

AN ORDINANCE BY THE CITY OF MORGANTOWN AMENDING SECTIONS 1139.061, 1139.12, 1139.13, 1139.14, 1139.15, 1139.16, 1139.17 OF ITS HEALTH AND SANITATION CODE, AND REPEALING SECTION 1139.11 OF ITS HEALTH AND SANITATION CODE, AS THE SAME APPLY TO SOLID WASTE COLLECTION.

The City of Morgantown hereby ordains that Sections 1139.061, 1139.12, 1139.13, 1139.14, 1139.15, 1139.16, and 1139.17 of its Health and Sanitation Code are amended, and Section 1139.11 is repealed as follows (new matter underlined, deleted matter struck through):

1139.061      **IMPROPER DISPOSAL OF SOLID WASTE; ILLEGAL DUMPING; USE OF UNAUTHORIZED SOLID WASTE CONTAINERS.**

No person shall dispose of solid waste in an undesignated location. No person shall dispose of solid waste in unauthorized containers. The intent of the foregoing is to make it illegal for any person to place solid waste in a dumpster or other solid waste container owned or leased by another person, unless first authorized to do so by both the City's independent contractor and the person who owns or leases the solid waste container. No person shall deposit either residential or commercial solid waste in to a publicly owned trash receptacle that is located within a public right-of-way. Any person found guilty of violating this section shall be fined a minimum of \$250 but not more than five hundred dollars (\$500.00).

~~1139.11      **RULES FOR CERTAIN DESIGNATED AREAS.**~~

~~The City of Morgantown has determined that the following areas of the City require additional rules pertaining to solid waste and its collection due to the solid waste problems historically associated with those areas resulting from their higher population densities and large percentage of rental housing:~~

~~The following areas of the City are designated for daily residential solid waste pickup:~~

- ~~1.      Pennsylvania Avenue (from Kingwood Street to Brockway Avenue)~~
- ~~2.      Baird Street (from Forest Avenue to end)~~
- ~~3.      Forest Avenue (from Spruce Street to end)~~
- ~~4.      Dallas Street (from Forest Avenue to Locust Avenue)~~
- ~~5.      Locust Avenue (from Dallas Street to Richwood Avenue)~~
- ~~6.      Locust Avenue (from Dallas Street to Pine Avenue)~~
- ~~7.      Pine Avenue (from Locust Avenue to Chapman Street)~~
- ~~8.      Chapman Street (from Pine Avenue to Gem Street)~~
- ~~9.      Gem Street (from Locust Avenue to Richwood Avenue)~~
- ~~10.     Pearl Street (from Richwood Avenue to Cass Street)~~
- ~~11.     Cass Street (from Allen Avenue to Battelle Avenue)~~
- ~~12.     Allen Avenue (from East Prospect Street to Cass Street)~~
- ~~13.     East Prospect Street (from Richwood Avenue to Battelle Avenue)~~
- ~~14.     Battelle Avenue (from East Prospect Street to Mansion Avenue)~~
- ~~15.     North Willey Street (from Spruce Street to Mansion Avenue)~~
- ~~16.     Weaver Street (from Richwood Avenue to Oak Street)~~
- ~~17.     Snyder Street (from Richwood Avenue to Oak Street)~~
- ~~18.     Garrison Avenue (from Snyder Street to Oak Street)~~
- ~~19.     Richwood Avenue (from North Willey Street to College Avenue)~~
- ~~20.     Cornell Avenue (from North Willey Street to College Avenue)~~

