Catherine C. Angel
123 Beacon Hill Place
Lynchburg, Virginia 24503
Home Phone: (434) 384-0552 Cell Phone: (434) 841-0770

RECEIVED
JAN 12 2004
COUNCIL MANAGER'S OFFICE

January 8, 2004

Council Meeting of
January 27, 2004

Agenda Item: 6

Mrs. Patricia W. Kost, CMC
P. O. Box 60
Lynchburg, Virginia 24505

Re: Amendment to the City Code requiring Contractors to provide dumpsters at their building/job sites to contain trash.

Dear Mrs. Kost:

Thank you for taking the time to advise me concerning procedures for being added to the City Council Agenda.

I respectfully request to be added to either the regular City Council agenda for January 27, 2004 at 5:00 p.m. or the first available City Council work session. I will leave it up to your discretion as to which would be the better time to present my argument for the above reference amendment to the City Code.

Since November 2002, I have been surrounded by a new development, Beacon Hill Subdivision, and have been overwhelmed by the amount of trash from each construction site that has blown on to my property. I own 39 acres in the city and a large number of those acres surround the development and have been affected by the trash blown from many of the construction sites. I have tried on a number of occasions to deal directly with various construction companies and have not had much success. After calling the City Attorney, Walter Erwin, to discuss any recourse I have to compel the construction companies to contain their trash, I was informed that there is no statute that requires construction companies to provide containers to dispose of or contain their trash. The only statute that comes close is the statute concerning litter and a complainant would have to prove which construction company and site was responsible for the litter. This is almost impossible to prove unless there is a witness watching a construction site 24 hours a day.

I feel that an amendment is necessary to compel construction companies to contain their trash and keep their sites in good order. An amendment to the code would give individuals a legal recourse if a construction company is not maintaining their site.

Thank you for your help in this matter. Please send all correspondence to my mailing address or contact me by phone.

Very truly yours,

Catherine C. Angel

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CCA/

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January 8, 2004

L. Kimball Payne, III, City Manager
City of Lynchburg
P. O. Box 60
Lynchburg, Virginia 24505

Re: Amendment to the City Code requiring Contractors to provide dumpsters at their building/job sites to contain trash.

Dear Mr. Payne:

I am planning to address City Council to request the above-referenced amendment be added to the City Code.

Since November 2002, I have been surrounded by a new development, Beacon Hill Subdivision, and have been overwhelmed by the amount of trash from each construction site that has blown on to my property. I own 39 acres in the city and a large number of those acres surround the development and have been affected by the trash blown from many of the construction sites. I have tried on a number of occasions to deal directly with various construction companies and have not had much success. After calling the City Attorney, Walter Erwin, to discuss any recourse I have to compel the construction companies to contain their trash, I was informed that there is no statute that requires construction companies to provide containers to dispose of or contain their trash. The only statute that comes close is the statute concerning litter and a complainant would have to prove which construction company and site was responsible for the litter. This is almost impossible to prove unless there is a witness watching a construction site 24 hours a day.

In my conversation with Mr. Erwin, I also confirmed that any trash that blows onto my property is my responsibility to pick up. After walking the sections of my property that abut the Beacon Hill Subdivision, I was overwhelmed with the amount of construction trash that is now on my property and is my responsibility to remove. I will never be able to prove which construction company or site is responsible for the trash. I have on many occasions taken trash to the Lynchburg Dump and now have the same view from my front porch.

A couple of years ago, my husband and I made major renovations to our home. We removed the top section of our house and rebuilt. The first thing the construction company we hired brought to our home was a dumpster. The amount of debris/trash from the renovations was about the same as building a new house, yet not one piece of debris/trash was found outside of the dumpster.

I feel that an amendment is necessary to compel construction companies to contain their trash in dumpsters and keep their sites in good order. An amendment to the code would give individuals a legal recourse if a construction company is not maintaining their site.

I would greatly appreciate your support of my request for the above-referenced amendment. If you are interested in visiting the Beacon Hill Subdivision, I would be happy to meet with you to discuss this matter.

Very truly yours,

Catherine C. Angel

CCA