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GARBAGE ORDINANCE

WHEREAS, the Village of Beech Bottom is desirous of adopting an Ordinance providing better service and protection to the citizens of this Village and promotion their well-being and health, and protecting their property, and providing for a method of disposal of garbage and other accumulation of garbage, rubbish, and other unsanitary, unsightly, and deleterious waste substances and the improper disposal, and to provide penalties therefore:

Now there be it ordained by the Village Council of the Village of Beech Bottom, WV:

Section 1 **Definitions**

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

- (a) "Garbage" means all putrescible wastes, except sewage and body wastes, including vegetable and animal offal and carcasses of small dead animals, but excluding recognizable industrial by-products, and shall include all such substances from all public and private establishments and from all residences.
- (b) "Refuse" means all nonputrescible wastes, such as ashes, tin cans, metal utensils, bottles, glass, crockery, paper, rags, and other discarded articles.

Section 2 **Regulation; Compliance**

Council shall have authority by regulation from time to time enacted to grant approval of specific types of garbage containers, location of garbage containers, and all other matters necessary to the administration of this article. Such regulations shall be posted in a conspicuous public location with in the bulletin board for fourteen (14) consecutive days.

Any individual or the contractor failing to comply with each and any above rules and regulations shall be subject to the penalty provided in Section 8.

Section 3 **Collection of garbage and refuse**

All collection of garbage and refuse shall be made by or under the direction and supervision of the Village of Beech Bottom. No person, firm, or corporation shall collect, transport, or dispose of garbage or refuse within the limits of the Village who does not possess a written permit of the Village to do so. Such permits shall be issued with the approval of the Village Council. Nothing herein contained, however, shall be construed to compel the Village to collect garbage and refuse in the Village trucks with Village personnel; the Village Council may contract with any person, firm, or corporation for the collections; transportation or disposal, on the basis of competitive bidding, and for a period of from one to ten years, the collection and disposal of all garbage, rubbish, tin

cans, bottles, ashes and all other refuse in the Village upon the following rules and regulations.

Section 4

Accumulation and Disposal of garbage and refuse

Item 1. It shall be unlawful and a violation of this ordinance for any person, firm, or corporation to dispose of garbage and refuse in any public place within one mile of the corporate limits of the Village of Beech Bottom, in any manner other than as herein provided

Item 2. No owner, tenant, or lessee of any private premises shall permit any garbage or refuse to accumulate upon his/her premises for a period exceeding one week. Such accumulation shall be disposed of according to and in the manner prescribed by the rules and regulations made and published by Council.

Item 3. All garbage and refuse shall be disposed of by the collector by on of the following methods: (1) sanitary land fill, (2) incinerator, or (3) dumping ground.

If open dumping is employed for disposal of garbage or refuse, the sites shall be situated so as not to create a nuisance to any person. All sites shall be approved by the County Health Officer and the State Board of Health and shall not create a fire hazard, a breeding ground for rodents or vermin and shall in no way endanger the safety and welfare of any person.

Section 5

Regulation; Compliance

Council shall have authority by regulation from time to time enacted to grant approval of specific types of garbage containers, location of garbage containers, and all other matters necessary to the administration of this article. Such regulations shall be posted in a conspicuous public location with in the bulletin board for fourteen (14) consecutive days.

Any individual or the contractor failing to comply with each and any above rules and regulations, shall be subject to the penalty provided in Section 12.

Section 6

Duties and Responsibilities of Individual Contractors

Any contractor shall furnish all trucks, appliances or equipment necessary to collect and disposed of all garbage, rubbish, tin cans, bottles, ashes, and all other refuse, and such truck or other appliances shall be completely covered and shall comply with all rules and regulations of the State, and the State Health Department, and shall set schedule of the collection of such garbage, rubbish, tin cans, bottles, ashes, and other refuse. Specifically, such contractor shall collect and dispose of all garbage, rubbish, tin cans, bottles, ashes, and other refuse as per schedule and in addition hereto such contractor shall be required to furnish a surety bond to faithfully perform the duties required of him/her under this article and shall protect all employees under the Worker's Compensation Law of the State and shall carry full coverage liability, and shall indemnify and save harmless the Village from all liability arising out of the performance of such contract.

Section 7
Payment of Fees

Each residence or family unit in the Village shall have its garbage, rubbish, tin cans, bottles, ashes, and any other refuse collected each week and all adult members thereof shall be jointly or severally responsible for the payment of the appropriate fees.

The individual collected from shall pay for such collection and disposal to the Contractor, a price to be set by the Contractor and such price to be subject to change from time to time as conditions may warrant.

Section 8
Containers

- (a) Specifications. Each individual from whom garbage, rubbish, tin cans, bottles, ashes and all other refuse is collected is required to furnish his/her own garbage can or container.
- (b) No container shall be placed on the Village tree line or at curbside pick up locations more than 24 hours prior to contracted pick up day.
- (c) All empty containers must be removed from any and all Village tree line and curbside collections sites within 24 hours of set collection day.

Section 9
Sharing Garbage Containers Prohibited

No two families may share a garbage container in order to split or avoid contracting for removable of ones personal garbage.

Section 10
Brining Garbage Or Refuse Into The Village For Disposal

No person shall bring any garbage or refuse into the Village for the purpose of disposing of such garbage or refuse. Any such offence shall be covered in the penalty section.

Section 11
Mandatory Subscription

All owners, tenants, lessees, or other occupants of public or private premises located within the Village limits shall subscribe to garbage and refuse collection. Any failure to so subscribe shall be unlawful and a violation of this ordinance. Each month or fraction thereof during which a violation occurs shall be considered a separate offence under this section.

Section 12
Penalty

Any person or corporation violating the provisions of this Ordinance or any rule or regulation promulgated hereunder shall be guilty of a misdemeanor and shall be fined no less than \$50.00 dollars or no more than \$100.00 dollars.

FIRST READING: 2-6-07

SECOND READING: 2-20-07

THIRD READING: Waved

ATTEST:

Tara L. Sheperd, Recorder

George Lewis, Mayor