

**Christiansburg Planning Commission  
Minutes of March 17, 2014**

Present: Matthew J. Beasley  
Harry Collins  
Ashley Cowen  
M.H. Dorsett, AICP (arrived at 7:05 p.m.)  
David Franusich  
Jonathan Hedrick  
Steve Huppert  
Craig Moore, Chairperson  
Joe Powers, Vice-Chairperson  
Jennifer D. Sowers  
Nichole Hair, Secretary <sup>Non-Voting</sup>

Absent: Ann H. Carter

Staff/Visitors: Kali Casper, staff  
Missy Martin, staff  
Kevin Conner, Gay and Neel  
Lance Franklin, 45 Welch Circle  
Anita Franklin, 45 Welch Circle  
Dennis Mirabella, 15 Welch Circle  
6 others

Chairperson Moore called the meeting to order at 7:01 p.m. in the Christiansburg Town Hall at 100 E. Main Street, Christiansburg, Virginia, following the pledge of allegiance, to discuss the following items:

Public Comment.

Chairperson Moore opened the floor for public comment. Mr. Lance Franklin of 45 Welch Circle noted his cul-de-sac has no curb around it and the snow trucks tear the grass up. Chairperson Moore responded staff will look into this issue. Commissioner Huppert added he has heard this before and staff has had grass replanted there. Commissioner Powers added flagging could be considered for guidance. Mr. Franklin responded the garbage trucks do it as well. Ms. Anita Franklin of 45 Welch Circles agreed and added she has been replanting every summer but it is too much. Chairperson Moore closed the public comment period.

Approval of meeting minutes for March 3, 2014.

Chairperson Moore introduced the discussion. Commissioner Cowen made a motion to approve the Planning Commission meeting minutes. Commissioner Hedrick seconded the motion, which passed 9-0.

Public hearing for Conditional Use Permit amendment request by Stateson Homes, LLC and Cambria Crossing, LLC for property on Phoenix Boulevard (tax parcels 465 – ((38)) – 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 27A, 28, 29, 30, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49 and 49A)) for a planned housing development in the MU-1 Mixed Use: Residential - Limited Business District.

Chairperson Moore introduced the discussion. Mr. Kevin Conner of Gay and Neel introduced himself as the representative for Stateson Homes, LLC and Cambria Crossing, LLC. Mr. Conner explained the property was rezoned in 2005 to allow for a planned housing development, which applied conditions to the lots such as setbacks and greenspace. Mr. Conner added this request will only change the conditions for the townhouse lots. Mr. Conner identified the proposed townhouse lots on an aerial map. Mr. Conner reviewed the first condition requested for amendment “the facades of individual townhouse units within a townhouse group structure shall be varied by changed front yard setbacks and variations in materials or designs so that a maximum of five abutting townhouses will have the same front yard setback. Variations in setback shall be at least two feet”. He explained the proposal requests the removal of “minimum of three” for having the same front yard setbacks in the current condition. Commissioner Dorsett asked if this was for the same lots as the previous request for shotgun-style houses. Mr. Conner responded this request applies to townhomes only and not single-family houses.

Mr. Conner reviewed the second condition requested for amendment “detached garages located on a townhome lot may be constructed on the lot line. Adjoining townhome lots may have a detached garage that shares a common wall”. He explained that current garages must have 3 foot side setback as an accessory structure. Mr. Conner added the amendment would allow for two single car garages to be adjoining at the property line, creating the look of a two-car garage. Commissioner Huppert asked if there would be a wall separating the two garages. Mr. Conner responded there will be a firewall, separate person doors and separate garage doors as shown on the building plans. Commissioner Franusich asked if there would be fences. Mr. Conner responded fences are required between the units. Commissioner Franusich asked if the fences run from the unit to the garage. Mr. Conner responded that they are required for 8 feet out. Ms. Hair added fences are required from the unit running 12 feet out. Mr. Conner noted additional length of fencing has not been discussed with the builder.

Mr. Conner explained the third condition requested for amendment appears to have been mistyped originally. He noted the change will be from a walkway connected to the alleyway to a walkway connected to the front sidewalk. Commissioner Huppert asked about the relative location of the Huckleberry Trail. Mr. Conner clarified the location of the trail. Chairperson Moore asked about any other changes. Mr. Conner responded the request was only for three changes to the townhouse lots.

Public hearing for Conditional Use Permit amendment request by Stateson Homes, LLC and Cambria Crossing, LLC for property on Phoenix Boulevard (tax parcels 465 – ((38)) – 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 27A, 28, 29, 30, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49 and 49A)) for a planned housing development in the MU-1 Mixed Use: Residential - Limited Business District – (continued).

Commissioner Dorsett asked about the previous request for single-family units at this location. Ms. Hair responded the previous request applied to the conditions for single-family homes and was not a rezoning, so these lots still allow for townhouse units. Mr. Conner added the lots were platted for townhouses as they are not wide enough for single-family units. Commissioner Dorsett asked if they will look similar to the existing units. Mr. Conner showed the facades from the building plans. Commissioner Dorsett asked about the siding. Mr. Conner responded that there would be siding and there is currently a mix of brick, siding, and stone in the development.

Commissioner Huppert asked for clarification regarding the sidewalk. Mr. Conner responded the walkway would connect from the front of the units to the sidewalk at the public street. Commissioner Huppert asked for clarification on varied setbacks. Mr. Conner showed drawing with setbacks varying every other unit instead of three units having the same setbacks. Commissioner Hedrick asked about double garages. Mr. Conner responded that there is not enough room for double garages. Commissioner Franusich asked about the viewshed from the Huckleberry Trail. Commissioner Sowers asked for clarification about the screening adjoining the property. Mr. Conner responded the screening is between the existing units and the Rowe furniture building.

Ms. Anita Franklin of 45 Welch Circle asked about how the units will look on the outside and will they have siding. She added that siding in the development is increasing and it is starting to cheapen the look of Cambria Crossing. Chairperson Moore responded the issue before Planning Commission is not the appearance of the units. He added the appearance is at the discretion of the homeowner's association.

Mr. Franklin asked why the townhouses need to vary since the already built units did not. Commissioner Franusich responded that it is an aesthetic choice.

Mr. Dennis Mirabella of 15 Welch Circle asked if the zoning will be changed and how many units in a row. Mr. Conner responded due to lot layout it will more than likely be 3, 4, or 5 units in a row. Chairperson Moore responded the request is an amendment to the Conditional Use Permit. not a rezoning.

