 18-19. Removal of containers from curb after collection.**

After the collection of refuse by the city collectors, all refuse containers placed at the curb line of the premises shall be returned by the owner, lessee or occupant to the premises by night of the day of collection and shall there remain until the next day of collection.

(Ord. of 8-24-1982, § 8-12)

**Sec. 18-20. Rules and regulations of Director of Public Works concerning collection and handling.**

The Director of Public Works is hereby authorized to promulgate such rules or regulations concerning the collection or handling of refuse as he/she may deem necessary, not in conflict with this Code or state law.

(Ord. of 8-24-1982, § 8-16)

**Sec. 18-21. Suspension of collection service.**

The Director of Public Works may, in his/her discretion, suspend refuse collection service to any person who fails or refuses to comply with this article or any rules or regulations lawfully promulgated thereunder.

---

**Sec. 18-22. Public receptacles generally.**

- (a) For the better appearance and beautification of the city, the Director of Public Works may cause to be placed, at any location deemed appropriate, public refuse receptacles for the deposit of trash, garbage, litter and rubbish. Such receptacles shall not be used for the disposal of refuse from residence or commercial establishments.
- (b) The Litter Receptacle Regulations adopted by the Department of Conservation and Economic Development of the Commonwealth of Virginia, November 22, 1978, pursuant to section 10-200 of the Code of Virginia, are hereby adopted and incorporated into this section by reference as if set forth herein verbatim.

**Sec. 18-23. Damaging or defacing containers or public receptacles.**

It shall be unlawful and a Class 3 misdemeanor for any person to disturb, damage or deface any refuse container placed at the curb line for collection or any public refuse receptacle.

**Sec. 18-24. Violations of chapter.**

Unless otherwise specifically provided, a violation of any provision of this chapter shall constitute a Class 4 misdemeanor.

**Sec. 18-25. Fee schedule.**

(a) *Collection and landfill charges:*

Individual living units (one (1) pickup per week), per month: \$12.50

Dumpsters, commercial and apartments (for each time emptied), per container: \$22.50

Business not currently using dumpsters (for two (2) pickups per week), per month \$25.00

Additional fee per dumpster empty for call-in/empty on demand service \$5.00

(b) *Landfill charges:*

Unsplit tires (thirteen-inch and larger), each, not to exceed \$2.00

Car with bagged garbage only (minimum charges) \$1.50

All other vehicles, per ton \$45.20

Adopted upon second reading this \_\_\_\_ day of January, 2025. This ordinance shall become effective after ten days have elapsed from the date of adoption recited herein.

**Mayor L.C. Jones:** \_\_\_\_\_

**Vice Mayor Kathy Lawson:** \_\_\_\_\_

**Council Member Aaron Rawls:** \_\_\_\_\_

**Council Member Rayshaun Gravely:** \_\_\_\_\_

**Council Member Julian Mei:** \_\_\_\_\_

**Attest:**

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Peyton Niblett, *Clerk of Council*

## Summary of Substantial Changes to Refuse Ordinance

**8/16/2024**

### 1. Section 18-13

**Additional Definitions** - Provides clarity to ordinance.

### 2. Section 18-14

**Enforcement Revisions** – Changes clearly outline the violation, notification, abatement, fine, and collection processes.

### 3. Section 18-15

**Container Required** – Current code requires all customers utilize a container.

### 4. Section 18-17

**Container Requirements** – Allows for removal of any trash container that is deemed no longer suitable to ensure refuse is properly contained.

### 5. Section 18-18.1

**Uptown Collection** – Would eliminate curbside pickup to all businesses in Uptown. Provides for centralized dumpsters throughout Uptown.

### 6. Section 18-18.2

**Items Not for Pickup** – Provides a list of specific items that will not be collected.

# STAFF REPORT

**MEETINGS:** January 28, 2025

**TITLE:** Second Reading of Chapter 18-Solid Waste Ordinance

**STAFF RESPONSIBLE** Greg Maggard

## BACKGROUND/HISTORY

Chapter 18, Article 2 of the City Code has not been updated since 1982. This article deals primarily with the city's administration, enforcement, and collection of refuse. The current article is vague and requires antiquated enforcement actions.

The revised Article 2 provides additional definitions for clarity, allows for more effective enforcement, and increases efficiency in collection operations.

