

An Ordinance to ~~Strike, amend, and insert~~ different sections of Chapter 13 of the Ordinances of the Town of Chapmanville, WV. Be it ordained by the Town of Chapmanville, that upon passage this will be considered the entirety of Chapter 13 of the ordinances of the Town of Chapmanville

Chapter 13

Garbage and Refuse

Article 1 -In General

Sec. 1 Depositing

It shall be unlawful for any person to dispose of garbage, waste paper, tin cans, dead bodies of animals or any other trash or refuse or anything creating a stench, by throwing, scattering, or dumping the same upon any of the streets and alleys, vacant lots, Creek or river banks or railroad rights of way or into or upon watercourses.

Sec. 2 Dumping mine refuse within the corporate limits of the Town of Chapmanville.

It shall be unlawful for any person to dump coal slate, mine gob or other mine refuse within the corporate limits of the Town of Chapmanville. In addition to any penalty that may be imposed, any person violating the first paragraph of this section shall be liable to any person damaged as a result of such violation and shall also be liable to the town for any expense incurred by the town in abating or removing the nuisance created by such violation, including the cost of removing any such coal slate, mine gob, or other mine refuse so dumped

Sec. 3 Accumulation of unsanitary or hazardous refuse.

It shall be unlawful for any person to cause or permit the accumulation of refuse in, about or upon premises owned, occupied or used by him, when such accumulation is unsightly, unsanitary or hazardous to the property, life, health, safety or welfare of the public.

Sec. 4 Tarpaulin required for trucks hauling garbage, etc.

Trucks used for the hauling of garbage, paper, boxes or other waste shall be covered with tarpaulin, or otherwise Covered or closed.

Article II. Refuse

Sec. 1. Definitions

For the purposes of this article, the following words and terms shall have the meanings respectively ascribed them by this section:

- A) "Nonresidential refuse" means refuse accumulated at premises used for nonresidential purpose.
- B) "Refuse" means all putrescible and nonputrescible solid waste (except body waste), including garbage, rubbish and ashes.
- C) "Refuse Collection" means the gathering of refuse containers and their contents from the premises of improved property, loading contents into removal vehicles and returning the containers to place where found after the contents have been emptied.
- D) "Refuse disposal" means the disposition of refuse at the town dump.

E) "Refuse removal" means the hauling and transportation of refuse from the point of collection to the point of disposal.

F) "Residential refuse" means accumulated at premises used for residential purposes.

Sec. 2. Collection, removal and disposal.

Collection, removal and disposal of refuse shall be in accordance with the following provisions:

- a) All residential refuse shall be collected, removed and disposed of by the town and it shall be unlawful for any other persons to engage in or conduct the business of collection, removal or disposal of residential refuse.
- b) All nonresidential refuse (hereinafter referred to as commercial refuse) that is presently being collected, removed and disposed of by a private hauler or carrier may continue to do so only by use of that same private hauler or carrier. Any new commercial refuse subscriber or any existing commercial refuse subscriber who no longer uses its present private hauler or carrier shall subscribe to the town and all such commercial refuse shall thereafter be collected, removed and disposed of by the town and it shall be unlawful for any other persons or private refuse haulers to collect, remove or dispose of any commercial refuse. The Town Council shall establish a fee for disposal of such commercial refuse.
- c) Private scavengers, pushcart operators and private refuse collectors are hereby prohibited from engaging in the collection, removal or disposal of refuse accumulated without first having obtained a permit from the town.
- d) The town shall have the right to deny refuse service to any person whose refuse requirements are substantially abnormal or different in the opinion of the Town Council as to justify special handling, in which event a special charge shall be made. This shall include those premises not readily accessible to refuse collectors or apply in cases where refuse is not found in proper containers
- e) The town shall collect a reasonable accumulation of refuse during a collection period for the standard charge and shall have the right either to refuse to collect unreasonable amounts or to make a reasonable charge for such amounts.
- f) ~~All refuse collected by the town shall be collected at least twice a week.~~

Sec. 3 Storing of refuse.