Public hearing for Conditional Use Permit amendment request by Stateson Homes, LLC and Cambria Crossing, LLC for property on Phoenix Boulevard (tax parcels 465 – ((38)) – 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 27A, 28, 29, 30, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49 and 49A)) for a planned housing development in the MU-1 Mixed Use: Residential - Limited Business District – (continued).

Mr. Franklin asked if the greenspace on the concept drawing will be grass area. Mr. Conner responded the coloring means it is not a hard surface. Chairperson Moore noted that stormwater must be managed, so the developers will likely keep impervious surfaces to a minimum. Mr. Conner added the overall conditions have minimum greenspace requirements. Commissioner Powers asked about additional pavement. Mr. Conner responded there will be pavement for the garage area as well as walkways. Commissioner Huppert asked if the developers will include walkways to the garage. Mr. Conner responded Stateson Homes will address that. With no objections, Chairperson Moore closed the public hearing.

Commissioner Dorsett asked about an architectural rendering. Mr. Conner noted the building plans shown. Ms. Hair responded the applicant is not required to present those to the Town. Commissioner Hedrick asked which way the units will face. Mr. Conner noted that the units will face the boulevard and common area. Commissioner Sowers noted both sides have the alley. Mr. Conner agreed. Commissioner Dorsett asked about buffering between single-family homes and townhomes. Mr. Conner responded there is an alley in between. He added the single-family units adjoining the alley are required to use the alley. Commissioner Franusich made a motion to recommend approval of the Conditional Use Permit amendment to Town Council. Commissioner Beasley seconded the motion. Commissioner Powers noted staggering the units will enhance the visual appeal of the units. With no further discussion, the motion carried, 9-0. Chairperson Moore reminded everyone about the Town Council public hearing on April 8, 2014 at 7pm on this issue.

Other business.

Chairperson Moore introduced the discussion. Ms. Hair notified Planning Commission that Commissioner Cowen will be leaving the Commission. She added Town Council will not fill her seat until the fall to allow for increased cohesion of the group. Ms. Hair thanked Commissioner Huppert for his support. Chairperson Moore thanked Commissioner Cowen for her service. Commissioner Cowen responded it has been an honor to work with everyone.

Commissioner Dorsett asked that Commissioner Collins be listed as co-chair to replace Commissioner Cowen on the Comprehensive Plan subcommittee. Commissioner Collins added additional volunteers are needed for the subcommittee. Commissioner Dorsett agreed. Commissioner Powers noted the next meeting is on Wednesday at 4pm.

Other business – (continued).

Commissioner Franusich asked about the Development Committee for the 26<sup>th</sup> at 8:30am. Ms. Hair responded yes. Commissioner Dorsett added that more volunteers would be great. She elaborated on the current process of neighborhood planning. She noted these plans would include more specific information by area including stormwater, recreational opportunities, and sidewalks. Commissioner Cowen added that additional public input will be solicited. Commissioner Collins requested help from the Commissioners for their own neighborhoods.

Commissioner Huppert shared Town Council's action on two items. He noted the owner will be putting a sprinkler system into the Holiday Lodge so Town Council passed that request. He added that Chief Hanks attended the meeting and has been checking in at the location. Commissioner Huppert stated the garage request was also passed. He added Town Council appreciated Planning Commission's work on these items. Commissioner Huppert also noted he would report on those wearing green today.

There being no more business Chairperson Moore adjourned the meeting at 7:42 p.m.

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Craig Moore, Chairperson

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Nichole Hair, Secretary <sup>Non-Voting</sup>



# TOWN OF CHRISTIANSBURG

100 East Main Street

Christiansburg, VA 24073

Phone (540) 382-6120 Fax (540) 381-7238

## Rezoning Application

Landowner: Mark Willard Agent: \_\_\_\_\_

Address: 3566 Dairy Road Address: \_\_\_\_\_

Christiansburg, VA 24073 \_\_\_\_\_

Phone: 540-382-3278 Phone: \_\_\_\_\_

I am requesting a rezoning of my property from zoning classification B3 to zoning classification R2 under Chapter 30: Zoning of the Christiansburg Town Code.

My property is located at 185 Robert Street

Tax Parcel(s): 013424 (tax map #527-17BKA296)  
035657

I understand that proffers may be made in conjunction with the request. Proffers are voluntary offers by the property owner(s) regarding the request which must be made in writing prior to the Public Hearing. Proffers are legally binding. Any proffer(s) should be attached on a separate sheet of paper and signed and dated by the property owner(s) with the statement: "I (we) hereby proffer that the development of the subject property of this application shall be in strict accordance with the conditions set forth in this submission."

Fee: 750.00

I certify that the information supplied on this application and any attachments is accurate and true to the best of my knowledge.

Signature of Landowner(s): Mark Willard Date: 2-11-14 DM

Date: 2-14-14 2-21-14

Date: \_\_\_\_\_

This request was approved/disapproved by a vote of the Christiansburg Town Council on \_\_\_\_\_.

Town Manager \_\_\_\_\_

Date \_\_\_\_\_



**ESTABLISHED**  
NOVEMBER 10, 1792

**INCORPORATED**  
JANUARY 7, 1833

**MAYOR**  
D. MICHAEL BARBER

**COUNCIL MEMBERS**  
SAMUEL M. BISHOP  
R. CORD HALL  
STEVE HUPPERT  
HENRY SHOWALTER  
BRADFORD J. "BRAD" STIPES  
JAMES W. "JIM" VANHOOZIER

**TOWN MANAGER**  
BARRY D. HELMS

**DIRECTOR OF FINANCE/**

**TOWN TREASURER**  
VALERIE L. TWEEDIE

**CLERK OF COUNCIL**  
MICHELE M. STIPES

**TOWN ATTORNEY**  
GUINN, MEMMER &  
DILLON, P.C.

# *Town of Christiansburg, Virginia 24073*

100 East Main Street ~ Telephone 540-382-6128 ~ Engineering Fax 540-381-7238

## Town of Christiansburg Planning Staff Report

Planning Commission Public Hearing Date: Monday, March 3, 2014 at 7:00 p.m.

Town Council Public Hearing Date: Tuesday, March 25, 2014 at 7:00 p.m.

