



**GATE CITY TOWN COUNCIL AGENDA**  
**JULY 9, 2013**  
**156 E. JACKSON ST.**  
**6:30 PM**

**PUBLIC HEARING:**

**Revision Chapter 9 of Town of Gate City Ordinance**  
**Garbage, Ashes, and Refuse**

**I. Mayor, Frances Perry** called Public Hearing to order at 6:31 P.M.

**II. ROLL CALL** Town Clerk, Kathy Riley

Present: Mayor, Frances Perry  
Vice Mayor, Allan "Cotton" Roberts  
Council Member, Roger Cassell  
Council Member, Robin Richards  
Council Member, Wallace W. Ross, Jr.  
Council Member, Walter Salyers

Others present: Town Manager, Greg Jones, Town Attorney, Michele Brooks, Debbie Kindle

**III. NEW BUSINESS**

- **Revision Chapter 9 of Town of Gate City Ordinance - Garbage, Ashes, and Refuse**

**Council** addressed the Ordinance as presented with questions and suggestions for changes in wording to some sections.

**IV. PUBLIC COMMENT**

**Closed Public Comment at 6:42 P.M.**

**V. Public Hearing closed at 6:42 P.M.**

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Mayor Frances Perry

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Town Clerk, Kathy Riley

**PUBLIC HEARING:**

**Flea Market Ordinance**

**I. Mayor, Frances Perry** called Public Hearing to order at 6:42 P.M.

**II. ROLL CALL** Town Clerk, Kathy Riley

Present: Mayor, Frances Perry  
Vice Mayor, Allan “Cotton” Roberts  
Council Member, Roger Cassell  
Council Member, Robin Richards  
Council Member, Wallace W. Ross, Jr.  
Council Member, Walter Salyers

Others present: Town Manager, Greg Jones, Town Attorney, Michele Brooks, Debbie Kindle

**III. NEW BUSINESS**

• **Flea Market Ordinance**

**Council** discussed the cost per space, full-time vendors, obtaining separate business license for full-time vendors, definition of full-time vendors, charging of fees to treat all equally, the need to meet with the Fire Department, the need to be managed more closely, set a rules, and to table the Ordinance until next Council Meeting.

**IV PUBLIC COMMENT**

**Closed Public Comment at 6:53 P.M.**

**V. Public Hearing closed at 6:53 P.M.**

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Mayor Frances Perry

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Town Clerk, Kathy Riley

**GATE CITY TOWN COUNCIL MEETING**  
**JULY 9, 2013**

**I. COUNCIL MEETING CALLED TO ORDER AT 6:53 P.M. BY: Mayor - Frances Perry**

**II. ROLL CALL – Town Clerk - Kathy Riley**

PRESENT: Mayor, Frances Perry  
Vice Mayor, Allan “Cotton” Roberts  
Council Member, Roger Cassell  
Council Member, Robin Richards  
Council Member, Wallace W. Ross, Jr.  
Council Member, Walter Salyers

**Others present:** Town Manager, Greg Jones, Town Attorney, Michele Brooks, Debbie Kindle, Reverend Cloud, Kim Birchfield, Pat Deskins, Scott, Fink, Matt Taylor, Jim Addington, Andy Miles

**III. INVOCATION Reverend Cloud**

**IV. PLEDGE OF ALLEGIANCE Council Member, Roger Cassell**

**V. APPROVAL OF AGENDA**

**Motion made to approve the agenda.**

Motion by: Vice Mayor, A. Roberts 2<sup>nd</sup> by: Council Member, R. Cassell

VOTE:	Yeas,	5
	Nays,	0
	Absent,	0
	Abstain,	0

**VI. PROCLAMATIONS, CONGRATULATORY RESOLUTIONS, AWARDS, APPOINTMENTS, RESIGNATIONS AND CONFIRMATIONS, ADMINISTRATION OF OATHS AND INTRODUCTION OF GUESTS.**

- **Jonathon Gillenwater – Certificate of Appreciation** for outstanding public service in his rescue of a woman and small child in a motor vehicle accident.  
**Chief Birchfield** – Expressed his appreciation for Mr. Gillenwater going beyond the call of duty as a citizen.

