

**Ordinance No. XXIII**  
**Recycling Ordinance**

**1.01 Title.** Recycling Ordinance for The Town of Hubbard.

**1.02 Purpose.** The purpose of this ordinance is to promote recycling, composting, and resource recovery through the administration of an effective recycling program, as provided in s. 287.11, Wis. Stats., and Chapter NR 544, Wis. Administrative Code.

**1.03 Statutory Authority.** This ordinance is adopted as authorized under s. 287.09(3)(b), Wis. Stats., and The Town of Hubbard.

**1.04 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.

**1.05 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 Wisconsin Statutes, or by a standard in Chapter NR 544, Wis. 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.

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

**1.07 Applicability.** The requirements of this ordinance apply to all persons within the Town of Hubbard.

**1.08 Administration.** The provisions of this ordinance shall be administered by the Town of Hubbard Town Board.

**1.09 Effective Date.** The provisions of this ordinance shall take effect on December 1, 2021.

**1.10 Definitions.** For the purpose of this ordinance:



- 21) "Recyclable materials" includes lead acid batteries; major appliances; waste oil; yard waste; aluminum containers; 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.
- 22) "Solid waste" has the meaning specified in s. 289.01(33), Wis. Stats.
- 23) "Solid waste facility" has the meaning specified in s. 289.01(35), Wis. Stats.
- 24) "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.
- 25) "Waste tire" means a tire that is no longer suitable for its original purpose because of wear, damage or defect.
- 26) "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.

**1.11 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 postconsumer waste:

- 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) Foam polystyrene packaging
- 9) Glass containers
- 10) Magazines
- 11) Newspaper
- 12) Office paper
- 13) Rigid plastic containers made of PETE, HDPE, PVC, LDPE, PP, PS, and other resins or multiple resins
- 14) Steel containers
- 15) Waste tires

**1.12 Separation Requirements Exempted.** The separation requirements of s. 1.11 do not apply to the following:

- 1) Occupants of single family and 2 to 4 unit residences, multiple-family dwellings and non-residential facilities and properties that send their postconsumer waste to a processing facility licensed by the Wisconsin Department of Natural Resources that recovers the materials specified in s. 1.11 from solid waste in as pure a form as is technically feasible.
- 2) Solid waste which is burned as a supplement fuel at a facility if less than 30 % of the heat input to the facility is derived from the solid waste burned as supplement fuel.



- 7) Newspaper shall be tied in bundles weighing no more than twenty (20) pounds, and brought to the recycling site at the Town Hall, and placed in the designated area.
- 8) Office paper shall be tied in bundles weighing no more than twenty (20) pounds, brought to the recycling site at the Town Hall and placed in a designated area.
- 9) Rigid plastic containers shall be prepared and collected as follows:
  - a) Plastic containers made of PETE, including soda bottles and all containers labeled SPI code #1, shall be clean, have caps and rings removed and be flattened and placed in appropriate containers.
  - b) Plastic containers made of HDPE, including milk jugs, detergent containers and all other containers labeled SPI Code #2, shall be clean, have all caps and rings removed and be flattened or tied together and placed in the designated container.
  - c) Plastic containers made of PVC, including all containers labeled SPI Code #3, shall be clean, have caps and rings removed, and be flattened and placed in a designated container.
  - d) Plastic containers made of LDPE, including all containers labeled SPI Code #4, shall be clean, have caps and rings removed and be flattened and placed in the designated container.
  - e) Plastic containers made of PP, including all containers labeled SPI Code #5, shall be clean, have caps and rings removed and be flattened and placed in the designated container.
  - f) Plastic containers made of PS, including all containers labeled SPI Code #6, shall be clean, have all caps and rings removed and be flattened and placed in the designated container.
  - g) Plastic containers made of other resins or multiple resins, including all containers labeled SPI Code #7, shall be clean, have all caps and rings removed and be flattened and placed in the designated container.
- 10) Steel containers shall be clean and free of any residues, have the labels removed and be flattened and brought to the recycling site at the Town Hall and placed in the designated containers.
- 11) Waste tires shall be brought to the recycling site at the Town Hall. Market fee will be charged for disposal of tires.

#### **1.16 Responsibilities of Owners or Designated Agents of Multiple-Family Dwellings.**

- 1) Owners or designated agents of multiple-family dwellings shall do all of the following to recycle the materials specified in s. 1.11(5) through (15):
  - 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

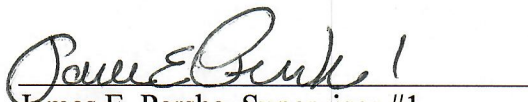
Proceeding under any other ordinance or law relating to the same or any other matter shall not preclude the issuance of a citation under this paragraph.

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

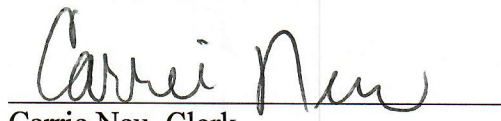
- (a) Any person who violates s. 1.18 may be required to forfeit \$50 for a first violation, \$200 for a second violation, and not more than \$2000 for a third or subsequent violation.
- (b) Any person who violates a provision of this ordinance, except s. 1.18, may be required to forfeit not less than \$10 or more than \$1000 for each violation.

Approved and adopted by the Town Board of the Town of Hubbard this 12<sup>th</sup> day of October 2021.

  
Daniel Guenterberg, Chairman

  
James E. Persha, Supervisor #1

  
David Feller, Supervisor #2

  
Carrie Neu, Clerk