

**Town of Glasgow**  
**Trash/Refuse Ordinance**

**Section 1 - Prohibited disposal of waste matter generally.**

No person shall dispose of any refuse (or other waste matter) of any kind, solid or liquid upon any street, sidewalk or public place (other than a lawful refuse disposal site) or upon any vacant lot, or upon the premises of another without his knowledge and consent and then only at such a place and in such a manner as to not create a hazard to the health, safety or welfare of any person or so as otherwise to create a nuisance.

**Section 2 - Prohibited discharges in watercourses, wells, similar places.**

It shall be unlawful for any person to dispose of any waste matter of any kind, solid or liquid, in any river, creek or other watercourse or in any reservoir, lake, pond, well, spring or cistern, or in any gutter or drain.

**Section 3 - Prohibited littering of streets, sidewalks and public places; duty of persons in violation of section.**

No person shall deposit or permit to fall on any street, sidewalk, or other public place any grass, metal, wire, cigarette, cigarette remains, cigarette butt, can, paper, trash other litter or any offensive matter. To the extent that any such deposit of trash or litter is accidental, or incidental to property cleanup or mowing (such as leaves or grass deposited onto the street during property cleanup, or an incident wherein trash blows out of a vehicle), there will not be a violation if the individual who is responsible for such deposit (the person mowing grass, blowing leaves, or operating the vehicle) immediately, or as soon thereafter as reasonably possible, removes the litter, trash or debris as described in subsection (b) below. Otherwise, the person shall be guilty of a violation subject to the punishment prescribed in subsection (c) below.

- (b) Any person who deposits or permits to fall upon any street, sidewalk or other public place any litter mentioned in subsection (a) of this section shall immediately remove the litter or cause it to be removed. The failure to remove the litter or cause it to be removed shall be a violation subject to the punishment prescribed in subsection (c) below.
- (c) Whoever violates any provision of this section shall be fined not less than \$50.00 and no more than \$500.00. Each individual deposit and each day such violation is committed or permitted to continue shall constitute a separate offense.

#### **Section 4 - Street rubbish cans; littering.**

It shall be unlawful for any person to use the town refuse cans for any purpose whatsoever except the deposit by pedestrians of refuse as may be cast away by passersby on the street; and it shall be unlawful for such pedestrians or passersby to 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. It shall be unlawful for any business owner or resident to deposit refuse in the town refuse cans.

#### **Section 5 - Duty of contractors to remove debris; collection of refuse from lots.**

Building contractors, excavators and other persons who in the course of their respective businesses cause debris or refuse of any kind to accumulate upon any street or at any other place within the town shall remove and dispose of such debris or refuse within 48 hours of notification by the town, or, as directed by the Director of Public Works, Mayor or Town Council, before it becomes a hazard to the public health, safety or welfare, and at the completion of each project shall remove and dispose of all such debris and refuse in a sanitary and lawful manner. When debris or refuse accumulates on any lot so as to become a nuisance and is not subject to

removal by any contractor or other person as provided in this section, the town, after notice to the property owner to do so and his failure to comply within a reasonable time, may collect and dispose of such debris and refuse; and the costs of such collection and disposal shall become a charge against the owner of such lot and shall be collectible in any manner provided by law.

## **Section 6 - 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.

***Bulky waste*** means large items of refuse, including but not limited to appliances (white goods), e-waste and furniture which may require special handling due to their size, shape or weight. The term "bulky waste" as used herein shall include "bulky goods" as that term is defined in Title 150 West Virginia Code of State Rules, Series 9, Section 1.8.b. and as such Section may be amended.

***E-waste*** means electronic waste including but not limited to computers, electronics, monitors and televisions.

***Refuse*** means discarded solid waste.

***Refuse collections*** means the gathering of refuse as placed at the curbs of streets and loading into collection vehicles, for which the charge is made as provided for in Section 12 or as otherwise provided in this article or by authorized rules of the Director of Public Works, Mayor or Town Council.

***Refuse disposal*** means the disposition of refuse in accordance with applicable rules and regulations.

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

**Solid waste** means any garbage, paper, litter, refuse, cans, bottles, waste and other discarded materials including offensive or unsightly matter.

**White goods** means large appliances and other large items of refuse that are primarily made of recycled metals.

**Yard (green) waste** means leaves, garden residuals, shrubbery and tree trimmings, and similar material, including grass clippings.

#### **Section 7 - Violation and penalty.**

Otherwise unless set forth herein, any person violating the provisions of this article or any regulation promulgated under this article shall be subject to a fine of \$25.00, plus court costs for each violation. Any owner of a multifamily dwelling, four units or larger, violating this article or any regulation promulgated under this article, shall be subject to a fine of up to \$100.00, plus court costs for each violation. Any commercial establishment violating this article or any regulation promulgated under this article, shall be subject to a fine of up to \$100.00, plus court costs for each violation.

