

Appendix D

Sample Recycling Ordinance

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1.0 Definitions

“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.

“Recycling” means the process by which recovered products are transformed into new products, and includes the collection, separation, recovery, and sale or reuse of metals, glass, paper, tires, lead-acid batteries, and other materials.

“Source Separated Materials” means materials separated from general solid waste at the point of origin for the purpose of reuse and recycling, but does not mean sewage sludge.

“Commingle” means those source separated, recyclable materials that are aggregated into a container to facilitate collection and transportation to a facility for further processing.

“Designated Recyclable Materials,” means those recyclable materials specified in the 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.

“Hauler” means any person, partnership, corporation, or other public or private entity that provides for the collection of solid waste or recyclables from _____ County residents, commercial establishments, and community activities and the transportation thereof to approved disposal facilities accepting recyclables. A hauler must have a Certificate of Convenience and Necessity as required by the West Virginia Public Service Commission (PSC.)

“Commercial Establishment” means any commercial, industrial, institutional or governmental establishments.

“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 attended by 500 or more individuals per day.

2.0 Recycling Program

The _____ county recycling program shall consist of the following minimum requirements:

1. By June 1, 2007, each resident of _____ County shall separate from other solid waste Polyethylene Terephthalate (PET) (#1) and High Density Polyethylene (HDPE) (#2) plastic containers, aluminum, bi-metal and steel beverage and food cans, and newspapers.
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 system at each such property. The collection system shall include separate suitable receptacles specifically for collecting and storing the separate recyclables which tenants have deposited, and instructions to the occupants concerning the use and availability of the collection system. The receptacles shall be clearly marked as designated only for recyclable materials and shall be placed in a location easily accessible to the tenants. Separate receptacles shall be provided and marked to enable the tenant to separate recyclables. Owners, landlords, and agents of owners or landlords who provide a collection system under this section shall not be liable for non-compliance of occupants of their buildings.
3. By July 1, 2007, each hauler that provides solid waste collection services to _____ County resident shall submit to a recyclables collection plan of the _____ County Commission on forms prescribed by the _____ County Commission.
4. By July 1, 2007, each hauler must provide a minimum level of recycling service to all residents. The minimum level of service within the mandated municipalities, as defined in W.Va. Code § 22-15A-18 will be a curbside collection program. The minimum level of service outside of mandated municipalities will be a drop-off box system that adequately serves the hauler's customers and service area.
5. By July 1, 2007, each commercial establishment of community activity shall separate from other solid waste at least three of the following recyclable materials:
 - a. High grade office paper
 - b. Computer paper
 - c. Corrugated paper
 - d. Clear glass
 - e. Brown Glass
 - f. Green Glass

- g. Aluminum and bi-metal cans, steel cans
- h. Polyethylene Terephthalate PET (#1)
- i. High Density Polyethylene HDPE (#2)

Commercial establishments shall ensure that recycling efforts result in the reduction of solid waste within their establishment from the amount of waste generated on the effective date of this ordinance by 50% by January 1, 2010.

- 6. By January 31 of each year, each hauler shall submit the following information (numbers of tons shall be estimated) together with other information required by the _____ County Commission, on forms prescribed by the county commission, to the _____ County Solid Waste Authority concerning the previous year:
 - a. Number of residential customers as of December 31 of the previous year.
 - b. Number of tons of solid waste picked up from these residential customers collectively.
 - c. Number of tons of each type of household recyclables picked up by curbside recyclables collection program.
 - d. Number of tons of each type of household recyclables picked up at a drop-off box system.
 - e. Number of commercial establishment and community activity customers served during the previous year.
 - f. Names and addresses of each commercial establishment customer that does not subscribe to recyclable collection services.
- 7. All recyclable materials placed by residents, commercial establishments, or community activities for collection by a public or private hauler shall become 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 receptacles 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.

10. All haulers shall not dispose of any collected recyclables into a landfill, but shall market the materials.
11. Any resident violating the provisions of this ordinance or any regulation promulgated hereunder shall be fined Twenty-five Dollars (\$25) plus court cost for an initial violation and up to Five Hundred Dollars (\$500) plus court cost 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) plus court cost for an initial violation and up to Five Hundred Dollars (\$500) plus court cost for each additional violation.

Any commercial establishment violating this Ordinance or any regulations promulgated hereunder shall be fined up to One Thousand Dollars (\$1,000) plus court cost for an initial violation and up to Five Thousand Dollars (\$5,000) plus court cost for each additional violation. Each day such violation continues shall constitute a separate offense.

12. Haulers providing recyclables curbside collection service must provide a scheduled collection day, at least one per month, 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.

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, ordinance which shall remain in force and effect, and for this purpose the provisions of the ordinance are hereby declared to be severable.