

TAB 7

Trash and Garbage Container Rules

Issue:

There are presently no rules about trash/garbage cans and recycling being left exposed to the community and on the common area.

Background:

After the community was informed about Ace refuse company coming into Lake Holiday to pick up trash/garbage, predictable issues have occurred including receptacles being left outside by the curb all day before and after trash pickup and also permanently. This could be potentially considered a nuisance to other members of the association.

It is unsightly for the community to see trash cans and these cans are often being left on common area beside the roadways. There are also concerns that if the cans are overflowing and not closed, animals will get into them and spread the trash around the area. The same thing could occur with open recycling containers.

The Code of Virginia has laws about trash, garbage and recycling. In general, these laws allow localities to create ordinances to regulate the removal of trash in either receptacles or at waste disposal facilities and localities can charge a fee/tax for trash removal. The law allows private companies to contract for trash removal. Trash receptacles can be provided by the trash removal company or be privately owned.

Frederick County Ordinances “ . . . establish minimum requirements to achieve the best possible methods of solid waste management, while safeguarding the environment and the citizens of Frederick County . . . ”

“All garbage and refuse is to be properly disposed of at County-operated citizens' convenience sites or at the County's permitted landfill facilities.”

The ordinances cover determining the county's method of collection based on population density, unlawful accumulation of garbage outside the home, burial of garbage, depositing garbage and trash on someone else's property and rules governing incinerators, trash compactors, transfer stations and materials recovery stations.

Lake Holiday Deeds of Dedication do address trash: “Garbage must be kept in covered metal or plastic containers, and trash such as tin cans, bottles, paper, etc. shall be kept in garbage or wire containers, and all of it disposed of according to the laws of Virginia and the ordinances of Frederick County, Virginia and the Rules and Regulations of Lake Holiday

Country Club, Inc.” Multiple Deeds also state: “Trash and garbage containers shall not be permitted to remain in public view.”

Recommendations:

Proposal of the following rules:

Garbage and trash collected by private companies along the side of the roadways must be fully enclosed in covered plastic or metal containers. Recyclables shall be fully enclosed in containers.

Trash/garbage containers shall not be placed in the common area (within 15 to 20 feet of the roadway) until 8:00pm the night before pickup and must be removed from public view by 8:00pm the day of pickup. Under no circumstances will garbage/trash containers be permitted to remain in public view at any other time.

Trash/garbage containers left in common area (within 15 to 20 feet of the roadway) at any other time shall cause the lot owner to receive a compliance violation and/or the containers shall be removed entirely.

Motion:

Approve the new trash/garbage container rules to be placed in PRP 9 Waste Management and PRP 2 Common Area Use.

Pat Majewski

November 22, 2022