21. Price Street (from North Willey Street to Cornell Avenue)
22. College Avenue (from University Avenue to North Willey Street)
23. University Avenue (from College Avenue to Ensign Avenue)
24. Falling Run Road (from University Avenue to end)
25. Protzman Street (from Falling Run Road to Stewart Street)
26. Mason Street (from Yoke Street to Protzman Street)
27. Yoke Street (from Falling Run Road to Stewart Street)
28. Stewart Street (from University Avenue to Protzman Street)
29. Campus Drive (from University Avenue to Beechurst Avenue)
30. Jones Avenue (from North Street to University Avenue)
31. Lorentz Avenue (from Stewart Street to Sharon Avenue)
32. Sharon Avenue (from Jones Street to Lorentz Avenue)
33. Smith Avenue (from Jones Avenue to Morgan Street)
34. Wellen Street (from Stewart Street to Duquesne Avenue)
35. Duquesne Avenue (from Wellen Street to Morgan Street)
36. Morgan Street (from Duquesne Avenue to Highland Avenue)
37. Highland Avenue (from Melrose Street to Stewart Street)
38. Raymond Street (from Highland Avenue to Duquesne Avenue)
39. First Street (from Jones Avenue to Stewart Street)
40. Carson Street (from University Avenue to McLane Avenue)
41. First Street (from University Avenue to Stewart Street)
42. Second Street (from University Avenue to McLane Avenue)
43. Houston (from University Avenue to McLane Avenue)
44. Grant Avenue (from Eighth Street to Campus Drive)
45. McLane Avenue (from Campus Drive to Eighth Street)
46. Beechurst Avenue (from Campus Drive to Eighth Street)
47. Third Street (from Beverly Avenue to Beechurst Avenue)
48. Fourth Street (from McLane Avenue to Beechurst Avenue)
49. Fifth Street (from McLane Avenue to Beechurst Avenue)
50. Sixth Street (from Beverly Avenue to Beechurst Avenue)
51. Seventh Street (from Grant Avenue to Beechurst Avenue)
52. Beverly Avenue (from University Avenue to Sixth Street)
53. Quay Street (from First Street to end)
54. Overhill Street (from Jones Avenue to University Avenue)
55. Fife Avenue (from Willey Street to North High Street)
56. Wells Street (from Fife Avenue to end)
57. Naomi Street (from Fife Street to Mansion Street)
58. Burke Street (from Price Street to Naomi Street)
59. North Spruce Street (from Willey Street to Fife Street)
60. Wiles Street (from North Spruce Street to Price Street)
61. Glendon Avenue (from Price Street to end)
62. Waverly Street (from Price Street to North High Street)
63. Belmar Street (from Price Street to North High Street)

In addition to the solid waste rates set forth in Section 1139.15, each residence within a designated daily residential solid waste pickup area shall also pay an additional \$10.50 per

month, which will offset the additional cost to the City for the residence's onsite/non-curb pickup.

~~Each residence within the above defined areas shall be required to bag all solid waste and thereafter place such bags in special containers, known as 90-gallon "toters" to be provided to each such residence by the City's independent contractor. The toters shall be owned by the City's independent contractor and each such residence shall be required to obtain two such toters from the City's independent contractor and place a \$50.00 per total security deposit with the independent contractor, which shall be applied to the cost of replacing such toter should it become damaged or stolen while being used by the residence.~~

~~Residences within the designated areas established by this section shall not place their solid waste at curbside for collection, but rather, shall store such solid waste in toters at the rear of their realty or, as an alternative, in a location on the realty agreed to by the City's independent contractor. The City's independent contractor shall collect the solid waste from the above storage location.~~

~~Should any residence within an area designated by this section wish to be exempted from any specific requirement of this section, the residence may file a request for the same with the City Manager, who after examining the facts of the particular residence may issue a written exemption to the residence. The decision to issue such an exemption shall be at the complete discretion of the City Manager.~~

~~Residence within designated solid waste pickup areas shall be required to comply with all sections of this article which are not in conflict with the requirements imposed by this section.~~

