

The vote was:

AYE: Ralph Maples, Robert Keene, Danny Brown, Mike Puckett, Bill Wampler and Carter McGlothlin

NAY: None

APPROVE AGREEMENT WITH PEOPLE, INC.

Motion made by Ralph Maples, second by Carter McGlothlin and duly approved by the Board of Supervisors to approve the agreement with People, Inc. for the Swords Creek Head Start Center, said agreement ending November 30, 2006.

The vote was:

AYE: Ralph Maples, Carter McGlothlin, Danny Brown, Robert Keene, Mike Puckett and Bill Wampler

NAY: None

SOLID WASTE STATION AND ANIMAL SHELTER AGREEMENT

Motion made by Ralph Maples, second by Mike Puckett to approve the Solid Waste Station and Animal Shelter Agreement.

Motion and second withdrawn.

LITTER DISPOSAL ORDINANCE

Motion made by Mike Puckett, second by Ralph Maples and duly approved by the Board of Supervisors to approve the following Litter Disposal Ordinance:

**Section 15.2-800. Title.**

This chapter shall be known and may be cited as the "Russell County Litter Disposal Ordinance."

**Section 15.2-801. Purpose.**

This Ordinance is adopted and enacted pursuant to Section 15.2-901 and 33.1-346 of the Code of Virginia, of 1950, as amended for the purpose of promoting the public safety, health, welfare, convenience and enjoyment of the general public, public travel, it is hereby declared to be in the public interest to regulate and restrict the disposal of trash, garbage refuse, litter or other unsightly matter on public highways, right-of-way, property adjacent to such highway or right-of-way, or on private property.

**Section 15.2-802. Removal, disposal of trash and garbage.**

(a) The owners of property in the county shall not accumulate thereon and shall remove therefrom any all trash, garbage, refuse, litter and other substances which might endanger the health or safety of other residents of the county.

(b) Notice to property owner.

- (1) The Board of Supervisors may, when it deems it necessary, give written notice to the owner of any property in the county, and to the person primarily responsible for such property, if different from the owner and if known, stating the facts that constitute a violation of subsection (a) of this section and directing such person or persons to take such action as may be necessary to rectify the conditions within 14 days from the date of the notice.
- (2) The notice required by the section shall be by certified or registered mail to the last known address, or by hand delivery by the sheriff of the county, his deputy, the county sanitation officer or the designee of the county administrator, to the owner of the property and to the person primarily responsible for such property, if different from the owner and if known. The notice shall be substantially in the following form:

**NOTICE TO REMOVE TRASH, GARBAGE, REFUSE, LITTER  
AND OTHER SUBSTANCES**

TO: \_\_\_\_\_  
Responsible Party

AT: \_\_\_\_\_  
Address of property

\_\_\_\_\_  
Tax Map Number

Pursuant to Code of Virginia, Sections 15.2-902 and 15.2-802 of the Ordinance of Russell County, Virginia, you are hereby notified to remove, within 14 days after the date of this notice, all trash, garbage, refuse, litter and other substances that endanger the health or safety of other residents of the county, in particular (describe the conditions). Upon your failure to remove the same, the county's agents or employees may remove such trash, garbage, refuse, litter and other substances that endanger the health or safety of other residents of the County, and the cost and expenses of such removal shall be chargeable to and paid by the owner of such property and may be collected by the county as taxes and levies are collected and shall constitute a lien on the property.

- (c) If the property is not cleaned up after receiving the notice required in subsection (b) of this section, the board of supervisors may have such trash, garbage, refuse, litter and other like substances that might endanger the health of other residents of the county removed by the county's own agents or employees, in which event the cost and expenses thereof shall be chargeable to and paid by the owners of such property and may be collected by the county as taxes and levies are collected.
- (d) Every charge authorized by this section with which the owner and lien holder of any such property shall have been assessed and which remains unpaid shall constitute a lien against such property ranking on a parity with lien for unpaid local taxes and enforceable in the same manner as provided in Code of Virginia, Sections 58.1-3940 et. seq. and 58.1-3965 et seq.
- (e) Trash, garbage, refuse, litter and other debris shall be disposed of in personally owned or privately owned receptacles that are provided for such use and for the use of the person disposing such matter or in authorized facilities provided for such purpose, and in no other manner not authorized by law.

**Section 15.2-803. Dumping trash on highway, right-of-way or private property.**

- (a) It shall be unlawful for any person to dump or otherwise dispose of trash, garbage, refuse, litter or other unsightly matter, on public property, including a public highway, right-of-way, property adjacent to such highway or right-of-way, or on private property without the written consent of the owner thereof or his agent.
- (b) When any person is arrested for a violation of this section, and the matter alleged to have been illegally dumped or disposed of has been ejected from a motor vehicle or transported to the disposal site in a motor vehicle, the arresting officer may comply with the provisions of Code of Virginia, Section 46.2-936, in making such arrest.
- (c) When a violation of the provisions of this section has been observed by any person, and the matter illegally dumped or disposed of has been ejected or removed from a motor vehicle, the owner or operator of such motor vehicle shall be presumed to be the person ejecting or disposing of such matter. However, such presumption shall be rebuttable by competent evidence.
- (d) Any person who violates this section shall, upon conviction, be guilty of a class 1 misdemeanor punishable by confinement in jail for not more than 12 months and a fine of not less than \$250.00 nor more than \$2500.00, either or both.
- (e) The provisions of this section shall not apply to the lawful disposal of such matter in landfills, the county transfer station or county convenience stations.
- (f) The Commonwealth Attorney of Russell County, Virginia or his designee shall be responsible for all prosecutions under this section.



Section 15.2-804. Effective date of ordinance.

This ordinance shall be effective on the 3<sup>rd</sup> day of January, 2006. The County Administrator is directed to file a certified copy of this Ordinance in the Offices of the Clerk of the General District Court and the Clerk of the Circuit Court of Russell County.

The vote was:

AYE: Mike Puckett, Ralph Maples, Danny Brown, Robert Keene, Bill Wampler and Carter McGlothlin

NAY: None

PUBLIC COMMENT

Citizens thanked the Board of Supervisors for approving the Litter Ordinance. Burl Rhea requested a key for the Cleveland Ball Park for the Diabetic Support Group to meet on Tuesday night.

The Chairman declared a five minute recess.

The Chairman called the meeting back to order.

PUBLIC HEARING - JOHNNY COUCH ROAD

Pursuant to having advertised in a local newspaper for two (2) weeks a Public Hearing was held to receive public input on the abandonment of a public right-of-way extending beyond the termination of state maintenance of State Rt. 744. The Chairman called the Public Hearing to order. The County Administrator conducted the Public Hearing. The floor was open to receive public comments. The following persons spoke: Johnny Couch, Bobbi Neal, Irene Witt, Judy Farmer, Bertha Couch, Harry Carter, Greg Wynn, Thomas Witten, Burl Rhea and Michael Rasnake. After receiving public comments the Chairman closed the Public Hearing.

Motion made by Ralph Maples, second by Carter McGlothlin and duly approved by the Board of Supervisors to abandon the public right-of-way extending beyond the termination of state maintenance of State Rt. 744.

The vote was:

AYE: Ralph Maples, Carter McGlothlin, Danny Brown, Mike Puckett, Robert Keene and Bill Wampler

NAY: None

VIRGINIA DEPARTMENT OF TRANSPORTATION

Conrad Hill and Bill Gilmer, VDOT, appeared before the Board of Supervisors to receive requests for road maintenance and improvements.

Motion made by Carter McGlothlin, second by Bill Wampler and duly approved to adjourn.

Clerk



Chairman