**VII. APPROVAL OF MINUTES**

Mayor Perry - Are there any corrections to the minutes for the:

- **Town Council Meeting** of June 11, 2013 as presented? **Declared approved as presented.**
- **Public Hearing – Proposed 2013-2014 Budget** of June 12, 2013 as presented? **Declared approved as presented.**
- **Special Called Meeting – Adopt 2013-2014 Budget** of June 19, 2013 as presented? **Declared approved as presented.**

**VIII. APPROVAL OF PAYMENTS**

**Motion made for approval for payment of bills for June, 2013**

Motion by: Vice Mayor, A. Roberts 2nd by: Council Member, W. Salyers

VOTE: Yeas, 5  
Nays, 0  
Absent, 0  
Abstain, 0

**IX. PUBLIC COMMENT**

**Officer Pat Deskins** – Addressed Council asking for reconsideration to rehire Part-Time Office Manager, Nancy Peters. He understood budget cuts with Police Department gave until it hurt. He provided a list of duties performed by Ms. Peters and stated the department would fall in disrepair without this position filled. He also stated the Town had built a bad reputation of running off the Chief of Police either before they start or after they start.

**Officer Scott Fink** – Addressed Council stating he was backing up what Pat Deskins said, that Nancy was an asset to department and asked Council for reconsideration and rehire her. He addressed the stack of paperwork because they don't know how to enter things that Nancy did, money spent to train Nancy and the need to train Officers to perform work done by Nancy.

**Council Member, R. Richards** – Asked if Nancy opened the office or who opened the office in the mornings.

**Officer Fink** – Responded the Police Officer on duty at the time. Nancy came in at 9:00 a.m.

Mayor Perry closed the public comment session at 7:07 P.M. and opened the consent agenda session.

**X. COMMUNICATIONS – No communications**

**XI. REPORTS**

**A. Engineer's Status Report –**

**Andy Miles** – Discussed the Water Plant negotiated scope and pricing of contractor, additional information for consideration from contractor, ability to come in at or below budget, contingencies, four sidewalk bids received within budget and waiting hear back from VDOT.

**Reopened Public Comment – 7:12 p.m.**

**Officer Matt Taylor** – Spoke on behalf of Administrator, Nancy Peters. Discussed how crucial she was to the function of the Police Department, without her officers have to do data entry, officers would need to learn the best and efficient way to go through things, taking time away from patrol work, trying to learn data entry and enter reports, i.e. accident, IBR's, importance of her doing grant work. He asked Council to reconsider the position in the future.

Mayor Perry closed the public comment session at 7:20 P.M. and opened the consent agenda session.

**B. Treasurer's Report –**

**Vice Mayor, A. Roberts** – Questioned the -3 million still on the report.

**Town Manager, G. Jones** – Provided an explanation to Council and will address the budget differently.

**Council Member, W. Salyers** – Stated his surprise to see \$22,000 over budget in Police Department, asked what contributed to it and commented it was a big overage.

**Town Manager, G. Jones** – Stated he was right and he would go back over his notes.

**Mayor Perry** – Explained part was due to two moves to have work done to set up computers.

**Council Member, W. Salyers** – Questioned, it was done twice.

**Vice Mayor, A. Roberts** – Stated it was about \$1,000 - 1,800, not an astronomical cost and not getting into \$20,000. Not \$10,000 at a time, he was almost certain of that.

**Mayor Perry** – Questioned Chief Birchfield if he knew what the charges were.

**Chief Birchfield** – Responded he knew what it was in old building, but not for here.

**Town Manager, G. Jones** – Informed Council there is a line by line for that department to compare to where overage came from and stated expenses for the Police Department has been going up quite a bit.

**Mayor Perry** – Stated the rent is coming out of that too.

**Council Member, W. Salyers** – Responded only in there for two months rent in last year budget of \$1,000, but he would look at it.

**Town Manager, G. Jones** – Informed Council their need to decide what to do with that building.

**C. Codification Committee/Property Maintenance –**

**Vice Mayor, A. Roberts** – Applauded Kathy in getting \$900 back in outstanding debt.

**Town Attorney, M. Brooks** – Informed Council of their need make a decision regarding demolition orders and it would be expensive.

