

REFUSE AND RECYCLING ORDINANCE

Section I. Title/Purpose. This Ordinance is entitled "Refuse and Recycling Ordinance". The purpose of this Ordinance is as follows:

To promote the solid waste disposal, recycling, composting, and resource recovery through the administration of an effective recycling program, as provided in s. 159.11, Wisconsin Stats., and Chapter NR 544, Wisconsin Administrative Code.

Section II. Statutory Authority. This Ordinance is adopted as authorized under s. 159.09 (3)(b), Wisconsin Statutes.

Section III. Adoption of Ordinance. The Town Board of the Town of Shelby hereby adopts the following:

- A. Applicability. The requirements of this Ordinance apply to all activities related to solid waste and recycling within the Town of Shelby.
- B. Administration. The provisions of this Ordinance shall be administered by the Shelby Town Board and its designated agents.
- C. Definitions. For the purpose of this Ordinance:
 - 1. "Aluminum container" means an aluminum container for food or beverages.
 - 2. "Bi-metal container" means a container for carbonated or malt beverages that is made primarily of a combination of steel and aluminum.
 - 3. "Large item drop-off" means a residential deposit of bulky items not included in the normal weekly refuse collection or scheduled recyclable collection.
 - 4. "Major Appliance" means a residential or commercial air conditioner, clothes dryer, clothes washer, dishwasher, freezer, microwave oven, oven, refrigerator, stove, water heater, furnace, or any household or commercial item in size or

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amount unacceptable for normal weekly collection or is not acceptable by the La Crosse County Landfill.

5. "Multiple-family dwelling" means a property containing 5 or more residential units, including those which are occupied seasonally.

6. "Newspaper" means a newspaper and other materials printed on newsprint.

7. "Non-residential facilities and properties" means commercial, retail, industrial, institutional and governmental facilities and properties. This term does not include multiple family dwelling.

8. "Office paper" means high grade printing and writing papers. Printed white ledger and computer print-out paper are examples of office paper generally accepted as high grade. This term does not include industrial process waste.

9. "Glass container" means a container in which food or beverages are sold that is made of clear, green, or brown glass. Drinking glasses, crystal, or window glass are not included.

10. "Post consumer waste" means solid waste other than solid waste generated in the production of goods, hazardous waste as defined in s. 144.61 (5), Wisconsin Statutes, waste from construction and demolition of structures, scrap automobiles, or high-volume industrial waste, as defined in s. 144.44(7)(a) 1., Wisconsin Statutes.

11. "Recyclable materials" includes lead acid batteries, major appliances, waste oil, yard waste, aluminum containers, glass containers, magazines, newspaper, computer, computer monitor, printer or keyboard, steel containers, waste tires, numbers 1 and 2 plastic containers and bi-metal containers.

12. "Solid waste" has the meaning specified in s. 144.01 (15) Wisconsin Statutes.

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13. "Solid waste facility" has the meaning specified in s. 144.43(5) Wisconsin Statutes.

14. "Solid waste treatment" means any method, technique or process which is designed to change the physical, chemical or biological character or composition of solid waste. "Treatment" includes incineration.

15. "Steel container" means a steel can or beverage container, commonly referred to as tin can.

16. "Waste tire" means a tire that is no longer suitable for its original purpose because of wear, damage or defect.

17. "Yard waste" means leaves, grass clippings, yard and garden debris. This term does not include stumps, roots or shrubs with intact root balls.

18. "Plastic containers" means a container made of numbers 1 or 2 plastic in which food or other types of products are sold.

19. "Computers Components" means any components of a computer such as a Monitor, Keyboard, Tower or Hard drive, Mouse, Laptop or any Printers.

D. Regulations for Residential Refuse and Recycling Collection.

1. All refuse must be at one location and within 5 feet of the surface edge of the road by 6:00 A.M. on day of collection. Refuse containers shall not be placed at the curb site earlier than 5:00pm the day prior to collection. Empty refuse containers must be removed within 24 hours after the day of pickup.

2. There shall be a weekly limit of approximately one yard of refuse per household -- 4 or 5 cans constitute a yard.

3. Trash cans must not exceed 32 gallons in size and must be of commercial grade with handles & covers and with the top being larger than the bottom. Filled cans must not exceed 60 pounds in weight. Plastic bags are

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acceptable, but must not exceed 40 pounds. No barrels are permitted.

4. Materials unacceptable in any quantity include: animal remains, biological animal waste, cesspool sludge, explosives, demolition materials, regulated hazardous waste, and large metal objects.

