Chapter 22

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ARTICLE I. IN GENERAL

Sec. 22-1. Mobile/manufactured homes prohibited.

There is prohibited from being brought into or placed in Craig County, mobile or manufactured homes which are not HUD approved or which were manufactured in 1976 or prior thereto. No building permit for the location for such homes may be issued to erect or locate such homes within Craig County, provided, however, that any such homes which are presently located within Craig County may hereafter remain but shall not be moved or relocated within the county.
(Ord. No. 04-12, 10-19-2004)

Secs. 22-2—22-25. Reserved.

ARTICLE II. EROSION AND SEDIMENTATION CONTROL*

Secs. 22-26—22-50. Reserved.

ARTICLE III. NOISE

Sec. 22-51. Declaration of policy.

It is hereby declared to be the public policy of the county to promote an environment for its citizens free from noise that jeopardizes their health or welfare or degrades the quality of life.
(Ord. No 098-01, § 2, 2-17-1998)

Sec. 22-52. Definitions.

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

Agricultural use districts means zoning districts which have been designated A-1 or A-2 under chapter 58 of this Code.

Commercial use districts means zoning districts which have been designated as commercial districts under chapter 58 of this Code.

Emergency work means work made necessary to restore property to a safe condition following a public calamity or work required to protect persons or property from immediate exposure to danger, including work performed by public service companies when emergency inspection, repair or facilities or restoration of services is required for the immediate health, safety or welfare of the community.

Industrial and mining use districts means zoning districts which have been designated M-1 (MME) under chapter 58 of this Code.

***Cross reference**—Erosion and sediment control, ch. 46.

Motor vehicle means the following self-propelled vehicles: Passenger cars, trucks, truck-trailers, semitrailers, campers, motor boats, racing vehicles, and any motorcycles, including, but not limited to, motor scooters, minibikes, all-terrain vehicles and three-wheelers, as defined in Code of Virginia, § 46.2-100.

Noise disturbance means any sound which endangers or injures the safety or health of any person, annoys or disturbs a reasonable person or normal sensitivities, or endangers or injures personal or real property.

Person means any individual, corporation, cooperative partnership, firm, association, trust, estate, private institution, group, agency or any legal successor, representative, agent or agency thereof.

Residential use districts means those zoning districts which have been designated R-1, R-2, RM or H under chapter 58 of this Code.
(Ord. No 098-01, § 3, 2-17-1998)

Cross reference—Definitions generally, § 1-2.

Sec. 22-53. Exceptions.

The provisions of this article shall not apply to:

(1) The emission of sound for the purpose of alerting persons to the existence of an emergency or to the emission of sound in the performance of emergency work.

(2) Music, bells, chimes, or other sounds which are part of a bona fide religious service, observation, or other such religious event.

(3) Sound generated from any bona fide agricultural activity.

(4) Sound generated from county or school-sponsored athletic or recreational events.

(5) Sound generated by activities which are an official or recognized festival and/or parade.

(6) Sound generated by land uses which have been granted a special exception zoning permit by the board of supervisors.

(7) Sound generated in commercial and industrial use districts which are necessary and incidental to the uses permitted therein.

(8) Sound for which a variance has been granted in accordance with section 22-57 of this article.

(Ord. No 098-01, § 4, 2-17-1998)

Sec. 22-54. Penalties.

A violation of any provision of this article shall constitute a class 3 misdemeanor and shall be punished by a fine of not less than $25.00 and not more than $500.00. Each separate act on the part of the person violating this article shall be deemed a separate offense, and each day a violation is permitted to continue unabated shall constitute a separate offense.
(Ord. No 098-01, § 5, 2-17-1998)

Sec. 22-55. General prohibition.

In addition to the specific prohibitions contained in this article, no person shall make, continue, or cause to be made, continued, or permitted any noise disturbance within the county.

(Ord. No 098-01, § 6, 2-17-1998)

Sec. 22-56. Specific acts as noise disturbances.