## POLICY EXPLANATION

The key outcome of Part 2.2 of the City's Strategic Plan is clean, attractive, and vibrant neighborhoods and communities. The revisions proposed in this Article meet this key outcome by providing for increased administration, enforcement, and refuse collection.

## FISCAL IMPACT/FUNDING SOURCE

Refuse Enterprise Fund will be used to purchase additional 8-yard dumpsters and electrical locks

AVAILABLE BUDGET	PURCHASE AMOUNT
19,500.00	12,000.00

## ACTION REQUESTED/ALTERNATIVES:

- Approve first reading of Solid Waste Ordinance
- Deny first reading of Solid Waste Ordinance
- Other action as directed by Council

## ATTACHMENTS:

1. Draft ordinance
2. Summary of Changes

# STAFF REPORT

## City of Martinsville, Virginia

Ordinance No. 2025-\_\_\_\_

**WHEREAS**, the City of Martinsville is empowered through Chapter 1, Section 2-19 and 2-20 of the Martinsville City Charter to provide for the collection and disposal of garbage, trash and other refuse, and to compel the abatement and removal of all public nuisances within the city; to require all lands, lots and other premises within the city to be kept clean and sanitary; and generally to define, prohibit, abate, suppress and prevent all things detrimental to the health, morals, comfort, safety, convenience and welfare of the inhabitants of the city; and,

**WHEREAS**, the City of Martinsville is likewise empowered pursuant to Chapter 9 of Title 15.2 of the Code of Virginia, 1950, as amended, to require that owners of real property keep their premises free from accumulations of solid waste and other public nuisances, and to remediate such nuisance conditions at such time or times as the City Council may prescribe; and,

**WHEREAS**, the City of Martinsville is further empowered pursuant to § 15.2-1115 of the Code of Virginia, 1950, as amended, to compel the abatement or removal of all nuisances and to abate such nuisances at the cost of noncompliant landowners; and to assess liens against properties for such abatement expense; and,

**WHEREAS**, the Council of the City of Martinsville has determined that the accumulation of solid waste on real property within the City is harmful to public health; tends to harbor or serve as a breeding ground for mosquitos, rodents and other animals harmful to public health; tends to diminish neighborhood housing values and is otherwise injurious to the public health, safety and welfare and constitutes a public nuisance.

**NOW, THEREFORE, BE IT ORDAINED by the Council of the City of -Martinsville, Virginia, in Regular Session held \_\_\_\_\_, 2025 that Sections 18-13 through 18-25 of the Code of the City of Martinsville be amended to hereafter read as follows:**

**Secs. 18-3—18-12. Reserved.**

## **ARTICLE II. REFUSE**

### **Sec. 18-13. Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Asbestos-containing material (ACM)* means any material or product, which contains more than one (1) percent asbestos.

*Ashes* means the residue from the burning of wood, coal, coke or other combustible materials.

*Bulk container* means a metal or plastic receptacle or container designed and constructed for the storing of solid waste until its collection for disposal and which can be mechanically lifted, hoisted or rolled on or off and emptied by mechanical collection vehicles.

*Bulk solid waste* means items of solid waste, such as furniture, bedding, mattresses, brush, and similar items, which are acceptable for collection by the city but because of their size, bulk or weight, require special collection procedures other than those required and provided for garbage and debris. The term includes white goods and other forms of solid waste otherwise acceptable for collection when bundled, bagged or otherwise collected or assembled in such a way that such waste requires special collection procedures other than those required and provided for garbage and debris.

*Collection* means the process or activity required to collect, remove and convey solid waste from its source or location to a site for final disposal.

*Commercial premises* means any premises or property upon which a wholesale, retail, service, manufacturing or processing business is located or conducted, including, but not limited to, restaurants, hotels, motels, markets, stores and other outlets, theaters, warehouses, factories, processing and manufacturing plants or facilities, automobile sales rooms, service stations and repair shops and offices of every kind; and the premises or property of organizations and institutions, such as, and including, all schools, hospitals, churches, clubs and societies; and any premises or property upon which is located an apartment building or buildings, other than condominiums, containing an aggregate of four (4) or more single-family dwelling units or apartments; and all other premises not defined herein as for a residential premises.

*Commercial solid waste* means the solid waste generated, produced or accumulated upon commercial premises.

*Condominiums* means premises, including the land and buildings thereon, containing multiple dwelling units or apartments, each of which is or may be separately owned, and the undivided interests in the common elements of such premises which are vested in the unit owners and which have been lawfully created pursuant to the Condominium Act contained in chapter 4.2 of title 55 (section 55-79.39 et seq.) of the Code of Virginia.