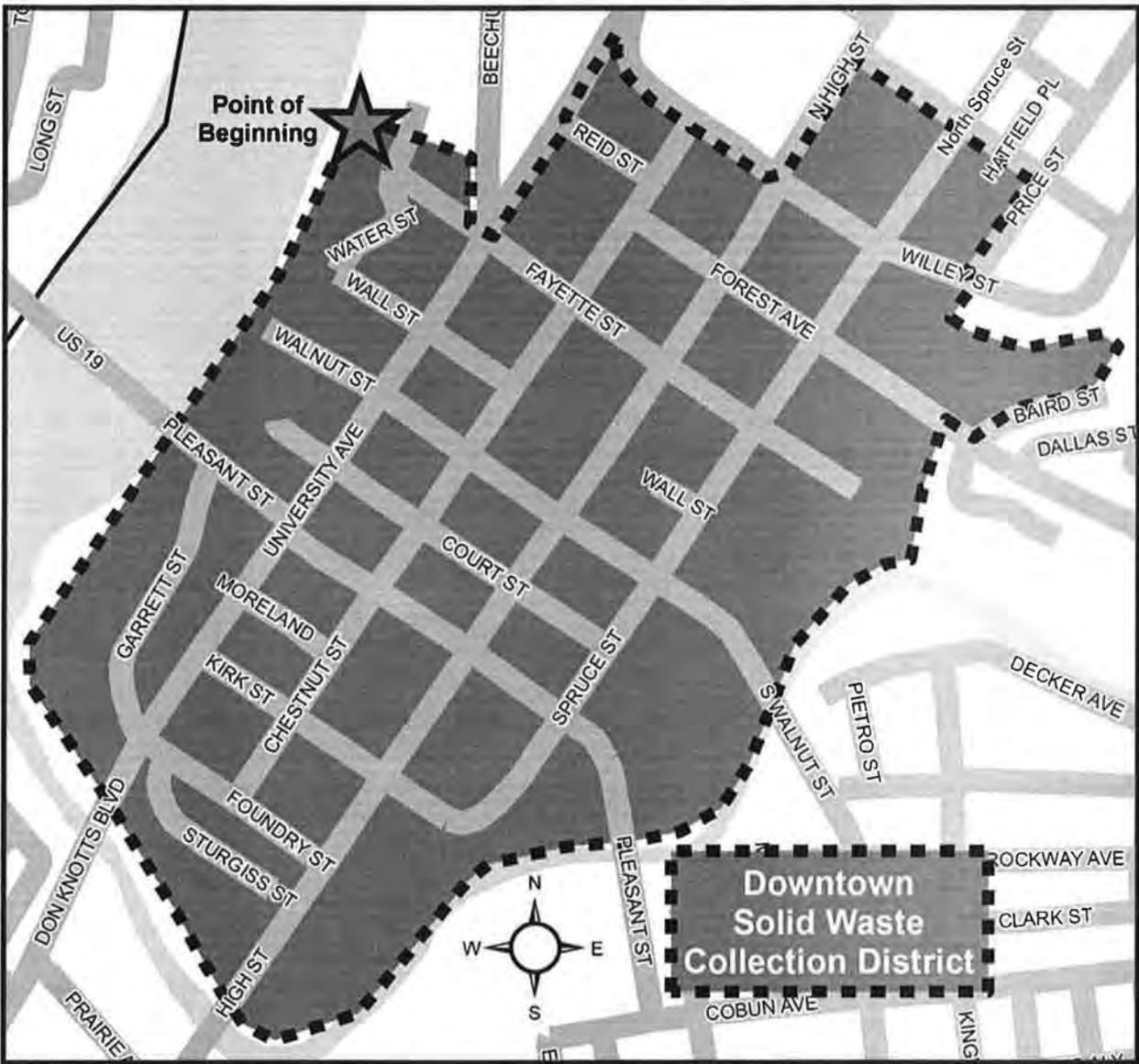
#### 1139.42 11 ACCESSIBILITY OF SOLID WASTE AND RECYCLING CONTAINERS.

All ~~persons~~ customers other than those within the Downtown Solid Waste Collection District, using the essential services provided for in this article within the City shall make all solid waste and recycling containers available at the curb or edge of pavement, unless otherwise directed by the City Manager by 6:00 a.m. on the scheduled day of collection for the particular area in which such users reside (rear yard or other special pick-up areas shall be serviced at no additional cost for the handicapped, elderly or others who cannot transport their solid waste and recycling containers to the street). All users of such essential services shall ascertain the collection schedules for the area in which they reside and if any such user of such essential service fails to make his solid waste and recycling containers available as herein required, the collectors shall refuse to make such collection and such refusal shall not constitute a failure of collection; provided, however, that where, by reason of the number of users of such service located in one building or where no facilities are or can be made available for the placing of solid waste and/or recycling containers at the curb or edge of pavement or where for any other reason it appears impossible or impracticable for such user of such service to comply with the provisions of this section, then in any such events any such user may apply to the City Manager for permission to be exempt from the provisions of this section and upon investigation by the City Manager, it appearing proper to do so, the City Manager may issue a certificate of exemption from the provisions of this section. In those cases in which the placement of solid waste at the front yard curbside has caused repeated problems affecting the health, safety and general welfare of the City and its inhabitants, the City Manager shall have the authority to direct the customer at any such location to place said solid waste at another location on or near the property for pickup. Any user of such service who is aggrieved by a decision of the City Manager with regard to this section may appeal such decision in writing to Council within thirty

days from and after the date of the decision of such City Manager. Council shall fix a time for the hearing of such appeal and after due notice to all parties in interest, shall hear such appeal at a public hearing at the regular meeting of Council and the decision of Council thereon shall be final. Solid waste and recycling containers may be placed at their pick-up site no earlier than 6:00 p.m. on the day before the scheduled day of collection and all empty permanent type of solid waste and recycling containers shall be removed by 9:00 p.m. on the day of collection. Any person found guilty of violating this section shall be fined a minimum of twenty-five dollars (\$25.00) but not more than five hundred dollars (\$500.00).