**Council** had a discussion regarding allocating of funds, court orders on five properties, language in court orders, Town Crew's ability to demolish buildings, additional costs of renting equipment, 499 E. Jackson Street property, Chapman Store demolition, placing this on next month's agenda.

D. **Police Department Report** – No comments.

E. **Council Reports** – There were no Council reports from Council Members.

F. **Economic Development Committee** –

**Vice Mayor, A. Roberts** – Informed Council they met a couple times, the need for more people involvement with the committee, Mark Freeman being an asset with some great ideas, the work done on Water Street with need for more utilization of the parking lot to draw people to town, placement of steps where road is on Antique Street, place three minute videos of merchants under the Scott County website for tourism, signs on East and West side to draw business from 23 into town, need of sub-committees and get grant money for Kane Street.

**Council Member, R. Richards** – Asked about a place for Mountain Empire Community College to hold classes with **Mayor Perry** suggesting room beside the Police Department.

**Council Member, W. W. Ross, Jr.** – Suggested the movie “The River” to incorporate in the Town and to paint the wood planter boxes with a bright color.

**Mayor Perry** – Stated the need to get residents/citizens involved with volunteering.

G. **Historical Committee** – There was nothing to report.

H. **Manager** - Goes over his report with Council.

I. **Park Committee** – There was no meeting.

**Council Member, R. Richards** – Discussed the tabling of the splash pad project, liability information received from Greg with more thought needing to go into it before anything is done.

**Vice Mayor, A. Roberts** – Discussed feedback he had received from residence, they don’t feel Grogan Park is a good place due to flooding.

**Council Member, R. Cassell** – Discussed how he was pleased with Mark Freeman when he attended the Planning Commission meeting with his ideas.

J. **Planning Commission** – Discussed the VDOT lease, Michele’s talk with Terry Kilgore and to define the wording regarding mobile and manufactured homes in ordinance.

K. **Public Works** – There were no comments.

L. **Sanitation Authority** – Discussed the Public Hearing and Special Called Meeting regarding the increase to the sewer rates with explanation requiring the increase, Jim Craft’s injuries and the Board authorized Town Manager to have a smoke test performed on the lines.

M. **Street Commission** –

**Council** discussed VDOT’s repair at Manville Road and Chestnut, residents to call the state with complaints, cleaning of culverts, hole on Eva Street, VDOT cutting grass/weeds at right-of-ways, two different contractors doing work on main and secondary roads and blowing cut grass after crew have weed eaten.

N. **Safety Committee** – Council Member, W. W. Ross, Jr. had nothing to report.

O. **Water Plant** –

**Vice Mayor, A. Roberts** – Noticed water loss is down with Town Manager provided explanation of schools not in session.

**Mayor Perry** – Complimented Town Manager, G. Jones with his knowledge on water and it being a great asset.

P. **Events Committee**

**Vice Mayor, A. Robert** – Stated the committee had met every two weeks to get all in order for the Grillin’ at the Gate and the run, with Greg doing the biggest part of it. He asked for volunteers.

**Mayor Perry** – Stated she didn’t fill one out (volunteer form), but assumed everyone on the Council would volunteer. She asked if the entertainers had been notified with their spots.

**Vice Mayor, A. Roberts** – Stated it had been turned over to Brian Hensley, but he did not have a number for the Elvis impersonator. Mayor Perry said she would provide him it.

**Vice Mayor, A. Roberts** – Explained Mark Freeman’s connections regarding the stage and sound system, the T-shirts has been designed with winning design to be voted on through the Grillin’ at the Gate Facebook page and there will be wild game, along with the BBQ.

**Town Manager, G. Jones** – Informed Council of need of volunteers for the 5K and where they will be needed and the starting point will be on Water Street for a true 5K.

**Vice Mayor, A. Roberts** – Asked Council if they know of anyone that would be a sponsor.

**Mayor Perry** – Informed Council of Betty Spears, widow of Jim Spears, contacted her to pick out a picture, but while there she saw a life size statue of Daniel Boone that Jim Spears did. She informed Council of Betty Spears possibly donating the statue to the Town to have it placed in the front room of Town Hall. Mayor Perry further explained Ms. Spears has two locations to place the statue but preferred it to stay in Gate City. I told her if Council would agree to it that I would talk to our Town Attorney about working up some kind of agreement that it was hers and it was left here and if anything would happen it would revert back to her. So, we’ll leave that up to the Town Attorney for all of that so I would ask just what you think about that. Council agreed to accept the statue.