*Container* means a receptacle designed, and required or permitted by this chapter, for the purpose of storing garbage and debris until its collection for disposal.

*Contractor* means any person or firm who shall agree, written or otherwise, to perform work in return for compensation in any form.

*Debris* means nonputrescible solid waste consisting of both combustible and noncombustible wastes, such as paper, cardboard, wood, rags, sweepings, and similar discarded materials.

*Director* means the Director of the Department of Public Works of the City.

*Disposal* means the delivery and deposit of solid waste to and at an approved disposal facility for final processing or storage.

*Friable asbestos* means any material containing more than one (1) percent asbestos by weight which, when dry, may be crumbled, pulverized, or reduced to powder by hand pressure. Friable asbestos shall be considered hazardous waste.

*Garbage* means putrescible animal or vegetable waste resulting from the handling, preparation, cooking or serving of food.

*Hazardous waste* means a hazardous waste as described by the Virginia Hazardous Waste Regulation or the EPA.

*Infectious waste* means solid or liquid wastes, which contain pathogens with sufficient virulence and quantity so that exposure to the waste by a susceptible host could result in an infectious disease.

*Placement* means the placing of all types of solid waste for collection and disposal.

*Premises* means any lot or parcel of land, together with any building, part of a building or group of buildings located thereon, which constitutes a single property.

*Public property* means and includes all public streets and highways, including the curbs, gutters and median strips thereof, sidewalks, alleys, parking lots and other public rights-of-way, and all public parks, playgrounds, buildings and grounds.

*Refuse* means all putrescible and nonputrescible solid waste, whether combustible or noncombustible, including garbage, debris, ashes, dead animals, and materials resulting from industrial, commercial, domestic and community activities, but excluding hazardous wastes, body wastes and the sludges, screenings, pumpings and residue from cesspools, septic tanks sewage and infectious wastes.

*Residential premises* means and includes a single-family dwelling, any premises or property upon which is located an apartment building containing less than four (4) single-family dwelling units or apartments, all condominiums and all other property or premises not defined herein as commercial premises.

*Residential solid waste* means the solid waste generated, produced or accumulated upon residential premises.

*Solid waste* means and includes garbage, refuse, ashes, grass clippings, trees, shrubs, and yard waste, as well as bulk solid waste, commercial solid waste, and hazardous waste.

*Solid waste removal contractor* means a person licensed by the City to engage in the collection, removal and disposal of solid waste as a private business venture.

*White goods* means solid waste in the form of appliances such as refrigerators, freezers, stoves, washers, dryers, air conditioners, and all other types of appliances.

*Yard waste* means lawn clippings, tree and shrub trimmings, limbs, tree trunks, leaves, and other such arboreal material.

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**Sec. 18-14. Supervision of collection and disposal; administration and enforcement.**

(a) The collection and disposal of solid waste under the provisions of this chapter shall be under the supervision and direction of the Director of Public Works, who, by and with the consent of and subject to the control of the City Manager, shall also be in charge generally of the administration and enforcement of this chapter.

(b) City Council declares the accumulation of litter, garbage, refuse, or any other variety of solid waste upon real property within the City, other than as prescribed in this chapter, to be a public nuisance. Whenever it is observed that any person is accumulating, preparing, storing, conveying, or disposing of solid waste within the City in a manner contrary to the requirements of this chapter, the Director or his/her designee, shall, except as hereinafter provided, serve the owner of such parcel, or on the occupant thereof, or both, notice to cause such violations to be removed from such land or premises within three (3) days from the date of such notice.

(c) Service of the notice provided for in subsection (b) shall be by first class mail, personal delivery by delivering it to the owner or by delivering it and leaving it in possession of any person in charge of the premises, or posting in a conspicuous place upon the parcel; provided, however, that if the parcel is unoccupied and the owner is unknown or cannot be found by the exercise of due diligence, such notice shall be sufficient against the owner if given by first class mail to the owner's last known mailing address as indicated on the tax records of the City, and posted in a conspicuous place upon the land or premises. The Director of Public Works, or his/her designee, is hereby authorized to deliver or post such notices.