For purposes of this Article, the term "Downtown Solid Waste Collection District" shall mean:

Beginning at the northern most point between Morgantown Tax District 1 Map 26 Parcel 54.1 (currently addressed 1993 Water Street) and Map 26 Parcel 41 (currently known as Knapp Hall; thence in a southerly direction along the eastern side of the Monongahela River to the northern side of Decker's Creek; thence in easterly direction along the northern side of Decker's Creek to the southeastern most boundary at Map 29 Parcel 49 thence in a northeasterly direction along the boundaries of Map 29, Parcels 49, 50 (305 Fayette Street), 51, 52 (97 Forest Avenue), and Map 26 Parcel 262 (456 Spruce Street) to Forest Avenue; thence across Forest Avenue to a point on the northern side of Forest Avenue to a point on the southern boundary of Map 26, Parcel 249; thence in a northeasterly direction along the western side of Baird Street (formerly Park Avenue) to the end of the Baird Street right-of-way; thence in a northwesterly direction along Map 26, Parcel 263 to southwest point of Map 26, Parcel 264 (293 Willey Street); thence along the western side of Price Street in a northeasterly direction to the southern edge of Prospect Street; thence in a westerly direction along the southern edge of Prospect Street to the eastern edge of North High Street; thence in a southwesterly direction along the eastern edge of North High Street to the western edge of Willey Street and High Street; thence in a northwesterly direction to the eastern edge of University Avenue; thence in a southwesterly direction along the eastern edge of University Avenue to the northern edge of Fayette Street; thence across University Avenue (Beechurst Avenue) to the western edge of Beechurst Avenue; thence in a northwesterly direction along Beechurst Avenue to the northeastern point on Map 26, parcel 44 (21 Beechurst Avenue); thence along the northern boundary of Map 26, Parcels 44 and 45.1 to the point of beginning; as shown on the following map titled "Downtown Solid Waste Collection District".



Customers within the Downtown Solid Waste Collection District shall not place garbage containers within the public right of way earlier than two hours prior to the scheduled time of pickup by the City's independent contractor; and customers shall remove garbage containers from the public right of way within two hours after pickup service by the City's independent contractor.

**1139.4312 ADMINISTRATIVE RULES AND REGULATIONS.**

Council and the City Manager shall each have right to issue, promulgate and establish such rules and regulations as shall be deemed necessary or proper for the effective administration of this article and not inconsistent herewith.

**1139.4413 RIGHT OF COUNCIL TO DESCRIBE METHODS OF DISPOSAL.**

Council reserves the right by proper order or resolution, subject to any agreement which the City may negotiate with an independent contractor for solid waste disposal, to provide for the

disposal of solid waste in a manner which complies with applicable state and federal laws, rules and regulations.

1139.4514 RATES.

The following rates are hereby established for such service.

(a) Residential Solid Waste.

<u>Period</u>	<u>Rate (Monthly)</u>
<del>November 1, 2007 - October 31, 2008</del>	<del>\$13.25</del>
<del>November 1, 2008 - October 31, 2009</del>	<del>\$12.60</del>
<del>November 1, 2009 - October 31, 2010</del>	<del>\$13.00</del>
<del>November 1, 2010 - October 31, 2011</del>	<del>\$13.35</del>
<del>November 1, 2011 - October 31, 2012</del>	<del>\$13.75</del>
<u>October 1, 2012 - September 30, 2013</u>	<u>\$15.25</u>
<u>October 1, 2013 - September 30, 2014</u>	<u>\$15.25</u>
<u>October 1, 2014 - September 30, 2015</u>	<u>\$15.50</u>
<u>October 1, 2015 - September 30, 2016</u>	<u>\$16.00</u>
<u>October 1, 2016 - September 30, 2017</u>	<u>\$16.50</u>

The foregoing fees shall be billed by the City's independent contractor to each and every residential solid waste producer. Should any such unit be occupied for less than a full three-month billing cycle, upon request and proof of same, the City's independent contractor shall prorate the occupant's sanitation bill for that three-month billing cycle; however, in all cases the occupant shall be billed a full month for any month that he or she occupied such unit for one day or more. A property owner seeking to have any such unit exempted from sanitation billing due to non-occupancy shall submit a signed affidavit to the City's independent contractor requesting such exemption on a form prescribed by such independent contractor; in all such cases payment shall be required for any month that the unit is occupied for one day or more. A one-month discount shall be offered to any person paying in advance for twelve months of service. Should the West Virginia Public Service Commission approve any surcharges, which the City's independent contractor may add to the monthly bills of commercial customers, the City of Morgantown recognizes that the surcharge, as applied by the City's independent contractor, shall be in addition to the above established monthly rates.