#### **Section 8 - Director of Public Works ex officio sanitation inspector.**

The Director of Public Works shall be ex officio sanitation inspector and shall have authority to prescribe, publish, promulgate and enforce any and all reasonable rules and regulations deemed by him necessary or proper, consistent with this article and other ordinances, to carry out the objectives and purposes of this article and for the safety and health of the citizens of the town with respect to the collections, removal, transportation and disposal of refuse.

**Section 9 - Throwing, scattering or delivering refuse upon any premises, street or place.**

It shall be unlawful for any person to throw, place or scatter any refuse over or upon any premises or street, either public or private, or adjacent to such place, either with or without the intention to later remove the material; or to suffer or permit, from the accumulation of refuse, any premises owned, occupied or controlled by such person to become or remain offensive, unsanitary, unsightly or unsafe to public health or hazardous from fire; or to burn any such refuse within the town limits of Glasgow.

**Section 10 - Delivery of refuse upon private property.**

It shall be unlawful to deliver refuse to or upon private property.

**Section 11 - Open burning of refuse.**

It shall be unlawful for any person to dispose of refuse within the town by open burning or in domestic incinerators.

**Section 12 - Charges for refuse and yard (green) waste and bulk pickup services; authority of city council to promulgate rules and regulations related to the collection of fees.**

- (a) In conformity with subsection (d) of this section, and in order to make refuse disposal services self-supporting, the town council shall enact a schedule of rates, fees and charges for refuse disposal services provided by the town which shall include, but not be limited to, the collection and disposal of all bulky waste, refuse and yard (green) waste.
- (b) For standard weekly service (regular refuse pickup and yard/green waste pickup) to each residential property, including each single-family dwelling and each multi-family dwelling unit, the charges will be as follows: \$15.00 per month. For bulky waste, including white goods and e-waste, additional fees will apply. Bulky waste pickup requires a call to Town Hall to arrange the

pickup and fees.

- (c) Any bill not paid in full within 20 days of the mailing shall be delinquent and a ten percent penalty shall be added to the bill.
- (d) The Town Council shall have the right to revise from time to time the schedule of rates, fees and charges enacted pursuant to subsections (b) and (c) of this section.

**Section 13 - Collection rates do not cover certain types of refuse.**

Under the schedule set out in Section 12, the town shall not collect, remove or dispose of the following types of refuse: free liquids, paints, offal or raw animal remains or byproducts, sewage.

**Section 14 - Notice of lien for failure to pay fee, rate, penalty or charge.**

The fees, rates and charges for the collection services mentioned in this division shall, if not paid when due, constitute a lien upon the premises served, which lien may be foreclosed against the lot or parcel of land on which the building is located in accordance with state laws relating to the foreclosure of liens on real property. If the town council desires to file a notice of lien with the Clerk of the Kanawha County Commission regarding a delinquency in payment of the fees, rates, penalties and other charges for the collection services set forth in this division, the town council shall follow the administrative procedures set forth in W.Va. Code Section 8-13-13. The town council may collect a filing fee to reimburse the town for the fee paid by it to the Clerk of Kanawha County Commission for recordation of such lien, which shall have priority over all other liens except those due the state and the United States of America.

**Section 15 - Special rates authorized by Town Council.**

The town council shall have the right to establish and to authorize the Director of Public Works or Mayor 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 Director of Public Works or Mayor, as to justify special or unusual handling of refuse, in lieu and in place of the charges and rates provided in Section 12. This may include, but not be limited to, those buildings or dwellings not readily accessible to refuse collectors and in instances where refuse is not bagged, boxed or bundled.

**Section 16 - Location and time for placement for curbside collection.**

- (a) On the designated collection day, all refuse and yard (green) waste shall be placed either on the curb or a location no further than 5 feet from the curb. All refuse and yard (green) waste to be collected, shall be placed in plastic bags and properly secured to prevent spillage and shall not be placed for collection before 6:00 p.m. on the day preceding the collection day nor after 7:00 a.m. on the day of the collection.
- (b) Bulky waste including white goods and e-waste shall only be collected by making prior arrangements with Town Hall for a collection day.

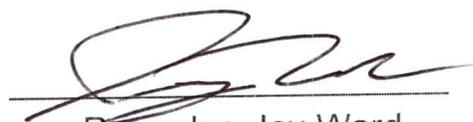
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Mayor, Donald Fannin



Recorder, Jay Ward

## CHAPTER FIFTEEN

### ARTICLE I - Collection and Removal of Refuse

15.1.1 Definition of Terms – Throughout this Chapter, the following terms shall possess the respective meanings in this Section ascribed to them:

(a) “Garbage” shall mean waste, animal and vegetable matter.

(b) “Trash” shall mean all waste materials other than garbage, and shall include, but shall not be limited to, discarded bottles, cans, and glass, metal, wooden, paper, and plastic containers of all types, and rubbish and debris of all kinds.