The following acts are declared to be noise disturbances in violation of this article. The acts so specified shall not be deemed to be an exclusive enumeration of those acts which may constitute a noise disturbance under section 22-55 and the acts so specified below may still constitute a noise disturbance under section 22-55 independently of the hours of day such acts take place:

(1) Engaging in or operating or causing to be operated any equipment used in the construction, repair, alteration, or demolition of buildings, streets, alleys, or appurtenances thereto in residential use districts between the hours of 9:00 p.m. and 7:00 a.m. the following day.

(2) Repairing, rebuilding, or modifying any motor vehicle or other mechanical device in residential use districts between the hours of 9:00 p.m. and 7:00 a.m. the following day in a manner as to be plainly audible across property boundaries.

(3) The collection of trash or refuse in residential use districts between the hours of 9:00 p.m. and 6:00 a.m. the following day.

(4) Loading or unloading trucks in the outdoors within 100 yards of a residence between the hours of 9:00 p.m. and 6:00 a.m. the following day.

(5) Sounding the horn or warning device of a vehicle, except when necessary as a warning during the operation of the vehicle.

(6) Operating or permitting the use or operation of any radio receiving set, musical instrument, television, phonograph, or any other device for the production of sound between the hours of 10:00 p.m. and 7:00 a.m. the following day in such a manner as to be plainly audible across property boundaries or through partitions common to two residences within a building or plainly audible at 50 feet from such device.

(7) Using or operating a loudspeaker or other sound-amplification device in a fixed or movable position exterior to any building or mounted upon any motor vehicle or boat or mounted in the interior of a building or vessel with the intent of providing service to an exterior area for the purpose of commercial advertising, giving instructions, information, directions, talks, addresses, lectures, or providing entertainment to any persons or assemblage of persons on any private or public property, between the hours of 10:00 p.m. and 6:00 a.m. the following day.

(8) Allowing or permitting the simultaneous operation of more than one motor vehicle on private property within a residential use district.

(9) Using or operating any motor vehicle without factory-installed mufflers or their equivalent on private property within a residential use district.

(10) Using a radio receiving set, an audio cassette player, a compact disc player, or other device for the production of sound in a motor vehicle at a volume sufficient to annoy or disturb the occupants of other vehicles, the occupants of residences or businesses, or pedestrians in a reasonable proximity to such motor vehicle.

(Ord. No 098-01, § 7, 2-17-1998)

Sec. 22-57. Undue hardship variances.

(a) Any person responsible for noise source may apply to the board of supervisors for a variance or partial variance from the provisions of this article. The board of supervisors may grant such variance or partial variance if they find that:

(1) The noise does not endanger the public health, safety, or welfare; or

(2) Compliance with the provisions of this article from which variance is sought would produce serious hardship without producing equal or greater benefit to the public.

(b) In determining whether to grant such variance, the board of supervisors shall consider the time of day the noise will occur, duration of the noise, whether the noise is intermittent or continuous, its extensiveness, the technical and economic feasibility of bringing the noise into conformance with this article, and such other matters as are reasonably related to the impact of the noise on the health, safety, and welfare of the community and the degree of hardship which may result from the enforcement of the provisions of this article.

(c) No variance or partial variance issued pursuant to this article shall be granted for a period to exceed one year, but any such variance or partial variance may be renewed for like periods if the board of supervisors shall find such renewal is justified after again applying the standards set forth in this article. No renewal shall be granted except upon application therefor.
(Ord. No 098-01, § 8, 2-17-1998)

Secs. 22-58—22-80. Reserved.

ARTICLE IV. LITTER*

DIVISION 1. GENERALLY

Sec. 22-81. Title; purpose.

(a) This article shall be known and may be cited as the "County of Craig Litter Control Ordinance".

