

BERKELEY COUNTY, WEST VIRGINIA

COMPREHENSIVE RECYCLING ORDINANCE

This ordinance shall be known and cited as the “Berkeley County Comprehensive Recycling Ordinance.”

Legislative Authority:

This Ordinance concerns the implementation of a county recycling plan and is adopted under the authority of Chapter 22C, Article 4, Section 8 and Chapter 20, Article 11, Section 4 of the Code of West Virginia, as amended.

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Purpose

This Ordinance is enacted for the purpose of establishing a comprehensive recycling program as authorized by Chapter 20, Article 11 of the Code of West Virginia, as amended, to encourage source separation of solid waste, to educate the public on the benefits of recycling, and to reduce the disposal of solid waste within the county.

Section One:

It is the intent of the Berkeley County Commission that there be no mandatory recycling plan established in the county in the absence of voter petition and election; therefore, participation in this plan shall be voluntary.

Section Two:

The Berkeley County Solid Waste Authority may hire a recycling coordinator whose responsibility will be to manage the county comprehensive recycling program established under this Ordinance.

Section Three:

The Berkeley County Solid Waste Authority is hereby delegated the authority to implement the comprehensive recycling plan as defined in this Ordinance and to contract with such entities as it deems necessary to carry out the purposes of this Ordinance.

Section Four:

The Berkeley County Solid Waste Authority shall establish and implement a county recycling program, which shall continue for a period of at least one year from the effective date of this Ordinance, to test the effectiveness of a voluntary recycling program. At the end of the first year, the Berkeley County Solid Waste Authority shall report to the Berkeley County Commission on the effectiveness of the comprehensive recycling plan and shall make recommendations to the Berkeley County Commission regarding proposed amendment of this Ordinance to meet the recycling goals established by the West Virginia legislature. This Ordinance shall remain in effect until it is amended or repealed by the Berkeley County Commission.

Section Five:

The commission shall consider the report and recommendations of the Berkeley County Solid Waste Authority and shall take such further action as it deems necessary to meet the recycling goals established by the West Virginia legislature as defined in Chapter 20, Article 11, Section 3 of the code of West Virginia, as amended.

Section Six:

In the establishment and implementation of the county recycling plan, the Berkeley County Solid Waste Authority shall provide for the collection of the following recyclables:

1. Aluminum cans;
2. Metal cans;
3. Newspapers;
4. Cardboard;
5. Clear glass;
6. Brown glass; and

7. Green glass

Additional recyclable materials may be collected as determined for the time-to-time by the Berkeley County Solid Waste Authority.

Section Seven:

The Berkeley County Solid Waste Authority shall provide for at least two drop-off locations, one in the Hedgesville are and the other in the Inwood area. The Berkeley County Solid Waste Authority may establish such other drop-off locations, as it deems necessary. The Berkeley County Solid Waste Authority shall provide for the methods of collection at the drop-off that will allow all recyclable materials to be separated into separate identifiable recyclable materials. Each person depositing recyclable materials at such drop-off shall deposit such recyclable materials in the appropriate depository for such recyclable materials.

Section Eight:

The Berkeley County Solid Waste Authority shall provide for public awareness instruction to inform the public about the importance and benefits of recycling and the proper methods for the public to dispose of recycling materials. The program shall provide notice to all persons occupying residential, commercial, institutional or other premises within the County, of the operation, location, and persons responsible for the management of the county recycling plan.

Section Nine:

The Berkeley County Solid Waste Authority may take such other actions as it deems necessary to carry out the purpose of the Ordinance and to meet the goals established by the West Virginia Legislature, which shall include the designation of a plan for the disposition of the recyclable designated in this Ordinance.

Section Ten:

The Ordinance shall become effective December 29,1994.

Section Eleven:

This Ordinance may, from time to time, be amended by the majority of the members of the Berkeley County Commission as they deem it necessary and the appropriate, and after consultation with the Berkeley County Solid Waste Authority and shall continue in effect until amended or repealed by the Berkeley County Commission.

Section Twelve:

If a court of competent jurisdiction declares and provision of this Ordinance to be invalid or ineffective, in whole or in part, the effect of such decision shall be limited to those provisions which are expressly stated in the decision to be invalid or ineffective, and all other provisions of this Ordinance shall continue to be separately and fully effective.