

VIRGINIA: AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF TAZEWELL COUNTY, VIRGINIA HELD AT THE COUNTY ADMINISTRATION BUILDING, LOCATED AT 197 MAIN STREET, TAZEWELL, VIRGINIA 24651, ON THE _____ DAY OF _____, 2026, FOLLOWING A PUBLIC HEARING BEFORE THE BOARD HELD ON THE _____ DAY OF _____, 2026, UPON NOTICE TO THE PUBLIC BY PUBLICATION IN A NEWSPAPER OF GENERAL CIRCULATION IN TAZEWELL COUNTY, THE FOLLOWING ORDINANCE WAS ADOPTED, FOLLOWING PUBLIC HEARING, A MOTION, AND SECOND:

Ordinance No.: 17-173

Date: _____

AN ORDINANCE TO PROHIBIT SCAVENGING FROM OR IMPEDING THE SERVICING, RETRIEVAL, OR MAINTENANCE OF RECEPTACLES OR CONTAINERS

WHEREAS, Section 15.2-1425 *et seq.* of the Code of Virginia (1950), as amended, allows local governing bodies to enact an Ordinance as it relates to its duties; obligations and functions;

WHEREAS, Section 15.2-815 *et seq.* of the Code of Virginia (1950), as amended, allows local governing bodies to enact an Ordinance as it relates to the regulation of garbage, trash, and pickup services;

WHEREAS, the Tazewell County Board of Supervisors (“the Board”) has not previously enacted an Ordinance to prohibit such conduct;

WHEREAS, the Board recognizes that the expenses, costs, and public safety concerns of persons scavenging through trash containers or receptacles; and,

WHEREAS, the Board desires to prevent future scavenging and to promote the safety and wellbeing of all residents of Tazewell County, Virginia;

NOW THEREFORE, the Board does hereby **ORDAIN** that, pursuant to Section 15.2-1425 *et seq.* and Section 15.2-815 *et seq.* of the Code of Virginia (1950), as amended, to enact *An Ordinance to Prohibit Scavenging From or Impeding the Servicing, Retrieval, or Maintenance of Receptacles or Containers* as Chapter 17, Article V, Section 17-173 of the Tazewell County Code of Ordinances, as follows:

CHAPTER 17 – SOLID WASTE

ARTICLE V. – TRASH AND LITTER ON PUBLIC AND PRIVATE PROPERT

SEC. 17-173 “SCAVENGING FROM OR IMPEDING THE SERVICING, RETRIEVAL, OR MAINTENANCE OF RECEPTACLES OR CONTAINERS

- A. **Definitions:** “Item” or “items” referred to herein shall include all waste or materials as set forth in Chapter 17 of the Code of Ordinances of Tazewell County, Virginia and inclusive of, but not limited to, the following: garbage, refuse, discharge, rubbish, putrescible waste, sharps, solid waste, hazardous materials or waste, pathological waste, or other abandoned or discarded materials. “Container” or “receptacle” referred to herein shall mean any portable enclosure in which items are stored, transported, treated, disposed of, or otherwise handled.

- B. **Prohibited Conduct:** It shall be unlawful for any person
 - a. To go through contents or remove any item or items from a container or receptacle unless expressly authorized to do so; or,
 - b. To impede or cause to impede the servicing, retrieval, or maintenance of any container or receptacle.

- C. **Equitable Remedies:** In addition to any penalty as authorized else where in the Code of Ordinances of Tazewell County, Virginia, the County Administrator, or his designee, my initiate an injunction, mandamus action, abatement, or any other action to prevent, enjoin, abate, or remove a violation of any provision of this Section.

- D. **Penalties:** Any person committing a violation of this Section shall be subject to a Class 1 misdemeanor, being a fine of up to two thousand five hundred dollars (\$2,500.00) and/or up to twelve (12) months’ imprisonment as provided in Sec. 15.2-1429 of the Code of Virginia (1950) as amended. Each day that a person violates such ordinance shall constitute a separate offense. Such violations or subsequent violations shall additionally be subject to the injunctive relief in a state court of competent jurisdiction.

It is so **ORDAINED** this _____ day of _____, 2026.

RECORDED VOTE:

MEMBERS PRESENT: _____
MEMBERS ABSENT: _____
AYES: _____
NAYS: _____
ABSTENTIONS: _____

ATTEST:

Charles E. Presley
Chairman – Board of Supervisors

C. Eric Young
Tazewell County Administrator