Application Type: Rezoning

Applicant: Mark Willard

Location: 205 Robert Street, S.E. (tax parcel 527 – ((17 BK A)) – 29R)

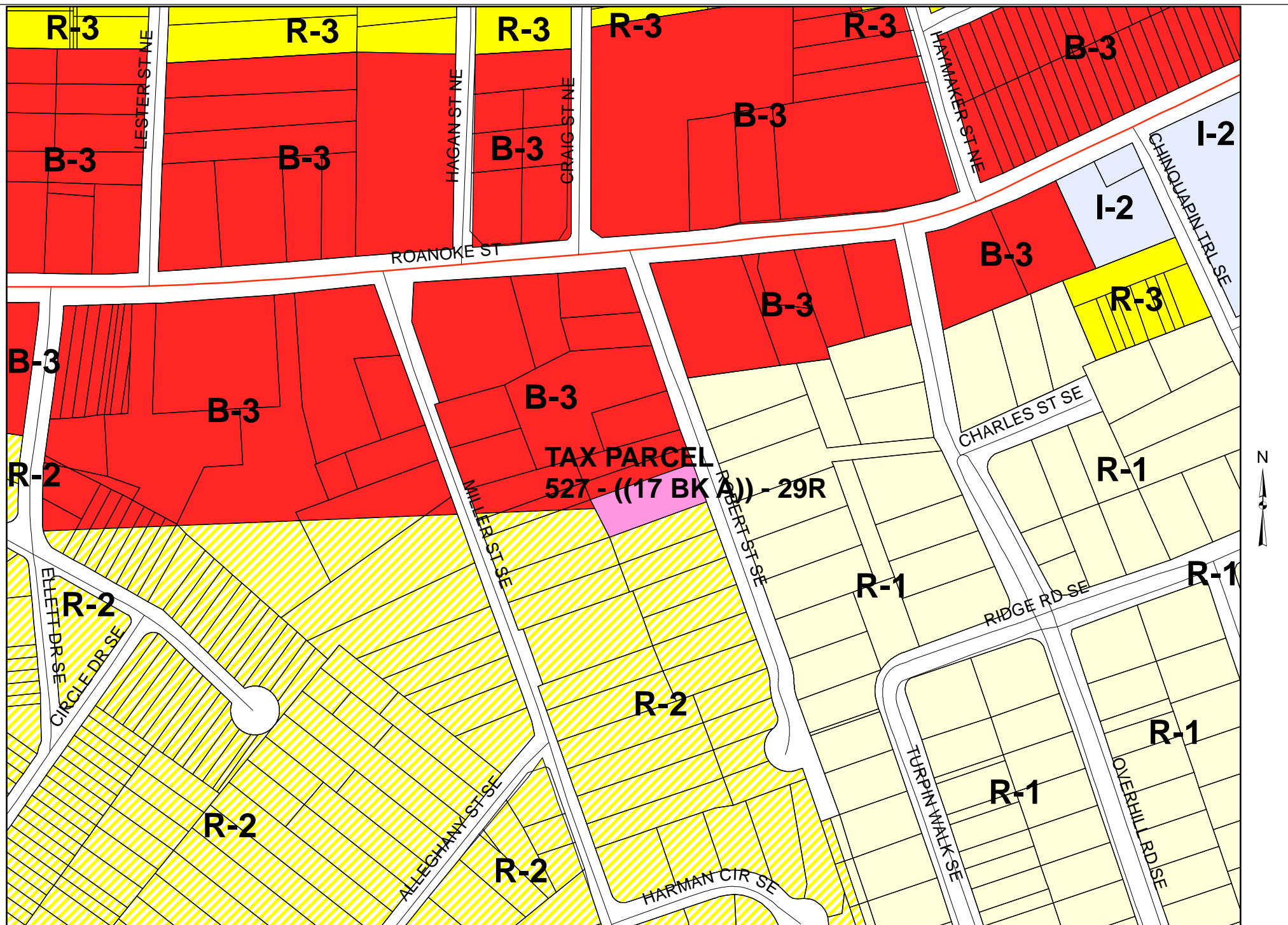
The Christiansburg Planning Commission will hold a Public Hearing to receive comments on Council's intention to adopt an ordinance in regards to a rezoning request by Mark Willard for property located at 205 Robert Street, S.E. (tax parcel 527 – ((17 BK A)) – 29R) from B-3 General Business to R-2 Two-Family Residential. The property is scheduled as Residential in the Future Land Use Map of the Christiansburg Comprehensive Plan.

The property does not lie within the 100-Year and 500-Year Flood Hazard Areas. The property does not lie within a Historic District. The adjoining properties are zoned B-3 General Business, and R-2 Two-Family Residential. The adjoining properties contain residences.

**REZONING: 205 ROBERT STREET S.E.**

<b>TAX MAP #</b>	<b>OWNER(S)</b>		<b>MAILING ADDRESS</b>	<b>CITY, ST, ZIP</b>
528- 38 2	ALUMBAUGH GREGORY L		210 ROBERT ST	CHRISTIANSBURG VA 24073
528- 38 3	BYRD TONY C		34104 LEE HWY	GLADE SPRING VA 24340
527- 17BK A 29B,3*	ROSENQUIST JOEL C	ROSENQUIST DEBBIE	2464 MOTSINGER FARM LN	KERNERSVILLE NC 27284
527- 17BK A 29R	MORRELL JONATHAN M		950 S MAIN ST	HILLSVILLE VA 24343
527- 17BK A 29A,3*	BANKS JAMES KERMIT	BANKS NADINE M	108 MILLER ST	CHRISTIANSBURG VA 24073
527- 17BK A 28R	MORRELL TINA E		110 MILLER ST	CHRISTIANSBURG VA 24073
527- 39 27A	GERMANY REX N III	GERMANY TAMMY L	215 ROBERT ST	CHRISTIANSBURG VA 24073
527- 17BK A 26,27	WILSIE ROSS C	WILSIE JENNIFER T	200 MILLER ST	CHRISTIANSBURG VA 24073