(b) Commercial Solid Waste.

Effective November 1, 2007

Monthly Rate

<del>1 cu. yd. dumpster</del>	<del>\$ 47.69</del>	<del>\$79.64</del>	<del>\$112.59</del>	<del>\$145.56</del>	<del>\$178.51</del>	<del>\$211.47</del>	<del>\$247.18</del>
<del>2 cu. yd. dumpster</del>	<del>55.23</del>	<del>94.01</del>	<del>132.75</del>	<del>171.54</del>	<del>210.29</del>	<del>249.06</del>	<del>286.08</del>
<del>3 cu. yd. dumpster</del>	<del>71.95</del>	<del>123.21</del>	<del>174.67</del>	<del>225.20</del>	<del>277.39</del>	<del>328.73</del>	<del>374.88</del>
<del>4 cu. yd. dumpster</del>	<del>81.83</del>	<del>134.82</del>	<del>191.93</del>	<del>249.04</del>	<del>306.15</del>	<del>363.26</del>	<del>434.78</del>

6 cu. yd. dumpster	96.81	164.78	232.75	300.73	368.72	436.67	506.03
8 cu. yd. dumpster	120.14	207.34	294.56	381.75	473.07	556.14	647.00
15 42 yd. roll off	139.06	130.06	139.06	139.06	139.06	139.06	139.06

Effective November 1, 2008

1 cu. yd. dumpster	\$ 48.09	\$82.03	\$115.97	\$149.93	\$183.87	\$217.81	\$254.60
2 cu. yd. dumpster	56.89	96.83	136.73	176.68	216.60	256.53	294.67
3 cu. yd. dumpster	74.10	127.01	179.91	231.96	285.71	338.60	386.13
4 cu. yd. dumpster	84.28	138.86	197.69	256.51	315.33	374.16	447.83
6 cu. yd. dumpster	99.71	169.72	239.74	309.75	379.78	449.77	521.21
8 cu. yd. dumpster	123.75	213.56	303.39	393.20	487.25	572.83	645.81
15 42 yd. roll off	143.23	143.23	143.23	143.23	143.23	143.23	143.23

Effective November 1, 2009

1 cu. yd. dumpster	\$ 49.54	\$84.49	\$119.45	\$154.43	\$189.38	\$224.35	\$262.23
2 cu. yd. dumpster	58.59	99.73	140.84	181.99	223.10	264.23	303.51
3 cu. yd. dumpster	76.33	130.82	185.30	238.92	294.28	348.75	397.71
4 cu. yd. dumpster	86.81	143.03	203.62	264.21	324.79	385.38	461.26
6 cu. yd. dumpster	102.71	174.81	246.93	319.04	391.17	463.27	536.84
8 cu. yd. dumpster	127.46	219.97	312.49	405.00	501.88	590.01	665.18
14 42 yd. roll off	147.53	147.53	147.53	147.53	147.53	147.53	147.53

Effective November 1, 2010:

1 cu. yd. dumpster	\$ 51.02	\$ 87.03	\$123.03	\$159.06	\$195.06	\$231.08	\$270.10
2 cu. yd. dumpster	60.35	102.72	145.06	187.44	229.79	272.15	312.61
3 cu. yd. dumpster	78.62	134.75	190.86	246.09	303.11	359.22	409.64
4 cu. yd. dumpster	89.41	147.32	209.73	272.13	334.54	396.94	475.10
6 cu. yd. dumpster	105.79	180.06	254.34	328.62	402.91	477.17	552.92
8 cu. yd. dumpster	131.28	226.57	321.87	417.15	516.93	607.71	685.14
15 42 yd. roll off	151.96	151.96	151.96	151.96	151.96	151.96	151.96

Effective November 1, 2011:

1 cu. yd. dumpster	\$ 52.55	\$ 89.64	\$126.72	\$163.83	\$200.92	\$238.01	\$278.20
2 cu. yd. dumpster	62.16	105.81	149.41	193.07	236.69	280.32	321.99
3 cu. yd. dumpster	80.98	138.79	196.59	253.47	312.20	369.99	421.93
4 cu. yd. dumpster	92.10	151.74	216.02	280.30	344.57	408.85	489.35
6 cu. yd. dumpster	108.96	185.46	261.97	338.47	415.00	491.48	569.54
8 cu. yd. dumpster	135.22	233.37	331.53	429.66	532.44	625.94	705.69
15 42 yd. roll off	156.62	156.62	156.62	156.62	156.62	156.62	156.62

