

## HARRISON COUNTY 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 Harrison County Commission recognizes that the development of a comprehensive plan for county-wide recycling is necessary in order to accomplish any successful recycling program; and

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

WHEREAS, The Harrison 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 and Harrison County 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 and the mandates of the county referendum in May 1990 while providing a method for collection entities to select levels of service for recycling:

THEREFORE, BE IT ORDAINED, That the title of the ordinance be:

"The Harrison County Recycling Ordinance."

## HARRISON COUNTY RECYCLING ORDINANCE

### 1.0 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 any process where waste materials are collected, manufactured into new material, and used or sold again in the form of new products or raw materials.
3. "Source separate" means the removal of recyclable materials, at the point of solid waste generation from that waste which is to be landfilled.
4. "Co-mingled" means those source separated, non-putrescible recyclable materials that are aggregated into a container(s) to facilitate collection and to a facility for further processing.
5. "Designated Recyclable Materials" means those recyclable materials specified in the Harrison County Recycling Plan for separate collection in accordance with this Ordinance. Such materials may include, but not be limited to, aluminum, ferrous and bi-metal cans; plastic containers, newspapers and others.
6. "Hauler" means any person, partnership, corporation, or other public or private entity that provides for the collection of solid waste or recyclables from Harrison County residents, commercial establishments, and community activities and the transportation thereof to approved disposal facilities or facilities accepting recyclables. A hauler must be certified as required by the West Virginia Public Service Commission (PSC).
7. "Commercial Establishment" means any commercial, industrial, institutional, and governmental establishment.
8. "Community Activity" means any event that is sponsored by public or private entities or individuals that includes but is not limited to festivals, fairs, bazaars, socials, picnics, performances and organized sporting events.

## Harrison County Recycling Ordinance

### 2.0 Recycling Program

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

1. By December 2, 2001, each resident of Harrison County shall separate from other solid waste at least Polyethylene Terephthalate PET (#1) and High Density Polyethylene HDPE (#2) plastic containers, aluminum, bi-metal and steel beverage and food cans, and newspapers.(newsprint)
2. Any owner, landlord, or agent of an owner or landlord of a multi-family rental dwelling with four or more units shall be deemed to have complied with its separation responsibilities if it establishes a collection container at each such property. The collection container shall include separate suitable containers specifically for collecting and storing the separated recyclables which tenants have deposited, and instructions to the occupants concerning the use and availability of the collection system. The containers shall be clearly marked as designated only for recyclable materials and shall be placed in a location easily accessible to the tenants. Separate containers shall be provided and marked to enable the tenant to separate recyclables. Owners, landlords, and agents of owners or landlords who provide a collection container under this section shall not be liable for non-compliance of occupants of their buildings. Any landlord, owner, or agent of an owner is responsible to ensure a collection container is provided for any and all tenants, if the tenant's waste collection is the responsibility of the owner.
3. By March 1, 1993, each hauler that provides solid waste collection services to Harrison County residents shall submit a recyclables collection plan to the Harrison County Commission on forms prescribed by the Harrison County Commission.
4. By December 1, 2001, each hauler must provide a minimum level of recycling service to all residents and commercial/industrial businesses. The minimum level of service for any

community with a population of more than 10,000 will be a curbside collection program. The minimum level of service for other communities is a drop-off box system that adequately serves the haulers' customers and service area. Every occupied residence and commercial establishment must separate from other solid waste at least three (3) recyclable items such as aluminum, plastic bottles with a neck PET # 1 & #2, bi-metal cans and newspapers.

5. By July 1, 1993, each commercial establishment and community activity shall separate from other solid waste at least three of the following recyclable materials: The materials to be recycled and the pick up schedule must be approved by the hauler.

- \* high-grade office paper
- \* computer paper
- \* corrugated paper
- \* newspaper
- \* low-grade office paper
- \* aluminum and bi-metal beverage cans
- \* steel cans
- \* Polyethylene Terephthalate PET (#1)
- \* High Density Polyethylene HDPE (#2) plastic jugs, jars, & bottles
- \* fluorescent bulbs
- \* textiles
- \* automotive or industrial lead acid batteries
- \* tires
- \* computer ribbons, laser toner cartridges, or copier toner cartridges

Any item that is recycled, but is not collected by the hauler, must have a pickup and/or delivery document proving its disposal at a verifiable recycling center.

Commercial establishments shall ensure that recycling efforts result in the reduction of solid waste within their establishment from 1991 waste generation rates of 20% by January 1, 1994, 30% by January 1, 2000, and 50% by January 1, 2010.