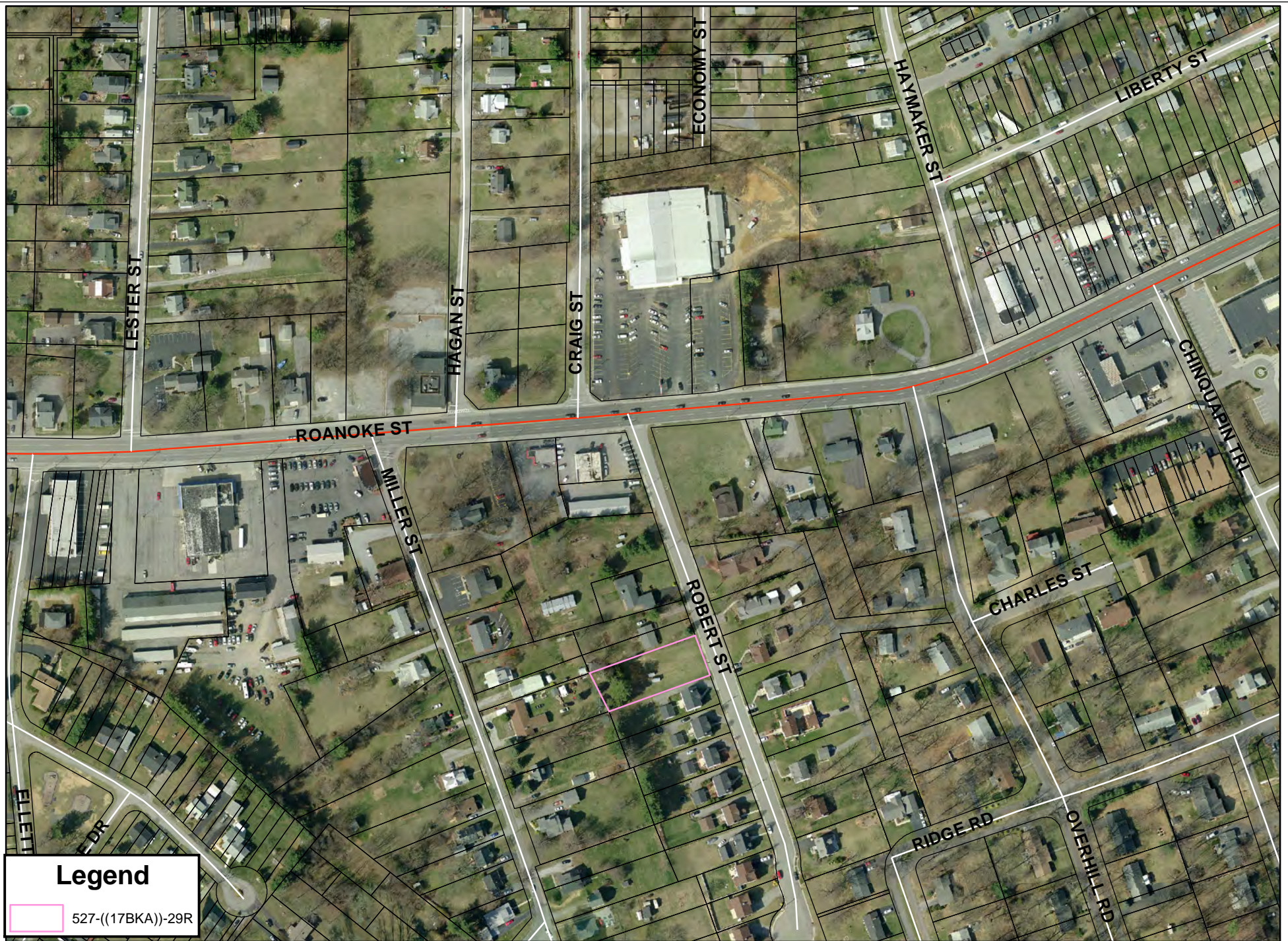
REZONING REQUEST: 205 ROBERT STREET, S.E.

PC: MARCH 3, 2104  
TC: MARCH 25, 2014

0 200 400 600  
Feet







## Legend

527-((17BKA))-29R

REZONING REQUEST: 205 ROBERT STREET, S.E.

PC: MARCH 3, 2014

TC: MARCH 25, 2014

0 100 200 300  
Feet





# Resolution of the Town of Christiansburg Planning Commission

## *Rezoning Request*

WHEREAS the Christiansburg Planning Commission, acting upon a rezoning request by Mark Willard for property at 205 Robert Street, S.E. (tax parcel 527 – ((17 BK A)) – 29R) from B-3 General Business to R-2 Two-Family Residential has found following a duly advertised Public Hearing that the public necessity, convenience, general welfare and good zoning practices (**permit / ~~do not permit~~**) changing the zoning of the property.

THEREFORE be it resolved that the Christiansburg Planning Commission (**recommends / ~~does not recommend~~**) that the Christiansburg Town Council rezone property at 205 Robert Street, S.E. (tax parcel 527 – ((17 BK A)) – 29R) from B-3 General Business to R-2 Two-Family Residential.

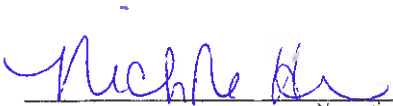
Dated this 3rd day of March 2014.

  
\_\_\_\_\_  
Craig Moore, Chairperson  
Christiansburg Planning Commission

The above Resolution was adopted on motion by Dorsett seconded by Beasley at a meeting of the Planning Commission following the posting of a public hearing notice upon the property and a duly advertised public hearing on the above request on March 3, 2014. Upon a call for an aye and nay vote on the foregoing resolution, the Commission members throughout all deliberations on the foregoing and voting or abstaining, stood as indicated opposite their names as follows:

<u>MEMBERS</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Matthew J. Beasley	X			
Ann H. Carter				X
Harry Collins	X			
Ashley Cowen	X			
M. H. Dorsett, AICP	X			
David Franusich	X			
Jonathan Hedrick	X			
Steve Huppert	X			
Craig Moore, Chairperson	X			
Joe Powers, Vice-Chairperson	X			
Jennifer D. Sowers				X

  
\_\_\_\_\_  
Craig Moore, Chairperson

  
\_\_\_\_\_  
Nichole Hair, Secretary Non-voting

**AN ORDINANCE TO AMEND CHAPTER 28 “SOLID WASTE” OF THE  
CHRISTIANSBURG TOWN CODE IN REGARDS TO DEFINITIONS,  
TOWN-ISSUED GARBAGE CARTS, GARBAGE COLLECTION,  
AND PROVIDING AN EFFECTIVE DATE**

WHEREAS, the Town of Christiansburg owns and maintains solid waste disposal equipment and operates same for the benefit of its garbage collection customers; and,

WHEREAS, a public hearing of Council of the Town was held March 11, 2014 and,

WHEREAS, in order to effectively operate and maintain its solid waste disposal equipment and efficiently provide garbage collection service, the Town must have appropriate regulations for such service;

THEREFORE, be it ordained by the Council of the Town of Christiansburg, Virginia that it hereby amends Sections 28-1, 28-32, 28-33, 28-34, 28-35, 28-37, 28-40, 28-41, 28-43, 28-44, 28-45, 28-46, 28-47, 28-49, 28-52, and 28-54 and repeals Section 28-36, 28-50, and 28-53 of Chapter 28 “Solid Waste” of the *Christiansburg Town Code* as follows:

**ARTICLE I. IN GENERAL**

**Sec. 28-1. 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:

*Ashes* means ashes, cinders or clinkers.