**XII. UNFINISHED BUSINESS**

• **Business Licenses**

**Town Attorney, M. Brooks** – Asked Council for questions or additions to the ordinance she sent Council and to adopt it would require a Public Hearing. Major change was the change with the due dates.

**Motion made for a Public Hearing concerning the Business License preceding the August Council Meeting.**

Motion by: Vice Mayor, A. Roberts 2<sup>nd</sup> by: Council Member, R. Cassell

VOTE: Yeas,	5
Nays,	0
Absent,	0

Abstain, 0

- **Sale of Town Owned Property**

**Council** discussed the various Town owned properties, possible donation for one lot to Habitat for Humanity, determined which properties to sell, drawing up an Ordinance, determining selling price and terms.

**Motion made to have a Public Hearing for properties for sale that were discussed.**

Motion by: Vice Mayor, A. Roberts 2<sup>nd</sup> by: Council Member, W. Salyers

VOTE: Yeas, 5  
Nays, 0  
Absent, 0  
Abstain, 0

- **Life Saving Crew**

**Town Manager, G. Jones** – Informed Council of his receipt of the Life Saving Crew’s Form 990, met with their Treasurer, their recent purchase of a new ambulance and they wish to stay where they are at. We discussed rent and one of their Bingo requirements is to donate 12% of their profits or gross revenue back out. Suggestion was made they may stay where they are at and donate back to some of our events for the Town. He explained their Bingo does about \$200,000-\$225,000 gross a year minus the 12%. Stated he will be meeting again with their Treasurer.

### **XIII. NEW BUSINESS**

- **Decision on Revision of Chapter 9 – Town of Gate City Ordinance**

**Motion made to adopt the revision of Chapter 9, for the Gate City Town Ordinance, for Trash and yard waste with the discussed changes.**

Motion by: Council Member, R. Cassell 2<sup>nd</sup> by: Vice Mayor, A. Roberts

VOTE: Yeas, 5  
Nays, 0  
Absent, 0  
Abstain, 0

- **Decision on Flea Market Ordinance** – Item was tabled to the August Council meeting.

- **Discussion and decision regarding Personnel Policy Amendment** – To be discussed in closed session.

- **Approval to advertise for a Special Called Meeting to be held on July 22, 2013 regarding selection of a financial organization for financing of the balloon note**



**Motion made to advertise for a Special Called Meeting concerning the financial organization for the balloon note.**

Motion by: Vice Mayor, A. Roberts 2<sup>nd</sup> by: Council Member, W. W. Ross, Jr.

VOTE: Yeas, 5  
Nays, 0  
Absent, 0  
Abstain, 0

**Council** discussed the availability of Council Members to be in attendance of the Special Called Meeting at 6:00 p.m.

**Council Member, R. Cassell** – Informed Council of the change in VA Law on July 1, 2013. With Council approval you can do a teleconference.

- **Permission to seek Planning Grant Funding to develop Kane Street**

**Town Manager, G. Jones** – Provided Council with an explanation of what the grant will be used for.

**Motion made to grant Town Manager, G. Jones, permission to pursue the Planning Grant for Kane Street.**

Motion by: Vice Mayor, A. Roberts 2<sup>nd</sup> by: Council Member, R. Cassell

VOTE: Yeas, 5  
Nays, 0  
Absent, 0  
Abstain, 0

- **Acceptance of initial funding package offer from Virginia Department of Health regarding 2013 Refinancing of Water Bonds**

**Town Manager, G. Jones** – Provided an explanation to Council regarding the possibility of refinancing water bonds, interest rates and if it goes through could save about \$38,000-\$40,000 per year.

**Motion made to give Town Manager, G. Jones, permission to fill it out and give it back to VDH.**

Motion by: Vice Mayor, A. Roberts 2<sup>nd</sup> by: Council Member, R. Cassell

VOTE: Yeas, 5  
Nays, 0  
Absent, 0  
Abstain, 0

**XIV. PUBLIC COMMENT – NEW BUSINESS** – No public comments.

Mayor Perry closed the public comment session for new business at 8:37 P.M. and opened the consent agenda session.