(b) This article is promulgated pursuant to Code of Virginia, §§ 15.2-901 et. seq., as amended.
(Ord. No. 03-02, §§ 1, 13, 2-18-2003)

***Editor's note**—Ord. No. 03-02, adopted Feb. 18, 2003, repealed the former art. IV, §§ 22-81—22-90, and enacted a new art. IV as set out herein. The former art. IV pertained to similar subject matter and derived from Ord. of Oct. 21, 1980, art. I—IV, §§ 1, 2 and 4—6).

State law reference—Littering prohibited, remedies, Code of Virginia, §§ 10.1-1005, 10.1-1414 et seq., 15.2-733, 15.2-901, 33.1-346.

Sec. 22-82. Definitions.

As used in this article the following terms shall have the meanings respectively ascribed to them, unless the context clearly indicates a different meaning:

Commercial waste shall mean all solid waste emanating from establishments engaged in business. This category includes, but is not limited to, solid waste resulting from the operation of stores, markets, office buildings, restaurants, shopping center, and theatres.

Industrial waste shall mean all solid waste resulting from manufacturing and industrial processes such as, but not limited to, those carried on in factories, processing plants, and slaughterhouses.

Hazardous waste includes those materials which, because of their inherent nature and/or quantities, require special handling during disposal to avoid creating environmental damage or hazards to public health or safety. Hazardous waste includes, but is not limited to, such items as petroleum wastes, paints, plastics, explosives, acids, caustics, chemicals, poisons, drugs, radioactive materials, asbestos fibers, imported wool fibers, pathogenic wastes from hospitals, sanatoriums, nursing homes, clinics, and veterinary hospitals, waste from slaughterhouses, poultry processing plants, and the like.

Open dump shall mean an unregulated disposal site that is operated without the required compaction and cover.

Person shall mean an institution, public or private corporation, individual, partnership, combination thereof, or other entity.

Residential waste shall mean household solid waste emanating from private residences.

Solid waste disposal system shall mean the method of disposal of solid waste operated by the County of Craig.

Sanitary landfill shall mean a land site on which engineering principles are utilized to bury deposits of solid waste without creating nuisances or hazards to public health or safety.

Solid waste means garbage, refuse, and other discarded solid materials, including solid waste materials resulting from industrial, commercial, and agricultural operations, and from community activities, but does not include solid or dissolved material in domestic sewage or other significant pollutants in water resources, such as silt, dissolved or suspended solids in industrial waste water effluents, dissolved materials in irrigation return flows, or other common water pollutants. The term "solid waste" shall not include automobiles and other motor vehicles, nor any part thereof, other than small parts or pieces of scrap metal and tires.

(Residential solid waste normally contains some hazardous materials, but because such materials are usually present in very small quantities, their safe disposal either in a sanitary landfill or incinerator presents no special problems. Therefore, residential waste is not considered to be "hazardous" within the meaning of "hazardous waste" as used in this chapter.)
(Ord. No. 03-02, § 2, 2-18-2003)

Cross reference—Definitions generally, § 2-3.
State law reference—Definitions, Code of Virginia, § 10.2-1414.

Sec. 22-83. Prohibited disposition of wastes—Private dumping ground prohibited.

(a) It shall be unlawful for any person to dispose of any solid waste in any well, spring, reservoir, watercourse or body of water, or upon any sidewalk or public grounds other than grounds designated by the County of Craig for such purpose and then only in the manner provided by this chapter and by governmental regulations relating thereto.

(b) It shall be unlawful for any person to permit any land within the county which is owned or occupied by him or which is under his charge or supervision to be used as a dumping ground. Nothing in this section shall prohibit the dumping of solid waste material in a sanitary landfill licensed by the executive director of the department of waste management and operated in accordance with state regulations.
(Ord. No. 03-02, § 3, 2-18-2003)

Sec. 22-84. Prohibited disposition of wastes—On highway right-of-way or private property.