*Bulk item* means any large item not placed within a Town-issued garbage cart or dumpster, including but not limited to a major household appliance, large rug, mattress, bed springs, or furniture.

*Garbage* means refuse and waste, such as vegetable or animal matter, that attends the preparation, use, cooking, dealing or storing of same or any other matter that is subject to decay or fermentation, but excludes dishwater, rubbish and ashes.

*Garbage collection service* means the collection of garbage, rubbish, trash and ashes by the town.

*Hazardous material* means “hazardous material” as define in Code of Virginia § 10.1-1400, as amended.

*Hazardous substance* means “hazardous substance” as define in Code of Virginia § 10.1-1400, as amended.

*Hazardous waste* means “hazardous waste” as define in Code of Virginia § 10.1-1400, as amended.

*Household hazardous waste* means “household hazardous waste” as define in Code of Virginia § 10.1-1400, as amended.

*Rubbish or trash* means paper, floor sweepings, old discarded clothing, boots and shoes, bottles, broken glass, tin cans and all such rubbish that accumulates from a household or business, except ashes or other heavy materials.

*Sludge* means “sludge” as define in Code of Virginia § 10.1-1400, as amended.

*Tree, brush or shrubbery* means tree trimmings, brush and shrubbery with limbs not in excess of four inches in diameter and cut into pieces.

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**(Code 1972, § 15-1; Code 1992, § 24-1)**

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### **Sec. 28-2. Authority of health officer, etc.**

The health officer or other duly authorized official, as appointed by the town manager, shall have the authority to visit the premises or building of any resident, housekeeper, hotel, restaurant or storekeeper at any reasonable time and to make inspection of garbage, refuse, waste or ashes and to order the proper handling and disposition of same.

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**(Code 1972, § 15-2; Code 1992, § 24-2)**

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### **Sec. 28-3. Sweeping and depositing certain materials in streets, etc.**

- (a) It shall be unlawful for any person to deposit or cause to be deposited upon the sidewalks, streets, roads, lanes or alleys or in any catchbasin or drain paper, rags, old shoes, clothing, tin cans, bottles, fruit or vegetable peelings, dead animals, leaves or any other refuse or waste.
- (b) It shall be unlawful for any householder, storekeeper or other person, by himself or his agent, to sweep from any house, yard or store any dirt or refuse in or upon any sidewalk or public street, lane, road or alley.
- (c) All such material shall be placed in receptacles and disposed of as provided in this chapter. However, the owner has the option of making proper disposition by himself

or his agent and in all such cases must haul and deposit such material in an approved disposal facility.

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*(Code 1972, § 15-3; Code 1992, § 24-3)*

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**Sec. 28-4. Dumping ashes in streets, etc., prohibited; exception.**

It shall be unlawful for any person to dump ashes or other such materials in any street, road, lane, alley or drain within the town, except by special permission of the town manager.

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*(Code 1972, § 15-4; Code 1992, § 24-4)*

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**Sec. 28-5. Accumulation of refuse or garbage.**

Any person allowing refuse or garbage to accumulate on his premises in a manner that would become offensive or unsanitary shall be guilty of creating a nuisance.

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*(Code 1972, § 15-5; Code 1992, § 24-5)*

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**Sec. 28-6. General penalty.**

Except as otherwise provided in this chapter, a violation of any provisions of this chapter shall constitute a Class 1 misdemeanor.

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*(Code 1992, § 24-6)*

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**Secs. 28-7—28-30. Reserved.**

**ARTICLE II. COLLECTION AND DISPOSAL OF GARBAGE, REFUSE, ETC.**

**Sec. 28-31. Where garbage collection service to be provided.**

- (a) The town shall provide garbage collection service on the terms and conditions set out in this article only to citizens, residents and business establishments located within the corporate limits of the town.
- (b) However, in those instances where the established route of the garbage truck causes it to pass through an area outside the corporate limits of the town, garbage pickup service may then be provided with the approval of the town manager to residents of that area requesting such service.
- (c) The aforementioned established route or routes shall be subject to change at any time and should such change occur, garbage pickup service to residents along the former route shall then be discontinued.

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**(Code 1972, § 15-6; Code 1992, § 24-31)**

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**Sec. 28-32. Garbage cans or commercial plastic garbage bags carts to be provided by householders, etc. Town; use of Town-issued garbage carts.**

All householders or occupants of any residence, apartment or trailer and all operators of hotels, motor courts, restaurants, lodginghouses, boardinghouses or other business houses shall provide themselves with one or more standard, commercial plastic garbage bags not greater than 50 pounds or watertight garbage cans or containers of a capacity of not less than ten and not exceeding 32 gallons and not greater than 100 pounds. Each such receptacle or can shall be equipped to prevent access of flies and other insects, rodents, dogs or other animals. Such plastic bags, cans or receptacles shall be used for all garbage set out for removal by the town according to the provisions of this article. locations with garbage collection service shall be provided garbage carts by the Town unless serviced by dumpster garbage collection service. Such garbage carts issued by the Town of Christiansburg shall remain the property of the Town of Christiansburg. Customers who move outside the garbage collection service area or who otherwise cease garbage collection service with the Town are obligated to return the Town-issued garbage cart within 30 days of cessation of service. Customers who move within the garbage collection service area are obligated to notify the Town utility billing staff of any address change prior to or upon relocation.

The Town-issued garbage carts shall be used for all garbage set out by the garbage customer for removal by the Town according to the provisions of this article. Customers shall adhere to a maximum weight limitation of 300 pounds for 96-gallon Town-issued garbage carts and 150 pounds for 48-gallon Town-issued garbage carts.

It shall be unlawful for any individual or business to utilize Town-issued garbage carts for disposal of garbage, refuse, waste, etc. in carts that are assigned to other customers. It shall be the responsibility of all customers to properly identify their Town-issued garbage cart. Determination of whether or not Town-issued garbage carts are being utilized by a properly assigned customer shall be done by the Town in accordance with individual Town-issued garbage

cart identification numbers and their corresponding account information in the records of the Town.

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*(Code 1972, § 15-7; Code 1992, § 24-32)*

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**Sec. 28-33. Containers Town-issued garbage carts to be drained of excessive moisture.**

All ~~cans or containers~~ Town-issued garbage carts, as provided for in [section 28-32](#), shall be drained of any excessive moisture before being set out for removal.

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*(Code 1972, § 15-8; Code 1992, § 24-33)*

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**Sec. 28-34. Use of paper or pasteboard boxes, plastic bags, etc. as containers prohibited.**

No paper or pasteboard boxes, plastic bags, etc. shall be used as containers for garbage, rubbish, trash or ashes set for collection. Only Town-issued garbage carts or dumpsters are acceptable for Town garbage collection service.

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*(Code 1972, § 15-9; Code 1992, § 24-34)*

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**Sec. 28-35. Town cleanup; tree trimmings and brush hauling.**

- (a) The town shall provide tree and brush hauling and other town approved materials at no charge during the special two weeks of cleanup during the spring and two weeks in the fall within the corporate limits of the town. Cleanup shall be for residences and churches only and shall be limited to materials generated on the residential or church premises of the pick-up only. Town council shall have the authority to cancel cleanup.
- ~~(b) Tree and brush trimmings may be tied in small bundles or placed in containers and placed with the regular garbage for pickup by the garbage trucks during normal garbage pickup.~~
- (c) ~~At all other times, tree~~ Tree trimmings and brush pickup service shall be provided on an on-call basis during normal working hours, provided they are placed next to the street right-of-way. When such services are provided to any person or business, there shall be a charge, as provided for in [section 28-44](#)(f).



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*(Code 1972, § 15-10; Code 1992, § 24-35)*

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**~~Sec. 28-36. Containers for rubbish and trash.~~**

~~Rubbish and trash may be placed in the same can, container or plastic bag provided for garbage. Where rubbish and trash are to be placed in separate containers, then the containers shall be either of wood, plastic or metal, but not exceeding four cubic feet capacity. Such containers shall be provided with handles and tightfitting lids for sanitary reasons and to prevent scattering.~~

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*(Code 1972, § 15-11; Code 1992, § 24-36)*

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**~~Sec. 28-37. Ashes and ash containers~~ Prohibited materials.**

~~No hot ashes or embers shall be permitted in garbage or garbage containers placed for town collection.~~

Placing hazardous waste, hazardous substances, household hazardous waste, biohazardous waste, sludge, pharmaceutical waste, pressurized containers, combustible or explosive material, construction waste, electronic waste, hot ashes or embers, human excreta (excluding diapers), animal manure (excluding household pets), dead animals or portions of dead animals, automotive waste including tires and batteries, grease from restaurants or other business uses, liquids, appliances, earth, tree stumps, asphalt, brick, concrete, bulk items, and similar materials for collection in either Town-issued garbage carts or dumpsters shall be prohibited.

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*(Code 1972, § 15-12; Code 1992, § 24-37)*

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**~~Sec. 28-38. Garbage, etc., to be set out for collection according to schedule.~~**

~~All garbage, rubbish, trash and ashes shall be set out for removal at regular periods according to schedule.~~

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*(Code 1972, § 15-14; Code 1992, § 24-39)*

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**~~Sec. 28-39. Accumulation of garbage, etc., prohibited.~~**

Garbage, tree and brush trimmings, trash and ashes shall not be allowed to accumulate, causing a large quantity to be set out for collection at one time.

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*(Code 1972, § 15-15; Code 1992, § 24-40)*

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**Sec. 28-40. Garbage collection crew not to enter building to remove garbage, etc.; garbage cart assistance.**

The garbage collection crew shall not enter any building to remove garbage, rubbish, trash or ashes regardless of whether or not such materials is within Town-issued garbage carts. The garbage collection crew shall remove Town-issued garbage carts only through request by the customer through the Town's Garbage Cart Assistance Form application process. The Town reserves the right to deny any request through the Town's Garbage Cart Assistance Form application process without proper medical documentation regarding the inability to perform the removal of the Town-issued garbage cart(s) by all individuals residing at the customer service location.

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*(Code 1972, § 15-17; Code 1992, § 24-41)*

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**Sec. 28-41. Town garbage truck not to remove unprepared garbage, etc.; duty of owner or tenant.**

- (a) The town garbage truck shall not haul away any garbage, rubbish, trash, ashes, etc., that are not prepared and placed in suitable containers, as provided in this article. The Town has the right to specify particular pick-up locations for each individual Town-issued garbage cart and it shall be the responsibility of the customer to insure that the Town-issued garbage cart is in the specified pick-up location and oriented as directed by the Town.
- (b) Any matter set out for collection which does not comply with the provisions of this article will not be collected by the town garbage truck, but must be removed by the owner or tenant of the premises involved.

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*(Code 1972, § 15-18; Code 1992, § 24-42)*

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**Sec. 28-42. Town garbage truck not to remove loose leaves, refuse, etc., from building operations.**

The town garbage truck shall not haul away loose leaves, grass, cuttings, weed or hedge trimmings, tree trimmings, branches, limbs or similar matter, nor refuse and trash, from building operations.

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(Code 1972, § 15-19; Code 1992, § 24-43)

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**Sec. 28-43. Service charges—Residential and domestic.**

- (a) *Residential garbage service.* For a minimum fee, as set forth herein or as established in the latest edition of the town garbage service fee schedule, which may be amended from time to time by town council, payable and billed along with water and sewer services, the town will provide one weekly pickup and disposal of garbage, rubbish, trash, ashes, etc., ~~not exceeding the contents of three 32-gallon containers or the equivalent volume of smaller containers in Town-issued garbage carts.~~ The basis of the fee computation shall be on a single-family unit using a ~~maximum of not more than three 32-gallon containers or the equivalent volume of smaller containers~~ single Town-issued garbage cart to be picked up by the garbage collection truck once a week. Users utilizing additional Town-issued garbage carts shall be billed per additional Town-issued garbage cart at a rate specified in the Town Garbage Service Fee Schedule, which may be amended from time to time by Town Council. If all occupants of a customer service location are not physically capable of utilizing 96-gallon Town-issued carts they may request two 48-gallon Town-issued carts through the Town's Garbage Cart Request Form but will be billed at a rate equivalent to only one 96-gallon Town issued cart. The Town reserves the right to deny any request through the Town's Garbage Cart Request Form application process without proper medical documentation regarding the inability to utilize the Town-issued 96-gallon garbage cart by all individuals residing at the customer service location. The Town shall change customers a fee as specified in the Town Garbage Service Fee Schedule for changing Town-issued garbage cart sizes.
- (b) *Outside town.* The minimum fee for the above collection outside the corporate limits shall be as set forth herein or as established in the latest edition of the town garbage utilities service fee schedule, which may be amended from time to time by town council.
- (c) *Excess volume.* ~~With the exception of bagged leaves, for all All garbage, rubbish, trash and ashes set out for collection, the volume of which exceeds the maximum of three 32-gallon containers, there will be an additional charge as set forth herein or as established in the latest edition of the town garbage service fee schedule, which may be amended from time to time by town council~~ shall be contained with Town-issued garbage carts. Excess volume that is not contained within Town-issued garbage carts will not be picked up.
- (d) *Apartments condominiums, townhouses, and other buildings having multiple units— Fee and dumpster requirement provisions.* For apartment houses, condominiums, and other buildings having multifamily multiple units, excluding townhouses, the minimum fee for garbage collection service shall be for each family unit in the same building. Apartment houses, condominiums, and other buildings having multiple units with 8 or more units or any customer service location requesting more than four Town-issued garbage carts shall be required to have dumpster service. Townhouses are eligible for individual billing at the regular billing rate for individual customers. The Town may require dumpster service for any apartment house,