(c) “Refuse” shall mean and include both garbage and trash.

15.1.2 Preparation of Garbage for Removal – All garbage shall, with reasonable promptness, be prepared by draining the liquids therefrom and wrapping the remaining solid matter in paper.

15.1.3 Refuse Containers Required – Each residential unit and each place of business in the Town shall be equipped with one refuse container, or with such other number thereof as shall be necessary to permit compliance with the requirements of Section 15.1.4 of this Chapter, which refuse containers shall meet the following requirements: Such containers shall be of substantial construction, shall be made of metal, shall be leak-proof and watertight, shall have a capacity of not less than 5 gallons nor more than 30 gallons, shall have a tight-fitting metal cover, and shall be equipped with at least two metal carrying handles. Each occupant, above the age of eighteen years, of a residential unit and each owner and manager or other person in charge of each place of business is hereby charged with the duty to keep in compliance with this

Section the residential unit or place of business so occupied by him and the place of business so owned or managed by him or otherwise in his charge, and failure so to do shall constitute an offense punishable under Section 15.1.7 of this Chapter.

15.1.4 Keeping of Refuse in Refuse Containers – All refuse shall be kept in refuse containers meeting the requirements of Section 15.1.3 of this Chapter: Provided, that trash need not be placed in such refuse containers if the trash is of such size or bulk as to make its being placed therein impractical. All garbage, before being placed in such refuse containers, shall be prepared in accordance with the provisions of Section 15.1.2 of this Chapter.

15.1.5 Removal of Refuse – Each occupant, above the age of eighteen years, of any residential unit, the owner and the manager or other person in charge of each place of business, and the owner and other person using any other premises shall have all refuse removed from such residential property, place of business, or other premises in one, or in some combination, of the methods prescribed in Subsections (a), (b), (c), and (d) of this Section, as follows:

(a) With respect to refuse kept in containers as required in Section 15.1.4 of this Chapter by allowing the Town to collect and remove the same as a part of the Town's regular refuse collection and removal service. Persons utilizing the Town's refuse collection and removal service shall keep the refuse containers so located on their premises that they will be readily accessible to the employees of the Town performing such service.

(b) With respect to refuse kept in containers as required in Section 15.1.4 of this Chapter, by having the same collected and removed by an agency other

than the Town, which agency shall make such collection and removal on a regular schedule of not less than once in each week.

(c) With respect to trash of such size or bulk that it cannot practically be kept in containers as required in Section 15.1.4 of this Chapter, by having the same collected and removed by the Town upon special request to the Town, or by having it collected and removed privately with reasonable promptness.

(d) With respect to combustible trash, by burning the same in an incinerator which shall have been approved specifically by the Sanitation Committee of the Council of the Town and the Fire Chief.

15.1.6 Unlawful Accumulation of Refuse; Unlawful Throwing, Scattering, or Burning of Refuse – It shall be unlawful for any person:

(a) To cause or permit the accumulation of refuse in, about, or upon premises owned, occupied, or used by him if, in the judgment of a majority of the members of the Sanitation Committee of the Council of the Town, such accumulation is offensive, unsanitary, unsightly, unsafe to public health, constitutes a fire hazard, or is otherwise hazardous to the property, life, health, safety, or welfare of the public; or

(b) To throw or scatter upon any premises or street, either public or private, either with or without the intention later to remove or dispose of the same, any refuse as defined in this Chapter; or

(c) To burn any refuse, as in this Chapter defined, within the corporate limits, except the burning of combustible trash in the manner permitted in Subsection (d) of Section 15.1.5 of this Chapter.

15.1.7 Offenses; Penalties; Injunction – Any person who shall violate any requirement of this Chapter shall be guilty of a misdemeanor and upon conviction thereof, for a first offense, shall be fined not less than \$5.00 nor more than \$50.00, and for a second or subsequent offense shall be fined not less than \$10.00 nor more than \$100.00 or imprisoned in the Town Jail for not less than one day nor more than thirty days, or may be both fined and imprisoned as the Mayor or other presiding officer at the trial of any such offense may, in his discretion, determine. The Town may also utilize the remedy of injunction to enforce the provisions of this Chapter.

15.1.8 Permit for Handling and Disposal of Refuse in Manner Inconsistent With Chapter – The Sanitation Committee of the Town Council may permit an individual or business to handle and dispose of refuse, or any class or items thereof, in a manner inconsistent with the requirements of this Chapter if, after a due consideration of a request therefore, the Committee first, shall find that the handling and disposal of refuse by such individual or business in such manner inconsistent herewith will not create a situation which is offensive, unsanitary, unsightly, or unsafe to public health, or which constitutes a fire hazard, or is otherwise hazardous to the property, life, health, safety, or welfare of the public, and second, shall issue to such individual or business a written permit therefore.