

## **Chapter 62 SOLID WASTE <sup>[1]</sup>**

### ARTICLE I. - IN GENERAL

### ARTICLE II. - REFUSE COLLECTION AND DISPOSAL

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FOOTNOTE(S):

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**State Law reference**— Municipal power to regulate garbage and other waste, W. Va. Code, § 8-12-5(10).

### **ARTICLE I. IN GENERAL**

Secs. 62-1—62-17. Reserved.

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### **ARTICLE II. REFUSE COLLECTION AND DISPOSAL**

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**Sec. 62-18. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Private scavenger* means one who, for hire, collects, removes or disposes of refuse.

*Refuse* means trash, rubbish, litter, garbage, prepared garbage, and domestic waste; organic wastes or residue of animals sold as meat, fruit or other vegetable matter from kitchens, dining rooms, markets, or places dealing in or handling meats, fowl, fruits, grain or vegetables; and sweepings, cleanings.

- (1) *Prepared garbage* means material from kitchens, dining rooms and similar places, from which liquids have been drained and solid matter wrapped in paper.
- (2) *Raw garbage* means swill not prepared as provided in subsection (1) of this definition.
- (3) *Trash* means waste material containing no putrid matter or organic wastes.
- (4) *Ashes* means residue resulting from the combustion of coal, coke or wood in domestic, industrial or commercial stoves, furnaces or boilers.

*Refuse collection* means the gathering of refuse containers/bags and their contents from the premises of improved property, loading the contents into removal vehicles and returning the containers to the place where found, after the contents have been emptied, for which a charge is made as provided in this article.

*Refuse disposal* means the disposition of refuse in accordance with the rules and regulations promulgated by the town council.

*Refuse removal* means the hauling and transportation of refuse from the point of collection to the point of disposal.

*Refuse service customers.*

- (1) *Residential* means a single-family residence within the town limits.
- (2) *Commercial* means all businesses located and operating within the town limits which are required to possess a town business license.

(Ord. No. 2004-03, § 11-601, 10-4-2004)

**Sec. 62-19. Penalties.**

Except as otherwise provided, any person violating any of the provisions of this article, or failing or refusing to abide by and comply with rules or regulations promulgated to effectuate the provisions of this article, shall, upon conviction, be fined not less than \$50.00 nor more than \$500.00 for each subsequent offense.

(Ord. No. 2004-03, § 11-615, 10-4-2004)

**Sec. 62-20. Collection, removal and disposal.**

No person, except the duly authorized employees or agents of the town or a private contractor licensed by the public service commission, shall engage in or conduct the business of collection, removal or disposal of refuse within the corporate limits of the town.

(Ord. No. 2004-03, § 11-602, 10-4-2004)

**Sec. 62-21. Records to be kept by town clerk.**

The town clerk shall bill users of the municipally operated refuse service in a manner prescribed by the town council and shall keep proper records showing all receipts.

(Ord. No. 2004-03, § 11-603, 10-4-2004)

**Sec. 62-22. Use of county landfill.**

The municipally operated refuse service or any approved private scavenger service shall use the disposal site as designated by town council. Private scavengers must show proof of appropriate disposal.

(Ord. No. 2004-03, § 11-604, 10-4-2004)

**Sec. 62-23. Duty of resident, etc., to subscribe to and pay for collection, removal and disposal service.**

- (a) All residents or businesses residing in or doing business within the town shall subscribe to, use and pay for the collection, removal and disposal service provided by the town or an approved private scavenger having a permit from the town as provided in this article.
- (b) In the case of rental properties, the landlord of each individual apartment dweller shall subscribe to, and will be held responsible for payment of collection, removal and disposal service for each residence with a separate living entrance whether occupied or unoccupied, unless rental unit is permanently closed.
- (c) It shall be unlawful for any person to neglect or refuse to subscribe to such service and to pay therefor at the rates established by the town council for the type of service furnished each such person or business.

(Ord. No. 2004-03, § 11-605, 10-4-2004)

**Sec. 62-24. Rules and regulations.**

The town council may prescribe, publish, promulgate and enforce reasonable rules and regulations, deemed necessary or proper, consistent with this article, to carry out the objects and purposes thereof and for the safety and health of the citizens of the town in respect to the collection, removal and disposal of refuse. It shall be unlawful for any person to fail, neglect or refuse to comply with such rules and regulations.

(Ord. No. 2004-03, § 11-606, 10-4-2004)

**Sec. 62-25. Specifications for refuse containers.**

- (a) Standard containers for the storage of refuse shall be substantially made of metal or plastic, and shall be leakproof and watertight.
- (b) A residential unit is defined as a unit of volume measuring anything up to six, sealed standard size 30-gallon plastic trash bags or the equivalent thereof, with the understanding that the maximum weight of any such bag is not to exceed 40 pounds.
- (c) A commercial unit is defined as a unit of volume measuring anything up to ten, sealed standard size 30-gallon plastic trash bags or the equivalent thereof, with the understanding that the maximum weight of any such bag is not to exceed 40 pounds.

(Ord. No. 2004-03, § 11-607, 10-4-2004)

**Sec. 62-26. Location of containers.**

Where alleys are used by the municipal refuse collectors, containers shall be placed on or within six feet of the alley line in such a position as not to intrude upon the traveled portion of the alley. Dumpsters shall be placed at the discretion of the refuse collection department. Where streets are used by the municipal refuse collections, containers shall be placed adjacent to and back of the curb or adjacent to and back of the ditch or street line if there is no curb, at such times as shall be scheduled by the town for the collection of refuse therefrom. As soon as practicable after such containers have been emptied, they shall be removed by the owner within, or to the rear of, his premises and away from the street line until the next scheduled time for collection.

(Ord. No. 2004-03, § 11-608, 10-4-2004)

**Sec. 62-27. Permit for private refuse collectors.**

No private scavenger shall engage in the collection, removal or disposal of refuse without first obtaining a permit from the town council to render such services.

(Ord. No. 2004-03, § 11-609, 10-4-2004)

**Sec. 62-28. Rate schedule.**

(a) In order to ensure that the refuse collection service provided for in this article is self-supporting, there is hereby established and levied the following schedule of fees, rates and charges, subject to change as approved by the town council:

RATE 1:	Residential pickup	
	1 pickup weekly (1 unit/6 bags)	
	Quarterly cost	\$36.00
RATE 2:	Commercial pickup	
	1 pickup weekly (1 unit/10 bags)	
	Quarterly cost	\$60.00
RATE 3:	Commercial pickup	
	*Businesses which generate food waste must have at least 2 pickups weekly (2 units/20 bags)	
	Quarterly cost	\$120.00
RATE 4:	Commercial pickup	

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	3 pickups weekly (3 units/30 bags)	
	Quarterly cost	\$180.00
RATE 5:	Commercial pickup (dumpster 4 yard)	
	1 pickup weekly (40 bags)	
	Quarterly cost	\$480.00
RATE 6:	Commercial pickup (dumpster 4 yard)	
	2 pickups weekly (80 bags)	
	Quarterly cost	\$960.00
RATE 7:	Commercial pickup (dumpster 4 yard)	
	3 pickups weekly (120 bags)	
	Quarterly cost	\$1,440.00
RATE 8:	Commercial pickup (dumpster 6 yard)	
	3 pickups weekly (180 bags)	
	Quarterly cost	\$1,665.00
RATE 9:	Commercial pickup (dumpster 6 yard)	
	*Businesses which generate food waste must have at least 2 pick-ups 2 pick-ups weekly (120 Bags)	
	Quarterly cost	\$1,110.00
RATE 10:	Commercial pickup (dumpster 6 yard)	
	*Businesses which generate food waste must have at least 2 pick-ups 3 pickups weekly (180 bags)	

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	Quarterly cost	\$1,665.00
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- (b) Any customer continuously exceeding their current rate charged will be reassessed at the discretion of the refuse collection department.
- (c) Special pickup. A special pickup will be \$75.00 per pickup truck load and is to be scheduled and paid for in advance of said pickup. The term "special pickup" means refuse outside the limits of regular collection and shall include items such as furniture, appliances, small construction materials, etc., and shall be at the discretion of the refuse collection department.

(Ord. No. 2004-03, § 11-610, 10-4-2004; Ord. No. 2005-07, 10-3-2005; Ord. No. 2012-02, 4-17-2012)

**Sec. 62-29. Payment in advance required.**

- (a) The rates established and set forth in section 62-28 shall be payable in advance of the current billing period. The refuse collection service fee levied and assessed by this article shall be collected from each owner and user, and shall be due and payable 20 days from the date of the billing period.
- (b) Any account not paid in full within 20 days of the date the bill is issued will be assessed a \$10.00 penalty.

(Ord. No. 2004-03, § 11-611, 10-4-2004)

**Sec. 62-30. Depositing of garbage and refuse on premises, streets, etc.**

- (a) It shall be unlawful for any person, either with or without the intent later to remove or burn, to deposit, throw, place or scatter any garbage, rubbish, trash, ashes or other refuse over or upon any premises, street, or alley, either public or private, or adjacent thereto.
- (b) It shall be unlawful for any person to bring refuse into the town with the express intent of disposing of and abandoning.

(Ord. No. 2004-03, § 11-612, 10-4-2004)

**Sec. 62-31. Effect of failure to pay.**

If any fee, rate or charge provided for in this article shall not be paid within 30 days after the same is due, the amount thereof may be recovered by the town in any appropriate action. Upon the failure of any person receiving such service to pay for same when due, the town may discontinue such service without notice. In the case of rental properties, landlords shall be responsible for garbage fees on which their tenants have defaulted.

(Ord. No. 2004-03, § 11-613, 10-4-2004)

**Sec. 62-32. Unlawful accumulations.**

- (a) No person shall cause or permit the accumulation of refuse in, about or upon premises owned, occupied or used by him, when and if, in the judgment of the county health officer, such accumulation is deemed unsightly, offensive, unsanitary or hazardous to the property, life, health, safety or welfare of the public.

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(b) No person shall deliver refuse to or upon private property.  
(Ord. No. 2004-03, § 11-614, 10-4-2004)