CHAPTER FIVE - Other Public Services

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ARTICLE 951
Refuse Collection

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CROSS REFERENCES
General powers of Municipalities - see W.Va. Code 8-12-5
Placing injurious material streets - see TRAF. 311.01
Dropping, leaking loads - see TRAF. 347.04

951.01 DEFINITIONS.

For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

(a) "Ashes" means the residue from the burning of wood, coal, coke, or other combustible materials.

(b) "Garbage" means putrescible animal and vegetable waste resulting from the storage, vending, sale, preparation or use of foodstuffs, such as meats, fish, fowl or vegetables.

(c) "Refuse" means all putrescible and nonputrescible solid wastes, except human body wastes, including garbage, rubbish, ashes, street cleanings, and solid market and industrial waste.

(d) "Rubbish" means nonputrescible solid wastes, excluding ashes, consisting of both combustible and noncombustible wastes such as cardboard, tin cans, wood, glass, bedding, crockery and similar materials.
(Passed 9-20-77)

951.02 DEPARTMENT OF WASTE COLLECTION.

(a) Created; Duties Generally. There is created within the Town a Department of Waste Collection which shall be charged with the responsibility of collecting, removing and disposing of refuse produced in the residences and commercial establishments of the Town.

(b) Supervision. The Department shall be under the supervision and direction of the Mayor, as chief administrator of the Town or other persons appointed by the Mayor with the approval of Council, by a majority vote.

(c) Rules and Regulations. The Mayor or other duly appointed person shall have authority to make regulations concerning the days of collection, type and location of refuse containers, placement of refuse containers and such other matters pertaining to the collection, conveyance and disposal of garbage, refuse and waste as shall be necessary, and to change and modify the same after reasonable notice; provided, that such regulations are not contrary to the laws of the State and the Town.

(d) Appeals. Any person aggrieved by a regulation of or fee charged by the Department shall have the right to appeal to the Mayor, who shall have the authority to confirm, modify or revoke any such regulation or fee.
(Passed 9-20-77)

951.03 PRECOLLECTION PRACTICES.

Preparation of Refuse. All garbage shall have all free liquids drained from it and shall be in approved trash bags before being placed in garbage cans for collection.
(Passed 5-13-97)

951.04 CONTAINERS.

(a) Condition. Refuse containers shall be provided by the owner, tenant, lessee or occupant of the premises in a good condition and be free from ragged or sharp edges or any other defect liable to hamper or injure the person collecting the contents thereof.

(b) Duty to Maintain. Refuse containers shall be maintained by the owner, tenant, lessee or occupant of the premises in a neat, clean and sanitary condition at all times.

(c) Type and capacity.

(1) Refuse. Refuse containers shall be made of plastic or rubber material, commercial dumpster will be of metal or other material approved by the Department of Waste Collection and be equipped with suitable handles and tight fitting covers and be water-tight and have a capacity of not less than ten gallons and not over thirty-three gallons.

(d) Points of Collection. Refuse containers shall be placed for collection at the curb line of the street or alley from which collection is made.
(Passed 8-25-09)

951.05 COLLECTION PRACTICES.

(a) Frequency.

(1) Residential. Refuse accumulated by residences shall be collected at least once a week, weather permitting.

(2) Commercial. Refuse accumulated by commercial establishments and institutions shall have daily, twice-weekly or weekly collection, as may be required. The frequency of collection shall be based upon the average need of the commercial establishment or institution and shall be agreed upon by the Department of Waste Collection and the subscriber. However, where necessary to protect public health, the Department shall have the authority to require more frequent collections.

(b) Limitations on Quantity of Refuse.

(1) Residential. The Department of Waste Collection shall collect refuse of each family or residential unit during a collection period, provided the same is properly prepared, for the standard charge set forth in this article. The Waste Department shall collect a reasonable accumulation of refuse, which shall be no more than two or three containers and must be an approved container, as specified in 951.04(c).

(2) Commercial. The Department of Waste Collection shall collect a reasonable accumulation of refuse of commercial establishments and institutions during the collection period at a fair charge based upon the average number of thirty-gallon cans per collection during the collection period, at the rates set forth in this article. The Department shall have authority, when necessary to protect public health, to require the collection of larger amounts and increase the charges, according the rates set forth in this article. No pick ups will be made for items not enclosed within the approved containers.
(Passed 8-25-09; Orig. passed 5-13-97)

951.06 RATES.

(a) Residential. The Residential rates for the collection of refuse placed at ground level and not more than on hundred (100) feet from the side of the street or alley from a single family unit shall be as follows:

Per Month $15.18

(Passed 12-10-13)

(b) Commercial, Industrial or Institutional. For refuse placed at ground level and not over one hundred (100) feet from the curb line of the street or alley from which collected:

Service rate per month:

Avg. Volume Per Collection	Weekly	Twice	Three	Four	Five
Average 2 cans or less	17.86	35.71	53.56	71.41	89.27
Average 3 cans	30.40	60.79	91.18	121.57	151.96
Average 4 cans	37.16	74.31	111.47	148.62	185.79
Average 5 cans	44.66	89.32	133.98	178.64	223.30
Average 6 cans	51.51	103.01	154.52	206.02	257.52
Average 8 cans	69.35	138.69	208.04	277.38	346.73
8 Yard Container (Cost $2140.00 Rental per month $104.72)	185.74	371.48	557.22	742.96	928.70
6 Yard Container (Cost $2,110.00, Rental per month $92.40)	141.19	282.37	423.55	564.74	705.92
4 Yard Container (Cost $1,488.00 Rental per month $63.73)	92.90	185.79	278.68	371.58	464.47
2 Yard Container (Cost $925.00 Rental per month $40.03)	48.29	96.59	144.88	193.17	241.46

Commercial, Industrial or Institutional subscribers which accumulate large amounts of refuse, rubbish or garbage shall, in the discretion of the Mayor or other duly appointed person, be required to either rent from the Department of Waste Collection or purchase an approved container of sufficient capacity to insure efficient and sanitary pick-up of refuse, rubbish or garbage.
(Passed 11-22-11; 8-25-09; orig. passed 6-26-07)

(c) Collection From Other Than Normal Collection Points. Where the collection of refuse from other than the curb line of the street or alley from which collection is made is agreed upon by the Department of Waste Collection, the fee shall be that established for normal collections, plus each additional fee as may be set by the Department to cover the cost of the extra service.

(d) Payment: Disposition of Funds.

(1) All rates and charges provided in this article shall be paid monthly or in advance, except those fees and charges for commercial, industrial or institutional services where the Department of Waste Collection makes some arrangements for payment.

(2) All moneys paid to the Town for the services provided in this article shall be received, accounted for in the general fund of the Town and paid out as required by the Mayor and Council.

(e) Delinquent Accounts: Collection of Unpaid Charges. All accounts not paid within fifteen days of the date of billing shall be considered delinquent. The Town may proceed for the collection of a Municipal claim.

(f) Rates for Special Services. The Department shall have the general authority to fix rates or fees for special services not otherwise provided for; provided such fees shall be commensurate with the services performed.
(Passed 9-20-77)

(g) Rates for Additional Pickups. The Department shall have the general authority to charge Commercial, Industrial or Institutional customers for additional pickups, if needed. This additional pickup will be an occasional occurrence and will not take the place of needing a dumpster or needing a larger dumpster, if necessary.
The following rates will be charged for each additional pickup during the month:

2 yard container	$30.00
4 yard container	$60.00
6 yard container	$90.00
8 yard container	$120.00

As stated in 951.06 (b), the container must be of sufficient capacity. If the Department feels the present pick-ups are insufficient, the Business location will be contacted to make arrangements.
(Passed 8-25-09)

(h) Mandatory disposal; proof required; penalty imposed. Each person occupying a residence or operating a business establishment in this state shall either (I) subscribe to and use a solid waste collection service and pay the fees established therefore or (II) provide proper proof that said person properly disposes of solid waste at approved solid waste facilities or in any other lawful manner. The Director of the Department of Natural Resources shall promulgate rules pursuant to chapter twenty-nine-a of this code regarding an approved method or methods of supplying such proper proof. A civil penalty of one hundred fifty dollars ($150.00) shall be assessed to the person receiving solid waste collection services in addition to the unpaid fees for every year that a fee is not paid.

(Passed 12-10-13; orig. passed 5-13-97)

951.07 RECYCLING PROGRAM.

(a) Established. There shall be established a recycling program for the Town of Nutter Fort, effective August 1, 1993. This recycling program will provide for the manner in which collections shall be made, specifications for those items to be recycled, and a schedule of days and hours for collection.

(b) Rules and Regulations. Council may make rules and regulations providing for recycling that will not be in conflict with any State or County law or any contract between the Town and the recyclables collector. Council will also choose the hauler who will collect the recyclables.

(c) Fees. There will be a fee of two dollars ($2.00) per month per customer, as defined by the utility monthly billing. This fee will be collected and deposited and books will be maintained by the Town.

(d) Recyclables.

(1) Items to be recycled shall include, but not be limited to aluminum and bi-metal cans, steel beverage and food cans, plastics Nos. 1 and 2, corrugated paper, cardboard, newspapers including inserts, and magazines.

(2) The following recyclable items may be placed in the recycling bin or plastic garbage bags: aluminum beverage cans and bi-metal cans, steel beverage and food cans, plastics Nos. 1 and 2, newspapers including inserts, and magazines.

(3) All customers of the City/Town must participate in the recycling program under the same terms as laid down by the collection of regular consumer garbage, except for the following rule: All recyclables must be placed at the front curb for pick-up. This will allow for a more cost-efficient collection. Failure to participate in the recyclable program will be a violation of the law mandating recycling, and will result in loss of garbage collection by those who fail to participate. (Passed 8-24-93)

(4) Recycling will be collected as specified by this department and may be changed if necessary.

(Passed 12/27/11, 8-25-09; orig. passed 8-24-93)

951.99 PENALTY.

(a) Any Customers violating the provisions of this Ordinance or any regulation promulgated hereunder shall be fined Twenty-five Dollars ($25.00) plus court costs for an initial violation and up to Five Hundred Dollars ($500.00) plus court costs for each additional violation.

b) Any owner of a multi-family dwelling, four units or larger, violating this Ordinance or any regulations promulgated hereunder shall be fined up to One Hundred Dollars ($100.00) plus court costs for an initial violation and up to Five Hundred Dollars ($500.00) plus court costs for each additional violation.

(c) A notice of Violation can be issued by the Town of Nutter Fort, SWA Director, Law Enforcement and the WV D.E.P., and if not corrected within thirty (30) days the above mentioned fines plus court costs will be collected.

(d) Any commercial establishment violating this Ordinance or any regulations promulgated hereunder shall be fined up to One Thousand Dollars ($1,000.00) plus court costs for an initial violation continues shall constitute a separate violation.

(Original Passed 12-27-11)