6. By January 31, of each year each, private and public haulers shall submit the following information (numbers of tons shall be estimated) together with other information required by the Harrison County Commission on forms prescribed by the County Commission to the Harrison County Solid Waste Authority concerning the previous calendar year:
  - \* number of residential customers as of December 31 of the previous year.
  - \* number of tons of solid waste picked up from these residential customers collectively.
  - \* number of tons of each type of household recyclables picked up by curbside recyclables collection program.
  - \* number of tons of each type of household recyclables picked up by drop-off box system.
  - \* number of commercial establishment and community activity customers served during previous calendar year.
  - \* number of tons of each type of commercial establishment and community activity recyclables collected.
  - \* names and addresses of each commercial establishment customer that does not subscribe to recyclable collections services.
7. All recyclable materials placed by residents, commercial establishments, or community activities for collection by a public or private hauler shall become the property of the hauler upon the hauler's removal of the recyclable materials from the curbside, drop-off box, or other designated collection location.
8. It shall be a violation of this ordinance for any person other than the certified hauler to remove, tamper with, or otherwise disturb recyclable materials or their containers which have been placed for collection by the certified haulers.

9. A public or private hauler may not engage in the commercial collection, transportation, processing, or disposal of solid waste within the county unless the recyclable materials required in accordance with this ordinance have been segregated. Any person utilizing the scheduled "Free Dump Day" at the landfill, will not be permitted to use the free service without first segregating the recyclable materials from their household solid waste.
10. All haulers shall not dispose of any collected recyclables or scheduled yard waste material collections into a landfill but shall deliver the materials to a recycling center or compost facility. Backyard composting is allowed and grass clippings can remain on the laws for a natural and approved fertilizer.
11. Any resident violating the provisions of this Ordinance or any regulation promulgated hereunder shall be fined Twenty-five Dollars (\$25.00) plus court costs for an initial violation and up to Five Hundred Dollars (\$500.00) plus court costs for each additional violation.

Any owner of a multi-family dwelling, four units or larger, violating this Ordinance or any regulations promulgated hereunder shall be fined up to One Hundred Dollars (\$100.00) plus court costs for an initial violation and up to Five Hundred Dollars (\$500.00) plus court costs for each additional violation.

A Notice of Violation can be issued by the SWA Director, Law Enforcement and the WV D.E.P. and if not corrected within thirty (30) days the above mentioned fines plus court costs will be collected.

Any commercial establishment violating this Ordinance or any regulations promulgated hereunder shall be fined up to One Thousand Dollars (\$1,000.00) plus court costs for an initial violation and up to Five Thousand Dollars (\$5,000.00) plus court costs for each additional violation. Each day such violation continues shall constitute a separate violation.

Any hauler violating this Ordinance or any regulations promulgated hereunder shall be fined up to One thousand Dollars (\$1,000.00) plus court costs for an initial violation and up to Five Thousand Dollars (\$5,000.00) plus court costs for each additional violation. Each day such violation continues shall constitute a separate violation. Any resident, commercial establishment, residents of, or the owner of a

multifamily dwelling that does not separate and recycle the mandatory materials is in violation of the Harrison County Comprehensive Litter and Solid Waste Control Plan.

12. Haulers providing recyclables curbside collection service must provide a scheduled collection day, with bi-weekly, pickup, during which customers place recyclables at curbside, or similar location, for collection. Haulers must notify customers in writing of the scheduled collection day(s) and any changes to this schedule. Any hauler not providing bi-weekly pickup must provide a community drop off container to be made available to the public with the same operating hours as the landfill.)

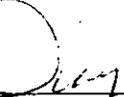
### 3.0 Severability

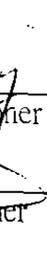
If any section, subsection, paragraph, sentence clause or phrase of this ordinance shall be declared invalid for any reason whatsoever, such invalid section, subsection, paragraph, sentence, clause or phrase shall not affect the remaining valid portions of this ordinance which shall remain in force and effect, and for this purpose the provisions of this ordinance are hereby declared to be severable.

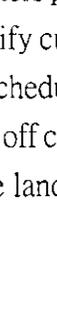
Passed by the Harrison County Commission this 26 day of Nov, 2001 on first reading.

Passed by the Harrison County Commission this 4<sup>th</sup> day of December, 2001 on second reading.

  
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Beth Taylor, President

  
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Roger Diaz, Commissioner

  
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Jim Smith, Commissioner

Attest:   
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County Clerk