

CODIFIED ORDINANCES OF GLEN DALE
PART ELEVEN - HEALTH AND SANITATION CODE

Art. 1101. General Sanitary Provisions.

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CODIFIED ORDINANCES OF GLEN DALE
PART ELEVEN - HEALTH AND SANITATION CODE

ARTICLE 1101
General Sanitary Provisions

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CROSS REFERENCES
Power to regulate generally - see W. Va. Code 8-12-5

1101.01 COMMISSIONER OF SANITATION.

The Mayor shall appoint a competent person to be Commissioner of Sanitation; provided, that the Mayor may designate some qualified officer of the City to be Ex Officio Commissioner of Sanitation. (1987 Code §12-1-1.)

1101.02 ENFORCEMENT OF CHAPTER; MAINTENANCE OF GOOD HEALTH AND SANITATION GENERALLY.

(a) The Commissioner of Sanitation and police officers of the City shall be responsible for the enforcement of the provisions of this article.

(b) The Commissioner of Sanitation shall, to the extent of his authority and the means at his disposal, be responsible for the maintenance of proper health and sanitary conditions within the City; and he shall report to the proper county or state officers any condition dangerous to the public health and which is beyond his authority or beyond his means to compel abatement or correction. (1987 Code §12-1-2.)

1101.03 PERMITTING STAGNANT WATER TO STAND.

No person owning or having possession or control of any land in the City shall allow water to stand thereon in any manner whatsoever so as to endanger the health of the persons living in the vicinity of such land.

(1987 Code §12-1-3.)

1101.04 LEAVING DEAD ANIMALS, PUTRID MEAT, ETC., IN STREETS AND OTHER PUBLIC PLACES.

No person shall cast or leave exposed in any street, alley, lot, commons or on the bank of any stream within the City, the dead carcass of any animal or any putrid or unsound beef, pork, or fish, or any other putrid or unsound substance that may become prejudicial to public health.

(1987 Code §12-1-4.)

1101.05 VACANT LOTS, ETC., THROWING OR DEPOSITING INJURIOUS MATTER THEREON; APPLICATION OF SECTION.

(a) No person shall throw or deposit, or cause to be thrown or deposited upon any vacant lot or open space in the City, sawdust, shavings, vegetable matter of any sort, or any other matter or thing injurious to public health.

(b) This section shall not apply to deposits of substances not injurious to health at any place designated by the City as a public dump.

(1987 Code §12-1-5.)

1101.06 DUTY OF OWNER OR AGENT, ETC.

The owner of any lot or square or ground in the City or his agent who shall let any vacant or open lot or square for exhibition shall, within twenty-four hours after the exhibition has left, clear and remove to the satisfaction of the Commissioner of Sanitation, any wastepaper or deposits of any kind from such lot or square.

(1987 Code §12-1-6.)

1101.07 SANITARY REQUIREMENTS FOR STABLES, ETC.

Every owner, lessee or occupant of any stable or place where horses, cattle or other animals are kept, or any place in which manure or any liquid discharge of such animals shall collect, shall at all times keep, or cause to be kept, such stables and places and drainage and appurtenances thereof in a wholesome and clean condition, so that no offensive smell shall escape. Every stall, stable or place where horses or cattle are kept, shall have a manure vault or box; such manure vault or box shall be kept on the premises of owner and located at a point as far as practicable from any dwelling, church, school or similar structure owned or occupied by any person or the owner or occupant of the building or stable.

(1987 Code §12-1-7.)

1101.08 PREMISES WHERE FOWL ARE KILLED.

Every person owning, leasing or occupying any place where any kind of fowl has been, or shall be killed or dressed, shall cause such places and their yards and appurtenances to be thoroughly cleaned and purified, and all offal, blood, fat, garbage or refuse or offensive matter shall be removed therefrom at least once in every twenty-four hours after the use thereof for any of the purposes described in this section.

(1987 Code §12-1-8.)

1101.99 PENALTY.

(EDITOR'S NOTE: See Section 101.99 for general Code penalty.)