(d) Failure to comply with the terms of a notice issued and served as provided in this section within the time prescribed in such notice shall constitute a class 4 misdemeanor, and each day thereafter that the violation continues shall constitute a separate offense. In addition to any penalties imposed hereunder, the City may institute legal action to enjoin the continuing violation of this section and may remove or contract for the removal of such violation, in which event the cost and expenses thereof, including administrative fees as prescribed by the City of Martinsville Fee Schedule, shall be chargeable to and paid by the owner or occupant of the parcel. Any such charge which is not paid within sixty (60) days of the date on which it is billed to the owner of such land or premises shall constitute a lien upon the property and may be collected in any manner provided by law for the collection of taxes, or in the same manner provided by law for liens of judgments; provided, however, that no such lien shall be valid against any owner of a parcel unless notice was issued as prescribed in this section.

(e) Upon receipt of the written notice described above, the property owner may appeal the order to the City Manager. Such appeal must be made in writing during the three-day interval given in the notice from the Director of Public Works, or his/her designee. Any actions required in the notice shall be delayed pending the City Manager's response to the appeal.

(f) If the owner or occupant fails to abate the public nuisance as required, the Director of Public Works is hereby authorized to use City forces to abate the nuisance or, at his/her option, the Director of Public Works may contract for this abatement on behalf of the City with a private contractor which abatement expenses shall be paid by the owner and/or occupant and subject to collection as prescribed in subsections (h), (i), (j), and (k) below.

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(g) Any owner or occupant may abate the violation themself without liability to the City, provided that they do so before commencement of abatement by City personnel or contractors.

(h) The Director of Public Works shall keep an account of the cost of abating violations under this article and embody such account in periodic reports with assessment lists, which shall be transmitted to the City Clerk and the Director of Finance at convenient intervals. The copy retained by the City Clerk shall be available for public inspection. The report shall refer to each parcel as to which a violation was abated, by description sufficient to identify the parcel and specify in addition to the cost of abatement an additional charge for each such parcel to be assessed against the owner or owners including administrative fees as prescribed by the City of Martinsville Fee Schedule.

(i) The Director of Finance or his/her designee shall bill the owner or occupant of the land assessed with the costs of abatement, for the costs of such abatement and for the administrative fees as prescribed and as shown on the assessment report.

(j) Whenever a bill for such assessments remains unpaid for sixty (60) days after the billing date, the City Clerk shall record with the Clerk of the Circuit Court a statement of lien claim. This statement shall contain a description of the premises and the expenses and costs incurred, including, but not limited to, the costs of recordation. A copy of this statement shall be mailed to the owner or occupant if his/her address is known. Provided, however, the failure of the owner or occupant to receive such notice shall not affect the right to foreclose or otherwise enforce or collect on the lien for these assessments as provided in this section.

(k) The costs and expenses incurred by the City in such violation abatement, including administrative fees as prescribed by the City of Martinsville Fee Schedule, with which the owner and lienholder of any such property shall have been assessed and which remains unpaid shall constitute a lien against such property ranking on parity with liens for unpaid local taxes and enforceable in the same manner as provided in articles 3 and 4 of [chapter 39](#) of title 58.1 of the Code of Virginia or in the same manner provided by law for liens of judgment. The City Attorney is hereby authorized to institute such proceedings in the name of the City in the General District or Circuit Court for the City of Martinsville against any property for which the bill has remained unpaid sixty (60) days after it has been rendered.

**Sec. 18-15. General container requirements.**

- (a) It shall be the duty of every owner, lessee or occupant of any premises in the city where refuse is created to provide or cause to be provided a suitable container for such refuse, which container shall meet the requirements of this section.
- (b) It shall be the duty of every owner of an apartment or multiple-family dwelling containing more than four (4) individual units to provide an adequate number of large-volume dumpsters of a type approved by the Director of Public Works.
- (c) It shall be the duty of every owner, lessee or occupant of any premises in the city creating refuse in such volume between regularly scheduled collections that such refuse exceeds the

volume of five (5) thirty-two (32) gallon containers to provide an adequate number of large-volume dumpsters of a type approved by the Director of Public Works.

- (d) It shall be the duty of every owner, lessee or occupant of any premises in the city not subject to the provisions of subsection (b) or (c) above to provide or cause to be provided an adequate number of galvanized metal or plastic watertight, sanitary containers, each with a tight-fitting cover and two (2) side handles, having a minimum capacity of twenty (20) gallons and a maximum capacity of thirty-two (32) gallons.
- (e) Any refuse container shall hold its contents without leakage or spillage.
- (f) All refuse containers shall be kept tightly covered.