Effective November 1, 2012

1 cu. yd. dumpster	\$ 54.13	\$ 92.33	\$130.52	\$168.75	\$206.94	\$245.15	286.55
2 cu. yd. dumpster	64.03	108.98	153.90	198.86	243.79	388.73	331.65
3 cu. yd. dumpster	83.41	142.95	202.49	261.07	321.57	381.09	434.59
4 cu. yd. dumpster	94.86	156.29	222.50	288.70	354.91	421.12	504.03
6 cu. yd. dumpster	112.23	191.02	269.83	348.63	427.45	506.22	586.62

<del>8 cu. yd. dumpster</del>	<del>139.28</del>	<del>240.37</del>	<del>341.47</del>	<del>442.55</del>	<del>548.41</del>	<del>644.72</del>	<del>726.86</del>
<del>15-42 yd. roll-off</del>	<del>161.21</del>						

**Effective Date October 1, 2012**

Category	Pickups / week						
	1	2	3	4	5	6	7
1 cu. yd. dumpster	\$ 55.18	\$ 94.12	\$ 133.06	\$ 72.02	\$ 210.97	\$ 249.91	\$ 292.11
2 cu. yd. dumpster	\$ 65.27	\$ 111.10	\$ 156.88	\$ 202.72	\$ 248.52	\$ 294.34	\$ 338.09
3 cu. yd. dumpster	\$ 85.03	\$ 145.73	\$ 206.42	\$ 266.14	\$ 327.81	\$ 388.49	\$ 443.03
4 cu. yd. dumpster	\$ 96.71	\$ 159.33	\$ 226.82	\$ 294.32	\$ 361.80	\$ 429.29	\$ 513.82
6 cu. yd. dumpster	\$ 114.41	\$ 194.73	\$ 275.07	\$ 355.39	\$ 435.75	\$ 516.05	\$ 598.02
8 cu. yd. dumpster	\$ 141.98	\$ 245.04	\$ 348.11	\$ 451.14	\$ 559.06	\$ 657.24	\$ 740.97
15-42 yd. Roll-off	\$ 164.35	\$ 164.45	\$ 164.45	\$ 164.45	\$ 164.45	\$ 164.45	\$ 164.45

**Effective October 1, 2013:**

	Pickups / week						
	1	2	3	4	5	6	7
1 cu. yd. dumpster	\$ 56.84	\$ 96.94	\$ 137.05	\$ 177.18	\$ 217.30	\$ 257.41	\$ 300.87
2 cu. yd. dumpster	\$ 67.23	\$ 114.43	\$ 161.59	\$ 208.80	\$ 255.98	\$ 303.17	\$ 348.23
3 cu. yd. dumpster	\$ 87.58	\$ 150.10	\$ 212.61	\$ 274.12	\$ 337.64	\$ 400.14	\$ 456.32
4 cu. yd. dumpster	\$ 99.61	\$ 164.11	\$ 233.62	\$ 303.15	\$ 372.65	\$ 442.17	\$ 529.23
6 cu. yd. dumpster	\$ 117.84	\$ 200.57	\$ 283.32	\$ 366.05	\$ 448.82	\$ 531.53	\$ 615.96
8 cu. yd. dumpster	\$ 146.24	\$ 252.39	\$ 358.55	\$ 464.67	\$ 575.83	\$ 676.96	\$ 763.20
15-42 yd. Roll-off	\$ 169.28	\$ 169.38	\$ 169.38	\$ 169.38	\$ 169.38	\$ 169.38	\$ 169.38

**Effective October 1, 2014:**

	Pickups / week						
	1	2	3	4	5	6	7
1 cu. yd. dumpster	\$ 58.55	\$ 99.85	\$ 141.16	\$ 182.50	\$ 223.82	\$ 265.13	\$ 309.90
2 cu. yd. dumpster	\$ 69.25	\$ 117.86	\$ 166.44	\$ 215.06	\$ 263.66	\$ 312.27	\$ 358.68
3 cu. yd. dumpster	\$ 90.21	\$ 154.60	\$ 218.99	\$ 282.34	\$ 347.77	\$ 412.14	\$ 470.01
4 cu. yd. dumpster	\$ 102.60	\$ 169.03	\$ 240.63	\$ 312.24	\$ 383.83	\$ 455.44	\$ 545.11
6 cu. yd. dumpster	\$	\$	\$	\$	\$	\$	\$