ARTICLE 1105
Garbage, Refuse and Rubbish

	IN GENERAL.		
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1105.02	Compliance with article.	1105.11	Fees established; method of billing and collection; stoppage of collection service.
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1105.04	Unauthorized accumulation constitutes nuisance.		
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1105.06	Collection, transportation and disposal by City only; exception.	1105.13	Permit required; application; issuance.
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1105.08	Pre-collection practices and requirements.	1105.15	Equipment requirements.
1105.09	Collection practices and requirements.	1105.16	Industrial firms; monthly rate.
		1105.17	Application of article
		1105.99	Penalty.

CROSS REFERENCES

Power to regulate - see W. Va. Code 8-12-5(10) et seq.
Placing materials in streets - see TRAF. 311.01
Loads dropping or leaking - see TRAF. 347.04
Littering, deposit of refuse - see GEN. OFF. 533.07

IN GENERAL

1105.01 DEFINITIONS.

For the purpose of this article, the following words and phrases shall have 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) "County Health Officer" means the County Health Officer of Marshall County.
- (c) "Garbage" means putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.
- (d) "Refuse" means all putrescible and nonputrescible solid wastes (except body wastes), including garbage, rubbish, ashes, street cleanings, dead animals, abandoned automobiles and solid market and industrial wastes.

- (e) "Rubbish" means nonputrescible solid wastes (excluding ashes) consisting of both combustible and noncombustible wastes, such as paper, cardboard, tin cans, yard clippings, wood, glass, bedding, crockery and similar materials.
(1987 Code §11-1-1.)

1105.02 COMPLIANCE WITH ARTICLE.

It shall be unlawful for any person to dump, burn, scatter, deposit, or otherwise dispose of any garbage, rubbish, refuse, offal, ashes, glass, cans, or other waste material, including both vegetable and animal matter, in the City except as provided in this article.
(1987 Code §11-1-2.)

1105.03 REFUSE GENERALLY; PROHIBITED DISPOSITION AND ACCUMULATIONS.

(a) No person shall, by himself or through another, accumulate any garbage or refuse on private property within the City, except such refuse or garbage as is being properly collected and stored for collection by the City, nor shall any person, by himself or through another, place any refuse in any street, alley or other public place or upon any private property, whether owned by such person or not, within the City except in proper containers for collection or under express approval granted by the Commissioner of Sanitation.

(b) No person shall throw or deposit any refuse in any stream or other body of water.
(1987 Code §11-1-3.)

1105.04 UNAUTHORIZED ACCUMULATION CONSTITUTES NUISANCE.

Any unauthorized accumulation of refuse on any premises is hereby declared to be a nuisance and is prohibited.
(1987 Code §11-1-4.)

1105.05 SCATTERING PROHIBITED.

No person shall cast, place, sweep or deposit anywhere within the City any refuse in such a manner that it may be carried or deposited by the elements upon any street or sidewalk, alley, sewer, parkway or other public place, or into any occupied premises within the City.
(1987 Code §11-1-5.)

CITY REFUSE COLLECTION AND DISPOSAL

1105.06 COLLECTION, TRANSPORTATION AND DISPOSAL BY CITY ONLY; EXCEPTION.

(a) Except as provided otherwise in this article, all refuse accumulated in the City shall be collected, conveyed, and disposed of by the City; and no other person shall collect, convey over any of the streets or alleys of the City, or dispose of, any refuse accumulated in the City.

(b) This article shall not prohibit the actual producers of refuse, or the owners of premises upon which refuse has accumulated, from personally collecting, conveying and disposing of such refuse; provided, that such producers or owners comply with the provisions of this article and that the manner of collection, conveyance and disposal meets with any other governing law or ordinance and the approval of the Commissioner of Sanitation and the County Health Officer.

(c) This article shall not prohibit collectors of refuse from outside the City from hauling such refuse over City streets; provided, that such collectors comply with the provisions of this article and meet the approval of the Commissioner of Sanitation and the County Health Officer and meet the requirements of any other governing law or ordinance.
(1987 Code §11-2-1.)