**XV. CLOSED SESSION**

Motion made for Council to enter into closed session to discuss legal and personnel.

Motion by: Council Member, W. Salyers 2<sup>nd</sup> by: Vice Mayor, A. Roberts

VOTE: Yeas, 5  
Nays, 0  
Absent, 0  
Abstain, 0

Mayor Perry opened the closed session at 8:37 P.M.

## **XVI. RETURN FROM CLOSED SESSION**

Council returned from closed session at 9:54 P.M.

Motion made for Council to return from closed session.

Motion by: Vice Mayor, A. Roberts 2<sup>nd</sup> by: Council Member, R. Richards

VOTE: Yeas, 5  
Nays, 0  
Absent, 0  
Abstain, 0

### **CERTIFICATION OF CLOSED MEETING – Read by: Town Attorney, M. Brooks**

**WHEREAS**, the Gate City Town Council has convened a Closed Meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

**WHEREAS**, Section 2.2-7312 of the Code of Virginia requires a certification by the Town Council that such closed meeting was conducted in conformity with Virginia law;

**NOW, THEREFORE, BE IT RESOLVED**, that the Gate City Town Council hereby certifies that to the best of each member's knowledge, (1) only public business matters lawfully exempted from open meeting requirement by Virginia law were discussed in closed meeting to which this certification applies and (2) only such business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Gate City Town Council.

VOTE: Yeas, 6  
Nays, 0  
Absent, 0  
Abstain, 0

## **XVII. MOTIONS FROM CLOSED SESSION: No motions coming out of closed session.**

**Mayor Perry** – Discussion of the Personnel Policy amendment had been tabled to the next meeting.

## **XVIII. ADJOURN**

Motion made to adjourn.

Motion by: Vice Mayor, A. Roberts 2<sup>nd</sup> by: Council Member, W. Salyers

VOTE: Yeas, 5  
Nays, 0  
Absent, 0  
Abstain, 0

\*Mayor Perry adjourned the meeting at 9:57 P.M., until the next regularly scheduled Council Meeting on August 13, 2013, at 6:30 P.M.

**Town Manager, G. Jones** – Advised Council of the upcoming VML Conference during October 13-15, 2013.

**Council Member, R. Cassell** – Stated it is \$1,150 per person, which he felt is very expensive. Suggested the Mayor and Town Manager attend to represent the Town and bring back information.

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Frances Perry – Mayor

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Kathy Riley – Town Clerk

CHAPTER 9  
Trash & Yard Waste Regulations  
**(Amended, Ordained and Enacted 07-10-2012)**  
**(Amended, Ordained and Enacted 07-09-2013)**

Sec. 9.1	Definitions
Sec. 9.2	Administration
Sec. 9.3	Preparation & Storage of Solid Waste
Sec. 9.4	Approved Solid Waste Containers
Sec. 9.5	Collection Points and Frequency of Collection
Sec. 9.6	Unacceptable Solid Waste
Sec. 9.7	Control of Private Collections
Sec. 9.8	Mandatory Service
Sec. 9.9	Special Collection Service
Sec. 9.10	Collection Charges and Billing
Sec. 9.11	General Provisions
Sec. 9.12	Removal of Trash, Garbage, Etc. From Property
Sec. 9.13	Removal of Weeds, Grass and Other Foreign Growth on Vacant Property
Sec. 9.14	Penalty
Sec. 9.15	Repeal
Sec. 9.16	Severability

**Sec. 9.1**      **Definitions**

The following definitions shall apply in this Ordinance:

