GARBAGE

The following information concerning garbage (solid waste) disposal, storage, and collection within the City of Morgantown is provided to help make you aware of your responsibilities concerning this service.

“Solid Waste” is defined by W. Va. Code §22-15-2(31) as “any garbage, paper, litter, refuse, cans, bottles, waste processed for the express purpose of incineration”.

“Garbage” is defined by W. Va. Code §19-9A-1(a) as “putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of foods including animal carcasses or parts thereof.”

Subscription to Garbage Service Required: Morgantown City Code §1139.03
Everyone residing in the city limits of Morgantown is required to “subscribe to, take, and pay for” garbage service provided by Morgantown or its independent contractor.

Trash/Solid Waste Containers: Morgantown City Code §1139.04
Trash/solid waste containers must meet the following specifications:
- Leakproof and watertight
- Capacity of 10-30 gallons
- Weighs no more than 60 lbs when full
- Sufficient strength to avoid bursting
- Garbage bag not acceptable unless items are not food related or recyclable (i.e. leaves and grass clippings).

Storage of Solid Waste and Recyclables: Morgantown City Code §1139.05
Do not store or deposit solid waste in containers unless it’s being prepared for collection, removal, or disposal. The solid waste you store must comply with the definition of solid waste as provided.

Lids have to be kept on solid waste containers at all times. You cannot store garbage cans/recycling bins in front yards or on porches on a regular basis. They must be kept from the view of the general public unless they have been placed out for collection.

In addition to the containers you are allowed to place out for collection under City Code §1139.04, you are allowed to place one item out for collection that doesn’t meet §1139.04’s criteria, such as furniture or appliances. If you need more than one §1139.04 non-compliant item picked up, you have to contact the City’s independent contractor to arrange a special pickup and you will be charged a fee for that service based on the items’ volume.

Construction materials cannot be put out for normal pickup—you have to arrange with the City’s independent contractor to have a special pickup.

Delivering Solid Waste Upon Private Property: Morgantown City Code §1139.06
You cannot deliver to or deposit solid waste on private property.

Improper Disposal of Solid Waste; Illegal Dumping; Use of Unauthorized Containers: Morgantown City Code §1139.061
You cannot dispose of solid waste in an undesignated location. You cannot dispose of solid waste in unauthorized containers. It is illegal to put your solid waste in the dumpster or solid waste container of another person/business/etc.

If you are found guilty under this ordinance, you can be fined $250 to $500.

Disposal of Solid Waste: Morgantown City Code §1139.07
You can only dispose of solid waste in the ways outlined by the Morgantown City Code.

Littering: Permitting Premises to Become Unsanitary or Hazardous: Morgantown City Code §1139.08
You cannot:
- Place or scatter any solid waste over or upon any premises, street or alley (public or private) or adjacent thereto; or
- Permit accumulation or solid waste on any premises you own, occupy, or control (including if you are the tenant) to become offensive, unsanitary, unsightly, unsafe to public health, or hazardous to fire.

If you fail to maintain a solid waste or litter-free premises, you can be fined $50-$500.

Storage of Solid Waste: Morgantown City Code §1139.09
You cannot store or permit someone else to store solid waste at your premises unless the solid waste is kept in standard trash/solid waste containers as defined in the Morgantown City Code.

Removal of Solid Waste by City Employees Prohibited Without Containers: Morgantown City Code §1139.10
The City or its independent contractor will not collect or remove your solid waste unless you have stored the solid waste in the containers required for your residence by the Morgantown City Code.

Rules for Certain Designated Areas: Morgantown City Code §1139.11
There are certain areas in Morgantown that are designated as daily residential solid waste pick up. To determine whether your residence falls within the daily pickup zone, please refer to the full text of this ordinance, which can be found via a link from Morgantown’s City website: http://www.morgantown.com.