**Sec. 18-16. Storage of ashes.**

Ashes shall be stored in metal containers having a maximum capacity of twenty (20) gallons and shall be kept separate from garbage and rubbish.

**Sec. 18-17. Condemnation of defective containers.**

(a) Any solid waste container, on any premises within the City, which does not conform to the standards of design, construction or condition prescribed by this chapter shall be condemned by the Director or his/her designated agent and must be replaced by the owner, tenant, lessee or occupant of the premises within seven (7) days after such condemnation and, thereafter, shall not be used for the storage of solid waste until and unless brought into conformance with such standards.

(b) Notice of condemnation pursuant to this section shall be given by affixing or attaching to the container a tag or decal setting forth the date of and reason for its condemnation and advising that the container must be either brought into conformance with the required standards or replaced with an authorized container within seven (7) days after such condemnation and notice.

(c) Any condemned container which is not brought into compliance with the standards prescribed therefore or replaced as required and which is not removed from use by its owner within the time allowed therefore may be collected and disposed of by the City as solid waste.

**Sec. 18-18. Collection generally.**

(a) All refuse shall be collected by the city at regular intervals no less frequently than once per week. It shall be the duty of every owner, lessee or occupant having one or more large-volume dumpsters to see that such dumpsters are accessible for emptying. It shall be the duty of every other owner, lessee or occupant to place or cause to be placed their refuse container at the side of the curb line of the premises, at a location accessible to the collection crews, unless such owner, lessee or occupant has been exempted from the requirement of curbside placement by the Director of Public Works under the provisions of this section. Bulk solid waste, such as paper, cardboard or wooden boxes, must be flattened and tied in bundles with heavy, stout cord, such bundles not to exceed thirty-six (36) inches in length or breadth, twenty (20) inches in height and fifty (50) pounds in weight, unless

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special arrangements are made with the Director of Public works for the collection of such items.

- (b) It shall be unlawful for any nonresident of the city, or any owner or occupant of a property situated within the city limits, or any agent of either, to bring refuse of any kind from outside the city into the city, or from another collection site located within the city, and deposit it anywhere in the city for collection by the city or its agent.
- (c) It shall be unlawful to transfer refuse generated at one site in the city to another site in the city for collection, without the prior written approval of the Director of Public Works.
- (d) The Director of Public Works may excuse any owner, lessee or occupant of any residential premises in the city from the duty of placing their refuse at the curb line for collection, if the director finds, from the written statements of a medical doctor, that such owner, lessee or occupant is physically or medically unable to place the refuse at the curb line.

Charter reference(s)—Authority of city to collect and dispose of garbage and other waste, Ch. 1, § 2(19).

**Sec. 18-18.1. Collection of refuse in Uptown.**

- (a) It shall be unlawful for any person to place any item of solid waste upon the streets, sidewalks or other public areas within the Uptown Martinsville Historic District. Every owner, lessee or occupant of any premises in the Uptown Martinsville Historic District shall dispose of all items of solid waste acceptable for collection by the City in dumpsters to be provided by the city and placed at various locations throughout the Uptown Martinsville Historic District. All refuse shall be collected by the city at regular intervals no less frequently than once per week. Nothing herein shall prohibit occupants of real property within the district from contracting for individual dumpster service for their premises.

**Sec. 18-18.2. Certain solid waste not to be collected by the City.**

The collection, removal and disposal of the following types or items of solid waste shall be the sole responsibility of the owner, tenant, lessee and occupant of the premises upon which the solid waste is produced, generated or accumulated and shall not be collected by the City for disposal:

- (1) Hazardous or infectious waste. The Public Works Department will assist the residential owner or occupant in arranging proper disposal of hazardous or infectious waste on a case-by-case basis.

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(2) Solid waste, which is not prepared, stored and placed for collection in acceptable containers, or which is otherwise not in accordance with, or which exceeds the weight, size, volume or quantity prescribed by, the requirements of this chapter.

(3) Any item of solid waste, which, because of its size, bulk, shape or weight, two (2) employees cannot safely and conveniently lift and place into a collection vehicle.

(4) Solid waste resulting from construction, reconstruction, repair, renovation, demolition or work by a contractor.

(5) Body wastes and the sludges, screenings, pumpings and residue from cesspools, septic tanks and sewage.

(6) Earth, rocks and soil.

(7) Motor vehicles or parts of motor vehicles.