**1105.07 SUPERVISION OF CITY COLLECTION SERVICES;
REGULATIONS.**

The collection, conveyance and disposal of refuse within the City shall be done under the supervision of the Commissioner of Sanitation and the County Health Officer. The Commissioner of Sanitation, with the approval of the Mayor, shall make regulations concerning the days of collection, type and location of waste containers and such other matters pertaining to the collection, conveyance and disposal of refuse as he shall find necessary, and he may change and modify such regulations, with the Council's approval, after notice to the public; provided, that such regulations are not contrary to the provisions of this article.

(1987 Code §11-2-2.)

1105.08 PRECOLLECTION PRACTICES AND REQUIREMENTS.

(a) Separation of Refuse. Garbage, ashes and rubbish shall each be placed and maintained in separate containers.

(b) Preparation of Refuse.

(1) Garbage. All garbage before being placed in garbage cans for collection shall have drained from it all free liquids and may be wrapped in paper.

(2) Rubbish. All rubbish shall be drained of liquid before being deposited for collection.

A. Cans and Bottles. All cans and bottles which had contained food shall be thoroughly rinsed and drained before being deposited for collection.

B. Trimmings and Clippings. Tree trimmings, hedge clippings and similar material shall be cut to length not to exceed four feet and securely tied in bundles for collection.

C. Glass, Cans, Etc. Glass, cans, bottles and other noncombustible material shall not be placed in any receptacle for the storing of garbage.

(c) Refuse Containers.

(1) Duty to provide and maintain in sanitary condition. Refuse containers shall be provided by the owner, tenant, lessee or occupant of the premises. Refuse containers shall be maintained in good condition. Any container that does not conform to the provisions of this article or that may have ragged or sharp edges or any other defect liable to hamper or injure the person collecting the contents thereof shall be promptly replaced upon notice. The Commissioner of Sanitation shall have the authority to refuse collection services for failure to comply herewith.

(2) Garbage. Garbage containers shall have a capacity of not more than thirty gallons, and shall be made of metal, equipped with suitable handles and tight fitting covers, and shall be watertight. Garbage containers shall be of a type approved by the County Health Officer and shall be kept in a clean, neat and sanitary condition at all times.

(d) Points of Collection. Refuse containers shall be placed for collection at ground level on the property, not within the right of way of a street or alley, and accessible to the side of the street or alley from which collection is made; provided that containers may be placed for collection at other than ground level when approved by the Commissioner of Sanitation.

(1987 Code §11-2-3.)

1105.09 COLLECTION PRACTICES AND REQUIREMENTS.

- (a) Frequency of Collection.
- (1) Residential. Refuse accumulated by residences shall be collected at least once each week.
 - (2) Commercial. Hotels, restaurants and other businesses and institutions as deem it necessary may enter into an agreement for a greater frequency of collection. Where necessary to protect the public health, the Commissioner of Sanitation shall have the authority to require that more frequent collections be made.
- (b) Limitation on Quantity.
- (1) Residential. The Commissioner of Sanitation shall collect a reasonable accumulation of refuse of each family during a collection period for the standard charge.
 - (2) Commercial. The Commissioner of Sanitation shall collect a reasonable accumulation of refuse of hotels, restaurants and other businesses and institutions during the collection period at a fair charge based upon the average weight or volume; and he shall have authority to refuse to collect unreasonable amounts or to make an additional charge for such amounts.
- (c) Special Refuse Problems.
- (1) Contagious disease refuse. The removal of wearing apparel, bedding or other refuse from homes or other places where highly infectious or contagious diseases have prevailed shall be performed under the supervision and direction of the County Health Officer. Such refuse shall not be placed in containers for regular collections.
 - (2) Flammable or explosive refuse. Highly flammable or explosive materials shall not be placed in containers for regular collection but shall be disposed of as so directed by the Commissioner at the expense of the owner or possessor thereof.
- (d) Collection by Actual Producers and Outside Collectors.
- (1) Requirements for vehicles. The actual producers of refuse or the owners of premises upon which refuse is accumulated who desire personally to collect and dispose of such refuse, and persons who desire to dispose of waste materials not included in the definition of refuse and collectors of refuse from outside of the City who desire to haul over the streets of the City, shall use a watertight vehicle provided with a tight cover and so operated as to prevent offensive odors escaping therefrom and refuse from being blown, dropped or spilled. Each such vehicle shall meet the approval of the Commissioner of Sanitation and the County Health Officer.
 - (2) Rules and regulations. The Council shall have authority to make such other reasonable regulations concerning individual collection and disposal and relating to the hauling of refuse over City streets by outside collectors as it shall find necessary.
(1987 Code §11-2-4.)