If you are within the designated daily pickup area, you must pay an additional monthly fee of $10.50. You have to place your solid waste in bags in the toters provided by the City’s Independent Contractor. Each residence in the daily pickup area is required to have two toters. If your
residence does not already have toters, they can be obtained by contacting the City’s independent contractor and paying a $50 security deposit for each toter. Your landlord may have already arranged for toters to be present at your residence.

If you are in a designated daily pickup area, you do not place the toters curbside, but instead leave the toters at the back of your residence or some other designated area agreed to by the City’s independent contractor.

**Accessibility of Solid Waste and Recycling Containers:** [Morgantown City Code §1139.12]

Unless you are required to have a toter under §1139.01, you are required to make your solid waste containers available at the curb or edge of payment by 6:00 a.m. on the day your garbage is scheduled for pickup. You are responsible for obtaining the garbage pickup schedule for your area through the City’s independent contractor.

If you do not make your solid waste containers available by 6:00 a.m. on the day of pickup or you fail to follow the other requirements for solid waste under the Morgantown City Code, the City’s independent contractor can refuse to collect your solid waste and that refusal is not considered a failure of the service to collect your solid waste.

You can apply to be exempt from the requirements of this ordinance if:
- By reason of the number of users of the garbage service located in one building; OR
- Where no facilities are or can be made available for the placing of garbage and/or recycling containers at the curb or edge of pavement; OR
- Where for any other reason it appears impossible or impracticable for you to comply with the provisions of the ordinance.

The City Manager will investigate the situation and, if you qualify, may offer you a certificate of exemption from the ordinance.

You are required to remove your solid waste container from the curbside/edge of the pavement by 9:00 p.m. on the date of collection.

If you are found guilty under this ordinance, you can be fined $25-$500.

**Rates:** [Morgantown City Code §1139.15]

To determine the rates for your garbage service, please refer to the full text of this ordinance, which can be found via a link from Morgantown’s City website: [http://www.morgantown.com](http://www.morgantown.com).

**Payment for Services:** [Morgantown City Code §1139.16]

You are required to pay the City’s independent contractor who will bill you quarterly for the services provided. If you become 60 days or more delinquent in payment, the City Manager is allowed to discontinue services at your residence. Once you pay your outstanding bill in full, they will collect your solid waste on the next collection day.

You must be subscribed to the solid waste collection through the City’s independent contractor to have your solid waste collected. Landlords under appropriate circumstances may give your name to Allied Waste so that trash services will be billed to you. If you are responsible for paying for trash services, you are also responsible for providing appropriate containers.

If you are found guilty under this ordinance, you can be fined $150-$500.

**Recycling:** [Morgantown City Code §1139.17]

You are required to comply with any recycling laws of the state. You are required under the ordinance 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. You place your recyclables curbside for pickup on dates (at least once a month) established by the City’s independent contractor.

**Penalty:** [Morgantown City Code §1139.99]

If you are found guilty/fail to comply with the rules under any of the solid waste ordinances, you can be fined up to $500, or if an individual fine was provided under an ordinance, then the fine range specific to that ordinance applies.

In lieu of the fine provided in §1139.08, for violation of §1139.08, a court in its discretion may order litter pickup for up of 8-16 hours (pick up and remove from any public highway, road, street, alley or any public property as designated by the court, any and all litter, garbage, refuse, trash, cans, bottles, papers, ashes, the carcass of any dead animal or any part thereof, offal or any other offensive or unsightly matter placed or deposited, dumped or thrown contrary to the provisions of §1139.08 by anyone prior to the date of such conviction).

Each succeeding day that a violation of the ordinances exists constitutes a new and separate offense.

When you appear in court, you should always act and appear respectful. This means dressing in a manner which indicates your respect, addressing the Judge as “Your Honor” and using polite and appropriate language. While this may not actually help you, failing to do so will most likely lessen your credibility and have a negative influence on your case.

**West Virginia Student Legal Services does not warrant or guarantee that the information provided here is accurate. From time to time, laws are changed; therefore, prior to taking any action based on this information, you must first consult an attorney.**