Storing of refuse and requirements as to containers shall be in accordance with the following provisions:

- a) No person shall store, or permit to be stored, refuse on or about premises owned or occupied by such person unless such refuse is stored in proper refuse containers.
- b) Refuse containers shall be provided by the owner, tenant, lessee or occupant of the premises and shall be of sturdy construction, equipped with suitable handles and a tight-fitting cover and shall be of such weight that it can be handled by one man.
- c) Highly inflammable or explosive materials shall not be placed in refuse containers for regular collection.

Sec. 4. Ownership of refuse set out for collection, etc.

Ownership of refuse Set out for collection shall be vested in the town, and no

expectation of privacy or property rights are granted to the resident once refuse has been placed for pickup.

Sec. 5 Fees, discounts, etc.

Fees and discounts and penalties for delinquent payment of accounts under this article shall be in accordance with the following provisions:

- a) A fee for the collection, removal and disposal of refuse by the Town shall be paid to the Town by the Occupants of the premises served and all occupants shall be jointly and severally liable for such fees.
- b) The fee for collection, removal and disposal of residential refuse by the Town shall be fixed by the Town Council.
- c) The fee for collection, removal and disposal of any nonresidential refuse by the Town shall be fixed by the Town Council; provided however, that in no event shall such fees be less than that chargeable for residential refuse.
- d) All fees for the foregoing services by the Town shall be due and payable one month in advance on the first day of each month.
- e) All accounts shall be considered delinquent if not paid on or before the fifteenth (15) day of the month for which services are rendered. All such delinquent accounts are subject to stoppage of service without notice and a penalty of ten percent of the amount due shall be added to all delinquent accounts. If a delinquent account is not paid within thirty days after becoming delinquent, the Town may proceed with the collection of such delinquent account in the manner provided by law for the collection of a municipal claim.
- f) Any owner/landlord of any residential rental property housing multifamilies will bear the responsibility of contacting the Clerk of the Town of Chapmanville with the number of families housed in such structure, and thereupon, the owner/landlord will also be responsible for payment for the service of refuse removal provided by the Town of Chapmanville to each tenant family in a timely manner, in accordance with the Town of Chapmanville Ordinance Chapter 13, Article II, Section 2(a).
- g) any apartment complex for which there is only one (1) master water meter, the owner/landlord of that apartment complex will hereafter be responsible for payment of the removal of all refuse therefrom
- h) The fees Set forth in this section may be revised, changed or altered from time to time by the town council as it shall deem proper.

Sec. 6 Penalty for violation of article.

Any person who violates any of the provisions of this article shall, upon conviction thereof, be fined not less than five dollars nor more than fifty dollars or shall be confined in jail for a period of not more than thirty days or be both so fined and imprisoned. In accordance with the following provisions:

- a) No person shall store, or permit to be stored, refuse on or about premises owned or occupied by such person unless such refuse is stored in proper refuse containers.
- b) Refuse containers shall be provided by the owner, tenant, lessee or occupant of the premises and shall be of sturdy construction, equipped with suitable handles and tight-fitting cover and shall be of such weight that it be handled by one man.

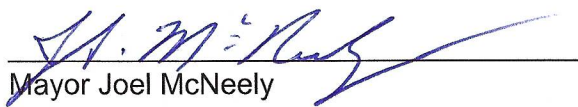
Sec. 7 Length of time deposits for Rental Garbage Service shall be retained and in which account to be deposited.

- a) All residential renters shall pay a 10 dollars (\$10.00) deposit before obtaining service for garbage and that all commercial renters shall pay a Twenty Five Dollars (\$25.00) deposit before obtaining said service; the said deposit to be refunded upon termination of services if all bills are paid.
- b) Any deposit for garbage service shall be deposited in an interest bearing savings account while held by the Town of Chapmanville.
- c) Once the party making the deposit has regularly paid their garbage bill for a period of twelve months, the deposit shall be refunded to them with interest.

First Reading: 06/11/24

Second Reading: 10/08/24



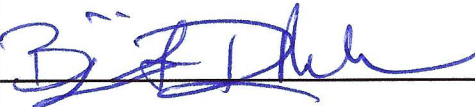


Third Reading: 11-12-24



Mayor Joel McNeely



Recorder Phillip Williamson

Council