1105.10 CITY GARBAGE VEHICLES.

The collection of garbage in vehicles owned by the City provided for that purpose shall be under the supervision of the Council and directed by the Commissioner of Sanitation. (1987 Code §11-2-5.)

1105.11 FEES ESTABLISHED; METHOD OF BILLING AND COLLECTION; STOPPAGE OF COLLECTION SERVICE.

(a) Council shall by ordinance from time to time establish fees for collection and disposal of refuse. The fees as now in existence shall continue until changed by ordinance.

(b) The fee for the collection and disposal of garbage and refuse in the City of Glen Dale, West Virginia, shall be as follows:

(1) Residential \$17.00 PER MONTH

(2) Commercial, Business or Service:
Class I \$30.00

(Those small commercial, business or service establishments which do not use dumpsters and which are picked up only once a week)

Class II \$4.50 per cubic yard

(All commercial, business or service establishments serviced by the City which are using dumpsters will be charged the following rate x the cubic yard size of their dumpster x the number of pickups per month.)

Class III \$4.50 per cubic yard

(Those large commercial, business or service establishments serviced by the City which do not use dumpsters will have their cubic yardage estimated per pickup multiplied x the number of pickups per month x the rate)

(3) The rental fee for the use of a City owned dumpster shall be as follows:

<u>Cubic Yard</u>	<u>Per Month</u>
8	\$28.00
6	20.00
4	15.00
3	13.00
2	10.00

(4) The rental fee for construction/demolition dumpsters shall be as follows: Residents can rent dumpsters under the following fee schedule:

One week (7 days) spot	\$25.00
Each time emptied	27.00
Each additional week spot	15.00
Each time emptied	27.00

- (5) Contractors can rent dumpsters under the following fee schedule:
- | | |
|------------------------|---------|
| One week (7 days) spot | \$50.00 |
| Each time emptied | 54.00 |
| Each additional week | 50.00 |
| Each time emptied | 54.00 |
- (5-22-06)

- (c) (1) Payment of fees: delinquent accounts. All delinquent accounts are subject to stoppage of service without notice. If a delinquent account is not paid within thirty days, the Commissioner of Sanitation shall cease all refuse collection for that account unless otherwise directed by the mayor. Service shall be resumed thereafter only on payment of the accumulations of fees for the period of the noncollection unless the Mayor specifically directs otherwise.
- (2) Legal remedy. The stoppage of service hereinbefore authorized for nonpayment of collection charges shall be in addition to the right of the City to proceed for the collection of such unpaid charges in a manner provided by law for the collection of a municipal claim.
(1987 Code §11-2-6.)

1105.12 APPEALS FROM REGULATIONS AND FEES OF COMMISSIONER OF SANITATION.

Any person aggrieved by regulation of, or fee charged by the Commissioner of Sanitation, as approved by the Council, shall have the right to file a written appeal with the Sanitation Committee of the City Council, which shall set a time and place for hearing of which the applicant shall be notified. After hearing the committee may confirm, modify or revoke any such regulation or fee. (1987 Code §11-2-7.)

PRIVATE COLLECTION OF REFUSE EXCLUSIVE OF GARBAGE

1105.13 PERMIT REQUIRED; APPLICATION; ISSUANCE.

The collection, removal and disposal of refuse, exclusive of garbage, from houses, buildings, yards and lots within the City in any case not covered by Sections 1105.06 through 1105.12, shall be made only by collectors who have applied for and received a permit for such activities from the City Clerk. (1987 Code §11-3-1.)

1105.14 PERMIT FEE; TO WHOM PAYABLE.

For each permit granted for the collection of refuse, exclusive of garbage, the Recorder shall assess such fee as may be established by resolution of the City Council, which shall be paid to the City Treasurer. (1987 Code §11-3-2.)

1105.15 EQUIPMENT REQUIREMENTS.

Persons granted permission to collect refuse, exclusive of garbage, in the City shall be equipped with a sanitary vehicle, approved by the Council.
(1987 Code §11-3-3.)

