

ORDINANCE NO. 7.04

AN ORDINANCE PROVIDING FOR THE HEALTH, SAFETY AND WELFARE OF THE RESIDENTS OF THE TOWN OF MEDARY RELATIVE TO THE HANDLING AND DISPOSAL OF SOLID WASTE AND RECYCLABLE MATERIALS

The Town Board of the Town of Medary, La Crosse County, Wisconsin, acting under special powers of a Village Board and under the special powers granted by Chapter 159 of the Wisconsin Statutes, does ordain as follows:

Section 1. PURPOSE

The purpose of this ordinance is to provide for the management and disposal of solid waste in addition to promoting recycling, composting and resource recovery through the administration of an effective recycling program in the Town and to allow the Town to comply with Chapter 159 of the Wisconsin Statutes and Chapter NR 544 Administrative Code or their successor provisions.

Section 2. 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 3. INTERPRETATION

In their interpretation and application, the provisions of this ordinance shall be held to 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 requirements 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 the Wisconsin Statutes, or by a standard in Chapter NR 544, Wis. Administrative Code, or its successor chapter 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 4. SEVERABILITY

Should any portion of this ordinance be declared unconstitutional or invalid by a court or competent jurisdiction the remainder of this ordinance shall not be affected.

Section 5. APPLICABILITY

The requirements of this ordinance apply to all persons in the Town of Medary.

Section 6. ADMINISTRATION

The provisions of this ordinance shall be administered by the Town Board or a

designee specifically appointed by the Board. The Town Clerk is the authorized representative and contact person for the town recycling program.

Section 7. EFFECTIVE DATE

The provisions in this ordinance pursuant to NR 544 Wisconsin Administrative Code shall take effect on January 1, 1995.

Section 8. 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) "Container board" means corrugated paperboard used in the manufacture of shipping containers and related products.
- (4) "Foam polystyrene packaging" means packaging made primarily from foam polystyrene that satisfies one of the following criteria:
 - (a) Is designed for serving food or beverages.
 - (b) Consists of loose particles intended to fill space and cushion the packaged article in a shipping container.
 - (c) Consists of rigid materials shaped to hold and cushion the packaged article in a shipping container.
- (5) "Glass container" means a container in which food or beverages are sold that is made of clear, green or brown glass. Drinking glasses or crystal are not included.
- (6) "HDPE" means high density polyethylene, labeled by SPI code #2.
- (7) "LDPE" means low density polyethylene, labeled by SPI code #4.
- (8) "Magazines" means magazines and other materials printed on similar paper.
- (9) "Major appliance" means a residential or commercial air conditioner, clothes dryer, clothes washer, dishwasher, freezer, microwave oven, oven, refrigerator, stove, or other designated by the Town Board.
- (10) "Multiple-family dwelling" means a property containing 5 or more residential units including those which are occupied seasonally.
- (11) "Mobile home park occupant" means a person residing in a mobile home park that is zoned and considered for the purposes of this ordinance to be a commercial business.
- (12) "Newspaper" means a newspaper and other material printed on newsprint.
- (13) "Non-residential facilities and properties" means commercial, retail, industrial, institutional and governmental facilities and properties. This term does not include multiple family dwellings.
- (14) "Office paper" means high grade printing and writing papers from offices in non-residential facilities and properties. Printed white ledger and computer printouts are examples of office paper generally accepted as high grade. This term does not include industrial process waste.
- (15) "Other resins or multiple resins" means plastic resins labeled by the SPI code #7.

(16) "Person" includes any individual, corporation, partnership, association, local governmental unit, as defined in s.66.299(1)(a), Wis. Stats., state agency or authority or federal agency.

(17) "PETE" means polyethylene terephthalate, labeled by the SPI code #1.

(18) "Plastic Container" means an individual, separate, rigid plastic bottle, can, jar or carton, except for a blister pack, that is originally used to contain a product that is the subject of a retail sale.

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

(20) "PP" means polypropylene, labeled by the SPI code #5.

(21) "PS" means polystyrene, labeled by the SPI code #6.

(22) "PVC" means poly vinyl chloride, labeled by the SPI code #3.

(23) "Recyclable materials" includes lead acid batteries; major appliances; waste oil; yard waste; aluminum container; corrugated paper or other container board; foam polystyrene packaging; glass containers; magazines; newspaper; office paper; rigid plastic containers, including those made of PETE; HDPE; PVC; LDPE, PP, PS, and other resins or multiple resins; steel containers; waste tires; and bi-metal containers.

(24) "Solid waste" has the meaning specified in s. 144.01(15), Wis. Stats.

(25) "Solid waste facility" has the meaning specified in s. 144.43(5), Wis. Stats.

(26) "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.

(27) "Steel container" means a steel food or beverage container, commonly referred to as a 'tin can'.

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

(29) "Yard waste" means leaves, grass clippings, yard and garden debris and brush, including clean woody vegetative material no greater than 6 inches in diameter. This term does not include stumps, roots or shrubs with intact root balls.

Section 9. SEPARATION OF RECYCLABLE MATERIALS

Occupants of single family and two to four 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) Steel containers

(9) Waste tires

Section 10. SEPARATION REQUIREMENTS EXEMPTED

Recyclable materials which the State has deemed combustible need not be separated out from the post consumer waste stream in the Town of Medary and La Crosse County due to an exemption granted to municipalities sending solid waste to the NSP Co. RDF Incinerator located on French Island. The exempted recyclable materials include the following:

- (1) Corrugated paper and other container board
- (2) Foam polystyrene packaging
- (3) Magazines
- (4) Newspapers
- (5) Office paper
- (6) Rigid plastic containers made of PETE, HDPE, PVC, LDPE, PP, PS, and other resins or multiple resins

The Town shall require that haulers under contract to the Town utilize the NSP Co. RDF Incinerator Facility.

Section 11. CARE OF SEPARATED RECYCLABLE MATERIALS

To the greatest extent practicable, the recyclable materials separated in accordance with Section 9 of this ordinance shall be clean and kept free of contaminants 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.

Section 12. MANAGEMENT OF LEAD ACID BATTERIES, MAJOR APPLIANCES, WASTE OIL, YARD WASTE, AND WASTE TIRES

Occupants of single family and two to four unit residences shall manage the above mentioned recyclable as follows:

- 1 .Lead acid batteries - shall be disposed of by taking them directly to a Wisconsin vehicle battery retailer who is obliged to accept used lead acid batteries at no charge from anyone purchasing a battery from them or a small fee from anyone else.
- 2.Major Appliances - persons are encouraged to dispose with a retailer at the time a replacement appliance is purchased. If this is not possible, the town will accept them at announced times in the spring and fall. Persons may deliver them on certain dates and times of the semi-annual large item collections at the Town Recycling Center site where they will be carefully placed in a container that the Town's contractor has provided for them. The contractor will transport them to a DNR registered salvager. The Town will notify residents of the times and dates of these large item collections via newsletter.

3. Waste Oil - persons must take used waste oil to a WI DNR approved used oil collection site. For names and locations of sites persons may contact the Town Hall or County Recycling Hotline.

4. Yard Waste - persons shall manage yard waste on site through use of mulching mowers, composting, chipping and/or environmentally friendly land disposal methods. Burning permits may be issued by the town chairman, weather conditions permitting, to persons wishing to burn clean wood material. The town board, if they deem necessary, may choose to retain a contractor to chip brush at the town recycling center periodically and notify residents of this limited service through a newsletter.

5. Waste Tires - persons are encouraged to dispose of waste tires through a retailer at the time that replacement tires are purchased. If this is not possible tires that have been removed from the rims will be accepted at the spring and fall large item collections at the town recycling center. The Town Board, at their discretion, may limit the number of tires received from an individual household or may choose to set a nominal fee for multiple tire disposal.

Multiple family dwellings and non-residential facilities shall make arrangements for disposal of items listed above in 1. through 5. on their own in a manner that is provided under Wisconsin State Law.

Section 13. PREPARATION AND COLLECTION OF RECYCLABLE MATERIALS.

Except as otherwise directed by order of the Town Board, occupants of single family and two to four unit residences shall do the following for the preparation and collection of the separated materials specified in Section 9 (5) through (8):

(1) aluminum containers shall be emptied and preferably crushed so as to take less disposal space. Persons may choose to broker them to a licensed recycler rather than put them out for curbside collection.

(2) bi-metal containers shall be emptied and preferably crushed

(3) glass containers shall have covers or caps removed, be rinsed clean, and be separated by color. Green and brown glass containers may be co-mingled.

(4) steel containers shall have the labels removed, be rinsed clean, have both ends removed and be flattened.

The Town shall provide a semi-monthly collection of the above mentioned (1) - (4) materials. The Town shall provide each residence (single family and 2-4 unit) with a plastic bin of adequate size to hold these items for the curbside collection. If a person has more recyclable materials than will fit in the bin provided, items may be segregated into categories and set in bags/sacks along side the bin at the curb. The Town Board, through a newsletter shall direct the occupants as how to segregate these materials for placement into the bins. The Town shall, at no charge initially, provide one bin to each housing unit receiving the service. If additional or replacement bins are needed, there will be a nominal charge for such. The above mentioned semi-monthly curbside collection will be contracted to a vendor/contractor that has been licensed by the WI DNR to operate a processing facility.

All recyclables that are combustible (corrugated paper, container board, foam

polystyrene packaging, magazines, newspaper, office paper, and all categories of rigid plastic containers

are exempt from recycling in the Town as long as the NSP Co. RDF Plant is in operation as this method of disposal shall be deemed a form of recycling waste to energy.

Section 14. RESPONSIBILITIES OP OWNERS OR DESIGNATED AGENTS OF MULTIPLE FAMILY DWELLINGS.

(1) Owners or designated agents of multi-family dwellings shall do all of the following to recycle the materials specified in Section 9 (5) - (8):

- (a) provide adequate, separate containers for the recyclable materials.
- (b) notify tenants in writing at the time of renting or leasing the dwelling and at least semi-annually thereafter about the established recycling program.
- (c) 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.
- (d) 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, locations and hours of operation, and a contact person or company, including a name, address and telephone number.

(2) The requirements specified in (1) do not apply to the owners or designated agents of multiple-family dwellings if the postconsumer waste generated within the dwelling is treated at a processing facility licensed by the WI DNR that recovers for recycling the materials specified in Section 9 (5) - (8) from solid waste in as a pure a form as is technically feasible.

Section 15. RESPONSIBILITY OF OWNERS OR DESIGNATED AGENTS OF NON-RESIDENTIAL FACILITIES AND PROPERTIES.

(1) Owners or designated agents of non-residential facilities and properties shall do all of the following to recycle the materials specified in Section 9. (5)-(8):

- (a) provide adequate, separate containers for the recyclable materials.
- (b) notify in writing, at least semi-annually, all users, tenants and occupants of the properties about the established recycling program.
- (c) provide for the collection of the materials separated from the solid waste by the users, tenants and occupants and the delivery of the materials to a recycling facility.
- (d) 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 site, location and hours of operation, and a contact person or company, including name, address and telephone number.

(2) The requirements specified in (1) do not apply to the owners or designated agents of non-residential facilities and properties if the post consumer waste generated within the facility or property is treated at a processing facility licensed by the WI DNR that recovers for recycling the materials specified in Section 9 (5) - (8) from the solid waste in as pure a form as is technically feasible.

Section 16. PROHIBITIONS ON DISPOSAL OF RECYCLABLE MATERIALS SEPARATED FOR RECYCLING.

No person may dispose of in a solid waste disposal facility or burn in a solid waste treatment facility any of the materials specified in Section 9. (5) - (8) which have been

separated for recycling.

Section 17. ANTISCAVENGING OR UNLAWFUL REMOVAL OF RECYCLABLES.

It shall be unlawful for any person, unless under contract with or licensed by the town, to collect or remove any recyclable material that has been deposited in a designated recycling container and placed near the road for collection.

Section 18. MANAGEMENT, PREPARATION AND DISPOSAL OF NONRECYCLABLE SOLID WASTE - WEEKLY CURBSIDE COLLECTIONS.

All burnable post-consumer waste and garbage is to be transported to the NSP Co. RDF facility for conversion to energy. The Town shall contract with a qualified vendor to have such collected curbside on a weekly basis. Rules of persons to follow in the placement of the weekly refuse will be developed by the town board and vendor and communicated to residents through a newsletter as needed, but at least on an annual basis.

Section 19. - MANAGEMENT OF SEMI-ANNUAL LARGE ITEM COLLECTIONS.

The Town will offer semi-annual collections of large items at the Town Hall Recycling Center. Newsletters will be sent to all single family and two to four residential units notifying them of such events and the rules for acceptance of large items. It will be the responsibility of the persons to transport these items for disposal.

Section 20. - FEES TO PERSONS UTILIZING SOLID WASTE AND RECYCLABLE DISPOSAL.

The Town shall establish fees to cover the costs of collection and disposal of solid waste and recyclables. The fees shall be assessed to each residential unit as a charge on the annual property tax bill issued each December and shall constitute the costs for the following year pursuant to Section 66.60(16) Wis. Stats.

Section 21. UNLAWFUL DEPOSIT.

No person shall place any garbage, refuse, demolition material or any other material upon any public road way or property in possession of another. No person, who is not a resident of the Town of Medary shall transport any garbage, refuse or demolition material within the Town of Medary with the intent to dispose of it within the Town.

Section 22. DISPOSAL OF CONSTRUCTION MATERIALS AND DEMOLITION DEBRIS.

Solid waste generated from a construction site, demolition or remodeling projects shall be handled by the owner and or contractor generating these materials.

Section 23. ENFORCEMENT.

(1) For the purpose of ascertaining compliance with the provisions of this ordinance, any authorized officer, employee or representative of the Town of Medary may inspect recyclable materials separated for recycling, post-consumer waste intended for disposal, recycling collection sites and facilities and properties, and any 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 who requests access for purposes of inspection and who presents appropriate credentials. No person may obstruct, hamper, or interfere with such an inspection.

(2) Any person who violates a provision of this ordinance may be issued a citation by the Town or its agents 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.

(3) Penalties for violating this ordinance may be assessed as follows:

(a) Any person who violates Section 16 may be required to forfeit \$50. for a first violation, \$200. for a second violation, and not more than \$2,000. for a third or subsequent violation.

(b) Any person who violates a provision of this ordinance except Section 16 may be required to forfeit not less than \$10. nor more than \$1,000. for each violation.

Adopted this ____ day of _____, 1994

BY THE MEDARY TOWN BOARD

ROBERT MULLALLY, TOWN CHAIRMAN ATTEST:

WAYNE LEMAR, SUPERVISOR

JANICE KEIL, TOWN CLERK

ROBERT KAPLAN, SUPERVISOR

PASSED:

PUBLISHED:

AMENDMENT TO ORDINANCE NO. 7.04

The Town Board of the Town of Medary, La Crosse County, Wisconsin, acting under special powers of a Village Board and under the special powers granted by Chapter 159 of the Wisconsin Statutes, does ordain as follows:

Section 1. Section 8.(9) of Ordinance No. 7.04 is amended to delete the same and to substitute the following:

"Major appliance" means a residential or commercial air conditioner, clothes dryer, clothes washer, dishwasher, freezer, microwave oven, oven, refrigerator, stove, residential and commercial furnace, boiler, dehumidifier, water heater, or other designated by the Town Board.

Section 2. This ordinance amendment shall be effective upon passage and publication.

Adopted this day of 1994.

BY THE MEDARY TOWN BOARD

ATTEST:

ROBERT MULLALLY, TOWN CHAIRMAN

JANICE KEIL, TOWN CLERK

WAYNE LEMAR, SUPERVISOR

ROBERT KAPLAN, SUPERVISOR

PASSED:
PUBLISHED

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