condominium, townhouse, or other development when the Town makes determination that Town-issued garbage cart service is not practical due to maneuverability or other operational issues caused by topography or other site constraints.

- (e) *Same—Billing.* In apartment houses and other buildings having multifamily units, the same owner, agent or tenant who is responsible for the payment of water and sewer service bills shall also be responsible for all the fees for garbage collection services in such buildings and shall be billed according to rates contained in this article.
- (f) *Tree and brush hauling.* The minimum fee chargeable for a town pickup of tree trimmings and brush shall be as set forth herein or as established in the latest edition of the town garbage service fee schedule, which may be amended from time to time by town council. Charges for a full or partial truck load or more shall be as set forth herein or as established in the latest edition of the town garbage service fee schedule, which may be amended from time to time by town council.
- (g) *Repair and replacement.* Customers are responsible for repair or replacement costs of Town-issued garbage carts at a rate established in the latest edition of the town garbage service fee schedule, which may be amended from time to time by Town Council, when the Town makes determination that damage or disappearance of the Town-issued garbage cart is not the responsibility of the Town or through normal regular use.

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(Code 1992, § 24-44; Ord. of 6-18-1991(1), § 15-20; Ord. of 2-2-1993; Ord. of 6-18-1996; Ord. No. 2002-6, 7-2-2002; Ord. No. 2005-3, 6-7-2005; Ord. No. 2008-3, 6-3-2008)

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#### **Sec. 28-44. Same—Business and commercial.**

- (a) *Application.* All business houses, stores, restaurants, hotels, motorcourts, lodginghouses, boardinghouses and other places of business desiring garbage collection service from the town shall make applications therefor on forms provided and shall state thereon approximately how many ~~containers~~ Town-issued garbage carts will be set out for collection and how many times per week such service is desired.
- (b) *Fees determined.* Respective monthly fees shall be determined on the written applications submitted before the service begins, and all fees shall be billed along with the water and sewer service.
- (c) *Direct billing.* In certain cases that do not receive a water bill, the billing will be direct for the garbage collection services and shall be paid and under the same rules and regulations as water and sewer service bills.
- (d) *Fees adjusted.* After such service is put into operation, if it should be found that the estimated volume of collection from any one place is more or less than was anticipated, the fees will be adjusted to meet the prevailing conditions; provided, further, that such fees may have to be adjusted from time to time as conditions warrant.

- (e) *Amount of fees.* The fees for business and commercial garbage collection services shall be as set forth herein or as established in the latest edition of the town garbage service fee schedule, which may be amended from time to time by town council.
- (f) *Dumpster fee.* Dumpsters shall be charged as set forth herein or as established in the latest edition of the town garbage service fee schedule which may be amended from time to time by town council.
- (g) *Bulky or heavy material.* For the collection of some special types of bulky or heavy material the nature of which cannot be measured by ~~containers~~ Town-issued garbage carts, the charge shall be based on the volume and time consumed to effect a pickup.

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(Code 1992, § 24-45; Ord. of 6-18-1991(1), § 15-21; Ord. of 2-2-1993; Ord. No. 2002-6, 7-2-2002; Ord. No. 2005-3, 6-7-2005; Ord. No. 2008-3, 6-3-2008)

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#### **Sec. 28-45. Collection procedure and schedule—Residential sections and business sections with family units over stores, etc.**

- (a) In residential sections of the town, all collections of garbage, rubbish, trash, ashes, etc., shall be made after 8:00 a.m. and according to a schedule that covers certain sections of the town each day.
- (b) ~~Containers~~ Town-issued garbage carts that are to be picked up shall be placed by 8:00 a.m. on the day designated in the collection schedule on the street at or near the property line, so that they can conveniently be picked up and emptied. Such ~~containers~~ Town-issued garbage carts shall be removed from the street by the owner not later than 6:00 p.m. of the same day and placed out of view from the street, placed within 3 feet from the front facade of the main structure, or as otherwise approved by the Town Manager or his designee.
- (c) In business sections of the town where family units are located in apartments over stores or other business places, collections shall be made in the morning, and all material to be collected shall be set out for collection by 8:00 a.m. one day each week according to the schedule. All ~~containers~~ Town-issued garbage carts after being emptied shall on the same day be removed from the street and placed out of view, placed within 3 feet from the front facade of the main structure, or as otherwise approved by the Town Manager or his designee. This duty shall be the responsibility of the same person that sets out the ~~container~~ Town-issued garbage cart for collection.

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(Code 1972, § 15-22; Code 1992, § 24-46)

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#### **Sec. 28-46. Same—Business sections generally.**

In business sections of the town, collections of garbage, rubbish, trash, ashes, etc., shall be made each day. All ~~containers~~ Town-issued garbage carts shall be placed for collection by 8:00 a.m. on the day designated in the collection

schedule for each place desiring garbage collection service. Where possible, all garbage, rubbish, trash, ashes, etc., shall be placed for collection at the rear of business houses. In those cases where it is not possible for garbage, rubbish, trash, ashes, etc., to be collected from the rear of business houses, the ~~containers~~ Town-issued garbage carts shall be placed in front of the sidewalk and in all such cases the ~~containers~~ Town-issued garbage carts shall be placed on the morning of the day they are to be collected and removed from the sidewalk by the owner within an hour after having been emptied by the collecting crew, and placed out of view from the street, placed within 3 feet from the front facade of the main structure, or as otherwise approved by the Town Manager or his designee. This shall not be construed to apply to the business sections referred to in [section 28-45](#).

