

ORDINANCE 113

AN ORDINANCE 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; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, rates for the collection and removal of solid waste have not been increased since the measure adopted January 15, 2004; 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 costs and operating expenses for the provision of such service by the Elkins Sanitation Fund; and

WHEREAS, Elkins Common Council, while aware of its obligation under the law to enact a rate increase; **now, therefore, be it**

ORDAINED AND ENACTED BY THE COMMON COUNCIL OF THE CITY OF ELKINS, WEST VIRGINIA, THAT THE RATES AND CHARGES FOR GARBAGE AND REFUSE COLLECTION SERVICES BE AMENDED AND REENACTED AS FOLLOWS:

I. Section 09.09.01 Residential collection charges.

- a. The collection fee for residential customers shall be nineteen dollars (\$19.54) and fifty-four cents per calendar month.

II. Section 09.09.02 Commercial collection charges.

- a. Commercial minimum (collected without a dumpster) \$31.56 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	\$ 71.15	\$ 115.99	\$ 160.88	\$ 204.49	\$ 250.61
4	\$ 107.25	\$ 179.45	\$ 251.66	\$ 323.86	\$ 396.06
6	\$ 152.11	\$ 251.66	\$ 351.19	\$ 450.73	\$ 550.27
8	\$ 196.98	\$ 323.86	\$ 450.73	\$ 682.76	\$ 704.48

Note: Dumpster customers will be charged for each unscheduled extra pickup at the rate of \$18.91 per cubic yard of dumpster capacity.

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

Rental fee	\$6.63 per day
Hauling fee	\$226.88 per trip
Permanently installed units	Terms per written contract

- c. 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

If any portion of this Ordinance shall, for any reason, be declared invalid by any court of competent jurisdiction, such invalidity shall not affect the remaining provisions hereof and the Common Council determines that it would have adopted this Ordinance without the invalid provision.

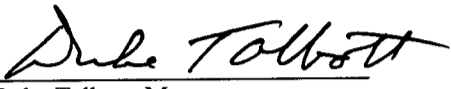
This Ordinance shall become effective July 1, 2010.

PASSED AND APPROVED UPON FIRST READING MAY 6TH 2010.

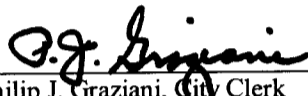
AMENDED, PASSED AND APPROVED UPON SECOND READING MAY 20TH 2010.

PASSED AND APPROVED UPON THIRD AND FINAL READING THIS 3RD DAY OF JUNE 2010.

CITY OF ELKINS, WEST VIRGINIA


Duke Talbott, Mayor

ATTEST:


Philip J. Graziani, City Clerk