1105.16 INDUSTRIAL FIRMS; MONTHLY RATE.

Any industrial firm, corporation or business having large quantities of trash, rubbish, ashes, glass, cans or other waste material, including both vegetable and animal matter, for disposal, which has been accumulated in connection with the operation of such industrial firm, corporation or business, and not collected from any other source for disposal, may be authorized to dispose thereof upon payment of a fee established by the City Council.
(1987 Code §11-3-4.)

1105.17 APPLICATION OF ARTICLE.

The provisions of this article shall not apply to any person who, on his own premises, shall consume by burning, burial, or other manner not in conflict with sanitary regulations as provided by law, any garbage, rubbish, refuse, offal, ashes, glass, cans, or other waste material, including both vegetable and animal matter, which may accumulate upon his own premises in the ordinary conduct of his household or business.
(1987 Code §11-3-5.)

1105.99 PENALTY.

(EDITOR'S NOTE: See Section 101.99 for general Code penalty.)

The imposition of any fine or penalty for any violation of this article shall not excuse the violation or permit it to continue; and any person convicted of a violation of this article shall be required to remedy such violation forthwith after notice to do so; and each day that the prohibited condition is maintained shall constitute a separate offense. The application of any fine or penalty shall not be held to prevent the enforced removal of the prohibited conditions as provided by law.
(1987 Code §11-1-6.)

Codified Ordinances of Glen Dale
Part Eleven – Health and Sanitation Code
Article 1105 Garbage, Refuse and Rubbish

Amendment to Subsection 1105.01 Definitions

For the purpose of this Article, the following words and phrases shall have 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) “County Health Officer” means the County Health Officer of Marshall County.
- (c) “Garbage” means putrescible animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food.
- (d) “Refuse” means all putrescible and nonputrescible solid wastes (except body wastes), including garbage, rubbish, ashes, street cleanings, dead animals, abandoned automobiles and solid market and industrial wastes.
- (e) “Rubbish” means nonputrescible solid wastes (excluding ashes) consisting of both combustible and noncombustible wastes, such as paper, cardboard, tin cans, yard clippings, wood, glass, bedding, crockery and similar materials.
- (d) “Bulk/Large Items” means items that are too large or unsuitable for deposition in a refuse container. (Examples include furniture, doors, windows, allowable appliances, etc.)

Codified Ordinances of Glen Dale
Part Eleven – Health and Sanitation Code
Article 1105 Garbage, Refuse and Rubbish

Amendment to Subsection 1105.08 Precollection Practices and Requirements

(c) **Refuse Containers**

(1) All refuse, except cardboard, newspapers and magazines, trash compactor bags, and grass and tree clippings shall be stored in an approved refuse container.

A. Refuse containers used for storage of refuse between collections, except as provided elsewhere in this Article, shall have a capacity of not more than thirty-four (34) gallons and shall be made of plastic or metal of a ridged construction suitable for outdoor use. The container shall have suitable handles and tight fitting covers and shall be water tight. The container shall be kept in a neat, clean and sanitary condition at all times. The filled container shall be of such weight that it can be safely handled by one person. The container may not have ragged or sharp edges or other defects liable to hamper or injure the person collecting the content.

B. In addition to the use of the above refuse containers, all refuse must also be contained in garbage bags, even items that are also stored in refuse containers, so as to facilitate the safe and sanitary pick-up by the City.

C. Cardboard, newspaper, magazine and trash compactor bags must be stored between collections in a manner so they remain dry and do not create a nuisance or menace to public health or safety.

D. Grass clippings and tree trimmings, and similar such materials, must be stored between collections in a manner so they remain dry and do not create a nuisance or menace to public health or safety.

E. Nothing in this Subsection shall authorize the storage of refuse longer than the time between collections. Refuse containers shall be provided by the owner, tenant, lessee, or occupant of the premises. Refuse containers shall be maintained in good condition. Any container that does not conform to the provisions of Subsection Article shall be promptly repaired or replaced upon notice.

F. Refuse and refuse containers shall be kept in a location so as to not be visible from the street in front of or adjacent to the residence, business, or property which has refuse collection services, except on the day of garbage collection and the day before garbage collection.

