

**ARTICLE 925**  
**Refuse Collection**

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| <p>925.01 Definitions.</p> <p>925.02 Illegal collection.</p> <p>925.03 Health Commissioner.</p> <p>925.04 Service charges.</p> <p>925.05 Default.</p> <p>925.06 Power to revise rates.</p> <p>925.07 Special rates.</p> <p>925.08 Collection of service charges; records.</p> | <p>925.09 Accumulation of refuse.</p> <p>925.10 Delivery of refuse on private property.</p> <p>925.11 Scattering of refuse.</p> <p>925.12 Storage in containers.</p> <p>925.13 Maximum pick-up.</p> <p>925.99 Penalty.</p> |
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**CROSS REFERENCES**

Power to regulate – see W. Va. Code 8-12-5(10) et seq.  
Placing material in streets – see TRAF. 311.01  
Loads dropping or leaking – see TRAF. 347.04

**925.01 DEFINITIONS.**

The following definitions shall be used in interpreting this article:

- (a) "Refuse" means all sweepings, cleanings, trash, rubbish, litter, garbage, industrial or domestic wastes, 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, fowls, fruits, grain or vegetables, offal, animal excreta, the carcass of animals, tree or shrub trimmings, dirt, wood, stone, brick, plaster or materials, resulting from the demolition, alteration or construction of buildings or structures, accumulated waste materials or substances which may become nuisances, some of which are more particularly classified as follows:
- (1) "Prepared garbage" means waste 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 in subsection (a) (1).
  - (3) "Trash" means waste material containing no putrid matter or organic wastes.
- (b) "Refuse collection" means the gathering of refuse containers and their contents from the premises of improved property, loading contents into removal vehicles, and returning containers to the place where found after the contents have been emptied, for which the charge is made as provided for in Section 925.04.
- (c) "Refuse removal" means the hauling and transportation of refuse from point of collection to point of disposal.

- (3) After the expiration of the last date on which payments in advance fall due and payable, the "In Arrears" charge for the appropriate period shall apply.  
(Ord. 4. Passed 5-12-59.)

#### **925.05 DEFAULT.**

If the fee, rate or charge for any of the foregoing services shall not be paid within thirty days after the same is due and payable, the amount thereof shall be in default and may be recovered by the Town in any appropriate action. All costs and fees incurred by the Town in bringing suit to recover such charges and collecting same, including any fees paid by the Town to record a judgment in the office of the County Clerk of Kanawha County, West Virginia, shall be added to the original charges and shall be reimbursed to the Town by the defaulting party.  
(Ord. 4. Passed 5-12-59.)

#### **925.06 POWER TO REVISE RATES.**

The Town Council shall have the right to revise the schedule of rates and so adjust them that costs will be distributed as equitably as possible among all citizens of the Town on the basis of benefit received. At no time, however, shall rates be continued which are disclosed to be producing less revenue than is required to meet the costs involved in rendering the refuse collection service to the public.  
(Ord. 4. Passed 5-12-59.)

#### **925.07 SPECIAL RATES.**

The Town Council shall have the right to establish and authorize the Town Recorder to collect such special charges and rates as may be proper for service to any person whose refuse requirements are sufficiently abnormal or different, in the opinion of the Town Recorder as to justify special or unusual handling of refuse, in lieu and in place of the charges and rates provided in Section 925.04. This shall include those buildings or dwellings not readily accessible to refuse collectors and cases where refuse is not found in standard containers.  
(Ord. 4. Passed 5-12-59.)

#### **925.08 COLLECTION OF SERVICE CHARGES; RECORDS.**

The Town Recorder shall promptly collect all charges for the services provided for in this article and shall keep in his office, proper records showing all the collections made and received by him and all charges which are in default with the respective amounts due thereon and the persons by whom the same are payable. The system of accounting used by the Town Recorder shall show the amount of revenue received and the application of the same. The Town Recorder shall have the authority, by and with the consent and approval of the Mayor to appoint collectors to collect all charges for services hereunder. Such collectors shall furnish bond in the penal sum required by Council and shall receive ten percent (10%) of the amounts collected as fees for services.  
(Ord. 10. Passed 7-17-59.)

#### **925.09 ACCUMULATION OF REFUSE.**

No person shall cause or permit the accumulation of refuse in, about, or upon premises owned, occupied, or used by them, when and if, in the judgement of the Health Commissioner such accumulation is unsightly, unsanitary, or hazardous to the property, life, health, safety or welfare of the public.  
(Ord. 4. Passed 5-12-59.)