E. Separation of Recyclable Materials. Occupants of single family and 2 to 4 unit residences, multiple-family dwellings and non-residential facilities and properties shall separate the following materials from post consumer waste:

1. Lead acid batteries
2. Major appliances
3. Waste oil
4. Yard waste
5. Aluminum containers
6. Bi-metal containers
7. Glass containers
8. Magazines
9. Newspaper
10. Office paper
11. Steel containers
12. Waste tires
13. Numbers 1 and 2 plastic containers
14. Computer components
15. TV's

F. Care of Separated Recyclable Materials. To the greatest extent practicable, the recyclable materials separated in accordance with Section 12 shall be clean and kept free of contaminations such as food or product residue, oil or grease, or other non-recyclable materials, including but not limited to household hazardous waste, medical waste, and agricultural chemical containers. Recyclable materials shall be stored in a manner which protects them from wind, rain, and other inclement weather conditions.

G. Management of Lead Acid Batteries, Major Appliances, Computers, TV's, Waste Oil, Yard Waste, Waste Tires and Brush. Occupants of single family and 2 to 4 unit residences, multiple-family dwelling and non-residential facilities and properties shall manage lead acid batteries, major appliances,

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computers and computer components, TV's, waste oil, yard waste, waste tires and brush as follows:

1. Lead acid batteries shall be taken to a salvager, a vehicle battery retailer or brought to the large item drop-off.
2. Major appliances, Computers, computer components, and TV's shall be disposed of through a retailer at the time a replacement appliance is purchased. If this is not possible, the Town will accept them at the Large Item Drop Off dates for a fee.
3. Waste oil shall be disposed of at a State approved used oil collection site. Further information is available by calling the La Crosse County Hotline.
4. Yard waste may be brought to the designated area at the Town Shop from April through November. Mulching and composting is encouraged and recommended.
5. Waste tires may be brought to the large item drop-off for a fee.

H. Preparation and Collection of Recyclable Materials. Except as otherwise directed by the Shelby Town Board, occupants of single family and 2 to 4 unit residences shall do the following for the preparation and collection of the separated materials specified in Section III.E.(5) through (11):

1. Aluminum, Bi-metal, Steel, and Glass containers shall be brokered to a licensed recycler or in a recycling container provided by the Town for collection.
2. Newspaper, magazines, office paper etc. shall be placed in, or bundled and placed beside, a recycling bin provided by the Town for collection. Newspaper used for wrapping putrescible waste, paint masking or other uses that contaminate the paper, and wet newspaper shall be placed with the refuse.

I. Responsibilities of Owners or Designated Agents of Multiple-Family Dwellings. Owners or designated agents of

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multiple-family dwellings shall do all of the following to recycle the materials specified in Section III.E.(5) through (11):

1. Provide adequate containers for the recyclable materials.
2. Notify tenants in writing at the time of renting or leasing the dwelling and at least semi-annually thereafter about the established recycling program.
3. Provide for the collection of the materials separated from the solid waste by the tenants and the delivery of the materials to a recycling facility.
4. Notify tenants of reasons to reduce and recycle solid waste, which materials are collected, how to prepare the materials in order to meet the processing requirements, collection methods or sites, location and hours of operation, and a contact person or company, including a name, address and telephone number.

J. Responsibilities of Owners or Designated Agents of Non-Residential Facilities and Properties. Owners or designated agents of non-residential facilities and properties shall do all of the following to recycle the materials in Section III.E.(5) through (11):

1. Provide adequate containers for the recyclable materials.
2. Notify in writing, at least semi-annually, all users, tenants and occupants of the properties about the established recycling program.
3. Provide for the collection of the materials, separated from solid waste by the users, tenants and occupants and the delivery of the materials to a recycling facility.
4. Notify users, tenants and occupants of reasons to reduce and recycle, which materials are collected, how to prepare materials in order to meet the processing requirements, collection methods or sites, locations and hours of operation, and a contact person or company, including a name, address and telephone number.

K. Unlawful Deposit. No person shall deposit or cause to be deposited in or on any public street, water, or grounds, or in any other place, any dead animal, rubbish, trash, refuse, dirt, junk, filth, offal, or any substance or material that will tend to contaminate or litter the area, or to create a strong odor or stench, or endanger public health. This section shall not apply to a sprinkling of clean sand or salt upon icy sidewalks, nor to the deposit on the person's own premises of refuse containers for collection. No person shall deposit or cause to be deposited in or near any private dumpster, trash can or other private trash receptacle any refuse, trash, recyclable materials, or other items without the consent of the owner or authorized user of such dumpster, trash can or trash receptacle. No person shall deposit or cause to be deposited in or near any Town owned or leased dumpster, trash can or other Town trash receptacle any refuse, trash, recyclable materials, or other items, except that such trash as is normally generated during the usual use of a Town building, park, or other facility may be placed in trash receptacles provided for such waste.