Codified Ordinances of Glen Dale
Part Eleven – Health and Sanitation Code
Article 1105 Garbage, Refuse and Rubbish

Amendment to Subsection 1105.09 Collection Practices and Requirements

- (a) Frequency of Collection.
 - (1) Residential. Refuse accumulated by residences shall be collected at least once each week.
 - (2) Commercial. Hotels, restaurants and other businesses and institutions as deem it necessary may enter into an agreement for a greater frequency of collection. Where necessary to protect the public health, the Commissioner of Sanitation shall have the authority to require the more frequent collections be made.

- (b) Limitation on Quantity.
 - (1) Residential. The Commissioner of Sanitation shall collect a reasonable accumulation of refuse of each family during a collection period for the standard charge.
 - (2) Commercial. The Commissioner of Sanitation shall collect a reasonable accumulation of refuse of hotels, restaurants and other businesses and institutions during the collection period at a fair charge based upon the average weight or volume; and shall have authority to refuse to collect unreasonable amounts or to make an additional charge for such amounts.

- (c) Special Refuse Problems.
 - (1) Contagious disease refuse. The removal of wearing apparel, bedding or other refuse from homes or other places where highly infectious or contagious diseases have prevailed shall be performed under the supervision and direction of the County Health Officer. Such refuse shall not be placed in containers for regular collections.
 - (2) Flammable or explosive refuse. Highly flammable or explosive materials shall not be placed in containers for regular collection but shall be disposed of as so directed by the Commissioner of Sanitation at the expense of the owner or possessor thereof.
 - (3) Bulk/Large item refuse. Bulk/large items are not treated the same as refuse containers. Only one (1) bulk/large item will be collected per month from each residential customer under the standard charge. Any additional bulk/large items shall be collected by approval and with an additional charge. When any bulk/large item it being placed for collection the residential customer shall provide notice by calling the Commissioner of Sanitation of such bulk/large item. Bulk/large items are to be placed out in

the point of collection no more than twenty-four (24) hours before the collection time.

(d) Collection by Actual Producers and Outside Collectors.

- (1) Requirements for vehicles. The actual producers of refuse or the owners of premises upon which refuse is accumulated who desire personally to collect and dispose of such refuse, and persons who desire to dispose of waste materials not included in the definition of refuse and collectors of refuse from outside of the City who desire to haul over the streets of the City, shall use a watertight vehicle provided with a tight cover and so operated as to prevent offensive odors escaping therefrom and refuse from being blown, dropped or spilled. Each such vehicle shall meet the approval of the Commissioner of Sanitation and the County Health Officer.
- (2) Rules and regulations. The Council shall have authority to make such other reasonable regulations concerning individual collection and disposal and relating to the hauling of refuse over City Streets by outside collectors as it shall find necessary.

Codified Ordinances of Glen Dale
 Part Eleven – Health and Sanitation Code
 Article 1105 Garbage, Refuse and Rubbish

Amendment to Subsection 1105.11 Fees Established; Method of Billing and Collection;
 Stoppage of Collection Services

(a) Council shall by ordinance from time to time establish fees for collection and disposal of refuse. The fees as now in existence shall continue until changes by ordinance.

(b) The fee for the collection and disposal of garbage and refuse in the City of Glen Dale, West Virginia, shall be as follows:

- | | |
|--|-----------------------|
| (1) Residential | \$25.00 PER MONTH |
| (2) Commercial, Business or Services: | |
| Class I | \$40.00 PER MONTH |
| (Those small commercial, business, or service establishments which do not use dumpsters and which are picked up only once per week) | |
| Class II | \$5.50 per cubic yard |
| (All commercial, business, or service establishments serviced by the City which are using dumpsters will be charged the following rate x the cubic yard size of their dumpster x the number of pickups per month.) | |
| Class III | \$5.50 per cubic yard |
| (Those large commercial, business, or service establishments serviced by the City which do not use dumpsters will have their cubic yardage estimated per pickup multiplied x the number of pickups per month x the rate) | |
| (3) The rental fee for the use of a City owned dumpster shall be as follows: | |
| <u>Cubic Yard</u> | <u>Per Week</u> |
| 8 | \$38.00 |
| 6 | 30.00 |
| 4 | 25.00 |

