

AMENDED RESOLUTION NO. 1995 - 1

A RESOLUTION REQUIRING MANDATORY RECYCLING
WITHIN THE SHELBY COUNTY SOLID WASTE DISTRICT

WHEREAS; the Shelby County Solid Waste District was established by Resolution 1991 - 3 by the Board of Commissioners of Shelby County pursuant to I.C. 13-9.5-2-1 et. seq. on April 22, 1991, and;

WHEREAS; pursuant to I.C. 13-9.5-2-1 et. seq. said District shall include all incorporated and unincorporated areas within the Boundaries of Shelby County, Indiana, and;

WHEREAS; the Board of Directors of the Shelby County Solid Waste District find that a district-wide mandatory recycling program will enhance the health and welfare of our residents; will extend the life of existing landfills, and help meet the statutory requirements as set forth by (House Enrolled Act 1240 - Public Law 105-1990 - Indiana Code 13-9.5-2-1 et. seq.) reducing the amount of solid waste incinerated and disposed of in landfills by:

- (1) 35% by January 1, 1996; and
- (2) 50% by January 1, 2001

NOW, THEREFORE, BE IT RESOLVED BY THE SHELBY COUNTY SOLID WASTE DISTRICT BOARD OF DIRECTORS, AS FOLLOWS:

Pursuant to Indiana Code 13-9.5-2-11 the Shelby County Solid Waste District hereby adopts and confirms the following Resolution to have the force of law:

DEFINITIONS

Recyclable Material

A material which would otherwise become solid waste, which can be source separated, collected, processed, and returned to the economic mainstream in the form of raw materials or products.

Recycle

Any process where waste materials are collected, manufactured into new material, and used or sold again in the form of new products or raw materials.

Designated Recyclable Materials

Those recyclable materials specified by your contractor or materials designated by the Shelby County Solid Waste District. These items include, aluminum and bi-metal beverage cans, steel food cans, No. 1 and No. 2 plastic containers, clear, amber, green and blue glass food, and beverage containers, newspaper, magazines, catalogs, and corrugated cardboard.

Requirements

Beginning January 1, 1996, all occupants, residential or commercial, within the Shelby County Solid Waste District shall be required to separate all designated recyclable materials from their disposable solid waste so that the designated recyclable materials can be collected separately and recycled.

Any owner, landlord, or agent of a multi-family rental unit, serviced by a private contractor shall be deemed to have complied with its separation responsibilities if it establishes a collection system at each such property. The collection system shall include separate suitable receptacles specifically for collection and storing the recyclables which tenants have deposited, and instructions to the occupants concerning the use and availability of the collection system. Owners, landlords, and agents who provide a collection system under this section shall not be liable for non-compliance of occupants of their buildings or units.

Individual residents who provide their own trash collection either by contract or self-hauling, shall be responsible for contracting for recycling service, utilizing a drop-off center and/or a buy-back center.

Penalties

Any violation of this Resolution relating to mandatory recycling shall be punishable as follows:

- (a) For the first violation the violator shall receive a written notice of the violation.
- (b) For the second violation the violator shall be charged with a violation of this Resolution and, if found guilty, shall pay the costs of the action together with a fine of \$50.00.
- (c) For the third or subsequent violation the violator shall be charged with a violation of this Resolution and, if found guilty, shall pay the costs of the action, together with a fine of not less than \$100.00, nor more than \$300.00.

Promulgation of Rules

All governmental entities in the Shelby County Solid Waste District are hereby requested to promulgate all rules and regulations consistent with this resolution necessary to effectuate the intent and purpose of this resolution. A draft of all rules and regulations should be submitted to the Shelby County Solid Waste Board for review by September 30, 1995. All contracts should be bid and awarded by December 31, 1995, to insure implementation by January 1, 1996.

THIS RESOLUTION SHALL BE IN FULL FORCE AND EFFECT FROM AND AFTER

ITS ADOPTION BY THE BOARD OF DIRECTORS OF THE SHELBY COUNTY
SOLID WASTE DISTRICT OF SHELBY COUNTY, INDIANA.

APPROVAL OF RESOLUTION

Adopted by the Board of Directors of the Shelby County Solid Waste District of
Shelby County, Indiana on first reading this 16th day of May, 1995.

VOTE: Ayes 6 Nays 0

N. Gregg Graham
N. Gregg Graham, Chairman
Board of Directors

ATTEST:

Janet L. Miller
Janet L. Miller, Secretary
and District Fiscal Officer

Adopted by the Board of Directors of the Shelby County Solid Waste District of
Shelby County, Indiana on second and final reading this 20th day of
June, 1995.

VOTE: Ayes 5 Nays 1

N. Gregg Graham
N. Gregg Graham, Chairman
Board of Directors

ATTEST:

Janet L. Miller
Janet L. Miller, Secretary
and District Fiscal Officer