	<u>121.38</u>	<u>206.59</u>	<u>291.82</u>	<u>377.03</u>	<u>462.28</u>	<u>547.48</u>	<u>634.44</u>
	<u>\$</u>						
8 cu. yd. dumpster	<u>150.63</u>	<u>259.96</u>	<u>369.31</u>	<u>478.61</u>	<u>593.10</u>	<u>697.27</u>	<u>786.10</u>
	<u>\$</u>						
15-42 yd. Roll-off	<u>174.36</u>	<u>174.46</u>	<u>174.46</u>	<u>174.46</u>	<u>174.46</u>	<u>174.46</u>	<u>174.46</u>

**Effective October 1, 2015:**

	<u>Pickups / week</u>						
	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>	<u>6</u>	<u>7</u>
1 cu. yd. dumpster	<u>\$ 60.31</u>	<u>\$ 102.85</u>	<u>\$ 145.39</u>	<u>\$ 187.98</u>	<u>\$ 230.53</u>	<u>\$ 273.08</u>	<u>\$ 319.20</u>
2 cu. yd. dumpster	<u>\$ 71.33</u>	<u>\$ 121.40</u>	<u>\$ 171.43</u>	<u>\$ 221.51</u>	<u>\$ 271.57</u>	<u>\$ 321.64</u>	<u>\$ 369.44</u>
3 cu. yd. dumpster	<u>\$ 92.92</u>	<u>\$ 159.24</u>	<u>\$ 225.56</u>	<u>\$ 290.81</u>	<u>\$ 358.20</u>	<u>\$ 424.50</u>	<u>\$ 484.11</u>
4 cu. yd. dumpster	<u>\$ 105.68</u>	<u>\$ 174.10</u>	<u>\$ 247.85</u>	<u>\$ 321.61</u>	<u>\$ 395.34</u>	<u>\$ 469.10</u>	<u>\$ 561.46</u>
6 cu. yd. dumpster	<u>\$ 125.02</u>	<u>\$ 212.79</u>	<u>\$ 300.57</u>	<u>\$ 388.34</u>	<u>\$ 476.15</u>	<u>\$ 563.90</u>	<u>\$ 653.47</u>
8 cu. yd. dumpster	<u>\$ 155.15</u>	<u>\$ 267.76</u>	<u>\$ 380.39</u>	<u>\$ 492.97</u>	<u>\$ 610.89</u>	<u>\$ 718.19</u>	<u>\$ 809.68</u>
15-42 yd. Roll-off	<u>\$ 179.59</u>	<u>\$ 179.69</u>					

**Effective October 1, 2016:**

	<u>Pickups / week</u>						
	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>	<u>6</u>	<u>7</u>
1 cu. yd. dumpster	<u>\$ 62.12</u>	<u>\$ 105.94</u>	<u>\$ 149.75</u>	<u>\$ 193.62</u>	<u>\$ 237.45</u>	<u>\$ 281.27</u>	<u>\$ 328.78</u>
2 cu. yd. dumpster	<u>\$ 73.47</u>	<u>\$ 125.04</u>	<u>\$ 176.57</u>	<u>\$ 228.16</u>	<u>\$ 279.72</u>	<u>\$ 331.29</u>	<u>\$ 380.52</u>
3 cu. yd. dumpster	<u>\$ 95.71</u>	<u>\$ 164.02</u>	<u>\$ 232.33</u>	<u>\$ 299.53</u>	<u>\$ 368.95</u>	<u>\$ 437.24</u>	<u>\$ 498.63</u>
4 cu. yd. dumpster	<u>\$ 108.85</u>	<u>\$ 179.32</u>	<u>\$ 255.29</u>	<u>\$ 331.26</u>	<u>\$ 407.20</u>	<u>\$ 483.17</u>	<u>\$ 578.30</u>
6 cu. yd. dumpster	<u>\$ 128.77</u>	<u>\$ 219.17</u>	<u>\$ 309.59</u>	<u>\$ 399.99</u>	<u>\$ 490.43</u>	<u>\$ 580.82</u>	<u>\$ 673.07</u>
8 cu. yd. dumpster	<u>\$ 159.80</u>	<u>\$ 275.79</u>	<u>\$ 391.80</u>	<u>\$ 507.76</u>	<u>\$ 629.22</u>	<u>\$ 739.74</u>	<u>\$ 833.97</u>
15-42 yd. Roll-off	<u>\$ 184.98</u>	<u>\$ 185.08</u>					

