

**COUNTY COMMISSION
FAYETTE COUNTY, WEST VIRGINIA**

RESOLUTION NO. 2018 - 003

A RESOLUTION REPEALING IN ITS ENTIRETY THE ORDINANCE OF FAYETTE COUNTY, WEST VIRGINIA ENTITLED “ORDINANCE BANNING THE STORAGE, DISPOSAL, OR USE OF OIL AND NATURAL GAS WASTE IN FAYETTE COUNTY, WEST VIRGINIA” ENACTED IN JANUARY 2016;

WHEREAS, the County Commission of Fayette County, West Virginia duly enacted in January 2016 an Ordinance of Fayette County, West Virginia entitled “ORDINANCE BANNING THE STORAGE, DISPOSAL, OR USE OF OIL AND NATURAL GAS WASTE IN FAYETTE COUNTY, WEST VIRGINIA”; and subsequently amended that Ordinance effective March 25, 2016; and

WHEREAS, the United States Court of Appeals for the Fourth Circuit in its Final Opinion in its Case No. 16-1938, captioned as *EQT Production Co. v. Wender, et al.*, reported at 870 F.3d 322 (4th Cir., WV Aug 30, 2017) held that several operative provisions of the Fayette County Ordinance entitled “ORDINANCE BANNING THE STORAGE, DISPOSAL, OR USE OF OIL AND NATURAL GAS WASTE IN FAYETTE COUNTY, WEST VIRGINIA,” as amended, are preempted as a matter of West Virginia law by reason of conflicting with certain provisions of the General Laws of State of West Virginia; and

WHEREAS, the County Commission of Fayette County, West Virginia, after consulting with and receiving the legal advice of the Fayette County Prosecuting Attorney, has determined that the legal effect of the Fayette County Ordinance entitled “ORDINANCE BANNING THE STORAGE, DISPOSAL, OR USE OF OIL AND NATURAL GAS WASTE IN FAYETTE COUNTY, WEST VIRGINIA,” as amended, following the aforementioned Final Order of the United States Court of Appeals for the Fourth Circuit no longer serves the public interest of Fayette County, West Virginia;

NOW, THEREFORE, BE IT RESOLVED by majority vote of the Fayette County Commission that the Ordinance of Fayette County, West Virginia first enacted in January 2016 entitled “ORDINANCE BANNING THE STORAGE, DISPOSAL, OR USE

COUNTY COMMISSION OF FAYETTE COUNTY, WEST VIRGINIA

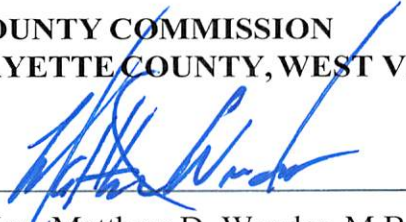
RESOLUTION No. 2018 - 003

Repeal of Ordinance of Fayette County, West Virginia Entitled: “ORDINANCE BANNING THE STORAGE, DISPOSAL, OR USE OF OIL AND NATURAL GAS WASTE IN FAYETTE COUNTY, WEST VIRGINIA”

OF OIL AND NATURAL GAS WASTE IN FAYETTE COUNTY, WEST VIRGINIA,” as amended on March 25, 2016, should be, and hereby is, repealed in its entirety effective immediately.

IT IS SO RESOLVED, DONE, AND ADOPTED by majority vote of the County Commission of Fayette County, West Virginia with a quorum present and voting this 25th day of May, 2018.

**COUNTY COMMISSION
FAYETTE COUNTY, WEST VIRGINIA**

By 
Hon. Matthew D. Wender, M.B.A.
Its President

ATTEST:


Kevin Holliday
Fayette County Clerk



Fayette County
Kelvin E Holliday, Clerk
Instrument 201900002762
02/22/2019 @ 01:04:51 PM
MISCELLANEOUS NO FEE
Book 8 @ Page 688
Pages Recorded 2

FILED IN MY OFFICE
FEB 22 2019
Teste: Kelvin Holliday
County Clerk

COUNTY COMMISSION OF FAYETTE COUNTY, WEST VIRGINIA

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Repeal of Ordinance of Fayette County, West Virginia Entitled: “ORDINANCE BANNING THE STORAGE, DISPOSAL, OR USE OF OIL AND NATURAL GAS WASTE IN FAYETTE COUNTY, WEST VIRGINIA”