(4) The Rental fee for construction/demolition dumpsters shall be as follows:

Residents can rent dumpsters under the following fee schedule:

One week (7 days) spot	\$50.00
Each time emptied	54.00
Each additional week spot	30.00
Each time emptied	54.00

(5) Contractors can rent dumpsters under the following fee schedule:

One week (7 days) spot	\$100.00
Each time emptied	108.00
Each additional week	100.00
Each time emptied	108.00

(6) While one (1) bulk/large item per month is allowed under the monthly collection charges, any and all additional bulk/large items will be subject to a fee of \$12.50 per item.

- (d) (1) Payment of fees; delinquent accounts. All delinquent accounts are subject to stoppage of service without notice. If a delinquent account is not paid within thirty days, the Commissioner of Sanitation shall cease all refuse collection for that account unless otherwise directed by the Mayor. Service shall be resumed thereafter only on payment of the accumulations of fees for the period of the noncollection unless the Mayor specifically directs otherwise.
- (2) Legal remedy. The stoppage of service hereinbefore authorized for nonpayment of collection charges shall be in addition to the right of the City to proceed for the collection of such unpaid charges in a manner provided by law for the collection of municipal claims.

**ARTICLE 1111
Junk Yards**

1111.01	Definitions.	1111.03	Compliance with article; abatement of nuisance by injunction.
1111.02	License required; restrictions as to location.	1111.99	Penalty.

CROSS REFERENCES

Salvage yards - see W. Va. Code Art. 17-23

Receiving stolen goods - see W. Va. Code 61-3-18

1111.01 DEFINITIONS.

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

- (a) "Fence" means an enclosure at least six feet in height, so constructed and maintained as to obscure the junk within; the enclosure from ordinary view to those persons passing upon the streets and alleys within the City.
- (b) "Junk" means old or scrap copper, brass, rope, rags, batteries, paper, rubber, junked, dismantled or wrecked automobiles or parts thereof, iron, steel and other old or scrap ferrous or nonferrous materials.
- (c) "Junk Yard" means an establishment or place of business which is maintained or operated for the purpose of storing, keeping, buying or selling junk or the maintenance or operation of an automobile graveyard.
(1987 Code §13-1-1.)

1111.02 LICENSE REQUIRED; RESTRICTIONS AS TO LOCATION.

(a) No junk yard shall be operated or maintained within the City within one hundred feet of any street, unless the view thereof from such street is obscured by natural objects or a fence.

(b) No junk yard shall be operated or maintained within the City without a license, and no license shall be granted to dealer who maintains a junk yard within one hundred feet of any street within the City unless the view thereof from the street is obscured by natural objects or a fence. The fee for maintaining a junk yard shall be fifty dollars (\$50.00) annually.
(1987 Code §13-1-2.)

**1111.03 COMPLIANCE WITH ARTICLE; ABATEMENT OF NUISANCE
BY INJUNCTION.**

Any person violating any provision of this article whether as principal or employee, shall be deemed guilty of an offense, and in addition to other remedies provided by this Code or by law, the City may apply to the Circuit Court or other Court of competent jurisdiction in the County for an injunction to abate such nuisance.

(1987 Code §13-1-3.)

1111.99 PENALTY.

(EDITOR'S NOTE: See Section 101.99 for general Code penalty.)

**ARTICLE 1117
Nuisances**

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CROSS REFERENCES

Authority to abate nuisances - see W. Va. Code 18-2-5(13), (23)

1117.01 "NUISANCE" DEFINED; COMMON LAW NUISANCE PROHIBITED.

(a) For the purpose of this article, a nuisance is hereby defined to be any unlawful, unreasonable or unwarrantable use by any person of his property, real or personal, and which unlawful, unreasonable or unwarrantable use by any person of his property works an obstruction of or any injury to a right of another or of the public and which produces such material annoyance, inconvenience, discomfort or hurt that the law will presume a consequent damage.

(b) The foregoing definition shall not be deemed all inclusive, and nuisances at common law whether designated in this article or not, shall be unlawful within the City.
(1987 Code §18-1-1.)