The foregoing shall be the maximum monthly rates which shall be charged for commercial solid waste service. However, the contractor shall be authorized to negotiate lower rates with each commercial refuse account as the particular facts of a particular case might warrant. Should any such commercial solid waste unit be occupied for less than a full three-month billing cycle, upon request and proof of same, the contractor shall pro-rate the occupant's sanitation bill for that three-month billing cycle; however, in all such cases, the occupant shall be billed a full month for any month that the unit was occupied for one day or more. A property owner seeking to have any such unit exempted from sanitation billing due to non-occupancy shall submit a signed affidavit to the contractor requesting such exemption on a form prescribed by the contractor; in all such cases payment shall be required for any month that the unit was occupied for one day or more. Should the West Virginia Public Service Commission approve any surcharges, which the City's independent contractor may add to the monthly bills of commercial customers, the City of Morgantown recognizes that the surcharge, as applied by the City's independent contractor, shall

be in addition to the above established rates.

~~As defined in Sections 1139.01(1) and 1139.01(h),~~ For purposes of this article, a structure containing more than ~~two~~ one occupied residence shall be classified as a commercial unit. The City Manager is hereby authorized to issue a waiver, upon request, when he determines any such commercial unit containing residential units and the general welfare of the City would be better served by treating the structure as a residential unit(s). Small commercial businesses generating less than three thirty-gallon containers or less per week shall be treated and billed as residential solid waste accounts.

Materials Not Collected. Neither the City nor, if the case may be, its independent contractor, shall collect, remove or dispose of the following types of materials: raw garbage, offal, sewage, animal excreta, the carcasses of animals, vehicles or parts of vehicles, tires, large tree stumps, hazardous waste or potentially hazardous or toxic waste or material resulting from the demolition, repair, alteration or erection of buildings or structures.

Recovery of Unpaid Charges. If the fee, rate or charge for any of the foregoing services is not paid within thirty days after the same is due, the amount thereof may be recovered with the laws of the State.

~~Placing Items at Curbside. All items authorized by this article to be collected at curbside by the Sanitation Department or, if applicable, its designated independent contractor, shall be placed for collection at curbside not sooner than twelve hours prior to 6:00 a.m. on the day of collection.~~

#### 1139.4615 PAYMENT FOR SERVICES.

Payment for the services rendered pursuant to this article shall be made to the City's designated independent contractor. The independent contractor shall bill all such service accounts on a quarterly basis.

Each property owner or occupant of an individual residence and each person operating a business establishment shall be responsible for the payment of service charges for solid waste collection, processing, and disposal service to said residence or business establishment provided, that upon application by the occupant of any such residence or business establishment, filed with the City's solid waste collection independent contractor and accompanied by an appropriate affidavit showing the occupant's status as such, such bills shall be rendered to the occupant for payment.

In the event that any such account becomes 60 days delinquent in payment, the City's independent contractor may discontinue its collection of refuse at any such location. At the time that the residence pays its past due bill, the independent contractor will collect all accumulated solid waste at the residence or business establishment on the next collection day.

In the event a residence or business establishment does not subscribe for solid waste collection with the City's independent contractor, said residence or business establishment will not have its solid waste collected until such time as it subscribes to and pays for the service. Once the residence subscribes for the service, the City's independent contractor will collect all solid waste that has accumulated at the residence on the next collection day.

Any person found guilty of violating this section shall be fined a minimum of one hundred fifty dollars (\$150.00) but not more than five hundred dollars (\$500.00).

#### 1139.4716 RECYCLING.

Users of the services provided by this article shall be responsible for complying with all

present and future recycling laws of this State, which are hereby adopted by reference, and any resulting rules which may be established by the City Manager and/or the City's designated independent contractor for the implementation thereof.

All users shall be required to ~~separate steel cans, aluminum cans, clear glass, and newspapers from other garbage and~~ place said recyclable materials in recycling containers as provided by the City's designated independent contractor. The aforementioned recycling containers are to be placed at curbside for pickup on dates (at least once a month) established by the City's designated independent contractor.

The City recognizes that compliance with the recycling requirements of this section will not only result in better utilization of available landfill space, but also, assist in minimizing user fees, incentives which all users should recognize.

This Ordinance shall be effective on October 1, 2012.

FIRST READING:

\_\_\_\_\_  
MAYOR

ADOPTED:

FILED:

\_\_\_\_\_  
CITY CLERK

RECORDED: