

CHAPTER FIVE - Other Public Services
Art. 923. Garbage and Refuse.
Art. 927. Recreational Facilities.

ARTICLE 923
Garbage and Refuse

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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

IN GENERAL

923.01 DEFINITIONS.

For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section: (1975 Code 11-1)

- (a) "Garbage" means every refuse accumulation of animal, fruit, or vegetable matter, liquid or otherwise, that attends the preparation, use, cooking, dealing in, or storing of meat, fish, fowl, fruit or vegetables, and containers originally used for foodstuffs.
 (b) "Rubbish" means all other solid waste material and refuse of every character accumulated including trash, debris, yard waste, ashes, or similar substances.
 (c) "Refuse" means garbage, rubbish, or both.
 (Ord. 01-07. Passed 4-3-01.)

923.02 PROHIBITED DISPOSAL OF REFUSE.

(a) No person shall throw or deposit any refuse in any street or upon any sidewalk or other public place, or upon any private property whether owned by him or not, within the City except it be in proper containers for collection as provided in this article, or under express approval granted by the Director of Refuse Collection Service; nor shall any person throw or deposit any refuse in any stream, reservoir, well, cistern or other body of water.

(b) No person shall sweep any refuse from any premises onto any sidewalk, street or public way within the City or shall wash any refuse across any sidewalk into any street, highway or other public place.
(1975 Code 11-2)

923.03 DEPOSITING OF REFUSE SO AS TO PREVENT DISSEMINATION BY WIND, ETC.

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 of nature upon any street, sidewalk, sewer, parkway or other public place or into any occupied premises within the City.
(1975 Code 11-3)

923.04 USE OF STREET REFUSE CANS.

No person shall use the street refuse cans provided by the City for any purpose whatsoever except the deposit by pedestrians of refuse as may be cast by passersby on the street and no such pedestrians or passersby shall throw any such substances upon the streets, sidewalks, gutters, open spaces, vacant lots, spaces between houses, or in any other place than the cans designated for the deposit of such articles. No owner, occupant, lessee, janitor or employee of any building or room within the City, or any other person shall deposit in the street refuse cans any refuse of any kind or nature whatsoever, which may have been removed from or which may have accumulated in any storeroom, office, restaurant, sleeping room or any other room or place within the City.
(Ord. 01-07. Passed 4-3-01.)

923.05 DUTY OF OWNERS OR OCCUPANTS TO MAINTAIN PREMISES.

(a) It shall be the duty of every owner, occupant and person in charge of any premises within the City to maintain such premises free of any accumulation of garbage, rubbish or other refuse which constitutes a fire or health hazard or which is dangerous to persons or which otherwise constitutes a nuisance.

(b) It shall be the duty of every owner, occupant and person in charge of any premises within the City to maintain such premises free of noxious weeds, undergrowth and other vegetation which affords a harboring or breeding place for vermin, insects, rodents or reptiles; and grass which is eight inches or more in height, not grown for agricultural or horticultural purposes, shall be deemed "undergrowth" within the meaning of this subsection.
(1975 Code 11-5)

(c) No person shall suffer or permit any refuse to accumulate and remain on any premises owned or occupied by him or in his charge or custody, whether or not such refuse is in containers, for a period of more than one week in any case.
(Ord. 01-07. Passed 4-3-01.)

923.06 NOTICE TO ABATE VIOLATION; ABATEMENT BY CITY.

(a) Upon investigation and finding by any City officer that any premises within the City is being maintained contrary to any provision of Section 923.05, the Mayor is hereby vested with authority to give written notice, which may be served in any manner authorized by law, to the owner, occupant or person in charge of such premises, or to any two or all three of them, believed to be responsible for such violation. This notice shall specify the condition which constitutes the violation and shall direct the addressee to abate such violation within a period of time which shall be stated therein and which shall be not less than three days nor more than ten days after service of such notice has been accomplished. Such notice shall also warn the addressee that failure to comply with the directive contained therein shall subject him to prosecution for a violation of Section 923.07 and, in addition shall render him liable to the City for any costs and expenses which may be incurred by the City in the abatement of such violation under the provisions of subsection (b) hereof.

