

**ARTICLE 1727**  
**SOLID WASTE REQUIREMENTS**

**City of Milton**  
**1139 Smith Street**  
**Milton, WV 25541**  
**304-743-3032**

**Ordinance:**

**1727.01 LITTERING AND DEPOSIT OF GARBAGE, RUBBISH**

**(West Virginia Code 8-12-5-(10). To prohibit the accumulation and require the disposal of garbage, refuse, debris, wastes, ashes, trash and other similar accumulations whether on private or public property.**

All exterior property and premises, including decks, porches and interior of every structure shall be free from any accumulation of rubbish or garbage in such a manner or in such quantity as to constitute a fire or safety hazard or a danger to health, or so as to become unsightly or otherwise give offense to persons in the neighborhood. Garbage and trash shall be disposed of by the owner or occupant promptly as it originates, in a lawful and sanitary manner by placing it in refuse containers. Placement and removal of containers for garbage pickup shall be stored, pending collection. Disposal of garbage is the responsibility of the owner, occupant or person in charge of the premises and failure to remove within forty eight (48) hours after notice to remove the accumulation will be served a notice of violation and shall be subject to prosecution.

No person shall, without lawful authority, place or dispose of in any manner, upon any public property or upon the premises of another, any paper, trash, garbage, waste, rubbish, refuse., junk or any substance or material which is or may become noxious, offensive, injurious or dangerous to the public health, comfort and safety.

Any person who without authorization dumps garbage or trash, or assist in the unauthorized dumping of garbage or trash, in a dumpster or other solid waste container which is located on the property of another person and leased or otherwise owned or maintained by another person is guilty of a misdemeanor and, upon conviction thereof, shall be punished. The act of throwing isolated objects into a dumpster or other solid waste container in the prevention or elimination of litter is specifically accepted from any penalties under this section.

(West Virginia Code 61-3-53 (a))

**WV STATE CODE:**

**§22C-4-10. Mandatory disposal; proof required; penalty imposed; requiring solid waste management board and the Public Service Commission to file report.**

(a) Each person occupying a residence or operating a business establishment in this state shall either:

(1) Subscribe to and use a solid waste collection service and pay the fees established therefor; or

(2) Provide proper proof that said person properly disposes of solid waste at least once within every thirty-day period at approved solid waste facilities or in any other lawful manner. The Secretary of the Department of Environmental Protection shall promulgate rules pursuant to chapter twenty-nine-a of this code regarding an approved method or methods of supplying such proper proof. A civil penalty of one hundred fifty dollars may be assessed to the person not receiving solid waste collection services in addition to the unpaid fees for every year that a fee is not paid. Any person who violates the provisions of this section by not lawfully disposing of his or her solid waste or failing to provide proper proof that he or she lawfully disposes of his or her solid waste at least once a month is guilty of a misdemeanor. Upon conviction, he or she is subject to a fine of not less than fifty dollars nor more than one thousand dollars or sentenced to perform not less than ten nor more than forty hours of community service, such as picking up litter, or both fined and sentenced to community service.