

**JEFFERSON COUNTY
AMENDED RECYCLING ORDINANCE**

WHEREAS, The State of West Virginia has established the following goals for waste reduction through recycling and composting efforts; 20% reduction by January 1, 1994; 30% reduction by January 1, 2000; and 50% reduction by January 1, 2010; and,

WHEREAS, The Jefferson County Commission recognizes that the development of processing facilities and other necessary infrastructure for the handling of source separated material is necessary for the success of any recycling program; and,

WHEREAS, Public education is essential to maximize public participation and to ensure the collection of high quality recyclable materials; and,

WHEREAS, The Jefferson County Commission recognizes that procurement of recycled products is an essential element in creating markets for recyclable materials; and,

WHEREAS, It is the Policy of The State of West Virginia that to the maximum extent possible all agencies and instrumentalities of the State purchase recycled products; and,

WHEREAS, Market conditions are ever-changing; Therefore, the county recycling ordinance herein adopted is designed to give flexibility in the methods selected to accomplish the above-mentioned goals; and,

WHEREAS, Many different solutions are possible for the implementation of the mandates of the West Virginia Recycling Act of 1991; however, one method is hereby adopted that will comply with the mandates of the Act, while providing methods for collection entities to use alternative plans;

THEREFORE, BE IT ORDAINED That the title of the Ordinance be "The Jefferson County Recycling Ordinance."

1.0 General Authority

This Ordinance is adopted by the authority of the West Virginia Code, Chapter 20, Article 11

2.0 Jurisdiction

These regulations shall apply to all properties within Jefferson County, West Virginia: but, do not include the incorporated municipalities or areas hereafter annexed by any municipal corporation.

3.0 DEFINITIONS

- .1 "Recyclable material" means a material which would otherwise become municipal, industrial or commercial solid waste, which can be source separated, collected; processed, and returned to the economic mainstream in the form of raw materials or products.
- .2 "Recycling" means the source separation, collection, processing, and sale or re-use of metals, glass, paper, plastics, and other materials which would otherwise be disposed of as solid waste.
- .3 "Mandatory" means that and requires any collection entity to offer recycling service to each of it's residential and commercial customers in addition to solid waste collection service. Nothing in this Ordinance shall require any person, firm, or corporation to subscribe to waste hauling service.
- .4 "Source separate" means to separate recyclable materials from the municipal, industrial or commercial waste stream at the point of waste generation.
- .5 "Co-mingled" means source separated, non-putrescible recyclable materials that have been placed in the same container at the source of generation for collection.
- .6 "Designated Recyclable Materials" means those recyclable materials specified by the collection entity for separate collection in accordance with this Ordinance. Such materials may include, but not be limited to, aluminum, ferrous and bimetal cans; glass containers; newspapers; office waste paper; corrugated paper; and plastic containers.
- .7 "Collection Entity" means any person, partnership, corporation or other entity that provides for the collection of solid waste from residential or commercial establishments and the transportation thereof to approved disposal facilities.

4.0 ENFORCEMENT

- .1 As provided in Section 5, Subsection 5 of this ordinance, any waste collection entity may refuse to collect the solid waste from any person, firm, or corporation that has not source separated from the solid waste all recyclable materials named in the collection entity's plans filed with the county S.W.A.

5.0 RECYCLING PROGRAM

The Jefferson County Recycling Program shall consist of the following minimum requirements:

- .1 Each person, partnership, corporation or other entity in the County shall separate from other solid waste at least three designated recyclable materials, as deemed appropriate by the collection entity, as named, in its approved plan.
- .2 The eligible list of recyclable materials includes: newspaper; office waste paper; corrugated paper; ferrous; bimetal and aluminum cans; plastic containers; glass and other materials named from time to time by regulation established pursuant to this Ordinance.
- .3 Each collection entity shall establish at least one scheduled day per week during which source separated materials, which may be co-mingled, are to be placed at the curb-side, or similar location for collection.
- .4 To maximize participation and to ensure the collection of high quality recyclable materials, each collection entity shall establish an on-going, comprehensive public information and education program, to commence at least 30 days prior to the first date of collection of recyclable materials. Such education program shall, at a minimum, effectively notify all residential, commercial, institutional and other entities participating in the program of the required methods for source separating materials, how the system will operate, the dates of collection and program incentives.
- .5 Each collection entity shall accept only such solid waste from which recyclable materials named in the collection entity's plans filed with the Jefferson County Solid Waste Authority have been source separated.
- .6 Each collection entity's recycling program shall provide for appropriate incentives and penalties to ensure participation in its program.

6.0 ALTERNATIVE PROGRAMS

- .1 Any collection entity may propose an alternative program for a comprehensive recycling program that meets the stated waste reduction goals of this Ordinance. A proposed alternative program shall be reviewed by the Jefferson County Solid Waste Authority in accordance with final approval to be granted by the Jefferson County Commission.

7.0 YARD WASTE MANAGEMENT

- .1 Each collection entity shall file a plan with the Jefferson County Solid Waste Authority for the collection and management of yard waste. The yard waste plan will be filed by March 1, 1993.

8.0 MARKET AND INFRASTRUCTURE DEVELOPMENT

- .1 The Jefferson County Solid Waste Authority shall monitor, collect information, and assist in the development of markets and infrastructure for the processing of source separated recyclable material. The JCSWA will act as a clearinghouse to disseminate information on recycling activities and shall file semi-annual written reports with the Jefferson County Commission on the established processing capacity and a plan for new capacity. The first report due under this Ordinance shall be on July 1, 1993.
- .2 In keeping with state policy and goals, all state agencies, instrumentalities and political sub-divisions of The State of West Virginia located in Jefferson County shall strive to achieve a recycled product mix on future purchases of 1.) 20% by December 31, 1992, and 2.) 40% by December 31, 1995.

9.0 EFFECTIVE DATE

- .1 This Ordinance shall be effective from October 1, 1992.
- .2 Each collection entity shall file with the Jefferson County Commission its recycling program on or before October 1, 1992.
- .3 Each collection entity shall implement its approved program on or before October 1, 1993, and have its program fully implemented on or before April 1, 1994.

10.0 REGULATIONS

- .1 The Jefferson County Commission and/or the Jefferson County Solid Waste Authority are authorized to promulgate reasonable rules and regulations needed to implement the Jefferson County Recycling Ordinance which shall be submitted to the County Commission on or before October 1, 1992. The County Commission shall, thereafter, adopt rules and regulations by order.

11.0 AMENDMENT AND REPEAL

- .1 This Ordinance may be amended or repealed by the County Commission at any time, pertaining to West Virginia Code Chapter 20, Article 11.

Enacted and ordained by order of the Jefferson County Commission this 13th day of August, 1992.

By:










