ORDINANCE 355

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF ELKINS, WEST VIRGINIA, AMENDING CHAPTER 9, ARTICLE II, *GARBAGE COLLECTION*, OF THE CODE OF ORDINANCES OF THE CITY OF ELKINS, WEST VIRGINIA, AMENDING SECTION 9-9, *RATES FOR CITY SERVICE*; AND DECLARING AN EFFECTIVE DATE

WHEREAS, rates for the collection and removal of solid waste have not been increased since 2010; and,

WHEREAS, Chapter 9, Article II, Section 9-9, *Rates for City Service - Designated*, provides that the Common Council shall, from time to time, establish the charges that will be imposed for garbage and refuse collection services, and further provides that at no time shall rates be continued which are disclosed to be producing less revenue than is required to meet all obligations and costs involved in rendering such service; and,

WHEREAS, present sanitation rates for the collection of garbage and refuse are insufficient to meet the daily costs and operating expenses for the provision of such service by the City of Elkins Sanitation Fund;

WHEREAS, Elkins Common Council, is aware of its obligation under the law to enact a rate increase;

NOW THEREFORE, be it ordained and enacted by the Common Council of Elkins, West Virginia, that the rates and charges for garbage and refuse collection services be amended and reenacted as follows:

SECTION ONE - RATES

I. Section 09.09.01 Residential Collection Charges.

a. The collection fee for residential customers shall be $26.00 per calendar month

II. Section 09.09.02 Commercial Collection Charges.

a. Commercial minimum (collected without a dumpster): $42.00 per calendar month

b. Commercial establishments utilizing dumpsters shall be charged for City collection of garbage, trash and rubbish in conformity with the following table:

CAPACITY (Cubic Yards)	Number of Scheduled Collections Per Week				
	1	2	3	4	5
2	$ 94.67	$ 154.34	$ 214.07	$ 272.10	$ 333.46
4	$ 142.71	$ 238.78	$ 334.86	$ 430.93	$ 525.67
6	$ 202.40	$ 334.86	$ 467.29	$ 599.74	$ 732.19
8	$ 262.10	$ 430.93	$ 599.74	$ 908.48	$ 937.38

NOTE: Dumpster customers will be charged for each unscheduled extra pickup at the rate of $26.31 per cubic yard of dumpster capacity.

c. Commercial establishments utilizing open top roll-off dumpsters shall be charged for City collection of garbage, trash and rubbish as follows:

Rental fee	$ 6.94 per day
Hauling fee – 10 Yd	$241.50 per trip
Hauling fee – 20-30 Yd	$398.49 per trip
Permanently installed units	Terms per written contract

d. Commercial establishments utilizing compacting roll-off dumpsters shall be charged for City collection of garbage, trash and rubbish as follows:

Monthly fee	Per written contract
Hauling fee	Per written contract

III. Section 09.09.03 Powers of the Treasurer.

a. The Treasurer, with the approval of Common Council, may make such other provisions as he or she may deem necessary or proper, consistent with this Chapter, for the billing and collection of charges for services, provided that, the Treasurer shall bill all property owners receiving services for such services for the fee imposed herein on a monthly basis. All property owners that are users of such services shall remit payment of the fee imposed herein within the time period prescribed on the bills issued by the Treasurer.

b. The Treasurer may prescribe such forms and records as shall be used for the collection and accounting of all fees for any and all services rendered under this Chapter, with the authority to require any and all persons responsible for such collection and accounting to comply with the same.

SECTION TWO – EFFECTIVE DATE

The increased rates and charges provided herein shall become effective 45 days following the second publication of notice of the enactment of this Ordinance.

SECTION THREE – SEPARABILITY; REPEAL OF CONFLICTING ORDINANCES

The provisions of this Ordinance are separable, and if any clause, provision or section hereof be held void or unenforceable by any court of competent jurisdiction, such holding shall not affect the remainder of this Ordinance. Upon the effective date of the charges herein set forth, all ordinances, resolutions, orders or parts thereof in conflict with the provisions of this Ordinance are, to the extent that the provisions of this Ordinance do not touch upon the provisions of prior ordinances, resolutions, orders or parts thereof, the same shall remain in full force and effect.

SECTION FOUR – STATUTORY NOTICE AND PUBLIC HEARING

As required by *West Virginia Code §8-11-4,* notice of this Ordinance and the public hearing scheduled thereon shall be published as a Class I legal publication in a qualified newspaper published and of general circulation in the City of Elkins, and said notice shall state that this Ordinance has been introduced and that any person interested may appear before Town Council on **December 17, 2026, at 7:00 p.m.**, in the City Council Chambers, 401 Davis Avenue, Elkins, West Virginia, and present protests, if any. At such hearing all objections and suggestions shall be heard and the Council shall take such action as it shall deem proper on the premises.

Further, said Notice shall advise the public that a copy of this Ordinance is available for public inspection at the City Clerk's Office which is open to the public Monday through Friday during the hours of 7:30 a.m. to 4:00 p.m.

As further required by *West Virginia Code §8-13-13(e),* upon enactment, this Ordinance shall be published as a Class II legal publication in the City of Elkins. Pursuant to *West Virginia Code §8-13-13(f)* if thirty percent (30%) of the qualified voters of the City file a petition with the City Clerk within forty-five days following the second publication, this Ordinance shall not become effective until it is ratified by a majority of the legal votes cast by qualified voters of the City at a regular or special municipal election, as the common council directs.

Passed on First Reading: _____

Passed on Second Reading
Following Public Hearing: _____

CITY OF ELKINS, WEST VIRGINIA

_____

Jerry Marco, Mayor

Attest:

Date: _____

_____

Sutton R. Stokes, City Clerk

Date: _____