- a. **Ashes:** Refuse resulting from the burning of wood, coals, coke and other combustible material.
- b. **Brush:** Brush is hereby defined as trimmings from bushes or shrubs, as well as tree branches from trimming and/or pruning trees. Not considered to be brush are logs, root balls (not dirt), stumps, grass clippings, flowers, weeds, plants, leaves, lumber or anything in plastic bags or other such containers. Cutting down a tree is not considered to be trimming and pruning and the town will not remove the debris.
- c. **Building Rubbish:** Rubbish from construction, remodeling, and repair operations on houses, commercial buildings, and other structures, including but not limited to excavated earth, stones, brick, plaster, lumber, concrete, and waste parts occasioned by installations and replacements.
- d. **Bulky Waste:** Items such as furniture, carpet, mattresses and box springs.
- e. **Commercial Waste:** Commercial Waste shall mean all waste, combustible and non-combustible, arising out of the operation of business and industry, and all other waste not resulting from the ordinary operations of private residences or households.
- f. **Garbage:** All animal and vegetable waste resulting from the handling, preparation, cooking or consumption of foods.
- g. **Industrial Waste:** Waste from factories, processing plants and other manufacturing enterprises.
- h. **Metal Items:** Items such as grills, bicycles, hot water tanks, washers, dryers, refrigerators and freezers (doors must be removed), stoves, lawn mowers (oils and gasoline must be removed), metal doors, sinks, tubs, metal desks and sheds
- i. **Ordinances:** Ordinance of the Town of Gate City, Virginia, hereafter in effect.

- j. **Person:** A person, firm, company, association, or corporation.
- k. **Premises:** The terms premises shall mean, land, building, or other structure, vehicle, watercraft, or parts thereof upon or in which refuse is stored.
- l. **Regulations:** Regulations of the Town Council of the Town of Gate City, or agent thereof, now or hereafter in effect, and whether promulgated under this Ordinance or other authority.
- m. **Refuse:** Solid waste, including by not limited to garbage, rubbish and ashes.
- n. **Responsible Authority:** The legally designated authority of the Town of Gate City who shall be authorized and directed to implement and enforce the provisions of this ordinance, or his authorized representative.
- o. **Rubbish:** Refuse (exclusive of garbage and ashes) including but not limited to paper, rags, carton, boxes, wood, excelsior, rubber, leather, tin cans, metals, mineral water, glass, crockery, dirt, earth and dust.
- p. **Town:** The Town Government or Town Council of the Town of Gate City, Virginia, or the agent thereof.
- q. **Waste:** Useless, unused, unwanted, or discarded materials resulting from natural community activities, including solids, liquids and gases.

**Sec. 9.2. Administration**

The collection, removal, and disposition of all waste from premises in the Town of Gate City shall be under the jurisdiction of the office of the Town Manager and the Public Works Department.

**Sec. 9.3 Preparation and Storage of Yard Waste**

- a. Preparation of solid waste for collection:
  - 1. All refuse shall be drained free of excess liquids before disposal as far as is practical.
  - 2. Garbage shall be placed in approved solid waste containers or plastic bags prior to placing at the normal collection point. Paper bags, cardboard or wooden boxes that are not designed specifically for solid waste will not be acceptable.
  - 3. Rubbish shall be placed in approved containers.
  - 4. Rubbish which includes grass clippings, hedge trimmings, leaves, or pine needles must be placed in approved container or plastic bags within three (3) feet of the normal curb line and shall not be of excessive weight. Containers or plastic bags should be placed for pick up on your normal trash day pick up.
  - 5. Brush should be placed no more than three feet from the edge of the road. Branches/brush must be cut in lengths not to exceed four (4) feet. One brush pile per week will be picked up. Tree branches and brush greater than the approved size will not be collected, nor will stumps, lumber, fence railings, or posts, timbers, ornamental shrubs, roots, railroad ties, building materials, yard waste or brush from large tree removal, since the collection equipment dump truck cannot handle these items. Larger amounts, requiring the use of the Town of Gate City back-hoe, dump truck, fuel, and Town employee(s), can be picked up at a charge to the homeowner or tenant and must be prepaid prior to pick up.
  - 6. Homeowners or tenants are required to call Town Hall to request a work order for bulky waste pick-up. Items such as furniture, mattresses and box springs must be generated by the resident of the Town of Gate City and must be of a size that can easily be handled by the two (2) collection employees, with a maximum of two (2) items per pick-up.

7. Carpet must be cut into sections and shall not exceed four (4) feet and must be rolled, securely tied and shall not be of excessive weight.
8. Homeowners or tenants are required to call Town Hall to request a work order for large metal item pick-up. Items must be generated by the resident of the Town of Gate City and must be a size that can easily be handled by the two (2) collection employees, with a maximum of two (2) items per pick-up. Maximum length per item is four (4) feet.
9. Brush pick-up is a service for the sole use of residents in the town limits and shall not be used by contractors and/or residents clearing lots, clearing lots for homes, private roads, entrances or more open space. Cutting down a tree is not considered to be trimming and pruning and the township will not remove the debris. Brush collection does not include “commercial/independent cuts”, which are trees and limbs cut by a commercial/independent trimmer. The removal of these cuts is part of the service you pay them for.
10. The town will not pick up brush, bulky waste or large metal items from vacant lots, from a property without an established occupied dwelling on it or resident/tenant does not pay for trash pick-up service

b. Storage of yard waste

1. Each and every owner or occupant of any building, premises, or vacant property in the Town shall keep the same in a clean and orderly condition and shall not permit the deposit or accumulation of Yard waste thereon except as otherwise provided in this Ordinance.
2. Each and every owner, occupant, person, corporation, or person having solid waste shall provide himself with an approved solid waste container(s) wherein all solid waste shall be placed and stored except as otherwise provided in this Ordinance.
3. It shall be unlawful to place Yard waste in any street, alley, road, stream, body of water, or any other public place, or upon private property whether owned or not, unless such solid waste is place in an approved container or otherwise provided for in this Ordinance.

**Sec. 9.4 Approved Yard Waste Containers**

- a. Except as otherwise provided in this Ordinance, each person, firm, corporation, occupant, household or owner shall place all solid waste in an approved container. The basic solid waste container shall be of not more than 50 gallons, not less than 10 gallons capacity, and constructed of either metal or plastic and shall have a close fitting lid with a minimum of one handle on the lid. The maximum weight allowed for container and contents shall not be of excessive weight.
- b. All solid waste containers used in the Town shall be brought into compliance with the provisions of this ordinance within six (6) months of the effective date of the Ordinance.
- c. Solid waste containers shall be kept in a sanitary condition at all times.

**Sec. 9.5. Collection Points and Frequency of Collection**

a. Collection point

1. Yard waste containers, for the purpose of collection, shall be placed at ground level, and otherwise made readily accessible to the Town’s collection crews. Containers

shall be placed within three (3) feet of the normal curb line or immediately adjacent to the alleyway in the case of alley service, or as otherwise directed by the town.

b. Frequency of collection.

1. The town will collect yard waste from residential units and residential areas once each week.
2. Schools, certain commercial, certain industrial and institutional will be provided more frequent collections as deemed necessary by the Town Manager with agreement from the owner, occupant, person, or corporation.
3. The town will observe certain legal holidays, in which case the collections scheduled for that day will be delayed, however, in most cases, the collection will be made within two or three working days after the holiday.

**Sec. 9.6. Unacceptable Yard Waste**

The following refuse shall be considered to be not acceptable for the collection or disposal by the Town of Gate City.

- a. Dangerous materials or substances, such as poison, acid, caustics, infected materials, explosives, drugs, paint containers, biological wastes, medical waste and unprotected syringes.
- b. Materials resulting from the repair, excavation or construction or destruction of buildings or structures such as earth, plastic, mortar, roofing materials, drywall, and wood.
- c. Materials which have not been prepared for collection in accordance with the regulations.
- d. Unusual quantities of solid waste resulting from industrial processes or agricultural processes.
- e. Junkyard waste such as auto parts, tires, tires with rims, oils and fuels.

**Sec. 9.7. Control of Private Collections**

No person, firm, or corporation shall engage in the business of collecting, hauling, transporting or otherwise disposing of yard waste in the Town of Gate City without first obtaining a permit from the Town Manager. The holder of such permit shall conform to all ordinances and regulations of the Town, the state of Virginia, and the Federal Government, and any special regulations, or standards as set the by the Town.

**Sec. 9.8. Mandatory Services**

All residents, persons, occupants, commercial establishments, and industries must subscribe to the collection services offered by the Town of Gate City.

**Sec. 9.9. Special Collection Services**

- a. The town will, upon request and based on a first come, first served basis, provide certain special collection services, including the collection of rubbish, ashes and certain building rubbish as herein defined.
- b. No tree limbs, brush, building rubbish or other materials will be collected by the Town if said materials are produced as a result of a contract whether written or verbal, whether for hourly wages or lump sum. Persons, firms, or corporation engaged in the provision of services which

result in the production of such materials must provide a means for disposal of these wastes. The removal of these cuts is part of the service you pay them for.

