

## CHAPTER 8.

## GARBAGE AND REFUSE.

*For state law as to authority of city to prevent deposit of litter, offensive matter, etc., in public places, see W. Va. Code, § 8-12-5(3). As to authority of city to prohibit accumulation and require disposal of garbage, refuse, etc., see W. Va. Code, § 8-12-5(10). As to authority of city to construct, maintain, etc., incinerator plants and other facilities for garbage removal and destruction, see W. Va. Code, § 8-12-5(11). As to authority of city to impose special charges for collection and disposal of garbage, refuse, etc., see W. Va. Code, § 8-13-13.*

*As to nuisances generally, see ch. 13 of this Code.*  
*As to water and sewers generally, see ch. 18.*

- § 8-1. "Garbage" defined.
- § 8-2. Authority of mayor--Generally.
- § 8-3. Same--Purchase and maintenance of equipment; employees.
- § 8-4. Fees for collection service.
- § 8-5. Accumulations, etc.; engaging in collection business.
- § 8-6. Collection schedules; preparation for collection.
- § 8-7. Violations and penalties.

Sec. 8-1. "Garbage" defined.

The term "garbage" shall mean and include all waste matter and material whether consisting of food, paper, wood, metal or other substance, resulting from normal residential and business functions. (4-7-77, § 1; 10-23-80, § 1.)

Sec. 8-2. Authority of mayor--Generally.

The mayor is hereby authorized and directed to take such action as, in his opinion, is necessary to execute and give effect to the provisions of this chapter, including the collection of fees as hereinafter imposed, the acquisition and maintenance of equipment, the employment of labor and other help, and the establishment and maintenance of regular schedules of garbage collection. (4-7-77, § 2; 10-23-80, § 2.)

Sec. 8-3. Same--Purchase and maintenance of equipment; employees.

The mayor is hereby authorized and directed by the council, subject to approval of the council, to purchase such equipment as, in his opinion, is necessary to effectively render the service established and defined by this chapter,

and to take such action, expend such sums of money and employ such assistance as is necessary to properly maintain such equipment and comply with such collection and disposal schedules as may be established. All labor so employed pursuant to this section will be considered employed by the city. (4-7-77, § 5; 10-23-80, § 5.)

Sec. 8-4. Fees for collection service

As consideration for and in order to finance the collection service, the following fees and rates are hereby established:

(a) Residences. There is hereby imposed a fee of four dollars and fifty cents per month upon the occupant of every dwelling house used for residential purposes within the city, unless such dwelling house is occupied for residential purposes by more than one family unit, in which case a separate fee of four dollars and fifty cents shall be and is hereby imposed on each family unit occupying such dwelling house.

(b) Businesses. The mayor and the recorder are hereby designated and appointed as a special committee to establish and promulgate a uniform schedule of fees upon an equitable basis to cover and apply the collection and disposal of all garbage and refuse accumulated by all businesses operating within the corporate limits of the city, but such schedule of fees shall be approved by a majority of the members of the city council at a regular meeting thereof before becoming effective.

The rates herein established shall apply to every resident and business establishment within the city limits, except as herein provided. (4-7-77, § 3; 12-15-77, §§ 1 to 3; 10-23-80, § 3.)

Sec. 8-5. Accumulations, etc.; engaging in collection business.

No person shall accumulate, dump or deposit, or permit to be accumulated or disposed of, any garbage on any property within the city, regardless of whether such property is owned by him.

All persons are hereby restricted and prohibited from engaging in the business of collection and disposition of garbage. (4-7-77, § 4; 10-23-80, § 4.)

Sec. 8-6. Collection schedules; preparation for collection.

The mayor is hereby authorized and directed to establish and maintain regular schedules governing the collection and disposal of garbage as herein provided. All persons subject to this chapter are hereby required to prepare such garbage in containers, on the day or days of such collection, and to place same at a location on or near their premises which will provide the maximum possible convenience for collection. (4-7-77, § 6; 10-23-80, § 6.)

Sec. 8-7. Violations and penalties.

Any person found guilty of violating any of the provisions of this chapter shall be guilty of a misdemeanor and shall be subject to a fine not exceeding fifty dollars or imprisonment not to exceed thirty days, or both, at the discretion of the mayor. (4-7-77, § 7; 10-23-80, § 7.)

