

1991

WASTE HANDLING ORDINANCE

TOWN OF PELICAN # 3.01

The Town Board of the Town of Pelican, Oneida County, Wisconsin, does ordain as follows:

Whereas the Town of Pelican has determined that the collection of recyclables is an environmentally sound practice and economically viable act, it is the intent of this ordinance to encourage and achieve a successful recycling effort on the part of its citizens and suppliers and services.

It is the further intent of this ordinance to meet the requirements of Chapter 159 of the Wisconsin Statutes pertaining to recycling of certain materials and the establishment of a timetable of bans on landfilling and incineration. Whereas the Town of Pelican does not operate its own landfill, the further intent of this ordinance is to ensure the continued success of the Oneida County Ordinance pertaining to recycling and landfill use.

Whereas there are operating in the Town of Pelican several private, commercial handlers of wastes and recyclables, it is the further intent of this ordinance to encourage the success and growth of these haulers to further the cause of recycling in the Town.

STATUTORY AUTHORITY

A. Authority for this ordinance is granted by Chapter 159 of the Wisconsin Statutes.

B. The Town of Pelican is the responsible unit for waste management within the Town and in the manner as defined under Section 159.09 of the Wisconsin Statutes.

C. The Town Board did authorize by resolution an official to file grant applications, sign necessary documents and submit reports in accordance with Section 159.09 of the Wisconsin Statutes.

SECTION I: DEFINITIONS

A. **DROP-OFF POINT:** A location licensed for the receipt of waste and/or recyclable materials.

B. **EDUCATIONAL COMMUNICATION:** A communication by the Town Clerk in writing stating the nature of the ordinance violation and including all pertinent recycling educational materials currently used by the Town. The communication will be by registered letter.

C. **HAULERS:** The term haulers refers to waste, refuse and/or recyclable collectors licensed by the Town of Pelican to operate within the Town.

D. **WASTE:** Any solid waste, including garbage, refuse, sludge from a waste treatment plant or air pollution control facility and other discarded or salvageable materials, including solid, liquid, semi-solid or contained gaseous materials resulting from industrial, commercial, mining and agricultural operations and from community activities, but does not include hazardous waste, solids or dissolved material in domestic sewage or point sources subject to permits under Chapter 147, (1990) Wisconsin Statutes, or source, special nuclear or by-product material as defined under Section 142.52, (1990) of the Wisconsin Statutes.

E. **RECYCLABLE MATERIALS:** All materials banned from landfilling and incineration in the Oneida County Landfill or in the State of Wisconsin.

F. **REFUSE:** All materials legally accepted at licensed landfills.

G. **RESIDENT:** For the purposes of this ordinance and related license agreements only, a resident is a person who occupies a dwelling or abode within the Town of Pelican and has a present intent to remain within the Town for a period of time, including seasonal periods of time.

H. **TOWN:** The name Town will mean Town of Pelican throughout this ordinance.

I. **UNDEFINED TERMS:** In interpreting any term in this ordinance when the term is not defined in the section in question or in this definition section, the ordinary meaning of the term will apply unless the context clearly indicates a different meaning is intended.

SECTION II: PUBLIC EDUCATION

A. Recycling education will be divided into two general areas:

1. Town Board will create a general education plan using direct mailings, news releases, postings, meetings and advertisements to promote basic recycling knowledge within the Town. General informational pieces will be made available to licensed waste haulers in the Town.

2. Recycling information to meet specific legal requirements and specific market requirements will be handled by licensed waste haulers in communications with their residential and commercial customers.

SECTION III: DROP OFF LOCATION AND COLLECTORS

A. The Town of Pelican does hereby designate the Oneida County Landfill as its official drop-off location for waste and recyclable materials. Users of this landfill must comply with all regulations in effect at the said drop-off location.

B. Other drop-off points licensed by the State of Wisconsin can also be used by residents and commercial establishments for recyclable materials.

C. Haulers by licensed agreement with the Town will collect and market recyclable materials or dispose of same at facilities licensed to receive same.