(a) Any person shall be guilty of a misdemeanor who shall dump or otherwise dispose of solid waste material on a public highway, right-of-way, property adjacent to such highway or right-of-way, or on private property without 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 dumped or disposed of on the highway, right-of-way, property adjacent to such highway or right-of-way, or private property has been ejected from a motor vehicle, the arresting officer may comply with the provisions of Code of Virginia, § 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 dumped or disposed of on the highway, right-of-way, property adjacent to such highway or right-of-way, or private property has been ejected from a motor vehicle, the owner or operator of such motor vehicle shall be presumed to be the person ejecting such trash, garbage, refuse or other unsightly matter; provided, however, that such presumption shall be rebuttable by competent evidence.

For state law similar to subsections (a) through (c) of this section, and authority of board of supervisors to enact, see Code of Virginia, § 33.1-346.

(d) Any person violating the provisions of this section shall be guilty of a class 1 misdemeanor and, upon conviction thereof, shall be punished as provided by Code of Virginia, § 18.2-11, as amended. Each day any violation of this section shall continue shall constitute a separate offense.
(Ord. No. 03-02, § 4, 2-18-2003)

Sec. 22-85. Maintenance of premises—Duty of owners, occupants and persons in charge.

(a) It shall be the duty of each owner, occupant and person in charge of any real property in the county to maintain such property at all times free from any accumulation of solid waste matter which might endanger the health or safety of residents of the county or otherwise constitute a nuisance; and if such property is located within a platted subdivision or any other area zoned for residential, business, commercial or industrial use to provide for the cutting thereon of grass, weeds and other foreign growth as often as may be necessary to prevent breeding and harboring places for insects, reptiles and rodents and to prevent other hazards to the health or safety of residents of the county or other nuisances.

(b) The county may at any time, and upon complaint by any responsible person that conditions exist on any real property in violation of subsection (a) of this section shall, investigate conditions existing on real property in the county and upon a determination following investigation that the owner, occupant or person in charge of any real property in the county stands in violation of his duty as provided in subsection (a), the county shall give written notice to the owner of record of such property, stating the facts which constitute a violation of subsection (a) and directing him to take such action as may be necessary to rectify such conditions within such time, not more than ten days, as shall be stated in the notice.

(c) If, ten days after the service of any such notice, the directive thereof has not been complied with, the county may proceed to have such work done as may be necessary to abate any such condition, and all expenses resulting therefrom 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 all charges not so collected shall constitute a lien against such property.
(Ord. No. 03-02, § 5, 2-18-2003)

State law reference—Authority of board of supervisors to enact this section, Code of Virginia, § 15.2-901.

Sec. 22-86. Duty of vehicle drivers to prevent spillage of wastes being transported.

It shall be unlawful for any person transporting any wastes, whether liquid or solid, upon or over any public street or right-of-way within the county, to fail to provide a suitable and secure cover therefor and to take such other precautions as may be necessary to prevent any such waste matter from spilling from the vehicle in which it is being transported.
(Ord. No. 03-02, § 6, 2-18-2003)

Sec. 22-87. Penalties.

Conviction of a violation of any provision of this article shall be punished as a class 1 misdemeanor as provided pursuant to Code of Virginia, § 18.2-11.
(Ord. No. 03-02, § 14, 2-18-2003)

Secs. 22-88—22-100. Reserved.

DIVISION 2. TIRE STORAGE

Sec. 22-101. Purpose.

The purpose of this division is to regulate the stockpiling of tires in order to promote resource conservation and resource recovery, and to prevent any hazards, fire or otherwise, that might be created by such stockpiling of tires.
(Ord. No. 03-02, § 7, 2-18-2003)

Sec. 22-102. Definitions.

For the purpose of this division, the following words and phrases shall have the meanings ascribed to them in this section:

Department shall mean the department of waste management.

Disposal shall mean the deposit, dumping or placing of any solid waste into or on any land or water so that such solid waste or any constituent thereof may enter the environment or be emitted into the air.

Fire control plan shall mean a document addressing the requirements established in section 22-104 of this article. It may include appropriate maps as well as any other management information the submitting party deems relevant.

