

**City of Martinsville, Virginia**

**Ordinance No. 2025-6**

**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 July 22, 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.

#### **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.

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(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.

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

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

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- (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.
- (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.

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(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.

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(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:**

Residential collection (one (1) pickup per week), per month:	\$19.80
Dumpsters, commercial and apartments (for each time emptied), per occurrence:	\$27.82
Business not currently using dumpsters (for two (2) pickups per week), per month	\$39.60
Dumpster empty for call-in/empty on demand service, per occurrence:	\$33.17

Adopted upon second reading this 22<sup>nd</sup> day of July 2025. This ordinance shall become effective after ninety (90) days have elapsed from the date of adoption recited herein.

**Mayor L.C. Jones:**

Aye

**Vice Mayor Kathy Lawson:**

Aye

**Council Member Aaron Rawls:**

Aye

**Council Member Rayshaun Gravely:**

Aye

**Council Member Julian Mei:**

Aye

**Attest:**



**Peyton Nibblett, Clerk of Council**