SECTION IV: WASTE HAULERS LICENSED

A. Waste haulers collecting from three or more residents or commercial establishments, buildings containing three or more dwelling units, industrial facilities operating in the Town will hold a current Wisconsin State License for Solid Waste Collection and Transport Services and will be licensed by the Town Board.

B. License periods will be for one year at a time, commencing on January 1, 1992.

C. License fee: Annual license fee will be \$10.00 or a different sum designated by the Town Board.

SECTION V: SEPARATION OF WASTES

Occupants of single-family residences, buildings containing two or more dwelling units and governmental facilities shall separate recyclables from refuse. Owners of commercial, retail and industrial facilities shall separate recyclables from refuse or encourage tenants/occupants to separate recyclables from refuse.

SECTION VI: DISPOSAL OF WASTES

Owners of multi-family dwellings or apartment buildings, commercial, retail, industrial and governmental facilities in the Town must either take their wastes to separation facilities or encourage occupants to recycle wastes. Those choosing the latter must provide a Town-approved method for achieving the requirement.

SECTION VII: SEPARATION OF RECYCLABLES

Recyclables will be deposited in proper containers provided at the Oneida County Landfill or some other recycling center; or they can be collected by waste haulers licensed by the Town.

SECTION VIII: FEES

Fees charged for waste and recyclable collection shall be reasonable.

SECTION IX: PROCESSING AND MARKETING REPORTS

A. Licensed Haulers in the Town shall provide written reports each year at a time prescribed by the town clerk in order that the clerk can provide the necessary timely reports to the State.

B. Reports will include a description of the Hauler's system for collecting separated wastes from their customers.

C. Reports will include a description of the Hauler's system for processing and marketing recyclable materials.

D. Reports will include waste tonnages according to the following breakdown:

1. Refuse materials

2. Recyclables classified by their broad categories such as glass, paper, etc.

E. Reports will include the Hauler's schedule of fees for collecting refuse and recyclables. It is not the intent of the Town to impose fee requirements, but instead to review and determine if the "reasonable" requirement of Section IX above has been met.

SECTION X: GRANTS AND ASSURANCES

A. The Town shall comply with Oneida County Ordinances, Wisconsin Statutes and Administrative Rules pertaining to refuse and recycling materials to the best of its ability.

B. License agreements with waste haulers shall require that said haulers comply with all Federal, State and Local statutes, ordinances and administrative rules.

C. License agreements with waste haulers shall include assurances sufficient to allow the Town to properly report recycling action to the State.

SECTION XI: ENFORCEMENT AND PENALTIES

A. Enforcement of this ordinance will be initiated by the Town in cooperation with the Oneida County District Attorney's office.

B. Citations will be issued after one educational communication(See Definitions Section I, B.) to a resident who does not use the services of a waste hauler and who violates this ordinance.

C. Citations will be issued to a resident served by a hauler upon receipt in writing from the hauler a statement of violation facts and after a similar educational communication is made. The hauler will supply the Town Clerk with the name and address of the violator and copies of the hauler's specific educational materials currently used.

D. Penalties will comply with the Oneida County Code.

E. Penalty to licensed hauler: If the Town Board determines that a hauler is not engaging in a good-faith effort to enforce the provisions of this ordinance or that its waste collection system does not promote the separation and recycling or recyclable materials, the Town Board may suspend, limit or revoke the license agreement.

SECTION XII: EFFECTIVE DATE

This ordinance shall take effect and be in force from and after its passage, posting and publication as provided by law.

SECTION XIII: SEVERABILITY

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by reason of any decision of any court of competent jurisdiction, such decision shall not affect the validity of the other section, subsection, sentence, clause or phrase or portion of each section, subsection, sentence, clause or phrase or portion thereof irrespective of the fact that any one(1) or more sections, subsections, sentences, clauses, phrases or portions may be declared invalid or unconstitutional.

This foregoing ordinance was adopted at a regular meeting of the Town Board of the Town of Pelican on November 18, 1991.

Ludwig Strenz, Chairperson
Gerald Roou, Supervisor
Theodore Lassig, Supervisor



Attest:

Kenneth J. Gardner, Clerk

This ordinance was posted on the three official Pelican bulletin boards on November 20, 1991.