- c. Ashes, as herein defined, will be picked up in accordance with a. of this section, and will not, under any circumstances, be picked up by the regular garbage or sanitation truck.

#### **Sec. 9.10. Collection Charges and Billing**

- a. Collection charges

All collections, except schools and other publicly owned buildings and facilities, shall be charged at the rate of \$10.00 per month for once per week or other regular collection services. Business shall be charged at the rate of \$15.00 per month for three per week or other regular collection services.

- b. Billing

All collection charges for normal collection services shall be billed with the water and sewer billing of the Town. Special collection services will be billed by the statement of the town for services performed.

#### **Sec. 9.11. General Provisions**

- a. It shall be unlawful for any person to scatter, place, or burn any refuse, or hazardous and/or Industrial wastes upon or along any public right-of-ways, stream, body of water, or upon any other public place within Gate City unless permitted by law.
- b. No person or firm shall haul, transport, or otherwise convey any refuse or hazardous or industrial waste within Gate City unless the same is contained in covered receptacles or is otherwise secured either to or within the vehicle so that the said waste matter does not fall or blow off or out of the vehicle hauling the same.
- c. No burning of solid waste shall be allowed, except organic waste from plants grown or originating on the property of the owner.
- d. No person shall turn over or upset the contents of any waste container on any street, sidewalk, or other public place, nor shall any person throw or scatter solid waste, or cause the same to be thrown or scattered in any street or public place.
- e. Public waste containers placed on sidewalks, streets, parks, and other public places, are for the sole purpose of waste incidental to the uses in the places and not for the disposal of waste from any residential or business place.
- f. All commercial establishments which sell or provide food are required to collect and dispose of food generated grease separately from refuse, recyclables and wastewater. Grease is to be collected in a leakproof container kept inside or outside the establishment.

#### **Sec. 9.12. Removal of Trash, Garbage, Etc., from Property**

1. The owners of property in the Town of Gate City, shall, at such time or times as the Town Council may prescribe, remove there from any and all trash, garbage, refuse, litter and other substances which might endanger the health or safety of other residents of the Town of Gate City, or whenever the Town Council deems it necessary, after reasonable notice, the Town of Gate City, may have such trash, garbage, refuse, litter and other like substances which might endanger the health or safety of its own agents or employees, in which event the cost or



expenses thereof shall be chargeable to and paid by the owners of such property and may be collected by the Town of Gate City, as taxes and levies are collected; and, (8/5/80)

2. That every charge authorized by this ordinance with which the owner of any such property shall have been assessed and which remains unpaid, shall constitute a lien against such property.

**Sec. 9.13. Removal of Weeds, Grass, and Other Foreign Growth on Vacant Property**

1. The owners of vacant property in the Town of Gate City shall cut the grass, weeds, and other foreign growth on such property or any part thereof at such time or times as the Town Council shall prescribe; or whenever the Town Council deems it necessary, after reasonable notice, the Town of Gate City may have such grass, weeds or other foreign growth on such vacant property cut by its agents or employees, in which event, the cost and expenses thereof shall be chargeable to and paid by the owner of such property and may be collected by the Town of Gate City as taxes and levies are collected; and (8/5/80)
2. That every charge authorized by this Ordinance with which the owner of any such property shall have been assessed and which remains unpaid, shall constitute a lien against such property.

**Sec. 9.14. Penalty**

- a. Any person who shall violate the provisions of this Ordinance shall be guilty of a Class 4 Misdemeanor.
- b. Each day's violation shall constitute a separate offense.
- c. Enforcement of this Ordinance shall be by the Town's Police Department under the direction of the Town Manager.

**Sec. 9.15. Repeal**

All Ordinances and parts of Ordinances in conflict with the provisions of this Ordinance are hereby repealed.

**Sec. 9.16. Severability**

Should any section, paragraph, clause, sentence, phrase or word of this Ordinance be declared invalid for any reason the remainder of such ordinance shall not be affected.

**(Amended, Ordained and Enacted 07-10-2012)**

**(Amended, Ordained and Enacted 07-09-2013)**