(8) Any item of solid waste which will damage the collection equipment or injure collection personnel.

**Sec. 18-19. Removal of containers from curb after collection.**

After the collection of refuse by the city collectors, all refuse containers placed at the curb line of the premises shall be returned by the owner, lessee or occupant to the premises by night of the day of collection and shall there remain until the next day of collection.

(Ord. of 8-24-1982, § 8-12)

**Sec. 18-20. Rules and regulations of Director of Public Works concerning collection and handling.**

The Director of Public Works is hereby authorized to promulgate such rules or regulations concerning the collection or handling of refuse as he/she may deem necessary, not in conflict with this Code or state law.

(Ord. of 8-24-1982, § 8-16)

**Sec. 18-21. Suspension of collection service.**

The Director of Public Works may, in his/her discretion, suspend refuse collection service to any person who fails or refuses to comply with this article or any rules or regulations lawfully promulgated thereunder.

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**Sec. 18-22. Public receptacles generally.**

- (a) For the better appearance and beautification of the city, the Director of Public Works may cause to be placed, at any location deemed appropriate, public refuse receptacles for the deposit of trash, garbage, litter and rubbish. Such receptacles shall not be used for the disposal of refuse from residence or commercial establishments.
- (b) The Litter Receptacle Regulations adopted by the Department of Conservation and Economic Development of the Commonwealth of Virginia, November 22, 1978, pursuant to section 10-200 of the Code of Virginia, are hereby adopted and incorporated into this section by reference as if set forth herein verbatim.

**Sec. 18-23. Damaging or defacing containers or public receptacles.**

It shall be unlawful and a Class 3 misdemeanor for any person to disturb, damage or deface any refuse container placed at the curb line for collection or any public refuse receptacle.

**Sec. 18-24. Violations of chapter.**

Unless otherwise specifically provided, a violation of any provision of this chapter shall constitute a Class 4 misdemeanor.

**Sec. 18-25. Fee schedule.**

(a) *Collection and landfill charges:*

Individual living units (one (1) pickup per week), per month: \$12.50

Dumpsters, commercial and apartments (for each time emptied), per container: \$22.50

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Additional fee per dumpster empty for call-in/empty on demand service \$5.00

(b) *Landfill charges:*

Unsplit tires (thirteen-inch and larger), each, not to exceed \$2.00

Car with bagged garbage only (minimum charges) \$1.50

All other vehicles, per ton \$45.20

Adopted upon second reading this \_\_\_\_ day of January, 2025. This ordinance shall become effective after ten days have elapsed from the date of adoption recited herein.

**Mayor L.C. Jones:** \_\_\_\_\_

**Vice Mayor Kathy Lawson:** \_\_\_\_\_

**Council Member Aaron Rawls:** \_\_\_\_\_

**Council Member Rayshaun Gravely:** \_\_\_\_\_

**Council Member Julian Mei:** \_\_\_\_\_

**Attest:**

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**Peyton Nibblett, Clerk of Council**

## Summary of Substantial Changes to Refuse Ordinance

**8/16/2024**

### 1. Section 18-13

**Additional Definitions** - Provides clarity to ordinance.

### 2. Section 18-14

**Enforcement Revisions** – Changes clearly outline the violation, notification, abatement, fine, and collection processes.

### 3. Section 18-15

**Container Required** – Current code requires all customers utilize a container.

### 4. Section 18-17

**Container Requirements** – Allows for removal of any trash container that is deemed no longer suitable to ensure refuse is properly contained.

### 5. Section 18-18.1

**Uptown Collection** – Would eliminate curbside pickup to all businesses in Uptown. Provides for centralized dumpsters throughout Uptown.

### 6. Section 18-18.2

**Items Not for Pickup** – Provides a list of specific items that will not be collected.



# STAFF REPORT

**MEETINGS:** January 28, 2025

**TITLE:** Council Appointment of Boards and Commissions Applicants

**STAFF RESPONSIBLE** Peyton Nibblett, Deputy City Clerk

## BACKGROUND/HISTORY

## POLICY EXPLANATION

N/A

## FISCAL IMPACT/FUNDING SOURCE

AVAILABLE BUDGET	PURCHASE AMOUNT
N/A	N/A

## ACTION REQUESTED/ALTERNATIVES:

1. City Council Approve Appointments
2. City Council Do Not Approve Appointments
3. Other Action as directed by City Council

## ATTACHMENTS: