

TOWN OF HOWARD

CHAPTER 7

RECYCLING ORDINANCE

SECTION 7.01 Preamble

This municipality has heretofore, pursuant to Wis. Stat. § 159.09, designated Chippewa County as the responsible unit of government. The Chippewa County Board of Supervisors adopted Chapter 13 of the General Code of the Ordinances entitled "Chippewa County Responsible Unit Recycling Ordinance" to establish rules for the implementation of recycling in the Chippewa County responsible unit areas.

Section 13.09 of the Chippewa County ordinance requires that local municipalities, singularly or joint, establish a system of regularly scheduled collection of recyclables and/or establish a drop off center for the receipt of the recyclables and adopt a companion ordinance consistent with Chapter 13 which shall include rules and procedures for the preparation and collection of separated materials. The purpose of this ordinance is to set forth the rules and procedures for this municipality.

SECTION 7.02 Definitions

- (a) The definitions of Chippewa County Ordinance § 13.04 are hereby adopted by reference and made part hereof.
- (b) Recyclable materials means the following:
 - (1) Lead acid batteries
 - (2) Major appliances
 - (3) Waste oil
 - (4) Yard Waste
 - (5) Aluminum containers
 - (6) Bi-metal containers
 - (7) Corrugated paper or other container board
 - (8) Glass containers
 - (9) Magazines and other materials printed on similar paper
 - (10) Newspaper and other materials printed on newsprint
 - (11) Office paper
 - (12) Rigid plastic containers, made of PETE (#1) & HDPE (#2)
 - (13) Steel containers
 - (14) Waste tires
- (c) Municipality means the Town of Howard, Chippewa County, Wisconsin.

SECTION 7.03 Mandatory Separation of Recyclables

- (a) Mandatory Separation. All persons generating or possessing recyclable materials, including occupants of single family and two-four unit residences, multi-family dwellings, and non-residential facilities and properties, shall separate recyclable materials from garbage and refuse.

(b) Disposal of Recyclable Materials. All recyclable materials under this ordinance shall be delivered to a recycling center designed to receive and collect same, either by the person generating or possessing recyclables, designated agents, or licensed haulers.

(c) Transportation and Collection. Recyclable materials, except yard waste, shall be transported by the owner or the owner's designee or hauler to a recycling center designated to receive and collect the same. Yard waste as described in § 13.04(33) of the County Ordinance may be delivered to a recycling center and managed on site in accordance with this municipality's guidelines or land spread at an approved location in accordance with NR518, Wisconsin Administrative Code.

SECTION 7.04 Rules and Procedures For Recycling Center Use

This municipality has established a drop-off center for the receipt of recyclables located at the Howard Town Hall.

(a) Hours: The recycling center shall be open and available for business on the second (2nd) and last Saturdays in the month, from 9:00 a.m. to Noon.

(b) Deposit: The recycling center shall provide individual containers for each type of recyclable materials. Deposits shall be made to the appropriate container. No deposits of garbage or refuse shall be made at the recycling center.

(c) Condition of Recyclables: Depositors to the recycling center shall deposit recyclable materials in condition prescribed by the center manager, including:

- (1) All recyclable materials shall be rinsed and reasonably clean and free of food and refuse.
- (2) Newsprint shall be tied in bundles or in paper grocery bags.
- (3) Paper labels may be removed from all containers.

SECTION 7.05 Rules and Procedures For Curbside Pick-up

This municipality authorizes haulers to implement a recyclable schedule for curbside pick-up for recyclable materials, subject to the following:

(a) Collection Schedule. Each hauler shall establish a regular schedule for collection for solid waste and recyclable materials. The schedule shall be delivered to each of the hauler's customers and the municipal clerk.

(b) Containers. Each hauler shall prescribe specifications for containers and placement of the containers. The hauler may provide containers or require the owner to secure the same according to hauler designation.

(c) Hauler's Charges. Each hauler shall, at the time of license application, file with the municipal clerk, a schedule of solid waste and recyclable collection charges to be in effect for the license year.

SECTION 7.06 Scavenging

(a) No person may enter the recycling facility and take possession of any recycling materials without the express consent of the center manager.

(b) No person shall enter the property of another and take possession of any recyclable materials without the expressed consent of the property owner.

SECTION 7.07 Special Multi-Family and Non-Residential Provisions

Section 13.06 of the Chippewa County General Code of Ordinances is hereby adopted by reference and made a part hereof.

SECTION 7.08 Large Outdoor Events

Section 13.07 of the Chippewa County General Code of Ordinances is hereby adopted by reference and made a part hereof.

Section 7.09 Parks, Waysides, Ballfields and Recreational Areas

Section 13.08 of the Chippewa County General Code of Ordinances is hereby adopted by reference and made a part hereof

SECTION 7.10 Dumping

It shall be unlawful for any person to dispose of or dump garbage, refuse, recyclable materials in any roadway, street, alley or other public place within this municipality or in any receptacles or on private property of another without the owner's express consent.

SECTION 7.11 Haulers Provisions

(a) Hauler Restrictions. Haulers may not dispose in a landfill or burn in a solid waste facility any recyclable materials generated in this municipality that have been separated for recycling. Haulers have a right to reject and leave uncollected any recyclable materials that are not separated in accordance with the specifications of this ordinance or by the Chippewa County Ordinance, Chapter 13.

(b) Reporting. Recycling haulers are required to maintain records and report in writing to the municipal clerk and County Solid Waste Coordinator at such times as designated by the County Solid Waste Coordinator, but not less than quarterly. The report shall include the amount of solid waste and recyclables collected and transported from the municipality, the amount of solid waste and recyclables processed and/or marketed by item type, and the final disposition location of solid waste and recyclable materials. Failure to make such records shall be a cause for the municipality to revoke the license or sever any contract with the hauler.

(c) Volume Based Rates. Each hauler shall provide volume based rate schedule for garbage service to be assessed on a per container basis with the base level of service not to exceed one 45 gallon container per week. The schedule and any revisions thereof shall be filed with the municipal clerk and County Solid Waste Coordinator prior to implementation or revision of said schedule.

SECTION 7.12 License

(a) DNR License. No person shall engage in the business of hauling recyclables within this municipality without being licensed by the Department of Natural Resources under Section NR502.06 of the Wisconsin Administrative Code.

(b) License. No person shall engage in the business of hauling recyclables or solid waste within this municipality without a municipal license.

(c) License Fee. Each hauler shall pay an annual municipal license fee of \$25.00. The fee is for a calendar year and is not refundable. Application for license shall be made on or before December 1st, prior to the license year, except that for 1994, the license application shall be made within 30 days after passage of this ordinance. License or permit fees paid pursuant to other ordinances or resolutions shall not be a credit to the fee required by this ordinance.

SECTION 7.13 Miscellaneous Provisions

(a) Severability. Should any provision of this ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected.

(b) Abrogated 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.

(c) 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 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 NR544, 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 standards 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.

7.13 (d) **Penalties** Violation of the provisions of this chapter or failure to comply with any of its requirements shall constitute a forfeiture. Any person who violates any provision of this chapter or fails to comply with any of its requirements shall upon conviction thereof be fined not less than \$50.00 and not more than \$200.00. In addition, the person convicted shall also pay all costs and expenses involved in the case, including the Town's Attorney Fees for prosecution of such action. Each day such violation continues shall be considered a separate offense with a separate penalty.

SECTION 7.14 Effective Dates

This ordinance shall take effect upon passage and posting.

(Adopted 3/7/95; Reclassified, Renamed and Revised: 5/2/00 Amended 3/5/2013)