(b) If, upon the expiration of the time specified in any such notice for the abatement of an existing condition such condition has not been abated, the Mayor shall provide for the abatement of such condition by the most expedient means, and the costs and expenses thereby incurred shall be collected by the City Treasurer from the delinquent addressee of such notice in any manner provided by law for the recovery of taxes, charges or other debts due the City.
(1975 Code 11-6)

923.07 COMPLIANCE.

No person shall violate or fail to comply with any provision of this article.
(1975 Code 11-7)

REFUSE COLLECTION SERVICE

923.08 SHORT TITLE.

Sections 923.08 et seq shall be known and may be cited as the "Municipal Refuse Collection Ordinance of the City of Nitro," or simply as the "Refuse Collection Ordinance."
(1975 Code 11-8)

923.09 ENFORCEMENT BY DIRECTOR OF PUBLIC WORKS.

The provisions of this article shall be administered and enforced by the Director of Public Works, hereinafter in this article referred to as the "Director". The Director shall have authority to promulgate reasonable rules and regulations in connection with the collection and disposal of refuse accumulated in the City.

(1975 Code 11-9)

923.10 COLLECTION SERVICE; CITY HAS MONOPOLY.

All garbage, rubbish and refuse accumulated in the City shall be collected, conveyed and disposed of by the City and subject to all the provisions of this article and all reasonable rules and regulations at any time adopted by the Director or by Council. No person other than the City shall, for compensation, collect or convey over any of the streets of the City any garbage, rubbish or refuse accumulated in the City.

(1975 Code 11-10)

923.11 PRECOLLECTION PRACTICES.

(a) Manner of Storage in Containers. All garbage, after all free liquids have been drained therefrom, shall be wrapped in paper and placed and stored in closed containers. All rubbish shall be drained of liquid before being deposited for collection. All cans and bottles which have contained food shall be cleaned and washed before being deposited for collection.

(b) Duty to Provide and Maintain Refuse Containers. Refuse containers shall be provided by the owner, tenant, lessee or occupant of the premises on which the material to be disposed of originates. Refuse containers shall be maintained in good condition. The Director shall have the authority to refuse collection services for failure to comply herewith.

(1975 Code 11-11(a),(b))

(c) Garbage Containers. Garbage containers shall be made of metal or other suitable material equipped with suitable handles and tight-fitting covers and shall be waterproof and watertight.

(d) Curbside Pickup Required. Any refuse for collection shall be put in plastic garbage bags to be supplied in sufficient number by the City and placed at curbside on the day designated by the City for collection.

(Ord. 81-8. Passed 7-21-81.)

(e) Unauthorized Accumulations. Any accumulation of refuse contrary to any provision of this article on any premises is hereby declared to be a nuisance and is prohibited.

(f) **Time Limit on Accumulations.** No person shall suffer or permit any garbage to accumulate and remain on the premises in containers, or otherwise, longer than a period of one week in any event.
(1975 Code 11-11(e), (f))

923.12 FREQUENCY OF COLLECTIONS.

(a) Refuse accumulated by residences shall be collected at least once each week, unless more frequent collection is approved by the Director because of weather conditions, emergency conditions or other good cause.
(Ord. 81-8. Passed 7-21-81.)

(b) Commercial establishments may enter into an agreement for a greater frequency of collection. Where deemed necessary to protect the public health, the Director shall have the authority to require that more frequent collections be made.
(1975 Code 11-12(b))

(c) Rubbish accumulated by residences shall be collected at least once each month, unless more frequent collection is requested by the resident and then, only upon payment of the service charge provided in Section 923.13(a).
(Ord. 01-07. Passed 4-3-01.)

923.13 SERVICE CHARGES IMPOSED.

The following service charges shall be collected by the Director of Public Works from residential users of certain public works services:

- (a) For the supplementary collection of rubbish in addition to the regular monthly collection service, the charge shall be \$35.00.
 - (b) For the collection of bulky appliances, such as stoves, refrigerators, etc., the charge shall be \$25.00.
 - (c) For the residential use of a municipal truck for refuse collection, the charge shall be \$100.00. This service will be provided through reservations only.
 - (d) Under no circumstances will the City be responsible for the collection of used tires.
- (Ord. 01-07. Passed 4-3-01.)

923.14 DELINQUENT ACCOUNTS.

All accounts under this article shall be considered delinquent if not paid by the last day of each month for which the service is rendered. All delinquent accounts are subject to stoppage of service without notice. The Director shall cease all refuse collections for the delinquent accounts.
(1975 Code 11-14)

923.99 PENALTY.

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