Local governing body shall mean the Board of Supervisors of the County of Craig.

Person shall mean an individual, corporation, partnership, association or any other legal entity.

Tire shall mean a solid or air-filled covering for a wheel, typically of rubber or a similarly elastic synthetic material, fitted around the wheel's rim to absorb shock and provide traction.

Used tire storage means an accumulation of 100 or more used tires or any number of used tires covering more than 500 square feet at a location, not under a roof or other similar structure, for some future useful purpose such as retreading, fuel supplement, reef construction or some other innovative use.
(Ord. No. 03-02, § 8, 2-18-2003)
Cross reference—Definitions generally, § 1-2.

Sec. 22-103. Application of article.

(a) No used tires may be placed, stored, stockpiled or otherwise disposed of in the county unless disposed of by placement on grounds designated by the county for such purpose or on such private grounds as may be permitted under the provisions of the Craig County Zoning Ordinance and licensed by the county as herein provided. The county may accept used tires at the county transfer station for disposal upon payment of a fee that shall be established from time to time by separate resolution of the board of supervisors.

(b) All persons operating a used tire storage facility on the effective date of this division shall submit to the local governing body a fire control plan. Such plan must be submitted within six months of the effective date of this division.

(c) All persons operating a used tire storage facility that comes into existence after the effective date of this division shall submit to the local governing body a fire control plan. Such plan must be submitted within 60 days of the date the facility comes into existence.

(d) No used tire storage facility shall be constructed or operated except in conformity with the Craig County Zoning Ordinance, applicable state and federal law and regulations and this division.
(Ord. No. 03-02, § 9, 2-18-2003; Ord. No. 07-09, 10-4-2007)

Sec. 22-104. Fire control plans.

(a) A fire control plan must adequately address compliance with the following requirements for used tire storage:

(1) All tires must be stockpiled neatly in cells of 100 tires or less per cell and be no higher than five feet.

(2) A berm of soil must be provided between all cells of tires in the storage area. The berm shall extend as high as the height of the tires in the cells.

(3) A passageway of 20 feet in width must be maintained between the berms of all cells of tires except where cells consist of only one or two lanes and the cells can be approached directly.

(4) For each cell of tires, a stockpile of 20 cubic yards of soil must be maintained within 200 feet of the cell. This material shall be in addition to any berm material.

(5) In lieu of stockpiled soil for fire suppression as described in subsection (4) above, foam with all the necessary equipment for its effective use may be available on the site.

(6) A fence of heavy gauge wire eight feet in height with two strands of barbed wire extending along the top must enclose the entire storage site.

(7) The access to the site must be controlled with a gate equipped with a lock or some other suitable method of preventing access to the site.

(8) The plan must specify how long the tires will be stored and the ultimate purpose for which they will be used.

(9) Appropriate and adequate equipment to place soil over the tires in case of fire must either be on the site at all times or be readily available.

(b) The local fire marshal shall review all fire control plans and make a decision on approval or denial of such plans within a reasonable time. Approved plans must be fully implemented within 60 days after the date of notification of approval.

(c) No used tire storage facility shall be allowed to operate unless it has an approved fire control plan.
(Ord. No. 03-02, § 10, 2-18-2003)

Sec. 22-105. Disposal; permits required.

Disposal of used tires or storage of used tires prior to disposal shall not occur without a permit from the department of waste management. Nothing in this division shall be construed to affect, modify or change any requirement imposed by the department of waste management.
(Ord. No. 03-02, § 11, 2-18-2003)

Sec. 22-106. Penalty for violation of division.

Any person who violates any provision of this division, by doing a prohibited act, or failing to perform a required act, or failing to perform permitted acts in the prescribed manner, shall be subject to the general penalty provisions of section 22-87 of this article.
(Ord. No. 03-02, § 12, 2-18-2003)

Chapters 23—25

RESERVED