1117.02 NOTICE TO ABATE.

Whenever the Council shall have knowledge of the existence of anything or condition constituting a nuisance dangerous to the public health or shall have knowledge of any thing or condition constituting a nuisance but which is not, per se, dangerous to the public health, the Council shall give the Recorder instructions to notify the person responsible for such nuisance to show cause before the Council, at a time and place to be specified in such notice, why such nuisance should not be abated, discontinued or removed. Such notice shall be served on the party to whom it is directed at least five (5) days before the time specified in such notice for hearing before the Council.
(1987 Code §18-1-2.)

1117.03 SERVICE OF NOTICE.

If the person who is responsible for the nuisance is within the City he shall receive personal service of the aforementioned notice. In the event that such notice cannot be personally served upon the person to whom directed for the reason that such person cannot be found in the City, then the Council shall cause such notice to be published once in a newspaper of general circulation in the City not more than thirty (30) days nor less than ten (10) days prior to the date that the hearing shall be held. (1987 Code §18-1-3.)

1117.04 ABATEMENT, ORDER OF.

If after hearing all the facts in the case, the Council is of the opinion that the nuisance should be abated, the Council shall order the person to whom the notice was directed to abate, discontinue or remove the same within such time as the Council may deem reasonable. The finding must be by a majority of the members of Council. (1987 Code §18-1-4.)

1117.05 OFFICER MAY ENTER PREMISES.

Whenever any nuisance has been ordered to be abated or removed under the provisions of the article, any officer or other agent of the City, shall have the right to enter upon the property on which the nuisance exists for the purpose of abating or removing the same in accordance with the order of the Council. (1987 Code §18-1-5.)

1117.06 ABATEMENT BY CITY.

If the person responsible for the nuisance shall fail to refuse to abate the nuisance and if the time limit in the order of abatement has expired, the City, by its officers or agents may abate said nuisance. The costs of such abatement shall be charged to the person responsible for the nuisance. (1987 Code §18-1-6.)

1117.07 CERTAIN SUBSTANCES AND ACTS DECLARED NUISANCES INJURIOUS TO PUBLIC HEALTH.

(a) Refuse from Manufactories, Etc. Filth, water, dye, water, refuse from manufactories, odor, urine, stable manure, decayed animal or vegetable matter or other offensive substances detrimental to health, thrown, placed, or allowed to remain in or upon any street, sidewalk, gutter or open lot in the City are hereby declared nuisances injurious to health.

(b) Acts Rendering Soil, Etc., Impure. Any act dangerous to health, rendering soil, air, water or food impure or unwholesome, or which tends to endanger public comfort or repose is declared to be a nuisance.

(c) Slaughterhouses. Unclean and filthy slaughterhouses, rooms, buildings or places where cattle, sheep or hogs are slaughtered within the City are hereby declared nuisances injurious to health. (1987 Code §18-1-7.)

1117.08 SMOKE OR SOOT; UNREASONABLE QUANTITIES DEFINED.

(a) It shall be unlawful and is hereby declared to be a nuisance for any owner, occupant, lessee or other person to allow the emission of dense black or gray smoke or soot, in unreasonable quantities from any smokestack or chimney used in connection with any steam boiler, locomotive, furnace or in any factory or building used for the purpose of trade or manufacture or any purpose whatever, in any portion of the City where private residences are located within one hundred feet of any such smokestack or chimney used as aforesaid.

(b) The words "unreasonable quantities", as used in this section, shall be defined to be such quantities of dense black or gray smoke or soot as shall work injury, inconvenience, discomfort or nuisance to persons of normal sensibilities in the enjoyment of their reasonable rights of person and property.
(1987 Code §18-1-8.)

1117.09 WEEDS, UNDERBRUSH, ETC., ON PRIVATE PROPERTY.

It shall be unlawful and shall be deemed a public nuisance for any person owning real estate in the City to permit or suffer grass, weeds, underbrush, bushes or other growth upon his property to remain uncut or untrimmed if such plants grow to such extent that they become a fire or safety hazard to persons or property in the City, or cause an unsanitary or unsightly condition.
(1987 Code §18-1-9.)