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*(Code 1972, § 15-23; Code 1992, § 24-47)*

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#### **Sec. 28-47. Maintenance and location of containers, dumpsters, and Town-issued garbage carts.**

(a) It shall be the duty of the ~~owner of any garbage container or container for rubbish, trash or ashes~~ customer to keep such container their assigned Town-issued garbage cart(s) in a clean and sanitary condition at all times. Lids shall be kept on all ~~containers~~ Town-issued garbage carts at all times except when the ~~container~~ Town-issued garbage cart is being cleaned, filled or emptied. ~~Containers~~ Town-issued garbage carts shall be kept in a place that is out of view from the street, placed within 3 feet from the front facade of the main structure, or as otherwise approved by the Town Manager or his designee, except when placed for collection, and in such place and manner that they will not ~~become~~ constitute a nuisance to ~~neighbors adjoining properties~~. This provision shall apply to all sections of the town.

(b) It shall be the duty of the owner of any container, can, dumpster, or other receptacle designed for disposal of garbage or refuse, except public waste receptacles or Town-issued garbage carts, to enclose such container, can, dumpster or other receptacle with a minimum 8-foot tall gated privacy-type fence or wall made of durable material and to maintain such fence and enclosure area in a clean and sanitary manner at all times. Such enclosure shall have a minimum 12-foot by 12-foot pad and approach constructed as indicated per the Town of Christiansburg Dumpster Detail. The gate for such enclosure shall provide a minimum clear opening of at least 13 feet, be capable of being latched open or closed, and shall be maintained as closed when not being utilized for access. Lids shall be kept closed on all such containers, cans, dumpsters and other receptacles for garbage or refuse except when being cleaned, filled, or emptied and such containers, cans, dumpsters and other receptacles shall be maintained in a location and manner that will not constitute a nuisance to adjoining properties.

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*(Code 1972, § 15-24; Code 1992, § 24-48)*

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**Sec. 28-48. Owner to prevent garbage from being spilled on ground or premises.**

It shall be the duty and responsibility of every property owner, tenant, occupant or agent of any premises in the town to prevent garbage from being spilled on the ground or premises.

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*(Code 1972, § 15-25; Code 1992, § 24-49)*

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**Sec. 28-49. Disposition of garbage and refuse other than through garbage collection service.**

Garbage and other refuse disposed of in any other manner than through the town garbage collection service, as set forth in this article, shall be disposed of in a manner approved by the health department and Town Manager.

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*(Code 1972, § 15-26; Code 1992, § 24-50)*

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**~~Sec. 28-50. Paper, cartons, etc., to be flattened and put into bundles for collection.~~**

~~No person shall place on any public street, alley or elsewhere within the town limits for collection and removal by the town discarded paper, corrugated cartons or pasteboard boxes of any description without first flattening and securely tying the same with a stout cord in bundles not exceeding 36 inches in length and 50 pounds in weight.~~

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*(Code 1972, § 15-27; Code 1992, § 24-51)*

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**Sec. 28-51. Dumping within town prohibited.**

No garbage or offensive or disease-producing material or trash shall be dumped in any lot or space within the town for the purpose of filling or otherwise.

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*(Code 1972, § 15-28; Code 1992, § 24-52)*

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**Sec. 28-52. Placing garbage, etc., in public wastepaper receptacles.**

It shall be unlawful for any person to place in any receptacle that is used for the collection of wastepaper on the street or other public places any ~~garbage, trash, human excreta, manure from animals or offensive or disease-producing material~~ hazardous waste, hazardous substances, household hazardous waste, biohazardous waste, sludge, pharmaceutical waste, pressurized containers, combustible or explosive material, construction waste, electronic waste, hot ashes or embers, human excreta (excluding diapers), animal manure (excluding household pets), dead animals or portions of dead animals, automotive waste including tires and batteries, grease from restaurants or other business uses, liquids, appliances, earth, tree stumps, asphalt, brick, concrete, bulk items, and similar materials or to use any such receptacle for general disposal of garbage in large volumes.

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*(Code 1972, § 15-29; Code 1992, § 24-53)*

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**Sec. 28-53. ~~Placing human or animal excreta in container set out for removal.~~**

~~It shall be unlawful for any person to place in any container set out for removal by the town garbage truck any human excreta, excluding diapers or manure from animals other than household pets.~~

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*(Code 1972, § 15-30; Code 1992, § 24-54)*

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**Sec. 28-54. Picking through contents of ~~container set out for removal~~ Town-issued garbage cart or dumpster.**

It shall be unlawful for any person to pick through, handle or interfere with the contents of any ~~container~~ Town-issued garbage cart or dumpster set out for removal by the town under the provisions of this article. Employees of the Town or other governmental agencies involved in duly authorized investigations shall be exempt from this prohibition.

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*(Code 1972, § 15-31; Code 1992, § 24-55)*

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**Sec. 28-55. Interfering with employees in removal of material.**

It shall be unlawful for any person to interfere with, hinder or obstruct the employees of the town in the removal of any material set out for removal under this article.



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**(Code 1972, § 15-32; Code 1992, § 24-56)**

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**Sec. 28-56. Removal of garbage, rubbish or waste by town.**

If any person violating sections [28-4](#), [28-5](#), and [28-51](#) fails to remove such garbage, rubbish or waste after five days' written notice, the town shall remove the same and the violator shall pay the town the cost of removing the same. The cost of removal shall have no bearing on, or connection with, any punishment, fine or court cost that may be imposed.

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**(Code 1972, § 15-33; Code 1992, § 24-57)**

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**Sec. 28-57. General penalty.**

The town shall not be obligated to pick up any solid waste discarded in violation of this article. Except as otherwise provided in this article, a violation of any provisions of this article shall constitute a Class 1 misdemeanor.

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**(Code 1992, § 24-58)**

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This ordinance shall become effective April 7, 2014. If any part of this ordinance is deemed unlawful by a court of competent jurisdiction all remaining parts shall be deemed valid.

Upon a call for an aye and nay vote on the foregoing ordinance at a regular meeting of the Council of the Town of Christiansburg, Virginia held March \_\_, 2014, the members of the Council of the Town of Christiansburg, Virginia present throughout all deliberations on the foregoing and voting or abstaining, stood as indicated opposite their names as follows:

	<u>Aye</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
Mayor D. Michael Barber*				
Samuel M. Bishop				
Cord Hall				
Steve Huppert				
Henry Showalter				

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Bradford J. Stipes

James W. “Jim” Vanhoozier

\*Votes only in the event of a tie vote by Council.

SEAL:

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Michele M. Stipes, Town Clerk

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D. Michael Barber, Mayor