L. Interference with Refuse or Recycling Containers and their Contents. No person other than the owner, occupant, or tenant of the premises or their agent, or the refuse collector employed and licensed by the Town or a Town employee authorized by the Board of Public Works, shall deposit any article in refuse or recycling containers, or shall remove, or displace, injure, deface, destroy, uncover, or disturb such containers or their contents. Recyclable materials upon placement at the alley or street for collection shall become the property of the Town.

M. Refuse from Outside the Town. It is unlawful for any person, firm or corporation to place, deposit, or cause to be deposited, for collection by the Town or the Town's contractor, any waste or refuse not generated within the limits of the Town of Shelby.

N. Unacceptable Waste. No person shall place for collection or place for deposit at any Town collection site any explosives, flammable liquids, liquid paint, any pesticides or toxic chemicals, carcasses, stumps or significant amounts of construction or demolition debris, soil, rocks, needles or razor

blades not in a hard protective container, or human bodily wastes.

O. General Description of Collection of Refuse and Recyclables for Town Serviced Dwellings. The Town will provide weekly collection of refuse and regularly scheduled collection of household recyclables for all Town serviced dwellings. Household recyclables will initially be those household materials set forth in Section III.E.(5) through (11). The list of items collected for recycling may be changed by order of the Shelby Town Board and become effective following public notice of such change.

P. Recycling Bins. The Town shall furnish each homeowner with one blue recycling bin. Thereafter, the bin shall become the sole responsibility of each homeowner, who shall promptly replace the bin if it becomes broken, lost or stolen.

Section IV. Abrogation and Greater Restrictions. It is not intended by this Ordinance to repeal, abrogate, annul, impair or interfere with any existing rules, regulations, ordinances or permits previously adopted or issued pursuant to law. However, whenever this Ordinance imposes greater restrictions, the provisions of this Ordinance shall apply.

Section V. Interpretation. In their interpretation and application, the provisions of this Ordinance shall be held to be the minimum requirements and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes. Where any terms or requirement of this Ordinance may be inconsistent or conflicting, the more restrictive requirements or interpretation shall apply. Where a provision of this Ordinance is required by Wisconsin Statutes, or by a standard in Chapter NR 544, Wisconsin Administrative Code, and where the Ordinance provision is unclear, the provision shall be interpreted in light of the Wisconsin Statutes and the Chapter NR 544 standard in effect on the date of the adoption of this Ordinance, or in effect on the date of the most recent text amendment to this Ordinance.

Section VI. Enforcement and Penalties.

A. For the purpose of ascertaining compliance with the provisions of this Ordinance, any authorized officer, employee or representative of the Town of Shelby may inspect recyclable materials separated for recycling, post-consumer waste intended for disposal, recycling collection sites and facilities,

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collection vehicles, collection areas of multiple-family dwellings and non-residential facilities and properties, and records relating to recycling activities, which shall be kept confidential when necessary to protect proprietary information. No person may refuse access to any authorized officer, employee or authorized representative of the Town of Shelby who requests access for purposes of inspection, and who presents appropriate credentials. No person may obstruct, hamper or interfere with such an inspection.

B. Any person who violates a provision of this Ordinance, may be issued a citation by any officer or employee of the Town of Shelby authorized to collect forfeitures. The issuance of a citation shall not preclude proceeding under any other Ordinance or law relating to the same or any other matter. Proceeding under any other Ordinance or law relating to the same or any other matter shall not preclude the issuance of a citation under this paragraph.

C. Penalties for violating this Ordinance may be assessed as follows:

1. Any person who violates Sections III. K through Section III. L shall be required to forfeit One Hundred Fifty Dollars (\$150.00) for each violation.

2. Any person who violates a provision of this Ordinance, except Section III. K through Section III. L., shall be required to forfeit One Hundred Dollars (\$100.00) for each violation.

Section VII. Severability. The provisions of this Ordinance shall be deemed severable, and it is expressly declared that the Town Board would have passed the provisions of this Ordinance irrespective of whether one or more provisions may be declared invalid, and if any provision of this Ordinance or the application thereof to any person or circumstances is held invalid, the remainder of the Ordinance and the application of such provision to other persons or circumstances shall not be affected thereby.

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Section VIII. Effective Date. This Ordinance shall take effect upon passage and publication. The provisions of this Ordinance shall prevail over any previous Ordinances of the Town of Shelby that are or may be in conflict therewith.

Date passed: March 22, 2010

Lynnetta P. Kopp, Town Chair

Randall R. Knapp, Town Supervisor

John O. Zahn, Town Supervisor

ATTEST:

Catherine Brott, Town Clerk